

Michigan Law Review

Volume 50 | Issue 5

1952

Brownell: *LEGAL AID IN THE UNITED STATES.*

Glenn R. Winters

American Judicature Society; National Legal Aid Association

Follow this and additional works at: <https://repository.law.umich.edu/mlr>



Part of the [Law and Economics Commons](#), and the [Legal Profession Commons](#)

Recommended Citation

Glenn R. Winters, *Brownell: LEGAL AID IN THE UNITED STATES.*, 50 MICH. L. REV. 787 (1952).

Available at: <https://repository.law.umich.edu/mlr/vol50/iss5/19>

This Regular Feature is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

RECENT BOOKS

This department undertakes to note or review briefly current books on law and matters closely related thereto. Periodicals, court reports, and other publications that appear at frequent intervals are not included. The information given in the notes is derived from inspection of the books, publishers' literature, and the ordinary library sources.

BRIEF REVIEWS

LEGAL AID IN THE UNITED STATES. By *Emery A. Brownell*. Rochester, N. Y.: The Lawyers Co-operative Publishing Co. 1951. Pp. xxiv, 333. \$4.50.

Since the time of St. Ives and before, free legal service has been available to indigents in certain places and under certain circumstances, but the organized legal aid movement got its start, at least as far as this country is concerned, three-quarters of a century ago, in 1876, when the German Society of New York incorporated the "*Deutscher Rechts-Schutz Verein*" "to render legal aid and assistance gratuitously to those of German birth who may appear worthy thereof but who from poverty are unable to procure it."

A few years later this organization changed its policy to serve any worthy applicant regardless of race, and renamed itself the Legal Aid Society. By 1916 similar work was being carried on by 41 such organizations in 37 American cities. Since then their number has increased by about 40 per cent each decade to a figure in excess of 100 in 1952. Since 1923 the chief promoter of legal aid development has been the National Association of Legal Aid Organizations, reorganized in 1949 as the National Legal Aid Association. In 1945 the American Bar Association assumed the expense of a full-time field worker assigned to legal aid promotion, and expansion of the service has been greatly accelerated since that date.

In spite of these impressive figures, however, legal aid has really done little more than keep pace with the increase in population. The number of metropolitan communities (100,000 or more population) served by legal aid offices increased from 41 to 84 between 1917 and 1949, but the number of unserved communities of that class also increased, from 34 to 50, and the best estimates are that in 1917 about 51 per cent of the need was being met, and in 1949 not over 55 per cent. Meanwhile, world developments have added a touch of urgency to the need for reaching the rest of these people with adequate legal service. Communism feeds on discontent of the masses, and most of the recent population increase has been in the metropolitan centers. England has begun operation of a legal aid scheme financed by the national government, and agitation for such a system is under way in this country, although many Americans feel that further extension of present legal aid facilities would be preferable from every standpoint.

It may ultimately turn out that the greatest single accomplishment of the Survey of the Legal Profession will have been the added impetus which it gave

to the legal aid movement through procuring the writing and separate publication in book form of Emery A. Brownell's report to it, *Legal Aid in the United States*. In preparation for its writing, Mr. Brownell, who is secretary of the National Legal Aid Association, traveled more than 40,000 miles visiting every legal aid office and conferring with every active legal aid committee in the United States. The promotional effects of those visits and conferences alone have been many and far-reaching. His report, published in book form last October, is a graphic picture of what legal aid is, what it can do, what it is now doing, and what steps should be taken to make the service fully match the need.

Mr. Brownell proposes:

1. A legal aid office, open at least thirty hours a week, with at least one full-time attorney and necessary clerical assistance, in every metropolitan community.
2. A legal aid office, open at least twelve hours a week, with a lawyer in attendance but not necessarily on a full-time basis, in all other cities and counties of over 50,000 population.
3. A committee, volunteer lawyer, or other agency, to receive legal aid cases and refer them to someone for handling, in every other county in the nation.
4. A state bar committee on legal aid, to provide over-all supervision and support, in every state.
5. Organized defender service for criminal cases in every large city.
6. Adequately compensated assigned counsel for criminal cases everywhere else.
7. A formulation of effective minimum standards, policies and personnel practices, to assure adequate professional service, a complete meeting of the need, and sound integration with the private practice of law and with other basic community services.

The book is an authoritative source book of ideas and information to implement every item of that program. It includes a history of the legal aid movement, a factual exposition of the extent of legal aid coverage today, discussions of the range of legal aid problems and legal aid clients, special consideration of legal aid in criminal cases, and several chapters on the techniques of operation of modern legal aid offices. Widely distributed as it already is, the book will surely help America to heed the admonition of Judge Learned Hand:

"If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice!"

Glenn R. Winters*

* Secretary-Treasurer, American Judicature Society; Editor, *Journal of the American Judicature Society*; Member of Board of Directors, National Legal Aid Association.—Ed.