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Interview with

Charles “Chuck” Dorsey

Conducted by Martha Bergmark

November 16, 1990

Call number: NEJL-009

Transcribed by: Lisa Danielle Little, 7-18-2009

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Interview of Charles Dorsey
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BERGMARK: This is an interview with Charles Dorsey, hereinafter Charlie, who is Executive Director of the Legal Aid Bureau of Maryland. He was the vice chair of the Project Advisory Group from 1974 to 1978. He was Chair of PAG from 1978 to 1982, and since then, he's been a member of the Executive Committee of PAG. Charlie is also a member of the ABA Standing Committee on Legal Aid and Indigent Defendants. This interview is being conducted on November the 16th, 1990 at the NLADA Annual Conference in Pittsburgh, Pennsylvania. The interviewer is Martha Bergmark, Civil Division Director of NLADA and former PAG Project Coordinator. Before we get into the early days of PAG, Charlie, would you tell me something about yourself and how you came to work in legal services.

DORSEY: Well, I guess I was admitted to the bar in 1961, and I was in private practice from 1961 until I graduated to legal services in 1969. The thing that happened, which caused me to change the direction of what I was doing, was the civil disturbances in 1968. In 1968, I was in a medium-sized law firm in Baltimore City. I was a partner in that law firm, and as a result of the civil disturbances, I got involved in representing people who were charged with curfew violations, looting, and things of that nature, and I really got a taste of the disaffection that a lot of poor people had for the legal system. I became particularly incensed because of what was happening to my city, and I consider Baltimore my city, and I did not like seeing the National Guard in my courthouse. A classmate of mine, at that time, was being considered as Director of the Legal Aid Bureau, which then provided services in Baltimore City and the five surrounding counties of Baltimore City. And when we had been classmates, we had talked from

time to time about practicing law together. So he suggested that I come down and become the deputy director of the Legal Aid Bureau.

MB: Was it federally funded at that time?

CD: At that time, it was federally funded. We got OEO funds in 1967, so it was federally funded. The unusual thing about it – I guess it's unusual when you look at what generally happened – is that the money came to the Legal Aid Bureau, which was the whole line legal aid program. This organization had begun in 1911, so this was unusual. For better or for worse, the money came to us, and those were very strange days because there was an economy between the Legal Services side and the Legal Aid side. So much so, that there were tags – if there was a pair of scissors, it was marked Legal Aid or Legal Services. There was a different salary scale. There were different benefit packages –

MB: And different kinds of work you did or not so much distinction?

CD: Not so much different types of work, except that there was a law reform unit on the Legal Services' side to which went all the jazzy stuff. We had vistas there. We had a number of other people there. It was a bizarre setup.

Why did I go to Legal Services? One of the reasons was that I felt that I didn't want to see what happened in Baltimore City recur, and that was one of the reasons. One of the other reasons was that I saw the possibility of making this the best law firm in the state, and that attracted me. I felt that poor people needed the best law firm in the state because they were more at risk than other people using the legal system. They were more vulnerable, and for that reason, they needed better lawyers. This was contrary to the reputation of the Legal Aid Bureau at that time because, like so many legal services programs, like whole line legal aid organizations, it was not really appreciated or respected by the bar, or by clients for that matter, the real lawyer syndrome. At

one time, we had a registration fee of fifty cents, and people came in and said, “I want one of those fifty-cent lawyers,” and -- **[laughter]**

MB: Oh, my goodness. That's almost worse than a free lawyer.

CD: **[Laughter]** Yes, it was. That was one of the things that led to our doing away with the registration fees.

MB: People got sick of being called a fifty-cent lawyer, right?

CD: That's right.

MB: I guess that's better than a two-bit lawyer, is it?

CD: Uh-huh.

MB: And then when did you become Director of the Legal Aid Bureau?

CD: I became Director in 1974.

MB: So your affiliation with PAG actually preceded becoming the project director?

CD: It did by about a year.

MB: Okay.

CD: When I came to the bureau, I thought that as Deputy Director, and this was based on my desires also, I looked internally. How were we organized? How did people perceive themselves? So for the first three years I was at the bureau, I spent my time at home, trying to build a foundation for our joint idea of becoming one of the best law firms in the state. So, at that time, I got into specialization. That was hard a thing to sell to people. Got into using paralegals as people who would be very valuable in helping us to provide services, and got into automation with the mag tapes, electronic typewriter, and mag cards, I mean monstrosities back in those days. **[Laughter]**

MB: I remember the mag card. That was the first real electronic communication we had.

CD: That's right.

MB: Well, how did you come to be involved in the Project Advisory Group?

CD: Well, I wandered down at a NLADA Convention to New Orleans, and I saw where the Project Advisory Group was meeting. The Project Advisory Group --

MB: This was in 1970-something?

CD: This was in 1973.

MB: Uh-huh.

