

[From the Baltimore Sun, Jan. 23, 1997]
 POOR HAVE TROUBLE GETTING LEGAL HELP—
 FEW LAWYERS AGREE TO GIVE FREE SERVICE
 (By Elaine Tassy)

Poor Marylanders who need legal help are likely to have trouble finding it, and with federal funding cuts at agencies that handle such cases, the problem is worsening.

More than a million Marylanders have income low enough to be eligible for free civil legal services, said Robert J. Rhudy, executive director of Maryland Legal Services Corp. Low-income households often have several legal problems in a year.

But volunteer lawyers are barely making a dent in that need.

"Of those problems that could clearly benefit from legal attention, we believe that we currently have the ability to serve the need of less than 20 percent . . ." said Rhudy, whose organization was created by state legislators to help manage and fund free or reduced-fee services.

Only about 5,000 new cases were handled last year by volunteer lawyers serving in programs that keep statistics, according to Sharon E. Goldsmith, executive director of the People's Pro Bono Action Center Inc.

And, although the number of volunteers is actually greater because some lawyers provide services without being party of any program—by offering advice to community groups, for example—studies have shown that about 80 percent of the state's poor lack access to volunteer lawyers.

"We have clients on waiting lists all the time . . . We've probably got a couple hundred cases sitting here," said Winifred C. Borden, executive director of Maryland Volunteer Lawyers Service, the largest of several Baltimore-based agencies that match volunteer lawyers with cases presented by poor people. Those in need often wait months before a volunteer is found, she added.

The shortage of lawyers willing to do free, or pro bono, work in civil cases—unraveling family, employment, disability, education and housing disputes—has prompted agencies that recruit volunteers to step up their efforts.

"We all recognize there is this tremendous need," said Baltimore County Circuit Judge Dana M. Levitz, who also is seeking new ways to recruit lawyers for such cases.

No statistics

No one knows how many lawyers do pro bono work. "We've never been able to come up with a tracking system," said Janet Stidman Eveleth of the Maryland State Bar Association.

Studies have found that in addition to those doing pro bono work independently, about a fourth of Maryland's 20,000 practicing lawyers volunteer through programs such as the Homeless Persons Representation Project, the House of Ruth Domestic Violence Legal Clinic and the Senior Citizen Law Project.

But many experts think the number of volunteer lawyers is still too small.

"I think lawyers like [doing pro-bono work] in principle, and a substantial number of lawyers do it. But at the moment, I think that it's getting harder and harder to find lawyers who are willing to take pro bono cases," said David Luban, professor of legal ethics at the University of Maryland School of Law.

Lawyers have vigorously resisted proposals to require each of them to do 50 hours of pro bono work a year, he said.

No enforceable requirement exists for volunteer legal work. But the rules that govern Maryland lawyers state: "A lawyer should render public interest legal service . . . by providing professional services at no fee or a reduced fee to persons of limited means or to

public service or charitable groups or organizations."

Demand for such services is rising. Congress has scaled back the services the Legal Aid Bureau—a nonprofit organization providing civil legal services to the poor—is permitted to provide and has trimmed its budget in recent years, creating more demand for volunteers to fill the gap.

NO FREE TIME

Some lawyers say they are held back by a lack of free time, conflicts of interest and difficulty in finding cases that match their expertise. Others say they will help but don't follow through.

For example, Borden said, from July 1995 to June 1996, 2,017 lawyers signed up to volunteer and 788 took cases.

The number of volunteers expressing interest also has decreased in recent years. A statewide survey found that in 1989, almost 1,700 cases new cases were handled by volunteers working with structured programs. The number jumped to almost 6,000 by 1993 but dropped to 5,253 in 1995, the most recent statistics available, said Goldsmith.

People with thorny, time-consuming domestic matters such as child-custody disputes are the most likely to request volunteers. But many lawyers shy away from such cases.

Criminal-defense lawyer Leonard H. Shapiro, who often handles drunken-driving cases, said volunteering appeals to him, but only in cases in which he has expertise.

"I don't want to engage in an area of the law where I don't think I'm qualified," he said. "I wouldn't want to put the client in jeopardy while I experimented."

SPECIALTIES LINKED

Volunteer agencies are working to link lawyers with programs or cases that reflect their specialties.

Goldsmith tries to match tax lawyers, for example, with economic development projects such as Habitat for Humanity's in Sandtown-Winchester, where residents need help in acquiring loans and property.

Levitz, after seeing dozens of poor defendants appear before him without lawyers, asked the Judicial Ethics Committee whether judges could recruit volunteers by writing letters of inquiry, placing ads in legal newspapers or talking to lawyers at bar association meetings.

