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SHOUT FROM TALLER ROOFTOPS: A RESPONSE TO DEBORAH L. RHODE'S *ACCESS TO JUSTICE*

Steven H. Hobbs*

"[T]he arm of the moral universe is long but it bends toward justice."¹

INTRODUCTION

Deborah Rhode's book, *Access to Justice*,² calls us to remember that the national fundamental organic documents that guide our nation, the Constitution, and the Declaration of Independence, guarantee that we all have a bundle of rights that insures us of our liberty and freedom. Rhode's well articulates that the possession of these rights have little meaning if we do not have the opportunity to enforce those rights in a court of law. Our very notion of justice is grounded on our essential ability to vindicate our rights with the aid of well-trained counsel. Anything less would eviscerate the concept of due process and the rule of law.

Professor Rhode reminds us that there are large sections of American society who either cannot afford counsel or for whom no counsel is available to handle particular legal problems. Indeed, she inspires us to do better in making legal services available for those who have limited means of securing access to justice. This responsibility, according to Professor Rhode, falls squarely on the organized bar to encourage, if not require, that pro bono legal services be made the cornerstone of our profession. She calls upon individual lawyers to lead in the efforts to make legal services available to low- and moderate-income citizens for whom access to justice is too often denied. Further, she calls upon law schools to plant, fertilize, and water the seeds of pro bono service in the hearts and minds of law students as they pursue their legal education.

For many of us, Professor Rhode touches upon the reason we went to law school. We hoped to make our society a better place by

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1. Martin Luther King, Jr., *Our God Is Marching On!*, in *A Testament of Hope: The Essential Writings of Martin Luther King, Jr.* 227, 230 (James Melvin Washington ed., 1986) [hereinafter *A Testament of Hope*].

2. Deborah L. Rhode, *Access to Justice* (2004).

fighting and advocating for those who were least able to defend their rights.³ We dreamed of creating a better society where justice would indeed roll down like waters as Dr. Martin Luther King, Jr. often intoned in his sermons and speeches.⁴ One of my early mentors who shared this dream was William F. Hall, Jr., a pioneering African American lawyer in Philadelphia. When I first met him he was the Regional Counsel for the Philadelphia Regional Office of the United States Department of Housing and Urban Development (“HUD”). He later became a United States Magistrate and those of us who knew him then called him Judge Hall.⁵ I worked in his office for two summers during law school. Certainly, I learned much about the practice of law, especially in the public sector, where excellent service to citizens in need of quality housing was the fundamental operating principle in the Regional Counsel’s office. However, the lessons he taught when he was having chats with his summer interns about the challenges of providing access to justice for people who have long been denied that access were the ones that made an indelible mark on my soul. We were all inspired by his stories about practicing with his former law partners and fellow Philadelphia African American lawyers, Clifford Scott Green,⁶ A. Leon Higginbotham, Jr.,⁷ Juanita

3. See Susan Pace Hamill, *The Least of These: Fair Taxes and the Moral Duty of Christians* (2003), for a discussion of the moral imperative based on theological principles to consider how our legal system (here the regressive state tax policies of Alabama) impacts poor people whose voices are not heard in government policy formation.

4. See, e.g., Martin Luther King, Jr., *The American Dream, in A Testament of Hope*, *supra* note 1, at 208, 216.

5. Judge William F. Hall, Jr. passed away in October 2001. See Robert Moran, *W.F. Hall Jr., 74, a Judge and Lawyer*, *Phila. Inquirer*, Oct. 15, 2001, at B4.

6. Clifford Scott Green practiced law with the firm Norris, Schmidt, Green, Harris, Higginbotham & Brown, the first black law partnership in Pennsylvania, and later became a United States District Court Judge for the Eastern District of Pennsylvania. See *Just the Beginning Found.*, Clifford Scott Green, United States District Court for the Eastern District of Pennsylvania, Philadelphia, Pennsylvania, at http://www.jtbf.org/article_iii_judges/green_c.htm (last visited Oct. 29, 2004). Judge Green expressed the following thoughts about the practice of law: “One should enter the legal profession motivated by a desire to advance the cause of justice and not merely in the quest of great financial rewards. One should be willing to work hard to remedy injustice and have the courage to speak out against injustice wherever found. *Id.*”

7. Judge A. Leon Higginbotham, Jr. was a lawyer for racial justice, teacher, scholar, judge, and mentor to several generations of lawyers, law students, and anyone dedicated to the cause of equal access to justice. As a student at the University of Pennsylvania School of Law, I had the privilege of taking his seminar on Race and the Law. He had a distinguished career as a federal judge, serving as a United States district court judge in Philadelphia and as a judge and chief on the United States Court of Appeals for the Third Circuit. For a retrospective on his life, see Cliff Hocker, *A. Leon Higginbotham: “February 25, 192 -December 14, 1998”*: “*A Legal Giant*,” *Nat’l Bar Ass’n Mag.*, Mar.-June 1999, at 16. Professor Charles Ogletree summed up the significance of Judge Higginbotham’s life (a difficult task) as follows:

Kidd Stout,⁸ and William T. Coleman, Jr.⁹ All of these African Americans were pioneers in providing legal services to those in the Philadelphia area whom one could call legally dispossessed.¹⁰

One day, we regional counsel legal interns were sitting in Judge Hall's office on the ninth floor of the Curtis Publishing Building on the corner of Sixth and Walnut streets. From his office, we overlooked Washington Square and could view the luxury apartment and condominium buildings which wrapped around this urban setting. He then pointed out in the distance, looking toward South Philadelphia, the outline of Whitman Towers, several high rise apartment buildings that were part of the Philadelphia Housing Authority and were built with HUD financing. Judge Hall noted that one set of buildings was well maintained, had twenty-four hour doorman service, and was inhabited by upper-income persons. The other set of buildings was in poor repair, personal safety was a constant concern, and was inhabited by low-income persons. The quality of life in the two sets of buildings was dictated by the income level of the persons living there. He told us that it was our jobs as counsel for the government agency tasked with providing safe, decent, and affordable housing to advocate for those in public housing so that their homes were comparable to the homes on Washington Square.

