

YOUNGSTOWN STATE UNIVERSITY

ORAL HISTORY PROGRAM

Northeast Ohio Legal Services

Personal Experience

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PATRICK DURICY

Interviewed

by

James Callen

on

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C This is an interview with Patrick Duricy for the Youngstown State University Oral History Program, on Northeast Ohio Legal Services, by James Callen, on May 8, 1992, at 160 East Market Street Suite 225, Warren, Ohio, at 11 10 a m

Pat, could you tell me a little about your background, where you were born, and where you grew up?

D I was born in Warren, Ohio, at Trumbull Memorial Hospital in 1964 I grew up and lived there all my life except for my times away at school in Niles, Ohio

C Where did you attend school?

D Niles McKinley High School

C College?

D Youngstown State University Then I went to law school at Ohio State University following that

C When did you first come to work for Northeast Ohio Legal Services?

D That would be as a summer law clerk and that was after the summer of my first year of law school that would have been that first summer I think that would have been the summer of 1987 if I am correct

C What did you do as an intern?

D As an intern I got an opportunity to research legal issues for the attorneys I got an opportunity to get familiar with the courts by filing papers and was even given a tour I just got an opportunity to get acquainted with the legal system I did some legal writing and maybe even a brief or two and have a small supervised personal case load from several of the attorneys I got to interview clients

C Was there anything memorable during that first year?

D In terms of events, I am not sure anything really outstanding at least the first year as in terms of events I just remember getting a sense that law school really did not apply much to the real world The concepts that you learned were applicable, just applying them to the real world Just practicing law had nothing to do with what you learned in law school other than the information It really was a revelation to me and I sort of went back with a very different attitude toward law school the next year

C Could you discuss that in a little more detail, what you mean?

D Well in law school they sort of make everything very cut and dry A rule is a rule and it applies across the board It is all about the rules, but that is not what practicing law is all about You find out it is about people and it is about how those rules affect them and all the different nuances in every individual situation makes something applicable or inapplicable You just cannot do that cold analysis that you do in law school in the real world That is not how cases get resolved, there is a lot more than that There is negotiation there is serendipity, and whatever else The law is not one hundred percent of what you do as an attorney

C How do you think your law school training prepared you to be an attorney?

D I think they did a fairly good job on the factual information I feel like I got a really good grounding on legal principles from the University I am not so sure their philosophy of life was very much the same as mine The professors, I thought, were quite good and quite knowledgeable, but they do not prepare you at all for dealing with the personal side of law, the clients and the dynamics of the other party or the other attorney In terms of if an issue came up, a lot of times I felt fairly confident in that I at least heard of it before and had a grasp so I could work on it. I think all in all they did a fairly good job.

C When did you come to work full time for Legal Services and when did that come about?

D Full time would have been as a staff attorney and I think my first day was January 2, 1990 I was in Cincinnati with my wife who was finishing up with graduate school getting her masters and I had just passed the Bar I was in Cincinnati the summer before studying for the Bar and I had gotten my Bar results in November and really was not too sure what I wanted to do with my law degree and was sort of putting feelers out in Cincinnati and the surrounding area

I had had a Judicial Clerkship actually that was "in the bag" down around Cincinnati and the Court had indicated that the job was mine, but that was assuming that the person who was going to leave did leave The Courts policy was that they never forced anyone out if they did not have a place to go What happened subsequently to, because that is what I thought I would be doing, the person for whatever reason did not leave for the job that they were supposed to leave for That really was where I had planned to be for the next couple of years and that fell through, so I was sort of up in the air a little bit

Then I got a letter out of the blue, I think it was from Elliott Leego, and the letter asked if I was aware that there was a position open at Northeast Ohio Legal Services as a full time attorney That was something that I was very interested in after clerking there for two summers, and I thought that would be a terrific way to put my legal background to use I did not think that there were any jobs there, but out of the blue I found out that there was I made out an application and interviewed and was subsequently hired That is how I got to be here

C What are your job responsibilities at Northeast Ohio Legal Services?