Two years ago, the committee, most of whose nine members are judges, prohibited such actions. But it reversed its stance in October, saying judges could seek volunteer lawyers in those ways.

IDEA STUDIED

At a recent meeting of Baltimore County judges, Levitz presented the idea of seeking volunteers; a three-judge panel is studying the idea.

Some lawyers balk at volunteering, but others embrace it.

Daniel V. Schmitt is one of the latter. He handles general business and commercial litigation cases at a four-person firm in Towson, and provides 60 hours of free legal help annually to special education students in Baltimore and Harford counties.

Using referrals from the Maryland Disability Law Center, he helps students get into appropriate schools and classes, and helps find computers equipped for people who cannot type with their hands.

"I believe that pro bono is a professional and moral obligation," said Schmitt, 38. "As a professional, I feel you need to hold yourself to a higher standard, and a higher standard would include giving back to the community."●

VERMONT CHIEF JUSTICE
 JEFFREY L. AMESTOY

● Mr. LEAHY. Mr. President, Vermonters are rightfully proud of their new chief justice of the Vermont supreme court, Jeffrey L. Amestoy.

Chief Justice Amestoy—a Republican who left behind a distinguished tenure as Vermont's attorney general when he accepted the nomination to Vermont's highest judicial post by Gov. Howard Dean, a Democrat—was administered the oath of office by Governor Dean on January 31 in Montpelier.

I was one of many who were present as Chief Justice Amestoy delivered the traditional inaugural address in the chamber of the Vermont House of Representatives. It was more than a speech to be heard. It was also a speech to be felt. He offered an illuminating, uplifting, heartfelt, and deeply personal tapestry that deservedly will long be remembered.

Governor Dean has said, "The most important things in a judge are integrity, compassion, and hard work." All who know Jeffrey Amestoy and all who heard him speak on that wintry Vermont afternoon know how abundantly those qualities are present in our new chief justice.

I join all Vermonters in offering congratulations to Chief Justice Amestoy, to Jeff's wife, Susan Lonergan Amestoy, to their three daughters, Katie, Christina, and Nancy, and to Jeff's mother, Diana Wood Amestoy. All were on hand for the stirring ceremony in Montpelier.

Mr. JEFFORDS. Mr. President, I join Senator LEAHY today in paying tribute to Vermont's new chief justice, Jeffrey L. Amestoy. Jeff is a good friend and a great Vermonter, and I know he will serve in his new post with distinction and honor.

Jeff Amestoy and I have shared many life experiences. We were both raised in Rutland, VT. He served as an assistant attorney general under my stewardship as Vermont's attorney general in the early 1970's. And now, over 20 years later, he is serving in the position that my father, Olin Jeffords, once held: chief justice of the Vermont supreme court.

As someone who has known Jeff for over 25 years, I can attest to his judicial knowledge, his keen sense of Vermont values, his modest demeanor and his dedication to the people of Vermont.

I was fortunate to be able to attend the swearing-in ceremony for Jeff last Friday in Montpelier. It was a wonderful event, one that I will never forget. Jeff's comments were from the heart and I am pleased to join Senator LEAHY in offering them today as part of the RECORD.

Mr. LEAHY. Mr. President, on behalf of Senator JEFFORDS and myself, I commend to the attention of our colleagues Chief Justice Jeffrey Amestoy's inauguration address before the Vermont House of Representatives on January 31, 1997, and submit the

text to the speech for the RECORD, as printed in the Times Argus of Barre, VT, on February 1, 1997.

The text of the speech follows:

INAUGURAL ADDRESS OF CHIEF JUSTICE
JEFFREY L. AMESTOY

Three weeks ago, at the occasion of my nomination for the position of chief justice, I said I had so many people to thank I didn't know where to end.

Today the task is even more difficult.

But I still know where to start: Thank you, Governor Dean.

To my "particular friend," Susan Lonergan Amestoy: I could not have made this journey without you—and it wouldn't have been as much fun.

To Katherine, Christina, and Nancy Amestoy—for whom this is the third visit to the State House this month—thank you for your patience.

I thought the events of the past 30 days might have been bewildering to our daughters, but Katie Amestoy had it exactly right when she told a friend on the day of my second interview with the governor:

"I can't come over today. My Dad's trying out for Chief Justice."

I thank my mother, Dianna Wood Amestoy, for being here today and for always being there in times of need.

For those of you for whom a desire to impress your parents is a part of your motivation, I offer the following cautionary tale.

When I called my mother to tell her of my nomination, she replied:

"That's wonderful, I've just been hang gliding in Montana."