Access to Justice calls to mind those stories and Professor Rhode is to be commended for calling our attention to the desperate need for equal opportunity in the procurement of legal services. I agree with her agenda for reform in this area. However, the stories about

So his life's work is a reflection of a scholar's dedication to detail, to thoroughness and to issues that touched the everyday lives of ordinary citizens. In that respect, we'll be reading about his cases, we'll be reading excerpts from his books, we'll be referring to his law journal articles and commenting on his lectures as a rich source for continuing efforts to promote diversity in America and to fight all forms of discrimination, prejudice and bigotry that separate us as a people. So his legacy has been established. It will be an integral part of America's legacy on race as we enter the 21st Century.

Charles Ogletree, *An Enduring Legacy*, Nat'l Bar Ass'n Mag., Mar.-June 1999, at 17, 17.

8. Judge Juanita Kidd Stout was the first African American woman elected as a judge in America. See The African Am. Registry, Juanita Stout, a Judicial First!, at http://www.aaregistry.com/african_american_history/2014/Juanita_Stout_a_judicial_first (last visited Oct. 29, 2004).

9. William T. Coleman, Jr., 1995 Presidential Medal of Freedom awardee, achieved many firsts during his long and distinguished career. He was the first black person to serve on the Harvard Law Review, to clerk for the United States Supreme Court, and to work at a major white law firm in Philadelphia (Dilworth, Paxon, Kalish, Levy and Green). See Medal of Freedom, Presidential Medal of Freedom Recipient William T. Coleman, Jr., at <http://www.medaloffreedom.com/WilliamTColemanjr.htm> (last visited Oct. 29, 2004).

10. For a discussion of these black lawyer pioneers and their place in the history of pursuing justice in America, see Geraldine R. Segal, *Blacks in the Law: Philadelphia and the Nation* (1983).

housing disparities in Philadelphia also suggest that her call for reform should be shouted from higher rooftops with an even broader vision of the pursuit for equal access to justice. The first part of this Essay will offer some reflections on a more expansive consideration of the idea of access. The second part will suggest that the concept of justice implied in Professor Rhode's work should be expanded to get at the heart of the real issues which keep the doorways of justice closed to certain segments of our society.

I. EXPANDING THE NOTION OF ACCESS

Professor Rhode assesses the need for legal services primarily in terms of civil and criminal litigation. In fact, there seems to be a privileging of adversarial representation over other forms of legal services and other methods for obtaining access to justice. In Part I of this Essay, I wish to consider the concept of access to justice in terms of legal services that provide transactional and advisory services that impact the legal needs of low- and moderate-income individuals. Further, I wish to examine the public law needs of individuals, especially for individuals who must seek justice through government institutions. And finally, I will consider some of the missing voices in the debate and dialogue on meeting the needs of persons who have limited access to justice.

A. *Access to Justice in Non-Litigation Settings*

First, there is a focus on litigation as the bulwark for promoting justice. Equal access under the law means access to the courthouse to vindicate rights, according to Professor Rhode.¹¹ Clearly, a right is indeed worthless if it cannot be vindicated in a court of law. Professor Rhode does suggest that alternative dispute resolution techniques such as mediation, arbitration, and negotiation may offer efficient and economically viable means for pursuing individual justice. But the principal theme running throughout is that litigation is the primary measure and mode for seeking justice.

There are other vital roles for lawyers to play if our goal is the pursuit of justice. The needs of low- and moderate-income individuals go beyond resorting to litigation. In some sense, we are talking about preventative lawyering where legal advice and assistance can aid in making rights manifest and securing and establishing such rights before the need for adversarial vindication arises. Moreover, our notions of justice must include the larger bundle of rights our constitutional system demands. The privileges and immunities spoken of in our Constitution impact every aspect of life in civil society. Professor J. Clay Smith, Jr. has articulated this idea in what he calls a

11. See Rhode, *supra* note 2, at 3-9, 39-43, 185, 189.

principle of “pure legal existence.”¹² Hence, a discussion of rights must include a consideration of the human dignity of all individuals as they pursue life, liberty, and happiness in our society.¹³

The list of needs necessary to achieve pure legal existence could be endless. However, it most certainly would include taking care of the basic needs of human life. Everyone needs housing, the ability to pursue a livelihood, protection of property and wealth, access to health care, and education. One can argue about whether these are fundamental rights included in or implied by the Constitution. However, no one can dispute that in many of these areas, the advice and assistance of a lawyer would be essential and beneficial.

In seeking safe, decent, and affordable housing, legal services are needed to negotiate leases, contract for sale of property, procure appropriate insurance, conduct deed searches and recordation, and review financing documents.¹⁴ In seeking a job, employment and labor laws need to be understood. Employment rights, obligations, and benefits are often expressed in employment contracts, labor union agreements, and employment policy manuals. Many of these are drafted at the beginning of the business enterprise and can be constructed so that the rights of the employer and employees are identified and established at the beginning of the employment relationship. Estate planning and will drafting are also desperately needed by low- and moderate-income persons. Their most valuable assets might be land, housing, or a small business, all of which should

12. Access to the doorways of justice can be blocked because of externalities like race, gender, and income, and as such, individuals are not able to fully participate in our democratic society, as Professor J. Clay Smith, Jr. notes:

To the extent that the uneven and disparate application of the law has left any notion of the lack of the worth and human dignity of black people, or has interfered in any way with their natural right to freely participate in a republic born on a philosophical base that all men are created equal under law—to that extent, black people have been denied a *pure legal existence*. Pure legal existence looks to the future but studies the present and the past of the law that touches black people and those similarly situated, in order to trace, to ascertain, and to analytically assess the growth of how near they are to an existence which is free from racial discrimination. Pure legal existence, then, is an existence, under law, which is barren of racial discrimination in law and in its application; it encompasses being in a society in which the accouterments of slavery are no more.

See J. Clay Smith, Jr., *In Memoriam: Professor Frank D. Reeves: Towards a Houstonian School of Jurisprudence and the Study of Pure Legal Existence*, 18 *How. L.J.* 1, 5 (1975) (emphasis added).

13. See generally C. Francis Stradford, *What Constitutes Citizenship? A Survey of the Negro's Present Legal Status*, 1 *Nat'l Bar J.* 45 (1941).

14. For a discussion of the challenges of achieving fair housing opportunities, see Darnellena Christie Burnett, *Justice in Housing: Curbing Predatory Lending*, *Nat'l Bar Ass'n Mag.*, Mar.-Apr. 2001, at 14. The National Bar Association has a special task force committed to eliminating lending practices which charge onerous interest rates and offer terms and conditions that unfairly and sometimes fraudulently lead to loss of the underlying asset, the home. *Id.*

be protected and passed on to the next generation at the appropriate time.¹⁵ Additionally, often parallel to estate planning is the making of provisions for medical decision making and issues of child guardianship.

