

1 DEPARTMENT OF JUSTICE

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SPEECH BY

5

ATTORNEY GENERAL JANET RENO

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TO THE

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ALLIANCE FOR JUSTICE

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Monday, October 2, 1995

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Transcribed from an audio recording.

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P R O C E E D I N G S

1
2 GENERAL RENO: Thank you very much. It is a
3 great honor to be here with you today, because you are my
4 heros in terms of what the law is all about, what it
5 should be seeking, and what it still must yet attain. But
6 because of your efforts much has been done.

7 There is, on the wall of the Justice Building,
8 along the 9th Street side, a statement carved in the stone
9 that says that the common law is derived from the will of
10 mankind, issuing from the people, framed by mutual
11 confidence, and sanctioned by the light of reason. If
12 that is the common law, and I believe it is, I have some
13 serious concerns. Because for too many people in America
14 the law is unreal. It is not founded in these people's
15 hopes and dreams and aims and capacity for attaining their
16 goals.

17 The American Bar Association recently sponsored
18 a study which sheds considerable light on the needs of
19 Americans for legal advice and assistance. Researchers
20 surveyed over 3000 low and moderate income households.
21 Those Americans which constitute four-fifths of our
22 population. They found that each year about half of those
23 households face at least one problem having a legal
24 dimension.

25 The most common problems relate to personal

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1 finances, consumer issues, housing and real property,
2 personal and economic injury, wills and estates, and
3 family law. The shocking conclusion of that survey is
4 that 71 percent of low income and 61 percent of moderate
5 income legal needs are not being addressed in this Nation
6 by the Nation's civil justice system. What that means is
7 that for too many people in America the law means little
8 more than the paper that it is written on.

9 I love the law with all my heart, and I love
10 lawyers. But I don't like greedy, indifferent lawyers,
11 and I don't like lawyers who are in it only for the
12 dollars. As caring lawyers, you and I have a challenge of
13 great dimension, and that is to make the law real for all
14 Americans, to make the law real for the children of
15 America who wonder why we worry about their right to an
16 education 18 years from now, when they are not brought
17 into this world with a real chance of success because
18 there is not a legal structure that can properly advocate
19 for them; for the American Indians throughout this land
20 who have been too often forgotten and lack legal support
21 to maintain their tribal traditions which we should value;
22 for the working poor of America, who want to prevent a
23 polluter from coming in next door, but don't begin to know
24 where to go or how to go about preventing the degradation
25 of their environment; the middle class woman who is the

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1 victim of domestic violence, who faces an insensitive
2 system, who doesn't know where to turn or what to do next;
3 for the welfare mother who desperately, desperately wants
4 to be off welfare, who goes to work to get a job, and then
5 loses benefits and falls back below where she would have
6 been in the first place; for the 18-year-old who is
7 wrongfully charged with murder and cannot afford a lawyer.
8 For all of these people, and many more, all of us as
9 lawyers have a real responsibility to make the law real.

10 We are at a critical point at our Nation's legal
11 history. We can stand by as lawyers, all of us, and watch
12 the law become increasingly burdensome, more weighed down
13 by bureaucratic red tape and funny names and obscure
14 language that we don't understand, or as lawyers we can
15 all join together to invigorate the law, to give it new
16 meaning, to give it meaning to all Americans, to make it
17 the true shield against oppression, and to make it a real
18 instrument of opportunity for us all.

19 This is a challenge in which we seek not just to
20 assist and support one person who cannot afford a lawyer
21 today, or 1000 people or a million people. This is indeed
22 at the very basis of what is at stake, the rule of law as
23 we know it, of how we work together to make the law real
24 for this next century, how we work together to make the
25 law adapt to new and modern technology, how we work

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1 together to make the law adapt to a world that has become
2 international in its consequence every time we turn
3 around.

4 That is the reason your work is so critical, and
5 that's the reason you are my heros. Because you have
6 recognized this challenge. And now we must work together
7 to try harder to include more lawyers to figure out better
8 ways to do things.

