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Need for Legal Aid Reform: A Comparison of English and American Legal Aid, The; Young

The Need for Legal Aid Reform:

A Comparison of English and

American Legal Aid

Introduction

Providing civil legal services to those who otherwise could not afford them is an integral part of social justice and social reform.¹ Advocates of increased legal aid contend that improved access to justice may result in critical law reform or in fundamental changes in the rights of the poor.² Consequently, expanding legal aid may address systemic social conditions that breed and maintain poverty. Government funded legal assistance, both in the United States and abroad, is one effort society has made toward the idea of equal justice for all.³

Unfortunately, the history of legal aid in the U.S. has been far from bright. Notwithstanding that some form of legal assistance for the poor has been available since the latter part of the nineteenth century, until 1964 all legal aid was privately funded with only minor government or community support.⁴ Prior to federal involvement, overwhelming caseloads and minimal services characterized legal aid programs which had little general or lasting impact on the poor.⁵ By 1964, when the Johnson Administration introduced a program of federal funding through the Economic Opportunity Act of 1964 as part of its "war on poverty," the idea of meeting legal aid needs with local offices staffed by salaried lawyers and providing legal services free of charge to eligible

1. Cappelletti & Garth, *Access to Justice: The Worldwide Movement to Make Rights Effective*, in *AccEss TO JUSTICE* 6 (M. Cappelletti & B. Garth eds. 1978).

2. Zemans, *Recent Trends in the Organization of Legal Services*, 14 *ANGLO-Am. L. REV.* 286, 286 (1985).

Civil legal aid is not necessarily confined to meeting individual client needs. For example, one of the most controversial aspects of legal assistance to the poor is the extent to which legal aid lawyers should engage in law reform through such activities as tenant-organizing, lobbying the legislature, or picketing certain landlords. Such activities not only result in law reform but may provide long-term solutions to the underlying problems of poverty and ultimately increase the legal rights of the poor.

3. *The Legal Services Corporation: Past, Present and Future?*, 28 *N.Y.L. SCH. L. REV.* 593, 593 (1983).

4. See generally *id.* at 593-612 (brief history of civil legal services for the poor in the U.S.).

5. WASHINGTON COUNCIL OF LAWYERS, *REPORT ON THE STATUS OF LEGAL SERVICES FOR THE POOR* 2 (Nov. 1983) [hereinafter *REPORT ON THE STATUS OF LEGAL SERVICES FOR THE POOR*].

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