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Legal Aid Society of San Francisco Oral History Series

LEGAL AID SOCIETY OF SAN FRANCISCO, 1916-1991:  
SEVENTY-FIVE YEARS OF LEGAL SERVICES

Volume I

Interviews with  
Thomas Rothwell  
Kenneth Hecht  
Dario DeBenedictis

Interviews Conducted by  
Carole Hicke  
in 1991 and 1992

Since 1954 the Regional Oral History Office has been interviewing leading participants in or well-placed witnesses to major events in the development of Northern California, the West, and the Nation. Oral history is a modern research technique involving an interviewee and an informed interviewer in spontaneous conversation. The taped record is transcribed, lightly edited for continuity and clarity, and reviewed by the interviewee. The resulting manuscript is typed in final form, indexed, bound with photographs and illustrative materials, and placed in The Bancroft Library at the University of California, Berkeley, and other research collections for scholarly use. Because it is primary material, oral history is not intended to present the final, verified, or complete narrative of events. It is a spoken account, offered by the interviewee in response to questioning, and as such it is reflective, partisan, deeply involved, and irreplaceable.

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To cite the volume: *Legal Aid Society of San Francisco, 1916-1991: Seventy-five Years of Legal Services, Volume I*, an oral history conducted 1991 and 1992, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1996.

To cite an individual interview: [ex.] Thomas Rothwell, "Chief Counsel and Staff Attorney, Legal Aid Society of San Francisco, 1950s and 1960s," an oral history conducted in 1991 by Carole Hicke, in *Legal Aid Society of San Francisco, 1916-1991: Seventy-five Years of Legal Services, Volume I*, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1996.

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Cataloging information

*LEGAL AID SOCIETY OF SAN FRANCISCO, 1916-1991: SEVENTY-FIVE YEARS OF LEGAL SERVICES*, 1996, ii, 196 pp.

The Legal Aid Society of San Francisco in the 1950s-1970s: funding, staff, Public Defender Program, Juvenile Court program; board members; the society's relationship with the bar; discussion of law reform, neighborhood legal aid, rehabilitation of offenders; Youth Law Center, Employment Law Center.

Interviews with THOMAS ROTHWELL (b. 1923), chief counsel and staff attorney, 1950s-1960s; KENNETH HECHT (b. 1934), executive director of the Youth Law Center, then of the Employment Law Center, 1970s; DARIO DEBENEDICTIS (b. 1918), member and secretary, board of directors, 1950s-1960s. [Rothwell and DeBenedictis interviews videotaped by Sandi Meyer for the Legal Aid Society of San Francisco.]

Preface by William Alsup, Partner, Morrison & Foerster, Former President, Legal Aid Society of San Francisco

Interviewed 1991 and 1992 by Carole Hicke for the Legal Aid Society of San Francisco Oral History Series. Regional Oral History Office, The Bancroft Library, University of California, Berkeley.



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## PREFACE--by William Alsup

Since its founding on May 1, 1916, the Legal Aid Society of San Francisco has continuously served poor and disadvantageous persons in our community. Founded by the Bar Association of San Francisco, Mrs. Phoebe Hearst, and the Archdiocese of San Francisco, the society is one of the earliest legal aid offices established in the country, and the first west of the Mississippi. The society serves as a model for private support of legal services as it continues to pursue to redress a flaw in our legal system: "that the ends of justice are often defeated because destitute or needy persons cannot employ attorneys to press their just claims or represent them in court."

By 1951, needs for assistance outstripped the society's limited resources. With the leadership of prominent lawyers in San Francisco, including Herbert Clark and Dario DeBenedictis, the society reinvigorated its program, drawing increased financial support which allowed it to grow from one part-time attorney to five full-time attorneys by 1958. With a larger staff, the society increased the numbers of persons who received assistance, serving nearly 6,000 poor persons in 1958 alone.

In the mid-sixties, the federal war on poverty was launched and publicly-funded legal services programs were created around the country. The society declined an invitation to become a program of the Legal Services Corporation, leading to the establishment of the San Francisco Neighborhood Legal Assistance Foundation supported by massive federal grants. This raised the question of whether there was a need for the society, a privately-funded organization.

A group of bar leaders including Charles Clifford, Frank Tatum, John Sparks, Richard Lucas, Claude Hogan and A. Crawford Greene, to name only a few, saw an important role for the society in an era of federal funding for legal services. They believed that a legal aid program, locally directed and independent of political whims, trends and influence, could serve poor people without the kinds of compromise that often accompany the award of public grants. With their wisdom and perceptiveness, they convinced the city's legal community of the importance of maintaining the society. The society has endured and the vision of those thoughtful attorneys has proven true, evidenced by the current dismantling of federally-funded legal assistance programs.

I first visited the society's offices, housed temporarily in a decrepit and dilapidated building near Third and Mission Streets in 1981. Joan Messing Graff had recently been enlisted as the society's new Executive Director, and I was inspired by her and the staff's enthusiasm, dedication and competence amidst those gray and dingy quarters. The society is still on Mission Street but at a different and permanent

address and in much improved offices. That move is a reflection of the extraordinary progress made by the society, starting as a small and innovative organization of volunteer attorneys and growing into a major, nationally recognized institution, led by a stellar board of generous and devoted attorneys. With the help of the board, the society has built its program and its budget, currently at \$1.6 million from \$650,000, where it was a decade ago. Some of the best legal talent resides at the society, supported by Joan and a fine staff. When the time comes, we must record her oral history as well, for the Legal Aid Society of San Francisco owes her an enormous debt.

During my tenure as president of the society from 1990 to 1992, I thought we should preserve some of the history of this landmark organization. This volume of oral histories records the history of the Legal Aid Society of San Francisco as it is recalled by Thomas Rothwell, chief counsel and staff attorney with the society during the 1950's and 1960's; Kenneth Hecht, a staff attorney with the society in the late sixties and then the society's executive director until his departure in 1981; and Dario DeBenedictis, a partner with Thelen, Marrin, Johnson & Bridges, who served as a board member beginning in 1951.

Financial support for these oral histories was obtained from Lillick and Charles; McCutchen, Doyle, Brown & Enersen; Morrison & Foerster; and Pillsbury, Madison & Sutro. The histories were recorded by the Regional Oral History Office of The Bancroft Library at the University of California at Berkeley. Appreciation is also due to Brobeck, Phleger & Harrison; McCutchen, Doyle, Brown & Enersen; and Morrison & Foerster for providing in-kind transcription services for this project. Lastly, we extend our gratitude to Sandra Meyer of Morrison & Foerster for her assistance in managing this project.

William Alsup  
Partner, Morrison & Foerster  
Former President, Legal Aid Society of  
San Francisco

December 1995  
San Francisco, California

Legal Aid Society of San Francisco Oral History Series

Thomas Rothwell

CHIEF COUNSEL AND STAFF ATTORNEY,  
LEGAL AID SOCIETY OF SAN FRANCISCO, 1950s AND 1960s

Interview Conducted by  
Carole Hicke  
in 1991





Thomas A. Rothwell  
October 1991





## INTERVIEW HISTORY

Thomas Rothwell was born in 1923 in San Diego, California. He grew up in nearby La Jolla, except for five years spent in France, 1931-1936. Graduating from La Jolla High School, he attended San Diego State College for a year, spent two years in the Army Air Corps during World War II, then went to the University of California, Berkeley, taking a degree in business administration in 1948. After working for several years, he obtained a law degree from Hastings College of the Law in 1951.

Professor Rothwell joined the Legal Aid Society of San Francisco in 1952 as staff attorney. In 1958 he became Executive Attorney for the Oakland branch of the Society, and returned to San Francisco as Chief Counsel in 1963. He left in 1971 to teach at Hastings and was for eight years a magistrate judge on the United States District Court.

Professor Rothwell was interviewed for the Legal Aid Society of San Francisco Oral History Series. The interview, which took place on November 20, 1991 in the San Francisco offices of Morrison & Foerster, was tape-recorded, transcribed, and reviewed by both the interviewer and Rothwell.

The interview was also recorded on videotape by Sandi Meyer of Morrison & Foerster, who was responsible for researching the history of the Legal Aid Society in San Francisco. Her material, codified with the help of Anthony Stearns, also of Morrison & Foerster, has been an invaluable contribution to the Oral History Series. This Series is part of the ongoing documenting of California history of the Regional Oral History Office, The Bancroft Library, University of California, Berkeley.

Carole Hicke  
Project Director

January 1992  
Regional Oral History Office  
The Bancroft Library  
University of California, Berkeley





BIOGRAPHICAL INFORMATION

(Please write clearly. Use black ink.)

Your full name Thomas H. Rottweil

Date of birth Sept. 21 1923 Birthplace San Diego, Cal.

Father's full name Thomas A. Rottweil

Occupation Army officer Birthplace New York City

Mother's full name Louise H. Rottweil

Occupation Homemaker Birthplace New York City

Your spouse Wm D. Rottweil

Your children (one) Thomas B. Rottweil

Where did you grow up? La Jolla San Diego County Cal.

Present community Escondido Cal.

Education BS (Business) 1948, J.D. 1951

Occupation(s) Retired Air Force officer, lawyer, tax collector, judge.

Areas of expertise Retired Practice, Trial Practice, Criminal Law, Evidence, Fighter Tactics, Air Logistics, Military Government.

Other interests or activities Discovery - Restoration - Exhibition of Historic Military Airfields and their operation.

Organizations in which you are active Theta Xi Fraternity, 3519th Veterans Association, Travelers Passage Club of America, Historical Village of San Diego.



## BIOGRAPHICAL NOTES

### THOMAS H. ROTHWELL

- 1989 - present      Professor Emeritus, Hastings College of the Law
- 1972 - 1989        Professor of Law and Director of Clinical Programs,  
University of California Hastings College of the Law.  
Specialty: Teaching trial practice course in clinical  
setting
- 1975 - 1983        U.S. Magistrate for the Northern District of California
- 1964 - 1972        Adjunct instructor, Adjunct Assistant Professor, Adjunct  
Associate Professor, University of California Hastings  
College of the Law
- 1963 - 1971        Chief of law staff and chief executive officer, The Legal  
Aid Society of San Francisco, a non-profit corporation  
furnishing legal services in civil, federal, criminal and  
juvenile cases
- 1958 - 1963        Chief of law staff and chief executive officer, The Legal  
Aid Society of Alameda County, a non-profit corporation  
furnishing legal services in civil cases
- 1953 - 1958        Staff Attorney, The Legal Aid Society of San Francisco, a  
non-profit corporation furnishing legal services in civil  
cases
- 1952 - 1953        Associate attorney, Scofield, Hanson & Jenkins,  
San Francisco, California

\*

- Law School:        University of California Hastings College of the Law,  
J.D., 1951
- College:            University of California, Berkeley, B.S., 1948 (Business  
Administration)
- Military:          Enlisted as private USAAC, 1943  
Reserve status as Major, USAF
- Secondary:         La Jolla Jr.-Sr. High School, graduated 1942
- Grammar:          France and Italy 1931 - 1936



[Interview on November 20, 1991]

I. BACKGROUND

HICKE: Let's just start with when and where you were born.

ROTHWELL: I was born in San Diego, California. I lived in La Jolla, and stayed there for . . . well, I was born in 1923, in September, remained there until May of '31 and then we went on a trip to Europe and came back in 1936. In the meantime, such education as I received was in French and then later in Italian and none in English. So, I learned to read and write French and Italian before I did English, but English being my native tongue, the California school system put me in the sixth grade in May of 1936 and sent me on to the seventh in June. So I had, well, let's say thirty days or thereabouts of education in English by the time I entered seventh grade. [Laughter]

I'll tell you what the French did with us. They took my younger brother and I and they put us in what amounted to the first grade and, of course, we were much larger than the kids around us. And then in a few months when we could speak a little bit, they put us in the second grade; and then in the third grade. And they just worked us up in less than a year to fourth grade level.

HICKE: Is that right?

ROTHWELL: No big deal to them. You know.

HICKE: Yes. Just the individual assessment by the teachers.

ROTHWELL: Yes. They just worked us up to grade level.

HICKE: Did you stay there in that area then while you were growing up?

ROTHWELL: In La Jolla?

HICKE: Yes.

ROTHWELL: Yes. I graduated from La Jolla High School, had a year at San Diego State College, and in 1943 I went into the air force, became an air force pilot and I was released from

active duty, I think it was November of 1945, went to the University of California, Berkeley, and in February of '48 I graduated with a degree in Business Administration. Then I went back to New York and I was the Assistant Sales Manager of an airfreight forwarding concern for a while, decided my education really wasn't complete from what I saw in the business world, came back to California and enrolled in Hastings College of the Law, where I got a J.D. in 1951.

HICKE: Why did you decide to go to law school?

ROTHWELL: Well, the simplest way to tell you is because that particular side of my education to me seemed to be lacking. I have a mechanical background. I probably would have been an engineer, I suppose, if I hadn't thought it over, but thank God I did. That's a more confining field than either business or law. I went to law school to flesh out my education, really.

HICKE: You mean for an intellectual challenge?

ROTHWELL: Yes. So that I would have a more rounded education. And, of course, I have been a lawyer ever since and never regretted it. If you want a war story about Hastings in those days . . .

HICKE: Sure.

ROTHWELL: I walked in with an unofficial transcript and I showed it to then Dean Snodgrass -- this was a couple of days before the school started -- and he looked at it, and I said, "If this were an official transcript, would I be admitted?" And he didn't answer me. He opened his door and he yelled down the hall, right down the hall like this, "Hey, Wendy, you got another chair in the first year class?" and then there was a bunch of rumbling around and finally Wendy says, "Yes, I can stuff one more in." [Laughter] So, Dean Snodgrass said, "Well, I guess you're in." So, that's how I got into law school.

At the end of the very first year, dear Dean Snodgrass and company flunked out one-half of us and two-thirds by the time we graduated. I think we started with 450 and graduated with 142. But, you know, all law schools were like that, or many of them were at least in those days, but no longer today.

HICKE: Things are different.

ROTHWELL: Things are different. We really don't lose anyone in law school today who really wants to finish. Some of them quit; some of them get disqualified for academic insufficiency but never take the steps to be reinstated.

I ran across with my wife just the other day a student I'd had, a little black student who was thrown out at the end of the first year and then worked in the Public Defender's Office in Martinez, I think, for a summer, came back, and the only way she could be readmitted was to take final exams over. She sat in my criminal law class, and at the end of the year, having spent an awful lot of time in my office, she made a B+ and she made decent grades from then on, became a clerk to a federal district court judge and now she works for HUD, the Department of Housing and Urban Development. So, there is an example of one student who made it, even though she had some problems in the beginning.

## II. JOINING LEGAL AID SOCIETY IN 1952

### Competitive Salaries

HICKE: What did you do when you got out of law school?

ROTHWELL: I went to work for a local law firm, Schofield, Hanson & Jenkins. Schofield is now retired; Hanson is now retired; so, the names have all been changed around nowadays. And, Tom Jenkins was on the Board of Directors of the Legal Aid Society when it was reorganized. He is, I think, still a Superior Court judge down in San Mateo County, or he is retired. But by virtue of his being on the Board, I heard about an opening at the Legal Aid Society, which seemed to me to be professionally rewarding, would enable me to spend more time in court and try to solve the problems of a great many more people than I was doing in the law firm. And in those days, largely thanks to Herbert Clark really, the Legal Aid Society paid competitive salaries.

HICKE: Why do you say thanks to Herbert Clark?

ROTHWELL: Because I think he simply insisted that the organization be competitive in every way that it could.



HICKE: Competitive with . . .

ROTHWELL: Salary-wise, service-wise, size of staff, all of it.

HICKE: Do you mean competitive with law firms, is that what you are saying?

ROTHWELL: Yes. I'll give you an idea. When I went to work for the Legal Aid Society, if you were married and you were at the very top of your class and on law review, you might get \$3,600 from a law firm. Most would get \$3,000. I started at \$5,000. I had less than a year's experience.

HICKE: At the Legal Aid Society you started at \$5,000?

ROTHWELL: Yes, I did. What was wanted was a professional organization that would use quality professional staff. They tried hard [to accomplish that goal].

#### Herbert Clark

HICKE: Well, since we're on Herbert Clark, could we talk a little bit about him? What were your impressions of him?

ROTHWELL: Well, he was certainly a leader of the bar with regard to non-client services, that is with regard to public relations, with regard to the bar associations and the public at large. He was certainly a major leader in the reorganization. Dave Silver, my predecessor, was actively involved with him in reorganizing the Legal Aid Society. I was the new boy who came on board after they got that finished. [Laughter] So, I was not actually involved.

HICKE: What do you think motivated him to this interest?

ROTHWELL: The welfare of the bar. He felt it should be a leader in making sure that people receive equal justice without regard to whether they could pay or not. The larger firms supported that idea.

#### Tensions Involving the Society

ROTHWELL: You can well imagine that within the legal system there are tensions. There have to be. Our whole society has tensions within it, and those tensions tend to work out to a result. There have always been, and still are today, tensions between, let us say, what Herbert Clark might wish to do and what a lawyer out in a local neighborhood might want. A neighborhood



lawyer often might oppose what we were doing on the theory that we were stealing business from him. Or on the theory that if he brought an action, we might defend it and he might lose, whereas if we weren't around, he might have won it. So, there's tension.

And then in addition to that, there's always been tension not only as to what a legal service organization does for clients, what clients it takes, what ones it doesn't, and also whether or not it should be engaged in what's referred to as law reform, or bringing change to the legal community, to the exclusion of serving individuals. There is tension between serving law reform goals and providing services to individuals.

HICKE: What was the position of the Legal Aid Society on these issues when you started?

ROTHWELL: Well, we simply followed the intake policy recommended by the National Legal Aid and Defender Association -- which was an arm of the American Bar Association. It tried throughout the country to promote national standards with regard to legal services. A perfectly good example would be NLADA constantly trying to get legal aid societies to make certain that when a lawyer spoke to a client, it was in a private office where no one could overhear the interview. That's a small thing, but when you're short of money, you know, it can be like providing legal advice to all the people locked up in the lockup for a criminal court. There was a time when one of the lawyers from the Legal Aid Society of New York walked into one of the jails, back there in New York, and said, "You're all my clients. I can get you a good deal." That's not adequate legal representation. So, the NLADA was constantly trying to promote national standards with regard to how legal services were provided for the poor and who would be eligible.

There was also generally tension between the Legal Aid legal service and community agencies, not personally but because the community agencies invariably help people with assets much higher than Legal Aid was allowed to accept. So, you'd have situations where a person who could plainly pay, or whose case would plainly generate an adequate fee in which an agency might refer that person to us, and we'd have to politely indicate that we'd have to refer him on to the Bar for referral to a lawyer. And that sometimes created tension with the agency.

I don't know why we could call ourselves the local Legal Aid Society unless we used local referring agency standards instead of our national standards. On the other hand, if we took their view of it, we'd have half the bar trying to dispose of our services permanently, you see [laughter]. So, any legal service organization is at the center of all of these tensions in society.

HICKE: So, was it helpful, then, to have these NLADA standards established?

ROTHWELL: Yes. Certainly. San Francisco was used as an example of what can be done in a short time with the support of the bar. The NLADA used us as an example of a good office that was able to improve rapidly because of the support of Clark and the other bar supporters.

HICKE: Oh, is that right?

ROTHWELL: Oh yes. For years they did. Then, of course, as you know, when the War on Poverty came along, everything changed. A great deal of money was injected into legal services, and when you get a lot of money around [laughs], you get a lot of disputing over its use.

### III. WORK OF THE LEGAL AID SOCIETY

#### Organization

HICKE: Yes. OK. Well, let's get into that in a little bit. But let me ask you first: what were your first challenges and responsibilities when you started in 1952?

ROTHWELL: December of '52. Well, I just was given an office and a desk and I simply plunged into taking whatever problems that occurred that were within the eligibility rules and became counsel for those people. Whatever that involved. An ordinary case load -- let's see. In those days there were three of us, the chief counsel and two others: Elda Pardini and myself.

Elda Pardini had been with Legal Aid since the early '30s or late '20s, and she stayed until she retired, I think in

1970. All those years. And I think when I came on board we must have had somewhere in the neighborhood of 4,000 people a year, of which perhaps about 100 cases a year per lawyer were in court, and the rest of them were advice and referral, settlements -- what have you. And from the time that I came there the case load grew somewhat. Up to 5,000, 6,000, until I left in 1958.

My first service was '52 to '58, as a staff attorney. And in 1958 I went over to Oakland to hopefully accomplish the same kind of reorganization over there -- which was partly under way when I went over -- as their chief counsel. They called that person the Executive Attorney. I was the first full-time Legal Aid attorney Alameda County ever had. I was there from, let's see, '58 to '63. When I left, we had three full-time attorneys, and about 4,000 -- about the same case load as San Francisco had had when I joined its staff. Then I came back here as the chief counsel in San Francisco. In the little printout that you sent me, there are some references to the manner in which I was hired. And the answer is they had a committee to screen applicants, and Moses Lasky -- you don't happen to know Moses Lasky, do you? He's a very able trial lawyer.

HICKE: Sure.

ROTHWELL: Moses Lasky was, I think, the chair of that committee. But at any rate he interviewed me, and thanks to his intervention, I was selected over the other applicants.

HICKE: You're talking about becoming chief counsel now?

ROTHWELL: Chief Counsel. Yes. Here. In San Francisco.

HICKE: Right. This was in the '60s.

ROTHWELL: In '63. Yes. About September of '63, I think.

HICKE: OK. Well, let's go back to the '50s now.

ROTHWELL: All right.

Funding: the NLADA Grant; OEO Funding

HICKE: How was the Society being funded then? By whom?

ROTHWELL: They had a problem during the reorganization with getting the then-Community Chest to provide support. But essentially,

over the time that I was there, in round figures, about half the support came from the Community Chest, later the United Bay Area Crusade. And half of it came from lawyers. And the large contributions were from the large firms, tapering on down to the very small ones. Never did we have the entire membership of the bar supporting Legal Aid -- do not have now, and probably never will have. But the large firms did. They were contributing substantially.

Their theory was that this worked better than having their own lawyers do these things pro bono. It saved them time and Legal Aid clients were talking to people who were accustomed to handling the kind of problems that they had. That was the theory of the reorganization. It seemed to work.

HICKE: What kind of fundraising efforts did you or other members of the Society have to undertake?

ROTHWELL: Well, remember that if you're a part of the United Bay Area Crusade or now the United Way, it's a condition of membership that you not raise any other funds except as permitted by conditions of acceptance. So the only fund raising we did was among lawyers. Period. Otherwise, we would not remain eligible for UBAC funding.

HICKE: You mean from other grants or foundations?

ROTHWELL: Well, in those days there weren't any grants or foundations for legal services. That was a no-no. Later, there were some -- we got the first later on in 1965. We got the first National Defender grant ever made in the United States from the National Legal Aid/Defender Association Fund that had been set up to improve criminal defense services. That's the way full-time lawyers went into the federal court instead of pro bono, part-time lawyers to provide representation to people charged with federal crimes. I skipped ahead to 1963.

HICKE: Yes, that's an important part, I think. Maybe we could elaborate on that a little bit. How did that come about?

ROTHWELL: When I came over here in 1963, I went looking around to see what was the area of defense of people without money that required the most improvement, and I came up with that as being it.

HICKE: With what?

ROTHWELL: Representation of people charged with crimes in the federal courts who didn't have the money to obtain counsel. The reason was not that they didn't get good representation, but that the representation was, if you will, spotty. One day you'd have an able trial lawyer up there who would provide excellent representation, and the next day you might have somebody who wasn't quite that good at it or didn't feel he could spend the time, etc., etc. You didn't get uniform representation.

HICKE: Right. Right.

ROTHWELL: There was a study made by Stanford Law School in which they compared what the panel that represented the criminal defendants pro bono did -- what its results were -- and what retained counsel did with regard to how many were convicted, how many were found not guilty, how many went to prison, how many got probation. That sort of thing. And, in round figures -- this is from memory now -- in round figures the panel had statistics that equaled about half of the success rate of the retained lawyers.

It was said that the reason for that was that all the hopeless cases went through the panel. For example, if you have a man charged with illegally entering the United States for the third time, and [laughter] got him to represent, you really couldn't get a not guilty judgment before a jury in that kind of a trial if in fact he did so enter. He's going to be convicted. All those statistics, you see, tend to weigh down the public defender's record.

Once we got started, which was I think the first of January of 1965, we also kept the same statistics. And when you compared us with the private bar, in all categories we did at least as well as the private bar and in some of the categories much better. Including having to accept all those hopeless cases. So, I would say that was a substantial improvement over what we had before.

HICKE: So actually, you furnished public defenders.

ROTHWELL: Yes. Full time. They worked for the Legal Aid Society. Yes. That's right. It was a private defender really. What they're all called is public defender generically. But they're not all public in the sense of being public employees. Some counties have in effect private defenders -- less now than formerly -- in which the county simply makes a contract with a lawyer. You get so much money and defend everybody. Get



whatever staff you need with this money, but don't ask us for any more. Or as I used to repeat since I heard it so many times, "Here comes Rothwell. He wants more money to get more crooks off." [Laughter]

HICKE: Well, I want to hear some more about the program. You said it was funded by the . . .

ROTHWELL: Luckily, I had that idea before NLADA had any money. But the Ford Foundation gave some money to NLADA to provide defender services where they were needed around the country. And so we got right in on the ground floor with an application.

HICKE: How did you know about it?

ROTHWELL: We belonged to NLADA. They have a newsletter, you know.

HICKE: Yes.

ROTHWELL: So we got right in on the ground floor, and we got the first grant. We also, surprisingly enough, I think, for San Francisco, made the first application for OEO [Office of Economic Funding] funding, sometime in the fall of 1964, before they ever had a neighborhood legal assistance program or anything else.

HICKE: Did you read the newsletter again? Or how did you know about that?

ROTHWELL: I don't now recall how I found out about it. But it might have been through NLADA. That was part of the so-called War on Poverty. And I think there was public news about that.

#### Public Defender Program

HICKE: OK. That's another thing we want to get into. But back to the public defender program.

ROTHWELL: Federal public defender. Federal. There's a state public defender who's an elected officer according to the charter of San Francisco. He represents people charged with crime in the state courts.

HICKE: Was that going on already at the time?

ROTHWELL: That started, I think about 1916 or so.

HICKE: Oh. OK.

ROTHWELL: It was one of the first offices. As a matter of fact, one of the early public defenders, if not the first one, and it may have been unless my memory fails me, was himself convicted of murder. [Laughs] One of the first public defenders was locked up in San Quentin, where he was very popular as a lawyer for those incarcerated in there. That did not happen to me.

HICKE: [Laughter] Fortunately.

ROTHWELL: I didn't decide to kill anybody with my new knowledge. Incidentally, I was not a criminal lawyer at the time that program got started.

HICKE: Oh, that's interesting.

ROTHWELL: And so I received a degree of flak from the criminal bar. And I must say that some of the lawyers that supported the idea were essentially defense lawyers in business litigation -- antitrust defense lawyers. People who tried [cases to] juries and were able lawyers. I remember one of them said, "Well, you know, I served on that panel, and I pled my client not guilty. And I had a jury trial. And the jury acquitted him. That's my only criminal law experience." Now what makes the difference is do you have a decent trial lawyer, not whether it's a criminal case or some other. So, you can understand I was under the gun to do the same thing. [Laughs]

Once the program got started, although we had a staff that was experienced that we hired, I went up there and tried a theft from a bank -- really, if you will, an embezzlement but by a teller. I tried that to a jury and my client was acquitted, and that was my first felony jury trial.

HICKE: Were you reading the book just ahead of the trial or something?

ROTHWELL: No. No. I had been exposed to courtroom proceedings.

HICKE: Yes.

ROTHWELL: And as you know, I've taught trial advocacy, pre-trial advocacy, evidence, and criminal law. I became a member of the faculty of Hastings in 1964 in the fall semester, just before the Federal Defender Program got started. Once we got that started, the dean got me on the phone and said, "Come up here and teach criminal law. The professor that does it is ill. And since you got a program started, you must know

something about it." [Laughs] So, in the spring of '65 I taught criminal law at Hastings.

HICKE: Well, OK, here you are at the Legal Aid Society, and you've got this public defender program. Is it the same thing as the Legal Aid Society, or is it a branch of the Legal Aid Society? How is it placed organizationally?

ROTHWELL: A branch. It was the same organization. You ask the question because that's not the custom out here on the West Coast. We were the first Legal Aid Society or the first if you will private defender foundation to commence a program on the West Coast. It is more common on the East Coast, where these organizations are older. The New York Legal Aid Society takes all the civil and all the criminal cases, state and federal. It's not unheard of.

HICKE: OK.

ROTHWELL: But they have different divisions. And seldom do you find lawyers who can serve in both. I've had experience with that. Ordinarily, the people on the civil side stay there, and those on the criminal side also do, although there have been some cases of people switching from one program to another and doing it successfully. But not many. For one thing, they don't want to switch, generally.

HICKE: Yes. It's difficult, I'm sure.

ROTHWELL: Well, they just -- whatever they're doing, in order to stand it they have to like it and believe in it. And they don't like the idea of change.

HICKE: Was everybody else in the office at that time doing both also?

ROTHWELL: Nobody was. Everybody in the civil office continued doing exactly what they did do. We opened a brand new office and staffed it with criminal lawyers.

HICKE: Oh. OK. That's what I'm getting at.

ROTHWELL: Physically, we had two separate offices following the beginning of that program. A civil office downtown . . .

HICKE: As Chief Counsel, you went into the public defender part of the office?



ROTHWELL: No. I tried a few criminal cases, and I continued to try an occasional civil case to keep my hand in. But, mind you, I was the only administrator.

HICKE: You were the management.

ROTHWELL: I was the management. And the fund raiser. And the grant writer. And the liaison officer. The girl Friday, if you will.

HICKE: OK. Since we're on this, where were the offices physically located, the two of them?

ROTHWELL: Well, the main civil office was at 690 Market Street, which is at the corner of Market and Third, in a building which stood through the earthquake, the American Savings & Loan building now. And the Federal Defender office was right inside the courthouse on the 17th floor. We got the federal government to give us the space free. You become a good scrounge, let's put it that way. [Laughs]

HICKE: You have to be to make a success of that, I'm sure.

ROTHWELL: Oh yes. What we had to do was try to take every dollar that you could get your hands on and put as much of that as possible into staff salaries so that we could have as large a staff as possible to meet the case load. We'd try to scrounge everything else that we could. We couldn't get everything free, but we always tried. And we got little grants here and there for furniture, you know, and for books and this sort of thing, so that we could put as much as possible into providing staff to meet the case load.

HICKE: Was somebody in the federal courts particularly helpful?

ROTHWELL: Well, the bench itself.

HICKE: I mean any one person.

ROTHWELL: The chief judge. Stanley Weigel was on our board of directors. Judge Weigel, he's a senior judge now and still sitting. George Harris was the Chief Judge. Alfonso Zirpoli, also a senior judge now. Those three. And Sam Stewart, our then-president, who was Executive Vice President and General Counsel to the Bank of America. He was A.P. Giannini's lawyer. He was President of the Legal Aid Society when this took place. And he was very helpful in getting it done. If you could get him -- you haven't ever met him, have you?

HICKE: No. But he's on our list, I think.

ROTHWELL: He's a man of, I think you'd have to say a very commanding voice. If you didn't have the panes in your windows exactly right, he'd be able to break them just with his voice. He had that commanding a voice. And he was a very, a very good tactician. I mean he knew just where to put the pressure, and he was very helpful. Really, he did a lot in the pre-OEO days. He was also, I think, the first general counsel of a major corporation to go through the chairs at the bar association. He was treasurer and then secretary. And then he had to leave because his duties at the bank, I think, made him. I think he was the number two at that bank for a little while. I may be mistaken. But his duties at the bank changed, and he had to leave his bar association activities.

HICKE: What was his interest in the Legal Aid Society?

ROTHWELL: Same as Herbert Clark's. Public service. Equal justice. Representation of the poor. All probono work. They didn't get anything from it, except the brickbats of those who were opposed. There is a system -- Canada has it, I believe, although I haven't had occasion to look and see recently -- but in the Canadian system what Legal Aid does is simply have the government provide money to the lawyer, very much like Medicare, if you will.

End Tape 1, Side A

Begin Tape 1. Side B

ROTHWELL: Very much like Medicare, and many lawyers are in favor of that. There are pros and cons with regard to that system. For example, it's easier to make the point with criminal services. If you have a staff that's there all the time, properly paid and properly trained, they're going to be quicker and be able to handle a greater number of cases for the same amount of money as in the other system. That's the advantage of a full-time staff.

The advantage to the Medicare system is that you get, by and large, a cross-section of the bar and you don't have the problem of the morale of a full-time staff. You have to keep them at a fever pitch.

The staff can't simply become an organization that just goes through the motions. Actual morale will show up in how many cases they've tried, and what results they get from those

cases, what their acquittal rate is in relation to the private bar and other public defender offices. You can soon tell whether something's going wrong. As far as I can tell it never did in our organization, and that office is still a good office today. It became publicly funded in 1971 and it's a public defender now instead of a private defender organization.

HICKE: Does that sort of fill in the gap, Sandi, about the federal public defender?

MEYER: Yes.

ROTHWELL: Be sure to say federal. It was federal only. Yes.

MEYER: Yes. I actually wondered how many attorneys there were at the office.

ROTHWELL: Three. Yes. They handled, in round figures, slightly over 100 cases a year, all court cases. And in the civil office also something in excess, 100 court cases, sometimes as much as 150 civil court cases a year. And when the OEO grant came along, our OEO staff in effect were public defenders for both civil and criminal actions out in the Juvenile Court. And there they had a substantial -- there were four of them, and they had, oh, 4,000 cases a year or better. They picked nearly all of them up in open court, as would public defenders in a public defender system. Very few cases in the Juvenile Court program came any other way except in open court. You see, we had everything in the Juvenile Court with the OEO programs -- civil and criminal cases. So that was a substantial addition to the case load for four more lawyers. So we ended up with eleven lawyers, including me, which would be four in juvenile, three in civil plus me. But I had all the administrative duties, so I couldn't provide an awful lot of assistance. And three in the federal criminal defense office. And that produced about 11,000 cases, of which in the neighborhood of 1,000 say 500 or 600 civil and 400 or 500 criminal cases, were in court. And then nearly all the juvenile cases -- not really all, but say over 80% were in court. So that we had a substantial trial load -- I think one of the heaviest among the OEO organizations.

HICKE: Back to the original Federal Public Defender Office. You started with the grant. How was it funded after that?

ROTHWELL: Under something called the Criminal Justice Act, which provided for a foundation defender and reimbursed at hourly rates.

HICKE: Was this federal?

ROTHWELL: Yes. Federal money. What you did was you got a voucher at the end of the case, and it was approved by the court, and the administrative officer of the courts paid it. So it provided a businesslike efficiency. We got a grant to start, but once we were operating, we had to operate on the allowable hourly charges, which meant that we had to pay secretaries, investigators and all expenses out of whatever the lawyers produced in hourly charges.

HICKE: Was this in effect already, or was this passed later?

ROTHWELL: It came along just about the time we got the grant. The grant was intended to give us start up money and permit us to integrate into the voucher system over a three-year period, with decreasing grant money each year. Before the grant was over we were self-supporting on Criminal Justice Act money. That was an efficient system. The only difficulty would be that Congress would have to amend the rates upward as inflation progressed, you see. And if it neglected to do that, then the first thing you know you wouldn't be able to operate a program. And of course they have amended the rates upward, but they are much less than the billing rates of private lawyers, and have not kept pace with inflation.

HICKE: Did you have to deal with members of Congress, then, to keep reminding them every year?

ROTHWELL: No. Well, see, the program went from '65 to '71, and during that period of time we were able to operate on the money that we generated and provide a service which was superior in terms of results, if you were to compare us with other defender offices. Or to the private bar. That system worked well also in the case of private counsel coming into a case with an indigent defendant. And they'd be paid under the same system. They'd be paid with a voucher. This takes place when there is a conflict of interest. Let's say you have two defendants who have the same lawyer, how does he take care of the defense that the other defendant did it for both of his clients? You see, there's a conflict. So you need another attorney who can represent one defendant and, in that case, you can have conflicting defenses without a conflict of interest in the lawyer's decision-making process, you see.



HICKE: Oh, yes.

ROTHWELL: So the voucher system takes care of that nicely. The state system has panels of lawyers that are paid that way. They are paid with county funds to provide conflict representation to the defendants.

#### Law Reform Versus Individual Representation

HICKE: OK. Is there anything else about the public defender program that we need to talk about?

ROTHWELL: Well, in mid 1971, it became funded wholly, staff salaries and all other expenses without vouchers. It became a public public defender, as I like to call it. The option of continuing as a community defender was not exercised by the Legal Aid Society or the bar. In my view, that opportunity should have been pursued. Because what that provides is an organization that does more than just the criminal work. So that you can take the people who are involved on the criminal side [defendants], and then after they're finished with their criminal cases, you can send them over to whatever other facilities you have and take care of the rest of their legal problems, try to turn their lives around. So they get a complete package. But the bar didn't seem interested at that time in that sort of thing. And there was, as a matter of fact, very little interest in representing individuals during the OEO years. The emphasis was all on taking cases because of the social impact of the result on the society -- bringing change to society. So, there wasn't much interest in individuals.

Neighborhood Legal [Assistance], as you may know, was funded to do law reform work. And that was a much bigger grant than we had, and a much bigger budget also than we had, including all our programs. And then OEO, as you probably know, came along and decided that we ought to stop representing individuals and devote all of our efforts to law reform. Shut down individual representation in favor of law reform. It reached a point at which an OEO evaluator sat in on a trial up at the Juvenile Court, the Legal Aid staff attorney had a full trial, and at the end of it the sitting judge acquitted, that is, found the defendant not guilty. OEO was furious. They put it in their report in writing, too. They were just livid with rage. They said, "You should have found a way to make that judge find him guilty, so he could have had a case on appeal to make some law reform law." Now, you know . . .

HICKE: That's interesting.

ROTHWELL: Well, it was a young individual with little or no experience that they had hired, you know, and he was bright-eyed and eager. The end justifies the means. We're going to have a perfect world if we can get all legal services devoted to law reform. Then we'll simply refuse to serve the individuals who don't serve our purpose. Now, I'd be the last one to say that you don't need litigation that tends to bring reform. But I'll be the first one to say that you cannot have that to the exclusion of individual justice, or you just don't have a system that's responsive to the needs of the society. Plus, you get law reform automatically if you can provide adequate representation to individuals for the simple reason that you run across things that shouldn't be going on and then you try to take care of those things. If you could do that with everybody, you'd get your law reform.

We don't even today get everybody who's dropping through the cracks, if you will. On the criminal side it's much more so. Very close to all of them. On the civil side, I don't know. Not really. But, anyway, it's interesting to notice that now that the Legal Aid Society has changed its spots to suit OEO and is engaged in particular kinds of litigation and law reform, Neighborhood Legal is now taking the bulk of the ordinary service cases, which it wasn't set up to do.

When it started out, "We're going to do law reform, and we're going to leave service to the Legal Aid Society." Then they got mad because we were providing that service. That's an honest evaluation. They didn't put it in that language. But the language was that we should not be doing the same thing as Neighborhood Legal. Well, then when they succeeded in that they had to turn around and get Neighborhood Legal do service cases to take up the gap.

Now, it seemed to me to be, well, government bureaucracy at its worst [laughs], but in the long run it worked out. To me, a terrible opportunity was lost during the War on Poverty, an opportunity to do an awful lot that there wasn't money to do before, and much of the new money got spent, really, on politicizing the whole process. It wasn't politicized before to the same extent as it was after OEO. So, you get more and more -- if you will -- more and more and more into overhead, people not devoted to case work, people negotiating, people looking for grants.

People have often said, "Why don't you turn around and fight these people by doing the same thing that they did?" Well, that meant abandon your clients, abandon your intake standards, lose funding that has been given to you on the condition that you do it a particular way. When you have over 100 cases per year in court per staff attorney, there's not time to do additional law reform work unless you can get more staff to do it.