CD: The Project Advisory Group, I had some contact with before because it began as an effort of OEO Legal Services to get input from the field. So there were a select number of project directors who were invited to Washington from time to time so that OEO Legal Services could get some input from the field. And on a couple of occasions when the director of my program could not attend, I went over there and got some idea of what was going on so that -- I went down to New Orleans. At that time, if I recall, Greg Dallaire was Chair of PAG. I ran into some other characters down there, specifically Dean Miller, Alan Houseman, and there was an effort -- well, people were saying, "Look, you have got to be more responsive to the field. This has got to be a more Democratic way of doing things," and there was a revolution.

MB: Well, how had PAG gone from being just a group of advisors to OEO, to being this sort of organization that you described, where anyone else would care to have a voice in it? Had it become something other than this advisory group in the meantime to OEO, or did it have a life of its own?

CD: It wasn't very clear. It seems as though it had sort of gotten away from OEO because at that time, there had been a number of attempts to get the Legal Services Corporation Act through, and this group had some role in that. I think people in the field saw this as an opportunity to have a more effective voice in some of the decisions that were made in Washington.

MB: So it was primarily a political interest, do you think, as opposed to -- I mean, other possibilities for such an organization would be as a way to get technical assistance for how to deliver legal services, but what you seem to be describing is more an interest in being involved in the political feature of Legal Services funding.

CD: Part of it was the political feature, but you've got to understand the relationship between Baltimore and Washington. I have a long-term disaffection for official Washington, people in Washington making decisions that affect the whole country. I did not like the idea of the Project Advisory Group having input in OEO, and whatever organization succeeded that, which did not take into consideration what was going on in the field. My observation, and you've heard me say this, is that people get to Washington, they think that they know what can be done politically, and they seem to know what is good for all the rest of the country. It was because of this question that I had, about people collectively in Washington making decisions about what happened throughout the whole country that attracted me to the Project Advisory Group. I saw them as an attempt to make it more inclusive, more responsive to the concerns directly coming from the field.

MB: You said that this 1973 meeting occurred at an NLADA Conference. What was the relationship at that time between PAG and NLADA?

CD: Well, PAG did not have any staff. There might have been a chair, but it was sort of a loose organization. NLADA was an organization, as we at the field looked at things, who did not -- well, we had questions about the dues that we were paying to NLADA, and how much of the dues were used for the benefit of the field, and how much of the dues were being used for the benefit of the defender side. There were a number of us who questioned whether NLADA was an organization which was properly using funds. So, there were a number of meetings in DC. And I can see the people now: **Bruce Marson?, Denny Ray, Toby Rothschild**, a number of people from around the country who were raising the question: what are we getting for our dues? So –

MB: And what they wanted for their dues was what?

CD: I don't know whether we really articulated what we wanted for our dues, but we certainly wanted, I think, a Washington presence. I think we wanted some way of having field views seen. So, you know, on the one hand, there was this question about NLADA, and on the other hand, there was this organization, PAG, which had no resources, no staff. So this dialogue went on for about a year until, as I recall it, the next convention that NLADA had, and that was in Seattle.

MB: Greg Dallaire's hometown -- at that point, or was he still in Georgia then?

CD: He might have just left Georgia and gone to Seattle, but there was a further eruption there. Clients expressed an interest in becoming part of PAG. It was also a question about minority involvement, the things that are still under discussion in Legal Services even today. But there was another lurch in the development of PAG. As I recall it, ultimately NLADA said, "Well, we will devote a person to PAG's interest, and this person will be on staff at NLADA." And that was **Barry Schwartz**. And PAG was due struck. It was organized in a

different way back in those days; there were the regions. The regions had travel funds for use in traveling around the regions for regional meetings and traveling to D.C. for those concerns that the region had, which were raised at the PAG meetings. So what happened after 1974 is that we became a little more organized. We setup a national dues schedule, which would encompass not only running an office in D.C., but also provided for the travel of PAG's Steering Committee members.

MB: So did you take NLADA up on its offer to provide a staff person?

CD: Yes, we did.

MB: So the staff person was Barry.

CD: That's right.

MB: And then there was a need, though, for separate dues collection to fund travel and sort of the organizational --

CD: Yes.

MB: -- governance structure of the organization?

CD: That's right.

MB: Interesting.

CD: And we bumped along for a while, and then, relations became strained between PAG and NLADA.

MB: And who did Barry work for exactly?

