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Legal Aid and Defender Society

University of Georgia School of Law

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The University of Georgia School of Law
LEGAL AID AND DEFENDER SOCIETY
Annual Report
Dedication

John F. T. Murray
Professor of Law
University of Georgia

The person most responsible for the establishment and growth of The University of Georgia School of Law Legal Aid and Defender Society.

With grateful thanks for the opportunity to meet the theories of the classroom in the actual courtroom and for the chance to apply legal research to flesh and blood problems.

We dedicate this first Annual Report.
Statement
Lindsey Cowen
Dean, School of Law

“For many years there has been a sharp difference of opinion between the members of the practicing bar and legal educators generally over the alleged impracticality of the education provided by law schools. A number of lawyers have been very specific in their criticisms of law school curricula because, it was claimed, an insufficient number of practice courses were offered, and the schools did not provide extensive experience in the handling of clients and other day by day problems which virtually all young lawyers face.

Legal educators in turn have defended their position on the ground that the law school course of instruction is the only formal legal education which prospective lawyers will have, and that they can get the practical education after graduation from people who are better qualified to give it than are the professors. The bar would undoubtedly admit the latter part of this defense, but still its members would prefer that their recruits come to them better prepared as practicing lawyers rather than as legal theorists.

Activities such as the University of Georgia’s Legal Aid and Defender Society go a long way toward reconciling the diverging views. Here is practice—here is actual day by day confrontation with a real client—here is the heartbreak of the office consultation, the drama of the courtroom.

And where these instructional opportunities are available, along with the opportunity to meet a service need which the bar admits is not otherwise being met in most places, then the school has a program which is of utmost significance not only to the school and to its students, but more importantly, to the society which they serve and will continue to serve throughout their professional lives.

This is why the University of Georgia School of Law has devoted so much time, effort and finance to the Legal Aid and Defender Society, investments which already are returning substantial benefits to all concerned.”

Lindsey Cowen
"The increased effectiveness of the University of Georgia Legal Aid and Defender Society, resulting from increased support given to its activities by the Law School, has been of tremendous assistance to the Superior Court in the administration of justice.

In the area of the defense of indigents accused of crime, the Society has made effective and meaningful the requirement of adequate representation contained in the State and Federal Constitutions. Its availability has made possible the prompt appointment of competent counsel for those accused of crime, and has insured that their cases receive thorough investigation and diligent preparation for disposal by plea of guilty or by trial.

The enthusiasm which the student members of the Society and their faculty supervisor have shown has been stimulating. In addition, the Society has systematically investigated those committed to the Court and recommended their release before trial on their own recognizance in those instances in which the investigation shows that criteria of reliability prescribed by the Court are present. This has resulted in the release from detention of many who would not be able to give an appearance bond or who would be seriously burdened by the cost of a professional appearance bond; and this project has, in my opinion, functioned with outstanding success.

The functioning of the Society appears to me to have been of great value to the bar as well as to the Court. It relieves active practitioners from the professional obligation which would otherwise rest upon them to give uncompensated time to the representation of indigents in criminal cases. In addition, the Society is increasingly receiving referrals from the bar of indigents in need of representation in civil matters, and is meeting a genuine need in this area.

The bar, like the Court, has a direct responsibility for the administration of effective justice, both civil and criminal, to all of our citizens, whether rich or poor; and the University of Georgia Legal Aid and Defender Society is contributing immeasurably in meeting this obligation."
Statement
Gary Blasingame
Director, Legal Aid and Defender Society

"The practice of the Criminal law during the last few years has undergone a vast and continuous reorganization. The advances in the protection of individual liberties during this period have been unmatched during any like period in our history.

Beginning with Mapp v. Ohio 367 U.S. 643 (1961), a monumental body of technical and complicated case law has developed in the criminal law field. The need for the specialist in this area has suddenly become acute, for never before has an accused—rich or poor—had a greater need for competent counsel to assist him in his defense.