The Office of Economic Opportunity Grant: Juvenile Court

- HICKE: Let's back up and get this OEO story from the beginning. We've been alluding to it, so tell me how it came about.
- ROTHWELL: We made an application in '64, the first in San Francisco. The government funded a lot of others, did not fund ours.
- HICKE: You made an application for what?
- ROTHWELL: For a grant from OEO to add additional staff and legal services to the main civil function of the Legal Aid Society.
- HICKE: OK. What was the Office of Economic Opportunity actually doing at that point?
- ROTHWELL: Funding legal service programs. It was taking applications.
- HICKE: OK. And that was Johnson's War on Poverty?
- ROTHWELL: Yes.
- HICKE: Part of it. And who was running it?
- ROTHWELL: Sergeant Shriver, whom I think really meant well. I'm not saying and do not maintain that OEO did not do some good. It did. It just seems to me it could have done a lot more if it had not been so political. But, anyway . . .
- HICKE: You made an application.
- ROTHWELL: We did.
- HICKE: And it was turned down?
- ROTHWELL: Others were granted. Alameda got a grant fairly soon after that period. In fact, I think they got one in 1965. But we did not. And then we learned that another organization was



being set up, and it was -- Neighborhood Legal. And it was given a grant. A large grant.

HICKE: Do you know some of the whys and wherefores here?

ROTHWELL: No. I really don't. Because we were sort of left out of the loop, if you will. But at any rate, after it got started, they finally did give us a grant. They gave us a grant for work in the Juvenile Court, and I believe that must have started about the middle of 1967. We applied in '64; we got a grant in '67. In the meantime, they'd funded Neighborhood Legal to do all law reform work. So, in our application for OEO money -- amended one, if you will -- for the Juvenile Court, which was our second choice following Federal Criminal Defense for a place that needed legal services for individuals. Our understanding was, since Neighborhood Legal has a large grant for law reform work, we'll do the service work. And Lord knows we did. We took everybody.

Do you know who goes into the Juvenile Court? There are three categories of kids involved in the Juvenile Court: those that are charged with violating any law of the state or the United States, or if you will criminal laws, although we don't call them criminal defendants; those who are beyond parental control, the typical teenager. And those who need treatment, care or supervision, these are child neglect cases.

We took them all. It wasn't exclusively a criminal program if you want to call juveniles criminals. We took them all. And I think that's the only time that's ever been done in San Francisco. The public defender came along after us and started taking, and still does take those charged with crime.

I don't think the other kids are taken care of by people standing in open court, so that a case can now get through court without being exposed to a lawyer. By that I mean the possibility of talking to and being represented by one. The best intake in the world for high-volume courts is to have somebody right there in open court. And then they don't slip through the cracks. If you made an applicant apply downtown instead of in open court at the Youth Guidance Center where OEO staff was located, cases would fall through the cracks. Incidentally we had to scrounge office space from the county because OEO had all this money [laughs], and we didn't, so we got this space free -- but, at any rate, nobody slipped through the cracks if they were involved with the Juvenile Court and there was somebody in open court who could provide representation.

Then we do have another problem -- we mentioned it before -- and that's providing counsel for those with whom you have a conflict. Let's suppose it's someone in need of treatment, care, or supervision. Well, if we represent the child, who's going to represent the mother and father? So we used the Barristers' Club and other private lawyers as conflict lawyers, and they didn't get paid anything. They had to do it pro bono. Those cases were not considered criminal cases at that time by the system that put the public defender in there, so, no reimbursement from state or county funds.

HICKE: You're talking about the public public?

ROTHWELL: I'm talking about the State Public Defender. He's in there now, not the Federal Defender. No. The Federal Defender program involved only federal criminal cases. The State Public Defender is involved with state criminal cases and now juvenile criminal cases. In those days, we had them all, including the two categories of civil and one criminal. I'll give you an idea how a program actually works. I think that a good example -- do you remember some years back the toll boxes were taken out of the municipal railway streetcars and buses? Well, that came about because a juvenile was charged with having murdered a bus driver out in Hunter's Point. And so a member of our staff was appointed to represent him, and he came to the conclusion that he hadn't done it. So he gave the boy a polygraph test, which he passed. He was some other place he claimed when the crime occurred. All the alibi witnesses were given polygraphs, and they all passed.

So, we took the results to the Juvenile Probation Officer who was prosecuting the case and said, "Look, this kid didn't do it." Now, you have to understand bureaucracy to understand what I'm about to say. The answer we got was, "Well, it doesn't really matter whether he did it or not, you've got to convince him to plead guilty, because he needs help." Now, of course, if we did that, that would mean that the real culprits would probably go free. Nobody would bother to investigate who really did it.

So, we set the matter for trial and tried it, and we used a criminal investigator whom we had hired after he had been represented at the Federal Criminal Defense office by me, and whose life had been turned around. We used him as a criminal defense investigator. He went out and found an eye witness to the actual theft and murder of the bus driver who could testify that this defendant of ours was not the person who did it, and the ones who did were four in number, and was able to

describe them. So the boy was acquitted. After the trial, the police went out and found the ones who really did it, and tried them for murder. None of them were juveniles. We didn't represent any of them. So, you see, that's justice in action. The probation officer meant well, but was so involved in social welfare work that whether a person is guilty of murder or not was not very important to him. The main thing was just any excuse so we can keep him here and do something for him.

HICKE: He would have a record all his life.

ROTHWELL: Yes. Well, they seal all those records. But, people find out about them anyway, I assure you.

HICKE: And how would he have felt, too?

ROTHWELL: Well, to me, that case is an awfully good example of how eternal vigilance in any democracy is absolutely necessary. Large bureaucracies tend to go astray no matter how well-motivated they are. Large numbers of people are involved. They make mistakes. You can't reform the law representing individuals so you don't need individual representation. It's a nice goal. It has its place. But it won't do the whole thing.

HICKE: So, this was really a major sort of stress during the '60s: between this sort of idealism and individual representation.

ROTHWELL: Oh, absolutely. And the stress -- you've heard this, I'm sure, in the recent past. We aren't through with the issues and the tensions generated in the '60s yet. They're still around. They're not quite as visible, but they're still around.

HICKE: I suppose the OEO represented, in a sense, the same sort of idealism that was going through the law schools and the students who were coming out with . . .

ROTHWELL: Absolutely. Well, the example today, and when I say today, I mean the last few years -- because I haven't been in a position to actually experience this in the last several years, but recently, let's say -- I used to commute with one of the hiring partners of one of the large firms. And he used to grouse, because he'd go back to Yale and he'd come back and say, "Gee, this fellow's so well qualified, but he wants to do pro bono law reform work, and he wants us to put him in every division of the firm before he decides which one he'll stay

in, and allow time off so he can do pro bono law reform work." Then he'd say, "I'm getting just sick as hell with these kids who don't know what they're talking about." [Laughter] Well, the leftover from the '60s is that the large law firms do a lot of pro bono work today. That's good.

HICKE: That's right. Yes.

ROTHWELL: But the thing is that the pro bono work they do is work that the lawyer wants to do and not after a search to see where legal services are most needed. They do what they want to do, and they will select clients to be able to do what they want to do. There's a difference between that and -- not to say that we don't need it -- we do -- but there has to be a balance between that and providing individual representation to people who simply are going to lose something like that juvenile who was charged with murder. It makes an awfully good example. The same thing is true -- well, suppose you have an automobile accident and you have five defendants, and one of them doesn't have any insurance. Without a lawyer, the plaintiff will probably suffer a miscarriage of justice because the other parties will manage to blame it on the one without insurance or a lawyer. [Laughter] That's an every-day example.

We used to take those cases. I tried about a thirteen-day jury trial in a case like that once for the Legal Aid Society, way back in the '50s. And the net result was the plaintiff won a big judgment and got it against all the defendants except the uninsured one. They found mine not involved, and gave him a judgment for the defendant. One of the insurance defense lawyers never spoke to me again so long as he lived -- talk about tensions. Here's this free lawyer up here messing up my case. You know. [Laughter] That's a tension. I once tried a case against a member of my board of directors. He filed a collection suit. The person who was on the other end of it was indigent. I went up and tried the case against him, and I won. He went to the board and tried to have me fired. The board laughed him out of the room and he left the board. [Laughs] The board did the right thing. They said, "That's what Rothwell's for." So, see, there are tensions.

And I'm not saying there shouldn't be. There have to be these tensions. They cause decisions to be made. But I think it's fair to say that I was disappointed in the thrust of OEO as being idealistic, fine, but rooted in what the real world is like, no. Or, with some of them, we don't care what the real world is like, we're going to use the real world to get



our result. Now, that, I feel, is unethical. It isn't legally unethical. But it violates my ethics. I think it would violate Herbert Clark's ethics. I think it would violate the ethics of large firms then.

HICKE: Let me ask you how you managed this. Did you make a separate branch for the Juvenile Court?

ROTHWELL: Yes. We had a branch office up there.

HICKE: And was that a separate office too?

ROTHWELL: Yes.

HICKE: Where was that?

ROTHWELL: It was across the street from the Youth Guidance Center in San Francisco.

HICKE: And who staffed it, or how many people?

ROTHWELL: We staffed it. Four. The man that headed that office was named Jenkins, and he's an interesting person himself. He went to England before World War II. Got his secondary education in Britain the equivalent of a high school education. He went into the British army and fought the full length of Europe into Germany. Transferred into the American army. Came back here to California, where he was originally from. It was the war that kept him there. He went to live with a relative, and when the war came along he couldn't get back. Went to work, I think for Standard Oil out in the refinery out in Richmond. Took a correspondence course in law. Passed the bar examination. And turned into one fine lawyer.

HICKE: What's his first name? Do you recall?

ROTHWELL: William. A very Atlee Laborite type socialist.

HICKE: And how did you find him and get him?

ROTHWELL: Well, I got him when I was over in Alameda. He was a friend of -- I was the first full-time lawyer over there. The second one was a guy named Russell Koch. And Russell Koch was on the County Democratic Central Committee and all these people were interested in Democratic politics. One of them was Bill Jenkins. So I was introduced to Bill Jenkins, and when we had an opening for a third staff lawyer, Bill Jenkins became that

staff lawyer. When I returned here to San Francisco, the next time we had an opening, I got him over here. He was a good man.

HICKE: And was that even before you opened an office out there?

ROTHWELL: Oh yes. He was in the main civil office. Well, somebody left the office and we put him there. Yes. He had had oh, let's see, '66 . . . he'd probably had five years experience at the time that OEO came along, which is why he was given that position.

#### A Case of Rehabilitation

HICKE: What other questions do you have about the Juvenile Court, Sandi?

MEYER: Actually, I have one more about the Federal Public Defender Program. What was the most positive contribution of the program?

ROTHWELL: Well, there were the ordinary contributions of increasing the service to people who couldn't pay fees, so that it would at least equal that of the retained lawyer. That in itself was a Herculean undertaking. But there was something else too, and that was because we had this civil background downtown, and with enough people with that background around, we were able to take some of those criminals and turn them around. Turn their entire lives around.

You might wonder after the story of woe I've been telling why I stayed on doing this so long. And the answer is that you were genuinely able to change the lives of a substantial number of people you dealt with. Enough to make it worthwhile. And the Federal Criminal Defense Office did that.

I'll give you an example. I'll tell you the story of the man who later became the criminal investigator for the Juvenile Court.

That particular man came up in open court charged with -- I think it was his fifth felony. He'd been charged with arson, aggravated battery, rape, three interstate transportations of a stolen motor vehicle -- which is a federal crime. That's six. He was on his sixth felony. He'd never been given probation. And one of our criminal lawyers, a federal judge's former law clerk just starting out, got me by the lapels and he said, "Come on. I know we have to take

everybody. This is a professional office, we take what we get. But I can't stand this guy. Just for once, break the rule."

I thought that over and I thought, well, if I'm able to provide a special service that this young lawyer might never think of, it might be a great aid to him. So, I broke my own rule and I took this fellow.

I sent our psychiatrist down to see him. We had a consulting psychiatrist, who in those days was Dr. Werdegard, you don't know who that is -- the former head of Public Health in San Francisco. We sent him down there, because this man was supposed to be mentally retarded. And he found that he was bright average. He wasn't mentally retarded. That's what made the difference.

His history was he was convicted of arson and put in a home for the mentally retarded in Alabama at the age of ten. On hindsight, he was an orphan and he remembers the judge saying, "Don't worry, son, we're going to put you someplace where there are nice, green lawns." That may be why they put a person who was bright average in a home for the mentally retarded. But, at any rate, that's where he was put. He then escaped at about age eighteen and came to California, got caught and locked up in Sonoma, which is a home for the mentally retarded and then sent back to Alabama. Graduated from their high school for the mentally retarded right there in the institution at the age of twenty-one. He then took his brother's identification and enlisted in the U.S. Air Force. On his first leave after basic . . .

End Tape 1, side B.

Begin tape 2, side A.

HICKE: OK.

ROTHWELL: He went down to New York, got convicted of aggravated battery. The air force found out. Discharged him, and I think commendably gave him an honorable discharge. When they found out he was mentally retarded they thought, well you know, he's doing quite well for a person who's mentally retarded. So they gave him an honorable discharge.

What do you do with that kind of a background to get a job? Just think about it for a minute. He went to work for a



carnival as a roustabout. Within a short time he was living in the parent's trailer with a thirteen-year-old girl.

This particular individual who had annoyed our young lawyer was extremely annoying to everyone. The marshalls were mad at him. He had a grating tone of voice. He was just obnoxious. He was the kind of person that would just revolt you. Well, if you were the parents, how would you get rid of him? He was about 6'3" and they were little tiny people in the circus act. How would you get rid of him, how would you evict him? In Illinois they turned him over to the police for statutory rape. And he got the maximum sentence for statutory rape. Nothing happened to the parents. There's the rape conviction. So you've got arson, rape, we know about the battery, a drunken brawl. Three interstate transportations of a stolen motor vehicle.

Why would he do that? Does that hurt anybody, stealing automobiles? It hurts the insurance company but there's no hurt physically to an individual. So you see, there must be some reason that he was doing those things. And the answer was he had a rheumatic heart and he couldn't get medical treatment in Alabama, a single white person. So he'd go and commit a federal crime, go to a federal prison where he was a bigshot, "I'm a five-time loser, give me my medicine or I'll file a writ on you." That kind of stuff. That's the way he got his medical treatment. There was no way to have him found not guilty. The problem was: what are we going to do at the sentence hearing? The probation officer said put him in prison and throw the key away.

I came into court the day of the sentence hearing and the judge says to me, "Rothwell, what are you possibly going to have to say for this fellow? Your own psychiatrist says lock him up and throw the key away."

That was a surprise in a legal sense. My psychiatrist had told me the prison system couldn't help him and he's bright average. The only way he'd ever get help is outside. So I said, "That's not what he told me. I'm surprised, so let me have a continuance."

HICKE: Wait a minute, the psychiatrist told you one thing and he told the judge another?

ROTHWELL: Well, that's common, yes. I was naive. I should have gotten a written report from him, but I trusted him. Actually he helped the client a great deal, because I got a continuance.

During the time I had the continuance I put together, you were talking about relations with other agencies? I got the monsignor that ran the Apostleship of the Sea, I got the Seventh Step Foundation, which is made up exclusively of former felons. And I got the San Francisco public health system (which had a grant program to test people to see what they can do).

I got them all together and came back to that next sentence hearing and said (I had the monsignor in court), "If you'll let him out on his own recognizance, he'll live the days that he's taking the tests with the monsignor and then he'll go live with the Seventh Step counselor, and he'll be looking for work, etc. etc., and when we come back then we can tell you whether we can rehabilitate this fellow or not." By this time the probation officer was starting to show a little interest. And the judge says, "Oh, all right, Rothwell, but you're using up one of your nine lives." So I got him out on his own recognizance.

[Laughter]

Well it's true. If you come in with plans like that and they don't work, they won't permit you to have one the next time. You better make sure that your special plan for a defendant works out or you're through so far as getting another one next time. Which is one of the ways I made this man behave. I told him, "For everyone coming after you, if you don't make it, you're hurting them. It's not me that's being hurt, they are."

So, he went out with the counselor and took the tests and had an automobile accident in the middle of an intersection, the police came and pulled him out of the car and there was arterial blood all over the inside of the car. They took him to Stanford Hospital. The Seventh Step counselor was just scratched up. But this particular defendant was bleeding real blood from the lungs. And a little lady intern looked at him and said, "You know what your trouble is, you have got valves in your heart just like an automobile which are not properly seated. We're going to have to grind your valves for you, because when you're upset they don't seat and they pump the blood back into your lungs. We'll give you a drug and that will make you better but you'll never be right unless you have an open heart operation in which they reseat the valves."

So she said, "I'll tell you what. I'll go up and ask Dr. Shumway if he'll do it." So the intern asked Dr. Shumway at

Stanford. Dr. Shumway said sure. And I scheduled the open heart surgery the day following the next sentence hearing.

At the sentence hearing the judge says, "All right, Rothwell, I give up. I'm going to let him have his open heart surgery and give him six months probation." He had the surgery. Then he no longer needed a reason to go back to prison.

I had him go back and see the judge every Christmas and tell him he was still going straight. Then, since he had worked in a carnival, we employed him as a criminal investigator. And that's how we were able to get witnesses nobody else was able to get, because he knew his way around the back streets in the criminal community, if you will.

I'll tell you something else that shows you the degree to which this man was rehabilitated. Someone up there in the Juvenile Court, I suppose not liking outsiders (like our staff) sticking their noses into the Juvenile Court's business, gave that man the keys to the women's lockup. They knew his whole record. They knew he had a rape conviction. They handed him the keys to the women's lockup.

He came down to the main office and handed them to me. He said, "I think you'd like to know how they're treating us up there," and he gave me the keys. Well, so as far as I know he never committed another crime. I'm not saying he didn't go through a red light or didn't get stopped for this or that. But he never committed another major crime.

HICKE: That's a wonderful story that illustrates so many different things.

ROTHWELL: Well, I tell it for that reason. That would happen in any program in which there was enough staff with enough experience and knowhow and decent ability to try cases so that they see all the facets and recognize what the rewards are turning the people around if you can.

#### A Bank Robbery

ROTHWELL: I could bore you to death with more.

MEYER: I won't be bored.

ROTHWELL: You won't?

HICKE: Why don't you proceed, if you have enough water [indicates glass on table].

ROTHWELL: Oliver Carter was the chief judge of the U.S. District Court at the time this next story is laid. And he heard about what happened with individual I have just told you about. Oliver Carter was a man who, incidentally, I neglected to say, was extremely helpful in setting our program up. I was on the bus coming down from the City Hall, coming back down here. He was on the bus. "You're Rothwell, aren't you?" "Yes." We discussed the whole program and he was a supporter from then on. A very fine man. You know he tried the Patty Hearst case and he didn't live long afterwards. It actually killed him. He agonized over doing things right.

But anyway, a bank robber comes before Judge Carter and says, "I don't want any goddamn lawyer, I want to plead guilty and get the maximum sentence right now." Well, you know how the system is: it doesn't like being told what to do. It turns out this fellow, when he was about thirty, had robbed a bank and the FBI didn't catch him right away. Thirty days later he turned himself in.

Now he's about fifty, having served his sentence and having gotten out early for good time served. He's an alcoholic. And he's living with a reformed alcoholic, a woman who had property. He was a repairman and general cleanup man, and going to AA [Alcoholics Anonymous].

Apparently he got sick of all that, because he went down to a bank with a great big note about the size of this briefcase which says, "Give me all your fucking money." He stands in line with that note upside down and nobody sees it. [Laughter] He gets up to the teller and slaps it down and the teller is on her first day after training, a little Chinese lady. And it's upside down. So she takes it and turns it around and goes "ahhhh" and faints. [Laughter] So the next teller comes up, hands him the bait money and he goes walking out of the bank. His gun turns out later to be made of soap and painted black. He walks out of the bank, he's drunk you know. He walks out of the bank counting the money. [Demonstrates]

HICKE: Throwing it up in the air and catching it.

ROTHWELL: Well, the bank manager comes up and says, "Now you just give me that money." And he takes the money and takes the soap gun and arrests him. [Laughter] Bank robbers are quite a lot.



At any rate, Jim Hewett, who at that time headed the staff in our Federal Criminal Defense office, and Oliver Carter decided that they were going to have a case like I had because they believed they could rehabilitate this fellow. So instead of sending him to prison, they put him on probation on the condition that every morning he go up to the U.S. Probation Office and let the probation officer drop an Antabuse pill in his mouth and make him swallow it.

HICKE: Drop a what?

ROTHWELL: Antabuse pill. That's a pill that makes you not want to drink.

HICKE: OK.

ROTHWELL: So he did that and they were talking around the court house about how they had taken this hopeless drunk and turned him around. He was back helping his girlfriend and going to AA and he was going to be all right.

The probation officer, being well-meaning but perhaps not too streetwise, decided this is such a fine man I can trust him to buy his own Antabuse. So he went down and bought aspirin instead of Antabuse and every morning the probation officer put an aspirin in his mouth. Soon the effect wore off. [Laughter]

And then, somehow he got a gun and he got drunk and he went up to the girlfriend's apartment house and shot the locks off all the doors, shot out all the windows, shot out all the lights, swiss cheesed the ceiling as you might expect combat troops to do if they think somebody is up on the next floor. Shot the ceilings, corners and everything, until he ran out of ammunition. Then he was arrested and brought back to court. Oliver Carter said, "Well, I have no alternative," and sentenced him to prison for a substantial term. The defendant wouldn't say anything.

But when it was over with, and he was being taken into the custodial facility through the door, he turns around and looks at Judge Carter and he says, "I told you I wanted to go to prison." So that was the end of that effort.

HICKE: That was a determined man.

ROTHWELL: He had his way. So that's one we failed on. We didn't turn him around. I just want you to understand that contrary to

the impression I may have made, we could not rehabilitate everybody. You can only get to a few of them, but enough to make it worthwhile.

### Justice For All?

MEYER: So the kind of reformist actions that you see out of the Juvenile Court branch really were in response to that negative evaluation in large part, because otherwise people would . . .

ROTHWELL: Yes. The bar, our board, they all opposed that. You know the federal government can drip, drip, drip. It's large, it's got lots of money, and I think they just decided that they'd rather have peace and since Neighborhood Legal was already running, why not change the Legal Aid Society around so that it does what they want?

In addition to that, the board makeup of Neighborhood Legal was totally different than the Legal Aid Society. The Legal Aid Society, by and large, had representation from every element of the bar and all the community agencies -- we had the chief judge of the court of appeals, of the district court, the bishops, and so forth; we had a lot of representation.

Neighborhood Legal was essentially made up of representatives of various neighborhoods and had neighborhood offices. That sounds great but given \$100,000, \$200,000, a million dollars, if you're going to operate five offices when you can do the job with one, you will have less law staff than if you just have one. In addition they felt that the poor were too much put off by The Establishment, as they put it. Too scared to go downtown to 690 Market Street.

Well, one branch of that proposition is if that's true they have to be educated to overcome their fear if they're ever going to become independent. And the other branch of it is if you don't do that for them and you just keep going out and insisting on solving their problems for them, they will remain dependent. So you've got more money spent on administration compared to what you would spend if you didn't have all those offices. Of course they've had to close some of them as you know. It clearly didn't work out.

But it was an experiment; we learned from it. My only gripe is I genuinely believe, as my generation does, that each individual is entitled to justice. Now not things that he can do himself if he straightens up but things that have to be

done right now or some legal result follows that's not right or just.

And I'll tell you another slight difference between today's philosophy and yesterday's. Again, I don't criticize, I merely point out the difference. All of us thought as professionals, not as social workers, not as people who were trying to bring social change. You give me a case, the client gets the best representation I can provide even if it makes me vomit. I've had clients that made me actually vomit. But I did as well as I could for them -- damn well, the ones I'm thinking of. They got off [laughter]. So we looked at it that way.

Today there's more of a tendency to look at what effect representation will have on society or what a person's case can be used for to change society. There's a place for that. But I'd hate to see the day come in which all you could get in free legal services is representation when your case can be used to accomplish some purpose that a lawyer thinks is a good idea. Then you get help, and if it doesn't, you don't. I don't think that's right. There's got to be a balance. We haven't got it right yet in the United States. We're not there. We have a ways to go.

HICKE: Can you tell me where the Legal Services Corporation fits in?

ROTHWELL: Well, it funds local organizations. It funds them. What it gets and what it does with it is bantered about politically at the national level, you see.

HICKE: It's in the news practically every other day.

ROTHWELL: Yes. We do not have a perfect system. The cases that have terribly serious consequences are going to be criminal cases. There we're much closer providing everybody with counsel. There's no question, we do provide nearly everybody with counsel. The problem there is to make sure you don't have too many cases per lawyer so that you just get nothing but people who go through the motions. You know, a Los Angeles deputy public defender at a convention gets up and says, "I am in charge of arraigning 10,000 drunks a year." That's all he does -- arraign people charged with drunk driving. He stands up in the courtroom where they're arraigned. Well, that's fine, but over a whole career he's not going to have enough breadth to be able to do any more than arraign drunk drivers. So that's the problem when you get terribly heavy case loads.



In federal criminal defense our people took the case from the first interview through the appeal to the Supreme Court of the United States, if there was one. In a very heavily taxed defender office and in the Juvenile Court office that we had, the case load was so high that the person standing in the courtroom gets whatever comes into that courtroom. With us he stayed with it no matter where it went. With the Los Angeles public defender, if the case leaves the courtroom the defendant gets another lawyer because he is assigned to the next courtroom. That's the only way they can do it. Here in San Francisco they have two public defenders in each courtroom. Volume, bureaucracy, how you handle cases, all those things, those are the problems on the criminal side. Money is there because under the law it's got to be paid. So it's a question of management. if you will, and morale, and staff, and all of that.

Now on the civil side. it's a question of not really covering all of the bases. There is a greater distance to go to get everyone services. I don't know what the solution ought to be because I've been away from it for quite a while and involved in teaching. In 1971 I started teaching full-time and I have ever since. I became an emeritus professor in July of 1989 and now I teach when I want to.

For eight years I was a magistrate judge on the United States District Court: the same court the Defender program operated in. I did that while I was teaching full time. Then I had to make up my mind at the end of those eight years, whether I was going to be a judge full time or stay on the faculty, not both. I had handled practically a full-time case load as a half-time magistrate. So knowing the federal government, you can understand that I did that to myself. I promoted myself to a full-time job. So I retired from the court. And since then I have just taught law.

HICKE: OK. Well let's go back to the '60s for a few minutes.

ROTHWELL: Second half of the sixties probably. During the OEO period or prior to it.

HICKE: I think we haven't covered that.

ROTHWELL: OK. Well it lasted, for me, at any rate, it lasted from the middle of '67 until I left in the middle of '71. Four years. And toward the end, I forget when it was that the Youth Law Center got started but I think it must have been around 1970, wasn't it?

HICKE: I have it here.

ROTHWELL: It was either the end of '70 or the beginning of '71. The Youth Law Center is a successor to the Legal Aid Society. It's funded by the Legal Aid Society and other sources. And also the Employment Law Center, or is it separate?

MEYER: The Youth Law Center was started in 1971. The Employment Law Center was '72.

ROTHWELL: Yes, but it's associated with the Legal Aid Society, they're doing fine work. Every once in a while you read about something that they did; it's fine. But as I say, make sure that Neighborhood Legal takes the service cases or the system isn't working properly.

#### Office Management

HICKE: What were your problems during this time as far as management of the office was concerned? You were hiring people and . . .

ROTHWELL: It didn't take us very long to do that.

HICKE: Was it attractive to people still? Well paid and that kind of thing?

ROTHWELL: Yes, relatively. OEO tried to reduce and successfully did put a cap on salaries and reduced what people were paid.

HICKE: Actually reduce it?

ROTHWELL: Well, they were always mad at me because I made a great deal more than they permitted. But what we did was pay the person in charge of the OEO office the maximum OEO would permit, an amount they would ordinarily permit paying to the head of an entire organization. That was less competitive than the salaries we paid back in the '50s at the Legal Aid Society.

HICKE: Was that a decision of the board? Those salaries were set by the board?

ROTHWELL: Yes, on my recommendation. But yes.

#### Relations With The Board

HICKE: What were your relationships with the board? What was that like?

ROTHWELL: Let me say that board members always came to board meetings on time. They were always interested. To me, they always did to the letter of the law what would be right for a board of directors of General Motors to do. They ran things in a professional, responsible way. And they always tried to coordinate anything that they did with the proper organizations. I don't think you could have had a more supportive board.

As a matter of fact, one of the high points of my life without regard to what happened in actual programs was to be able to go over and have lunch in the alcove at the bar lounge at 220 Bush Street for a board meeting. The bar no longer has that lounge, they discontinued it. That was part of the history of the San Francisco Bar, that lounge was. And we were up there an awful lot with board, committees, and other things, you know. The best of the San Francisco Bar, I would say.

HICKE: Who on the board do you remember particularly working closely with?

ROTHWELL: Well, all my presidents. After Sam Stewart came Paul Jordan. And after Paul Jordan, let me see. Brent Able I think. Then Lem Matthews. And then George Sears. George Sears either was or still is the managing partner at Pillsbury, Madison & Sutro.

HICKE: I think he's retired from that position. He's still practicing law but no longer managing partner.

ROTHWELL: He retired after he announced that they were going to cut the partners' draw. That was in the newspapers. And then there were other board members, Moses Lasky, who really was responsible for having hired me. He later appeared before me in court when I was a magistrate's judge and I enjoyed that. So did Dick Archer. He's out in Hawaii now. A very able trial lawyer. He was a protege of Herbert Clark.

HICKE: And he's in Hawaii now?

ROTHWELL: The last time I saw him he said he and his wife had both gone to Hawaii and taken the Hawaiian bar and were practicing in Hawaii.

HICKE: What was his contribution? What can you tell me about him?

ROTHWELL: Most of my contacts with him were over litigation issues. Not that we tried cases together but I used to use peer review to good effect. He was a part-time mentor about litigation tactics. He's a good litigator. One of the pleasures that a judge has is to listen to substantial cases in which all the lawyers are good lawyers. That is a real pleasure for the court and for the lawyers. I can think of several instances when Archer was involved in such cases and I won't forget them. That's really the only thing that I miss about sitting on the bench -- the relationship with the lawyers.

HICKE: And during the time you said he was a president . . .

ROTHWELL: No. He was a board member. You asked me what board members I remembered.

HICKE: Yes. OK.

ROTHWELL: I remember all of them, but by and large the organization was run essentially, though we had an executive committee, by the president and by me. I mean the policy got circulated around the board and the board would then gather after we had gotten them briefed and either say yes or no. And I don't ever remember their saying no. What we proposed was well researched and proper for the times. I can assure you that no other legal aid society that I know of in California, and I know of all of them, especially not Los Angeles or San Diego or Oakland, ever was able to do the things this one did at the times that it did them.

HICKE: That's what I wanted to ask. You mentioned that before. Why was that? Why is that?

ROTHWELL: Chiefly because of the board, and its general relationship with the bar of San Francisco. Especially with the larger firms. That was a time when the larger firms had greater weight in bar policy than they do today. Everybody's got something in there today. There was a time in the '60s when the more mature leaders of the bar were upstaged by the younger members of their firms. You had a bar that some would say was a tight little group. But let us just say that the large firms put their weight on the side of public social welfare, what they thought was proper. And their views had general acceptance in the community outside the bar.

HICKE: You're talking about the San Francisco bar now?

ROTHWELL: Yes. And this community in general. On the other hand, when the War on Poverty came along, you see, it stirred things up and got people involved who hadn't been before. And so how they stood on particular issues would be different because of different inputs. I'm not saying that's wrong, just different. Sometimes when things are newly different they're also more unwieldy and not likely to produce results as quickly as the former way. There are advantages and disadvantages to everything.

It's just that change took place. The thing is very few new people were interested in legal aid and legal services before OEO. There's one thing OEO did, it certainly got interest up among lawyers who were not interested prior to OEO.

HICKE: But that was part of this whole '60s change.

ROTHWELL: The change came mostly in the late '60s. It took them until the late '60s to start to have impact.

HICKE: I'd like to get a little better handle on exactly what the relationship was with the bar association. Was there an official relationship?

ROTHWELL: No. The bar association is a professional organization of lawyers. The bar association did not run the Legal Aid Society. Our board of directors was made up of elected members, elected lawyers and non-lawyers. And the big firms were good in providing membership for that board. It was certainly not a bar association function. I don't think it is anyplace in California. It may be in very small towns. They might have the bar actually do these things. The bar association would run lawyer referral panels where people with cases that generate a fee will be referred out to a lawyer. But not the legal service work.

HICKE: Several times you mentioned the support of the bar association; so I just wanted to clarify that.

ROTHWELL: The support of the bar. I don't think I said bar association. Support of the bar means support of lawyers or particular elements in the bar. As an official group we certainly did have the support of the San Francisco bar and the San Francisco Lawyers Club, another club of lawyers, and also the Barristers Club, the young lawyer part of the bar association.



MEYER: Dario De Benedictis?

ROTHWELL: Dario De Benedictis was beyond being a Barrister during my time. He's at least my age, maybe older. I've known Dario for a long time.

HICKE: Can you tell us a little bit about him?

ROTHWELL: He was secretary, I think, before I ever came to work for the Society.

HICKE: Yes, he was there a long time.

ROTHWELL: He had his shoulder to the wheel for many many years on the board and as an officer.

End Tape 2, Side A

Begin Tape 2, Side B

ROTHWELL: The people involved in the generation of the things that we did were the presidents and the chief counsel with input from everybody else, including the community -- you get all kinds of propositions from community agencies and everyone else. I'm talking about who had input with regard to the programs we actually carried out. Much came from Dave Silver before me, and Herbert Clark, and in my time Sam Stewart and subsequent presidents. Sam Stewart was around for the Federal Criminal Defense office. OEO -- we had, I think Brent Able when we first got the grant.

HICKE: Was this in '67?

ROTHWELL: It was in the middle of '67. Was it Paul Jordan?

HICKE: Brent Able was '66 to '67. And then Matthews was '67 to '68.

ROTHWELL: Yes. OK. Then it would be Brent Able, Lem Matthews, and George Sears during the OEO period.

HICKE: Here's a list of officers. Does anything else spring to mind?

ROTHWELL: Of course, you all know [Mathew] Tobriner. He became a Justice of the Supreme Court of California. He was a labor lawyer. [Henry] Evers, here, who was treasurer, was not a lawyer. That's when we started to broaden out. The first officer who wasn't a lawyer, I think probably was Evers.

HICKE: Why was that done? The changing of the . . .

ROTHWELL: Nobody changed anything. They just nominated him and he was elected.

HICKE: It was not a policy decision to . . .

ROTHWELL: Oh, I don't think so, no. They just thought it was time to have one that wasn't a lawyer. [Laughs] No policy discussion was had.

HICKE: What was he?

ROTHWELL: I think he was an investment counselor. See, many of these people are past presidents of the bar. Able is a past president. Matthews was a past president. Jordan was a past president. The presidents of the Legal Aid Society during those years when I was there, except toward the end, were usually past presidents of the bar, or they became presidents of the bar later. Which is just a form of automatic coordination, I suppose you would say. They knew their way around the bar.

#### Support of the Bar

HICKE: There's a sort of a change between the kind of thing that was done in Herbert Clark's day, which I call community service, a lot of lawyers did it . . .

ROTHWELL: I think so.

HICKE: And then in the '60s it kind of switched over to this pro bono . . .

ROTHWELL: Pro bono by individuals, yes, but chiefly directed at reforming society through law reform cases. Yes. That's right. And OEO and those people who became interested -- I don't want this to be taken the wrong way -- but as soon as there was as much money around as OEO had, a lot of people took an interest in what could be done with it, you see. Before that, nobody in the newly interested groups was interested. And so, then, that brought politicization. It became politicized because what are we going to do with the money? And what we decided to do with the money is spend it on law reform and then somewhere along the line OEO got the idea that "We're going to see if we can stamp the organizations that do anything else out of existence." And they had some success.



HICKE: What was the thought behind the founding of the Neighborhoods?

ROTHWELL: Compete with us. They said it was for law reform, but I think the actual fact was compete with us.

HICKE: That was a political move too, then, are you saying?

ROTHWELL: Partly. Partly.

HICKE: Who wanted to compete with you?

ROTHWELL: Groups that weren't involved and had not been interested in what we were doing. I'll give you an example of the kind of community that you had in those days. It was very much like a revolution. I remember going to speak to an organization out on Third Street someplace. And somebody got up and said, "We're sick to death of the Legal Aid Society. You have to bribe the chief secretary to get a referral to a lawyer. When you go down to the lawyer referral panel of the bar you have to bribe that secretary to be referred to a lawyer. And you have to spend a lot of money to get a referral." There were lawyers in that room who knew me and the bar, knew that the allegations were false, and yet stood there and kept their mouths closed. All I had to say was, "You are mistaken. That's never happened, and I can guarantee it personally." And they just laughed. And here stood these members of the bar whom I had dealt with and knew. And they didn't say one word. So you see, that's much like revolution. That's what that amounts to. It's the kind of thing you see when you have a political revolution. You see people who won't stand up for truth, even though they know what it is, because it isn't politically correct to do so. To use that term in its actual sense [laughs], not its present broader sense.

Now, nobody ever maintained that in what we were doing, or what we ever did, everything was perfect. It couldn't be. But on the other hand, we did raise more money and start more programs than anyone else ever did in San Francisco with the amount of money available. You know, in a relative sense we did more with what we had. I don't see how we could have done anything more unless we shut down representation of individuals and spent the money on having a department that was a second [American] Civil Liberties Union. Well, we have a Civil Liberties Union. And then we had Neighborhood Legal with a grant far bigger than the money we had for our total program.

It would seem to me that if we did that, it certainly would not stand the test of history or time. It would just be abandonment of persons in need. So we didn't do it. So, we're talking about social revolution in the legal community. And in the long run, it'll be for the better. But in the in-between stages [laughs], it left something to be desired.

HICKE: As the chief counsel, you had a lot of battles to fight. It sounds like . . .

ROTHWELL: Well, what happens is you are at the center of all these tensions in the legal system. They're not bad tensions, they force making decisions. But every day you're in the center of them. For example, when a lawyer comes into the office with his client and says, "I demand you set this person free from her husband -- she can't pay me." That's one kind of tension. Because when you've taken that same woman as a legal aid client, and you get a divorce for her, you often had her husband's lawyer complaining to the president of the bar because you did. That's just eligibility tension. Then you have funding tensions, and the "Why don't you take referrals from a Family Service Agency? -- They sent you a woman who wanted a divorce and you said she wasn't eligible." And she didn't by any conceivable means fit the guidelines we followed with regard to ability to generate a fee, not pay it herself, but generate a fee from some source. So they're angry because we said, "Well, her case generates a fee." Those tensions will always be around.

If you ever use the Canadian system of paying lawyers to take these cases, then the tension that arises is we want more for what we're doing -- just like Medicare. And the fund won't be large enough. And there are all these other tensions. That's what you have when you don't have a benign king running a dictatorship. If you can find one of those, great. But when you try to replace him, you might come up with Hitler.

#### Other Legal Aid Societies

HICKE: What kind of relationship did you have with other legal aid societies both in the state and in the nation?

ROTHWELL: In California, we had a California Public Defender and Legal Aid Association, of which I served as the president at one time. I became president after the Federal Criminal Defense office was opened. That's the first time that that organization ever had as a president a person who came from

the civil side, which I did. We'd have a convention once a year. That's the way we got to meet face-to-face and iron out eligibility problems. There's a case in LA and they want us to accept it for service up here. We always did. LA in some ways was not as able as we were because of a monstrous case load and less staff in relation to case load. So, sometimes we'd refer cases down there, and they wouldn't want to take them and would create tensions. You get the same tensions between large service organizations as you do with outside organizations. But those things always got themselves worked out.

Before I went to Oakland, back in the '50s, I remember that a client had filed a bankruptcy proceeding up here, and then moved to LA, so she went through Los Angeles Legal Aid. She had obtained something called an installment petition order, which lets you pay the filing fees in installments. Well, she gave the installments to her boyfriend, who was a drunk, and he drank them up and told her he paid them into Court. Of course, she found out he didn't when they dismissed her bankruptcy proceeding. The court wouldn't reopen it. So LA wanted us to take her case. We did. And the court reopened it. The bankruptcy judge wouldn't, but I took an appeal and got a district court order that her case be reopened. That's an example of a referral. You see, she lived in LA. The problem was here. They sent her up here. I don't know where she got the bus fare; maybe they found an agency in LA to provide her with it. That kind of inter-agency cooperation existed all along. So she was able to discharge all those debts, most of which had been run up by her drunken boyfriend and shouldn't have been held against her, and became employable once more.

A small matter, but an example of what can be done. The lawyer's side of that case is that the next time I went before the bankruptcy judge, he listened to me a little better than he did before I took the appeal. Just like if I get a judge to make an unusual disposition in a criminal case and it works, he'll listen to me the next time I come before him with a request for another unusual disposition. So. That's what rough-and-tumble lawyering is, and I guess that's what my background is: rough-and-tumble lawyering. [Laughs]

HICKE: That's an interesting insight. It's not just the case that you're talking about today, it's what's coming along later that you have to think about.