CD: Barry was on the staff and paid by NLADA, but she worked for PAG. I mean, you know, they say he who serves two masters serves neither well. But Barry was very committed to what was going on in the field, but you know our concerns about NLADA continued. There were questions about the composition of NLADA's board. There were

questions about whether the insurance program should not be available to organizations which were not members of NLADA because the malpractice was there for the benefit of clients, and NLADA sort of had a captured clientele. You didn't get the insurance unless you belonged to NLADA. So there were a number of things that sort of strained relationships, and Barry felt that she was in a no win position, caught between NLADA and PAG. And it was that time that we decided that we would setup a Washington office of PAG. We decided that it should be a small office. We did not want to setup a bureaucracy, which would go on a tangent of its own and not be responsive to the field. We attempted to structure the Steering Committee so that there were the unfiltered concerns of field people coming to the national organization. What we had planned initially was that there would be a staff coordinator, who would essentially run the office and sort of be the administrator. We thought that there should be a staff attorney, staff counsel who would be able to deal with the legal issues that came up, and we felt that there should a funding person. Back then in those days, the Funding Criteria Committee was still an important committee of PAG. And we thought there should a person on board who was knowledgeable about funding, about funding issues that were going on through the new Legal Services Corporation, which had just came into existence.

MB: Let me ask you about that in just a minute so that we get our timing squared away with the beginnings of the LSC. Is that understood what you said -- Barry came on in about '74, which would have been, I think, the time that the LSC Act was being considered by the Congress? I gather she must have participated in that effort on PAG's behalf, or how did that work?

CD: I'm trying to recall when Barry came on. I think she came on a little later, about '76 or so.

MB: Oh, okay.

CD: I know that she performed functions for PAG from probably '76 to around the middle of '77, when the PAG Steering Committee decided that it needed a Washington office.

MB: So we're already into the early days of the Legal Services Corporation then?

CD: That's correct.

MB: And the funding concerns had to do with making a case to LSC, concerning how funds should be distributed and so forth?

CD: That's correct.

MB: Is that basically --

CD: Yes.

MB: -- similar to what we see today in terms of the FCC's role?

CD: Essentially, although there were some issues, which had the potential of tearing apart the whole field. On the one hand, there was the push for minimum access in established programs. There were the southern programs and programs in other areas of the country -- well, there was the expansion issue. There were areas in the South where there was no coverage. There were areas in other parts of the country where there was no coverage, and one of the former spokespersons for expansion was Denny Ray. There were also those programs, which were seen as the better funded programs: Boston, probably Rhode Island, California -- the California programs were seen as better funded. They had been funded by OEO longer than some of the other programs, so they were seen as better funded, and they were.

MB: So PAG undertook this role of working inside the community early on? Was that part of its function from the very beginning to try to forge consensus among programs, or at least provide a forum for airing the differences?

CD: Yes. Clearly, that was one of the things PAG saw was necessary. Rather than having a real war between various regions and programs, there was some need for us to gather together people to come up with a consensus about how expansion should take place. There were other issues such as who should be the president of the Legal Services Corporation. We, in the field, had gone through the selection of Tom Ehrlich as president, and we had fought to have some input into that selection. We didn't. The board of the Legal Services Corporation, at that time, interviewed people, and I believe Thorns Craven and one other person were given an opportunity to interview him after he had been selected. I mean, it was no input at all, and we didn't like that. There were issues with the corporation. Clinton Bamberger – I mean, I've known Clinton since 1948. He's a Baltimore lawyer, but he became executive vice president, and he sent out an edict that all Legal Services Programs were to get rid of all of their discrimination cases. And we packed that up, and as a body, we said, "We're not going to do it." I didn't have any discrimination cases at all, and I said, "I'm not going to do it either." **[Laughter]** But the point that we were trying to make is that we were lawyers; we couldn't dump these cases just because there was a regulation that said we could not do discrimination cases.

MB: Why does this sound familiar to me? **[Laughter]**

CD: **[Laughter]** Well, the segregation cases.

MB: Right. Sounds like a familiar theme.

CD: Things just have a habit of coming back and maybe in a little different form. I mean, there was the Green Amendment. Edith Green had something special going about the backup centers. And there had been efforts to defund the backup centers, and that was an issue. I mean, there were all sorts of issues out there, and PAG undertook to deal with those issues which were pertaining to the Legal Services Corporation.

MB: And this is now also at the time that PAG was deciding to have its own staff?

CD: Have its own office.

MB: Office. Was there an argument within PAG over that move whether to – as opposed to staying within the NLADA structure or to –

CD: Yes. There were questions raised as to why two organizations, and that in itself split the committee a little bit because there were people who saw themselves as being PAG people and other people who saw themselves as being NLADA people.

There was one thing that particularly offended me, and that was that no field person had ever been seen worthy to serve as chairman or president of NLADA. And it was seen, back in those days, that this should be a private bar person. And PAG took up that issue, and we decided that we were going to get a number of people on the board. And I got on the board.

MB: Of NLADA?

CD: Of NLADA. Denny Ray got on the board, and **Donald Jones** might have already been on the board. We hooked up with Jim Neuhard, who was active as defender of the organization. As a matter of fact, Alan Houseman hooked us up. **[Laughter]** He came to PAG and said, “Well, why don't you go talk to the defenders.” And I remember meeting with the defenders, and they were upset also that a field person, neither defender nor civil, had ever been deemed proper to be the president of NLADA. And I remember that meeting – **Mary Ellen Hamilton**, client representative who had served as vice chair of the board, she thought that it was improper for field people to assume the top leadership position of the NLADA. **Tony Locricchio**

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MB: What was her rationale?

