

From “Legal Aid Society”
to “Community Legal Aid”

65 Years towards Fairness and Justice... For All



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When the present home of the United States Supreme Court opened in 1935, etched in the marble over its portal were words that announced an American ideal: "Equal Justice under Law." This phrase, suggested by the architects and approved by the court and its building commission, was based upon the promise of the 14th Amendment to the Constitution of the United States which holds, inter alia, that "no state shall ... deny to any person within its jurisdiction the equal protection of the laws." The Constitution of the Commonwealth of Massachusetts predates its Federal counterpart and its cognate provision, Declaration of Rights, Part the First, Article I, shares this promise of equality before the law. However, since the enactment of the 14th Amendment in 1868, the road to equal justice has been long, obstacle-strewn, and is yet unfinished.

While legal assistance had earlier been provided by Freedmen's Bureaus in the South to former slaves and other poor, the earliest evidence of the formation of a legal aid society appears to have been in New York City in 1876, where an agency designed to assist German immigrants opened an office for legal assistance. This foreshadowed the earliest origins of legal aid for the poorest in our communities, in that such efforts were usually an ancillary to various social service agencies and organized charities that recognized the need for legal services. This trend continued for several decades. In 1919, a watershed moment in the history of legal aid occurred with the publication of Justice for the Poor, written by Reginald Heber Smith, founder of the Boston Legal Aid Society and in whose name a Legal Services fellowship program was later created. His treatise led to a gradual shift in the sponsorship of legal aid away from social service agency to organized bar. Consequently, we now shift our focus to the Worcester County Bar Association.

Unfortunately, prior to 1951 in Worcester County, any efforts of individuals and organizations that were dedicated to the implementation of the promise of equal protection of the laws and the provision of legal representation to those who could not afford such assistance have been lost in the mists of time. However, belief that such efforts took place here is well justified since, in January 1951, a group of attorneys, members and officers of the Worcester County Bar Association filed Articles of Organization with the Secretary of State creating the Legal Aid Society of Worcester, Inc. Among its first thirteen directors was Edward Simpson, then president of the bar association, and his two immediate predecessors, Russell Anderson and John Henry Meagher (who later that year became a Superior Court judge).

The corporate purpose of the Legal Aid Society expressed in these Articles of Organization echoed the 14th Amendment: "To assist worthy persons, who are in need, to procure legal aid and to promote measures for their protection and in furtherance of these purposes to do any and all things permissible under Chapter 180 of the General Laws." The first president was Cosimo Toscano, who was said, in a May, 1951 article in the Worcester Telegram, to have "spearheaded a drive to form the Legal Aid Society of Worcester. This is an organization of lawyers, sponsored by the Worcester County Bar Association, to provide legal assistance for those financially unable to engage an attorney." While this article indicated that provision of an office and executive director were eagerly anticipated, it appears that it was not until January, 1957, when its first office was opened in the Commerce Building, and its first attorney-director, Attorney Ralph Sigel, was hired.

A 1957 article in the Worcester *Evening Gazette* quoted Attorney Samuel Seder, then Legal Aid president, who stated that the opening of its first office was the culmination of "ten years of planning by area lawyers who had recognized the need for such services." President Seder indicated that while individual bar association members had generously contributed their time and services, it was recognized that such efforts could not meet the need of those who could not afford to retain the assistance of an attorney. Attorney Sigel stated in another article that until the society was first organized and the office opened, cases were handled by members of an informal committee of lawyer-volunteers but that without a permanent office and with difficulties in scheduling available lawyers to the needs for assistance, such voluntary efforts were unsustainable.

While the Society was able to open its first office primarily upon a \$2500 grant from the Bar Association, \$5000 from the National Legal Aid Association, and individual donations, funding has often been (and continues to be) a challenge. The plan here, as elsewhere, suggested by the national association of legal aid societies, was to become recognized as a grantee of local Community Chests (forerunner of today's United Way). Such recognition came in October 1959, when the Society received approval as a Community Chest grantee, which support has continued until this day. By this point in time, the board of directors had been expanded to 25 members, including some corporate leaders well-known in the Worcester area and beyond, including Paris Fletcher, Joseph Carter, Frank Harrington, Paul Morgan, Forrest Seymour, Jacob Hiatt, Fairman Cowan, and Eugene Ribakoff.

With a steady increase in its caseload, which did not include representation in divorce and in criminal cases, the Society recognized that its only attorney, Ralph Sigel, needed assistance himself. In 1963, permission was granted to bring two law students for unpaid summer clerkships: J. Robert Seder and Erwin Miller. In 1964, Robert Lian and Nicholas Andreson were its law student volunteers. Sadly, also in 1964, its long-time president Samuel Seder passed away. He was succeeded by his brother Saul Seder, who served as society president until 1969, at which point Attorney, former mayor, and long-time director Paul Mullaney was elected president, serving in that capacity through 1974. In 1969, the Bar Association created its Lawyer Referral Service, with the Legal Aid Society designated as its coordinator. This was deemed expedient in order to determine appropriate referral to free or paid legal services. In addition, the voluntary participation of individual members of the bar continued and became known as the Volunteer Lawyers Service.