If I can bring one half of my mother's energy, and one quarter of her sense of humor to my new responsibilities, Vermont will be well served.

Thank you (Wisconsin) Attorney General (James) Doyle, and thank you Attorney General Malley for your generous words.

Present today are colleagues—current and former—from the National Association of Attorneys General. They, together with the staff of the Vermont Attorney General's Office, have not only supported me professionally during the last dozen years; they have been among my closest friends.

And if it is true, as I believe it to be, that one can be judged by the friends one treasures, then you will understand why their being here today means so much to me.

There are also here individuals to whom I cannot ever make an adequate expression of thanks.

When I became a candidate for public office, the best advice I ever received was: "Never pass an old friend to say hello to a new one."

Today is special for many reasons, but most of all because our old friends are here.

Twenty years ago, as a young assistant attorney general, I spent a Sunday in the law library preparing for an oral argument the next day before the Vermont Supreme Court.

Then, as now, the law library was next to the court. But in those days, the doors to the Supreme Court were unlocked during the weekend.

And so when I finished a long day's preparation, I went into the empty courtroom and sat in the seat of a Vermont Supreme Court Justice.

The next morning I appeared before the Court. As chance would have it, as I began my argument, I was interrupted by Justice Larrow.

Some here may remember Justice Larrow's reputation as an incisive interrogator. If you argued before him you will recall his habit of clearing his throat just before he reached the most penetrating portion of his inquiry.

"Mr. Amestoy," he began, "would you please tell this court what gives you the

right * * *" and at this point, as Justice Larrow began clearing his throat, I was struck with the awful realization that it was Justice Larrow's seat I had sat in the previous afternoon.

For one terrible moment I thought I was going to be asked: "What gives you the right to sit in the seat of a justice of the Vermont Supreme Court?"

There may be some here who have a similar question. If so, I am grateful to you—as I was to Justice Larrow that day—for not asking.

I believe, if I meet the standards I have set for myself, the question will occur to you less often in the future.

I am privileged to join a court comprised of individuals with whom I have worked and for whom I have great respect.

Justice Johnson and I worked closely together at the Office of Attorney General, where she was an unexcelled chief of the Public Protection Division.

I have known Justice Morse since his service as defender general and his work as one of Vermont's finest trial judges.

Justice Dooley and I worked together when he served as Governor Kunin's legal counsel and secretary of administration. More recently, I participated with Justice Dooley in the court/prosecution program in Karelia. Joining us in Russia was, among others, Maryland Attorney General Joseph Curran.

Hence, Attorney General Curran is the only attorney general in the country that knows both John Dooley and me. It was that knowledge that led the Maryland attorney general to offer the observation, when he learned that John and I were being considered for chief justice, that I was a strong second choice.

That is an opinion, I know, that is not exclusive to the state of Maryland.

Justice Gibson, as all who know him would anticipate, has been extraordinarily generous and helpful to me.

All here know, I am sure, that Justice Gibson's career is consistent with the unparalleled contributions to public service by the Gibson family.

What may be less well known is that Justice Gibson plays first base for the combined court/attorney general softball team.

As a rookie second baseman, I was saved from several errors by the sure grasp and long range of first baseman Gibson.

I will rely on that same grasp and range to minimize the errors of a rookie chief justice.

I also take the liberty today of expressing my gratitude to former Chief Justice Allen—not just for his courtesies to me, but for his service to Vermont.

In the 1980s, history linked the chief justice of Vermont and the attorney general of Vermont more closely than either one of us would have chosen. Although I do not know all that occurred during the unhappy years enveloped by the "judicial misconduct" controversy, I know more than all but a few in this chamber.

It may be that another individual in the position of chief justice during those troubled years could have struck the critical balance necessary to keep the court functioning without sacrificing the integrity of the institution.

But I, for one, am glad that we do not have to test the hypothetical.

And surely it is difficult, even as a hypothesis, to imagine another chief justice who could have brought the court through those difficult days and led the court to a point where, by every objective measure, it is now more efficient than at any time in its history.

So today I deliver my first opinion as chief justice. It is one which I know to be unanimous. It is an opinion which will be corroborated by the judgment of history:

Frederic Allen was a great chief justice.

Fred Allen's shoes are being ones to fill.

But—I brought my own shoes.

If a span of years in which to serve as chief justice is granted to me by God and the Legislature (that's an alphabetical listing, Mr. Speaker!), I shall judge my success, or lack thereof, against three objectives.

First, and by far the most important: Did I contribute to the faith of Vermont's citizens in our judicial system, and to their trust in the character of those entrusted with its authority?

