

PUBLIC INTEREST STIRS LAW DRIVE

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Bar and Foundations Set Up
Project for New Field

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WASHINGTON, March 18— A two to three year project designed to turn public interest law from a relatively small if often successful experiment into a permanent part of the legal system has begun here with the joint backing of the organized bar and several foundations.

If it succeeds, the project would help assure that interests of various segments of the public, including consumers, environmentalists and minorities, would be represented in the development of laws and policies that affect them but in whose development they might otherwise have had no voice.

Basically, the project is an attempt to design ways to provide financing and resources for public interest law firms and programs.

The project was announced here today, amid warnings by its directors that the present lack of adequate financing is threatening the gains that have been made in public interest law, so far—to the extent that some public interest law firms either have been forced to close or may soon be.

The major source of financial support for public interest law now is short-term grants from foundations.

Tough Fund-Raising Time

"This is not the ideal time to be trying to raise money for social welfare causes," said Charles Halpern, a founder in 1969 of one of the first public interest law firms and staff director for the new project, at a news briefing today.

The recession has hurt foundations, he went on, and thus, a major goal of the project is "to assure that this recession doesn't sweep away the gains of the last few years."

The project will be carried out by a newly formed organization, the Council for Public Interest Law, with William D. Ruckelshau, a Attorney General, and Mitchell Rogovin, a former Assistant Attorney General, as co-chairmen.

The council has 13 other members, including a judge, William H. Hastie of the United States Court of Appeals for the Third Circuit, a Cabinet member, the Secretary of Transportation, William T. Coleman, and representatives of the organized bar and of law schools.

It will have a staff of several lawyers and will be financed in its first year by \$213,000 in grants from the American Bar Association's Fund for Pub-

lic Education, the Ford Foundation, the Rockefeller Brothers Fund and the Edna McConnell Clark Foundation.

Early Projects Planned

According to Mr. Halpern, the council will explore the possibility of providing or financing public interest law through such means as direct Federal grants, pre-paid legal services programs, creation of offices or "public counsel" as part of state governments and a system of contributions by private law firms with little or no public interest work.

While devising funding mechanism, according to the present plan, the council will develop proposals, file amicus briefs, draft legislation, run pilot projects and submit petitions to government agencies.

The term "public interest law" is somewhat undefined. It is sometimes used broadly, as in a recent statement by an A.B.A. committee, that defines it as representation with either little or no fee to the client in cases involving indigent clients, civil rights, so-called "public rights" belonging to large segments of the public or cases in which a charitable organization is the client.

Lately, though, the term has come to connote legal representation in cases in which there is a broad public or "citizen" interest that would not ordinarily be raised by an individual, either for financial reasons or because the effect on the individual, as opposed to the group, is not large enough.

Although some organizations had provided legal representation that could be called "public interest" for decades, the "public interest law movement," as its proponents call it, began only a few years ago.

Mr. Ruckelshaus, at the news briefing today, explained the theory thus: "Many of the decisions we make today are made through the adversary process. The adversary process presumes there will be equal advocacy on all sides, and out of that will come the truth." But, for years, he continued, there was "unquestionably a portion of the public that was underrepresented" in the process, a "relatively voiceless mass."

So, public interest law firms were set up to serve this group, raising claims in their behalf both in court and before regulatory agencies. Now, according to Mr. Halpern, from 150 to 250 lawyers across the country are public interest lawyers, with perhaps \$7-million spent a year on public interest law. The areas range from women's rights to poverty law to the rights of the mentally retarded.