9 How do we do it? First of all, I think even
10 those lawyers who are not interested in providing access
11 to justice for all still have a special responsibility to
12 work towards developing a government that doesn't require
13 lawyers to deal with the government as much as ours does.
14 I look at Immigration and Naturalization Service,
15 overwhelmed, and one of the things that I'm proud of is
16 that Doris Meisner, as the Commissioner of INS, is trying
17 to make it more user friendly. With all the burdens
18 placed on that agency it becomes more difficult. But why
19 should somebody have to go to a lawyer to have its
20 governments processes explained? Those processes ought to
21 be put in simple old words that people can understand in
22 forms that are easily filled out and processes that are
23 easily accessed, not by a phone that puts you on hold for
24 10 or 20 different times or keeps you on hold for 5
25 minutes at a time, but something that gets you to a real

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1 person that answers your questions. That's what democracy
2 is all about, and that's what we must continue to strive
3 for.

4 Or turn around and look at another situation.
5 That middle-aged victim of domestic violence that I just
6 spoke of finally decides that she can take it no longer.
7 She reaches out. She calls the police. She needs to be
8 assured that the police will respond with sensitivity,
9 understanding the dimensions of our problem, understanding
10 how important domestic violence is in terms of developing
11 a response to it that can end the cycle of violence. She
12 should know the prosecutor is a caring person who is going
13 to answer her questions, not with a bunch of legalese, but
14 in small old words that she can understand. We can do so
15 much, if we work as lawyers, not to complicate the system
16 with regulations, with laws that are confusing to its
17 people, but with law that responds to people's needs.

18 We need to focus on the real issues of
19 government, all lawyers. I look at some of the things
20 that we've done where I'm proud of the law. The Americans
21 with Disabilities Act has opened up a whole new world to
22 so many Americans, 48 million Americans with disabilities,
23 who 10 years ago did not have access to self-sufficiency,
24 did not have access to recreation, did not have access to
25 enjoying this world as they might. And it is so wonderful

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1 to see the access gained, the opportunity gained, the
2 lives that are being led, with ever so much more
3 enjoyment, because the law was responsive to a whole group
4 of people.

5 Today, the President announced the National
6 Domestic Awareness Month, the first time this Nation as a
7 whole has focused on the problem of domestic violence, and
8 has spoken out and said that unless we end the cycle of
9 violence in the home we will never end it on the streets
10 of America.

11 Our children: We can talk about prisons, we can
12 talk about police, we can talk about juvenile justice
13 systems till we're blue in the face, but until we develop
14 legal mechanisms that can properly protect our children
15 and give to them an opportunity to grow in a strong,
16 constructive way, all of our efforts will be for naught
17 down the road.

18 And our environment: We have got to make sure
19 that government continues to protect that fragile
20 environment that we so love and cherish. Everyone has
21 their favorite hill or stream or river or just a patch of
22 sky, and we have got to make sure that that patch of sky,
23 that stream, is real and wonderful for all Americans, not
24 just people who can afford lawyers today.

25 We've got to learn how better to win our battles

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1 in county commissions and State legislatures and in
2 Congress, and convey our message with an enthusiasm, with
3 a vigor, that conveys to the people concerned just how
4 much we care, care about this world, care about this
5 Nation, but most of all, care about not just some of the
6 people in it but every single person here.

7 One of the traditional ways, one of the key
8 challenges that young lawyers have had, I had the
9 opportunity to serve on the legal services board of
10 directors in the early days in Miami. It was such a
11 wonderful beginning, we had such a sense of hope, it was
12 wonderful to see what was happening as we dealt with the
13 issues and the people that we were helping. And today,
14 even now people will come up to me and tell me of work
15 that we did when I served on the board.

16 But the terrible problem is that it is only --
17 well, the terrible problem is that people would talk about
18 dismantling the Legal Services Corporation when we are so
19 underserving so many people in America. It has
20 successfully provided legal services to the poor through
21 community based nonprofit legal services programs for over
22 20 years. I support with all my heart the continued
23 Federal funding of the Legal Services Corporation, and I
24 oppose the proposals to reduce funding for it, and those
25 proposals which would place further restrictions on it or

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1 replace it with a system of block grants.

2 I have watched it work in my community. I have
3 seen it work in other places around this country, now that
4 I have had a chance to travel and see what's working and
5 what's not working. This is a system that's working and
6 should not be replaced. I commend those who have chosen
7 to do this important and oftentimes unrecognized work,
8 though I think it's recognized far more than you think
9 sometimes.

