

## MODEL CITIES LEGAL SERVICES PROJECT

### Introduction

Legal Aid Service (LAS) -- governed by the Board of Trustees of Legal Aid Service, Multnomah County Bar Association, Inc. -- is presently unable to provide adequate criminal representation to the Model Cities area because of OEO restrictions. Only two and one-tenth of the LAS lawyers are paid from other than OEO funds. Criminal representation easily becomes a full-time job and LAS presently lacks non-OEO funds to hire a sufficient number of lawyers to provide criminal defense without crippling the civil activities for its southeast and downtown offices. The following proposal is submitted to meet the need for criminal representation in the Model Cities area.

#### 1. PURPOSE AND BENEFICIARIES

The Public Defender program will ultimately provide criminal defense to all indigent residents of the Model Cities area who choose to avail themselves of its services. This includes representation in Federal, state, city and juvenile courts. It is intended to provide all aspects of criminal defense legal services. However, priority will be given to misdemeanor (including Municipal Court) and Juvenile Court cases, and then expand to felony defense as funds are available.

#### 2. CONTENT AND OPERATION

- a. The Model Cities Public Defender office will be administered by, and be an arm of LAS under contract with the Portland Model Cities Program. Administrative functions include personnel, budget, audit, purchasing, payroll, insurance, bonding, taxes, health plan, transportation, etc. The Director of LAS will provide over-all direction to the office and assistance on important or difficult cases.
- b. Office Location. The Model Cities Public Defender office will be located in the Model Cities area. If LAS ultimately operates a public defender office for all of Multnomah County, an office will be maintained in the Model Cities area even though a downtown office may be established.
- c. Staff. The staff will consist of five lawyers, three investigators, one social worker, two secretaries, one receptionist, and one law clerk. Preference for these positions will be given to Model Cities residents. A training procedure and program will be developed for professionally upgrading clerical and sub-professional employees.
  1. Lawyers. One lawyer will be primarily responsible for Juvenile and Federal Court cases, two for City Court trials, and two for State Court trials. The supervising attorney will be responsible for overseeing all case investigation and preparation, and to insure that no unnecessary delay occurs.

The lawyers will be available for consultation, advice, and bail and recog arrangements as soon as is possible and practicable after arrest.

2. Investigators. The defender project calls for three investigators.

An experienced investigator will be hired and trained to direct and train the others. He will be responsible, under lawyer direction, for the investigation of all cases. One investigator will be trained, if not experienced, in detection and investigation techniques. One investigator will be a trainee.

3. Social Worker. In addition to standard criminal defense, the Public Defender's office will offer a social worker. The social worker will be trained in sociology and will act, in many respects, as the counterpart to parole and probation officers of the State. He will, upon a defendant's conviction, prepare reports on the defendant's background and chances for success on probation for submission to the sentencing judge.

Pending trial and/or sentence, the social worker will endeavor to find employment, training, or schooling whenever appropriate for the accused. If the accused is in jail, the social worker will act as his contact with the outside world, and will either provide or furnish follow-up services for the prisoner and his family.

The full services of the community and all of its programs, facilities agencies, and individuals will be analyzed and utilized by the social worker to keep Model Cities residents out of, or get them out of, jail and to offer constructive solutions to all problems, domestic, economic, and social, facing residents who become involved in the criminal process. Most importantly, the social worker's services will not cease upon incarceration of the defendant. He will be available for assistance before the parole boards and to act as a liaison between the prisoner and the outside world.

d. Mechanics of Retention or Appointment of the Defender. The Defender's services will be available to any residents of the Model Cities area who qualify as an "indigent" under guidelines to be adopted by LAS with the approval of the Advisory Board. Upon request, the Defender will, within limits of caseload, provide for services to any interested resident. The request may come from the accused himself or through a friend or relative. In addition, arrangements will be made with all appropriate judges so that whenever any defendant appears before a Court and requests a Court appointed lawyer, the judge will advise him that if he is a resident of the Model Cities area, he may have either the Model Cities Public Defender or a private lawyer on the appointment list. No attempt will be made to give the Defender exclusive representation of Model Cities residents unless both the community and the appropriate governmental unit desired that to be the case.

e. Volunteer Lawyers. As with the case of the LAS program, members of the private bar may wish to donate their services to the Public Defender program. Such services will be accepted in order to ease the caseload

of the Defender. Any volunteer lawyer will be under the general supervision of the Supervising Attorney.