CD: Hard to say. I think it was a political consideration. I think that she felt that it was better to have a private bar person who could relate more with the private bar.

MB: Had NLADA had client representation on its board for a long period of time, or was that a more recent development as well?

CD: Client representation was a more recent development. I would say probably around '75, '76, when **Bernie Veney** came on the scene as director of the National Client's Council.

MB: So this was a period, in the mid '70s, of enormous change and turmoil to some degree it sounds like, with LSC being created and the field programs trying to get their organizational structure together. What were the, do you think, the main accomplishments that PAG had in the mid to late '70s?

CD: The accomplishments. I think that it was an accomplishment in setting up an office in the first place. And the first person that we got on board was **Anh Tu**, and the second person was **Jeff Siegel**, who was staff counsel. We never did get the funding person. I don't know whether there was a funding person out there who could understand the formulas and all of the other things that went into funding, but Denny Ray was the first chair of the Funding Criteria Committee. So I think that just setting up the office, and people understanding that this was supposed to be a volunteer organization, that the work, the leadership would come from volunteers. And also some feeling that there should be an organization where a revolution could take place more easily than in a more structured program such as NLADA. I think that one of the successes was the work done in the funding area. I forgot to say that Denny Ray was one who was particularly important in that area. I mean up until he became chair of the Funding Criteria Committee, he was a very strong and vocal insister that there be – that expansion take place first,

no matter what the needs were or the views of the programs. But I must say that Denny, as chair of the Funding Criteria Committee, could not have been more accommodating to the points of view of all of the people in Legal Services. I don't think that there could have been a joining together and a consensus reached without the unselfishness of Denny Ray, and it was amazing that he was able to make the transition from really a rebel in terms of expansion.

MB: Well he was certainly legendary for that in the South. He was director of Legal Services in North Carolina at that time, wasn't he?

CD: That's correct.

MB: And it was of course reported to us in the southeast region on the whole all the many issues that expansion funding raised.

CD: Yes. But he also felt that the corporation was hiding money. And you know we all had this idea of Denny with a shovel **[laughter]** going around the corporation offices, finding out where they hid the money, and there was money hidden. No doubt about it. And he was able to locate that money. So the whole funding area was a great achievement, even down to the day he was succeeded by **Bruce Marson**. And then he came back again at the service chair another time. And, you know, there was John Moore and –

MB: **Terry Roach**.

CD: Terry Roach, you, and I mean there's just been a succession of people who were very knowledgeable about the funding aspect.

There were other things. Talking about funding, I recall a meeting that I was trying to broker between Bill McNally from Boston, Greater Boston Legal Services, and Denison Ray, and this was in Tom Ehrlich's office. And what we were trying do – we were going through the funding cycle and trying to work on the mark and how the money should be parceled out.

And I remember trying to – well, Bill McNally, there was some thought that he would run away and do his own thing politically and get stuff in the bill through the Massachusetts Delegation, which would favor the New England programs, which were funded a little higher than the rest of the country, and we were able to work that out. And Tom Ehrlich said to me, “If there were not an organization like PAG, it would have to be invented.” But throughout the whole thing, there was always the fight that continues today of us in the field saying to the corporation, saying to the decision makers, “You've got to listen to us.” There was a Regs Committee, and opposition was, “You just can't sit here in a room in Washington and figure out what regs to promulgate, and then just say these are the regs you've got to deal with them,” because Legal Services, as you know, encompasses all types of programs operating under a lot of different situations.

MB: Who was involved in the Regulations Committee?

CD: Well, **Bruce Marson**, **Dee? Miller** – they were primary actors. There were a number of other people involved in the regs. Alan Houseman, of course, at that time, he was with the corporation, and he was involved in that.

So, you know, at that time, the corporation, after battling with them, decided that it would be better to hear us by speaking to staff rather than hearing us at the corporation meeting. And we attended all the board meetings, and we argued before the board and sometimes we were able to split the board in terms of things that the staff wanted. The staff decided that it would be better to talk to us before the board meeting rather than hearing from us at the board meeting. We did get involved in the presidential search when Tom Ehrlich left, and I, as chair of PAG, was a member of that search committee.

MB: This was the search in which Dan Bradley was ultimately selected.

CD: That's correct.

MB: What year was that? '79?

CD: I think that was '78.

MB: '78?

CD: '78,' 79, in that area. But by that time, the corporation fully integrated us in the process.

MB: So that clearly was a major success –

CD: It was.

MB: -- of PAG.