10 We care a lot at the Department of Justice. The
11 Deputy Attorney General has testified in favor of the
12 Legal Services Corporation. Abner Mikva, the White House
13 Counsel, and I have opposed any efforts to dismantle it or
14 dismember it through block grants and letters to Congress.
15 We are going to continue to do everything we can to work
16 together to ensure the survival of the Legal Services
17 Corporation at an adequate funding level, and we must
18 focus on this as we go into conference in these coming
19 weeks.

20 As I say, you are the people on the front lines.
21 You are making the law real. But I want to underscore
22 that public interest work, providing pro bono legal
23 services to those who can't afford it, and otherwise
24 providing access to justice, is not just an interesting
25 project that we take up as students. It is a fundamental

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1 attribute of our profession. I believe in that instance
2 that we must do more within our law schools to cultivate
3 the ethic of public interest work and pro bono
4 representation.

5 The ABA Model Rules of Professional
6 Responsibility make it clear that each one of us,
7 regardless of professional prominence or workload, has an
8 ethical obligation to render public interest legal
9 service. But the translation of this ethical precept into
10 our concrete work is not so easy, and you all know it
11 better than most people.

12 Most of our formal legal education should
13 promote and encourage a life-long professional commitment
14 to fulfilling this responsibility, and too often our law
15 schools teach us contracts, too often our law schools
16 teach us theories, but they don't teach us how to go into
17 a community, how to reach out, how to support somebody,
18 how to understand their problems, how to understand how
19 difficult it is to live in poverty with four children,
20 wanting to give your children a future but not knowing how
21 to break through the regulation and the limitation that
22 too often the law places.

23 According to the National Association for Public
24 Interest Law, there are presently only 14 law schools
25 which require students to complete pro bono work prior to

1 graduation, and an additional seven schools have other
2 types of public service requirements. Tulane University
3 Law School, the site of another First Monday event, was
4 the first law school to establish a pro bono requirement
5 in 1987.

6 Other schools followed suit. For example, the
7 University of Louisville School of Law adopted a pro bono
8 requirement in 1990. In the last year alone, Louisville's
9 students donated 4500 hours of pro bono work to the local
10 community. Students themselves initiated the pro bono
11 requirement at Columbia University School of Law.
12 Beginning with the entering class of 1993, students are
13 required to complete a total of 40 hours in their second
14 or third year. Here in the District, at the D.C. School
15 of Law, students must complete a certain number of hours
16 of work in one of its public interest clinical programs.

17 These law school pro bono and public interest
18 programs are providing immediate much-needed services to
19 their communities. They are also having a positive impact
20 in reinforcing the ethic of pro bono service after law
21 school. Students who have participated in these programs
22 are more likely to pursue public interest law careers and
23 provide pro bono legal services after graduation.

24 If such a program is not in existence at your
25 law school, or a law school with which you are associated

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1 or from which you graduated, talk to your colleagues, talk
2 to classmates, talk to the administration about it. Raise
3 the level of consciousness about the important role of law
4 schools in training lawyers to do public interest work,
5 and provide pro bono services. Encourage your school to
6 build a curriculum in which our professional obligations
7 are learned by doing and not just studied in a classroom.
8 And encourage your law school to put people first, to
9 teach us as lawyers how to deal with people their
10 problems, their priorities, their hopes and dreams and
11 failures and frustrations. Too often, the law schools of
12 this country have taught us only to deal with the process,
13 and not with where the law comes from, from the people.

14 A few months ago, I had the privilege of
15 visiting the Mercer University School of Law in Macon,
16 Georgia. While there, the President talked to me about
17 another one of his professional schools, the school of
18 medicine. In the early 1980's, Mercer established a
19 medical school dedicated to a specific mission: educating
20 physicians who will practice primary care or other related
21 service types of practice, recognizing that through
22 Central Georgia and rural Georgia there were no or a very
23 limited number of private practitioners who would be
24 devoted to primary care, to family care, to the basics of
25 medicine that were so necessary to so many people through

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1 that region of Georgia.

2 Today, Mercer has the highest percentage in the
3 country of graduates going into family medicine and
4 primary care. This goal is accomplished by organizing the
5 entire curriculum around the importance of working with
6 patients, and by requiring students to begin clinical
7 experience within the first few weeks of medical school.
8 Primary care is not only the goal, it is also the essence
9 of the educational experience.

