

Partnerships and Community in Rural Areas: Keeping Legal Services a Going Concern

by J. Steven Xanthopoulos and Linda Warren Seely

Legal services programs are under the constant threat of funding cuts, restrictions, and elimination. The number of clients is increasing, the challenges they face are growing larger as are the consequences of change, and resources are insufficient to protect the vulnerable. Yet we are not alone. A number of organizations that also serve our clients are under the same threats as legal advocates for the poor. By building new and different relationships with the private bar, government agencies, and the communities in which we practice, we can help guarantee legal services delivery in rural areas.

I. Introduction

That we must work with other entities we sometimes oppose is not always easily recognized, but many of the names that fill our adverse party files are in fact already serving our clients and communities. Often these people can make life for our clients difficult beyond belief. But these same attorneys can be called on to take cases for clients, and they add a different twist. For example, a local insurance defense attorney took on an out-of-state insurance company and was able to work out a solution by pressuring the company because he knew the ins and outs of insurance companies.

The Pro Bono Project of West Tennessee Legal Services (WTLS) tripled the number of referrals made the year before its revitalization and recruited 39 new attorneys. Part of what has made the project successful is reaching out and asking for help.

II. Referrals and Recruitment

What made referrals and recruitment easy to effectuate? The answer is in the history of WTLS and incorporates ideas from the American Bar Association's 1995 Pro Bono Conference in Nashville. What was then being touted by Tanya Neiman of Volunteers Legal Services in San Francisco was the notion that legal services agencies could no longer be islands unto themselves and that incumbent upon advocates is to reach out to others in the community for assistance to ensure not only access to justice and fairness but also stability and safety for our clients.

Forming alliances with others in our service area helps assure that our clients have the support systems to survive in an increasingly complex society. Neiman repeatedly pointed out how vital reestablishing old community ties, strengthening existing ones and creating new ones to increase funding, reducing competition for those same funds, and building consensus were to legal services.

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III. The West Tennessee Experience

Fortunately WTLS has a strong history of community involvement. Its staff attorneys are active bar members, and attorneys and paralegals work with local housing boards and authorities to ensure access to funds and housing. WTLS is active in the Chamber of Commerce. By its very nature as a community advocate and leader, WTLS has developed a reputation as a law firm that not only offers high-quality, professional representation but also works with agencies and governmental entities to enhance the lives of our clients.

WTLS's willingness to work with other agencies brings a certain level of respect and sometimes even friendship. We are no longer discounted as pinko liberals but are looked at as members of a society seeking to better the lives of clients. Our reputation has created bridges outside the courtroom and has fostered working relationships that go beyond adversity.

IV. Making Alliances

Reaching out to create valuable links with the members of other organizations at community events helps. The person who sees you at the PTA meeting and expresses concerns that will directly affect his child is more likely to listen to and respect you. The attorney who believes you care about the bar association and are willing to volunteer your time to help with her agenda will carry that feeling over to the next time you ask for help on a pro bono case.

A. The Private Bar

Working with the private bar has been one of the most vital partnerships formed by WTLS. It enabled the Pro Bono Project at WTLS to revitalize. Referrals are up 300 percent from last year and the volunteer attorney pool increased 20 percent. Part of what made these increases possible was the willingness to ask for help, but the rest came from a legal services agency that became an integral part of a rural community.

With the Legal Services Corporation restrictions and severely decreased funding, maximizing resources has become more important. This means we must increasingly rely on the private bar and let go of the idea that our way is always best or the only way to handle a problem. Letting go, however, does not mean we let go of standards that require attorneys to act in a client's best interest, and it does not mean we stop educating the bar on poverty issues. It means that we take a hard look at how the bar operates and how its members' talents can best be used.

B. Incentives and Advantages in the Rural Area

Some of the carrots used to entice volunteers in an urban area are the ones that help recruit rural practitioners. Continuing legal education (CLE) credit, for instance, is an important recruitment tool. Involving local judges in developing CLE courses yields valuable information and familiarizes them with the Pro Bono Project. Many judges are our best referral source for clients and are our best volunteer recruiters.

And the rural area has certain advantages. Rural practitioners know their communities and are familiar with local rules of practice. The judges are often more comfortable with attorneys they know. In an urban setting it is easy to get lost in the shuffle of cases. Most rural attorneys know which attorney is doing what and for whom. Most discussion in the lunchroom is about what is happening with the cases in court, and many attorneys are familiar with the rudiments of pending cases. In a big city, attorneys often do not open the case file until docket call and probably know little about what other attorneys in the courtroom are doing pro bono. Rural attorneys know who is doing the pro bono work. This makes it very easy to know which attorney deserves the pro bono award.