These matters confront every segment of society. The point is that there are aspects of everyday living where the services of lawyers, apart from litigation, can secure fundamental rights embodied in our concepts of life, liberty, and happiness. For those who live at the margins of society, access to decent housing, adequate healthcare, and the means to earn a living wage can make the difference in successfully engaging in the benefits of a democratic society where achieving the American Dream is a core value. Without access to these rights, we cannot say that we have a society committed to equal justice.

Personally, I have worked with several nonprofit organizations committed to community and economic development. Among other work, I have helped establish a community center for senior citizens, a family resources center which provides a variety of social services (including access to the services of the local legal aid society),¹⁶ and an organization that promotes blues education among children. In each circumstance, I was able to obtain the pro bono services of legal counsel to aid in the formation of these organizations. I consulted experts in employment law to help draft employee benefit packages and in-house employee manuals establishing rules and procedures for the full range of issues such as hours of work, grievance procedures, and sexual harassment. In working with the Alabama Blues Project, we help find pro bono lawyers to assist bluesmen in unencumbering their ability to freely use their copyright privileges.

Again, these are just examples of non-litigation methods of obtaining justice by promoting and protecting the rights of individuals. Professor Rhode notes some of these concerns in her discussion of alternative, creative modalities of solving problems. She urges more experiments with "specialized 'holistic,' 'therapeutic,' or 'community' courts and alternative dispute resolution procedures to deal with

15. See Steven H. Hobbs & Fay Wilson Hobbs, *Family Businesses and the Business of Families: A Consideration of the Role of the Lawyer*, 4 Tex. Wesleyan L. Rev. 153 (1998).

16. I have participated in the development of the Tuscaloosa Family Resource Center in Tuscaloosa, Alabama. Individuals and local civic and religious organizations came together to address the needs of families impacted by welfare reform, especially the need to find work. The Center coordinates community services in a manner that will empower families to meet the needs of their children and all family members. By combining new resources with existing government social agency resources, the Center will help families become self-sufficient. This model is often referred to as the "one-stop shopping" approach because many agencies offer their services in a single location. Equally valuable for the clients will be an intake and assessment process that considers all of a family's needs.

problems like domestic violence, homelessness, and misdemeanors such as prostitution, drug possession, and juvenile offenses.”¹⁷

Again, these ideas focus on criminal and civil litigation related matters and providing court annexed social services.¹⁸ A different, promising approach to providing access to non-litigation legal services is suggested by Professor Rhode’s consideration of multidisciplinary practice.¹⁹ In one location, professionals with different skill sets can provide low- and moderate-income individuals with a variety of services which address problems in a holistic manner.²⁰

B. Access to the Public Sphere

Much of *Access to Justice* involves the pursuit of private rights of action. The focus is on the individual and how the individual can obtain justice in civil and criminal matters with the assistance of counsel. There is another arena by which we often seek justice, and that is the public sphere. By that I mean justice that is obtained by the proper functioning of government institutions which have domain over a large portion of our civil and social existence. Often justice can only be obtained by insisting that the public agencies properly carry out their legislative mandates. These institutions impact not only the lives of individuals but also the collective rights of society. For example, we depend on the government to keep our air and water clean, maintain the roads in all communities, administer fair public elections, and perform a myriad of other necessary functions. When the government does not function in a manner that distributes services in a just and fair way, we often look to the aid of legal counsel to enforce our individual and collective rights.

Unfortunately, too many low-income individuals and communities do not have a voice to advocate their positions in a government forum. Hearings are regularly held on zoning, educational policies for our schools, allotment and distribution of police resources, siting of landfills and other public facilities, and a host of other matters which impact the quality of life and the public rights of individuals and

17. Rhode, *supra* note 2, at 86.

18. Professor Rhode describes the benefits of these approaches:

Judges in these proceedings receive special training and resources. Their goal is to partner with other social service providers offering treatment approaches that can address root causes not just legal symptoms. Well-designed mediation and other dispute resolution approaches can also engage parties in productive, collaborative problem solving.

Id.

19. *Id.* at 91-94.

20. *Id.* For a discussion of the ethical issues raised by a multidisciplinary practice, see also Steven H. Hobbs, *The Ethics and Professional Norms of Family Business Centers*, in Family Business Gathering 2000: The Holistic Model: “Rethinking the Role of the University-Based Family Business Center” (Greg McCann & Nancy B. Upton eds., 2000).

communities. Regulatory bodies have oversight on how the public fisc is spent on behalf of the taxpaying citizenry. While such bodies usually do an excellent job, sometimes the public needs an advocate to ensure that monies are spent within the bounds of public ethics and spent equitably throughout the community. Individual parents sometimes have to fight with school boards to ensure that their children have access to educational services that aid in the academic development of their children. The point is that the voice, skills, and knowledge of a lawyer are often needed in such arenas, but may be difficult to obtain. Much of this work will have to be accomplished by lawyers willing to perform these tasks on a pro bono basis.

As I have indicated, I began my legal career in the public sphere. My first job after law school in 1979 was with the New Jersey Department of the Public Advocate.²¹ The Public Advocate was founded in 1974 under then-Governor Brendan Byrne. The Department was the first of its kind in the nation²² and was viewed as a publicly-financed public interest firm. The Department had a broad mandate to pursue the public's interest as the Public Advocate saw fit and to be "the voice of the voiceless."²³ The Public Advocate was a member of the governor's cabinet and yet could investigate matters involving other government agencies, even if that led to litigation.²⁴

The Department of the Public Advocate was comprised of unique divisions that vigorously advocated for the poor, the powerless, and the dispossessed. I served in the Office of Insurance Advocacy. We represented the interest of the public when insurance companies (mostly automobile insurers) filed for a rate increase with the New Jersey Department of Insurance. Our task was to advocate for reasonable rates and to ensure that companies' profit profiles fell within appropriate norms as established by insurance rate experts. We also investigated complaints by citizens lodged against insurance companies. Our office was a part of the larger Division of Rate Counsel, which represented the public's interest when public utilities sought rate increases.²⁵

21. See generally Martin A. Bierbaum, *On the Frontiers of Public Interest Law: The New Jersey State Department of the Public Advocate—The Public Interest Advocacy Division*, 13 Seton Hall L. Rev. 475 (1983).