10 We need law schools that will train and
11 encourage lawyers to practice law the same way as Mercer
12 is training doctors to deliver services to patients who
13 need them. We can do this by recruiting more students who
14 have a commitment to this area and providing them with
15 early and consistent clinical experience, so that they can
16 sharpen not only their legal and analytical skills, but
17 their business and organizational skills, but most
18 important, their people skills from the beginning.

19 Law schools should work in cooperation with the
20 organized bar and law firms to develop innovative models
21 for the financially viable delivery of services to
22 Americans whose needs are not currently being met. I walk
23 into a housing development, a public housing development,
24 in South Dade County, Florida on the heels of Hurricane
25 Andrew. The housing development has been devastated.

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1 Everybody on that housing development is poor. We've
2 helped to try to turn it around, but now we've had a
3 terrible setback.

4 There are all sorts of legal questions with FEMA
5 involved. There are all sorts of questions about what's
6 going to happen to the welfare check, to their child's
7 pending juvenile delinquency hearing. You don't need
8 lawyers to answer those questions, and in many instances
9 somebody well trained in FEMA regulations, well-trained in
10 welfare regulations, can answer them far better than most
11 lawyers I know who've graduated from law school. Let us
12 develop the concept of community advocates, well trained,
13 who don't want to get into it just to make money, who are
14 truly interested in helping people in a specialized are.

15 We can do so much if we not only make the law
16 real for people, but we look at the law and figure out how
17 we can deliver legal services in sensible ways that will
18 ensure quality but will provide greater access.

19 One new model is the Document Preparation
20 Center, where people with uncontested needs, such as
21 simple wills, divorces, and powers of attorney, can get
22 assistance. Another model is called unbundled legal
23 services, where lawyers provide only the specific legal
24 service requested by the client, and the client does the
25 rest. A variation on this theme is where the attorney

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1 maintains overall responsibility for the case but
2 delegates some particular tasks to the client. To assist
3 persons who are representing themselves, some lawyers
4 offer legal advice and guidance exclusively over the
5 phone.

6 Our profession must continue to develop
7 imaginative methods for ensuring that all Americans have
8 access to the legal system in ways that are affordable and
9 satisfactory to both client and attorney. Law schools can
10 provide invaluable laboratories for testing these models
11 and training new lawyers to use them.

12 Pro bono representation is one of the finest
13 traditions of American lawyers. I know many of you are
14 here from firms which donate vast numbers of hours and
15 energy to the diverse pro bono programs in the District.
16 Two years ago I participated in the announcement of the
17 ABA law firm pro bono challenge. This program calls upon
18 each of the Nation's largest law firms to contribute pro
19 bono work equal to at least 5 percent of the firm's total
20 billable hours. To date, 165 major firms have
21 participated, and I am so proud of that participation. I
22 congratulate you for your dedication and for your
23 commitment.

24 It is wonderful to go to a particular project,
25 to walk into a high school, and to find lawyers from one

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1 of the big Washington firms participating in a legal
2 program with high school students, doing it as a pro bono
3 effort. It is wonderful to go to a Bar Association
4 meeting and have somebody come up to me and say I just got
5 my first criminal defense case and it's so exciting and I
6 really feel like I'm helping this kid, and I'm trying not
7 only to get him off, but I'm also trying to find treatment
8 for his drug problem, because I've got to really make sure
9 that he gets help where he truly needs it. It is so
10 exciting to see what people can do when they reach out and
11 care for others.

12 But the bottom line is how we make the law real
13 for all people, how we structure it so that people can
14 feel they have a voice in this Nation again, so that
15 somebody will listen to them. And it's not just the
16 structure of the law, it is listening to people. It is
17 listening to that small child who cannot speak for
18 themselves, but you've got to understand.

19 How do we develop a system that provides a
20 national agenda for children? If we give our children a
21 strong foundation, we won't need remedial programs in
22 school. If we give our children a strong foundation, we
23 won't need juvenile justice systems, we won't need jails,
24 we won't need prisons. We have got to reach out and
25 devise a Nation that puts its people first. You do it day

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1 in and day out in the work you do, in the pro bono work
2 you provide, in the work you provide, in so many different
3 ways.

4 On behalf of all the lawyers in this country,
5 but most of all on behalf of people who can't get lawyers
6 except for you, I say thank you from the bottom of my
7 heart.

8 (Applause.)

9 (End of transcript.)

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