C. Networking

Rural areas are rife with networks, and these networks have helped WTLS help clients. A few months ago WTLS set priorities. The process was an important opportunity to reflect the dramatic changes that have happened to the legal services community over the past few years. The priority-setting process was designed to be inclusive, and we reached out beyond our usual constituencies.

As new challenges were discussed, we realized there were partners who had not been asked to join us although those missing were groups that support us. Not identifying these partners may have been because we lacked the vision and time, but part of the problem was certainly our pride and our self-image. We

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envision ourselves as standing in front of a tribunal presenting an argument that either makes or breaks the case. While we have been phenomenally successful in obtaining positive outcomes through the legal process, we have not reached our full potential. Clients sometimes suffer because we lack resources or because other advocacy mechanisms are not used. Networking can help.

D. New Partnerships

In setting priorities WTLS met with service providers in the community representing interests in literacy, juvenile court, school, mental health, alcohol and drug dependency, housing, human services, health, children, domestic violence. These other providers' clients were our clients, and what became clear was that by working together we could leverage resources.

One participant spoke about WTLS's positive achievements for her clients. What the rest of the group did not know was that within two hours she was going to be cross-examined in court by one of our attorneys. Yet our agencies agreed on client services most of the time. Relationships are not one dimensional and are stronger for this reason, and working together when interests coincide builds even stronger relationships. The challenge is to make ties that can withstand conflicts and that lead to better outcomes for our clients.

Partnerships can be formed by working on needs such as

- information and referral;
- training and education;
- priority setting;
- resource development;
- client advocacy; and
- client service delivery.

Partnerships can pay tremendous dividends. One example is WTLS's relationship with the Women's Resource Rape Assistance Program, a local domestic violence organization. The two organizations share offices, grants, and applications. Our partnership provides some of our clients with "one-stop shopping" and affords access to help in several counties. Both organizations face the difficult problem of providing service in small communities. Sharing offices has lowered operating costs, staff feel less isolated, clients get more services, and funders like the idea.

If we do not forge alliances, we miss a chance to be "real lawyers" and not to be tied to a one-size-fits-all approach to every problem. Legal services advocates struggle today with the same problems seen twenty years ago: domestic violence; school systems that are nonresponsive to the needs of special children; and health care providers refusing to treat people who are gay or black or poor. But today legal services advocates and potential "partners" sit together on the boards of local

women's resource centers and the advisory committees to boards of education. Advocates are members of local consortia grappling with gaps in such concerns as health care access, and we are all trying to find solutions to avoid legal fights.

V. Conclusion

Going it alone can lead to less than optimal results. There is great value in knowing when to ask for help. While things may not get done exactly the way we want them, they will get done. If we do not ask for the help, chances are it will not be forthcoming. After all, most attorneys are hardly knocking the doors down in search of clients to represent at no charge. By the same token, the Pro Bono Project and staff attorneys in the programs sponsoring the project have to be willing to let volunteer attorneys do the representing. Far too often we try to do the task alone and while most of the time very positive outcomes occur, many times the result would have been better in terms of meeting more client needs had we been willing to seek and accept the help offered.

The legal services provider who takes the more holistic approach to promote the welfare of the community gains important advantages such as contacts for clients, and the legal services provider may gain the respect and maybe even the trust of the private bar. This can help overcome the prejudices and stereotypes so often held by the private bar regarding our clients and our motives. Most legal services attorneys these days are not really communists, kooks, or rabble-rousers hell-bent on destroying the status quo. Raising our reliability and trustworthiness only increases the chance that a private attorney will volunteer.

We must continue to evolve. The possibilities for partnerships and diversity offer an opportunity to further client interests. While many issues and questions are to be considered, most can be resolved. Our strength has always been our connection to local communities and local control, and we have always been proud of this uniqueness. By allowing our local focus be to let us work with clients and communities in a stronger relationship, we can only improve client service. Now is the time to let our actions speak for us.

Letter to the Editor

Editorial changes to my article in the September–October 1997 issue of CLEARINGHOUSE REVIEW, “Health Care Financing Administration Retreats from Regulatory Role,” significantly altered the article in a number of respects. Readers are asked to disregard this article. The correct version of the article is available from the National Senior Citizens Law Center, 1101 14th St. NW, Suite 400, Washington, DC 20005; (202) 289-6976 (telephone); (202) 289-7224 (fax); or from NSCLC’s Web site nslc.org.

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