Michigan Law Review

Volume 72 | Issue 4

1974

Law of the Poor

Neil M. Levy
Golden Gate University

RECENT BOOKS

BOOK REVIEWS

LAW OF THE POOR. By *Arthur B. La France, Milton R. Schroeder, Robert W. Bennett,* and *William E. Boyd.* St. Paul: West Publishing Company. 1973. Pp. xxvi, 558. $13.

According to its four authors, *Law of the Poor,* a new addition to the West Publishing Company's Hornbook Series "should be of use in the study, teaching and practice of law" (p. xix). This review will focus on the book's potential effect on its two anticipated markets—law schools and OEO or community-oriented law offices. Unfortunately, the book will be of little use to practicing poverty attorneys and may actually have a harmful effect if used in the law schools.

The title of the book is a misnomer. The book does not attempt to deal comprehensively with the legal problems of poor people; those problems involve virtually the entire breadth of the law. Instead, the authors have dealt with four substantive areas of law. The four chapters are "Low Income Consumers and the Law," "Housing and Poverty," "The Welfare System," and "Federal Judicial Remedies for the Poor." Certain areas, such as bankruptcy and domestic relations, that are of particular interest to the poor are excluded from the text because the authors believe adequate texts already exist (p. xvii).[1] Despite its interesting analysis of some specific legal problems, the book's treatment of the legal problems of the poor in isolation from the rest of our legal system could have adverse consequences for legal education.

Ten years ago, law school curricula could generally have been characterized as three-year courses in the "law of the rich." Educators described these curricula as being organized around the profit system[2] or concerned with the "wealth process."[3] Most courses were specifically directed toward training law students to represent the wealthy. And, even within potentially neutral courses, problems of poor people were scrupulously avoided. For example, a course in bankruptcy would focus on business failures and railroad reorganizations, rather than on wage-earner bankruptcies. A course in administrative law would deal with the problems of practice before the FTC or the FAA, rather than with those of the welfare system. In real

1. The same rationale might have justified omitting other sections of the book. *See* note 28 *infra* and accompanying text.

2. *See* Ares, *Legal Education and the Problem of the Poor,* 17 J. LEGAL ED. 307, 307 (1965).

3. Taylor, *Wealth, Poverty and Social Change: A Suggestion for a Balanced Curriculum,* 22 J. LEGAL ED. 227, 229 (1969).

property little time would be spent on the most common and vital real estate transaction for many members of our society—the renting of a residential apartment. And needless to say, the course in corporations would not consider the use of the corporate structure for nonprofit goals.

In the mid-1960's came pressures, primarily from law students, for some attention in the law school curricula to problems more typically faced by the poor and the middle class. Since law schools were oriented toward discussion of the affairs of the well-to-do, the immediate response to this pressure was frequently to introduce new courses, one called "Law of the Poor" and perhaps another dealing with the welfare system or consumer law. *Law of the Poor* is one of a series of books written for use in such courses.[4] The introduction of these courses in the late 1960's signified some social progress by recognizing the obvious—poor people are affected by our legal structure. However, by continuing to segregate the study of these problems from other substantive courses, law schools have missed a significant opportunity. Examination of the impact of law on the poor in conjunction with the study of the same legal doctrines in other settings would increase the student's understanding of the societal impact of law, as well as bring a fuller understanding of the particular impact of law on poor people.

Consider, for example, the development of the commercial law doctrines regarding holders in due course of negotiable instruments. When English courts developed these rules in the eighteenth and nineteenth centuries one goal of their decisions was to encourage the expansion of the use of these instruments.[5] Even today, the Uniform Commercial Code states an underlying purpose of permitting "the continued expansion of commercial practices through custom, usage and agreement of the parties."[6] Consequently, courses studying negotiable instruments focused exclusively upon difficulties that arose when one merchant signed a negotiable instrument payable to another. In that context, rules of law could be analyzed to determine whether they were beneficial to the business community that used these instruments. Such courses would study, for example, the intricacies of the use of a sight draft in a documentary transaction, a complicated financial arrangement used to minimize the opportunity for fraud in sales transactions across geographical distances.

By the mid-twentieth century, however, numerous nonmerchant consumers were also signing negotiable instruments as part of retail

4. *See, e.g.*, G. COOPER, C. BERGER, P. DODYK, M. PAULSEN, P. SCHRAG & M. SOVERN, CASES AND MATERIALS ON LAW AND POVERTY (2d ed. 1973).