Only approximately 2 per cent of the lawyers in this country, or fewer than 6,500, devote themselves exclusively to the prosecution and defense of criminal cases. Surveys indicate that we need in excess of 20,000 such lawyers. With the revolution in the criminal law, the supply of lawyers to represent indigents has become critical.

The average practitioner simply does not have time to keep himself informed of the current developments in the constitutional and procedural aspects of the criminal law. It has been estimated that Georgia must furnish appointed counsel to 37,000 indigents a year. This represents approximately 60 per cent of all criminal cases handled by the courts.

Thus, our purpose in the University of Georgia Legal Aid and Defender Society is two-fold. First and foremost, we want to provide the indigent defendant with representation of the same calibre that he could get if he were able to afford a lawyer of his choice. Second, we want to train law students to be good criminal lawyers with hopes that they will stay abreast of this field when they graduate and pass the bar.

We are hopeful that our organization will be the forerunner of a public defender system in Georgia. If the example we set here is a good one, we think the state at large will see the great need for defender services. There is no reason why Georgia cannot be a leader in the administration of criminal justice."

Gary Blasingame
“While our work is certainly beneficial to our clients, the experience gained thereby is incalculable to our student members and to the bar. For although few students ever become thoroughly experienced in the whole spectrum of our activities, each becomes better qualified to begin the practice of law.

Each student member of the Legal Aid and Defender Society is primarily responsible for one or more clients and the corresponding case file. He conducts interviews with the client, both in jail and in the office, prepares correspondence in the case, and organizes and maintains the case file.

He prepares briefs, motions, and memoranda and conducts research in preparing these documents. In fact, many of the students have developed the habit of 'looking it up' even while discussing points of law in the office bull session. The overall result is a greater familiarity with research materials and techniques, particularly with the Georgia Code Annotated and other Georgia materials.

Other practical benefit accrues from learning the ‘way around the court house’. Our students are frequently seen in the sheriff’s office, the county jail, the clerk’s office of the court house, the city police department, the probation office and the various offices and courts of Athens and Clarke County, even on occasion traveling to the superior courts of near-by counties.

Thus we observe hearings on many subjects including child support, motions to suppress evidence in criminal cases, and probation revocation hearings. We also observe trials for the whole array of criminal offenses. In addition, under the supervision of our director, third year students who qualify actually conduct the defense of indigent defendants or serve as court appointees in criminal cases, as authorized by the Georgia Third Year Law Student Practice Act.

The work of the Legal Aid and Defender Society in providing adequate representation for indigent citizens in civil and criminal matters is a service not only to society and to the Bar, but to the individual student.”

Bill Goodman
History

On November 1, 1967 the University of Georgia School of Law Legal Aid and Defender Society moved into new quarters on the corner of College Avenue and Hancock Street in Athens, just a block away from the Clarke County Superior Court. This became the second home of the Society since it began its expanded services in November, 1965.

Legal aid by the University of Georgia Law students can find its origin as long ago as 1957 when a small group of students, in cooperation with attorneys of the local bar, began to furnish legal aid to the poor. This work continues today in the civil side of the Legal Aid and Defender Society's work.

In the fall of 1965, through a grant from the National Defender Project, which had been provided with funds of the Ford Foundation to improve the administration of criminal law and procedure throughout the nation, the University of Georgia Legal Aid and Defender Society opened its first office in downtown Athens. The office operated by second and third year law students began its service to the indigent in the Athens-Clarke County area.

Since that time, approximately 200 Law School students have participated in the work of the Society and, by doing so, have contributed immeasurably to the community and to the local bar. Membership in the Society is open to those second and third year students who express an interest in preparing themselves for criminal practice.

Each applicant is required to take the optional course in Criminal Procedure offered by the Law School as well as the required course in Criminal Law. Furthermore, an apprenticeship program has been developed in which the applicant under the supervision of upperclassmen prepares himself for all phases of the work done by the Society. The emphasis is on defense of the indigents accused of crime but many related matters such as welfare for the indigents' dependents, eviction, family problems, juvenile matters, and post conviction remedies have also been handled by students.