22. But see Mark Green & Laurel W. Eisner, *The Public Advocate for New York City: An Analysis of the Country's Only Elected Ombudsman*, 42 N.Y.L. Sch. L. Rev. 1093 (1998) (discussing the elected Public Advocate in New York City, a position that traces its roots back to 1831).

23. See Michael Booth, *A New Public Advocate Takes Shape*, 168 N.J. L.J. 249 (2002); Tim O'Brien, *Public Advocate's Office Returns: What it Will Be Is Anyone's Guess*, 167 N.J. L.J. 157 (2002).

24. Department of the Public Advocate Act of 1974, ch. 27, § 2, 1974 N.J. Laws 67, 67, repealed by Public Advocate Restructuring Act of 1994, ch. 58, § 70, 1994 N.J. Laws 365, 402 (codified at N.J. Stat. Ann. § 52:27E-50 to -80 (West 2001)).

25. *Id.* § 19, 1974 N.J. Laws at 72.

The Public Advocate's office was an exciting place to be, dedicated to helping citizens achieve access to the levers of government.²⁶ The Division of Public Interest Advocacy was perhaps the flagship of the Department. It was charged with "represent[ing] the public interest in such administrative and court proceedings . . . as the Public Advocate deems shall best serve the public interest."²⁷ Under the enabling legislation, "public interest shall mean an interest or right arising from the Constitution, decisions of court, common law or other laws of the United States or of this State inhering in the citizens of this State or in a broad class of such citizens."²⁸ The most noted litigation brought by the Division was a suit that established that each municipality in the state would include in its comprehensive zoning plans provisions for low- and moderate-income housing.²⁹ The Division of Mental Health Advocacy represented individuals admitted to a mental health institution.³⁰ Often, these individuals were committed to such institutions from the criminal justice process and needed legal representation. The Office of Inmate Advocacy, which eventually became a division, represented inmates as a class and often challenged overcrowded and unsafe prison conditions, forcing the State to build more modern penal facilities.³¹ The Division of Citizen Complaints routinely mediated between citizens and public agencies to resolve matters in a way that protected the rights of the public.³²

Perhaps the Department of the Public Advocate was too successful in its efforts to provide the public with access to justice in governmental arenas. Many thought that it was ridiculous that one state agency funded with tax dollars could sue other state agencies even if those agencies were not fulfilling a legislative mandate to properly serve the people.³³ Faced with philosophical differences and budgetary constraints, the Department of the Public Advocate's funding was drastically cut in 1992 by a Republican legislature determined to roll back massive tax increases under Governor Jim

26. Martin Bierbaum writes:

The Byrne Administration sponsored the legislation in an effort to alleviate New Jersey citizens' increased lack of faith in their government. Some mechanism was sought to ensure that the government be more accountable to the public. The [Department of the Public Advocate] was conceived to be a combination public defender, ombudsman, and troubleshooter—"a triple threat champion for citizens beset by arrogant bureaucrats and self-aggrandizing private interests."

Bierbaum, *supra* note 21, at 481 (citation omitted).

27. § 30, 1974 N.J. Laws at 76.

28. *Id.* § 31, 1974 N.J. Laws at 76.

29. See Bierbaum, *supra* note 21, at 484-85 (discussing *S. Burlington County NAACP v. Township of Mount Laurel*, 336 A.2d 713 (N.J. 1975)).

30. § 22, 1974 N.J. Laws at 74.

31. *Id.* § 13, 1974 N.J. Laws at 70-71.

32. *Id.* §§ 34, 37, 1974 N.J. Laws at 77-78.

33. See Hanna W. Rosin, *How a Noble Idea Died*, 133 N.J. L.J. 409 (1993); Rorie Sherman, *N.J. Shuts Down Its Advocate*, Nat'l L.J., July 20, 1992, at 3.

Florio.³⁴ In July 1994, during the administration of Governor Christine Whitman, the New Jersey Legislature officially abolished the Department under the Public Advocate Restructuring Act of 1994.³⁵ Several of the functions of some offices and divisions were relocated into other government departments or agencies. The Office of Dispute Settlement, the Division of Advocacy for the Developmentally Disabled, and the Division of Mental Health Advocacy were placed under the Office of the Public Defender.³⁶ The Division of Rate Counsel was split into several different departments, including the Department of Insurance, the Board of Public Utilities, and the Department of Environmental Protection.³⁷

Governor James McGreevey was elected in 2001 with a campaign pledge to restore the Department of the Public Advocate.³⁸ His intent was to recreate the Department based on the original legislation, including the power to sue other government agencies. Governor McGreevey even appointed a new Public Advocate to be a part of his cabinet, even before the proposed bill for restoring the Department was submitted to the Legislature.³⁹ Unfortunately, in 2003, the proposed legislation became bogged down in legislative battles and the Governor effectively postponed a consideration of the bill until 2004.⁴⁰ Governor McGreevey resigned from office in 2004 so the future of the proposed restoration of the Public Advocate is uncertain.⁴¹

Whatever the fate of these efforts, the Department of the Public Advocate's legacy will stand as a unique experiment in providing public justice to citizens who ordinarily do not have counsel readily available to them. Some will, no doubt, continue to object strenuously to spending government funds for public interest lawyers who advocate for citizens with genuine grievances based on governmental denial of fundamental rights. Others will have philosophical differences about publicly-funded lawyers possibly creating new causes of action with the assistance of activist judges.⁴² Nevertheless,

34. See Rosin, *supra* note 33; Sherman, *supra* note 33.

35. ch. 58, 1994 N.J. Laws 365 (codified at N.J. Stat. Ann. § 52:27E-50 to -80) (West 2001)).

36. See § 52:27E-65, -72, -74 to -75.

37. See *id.* § 52:27E-58 to -61, -63; N.J. Stat. Ann. § 13:1D-1 (West 2003).

38. See O'Brien, *supra* note 23, at 157.

39. *Id.* at 170.

40. See Tim O'Brien, *Public Advocate Resurrection Delayed*, 171 N.J. L.J. 402 (2003).

41. Governor McGreevey submitted his notice of intention to resign his office after confessing to having a homosexual affair with an aide. See Michael Isikoff & Evan Thomas, *An Affair to Regret*, Newsweek, Aug. 23, 2004, at 24, 24.