5. *See, e.g.*, Gill v. Cubitt, 107 Eng. Rep. 806 (K.B. 1824); Peacock v. Rhodes, 99 Eng. Rep. 398 (K.B. 1781).

6. UNIFORM COMMERCIAL CODE § 1-102(2)(b).

credit sales. In this new context, rules concerning the status of the holder in due course that had been developed for use in merchant transactions proved to have such disastrous social consequences that these doctrines had to be limited both by court decision[7] and by statute.[8]

Where should this recent legal development best be studied? It would be easy, within the framework of law school politics, to assign such developments to a course on "law of the poor." The commercial law teacher would then be free to continue to devote most class time to truly "commercial" problems. Those students who were interested in consumer law could be told: "You can learn of these developments either in our course on poverty law or in our course on consumer law." Many students interested in doing consumer work would be happy with this trade-off; the student could take the course in consumer law and study the material of his particular concern, without first having to master the commercial settings that gave rise to the development of negotiable instruments. The realization that, without a working knowledge of the Uniform Commercial Code and the purely commercial uses of negotiable instruments, a lawyer would be handicapped in handling "consumer" problems might only come years later.

Similarly, we can ask in what part of the school curriculum should one study the doctrines of warranty of habitability and constructive eviction concerning residential rentals. *Law of the Poor* tells us: "The traditional law of landlord-tenant relations has given little comfort to tenants who are poor" (p. 231). This statement is undoubtedly true. However, the traditional law of landlord-tenant relations has given little comfort to any tenant. In fact, Anglo-American real property law developed in order to protect the property rights of a landed aristocracy against all tenants. But, once again, should the problems of the poor tenant be studied separately or should those problems be integrated into every first-year student's study of real property?

The segregation of the study of both these topics could only be justified on the assumption that these problems are not really part of the general fabric of the law, but rather are special problems that affect only the small class of poor people. However, that assumption is faulty. These problems can no longer be viewed as problems solely of poor people. Many of America's traditional middle class reside in rental property and buy personal goods in credit transactions. Obviously, the less a consumer can afford to pay, the more

7. *See, e.g.*, Mutual Finance Co. v. Martin, 63 S.2d 649 (Fla. 1953); Unico v. Owen, 50 N.J. 101, 232 A.2d 405 (1967).

8. *See, e.g.*, CAL. CIV. CODE § 1804.2 (West 1973) ("Unruh Act"); WIS. STAT. §§ 422.407(1), .408(1) (1971).

likely it is that problems will arise concerning the quality of the goods or payment for them. However, these problems today affect an ever larger sector of our population, and, as described below, certain legal techniques for dealing with them may actually be more feasible if the consumer is middle-class rather than poor.

More importantly, these doctrines were not developed by one small class of unscrupulous merchants and landlords to be used against the minority poverty segment of our population. They were the natural outgrowth of a legal system that was premised on the protection of vested property interests. By studying these problems in context, the student with a special interest in law reform is given deeper understanding and thus more skills for combatting the harmful effects of this thrust of our law. In addition, the student who enters the course with no such interest may also begin to be more sensitive to the basic forces that shape the growth and development of legal doctrines through the addition of another dimension of policy considerations.

Legal education has changed over the past ten years. No longer will any course on commercial law be totally devoid of consideration of the problems of low income consumers.[9] Similarly, first-year real property courses now devote more attention to residential landlord-tenant problems.[10] Today, the appearance of *Law of the Poor* will not promote this development. Rather, by the very quality of its analysis of specific issues, it may even discourage the complete integration of these problems into other courses in the law school where they could more productively be studied.

The text might have served a more constructive academic function if it had developed some over-all appreciation of the treatment that poor people receive in our society. It almost studiously avoids such an approach. For example, the section on the welfare system makes no comparisons with tax-free bonds, inherited wealth, or other instances of "welfare for the rich." There is virtually no attempt to investigate the possibility that various work requirements for the receipt of welfare are an attempt to provide industry with cheap labor for undesirable jobs. Similarly, although there is ample discussion of the mechanics of various government housing programs, there is no attempt to examine whether the main beneficiaries of such programs are actually potential renters or the developers and builders of these homes. The extent to which the "housing problem"

9. *See, e.g.*, V. COUNTRYMAN & A. KAUFMAN, COMMERCIAL LAW CASES AND MATERIALS 324-34, 383-95 (1971); R. NORDSTROM & A. CLOVIS, PROBLEMS AND MATERIALS ON COMMERCIAL PAPER 334-70, 403-13 (1972); R. SPEIDEL, R. SUMMERS & J. WHITE, TEACHING MATERIALS ON COMMERCIAL TRANSACTIONS 218-302 (1969).