ROTHWELL: Especially if you're in legal services, because you get repetitive cases. You're around the courts all the time and so you're much more visible. The nice side of it is if something good happens, you know, you receive more trust. And then the down side of it is you walk by a particular courtroom and the court clerk comes running out and says, "Hey, Rothwell! We need a pro bono volunteer for this case, and you're around here all the time, so the judge just appointed you." [Laughs] I got a civil rights case in San Quentin that way. He'd filed it himself, and I was then appointed his lawyer.

HICKE: What other questions have you got, Sandi?

#### Personnel

MEYER: I was actually curious about Elda Pardini. I've just seen her name so much. Was she a lawyer? Was she . . .

ROTHWELL: Elda Pardini was born in Padua, Italy. She emigrated over here and went to San Francisco Law School and got a degree the year that the bar exam was first put into effect. I think that would be 1928. Up to 1927, if my memory is correct, you'd be admitted on motion after finishing law school. After that year, you had to take the bar examination. So, she was admitted in 1928. and came to the Legal Aid Society sometime World War IIish, or just before it, when the defense buildup was beginning and lawyers were going off to the military. So, she became employed when Alex Sheriffs was Chief Counsel, and stayed on until she retired, I believe in 1970. She's no longer living. Her son is a lawyer. He's a Hastings graduate, I see him occasionally. She was married to a San Francisco lawyer. She uncomplainingly handled an awful lot of service cases in the areas in which she was especially qualified.

It's hard not to become burned out. You put a young lawyer in the Attorney General's office and have him representing the state in appeals of criminal cases, and in about six months' time, he'll suffer from burnout. He's worked so hard on the same issues over and over.

Well, you get the problem of burnout on a daily basis in the kind of legal aid work I'm talking about. I mean, people do get burned out unless they really believe in what they're doing, and manage not to. Not everybody could do civil legal aid work without burnout. They become alcoholics, or fail to really do their jobs. You have a constant problem because of the heavy, daily, number of new clients. And then to get your



court appearances scheduled and try the cases and somehow not put too much of a load on the other people who are accepting cases while you're away.

HICKE: How would you deal with that as chief counsel?

ROTHWELL: You just live from day to day. Schedule yourself . . .

HICKE: I mean as chief counsel, how did you deal with that in others?

ROTHWELL: I guess because I'm an idealist, I suppose, and it rubbed off on them. [Laughter] I made it rub off on them.

HICKE: A little inspiration?

ROTHWELL: Yes. Elda Pardini was there when I came to work for the Legal Aid Society, and she managed to accommodate perfectly well when I later headed it. The woman was an unsung heroine in a way. There are those who would criticize her, but if anything it was because she had a direct and sharp tongue. And sometimes that would annoy people. She'd say exactly what she thought. But if you listened and followed her advice, she pretty nearly always got you what you were entitled to.

HICKE: So she was effective as . . .

ROTHWELL: Yes. Now fairly. I don't think we could have sent her up to try criminal cases. I don't think she could have gone up and defended in the Juvenile Court. She could for individual cases, but an all-juvenile case load was not what she was accustomed to. She was mature when these programs came along. So that to try and make her change her spots then for no good reason, well -- maybe she would have. I don't know. But I didn't feel that we ought to. Nor did she ask nor demonstrate any interest in switching programs. But there was a time when the Veterans' Administration wouldn't pay veterans benefits for a child unless it had a guardian. And I don't know how many guardianships that she managed to process just to accommodate that one particular policy. It's a small thing, but . . .

HICKE: Not to the children.

ROTHWELL: Not to the people involved, no. Every once in a while I'd hear, "Well, all you do is handle domestic relations cases." Apparently 20 percent of our civil intake was domestic relations cases. But any one of us could stand your hair on end with some of those domestic relations cases.

A good example would be the case of an Iranian who came over here on a student visa to get a degree at Cal [University of California]. He married an American woman. And that, of course, permitted his status to change. And then when she got sore at him, she filed an annulment action charging in the annulment that he had married her only so he could stay in the United States, which was really not true. She never bothered to serve him with the papers in the suit, but did serve them on the Immigration and Naturalization Service. And they picked him up. They were going to deport him.

Well, that case took a lot of work. We had to take an immigration appeal because the hearing officer ordered him deported. The appellate body reversed and allowed him to stay here until he could finish defending the annulment action. She lost the annulment action, and he was granted a divorce for her misconduct.

All right. Then Immigration said, "Well, he's illegally here, but he's a well-motivated person. You proved in the state court that he was in the right, so we'll let him stay until he obtains his degree, and we'll permit his voluntary departure." He went back to Iran when he got his -- I think he got a Ph.D.

Well, there was a lot of work in that case. In those days, you had to be admitted to practice before the Board of Immigration Appeals. I had to take their cottonpicking exam and get admitted and prepare and file a brief, etc. And then I had to defend against one of San Francisco's finest in the annulment action.

HICKE: Who was that?

ROTHWELL: Oh, I don't have any idea now. Too many of them.

HICKE: Oh, I see. Yes.

ROTHWELL: But anyway. I ended up successfully getting him the divorce and having the annulment end in a judgment for defendant. He didn't defraud her.

You may find it interesting that there's a field of law called Conflicts of Law. A conflict takes place when laws of different jurisdictions are in conflict with each other. Which one are you going to follow? Well, when it comes down to the status of a family, the law of the domicile predominates, which would be California in this case. So, if



the California court decides that this man has the status of having been married and is now divorced, it would be difficult for the Immigration Service to go behind that judgment and find otherwise, or they'd be denying a perfectly valid state court judgment which is binding on them legally.

This is why we did it the way we did. Stopped the deportation and then took up the civil suit in order to declare his status to be what he claimed it was, which then would bind Immigration. Actually, they didn't fight about the conflict rule. They accepted it.

HICKE: Well, we've kept you talking quite a while. Do you think of anything else that we should cover?

More of the Juvenile Court Program

MEYER: One more question?

ROTHWELL: Sure.

MEYER: Under the Juvenile Court program, out of what happened there, what are your fondest recollections?

ROTHWELL: Well, my fondest recollection is the case of the Muni railway coin boxes in San Francisco. That case brought everything together, all the usual services plus it brought someone to the case who was in the process of rehabilitation in an occupation he was absolutely fitted for -- our former criminal who'd gone straight made a marvelous criminal investigator.

That case is probably my fondest memory. But there were countless cases. With my particular bent, I had to go up there and represent some juveniles. I had on an occasional basis before. But I went up there and sat in on the first appearance calendar.

And one of the things that touched me was that in order to keep the kids from picking the chairs and the tables up and throwing them at the judge they used large benches. So a large kid couldn't possibly pick the bench up. You'd get a prosecutor who was standing up beyond the defendant's bench. The judge up on his bench, and the bench I'm talking about with a big table in front of it. And I was at the left end of the defendant's bench. And it might have been, oh, twelve feet long. They'd let a kid out of the lockup and he'd sit down on that bench. And one after another as they'd come in one by one, they'd sit down on that bench. I had talked to

them in the lockup before. And they'd slide the full length of that bench -- juveniles often are small for their age, for some reason or another kids that are small for their age seem to get in trouble more often than large ones, but once this little, tiny kid, I'll never forget, slid the whole length of the bench, and he just leaned against me. He didn't say anything to me. Just leaned against me, you know, his only friend in the court. He was a little dead-end kid. There were other touching things.

The judge looked at that kid, and said, "Now, Johnny, you've been here before. What about this now, Johnny? It says here that you went through a stop light in a stolen car and smashed into a police car." "I borrowed the goddamned car." "Well, what about running into the police car." "Ahhh the fucking throttle stuck." Now, if you saw him, less than five feet tall -- he had to stand up to drive the car. He couldn't sit in the seat and drive it. He couldn't see over the steering wheel. So you can imagine how he got his foot stuck down on the throttle and went through the red light and hit the police car dead center. [Laughs] Excuse my four-letter words, but there's no way for me to tell you what it's really like except to repeat what they actually do and say.

HICKE: Good.

ROTHWELL: At any rate, you see. Little dead-end kid. But yet, not wanting to tell anybody how scared he really is.

HICKE: Yes. Trying to be tough.

ROTHWELL: Well, trying to be tough, but the only friend he's got is the person who just talked to him for a few minutes outside court. So, he sort of leans against me. It's tragic. Juveniles have a capacity, from what I've seen, to commit violent acts that are worse than adults. We had one case in which the juveniles involved didn't like this kid, so they took him out and tried to kill him. They just shot him. Shot him full of 22 calibre bullets and they threw him out in the bushes, up in Napa County. But they were all from down here. And they drove around thinking he might be dead, and then they thought well maybe he isn't, so they went back, re-loaded the gun, and they pumped the entire lower end of his bowels, through the anus, with 22 calibre shells and then stuffed it with dirt and gravel. Adults don't do things like that. So. There are lots of awful, awful things going on out in the real world.

HICKE: It sounds like the Legal Aid Society made a difference, though.

ROTHWELL: Oh, unquestionably. Unquestionably. I could go on the rest of the night telling you about civil cases and criminal cases, and everything else. People whose lives were turned around.

I remember one woman. Tragic. Another failure. A welfare recipient. We got her a divorce. We got her off welfare. We got her into San Francisco State College. She had two children. Managed to care for them while going to school. She got a degree and got a scholarship to go -- I think it was to Nebraska -- to get a master's degree in psychology. This success from a welfare recipient who was struggling. And, you know, we're about to crow. She went insane. Lost her mind completely. Got sent back here and went back on welfare. The last time I saw her, she was walking up Market Street -- this must have been 10 years ago -- I don't think she recognized me. but I recognized her -- yelling at everybody the way people who are paranoid do. That's too bad, you know. So. You don't always succeed.

I'm not sure this is going to be a very good tape, because I've jumped all over the place.

HICKE: That's the way of oral history.

ROTHWELL: Well, a little more time I suppose I could have planned it better, but when you look over the tape and if you want to do it once again, no reason you can't, you know.

HICKE: You've told us some good stories that illustrate the kinds of things you did, and you've given us a lot of the organizational problems and how the Legal Aid Society has evolved. We skipped around chronologically, but that's all right.

ROTHWELL: That's partly my fault. I kept jumping ahead and backwards. Like fast forward and fast backwards.

HICKE: Well, sometimes it's better to do it topically then try to stick to this year we did this and the next year we did that.

So I think this was great. And I really do thank you very much for coming.

ROTHWELL: Well, you're entirely welcome.

Transcribed at Morrison & Foerster by Ginny Martinelli, David Page, Silvia Sequiera, and Mary Whitten.

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Legal Aid Society of San Francisco Oral History Series

Kenneth Hecht

LEGAL AID SOCIETY OF SAN FRANCISCO IN THE 1970S:  
YOUTH LAW CENTER AND EMPLOYMENT LAW CENTER

Interviews Conducted by  
Carole Hicke  
in 1992





## INTERVIEW HISTORY

Kenneth Hecht was born in Baltimore, Maryland in 1934. He grew up there, graduated from Dartmouth College in 1956, and after a stint in the U.S. Navy, obtained a law degree from Yale Law School in 1963. He then moved to San Francisco and worked for the National Labor Relations Board for three years.

In 1966 Hecht became the first staff lawyer hired by the San Francisco Neighborhood Legal Assistance Foundation, where he handled domestic relations cases and developed an expertise in the area of children's rights. In 1970 he helped found the Youth Law Center under the aegis of the Legal Aid Society. As its executive director, Hecht handled or was involved in significant cases, such as one extending protection against double jeopardy to juveniles, and another that established the right to bilingual education throughout the U.S. He later moved to a position as executive director of the Employment Law Center, more or less synonymous with the Legal Aid Society. In 1981 he left the Legal Aid Society to join the San Francisco Foundation.

Kenneth Hecht was interviewed for the Legal Aid Society of San Francisco Oral History Series. The interviews, which took place on January 9, 21, and 28, 1992 in Hecht's Berkeley office, were tape-recorded, transcribed, and reviewed by both the interviewer and Hecht.

Sandi Meyer has been responsible for researching the history of the Legal Aid Society in San Francisco as part of the seventy-fifth anniversary of the Legal Aid Society of San Francisco. Her material has been an invaluable contribution to the Oral History Series. This Series, undertaken for the Legal Aid Society's anniversary, is part of the ongoing documenting of California history by the Regional Oral History Office, which is under the direction of Willa Baum, Division Head, and under the administrative direction of The Bancroft library, University of California, Berkeley.

Carole Hicke  
Project Director

September 1995  
Regional Oral History Office  
The Bancroft Library  
University of California, Berkeley



BIOGRAPHICAL INFORMATION

(Please write clearly. Use black ink.)

Your full name Kenneth Hecht

Date of birth 5/27/34 Birthplace Baltimore MD

Father's full name Malcolm Hecht

Occupation Retail executive Birthplace Baltimore MD

Mother's full name Lucile Burger Levy

Occupation House wife Birthplace Louisville KY

Your spouse Christina

Your children Christopher, Bethany, Liza, Owen,  
Anna, Lucile, Gus

Where did you grow up? Baltimore

Present community Berkeley

Education Friends School, Dartmouth College

Yale Law School, Johns Hopkins School of Hygiene and  
Public Health

Occupation(s) Attorney, foundation executive,  
consultant

<sup>former + current</sup>  
Areas of expertise Poverty law, youth law, employment  
law, problems of hunger

Other interests or activities Most of my time goes to my  
family. After that: music, reading, sports

Organizations in which you are active

Haight Ashbury Tool Program  
Organize Training Center



## I BACKGROUND

[Interview 1: January 9, 1992]##

### Education and Military Service

Hicke: I'd just like to start with some background information. When and where were you born?

Hecht: I was born in Baltimore, Maryland in 1934.

Hicke: And did you grow up there?

Hecht: Yes, I lived there for eighteen years, went through high school there and then left in '52, went to Dartmouth straight through four years, finished in '56, went in the navy in the fall of '56, Officers Candidate School, and then three years of service after that. So I lost four academic years. I then entered law school in the fall of '60 and finished in the spring of '63; college was Dartmouth [College] and law school was Yale [Law School], and then I came out to California in the summer of '63.

Hicke: Wait a minute, let's back up here. When did you get interested in going to law school?

Hecht: When I was in the navy. I was actually bored to death and so found my way into representing people in special courts martial, which didn't require a lawyer to provide representation. So seeing myself as a really great criminal lawyer, I immediately went to law school and have never seen a criminal courtroom since. But that was how it started.

Hicke: Where were you stationed in the navy?

Hecht: I was stationed all over, but I was for a very significant time at Moffett Field on the peninsula and at Alameda Naval Air Station. I think it was my time in those two places that persuaded me to come back here after I was finished with law school.

Hicke: But first you went to Yale.

Hecht: I did. I went to Yale Law School from the fall of '60 to the spring of '63.

Hicke: Was there anything there that is particularly memorable? Professors or particular courses of study that were significant?

Hecht: Well, I think even then I was looking for some way to practice law in a way that I thought would be helpful to people. There really wasn't anything approaching legal services as we came to know it later after the War on Poverty had begun, but the thing that looked the closest to being socially useful was labor law, and I essentially majored in labor law. I did a long paper on labor law and looked for jobs in that area when I finished law school, and that was actually what I did do when I first came out here.

#### National Labor Relations Board

Hecht: My first job was with the National Labor Relations Board in its regional office here in San Francisco, and I worked there from, I guess, the late summer of '63 to '66.

Hicke: When you came out here? In other words you chose this location and then looked for a job here?

Hecht: Right.

Hicke: Did you interview with law firms or did you think about going into practice for yourself?

Hecht: I did interview with law firms and with governmental agencies, but I was quite sure that what I wanted to do if I could do it was to practice law. I think at that time, and maybe it's still true, the best way to get started is to work with the Labor Board and pick up experience. There and then I was a stranger to San Francisco so I really didn't know what the good firms were and that gave me an opportunity to do that while I was there.



Hicke: What kind of work did you do with the Labor Board?

Hecht: Well, I was a--I can't remember what they call them now--field attorney is really what I was. It was an entry level position, and I did all kinds of work but essentially helped to--I don't know, I guess the word is prosecute--unfair labor practice cases on behalf of the government, either against unions or against employers accused of violating various of the labor laws.

Hicke: So you would have been on the plaintiff's side of a case usually?

Hecht: Yes. Absolutely.

Hicke: Did these come to the board from complaints?

Hecht: Yes, individual organizations could file charges, I think is what they were called; you filed charges and they were investigated, and if they were deemed to have merit, then the person or organization against whom the charge was filed had an opportunity to settle the case. If that proved unsuccessful, the plaintiff then took the case to complaint, which was heard by the administrative hearing officer, and ultimately reviewed by the board itself. If one of the sides was unhappy with the result of the labor board, then there was an appeal to the United States Court of Appeals. That's still the statutory structure these days.

In the regional offices like the one in San Francisco, one tried cases before administrative hearing officers and didn't really participate in appeals that went into the courts--that was done by a special unit that was based in Washington. We did the trial work, and it was very good experience for someone who thought he wanted to be a litigator. That's what I learned.

Hicke: You didn't do the investigating; that had already been done when you got there?

Hecht: Well, in theory the investigation had been performed by someone who was hired to do that; there were field--I don't remember what they were called--but they were investigators; they were lay people who investigated these charges. But usually if the office felt that the charge had merit and it looked as if it needed to be tried, an attorney, in the course of preparing the formal charges, formal complaint, would do a lot of reinvestigating. So you did end up doing quite a bit of investigation, and I enjoyed it. It was sort of fun to put all the pieces together and, I think, very good training in being able to assess facts and know which ones

you didn't have or which ones led you to something else. It was a very good way for a lawyer to start practice.

Hicke: Do any particular matters or cases stand out?

Hecht: No. I don't think so.

Hicke: What was the workload like? Exhaustive, or--

Hecht: Well, it was heavy. I had always heard that government lawyers didn't work very hard because they were on the government payroll, but that was not the case where I was. We had a good group of lawyers, most of whom rather quickly--meaning in two or three years--located themselves in private practice in the City. Not a great many people stayed with the Labor Board for a career. But for the first few years of practice it was a very good training ground. I was very fortunate to have an excellent supervisor who was the regional attorney when I was there. His name was Harvey Letter, and he was a very careful, hard working, highly moral person who was quite compulsive about the work that went on in the office and as compulsive in wanting to train young lawyers to do a good job, and I don't know how someone starts in practice without that sort of training, which was invaluable to me. He was terrific. He did stay with the Labor Board as a career and eventually retired from that position, but he was just a top-notch person. So that was how I started and it was a good start.

It was narrow in the sense that you dealt only with one statute under which all the charges of unfair labor practice arose, but it gave you very broad training in terms of preparation of cases and trial of cases, handling of witnesses, all of it, lots of writing. And you were thrown right into it very quickly, as opposed to being in a large law firm where you might do little bits and pieces for a long time. We got good supervision and a good experience, and it was a nice group of people; I enjoyed it.

Hicke: About how many people were there, do you know?

Hecht: I don't remember. I would say there were probably twenty lawyers and probably as many of the nonlawyer investigators, plus clerical staff, but that's a pretty vague recollection.

Littler, Mendelson, Salsman & Fastiff

Hicke: And you were there about three years?

Hecht: Yes. I was there three years, and then got an offer to go into practice with a firm which at that time was called Littler, Mendelson, Salsman & Fastiff. As I recall I was about the fifth or sixth person in the firm. It's now an immense labor law firm, and they've really grown and thrived into a very large and successful law firm. But I was only there about seven or eight months and became very quickly convinced it was not where I wanted to be, but it was a good firm and they've done very well.

Hicke: There were four partners, and you were one of the first associates?

Hecht: Yes. It was funny: I think they were a very informal and relaxed practice for many years; three or four people who just practiced together and had no interest in growing in the firm. It is quite different from today's legal environment. They were just kind of happy doing what they were doing. Then the fourth person, Wes Fastiff, was a more ambitious person than the others and, I think largely due to his contribution to the firm, the firm took off and became very big, very fast. But as I say, I was there just a very short time.

I went there because I thought the people who were there were good and practiced good-quality law, and I think that was true. But I also found that they were representing employers, which I had known. What I didn't know was that it would make a difference to me that that was the side that they were on. I thought it was just really a job of being a good technician, doing a good job for your client, but I found that I was very unhappy representing the side of the case that I was representing. In those days we had some cases involving farm workers--just beginning. I guess there was a union; I don't recall if it was a very formal organization at that time.

Hicke: Cesar Chavez?

Hecht: Chavez was doing that, and we were opposing him, and I very quickly found myself very unhappy being on the side of the cases that we were on. I think we were better financed and better prepared and did a better job and won, and I didn't like that at all, and so I soon knew that I didn't want to be there and started looking. I left there in the fall of 1966.

San Francisco Neighborhood Legal Assistance Foundation

Hicke: And where did you look and what did you find?

Hecht: Well, I really only looked in one place, and I became the first staff lawyer hired by San Francisco Neighborhood Legal Assistance Foundation, which is the organization that received funding from OEO [Office of Economic Opportunity] Legal Services to establish a neighborhood law office organization for San Francisco.

Hicke: It was fairly new at that time?

Hecht: Absolutely. I think I was the first staff lawyer hired, and we opened the office into which I was hired on Halloween Day 1966, which always stuck in my mind because it was Halloween.

Hicke: Where was the office?

Hecht: It was in the Western Addition of San Francisco, the one I went to, which, of course, was an entirely black neighborhood, fairly poor, and we just opened up shop in an old house. We had a managing attorney of the office named Ben Travis, who is now a judge in Alameda County, I think, and Ben and John Stewart and then two or three other people soon formed a four-lawyer office, I think, and it was a very good office. We did good work and really had the fun of developing that form of practice without any predecessors before us to show us how to do it. It was lots of fun, you made lots of strange choices and terrible mistakes and had some silly things happen, but it was a very, a very rewarding job. I think all of us felt we were doing something hard and something worthwhile and had fun doing it. It was very nice.

Hicke: Tell me something about how it actually worked. How did you publicize the services to start with?

Hecht: We didn't have to do much publicity. It was the sort of neighborhood in which people knew you were there when you were there. I think they knew before we were there that we were there. But I guess referrals to us were made more by other offices serving the neighborhood than any other way. There were a host of OEO-established offices, various kinds of agencies dealing with all sorts of social problems, residential problems, just the whole, full gambit of social services, and those people made referrals over to us. Very quickly by word of mouth, everybody in the neighborhood knew we were in the neighborhood and they just called up and made an appointment and came in. The four lawyers



just rotated interviewing clients and doing what we could to be useful to them.

For me it was an abrupt development because all I had known before was one small, federal statute dealing with labor law, and I'd certainly never known anything about the California state court system or how those proceedings worked. So there was a period of quick learning and lots of stalling until I could find out what the answers were, but fairly rapidly you learned enough to be able to handle most of the cases that came in the door.

Most of them, I suppose, fell into the areas of domestic relations, landlord/tenant law, public benefits. I think those really were the major areas. We developed some specialization within the office as time went on in order to be able to do a more expert job on cases that came to us, but I think all of us kept some hand in each one of those kinds of cases and a variety of other things that came in, too. But all of this was quite new. There wasn't much poverty law before we were there to do it, and there was not a whole lot to rely upon; you really developed things for yourself, and it was, again, a very good learning experience and a very exciting time.

Hicke: What kind of funding did you have for that--all federal and OEO?

Hecht: It was entirely OEO Legal Services funding.

Hicke: And they specified four lawyers, or whatever, and that's what you did?

Hecht: Well, OEO gave the money to Neighborhood Legal Assistance Foundation, which was the city-wide organization and there the decisions were made how to cut up the pie. There were neighborhood offices established in the Western Addition, which is the one I was in; one in Chinatown, Hunters Point, the Mission, and Central City, which meant south of Market, and I think that was it. There were those five neighborhood offices, and the money was divided between the five, dependent upon what the caseload and the populations were in those areas.

Hicke: Obviously that whole thing was a marvelous learning experience and good preparation for you to work with the Legal Aid Society. Is there anything in particular that was helpful later on?

Hecht: Yes, I think a couple of things. One, the most obvious, is that over time we developed specialties--the lawyers developed specialties--for whatever reason. In my case, I started to get involved in children's rights, by which I mean a rather broad

array of legal issues that affected people differently because they were under the age of majority. Some of them were juvenile law problems, but most of them were not--partly, I think, because there was representation up at the Juvenile Court already under the Legal Aid Society--to get ahead of the story--but there was no representation of kids with regard to their First Amendment rights, their Fifth Amendment rights, Fourteenth Amendment, emancipation problems, employment problems. That was still--the end of the '60s and beginning of the '70s--a politically active time. While most of the activity, I guess, was centered in college campuses, there was a good deal of trickle down into the high schools and even into the junior high schools. There wasn't much law on that, and whatever there was didn't treat kids really as people under the Constitution. It took quite a lot of litigation in the late '60s and early '70s to elevate children as recipients of the constitutional benefits that we now associate with them, or did, until the Court changed recently. So it was a very interesting, challenging area and I liked it a lot.

I started to devote more and more time to it and eventually went to the Central Office of Neighborhood Legal Assistance Foundation, where there were a few lawyers working on test cases, law-reform issues that could only be handled really if you were freed from the normal caseload that you would encounter if you were still in a neighborhood office. So I left the neighborhood office, went downtown and devoted myself almost exclusively to the kids' issues. Because there were a number of other lawyers--both within Neighborhood Legal Assistance and without who were also doing the same thing--we became sort of an informal grouping of people who quickly formed into what became the Youth Law Center under the auspices of the Legal Aid Society, so that was really how it all happened and that was the genesis of that office. So that's one thing that happened to me while I was at Neighborhood Legal that made a difference.

I suppose the other major development would have been my education about the problems that kids had and about the problems that poor people had. I certainly didn't grow up as a poor person and I certainly didn't grow up with much contact with poor people and really no contact with non-white people. I grew up in Baltimore in the '30s, and '40s and '50s when it was a very segregated city, which is one of the reasons I left it and didn't want to go back. I found that very distasteful, but it certainly left me with a vacuum in my experience, which was very quickly filled by both working with a number of really terrific minority lawyers who were part of Neighborhood Legal Assistance Foundation and in dealing with clients, many of whom were minority as well. So I would think those two experiences at the Foundation, one in



which I grew as a person and one in which I grew as a lawyer, were really very important experiences for me.

Hicke: When was it that you went to the downtown office, after a year or so?

Hecht: I'm not sure. I'd say, working backwards, we started the Youth Law Center on April 1, 1970. I was surely downtown for a year, maybe a little over a year.

Hicke: That's just approximate.

Hecht: So I would say '68, '69, around in there.



## II YOUTH LAW CENTER

### Formation

Hicke: Can you tell me more about how this was actually formed? Who were the other lawyers?

Hecht: Youth Law Center?

Hicke: Yes.

Hecht: Oh sure. There were two lawyers in private practice who had spent a great deal of time working on juvenile law problems, which as I mentioned earlier, was an area that I knew very little about for a couple of reasons. First of all, there was representation of juveniles at San Francisco Juvenile Court under a grant that had been going to the Legal Aid Society before we became part of the Legal Aid Society. Secondly, to the extent that those proceedings were either criminal or quasi-criminal in nature, we were prohibited under the terms of legal services funding from doing that work. All of the OEO-funded work needed to be done in the civil law area, and there was considerable emphasis on law reform and test case work as opposed to individual representation of kids accused of juvenile offenses. So it was an area that wasn't one that I would have become involved in.

There were two people in private practice in the City who did a lot of it. One of those was a fellow named Ralph Bouches, who was at that time in private practice at a law firm called Feldman, Waldman & Kline in San Francisco. I suspect Ralph knew more juvenile law than anybody else in this state, and probably the person who knew the second most was a person named Peter Bull, and Peter was one of those who was part of the founding group of the Youth Law Center.

Another person who was either there on day one or very close to day one in addition to Peter and myself, was an attorney named Bernie Bergesen, who was at Pillsbury, Madison [& Sutro]. He was an old friend of mine going back to college days, and we had always hoped to be able to do something together. When the possibility of establishing the Youth Law Center came along, he was eager to join and did so at the very beginning of it.

Within six months--and I can't remember now which of these people was there at the very beginning--within six months we had, in addition to Peter Bull, Bernie Bergesen, and myself, we had Peter Sandmann. Peter had been involved in legal services in Philadelphia and I came to know him through reasons which I don't think are too germane. He was helpful in thinking through how to structure and get funding for this organization, and as soon as it looked as though it was really going to happen, he made arrangements to come out and join us, and he did. I can't remember exactly when, but it was very early on.

The other person who was at the beginning with us was a young woman named Susanne Martinez. Suzanne was at that time at Hastings [College of the Law] and came to work as a law student at the very beginning, or maybe while I was still at Neighborhood Legal Assistance Foundation--I can't remember which. I think that was the year of the Kent State [University] riots, and Hastings closed down early and decided it would end the year without finishing classes or giving final exams. About two days after the closedown, Susanne just came with us full time and stayed with us for quite a long time. She eventually ended up on Senator [Alan] Cranston's staff in Washington.

Peter Bull is still in San Francisco; Peter Sandmann is in San Francisco, and I don't know about Ralph; Ralph I think ended up in southern California, but I'm not clear on that. Bernie Bergesen lives and practices over here in Berkeley; he was the person I was trying to get to join us in the interview. He just didn't want to do it. And that was the beginning of the Youth Law Center in terms of the people.

Hicke: How did the idea get started?

Hecht: I know for myself and I think for the other founders, we were all very excited about our practices, which had to do with the rights of children, and we were looking for a way to work together, the obvious notion being that if we worked together we would really do a much more effective job being able to fortify and stimulate each other. It became clear--for reasons which are now not so clear--that the Legal Aid Society's grant from OEO Legal Services

to do work up at the Youth Guidance Center at the Juvenile Court in San Francisco was in jeopardy.

As the notes that I've been glancing through--all too quickly I'm afraid--that Sandy Meyer compiled remind me, there was dissatisfaction on the part of Legal Services with the work that was being done up there. I think what was happening was that lawyers were representing individual children on a case-by-case basis. That was not what Legal Services intended to happen. What they wanted to happen was a more affirmative approach to changing the law and not providing case-by-case representation. My group of friends believed that OEO Legal Services and the law required the state to provide case-by-case representation. So rather than wasting Legal Service's money, it seemed to us the thing to do was to insist the state provide that representation, thereby freeing up that money for other use. The use to which we hoped Legal Service's money could be put was test-case law reform work on behalf of minors. When it looked as if Legal Services was going to pull funding from Legal Aid Society, we asked for it.

Slowly but surely it became quite clear that the Legal Services program didn't want the battle or didn't think it could win the battle to defund the project with Legal Aid Society which at that time, and since, has had a Board of Directors of quite prestigious people from influential law firms. So rather than defund it, the concept arose to maintain the grant there, to change the purposes for which the grant money would be used, and that's eventually what happened. Legal Aid Society continued to receive a grant, but the conditions of the grant prohibited representation of kids on a day-to-day basis and insisted that the money be used to provide test-case law reform on behalf of children. The grant conditions were written in such a way that it was clear that they needed to go out and hire fresh people to do this, and there was pretty much an insistence that the group of people of whom I was part be those who would be hired to do that work. And that's what happened--on April 1, 1970 four or five of us started the Youth Law Center as a project of the Legal Aid Society using the OEO Legal Services money. The first thing we did was to bring a lawsuit requiring that the state represent the kids at Juvenile Hall who had previously been represented on the OEO grant. That was successful, and at that point, then, all the kids were represented and the money was freed up for our operation.

Hicke: That's an interesting story.

Hecht: I think I've forgotten four/fifths of it, and if anybody wanted to get a better handle on it I could certainly try to put some more

of that together and I think Peter Bull probably is the one who is the most familiar with that.

Hicke: Okay. When you say Legal Services, are you talking about the Legal Services Corporation?

Hecht: No, still at that time I think it was a branch of OEO. It became a free standing agency I think quite a lot later.

Hicke: Yes, it was in the '70s that it became a corporation. So that's right, it wouldn't have been called Legal Services Corporation then. But the funding was coming through this group?

Hecht: Right.

Hicke: Why were they interested in only cases that would reform the law?

Hecht: I think the effort was to try to provide maximum return on what was a very modest investment, in terms of legal services altogether and certainly in terms of this small grant. At that time I think lots of us believed that the law could be used effectively to change social conditions in this country, and there was a lot of that thinking involved in Legal Services. There was an important purpose to be served in providing individual representation to poor people simply on the basis that they had never before had access to law.

I think to some of us it seemed a very conservative direction in which to go, that if we could provide access to the law for poor people, those people would not be the revolutionaries trying to storm the castle if they were already within the castle; so I can remember very deep and serious conversations about whether we weren't really being counter-productive of the hopes that we shared for the direction in which the country was going to go. We should have left these people out, thus giving them all the steam with which to storm the castle, but I at least suppose I am a pretty conservative person. I didn't want people fighting with other people and did hope that the law could be used in that way.

So, I think it's fair to say that there were at least two branches of legal services, two branches of services. Within the design of legal services at least two things were hoped to be accomplished--both of them leading toward the eventual goal of establishing and effecting rights for poor people within the system.



One was simply to provide representation so people could go to court and do the kinds of things that wealthier people could do--dissolve marriages that had failed, put together new families that needed to be together, help poor people who were renting from oppressive landlords to do something about that, and then just a whole bevy of similar kinds of rights.

In addition to providing individual representation, the other notion was to try to change the law, either legislatively or by case law, so that important rights which had never been accorded, or in some cases really never been thought of or thought about, for poor people might be established now that poor people were being represented. I don't think that people had thought very much before those days of poor people's having rights to due process in the receipt of welfare benefits, for example. Well, it was a pretty important subject area for poor people, and once they were able to have some representation, it did become possible to conceptualize and then to work with statements of rights for people in areas in which they simply hadn't appeared before.

The best way to try to make some of the immense amount of change that needed to be made was to try rather than representing people on a case-by-case basis defensively to affirmatively sue for the establishment of certain rights that would be conferred upon large groups of people. I suppose you could think of it as an economical way to go at it. And that was what we were trying to do, to bring this back a little bit more to what I was doing in the early days at the Youth Law Center. Trying to establish within case law--or where we could, by helping friendly legislators draft good legislation--new rights, both substantively and procedurally for kids that would be applicable to large numbers of children. That's I think a full answer to the question.

Hicke: That's marvelous. That's really helpful. I think maybe this might be a good place to stop for today, and we could start again with the startup of the Youth Law Center [tomorrow].

Hecht: Sure.



### III LEGAL AID SOCIETY

[Interview 2: January 21, 1991]##

#### Startup of Youth Law Center

Hicke: Last time we talked about the formation of the Youth Law Center, and you told me why it was formed and how that worked out. So I think we should start this time with what actually happened. First of all, what were the goals and how did you go about working on it?

Hecht: Well, I think the thing that I am the clearest on is that we absolutely did not know when we started the Youth Law Center what we would be doing. There was some ongoing work that we just transferred over from wherever we were. We also knew, as I think we mentioned last time, that we wanted to bring a lawsuit to require the state to pay for individual representation at Juvenile Hall, so that we would be getting done at state expense what the Legal Aid Society previously had had to pay for, which would therefore leave our money open.

But other than that, we really didn't know, and there was a lot of talking in the office and out of the office about our mission or purpose. There was a lot of what we would call these days "networking" with people who were involved in children's services, either formally or informally. There were people in the clergy, there were psychiatrists, there were education people, there were juvenile court people, just an enormous variety of people with whom we did speak to try to figure out what were the most pressing problems, and what we ought to focus on given the small payroll and staff that we had to devote to this.

Work of the Lawyers at the Center

Hecht: So what did we do? We did some things we were supposed to do and lots of things we weren't supposed to do. We did test-case, law-reform work around public education, both in terms of the substance of education--what kids actually were taught and where they went to school and what they were supposed to get out of going to school--and then what might seem like more peripheral issues, such as what they wore to school and whether they could have arm bands or not have arm bands, what degree of privacy they were entitled to in terms of their lockers and their person. All of those kinds of issues.

We even represented the school board at one point in San Francisco in trying to reduce its administrative staff in a way that didn't jeopardize all the recent minority hiring, because we thought that was important to the kids to have representative staffing in the schools. If the normal seniority considerations were guiding severances, then most of the minority people would have lost their positions. And I guess in a nutshell, we did an enormous variety of things--some conventional, some unconventional.

We slowly but surely worked our way out of San Francisco, which was a matter of some curiosity to the Board of the Legal Aid Society of San Francisco. Why should we be asking people in law firms in the City to donate money to us to do something in Fresno? And I think after not much effort on our part, we were able to convince the board that it was a wonderful thing for them to do, to put it softly, to help us improve the lives of low-income children, whether they were residents of San Francisco or not. The benefits were ones that were accorded to all kids, including San Francisco kids. So there was an issue there.

I don't think the board had ever contemplated that we would be all over the place, and we very quickly were all over the place. We were very quickly involved in Juvenile Hall litigation in Texas in a very major lawsuit. We were involved in suits either as directly retained attorneys or as counsel or co-counsel or just backup to people all over the country, and rather quickly came to see ourselves as a resource that ought to be used by public interest attorneys all over the country in the same way that there were offices that the Legal Services Program had designated as backup centers for other legal services offices throughout the country. And although we weren't paid to do it, we took it on as a responsibility and as a wonderful opportunity to

help us again pick the very best things we could to work on, because we couldn't work on very many at any one time.

We did do some unauthorized things as well, but I don't think from this distance they loom as any great threat to anybody. We slowly but surely became enmeshed in some of the adult prison problems that were being faced at that time. In a sort of reasonable way, looking back on it, we were representing kids who were detained at juvenile facilities. Then we were representing kids who were detained at facilities that housed both kids and adults. And then, slowly but surely, they kind of pushed us over toward looking at some of the problems that adults had as adults, although they always had some impact on juveniles as well. So we built a case load of juvenile law around education law and problems of emancipation and some other public benefits as well. But those were really the major items.

We did some housing cases at the time. There were lots of rules either enforcing or permitting landlords to discriminate against families with children. We helped to eliminate that. I don't remember offhand what other landlord/tenant work that we did, but we did a lot of that, and it was successful.

I guess most of what we did was real litigation, but we did a lot of legislative education and advocacy as well, thinking that that was always the most effective use of our time, if we could have codified some rule that favored our clients as opposed to having to pick away at it in litigation. It seemed to us to be the most cost-effective way, and we did that whenever we could find a friendly, receptive legislature or executive officer, administrative agency.

So we were that responsible. We did it, did some public education as well. And as I say, did a lot of litigation, most of which was not really a trial practice so much as it was a motion and an appeal practice. Often we would file a lawsuit, bring a motion, lose it, and be able to appeal immediately to a higher court over whatever the issue was, there being no dispute as to facts. And that was a cost-effective way of trying to change things as well.

When we eventually became bogged down in a few really massive trials, they were very draining of the finances and people resources that the office had. They were almost always terrible experiences for all of us. On occasion we had to do them, but where we could avoid them and have an issue decided on the basis of some paper, some motions, and some appellate work, that was always the better way to go.



Hicke: One of them went to the Supreme Court. Is that an example of one of those?

Hecht: Yes.

Hicke: Breed v. Jones is the one that extended constitutional protection against double jeopardy to juveniles.

Hecht: That's right. That was one of our very early cases. And I think, you know, whenever we could get a case decided in the highest possible court, then, of course, it leveraged the effort that we put into it. Although I think we very quickly realized that we would take a victory wherever we could get it, as fast as we could get it.

We didn't try to lose cases in order to get them up into appellate court. That masochistic we weren't. But it all too often happened that the first judge who heard our theory in a case thought we were just out of our minds and quickly dismissed the case requiring us to appeal it. So that's what we did.

The best example of that and one I wanted to mention before you mentioned Breed v. Jones was a case very early on in the Youth Law Center called Lau v. Nichols, Nichols being the president of the Board of the San Francisco Unified School District. I had done a lot of work in the area of education, and a new attorney joined our office named Ed Steinman. Ed had been working in the Chinatown office of the San Francisco Neighborhood of Legal Assistance Foundation, and he had an interest in education as well as did his community. We often thought about how to establish a right-to-education as a legal right, where one could so often see children floating through the public schools and not really receiving an education. It seemed to us that the starkest example of the right-to-education was a situation in which children went to school all day and demonstrably received no benefit from their attendance.