The program inaugurated at the Law School in 1965 moved into high gear on January 1, 1967 when, for the first time, a practicing attorney joined the faculty for the sole purpose of supervising the activities of the Legal Aid and Defender Society. Gary Blasingame, Esq., a graduate of the University of Georgia, School of Law, class of 1961 and a former member of the staff of the U.S. Attorney for the Middle District of Georgia, accepted the appointment and initiated an additional course at the Law School entitled "Criminal Trial Practice".

Participants in the course include members of the Society who are preparing themselves to take advantage of the legislation passed by the 1967 General Assembly which permits certain qualified third year law students to appear in court in defense of indigents under the general supervision of a practicing attorney.
The program began in the fall of 1967, when Judge James Barrow of the Superior Court of Clarke County, under the Law School Legal Agency Act of 1967 certified seven students to act as counsel in court.

In the field of preventive law, members of the Society have participated in instructional skits throughout the local community. The role and responsibility of law enforcement personnel is demonstrated forcefully by student actors. In addition the rights of individuals upon arrest or accusation are also described and fully explained.

Essentially the work of the society is that of service to the community, because all of the services rendered by the students must necessarily be localized and confined to the Athens-Clarke County area. However, some of the legal problems may be resolved by correspondence and research. It should be emphasized that nothing the society is engaged in conflicts with the right and duty of the legal profession to charge for its services.

Services are rendered by the students under faculty supervision to those people in the community who are unable to hire and pay attorneys at the going rate.

In addition, it should be further emphasized that the work performed by the students is educational in nature. In the long run, the students, themselves, will be the main beneficiaries of the program because they will develop skills, techniques and modes of procedure which will prepare them for the practical side of the practice of law.

In conclusion it can be stated with confidence that not only do the students at the Law School become much better prepared for their roles as attorneys but they become a part of a general missionary program, for when they graduate they will return to their home areas fully aware of the need for providing legal aid and assistance to indigents and well trained in how to go about accomplishing the task.

John F. T. Murray
Activities

The success and growth of the University of Georgia School of Law Legal Aid and Defender Society has been evidenced by membership increases, improvements in the physical facilities, and expansion in the activities and services.

Originally the Society was limited to 20 members of the second and third year classes at the Law School. This number soon proved inadequate to handle an increasing case load. From a group of 50 interested law students, 20 additional candidates were selected for membership in the Society. With this increased membership the Society functioned well under the leadership of J. Carleton Vaughn Jr., president of the Society during the 1965-1966 school year.

In the spring quarter of 1966 several first year law students were admitted to the Society on a probationary basis after they had completed a basic course in criminal law. These students, under the supervision of Society president Paul J. Rasmussen and several upperclass members, learned to perform all the duties of the Society.

Eighteen of the Society's upper class members returned in the fall quarter of 1966. Invitations to full membership were then issued to 34 of the rising second year students who had participated in the try-out program during the preceding year.

By the winter quarter of 1967 the Society had a core of 28 members working with the president John Strauss. At the end of the winter quarter 1967, 45 first year students were invited to try out for membership in the Society. After learning the duties of the Society, many members of this group were accorded full Society membership.

During the 1967-1968 school year the Society has operated with a work force of 50 members, under the leadership of president Chris Middleton. In the winter quarter of 1968 the Society planned to invite qualified first year students to try out for membership. The Society's most recently elected president, Bill Goodman, who will supervise the try-out program, plans to use this enlarged membership to maintain the operation of the Society in the face of an ever increasing case load.

The expansion of the Legal Aid and Defender Society has been reflected in the improvements in the physical facilities used by the Society. In the fall quarter of 1967 the Society moved from the original office in the Shackelford Building to the new office in the Goodbody & Co. Building at the corner of College and Hancock.

The new facility consists of a reception room, the director's office, an interview room, and a library, with additional space planned for yet further expansion.

The office is open and manned from 8:00 a.m. until 5:30 p.m. Monday through Friday and from 9:00 a.m. until 12:00 noon on Saturday. Each Society member is on duty two hours a week to take care of clients, with most members spending other hours in legal research or supplementary interviews.