10. *See, e.g.*, O. BROWDER, R. CUNNINGHAM & J. JULIN, BASIC PROPERTY LAW 372-77, 391-402, 442-79 (2d ed. 1973); A. CASNER & W. LEACH, CASES AND TEXT ON PROPERTY 499-559 (2d ed. 1969).

of the poor is but a manifestation of economic distribution patterns is not explored.

Thus, *Law of the Poor* does not seem beneficial for the education of law students. Unfortunately, neither will it be of much use to the practicing attorney. The book discusses many academic issues without drawing attention to their practical importance. This is particularly surprising in view of author LaFrance's experience and skill as both a litigator[11] and educator of OEO lawyers. In the area of federal procedure, for example, *Law of the Poor* devotes over ten pages to various issues regarding three-judge federal courts (pp. 499-511), but the practicing attorney is given little advice as to when it is more desirable to present a case before a single judge than before a three-judge panel. Since it is often possible for an attorney to frame a complaint to avoid the convening of a three-judge court, a discussion of the factors to consider in making that tactical decision should precede any analysis of the procedure itself. Similarly, although the book spends many pages discussing difficulties and complications in class actions (pp. 427-43), there is no discussion of when it is tactically disadvantageous to bring such a suit. Frequently, if the relief sought is an injunction against a state official or even a private party, an order against a defendant may have the same effect whether suit is brought by an individual or by a class. Thus, it may be desirable to refrain from bringing a class action in order to avoid such time-consuming problems as having to give notice to the class. Such tactical considerations should precede any technical discussion of class actions and would have been useful for the practicing poverty attorney.

Furthermore, in its technical discussion of substantive legal rules the book fails to impart the collective wisdom of almost ten years of experience by legal service lawyers in that it does not attempt to alert new OEO lawyers to the need to allocate their time carefully and to use efficient methods to represent the interests of the poor. Since it is inconceivable that there will be an adequate number of such attorneys in the foreseeable future, such training is crucial.

For example, the book discusses a change of law enacted by the UCC. Previously, under the Uniform Sales Act, a buyer had to show actual reliance on a representation in order to sue for breach of an express warranty.[12] Under section 2–313 of the UCC, the buyer need only prove that the representation was "part of the basis of the bargain." The book concludes that this change is significant: "Because the question of what has become part of the basis of the bargain

11. Professor LaFrance was counsel for the appellants in Boddie v. Connecticut, 401 U.S. 371 (1971) (requirement of payment of fees as condition to instituting divorce proceedings held a denial of due process when applied to indigent litigants).

12. UNIFORM SALES ACT § 12.

must ultimately be a question of fact, often for a jury to resolve, such a shift in the burden of proof could greatly enhance the buyer's position" (p. 34). However, a poor consumer most frequently becomes involved in breaches of express warranties in the purchase of items such as a 400-dollar used car. It is not economically feasible to bring suit on behalf of such a client to vindicate his legal rights. Such a suit requires painstaking factual preparation, both as to the negotiation of the sale and the mechanical problems, and cannot be economically pursued by an attorney who is practicing for a fee. Similarly, it makes little economic sense for an OEO office to bring such an action if the cost to the organization in attorney's time and other expenses is greater than the amount of money in dispute. Ironically, if the item purchased were more expensive, and therefore more likely to have been bought by a middle-class or wealthy consumer, this rule of law might be more useful in litigation.

Despite the practical difficulties, such a suit may be of use to poor consumers if it is brought as part of a selective campaign against one particularly offending used-car dealer. Even though bringing the suit might not make economic sense in the individual case, it might make even less economic sense for the target used-car dealer to continue his offensive practices if to do so appears certain to necessitate large attorney's bills. The text gives the young attorney no hint that by carefully litigating a number of cases against a particular defendant, one can force that defendant to change his practices and produce far greater benefits to poor consumers than would result from winning several law suits against a number of used-car dealers.