Also, in 1964, as part of the Federal government's Great Society initiatives, Congress passed the Economic Opportunity Act. This created the first Federally-funded legal services structure under the Office of Economic Opportunity ("OEO"). Here in Worcester, the Community Action Council ("CAC") was the conduit for funds that created the Neighborhood Legal Services of Worcester; CAC requested and the Legal Aid Society board of directors agreed to administer, under the part-time supervision of Attorney Sigel, Neighborhood Legal Services of Worcester. Thus, the primary responsibility for providing legal assistance for the poor began to shift from social service agencies, charities and organized bar to the government.

The Worcester offices first opened in 1966, with three attorneys, Andrew Philip, John Stellato and Walter Hughes staffing neighborhood centers around the city; in addition, similar legal service offices opened in the Fitchburg, Leominster and Gardner areas with two attorneys, Vaughn Gearin and John Bush. In Worcester, these neighborhood legal "stores" first operated out of church halls but

soon moved into neighborhood centers created and funded through the CAC including those at Great Brook Valley, the Prospect House, Friendly House, the Piedmont Neighborhood Center, the Spanish Center and the Main South Neighborhood Centers. In 1968, operating under its own board, Philip, one of its original staff attorneys, was named its first full-time director and, due to John Stellato's departure to start a legal services office in New Bedford, Steve Lewis, Richard Considine and Jim Slavin were hired. Among other early staff attorneys were Linda Carroll, Konstantina Lukes, David Patterson and this writer.

In 1972, largely as a result of pressure from OEO, and in spite of opposition from the neighborhood centers, these neighborhood law offices were consolidated with a move to permanent quarters in the Day Building (306 Main Street) while office hours were maintained at the neighborhood centers for clients who were unable to travel downtown. Also in 1972, Western Mass. Legal Services ("WMLS") was created to serve the four counties west of Worcester, consolidating several local entities. Neighborhood Legal Services changed its name to Worcester County Legal Services. Legal Aid attorney Sigel finally had some paid staff assistance from Attorneys Raymond Giguere and Clem Linga.

The Economic Opportunity Act creating the OEO and neighborhood legal services originally had a sunset provision that called for its expiration in 1970. Opposition to Neighborhood Legal Service offices around the country had arisen during the late 1960's, largely due to its law reform efforts which angered many local and state officials, and de-funding was often threatened. Nonetheless, because of the necessity perceived by many in Congress for a continuation and strengthening of Legal Services, it was extended until a permanent Legal Services Corporation ("LSC") was created in 1974. Also in 1974, Worcester County Legal Services became Central Mass. Legal Services and eventually became a recipient of funding from LSC.

In 1975, J. Robert Seder was elected president of the Legal Aid Society. In 1976, after twenty years of dedicated service, most of that time serving as its sole attorney, Legal Aid's Ralph Sigel resigned to enter private practice, not without expressing his intention, however, to continue to provide some pro bono assistance to Legal Aid clients.

In 1982, recognizing the benefits of a single entity providing a range of legal services to a clientele who either cannot afford ordinary legal fees, or who could afford to pay fees on a limited basis, or those in need of a referral to an attorney, committees of the organized bar, Legal Aid and Legal Services communities recommended a merger of the Legal Aid Society with Central Mass. Legal Services. On November 10, 1982, Articles of Merger were approved by the Secretary of State and the Legal Assistance Corporation of Central Massachusetts ("LACCM") was thus created, with Attorney Robert Lian, then president of the Legal Aid Society, as its first president.

In 1983, the Massachusetts Legal Assistance Corporation was created by the legislature. In time, this entity would become the primary funding source for LACCM and WMLS, with revenue from the state budget and the Interest on Lawyers' Trust Accounts (IOLTA) program. In 1996, the Massachusetts Justice Project ("MJP") was created and funded primarily by LSC. During its tenure, it became the intake hotline for LACCM and WMLS and operated the Volunteer Lawyers Service Program. Again recognizing the administrative efficiency of merging legal services entities, especially in times of declining funding sources such as was experienced in the housing market crash and

resulting recession of 2008, LACCM and WMLS merged in 2011 under the present name of Community Legal Aid ("CLA"). In 2014, the merger trend continued, as MJP became part of CLA.

Whether called "Legal Aid," "Legal Services," or "Civil Gideon," the need of those who cannot afford legal assistance continues. The struggle for "Equal Justice under Law" continues. ...