- f. Bail and Recog: A major benefit of the Defender's office is the quick availability of a lawyer for bail and recog purposes. Not only will the Defender lawyers be available for this purpose, but supplemental funding will be sought from any and all sources, and volunteer help sought from the community, to run a full-time bail and recog project for all arrestees.

The Public Defender's office will administrate the program -- which essentially will provide staff to conduct jail interviews of arrestees and make immediate recommendations to judges regarding recog or the amount of bail. The feasibility of a community bondsman project -- whereby community resources, rather than private bondsmen, are used to post bail -- will also be explored.

- g. Coordination with LAS. Most arrestees also have a variety of legal problems of a civil nature ranging from child support to debts, to tort claims against them, to lack of driver's licenses. Because the Defender Program will be administered by LAS, quick, easy, and high priority coordination between the criminal lawyers and the civil lawyers is possible and will be carried out.

### 3. TIMETABLE

The project is set up to last one year. The starting date depends on the time of HUD approval. All activities are continuous over the year.

### 4. FUNDING

This project will use \$79,182 of MC supplemental funds. In addition to Model Cities funds, approximately \$90,000 or more per year may be available to the project by way of Court appointment fees, since there is no reason to believe that the Courts would not honor a request by a Model Cities resident to appoint the Defender, so long as the Court found the resident to be indigent. The guidelines established by the Board might well be above "indigency" standards used by the Courts. The Defender will not receive the statutory fee for all cases handled.

Other possible sources of funds are: the City of Portland, the County of Multnomah and CRAG. The infusion of Model Cities money into the project might well be the catalyst for the City and the County to fully fund a county-wide program. To date no commitment has been made on funds from these sources.

### 5. PROJECT ADMINISTRATION

LAS has been servicing the Model Cities area since 1966. In addition to the thousands of individual matters they have successfully handled, they have obtained major reforms in the criminal, welfare, and other systems.

These cases, and the accumulated experience of LAS lawyers over the years, has made them knowledgeable of the problems facing the poor, and of the special problems facing Model Cities residents. LAS will provide knowledge

and familiarity of federal contracts and projects, and knowledge of a community law office and its needs, limits, and potentials. Also, an extremely easy referral system between the civil and the criminal office, and vice-versa, would be available.

#### 6. COORDINATION

This project is an expansion of LAS activities from the civil into the criminal area. Most arrestees also have a variety of legal problems of a civil nature ranging from child support to debts to lack of a driver's license. Because the Defender Program will be administered by LAS, quick, easy, and high priority coordination between the criminal lawyers and the civil lawyers is possible and will be carried out.

#### 7. EVALUATION AND MONITORING

The project will be monitored by the CDA, the Law and Justice Working Committee and the Citizens Planning Board. Evaluation will be in terms of: (1) number of Juvenile, misdemeanor, and felony defenses; (2) number of cases won; (3) follow through efforts of the probation worker; (4) number of volunteer lawyers; (5) number of times bail and recognizance services requested and granted. The CDA will supervise the project through monthly reports and periodic conferences with LAS. This project will be monitored by the CDA Social Environment Program coordinator.

#### 8. CITIZEN PARTICIPATION

The citizen participation functions of using citizens in decision-making and enabling citizens to obtain employment are enhanced by this project.

A policy board composed of Model Cities residents and conforming to Model Cities requirements will be established to advise on all policies affecting Model Cities Public Defender office.

