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# THE GHETTO LAWYER<sup>†</sup>

JAMES J. GRAHAM \*

THE RECENT CONTROVERSY in New York City<sup>1</sup> over the proper formula for dispensing free legal services to indigents under the Economic Opportunity Act<sup>2</sup> reflects a more fundamental misconception of the role of the lawyer, generally, in modern America. Those who advocate strict adherence to the hallowed Canons of Ethics

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<sup>†</sup> This article originally appeared in revised form in *The Commonwealth Magazine*, issue of November 17, 1967. It is adapted from a forthcoming book to be published by Random House, Inc.

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<sup>1</sup> Negotiations leading to the establishment of a city-wide legal services program commenced in early 1966 in New York City among anti-poverty officials of the City administration, and representatives of the Office of Economic Opportunity, the Association of the Bar of the City of New York and of the public-at-large. The sessions culminated in a comprehensive proposal for the establishment of eight incorporated neighborhood legal offices employing, *inter alia*, approximately one hundred attorneys. The certificate of incorporation for the city wide umbrella corporation and the underlying master plan itself were approved by the Appellate Division, First Department, of the State Supreme Court in November, 1967.

Though all of the negotiators were attorneys and none officially represented the poor communities, the final agreement was approved by the New York City Council Against Poverty prior to submission to the court. The Council includes delegates designated by residents of the poverty areas.

The resolution, *inter alia*, of the following issues largely contributed to the rejection of the original proposal by the court and to the considerable delay prior to final approval (see text *infra*):

1. the role of law students and lay advocates in the legal services programs;
2. domination of the board of directors of the parent corporation and of its neighborhood components by either lawyers or laymen;
3. the precise nature of the "political" conduct to be proscribed and "educational" activities the attorneys might engage in and the extent to which the legal services attorneys might "reach out" to the community for clients; and
4. the types of cases the attorneys might handle and whether the attorneys would be permitted to engage in "group" representation.

<sup>2</sup> 78 Stat. 508, 42 U.S.C. § 2701 (1964). In 1965, Title II, Section 2785(a) of

of the profession seem to be indulging in the romantic notion that today the successful practitioner, like "Honest Abe" Lincoln or the hero of "Anatomy of a Murder,"<sup>3</sup> earns his income by reading the law far into the night, until he finds that elusive case in point.

This image certainly is out of focus in the light of current legal practice but it probably never coincided with reality. Lincoln, we know, went on to become a politician and the presidential candidate of big businessmen. The late Perry Miller in his brilliant volume, *The Life of the Mind in America*,<sup>4</sup> pointed out that the profession has come a long way in the last hundred years. Toward the middle of the nineteenth century, lawyers were still considered by rich and poor alike as a rather grubby lot; the public saw them as unlearned technicians who charged fees that were highly disproportionate to the services rendered.

Said Miller, "despite their noble endeavours to make the Common Law appear a systematic wisdom, to invest it with the halo of Blackstone, they could never quite fumigate it of the smell of the grubby. It *had* grown up by acci-

dent, out of low contention. To shed upon it the light of the sublime was a tricky enterprise."<sup>5</sup>

According to Miller, David Dudley Field and other leaders of the Bar managed before 1900 to refurbish the image by consciously identifying the best impulses of the legal profession with the American version of the Christian Way of Life.

"[O]nce the Common Law could be caught up into the superior effulgence of natural law, of the law of nations, then it also could be covered by the canopy of Christianity. By this maneuver the profession could evade the charge of hardheartedness."<sup>6</sup>

Shysters and mediocre practitioners, of course, would continue to be part of the legal community but, in terms of influence, always on its outer edges. An Establishment, composed, as they say, of the best people in government and in the better firms, from that time to this has dominated all meaningful expressions of the organized bar.

Needless to say, such expressions invariably have been conservative in tone. For example, those seeking an historical origin for the dependency "trauma" that afflicts generations of welfare recipients need only look to a classic decision in *State ex rel. Griffith v. Osawkee*<sup>7</sup> in 1875 in Kansas by Field's nephew, David Brewer. Brewer held that though relief of paupers was a Christian obligation binding on the state, only the utterly des-

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the Act was amended to implicitly include legal services among the Community Action programs: "focused upon the needs of low-income individuals and families." 79 Stat. 974 (1965). See 2 U.S. CODE CONG. & AD. NEWS 3509 (1965) for legislative history of the Economic Opportunity Amendments of 1965.