Second: Did I, as chief appellate judge of Vermont, contribute to a body of law that clearly and concisely communicates to litigants, lawyers, and trial judges the standards to be used to achieve the just and timely resolution of disputes?

Third: Did I, as chief justice, ensure that the judiciary, as a separate and co-equal branch of government, has the resources necessary to fulfill its responsibilities and the accountability for the use of those resources?

For that work, I will need the help of all, most especially the judges and staff of the trial courts who honor me with their presence today.

When it became apparent that I was to assume the duties of a new position, I received several calls from those most directly affected by my status.

The callers were cordial but all had the same message, which may be summarized as follows:

1. I should remember who had trial court experience and who didn't.

2. I should realize that there were many in their group that were equally or more qualified than I.

3. I should never forget that, while I might now have the impressive title, the real work was done in the trenches of the day-to-day business of the trial courts.

I am referring, of course, to the calls I received from state's attorneys when I was first elected attorney general!

I trust that my past work will offer some guide to what the future may hold. In any event, I shall do my best to avoid the example of the Vermonter who—when asked by his neighbor if he had an opinion about a controversial issue to be heard at Town Meeting—replied: "Not yet. But when I do take a position, I'm prepared to be bitter!"

I believe in "civility in public discourse and constancy in private affection."

And I believe, with Learned Hand, that "the spirit of liberty is the spirit that is not too sure it is right."

We will need that spirit more than ever to meet the changes that the new century will surely bring.

Two years ago, I spoke to new citizens at a naturalization ceremony in Newport, Vermont. The event coincided with the completion of the debate in the Vermont Legislature over the proposed resolution relating to the flag burning amendment.

That probably accounted for the fact that the hosts for the ceremony—the American Legion—were somewhat less enthusiastic about my presence than when the invitation to speak was extended.

But whatever one's view of that proposed amendment, it is remarkable, as I observed then, that upon taking the oath of citizenship, had one of the new citizens refused to recite the pledge of allegiance, neither the attorney general of Vermont, nor the attorney general of the United States, nor the entire United States government, could have compelled recitation of the pledge.

Indeed, the judicial system would have protected the new citizen and provided redress for any attempted compulsion.

But, of course, each of the new citizens recited the pledge of allegiance of their own

free will and with more meaning than I am accustomed to hearing.

It is an inherent American trait to look at the courts to vindicate one's rights. With God's grace, it shall always be so. But it is neither law nor courts that shall secure our future.

"Liberty," said Learned Hand, "lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it."

So although I have much to learn about judging, it seems to me that Curtis Bok was right when he said of his own judicial experience "... there still remains a mystery . . . that defies analysis."

"Perhaps," wrote Judge Bok, "it would be better to say that a judge's cases take hold of him and pull things out of him, and that it is his business to be sure to keep the proper supplies on hand, so far as he can be the master of that."

If "the proper supplies," or at least a portion of them, are integrity and hard work, compassion and common sense, an abiding respect for the dignity of the individual and the value of community—then, to the extent I start today with those "supplies," it is because of the people in this room and the Vermont we love.

And it is because of one who is not here, nor ever could be the seven other times his son took the oath of office in this historic chamber.

More than four decades ago, a young father took his son to Hand's Cove on Lake Champlain for a day of duck hunting.

But the father soon understood that of his son a hunter he could not make.

So he turned the day into a history lesson, for Hand's Cove is where Ethan Allen and the Green Mountain Boys gathered before their raid on Fort Ticonderoga in the early morning of May 1775.

From the father's description of the events sprung a boy's interest in history and the individuals and ideas that shape it.

Many years later—when the boy was much older than the father had been on that day—his interest in law led him to Learned Hand.

And to the realization, which somehow seemed fitting, that Hand's Cove was the home of—indeed had been named for—the Vermont ancestors of the great judge.

Logic tells me that there is no connection in the coincidence of a place from which sprung the beginning of this state, and the family of a remarkable jurist, and a father's gift to his son.

But my heart tells me otherwise.

And I believe in the "restless wisdom of the heart."

And I believe, too, in the wisdom of the poet who says to each of us—a chief justice no less than the child who even now gazes out a window, perhaps on Leonard Street: "We see but what we have the gift of seeing"; to this life, "What we bring, we find."●

TRIBUTE TO THOMAS, SHEILA, AND STACEY THOMSON ON BEING NAMED NEW HAMPSHIRE'S OUTSTANDING TREE FARMERS OF 1997

● Mr. SMITH. Mr. President, I rise today to congratulate Tom Thomson, his wife Sheila, and their son Stacey, on being named New Hampshire's 1997 Outstanding Tree Farmers of the year. Tom first purchased his own wood lot at the age of 11 with his two older brothers. Today, Tom and his family manage about 2,500 acres of forest in New Hampshire and Vermont.