The best example that we could think of was someone who simply couldn't understand the language. Ed knew of children in Chinatown who were required to go to school, sat in the school, and never understood a single word that they heard all day. Apart from the emotional impact of that, which is easy to understand and to feel, it obviously was no way to educate anybody about anything. Ed was able to, with his community's participation, identify children who were in exactly that situation at various grade levels in San Francisco. We brought a lawsuit based just on those facts that I've given you. We were just laughed out of court, in federal district court. That case went up to the



Supreme Court eventually and established a right-to-bilingual education throughout the country. That was a good piece of litigation.

That, it seems to me, is a perfect example of how you can bring a lawsuit on behalf of a few people who are experiencing some serious difficulty and end up benefiting millions and millions of children.

Hicke: Was that about 1972? I have that as a date when he [Ed Steinman] argued two Supreme Court cases, and that was one of them.

Hecht: '72, '73.

Hicke: Okay.

Hecht: That's still a very active, important case. Not in terms of its litigation, but in terms of its impact. And Ed is frequently asked to speak all over the country on that issue and various remedies for it. So that's one we feel good about.

Hicke: Indeed. It's a major success. Was this moving out geographically and also into adult problems the result of your decision to try to handle more law reform cases rather than individual representations?

Hecht: Yes. But it was not necessarily that, it was also the result of our being ambitious. I think we were eager to take on anything we could take on, no matter where it was. We were excited by what we were doing and believed in it as an important and valuable enterprise and just wanted to do as much of it as we could. We were constantly scrapping to find some foundation, grant, governmental contract, any way to increase the resources that we had and to expand the office in order to be able to do more of what we were doing. And the geography and the subject matter were all a part of that expansiveness.

Hicke: What happened to that state case that you started out with? You must have won that.

Hecht: Won it immediately.

Hicke: What was the major lawsuit in Texas you mentioned?

Hecht: A lawsuit called Morales v. Turman, and the person you'd want to talk to, to follow up on that, is Peter Sandmann, who practices in San Francisco. The case I mentioned just a minute ago, which established the duty of the state to represent individuals at

Juvenile Hall in San Francisco, was a case called Scott v. Maier, and the person to talk to about that would be Peter Bull, who also practices in the City.

Hicke: Great. Okay, can you give me some more examples of some of the things you were doing?

Hecht: I think that Lau v. Nichols is the best, as far as public education. We did do cases having to do with arm bands, I think, or some kind of dress. It was a First Amendment, right-of-expression case. A case that I thought was a valuable case had to do with a high school, what was the academic high school in San Francisco Unified School District? [Lowell High School] Admission to the school was supposed to be based solely on grade point average, but, as it turned out, there were more girls than boys with high grade point averages. The district thought it was important to have 50/50 boy-girl representation; so they accepted boys with g.p.a.'s lower than girls they rejected. We challenged that and were successful.

We also challenged various other aspects of the administration of an "elite" high school within a public school district and lost all of those, as well as a lot of goodwill on the part of lawyers throughout San Francisco who had gone to Lowell High School, who did not want us to take on their sacrosanct high school.

We took the position that they ought to shut that school down, that there ought not be an elite school, that there was a "brain drain" on the other high schools in the district, which I think there was. And it had a disproportionate number of Caucasians at that time, and subsequently a disproportionate percentage of Asian students. So we thought there was discrimination on all sides of Lowell High School, but we lost all of it except for the sex discrimination aspect of the case. But I think it was a useful case to bring.

It certainly wasn't useful politically, in terms of support for the Legal Aid Society, and the board I think had trouble with that and handled it very well. I'm a little hazy on it; I think we neglected to notify the board before we brought that lawsuit and didn't realize just what the sensitivity was going to be. There was a good deal of anger at that lawsuit, and the board felt the heat of it and the nervousness of where some of the funds were going to come from to support us if we lost the support of some of the lawyers downtown. I was certainly dead wrong in not having advised them ahead of time and gotten their approval or at least

gotten their knowledge ahead of time as to what we would do. But the board was very good about it.

Board of Directors of the Legal Aid Society

Hecht: The head of the board at that time was Craw [A. Crawford] Greene, and Crawford handled it as he handles everything, I think, really very well. He made the point and made it in a way that was very supportive of me and the staff and allowed us to grow and develop in good ways. We had a good board. I don't think I've said anything about that.

Hicke: No.

Hecht: But I remember from being an outsider before we were involved in the Legal Aid Society at the Youth Law Center that all of us looking at the Legal Aid Society thought that they were a bunch of antediluvians, very conservative, perhaps not altogether intelligent members of the board. And I think we saw them as the enemy or at least as a potential enemy, thinking that they weren't going to like what we hoped we were going to do and we ought to bury as much of it as possible and not let them see it. And I was continually surprised by the support, by the thoughtful contribution, and by the enthusiasm that we had from the board--almost 100 percent. There were a few people who got off the board immediately when they saw what the Youth Law Center was all about.

Hicke: Are you talking about the board of the Youth Law Center or the LAS?

Hecht: I'm sorry, I was talking about the Board of the Legal Aid Society, before we had incorporated the Youth Law Center separately. They didn't like at all what we were about and they left us. There were only two or three people who did that, although there were a lot of people over the years, who came from what one would assume if one didn't think much about it were establishment law firms. They weren't quite the stereotype one might have expected back in those very radical days. They were very nice people who were willing to listen to new points of view, who had some points of view that we should listen to, and who gave us a lot of their time and care and support. I certainly found that to be a real eye-opener for me. And I think the rest of the staff did as well. I think we came very quickly to be very admiring and appreciative of the people who took the time to serve on our board and to really

work at it. And there were lots who did. It was a very good group.

Hicke: That's really interesting. I've heard allusions to the possibility that support of legal aid services may come basically from a law firm's desire to get this work taken away from their--

Hecht: Absolutely. I had always heard that, too. They want a place to send some scruffy client who came in, and if they could give them a card and say go down there with your problem, that was all they wanted to do. I certainly never identified that experience or that attitude with any of the people who were on our board. They were good. And I think they were there because they wanted to be there to help achieve exactly the ends that we hoped to achieve ourselves. I didn't feel a divisiveness or breach of any kind, I mean, an obstruction of any kind, between us. Lots of the people who came onto our board have certainly become warm, long-term friends of mine.

Hicke: So you established a close working relationship, would you say, with the board?

Hecht: Yes, we did, absolutely. Not with the whole board, but there was always a nucleus of people on the board. Sometimes we'd created an executive committee, sometimes there just was a de facto executive committee that met with us.

Hicke: Can you tell me who some of these were besides Crawford Greene?

Hecht: Yes, I thought the presidents of the board were uniformly good. The first president I had was George Sears. George was terrific. I mean, there was just a perfect example of someone who was at that time a major partner in Pillsbury, Madison & Sutro, a supposedly conservative law firm, and he a supposedly conservative member of it, later went on to become the managing partner at Pillsbury. No one was ever warmer to me personally or more helpful in terms of the work, in terms of facilitating the work, in terms of supporting the work, in terms of constructively suggesting things to think about, things to worry about, other sources of aid and resource, than George was. I just couldn't say enough about the leadership and helpfulness that he provided.

With Crawford Greene, John Sparks--I'll have to look at your list and see who I forgot--but those people I didn't expect to be as conservative as I had expected George to be. But I wouldn't take away anything of what I said about him in terms of those people, too. They were warm, friendly, helpful, eager to be troubled at any time in a busy life, night and day, to come to the



rescue of the Legal Aid Society. And I think they were very effective presidents over the time that I was there.

Tom Smegal: Tom and I were roughly the same age; he may be younger than I. So I think there was less uncertainty on my part as to his sentiments and sympathies, but he certainly proved to be an enormously hard-working person at the Legal Aid Society and a member of the Bar Association of San Francisco and involved in a great many other pro bono activities. But Tom was a wonderful and spirited head of the Legal Aid Society, too. Let me take a minute and look at the list.

Sandy Tatum. Sandy, I knew, liked what we were doing. In fact, it was he who encouraged us to do much more by absorbing what had been the Legal Aid Society's downtown client office, stopping that function and developing what we called the Employment Law Center. I think Sandy was more enthusiastic than I, if possible, as to how that was coming along. And again, very resourceful, very thoughtful, and a wonderful spokesperson for the Legal Aid Society. He was just well received in conservative and liberal law firms and board rooms alike and helped to connect us to some very important resources we might otherwise never really have reached.

Charlie Clifford, whom I see from your list was the head of the board for three years, is one of the grandest people I've ever met. I still see Charlie occasionally, so I don't want to lionize him and make him sound dead and honored after the fact. He's very much alive and with us and just a warm, wonderful person who, again, worked night and day.

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Hicke: You were saying he worked night and day.

Hecht: Yes, Charlie suffered through all kinds of problems and crises that we had--funding ones and other ones. He, too, was able to bring with him an enormous credibility and reputation, which attracted lots of help to the Legal Aid Society. And he's just a very bright and impressive and wonderful person.

Looking at the list makes me realize how enormously fortunate we were in the people whom we ended up with as the heads of the board, and the other officers whose names are on there were really fine, fine people. We did good. Three-starring.

Toward the end of my stay there, I don't know how much time Gray [Graydon Staring] spent with us on all aspects of our work.

He was extremely helpful at a time when the society was in a very precarious funding situation because of work we were doing on a massive lawsuit which just drained the office of people and money, and he suffered through that. As few people would. I mean, this was not a light, volunteer endeavor. He really devoted himself with commitment and enthusiasm, I think, to the work that we were doing. It's a very good list of presidents. I think I hit them all.

### Employment Law Center

Hicke: That's great. That's really helpful. Well, let's see. There are several ways I want to go. First of all, I'm not sure what your position was in all of this. You were executive director. When did that begin? At some point you moved to take over that position?

Hecht: When we first started the Youth Law Center, which was April 1, 1970, I was the executive director of that from the very beginning.

And then when we disbanded the Legal Aid Society's downtown office and started the Employment Law Center, I was the executive director of that also. After a while, and I don't remember what year it was, the two offices became large enough so that they really deserved to have separate leadership, and I chose to stay with the Employment Law Center, because I thought I had created some relationships with the downtown Bar that could better serve the Employment Law Center than the Youth Law Center. The Youth Law Center always had some safe, permanent nucleus of money from the federal government, which the Employment Center never did. So we were always in a more precarious position there, and I thought that the contacts I had been able to make were more important for the Employment Law Center.

So there came a point at which I ceased being the head of the Youth Law Center, and one of the people who was there in the office took it over. I am not clear who that was. I think it was Peter Bull who became the executive director of the Youth Law Center, as he well might have from the very beginning. He always was the person in the office who knew the most about juvenile law, which in a sense was our core business, and knew the most people and I think was most highly respected in California by people involved in juvenile law, and deservedly so. And so I think it was he who replaced me as executive director of the Youth Law



Center. I don't really remember when that was. It would have been the mid-'70s.

Hicke: [Looks through papers.] Here, for instance, is a memo from you to Tatum, who was apparently heading the operations committee, saying much of the LAS work could be done by San Francisco Neighborhood Legal Assistance Foundation. There's another memo about funds. This is '71; so by that time you were in charge of both of these?

Hecht: I think it was as early as that. I think very soon after we established the Youth Law Center it was clear to the board what a success that was and that rather than carrying on some office downtown whose work was a drop in the bucket of exactly the same sort of work that the Neighborhood Legal Assistance Foundation was doing, it made good sense to them to close that office and to develop an analogous office to the Youth Law Center, which is what we've called the Employment Law Center. I had not realized until we met the last time just how rapidly that happened. It seemed to me that there was more of a time lag, but I think that that chronology is absolutely correct.

But then in terms of position, I retained the position of head of the Employment Law Center, which was the Legal Aid Society, so I didn't really need a title for that. I was the executive director of the Legal Aid Society from that time in '71 on. I had been the executive director of the Youth Law Center since April '70 and then gave up the Youth Law Center position I think in the mid-'70s and remained with the Legal Aid Society as executive director and as the head of the Employment Law Center, which was the Legal Aid Society, until I left in '81 I think.

Hicke: We're talking about different offices. Are they physically located in separate places?

Hecht: During my time they were together. We started off the Youth Law Center by asking the Redevelopment Agency of San Francisco to give us a building. We had so little money we had to save it wherever we could. So they gave us a building at no cost at the corner of Turk and Franklin, an old house where we used two floors for offices, and we stayed there until they threatened to tear the building down.

They eventually did move the building, actually, and use it for housing, but we stayed there a long time. Then the Redevelopment Agency gave us offices at the corner of Third and Mission, and we ultimately occupied darn near all of that building. So we would have the Youth Law Center on one floor and the Employment Law Center on another, but we were all together in

the sense that we all inhabited the same terrible building together.

Hicke: Good, that straightens that out for me. Well, there's the whole story of the Employment Law Center. How did that get going?

Hecht: Well, I guess the two ways to talk about that would be: one, as we've just mentioned, the Legal Aid Society Board quickly became persuaded that its old downtown office wasn't serving a very useful function after the inception of Neighborhood Legal Assistance Foundation and that it would be money better spent to develop an office like the Youth Law Center. Then, as to what that office ought to do, ought to focus on, I think again a number of us at the Youth Law Center used the people whom we knew who were active throughout the city in matters of importance to low income people to try to identify what was not being addressed by other public interest lawyers. The area of most importance that we found unaddressed was the employment field, and that's how we happened to go into that.

I know we didn't know with any real clarity just where that was going to develop, but I think the board was willing to have confidence in our judgment, as we became more and more active in that broad area of employment, in locating things that we could do that would be useful, that would get good value out of what was really a very small office. We had lots of meetings with the board together to thrash out first the general area into which we might develop and then, secondly, what priorities we might pick out within the general field of employment as those on which we would work.

This issue amplifies my earlier babbling about the heads of the board. They really did work at this. There were times when we didn't know what we were going to do. We knew we wanted to do something useful and didn't know much more than that. And they were willing to take what was a lot of time and a lot of thought and a lot of courage, in a way, to let an office develop from scratch and find its own mission. It all looks very logical, looking back on it and the projects that have persisted since the '70s; the Employment Law Center, the two youth law projects seem pretty obvious and successful at this point, but they certainly didn't looking forward.

Hicke: I have that in 1978, the Youth Law Center goes to LSC. Is that what you were just talking about or is that another step?

Hecht: Well I'm not sure. There were a number of steps of the Youth Law Center's developing its separation from the Legal Aid Society.

I'm not quite sure what it means by going to the Legal Services Corporation. It had been funded by what became the Legal Services Corporation from day one. It slowly but surely developed into a legitimate national backup center for the Legal Services Corporation's offices throughout the country in the area of juvenile law and other juvenile issues, but I am not at all clear right now just what the '78 date signified.

Hicke: Okay. I don't know exactly where I got that. I guess I got it out of the chronology but I don't see it right now.

Summarizing the Legal Aid Society Development in the 1970s

[Interview 3: January 28, 1992]##

Hicke: We are just going to start here with the development of the Employment Law Project, for which we are looking at the chronology here. Your memo probably wasn't the first one; there was one dated 6/16/71 proposing that funds be available, and we did talk about the change in direction for LAS, and is that what we are talking about here now?

Hecht: Yes, that's what I mean. To summarize it, we had begun the operation of the Youth Law Center on April 1, 1970 as a project of the Legal Aid Society. The board of the society became persuaded that it was a good project, that that was a good direction, a good focus, and a good arrangement, yielding a satisfying consequent result.

Then as that gain started to be consolidated and as the board of the Legal Aid Society and the staff of the Youth Law Center and myself became familiar with each other and developed a good relationship, the question arose: what to do with the residual part of the Legal Aid Society, which was its downtown individual client representation office, as I think we touched on last time. The thought was that office was redundant, that what it was trying to do--had been trying to do--was now being accomplished with much greater resources by the San Francisco Neighborhood Legal Assistance Foundation, so that the purpose of that office was no longer particularly valid.

Then the question: well, what to do with those funds and those resources? What the board decided to do was to establish a special committee, which was called the Operations Committee of the board and contained, I don't know, a number of the board

members. Sandy Tatum was the head of it, and we staffed it from the Youth Law Center and did an informal but really rather thorough canvass of people in San Francisco and out of San Francisco who were in a position to tell us what the legal needs were of the low income population we were dedicated to serve, and which of those needs were being unmet, and how to arrange some sense of priority of the unmet needs.

The one that eventually was distilled out of that process was representation in the area of employment issues, including discrimination in employment based upon sex or race, but not being restricted to those topics, being larger than that and dealing with any sorts of employment and employment-related issues that were affecting significant numbers of low income residents in San Francisco.

Hicke: That was right up your alley, wasn't it?

Hecht: It was, and I think that it also was a contributing factor in the selection of that area in that we had some familiarity within the office at the very beginning, so that it didn't require a tremendous learning time in order to be able to be active.

Hicke: What were some of the early activities of the Employment Law Center?

Hecht: For the Employment Law Center, which was the Legal Aid Society, we took the Legal Aid Society's operations downtown, closed it, took the same money, re-christened it as the Employment Law Center, a project of the Legal Aid Society, and used those resources to support this new activity.

There really was no distinction at this point between the Employment Law Center and the Legal Aid Society, they were pretty much one and the same. And the Youth Law Center, either by now or shortly after, became separately incorporated, and while they had the same board for a bit, they were at least legally separate entities.

Anyway, the earliest activities of the Employment Law Center that I recall included some nonlitigation activities which had to do with what was called a "hometown plan" in those days. It was an effort encouraged by the Nixon administration, being made in a number of communities throughout the country, to negotiate agreements that included the labor unions, the major contractors, and representation from the minority communities, to increase the numbers of minority employees working in building trades on major construction projects in San Francisco. It was an effort to



voluntarily negotiate greater goals for the recruitment and training in employment of minorities in those areas.

It didn't work very well, I don't think, although a tremendous amount of effort went into them; some communities did better than others. I think in San Francisco there was relatively little impact from a tremendous amount of effort that went into those, but we played a key role in that we were representatives of the minority community on those negotiations.

We commenced some Title VII employment discrimination litigation. The largest of those lawsuits was the lawsuit against The Emporium department store, which caused our board such a great amount of pain, as The Emporium is a well-established member of the business community in San Francisco. The board was not always thrilled about suing those kinds of targets with a very massive, eventually successful, we think, piece of litigation, which went on for years and eventually resulted in a settlement which I think was favorable to the clients whom we represented; but in a settlement, one never knows for sure who has won and who has lost.

We represented minorities in a lawsuit against the Civil Service Commission which eventually found its way to the Supreme Court in Hampton v. Wong. Both that and The Emporium litigation at one time or another went to the U.S. Supreme Court.

We represented early on the San Francisco Unified School District in an effort to--I do remember talking about this last time--reduce its administrative staff without losing all of its recent minority entrants, who otherwise would have been lost due to seniority, also a controversial lawsuit. I guess those are the ones that come to mind immediately.

As time went on we began to develop experience with situations involving mental and physical disabilities and their relationship to employment, and this became over the years a very fruitful area of significant impact to the community we were trying to represent, and it became an area in which considerable gain could be accomplished.

The country came, over the decade, to understand more fully the problems of disabled people and to become sympathetic both to litigation and to legislation, culminating in legislation in '89 I think it was, or '90, the large federal disabilities act which has just become implemented. Maybe that summarizes what we did.

Hicke: In 1972 I've got [on page 42 of chronology] "Affirmative Action Attorneys Support Group Report." That was some sort of a



committee that was working on helping minorities in the construction industry? You mentioned that.

Hecht: I don't remember what this report was, but it obviously did involve the representation we were offering to minorities to more easily enter into the construction industry.

Hicke: Then in '72, Ed Steinman departed and was replaced by Mike Tobriner.

Hecht: Right. Ed remained involved in much of the litigation he had begun and pursued it in conjunction with the Employment Law Center but left to take his teaching position, where he still is. Mike Tobriner came on to take that staff position and did a really excellent job.

Hicke: And then the very next one says Joe Breiteneicher joins staff of ELC.

Hecht: Quite an interesting person. Joe had worked in Boston for a number of years in a National Alliance of Business's office, which was very heavily involved in affirmative action programs, and he had worked on one in Boston having to do with the construction industry there; so he was a wonderfully prepared person to come and work on this in San Francisco. That was one of the reasons he was a very attractive person to take this position.

But he was also an interesting person in the office partly because he was not a lawyer. He was the only professional in the LAS office who was not a lawyer, but he was extremely creative, resourceful, imaginative, thoughtful, and innovative, and helped I think more than anyone to shape the direction of the Employment Law Center to understand what the intersection was between urgent problems in employment and the ability of lawyers to do anything about them, and he was really knowledgeable in employment issues that lawyers aren't.

Lawyers learn enough to do a piece of litigation, to do a particular project, but they are not generally familiar with many fields. Joe really was knowledgeable; in the employment area he knew where employment practices or policies had particular hurdles or obstacles for minority applicants, which were very often difficult to pick out if you were "just a lawyer" and didn't understand the nuances of employment. So it was a very fruitful and productive partnership, having someone who really understood the business of what we were trying to do, together with some lawyers who knew what the law might be able to add to the solution--sometimes to the problem, I'm afraid.

Hicke: Well, I don't know if this is a major problem or not, but one of the things that's in this chronology is the "height discrimination" suit in San Francisco involving black waiters and Asians and Latinos. I'm on page 44 right at the bottom. That was March 1973, I think.

Hecht: Yes, these were two separate lawsuits noted here for March of '73, again one of the kinds of things that lawyers would not necessarily understand on their own; so Joe was able to help. When you have what appears to be a neutral-looking hiring requirement, that people be of a particular height or weight, you automatically have knocked out of contention people who, because of the physical characteristics of their race, don't normally achieve a certain height or weight. This was the case with Asians and Latinos, for example, in construction or in other jobs where physical characteristics were involved.

So Joe was able to help us understand the significance of these kinds of requirements. Obviously a height requirement is likely to be a very arbitrary kind of cutoff line that is difficult to justify except for convenience and which ought to be altered if it has the effect of discriminating against people on the basis of race. Those were novel issues twenty years ago. They are pretty dull these days.

Hicke: Was the intent to discriminate?

Hecht: No, I don't think the intent was, but I think people were less than sensitive to the impact when that impact started to become apparent. I'm sure the requirements were prescribed long before there were very many Asian or Latino applicants, but as there became more and more applicants, then somebody should have taken the time to worry about whether they were knocking out very good, otherwise-qualified candidates for reasons that didn't make any sense to them, much less to anybody else. We helped them do that.

With the black waiters--it was fairly common in San Francisco many years ago to walk into restaurants and to see a real hierarchy of people helping you. The waiters were always white, the people who brought the butter were Asian, and the people who cleared off and did the bussing tended to be black. It took a long time really to get to work on that one. The union was not very helpful, the restaurants were not either. They had well-entrenched, white waiter forces, all of them seemed to have brothers looking for jobs, and it was really difficult to get them--particularly as there are such large numbers of small establishments--it was difficult to mass action against them to do much about it.

The union really provided the leverage on it and while the union wasn't a very sympathetic group in the early '70s, it has since become a very liberal organization.

Hicke: Which union?

Hecht: It was the waiters' union. It's Local No. 2 and I cannot remember what the name of it is at this point.

Hicke: Oh, that's okay.

Hecht: It included waiters and dining room employees of various kinds. They have gotten better. Some things have gotten better over the years.

Hicke: So you've had some success on that one too.

Hecht: Yes, I think we did.

Hicke: Then I see Cassandra Flipper joins the ELC.

Hecht: Yes, she has gone on to a number of interesting positions. She first went to Levi Strauss after she was with us and is now a partner downtown at Cooley [Godward, Castro, Huddleson & Tatum] doing a good job. She was a particular asset to us at the time being both black and female as well as very talented and very nice. She was a good employee.

Hicke: And then Corey Park. These are all from 1973, page 46.

Hecht: I guess we were busy.

Hicke: Yes, you must have been.

Hecht: Corey was not with us too long. He, again, was a very well-qualified attorney who has ended up in Hawaii practicing law. He is Asian--various kinds of Asian, but Asian one way or another. That was helpful to us, but again, he was a very competent attorney and did a very good job on litigation particularly.

### Fundraising

Hicke: One of the things, of course, that runs throughout this is fundraising. Can you tell me a little bit about the problems and successes there?

Hecht: Well, the problems are easy. The successes were harder. The tension, which we felt as a staff and which the board felt at least equally because they cared about the organization and had the ultimate responsibility of funding, is that often in the employment area the lawsuits or at least the culprits tended to be private entities, which might themselves be or potentially be contributors to the Legal Aid Society or were represented by law firms which felt a tension between being active in the Legal Aid Society on one side and representing the entity on the other.

In some cases, the entities were very sacred cows in the community. I guess you can sue the federal government and no one gets too distressed about it, or didn't then, but when you start to sue home-grown entities, people do get upset about it. I think to the extent that we experienced funding failures, that was the major reason for them.

We occasionally were asked to be helpful in an effort against an important organization in San Francisco, and our funding was jeopardized by some of those efforts, and much to the board's credit, I don't think the board ever told us no. The board always left discretion with us. They played the role of very careful and constructive critic but left the ultimate decisions to us, although the ultimate responsibility was theirs.

That is another of the impressive characteristics of the board which I have really enjoyed being reminded of. One of the benefits of this oral history process is to have an opportunity to remember just how remarkable it was. I don't think there were a lot of other boards like that. We didn't go out to get just the "usual suspects" among the liberal bar; we went after people who were more establishment-related and asked them to work with us, and they did a good job with that. They really did.

Hicke: What were the board meetings like?

Hecht: We had very good attendance. We had animated discussion in a very constructive way of important issues. I tried to take issues to the board that we really wanted them to wrestle with and help us with. We established committees of the boards that we had even more time with--a few people with whom we could discuss issues that took a lot of background and familiarity in order for the board members to be helpful--and then reported on these discussions with the board.

I think we talked about this last time: I had made the mistake of not advising the board before we took action against Lowell High School. We received a good deal of criticism, lost



some amount of funding and support, and Craw Green, who was head of the board at that time, worked very constructively and kindly with me to get through that episode. That certainly persuaded me that we wanted to be as open as early as possible with as many members as possible. We did that, and we did that at the board meetings, and we did that at committee meetings before the board meetings.

Hicke: There are a couple of notices here in the chronology. On page 40, Charles Elkus writes to express displeasure with the Lowell High School case, and then Green responds to comments about the case.

Hecht: Yes, Elkus was a good guy. He was an alumnus of Lowell High School. He was very attached to the high school. He may have provided representation to Lowell. I know there was a pro bono group of attorneys which formed to provide representation to Lowell. He was certainly one of the most exercised members of the board with regard to that.

Those kinds of feelings were expressed openly and I think in every case really honored and resolved within the staff, within the board, between the staff and board, so that we came out of those conversations much stronger than when we went in. I can't remember anything more about that one but I certainly remember his distress.

Hicke: Apparently you got some funding from the San Francisco Foundation and The United Bay Area. But that went down to \$22,000 from \$40,000.

Hecht: Yes. The money we were able to transfer from the Legal Aid Society's downtown office into beginning the Employment Law Center was not enough to support much staff. What we really needed to do was to increase that rapidly, and I guess the major contribution came from the San Francisco Foundation, which gave us a three-year grant on a declining basis, so that in each of the second and third years we had an opportunity to get private contributions to make up what we were losing from the San Francisco Foundation in a way that made it very attractive for private firms to contribute. The money from the Foundation--the bulk of the money coming when we first needed it, which was at the very beginning--gave us breathing room in order to develop a good fundraising strategy.

The United Bay Area Crusade contribution was ongoing; I think the Legal Aid Society had had it before we got in the picture. We were able to substantially increase it and to preserve it at the time that we changed the focus of the office



from one doing individual representation to one doing employment work, more on a test-case, law reform basis.

There was some fear, some very realistic fear, I think, that we would lose that money from the United Way, which at that time was a fairly conservative funding operation and was not enamored about lots of litigation or law reform activity. But we were able, with the help of the board, really, to persuade them that we were doing something useful, and not quite so radical as it seemed.

Hicke: I see on the bottom of page 46 that Breiteneicher was testifying before Congress and was asked to draft legislation. Was that another part of your attempt to--well, I guess I should ask how much of that you were doing. I know that you have indicated that you thought changing the law was part of all of this.

Hecht: Joe was probably the national expert on the employment problems of ex-offenders and how records of criminal conviction, and in some cases arrest, which were in no way, as we saw it, related to someone's qualification for employment, could be used to exclude someone automatically. We put considerable emphasis on this issue in San Francisco once Joe was working with us, but his reputation was larger than simply local, and he did testify in a number of different fora, including congressional hearings. I think his testimony did have impact--

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Hecht: --in attacking the restrictions on employment represented by records of conviction. I don't remember the exact instance of his testimony. I do recall that he did quite a lot of it. And as you suggested in the question, it was a way in which we thought we could have greater impact more effectively than by bringing lawsuits. Often being able to contribute toward a change in legislation, in this case on a national level, could be a tremendously cost-effective way to get reform. That's what we did.

Hicke: In '74, the ELC issued a report: "The Employment Problems of Offenders: A Primer." Where would that report go? Who would read it?

Hecht: This was yet another effort to avoid litigation, and we quite genuinely represented ourselves as ready, very willing, and able to provide our expertise on the problems of ex-offenders to employers, both public and private. We worked with hiring officers in civil service departments around the Bay Area, and we

worked with any number of private corporations eager to remove the kinds of artificial restrictions they had often been unaware of, but which were preventing them from hiring as good a workforce as they wanted because of the imposition of arbitration restrictions.

This was a really good area in which we could work. We had lots of success with private employers and with civil service commissions as well. Joe did almost all of this himself. The lawyers tried to clean up in front of him and behind him, but by and large this was his work and an area in which he was extremely productive.

Hicke: How long did he stay? We probably have that somewhere, but was he there most of the time you were there?

Hecht: Yes, he was. I would think Joe left in '78, '79, around in there [1979]. I left in '81. I don't think he was gone more than two years before I left. He went back to Boston, was employed by a private company there, and worked with them in terms of their personnel policies, and more generally later on.

Hicke: Did anybody replace him or--it sounds like it was impossible.

Hecht: No, no, it really wasn't possible. He was a unique person, and that we never--no. The answer's just no.

Hicke: Okay. There's more about the ELC, but since we're looking through the chronology, at the top of page 51, in 1975, "LAS opens the client service program."

Hecht: Yes. Our experience in both offices was that while the temptation was to seal yourself off from clients and work in a very concentrated fashion on a piece of litigation or a piece of legislation, you needed the stimulus and reality of real people with real problems. Also there was no one else in the City at that time really eager to or, I think, properly prepared to offer that kind of representation. So we decided, on a somewhat limited basis, to make ourselves available to people, who generally came to us by way of referral from Neighborhood Legal Assistance Foundation and from other offices as well, who had employment problems and wanted to talk to us.

And it was terrific. I think we were able to do some useful work on behalf of individuals who needed it, and it certainly put us in touch with the problems that people were experiencing and trends in those problems that we would never have come in contact with otherwise. It worked well. The danger's always in getting inundated in too many cases benefiting only an individual, but we

tried to guard against that by rather carefully restricting the case load. Sometimes we did reasonably well with that and sometimes we didn't, but on balance, I was certainly very pleased that we were seeing individuals and trying to help them with problems that they were experiencing.

Hicke: Did you take on additional staff for some of this work?

Hecht: I don't think we did. We kept the staff at a fairly stable level, but our funding was not flourishing and we were using a tremendous amount of resources on the Emporium litigation. That really, as the '70s went on, became a larger and larger drain on the resources of the Employment Law Center, so that the effort was to free up anybody who was there from the Emporium litigation. Eventually one way we did that was to co-counsel the case with private attorneys who could take some of the work and some of the eventual attorneys' fees once we settled the case. So we didn't get quite so much injection of funds once the litigation was settled and the attorneys' fees were ordered, but I think it was the right thing to do at the time. We simply could not have adequately staffed that lawsuit and done anything else. So the short answer to the question is no, we didn't have much available staff. We certainly didn't increase the available staff able to do other things.

Hicke: Do you recall any of the attorneys who did help you with that case?

Hecht: Yes. The principal private attorney was someone named Dan Loeb. He did an outstanding job.

Hicke: Okay. Looking on through here--why don't you leaf through as well and see what things stand out?

Hecht: One of the things: down at the bottom of page 52 I notice mention of the Childrens' Rights Group. The Childrens' Rights Group developed out of the Youth Law Center, in part to take advantage of the talents of a person named Ed Polk, who came to us from Texas where he'd been a legal services attorney, and in part because there were activities to be undertaken that didn't lend themselves particularly well to attorney skills in the field of advocacy on behalf of children. And over time, it gained a lot of independent funding.

You see here mention of the Rosenberg Foundation, which gave it a very critical startup grant, as did some other local foundations, but then it became the beneficiary of lots of state

and federal funding as well, all of which died in 1980 with the change of administration.

But for the latter part of the '70s it was a very large, very vigorous advocate on behalf of children, did a tremendous amount of work in the area of nutrition, school lunches, school breakfasts, summer feeding programs. It had contracts to help communities organize around those issues all over the western states. It really did a swell job on those kinds of problems, did some amount of work on housing problems for children, a number of other issues as well, and then was the victim of changes of administration, both in Sacramento and in Washington, and became relatively moribund rather quickly in the '80s.

Hicke: What was the basic support? Was this a government agency, or--

Hecht: No. It was our organization. It came out of the Youth Law Center.

Hicke: It was funded by foundation money?

Hecht: Funded by foundations. Initially, Ed was a member of our staff at the Youth Law Center and was funded like the rest of us, but then as the organization grew, it became the recipient of federal and state grants to do any of this work.

Hicke: There was an increase in the number of directors from forty to forty-eight. And I see they also made some attempt to change the composition?

Hecht: Yes. I think that was significant at the time. It certainly wasn't controversial. There was no resistance to it. But there was a growing need to have a more diverse board of directors than we had, and rather than wanting to lose anybody, having a good board, the simple answer was to add some more seats, and have those available to be filled by qualified women and minority people.

Hicke: And then I see where Barry Bunshoft was serving as LAS representative on the SFNLAF. What's been the relationship between the two organizations? This is not a new thing, I take it.

Hecht: No. Up until the time I left, certainly, and I don't know what's happened since then, there was a place on a Neighborhood Legal Assistance board for a representative sent by the Legal Aid Society, or chosen by the Legal Aid Society, and it was always one of our board members who did this. It was good. It provided some



liaison. They knew what we were doing, we knew what they were doing, and that certainly helped to shape some of our developments. Knowing what they were doing helped to prevent our duplicating what they were doing, and choosing things to do for ourselves that they weren't able to get around to. I don't know if there's any great significance to it. The two organizations, I think, worked very cooperatively, and I assume they still do. When you look at the staff, Carole, listed at the bottom of 53 and the top of 54, that's a pretty good-sized staff. I'd forgotten how large it was.

Hicke: Looks pretty small to me to be doing what you were doing.

Hecht: Yes. They were good folks. They worked hard. But that represents a lot of money, is the way I was looking at it, in terms of fundraising in order to support those people with salary and benefits and overhead.

Hicke: They're all attorneys except for Joe, and there are seven besides you, so that is--

Hecht: Right. So that's a pretty good budget.

Hicke: That's right. Okay. And here we have the Youth Law Center withdrawing and becoming separate, whatever withdrawing means. We didn't figure that out.

Hecht: I did not recall this happening so late. I thought it was earlier in the '70s, but at least at this point the Youth Law Center and the Legal Aid Society become entirely separate entities.

Hicke: That may have happened in fact before. And then in '78 you established a line of credit with Wells Fargo. That was the first time you'd had a line of credit?

Hecht: Yes. In '78 we were running into the funding problems caused by the Emporium lawsuit. Up until then, we'd been able to be "cash positive," as they say, and we were not after that, until the settlement came in from the Emporium lawsuit, which was in '81, I think. So there was a two- or three-year period of very sticky finances there, caused, as I say, by the requirements of the lawsuit. That was the only massive, discovery, trial-type case we had, and our experience was that it was just a disaster in an office like ours. It just consumed too many resources, fiscal and emotional, to be successfully sustained in our law office.

Hicke: Is this what you'd call complex litigation?



Hecht: You would. Absolutely. (laughter)

Hicke: And did you have computer programming and all of those kinds of things to--

Hecht: Well, we probably didn't. And the bad guys did.

Hicke: Yes. It's hard to support it without that.

Hecht: And that was a tough ball game. We were very much out-gunned throughout.

Hicke: Who represented The Emporium? Do you recall that?

Hecht: It started with local counsel, a very kindly gentleman, George Bahrs. He became associated with a larger law firm, which I can't recall, which ultimately withdrew, I think in favor of Bronson, Bronson & McKinnon. And then the Emporium itself was becoming integrated into a larger firm called Carter, Hawley, Hale; Carter, Hawley, Hale's labor counsel was a Los Angeles law firm, Shepherd, Mullin, Richter & Hempton, and an attorney from that office took charge of the case and really vigorously litigated it.

Hicke: You don't know what happened after you left, but presumably you then didn't need your line of credit anymore? Is that right?

Hecht: I assume so. We made a very substantial settlement with lawyers' fees in '81, and I would think that had removed the need for a line of credit.

Hicke: I've seen twice now, I think, Sandy Tatum, and here is Ellen Newman with offers to resign. Does that mean something different from resigning?

Hecht: I don't think so, no. I remember she did resign. She wasn't on the board very long, actually. And I don't know why--

Hicke: That's probably what that means, she resigned.

Hecht: Yes.

Hicke: Okay. And then in '79, you assisted the California Fair Employment Practices Commission in streamlining its procedures.

Hecht: Yes. I'm hazy on this, too. I don't recall. We did a lot of work together at the FEPC. Obviously, we were on the same side of most issues. And I guess they asked us to take a look at their procedures and see if we could help them make them better, and

apparently we did some of that. I am quite certain I didn't become personally involved in this. You notice a few entries up that one of our attorneys, Margie Gelb, left the society to be general counsel to the FEPC, and it may well be that Margie, either before or after she left us, was involved and wanted the Employment Law Center to remain involved.

Hicke: And here's, "A Handbook on Ex-Offenders," and--

Hecht: Yes, and then on top of the next page, "A How-to-Manual on Unemployment Insurance." We were doing a lot of these--I don't know if the word is prophylactic--but we were doing a lot of non-litigation activity to try to provide help to as many people as possible, as easily as possible, and often the availability of a simple manual or booklet was a way to reach a lot of people with useful information.

Hicke: Preventive medicine type of thing, so that they knew what they were responsible for?

Hecht: Right.

Hicke: [looking at chronology.] Lots on funding.

Hecht: Always. It became a more and more critical issue as we went along.

Hicke: I guess because your needs kept going up, so your fundraising had to keep going up?

Hecht: It's difficult. One of the stresses of this sort of work is the unending need to raise money. It's hard to do that and to really do the work all at the same time. I know for me personally it became an unhappy loss of time to really work on the substance of the program. I never did spend as much time trying to raise money as I should have, but it was always more time than I wanted it to be.

Hicke: Is there anything else in here that we should talk about? When did you resign?

Hecht: You know, I was looking for that, too.

Hicke: I don't see it.

Hecht: I don't either.

Hicke: You not only didn't offer, you didn't resign. (laughter)

Hecht: No, I must have learned from Ellen Newman's experience. I think it was January of '81. I don't know.

Hicke: And I don't see anything about a new executive director, either.

Hecht: I don't either.

Hicke: Well, what were your thoughts when you decided to leave the Legal Aid Society?

Hecht: I was approached by the San Francisco Foundation. No, I think I had decided to leave first. I can't remember now. I think I had decided to leave first. I think I thought I had been there long enough, and that it was a good idea, both for me and for the Legal Aid Society, to have a change. Other than the strain of the Emporium lawsuit--which was a mess, it was too big, too long, and just too much of a drain on the office; that was an unpleasant part of things. Otherwise, it was a splendid piece of work to have been able to do. We had a very nice staff and very nice board, a lot of support, and I think we did from time to time accomplish something that we felt good about. All of those things were very positive, and it was a great opportunity to be able to develop new ways to practice and to develop new solutions to problems that people who needed help had. All of that was terrific.

But it was hard and stressful, and I'm sure that there was a substantial element of simply wanting that change, that relief, that impelled me to leave. I think also it was a fairly honest evaluation that it would be timely, both for me and for the organization, to have a change. I had really created the Legal Aid Society as it then existed, and it was time to move on to a new generation.

