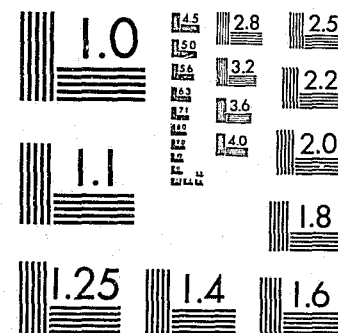


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LEGAL REPRESENTATION DATA

(ICPSR 7540)

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JAN 7 1985

ACQUISITIONS

Inter-university Consortium for Political and Social Research
P.O. Box 1248
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First ICPSR Edition, 1977

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All manuscripts utilizing data made available through the Consortium should acknowledge that fact as well as identify the original collector of the data. The ICPSR council urges all users of ICPSR data facilities to follow some adaptation of this statement with the parentheses indicating items to be filled in appropriately or deleted by the individual user.

The data (and tabulations) utilized in this (publication) were made available (in part) by the Inter-university Consortium for Political and Social Research. The data for the Legal Representation Data were originally collected by Stuart S. Nagel and Anthony Champagne. Neither the original collectors of the data nor the Consortium bear any responsibility for the analyses or interpretations presented here.

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STUDY DESCRIPTION

The data were obtained by mailing questionnaires in 1970 to a random sample of 474 attorneys across the country. Questions were asked mainly concerning their experiences in representing indigent or unpopular clients, their attitudes towards such clients, and the characteristics of the responding lawyers and their communities. The research objectives included: 1) determining the relations between the behavior of the attorneys in representing indigent or unpopular clients and the attitudes, specialities, backgrounds, and environments of the attorneys; 2) arriving at some policy recommendations for increasing the representation of indigent and unpopular clients; and 3) analyzing the joint causation phenomenon whereby neither favorable attitudes nor favorable opportunities alone lead to representation of the unpopular but the combination of both together does so substantially.

The attorneys consist of the last practicing lawyer found at every tenth page of the alphabetic sections of the 1970 Martindale-Hubbell Legal Directory. There were 239 usable responses, or 51 percent of the sample.

Related publications:

S. Nagel,

Improving the Legal Process: Effects of Alternatives (Lexington-Heath, 1975).

SOME ATTITUDES AND CHARACTERISTICS
OF AMERICAN LAWYERS

CR 77 = Dch #
2 card per respondent

Lawyers in the items below should be considered as referring to lawyers in your community rather than to American lawyers in general unless the item states otherwise.

I. ATTITUDE STATEMENTS

Please indicate your attitude toward the statements in the sections below by using the following symbols on the lines provided:

COLUMN
NUMBERS
1 2 3 4 5 6 7 8 9 10

++ agree strongly
+ agree mildly
0 neutral
- disagree mildly
-- disagree strongly
U unknown

11 74 75 76
if not applicable

CR 77 change 7
CR 80 change 7
CR 81 change 7

A. THE LEGAL PROFESSION

1. In relation to the hours they put in, lawyers don't make very much money. _____
2. Being a lawyer lacks the financial security of salaried executives. _____
3. Social science research has little value to the legal profession. _____
4. Lawyers should be encouraged to represent the unpopular client. _____
5. Courses in legal ethics have the goal of encouraging lawyers to represent unpopular clients. _____
6. A great advantage to being within the legal profession is the opportunity:
 - 6 a. to work with people rather than things. _____
 - 7 b. for financial gain. _____
 - 8 c. for moderate but steady progress rather than the chance of extreme success or failure. _____
 - 9 d. to be helpful to others or useful to society. _____
 - 10 e. to be in a respected position in the community. _____

B. POLITICAL ATTITUDES

11. Present laws favor the rich as against the poor. _____
12. More government regulation of the economy should be introduced into our society. _____
13. Government ownership of industry is likely to lead to inefficiency. _____
14. Only people with a definite minimum of intelligence and education should be allowed to vote. _____
15. If a person works hard enough he can overcome most handicaps. _____

C. INDIGENT CLIENTS (An indigent client for this study is a client unable to pay an attorney's regular fee with his own money or through family or friends and this indigency is known to the attorney at the time the case is accepted.)

16. The poor have failed to secure the fullest measure of legal rights in civil and criminal cases because they have not been able to afford attorneys. _____
17. In eviction cases, the court should provide counsel to the indigent defendant. _____

- 18 3. The losing party should generally be required to pay all the attorney's fees of the other side. _____
- 19 4. Legal Services Agencies should not attempt law reform. _____
- 20 5. Legal Services Agencies should not attempt community education programs for the poor as this stirs up litigation. _____
- 21 6. A substantial part of legal education should involve a focus on the legal problems of the poor. _____
- 22 7. Law students should be allowed to provide legal assistance to indigent persons. _____
8. The system of representation of indigents in criminal cases in my community is desirable from the point of view of: _____

- 23 a. the poor _____
- 24 b. the bar _____
- 25 c. the community in general _____

9. The system of representation of indigents in civil cases in my community is desirable from the point of view of: _____

- 26 a. the poor _____
- 27 b. the bar _____
- 28 c. the community in general _____

D. UNPOPULAR CAUSES

- 29 1. If a person involved in an unpopular cause can afford a lawyer but is unable to find a lawyer who is willing to represent him then the judges in my community will appoint counsel. _____
- 30 2. The contempt convictions of the lawyers in the recent Chicago conspiracy trial have made me less willing to defend unpopular causes. _____
- 31 3. After I got out of law school I was more willing to accept unpopular cases than I am now. _____

II. THE RELATIVE DESIRABILITY OF VARIOUS FACTORS

A. REASONS FOR REJECTING AN UNPOPULAR CLIENT

Please indicate your attitude toward the statements in this section by using the following symbols on the lines provided:

- 5 ++ highly acceptable
4 + slightly acceptable
3 0 neutral
2 - slightly unacceptable
1 -- highly unacceptable
U unknown

1. The following are possible reasons a lawyer might give in declining the case of an unpopular client: _____
- 32 a. the lawyer is too busy. _____
- 33 b. he has had little trial experience _____
- 34 c. the lawyer does not wish to promote or aid the defendant's cause. _____
- 35 d. community feeling about the client could damage the lawyer's career. _____
- 36 e. the lawyer's own emotional feelings against the client are so strong that he fears that this would preclude him from performing an adequate professional job. _____
2. Assume that you are a practicing lawyer with considerable experience in criminal law. An admitted Communist, who has been charged with advocating forcible overthrow of the government, asks you to represent him. Would he be acceptable as a client if: _____

- 37 a. he was able to pay my normal fee. _____
- 38 b. he was able to pay less than my normal fee. _____
- 39 c. he was able to pay more than my normal fee. _____

4. Assume that you are a practicing lawyer with considerable experience in criminal law. An admitted member of the Ku Klux Klan, who has been charged with attempting to deprive Negroes of their civil rights, asks you to represent him. Would he be acceptable as a client if: _____

- 40 a. he was able to pay my normal fee. _____
- 41 b. he was able to pay less than my normal fee. _____
- 42 c. he was able to pay more than my normal fee. _____

B. SYSTEMS OF LEGAL REPRESENTATION

Please indicate your attitude toward the statements in this section by using the following symbols on the lines provided:

- 5 ++ strongly desirable
4 + mildly desirable
3 0 neutral
2 - mildly undesirable
1 -- strongly undesirable
U unknown

1. A desirable system of legal representation for the indigent in criminal cases in my community is: _____

- 43 a. judicare (a system by which the government would pay 80% of the minimum fee to the attorney accepting the indigent case) _____
- 44 b. paid assigned counsel _____
- 45 c. paid volunteer counsel _____
- 46 d. public defender _____
- 47 e. unpaid assigned counsel _____
- 48 f. unpaid volunteer counsel _____

2. A desirable system of legal representation for the indigent in civil cases in my community is: _____

- 49 a. judicare _____
- 50 b. Legal Services Agency _____
- 51 c. paid volunteer counsel _____
- 52 d. unpaid volunteer counsel _____

III. EXPERIENCES IN REPRESENTING INDIGENT OR UNPOPULAR CLIENTS

Please place a check mark on the appropriate line. In some cases you have been asked for a short answer.

- 53 1. Have you ever represented an indigent person accused of crime? Yes No
- 54 If yes, approximately how many? 3 2 1
- 55 4. Have you ever represented an indigent person in a civil case? Yes No
- 56 If yes, approximately how many? _____
- 57 7. Have you ever defended an unpopular client where an acceptance of the case could have damaged your career? Yes No
- 58 a. Were you associated with the client's cause? Yes No
- 59 b. Did you lose other clients because of the case? Yes No
- 60 c. Was your reputation in the community damaged? Yes No
- 61 d. If yes, was your career damaged in some other way? Yes No

IV. BACKGROUND INFORMATION

For the items below, please check the appropriate response.

A. CHARACTERISTICS OF THE COMMUNITY

1. The present system of legal representation for the indigent in criminal cases in the community is:

62 a. judicare 13X / 2 /
 63 b. paid assigned counsel 1 81 PD + PA or Vol
 64 c. paid volunteer counsel 2 82 PD or PA or Vol
 65 d. public defender 3 83 other
 66 e. unpaid assigned counsel
 67 f. unpaid volunteer counsel

2. The present system of legal representation for the indigent in civil cases in the community is:

4 84 a. judicare 8 LSA + PV
 5 85 b. Legal Services Agency 9 LSA + UV
 6 86 c. paid volunteer counsel
 7 87 d. unpaid volunteer counsel 10 other counsel

B. CHARACTERISTICS OF LAWYERS

1. In which city and state were you born? 2 1 4 3 2 1
2 1 4 3 2 1

2. Is your legal practice primarily:

73 2 criminal 73 personal injury 102 if more than 1 civil
 74 probate 74 governmental 103 if cum. & low
 75 business & corporate 75 matrimonial 104 more than 1
 76 real estate 76 other (please specify)
 77 collections

1104 3. What is your political party? 3 Democratic 1 Republican 2 Neither

4. What is your religious preference?

105 Protestant 106 Catholic 107 Jewish 108 Other 109 None

1105. What is your race? 2 White 1 Negro 3 Other

1116. What is your sex? 2 male 1 female

1127. What was your father's primary occupation? 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

1138. Were any of your grandparents born in a country other than the United States? 2 Yes 1 No

1149. Approximately what percent of your clients are from ethnic and racial minorities?

1 less than 5% 3 10% to 20%
 2 5% to 10% 4 more than 20%

11510. What is the approximate dollar income of your average legal client?

1 Under 5,000 a year 4 15,000 to 20,000 a year
 2 5,000 to 10,000 a year 5 20,000 to 30,000 a year
 3 10,000 to 15,000 a year 6 30,000 or more a year

11611. Have you ever held a political office? 2 Yes 1 No

Thank you for your co-operation.

117 city living in 2 1 4 3 2 1
 118 state 2 1 4 3 2 1

119 under 4 3 2 1 4 3 2 1

120 years as lawyer - under 4 3 2 1 4 3 2 1

121 school - 2 1 4 3 2 1

122 credit 2 1 4 3 2 1

123 - wealth 2 1 4 3 2 1

124 - family members 2 1 4 3 2 1

END