

# Legal Services and Landlord-Tenant Litigation: A Critical Analysis

During the eight years since its establishment, most of the controversy surrounding the Legal Services Program has centered on its suits against state and local governments and on behalf of "law reform."<sup>1</sup> Little or no serious study has been given to the far more common types of Legal Services cases involving domestic relations, commercial disputes, or landlord-tenant controversies.<sup>2</sup>

This Note will examine the impact of one Legal Services Program, the New Haven Legal Assistance Association (LAA)<sup>3</sup> on landlord-tenant disputes. The Note's findings on LAA's impact on this one area of law are in no way conclusive as to its general performance or to the overall value of Legal Services in the nation.<sup>4</sup> Nevertheless, they may suggest questions for further study in other programs and other types of litigation.

1. See Note, *The Legal Services Corporation: Curtailing Political Interference*, 81 YALE L.J. 231 (1971).

2. See, e.g., Cahn & Cahn, *The War on Poverty: A Civilian Perspective*, 73 YALE L.J. 1317, 1330-33 (1964); Johnson, *An Analysis of the Legal Services Program*, 38 MISS. L. REV. 419, 427 (1966); Shriver, *The OEO and Legal Services*, 51 A.B.A.J. 1064, 1066 (1965).

An exception to the general tendencies of commentators has been a series of articles by Geoffrey Hazard. See generally Hazard, *The Law Reforming in the Anti-Poverty Effort*, 37 U. CHI. L. REV. 242 (1970); Hazard, *Social Justice Through Civil Justice*, 36 U. CHI. L. REV. 699 (1969); Hazard, *Rationing Justice*, 8 J. LAW & ECON. 1 (1965). The most ambitious evaluative effort to date has been the "Kettelle Report." 1 EVALUATION OF OFFICE OF ECONOMIC OPPORTUNITY LEGAL SERVICES PROGRAM, FINAL REPORT (1971), prepared for the Evaluation Division, Office of Economic Opportunity (OEO), by the John D. Kettelle Corporation [hereinafter cited as the *Kettelle Report*]. The usefulness of the report was undermined by objections of Legal Services officials to researchers' requests to interview former Legal Services clients. *Id.* at ch. 3, at 7, ch. 5, at 1-5. An OEO working paper stressed that, "No mention is made of the impact of the programs in alleviating poverty, a noteworthy omission." Legal Services: Goals and Criteria for Evaluation 12 (1972) (emphasis in original).

3. LAA is funded by five sources: Operating on an overall 1971 budget of \$869,876, it received \$364,129 from OEO and \$119,021 from the federal Model Cities Program. Connecticut contributed \$141,241 and the remainder was contributed from "other" sources (including some \$15,360 in VISTA funds and from unspecified Federal work-study programs). Information 1971 (mimeographed pamphlet distributed by LAA). LAA is one of the oldest Legal Services Programs in the United States. Pamphlet, New Haven Legal Assistance Association, Inc. Needs Your Help Now! (pamphlet). See CONFERENCE PROCEEDINGS, THE EXTENSION OF LEGAL SERVICES TO THE POOR, sponsored by the HEW Welfare Administration, Office of Juvenile Delinquency and Youth Development, November 12-14, 1964, Washington, D.C. This article was substantially reprinted in Parker, *The New Haven Neighborhood Model*, 25 LEGAL AID BRIEFCASE 164 (1965). The program was also discussed in *Legal Services in Connecticut Under the Office of Economic Opportunity*, 41 CONN. B.J. 577 (1967).

4. One of the major problems in analyzing the Program is the imprecision of its goals. A recent OEO working paper, Legal Services: Goals and Criteria for Evaluation, at 4, characterized the goals of the Program as "hopelessly vague," and then noted:

It is clear that immense discretion is left . . . to decide the emphasis and direction of local programs. Although a grantee [legal services program] cannot totally ignore one or more of the goals, there is no clear norm by which they can be judged. Moreover, the problems of distinguishing between the goals is also quite difficult.