D My job responsibilities include handling my own case load of the type of legal issues that I handle for our office. I do basically pretty much whatever the office does except for employment cases, education cases, and domestic cases. I would handle housing issues, welfare issues, consumer cases, fertility cases, and those kinds of things. I will take the case from intake. I will do the application, run it through case review and if it is accepted, then I will do whatever work is necessary whether it is negotiation, informal intervention, a letter, a phone call. Even something more, take a case to court, file an appeal if necessary, just the whole realm of legal opinions once a case is brought.

C Could you describe how a client gets to you? What happens when they contact Legal Services?

D Clients, that is always one of my favorite questions, how do they get to us? I think a lot of it is by word of mouth. You will represent one person who finds you from a referral from a social service agency or out of the phone book or whatever and you sort of develop a little network of people that your name gets out there or the office's name gets out there and people will call in. We do in this office, currently take in new applications on two days of the week and if people call in on those days, we will do an application form, get the information that is required for Legal Services purposes, and then we will get information on the legal problem. From there they are advised whether it is an acceptance or not an approval, all it is, is an application and then from there the attorneys of the group review it and after that meeting a client is either officially represented by us or they need to go elsewhere.

C You mentioned briefly several types of cases that you handle. What kind of legal problems do you see most frequently?

D The most frequent legal problems that I see would be in the housing and welfare area. The great majority of housing cases that I deal with are evictions and the need for repairs to property. Landlords for whatever reasons are dissatisfied with their tenants and they want them out of there and a lot of times we can defend people or show the Court that for some reason the request by the Landlord to have this person kicked is improper, and we can help them stay in there.

The other major housing case that I see is when people call in and people say they are living somewhere and there is something wrong with the place, asking what they can do about it. We try to get their living units up to code so to speak. I think those are the main types of housing cases and there are a few others that come in, but that is the main kind and we deal a lot with the Public Housing Authority.

As for welfare cases, that just has to deal with income maintenance. Things like, ABC's, general assistance, and disability assistance. Helping people who have no other means of support or minimal means of support get augmentation for that, food stamps and medical coverage as well. Those are the types of cases I deal with a great majority of the time.

- C I know you have only been here a short period of time, but reflecting back on when you were here as an intern and when you started, have you noticed any change in the type of problems or the frequency of problems that clients are bringing in?
- D I really have not. Unfortunately, the circumstances of poor people are pretty much the circumstances of poor people that I really first became initiated into when I was clerking. It would be nice if there were jobs for people and there were landlords and tenants that would work things out rather than fighting and going to Court all the time. It would be nice if there were people in the consumer field that were not out to rip people off or if used cars were not always blowing up the second you got them out of the lot. I really have not seen a lot of that, the only thing I see is more even a deepening of those kinds of problems. They are affecting more people and they seem to be more pervasive than they ever were. I am not sure what the cause for that is, maybe the down turning of the economy or just the continuous scaling back of the job availability in the whole country. It is hard to put a quantitative expression of that but certainly a qualitative type of feeling that you get from it is that it is worse. People are struggling more and are have less success overcoming their struggles.
- C What do you see as the greatest need that the clients have that you have talked to?
- D The greatest need they have is employment. A lot of the people that you talk to are able and willing to make their own way and want to be able to stand on their own without public assistance. There just does not seem to be anything out there for them, I am not sure why that is. People seem to be looking and trying. There just does not seem to be a job or if there is a job it does not pay a living wage. I guess if I could wave the magic wand it would be that everybody would have something gainful to do with their time and some ability to support themselves.
- C What is your impression of the attitude that clients have toward Northeast Ohio Legal Services and toward you?
- D I think it has generally been positive. I think a lot of clients, they get a real sense or understanding that the people that work here generally have their interests and that we work here for that reason. They know there that we work here because there are people out there who need help and otherwise would not be able to get it. I think they are generally cooperative and happy in the long run with what we are able to do for them or at least the effort that we put forth. Then there are other people who sort of see this as just another extension of this is what I have to accept because this is what I can afford. I am not sure why I just do not think that they would be happy regardless of what you did for them, whether you won the case or not, they are just not happy with their circumstance. I think that is unfortunate that people get that kind of attitude to just about everything that they come in contact with. It is understandable from what you see from day to day. You cannot lose it at every turn in the road. Then again some say, "I would get a real lawyer if I could."