The Society's library of nearly 1,500 volumes provides adequate research material for any state or federal question which might arise in Society work.
In addition, members have full access to the library of the University of Georgia School of Law.

The Society presently employs one full-time legal secretary and one part-time secretary who handle the internal office management, filing, typing, and scheduling. All functions of the office and of the Society are under the direct supervision of the Society director.

The basic purpose of the expanded membership and improved physical facilities is to allow the Society to provide high quality legal services to those who are unable to afford the legal protection to which they are entitled. The Society has been able to increase not only the number of persons served, but the number of services provided. In addition to its basic case work, defense of criminal cases and aid to prisoners in Reidsville State Prison, the Society has added several other activities.

Bail Bond Program

The Society's Bail Bond Program was initiated in 1965 with the help of Judge James Barrow. This program allows qualified persons accused of a crime to be released on their own recognizance if they are unable to post bond or unable to obtain bond through a bondsman.

Society members conduct interviews with persons in the Clarke County Jail, and through the use of a weighted point scale the member is able to recommend whether or not this person should qualify for release on his own recognizance.

The recommendations are discussed with Judge Barrow, who makes the final determination. The program has proved highly successful, and to date only one person recommended by the Society has violated the terms of his release.

At the present time the program is limited to interviews with persons bound over to the Clarke County Superior Court. Upon request, however, the Society will conduct a bail bond interview for other courts.
Uniform Reciprocal Enforcement of Support Act

Upon the request of the Clarke County Solicitor General’s office, the Society has assumed the responsibility for preparation of petitions under the Uniform Reciprocal Enforcement of Support Act, Title 99, Ga. Code Ann.

The purpose of the Act is to force a man living in one state to support his wife and children living in another state, and in certain cases, to require a woman living in one state to support her children living in another state.

The basic procedure for enforcement used in Clarke County is as follows: A petition is completed by and at the request of the party seeking support. The petition is delivered to the Solicitor-General who presents the petitioner’s case at a hearing in Superior Court.

Upon order of the court that the defendant provide support, all relevant papers are sent to the court of the County and State in which the defendant resides. A hearing is held by the defendant’s local court, and the defendant is placed under a support order by that court.

When a request for aid under the Act is received by the Solicitor, the client is referred to the Society. A Society member interviews the client to obtain all information needed for preparation of the petition. The accuracy and completeness of this information is vital to the success of the action, so every effort is made to verify each item.

Psychiatric Testing

In January of 1967 the Society’s Psychiatric Testing Program was initiated with the support and supervision of Judge James Barrow. The primary purpose of the program is to provide psychiatric services to indigents accused of a crime.

In addition, the program serves to aid counsel in preparation of a case, to provide information for probation officers in determining if a person is...
a proper subject for probation, and to aid judges in rendering more just and equitable disposition of a case. The success of the program has been aided by the close cooperation of Mr. Nathan Carmack, probation officer.

Members of the Society administer the tests to prisoners at the Clarke County Jail. Four basic tests are used; the Behavioral History Test, the Vocabulary Test, the "House, Tree, Person" Test, and the Multiphasic Personality Inventory Test. The results of these tests are analyzed by Dr. John Trice who has made his services available to the Society. In 1967, 35 psychological tests were administered by Society members.

This program has provided a basic psychiatric service to persons who otherwise would have been unable to obtain it.

Third Year Practice Act

The basic purpose of the Society—to provide legal aid for indigent clients while maintaining an intern-training program of legal education for qualified law students—has been greatly advanced by the Law School Legal Aid Agency Act of 1967, §9-401.1 Ga. Code Ann.

Under this act a law student who has completed two-thirds of his law school requirements may represent indigent clients as appointive counsel before the Georgia courts. The student must be a member of a court approved legal aid agency and he must work under the supervision of a member of the law school faculty. Additionally, the student and the faculty member must be covered by a $50,000 malpractice liability insurance policy.

Ten third year members of the Society have taken advantage of the provisions of this Act. Under the supervision of Society Director Gary Blasingame, these members have gained invaluable experience in appearances before the Courts of Clarke County. Each of these students has taken an oath similar to the one required of all attorneys practicing before the Superior Courts in Georgia.

