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JUN 20 [illegible]

To Engaren 6/20

4 MEMORANDUM TO ALL ATTORNEYS IN THE DEPARTMENT OF JUSTICE

4 Subject: Voluntary legal services to the poor.

Perhaps the worthiest tradition of the legal profession is the provision of voluntary legal services to the needy. In pursuit of that endeavor, the energies and resources of the bar are being taxed today as never before. Judicial decisions enlarging the right of the indigent accused to counsel are steadily increasing the demands on lawyers to contribute some portion of their time and effort to this worthy cause. It is also apparent that needs of the poor for civil legal advice and assistance in many aspects of their lives must to a large extent be met on a voluntary basis.

In view of this growing need, it is appropriate to bring to your attention that there are many opportunities open to attorneys in the Department of Justice for rendering voluntary legal service. Your duties and status do, of course, impose certain limitations on you, but there are activities in which you can engage consistently with your official responsibilities.

While an attorney employed in the Department of Justice may not properly participate in any manner in the defense of a federal, state or local criminal prosecution, he may participate in voluntary programs for the provision of advice and assistance on civil matters. Thus, he may work on the staff of nonprofit organizations providing such services, including local legal aid societies and community action projects

under the War on Poverty program (like Washington's Neighborhood Legal Services Project). In this connection, he may engage in research (either in individual cases or on general projects), give advice, prepare documents, negotiate with other attorneys, appear in court, and perform all other functions of an attorney -- provided, of course, he is a member of the bar of the jurisdiction in which he wishes to engage in these activities or otherwise is acting within the rules of that bar.

A few limitations should be noted. An attorney employed by the federal government may not, under the conflict-of-interest provisions in 18 U.S.C. 205, give advice or assistance on matters involving claims against the United States or any agency thereof (including the District of Columbia Government), nor may he participate in matters or proceedings in which the United States or such agency otherwise is a party or has a direct and substantial interest. The areas that these limitations leave untouched are extensive. Illustrative of areas unaffected are most landlord-tenant relations, private debts and contracts, personal injuries, domestic relations, employment problems, probate matters, and relief and other benefits claims against state and local agencies (other than the District of Columbia), and the like.

Such activities must, of course, be undertaken only during off-duty hours, such as evenings and weekends. Should it occasionally become necessary to make a court appearance or take some other action that may be accomplished only during the business day, annual or compensatory leave or leave without pay may be taken as appropriate. The attorney should receive no compensation for his services.

Any attorney in this Department who wishes to participate in a program for legal assistance to the poor should advise in writing the head of his Division or (in the case of an Assistant United States Attorney) the United States Attorney of his intention, identifying the organization with which he plans to work and the general nature of the work he expects to do. This advice is for information only. The Department relies upon the good judgment and responsibility of each

attorney to comply with the statutory limitations and departmental regulations concerning private practice. He must take care that any activity in which he participates will not (a) in any manner interfere with the proper and effective performance of his duties, (b) create or appear to create any conflict of interests, or (c) reflect adversely upon the Department of Justice.

Whether and to what extent you as an attorney in the Department of Justice will wish to engage in legal assistance programs for the poor is for you alone to decide. The purpose of directing this memorandum to you is to make it clear that there are opportunities in this regard that are open to you, and to encourage you to take advantage of them as you see fit.

Your attention is directed to Opinion 67-1 of the Federal Bar Association Committee on Ethics, entitled "Volunteering Legal Assistance to the Poor," which bears on the foregoing, and also to an amendment embodying these procedures in Department of Justice regulations (28 C.F.R. §45.735-[illegible]). A copy of each accompanies this memorandum.

4 Ramsey Clark

1 Attorney General

4 Attachments