<sup>3</sup> R. TRAVER, ANATOMY OF A MURDER (1958).

<sup>4</sup> P. MILLER, THE LIFE OF THE MIND IN AMERICA: FROM THE REVOLUTION TO THE CIVIL WAR (1965).

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<sup>5</sup> *Id.* at 166.

<sup>6</sup> *Id.*

<sup>7</sup> 14 Kan. 418 (1875).

titute, *i.e.*, the hopeless, could qualify. In *Osawkee*, Brewer declared unconstitutional an act of the Kansas legislature authorizing townships to issue bonds for the relief of drought-stricken farmers. Such aid, he said, did not constitute a valid public purpose because the farmers who were only "temporarily embarrassed" were not paupers in the traditional sense.<sup>8</sup> For the state to assist all poor persons would be to "equalize the property of its citizens."<sup>9</sup> The eligible person must not only be in want but "unable to prevent or remove such want"; he must not only depend on society for sustenance but "cannot do otherwise than thus depend."<sup>10</sup>

Spokesmen for the legal establishment at the turn of the century, including Brewer, who became a Justice of the United States Supreme Court, invested the judiciary with the protection of natural law property rights as its divine mission. Between 1899 and 1937 the Court, in 159 cases, struck down state regulatory legislation in the name of substantive due process.<sup>11</sup> The era is probably best characterized by the decision in *Lochner v. New York*<sup>12</sup> in which the Court declared as violative of the fourteenth amendment a New York statute which limited employment in bakeries to

sixty hours per week and ten hours per day. Such a regulation, said the Justices, unreasonably interfered with the freedom to contract of both employer and employee!<sup>13</sup> It was not until 1932 that the patrician, Franklin Delano Roosevelt, no radical himself, channeled a populist upheaval into a progressive stream of legislative social reforms that has continued to the present time despite the intermittent opposition of misgivings of the organized bar.

#### *The CALS Controversy*

Perhaps the most complete delineation of the role of the practicing lawyer as a non-involved, stabilizing influence in the community appeared in a decision relating to the New York imbroglio in November, 1966, by the Appellate Division of the State Supreme Court. The court in *Matter of Community Action For Legal Services, Inc. (CALS)*,<sup>14</sup> with the active encouragement of the city's bar associations, "regrettably" rejected proposals for legal services corporations to be financed under the EOA.<sup>15</sup>

There were admittedly technical de-

<sup>8</sup> *Id.* at 421, 426.

<sup>9</sup> *Id.* at 422.

<sup>10</sup> *Id.*

<sup>11</sup> See WRIGHT, THE GROWTH OF AMERICAN CONSTITUTIONAL LAW 154 (1942); Gamer, *Justice Brewer and Substantive Due Process: A Conservative Court Revisited*, 18 VAND. L. REV. 615 (1965).

<sup>12</sup> 198 U.S. 45 (1905).

<sup>13</sup> *Id.* at 57.

<sup>14</sup> 26 App. Div. 2d 354, 274 N.Y.S.2d 779 (1st Dep't 1966).

<sup>15</sup> Section 280 of the Penal Law (now Section 495 of the Judiciary Law) which prohibits corporations and voluntary associations from practicing law also provides:

5. This section shall not apply to . . . organizations organized for benevolent or charitable purposes, or for the purpose of assisting persons without means in the pursuit of any civil remedy, whose existence, organization or incorporation may be approved by the appellate division of the supreme court of the department in which the principal office of such corporation or voluntary association may be located.

ficiencies in the papers submitted for approval; for example, the court found that the petitions did not unequivocally prohibit the lawyers for the poor from engaging in what the court described as "political, lobbying and propagandistic activity."<sup>16</sup> But the court in *CALS* expressed disapproval in large part because the operating schema called for "indiscriminate mingling of social goals and legitimate legal practice."<sup>17</sup> Said the court, "[I]t would be one thing to allow neighborhood law offices to handle poor men's credit unions. It would be quite another thing to have them handle, advise and represent political factions or organizations of social and economic protest however worthy."<sup>18</sup>

The Appellate Division also echoed the assurances of the bar associations that its principal concern was to make certain the poor would receive the best available legal services.<sup>19</sup> Consequently, the court ordered the city to promptly resubmit corrected petitions; but, since the subsequent failure of the city and Office of Economic Opportunity officials and representatives of the Bar to reach agreement on new submissions had cost the poor ten thousand dollars per day, or

three million dollars for the period between the two decisions and almost another million for the prior months in 1966, in federal monies, they probably have a right to question the sincerity of all the protagonists.