CD: Bernie Veney was there for the Client's Council, Lionel Jones was there – in what capacity, I don't know. It might have been NLADA. Tom Johnson from Rockville, Illinois was there for the ABA, and we met, as equals, with members of the Search Committee from the corporation. We got all the resumes, we sorted through the resumes, we had a voice in who should be interviewed and who shouldn't be interviewed, and we interviewed all the candidates who we had determined should be interviewed. The only thing that we didn't do is participate in the vote on who the person should be.

MB: And that was left to the board?

CD: That was left to the board. That was the function of the board.

MB: That was the function of the board.

CD: Yeah.

MB: Was PAG's internal governance structure in place in its present form by then, or was that still undergoing evolution?

CD: The internal structure is what it was now. There was a chair, there were two vice chairs, and I guess there was always some feeling, ever since Mary Ellen Hamilton served as

vice chair, that clients should be sought to serve as one of the vice chair persons, and there was a secretary treasurer. There was some change in the composition of the Steering Committee Delegations from the various regions. We felt that there should be a large project director and a small project director because sometimes there were battles as to funding, regulations, all sorts of things because there was a disparate impact on large and small programs.

MB: How did you pick large and small as opposed, for example, to urban and rural or southern and you know, geographic areas? **[Dorsey laughs]** Was there some --

CD: Well, we decided it would be large and small and left it to the regions to determine -
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MB: To figure that out.

CD: -- how they would define large and small. So that led us, even to today, to paralegal representation, client representation, and other staff representation; someone who was neither a director nor client nor paralegal. The attempt there was to include as many view points as we could in the deliberations of the Steering Committee.

MB: Was PAG established and incorporated as a separate organization at about the same time it was first staffed? Did that happen in --

CD: No, it was incorporated in 1978. I think January or February of 1978.

MB: And so even at that time the Steering Committee structure was in place? A really rather broad-based, large -- what, it's about fifty people today. Was it about that then?

CD: It was maybe a little less than that because I think that we probably had started off with four people from each region, and then we added a fifth person.

MB: And that was based on the nine regions that LSC had established; is that right?

CD: That's right, the nine regions established by the corporation. We have not changed that structure today, even though the current Legal Services Corporation has setup different regions.

MB: How did things change with the election of Ronald Reagan in 1980? That assumes that things changed. **[Laughter]**

CD: They did change but not immediately. Dan Bradley stayed on as president for a while, then Clinton Lyons became president, Bill McCalpin was still chair, and it wasn't until I guess the Saturday night massacre or whatever it was called –

MB: End of '81, I think. Uh-huh.

CD: At the end of '81, when there was a new bunch of people placing the board.

MB: What did that do to PAG?

CD: Well, we thought that we should not just disregard the board out of hand. The field offered, and that's the Client's Council, NLADA, PAG, ABA, everybody offered to meet with the board and talk about Legal Services and the issues and all that sort of thing, and as I recall, that was rejected. There were some people that we were able to talk to. One who was Howard Dana, and Howard would go to programs, and he would meet with us individually and in groups. Howard thought that we were doing a lot of terrible things in Legal Services because that was what he had been told, that we were breaking the law wholesale. And after talking to people, he concluded that things were not as bad as he was led to believe. He had an open mind about Legal Services, and he had an integrity with him that led to his being more open about things. There were, on the other hand, other people whose minds were closed and who did not want to hear anything about what -- they didn't want to be bothered with the facts. And I won't name those people. **[Laughter]**

MB: [Laughter] But we know who they are.

CD: We know who they are.

MB: Well, now, Ronald Reagan called for abolishing Legal Services shortly after he took office in early '81, which then, I gather, propelled the community into a need for a political defense again, or a much more sort of involvement directly with Congress than perhaps had been true. From our discussions so far, you've talked about relations with the Legal Services Corporation and how that all happened during the late '70s. But once we were back at the issue of whether LSC should exist, how did PAG respond to that occurrence?

CD: Well, I'd like to talk about ten years ago when we met in Puerto Rico.

MB: That was in November of '80.

CD: November of '80.

MB: Right after Ronald Reagan was elected.

CD: That's correct. I think it started the weekend after the vote. Bad time. I mean, people who had been in Legal Services for a long period of time had concluded that this was it, and Legal Services was gone, and a lot of people left Legal Services as a result of Ronald Reagan's election. But the corporation itself – we were fortunate in having people like Clinton Lyons, who stayed on even after the board changed. But as the board changed and the staff changed and we no longer had access to the board or the staff, they just wouldn't listen. We decided that we had to talk to the courts and talk to the Congress. And this has been our approach, I believe even to the present time, our focus on what is happening in the Congress. The fact that the Legal Services Corporation never asked for an increase in funding and did the bizarre things that they did in hiring lobbyists to lobby for less money caused us to undertake the task of preparing before the Congress ourselves, and this we did. Usually the chair of PAG and

the chair of the Funding Criteria Committee appeared before the Appropriations Committee. The chair of PAG usually appeared before the Congress on reauthorization.