Stacey, Tom, and Tom's father, former Gov. Mel Thomson Jr., constitute three generations of New Hampshire tree farmers. Tom's tree farm is an example of a multipurpose forest with a diverse landscape. In addition to enhancing wildlife habitat, Tom has also increased recreational opportunities in the forest, opened vistas and taken care of the protection of water quality. He received a prestigious annual award by the New Hampshire Fish and Game Department and the University of New Hampshire Cooperative Extension in 1994, when his 1,060 acre tract in Orford, NH, became designated as a wildlife stewardship area.

Tom is known by many for his adoption of more sustainable forestry practices, and encouragement of his neighbors to do the same. He gives tree farm tours each year to school children, New Hampshire's Timberland Owners Association Board Members, conservation groups, Audubon groups and New England wildflower groups. Most recently, he had also had visitors from Eastern and Central Europe and South America. Tom also works with the New Hampshire Board of Licensure for Foresters, the New Hampshire Current Use Advisory Board, the New Hampshire Ecological Reserve System Steering Committee and the New Hampshire Forest Stewardship Committee. His enthusiasm and outstanding commitment to his work has a very important impact on the future of New Hampshire's beautiful woods.

I have known Tom and his family for many years. They are hard-working, dedicated farmers who embody the true spirit of New Hampshire. Tom's commitments to preservation and forest education are exemplary. I warmly congratulate Tom, Sheila, and Stacey for their outstanding accomplishment and well-deserved honor.●

TRIBUTE TO THE OLD TOWN MARCHING BAND

● Ms. SNOWE. Mr. President, I rise today to honor the Old Town Marching Band of Old Town, ME.

The band made the entire State of Maine proud with its extraordinary performance in the 1997 Inaugural Parade. Countless hours of practice and preparation go into such an effort, and the students' dedication to excellence was obvious and stood as a wonderful tribute to the late Old Town Superintendent of Schools, Dr. John Grady.

I was approached early last year by Dr. Grady, who shared with me his dream of having the Old Town Marching Band represent Maine at this year's inaugural parade. Sadly, Dr. Grady passed away, but his dream lived on in the hearts of bandmembers and the Old Town community. Old Town was one of more than 400 groups seeking to perform in the parade—only 23 were selected, and of those only 9 were high school bands.

Old Town's participation in the 1997 Inaugural Parade is the latest of a long

list of accomplishments. The band is nationally recognized, having won numerous awards including first place at the 1994 Saint Anselm College New England Jazz Festival, the Jazz Ensemble Grand Champions at the 1996 Orlando Musicfest, and an award-winning appearance at the 1995 Cherry Blossom parade in Washington, DC.

Mr. President, this band represents the very best characteristics of America's young people. Band members set a goal of excellence and worked hard to achieve it, and I believe their efforts should be highlighted. In an era of conflicting and often dubious influences for young men and women, and in a time when negative stories abound in the media, our children should have positive examples to follow. That is why we should shine a spotlight on groups like the Old Town Marching Band, which represent the finest qualities and aspirations of America's youth. I salute the band as well as its director, Jeffrey Priest, for showing young people what can be accomplished through hard work and commitment.

In closing, I would once again like to thank the Old Town Marching Band for their tremendous contribution to the 1997 inaugural parade, and for making Old Town and the State of Maine very proud.●

TRIBUTE TO REYNALDO MARTINEZ

● Mr. REID. Mr. President, I rise today to pay tribute to my friend and chief of staff, Reynaldo Martinez. Rey has recently been chosen for the Community Hero Award by the National Conference of Christians and Jews, and I am proud of him for receiving this well-deserved honor.

I have known Rey since I was a boy. He and I have worked side by side since he ran my first campaign and got me as elected student body president of Basic High School in 1956. Since then, he has been my adviser, campaign manager, and chief of staff. In addition to helping take me from assemblyman, to lieutenant governor, to the U.S. Senate, he has had many other titles during his life, including teacher, lobbyist, coach, education advocate, and husband. To me, Rey is both a valued friend and a trusted adviser. To his country and the State of Nevada, he is a dedicated public servant and a tireless fighter.

In his boyhood days, Rey was a great baseball player who led his high school team to numerous victories. This left-handed pitcher played a leading role in Basic High's multiple State championships, as well as its championship of the California Interscholastic Federation. In short, our tiny school in Nevada was so good, we beat all of the usually dominant California schools.

Rey's baseball talents led him to Arizona State University, where, in addition to his efforts on the field, he earned a degree in teaching. After graduation, Rey returned to Nevada to