Considering the seriousness of the issue, the complexity of the proposal and the fact that the Office of Economic Opportunity had advised the court that restricting operations to Legal Aid agencies would terminate federal funding, it was curious that the court, prior to issuing its decision, did not heed the request of the OEO and City officials for a hearing or informal conference to clarify matters. The action of the First Department in *Matter of CALS* must have seemed even more puzzling to any layman<sup>20</sup> cognizant of the fact that the Appellate Division of the Second Department in Brooklyn had approved the Nassau County program<sup>21</sup> in routine fashion on June 13, 1966.

More important to the future course of legal services in the largest city of the nation, to this day no one seems to know precisely what conduct the judges intended to proscribe. Were rent strikers or those arrested for "sitting-in" at welfare centers to be denied representation? Judge Raymond Pace Alexander of the Philadelphia Court of Common Pleas in

<sup>16</sup> *Matter of Community Action for Legal Services, Inc.*, 26 App. Div. 2d 354, 274 N.Y.S.2d 779 (1st Dep't 1966).

<sup>17</sup> *Id.* at 362, 274 N.Y.S.2d at 789.

<sup>18</sup> *Id.* at 363, 274 N.Y.S.2d at 789.

<sup>19</sup> *Id.* at 355-56, 274 N.Y.S.2d at 779. The Association of the Bar of the City of New York moved the court to restrict OEO-funded legal services to the Legal Aid Society for a two or three-year period until the local anti-poverty structures in the poor communities could become better established.

<sup>20</sup> However, one layman who was impressed by the decision wrote, "Considering how busy these judges are, it was an astonishingly well-informed opinion." M. MAYER, *THE LAWYERS* 300 (1967).

<sup>21</sup> Nassau County Law Services Committee, Inc. whose former Executive Director, John De Witt Gregory, is now General Counsel to CALS.

a decision dated May 10, 1967,<sup>22</sup> rejecting an attack on that city's legal services program, suggested that the New York court in *Matter of CALS* took a "narrow view of the law."<sup>23</sup> According to Judge Alexander, "no acceptable jurisprudence can fail to recognize that 'legal' rights have an intimate relation to social and economic justice."<sup>24</sup>

The New York court in *Matter of CALS* and the City Bar Association were concerned *inter alia* that the "educative" features of the OEO programs<sup>25</sup> might involve solicitation of clients and the stirring-up of litigation,<sup>26</sup> but Congress saw this aspect as an essential ingredient of a legal services program designed to alleviate poverty.<sup>27</sup> The tone of the decision suggested that the court believed it had a sacred trust to protect an attorney-client relationship that is incompatible both with the legal needs of the poor and with much of present-day practice. For example, the OEO itself takes care to

prohibit attorneys employed in its programs from maintaining a private practice;<sup>28</sup> the same cannot be said of all the prosecutors' offices around the country.

If the court's narrow view of the role of the ghetto lawyer (another double standard?) prevents him from engaging in traditional "non-legal" functions performed by attorneys representing large corporations, labor unions and landlords, clearly indigents will be deprived of the type of representation presently available to the affluent.

For example, in every firm there are attorneys who prepare pleadings, try cases, research the law, and there are others who spend most of their time discussing strategy with clients, mediating on their behalf with legislators and government agencies, and negotiating with opposition attorneys. While engaged in the latter type of activity, the attorney often wears several hats. There is sometimes a thin line between advice and direction, especially when the attorney also happens to own some stock in the client corporation.

Today, men who once served in high government office are partners in the most respectable Wall Street firms. It

<sup>22</sup> Community Legal Services, Inc. (apparently unreported).

<sup>23</sup> *Id.* at 40.

<sup>24</sup> *Id.* at 41.

<sup>25</sup> "To sponsor education and research in the areas of procedural and substantive law which affect the causes and problems of poverty . . . to finance programs to teach the poor and those who work with the poor to recognize problems which can be resolved best by the law and lawyers." OFFICE OF ECONOMIC OPPORTUNITY, GUIDELINES FOR LEGAL SERVICES PROGRAMS 2 (1966) (hereinafter cited as GUIDELINES).