42. For a discussion of the New Jersey Public Advocate's role in establishing a state right of access to beaches in New Jersey, see Marc R. Poirier, *Environmental Justice and the Beach Access Movements of the 1970s in Connecticut and New Jersey: Stories of Property and Civil Rights*, 28 Conn. L. Rev. 719 (1996).

there will constantly be a need for lawyers committed to achieving access to civil and social justice on behalf of the voiceless citizens unable to afford or obtain legal counsel.

C. *Other Voices Proclaiming Access to Justice*

Professor Rhode does a magnificent job in presenting the long history of lawyers providing pro bono services and advocating for those who have been denied access to justice. She reminds us of our profession's long-standing commitment to making legal services available and presents the vigorous debates that have occurred about the extent of our obligations and whether the profession should mandate pro bono services as part of our ethical matrix.⁴³ She also informs us of the great tradition of lawyers forming public interest law firms that speak for those without a voice. One of her major contributions to the dialogue about pro bono services is her review and analysis of how the profession can and, in some instances does, make such valuable work a part of the profession's culture.⁴⁴ She further challenges academic lawyers to consider how to make pro bono service an integral part of the law school curriculum and culture.⁴⁵

However, her focus on the efforts of the American Bar Association ("ABA") to encourage pro bono service and make lawyers available to populations of our society who go without legal counsel misses a key example of the agenda she is promoting. The National Bar Association ("NBA"), founded in 1925, has a long and distinguished history of opening the doors of justice. The NBA was established at a time when black lawyers could not join the ABA or many of the local bar associations and few white lawyers would represent blacks.⁴⁶ While Professor Rhode does note the great work of the NAACP Legal Defense Fund, Inc.,⁴⁷ that work must be placed in the larger historical context of the NBA and the efforts of African American lawyers to obtain access to the political, social, civil, and legal rights of the African American community.

A comprehensive history of the NBA is provided by Professor J. Clay Smith, Jr. in his groundbreaking work, *Emancipation: The Making of the Black Lawyer 1844-1944*.⁴⁸ Professor Smith was able to

43. Rhode, *supra* note 2, at 64-66, 148-52.

44. *Id.* at 178-84.

45. *Id.*

46. For an extended discussion of the history of the black lawyer in America and of the discrimination experienced in attempting to join national and local bar associations, see J. Clay Smith, Jr., *Emancipation: The Making of the Black Lawyer 1844-1944*, at 541-85 (1993).

47. Rhode, *supra* note 2, at 67.

48. See Smith, *supra* note 46.

identify the first black lawyers admitted to practice law in the country and the first efforts to form bar associations. He found the following:

The Colored Bar Association of Mississippi, the first bar association organized by “colored lawyers,” held its annual meeting in the city of Greenville in 1891. Josiah T. Settle, an 1875 Howard University law graduate, made the keynote address at the inaugural meeting. Settle and other lawyers associated with the “Greenville Movement” (the movement to establish black bar groups throughout the states) believed that this meeting would have a permanent impact on a nation that had excluded black lawyers from the mainstream of society and from the legal profession.⁴⁹

While other local groups were organized across the country, there was still thought to be a need to organize a national body that could freely protect and promote the interest of black lawyers.⁵⁰ Initially, black lawyers joined the National Negro Business League founded by Booker T. Washington in 1900, and later created an auxiliary unit within that organization called the National Negro Bar Association in 1909.⁵¹ While working with a group of black businessmen was beneficial, a small group of lawyers led by George H. Woodson of Iowa considered the further benefits of creating an association designed to meet the needs of black lawyers and the black community they represented.⁵² They met in Des Moines, Iowa on August 1, 1925 and established the NBA.⁵³

The founders of the NBA recognized that black lawyers needed an organization which would promote the highest values of professional competence and ethics for lawyers who had no access to the professional fellowship provided by the established white bar associations.⁵⁴ Furthermore they envisioned an organization that

49. *Id.* at 572-73 (citation omitted).

50. *Id.* at 572.

51. *Id.* at 552.

52. Smith wrote:

They sent “out an invitation to colored men engaged in the practice of law to meet at Des Moines, Iowa, on August 1, [1925] to organize a National American Bar Association.” At this time, there were approximately 1,200 “negro lawyers” in the country, none of whom qualified for membership in the American Bar Association because of their race. The publicity leading to the August meeting noted this exclusion and stated that the aim of the proposed black bar group was “to make available the benefits of the united strength of Negro lawyers in any national emergency.”

Id. at 556 (citations omitted) (alteration in original).

53. *Id.*

54. See generally Raymond Pace Alexander, *Foreword—Editorial: The National Bar Association—Its Aims and Purposes*, 1 Nat'l Bar J. 1 (1941) (discussing the challenges facing black lawyers in the struggle for justice). Raymond Pace Alexander, who was from Philadelphia and served as president of the NBA, and understood that black lawyers were denied access to law libraries and opportunities for continuing legal education, stated the need for promoting professional competence as follows:

would have a significant impact on meeting the legal advocacy needs of the black community as it sought to obtain the full rights and privileges of citizenship.⁵⁵ Professor Smith, in chronicling the NBA history, cites the 1928 national convention speech of Howard University President Mordecai Wyatt Johnson as an example of that broad vision:

We need in the next 25 years great legal minds to carry out every legal decision handed down by the Supreme Court of the United States, protecting the humblest citizens in the smallest communities. We need men who know and interpret the law, and they must have means to carry on the cases to fight the representative battles of the poor in a peaceful way before the courts of the country in a continuous cycle of test cases.⁵⁶

To accomplish this grand objective, the founders understood that the number of black lawyers would have to increase to handle the unmet legal needs of the black community, especially in the South.⁵⁷

An error on the part of the Negro lawyer in the handling of his case, on the other hand, is known not only to his client, to his opponent, to other counsel present, to the Court and jury, but also to an entire court room usually filled with spectators. It therefore becomes very necessary for the Negro lawyer to have not only a good background and be well trained in law, but also to be well prepared in the facts and the law of each particular case and to be able to present the same not only intelligently but with force and ability, lest a failure on his part may react disastrously to him. He must carry himself with dignity and gentility and maintain his self-respect, and if so, he enhances his brother at the Bar. The contrary is also quite true. If he maintains himself in the reverse of these attitudes, then it reflects very disadvantageously against the other members of his race at the Bar.

Id. at 3-4.