The text discusses the "right to hearing" cases that culminated in *Fuentes v. Shevin*,[13] in which the United States Supreme Court held unconstitutional a prejudgment replevin statute. The text, however, gives little indication of the true practical significance of that decision. Perhaps the reason is its failure to identify adequately the cause of most disputes over payment for goods in the retail installment setting. The text states that nonpayment, the most common form of a buyer's breach of a retail installment contract, *frequently* happens because of "a dispute between the creditor and debtor regarding the creditor's performance, for example, as to the quality of goods sold" (p. 74). This is undoubtedly true. However, experience shows that the most common reason for default on payment is that the consumer does not have enough money to make the payments. The importance of *Fuentes* is not that it will allow such a buyer to present valid defenses. Rather, if the seller realizes that he will have to go through a costly legal procedure in order to repossess, he may be more receptive to negotiating an accommodation with the buyer,

13. 407 U.S. 67 (1972).

perhaps reducing the amount of money due, and certainly accepting extended payments.

Similarly, the text's treatment of summary eviction proceedings against tenants shows little understanding of the problems with these procedures in practice. The section on summary eviction proceedings deals solely with the issue of whether summary eviction procedures are constitutionally valid (pp. 242-44). Yet, any legal service attorney knows that if a landlord is determined to evict, it is impossible to keep a month-to-month tenant in a home indefinitely. The chief social evil of summary eviction proceedings is not a hypothetical violation of equal protection or due process, arguments that were rejected by the present United States Supreme Court in *Lindsey v. Normet*,[14] but the fact that these procedures are designed to enable one individual or corporation to force another individual to leave his home on a few days' notice. Summary eviction proceedings are statutory, and an attorney, by insisting that the landlord comply with the letter of the law in order to avail himself of this extraordinary remedy, can mitigate the harshest consequences of the law by delaying the eviction for a substantial time, certainly long enough to allow the tenant time to find a new home. A landlord unused to tenants consulting attorneys may well have given the tenant legally insufficient notice to vacate the premises. Quite frequently, any action for summary eviction is subject to a demurrer or motion to dismiss. In addition, landlords almost invariably ask for rents due and, perhaps, damages.[15] An attorney for a tenant, by arguing the demurrer or motion to dismiss, if any, and then answering and setting for trial on the issue of damages may frequently generate several months for his client to find a new place to live. Moreover, once lawyers of landlords are made aware that an eviction proceeding will be opposed, they will be likely to urge the landlord to give the tenant reasonable opportunity to find a new home, and the legal service lawyer can settle the matter with a phone call or two. Even if the defense of an eviction proceeding necessitates a court appearance, this work can be highly routinized. And if the tenant finds a new place to live before trial the landlord's attorney is frequently quite willing to drop the action for damages in return for an immediate quitting of the premises, especially if the landlord's attorney realizes that the tenant is poor and that any judgment for damages is likely to be uncollectable.

The text hints at a similar approach for legal service attorneys in a different context. It states that, in the consumer setting, the dis-

14. 405 U.S. 56 (1972).

15. *See, e.g.*, CAL. CIV. PRO. CODE § 1174 (West 1972) (treble damages recoverable if the tenant's holdover is malicious).

covery by the attorney for the buyer of a Truth-in-Lending Act[16] violation by the seller will provide "a negotiating tool even as to disputes unrelated to credit term disclosure" (p. 22). This is obviously the most important use of the Act by consumer lawyers. It is unfortunate that *Law of the Poor* does not draw attention to the analogous uses of substantive and procedural rules in the practical art of achieving solutions to the legal problems of the poor.

The lawyer making such use of the Truth-in-Lending legislation or defending a summary eviction proceeding is, in essence, providing service for the client in the time-honored fashion perfected by personal injury defense lawyers in the late nineteenth and early twentieth centuries. The lawyer performs nit-picking technical defense work in order to place the client in the best bargaining position. Such tactics will make the legal service lawyer no more popular with landlords and merchants, or their lawyers, than insurance lawyers are with victims of accidents, but effective representation of the poor client can be achieved. Unfortunately, *Law of the Poor* gives no indication of the breadth of services that can actually be provided.