The opportunity arose to go to the San Francisco Foundation at a time when that seemed a very promising possibility. The Foundation had just received the Buck Trust money, or was just about to, wanted to develop new policies and procedures to govern that money, and asked me to contribute to that. I was eager to have that challenge and also to expand the kinds of things that I would look at from being rather restricted, in an employment law project, to things that were, you know, virtually any issue or problem or opportunity that arose in the Bay Area. So it was an exciting possibility and came at just the right time.

Hicke: And who did they take on as the executive director, do you know? Well it must be in here someplace.

Hecht: Yes, Joan Graff.

Hicke: She's still in place.

Hecht: Yes. Joan had a background in employment law and in public interest law and was in those ways particularly well qualified to take over, and has certainly done an outstanding job.

Hicke: Well, you've done an outstanding job of contributing to the documentation of all this history and I thank you very much.

Hecht: Well, thank you.

A videotape of this interview by Sandra Meyer has been deposited in the San Francisco office of the Legal Aid Society.





Legal Aid Society of San Francisco Oral History Series

Dario DeBenedictis

BOARD OF DIRECTORS,  
LEGAL AID SOCIETY OF SAN FRANCISCO, 1950s AND 1960s

Interview Conducted by  
Carole Hicke  
in 1992





Dario DeBenedictis in his office, ca. 1989.



## INTERVIEW HISTORY

Dario DeBenedictis was born in 1918 in Providence, Rhode Island. Most of his childhood was spent in Fall River, Massachusetts. Moving to California while in high school, he graduated from the University of California, Berkeley in 1946 after four years in the army. He obtained his law degree from Harvard Law School in 1949 and clerked for Judge Clifton Matthews in the Ninth Circuit Court of Appeals. He then joined the law firm of Thelen, Marrin, Johnson & Bridges, where he has practiced law ever since.

In 1950 a friend interested him in the work of the Legal Aid Society, and he joined the board of directors, where he was instrumental in the effort to incorporate the Society. DeBenedictis spent many years advising and observing its activities.

Dario DeBenedictis was interviewed for the Legal Aid Society of San Francisco Oral History Series. The interview, which took place on March 18, 1992, in the San Francisco offices of Morrison & Foerster, was tape-recorded, transcribed, and reviewed by both the interviewer and DeBenedictis.

The interview was also recorded on video tape by Sandi Meyer of Morrison & Foerster; the tape is stored at the offices of the Legal Aid Society. Sandi Meyer has been responsible for researching the history of the Legal Aid Society in San Francisco as part of the seventy-fifth anniversary of the Legal Aid Society of San Francisco. Her material has been an invaluable contribution to the Oral History Series. This Series, undertaken for the Legal Aid Society's anniversary, is part of the ongoing documenting of California history by the Regional Oral History Office, The Bancroft Library, University of California, Berkeley.

Carole Hicke  
Project Director

September 1995  
Regional Oral History Office  
The Bancroft Library  
University of California, Berkeley





BIOGRAPHICAL INFORMATION

(Please write clearly. Use black ink.)

Your full name DARIO DE BENEDECTIS

Date of birth August 22, 1918 Birthplace Providence R. I.

Father's full name Anthony De Benedictis

Occupation [deceased] (macaroni manufacturer) Birthplace Vittorito Italy

Mother's full name Efra Bassani DeBenedictis Stavridis

Occupation [deceased] macaroni manufacturer and homemaker Birthplace Arsie, Italy

Your spouse Leanna Carlson DeBenedictis

Occupation Homemaker, teacher Birthplace Fresno, CA

Your children Marc born 8/6/51 Don born 9/13/54

Gail DeBenedictis Grove born April 24, 1956

Where did you grow up? Fall River Massachusetts, San Francisco, Redwood City

Present community Alamo, CA.

Education AB degree in Economics with honors U.C. Berkeley 1946

(class of 1942); J.D. Harvard Law School 1949

Occupation(s) Lawyer, Arbitrator, Mediator

Areas of expertise Construction law; Alternative Disputes

Resolution procedures; Insurance; Surety ships

Other interests or activities Oakland Civic Theatre (served on

Board of Directors 1975-1977; 1985-89); Camron-Stanford House

Preservation Association (Board of Directors 1992-1994)

Organizations in which you are active Associated General Contractors of California

American Arbitration Association; The Retired Officers Association



## I BACKGROUND

[Date of Interview: March 18, 1992]##

Childhood and Education

Hicke: I guess we might as well start at the beginning and let me ask you when and where you were born.

DeBenedictis: I was born on August 22, 1918, in the city of Providence, Rhode Island.

Hicke: And did you grow up there?

DeBenedictis: No. My family moved after I was a year old to Boston. We were there for several years, a few years, and then we moved to Fall River, Massachusetts. I spent most of my boyhood in Fall River, Massachusetts, went through the grade schools and my first two years of high school, at which time my family moved to California and I finished high school partly in San Francisco, and then partly in Redwood City. I have been living in California ever since except for war years and law school.

Hicke: Why did your family move to California?

DeBenedictis: My father was killed in an accident when I was eight years old, and five years later my mother remarried. My stepfather wanted to open a business in San Francisco. It was he who provided the impetus for moving to California.

Hicke: And your brothers and sisters?

DeBenedictis: I have one older brother, who preceded me into the University of California, and he graduated and became a research chemist for Shell Oil Company. He worked for them

for some forty-five years. He is now retired, living in El Cerrito, California. He, like myself and other members of our family, are all University of California graduates.

Hicke: Really! You've got a whole cheering section.

DeBenedictis: Yes. In fact my wife is a graduate of the University of California, as is her father and two of her uncles. Some of my brother's children are graduates of the university and all three of my children are graduates of the University of California.

Hicke: It's tough on Stanford [University]--

DeBenedictis: Yes, although it turns out that my daughter is about to marry a young man who spent a year at Stanford, and then for financial reasons more than anything else went to the University of the Pacific, where he graduated. So we have a little introduction to our family of a different school and, indeed, my oldest son married a young woman from Mills College, and they have our first grandchild, who is now a year old, and we anticipate that maybe someday she'll end up going to Mills College, although the male side of the family is pulling for the University of California at Berkeley.

Hicke: She's already got a big decision awaiting her.

DeBenedictis: That's right. In fact for Christmas I gave her (she's not quite a year old), I gave her a little outfit from the University of California with the California bear insignia and all of that. Then for her birthday, which was a couple of months later, I gave her the same from Mills College so that--I am showing no partiality. Even though her grandfather and grandmother both are Cal graduates, we figured that it's really up to her to make her decision of where to go to school, if she does decide to do so, as a matter of fact.

Hicke: What did you major in?

DeBenedictis: I was a double major in economics and philosophy, but because the war interfered with my academic career, I didn't graduate in 1942. I did in 1946 after spending four years in the army. I only needed three units to graduate, but I was in my last semester and taking, I think three philosophy courses and two econ courses to complete my major requirements for a double major. Well, I didn't complete those courses. I took some of the books with me to do 199



kind of courses in the army, but in the infantry in basic training there's no room for academic studies of the economic business cycles or the philosophy of the nineteenth century, so I abandoned my ideas of doing any further studying. But it turned out fortuitously that I was sent off to Officer Candidates School when I was in the army. And that's the equivalent of upper division ROTC [Reserve Officers Training Corps]. So I picked up twelve units unbeknownst to me. And when I applied for readmission to the university after I was discharged from the army, I was then told that I was a graduate student, not an undergraduate. So I didn't re-enroll then in Berkeley as I had planned to do, and instead went back to work for a title insurance company with whom I had worked between high school and college for three years. And then throughout my college career I worked for that same company every summer, earning more money to complete my academic requirements.

Hicke: What company?

DeBenedictis: This was California Pacific Title Insurance Company, initially, and then in Martinez it was known as Richmond Martinez Abstract and Title Company.

Hicke: And why did you decide to go to law school?

DeBenedictis: Oh, it was my work with the title company, as a matter of fact, that steered me in that direction. Right after high school I was hired by the title company, because they wanted a young man to draw maps for them. I had taken some mechanical drawing in high school, and my mechanical drawing teacher knew the people that had the company and referred me to them. They hired me, so that while initially I was drawing maps, I also learned then to search titles to real property, and during the course of my employment I was told that I had a choice, if I wished to pursue a career in real estate, of either becoming a land surveyor or civil engineer, for whom I was working at the time, or a lawyer. This was in the Depression years, there wasn't much construction going on and I thought law had more potential as a career than civil engineering. I was grossly mistaken on that score, but--

Hicke: [laughter]

DeBenedictis: I ended up choosing law as a career and pretty much stuck to it, although once I got to the university and was exposed to liberal education, I felt that academia was certainly a

pursuit to follow, and I almost decided to stay on and get a Ph.D. in either sociology or psychology or some social science and try to deal with the various social sciences that affect human decision making. But I thought that was too grandiose an idea and that law was a little more within the grasp of my capabilities, and so when I completed my army training and got out, got my degree, and worked for a few more months for the title company as I made a transition from being a soldier to being a civilian, I decided to stay with law as a career and I applied for admission at Boalt Hall at the University of California, Stanford [Law School], and Harvard [Law School].

This was immediately after the war in 1946 when there was this great influx of returning service people, and getting into Stanford or Boalt required being placed on a waiting list and marking time until such time as they would notify you. Instead, Harvard had a different approach. They had a cutoff point, at which time they then reviewed all eligible applicants up to that particular date and then handpicked among them, not necessarily in the order in which they had applied for admission. And since I was applying from California, and I think Harvard was trying to accomplish some diversity in its student body, I got notice that I was admitted and took off and went off to Harvard. I graduated from Harvard Law School in 1949.

Hicke: So you went to the best law school in the country?

DeBenedictis: As I say, it was very fortuitous and I was very pleased. I've been happy with that background ever since. It's been marvelous. It was a wonderful not-quite-three years, because we were on an accelerated program then. Harvard's contribution to the war effort was to accelerate the program for the law school, and we went seven quarters rather than six semesters, with only a week or two at the most between quarters. And so I just went to school continuously from October 1946 until February 1949 and got my degree at that time. I returned to California, took the bar, and ended up going to work for a federal judge in the Court of Appeals for the Ninth Circuit.

Clerking for Judge Clifton Matthews

Hicke: What judge?

DeBenedictis: Clifton Matthews, who was probably one of the most fabulous men I've ever known. He, I think, had one semester of college and no law school--

Hicke: Is that right?

DeBenedictis: He was self-taught, in Louisiana, where he taught himself French in order to practice in Louisiana because of the Code Napoleon, and he developed, I think, tuberculosis or some lung problem, moved West then, practiced for a while in New Mexico, then in Arizona. And in Arizona he had a very successful trial practice, was then appointed U.S. Attorney, and after he served for a year and a half was appointed as a judge in the Court of Appeals for the Ninth Circuit.

He had a phenomenal memory. One time I brought a book, The Iliad, that I'd been reading, to the office with me, and I kind of let him see it. And he said, "Oh, Dari. I see you have The Iliad." I said, "Yes." And he said, "Well I've read it. Twice. In the original." And that made me recognize that I was really dealing with a mental giant.

Hicke: Hard to get ahead of him right?

DeBenedictis: Oh, yes. And he was a martinet on the bench, I think partly because he had not gone to law school and felt he knew the civil procedures and the rules of criminal procedure backward and forwards and would read a transcript or a clerk's transcript, the clerk's record, and knew where everything was. When he'd ask lawyers questions and they kind of stumbled over the answers, he showed no mercy in the manner in which he treated them.

I learned a lot from him because he was very meticulous, asked the basic questions, and in federal courts jurisdiction is a tremendously important part of the case and of the procedure that's followed, and indeed every case he had he would ask the basic questions: where's the jurisdiction of the District Court, the jurisdiction of our court, the Court of Appeals? He would dispose of at least 10 percent of the cases on purely jurisdictional grounds, because some lawyer or other had failed to do what was appropriate. And the same thing with substantive matters

too; he always asked the basic questions, and sometimes got the answers, but if he didn't, he would show no mercy with the lawyers who were facing him.

## II THELEN, MARRIN, JOHNSON &amp; BRIDGES, 1950

DeBenedictis: I think that helped me get my employment, because later on, after I had served my year with him and did some job hunting, I learned through a friend of mine, Bill [William] Coblentz, that Thelen, Marrin, Johnson & Bridges was looking for a lawyer. I had interviewed at many of the other major law firms in San Francisco, but apparently no one was hiring at the time. They had not started the practice that they do now of recruiting, and so I went from office to office without much success, until, as I said, Bill Coblentz suggested that Thelen, Marrin was looking for someone. Well, that rang a bell, because I knew that they had hired Bob [Robert] Sproul, Jr., whose father was president of the University of California at that time, and I had known Bob Junior as an undergraduate; we were in the same class together. In fact, we took some courses together. And indeed he had gone to Harvard Law School, was somewhat ahead of me in law school, and I ran into him there. And I said to myself, any firm that would hire Bob Sproul, Jr., is going to be a pretty good law firm.

It turned out to be the case all right, because when I got back from where I had been talking to Bill, I went in to see Mr. Sproul, and he told me that indeed the firm was looking for two lawyers. Bob [Robert] Bridges was looking for a tax lawyer; Gordon Johnson was looking for a litigator. Well, it turned out that while I was working for the judge, I met with several other judges, and their advice always was, be sure to get some experience as a litigator when you start practicing law, because then you know what it takes to establish the requirements for a successful career. And so, as I said, I opted for the litigation side, and went in to see Mr. Johnson, and I believe to this day that the fact that I had been clerking for Judge Matthews influenced his decision to hire me on the spot, because I know that he had appeared before Judge Matthews in the past and he



figured, anyone that could work for him, he was so severe, could probably work for Thelen.

Hicke: What year are we in?

DeBenedictis: This was 1950; November of 1950 is when I first went to work for Thelen, Marrin, Johnson & Bridges, and I've been with them ever since. The area in which I practiced, almost from the start, was the area of construction law, because Mr. Johnson had a number of clients who were construction contractors, although he had a broad variety of experience; he was an outstanding lawyer, probably the best litigator I've ever known. He could handle admiralty cases, labor cases, wrongful death cases, you name it, he could try it. He had a marvelous memory and a great gift of extemporaneous ability to speak and dominate a room full of people with his magnetic personality.

Hicke: That was a good follow-up to your early interest in construction.

DeBenedictis: That's right, and I had no previous experience in construction. By dint of working with contractors and listening carefully to them, dealing with their problems-- they had many problems, because construction, particularly the area in which we operated, was heavy construction, engineering construction, involving the construction of highways and dams and bridges and tunnels and industrial plants, which are long-term contracts. And they are complicated. You have a multiple number of parties involved. On the owners' side you have the design professionals, you have the general contractor, you have several subcontractors, material men, suppliers, all of these present contractual arrangements, present situations where something can go wrong, and indeed it frequently does. When it does, the question is: who picks up the pieces? Who's going to pay for the added costs that result from the problem that has developed?

Hicke: I would really like to hear a lot about your law practice, that sounds absolutely fabulous, but I think we should focus on the Legal Aid Society.

DeBenedictis: My wife said, "Don't talk too long." [laughs]

## III LEGAL AID SOCIETY

Interest in the Society, 1950

Hicke: Well, you can talk as long as you want, but let's move to the Legal Aid Society. How did you first hear about that?

DeBenedictis: Well, it's a fascinating story, and I love telling it, because it demonstrates how sometimes little incidents can have substantial consequences. A classmate of mine in law school was Felix Smith.

Hicke: Oh, really? Pillsbury, Madison & Sutro?

DeBenedictis: His father was a senior attorney at Pillsbury, Madison & Sutro, and indeed Felix went to work for them.

Hicke: Oh, this is his son?

DeBenedictis: That's right. And his father died while he was in law school, but when he graduated he came out and went to work for PM&S. Actually he went to work for the telephone company [Pacific Telephone & Telegraph Company], which of course was a major client of PM&S at the time. I got myself elected to the board of directors at the Barristers Club, and one day in I believe it was 1950, maybe '51, but more likely 1950, Felix came to me and said, "Dario, a man who works in our building, a janitor, came to see me one night as I was working late and said he had gone to the Legal Aid Society, and he didn't speak English very well, and said that he couldn't get much satisfaction from them, that they didn't treat him very well." And so, Felix said, "Maybe the Barristers Club should investigate the Legal Aid Society and see what's going on."

So sure enough, I don't think I was an officer at the time, but I suggested to the then president that we take

Felix Smith up on his word, and the president appointed a committee consisting of four young lawyers. I was one of them, Felix Smith was one, Felix Stumpf was another, and Peter Tyge. The four of us arranged to go to the offices of the Legal Aid Society.

At that time Alex Sheriffs was one of the lawyers present that worked half time, as I understand it, and Elda Pardini worked the other half time. So they had one lawyer in effect working for the society. We learned that their sole source of revenue was the Community Chest, as I believe it was called then, of \$12,000 a year, which barely supported the two lawyers and the office staff that they had. I think they had one secretary, some such thing.

So, it turned out we felt that any criticism of the Legal Aid Society was more a criticism of the legal profession rather than these two individuals, because they were just overwhelmed and were getting no support from the community, except the Community Chest, no support from the legal fraternity whatsoever. And so we went back, and I don't know quite how this happened. We decided we wanted to do something about it, but being young lawyers we didn't have much clout, I guess is the word. But somehow or other we learned that Mr. Herbert Clark was very interested in the Legal Aid Society. He was the senior partner of the Morrison firm, although his name was last on the letterhead. That was typical of Mr. Clark: he was not the kind of person that would push himself but was the kind of person who was a motivator, a doer. And he indicated that he was quite interested in helping the Legal Aid Society maintain its independence of the government. He didn't want any socialization of the practice of law to take place in this country whatsoever. He was very determined to see that private industry, private persons, should provide the impetus for the manner in which the poor are provided free legal service.

Hicke: Did he see some signs that this was coming along in this direction?

DeBenedictis: Oh yes, there were--I'm not sure what he saw, but throughout his tenure as, ultimately, the president of the Legal Aid Society, I think for some ten years, we studiously stayed away from anything that smacked of socialization or socialism being practiced by the legal profession.

But what happened was that we convened a meeting and I think that our committee of four from the Barristers Club acted sort of like a catalyst in bringing together personnel from the Community Chest. I think it was a man named Israel Smith, who was the spokesman we dealt with at that time, because we wanted to see if we could get the Community Chest to increase its support, financial support.

### Reorganizing the Society

DeBenedictis: At the same time Mr. Clark indicated that he would be willing to canvass the ten major law firms in San Francisco and get a three-year commitment from each of them to put up money to finance an expansion of the Legal Aid Society. And he accomplished that; he was able, by sitting at his telephone and calling the senior partners of various law firms, to pledge a three-year support of the Legal Aid Society.

Hicke: In terms of time, or money--

DeBenedictis: Money. That was money he wanted. In addition, the Barristers Club agreed it would conduct a campaign to raise funds from individual lawyers throughout the city and that we would organize a solicitation campaign. The Barristers Club would then go out and solicit lawyers throughout the city, who were not members of the major firms that were making contributions through Mr. Clark's efforts. And so this kind of triumvirate of sources of income--the Clark big firm contributions, the Barristers Club going out and soliciting individual lawyers up and down the City, and the Community Chest agreeing to increase its annual contribution--succeeded in raising the money to provide for hiring additional staff, additional lawyers, and in effect reorganizing the Legal Aid Society.

Somewhere along that line, our committee went to a board meeting of the then board of directors of the Legal Aid Society. A Mr. Cross was president, Mr. Tobriner, Matt Tobriner was the vice-president. I don't recall who the other members of the board were, but at that time, they offered to resign en masse and have us appoint a whole new board to take over the operation of the Legal Aid Society under this reorganizing effort that was taking place at that time.

Hicke: Do you recall who else was on the board?

DeBenedictis: No, I don't. But what happened was about a third of them agreed to stay on, with our consent in effect, and Mr. Clark arranged for a group of representatives that he nominated to the board, including himself, and I'm not sure if all four members of our committee went on board, but I know I did, and Felix Stumpf did.

Hicke: Felix Smith was the secretary.

DeBenedictis: That's right.

Hicke: And the treasurer then in '51, '52 was Lauritzen.

DeBenedictis: [John B.] Lauritzen; well, I think he was a holdover from the old board, as was Mr. [Matthew] Tobriner.

Hicke: Actually what you're saying is that Mr. Clark was not involved with the Legal Aid Society at all before this.

DeBenedictis: Not that I know of.

Hicke: Not an official?

DeBenedictis: Not that I know of. It's just that somewhere along the line he developed this interest in wanting to preserve the independence of the Legal Aid Society from any governmental interference. He didn't want the government running the Legal Aid Society at all, and thought that if it happened it would not be in the best interest of our society. And so he was willing to do something about it, and he certainly did.

Hicke: What did the new board then take on? I have the chronology here.

DeBenedictis: I've gone through it to some extent, and it's well done. The initial thing was we agreed to incorporate the Legal Aid Society; I don't think it had been a corporation before that. In addition, we also wanted to hire a general counsel, someone of ability and stature, and I was placed on the personnel committee. We did a lot of interviewing, and Mr. Clark was involved, I know. For example, I remember interviewing one lawyer who apparently had worked for Mr. Clark's office at one time. And Mr. Clark felt that he was not a good candidate because "he can't make decisions." And a lawyer must be able to make decisions.



At any rate, we ended up with David Silver, who was an outstanding candidate. He was tall, handsome, I think he had been an FBI agent, an all-American basketball player in addition to being a good lawyer. And he was a devoted legal servant, willing to do his share working for the Legal Aid Society for what was really a modest salary, that we paid in those days.

- Hicke: This was in addition to the two other half-time lawyers?
- DeBenedictis: Oh, I think Mr. Sheriffs resigned at that time. Mrs. Pardini stayed on, and I don't recall--we ended up with two or three lawyers. Then over the years we kept expanding and taking on additional lawyers. I think Tom Rothwell was one of the early lawyers hired. Then, he went over to Oakland and ran the Legal Aid Society there for a while, and then came back to us and became the general counsel a number of years later and served in that capacity for several years.<sup>1</sup>
- Hicke: Could we go back to the personnel committee which was Allen Charles and James O'Brien?
- DeBenedictis: Yes, I remember both of them. Allen Charles--I still see him at Two Embarcadero Center. He is, of course, an elderly man; he must be at least ten or fifteen years older than I am, and I'm no spring chicken. But, very nice, very urbane, very sophisticated, competent person. James O'Brien--I don't remember him quite as well, but also I think he was with, if I'm not mistaken, PM&S. And again, a very sharp, very sophisticated lawyer.

One of the things that was so good about the people who were working for the society and on the board was that they were all top-notch people who were willing to give of their time and effort and had a lot to give. Not just financially, but in making themselves available to provide the leadership and guidance for the society. And in the meantime, all of those early years, the Barristers Club kept mounting campaigns each year to go out and solicit among the lawyers throughout the community. Mr. Clark kept after those major firms that had made contributions so that they continued making contributions even beyond the first three years that they were committed to initially.

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<sup>1</sup> See Rothwell's oral history in this volume.

Hicke: Do you recall how much they raised for the first three years?

DeBenedictis: I really don't, I really don't. Mr. Larson probably could tell us.

Hicke: Yes. I have another question. Do the law firms support the time that you and Mr. Charles and Mr. O'Brien and others put towards the Legal Aid Society?

DeBenedictis: Oh yes, there's no question about that.

##

DeBenedictis: I believe I got involved with the Legal Aid Society before I even went to work for the firm. There was no problem. I think I mentioned to Mr. Johnson that I was teaching at a night law school and was also on the board of directors of the Legal Aid Society, or not yet at that stage but that I was active in working with it. I was on the board of directors of the Barristers Club, and there was no indication that this in any way would create a problem for the firm. Quite different from another lawyer with whom I interviewed, before I had gone to see Mr. Johnson, a much smaller organization, in fact a two or three man firm, but this was a very dominant man in our legal community. And when I told him I was doing these various things, his response was there's always going to be somebody that can serve on these committees that the bar association has, but there's only one person who can handle the requirements of your client, and that's you. I was turned off completely by him. I didn't feel that was a very enlightened position to take, and I was happy that at Thelen, Marrin, Johnson & Bridges there was no such benighted view of the role of a lawyer in our community.

Hicke: One has to assume that those two are not exclusive of each other. Did the reorganization provide that 50 percent of the board should be composed of lawyers of the community? How did that differ from what--

DeBenedictis: I don't recall that at all. The one-third, one-third, one-third seemed to work out pretty well. We I think kept the same number of lawyers on the board. And it was quite some time before we opened it up to have lay members become members of the board of directors. But the original impetus was that the Legal Aid Society is a responsibility of the lawyers of the community to provide the means by which legal

assistance can be brought to the poor. And our pitch always was, "Instead of going out and doing the work yourself, we're hiring somebody to discharge your responsibility to the poor. You give us the money; we'll hire the people to do it with. But you have a responsibility, and you manifest that by making your contribution." And that was the big pitch that we used.

And then of course we had the individuals then coming on the board of directors, and one of the things Mr. Clark did was to bring onto the board representatives from the major firms that were making major contributions. That has been a hallmark of the society ever since, that most of the major firms will have a representative sit on the board, and it's expected of course that they will make an appropriate contribution to the budget of the Legal Aid Society each year.

Hicke: Did incorporation have any impact on the activities?

DeBenedictis: Not really, not really. I think that was done by lawyers trying to be lawyers, and saying, "Oh, we've got to have a corporation, we can't have an unincorporated business association." Or, "We want to limit liability," and all the rest of it.

Hicke: So it was restructured.

DeBenedictis: That's right. That probably had something to do with the drafting of the articles of incorporation, I'm sure. I was a secretary, eventually, and served as the secretary for a number of years.

Hicke: From '52 to '57?

DeBenedictis: Something like that. That's right.

Hicke: That was a lot; many years of service.

DeBenedictis: That's right.

Hicke: Let's just go through some of these things that were happening. Let's see, the library codes, is that significant? No?

DeBenedictis: We were trying to make the office a more effective office. One of the things they needed was a set of the codes, because it's hard to practice law without them. And so we

got donations, and we went to the various publishing companies, and they were always happy to do so. And we were all kind of scrounging around getting contributions, in-kind contributions if we couldn't get the cash from the organizations.

Hicke: And I have here that Mr. Sheriffs retired in '51.

DeBenedictis: That's right, that's right. He was elderly and, as I say, he had been working hard under a severe handicap of insufficient funding.

[tape off during discussion.]

Fundraising: Community Chest and War on Poverty Funds

Hicke: We were just talking about the increase in funding from the Community Chest.

DeBenedictis: That's right.

Hicke: It started at \$12,000.

DeBenedictis: In 1950, '51, it was \$12,000. When we accomplished the reorganization, the grant was increased to \$15,000. And then, over the years we kept making pitches to continue to increase it, and in 1962, it was not quite \$30,000. In 1968, '69, it was \$40,000. Currently, it's, I don't know, \$60,000 or \$70,000. So it has increased at the same time the contributions from other sources have been increasing.

A couple of the projects that we worked on over the years have developed into permanent fixtures of our legal assistance programs. An early one was the Federal Defenders Project, which was started in August of 1953.

Hicke: You were already talking about it in '51, though, I think.

DeBenedictis: That's right. There was some talk of that right from the very beginning because, I think, the federal courts were looking for assistance in handling the indigent defendants who needed representation. It took some time to develop, but ultimately we started the project, and then some ten years later, Congress enacted legislation that transformed it into a federal project, federally funded and federally



operated. So it's no longer part of the society. And that has happened with other activities; it has taken place, for example, with the Juvenile Court Program.

One of the most interesting and I guess turbulent years of the society was during the War on Poverty, when President [Lyndon B.] Johnson started talking in terms of providing funding for legal assistance throughout the country. And he was talking about a lot of money, because I think in those days, our budget, total budget, I think was probably in the vicinity of \$60,000, \$70,000, something like that. And all of a sudden, the government was talking about giving us \$350,000. A tremendous jump in funding that was almost unbelievable.

But there were all kinds of catches to the funding. One requirement was that at least a third of our board of directors had to be representatives of the poor, who were going to be elected block by block in the neighborhoods that were considered poverty areas--the Western Addition, Chinatown, the Mission District, Hunters Point--and indeed one of the requirements was that we would have to open individual offices in those communities, and not have a central office in downtown San Francisco.

At any rate, a stalemate developed between the representatives of the poor and the San Francisco Bar Association which represented the legal community. We were kind of caught in the middle, and we had quite a number of meetings where we'd sit down with representatives of the poor, who were chosen from among the groups selected block by block throughout the poor sections of San Francisco, and we could never see eye to eye on the manner in which the programs would be run and the manner in which they would be funded.

Hicke: What were the issues?

DeBenedictis: Oh, membership on the board; the manning of the offices in the neighborhoods. As a result, there was a complete split. The Neighborhood Legal Assistance Foundation was established, which was a completely separate organization, although there was some common membership on the board of directors between the two associations. It established offices in the neighborhoods, and it received the bulk of the financing.



It was our understanding at the time that there was only one other community in the whole United States where the legal community and the poor community could not get together on a unified single program on how to handle all this money that was coming from Washington, D.C. The other community was someplace in New Jersey, I understand. But San Francisco was unique and showed its stubbornness, independence, and you know--we do it our way, kind of.

Hicke: Tell me a little bit more about what the back and forth was. I mean, what did the representatives of the poor want, what did the bar association want?

DeBenedictis: I really don't remember. We had quite a number of meetings, and as I recall, one of them was about membership on the board.

Hicke: Who wanted what membership? They wanted more representatives?

DeBenedictis: They wanted to be on our board. In fact, we were told a third of our board was supposed to be representatives of the poor. And the bar association didn't particularly want that.

Hicke: I see.

DeBenedictis: They felt that the lawyers should run the program, and the poor people felt that poor people should run the program. There was a certain amount of professional--not jealousy, but, a certain amount of concern that the profession should be run by professionals. That's a bad statement but, at any rate, that was the idea.

We ended up getting some funding, but we had to agree to certain conditions that were imposed on us by Washington. One of them was that we were supposed to treat the causes of poverty, not the symptoms of poverty. That is, to come up with innovative programs that would be something different from just having a storefront office that would have people drop in with current legal problems that could be handled on an individual-to-individual basis. What they wanted was to get at some of the root problems of poverty and to deal with them.

This was the ultimate source of our Employment Law Center. I'm not sure who was the genius in our group, it wasn't I, I assure you, but somebody in our group suggested

that since the ability to obtain and hold a job was a very important part of fighting poverty, and that a major cause of poverty was the fact that some people couldn't get jobs, that employment was a critical problem, and it's one that should be tackled by a group such as ours. And indeed that was the focus, then, that we developed in creating the Employment Law Center, and that shifted us into an entirely different direction from where we had been prior to this time. I think that was the major, major change in, not only the structure but the purpose and direction of the organization from that day forward.

Hicke: Was Ken Hecht on board?

DeBenedictis: He was hired I think as part of that program, that's right, and he served in that capacity for a number of years, and did an excellent job.

#### Public Defender Program

Hicke: I have one more question going way back to the Public Defender Program in the '50s. Did somebody from the federal courts approach the board with the suggestion that you support that?

DeBenedictis: I don't know that I can answer that. I just don't recall.

Hicke: But it was the topic of discussion or - ?

DeBenedictis: Oh yes, and we were exploring all kinds of things. Bankruptcy was another area in which there was talk back and forth about providing help--help in the bankruptcy area for indigent persons, and--

Hicke: --and the board decided not to.

DeBenedictis: Well, we didn't feel we had the expertise to provide it. And indeed, I think for a while we had a representative of the Bar Association Bankruptcy Committee sit on our board or on a committee that we had, and try to obtain volunteers within the bankruptcy practice to provide help as needed. The difficulty with volunteers is the very reason that we had the Legal Aid Society in the first place and hired lawyers full time to provide the help, which is that when you're relying on volunteers, it's not always easy to get

the person that you need at the time that you need to deliver the service that is needed.

Hicke: The initial enthusiasm sometimes--

DeBenedictis: Wears off fairly quickly, that's right. But over the years we've had some very prominent members of the board of directors of the Legal Aid Society: of course Mr. Clark stands out as the number one person, but Mr. Tobriner went on to be appointed to the Supreme Court of the state.

#### Board Members

Hicke: Let's explore these a little bit. Can you tell me anything more about Mr. Clark? Do you remember any particular meetings, or any anecdotes?

DeBenedictis: Well, I don't know that I can really help on that score. He was always the perfect gentlemen. I recited the one little anecdote about the lawyer who couldn't make decisions. Well, it was obvious to me that Mr. Clark was the kind of man who could make decisions, and indeed did. But he suggested that we bring on lay directors, for example. I think he felt that again was a source of strengthening the society, making it more a member of the community. Indeed, one of the problems we had with our initial campaign to raise funds, vis-a-vis the Community Chest, was the fact that if we solicited directly people who might otherwise contribute to the Community Chest, we would be eating into their program. We had to get special permission to run that campaign. And so that, Mr. Clark of course was, I think, influential in demonstrating to the Community Chest that he was able to raise funds from the lawyers directly that did not interfere with the manner in which the Community Chest itself could go out and campaign.

Hicke: Was his primary job organizing the fund raising?

DeBenedictis: Initially, but then also serving as the chief executive officer of the society. He was the president and he ran the meetings and was very strong in controlling the agenda and the manner in which the meetings were run. They always were very orderly, very business-like, with a no-nonsense kind of

approach to everything. We took ourselves seriously but in a very healthy sort of way, I think.

Hicke: And how about Mr. Tobriner? Can you tell me about him?

DeBenedictis: Well, Mr. Tobriner was Mr. Clark's concession to labor. Mr. Tobriner at the time he was serving on the board was a labor lawyer, and a very prominent labor lawyer, but a very good one and very honorable one and one that Mr. Clark felt comfortable with. And to me that was a great tribute to Mr. Tobriner because, you know, representing--

Hicke: He represented labor unions?

DeBenedictis: Labor unions, that's right. He represented union labor and was good at it, and there were occasional battles with labor and management throughout the years. Mr. Tobriner was impeccable in this, one of the most ethical, outstanding lawyers you could hope to meet. And indeed that was one reason I think he was elevated to the Supreme Court, because he was--I'm not sure whether he got appointed to the Court of Appeals first and then to the Supreme Court, but I know he served on the Supreme Court with distinction over the years. K.K. Bechtel was a member of the Board of Directors and he is a member of the illustrious Bechtel family and a client of our firm. And I worked with Mr. Bechtel personally over the years as an attorney, but he served on the board for I think two or three years.

Hicke: Is that Steve Bechtel?

DeBenedictis: That's Steve Bechtel's brother.

Hicke: Brother. Okay.

DeBenedictis: That is, Steve Sr.'s brother. There were three brothers-- Warren Bechtel, Jr., Steve, Sr., and K.K. Bechtel. K.K. took over the operation of Industrial Indemnity Company, which became a major workers' compensation insurance carrier and is still an active insurance carrier to this day.

Hicke: And he was on--

DeBenedictis: He was on the Board of Directors. I am not sure when, but it's in the chronology.

Hicke: Yes.

DeBenedictis: Alfonso Zirpoli was on the board. He was an outstanding criminal lawyer and I worked with him and Mr. Johnson of the Thelen firm on a number of matters over the years, and he served on the board for a few years and then was appointed to the United States District Court and served as a judge with great distinction. Ben Duniway served on the board. He became, ultimately, a judge of the Court of Appeals for the Ninth Circuit. Sam Stewart was on the board. He at that time was general counsel for Bank of America. Charles Blyth and Gene Witter, the stockbrokers, graced the board for a few years. Quentin Kopp served on the board for a while.

One of the things we did, and I am not sure when that was but it is in the chronology [see appendix], we opted to have four ex officio members of the Board of Directors. The president of the Bar Association of San Francisco, the president of the Barristers Club of San Francisco, the president of the Lawyers Club and the president of the Queen's Bench. The elections were every six months; so we had a rotating directorship among them, and I think Quentin Kopp was one of those who served in that capacity at one time, along with other distinguished lawyers.

Hicke: Who were some of the Queen's Bench representatives?

DeBenedictis: I don't know, but you'll find their names in the chronology. One of the things we did in the early days was to set up an intern program with Hastings Law School to use law students and there is some of that going on today.

Hicke: How did that work?

DeBenedictis: I think it worked well enough. The Board of Directors did not have much of a hands-on relationship with the performance of the work in the office itself. We were mainly providing policy guidance, fundraising, and major kinds of decisions like hiring the general counsel for the association, but not the nitty gritty work that went on. I have another note here, for example, that once we got going with our fundraising, the lawyers' wives were making contributions almost every year throughout the late fifties and the sixties; no substantial gifts but a \$1,000 or \$675 periodically when they had particular programs that they were fundraising. And the Legal Aid Society was one of the beneficiaries of the Lawyers' Wives of San Francisco.



- Hicke: What kind of public relations did the Legal Aid Society have?
- DeBenedictis: We had a very cordial relationship with the San Francisco Recorder. Mr. Kelly was the editor and he would publish articles in The Recorder that reflected the efforts of the Legal Aid Society to provide the services that we were doing, usually very complimentary articles. We responded in kind and gave kudos to him too and occasionally recognized his contribution through resolutions adopted by the Society.
- Hicke: [To Meyer] I guess you've seen some of those, haven't you?
- Meyer: We have a lot of the articles. They are wonderful.

#### New Office Space

- DeBenedictis: I was in on the move to the new offices to 690 Market Street from--I think they used to be in the Hearst Building, if I am not mistaken. On that first visit we made with our little committee from the Barristers Club, I think we went to the small office in the Hearst Building, which is at Third and Market Street. We moved to somewhat larger offices and nicely arranged offices at 690 Market Street and held those offices for quite a number of years.

I was in on the move, much later, to the offices where they are now. I sat in on the committee (I'm trying to remember who that committee was, who the members of the committee were), but we had looked for sites, several places, to explore possible locations to arrange for the new offices to be located. Finally decided on this one building and had some very good input from the committee. I was not a particularly effective member of the committee, but I went along for the ride.

I think we negotiated a very fine lease and Miss [Joan] Graff was very appreciative and set up good quarters for where they are, and that is one of the important functions. Since the direction of the work changed considerably, we didn't need as much access to street traffic, for example, as we would if we were providing storefront-type legal services, so the offices are located a little farther out from the immediate downtown, but still in a good location, and they served well the requirements of the association.

Hicke: What was the impetus for that first move?

DeBenedictis: We needed a larger office and we wanted a place that was at the intersection of Third Street, Kearny, and Market as the hub of traffic. People could get there from any place in San Francisco by public transportation. It was looked upon as a very convenient location, and we were on one of the upper floors, but it was served with an elevator, of course, so that it was easy to get to.

Hicke: What about the second move? What was the reason for that move?

DeBenedictis: I think also we needed more room and wanted facilities that would be adequate for the size of the operation that we had at the time.

Hicke: Are we at the bottom of your notes?

DeBenedictis: I think so, yes.

#### More on Board Activities and Members

Hicke: Okay. I'll start asking some questions then. One of the things I wanted to ask about was, and you alluded to this a little bit, the kind of oversight that the board took for the implementation let's say of policy that you decided on. Or, did you leave that up to the director pretty much?

DeBenedictis: Well, as far as the running of the office on a day-to-day basis, that was up to the general counsel, but on matters, for example, of whether a fee should be charged or how to determine whether a person was eligible for legal aid, whether it should extend to citizens of communities other than San Francisco, this was the kind of decision that came up from time to time.

If the director, who sat in on all our board meetings, had any question or problem, he would present them to the board. Mr. Clark, if he felt that it was something that required further study, would appoint an ad hoc committee to deal with the question, to come up with whatever research might be appropriate and then to report back to the board. But we felt some constraint that we could not offer legal services to people who were not residents of the City and

County of San Francisco. For example, we were totally supported by the Community Chest and also our charter and all that.

Hicke: I think that one of the areas the Youth Law program got into was going into other cities in California.

DeBenedictis: That's correct. In fact, even with our Employment Law Center, the impetus there was to expand our expertise to other areas of the state and other areas of the country. In fact, I recall working with some people from Texas on some matters.

##

DeBenedictis: I mentioned at the outset that the impetus that got me into the Legal Aid Society was Felix Smith coming to me with this problem he had with a janitor in his building who was unhappy with the service he had gotten. It turns out that Felix Smith, after practicing law for some two years, said, "Well, I fulfilled my father's wish that I become a lawyer." He said, "I joined the firm, went to work for the firm that he was a partner in, served my apprenticeship there, I've done my work as lawyer, now I am going to do what I want to do." So, he resigned from Pillsbury, Madison & Sutro, went back to Harvard, enrolled in the College of Chemistry, and got a PhD. in chemistry.