All monthly and quarterly progress reports will be presented to the CDA, the Law and Justice Working Committee and Citizens Planning Board.

#### 9. RESIDENT EMPLOYMENT

The staff will consist of five lawyers, three investigators, one social worker, two secretaries, one receptionist and one law clerk. Two-thirds of all positions except attorneys will be held by Blacks. There will be an active recruitment of Black attorneys. Staff training and upgrading of Model Neighborhood residents will be emphasized. The Defender's office will be headed by an experienced and competent criminal lawyer, and one who is capable of meeting the community needs, as well as the individual needs, of Model Cities residents. All staff lawyers will be qualified and competent for criminal defense work, and dedicated to the cause of the poor and of the Model Cities area.

## ADDENDUM TO MODEL CITIES LEGAL SERVICES PROJECT

Existing Services. Presently, criminal defense is provided to Model Cities residents in two ways: (1) retention of counsel by the resident for a fee; and (2) appointment of counsel by the courts for indigent residents.

The following problems exist:

1. **Delay and Bail.** When a Model Cities resident is arrested, the normal bail set is \$3,000 for a felony and \$500 for a misdemeanor. The bondsman's premium is 10 per cent. Hence, unless the resident can raise the premium in cash, he must remain in jail pending trial unless he is released on his own recognizance by the Court. It is the practice of most judges in Multnomah County not to consider a request for recog until the accused has a lawyer. The present appointment system has built into it a minimum two-day delay between arrest and contact with an appointed lawyer. This is because prisoners are only brought before the courts at certain times of the day and because the appointed attorney must be notified by the court of his appointment by telephone. Further, since the judges are aware of this initial delay, they normally set the next court appearance at least two or three days after the initial one, and a week is not uncommon. Hence, it is several days before the appointed lawyer asks the judge to release the indigent on his own recognizance. For many of the accused this means the loss of a job, or of a job opportunity, family disruption and emotional distress. A recent IAS survey of the Municipal Court recog practice revealed that the Municipal Court judges recogged (excluding pedestrian offenses like j-walking) only 6.4 per cent of all arrestees between April and November of 1969. Thus, approximately 93.6 per cent of arrestees either remained in jail or put up bail money.
2. **Community Need.** Presently there is only one Black attorney available for criminal defense in Portland; only a handful, less than six, white attorneys have offices in the Model Cities area; few attorneys --black or white--have expertise in criminal law and practice; and only very large law firms have investigators.
3. **Lack of Supportive Services.** Although it is possible for the courts to appoint an investigator to help the appointed attorney prepare his case, often the request is not made; and when made, not enough money is provided. Moreover, the court does not appoint someone to aid the accused to find or keep a job, to obtain schooling or training, to aid his family, or to help him in the event of conviction. Finally, the lawyer is appointed only for the criminal case--he is not required to provide legal assistance for any non-criminal problem the accused may have.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BUDGET FOR SUPPLEMENTARY GRANT ACTIVITY

(Use This Form as a Budget for Each Activity (Including Relocation)  
Funded Under Section 105 of Title I of the Demonstration Cities and  
Metropolitan Development Act of 1966)

1. NAME OF CITY DEMONSTRATION AGENCY

Portland City Demonstration Agency

2. BRIEF DESCRIPTIVE TITLE OF ACTIVITY

Community Legal Services

3. NAME, ADDRESS AND ZIP CODE OF OPERATING ENTITY

Legal Aid Service 702 S. W. 3rd Portland, Oregon 97204

4. TYPE OF ENTITY - Is the entity a (check appropriate box or boxes)

☐ City Department

☒ Public Agency

☐ Neighborhood-based

☐ Private (Nonprofit)

☐ Private (Profit Making)

☐ Other (Specify)

5. PREVIOUSLY FUNDED - Has this activity, in substantially its present form, ever been the subject of a previous application for Federal assistance, and approved?

☐ No

☒ Yes

If "YES", check on appropriate line(s)

A similar project is included in the Comprehensive Demonstration Plan but is not approved due to lack of an adequate operating agency. This objection has been remedied by the CDA.

