

¶Why not a legal clinic in Manila?

YOU NEED A LAWYER

THE average man is likely to shy at the mere suggestion that he needs an attorney to guide him through his conventional pattern of existence. Lawyers, he intimates, are sharpers, and, having delivered this judgment, he goes blandly away to buy, sell, borrow, and lend, and to promise to do other things which bristle with legal risks and which may very well have a trickster as the party of the second part. But, when any of these activities leads him to become enmeshed, he may be heard crying in the wilderness.

Why is this? Well, the basis of our friend's complaint is that he *might* have gone to a lawyer in the first place—if he had not been afraid of the expense involved. This fear is often based on painful fact, for almost everyone knows some unfortunate flouter of fate who has been charged from \$50 upward for the settlement of a minor legal matter.

About five years ago this situation in New York City impressed me as so serious that I organized a legal clinic to furnish legal advice at from \$1 (mostly \$1) to \$10. I do not handle litigation, but a large

business has developed with people whom I am gradually teaching not to take the slightest step in unfamiliar fields without first learning what the legal consequences may be.

A crippling disability compelled me to withdraw from active practice after over twenty years at the bar, and this enforced separation from my former activities gave me a new perspective. Perhaps this situation impressed itself on me while I was still a busy lawyer, but it was not until I was forced to stand on the sidelines that I realized its full import—that a tremendous number of people who need it go without legal protection only because it is too expensive for them. I commenced to talk with some of them, and out of these contacts grew the idea of this new departure in the dissemination of legal advice.

The clinic serves only persons in the lower income brackets, and therefore it does not divert any business from attorneys dealing with clients who have the means and foresight to protect themselves with information. I am glad to say that the New York County Lawyers'

Association has recently gone on record as endorsing the general establishment of legal clinics, and similar enlightenment among lawyers at large will hasten the day when clinics will be available in adequate numbers.

One of my recent clients was a janitor who bought a car in order to take his wife and children to the country on week ends, and it can be imagined what delicate budget balancing had to be carried out to make the transaction possible.

My client was swindled by an unscrupulous dealer who talked him into purchasing what the dealer represented—verbally, of course—to be a 1936 model. The janitor traded in his old car and signed up to pay \$300—\$100 down, with payments of \$10 monthly. Driving the car home, he thought it would be a good idea to stop at the sales agency of its manufacturer to check the date, and on doing this he was told his machine was of 1934 vintage. Returning to the secondhand dealer, the janitor made his protests, only to be told to look at his bill of sale. Sure enough, that paper stated that the car was a 1934 model. The janitor insisted that the deal be called off, and was calmly told that the car he traded in had already been sold.

The car in question was not to be seen, although the janitor was given the freedom of the place to look for it, and of course the old trick of moving the car temporarily to another dealer's lot had been worked once more.

While there was no chance for the legal clinic to protect this client from the effects of his own gullibility, it did provide him with sufficient information to enable him to protect himself if he takes another venture into secondhand land. When a prospective buyer consults the legal clinic he is advised to insist that the outstanding claim of a sales talk be included in the bill of sale (and they would be, if the dealer felt he had to do this in order to retain the customer), thereby leaving a great deal less chance for deceptive automotive oratory.

Whether all secondhand dealers are rascals or not is beside the point. What the legal clinic drives home to the average man is that, without decent legal protection, he cannot hope to guard himself against being outdone by people who make a living from sharp practice; and that is knowledge which is mighty valuable for \$1. The trouble is that, up to now, through its high-hat attitude, the bar has made it prohibitively expensive

for the average man to get hold of such information, and the superficial philosopher might even work around to the premise that the bar is derelict in its duty to the public it professes to serve. Is it possible that heretofore the bar just did not care? Anyhow, the action of the New York County Lawyers' Association is the first official gesture toward doffing this high hat.

The clinic's clients are people who have no money to waste, and it is a pathetic thing to listen to the stories of harassed widows, worried small shopkeepers, deluded leaseholders, and young married couples who are having their faith in human nature shattered by the skuldugery of some schemer. The legal clinic's service is frankly more preventive than curative, and I am glad to say that my clients return again and again for advice before making an unfamiliar move—or, better still, making an unfamiliar promise; for that is what many legal commitments often are: artistically worded promises.

Consider the regular installment contract. How many purchasers realize that down in the small print lurks a joker which not only makes it possible for the seller to repossess the article if payments fall behind but *continues the purchaser's obligation*

to pay the full price even after the retaking?

Legal clinic clients also know enough to get informed and unbiased advice about life insurance. They have learned that the cost of insurance varies with the kind of policy and that many of the more expensive policies, while furnishing protection, are luxuries which they cannot afford.

Small businessmen's troubles do not rate headlines, but they seem the most important things in the world to the victims when they visit the clinic. Take the case of a furniture dealer from a little town who came in to discuss a check on which payment had been stopped.

The furniture man's next-door neighbor was a grocer. Late on one Saturday afternoon a suave individual had been driven up to the furniture store in an imposing car. This party bought \$200 worth of furniture from the overjoyed dealer, who envisioned future sales to this person of wealth. When the customer proffered a check for \$250 in payment, the dealer promptly exchanged his own check—drawn to *Cash*—for the \$50 difference. The customer stepped into the grocery next door, bought a few dollars' worth of provisions, and to pay for them offered the furniture man's check, which the grocer

knew to be good and promptly cashed, giving the stranger \$45.50.

In the course of time the \$250 check came back, and the furniture man immediately stopped payment on the check cashed by the grocer; hence the former's trip to the legal clinic. Nothing could be done to help him, as the grocer had cashed his check in good faith.

One of the clinic's clients was foolish enough to purchase an old-fashioned watch in an out-of-date case, and, when his friends laughed at its lack of style, he tried to get his money back. The jeweler refused to oblige, because the condition of the watch was such that the customer was perfectly well able to judge it for himself; and this interpretation of the transaction was perfectly just.

Another trusting client, however, temporarily dazzled, invested in an imitation gold watch which he thought to be

genuine. Although the jeweler carefully refrained from saying anything that would create a false impression, our client was successful in having his money refunded, because the watch was not what it appeared to be.

Remember these two instances the next time you buy *anything*.

And there you have the reason for the legal clinic. So many things the average man promises to do are not what they appear—are not what he imagines they are. The buying of a diamond, a fur coat, or a little car; the leasing of a store; the purchase of a home; the bequeathing of a small estate—events that spell sacrifice, love, and enterprise—can be made instead sources of disappointment and heavy loss. Up to now the bar has been too busy balancing its high hat at the fashionable tilt, an angle that kept its eyes from seeing the average man with only a few dollars to spend.—*William S. Weiss, condensed from Forum.*

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Our Mission

WE live in a world which is full of misery and ignorance, and the plain duty of each of us and all of us is to try to make the little corner he can influence somewhat less miserable and somewhat less ignorant than it was before he entered it.—*T. H. Huxley.*