MB: Now, you were PAG Chair during the period of this transition to the new corporation and the beginnings of this political defense of legal services. Was Denny still chair of the FCC at that point or had that switched over – what was going on in PAG leadership? You mentioned some of the personalities involved through the mid and late '70s. What was going on with leadership and PAG during that period?

CD: I think there were some changes made – during the time that we had a funding board, there were a number of things that we had. We had a Training Committee, which looked at training broadly, from the training of clients to the training of project directors. We had the Regulations Committee. We had all sorts of committees because we were working with the board of the Legal Services Corporation. There were such things as Delivery System Study. There was the--

MB: 1007(h) study.

CD: 1007(h) study. I mean, we were working cooperatively all during that period of time. I think that when the new board and new staff took over, we were closed out from discussions about a number of those things. The monitoring became a problem, but monitoring was a problem that started years before, and PAG really authorized **John Towell?** and **Peter Macintosh?** to look at what would be proper standards for the monitoring of the Legal Services Programs. And I guess this must have been about '78 or '79 that they undertook this. NLADA got involved with it, and ultimately, the ABA got involved with it, and we ended up with those standards, and that was something that began with PAG. But it became more critical, after this new board came on, that there'd be a closer working relationship with NLADA and PAG. It

seems as though when we are under the threat of destruction, the field is able to draw together and call on its resources to meet the threat. But once the threat is removed, there seems to be a tendency for us to begin fighting about things, which under other circumstances, would not be as important to be fought about. However --

MB: And that happened then, or this greater coordination began to occur in the early '80s; is that the period we're talking about?

CD: The early '80s. It did. Then there was a new organization that came into existence. There was an organization known as ALR, which was sort of seen as the lobbying arm of the Legal Services Community. But then there was the coalition for the protection of Legal Services.

MB: I thought it was just the Legal Services Coalition.

CD: Legal Services Coalition.

MB: Was that what it was?

CD: That might have been what it was.

MB: Okay.

CD: But that organization came along and was funded and did work for some time before it fell by the wayside.

MB: Was it an effort to bridge the gap between PAG and NLADA, or is that not an accurate characterization? Why was there yet a third organization?

CD: Why was there a third organization? I think that was part of it because, as I recall, the governance was sort of split between PAG and NLADA. As I recall, both organizations provided funds to support its operations, but I guess there was some thought that there should be a political arm, sort of like a pack, which would deal with the problems of Legal

Services separate and apart from our two organizations because of perhaps the tax consequences of lobbying. But that was seen as a lobbying arm.

MB: And how long did it stay in existence, the coalition?

CD: As I recall, it must have stayed in existence for no more than three years. As I recall it.

MB: What were the main accomplishments of PAG during the period of the early '80s?

CD: During the period of the early '80s.

MB: Well, I specify that because it was the end of expansion, and then we were into retrenchment and cutbacks in funding and political defense.

CD: That's correct.

MB: It was quite a different era for the community and therefore for PAG. Were there accomplishments in that period?

CD: There were accomplishments. I think one of the accomplishments was the PAG Report. The PAG Report started, I guess, in 1978 or so, and there was an editor. Dee Miller was responsible for a number of the articles, Anh wrote some articles, Barry wrote some articles, Alan wrote some articles, I wrote some articles. But it sort of developed into a -- back when I was a kid, newspapers use to have extras. So when news broke, there would be an extra. And sometimes twelve o'clock at night, there would be a newsboy on the street, "Extra, extra read all about it." Well, the newsletter became sort of the extra.

MB: Of the community.

CD: Of the community. And I think that it had a lot to do with letting people know what was going on in Washington. Some people claimed that it was not a newspaper. Well, it

was never intended to be a newspaper. It was intended to be an organ to rally people in the field to let them know that the fight was continuing, to let people know what was going on. And I think that was one of the successes of PAG and the form that the PAG Report took.

MB: What role was NLADA playing at that time – you indicated that early on, the field programs were urging NLADA to devote greater resources to Legal Services' needs. Was it involved in the political defense effort of the early '80s?

CD: Clearly it was. I remember the discussions back in 1980, and what I sensed was that there were some people that thought that NLADA should be the Legal Services Corporation in exile, and that they should take over some of the tasks that the corporation had initiated that they were to be. That NLADA would be sort of a haven for people, and from that, we would perhaps launch a countercoup, and when the corporation became once again available to reasonable people, that we would have a cadre of people who would move back into the corporation. I don't think it ever really developed that way, even though NLADA did take up some of the issues. I guess in those days, it was a battle for survival, and people knew what the historic role of NLADA was and appreciated it, as it does even today, how important NLADA was in the struggle for survival. I guess there was one other thing that occurred there and that was PAG, up to a certain point, had left the ABA in the province of NLADA. And there came a time, I guess, in the early '80s, when PAG felt that there had to be the direct voice from the field to the ABA, particularly in the Standing Committee on Legal Aid and Indigent Defendants.