55. See Stradford, *supra* note 13, for a discussion of conceptualizing the idea of citizenship rights and the need to advocate for the actualization of these rights. Stradford, who once served as NBA president summarizes many of the then-current issues confronting lawyers advocating for access to full justice:

Indeed, it is not reasonable to suppose that one who is regarded as unfit to vote, as unfit to ride in the same car with a white person, to live in the same neighborhood, attend the same school, or become a member of his family, if Cupid so directs, can hope to attain any fundamental citizenship rights. Those rights are denied the Negro because he is regarded as inferior and being so regarded he is given inferior treatment in every walk of life. In fact, such denial creates a sort of inferiority complex among Negroes that is hard to shake off even by those who have had superior training and opportunities, and, as a consequence, many do not expect full citizenship rights.

Id. at 55.

56. Smith, *supra* note 46, at 558 (internal quotation marks and citation omitted).

57. See Alexander, *supra* note 54, at 2-4; see also Arthur D. Shores, *The Negro at the Bar: The South*, 2 Nat'l Bar J. 266 (1944) (discussing the dearth of lawyers in the South and great opportunity for black lawyers to develop successful practices in spite of difficult conditions). Shores, who led the fight to integrate the University of Alabama, notes:

As to the future outlook, the South has the spotlight of the entire country turned upon it, and is now ready for the greatest expansion in its history. The field of law in the South for Negroes is virgin. The opportunities are unlimited. It is true that there is much prejudice still in existence in the

One of the stated objectives in the original constitution of the NBA was “the encouragement of the Negro youth of America who will follow their choice of this profession.”⁵⁸ The NBA led the fight to integrate the nation’s white law schools and has consistently fought for programs which affirmatively encouraged the admission of black students to law schools.⁵⁹ Moreover, unlike other bar associations, black women lawyers played an important role in the organization and development of the NBA.⁶⁰ The history of the NBA is the history of an organization dedicated to making full access to real justice a reality.

The NBA, with a current membership of over 20,000, is no less committed to obtaining access to justice. A check of the organization’s website recounts the history and describes contemporary efforts.⁶¹ The website recounts the history of the NBA’s efforts to foster pro bono services:

In 1940, when the number of African-American lawyers barely exceeded 1,000 nation wide, the NBA attempted to establish “free legal clinics in all cities with a colored population of 5,000 or more.” The NBA was ahead of the “War on Poverty” programs of the 1960’s, which gave birth to federal legal aid to the indigent. Members of the NBA were leaders of the pro bono movement at a time when they could least afford to provide free legal services and before poverty law became profitable.⁶²

South, but such barriers as well as suffrage barriers, one of the greatest obstacles to complete Negro integration into civil and political life, are giving away. No greater opportunity is offered anywhere in the country to raise the level of the Negro through the efforts of the Negro lawyer and be amply compensated, than here in the deep South. There is a vast amount of Negro business in the South that needs legal guidance and more and more Negro business is using Negro lawyers where they are available.

Id. at 271.

58. See Alexander, *supra* note 54, at 2 (citation omitted).

59. See generally Genna Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights* (1983); Smith, *supra* note 46; Laverne Lewis Gaskins, *Echoes of Brown: The University of Michigan: An Analysis of Gratz and Grutter*, *Nat’l Bar Ass’n Mag.*, Mar.-Apr. 2004, at 17.

60. Smith writes:

Black women lawyers also benefited from black bar groups, because it was there, to some degree, that they liberated themselves. At the state level, Gertrude Elzora Durden Rush led the black bar in Iowa in 1921. She was also a founder of the National Bar Association in 1925. In 1930, Louise J. Pridgeon, led a black bar group in Ohio; and Georgia Jones Ellis, of Chicago, broke new ground in 1928 when she was elected as an officer of the National Bar Association.

Smith, *supra* note 46, at 585; see also *Rebels in Law: Voices in History of Black Women Lawyers* (J. Clay Smith, Jr. ed., 1998).

61. The Nat’l Bar Ass’n, *The NBA Perspective*, at <http://www.nationalbar.org/about/index.shtml> (last visited Oct. 29, 2004).

62. *Id.*

Today, the efforts by the NBA to provide pro bono or reduced fee services continue. There are specific programs to meet the unmet legal needs of elderly African Americans and to promote minority business development.⁶³ Continuing legal education is still a priority; several national meetings a year are sponsored by the NBA to afford the opportunity to learn about cutting edge legal developments.⁶⁴ The NBA regularly hosts the NBA-John Crump law camp to encourage high school students to consider a career in law.⁶⁵ Finally, the NBA considers itself a global organization and works with lawyers of color from around the world to tackle global issues of access to justice.⁶⁶

II. EXPANDING THE NOTION OF JUSTICE

As I read *Access to Justice*, I continued to ask what is meant by justice. Clearly, Professor Rhode is concerned about access to the halls of justice, our courts. As she notes, too few lawyers are available to meet the civil and criminal litigation needs for low- and moderate-income Americans. She is correct to suggest that America, the citadel of democracy and freedom, can do better. In fact, the legal profession must do better and seriously commit to developing a deep,

63. *Id.*

64. For example, in October 2004, the NBA Board of Governors will meet in conjunction with the Wiley A. Branton Issues Symposium, which presents an opportunity to consider legal issues vital to the black community. The topic for this symposium is *Building on the Legacy: Equalizing Justice for All*, and will consider the issue of voting rights. See Nat'l Bar Ass'n, Board of Governors Meeting & Sixteenth Annual Wiley A. Branton Issues Symposium, *Building on the Legacy: Equalizing Justice for All* (Oct. 20-24, 2004) (unpublished conference brochure, on file with author).

65. The NBA-John Crump Law Camp was started in July 2001 and named after the executive director of the NBA. See *Growing Lawyers—NBA-Crump Law Camp*, Nat'l Bar Ass'n Mag., May-June 2001, at 5, 5. The article states the following:

One of the concerns of the founders of the National Bar Association was the dearth of African American Lawyers in this country in relation to the number of African Americans living in the United States. Now, more than 90 percent of this nation's lawyers are white, as are more than 80 percent of the students enrolled in law school. It is imperative that we begin to "grow lawyers" by directing students, while they are young, to seek careers in the legal profession. . . . The camp will educate the participating students, expose them to African American lawyers, and supply them with financial assistance as they enter college and law school.

Id.

66. In demonstrating this consideration, a recent National Bar Association Magazine article stated the following:

Over 40 NBA delegates traveled from the continental U.S. and Hawaii to Southern Africa to participate in this year's International Affiliate Meeting which was held June 2-14, 2004 in the countries of South Africa, Botswana and Zimbabwe. The combined cultural, educational and business mission to the southern region of Africa began in South Africa and continued to Botswana and Zimbabwe.