Instead, the authors reveal their ideal of the legal service attorney most clearly when they state: "[W]here a poverty client's claim has far-reaching, novel implications which may ultimately warrant review by the United States Supreme Court, it is best to start with a federal forum from which expeditious, and often direct, review is available in that Court" (p. 382). Indeed, a quick perusal of the welfare cases decided by the United States Supreme Court during the late 1960's shows the monumental changes that can occasionally be brought about by well conceived and executed law reform cases. For example, *Shapiro v. Thompson*,[17] by forbidding year-long residency requirements for welfare eligibility, prevented the practice of punishing poor people who had moved by denying them benefits. Similarly, *King v. Smith*,[18] which outlawed the denial of aid to dependent children because their mother was living with a man to whom she was not married, did much to eliminate one of the most demeaning welfare abuses—the midnight raid to ascertain the sex habits of welfare recipients.[19] The time spent by the attorneys who brought these cases undoubtedly did more for welfare recipients than could have been accomplished by any other allocation of attorney time.

Notwithstanding the impact of these suits, Supreme Court decisions in the poverty area were numerically insignificant even under the Warren Court. And any attorney experienced enough to be handling one of these rare cases hardly needed to be reminded of the

16. 15 U.S.C. §§ 1601-81t (1970).

17. 394 U.S. 618 (1969).

18. 392 U.S. 309 (1968).

19. *But see* Wyman v. James, 400 U.S. 309 (1971), upholding a New York statute authorizing denial of welfare benefits to applicants refusing certain home visits.

importance of planning a procedural strategy. Moreover, times change. With four Nixon appointees on the Court, lawyers for the poor, even when working in the area of welfare reform, will have to concentrate on techniques other than the constitutional challenge brought through the federal courts to the Supreme Court. The Court's 1970 opinion in *Dandridge v. Williams*,[20] upholding a Maryland statute setting the maximum welfare grant available to any family, served notice that it would look with disfavor on arguments claiming state welfare statutes violative of equal protection in that they constitute underinclusive solutions to social problems.[21] Similarly, last term the Court, in *New York State Department of Social Services v. Dublino*,[22] upheld a law requiring certain welfare recipients either to take part in a work incentive program or to become ineligible for a welfare grant. Although the Burger Court has reached some decisions favorable to welfare litigants on statutory grounds,[23] it seems unlikely that the Court will, in the near future, make active use of the Constitution as a tool to limit hardships created by poverty. On the contrary, in *Edelman v. Jordan*,[24] the Supreme Court during this present term inventively resurrected the eleventh amendment in order to bar a federal district court from ordering retroactive payments of benefits found to have been wrongfully withheld. Consequently, and contrary to the suggestion of the text, poverty lawyers in jurisdictions such as California often attempt to avoid federal courts, feeling that there would be more chance for success in the state court system.[25] One might even argue that to bring welfare law reform suits in federal courts will establish precedents, contrary to the interests of the poor, that will impede future courts more receptive to such reform. Perhaps advocates of the poor should now be urged to avoid bringing law reform suits unless the chances for success seem great.

---

20. 397 U.S. 471 (1970).

21. *See* 397 U.S. at 484-85.

22. 413 U.S. 405 (1973).

23. *See* Carleson v. Remillard, 406 U.S. 598 (1972) (holding that absence of a parent due to military service satisfies the continued absence of a parent criterion of the Social Security Act); Townsend v. Swank, 404 U.S. 282 (1971) (invalidating Illinois regulations denying AFDC payments for dependent children between ages 18 and 20 who are attending college).

24. 42 U.S.L.W. 4419 (U.S., March 26, 1974).

25. The text hints that state courts may not always be less sympathetic to the poor than are the federal courts (p. 382). However, it fails to develop this point even though some of its own case analysis provides a clear example (pp. 312-15). *Compare* Jefferson v. Hackney, 406 U.S. 535 (1972) (upholding Texas standard of need reduction scheme disadvantageous to AFDC recipients) *with* Villa v. Hall, 6 Cal. 3d 227, 490 P.2d 1148, 98 Cal. Rptr. 640 (1971) (7-0 decision), *vacated mem.*, 406 U.S. 965 (1972). On remand the California Supreme Court reversed its earlier decision and followed *Jefferson*. Villa v. Hall, 7 Cal. 3d 926, 500 P.2d 887, 103 Cal. Rptr. 863 (1972).