MB: Was that contemporaneous with the corporation's Private Attorney Involvement thrust? Did that have anything to do with PAG's renewed interest in the ABA?

CD: Possibly it did. And yeah, I guess there was an instance that – well, an incident that I had. Reece Smith was the president-elect of the American Bar Association.

MB: What year are we talking about? '80, '81? This would have been early on, wouldn't it?

CD: This was '81 or so. And Harriet Ellis, who had been the director of communications of the corporation, was at the ABA, and I was then chair of PAG. And Harriet told Reece that he and I should meet, and so we did. We met in Washington at ABA Headquarters, and I guess for about two and half hours, Reece and I fought.

MB: [Laughter] About?

CD: Well, he had some ideas about what Legal Services was, and I thought that he was mistaken in those beliefs. My position was that he was the president of all of us; that he had to listen to us, and that there had to be communications between – the field: Legal Services and the American Bar Association. And I don't know, we left there friends. We left there, I think, respecting one another. On my side, respecting what the ABA was and what it was trying to do, and I think Reece left with a little better understanding of Legal Services and the fact that all of us might not be as irrational as I was in my arguments with him. In any event, he became a friend, and he's still a friend of mine, a person that I have a great affection for.

MB: Was greater Private Bar Involvement in Legal Services a particular interest of his?

CD: That was an interest of his. It was an interest of mine, but I felt that the private bar should pay for it. And I recall, once again, a board meeting in New Orleans.

MB: LSC board meeting?

CD: An LSC board meeting where Bill McCalpin was Chair and put forth this idea, and I remember Reece being in audience. And I spoke against using LSC money for Private Attorney Involvement.

MB: But in fact the LSC board did pass such a requirement. In fact, it was --

CD: It did.

MB: -- Bill McCalpin's board --

CD: That's right.

MB: -- that passed that requirement really in the very waning hours of their tenure.

Didn't they?

CD: That's right.

MB: That would have been the end of '81?

CD: Mm-hmm. But we ended up with the two clients. We ended up with --

MB: Opposing it.

CD: Opposing it and --

MB: And PAG's position was to oppose this new instruction?

CD: That's right. And I guess the board was split perhaps six to four or seven to five.

It split the board. This was before the election of 1980. I remember this was before.

MB: Oh it was, so it was --

CD: It was before the election.

MB: Oh, it was?

CD: Yes. As things turned out --

MB: And was it viewed as a trade off to maintain ABA support, or was the focus really on that this was a way to accomplish something that needed to be accomplished in order to improve the delivery of legal services for poor people?

CD: Well, as it is with so many things, there was a combination of motivating factors. Tom Green, who was Chair of the General Practice Section, had been angling to get

some money for the private bar from the corporation. That was one thing that was going on there. I don't think we foresaw that there was going to be the election of Ronald Reagan and that we would need the American Bar Association. I think Bill thought that it was a good thing to do. I thought it was a good thing to have the private bar involved, but I didn't think that we should pay for it and that was the only problem that I had. Well, as things turned out, Bill, in his wisdom, was right, and I was wrong. And you know, we did have the PAI thing, and I think that going in the ensuing years drew us closer together. I think we in the field had an appreciation for the American Bar Association, and for that matter, for people in private practice.

MB: And do you think we've turned it to the advantage of delivering legal services to poor people? Have we made it real?

CD: Politically, it has worked to our advantage. When you get down to whether this is an economic and efficient way of delivering services, I think it's spotty. I have not been convinced that this is an economical way of delivering legal services. Even if you, in your computation, figure out that the value of the Private Bar Involvement at the rate that private lawyers charge their clients, I still think it is not the efficient and economic way. What it has done -- it has given a lot of private practitioners a sense of the character of our clients. I mean, in my state, private lawyers say, "Well, I like that client that you sent to me. I don't like the First National Bank of Bethlehem. Still, there's other people that will have to deal with it, but I like that client that you sent to me, and I see that you people like your clients." It gives the private bar an opportunity to see some of the difficulties that our clients live under. I mean circumstances that would cause us to lie down and die. I think that it gives them an appreciation for the work that we in Legal Services do, and I think a lot of the people in the private sector are jealous of the type of practice that we have in Legal Services. I think that they see exciting issues. They see us

working with people who really need the help, really appreciate the help. So I think that in those terms, the success has exceeded anything that I thought was possible.

MB: Did you come to be appointed to the SCLAID committee as a result of your PAG connection? How did that come about?

CD: It came about in a very interesting way. Bernie Veney was sort of a mentor for me.

MB: He was the director of the National Client's Council.