NBA Welcomed by African President, Governments and Tribal Councils, Nat'l Bar Ass'n Mag., May-June 2004, at 24, 24.

professional culture of pro bono services for all of the reasons presented in *Access to Justice*. However, while providing more lawyers will certainly open more doorways to justice, it may not fully address the issue of ensuring justice in our democratic republic.

I am reminded of a story I once heard about two friends sitting by a river on a sunny afternoon. Suddenly, they see a crying baby floating down the river. The first friend jumps into the river and bravely rescues the baby from the water. The second friend helps make the baby comfortable. Soon they see another baby floating down the river. Again, the first friend jumps in and rescues this baby. No sooner than he drags himself to the shore, two more babies float by. He gets out of the river and starts walking upstream. His friend yells at him that there are more babies in the river. The first friend looks over his shoulder and says, "I am going upriver to find out how these babies are getting into the river!"

What does this story teach us about access to justice? Well, first, on an ordinary day, the heroes/rescuers see a need and are called to action. They know nothing about the floating baby except that it is in dire need of assistance. After the floating baby is pulled from the water, its immediate need for comfort is provided, but the baby's future will require addressing a different set of quandaries. The second floating baby is rescued, but it quickly becomes apparent more rescues must be performed. To solve this problem our heroes will either have to call for more rescuers or, as the first friend recognizes, they must take a trip upriver to find the cause of the problem.

Similarly, we need to walk upriver and discover why so many of our fellow citizens are floating in rivers of injustice because there are too few lawyers to rescue them or to keep them out of the river in the first place. I contend that the issue is not just that poor and low-income individuals lack access to legal services, it is that the inequities in our society make "justice for all" an illusory concept. Any consideration of justice demands a deeper examination of societal causes of injustice. Professor Rhode hints that perhaps societal justice is a much larger agenda than the scope of her book, with its focus on creating a sense of professional duty to make legal services more readily available.⁶⁷ This is not unfamiliar territory for Professor Rhode. She has traveled up many rivers to discover why our profession does not fulfill its stated commitment to be the legal guardians of a just society. Her pathbreaking work has kept this matter at the center of the discourse on professional values. Moreover, to use the vernacular, "she has not only talked the talk, but she has also walked the walk." No one should doubt her commitment to pursuing justice.

67. See Rhode, *supra* note 2, at 110-12.

Nevertheless, for real change to occur, we must boldly go to the heart of why “justice for all” is hard to actualize. This is the challenge that is implicit in Professor Rhode’s work and she challenges us to join her on even higher rooftops to shout for justice. While a full explication of theories of justice is beyond this work, perhaps we can at least lay out an initial framework by which we can proceed upriver. My own humble thoughts on this topic have been richly informed by Ralph Ellison,⁶⁸ Charles Hamilton Houston,⁶⁹ and Dr. Martin Luther King, Jr.,⁷⁰ just to name a few critical thinkers who have contributed to the justice dialogue.

I have come to believe that one must first know one’s history in order to understand the present circumstance. Ralph Ellison, in his essay, *Perspective on Literature*, highlights how the Declaration of Independence and the Constitution were created with the rhetoric of freedom and democracy, but in reality took account of slavery and failed to guarantee liberty for all.⁷¹ Ellison observed that, in the nascent moments of the republic, unable to conceive of a society with full equality for all, “the Founding Fathers committed the sin of American racial pride. They designated one section of the American people to be the sacrificial victims for the benefit of the rest.”⁷² In other words, one group of people were thrown away into the river of injustice. The history of the NBA, described above, informs us of a long process of struggle to achieve that liberty and justice promised by the founding organic documents, not just for the African American community, but for all of America.⁷³ The struggle is one dedicated to achieving pure legal existence and respect for human dignity of all citizens.

Then one must analyze the present problem and devise a plan of action to solve the problem. Of course, this is classic creative problem solving involving analysis and action. My own thinking was much informed by Dr. Luther D. Ivory, in his book, *Toward a Theology of Radical Involvement: The Theological Legacy of Martin Luther King*

68. See Steven H. Hobbs, *Ralph Ellison As Oral Storyteller*, 26 Okla. City U. L. Rev. 927 (2001).

69. See Steven H. Hobbs, *From the Shoulders of Houston: A Vision for Social and Economic Justice*, 32 How. L.J. 505 (1989).

70. See Steven H. Hobbs, *Review Essay: Following the Drum Major for Justice: Reflections on Luther D. Ivory’s Toward a Theology of Radical Involvement: The Theological Legacy of Martin Luther King, Jr.*, 50 Ala. L. Rev. 7 (1998).

71. Ralph Ellison, *Perspective of Literature*, in *Going to the Territory* 321, 331-32 (1986).

72. *Id.* at 334-35.

73. Judge Leon A. Higginbotham, Jr. usually ended his speeches reciting the Langton Hughes poem, *The Dream of Freedom*, which concludes, “To save the dream for one, It must be saved for ALL.” *The Dream of Freedom*, Nat’l Bar Ass’n Mag., Mar.-June 1999, at 42, 42.

Jr.⁷⁴ In reading Ivory's scholarship, I learned that Dr. King believed that Christian faith compelled him to be co-partners with God to "confront power, fight oppression and racism, and lovingly care for those who suffer social, political and economic injustice."⁷⁵ Ivory determined that Dr. King's manner of engaging the struggle for justice constituted a theology of radical involvement consisting, in part, of the following:

King's theology of radical involvement promotes a twofold concern. First, it is concerned with the strange ways and actions of a mysterious God who works decisively and continuously throughout history toward the realization of a "justice" community (analysis). Second, it concerns itself with the moral necessity of making a responsible human response to God's ways in and with the world (praxis).⁷⁶

Charles Hamilton Houston, who was the architect of much of the legal strategy leading up to the landmark *Brown v. Board of Education* case,⁷⁷ also used analysis and praxis in his work. He served as Dean of the Howard Law School, training many of the lawyers who prosecuted the many civil rights cases; he inspired much of the litigation strategy which attacked the separate but equal doctrine; and he understood that seeking civil rights often required engaging the public in the movement for equal justice.⁷⁸ Again, the lesson is that one must plan and act if one hopes to achieve access to justice.