6. MAINTENANCE OF EFFORT - Any activity which is an extension to the model neighborhood or an upgrading of existing services must be accompanied by an explanatory statement which shows that the extension or upgrading being funded by this budget is an addition to and not a substitution of local efforts.

7. METHOD OF ALLOCATION - If cost is to be shared by others, add an explanatory statement which identifies the sharing entity (or entities) and the method of allocation. Also applications will be made to LEAA and the Columbia Region Association of Governments for categorical funds.

## 8. BUDGET

a. COST CATEGORY	b. ESTIMATED COST	c. MCA SHARE (If cost is being shared with others)
(1) Personnel	\$ 133,416	\$43,382
(2) Consultants and Contract Services	6,800	6,800
(3) Travel	4,000	4,000
(4) Space	5,400	5,400
(5) Consumable Supplies	2,000	2,000
(6) Rental, Lease, or Purchase of Equipment	17,600	17,600
(7) Other:		
TOTAL	\$169,216	\$79,182

## 9. SUBMISSIONS:

60

40

a. \_\_\_\_\_  
Signature and Title of Authorized Officialb. \_\_\_\_\_  
Date

## 10. APPROVAL:

## PERSONNEL

(Attach This Form to Each Activity Budget Justification)

## 1. NAME OF CITY DEMONSTRATION AGENCY

Portland City Demonstration Agency

## 2. BRIEF DESCRIPTIVE TITLE OF PROJECT OR ACTIVITY

Legal Services Public Defender Project

## 3. NAME, ADDRESS AND ZIP CODE OF OPERATING ENTITY

Legal Aid Service 732 S. W. 3rd Portland, Oregon

4. NUMBER OF PERSONS	5. POSITION OR TITLE	6. AVERAGE SALARY MONTH	7. PERCENT OF TIME ON UNDERTAKING	8. MONTHS TO BE EMPLOYED	9. COST (\$ x 4 = 1 yr)
1	Supervising Attorney	\$11,333	100	12	\$135,996
4	Staff Attorneys	917	100	12	44,000
1	Chief Investigator	900	100	12	10,800
1	Investigator	750	100	12	9,000
1	Assistant Investigator	612	100	12	7,344
1	Probation Worker	750	100	12	9,000
1	Law Clerk	550	100	12	6,600
1	Legal Steno-Office Manager	600	100	12	7,200
1	Secretary	450	100	12	5,400
1	Receptionist - File-Clerk	325	100	12	3,900

## COST OF FRINGE BENEFITS (Include Basis for Estimate)

TOTAL, PERSONNEL	122,400
Cost of Fringe benefits @ 9% .....	11,016
TOTAL, PERSONNEL	133,416



# BUDGET JUSTIFICATION

(Attach This Form to Each Budget for a Capital Project, Activity, and to the Program Administration Budget)

1. NAME OF CITY DEMONSTRATION AGENCY

2. BRIEF DESCRIPTIVE TITLE OF CAPITAL PROJECT OR ACTIVITY

Community Legal Services

3. NAME, ADDRESS AND ZIP CODE OF OPERATING ENTITY

4. DESCRIPTION OF ITEM* AND BASIS FOR VALUATION**	AMOUNT OR VALUE OF ITEM										
<p><u>Consultants and Contracts</u></p> <table> <tr> <td>Accountant</td><td>2,400</td></tr> <tr> <td>Audit</td><td>1,800</td></tr> <tr> <td>Court Reporter</td><td>2,000</td></tr> <tr> <td>Expert Witnesses</td><td>1,600</td></tr> <tr> <td>Total</td><td>\$ 6,800</td></tr> </table>	Accountant	2,400	Audit	1,800	Court Reporter	2,000	Expert Witnesses	1,600	Total	\$ 6,800	
Accountant	2,400										
Audit	1,800										
Court Reporter	2,000										
Expert Witnesses	1,600										
Total	\$ 6,800										

\* For personnel costs use Personnel Justification form.