<sup>26</sup> Prohibited by Canons 27 and 28 of the AMERICAN BAR ASSOCIATION CANONS OF PROFESSIONAL ETHICS.

<sup>27</sup> "The Committee feels that authorizing legal services for the poor is an effective way of opening exits from poverty. . . .

"An essential ingredient . . . is an educational effort to apprise eligible people of their rights and responsibilities. . . . Indeed, the broader the range of public information activities concerning the availability of legal services and the recognition of the legal problems that confront the poor every day, the greater the benefits of the program." Economic Opportunity Amendments of 1966 P.L. 89-794, House Report No. 1568, 3 U.S. CODE CONG. & AD. NEWS 4285-86 (1966).

<sup>28</sup> GUIDELINES 31.

would be foolish to suppose that their impressive earnings derive from an ability to educate clients on the fine points of the anti-trust laws.

While it is true that success in the public eye attaches to successful litigators like F. Lee Bailey, in terms of financial remuneration most of the high earners in the profession work on Wall Street, never appear in court, and are unknown to the public at large. But whether a man counsels corporations, labor unions or felony defendants, by any standard, success follows him who regularly achieves satisfactory bargains for his client at the least possible cost. An attorney who had worked as house counsel for a large manufacturer told me once that the firm made him an officer because he gave valuable advice while playing down his legal status. "I don't write complex memoranda," he said, "I simply send them a note expressing my opinion."

In this light, therefore, the concern of the courts and the bar associations for the integrity of ghetto practice is, at best, unwarranted and misplaced.

Not too long ago, at the request of a priest in Brownsville, Brooklyn, I found myself addressing over one hundred Puerto Rican factory workers out on a wild-cat strike. They were protesting an almost unbelievable "sweetheart" contract between their employer and bargaining representative that, among other omissions, did not take cognizance of an increase in the state minimum wage. Most of the strikers, incidentally, were eligible for welfare supplements but had been too proud to apply.

Technically, being an "officer of the court," as lawyers describe themselves, I

suppose I should have told the group their strike was illegal, and fled the scene with all professional aplomb. Instead, I remained to say that while the workers risked being discharged from employment, as a practical, non-legal matter their collective strength might force the employer to capitulate to their just demands.

Unethical? Perhaps; but I had in mind those management attorneys from highly respectable firms in New York, Chicago, Atlanta and New Orleans who have amassed fortunes by unlawfully teaching employers how to break labor unions without getting caught. My ethical sense had also been dulled by the sight of too many upright attorneys parading well-coached, lying witnesses to the stand at Labor Board hearings.

#### *The Law Students*

Admittedly, therefore, conscientious practice in the ghetto does call for a certain amount of seemingly unorthodox activity. Eight students sponsored by the Law Students Civil Rights Research Council, who worked during the summer of 1966 in slum areas in Brownsville and East New York, did not learn much about drafting complaints but at the end they concluded the experience had made them better human beings. The students visited slum tenements to encourage the formation of tenants' associations and guided rent strikers to the housing court. (One who helped a tenant file a criminal complaint against his landlord heard himself denounced as a "communist" by a clerk of the court.) Most often, however, the future lawyers simply hounded welfare caseworkers by telephone on behalf of aggrieved recipients, in storefronts

operated by Christians and Jews United for Social Action (CUSA), a local community action organization.

These white students, two of them women, also attended evening meetings, went on bus outings with their "clients" and by accepting invitations to parties in the community effectively showed that the concept of "black power," at least at the grass-roots level, does not exclude all outsiders.

There is some reason to believe that law students, being "technicians," are more readily accepted than other undergraduates by the leadership of poor communities. Because they are able, *instantly*, to play a defined role, they are not looked upon either as potential threats or as upper middle or middle class white "missionaries." The nature of ghetto practice is such that students may utilize their skills to service poor clients in certain problem areas, including welfare, more efficiently and economically than lawyers.

Needless to say, the quasi-legal experience available to law students in the racial ghettos is infinitely more satisfying to them than opening windows and running errands in a large law firm. The attitudes they take with them into their later careers, wherever, can only be of benefit to the larger society.

The OEO programs also provide a pragmatic and responsible outlet for the troubled idealism of this generation of students to which the law schools only recently have begun to cater.