The University of Georgia School of Law has aided this program by awarding three hours credit to each participating student who must be enrolled in the Third Year "Criminal Trial Practice" Seminar.

During 1967 the Society received over 150 letters from the Georgia State Penitentiary in Reidsville, from inmates whose cases were subsequently reviewed by student members of the Society. Counseling Reidsville clients occupies a substantial portion of the Society's time often involving comprehensive investigation of the circumstances surrounding a client's arrest, detention, trial and conviction.

By order of the Superior Court, Clarke County the following are the standards of indigency for the Legal Aid and Defender Society:

"A. CIVIL MATTERS"

Generally, in civil matters the Society shall be authorized to furnish legal aid to those persons who have an average weekly take-home income of $40.00 or less, plus not more than $15.00 per week for each dependent of the applicant. The Society shall also take into consideration the applicant's net worth and indebtedness, and if, from all the circumstances of the applicant's financial condition, it appears that the applicant can afford to employ an attorney, the Society shall not offer its assistance.
B. CRIMINAL MATTERS

The Society shall be authorized to furnish legal representation in criminal matters in those instances in which the applicant would be eligible for assistance in civil matters. The Society shall also furnish legal representation in all criminal matters in which the director or a member of the Society is appointed by the court.

C. DOMESTIC RELATIONS

Generally, eligibility for assistance in matters involving domestic relations shall be governed by the guidelines set forth in paragraph (A) above. In addition to said guidelines, the Society shall apply the following standards to such matters:

1. Generally, the Society shall represent the plaintiff in divorce cases only in those instances wherein the need for a divorce is such that there would be a failure of justice if such representation were withheld.

2. The Society shall not represent either party in a domestic relations matter if it appears that attorney's fees would be awarded and collected against the other party.

D. In all instances, excepting court appointed cases, before offering legal aid to an applicant, the Society shall obtain a written statement of the applicant's financial condition and sources of income which statement shall be signed by the applicant, and which shall become a part of the Society's permanent file in the matter. In a case in which it is not clear whether the Society should furnish legal aid to the applicant, the Society shall by independent investigation verify the information furnished by the applicant as to his financial condition.

E. The court recognizes that in many instances it is difficult for the Society to determine whether an applicant is eligible for legal aid, and in those instances the Society must exercise a reasoned discretion in making a determination whether to furnish its services."

Court Appearances

The Legal Aid and Defender Society has appeared in the Recorder's Court, the Magistrate's Court, the City Court, and the Superior Court of Clarke County, the Superior Courts for the Western and Northern Judicial Circuits;

Courts in eight other counties in Georgia, the Georgia Court of Appeals, the Georgia Supreme Court, the Federal District Court for the Middle District of Georgia, and the Fifth Circuit United States Court of Appeals.

In addition, the Society sought review by the United States Supreme Court on behalf of a client, but certiorari was denied.

Statistics

MEMBERS

CLIENTS

Criminal (210)
Civil (170)

CRIMINAL CASES

Habeas Corpus (93)
Involving:
Right to Counsel (38)
Illegal Sentence (6)
Error at Trial (9)
And 16 other issues including illegal confessions, illegal search and seizures, due process, perjured testimony, violation of rights at trial, and others.

Other Criminal Cases (117)
Including:
Detainers (22)
Parole Problems (18)
And murder, assault, larceny, robbery, burglary, shoplifting, carrying a pistol without a license, probation problems, and others

CIVIL CASES

Including:
Child Support (36)
Child Custody (15)
Debts Problems (14)
And landlord/tenant problems, contracts problems, abandonment, eviction, recovery of wages, adoption, damages, and others

LETTERS FROM REIDSVILLE

PSYCHOLOGICAL TESTS

COURT APPEARANCES in more than 15 courts

50
380
210
93
38
6
9
117
22
18
170
36
15
14
150
35
University of Georgia School of Law Legal Aid and Defender Society
Winter - Spring 1968

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SECRETARY, CIVIL AFFAIRS: Jimmy Paul
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