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BOOK REVIEW

LEGAL PROBLEMS OF THE POOR

By BERNEY, ARTHUR L.; GOLDBERG, JOSEPH; DOOLEY, JOHN A.;
CARROLL, DAVID W.*

Little, Brown & Company, Boston, Mass., 1975, Pp. 1156, \$22.00

While reading this book I could not help feeling the authors had “bugged” the poverty law office I have occupied for the last seven years. They have identified the crucial poverty law areas—those where lack of wealth and bargaining power have brought the most pressure to bear on America’s poor—and have discussed those problems precisely as I have discussed them with fellow lawyers.

The preface states the authors’ position regarding legal institutions as they relate to poor people: “We would charge our legal system with class bias. It is our conviction that legal institutions, as we know them, are systematically opposed to ‘have nots.’”¹ The preface also states that the authors have rejected what they call the “customary” teaching approach—the use of a “casebook in which collections of appellate opinions on given subjects are organized along doctrinal lines.”² This type of casebook organization, says the authors, is of no value in the area of poverty law since it is based upon the incorrect assumption that “all decisional doctrine derives from neutral principles.”³

Having abandoned the “customary” teaching approach and the assumptions on which it is based as being inappropriate for the study of poor people’s legal problems, the authors elect instead to choose certain problem areas which they perceive as most directly affecting the poor. Realistic factual patterns are set out in each problem area and the process of legal decision-making is studied as these fact patterns are analyzed.

Chapter I discusses the evolving area of “poverty law” in general terms with emphasis on three major areas: (1) the right of the poor to equal treatment by governmental institutions, (2) the right of the

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1. A. Berney, J. Goldberg, J. Dooley, D. Carroll, *Legal Problems of the Poor* xlvi (1975).

2. *Id.* at xlv.

3. *Id.*

poor to procedural due process of law when the government alters or deprives them of governmental benefits, and (3) the right of the poor to human dignity in a civilized society. This chapter lays the foundation for all that follows since each of the ensuing factual situations involve directly or indirectly the deprivation of one or more of these rights.

In the remaining chapters the student does not read *about* poverty law, but rather confronts it exactly as it is practiced in a law office. The three general areas surveyed are housing, welfare and consumer protection; they are appropriately selected for emphasis since they encompass the human necessities: (1) a place to live, (2) income to secure food and clothing and (3) protection against practices which can result in the deprivation of home or income.

Each chapter begins with a factual pattern similar to an interview that would occur in a poverty law office. The student is then led through an analysis of those pressure points in the factual pattern which bear most heavily on the client. With these in mind, the cases and statutes in the area are set out for use in examining the problem. Once conclusions are drawn regarding the fact pattern, as inevitably happens in a law office, the next encounter with the client elicits new facts and the process starts all over again.

After each facet of the factual situation is described and applicable law and statutes are given, notes are provided which form the basis for discussion of the law as a tool for solving the problem of the client. For example, after reading the HEW Regulations and case law in the area applicable to a welfare law problem, realistic, applicable questions are asked of the student: "Does Noella's situation fall within any of the categories created by the HEW Regulations?"⁴ All discussions of the factual patterns involve the "lawyer's work" of solving a particular client's problem.

The beauty of this book lies in the problems selected for use by the authors. These problems provide perfect teaching tools because they come directly to the pages of this book from poverty law offices. The hypothetical clients become real to the student because they are obviously real to the authors who demonstrate throughout the book that they care about the poor and the system which oppresses the poor.

It is a serious book but it is not ponderous; humor is tastefully included to lighten the affective impact of the serious and pathetic problems confronted by the hypothetical clients.

This is not an ordinary law school casebook. Rather, it is a read-

4. *Id.* at 619.

able, frank, objective book about the legal problems of the poor which challenges concerned students to perceive these problems as advocates and solve them with the legal tools of a lawyer.

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