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Foreword

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Foreword

FOREWORD

BY WILLIAM O. DOUGLAS

THE need for adequate legal representation for indigents appears and reappears with regularity. *Powell v. Alabama*, 287 U.S. 45 (1932), was the progenitor of the right of an indigent to counsel in capital cases; and it has spawned a sturdy line from *Gideon v. Wainwright*, 372 U.S. 335 (1963), to *Argersinger v. Hamlin*, 407 U.S. 25 (1972). The law has not answered all the problems of the indigent in the criminal system. Nor has it resolved many of the questions in civil cases where the indigents are clamoring for assistance.

The response of the bar to these needs has been gratifying. Legal aid societies have risen to the occasion, supported mostly by private funds. In the public area the public defender systems and Neighborhood Legal Services under OEO have rendered highly competent service.

In the fiscal year 1972 it is estimated that NLS has worked on over one million legal problems—18 percent dealing with consumer and employment questions; 9 percent with administrative problems; 11 percent with housing; 42 percent with the family; and 20 percent with miscellaneous matters. (Criminal cases are largely excluded from its purview.)

As respects criminal cases, there has been the charge that since government in public defender cases is both on the side of the prosecution and of the defense, the indigent client is the loser. The current Symposium on the actual operation of the Denver system largely dispels that illusion.

Overall, the encounters of indigents with the law offer overwhelming problems in light of the proliferating bureaucracy under which we live. The so-called right to counsel means a right to competent counsel—a recurring plea because once a person loses his case the charge is often made that his counsel was not competent.

This *Denver Law Journal* Symposium is only a start on the many bristling problems in this field. But the beginning is excellent, and a challenge to all who follow to use like standards of excellence in appraising the elusive raw material they encounter when they start a study of a particular court or particular community.

William O. Douglas
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