

READERS RESPOND



STATIC

By Robert Adelman¹

After reading Wayne Moore's article "The Importance of the Hotline in the Delivery of Legal Services," in the Summer 2003 MIE *Journal* I immediately contacted several of my colleagues in the for-profit legal community concerned that perhaps they were laid off or facing imminent financial crisis due to being downsized as their corporate clients moved towards the "efficiency...at a high level of quality" of a hotline for legal services. After all, private enterprise was always seeking to cut costs. If hotlines were a great idea certainly the private sector should have embraced them by now and Adam Smith's invisible hand should be holding a telephone these days. But no fear. Neither Microsoft nor Boeing nor any other corporation had decided to allow their executives to appear in court armed with a few pro se brochures on anti-trust law, pre-printed forms for union busting or the address of a website to find out about fighting OSHA regulations. Not even when these nifty writings were supplemented with a half hour of advice from a real live advocate over the telephone.

Next, thinking surely, this efficiency and quality must be sweeping the small business sector — always needing to save a buck — I went to the Show Cause Calendar down at the courthouse. Amazingly, not one landlord was representing himself. No self-help materials on Unlawful Detainers and hand scrawled pleadings from this group.

Finally, with state government in its worst financial crisis ever, I marched down the courthouse hall confidently expecting to see social services workers standing up for themselves in court, but no, they all seemed to have those pesky Attorneys General with them armed with typed briefs conforming exactly to all those petty court rules.

The fact is neither efficiency or quality translate into effectiveness. I can be on the streets of Paris and ask for directions to the Louvre. I may receive crisp and precise directions that are both efficient and of high

quality but if the Parisian, as is their wont, tell them to me in French, this poor monolingual English speaker will not get very far. If he points while he speaks, it is true, it might be better than nothing, but it is not a substitute for the help I truly need.

I speak from the perspective of a proud and, hopefully, efficient and high quality hotline advocate. For the last 7 years of my 27 year career as a public interest attorney I have worked for the Northwest Justice Project's CLEAR hotline — the proto-type of legal services hotlines. And I am extremely proud of the work I do, in awe of the work my coworkers perform and humbled by the efforts of management to serve our clients. But I never, ever think that what I am doing is a substitute for a fully-funded system of representation for the poor. And I will never tout it as the model of the future. It should be seen as no more than a bleak way station on the long road to due process.

Mr. Moore's article, (and others I have read by him), by institutionalizing the concept of hotlines as a worthy model for the delivery of legal services does our clients a disfavor. We are all required to do the most with what we have. But we should never stop fighting for what we want and what we need for our clients. Having a "Coloreds Only" water fountain may certainly have been better than having no water fountain at all if you were a thirsty African-American, but it sure as hell wasn't justice.

If I were directing the conversation on hotlines I would ask they be the best possible, but I would demand that there be a concise, clear and most importantly, implementable plan to transition beyond them. Legal Services Hotlines ultimately belong in the Smithsonian next to those despicable water fountain signs. A two-tiered system of justice is not justice. (Please Note: This was written in my leisure time and represents no one's opinion but my own.)

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