#### *Neighborhood Emphasis*

William Stringfellow demonstrated in *My People Is the Enemy* that it is possible for a lawyer to maintain his pro-

fessional poise while dispensing legal advice on a Harlem street corner.

Stringfellow also anticipated the legal services component of the War Against Poverty with his low-keyed approach to the practice of law in the ghetto. Motivated by his Christian commitment, he moved quietly into a slum neighborhood in East Harlem and waited for the other residents to adjust to seeing him around. Stringfellow eventually won the trust of the community because, unlike most visitors to the ghetto, he did not come on strong, had something to offer and evidently planned to stay awhile.

For the same reasons, the theoreticians of the Economic Opportunity Act linked the new legal services operations to community action programs and emphasized their neighborhood aspect.<sup>29</sup> OEO Director Sargent Shriver has characterized legal services as one of the crucial components of any broad and effective program for remedying ghetto conditions.<sup>30</sup> The theory is that the federal monies will best be spent not by providing counsel in the traditional, colonial manner but by giving the poor legal strength with which they can identify. A practitioner in a Brooklyn storefront who looks to Manhattan for his instructions and leaves his work area by nightfall will not satisfy the leaders of the poor or help solve their basic problems.

These problems, indeed, are enormous and almost all of them have legal overtones. In a speech in 1964, then

<sup>29</sup> See *Legal Services and The War On Poverty*, 13 CATHOLIC LAW. 272, 288 (1967).

<sup>30</sup> Shriver, *The Availability of Legal Services*, 51 A.B.A.J. 1064 (1965).



Attorney General Robert Kennedy aptly described poverty as a "state of helplessness—of inability to cope with the conditions of existence in our complex society."<sup>31</sup> This impotence, which diminishes in intensity as a citizen ascends the economic ladder, often manifests itself in a mild paranoia which sees labor unions, Con Edison, the police and other power groups in active coalition against his interests.

The cogent comment has been made that "[p]overty is more than an economic status—it is a state of mind."<sup>32</sup> Judge Alexander, in approving the Philadelphia program, noted that one major accomplishment of legal services will be instilling in the slum dweller greater respect for and confidence in the American police. "With the greater protection of the American poor [person] against all the evils under which he has suffered in the abuse of the legal process, both civil and criminal, the 'law' (as the police are known to him) will no longer be his enemy."<sup>33</sup>

The delay, then, in utilizing available funds for one of the few anti-poverty programs considered non-controversial by the Congress is both tragic and ironic.<sup>34</sup>

<sup>31</sup> Cited in Paulsen, *The Expanding Horizons of Legal Services—I*, 67 W. VA. L. REV. 179, 185 (1965).

<sup>32</sup> *Legal Services and the War on Poverty*, 13 CATHOLIC LAW. 272, 296 (1967).

<sup>33</sup> *Supra* note 22.

<sup>34</sup> "In fiscal year 1967, the Committee wishes to have no less than \$22 million expended upon projects devoted to putting the force of legal advocacy behind those low-income persons who are unable to afford the services of a private attorney." 3 U.S. CODE CONG. & AD. NEWS 4285 (1966).

But, while over three hundred other cities or communities to date have commenced legal services operations, it is only fair to say that the success or failure of the neighborhood concept in a city as large as New York will have a decisive impact on existing and future programs across the country.

It is also possible to concede the good faith of those who object to any meaningful local participation in such programs and still be persuaded that their fears stem from a lack of personal familiarity with life in the racial ghettos. In addition, there are deep-seated prejudices against the poor as clients which give rise to patronizing, "I know what's best for you" attitudes. Most lawyers, in fact, are keenly aware that the malaise of poverty tends to infect him who comes too close to it.

Small practitioners who handle criminal cases have made an art out of not getting to know their clients. For many, the beauty of a lower court criminal practice is that a plea of guilty by the defendant, a most frequent occurrence, usually signals the end of the trial attorney's case and all contact with his client. But, obviously, a lawyer who wants to lend his skills both to the immediate problem and to the eradication of the root causes of the criminal activity and civil disorders must be willing to suffer the incoherence, delusions, the smells and the dirty streets that are indigenous to storefront practice.

