

unless we are permitted to pay a competitive salary in the community. We are asking to be permitted to set salaries based solely upon a strong showing of the comparative incomes of comparable positions of responsibility in the legal profession.

Second, the 10% or 20% local matching fund requirement is unrealistic. We are not suggesting that we be excused from any contribution; on the contrary, we firmly believe that the required local contribution has brought the practicing lawyer into close contact with the people he is striving to serve through the Legal Aid Program and keeps him directly involved. However, the Legal profession has only its time, knowledge, and cash contributions to use as matching funds. It does not have physical resources such as land, buildings, equipment, etc., as other segments of the community do. With respect to the programs in Michigan, the current 20% requirement converted into dollars represents a minimum of \$15,000 to a maximum of \$230,000 per program. Remembering there are 15 programs in Michigan representing a 12-month total cost of approximately 3.6 million dollars, our professional resources simply cannot produce the required level of local contribution. The Medical profession is specifically exempt from the matching fund requirement; we strongly believe that the Legal profession should have some relief from this restrictive provision.

Third, our experience in the last two years leads us to seriously question the advisability of Legal Services being part of the Community Action Agency (CAA) Section of the Statute (Section 205). While it is true that Legal Services has been semi-autonomous in operation, and has had the full support and complete cooperation of Mr. Shriver and Mr. Berry, we have, nevertheless, experienced serious delays in the implementation of our programs.

The delays experienced, in many instances, stem from the fact that even though each Legal Services proposal contains a provision requiring independence and freedom from control of any agency, there seems to be a reluctance to accept this as fact. This independence is, of course, essential, because the lawyer must base his conclusions exclusively upon the best interests of his client without regard to any other considerations. As you are aware, the lawyer is governed solely by the Canons of Ethics of the State Bar of Michigan, as approved by the Supreme Court of this State, and he must, at all times, not only protect the interests of his client, but also the confidentiality of the lawyer/client relationship, regardless of who the opposing party may be, including the CAA, OEO, or any other agency of government.

In other instances the delay stems from the fact that we must compete with other CAA programs for funds, inasmuch as Legal Services does not have a separate budget.

So long as OEO continues as an entity, with its present realistic attitude, we would prefer to stay there, but with an independent status and a separate budget. However, should OEO be dismembered, then we suggest that the type of service and the scope of our program would justify Legal Services as an independent agency in the Office of the President. At the moment, the Legal Services Program is utilizing nationally, approximately 33 million dollars; President Johnson has recommended 47 million for fiscal 1968; the American Bar Association, National Legal Aid and Defender Association, and National Bar Association, together with the National Advisory Committee to OEO on Legal Services, have all recommended 90 million as a minimum to meet the already programmed needs. Legal Services then, is already approaching the total annual budget of the Department of Justice and will surpass that organization in size and budget, if the Congress in its good judgment, sees fit to continue this project and expand it so that the goal set can be achieved.

A second alternative is the Department of Justice. Our concern here is the question of conflict of interest. Since many of our cases will be against other Federal programs, we will be opposing Department of Justice attorneys. This raises a serious question of ethics and independence.

A third alternative is to place this program in the Administrative office of the U.S. Courts. This agency now supervises the operation of the Criminal Justice Act; it should be able to administer the Civil Legal Services Program.

No other existing agency appears even remotely suitable. HEW for example, would be the worst possible position for the program. It would be submerged in a large agency; the lawyers would be in an impossible position so far as