CD: He was the director of the National Client's Council, and I've been a member of the ABA from '61 to about '69. When I went to Legal Services, I did not keep up my membership. But Bernie said, "Look, you know, you're chair of PAG; you should be interfacing with these ABA people." He said, "Well, why don't you come to one of the mid-year meetings. You don't have to pay a registration fee, and you can come and see what it's like." So that's how he got me into doing that. When PAG decided that we should have a direct relationship with the ABA, I was Chair, and I said that this is my function as Chair. So I went to all the meetings of SCLAID, and it was interesting. SCLAID wanted to know the view from the field. They wanted to know what was happening on a day-to-day basis in Legal Services, and they felt that there was some value to that input. As a member of SCLAID, I say that we always value the input of the people out there on the front lines, providing those services, because they can tell us what is really going on, and it's not filtered in any way. So that has been a very important part, I think, of the development of PAG and the process of input into the ABA.

MB: What changes have come to PAG in the period of the mid and late '80s? We've talked about the transition that got made to deal with the political defense of the early '80s. What's going on, say, within the last few years?

CD: Within the last few years, I don't know. Lillian Johnson [laughter] has, I think, come in and poured oil on the waters between NLADA and PAG. I mean I have never seen a closer working relationship between the two organizations, even though sometimes they steal our staff and make our staff part of their staff. [Bergmark laughs] Yet, there's been a closer harmony and a closer working relationship, which I think is very good. I think that PAG has understood that, and the people in the field generally understand that there is a need for the two organizations. The two organizations are different. NLADA more structured and more relying on representatives, PAG being more grassroots, more the unadulterated voice, unfiltered voice, of the field, of clients in that process. I think the other magnificent thing is the working together of NLADA and PAG with clients to get off the ground a national organization of clients. I mean I'm really not surprised that the client board members of NLADA and PAG, with a little bit of help from some lawyers, could come together and talk through this thing and come up with an organization built from the ground up giving a national voice to clients. I'm not surprised about that but –

MB: But excited about it?

CD: It is a very exciting development.

MB: What are PAG's challenges for the next period, do you think?

CD: What are the challenges. I believe that there is one constant challenge to all of us in Legal Services, and that is our integrity, our conforming with those principles that we say are so important. I think that as PAG becomes more institutionalized, we might get away from the concept that this has to be field driven. You could come up with a dynamic person in Washington, who is going to be sort of the lightning rod and who is going to take the work away from the volunteers and PAG, but it then becomes a different organization entirely. If that

happens, then I say PAG should be folded into NLADA, but I think, I hope that we always maintain that direct contact with field people of all categories with clients and are able to come together where everybody is respected, everybody is heard. We might debate some things right into the ground, but my experience has been that when we do have an organization such as that, we come up with better decisions, with decisions that unite the field rather than divide the field. The 1990 census is going to cause some problems because of the migration of people from one place to the other. I think that this could cause conflict among regions. I think it can cause conflict among states and regions. I think it can cause conflict among programs in states. But I'm convinced that if we are able to meet and debate these things, I think that we can hold together the field and that we will not become fragmented.

MB: We've seen that sort of conflict before and survived it, even thrived on it, perhaps, in some instances.

CD: Yes.

MB: Well, have we missed any major developments in PAG –

CD: Well, I don't know.

MB: -- that you would like to cover?

CD: We met today about getting an appropriations bill through, and one of the things that we were able to accomplish back in, I guess, the middle '70s, is an appreciation for the necessity of having people in the field involved in the process. There was a point when the corporation seemed to say we lobbied this appropriations bill through the Congress. We got this money; we will determine how the money will be spent. And in looking at some of my documents, I ran across a letter, 1979 from Mary Burdette, who did lobbying for the corporation, and she wrote me as Chair of PAG, talking about how well the field worked in getting through

the appropriations bill of that year. That has continued. I mean, you know, people mature, organizations mature, but about 1979, the corporation had matured to the point where it was recognized that all politics is local, and perhaps that all money is local, and that Washington D.C. does not generate money out of the sky, which it parcels out as it would like to have it. I mean, Mary Burdette told me that they would not have been able to get that appropriations bill through without the support of the entire community. And I attended lunch in the day where you and others talked about that network, and I think that that is a great achievement of PAG, NLADA, client community, the American Bar Association, and the entire community of interest of people concerned about representation of clients, so.

MB: So that leaves us on a fairly optimistic note as we move into the '90s; is that fair? Are you feeling optimistic about our direction as a community?

CD: Well, hope is something that has to spring eternal in Legal Services. I mean, hope is something that springs eternal in our client community. Our clients tell us that things can get better, that things need to be worked at. It is with this hope that I look forward to the next ten years, which will take us through the next century. I see us getting past the current problems that we have with this board, with this corporation, and I see us growing and developing as we have over the past – well since 1974, into probably the best group of lawyers that I have ever seen anywhere, anyplace, anytime.

MB: Charlie, thank you. A lot of people have been a part of PAG and making it what it is today, but I can't think of anyone who better personifies the spirit and the vigor and the caring that you've brought to it all these years. So it's a privilege for me to have shared this conversation with you.

CD: I've enjoyed it, Martha.