And finally, one must have the strength of mind, body, and spirit to commit to the goal of achieving justice, no matter how long it takes. Ralph Ellison identified the struggle for full equality as one born at the nation's creation, one which "incorporated a flaw similar to the crack that appeared in the Liberty Bell and embodied a serpentlike malignancy that would tempt government and individual alike to a constantly recurring fall from democratic innocence."⁷⁹ To conquer this flaw we must have the will and courage to actuate our democratic values until the fullest measure of justice is available to all citizens.⁸⁰

74. Luther D. Ivory, *Toward a Theology of Radical Involvement: The Theological Legacy of Martin Luther King Jr.* (1997).

75. Hobbs, *supra* note 70, at 16 (citation omitted).

76. Ivory, *supra* note 74, at 110.

77. 347 U.S. 483 (1954). See Hobbs, *supra* note 69.

78. See Hobbs, *supra* note 69.

79. Ellison, *supra* note 71, at 332.

80. Ellison expresses our commitment to these values as reflected in the idea that the Constitution is a living document to which we are all heirs. He posits:

I look upon the Constitution as the still-vital covenant by which Americans of diverse backgrounds, religions, races, and interests are bound. They are bound by the principles with which it inspires us no less than by the legal apparatus that identifies us as a single American people. The Constitution is a script by which we seek to act out the drama of democracy and the stage upon which we enact our roles.

Id. at 330.

Charles Hamilton Houston advised law students that the struggle for justice would require deep, inner fortitude.⁸¹ About the work for justice, Houston often admonished, "in the legal arena there would be 'no tea for the feeble, and no crepe for the dead.'"⁸² I suppose, even more significantly, when one has the courage and commitment to trek upriver in pursuit of access to justice, one must have hope that justice can be achieved and made available to all. Dr. Martin Luther King, Jr. firmly believed God was present in the world and stood against injustice, hate, and evil, thus he entered the struggle for justice with great hope that it would come about.⁸³ In his last sermon, he expressed that hope for freedom, justice, and peace even in the face of his darkest moment:

I just want to do God's will. And He's allowed me to go up to the mountain. And I've looked over. And I've seen the promised land. I may not get there with you. But I want you to know tonight, that we, as a people will get to the promised land.⁸⁴

CONCLUSION

As you can imagine, seeking to achieve access to justice is not for the faint of heart. The call for providing access to justice must also include a call to seek a just society. Not all are suited to this work, which is perhaps why the debate over mandatory pro bono services is so vigorous. The higher rooftops of justice call for radical change in portions of our society. Nonetheless, as Professor Rhode inspires us to do, it is a journey we ought to make.

There is plenty of work to do and, fortunately, there are lawyers who are rising to the challenge. For example, Judge Hall's example of the two different worlds of housing opportunities still ring true. I am encouraged that lawyers continue to work to provide safe, decent, and

81. Judge Spottswood W. Robinson, III gave a speech to the Washington Bar Association on April 30, 1976 reflecting on the life of Charles Hamilton Houston. See Spottswood W. Robinson, III, *No Tea for the Feeble: Two Perspectives on Charles Hamilton Houston*, 20 How. L.J. 1 (1977). Judge Robinson was substituting for Judge William H. Hastie, who had recently died. Judge Robinson read a portion of Judge Hastie's draft speech:

To this end, Charles Houston, the law teacher, was an unremitting taskmaster. He rejected out of hand all complaints that work was too difficult or assignments too long. An athlete training for a long distance race had to drive his body to the point of exhaustion. In Charles Houston's view, a black student preparing for effective service in reshaping American law had to drive his mind just as hard and expend his nervous energy just as fully. His students soon learned that he was interested only in first rate achievement, not in excuses for shortcomings.

Id. at 4.

82. *Id.* at 6 (citation omitted).

83. See King, *supra* note 1, at 230.

84. Martin Luther King, Jr., *I See the Promised Land*, in A Testament of Hope, *supra* note 1, at 279, 286.

affordable housing.⁸⁵ I am encouraged by the efforts of the NBA to provide advocates for children in the foster care system.⁸⁶ We do have far too many of our babies floating in rivers of poverty and need.⁸⁷ The call for access to justice for children should be made from the highest rooftops.

I am most encouraged by the efforts of law students at the University of Alabama School of Law (and I am sure at other schools as well) to promote pro bono services. They have established the Public Interest Institute to promote nonlegal community service and pro bono services through the Alabama State Bar's Volunteer Lawyers Program.⁸⁸ Students who perform fifty hours of legal services under the auspices of Alabama Legal Services Corporation receive the Volunteer Lawyers Program Student Award and are recognized at graduation and at their Bar swearing-in ceremonies. Students who complete fifty hours of community service are awarded the Dean's Community Service Award and are also recognized at graduation. Students who earn both awards are inducted into the Order of the Samaritan and given a bronze medallion at graduation symbolizing the highest public service award available at the University of Alabama School of Law.⁸⁹ It is our hope that the Order of the Samaritan will become a national honor society recognizing the work of students and alumni committed to providing access to justice for those in need. If we are to pursue Professor Rhode's agenda for reform, this is where our best hope lies.

85. See Susan R. Jones, *Representing the Poor and Homeless: Innovations in Advocacy: Tackling Homelessness through Economic Self-Sufficiency*, 19 St. Louis U. Pub. L. Rev. 385 (2000); Florence Wagman Roisman, *The Lawyer as Abolitionist: Ending Homelessness and Poverty in Our Time*, 19 St. Louis U. Pub. L. Rev. 237 (2000).

86. See Randy K. Jones, *Making a Difference: Special Advocates Add Powerful Layers of Insight to Child Abuse and Neglect Cases*, Nat'l Bar Ass'n Mag., May-June 2004, at 18; see also Ria Sengupta & Lindsay Warner, *Child Advocacy Strategies in Hard Times*, 23 A.B.A. Child L. Prac. 105 (2004).

87. See generally Arloc Sherman, *Poverty Matters: The Cost of Child Poverty in America* (1997).

88. A description of the Public Interest Institute reads:

There are six components of the Institute: a speaker's series; service programs for students, faculty and staff; summer fellowships for students engaged in public interest legal work; clinical and externship experiences in public interest law offices; summer and post-graduate public interest career planning; resources for on-going Law School student organizations; and a Public Interest Student Board on which membership is earned through community service.

The Pub. Interest Inst., University of Alabama School of Law (brochure on file with author).

89. *Id.*