Then after he got his PhD. he returned to California and went to work for the Stanford Research Institute and has been with them ever since.

Hicke: His father was very well known for being--. I think he had a degree in engineering or something like as well as law.

DeBenedictis: Well, Felix was a very bright young man, a very brilliant, fine young man. In fact, he was an usher at my wedding when I got married.

Hicke: Oh, wonderful.

DeBenedictis: Peter Tyge went on to become general counsel for American President Lines, but I don't know what has happened to him since. I have not kept up with him. Felix Stumpf was the fourth member. He ended up going to work for the California Continuing Education of the Bar and became their first director. Under his administration it moved giant steps forward in providing continuing education for the lawyers of

this state. I can remember going to some of the programs put on in the early days where we would get an outline or a little pamphlet, mimeographed material citing cases or outlines of the program we were having. I remember one on leases that had sample clauses or clauses throughout this whole mimeographed sheet of paper. Each would be a description of the cases that interpreted that particular kind of clause and comments about how you could make it be pro tenant or pro lessor or lessee, whatever. As I say, Felix was very instrumental in moving that organization into the forefront of outstanding service to the community.

Hicke: It was a prestigious group.

DeBenedictis: That's right.

#### Youth Law Center

Hicke: [To Meyer] Do you have any questions, Sandi?

Meyer: Is there anything else you know about the Youth Law Center? I think it is interesting. I think Tom Rothwell was saying that whole bunch from the government focusing on the cause of poverty had an effect on them as well. I just wondered if you recall anything about that.

DeBenedictis: Well, yes. The Youth Law Center started out by our wanting to provide legal assistance out at the Youth Guidance Center, where the young people were involved. There was some controversy that I just don't recall about this whole setup, but ultimately when we were instructed to try to deal with root causes of problems, the Youth Law Center was a natural force to concentrate on. It became so successful that we divorced it and it became separately funded in a separate organization completely. But it was really sponsored and fathered by the Legal Aid Society of San Francisco, just as was the Federal Defender Program, so that it was, again, a manifestation of the kind of leadership that the Legal Aid Society provided in moving into an area where there was a very real need for legal aid services at a very fundamental level. That is what the Youth Law Center provided.

Hicke: Do you see any ways other than the ones that you already mentioned that the San Francisco Legal Aid Society is unique

or different from other similar institutions from around the country?

DeBenedictis: I don't know that there are many other institutions quite like the Legal Aid Society of San Francisco ever since the changes resulting from the manner legal aid societies were funded and guided by War on Poverty financing, it is making major contributions in dealing with root causes of poverty, as exemplified by the development of the Employment Law Center which provides a kind of legal representation that is quite significant and quite meaningful with long-term ramifications. We not only deal with problems that come to us here in San Francisco, but through the organization, as I have seen it develop and grow over the years, have spread out into other communities and provide guidance and help to other organizations throughout the country as a matter of fact. I think that has been extremely beneficial in a very fundamental way.

Hicke: You have been very helpful and I certainly do thank you very much for your information.

DeBenedictis: You are welcome.

A videotape of this interview by Sandra Meyer has been deposited in the San Francisco office of the Legal Aid Society.





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History and Description of  
The Legal Aid Society of San Francisco

For over half a century, the Legal Aid Society of San Francisco has expressed the commitment of the City and its lawyers to the goal of equal justice for all. The Society, a California non-profit corporation, is presently governed by a board of forty-eight directors including lawyers, business and community leaders. The Society is supported by private contributions from individual lawyers and law firms, by an annual appropriation from the United Way of the Bay Area, and by foundation grants.

Because the Society is locally supported and governed, it is particularly well-suited to perceive and to respond to the legal needs of the underrepresented in its own community. While the Society has always viewed its chief duty to be the provision of thoughtful advocacy to those who could not afford to pay for it, the expression of that responsibility has taken on markedly different shapes over the course of the Society's history.

In its earliest days, the Legal Aid Society consisted simply of an informal association of San Francisco attorneys who volunteered their time to advise and represent the poor. As demand increased, the need for a permanent, full-time staff became evident. Financed by contributions from the private bar, a modest staff for many years provided general legal assistance to all who sought counsel.

In the late 1960's, when federally funded law offices undertook the delivery of general legal services to the underprivileged on a scale vastly larger than the Society's capability, the Society began to redefine its role as the provider of general legal assistance. Today, the Society concentrates its efforts in three principal areas: The Employment Law Center, Legal Services for Prisoners with Children, and the provision of an advice and referral service. The Society also serves as a means for generating funding and civic support for the sponsorship of worthwhile projects which are responsive to the particular needs of the poor.

Thus, a number of years ago, the Society was the initial recipient of funds to create a public defender program for indigent federal defendants in the City. Later, the Society initiated the Neighborhood Alternatives Program to provide community-based alternative resources to juvenile court intervention for delinquent youth. The Society also established the Youth Law Center which gained national recognition for the provision of free legal representation to young persons to assure protection of their rights. Each of these projects became independently governed and financed.

## THE EMPLOYMENT LAW CENTER

The Society's principal project, the Employment Law Center, focuses on legal problems encountered by the disadvantaged in their efforts to secure and retain employment. Now in its twelfth year, the Center provides advice and representation to those who want to work but have been denied that opportunity for reasons other than their ability to do the job.

### Client Representation

In 1975, the Center opened a formal, individual client service component. This enabled the Center to effectively utilize its employment law experience and expertise in providing direct, free legal assistance on employment related problems to the disadvantaged. Whenever possible, the Society seeks to achieve remedy through negotiation and conciliation, resorting to litigation only when all other means fail.

One example of this determination to seek non-litigious resolution of problems can be seen in the Center's increasing involvement in issues affecting employment prospects for handicapped individuals. In 1981, the Society received funding to provide assistance for filing employment discrimination charges on behalf of handicapped individuals and for monitoring those charges throughout the incredibly complicated and multi-faceted administrative process. This is an especially important service to the handicap community as there are very few private attorneys or public agencies anywhere in the country with the expertise or willingness to handle this highly specialized area of the law. Another illustration of the Center's emphasis on the voluntary resolution of complaints is its ongoing monitoring of a compliance agreement entered into between the City and the Office of Revenue Sharing to insure that the City meets its obligations to bring its Civil Service practices into compliance with federal EEO guidelines.

In addition to handling individual and community complaints, the Society has and continues to foster special projects in response to urgent and immediate issues. Thus, for example, in 1975, the Center, through the Society and with the support of the Barristers Club, established the nation's first panel of lawyers to provide free representation to less-than-honorably discharged Vietnam veterans seeking to upgrade their military records. Many of these veterans were poor or minorities. Among other disadvantages, possession of these discharges represented



a better than 75% probability that the veteran would be rejected for employment. In order to ensure that each of these veterans would receive competent legal representation before regional Military Discharge Review Boards, the Center took precedent-setting action in organizing at least 100 volunteer lawyers to serve as members of the Panel.

#### Research and Information -- Technical and Community Assistance

The Center develops and disseminates research and information materials on significant employment issues to increase public awareness, to provide a basis for positive action, and to propose sound solutions to the specific work-force problems of the poor.

In 1977, the Center released for community agency and client use a "how to" manual for filing for employment insurance claims, published an ex-offender's employment guide which explains the workforce rights of those with criminal records, and released a position paper and a worker's handbook on occupational health and safety. The Center is currently in the process of developing a self-help handbook to assist individuals filing complaints for handicap discrimination.

The Center also provides counsel and technical assistance to many employers, governmental organizations and community groups to enable them to work with their clients, understand and establish fair employment practices, or enforce non-discrimination in employment.

In 1976, the Center developed and released a model affirmative action plan for employers to use in designing their own plans. In 1977, the Center began to serve as counsel to a Human Rights Commission committee to draft ex-offender hiring standards for city contractors. At present, the Center is represented on the Employment Committee of the Human Rights Commission of the City and County of San Francisco. The committee meets monthly to review the work of the commission in enforcing the nondiscrimination obligations of the City and City contractors in employment.

The Center is in the forefront of the legal effort to realize the job rights of the disabled. In 1980, in conjunction with the Disability Rights Education and Defense Fund, the Society received funding for a Medical Standards Project. The purpose of this project is to evaluate medical standards and procedures used by 25 Bay Area cities and counties in order to seek voluntary revision of those practices that unjustly disqualify disabled persons from employment. In March 1982, the project will culminate with a seminar for representatives of local government, personnel departments and

individuals concerned with occupational health. Information will be presented regarding medical standards and the law, reasonable accommodation, costs of workers' compensation and disability insurance, and services such as rehabilitation counseling and safety programs.

#### LEGAL SERVICES FOR PRISONERS WITH CHILDREN

A more recent addition to the Society's activities is the Legal Services for Prisoners with Children project. This program, the only one of its kind in the country, responds to the specific legal needs of incarcerated parents who are having problems maintaining custody of, and contact with, their children.

The number of children and families affected by parental incarceration in California alone is dramatically high and increasing. Although little is known about the effects of parental incarceration on children, what research exists concludes that the potential for damage to children is great, but may be mitigated by careful planning, supportive social service programs, and effective legal assistance. Research also indicates that the greater the amount of contact prisoners have with their families while they are incarcerated, the less likely it is that they will recidivate.

Over the past three and a half years, Legal Services for Prisoners with Children has provided assistance to hundreds of incarcerated parents at various correctional institutions in California. LSPC attempts to provide services which will ease the trauma of separation for children, maintain contact between children and their parents during the period of incarceration, and facilitate the reunification of parents with their children once their parents are released from prison. LSPC is also involved in community outreach and education, representation, and administrative reform around these issues.

#### INFORMATION AND REFERRAL

The Society receives and processes close to 100 calls and drop-ins per month. While more than half of these come from people experiencing employment related problems, the remaining calls concern problems not within the Society's purview. With the latter, a Society Intake Coordinator often helps the caller define their problem and determine whether it is even a legal

issue. If it is a problem the Society does not handle, the intake coordinator counsels and refers the caller to an agency better equipped to serve the client. The Society's intake coordinators have extensive knowledge of local free legal and social resources and must continually update their referral lists in order to direct people to programs that might be of assistance. Because of cutbacks to many federally funded services, the Society has been experiencing an increase in the number of requests for help and a diminishing number of public agencies available to help the poor.

### GOALS

Currently, because of the present recession and the devastating effect it has on the underprivileged, employment issues remain a high priority for the Society. However, through the Executive Committee of the Society's Board of Directors, long range financial plans and future pursuits are considered and determined in light of emerging needs. Because of the generous and continued support of the San Francisco legal and business community, the United Way of the Bay Area, and private foundations, the Society has the unique capacity to respond to local issues as they are identified.



CHRONOLOGY

<u>DATE</u>	<u>DESCRIPTION</u>
1916	LAS founded "by the Archdiocese of San Francisco and the Bar Association of San Francisco to serve those who were in need of counsel but unable to afford it." [quoted from 7/16/85 Board Minutes]
1940's	06/02/43 Examiner prints article entitled "Legal Aid Society handles 2904 cases." States "Hundreds of men in the armed forces are now having their legal problems ironed out by the Legal Aid Society..."
	03/14/44 W.C. Sharpsteen's "History of Legal Aid Society of San Francisco" is published.
1947	Community Chest funding decreases from \$20,000 to \$12,000 annually due to "quota difficulties". (See April 1951 memo from DeBenedictis).
1950's	04/51 DeBenedictis suggests possible expansion of Public Defender to include civil: tax supported Legal Aid.
	05/08/51 Memorandum from H.W. Clark to D. DeBenedictis regarding the current situation of the Legal Aid Society and future plans. Suggests among other things that the Board of Directors of LAS be reorganized to accommodate the reorganization of LAS. He suggests that 50% of the board should be composed of lawyers representative of the community, several lay men (i.e. Charles Blythe and Jared Lockhead) and have a representative from each of the Catholic charities group, Jewish charities group, non-sectarian social agencies, a representative from the Labor group (i.e. Tobriner) and a few judiciary members.
	05/28/51 The coordinating committee on Legal Aid issues a report entitled "Legal Aid in San Francisco". Among the recommendations contained therein are: a) incorporation; b) enlargement of staff; c) fundraising to support growth; and, d) possible use of volunteers, attorneys and law students.



- 08/06/51 Board of Directors Meeting - Mr. Stuart refers the Board to a letter from Mr. Snodgrass re recent complaints in the press about LAS and refers to a letter from Justice Edwards re the use of student assistants in Legal Aid work.
- 08/13/51 Board of Directors Meeting: recommend changes to bylaws include the president appointing all committees except the Executive Committee and serving as an ex-officio member of such committees; and the appointment of an Executive Committee composed of the officers and three members of the Board appointed by the president shall have all powers of the Board to act between meetings of the Board.
- 08/13/51 Board meeting held to recommend changes in the constitution and by-laws of LAS and with regard to incorporation.
- 08/16/51 H.W. Clark nominated president of LAS, M. Tobriner's elected, V.P. Sheriff's retires as LAS counsel and Mrs. Pordini (wife of attorney T.A. Pordini) is appointed acting counsel.
- 08/27/51 Board of Directors Meeting: Authorizes immediate public liability insurance coverage (not in existence).
- 08/29/51 Committee on Personnel is established (Members are DeBenedictis, Allen Charles and James O'Brien). Committee is charged with finding new location for LAS staff and locating chief counsel.
- 09/13/51 Board of Directors Meeting: Committees on Personnel (three members) and Finance and Membership appointed (19 members). The LAS office requests copies of basic codes as they have no working library.
- 10/11/51 Board Meeting: Library codes are procured. Plans for financing expansion program we discussed. Sources are: community chest bar association member and firms and lawyers who can afford larger contributions.

- 11/08/51 Board Meeting: Request letter to S.F. Foundation for furnishings of a new LAS office ratified and approved. Budget appropriation request for \$15,000 to community chest also approved.
- 11/13/51 D. DeBenedictis proposes the Barrister's Club act as solicitors for the campaign to raise funds for LAS. F. Smith agrees and suggests also asking the bar association and Pi Alpha Delta Fraternity to serve in the same capacity. Big fundraising campaign underway.
- 12/13/51 Board Meeting: G. Mallatratt resigns from Board. National Legal Aid meeting to be held in S.F. on 09/11-13, 1952. Board affirmatively decides to incorporate LAS.
- 1952 LAS reorganizes, employs three lawyers, D.A. Silver arrives at LAS.
- 1952 3154 cases handled
- 01/10/52 Board Meeting: Bar Association approves LAS's independent campaign for financial support and membership. Lawyers club also promises support. Barristers Club to assist.
- 02/14/52 Board Meeting: 6 major firms respond to President Clark's solicitation, raising \$10,000 for LAS. Hastings volunteers student participation in LAS.
- 02/20/52 LAS is officially incorporated (Articles filed with Secretary of State on 3/7/52)
- 03/05/52 LAS granted tax-exempt status
- 06/23/52 Board Meeting: Community Chest contributes \$15,000 to LAS. Expanded operations of LAS to begin later in the year. Mr. Smith resigns form the Board. New office to operate approximately 08/01/52.
- 07/11/52 Board Meeting: DeBenedictis elected secretary.
- 08/22/52 Board Meeting: Fundraising drive reaches its goal. Chief counsel to be appointed by 09/15.

- 09/12/52 Board Meeting: Mr. Stumpf will speak for the United Fund Crusade. T. Jenkins and A. Rockwell appointed member of the Board.
- 10/13/52 Board Meeting: D.A. Silver employed as general counsel. Registration fee for those seeking services approved.
- 11/10/52 Board Meeting: New offices LAS selected. (deYoung building). Silver is to seek to employ two assistant attorneys and two clerical assistants. The relationship between LAS and two existing legal referral panels is discussed.
- 12/08/52 Board Meeting: LAS charges fiscal year to match that of the Community Chest. Next membership campaign scheduled for 01/15/53. T. Rothwell hired as associate counsel. Business at new LAS offices picks up by about 20 cases per day.
- 12/18/52 Silver writes to Clark that LAS budget for 1953-1954 will be approximately \$54,000
- 1953 LAS handles 5,017 cases
- 01/15/53 LAS Board declares policy not to handle domestic relations cases unless other avenues are exhausted.
- LAS takes on Coast Guard hearings and other administrative in nature case.
- 01/15/53 Directors Meeting: Resolved - if a lawyer referral panel is unable to secured counsel for a referral from LAS, LAS can accept the case and accept, but not solicit, any fee, gift that the client may wish to pay. Further, the Society should not handle any "congested immigration matters" because other organizations are better equipped. A Law Committee was formed as a resource for chief counsel in "any vexations or complex matter". Chief counsel suggests adding a 3rd stenographer. D.A. Silver elected to offices of Assistant Secretary and Assistant Treasurer.

- 1953 LAS unable to handle bankruptcy cases. H.W. Clark alerts President Levin of the Bar Association. The Bankruptcy Committee of Bar Association contacted 9 law firms who agreed to represent, free of charge, urgent bankruptcy matters for indigent clients. 70 cases in the first year.
- 02/09/53 Dedication ceremony for new LAS offices.
- 02/10/53 Legal Aid Society moves to new offices at 690 Market Street. Full time staff of three attorneys. San Francisco Foundation grant of \$3,000 for new furnishings. The Community Chest \$15,000 for support of offices. Staff - David Silver, Thomas Rothwell and Elda Pardini, M. Ruane, H. Ullner and J. Lipelt.
- 02/19/53 Directors meeting Recorder to coordinate membership drive. The Board approved the opening of a fifth(?) office for LAS monthly rent of \$65.00.
- 03/12/53 Directors Meeting: New format for annual report is proposed. Will use back of National Report to print local information. D.A. Silver writes article for the "Brief Case" LAS of New Orleans contacts Silver, wants to model New Orleans after S.F.
- 03/12/53 LAS honors John Kelley of the Recorder for his assistance with publicizing the efforts of LAS and appoints Kelley Chairman of the Public Relations Advisory Committee of LAS.
- 03/24/53 LAS extends appreciation to Eddie McCann and Frank Baker of Bender-Moss Co. and Bancroft & Whitney Co. for law book donations to LAS.
- 03/25/53 LAS extends appreciation to Ed Honfeld Trustee of the May T. Morrison Trust for \$750 donation towards books and book cases.
- 04/09/53 Directors Meeting: Q&A's on the membership drive to be printed in the Recorder (printed 04/22). Mr. Stumpf suggests a history of LAS be circulated to California Bar Associations to contract the prevailing notion that Legal Aid is a socialized law practice. It is



decided that LAS should stay out of controversial matters such as the possible publication of records on welfare assistance to indigent people. Fifth floor office of LAS is completed. LAS to work into the possibility of local publicity on KGO-TV to complement Judge Leonard Hand's program, "Justice."

- 04/23/53 D.A. Silver speaks at luncheon meeting of the Queen's Bench.
- 05/08/53 John F. Forbes & Co. thanked for assisting in organizing and preparation of LAS's new bookkeeping system.
- 05/14/53 Director's Meeting: KGO failed to inform LAS of the date of showing of "Justice" so no advertising was done. It was agreed that this would not have been a particularly good selling point for LAS because of the receptionist's manner and the lawyer's harassed, cursory treatment of his client. Registration charge for clients to be attempted on a trial basis.
- 08/13/53 Director's Meeting: 06/26/53 publicity in "the San Francisco News" written by Janet Henderson an interview of D.A. Silver. Forwarded to National Legal Aid, received positive comment from President. LAS forwards membership list to the Community chest for their fundraising drive.
- 08/13/53 (Meeting continued): First discussions about LAS involvement in Federal Public Defender Project. D.A. Silver to attend National Legal Aid conference. (This indicates growing direct LAS involvement in National Group. Such meetings had previously been attended by Directors only and only if they happened to be "around the general area".) LAS provides information and literature to Dean Lee of Ewhe Woman's University at Pusan, Korea, who is seeking to begin legal and projects in Korea. D.A. Silver collaborates with State Bar survey of legal aid needs.



- 09/10/53 Directors Meeting: Pima County Legal Aid Society Director in attendance for observation in order to improve the functioning of their Society meeting of LAS and the Bar Association tentatively scheduled for 01/20/54. Mr. Gossett, Chief Counsel of the Ford Foundation to speak. 08/24/53 the Barristers Club forms a panel to handle indigent cases in the Municipal Court. Board authorized yearly pictures of President as well as Board. D.A. Silver also assists the San Diego LAS in their attempts to reorganize.
- 09/17/53 Recorder article re Herbert Clark's appointment to Committee to study Anti-Trust laws
- 10/20/53 Silver writes to Clark to express concern over LAS' policy of not handling bankruptcy cases
- 10/21/53 Clark writes to Silver to express his disdain for a public defender system due to fears of "centralization of power in Washington"
- 11/12/53 Directors Meeting: G. Levin, President of Bar Association to report on efforts to consolidate the two legal referral panels. G. Marcus of the Lawyer's club (who operated the second referral panel) was also in attendance.
- 12/18/53 Directors Meeting: Board of Directors picture were taken by ORIE DAMEWOOD's office. The Barrister's Club to lead fundraising drive for February 1955.
- 12/18/53 Group photo of LAS Board of Directors taken.
- 1954 LAS served 5697 cases with an average cost per case of \$7.73.
- 01/11/54 Honorable Clark's report to the Bench and Board on 1954 LAS activities is reprinted in its entirety in the Recorder. LAS receives letters of commendation from The Public Welfare Dept. and the District Attorney's office for improved LAS services in 1953.

- 03/29/54 Justice Earl Warren, in letter to Clark, regretfully declines to speak to LAS on April 15 (and doubts he can make it to the Bohemian Grove!)
- 04/54 T. Allison, Field Director for National Legal Aid Association visits S.F. LAS and writes "the S.F. LAS has made more progress in the field of providing free legal services for the indigent during the last few years than any other Legal Aid Society in the country."
- 05/25/54 Membership drive going very slowly
- 07/06/54 H.W. Clark send letter to Board regarding opening Board and membership to laymen because of "lack of enthusiasm among members of the Bar and the difficulty the Society is having with the Community Chest."
- 09/09/54 Community Chest directors invited to LAS 09/16 meeting to explain the reduction in LAS funding and project what LAS can expect in the future.
- 12/09/54 Edward Nancuso of the Public Defenders office is invited to attend 12/09 Board Meeting.
- 12/17/54 Letter from D.A. Silver to H.W. Clark suggesting the addition of new Board members to revitalize the Board.
- 1954-1955 Sol Silverman of the "Brief Case" writes helpful articles on the Legal Aid plight.
- 1955 Fourth Attorney added.
- 01/18/55 Formal plan for reorganization of the LAS Board of Directors increasing the number of directors from 17 to 25 and filling the 8 new slots with laymen. Notice sent to Board 01/28/55.
- 02/10/55 Directors' Annual Membership Meeting: topics include Clark's report on finances (\$40,000 budget only allows for three lawyers, thus handling 50% of potential cases); not likely

to receive more funds from Community Chest; By-Laws (Article IV, Section 5) amended re election of Directors, length of terms; Present 17 Directors: Clark, James O'Brien, Dario DeBenedictis, Eugene O'Donnell, Gerald Marcus, Samuel Stewart, John Lauritzen, Ben Duniway, Allan Charles, Alvin Rockwell, Richard Guggenhime, Doris Schnacke, Roger Kent, H.P. Livermore, Mathew Tobriner, Stanley Weigel, James Adams; outgoing Directors (Dinkelspiel, Crawford, Cross, Erskine, Jenkins, Sherriffs, Stumpf) thanked for their service

- 03/18/55 Blyth, Pigott, Lockhead, Sullivan, Mattei, Petersen, Bechtel and Layton nominated laymen Board members.
- 03/25/55 W. Orrick, President of Community Chest invited to Board meeting.
- 05/06/55 LAS to look into having formal audit of its books to satisfy Community Chest
- 07/55 Wells Fargo savings account opened for deposit of capital funds
- 10/17/55 Clark asked to serve on executive Committee of the National Legal Aid Association
- 11/04/55 LAS takes on reciprocal support cases on a one year trial basis.
- 11/16/55 Clark speaks to San Diego Bar Association on the issue of Legal Aid (speech transcript later publicized in Recorder)
- 12/55 Layton of Crown Zellerbach resigns from the Board, replaced by D.R. Schmidt of same.
- 02/09/56 Directors' Annual Membership Meeting: topics include 5,366 cases opened in 1955, total of 5,966 disposed of; LAS able to serve only 60% of actual case potential; need for \$27,000 from lawyers to maintain budget; Tobriner, Marcus, Adams, O'Brien, Duniway, Guggenhime, Livermore, Weigel and Clark elected to two-year terms as Lawyer Directors; K.K. Bechtel, Charles Blyth, D.R. Schmidt, James Lohead; A.C. Mattei, T.S. Petersen, John Pigott, Jerd Sullivan elected to one-year term as Lay Directors

- 06/07/56 Mr. Smirnoff joins LAS
- 02/28/57 Directors' Annual Membership Meeting: topics include 5,535 cases handled in 1956, about 60% of maximum potential; Theodore Meyer, new president of BASF speaks to Board stressing affinity between LAS and BASF; Barristers Club Committee organizing a membership drive on behalf of LAS; DeBenedictis, Lauritzen, Charles, Rockwell, Eugene O'Donnell, Stewart re-appointed to serve two-year terms as Directors; Mrs. Anne Christensen and Judge William Sweigert elected as new Directors
- 02/13/58 Directors' Annual Membership Meeting: topics include Gardiner Johnson, president of Bar Association, speaking to Board; \$27,000 in lawyer contributions only represents 30% of all SF Lawyers; Christensen praised for organizing women volunteers for LAS; Article IV, ¶1 of By-Laws amended; Clark, Tobriner, Adams, O'Brien, Duniway, Guggenheimer, Weigel, John Finger, George Herrington, Lyman Henry elected to Board; Livermore and Marcus resigning from Board; 5,744 cases disposed of in 1957
- 02/12/59 Directors' Annual Membership Meeting: topics include thanks to Barristers Club (particularly Stacie Sullivan) for continued support in membership drives; 5,875 cases handled in 1958, despite departure of two staff attorneys and leave-of-absence of another (staff has been restored to four attorneys); conditional Trust set up with funds from the May T. Morrison Estate, to be called the "Jeannette L. Clark Fund" (LAS can only use funds if SF lawyers contribute \$25,000; if <\$25,000 received, Stanford Law Library receives the funds); Article IV, ¶1 of By-Laws amended, whereupon four new ex-officio Directors were elected: Harold McKinnon (Bar President), Maynard Garrison (Barristers Club), Mildred Levin (Queen's Bench) and Thomas Jenkins (President, Lawyers' Club); DeBenedictis, Lauritzen, Charles, Rockwell, Stewart, Christensen, Sweigert, and A.J. Zirpoli (new) elected to serve two-year terms as Lawyer Directors; special commendation extended to John Forbes & Co, for its free Audits of LAS



- 1960's    00/00/60s    National Legal Aid and Defender Association publishes "Twelve-Point Brief for Legal Aid" in the "Court of Public Opinion" [exact date or even year unclear]
- 01/18/60    Staff = Silver, Pardini, Leland, Shafran, Seid, Martinez and Law student volunteers
- 02/25/60    Directors' Annual Membership Meeting: topics include LAS still only being able to handle 60% of total potential caseload; tribute extended to Jack Kelley (editor of Recorder); Lawyer Directors: Clark, Adams, O'Brien, Duniway, Guggenhime, Finger, George Herrington, Weigel, Tobriner, Edward Jackson (new), Quentin Kopp (new) to serve two-year terms; Charles, Rockwell, Stewart, Christensen, Sweigert, Zirpoli, DeBenedictis, Lauritzen to serve one-year terms; Howard McGurrin and Jean Witter welcomed as new Lay Directors; 5,674 cases opened in 1959
- 03/09/60    LAS Board composed of Lawyer Directors (19) and Lay Directors (8), as well as Four (4) Ex-Officio Directors
- 03/11/60    Frederic Whitman accepts position as Lay Director
- 04/07/60    Directors' Meeting: topics include finances and membership drives
- 04/22/60    Membership Committee Meeting: topics include strategy for increasing membership
- 05/12/60    Directors' Meeting: topics include Report on Committee for Cooperation with LAS and Bar and membership plans; By-Laws re membership (Article II, Section 1(a)) amended
- 06/16/60    Directors' Meeting: topics include Report on Committee for Cooperation with LAS and Bar Ass'n, Earl Warren Legal Center at Berkeley
- 06/21/60    Recorder clipping reports establishment of Legal Aid Society of Santa Clara County, created by the County Bar Association



- 09/01/60 David Silver participates in first KABL radio phone-in show re points of law
- 09/22/60 Directors' Meeting: topics include Silver's testimony before Ca. Assembly Interim Committee on Finance and Insurance and welcome to James Martin, new ex-officio Director
- 11/10/60 Directors' Meeting: topics include Report on 38th Annual Nat'l L. A. and Defender Ass'n conference; Ransom Cook welcomed to Board
- 12/01/60 Herbert W. Clark resigns as President of LAS effective this date
- 12/22/60 Directors' Meeting: topics include upcoming Annual Membership Meeting and changes in Directors (2/9/61); LAS to be featured in 3/61 Edition of "Brief Case" published by Bar Association
- 12/23/60 Attorney General for California (Stanley Mosk) issues opinion stating that a non-charter county may not contribute financial support to a legal aid society
- 01/13/61 T. S. Petersen offers to resign from Board (accepted 1/19/61)
- 01/19/61 Directors' Meeting: topics include welcome to Wendell Fitzgerald and Robert Wood (sub. for Quentin Kopp) as new ex-officio Directors; Memberships down from 391 to 269 from 1960; possible future amending of By-Laws
- 02/15/61 Recorder article: "Legal Aid Society, An Organization Which Has Brought Nothing But Highest Praise to San Francisco;" details (glowingly) the history, work and role of LAS) LAS orders 4,000 reprints
- 02/16/61 Directors' Annual Membership Meeting: topics include long tribute read to Clark; remarks by presidents of BASF, Lawyer's Club (SF), Queen's Bench and Barrister's Club pledging their organizations' admiration for and support of LAS; 5,639 cases opened in 1960;

- DeBenedictis, Lauritzen, Stewart, Christensen, Zirpoli, Paul Jordan (new), Tommy Angell (new) and George Rives (new) elected to two-year terms as Lawyer Directors; Sweigert, Charles and Rockwell resigning from Board; Pigott, Sullivan, Cook, McGurrin, Whitman, Witter elected as Lay Directors; election of Tobriner, Lauritzen, Christensen, DeBenedictis and Silver as Officers; By-Laws Committee to be appointed to study altering Director requirements and eligibility
- 02/19/61 Resignations of W. T. Sweigert, Jack Goldberger from Board accepted on this date
- 04/13/61 Directors' Meeting: topics include Hastings Intern program (eff. 3/8/61); Bar Ass'n promotional letter of LAS; Investment, Retirement-Pension and By-Laws Committee members appointed by Tobriner
- Lawrence Mana replaces Jack Flinn as ex-officio Director
- 05/11/61 Directors' Meeting: topics include Resolution of Board that LAS go on record as supporting: creation of a full-time Public Defender in federal courts for the indigent; or that LAS could be adequately financed for this; or that a system of assigned counsel should be used
- 06/02/61 Mathew Tobriner writes to U.S. Senators expressing LAS position on four bills re indigent defendants
- 06/21/61 Directors' Meeting: topics include Letter on behalf of LAS to Senators re pending legislation re creation of a federal P.D. or voluntary system
- 06/29/61 LAS visited by two representatives of the United National Fellowship Program - Ehson Erfanifar from Iran and Mohammad Djen from Indonesia - to observe Legal Aid and possibly institute in their countries
- 09/06/61 William Edlund replaces Robert Wood as Ex-Officio Director

- 09/14/61 Directors' Meeting: topics include declining to endorse "political and legislative" motion by SF Committee for Fair Housing
- 10/12/61 Directors' Meeting: topics include Hastings Law School Intern Program (Committee to be formed); report on (unsuccessful) 9/24/61 State Bar Conference on Legal Aid in Monterey
- 11/16/61 Directors' Meeting: topics include Progress Report on Hastings Intern Program; President of Ca state Bar expressed interest in legal aid, requests history of LAS; SF Lawyers Wives contributes \$500; Silver appears on KABL phone-in show (11/2/61)
- 11/27/61 SF Lawyers Wives present check for \$1,734 to LAS
- 12/21/61 Directors' Meeting: topics include upcoming 2/8/62 Membership Meeting; LAS to host National Legal Aid and Defender Ass'n convention from July 31 to August 2, 1962
- 1961 5,366 new cases handled, budget increased to \$59,279 total income; 457 members; full-time staff consists of four attorneys, one office manager, two secretaries, six volunteer receptionists
- 1962 Annual Report ("No Profession can Walk Tall unless . . ."): 4,652 new cases for 1962; 426 members; income of \$60,556
- 01/11/62 Directors' Meeting: topics include Nominating Committee recommendations for new appointments; update on Hastings Intern program; By-Laws modification
- 02/08/62 Directors' Annual Membership Meeting: topics include elections of John Sutro, Jacques Welden, Isabel Greiner, Lawrence Mana--ex-officio Directors; Adams, E.D. Bronson (new), Clark, Duniway, Finger, Guggenhime, Jackson, George Sears (new), Tobriner, Weigel--Lawyer Directors; Herrington and O'Brien resign from Board

- George Johns (new), Ransom Cook, Howard McGurrin, John Pigott, Jerd Sullivan, Frederic Whitman, Jean Witter--Lay  
Directors;  
James K. Wittenberg joins Board (Barrister Club)  
Tobriner, Lauritzen, DeBenedictis, Christensen, Silver--Officers  
progress report on Volunteer program and Hastings Intern program;  
Article IV of By-Laws amended to allow certain California Chief judges to serve as ex-officio members and expanding number of Directors
- 02/28/62 Judge Molinari, Presiding Judge of SF Sup. Ct., accepts invitation to join Board
- 03/05/62 Judge George B. Harris (USDC--No. Cal.) accepts invitation to join Board
- 03/22/62 Directors' Meeting: topics include welcome to new Ex-Officio Directors (John Dinkelspiel, Molinari, Andrew Eyman, Lynn Gillard); receipt of \$29,515 from United Community Fund; Updates on Hastings Intern Program and National Legal Aid and Defender Ass'n Convention from July 31 to August 2, 1962
- 05/10/62 Directors' Meeting: topics include Further Update on Hastings Intern Program; S.B. 2900 (re Public Defender); Bergen Van Brunt appointed Ex-Officio Director (sub for Edward Jackson)
- 06/21/62 Directors' Meeting: topics include finalizing terms of Hastings Intern Program (\$800 from Hastings); Update on National Legal Aid and Defender Ass'n Convention
- 08/00/62 SF Lawyers Wives contribute \$750 to LAS
- 8/02/62 Herbert Clark presented the Arthur V. Breisen Award for Devoted Leadership in Legal Aid by NLADA
- 08/09/62 Award reported in The Las Vegas Optic

- 09/13/62 Directors' Meeting: topics include welcome to Hartly Flesichmann as new Ex Officio Director; report on National Legal Aid and Defender Ass'n Convention (Richard Nixon keynote speaker!)
- 10/19/62 Molinari leaves Board due to promotion to District Court of Appeals
- 10/25/62 Directors' Meeting: topics include welcome to Harold Caulfield as new Ex Officio Director; Progress Report on Hastings Intern Program
- 11/29/62 Directors' Meeting: topics include additional contribution (\$250) by SF Lawyers Wives; Coro Foundation has sent an intern to LAS (for four days)
- 12/20/62 Directors' Meeting: topics include appreciative letter from Hastings Intern; By-Laws to be amended (# of Directors to expand from 40 to 41)
- 1963 Annual Report: 5,076 new cases for 1963; 432 members; income of \$62,684; four of seven staff members leave, including Silver
- 01/07/63 John Lauritzen extends his wish to NOT be re-elected to Board
- 01/17/63 Marvin Morgenstein replaces Hartly Fleischmann as ex-officio Director
- 01/23/63 Directors' Meeting: topics include welcome to Ben Lerer, Marvin Morgenstein, Lawrence Goldberg as new Ex Officio directors; Nominating Committee recommendations; Lauritzen resigns from Board; Juvenile Court Committee of Bar Ass'n, chaired by Silver, releases its Report
- 02/04/63 Stacey Sullivan writes to Silver in part to convey his concern over why LAS does not handle bankruptcy cases
- 02/08/63 In letter to Tobriner, Silver summarizes highlights of 1962: LAS hosted NLADA convention in San Francisco; Hastings Internship Program (trial basis); continued cooperation with Bar Ass'n Committees; Lawyers Wives contributions



- 02/14/63 Directors' Meeting: topics include results of Membership Meeting elections: George Johns, Ransom Cook, Howard McGurrin, John Pigott, Joseph Hogan, Benjamin Biaggini, Jean Witter--Lay Directors Tommy Angell, Christensen, DeBenedictis, Jordan, Stewart, Zirpoli, Richard Peterson (new), Moses Lasky (new)--lawyer Directors Stewart, Jordan, De Benedictis, Christensen, Silver--Officers  
By-Laws amended: Article IV, ¶1.a re 41 Directors; Article !V, ¶1.c re Bankruptcy Committee of Bar Ass'n Director appointed
- Archbishop McGucken speaks to LAS
- 02/27/63 F.B. Whitman offers to resign from Board (had already been replaced by Biaggini!)
- 03/21/63 Directors' Meeting: topics include assigning non-contributing members for individual solicitations; United Community Fund to contribute \$30,978 to LAS; favorable report on the Hastings Internship Program in the Hastings Law Record; By-Laws Article IV, Section 2 amended (moving date of monthly Board meetings to second Tuesday of each month); Silver reports on his speech before the Queen's Bench on Legal Aid and Juvenile Court Report; \$2.3 million grant from the Ford Foundation to NLADA for Public Defender program
- 05/10/63 James Wittenberg resigns from Board
- 05/14/63 Directors' Meeting: topics include Leland Seid's appointment as Director of the California Public Defender and Legal Aid Association; Silver appears before SF Board of Supervisors to urge no further cuts to Juvenile Court Budget already "slashed" by Mayor; enthusiastic letters from hastings students and Professor; NLADA convention in Miami
- 06/11/63 Directors' Meeting: topics include \$1,000 contribution from SF Lawyers wives; solicitation efforts for non-contributing members; acceptance of Wittenberg's resignation; new "quota" dues to NLADA jumps, LAS votes not to pay new amount; Leland Seid to leave Board 7/1/63 to become chief counsel of San Diego LAS

- 09/01/63 David Silver resigns as Chief Counsel, replaced by Thomas Rothwell, present executive attorney for LAS of Alameda County
- 09/10/63 Directors' Meeting: topics include welcome to Raymond Greene as new Barrister Club, ex-officio Director; Robert Dagget replaces Wittenberg on Barristers Club; Forbes & Co. to do a free Audit of LAS; Rothwell to attend NLADA convention (10/21/63) in Miami; Rothwell welcomed as new Chief Counsel; Professor Bradway speaks on Hastings Law Student Training Program; two students also speak
- 10/08/63 Directors' Meeting: topics include \$1,734.65 contribution from SF Lawyers' Wives; discussion of "inadequate" staff salaries; LAS to now support a Public Defender program if adequate funds are provided; possible Ford Foundation funding mentioned
- 11/12/63 Directors' Meeting: topics include no Board meeting for December--senior partners of downtown law firms to be invited to informational lunch at Bohemian Club; progress report on Hastings Intern Program (problems with school funding); Rothwell reports on NLADA convention, asks for (and receives) permission to apply for a Ford Foundation grant (for Public Defender program)
- 12/13/63 Luncheon at the Red Room of Bohemian Club held with 20 to 30 "leading members of the Bar"
- 1964 1964 LAS Annual Report entitled "Individualized Justice" stressing need for indigent representation; 6,985 cases handled for Calendar Year 1964; discusses NLADA grant of \$68,942 to operate a Defender Project; plans to add three lawyers to Society's staff
- LAS loses four staff members including D.A. Silver. T. Rothwell assumes chief counsel role.

LAS begins Federal Defenders Program (begins representing indigent criminal defendants in Federal Court, plans to add four staff attorneys.

Civil case load increases by 25% since 1962

Society begins negotiating for funds under the Economic Opportunity ACT of 1964.