\*\* Describe the item in sufficient detail to insure that it is adequately identified with the basis for determining or computing its value. example, office space rental for two professionals: 150 square feet or 12,000 square feet, including utilities and janitorial services.

### BUDGET JUSTIFICATION

(Attach This Form to Each Budget for a Capital Project,  
Activity, and to the Program Administration Budget)

1. NAME OF CITY DEMONSTRATION AGENCY

2- BRIEF DESCRIPTIVE TITLE OF CAPITAL PROJECT OR ACTIVITY

## Community Legal Services

3. NAME, ADDRESS AND ZIP CODE OF OPERATING ENTITY

4. DESCRIPTION OF ITEM AND BASIS FOR VALUATION	AMOUNT OR VALUE OF ITEM
<u>Travel</u>	
Local @ 10¢ per mile	2,000
Out of City @ \$16 per day	500
Conference	1,500
Total	\$ 4,000

\* For personal costs see Personal Justification form.

Describe the item in sufficient detail to insure that it is identifiable. Indicate whether the item is the basis for determining or computing its net value. For example, office space rental for two professionals: 150 square feet at \$2.00 per square foot, including utilities and janitorial services.

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Activity, and to the Program Administration Budget)

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4. DESCRIPTION OF ITEM* AND BASIS FOR VALUATION**	AMOUNT OR VALUE OF ITEM
<u>Space</u>	
Office rental including janitorial & utilities \$5,400	\$ 5,400
<u>Supplies</u>	
Supplies, legal forms & printing 2,000	\$ 2,000

\* For personnel contracts, Personnel Justification form.

\*\* Describe the item in sufficient detail to insure that it is adequately identified and to indicate the basis for determining or computing its value. For example, office space rental for two professionals: 150 square feet at \$240 per square foot, including utilities and janitorial services.

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Activity, and to the Program Administration Budget)

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2. BRIEF DESCRIPTIVE TITLE OF CAPITAL PROJECT OR ACTIVITY

Community Legal Services

3. NAME, ADDRESS AND ZIP CODE OF OPERATING ENTITY

4. DESCRIPTION OF ITEM AND BASIS FOR VALUATION\*\*

AMOUNT OR VALUE  
OF ITEMRental, Lease or Purchase of Equipment

Telephone & Telegraph	2,500
Law Books (first year)	4,000
Postage	500
Typewriters 3 @ 500	1,500
Dictaphones 7 @ 300	2,100
Transcribers 2 @ 300	600
Desk, Chairs & Furniture	2,700
Cabinets & Miscellaneous	500
Investigative treatment & supplies	1,200
Equipment maintenance	400

\* For personnel costs, use Personnel Justification form.

\*\* Describe the item in sufficient detail to insure that it is adequately identified and indicates the basis for determining or computing its value. For example, office space rental for two professionals: 150 square feet at \$2.00 per square foot, including utilities and janitorial services.

## BUDGET JUSTIFICATION

(Attach This Form to Each Budget for a Capital Project,  
Activity, and to the Program Administration Budget)

1. NAME OF CITY DEMONSTRATION AGENCY

2. BRIEF DESCRIPTIVE TITLE OF CAPITAL PROJECT OR ACTIVITY

Community Legal Services

3. NAME, ADDRESS AND ZIP CODE OF OPERATING ENTITY

4. DESCRIPTION OF ITEM* AND BASIS FOR VALUATION**	AMOUNT OR VALUE OF ITEM
Duplicator rental & supplies 800	
Insurance (theft, malpractice, liability) 800	
TOTAL	\$ 17,600.00

\* For general use and General Budget Justification form.

\*\* Describe item in sufficient detail to insure that it is subject to independent review as the basis for determining or computing its value. For example, office space rental for two professionals: 150 square feet at \$117.33 per square foot, including utilities and janitorial services.