



“A Bird eye view on Legal Aid in United States”

Dr. Dimpal T. Raval
Asst. Professor,
Department of Law,
Raksha Shakti University,
Ahmedabad, Gujarat (India)

“The legal system isn’t working. It is like a scare crow in the field that doesn’t scare the crows anymore because it is true too beaten and tattered - and the crows are sitting on the arms and cawing their contemptuous defiance.”

**- Edward Bennett Williams
In U. S. News & World Report, 21st Sept, 1970.**

Providing equal access to law to the poor and indigent is global problem. Obviously, it has not been completely solved anymore (anywhere). Different countries have evolved different strategies. In United States, Legal Aid is one of the several programmes that provide legal services to the people who cannot afford to hire lawyers in the event of any legal redress when they are involved in any civil case either as plaintiff or defendant. Local states and Federal levels some are private legal aid, which is provided by the individual lawyers, Lawyer’s Association, and society and other organizations.

“It is the duty of every lawyer to make efforts to settle disputes and that by doing so; lawyers would not be the losers.”

- Mahatma Gandhi

There is a historical background, in so far as the Legal Aid in United States is concern. Legal Aid is a promise of equal justice for all.

As early as in 1876, the formation of the German Legal Aid Society, in the city of New York, was very much heralded and appreciated. As such it was an out come and resultant set up in response to the mistreatment of poor people, especially, immigrants by employers and land lords.

One patent attorney of New York, **Arther Von Briesem** became the first Executive and the head of the German Legal Aid Society, in 1980, which really, expanded and proliferated the concept of Legal Aid across the country and throughout the Europe. He believed that right to equal justice is right of every one. He advocated that, legal aid is not a Charity, but is a way to provide justice for all.

By the turn of the century, the set up of a legal aid organization came to be made in some other cities like Chicago and Boston. It is really interesting to find that there was big jump in its growth between 1900 - 1920, in projection, pioneering of legal aid in U.S.

The University of Downward (society) constituted a clinical aid programme in 1904 named ‘Downward Legal Aid Society.’

Again Bar Association, private organization, Local authorities, Law school, evolved their programmes supporting 41 Legal Aid offices, Coast to Coast in year 1917. In 1919 Boston Lawyers **Reginald Herber Smith** came out with a book titled **“Justice and the Poor.”** Then led the **American Bar Association (ABA)** in 1920 to evolve the farmer relationship with existing legal aid programmes. The leading lawyer of his time, One **Charles Evans Hughes** became the first head of the newly created **ABA**.

Three years thereafter, there was encouraging projection and momentum and as a result of which in 1923. **‘National Association of Legal Aid Organization’** came to be constituted at present, the association’s successor is known as **‘National Legal Aid Defender Association’ (NLADA)**



It is worthy to note that, in 1923, the **ABA** in every states and Bar Association appointed “**Standing Committee of Legal Aid Work**”.

It will be interesting to find that, the legal aid cases went on increasing from 1,71,000 nationally in the year 1929, to 3,31,000 in 1933. Despite this, only 229 New York’s 17,000 lawyers contributed to the Legal Aid society in 1934.

It is recorded in the legal aid history that client and poor litigant dissatisfied with the services provided with the result, demand for the Legal Aid actually dropped to a considerable extent during the rest of 1930s.

After the period of 2 decade during which the services of legal expanding and progressing took place. During 1940s and 1950s, the Legal Aid was very much expanded as there was a heavy demand for the same. Due to the involvement of the lawyers and efforts of the Bar Association made by the U.S. Supreme court after the introduction of the VIth Amendment in the constitution.

It can be seen that, in 1960s there was Renaissance in Legal Aid. Under the **Economic Opportunity Act, 1964**. The former Vice presidential candidate **Sergeant Shrivere** became the first director of this office.

Such organization is independent like **Legal Services Corporation (LSC)**.

At this juncture a voluntary or probono provide (“For the public Good”) service to the attorney not less then 150 thousand attorney take cases each year without charges under the scheme of Pro-bono in 1980.

In 1990, Legal activities are continued and made good progress. Today moreover 130 thousand private attorneys may be added as an additional in this list, who are pleased to provide pro bono or reduced fees.

It can therefore, safely be concluded that the legal services in U.S. provide wonderful training ground for lawyers.

The concept and philosophy of free Legal Aid in U. S. has checkered historical background and has established successful. **India** must follow certain aspects and involvement of private advocates in providing free legal aid and system of funding by the state.

“I recognized thereafter the period when the federal legal services programmes have been controversial, much of criticism has been unjustified, when the migrant workers and other poor ascertained their legal rights. They quite afford the powerful in the society. It means that, it is doing its jobs.

-Wareen Rudhwen

So my message to the world--

‘Mission Possible’

“The whole world has to be raised. You can’t raise only one part of the world. We need a philosophy for it. We need a particular ideology for its not mere humanistic jargon that won’t do. We must have a basis for truth before our action. We need a philosophy of human unity, of human service.