Even the liberals among the Wall Street partisans, who can afford to be altruistic about legal activities that do not threaten their incomes, are probably un-

aware that they approach the subject from an inherently conservative position that derives from close daily association with the corporate personalities they represent. Because the overwhelming number of successful and influential practitioners go where the big money is, it is unthinkable that central control, no matter how responsible or well intentioned over neighborhood legal services should emanate from the financial district in any city. *Noblesse oblige*, in this area at least, arrives about ten years too late.

Many local practitioners, on the other hand, admittedly do see the advent of OEO-financed lawyers both as competitors and as potential threats to the equanimity of their major clients, the landlords and the small banks. They are, of course, correct on the second count but it is only too evident that few attorneys make a living representing dispossessed tenants or testing, in court, the rights of welfare recipients to privacy or adequate budget allowances. Presumably, these cases will predominate under the new programs.

Much has been said about the unexpectedly high proportion of "marital" suits in the legal services caseloads but if the Nassau and Newark experience is representative, even in this area much of the child support, custody and paternity litigation is sponsored by and on behalf of local welfare departments. There is also some tentative evidence that at least the Newark program (Newark Legal Services Project) has generated a fair amount of fee-producing litigation for general practitioners.

The vested interest point of view, in-

centidentally, appeared in a bill that passed during the last session of the New York State Assembly by a startling vote of ninety to eighteen. The legislation would have prevented third-year law students, under the guidance of senior attorneys in legal services corporations, from appearing with clients in minor court cases or at welfare hearings. Credit for defeating the bill in the upper chamber is owing to responsible officials of the Wall Street-oriented City Bar Association and Dean Robert McKay and other faculty members of the New York University School of Law.

But, paradoxically, the possibility that the legal arm of the War Against Poverty may accomplish radical reforms on behalf of the poor in the long run will also redound to the advantage of that sector of the profession that services a middle-class clientele. Just as successful protest demonstrations organized in the ghetto neighborhoods have encouraged small homeowners to form block associations in order to more effectively agitate for better municipal services, so too will legal successes in indigent cases enhance the image of the lawyer outside the slums. Significantly, even the American Bar Association, which only a few years ago denounced the British system for free legal aid as "socialistic,"<sup>35</sup> has adopted a similar point of view.

Hopefully, the advent of a neighborhood-based legal services system will aid

(Continued on page 87)

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<sup>35</sup> See Voorhees, *The OEO Legal Services Program: Should the Bar Support It?*, 53 A.B.A.J. 23 (1967).

## THE GHETTO LAWYER

(Continued)

in revamping outmoded legal procedures generally and in encouraging more widespread use of group practice for those well above the poverty line but too poor to afford effective and continuing legal representation.<sup>36</sup>

Today, it is generally conceded that though indigents cannot even begin to think about hiring a lawyer, middle-income people in the big cities, especially, will also think twice before doing so.

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<sup>36</sup> Paulsen, *The Expanding Horizons of Legal Services—II*, 67 W. VA. L. REV. 267, 277 (1965).

The cost of an urban lawyer's services, except for real estate closings where cash in hand or a new home tend to give a glow to the transaction, or personal injury litigation, where almost everyone recovers, for most citizens is usually disproportionate to the results achieved, and, therefore, a luxury item.

The fault in most cases is not attributable to the lawyer himself. He has no choice but to charge for the many hours he spends in a lower court, not to speak of the discourtesies he endures, waiting for a calendar call on a single claim worth one or two thousand dollars. The fault, instead, lies with an archaic and rigid system which, in practice, imposes a sacrosanct attorney-client relationship on all except the truly affluent.



## LAY ATTORNEYS

(Continued)

an affirmative decision that it also be affirmed on appeal except in those cases where the facts in *no way support* the decision of the court of first instance or where there has been a gross violation of procedural law. They argue that the court of first instance is better prepared to grant a just decision because it has had all the parties before it. And ultimately, who is to say that three prudent men in Pittsburgh are more or less wise than three prudent men in Chicago, New York or San Francisco in reaching a

decision on the validity of a marriage. If we are not prepared to change Canon 1014 in favor of the person, and if we cannot change our system of appeals, perhaps this suggestion can be the first step in giving a new and greater hope to those who seek the justice of the ecclesiastical tribunal.

(6) Finally, unlike the common law with which the lay advocate is familiar, they find our law too strict and rigid. There is little room for creativity. Like the common law, they feel that canon law ought to live and breathe and realistically reflect the needs of our people within the context of their existential experience.