- 01/23/64 Directors' Meeting: topics include intake of 5,076 cases in 1963 compared to 4,652 in 1962; funding gaps in the Hastings Intern Program (Law-Student Training Program); status of pending legislation in Congress re Public Defender; LAS will make \$500 dues payment to NLADA
- 01/31/64 Annual Meeting of Members:  
Archer, Bronson, Duniway, Greene, Guggenhime, Jackson, Sears, Tobriner and Weigel nominated as Directors;  
Biaggini, Cook, Hogan, Johns, Mailliard, McAllister, McGurkin, Pigott, Witter nominated as Lay Directors;  
Stewart, Jordan, DeBenedictis, Christensen, Rothwell nominated as Officers
- 02/13/64 Directors' Meeting: topics include approval of all nominations made at 1/31/64 Annual Meeting; role of LAS in Federal Defender legislation; Herbert Clark named Honorary Chairman of the Board
- 03/24/64 Directors' Meeting: topics include welcome to new Directors Brent Abel, Richard Archer, Isabella Grant, A. Crawford Greene and Elliott McAllister; Committee to be appointed with members of LAS and SF Bar Ass'n to study federal legislation re Federal Defender; special meeting to be held 4/2/64 with Charles Decker, Director of Defender Project; raises for staff
- 04/02/64 Directors' Special Meeting: topics include Decker's speech re indigent representation, including cite to Gideon v. Wainwright decision; \$2.3 million Ford Foundation grant

- 05/12/64 Directors' Meeting: topics include welcomes to new Directors J.W. Maillard and Charles Clifford; review of other Law Student Intern Programs memo by Stewart; interim Joint Defender Committee plan for staffing
- 06/17/64 Directors' Special Meeting: topics include Joint Defender Committee needing more time to prepare a plan for the Board; possible competing application from the Public Defender for Ford Foundation grant; staffing plan for Federal Defender Project
- 07/30/64 Directors' Meeting: topics include USF School of Law application to apply for more Federal Defender funds from NLADA
- 08/02/64 H.W. Clark dies
- 09/03/64 Charles Clifford writes Rothwell to inform that Howard Nemerovski has succeeded him as President of the Barristers Club and should now be an ex-officio Director of LAS
- 09/08/64 Directors' Meeting for this date postponed till 10/13
- 10/07/64 Directors' Meeting: topics include Federal Defender application status; funds have been granted to USF Law School from NLADA; Stewart to be appointed head of a court-appointed Committee to study the Criminal Justice Act of 1964
- 11/04/64 Application for Model Defender Grant mailed to NLADA, proposing (in short):  
 a. panel of attorneys to be appointed to handle indigent cases until funds from Criminal Justice Act of 1964 become available  
 b. three full-time attorneys, two full-time investigators and two f-t stenographers to administer the plan
- Professor Owen Woodruff (USF Law School) offers to be chief administrator of Defender program, effective January 1965
- 11/64 Numerous letters of support sent to NLADA



- 11/10/64 Directors' Meeting: topics include \$2,000 contribution from SF Lawyers Wives; candidate for head position under the Defender Plan; Stewart reports on Committee to study Criminal Act of 1964
- 12/08/64 Directors' Meeting: topics include efforts to secure NLADA funding for Defender program; space and utilities to be made available on 17th floor of 450 Golden Gate
- 12/15/64 Impasse develops over how Defender Program is to be run/supervised: under the purview of LAS or as an independent entity
- 12/30/64 NLADA sends check for \$23,547 to LAS to set up Defender program
- 1965 1965 LAS Annual Report entitled "Where Next?" praises the Economic Opportunity Act of 1964 but laments the impasse over funding of LAS and Defender; 7,693 cases handled for Calendar Year 1965
- 1965 Louis E. Goodman Memorial Fund proposed to help indigent defendants granted probation re-adjust to civil life [ultimate disposition of this Fund unclear]
- John Pigott dies
- Howard McGurrian dies
- 01/02/65 Press Release re Federal Defender Program: staff to be three full-time lawyers, two full-time investigators and two secretaries
- 01/05/65 Samuel Stewart presents "Suggested Plan for Representation of Indigent Defendants in U.S.D.C. For the Northern District of California Under the Criminal Justice Act of 1964", which in summary places responsibility for representing the indigent on local Legal Aid Societies
- 01/10/65 Newspaper excerpt re The Defender program guaranteeing compensation to lawyers defending indigent defendants



- 01/12/65 Report of Nominating Committee recommending Officers: Jordan, Abel, DeBenedictis, Christensen, Rothwell  
 Lawyer Directors: Abel, (Miss) Tommy Angell, Christensen, Cooper, DeBenedictis, William Ferdon, Jordan, Moses Lasky, Richard Peterson, Gregory Stout, Zirpoli  
 Lay Directors: Biaggini, Cook, Gould, Hogan, Johns, Maillard, McAllister, McGurrin, Pigott, Witter, Dinkelspiel  
 Stewart declines nomination to serve again; Suggestion that By-Laws be amended to include 45 (formerly 41) Directors--Lawyers Directors to be 22 (formerly 18)
- Directors' Meeting: topics include Rothwell's agreeing to Chair the Mayor's Legal Task Force and issuing a report for expanded funding of LAS under Title II; receipt of \$68,942 NLADA grant reported
- 02/11/65 Directors' Annual (Membership) Meeting: topics include caseload of 6,020 for Calendar year 1964 (25% increase since 1962); application for increased funding from United Community Fund to handle increased work; Nominating Committee's recommendations and suggested By-Law changes all approved
- 02/13/65 USF Report on its Defender Workshop (internship for Third Year USF Law Students) issued
- 03/08/65 Valentine C. Hammack inducted to head Federal Defender project (made possible by \$69,000 Grant from the National Legal Aid and Defender Ass'n)
- 04/01/65 The joint Legal Aid Society - San Francisco bar association Federal Defender demonstration project inaugurated project staff headed by Valentine C. Hammack and then James F. Hewitt
- 04/06/65 Rothwell writes to welcome Judge Raymond Arata, Mrs. Delia Edge, Clyde Dalton (Lawyers Club), Lemuel Matthews (BASF), David Nelson (Barristers' Club), Judge Robert Drewes, Max Margolis (Bankruptcy Committee of BASF) as ex-officio Directors

- 04/13/65 Directors' Meeting: topics include Federal Defender Project staffed by Valentine Hammack, James Hewitt, David Van Vlack Dibble (attorneys), Fred Armstrong (investigator), and Paulie Mae Brunner (secretary); United Community Fund to provide LAS with \$7,448 now, with promise for more later to help it meet NLADA minimum requirements; membership drive going well; Donald Jenkins to be fourth LAS staff attorney; Rothwell given raise to \$16,000/yr; LAS asked to take part in War on Poverty; NLADA and ABA urge LAS to participate in OEO and EO Councils as long as they can continue to meet minimum NLADA standards; no federal funds have yet been extended
- 05/11/65 Directors' Meeting: topics include United Community Fund representative (Thomas Jenkins, former LAS Board member) speaking to LAS; status report from Valentine Hammack on Federal Defender Program; LAS applies for \$29,188 in federal funds under OEO auspices; Rothwell to attend National Conference on Law and Poverty 6/23/65 in Washington, DC
- 06/08/65 Directors' Meeting: topics include EOC-SF's appointment of Legal Services Task Force in December 1964 composed of Kurt Melchior, Gregory Stout and Rothwell which has had two meetings; Task Force recommended supplementing LAS staff by one lawyer, one stenographer and one investigator; Federal Defender Program running well, but faces possible crisis if Congress does not move to allocate funding soon
- 09/14/65 Directors' Meeting: topics include welcome to Max Gutierrez as ex-officio Director (Barristers' Club); important crossroads for Legal Aid: ABA, State Bar and NLADA have all urged Legal Aid groups to cooperate with OEO and Economic Opportunity Act; the other "path" urges permitting organization of new Legal Aid organizations to compete for federal funding; EOC-SF identifies four target poverty areas: Chinatown, western Addition, Mission and Hunter's Point; legal

- aid groups must be located IN these target areas to receive federal funding, have 1/3 of their Boards be poor persons; LAS Committees to be formed to meet with representatives of EOA Poverty program
- 09/21/65 Valentine Hammack resigns as Attorney-in-Charge of Federal Criminal Defense Office of LAS-SF
- 10/01/65 Press release announcing James Hewitt to replace Valentine Hammack as Attorney-In-charge of LAS' Federal Criminal Defense Office
- 10/12/65 Directors' Meeting: topics include Hammack's resignation; annual funding for Defender project to be approximately \$40,000; Demonstration Project funds low, LAS to ask for advance from NLADA; Judge Weigel reports that many defendants in the Federal Defender Project are suspicious of the LAS staff since they are in the same building as the US Attorney; salaries for staff lawyers raised to \$11,000; Jeanette L. Clark Fund invested in a US Treasury Bond
- 10/19/65 Rothwell mails Second Interim Report of Model Defender Program to Charles Decker (NLADA) and appeals for a fund advance
- 11/09/65 Directors' Meeting: topics include vote of thanks to Forbes & Co. for its free Audit; trouble coordinating meetings with EOC representatives; Mrs. Stanley Madden appointed Lay Director of Board (President of SF Lawyers Wives)
- 12/01/65 Jordan writes to thank SF Lawyers wives for recent \$1,500 contribution
- 01/11/66 Directors' Meeting: topics include LAS meetings becoming too large for present location; civil caseload for 1965 about 7,000; possible budget deficit on civil side of operations due to War on Poverty; Federal Criminal Defense Program disposed of 276 cases during 1965; continuing delays in

funding; LAS jointly applies for \$330,000 grant from OEO for the operation of decentralized centers serving the four poverty pocket target areas (Baumbach Group had requested \$689,000)

02/10/66 By-Laws, Article IV, Section 1(a) amended to allow for 60 Directors

Directors' Annual (Membership) Meeting: 7,079 cases handled in 1965; funding deficit reported; Federal Defender Project has stayed within grant funds and handled 276 cases since its inception (3/1/65); fundamental question to be addressed: who shall administer legal services funds provided by the Office of Economic Opportunity and therefore control expanded legal services for the poor in SF?; competing programs re same (Neighborhood Legal Assistance Foundation); Jordan asks for support of LAS/Bar Ass'n position; most legal bodies support LAS/Bar side in the impasse;

Officers--Jordan, Abel, DeBenedictis, Rothwell;

Lawyer Directors--Archer, Bronson, Duniway, Finger, Greene, Guggenime, Jackson, Keady (Barristers Club), Lemuel Matthews, Sears, Weigel, Zeppelin Wong

Lay Directors--Charles Gould, Hogan, Johns, Arch Layman, Mrs. Stanley Madden, Mailliard, Witter

Further Amending By-Laws (Article IV, ¶1 re Membership rules)

02/16/66 Judge Weigel resigns from LAS

03/08/66 Directors' Meeting: topics include mass confusion over OEO intentions to fund legal aid programs; Sargent Shriver says that due to re-shuffling of OEO funds, San Francisco will receive sufficient money to fund both LAS plan and local Community Action Program (CAP); general discussion of problems brought on by War on Poverty and belief that negotiations with OEO for further grants should not be broken off



- 04/07/66 Meeting held at Regional OEO Office of Donald Stocks, among topics discussed: Washington;s intent to fund TWO legal aid programs in SF; Board representation (lawyers vs. poor people) of each group (LAS and SF Neighborhood Legal Service Foundation) debated; Stocks promises to issue formal written proposals on 4/18/66
- 04/12/66 Directors' Meeting: topics include efforts to compromise on funding problems with OEO; report on 4/7/66 meeting with Stocks (see above); concern expressed over significant number of poor people on LAS and other legal aid Boards
- 05/10/66 Directors' Meeting: topics include funding decision by OEO to fund directly only Neighborhood Legal Assistance Program, not LAS; LAS encouraged to apply for fund through CAP, with OEO promising to fund if CAP does not approve LAS' amended application
- 06/14/66 Directors' Meeting: topics include OEO funding issues, Clinton Bamberger's broken promise (!!); Board make-up of NLAF; LAS to apply directly for funding from "target areas"
- 09/13/66 Directors' Meeting: topics include Baumbach speaking before LAS re NLAF progress and staffing requests; LAS deems his requests "precipitous;" bad blood evident!; discussion of the funding "run-around" that all three legal aid group were getting from Washington
- 09/14/66 Lawyers Club of SF appoints Henry Todd and Edward Towers as Directors to serve on NLAF local Board of Directors
- Edward Jackson (LAS) recommended as BASF appointment to same Board
- Burton Goldstein (Lawyers' Club President) sends fiery letter to BASF President and Jordan (LAS) detailing "double crosses" by the Board of Directors of NLAF and urging continued seeking of federal funds as well as an "unrelenting public relations campaign" to protest the "local situation"



George Sears appointed as LAS rep to NLAF Board

- 10/11/66 Directors' Meeting: topics include tortured history of attempted federal funding of LAS; acceptance by Chinatown poverty area, provided funding does not jeopardize funding of NLAF; rejection by Mission and Central City Area Development Boards, no answer from Hunter's Point; Stocks speaks at Meeting, reporting that Earl Johnson of OEO looks favorably on new Bar Ass'n-Lawyers Club-LAS proposal; Stocks does not believe substantial further amendments to proposal will be necessary; Jeanette Clark Fund re-invested in Southern Bell Telephone bonds maturing in 2004; double payment of memberships reported, causing budgeting problems and errors; Committee formed to pursue large firm contributions; Hewitt and Rothwell given raises (to \$16,000 and \$18,000)
- 11/08/66 Directors' Meeting: topics include Archer's belief that new firm memberships will be able to make up LAS' \$10,000 operating deficit; Lawyers Guild requests LAS to refer fee-paying cases to it; LAS to ask for Lawyers Guild's list of members; NLAF Board reps report that NLAF has a \$1.59 million budget
- 1967 LAS receives a grant from the Office of Economic Opportunity. LAS opens Juvenile Court Branch (later known as the Youth Law Center). Society initiates Neighborhood Alternatives Program, Neighborhood Legal Assistance Foundation Offices open in target areas - does not decrease LAS caseload. LAS now has 10 staff attorneys and three offices and begins employing investigators.
- 01/10/67 Directors' Meeting: topics include welcome to Frank Winston as Barristers Club designee; Lawyers wives contribute \$2,300; no new developments in quest for OEO funding since November meeting; progress on securing large firm contributions (less success with

smaller firms); LAS rejects (in effect) Lawyers' Guild's request for referrals, saying its member should join BASF or the SF Lawyers Club; NLAF rep (Stout) reports that NLAF is handling about 800 cases at present, and each Board's By-Laws require it be composed of more than 50% lawyers

- 01/18/67 Jordan writes to Stocks (OEO) to inquire as to status of LAS' application for federal funding
- 02/09/67 Directors' Annual (Membership) Meeting: Lawyer Directors--Abel, Marjorie Childs, Cooper, DeBenedictis, Ferdon, Kennedy, Lasky, Peterson, Ransom, Gregory Stout, Zirpoli, Joseph R. Grodin (new) elected to replace retired Judge Weigel; Dinkelspiel to be "Special" Director (Bankruptcy) Officers--Abel, Lemuel Matthews, DeBenedictis, Jackson, Rothwell; Lay Directors--Henry Evers, Gould, Hoover, Layman, Mrs. Stanley Madden, Archbishop McGucken, Witter; Jordan and Christensen resign from Board; Article Eight (8) of Articles of Inc. revised (tax language); funding gap of approx. \$10,000 in civil budget, but a \$10,000 surplus in criminal budget; 7,600 cases handled in 1966; despite NLAF being established with 35 lawyers and an expected caseload of 6,000, the LAS caseload not likely to decline based on analogous situation in Washington, D.C.; Lawyers wives contributed \$2,300 in January
- 02/17/67 Theodore Kolb writes to recount "eyeball-to-eyeball" meeting with Johnson (OEO), during which Johnson was told by several people that he had double-crossed San Francisco; Johnson said that LAS would soon be receiving funds
- 03/02/67 Articles of Incorporation of LAS amended on points of non-profit (tax exempt) status
- 03/14/67 Abel (president) write to Lawyers Guild, advising that they will NOT refer fee cases to LG

- 03/14/67 Directors Meeting: topics include report from Vincent Cullinan (President Bar Association) about Houston Meeting with Earl Johnson (Dir. Legal Services for OEO), Cullinan's impression that OEO will not provide any funds through LAS; recommendation that Presidents of Bar Ass'n, Lawyers Club and LAS ask coordinator of NLAJ to help prepare a plan to create a new organization to obtain OEO funds; Program for California Problems--
1. Fund LAS
  2. State Bar to request evaluations of other California projects
  3. same letter to go to lawyers on National Advisory committee
  4. State Bar to prepare fact report on all problems in California
- Staff raises discussed; NLAJ passing off non-lawyers as lawyers at Juvenile Court
- 04/11/67 Directors Meeting: topics include finance report from Archer (membership drive ahead of last year's pace); Abel and President of Bar Ass'n have met with Donald Stocks (OEO), who expressed interest in funding LAS; LAS to not pursue program of legal education of citizenry
- 05/09/67 Directors Meeting: topics include request of OEO for funds to operate a branch in the vicinity of Juvenile Court; LAS should not operate a program which "conflicts" with Public Defender program; Judge O'Connor writes letter expressing his support for LAS plan to have branch office near Juvenile Court
- 06/13/67 Directors Meeting: topics include membership drive report; no OEO funds yet
- 08/08/67 Directors Meeting: topics include OEO \$66,789 grant, and conditions (20% matching with local funds, 1/3 of Board be representative of poor people)
- 09/12/67 Directors Meeting: topics include release of OEO funds "imminent;" rental space secured directly across from Juvenile Court; five vacancies among LAS Lay Directors to be filled by Board with people nominated by local CAA (EOC-SF)

- 10/10/67 Directors Meeting: topics include fund-raising efforts to meet 20% matching fund requirement of OEO grant; William Jenkins appointed Attorney-in-Charge of Juvenile Court office; Elda Pardini--Senior Staff Attorney; Donald Friedman--Staff Attorney; Brewster Morgan--Junior Staff Attorney
- 11/14/67 Directors Meeting: topics include Abel's letter to U.S. Representative William Maillard of support for OEO's Program in the House; progress report on compliance with OEO conditions for acceptance of grant; staff salary adjustments
- 12/12/67 Directors Meeting: topics include filing application with OEO for re-funding in the amount \$190,037.25
- 01/09/68 Directors Meeting: topics include SF Lawyers Wives present check for \$2,700; UBAC to contribute \$41,461 for 1968, same as in 1967; LAS' National Defender Program, funded by grant from NLADA, terminated 12/31/67--hope for continued CJA funds; possibility of using student volunteers to staff OEO program
- 01/10/68 Arch Layman resigns from Board
- 02/08/68 Annual Membership Meeting: topics include sources of funding; LAS in "reasonably good shape" financially; substantial increase in Juvenile Court office caseload; LAS handled approximately 7,600 cases in 1967; two (2) law student programs in effect - a credit course taught by LAS at Hastings and a student work/study program; special commendation to Dick Archer for his fundraising efforts
- 02/08/68 Directors' Annual (Membership) Meeting: Lawyer Directors--Archer, Bronson, Duniway, John Ertola, Finger, Greene, Jackson, Matthews, Sears, Grodin, Wong, Keady (Special Barristers' Club) Officers--Matthews, Sears, Jackson, Evers, Rothwell; Lay Directors--Henry Evers, Gould, Hoover, Mrs. Stanley Madden, Archbishop McGucken,



Bishop Kilmer Myers, Witter, James Shields; Only seven Lay Directors, despite By-Laws requiring a total of twelve--other five seats to be reserved for nominees by Economic Opportunity Council of SF

- 03/12/68 Directors' Meeting: topics include OEO sending two investigators to evaluate LAS' Program--Matthews, Jordan and Dinkelspiel met with inspectors, who also met with a wide range of other individuals involved in the Program; War on Poverty has 8 1/2% less money this year, and OEO grants might be affected accordingly
- 04/09/68 Directors' Meeting: topics include report from newly-formed Fringe Benefit Committee, favoring cash payouts (10% bonus, in essence); authority borrow funds to meet budget discussed and approved, provided LAS receives authorization of OEO to pay back loan in case OEO does not fund LAS
- 04/16/68 OEO issues memo (CAP memo 67-3) on Revised Poverty Guidelines for Completing MIS Participant Characteristics Report, outlining poverty lines for families of various numbers
- 05/14/68 Directors' Meeting: topics include UBAC's need for volunteers; Fringe Benefit Resolution to pay each staff member a 10% bonus; Committee to be set up to try to coordinate activities of LAS, BASF, Lawyers Club
- 06/11/68 Directors' Meeting: topics include: OEO to notify of refunding amount by 6/30/68 (LAS to expect 3% less than last year); EOC-SF to borrow \$250,000 until refunded by the feds; Juvenile Court Coordination Committee progress report by Sears
- 07/01/68 OEO amends law re State Bar review of OEO applications for funding; Sears solicits State Bar, BASF and Lawyers Club assistance for LAS efforts
- 07/09/68 Directors' Meeting: topics include LAS affirmation of its existing Policy of Nondiscrimination; report of Juvenile Court



- Coordinating Committee re overlapping duties; LAS to receive \$129,562 from CAP funds through OEO commencing 3/1/68, provided 20% matching of funds occurs; \$20 per case from grants is inadequate
- 08/13/68 Directors' Meeting: topics include agreement on Juvenile Coordinating Committee that initial requests should come through LAS; problems with juveniles calling parents or attorneys; funding delays from EOC-SF
- 08/22/68 Chronicle reports establishment of West Oakland Legal Switchboard, funded by UC and the SF Foundation
- 09/10/68 Directors' Meeting: topics include report from Judge Childs that juveniles ARE entitled to two phone calls; LAS to sponsor Proposition F on ballot, that a majority of judges of the Sup. Ct shall oversee and appoint the Chief Juvenile Probation Officer rather than the Juvenile Court Judge; \$20,000 has been borrowed from United Bank of California
- 09/26/68 Wall Street Journal article: "Shunning Wall Street: Bright Young Lawyers Often Turn Down Firms to Work in the Ghetto"
- 10/04/68 LAS receives handwritten letter of thanks for William Jenkins' representation of a juvenile offender by his mother
- 10/08/68 Report of Special Committee on Juvenile Court Matters to the Board of Directors of LAS issued this date: topics include LAS responsibilities for Volunteers, appropriate channels for case referrals, law reform
- 10/08/68 Directors' Meeting: topics include mother's letter; LAS to receive EOC-SF funds as a delegate agency; staff lawyers to be given raises
- 11/12/68 Directors' Meeting: topics include EOC-SF processing a \$64,000 check to LAS; contract to be signed with OEO formalizing "delegate" status of LAS; OEO evaluation distributed
- 11/20/68 Inter-Office Communication at Probation

- Dept. and Juvenile Hall insuring Juvenile's right to a phone call
- 12/10/68 Directors' Meeting: topics include SF Lawyers' Committee for Urban affairs report that SF Committee to form to help black minorities; NLAF need for volunteers; staff rotated at Juvenile Court
- 01/08/69 Gregory Stout resigns from Board of LAS
- 01/14/69 Directors' Meeting: topics include Lawyers Wives presenting check for \$1,550 and LAS "resolves" to express their appreciation; new application to EOC-SF asks for sufficient lawyers to maintain a relationship of 500 matters per attorney per year based on LAS present caseload; OEO to evaluate LAS on 1/27 and 1/28/69; LAS to receive \$40,000 grant (same as 1968) from UBAC; no deficit for CJA (Criminal Justice Act) program in 1968; Hastings students will be used in a "clinic", assisting a lawyer trying petty offenses before a U.S. Commissioner
- 02/13/69 Annual Membership Meeting: topics include a total of 11,224 "matters" handled in 1968; LAS offers centralized legal assistance, while NLAF is more decentralized in target poverty areas; LAS funded by Community Action Agency for work in the Youth Guidance Center, subject to Washington constraints; LAS criticized by OEO in August 1968 for not concerning itself with law reform and confining itself to individual representation; Abel, William Brinton, Marjorie Childs, Cooper, DeBenedictis, Ferdon, Kennedy, Lasky, Peterson, Ransom and Zirpoli all elected for two-year terms as Directors; Evers, Gould, Hoover, Madden, McGucken, Myers, Shields as Lay Directors; Dinkelspiel as Special Bankruptcy Directors; Sears, Jackson, Peterson, Evers and Rothwell as officers
- 02/13/69 Directors Meeting: topics include funding crisis/need to borrow money; President and V.P. of LAS authorized to seek funding (borrow) up to \$50,000; harsh evaluation of LAS by three OEO evaluators, "plainly unfair"

- 03/11/69 Directors' Meeting: topics include deficit in UBAC budget (approx. \$20,000 for 1969); LAS to receive \$16,000 in 1969 from a grant made to Hastings; BASF asked to evaluate Economic Opportunity Act, and subcommittee established
- 03/13/69 Sears proposes to establish three new LAS Committees on Finance, Volunteer Program and Community Relations
- 03/18/69 Sears writes to Finger re Juvenile Delinquency Prevention and Control Act of 1968; problems securing OEO funds
- 04/08/69 Directors Meeting: topics include formation of three Board Committees on 1) Finance, 2) Volunteers (to increase legal services by using volunteers and 3) Community Relations
- 05/13/69 Directors Meeting: topics include progress reports from three new Committees; UBAC serious funding problem, relying on Finance Committee for help; various amendments proposed to Welfare & Institutions Code
- 05/00/69 Sears writes to Lewis Bother, Ass't Secretary for Dept. HEW, to appeal for funds under Juvenile Delinquency Act of 1968
- 06/03/69 Christopher Clancy, Acting Director of OEO's Legal Services Program, writes to Sears to summarize the (negative) findings in the OEO Evaluation of LAS' Juvenile Court Program performed by Shaloo, Friedman and Weiss
- 06/03/69 BASF Report of SubCommittee of Juvenile Court Committee Created to Study the Legal Aid Service at Youth Guidance Center issued, finding the LAS Program competent and recommending more in-depth legal representation of juveniles and altering schedules
- 06/10/69 Directors Meeting: topics include Finance Committee report pursuing idea of securing funds through County Bar Associations; Sears letter to HEW; \$16,655 has been borrowed from United California Bank to cover May, June 1965 EOA budget shortfalls; shortage of full-time staff to provide representation

## before Juvenile Court

- 6/24/69 Special Directors Meeting held to consider BASF Committee evaluation of LAS Juvenile Court Program. Committee interviewed attorney in Program and observed their work and deemed all competent and good lawyers. The attorney assigned to study law reform likewise received a favorable review. Problems exist which could only be solved by additional attorneys; LAS scathing response to the (critical) OEO evaluation to be prepared in the form of a letter signed by Sears
- 06/25/69 Sears writes to protest findings of OEO evaluation
- 06/27/69 Sears writes to James Deasy, Chief of Review for California Office of Economic Opportunity, outlining LAS position on OEO harsh evaluation of LAS Juvenile Court Program; details history of tension between LAS and OEO and possibility of bias in report
- 07/01/69 OEO sends telegram advising that funds for LAS will be discontinued after 9/30/69 due to unfavorable evaluation; Sears immediately sends letters of opposition
- 07/02/69 Sears solicit support of BASF in seeking re-funding by OEO
- 07/08/69 OEO to re-evaluate LAS Juvenile Court program with a different set of evaluators
- 07/08/69 Directors Meeting: topics include OEO's position on re-evaluation of LAS amounts to an arbitration; LAS to encourage an independent evaluation
- 08/12/69 Directors' Meeting: topics include 9-month grant from EOC-SF for \$74,997, contingent on LAS phasing out its OEO Juvenile Court Program; OEO withdraws its offer for an independent second evaluation; LAS should continue to pursue re-funding of OEO/Juvenile Court Program
- 09/09/69 Directors' Meeting: topics include



- conference with Terry Lenzner of the OEO re OEO's purpose to emphasize appellate type efforts, not fund a Public Defender program; LAS to continue to impress that its Juvenile Court program can fit these criteria and should be re-funded; LAS applies for four grants totalling \$170,000 under the Juvenile Delinquency Act of 1968
- 10/09/69 Newspaper article by Ernest Lewis, entitled "OEO to Terminate Free Legal Aid for Juveniles," praising LAS program
- 10/14/69 Directors' Meeting: topics include Charles Cooper's re-appointment as LAS' rep to Board of NLAF for two years; "imminent" decision re OEO re-funding expected; support for LAS position from BASF, State Bar and the Youth Guidance Center; salaries of staff professionals to be reviewed
- 10/28/69 LAS Volunteer Program Committee issues memo outlining possible plan for utilizing volunteers
- 11/11/69 Directors' Meeting: topics include Finance Committee's finding of "extreme problems" in raising money from lawyers; raises for professional staff deferred for review till 7/1/70 except for junior members; UBAC might provide LAS with additional funds; possible future HEW grants not available till March, 1970; ability to borrow authorized by vote
- 12/09/69 Directors' Meeting: topics include LAS enjoined by OEO from providing representation for juveniles in most cases; OEO to continue funding on March 1, 1970, but funds are to be ear-marked exclusively for law reform work; LAS to continue to push for more staff in the Public Defender's Office
- 01/13/70 Directors' Meeting: topics include 1970 UBAC funding to be the same as in 1969 (\$40,461); NLADA to grant \$10,000 to LAS to cover increases in salary in the CJA Budget during 1970; applications for HEW grants have been rejected, should be refiled in amended form; continuing severe need for counsel in the Juvenile Court



- 02/12/70 Annual Membership Meeting: topics include OEO proposal to fund LAS to operate an entirely new program to be exclusively reform-oriented in lieu of the present service and reform-oriented program; 8,526 cases handled in 1969; Archer, Bronson, Duniway, Finger, Greene, Grodin, Jackson, William Orrick, Sears, Frank Tatum, Wong all elected to a two-year term as Directors; Evers, Gould, Paul Hoover, Harold King, Madden, McGucken, Myers, Mr. Harlow Rothert, A. B. Sirbu and James Shields elected as Lay Directors; Thomas Smegal elected as Special Barrister Club Director
- 03/70 Youth Law Center established with OEO Grant (annually for \$135,000), directing that YLC engage in test case and law reform activity, primarily in the areas of juvenile and education law
- 06/30/70 Neighborhood Alternatives Program established; over the course of a year it helps set up or consults with 1) Western Addition Youth Defense Program, 2) Energy, Inc. (in the Sunset) 3) N'hood Youth Assistance Center in Hunters Point and 4) Chinatown/North Beach Youth Service and Coordinating Center
- 09/70 Neighborhood Alternatives Program solicits VISTA assistance (80 volunteers) in setting up project to later be called "N'hood Alternatives to Arrest, Detention and Imprisonment of Juveniles"
- 11/10/70 Progress Report Memos on Western Addition Youth Defense Program: Program in the process of being incorporated under the directorship of Leon Jackson; LJ receives \$4,200 RFK grant; Brenda Kelley firing (secretary)
- 11/19/70 Draft Articles of Incorporation for western Addition Youth Defense Program prepared this date
- 12/23/70 UBAC announces it will cut funding to LAS to \$25,000 for 1971 (had been \$42,000 for the past four years)

- 12/31/70 LAS reports a gross taxable income for 3/70 through 12/31/70 of \$137,518 (does not include Youth Law Center operations)
- 1971 Youth Law Center receives grant from Field Foundation for project to improve institutions of juvenile incarceration
- Congress alters federal criminal defender program, making it a federal government agency instead of a private agency with federal funds; by Summer 1971, LAS no longer administered federal defender project
- 01/19/71 Advisory Committee on Western Addition Youth Defense Program (project of the Neighborhood Alternatives Program) meets to determine fate of Leon Jackson, current Director of WAYD Program [later fired]
- 02/11/71 Annual Membership Meeting: topics include election of Ralph Boches, Charles Cooper, DeBenedictis, John Doty, Terry Francois, Joanne Garvey, Richard Harrington, Joseph Kennedy, Gordon Lau, Richard Peterson, Edward Ransom to two year terms as Lawyer Directors; Evers, McKinley Farmer, Gould, Harold King, Donald MacAulay, Father Donald MacKinnon, Madden, Sirbu, Yuri Wada as Lay Directors; Dinkelspiel as Special Bankruptcy Director; Ephraim Margolin and Marshall Staunton elected as Lawyer Directors to fill vacancies; Greene, Jackson, Peterson, Evers, Rothwell as Officers
- 02/11/71 Directors' (Regular) Meeting: topics include: roadblocks in acquiring UBAC funding for LAS; LAS Federal Criminal Defense office expected to become a public defender office--funds will be "freed" to help LAS in other areas
- 04/26/71 Memo from Greene to all members of LAS announcing UBAC funding of only \$25,000, down from \$40,000: LAS faces serious financial problems as a result
- 06/10/71 Memo from Kenneth Hecht to Tatum (Operations Committee) concludes that much of LAS work could be done by SFNLAF

- 06/16/71 Memo from Kenneth Hecht to Tatum (Operations Committee) concludes with proposal that funds currently available to LAS be put toward formation of an employment law project, to be linked with Youth Law Center; UBAC in favor of the idea
- 06/29/71 Update memo from Hecht to Tatum outlines current crisis in LAS Operations and the feasibility of employment law project
- 06/30/71 Report of Litigation and Non-Litigation Activities for the Period of March 1 Through June 30, 1971 (Youth Law Center) issued
- 06/30/71 George Sears resigns from LAS Board effective this date
- 07/02/71 File Memo outlines decision to lay off Jenkins (staff lawyer) and offer Emley new position in employment project
- 07/08/71 Official memo from Operations Committee to LAS Board outlines financial woes (and eviction from rent-free office space) and echoes recommendations of Hecht's 6/29/71 memo (re employment law project); recommends that Montgomery Street office be closed and referrals be made to SFNLAF
- 07/28/71 Articles of Incorporation for Youth Law Center prepared (filed with Sec'y of State on 7/30/71)
- 08/10/71 Memo circulated to all Board members repeating and clarifying findings of 7/8 memo (office to be closed, future roles for LAS, etc.)
- 08/71 LAS establishes "special project"--the Employment Law Center; funding restricts staffing to two lawyers and one secretary
- 09/11/71 Chronicle (?) article "Legal Aid Society's Big Policy Change" details dismissal of Jenkins and Emley as staff attorneys and LAS' shift toward law reform instead of indigent representation
- 09/13/71 Letter from Greene to all members of LAS

- summarizing Tatum Committee finding that LAS should focus limited resources into "special projects;" announces that employment law will be new, but not necessarily permanent focus of LAS
- 10/18/71 Articles of Incorporation of Neighborhood Alternatives to Arrest, Detention and Imprisonment of Juveniles filed with Secretary of State ["Official" name for Neighborhood Alternatives Program]
- 10/18/71 Richard Harrington of LAS agrees to serve on Board of SFNLAF
- 11/16/71 Edward Ransom resigns from LAS Board, due in large part to YLC and "Lowell High School" case
- 11/17/71 Charles Elkus writes to Greene to express displeasure with YLC (Lowell High School case, again)
- 11/18/71 Richard Harrington defends LAS/YLC against Edward Ransom's resignation letter
- 12/02/71 Greene responds to Ransom's comments re YLC/Lowell High School case
- 12/09/71 Joanne Garvey resigns from LAS Board
- 12/14/71 LAS (Regular) Board Meeting: topics include LAS recommendation that Youth Law Center seek \$70,000 annual grant from OEO to provide "back-up services" in western states; LAS fund-raising difficulties
- 12/22/71 Greene responds to Elkus' comments re YLC/Lowell High School case
- 1972 LAS staff consists of only Peter Sandmann and Edward Steinman (attorneys), Kenneth Hecht (part-time) and Queen Lofton (staff)
- 01/01/72 Youth Law Center receives additional \$72,000 grant to provide "back-up services" to OEO-funded legal programs in twelve western states
- 01/10/72 Hecht writes UBAC to have listing for LAS changed to "Legal Aid Society of San



Francisco Youth Law Center and Employment Law Center, 794 Turk Street..."

