



If doing the same thing over and over expecting a different result is

INSANITY,

then I am guilty by reason of ...

Help me end the insanity. Read the attached, or at least read until you agree with me or become convinced that I am insane, but for different reasons. Help LAET truly deliver equal justice for all - at least all of those with critical civil legal problems.

We have the capacity. We lawyers can do it. Become a partner with LAET in providing legal aid to all low income families in our community who face a critical legal problem. Sign on to the

Fifty-Fifty Plan

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Legal Aid of East Tennessee: Fifty-Fifty Plan for Equal Justice

My experience is that practically every attorney believes that civil legal assistance should be available to all low income persons who have legitimate, serious legal problems. We've struggled collectively with how to provide it. I hope you will take the time to read this proposal for a solution.

I've struggled recently more than usual, and I've come to some realizations. One of these is that I may have been flirting with insanity for the last 30 years (Doing the same thing over and over, expecting a different result). Those of you who know me are not surprised by this. But out of this realization has come a plan. We lawyers can insure civil legal help for all low income people. We have the understanding. We have the motivation. We have the capacity. We now have a plan. I call it the Fifty-Fifty Plan. Some of us are already doing it.

The Fifty-Fifty Plan provides all lawyers with the opportunity to step forward, accept responsibility for our justice system and provide local and national leadership. The Plan will demonstrate a professionalism that the public will salute. It calls on each and every one of us to contribute 50 hours of Pro Bono service per year (Nothing new) and contribute \$50 per month to our local legal aid program (New to some, but not all of us). I challenge you to read further.

I propose, first, that all attorneys, public and private, active and inactive, make a reality out of Rule 6.1 and provide 50 hours per year of real pro bono service to low income persons. There is a legal aid program or bar program Pro Bono Coordinator/Director serving every county in Tennessee. In Knoxville, it's Terry Woods (637-0484). In Chattanooga, it's Maeghan Jones (756-4013). In Johnson City, it's Carla Forney (928-8311). Take the responsibility to contact them and tell them you are ready to help. They have a wide variety of opportunities regardless of your area of expertise or skill level. Remember that there is plenty to do. However, it is time to stop saying "they never call." There is only one of them and hundreds of you. It is time to stop having the secretary screen out their calls. It is time to stop failing to return calls or creating excuses not to accept cases. It should not take 5 - 7 calls to place a case. In other words, it is time we all get real about pro bono. If all attorneys in East Tennessee actually did 50 hours per year of pro bono, we would help more than 40,000 additional people each year and prevent an incredible amount of pain.

And yes, I want more. It takes more than pro bono to meet the needs of our communities' low income residents. It takes a strong and adequately staffed law firm to meet the majority of the needs that exist. It is also a reality that pro bono isn't free. It takes staff and costs money to operate an efficient and effective pro bono program.

I also propose that every attorney contribute \$50 per month to Legal Aid in order to build a sufficiently staffed program to serve the client community in partnership with the program's/bar's pro bono efforts. East Tennessee attorneys each contributing \$50 per month would yield over \$2,500,000 per year. This would match the federal Legal Services funding for LAET. Yes, I know that not every attorney can truly afford \$600 per year. But I also know that there are several who are already contributing at a higher level and many, many more who could if they so chose. There are enough who could give more that we could make up for the few who cannot reach the goal.

The Fifty-Fifty Plan was conceived in part due to the decline in recent IOLTA grant awards. Let me make it crystal clear that we appreciate every dime from IOLTA, the attorneys who participate and the staff and Board of the Tennessee Bar Foundation who make it happen. This loss was coupled with smaller losses in United Way grants, both resulting from the current economic downturn.

What has been reinforced in my mind is that all of these efforts that we at LAET (And programs across the country) go through are stop-gap at best. The multitude of grantors will always have competing interests, most of which are more politically palatable than lawyers, let alone lawyers helping poor people. (Quote from John Asher, Executive Director, Colorado Legal Services: "The only thing people hate worse than a poor person is a poor person with a lawyer")

Despite the incredible effort of dedicated staff, the relative high success of development efforts, with all that we can muster and with tremendous programmatic efficiency, we are able to serve less than 15% of the people who desperately need our help. We will continue to be "seldom seen" in many Court Houses with 16 attorneys trying to serve 300,000 people in 26 counties with litigation, administrative advocacy, negotiations, mediation and community education.

Too often and too easily, legal aid providers are blamed for not being able to do it all. Too often, legal aid providers are criticized for not being able to make scarce resources keep unrepresented poor folk from the court house, bar or private attorney's office. The criticism certainly makes a tough job tougher, but more importantly, it relieves others who should/could accept some responsibility.

So let's get to my point. My point is that Legal Aid is the responsibility of lawyers, all lawyers. I have argued for years that an equitable justice system is the responsibility of everyone. I've made that argument most often to grantors who demand that we show them what lawyers are doing first, before they will even consider a grant. I can point to the value of pro bono that is delivered and to the dollars that are donated, but if I'm honest with myself (or confronted by someone who can do the math) I have to acknowledge that on a per lawyer basis, it is professionally and personally embarrassing. Most of the rest of the world see us as miserly.

Look, I know you donate to others. We all do. My point here is that Legal Aid has no natural constituency except poor folk and lawyers. The public expects you to provide for the legal needs of the poor. They've read the oath thing. Without you stepping up in a big way, it is never going to happen. With your leadership, some other folk may decide to join in.

The result of a fully implemented Fifty-Fifty Plan would be services to approximately 45,000 additional individuals. It wouldn't mean that we could help everyone, but it would mean that there would be sufficient legal services to meet the critical legal needs of our low income neighbors. It would mean a much more equal justice system. I propose that such a level of support from attorneys would also demonstrate such a commitment to equal justice that other doors to funding would spring open. Such leadership by attorneys could lead to a community partnership for justice.

Respectfully submitted,
David R. Yoder
LAET Executive Director