Law of the Poor does not deal with a number of important ways in which the poverty lawyer can aid his clients. For example, a campaign of selective suits to reform a particular automobile dealer might be even more effective if carried out in conjunction with the work of a consumer group. It may generate adverse though truthful publicity that can have beneficial results. The text, however, gives little help to an attorney working for a consumer group. It is silent on the problems of consumer picketing and on methods to involve state regulatory agencies in investigations of merchants. Similarly, although the text's section on housing and poverty devotes considerable attention to methods of developing public housing, there is no mention of the difficult legal problems an attorney can face when advising renters on such questions as the means and legality of rent strikes. The entire section on welfare rights makes little mention of the existence of state regulations; the failure of local welfare officials to follow even these regulations causes arbitrary decisions that alienate and discourage many welfare recipients. An attorney, particularly one working through a local welfare rights organization, should first assure that such regulations are being followed, and thus perhaps eliminate the need to file a major law reform case.

The text does not encourage lawyers to act as counsel for groups attempting to change social conditions directly, such as by lowering local prices. With the exception of the discussion of methods of creating public housing programs (pp. 106-62),[26] there is no hint that attorneys for the poor can help by counseling reform groups in the formation of such institutions as producing or consuming cooperatives, thus directly attacking poverty by generating more income or lowering expenses.

Attorneys for the rich discovered many years ago that the legal problems of an economic class can frequently be best resolved through legislation. And during those periods when legislatures have been more progressive than the Supreme Court, lawyers representing progressive interests have similarly turned to lobbying. For example, during the 1930's, labor attorneys found Congress more responsive to their needs than the courts. Today, lawyers for the poor should also focus on legislative solutions to legal problems. There is no comprehensive attempt in the text to discuss techniques and priorities for effective lobbying work. While OEO attorneys may face limitations on lobbying, there are now many private consumer lawyers who would appreciate advice as to the best methods of undertaking such activities. Yet, in dealing with consumer credit, for example, the text states that "the concern for reform in the area of finance

26. The authors are careful to caution the reader that "this text is not a sponsor's development manual" (p. 105) and to provide citations to such practice aids (p. 105 n.7).

charges reemerged with the UCCC" (p. 63). It fails to emphasize the extent to which this statute is actually an enormous step backward for any state that has already adopted consumer legislation.[27] For example, in California last year it was quite evident that consumer groups were fighting the UCCC while large national retailing organizations were its chief supporters.[28]

The publication of *Law of the Poor* makes a limited contribution. Much of its case analysis, although technically correct, is duplicative[29] and more properly considered within other substantive fields of study. The book misses the opportunity to investigate the economic and social underpinnings of the legal rules that control the poor. *Law of the Poor*'s lack of practical focus is a difficulty encountered in most law school texts, but it is most distressing to find this failing in a book that purports to be of use to the practicing attorney and that covers fields in which lawyers have conceived so many practical solutions to challenging legal problems. The book's implicit assumption that poor people's problems exist apart from the rest of the legal system may help to perpetuate a philosophy that has allowed many of the brightest law students to conclude that there is no inconsistency in working for a large downtown law firm while volunteering one night a week to help solve the problems of the poor—problems that the legal system to which they contribute in their regular work has helped to create. The book may meet the needs of such dilettantes, but it lacks the integrated analysis, perspective, and practical focus that would aid an attorney intending to represent poor clients on a full-time basis.

*Neil M. Levy**
Associate Professor of Law
Golden Gate University

27. *See* Willier, *The Uniform Consumer Credit Code: What Should Legal Service Attorneys Do?*, 3 CLEARINGHOUSE REV. 33 (1969).

28. *See also* Davis, *Leglislative Restriction of Creditor Powers and Remedies: A Case Study of the Negotiation and Drafting of the Wisconsin Consumer Act*, 72 MICH. L. REV. 1, 9-10 (1973) (discussing opposition of Wisconsin consumer representatives to adoption of the UCCC).

29. *See* J. WHITE & R. SUMMERS, HANDBOOK OF THE LAW UNDER THE UNIFORM COMMERCIAL CODE (1972); C. WRIGHT, HANDBOOK OF THE LAW OF FEDERAL COURTS (2d ed. 1970).

* Mr. Levy has practiced with California Rural Legal Assistance and California Indian Legal Services.