- 02/72 Youth Law Center receives \$20,000 grant from the Field Foundation to support a specialized right-to-treatment litigation
- 02/10/72 Annual Meeting of Youth Law Center: Board of Directors of Youth Law Center for 1972-73: Stanley Abe, Henry Evers, Richard Harrington, Thomas Smegal, Vernon Thornton, Rachel Arce, A. Crawford Greene, C. Delos Putz, Frank Tatum, Michael Wald, L. Ling-Chi Wang
- Legal Aid Society By-Laws amended (shrinking number of Directors from 60 to 40, regular meetings to now be held bi-monthly)
- Annual Meeting of LAS Board: topics include by-law amendments; Brosnahan, Barry Bunshoft, A. Crawford Greene, Ephraim Margolin, James Paras, M. Laurence Popofsky, Armand Robertson, Thomas Smegal, John Sparks, Marshall Staunton, Frank Tatum and Robert Westberg elected to two-year terms
- 04/10/72 Recorder article "S.F. Juveniles Get U.S. Help" details YLC grant to provide legal support services to juveniles
- 04/18/72 Directors' Meeting: topics include election of Stanley Abe, Rachel Arce, Father William Burns, Zaide Kirtley, Nancy Knickerbocker, Vernon Thornton and L. Ling-Chi Wang to Board, bringing total Directors to full complement of 40; Youth Law Center now operating under separate Board of Directors, and the primary operating LAS program is the Employment Law Center; UBAC to only supply LAS with \$22,000 for 1972, down from \$40,000; Organizational Committees (Operations, Judicare, Finance and Public Relations) to be formed
- 06/01/72 Peter Bull resigns from Board of Directors of SF-NLAF
- 06/08/72 Ralph Boches writes to State Senator Song urging enactment of Senate Bill 1421 (mandating counsel be appointed poor parents



- in all cases arising under §600 of the Welfare and Institutions Code
- 06/14/72 Youth Law Center declines appeal from Fresno County Community action to send lawyer to assist in educational litigation
- 06/22/72 SF Chronicle article: "Marin Ruling: Landmark Case on Child Abuse" details Judge Weigel's decision that poor parents are entitled to court-appointed counsel in cases involving neglect or abuse
- 06/30/72 Neighborhood Alternatives to Arrest, Detention & Imprisonment (NAP?) becomes inactive this date
- 07/10/72 Kenneth Hecht, Edward Steinman, Vernon Thornton and L. Ling-Chi Wang of YLC attend workshop on The Law and Public Employment in SF
- 07/24/72 SF Examiner article: "Youth Goes to Bat For Delinquents" details efforts of high school students to combat juvenile delinquency (mentions Youth Law Center)
- 07/25/72 Los Angeles Daily Journal article on two California Supreme Court cases argued by Youth Law Center attorney Edward Steinman
- 08/72 S.B. 1421 passed
- 08/72 Affirmative Action Attorneys Support Group Report issued, re OEO/YLC program to offer legal advice to indigent minorities negotiating with the construction industry
- 08/01/72 Draft internal memo details accomplishments of Employment Law Center and Youth Law Center; Ed Steinman to leave ELC to teach at Santa Clara University Law School; YLC funding sources secure; recent case decisions have established the rights of poor parents to court-appointed counsel when their children are subject to neglect and dependency proceedings
- 08/04/72 A. Crawford Greene invited to serve on Youth Law Center Executive Committee

John Ellingson agrees to work with YLC as a consultant on specific projects

- 08/08/72 LAS Board Meeting: topics include desire to move juveniles from "ranches" to SF communities; SF Lawyers' Committee's idea to set up a public interest law firm in the Ingleside district; Lawrence Popofsky to chair LAS Finance Committee
- 08/16/72 SF Bay Guardian lambastes the SF Bar Association for being unconcerned with plight of the poor (praises Morrison as being the best among SF firms)
- 09/12/72 Youth Law Center Board Meeting: topics include report on ineffective and costly SF County Ranches program for delinquent boys
- 09/22/72 Memo from Hecht to LAS Board details need for more manpower at Employment Law Center and recent departure of Ed Steinman, who was replaced by Mike Tobriner
- 10/10/72 LAS Board Meeting: topics include "solicitation campaign" of UBAC for funding; addition of Mike Tobriner to ELC staff; YLC report on the Yolo County Juvenile Hall proceedings (unsuitable place of confinement); funding/staffing problem of ELC, decision to hire Joe Breiteneicher made
- 10/24/72 Joe Breiteneicher joins staff of Employment Law Center
- 11/00/72 ELC files application with SF Foundation for a total funding proposal of \$100,000, \$55,000 of which is asked of SF Foundation.
- 11/22/72 LAS files suit against SF Public Schools for 1) allowing boy to graduate from Galileo H.S. without teaching him how to read and write, and 2) not advising his parents of his deficiencies.
- 12/21/72 LAS Board Meeting: topics include ELC's Application to SF Foundation; funding progress on \$100,000 LAS budget; favorable press Youth Law Center has been receiving; ELC to make contact with SPUR (San Francisco Planning and Urban Renewal Commission)

- 1972 LAS begins employment project.
- LAS/Youth Law Center handle four high-profile cases given substantial media coverage: 1) attempt to close Juvenile Hall as "unsuitable place of confinement" using previously unused state statute; 2) Employment Law Center represents WAPAC (Western Addition Project Area Committee) in trying to get local help hired in developing Western Addition (Teamsters allegedly not allowing same); 3) challenge rules which exclude girls from auto shop instruction in schools; 4) establish preventive medical care for poor children
- 1973 LAS applies for a \$50,000 grant from UBAC for 1973
- 01/12/73 John Doty dies
- 02/08/73 Directors' Meeting (Annual): topics include elections of--Stanley Abe, Rachel Arce, Henry Evers, Harold King, Nancy Knickerbocker, (Fr.) Donald MacKinnon, Douglas MacAulay, Vernon Thornton, Yori Wada and L. Ling-Chi Wang to serve as Lay directors for one year;  
President--Frank Tatum  
Vice President--Thomas Smegal  
Secretary--Richard Harrington  
Treasurer--Henry Evers  
Ass't Sec'y/Treasurer--Kenneth Hecht;  
Evers, Greene, Harrington, Smegal and Tatum elected to Executive Committee
- Membership Meeting (Annual): topics include elections of Miles Cobb, Dario DeBenedictis, John Dinkelspiel, Terry Francois, Joseph Grodin, Richard Harrington, (Hon.) Joseph Kennedy, Zaide Kirtley, Thomas Kostic, Gordon Lau, Janet Stansby to serve two year terms as Lawyer Directors
- 02/13/73 Father William Burns resigns from LAS
- 03/73 Employment Law Center launches two lawsuits on behalf of Asians/Latinos ("height discrimination") and black waiters in San Francisco

- 03/16/73 Memo from Sandmann to Hecht reporting on LAS financial woes: "only by ceasing to employ Joseph Breiteneicher can the L.A.S. continue an Employment Law Center indefinitely on current and projected income"
- 03/19/73 LAS receives UBAC grant of \$26,225.00 for 1973
- 04/10/73 Chronicle and Recorder carry story of YLC suit over San Mateo schools not providing special ed classes for handicapped children
- 04/10/73 Directors' Meeting: topics include discussion of height discrimination and black waiter suits; summer job programs; large firms not responding to fundraising letters; budget resolution for Employment Law Center
- 04/13/73 LAS writes to Mayor Alioto, urging summer jobs for youths
- 05/28/73 Maria Bickel joins LAS Board (BASF rep)
- 06/04/73 In letter to Tatum, hecht writes that LAS fund-raising is "in bad shape."
- 06/21/73 Memo from Breiteneicher on summer job program--condemns Alioto's office, but generally praises the press and media (final, inflammatory sentence of memo redacted--"...Mayor not giving a f\*\*\*.")
- 06/21/73 Memo from Patricia McKinley on Ex-Offender program
- 06/23/73 LAS gets conditional funding from SF Foundations for \$111,000 over three years, provided an "adequate" level of private gifts are received
- 06/23/73 Directors' Meeting: topics include Evers' resignation, replaced by Popofsky as Treasurer; favorable OEO review of Youth Law Center; ongoing fund-raising efforts to "match" funds needed to secure San Francisco Foundation funds (\$100,000)
- 07/73 Cassandra Flipper joins Employment Law



## Center

- 8/21/73 SF Examiner article "Suit Claims City Ignores Job Rule" details bias in hiring (suit filed by ELC)
- 08/22/73 SF Chronicle article "A Suit to Force more S.F. Hiring;" Recorder article "Big Hiring Suit Against S.F."
- 08/31/73 SF Chronicle article "A Language Break for Lowell Entry" details admission of straight-A Mexican-American students (Youth Law Center brought suit)
- 09/73 Corey Park joins Employment Law Center
- 09/17/73 Palo Alto Times article "Functional Illiteracy Growing" reports favorably on YLC lawsuit
- 09/18/73 Directors' Meeting: topics include status report of ELC cases, including new one against KQED (fired minority employees); YLC grants renewed at same level as before; renewed appeal to large law firms for contributions
- 11/73 Articles on abuse of criminal and personnel records; YLC and ELC curenly have suits on this issue
- 11/13/73 Directors' Meeting: topics include status report on ELC cases; KQED case ruffles many feathers due its possible adverse effect on fundraising; Flipper notes that EEOC investigation would not necessarily lead to EEOC lawsuit; many Board members clearly nervous about filing suit against KQED and urge alternatives; LAS successfully raises enough private funds to be eligible for SF Foundation grant; LAS to apply for UBAC grant (next year) of \$30,000
- 01/15/74 Directors' Meeting: topics include progress report on free breakfast program by YLC; ELC report on waiters/bartenders' racial discrimination suit; Breiteneicher testifies before Congress on problems faced by ex-offenders, asked to draft legislation; office space at 795 Turk street to be sold,



LAS will need to re-locate [no update on controversial KQED case]

- 01/30/74 Youth Law Center issues press releases on two successful lawsuits: one involving sixteen-year olds denied college admission based on age and the other allowing un-charged (with crimes) youths the right to have their fingerprint records removed from police records
- 01/30/74 SF Examiner and Chronicle report on Steinman's legal victories on behalf of aliens applying for civil service jobs (Wong v. Hampton) and Chinese students (Lau v. Nichols)
- 01/31/74 Steinman gets mention in Herb Caen's column
- 02/74 Employment Law Center issues report entitled "The Employment Problems of Offenders: A Primer," outlining employment problems faced by ex-offenders
- 02/11/74 Youth Law Center launches campaign for free breakfast program for SF Unified School District
- 02/14/74 Annual Membership Meeting: topics include elections of Edward Bronson, Barry Bunshoft, Greene, James Paras, Popofsky, Armand Robertson, John Sparks, Graydon Staring, Tatum, Robert Westberg, Sheldon Wolfe, Smegal to two year terms as Lawyer Directors; Charles Clifford, David Heilbron, Claude Hogan and Richard Lucas elected to one year terms as Layman Directors
- 02/14/74 Directors' Meeting: topics include elections of Evers, Clarence Greene, Harold King, Father Donald MacKinnon and Yori Wada as Lay Directors;  
Tatum--President  
John Sparks--Vice President  
Richard Harrington--Secretary  
Maria Bickel--Treasurer  
Bickel, Greene, Harrington, Sparks and Tatum to serve on Executive Committee  
Status reports from YLC and ELC on cases
- 03/28/74 LAS receives \$22,000 grant from the

- Rosenberg Foundation to help fund the free breakfast program
- 03/29/74 Dick Weir (Levi Strauss) agrees to serve on LAS Board
- 04/09/74 Directors' Meeting: topics include Rosenberg Grant; Clarence Greene's resignation; updates on discrimination suits, favorable result in Perkins v. Union Bank (ex-offender case); still no location found for LAS office space
- 04/11/74 Clarence Greene (Crocker Bank) resigns from LAS Board, replaced by Clarence Glass
- 04/22/74 UBAC increases LAS funding for 1974 to \$38,500 (up from \$26,225).
- 05/01/74 Cassandra Flipper leaves LAS
- 05/05/74 Following new members welcomed to Board: Edward Bronson, Charles Clifford, Kathleen Connelly, Clarence Glass, David Heilbron, Claude Hogan, Richard Lucas, Carolene Marks, George Reising, Graydon Staring, Elizabeth Truninger, Dick Weir and Sheldon Wolfe
- 05/21/74 Sylvia Valdez (Pacific Bell) joins Board
- 06/14/74 SF Chronicle and Examiner and Recorder all run articles on Grace Chandler, who sues Army claiming sex discrimination in enlistment procedures (case handled by YLC)
- 06/20/74 Directors' Meeting: topics include YLC report that SF USD has agreed to institute a free breakfast program; progress report on four cases handled by YLC (including bias suit against Army); LAS to re-locate at 693 Mission Street; \$2,000 grant from Vanguard Foundation accepted to publish women's job rights booklet, to be "sub-granted" to Women's Organization for Employment
- 07/03/74 Peter Bull and YLC named in law suit involving Coleman Project (juvenile shelter)
- 08/08/74 Elizabeth Truninger dies
- 10/08/74 Directors' Meeting: topics include LAS' has

- raised only \$26,000 of \$40,000 requirement to meet SF Foundation grant; YLC triumphs in Morales v. Turman case (treatment and re-hab of juveniles) and school breakfast program reported; Susan Turner joins ELC staff as lawyer, Randall Smith joins as extern clerk
- 10/09/74 Frank Anderson, John Blackwood, Richard Gross and Joe Breiteneicher issue memo to Human Rights Commission Employment Committee (SF) re Employment Problems
- 11/07/74 Nancy Knickerbocker resigns from LAS
- 12/10/74 Directors' Meeting: topics include LAS successfully raises \$40,530 to meet SF Foundation requirement for "matching" funds; need for focus on legal problems faced by poor women; LAS to ask for larger grant from UBAC based on increased service load
- 1975 LAS Board: Charles Clifford--President  
Graydon Staring--VP  
Robert Westberg--Secretary  
Rachel Arce--Treasurer  
and 36 other Directors
- LAS Staff: Kenneth Hecht--Exec. Director  
Joe Breiteneicher--Prog. Dir.  
Marjorie Gelb--Staff Attorney  
Prudence Poppink--Staff Att'y  
Susan Spurlark--Staff Att'y  
Paul Perret--VISTA Attorney
- 02/26/75 ELC files suit (Langlois v. San Francisco) challenging discrimination against Ex-Offenders
- 03/20/75 Directors' Meeting: topics include elections of:  
Rachel Arce, Kathleen Connolly, Henry Evers, Stanley Hebert, Mrs. Milton Marks, George Rendahl, George Resing, Sylvia Valdez, Yori Wada, Richard Weir as lay directors  
Charles Clifford--President  
Graydon Staring--Vice President  
Robert Westberg--Secretary  
Rachel Arce--Treasurer
- 03/20/75 Annual Membership Meeting: topics include elections of:

- Lane Brennan (one-year term), Charles Clifford, Bruce Cowan, dario DeBenedictis, F. Conger Fawcett, Richard Harrington, David Heilbron, Claude Hogan, Wayne Hudson, Gordon Lau, Richard Lucas, John Morrissey and David Pigott as attorney Directors; guest speaker Judge Tobriner reminisces on his own LAS days
- 03/24/75 Gerald Rendahl, Jettie Selvig, Jesse Feldman, and Ellen Newman welcomed to the LAS Board
- 03/27/75 Bruce Cowan, F. Conger Fawcett, Wayne Hudson, John Morrissey, David Pigott, Lane Brennan, Stanley Hebert, Michael Ohleyer welcomed to LAS Board; Dario DeBenedictis welcomed back to the LAS Board
- 04/14/75 Recorder article on the hardship of having unfair "rap sheets" when applying for jobs
- 04/28/75 UBAC agrees to fund LAS \$51,800 for fiscal year 1976 (\$13,300 increase)
- 04/29/75 Directors' Meeting: topics include Employment Law Center budget for Fiscal 1976 set at \$135,800; ethical dilemma posed by accepting attorneys' fees in Liquid Air case--Title VII expressly provides for prevailing party to receive fees; new ELC cases on behalf of women, Asians and ex-offenders
- 05/06/75 Dwight Taylor agrees to serve on LAS Board
- 06/20/75 Internal conflict arises between Thomas Adams (San Mateo LAS attorney) and Wayne Hudson (SF LAS Director) re development plans for San Bruno
- 06/24/75 Directors' Meeting: topics include introduction of new staff and interns; shift in fund-raising toward large firms; decision that LAS should NOT accept consultant fees, unless the fee is awarded as a result of a Title VII action; YLC case, Breed v. Jones, is decide by U.S. Supreme Court (favorably), extending constitutional protection against double jeopardy to juveniles; formal resolution to pursue (and fund) Ex-Offender



## Program

- 07/75 LAS opens a client service program which produced a caseload of over 100 new clients monthly.
- 08/28/75 ELC press release announces class action on behalf of "Choreworkers," claiming "shocking, unlawful underpayment" by counties
- 09/09/75 Newspaper articles report Youth Guidance Center lawsuit against elementary school which forced unruly students to take experimental drug "Ritalin" as a pre-condition for attending classes
- 09/16/75 Directors' Meeting: topics include report on "Choreworker" lawsuit; recent passage in Ca. legislature of a bill prohibiting employers from using arrest records in considering applicants for employment (research for bill done by ELC); LAS (hesitantly) agrees to help indigent veterans in dishonorable discharge proceedings
- 10/01/75 Memo from Susan Spurlark to Hecht outlines Program for representing army veterans seeking upgrades of less-than-favorable discharges
- 10/21/75 LAS issues press release charging SF fails to provide voting rights to "language minority" citizens
- 11/11/75 Directors' Meeting: topics include decision to apply for slightly higher UBAC funds to cover increased staffing; LAS files suit on behalf of "language minority" citizens to enforce 1975 amendments to the Voting Rights Act of 1965--"vigorous" debate follows on this topic, whether it is a proper case for ELC to pursue; progress report on indoctrinating volunteer lawyers to defend veterans facing discharge from the armed forces; ELC continues to see over 100 individual clients a month; LAS support for pressure on Supervisors to effectuate Proposition M (1973 Initiative re child care services)



- 11/20/75 Examiner and Chronicle report on women's victory in sex discrimination suit against Fireman's Fund
- 11/25/75 Jettie Selvig appointed to SFNLAF Board
- 12/20/75 Examiner and Chronicle report on Court ordering low-cost care for SF children (result of Proposition M pressure by LAS)
- 02/10/76 Directors' Meeting: topics include fundraising more than adequate to meet matching requirement for SF Foundation grant; UBAC moderately criticizes LAS Board for its lack of minorities; LAS succeeds in court to force City to come up with plan to implement Prop M (quality, low-cost child care); YLC receives \$30,000 grant from the Rosenberg Foundation to conduct nutrition advocacy campaign
- 03/16/76 Directors' Meeting: topics include
- 04/13/76 Sylvia Valdez (PacTel) resigns from LAS Board
- 07/12/76 Kenneth Hecht writes to BASF on the need for a Central (legal) Referral Service (CRS) to coordinate all the legal aid programs in the Bay Area (idea later to evolve into Legal Referral Switchboard)
- 08/22/76 NY Times article "Lawyers and Ethics: How Much Help to the Poor" details country's legal aid services (LAS not mentioned)
- 08/00/76? The New Yorker's "Talk of the Town" section focuses on New York LAS and legal aid in general
- 09/23/76 Directors' Meeting: topics include fundraising ahead of schedule; solicitation to be made of large SF corporations; school-drug case (Benskin v. Taft) in discovery; YLC "spawns" two new operations--Legal Services for Children (legal rep in court for juveniles) and the Children's Rights Group, funded by the Rosenberg Foundation, emphasizing nutrition and breakfast programs; ELC to soon file suit on behalf of NOW against the EEOC (EEOC to "close out")

all cases filed pre-1974)

- 11/16/76 Directors' Meeting: topics include impending "eviction" from 693 Mission Street; issue of LAS receiving attorneys' fees raised (specifically in re Lau v. Nichols case, won by Steinman); increasing pressure on LAS to have more minority representation on its Board
- 1977 LAS Board analyzes its "composition" (preponderance of white males) and considers steps to include more non-whites/females
- 02/15/77 Directors' Meeting: topics include finances going well; "Board Composition Committee" reports plan/need to diversify Board members; Prudence Poppink testifies before Board of Supervisors, convinces them to retain Commission on the Status of Women; affirmative action lawsuits and lobbying; more lawyers have volunteered to represent discharged veterans; progress report on "choreworker" lawsuit
- 04/22/77 Official memo from Heilbron to Clifford re LAS Board composition
- 06/21/77 Directors' Meeting: topics include glowing financial report; resolution passed to swell ranks of Directors from 40 to 48 to allow for better minority/women representation; ELC continues to handle growing caseload
- 10/06/77 Frank (Sandy) Tatum offers to resign from LAS Board
- 11/21/77 Joe Breiteneicher testifies before Senate Subcommittee on Child and Human Development on Child Care and Child Development
- 12/23/77 Barry Bunshoft to serve as LAS rep on SFNLAF Board
- 1978 LAS Board: John E. Sparks--President  
Graydon Staring--VP  
Richard T. Weir--Secretary  
Rachel Arce--Treasurer  
and 39 other Directors
- LAS Staff: Kenneth Hecht--Exec. Director

Joe Breiteneicher--Prog. Dir.  
 Marjorie Gelb--Sr. Staff Att'y  
 Richard Correa--Staff Att'y  
 Penny Nakatsu--Staff Att'y  
 Prudence Poppink--Staff Att'y  
 Susan Spurlark--Staff Att'y  
 Chris Redburn--Special Counsel

Youth Law Center withdraws from Society to become a federally-funded back-up program for the Legal Services Corporation, leaving ELC as LAS' only "project"

- 01/17/78 Directors' Meeting: topics include finance progress report; UBAC grant of \$5000 to assist in rehabilitating some office space; report on pending lawsuits; By-laws to be revised to allow for more Directors
- 02/14/78 The Children's Rights Group, an organization the LAS helped start, lends LAS \$60,000 to improve "cash flow position;" LAS awarded attorneys fees in the Lau case
- 02/23/78 Thomas B. Schwartz resigns from LAS Board
- 03/28/78 Directors' Meeting: topics include fund raising, Wells Fargo line of credit; LAS requests \$70,895 from UBAC for FY 79; progress report on waiters case; Susan Spurlark and Ruth Kornhauser leave LAS for other jobs
- 05/09/78 LAS By-Laws Amended (Article IV, re Number of Directors)
- 05/09/78 Directors' Meeting: topics include all-time high of \$80,050 in funds raised; Wells Fargo line of credit established; new case involving ex-offender; Penny Nakatsu hired to replace Spurlark; GG Law School to apply to Dept. of HEW for funding to support a student clinic in state employment law; Ford Foundation interested in funding program involving poor women; Jane Hall, Gilbert Jay, Robert Nagle and Max Weingarter elected to Board to fill four (of five) vacancies
- 07/25/78 Directors' Meeting: topics include financing update (contribution requests pegged at \$70/lawyer); UBAC funds LAS with \$63,295 for

FY 1979; awaiting HEW decision on GG Law School joint-application for funding; Ford Foundation follow-up with Marjorie Gelb re under-valuation of women in work force; SF Foundation rejects LAS idea of an Ex-Offender Program, Breiteneicher and Hecht appeal and secure \$5000 temporary funding; Macy's about to settle Title VII lawsuit; possibility of mass CETA layoffs, Prudence Poppink to work on solving potential problem; cosmetic by-law editions made

- 09/19/78 [Directors' Meeting apparently held, but I cannot find a copy of the minutes]
- 09/19/78 LAS By-Laws Amended (Article IV, re Number of Directors)
- 01/26/79 Annual Membership Meeting: topics include elections of:  
Lane Brennan, Barry Bunshoft, A. Crawford Greene, Jr., James Paras, Thomas Smegal, John E. Sparks, Robert Thompson, Graydon Staring, Max Weingarten, Frank Tatum, Stephen Tennis, Robert Westberg, Sheldon Wolfe and Naomi Young as Lawyer Directors; Rachel Arce, Jane Hall, Yori Wada, George Resing, Robert domingues, Henry Izumizaki, Robert Nagle, Richard Weir as Two-Year Lay Directors;  
Morris Davis, Henry Evers, Ellen Newman, Lilia Medina, Dwight Taylor, Alan Nelson, Betty Lim-Guimaraes as One-Year Lay Directors
- 01/26/79 Directors' Meeting: topics include elections of  
John E. Sparks--President  
Graydon Staring--Vice President  
Richard Weir--Secretary  
Rachel Arce--Treasurer
- 03/20/79 Directors' Meeting: topics include Breiteneicher leaving LAS to head Bird Foundation in Boston; LAS awarded \$90,000 in fees from Lau case; fund raising going well; SF Foundation grants LAS \$30,000 to further work on Ex-Offender program; LAS pursuing work on behalf of handicapped and disabled
- 05/15/79 Directors' Meeting: topics include UBAC



grant of \$68,276 for FY 80; Wells Fargo line of credit boosted to \$80,000; Ann Halsted, Lenard Weiss and Richard Bryan voted to LAS Board; progress report on cases involving: discrimination against minorities on oral exams; Office of revenue sharing; waiters'; chore workers; LAS/ELC working on an OSHA handbook

- 05/17/79 Richard Bryan agrees to serve on LAS Board
- 06/07/89 Chronicle article "Federal-S.F. Pact on City Hiring" details agreement to accelerate city's affirmative action program (partly in response to ELC lawsuit)
- 06/21/79 Gordon Lau resigns from LAS Board
- 07/11/79 Ellen Newman offers to resign from LAS Board
- 07/17/79 Directors' Meeting: topics include progress report on various discrimination cases (partial settlement of the waiters' case); Lau's resignation; finance report
- 10/17/79 Directors' Meeting: topics include consideration of women's work-furlough program; Marjorie Gelb leaves LAS to be general counsel to California Fair Employment Practices division
- 12/11/79 Directors' Meeting: topics include women's work-furlough program almost set up; court decision expected in waiters' case in a few weeks; with Gelb's resignation, debate on whether LAS should continue to undertake Title VII cases; Grant applications to: Stanford Public Interest Law Foundation (ex-offenders); SF Foundation (ex-offenders); UBAC; Wayne Hudson resignation from Board
- 12/28/79 Naomi Young resigns from LAS Board
- 1979 LAS assist the California Fair Employment Practices Commission in revising and streamlining its procedures for the filing of discrimination complaints.

LAS develops hand book on ex-offenders and employment for employers and ex-offenders.



LAS develops guide to occupational safety.

LAS develops a "how-to" manual on unemployment insurance

LAS conducts analysis of job problems of handicapped

- 01/24/80 Annual Membership Meeting: topics include elections of:  
 John Cutler, Morris Davis, Dario DeBenedictis, Barbara deOddone, Henry Der, Henry K. Evers, Neil Falconer, F. Conger Fawcett, Jesse Feldman, Eulalio Frausto, Richard Harrington, Claude Hogan, Gordon Lau, Betty Lim-Guimaraes, Mellanese Lofton, Richard Lucas, Gerald Marcus, Sonia Melera, John Morrissey, Alan Nelson, Andrea Robinson, Dwight Taylor, William Trautman, Felix Velarde-Munoz as 'Two-Year (Lawyer?) Directors;
- Rachel Arce, Lane Brennan, Richard Bryan, A. Crawford Greene, Jane Hall, Anne Halsted, Thomas Smegal, James Paras, John E. Sparks, Graydon Staring, Frank Tatum, Stephen Tennis, Robert Thompson, Yori Wada, Max Weingarten, Lenard Weiss, Robert Westberg, Sheldon Wolfe, Barry Bunshoft, Robert Domingues, Henry Izumizaki, Robert Nagle, Richard Weir to continue as Directors through 1980
- 01/24/80 Directors' Meeting: topics include elections of  
 Graydon Staring--President  
 Thomas Smegal--Vice President  
 Rachel Arce--Secretary  
 Richard T. Weir--Treasurer
- 02/12/80 Directors' Meeting: topics include receipt of \$15,000 from Stanford Public Interest Law Project for Ex-Offenders Program; reduction of application to SF Foundation for same to \$25,000; unfavorable ruling in the waiters' case against the Hilton and St. Francis; Morris David resigns from Board; political endorsements by individual Board members discussed; new Committee appointments
- 04/15/80 Directors' Meeting: topics include financial

- report (rosy); Wells Fargo \$80,000 line of credit to be continued; FY budget to be about \$265,000; SF Foundation grants LAS \$25,000 for Ex-Offender program; ELC to handle new case involving "weight" as discriminating factor; women's work-furlough "case" discussed
- 06/17/80 Directors' Meeting: topics include final total of funds raised in 1979 was \$118,000; 1980 fund-raising to ask for contributions of \$80/lawyer (up from \$70 per); progress report on various ELC/discrimination cases; appeal filed in waiters' case; Emporium lawsuit transferred to new judge
- 09/23/80 Directors' Meeting: topics include update on application for \$50,000 grant for Medical Standards Project; Legal Services for Prisoners with Children approved for "affiliation" with LAS, to become official LAS project; successful settlements in two disabled/employment lawsuits (Hart v. Alameda and Martin); Prudence Poppink resigns from LAS staff; new staff attorneys to be Linda Krieger, Rebecca McKee, Chris Redburn and Felix Velarde-Munoz
- 12/04/80 Directors' Meeting: topics include
- 06/22/81 Directors' Meeting: topics include tentative settlement reached in Emporium case; "unlikely" that Wells Fargo will call in the \$48,500 note held against LAS; discussion of Social Security tax problem: when ELC employees began to be paid out of LAS funds, not YLC as originally set up, SS taxes were due; IRS claims LAS owes approximately \$75,000 for 1978-1980; LAS to re-shuffle incorporation to conform with law, but no way of avoiding past taxes; LAS building to be demolished in 12 to 18 months
- 07/20/81 Directors' Meeting: topics include Offer and Compromise to be filed with IRS (re SS tax problem); reincorporation to be done strictly to resolve Social Security tax obligations; Velarde-Munoz reports ongoing efforts of LAS to help in OSHA concerns; McKee reports that LAS handling heavier caseload on handicap issues; LAS to work on

Medical Standards Project, funded by SF Foundation, Gerbode Foundation and Kaiser Foundation, re use of medical records to screen applicants; Ellen Barry reports on Legal Services for Prisoners with Children cases; Redburn reports on LAS work in cases involving race/sex/ethnic origin discrimination, including appeal of issue in the waiters' case; new work involving women who claim discrimination in seeking "nontraditional" work (construction, heavy industry, e.g.)

- 08/25/81 Directors' "Meeting" (telephone "meeting" between Carmen Estrada and Graydon Staring): topics include 8/7/81 filing of Articles of Incorporation for LAS; modification of By-Laws; new officers appointed:  
 Graydon Staring--Chair  
 Thomas Smegal--Vice Chair  
 Carmen Estrada--Secretary  
 Richard Weir--Treasurer (and CFO);  
 Procedural resolutions passed
- 09/21/81 Directors' Meeting: topics include 8/25/81 "meeting" minutes; LAS incurred a deficit of \$42,224 for FYE 6/30/81--many financial suggestions; LAS officially re-incorporated on 8/7/81; LAS soon to receive legal fees as part of Emporium case settlement; \$80,000 of \$175,000 fundraising goal met so far; Graff to fly to Washington and New York, attempt to raise funds for women and non-traditional job programs; LAS received a \$15,000 grant from the Van Loben Sels Foundation to fund a paralegal to assist in handicap cases; LAS received a \$30,000 grant from the SF Foundation for Legal Services to Prisoners with Children project; preliminary court victory in case involving job discrimination against women (San Mateo Electricians Apprenticeship)
- 11/30/81 Directors' Meeting: topics include approval of budget, even with a \$20,000 deficit; ongoing attempts to resolve Social Security problem with IRS; discussion of fee allocation from various cases, between private counsel and LAS; Wells Fargo wants to have \$48,500 note paid off; consideration of mail campaign in 1992 to promote LAS;

various grant applications being considered; consideration to change voting/membership set-up; Rebecca McKee describes the Medical Standards Project (re review of medical records in hiring decisions); Mary Thurwachter, new staff paralegal, describes disability cases; Felix Velarde-Munoz describes various OSHA, health/safety issues

- 02/22/82 Directors' Meeting: topics include resignation of Henry Evers; Social Security problem getting uglier--IRS agent (Chambers) visiting and speaking with LAS Board members and firms; possible lawsuit to be filed against LAS auditors for malpractice; possible delay in tax exempt status-granting due to IRS investigation; LAS soon to receive fees from three cases, but Hennessey fees will be frozen due to Social Security problem; Bob Raven to sign LAS solicitation letter; By-Laws amended to provide for even year election of Directors; progress report on various grant applications
- 04/19/82 Directors' Meeting: topics include long-overdue raises for LAS staff, necessary budget adjustments; discussion of division of fees from the Emporium case--no resolution reached; IRS report--\$20,000 from Hennessey case to be put in employee trust fund
- 04/26/82 Agreement signed re division of fees from Emporium case (LAS to receive 4/9 of total, and other scenarios)
- 06/21/82 Directors' Meeting: topics include budget issues, including \$10,000 in interest paid annual to Wells Fargo; \$20,000 received from Hennessey suit put in employee trust fund, per IRS directive; LAS finally granted tax-exempt status
- 01/17/83 Directors' Meeting: topics include paying down Wells Fargo note to \$19,400; Bruce Hamilton speaks on behalf of the Legal Services Trust Fund Program, to begin on March 1, 1983, describing formula for allocation of funds; LAS agrees to settle its insurance claim arising out of the IRS/Social Security problem (based on



"omissions," as covered in the policy) for \$30,000: now only about \$18,000 of IRS debt remains unpaid; report of Long-Range Planning Committee expresses the need/desire for more space, a law library, litigation support from senior partners at big firms for advice, higher litigation budget/need for more funding; LAS to continue to concentrate on employment law issues; LAS granted \$30,000 from SF Foundation to maintain Prisoner's with Children project; other grant application is pending

04/18/83 Directors' Meeting: topics include settlement of fees offer in Emporium case of \$1.8 million: Emporium has not responded with counter-offer; Wells Fargo line of credit frozen at \$48,500 after the IRS/Social Security problem: \$33,100 has been raised to pay off debt; \$26,000 obtained in claim against LAS' Lloyd's of London policy for the Social Security error has been deposited with the IRS, leaving balance of \$30,605 to be paid off; Redburn reports on the "feminization of poverty" and legal issues raised by poor women; pregnancy discrimination; new grants received: \$18,000 from van Loben Sels Foundation to provide counseling for handicapped persons in employment discrimination claims \$30,000 from SF Foundation and \$5,000 from the Poverello Foundation to continue legal aid to prisoners with children; pending grant application for \$42,000 for community education

08/08/83 Directors' Meeting: topics include welcome to new Directors: Jim Belk, Rosemarie Fernandez, Ronald Brown, Carolyn Sanchez, Michael Lee and Virginia Duncan; Anne Halsted elected to replace Carmen Estrada as Secretary (Estrada leaving for position with Western Center on Law and Poverty in Los Angeles); LAS to receive \$568,889 of the total \$1.1 million in attorneys fees awarded in the Emporium case; Columbia Foundation grants \$5,000 to LAS, further reducing Wells Fargo note to \$8,300--further reduction efforts called off in light of Emporium award; review of Social Security/taxes problem; LAS finances in good shape, even



- before the Emporium fees windfall--use of fee award to be studied further; report on disability program; victory in Willard v. SPB case (discriminated due to epileptic seizures); receipt of \$52,000 in grants to fund Disability and Employment Project; Felix Velarde-Munoz leaving LAS to join Office of Legal Counsel for the State Bar
- 12/05/83 Directors' Meeting: topics include Deloitte's "unqualified" [sic: shd be "qualified] financial statement due to lack of resolution regarding Emporium fees; first payment of Emporium fees already made; Graff believes that IRS penalties will be waived now that principal on Social Security taxes has been paid off; Emporium fees to be put toward: new space (office site), law library and computers/word processors; Ellen Barry "hired" as a Staff Attorney (had been a "project" attorney); \$11,000 in grants received to fight the Atari litigation
- 03/27/84 Directors' Meeting: topics include consideration of financial health in light of possible move to new office space; \$360,000 of Emporium fees received to date; meeting with United Way reps (annual review, pre-funding); discussion on whether LAS should BUY an office building and rent space; contributions coming in at \$95/attorney; IRS, as expected, agrees to waive penalties involved in the Social Security taxes problem; report on Prisoners with Children program; By-Laws amended to provide for even year elections of officers
- 07/12/84 Directors' Meeting: topics include abandonment of notion of buying office building; LAS will move to 1663 Mission Street; LAS receives \$72,000 from UBAC, a 5% increase from last year; grant income especially high this year; contribution rate level to be adjusted to \$105/attorney; elections of  
Richard Lucas--President  
William Trautman--Vice President  
Ann Halsted--Secretary  
Lenard Weiss--Treasurer
- 09/14/84 Deloitte issues report on recommendations

for internal accounting controls for LAS

- 09/27/84 Joan Graff solicits funds from the following Foundations to help finance LAS move to new office space: James Irvine; William G. Irwin Charity; S. H. Cowell; and the Bothin Helping Fund
- 11/21/84 Bothin Helping Funds rejects appeal for funds
- 12/17/84 Directors' Meeting: topics include welcome to new Board members Auban Ann Eisenhardt, Evelyn Lewis, and Charles Lawrence; Robert Barnes joins LAS as a supervising attorney; Deloitte findings reported (unqualified opinion); financial impact of LAS move to 1663 Mission Street; LAS awarded \$6,000 in fees from Houston v. Inland Marine Industries; further expenditure on computers from Emporium fees award; report on LAS work involving pregnancy-related discrimination; \$42,000 grant received from SF Foundation for Disability Employment Rights Program; \$10,000 received from Van Loben Sels Foundation to begin Parental leave Project; Prisoners with Children program shifted to Youth Law Center
- 04/29/85 Directors' Meeting: topics include new fundraising ideas, approaches; per-lawyer level to be increased to \$120; conclusion that LAS member base needed to be expanded: Board to be expanded to fifty members; six of weight new Directors have already accepted: Winslow Christian, Peter Folger, Harvey Liederman, Patrick Mahoney, Royce Schulz, Donald Yellon; Progress report on various LAS cases on maternity leave (Cal Fed Savings v. Guerra), sexual harassment (Priest v. Rotary), handicap discrimination (Scanlon and Dynamid); new LAS brochure "Access to Employment" to be distributed; LAS receives \$100,000 grant from S.H. Cowell Foundation to defray costs of law library (special contribution by Lane Brennan); LAS to begin program with American Cancer Society, helping cancer sufferers who believe their condition has adversely affected their employment

- 07/16/85 Directors' Meeting: topics include welcome to new Directors Louis Giraudo, Harvey Liederman, Patrick Mahoney, Joseph Rogers, Winslow Christian, Peter Folger, Royce Schulz, Margaret Sheneman, and Donald Yellon; salary adjustments for woefully underpaid LAS staff; likely award of more than \$100,000 in fees in the Priest v. Rotary case; possible uses of capital from the Emporium fees; rate of contribution per attorney to be raised to \$120 and expansion of mailings to aid in fundraising; Suzanne Ludlum appointed to new position of information and referral coordinator; about 60% of daily calls to LAS are from people with employment-related legal problems; favorable press coverage of LAS work on behalf of cancer victims
- 10/29/85 Directors' Meeting: topics include resignation of Linda Kreiger, staff attorney for seven years, to be replaced by John True; possible AIDS and employment project if adequate funding is received; report from the "History Committee," which divided LAS history into four distinct epochs:  
Formative Years: 1916-1924  
Community Chest Years: 1925-1951  
Non-Profit Corporate General Legal Services Period: 1951-1970  
Current Specialized Work Period: 1971--;  
LAS receives "highly favorable" ruling in McPhail v. State Personnel Board case (employment discrimination victims' right to see redress under FEHA, not just State Personnel Board) and may seek attorneys' fees
- 01/30/86 Directors' Meeting: topics include tentative settlement in the Atari litigation (re proper notification of employees before mass layoffs), including provision for \$330,000 in fees to LAS; possible budget deficit for LAS; mailings policy discussed for fundraising purposes; civil rights conference being co-sponsored by LAS discussed; various small grants received
- 04/24/86 Directors' Meeting: topics include healthy fundraising results; LAS to receive \$43,000 in fees from McPhail case and \$207,000 from



the Priest v. Rotary case; estimate that LAS will face \$50,000 deficit for current FY; report on LAS work on behalf of pregnancy discrimination and poor women with children; LAS receives three grants, one to sponsor an information and referral program and the other two to fund work on behalf of cancer survivors

- 07/17/86 Directors' Meeting: topics include commendation to Lucas upon his stepping down as LAS president; budget woes misleading, thanks to attorneys fees awarded in Atari (\$247K) and Priest v. Rotary (\$200K) cases; possible fellowship to be set up in name of Felix Velarde-Munoz, former LAS attorney who died of AIDS; Employment law focus shifts to discrimination against people who contract cancer; Karen Kriete, LAS office administrator, leaves Society, replaced by Inocencia Dacumos; new LAS Directors Paul Matzger, Angela Coppola and Nathan Lane welcomed to Board
- 10/29/86 Directors' Meeting: topics include encouraging progress on fundraising; American Cancer Society grant funding LAS work on behalf of cancer-discrimination victims, both on a state AND national level; progress reports on Wollman v. San Francisco case (cancer); difficulties in obtaining fees in the Hudson v. San Mateo Community College Board case (handicap) due to thick judges; Garland v. California Federal Savings (legality of Cal. law providing maternity leave); and several other cases; Suzanne Ludlum's outstanding work in referrals cited; over 100 applications being received for the Felix Velarde-Munoz Internship
- 07/16/87 Directors' Meeting: topics include unexpectedly large grants received from various Foundations; fundraising going well, though not meeting goal of \$310,000; discussion of Towers, Perrin salary survey of LAS positions; approval of salary adjustments and 5% bonuses for LAS staff; UBAC contributes \$68,138 to LAS instead of \$72,105 due to overall receipts from United Way being lower; \$519,000 to be put into

**"Reserve Account"**

- 10/29/87 Directors' Meeting: topics include Deloitte's glowing report on LAS financial condition and internal controls; Nominating Committee's report; introduction of Chris Ho as first Velarde-Munoz intern; progress report on Vinson and Montgomery Ward cases (sexual harassment, class action/discrimination issues); Donna Yamashiro hired through the American Cancer Society grant; more publicity (possible 60 Minutes segment) for employment law work and cancer work
- 01/28/88 Directors' Meeting: topics include welcome to new Directors Peter Busch, William Farrer, Joseph Grodin, Kirke Hasson, Gary Hernandez and Phyllis Kay Dryden; introduction of William McNeill III as new LAS staffy attorney; fundraising up, but so are expenses; introduction of Rina Hirai as "first" Velarde-Munoz intern [Chris Ho is now caled the "second"?]; Patricia Shiu reports on her LAS "work and family" project and the Gender Bias Committee (as appointed by Rose Bird); Barnes reports on National Cancer Employment Law Project--increasing close ties to American Cancer Society; LAS working on possible workers rights clinic, in conjunction with BASF, Hastings and other groups; Charis Moore welcomed as third Velarde-Munoz intern
- 06/23/88 Directors' Meeting: topics include surplus for LAS budget of at least \$4,586; Suzanne Needles welcomed as Development Director; LAS has reserve funds of \$376,000; LAS to occupy double the space originally planned; very brief reports on LAS suits involving random drug testing, subminimum wage, and certain preemption issues, as well as sex and race discrimination suit against SF Fire Department
- 01/25/90 Directors' Meeting: topics include preparation of long-range planning report for United Way; concern for future LAS financial health if Bay Area law firms do not continue their growth and prosperity; possible fund-raising alternatives



considered; progress report on Workers' Rights Clinic (telephone service on Monday nights and a walk-in service on Wednesday nights); other groups expressing interest in WRC and possible funding of it

03/29/90

Directors' Meeting: topics include welcome to Chris Ho, new staff attorney (formerly the second Velarde-Munoz intern); report from Catherine Ruckelshaus (Skadden intern) on progress in providing legal assistance to areas of rural poverty in the South Bay, with an emphasis on occupational health and safety issues; Johnson Controls case pits issue of "fetal protection" versus discrimination against women; Judge Fern Smith (USDC, No.Cal.) to speak at LAS Annual Lunch; long-range planning report coming along well; Recorder to provide free space to advertise contributors to LAS; John Morrissey retires from LAS Board



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Interviewer/editor/writer, 1978-present, for business and law firm histories, specializing in oral history techniques. Independently employed.

Interviewer-editor, Regional Oral History Office, University of California, Berkeley, 1985 to present, specializing in California legal, political, and business histories.

Author: Heller, Ehrman, White & McAuliffe: A Century of Service to Clients and Community, 1991; history of Farella, Braun & Martel; history of the Federal Judges Association.

Editor (1980-1985) newsletters of two professional historical associations: Western Association of Women Historians and Coordinating Committee for Women in the Historical Profession.

Visiting lecturer, San Francisco State University in U.S. history, history of California, history of Hawaii, legal oral history.





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