- C Do you every hear much of that?
- D I thought I would hear a lot more of it then I do I think it is more of a standing joke The times that I have actually heard people say that, you can count on one hand, in two years I consider that kind of minimal
- C What do you think clients mean by that and how do you deal with it?
- D I really do not know what they mean by that I know that they mean they differentiate between things that they have to pay for and things that they do not have to pay for I guess what I think of when I hear that, they know that you are a lawyer but they kind of see you as more of any other kind of social service agency, more like a social worker "I go to the welfare department and they help me there because they have to, I come here and you help me because you are obligated to." After their case is worked on, they feel pretty good about what you have been able to help them with I think it is their differentiation between somebody they can afford and somebody that is there because they have to be. I think that is what they mean
- C What has been your experience with the attitude of the private Bar and the Courts toward Legal Services and you as an employee of Legal Services?
- D I think it has been uniformly a very good experience as far as the Courts is concerned I have only had one experience with a Judge where I thought he did not see Legal Services in a positive light I do not know if he was having a bad day or he thought the case was something he did not want to be bothered with We filed a poverty case and they are usually just rubber stamped and he set a hearing on this case That was really the only bad experience I have had, where others feel that they do not see enough of Legal Services I know in Girard Court, it was an open embrace and the same thing out in Newton Falls Although that it has not been verbalized like most other Courts. The Courts seem to be very receptive to what we do
- Now the private Bar has been sort of a different experience I am not sure why they feel that way Maybe I have not been in Legal Services long enough A couple of attorneys have had some bad experiences with past Legal Services attorneys that are no longer here, sort of still have some fresh wounds left over from that and I think I have had to work through that with a couple of people It was not real pleasant but I think by and large the private Bar accepts what we do but they are not that supportive of what we do and I do not know why I do not think it is because they think that we are taking money out of their pockets because we are not I am not sure why I get that sense from a lot of private attorneys I guess they see it as a fly in the ointment or another hoop that they have to jump through and we could get through all these people if you were not here if you were not here clogging up the works I think my experience with the private Bar, on a personal level I get along pretty well with most of the attorneys and we have a fairly good personal relationship

C Do you have any specific examples of encounters or situations where you have been left with that impression by the private Bar?

D I have had several instances where people have said that this case would be resolved or it should be resolved, or there is not really an issue here and the only reason that you are involved is because you are trying to drag it out. Clients of other attorneys would say you are just here to try and make me spend money to sort of wear me down because these people get a free lawyer and you can take all the time and spend all the resources you want. That has happened on a couple of housing cases. These people deserve to be evicted and why are you here standing up for them, you are just trying to get them more time and things like that. I have had a couple of attorneys flat out tell me that they do not like Legal Services and that they do not think that those people deserve lawyers. They get lawyers on criminal cases, why should they get lawyers on civil cases, there is no jail time involved and they have nothing to lose any ways so why do you fight these things, this is what people say.

C Going back to the comments that you have heard from the Courts, you have mentioned Girard and Newton Falls, who are the Judges and are there any others?

D In Newton Falls, that was really the first time that I had gone out there on a housing case. The judge said that he was glad to see us there and that the person had representation they needed and they would not have had it otherwise been able to get it and it was effective in helping them win their case. He thought that it would help more clients to have Legal Services help them out there. It made his job easier too, and I think that is why he liked it because he did not have to do all the work on both sides. He seemed to have a desire to not let this unrepresented person get railroaded and it is helpful to him that he does not have to over step his bounds by trying to do this, that, or the other thing that a legal council could do for someone else. It sort of took him off the hook I think, but I think that is not why he appreciated us, I think he just had an interest in seeing people represented.

The person in the Girard Court was Mark Finamore, the referee. I think I have only been in front of a judge actually, Judge Bernard one time, and we talked in Chambers after. He seemed real interested in what we were doing and he was glad that we were there. Mark Finamore, the referee, said that he was glad to see Legal Services and that he hopes to see us there more often.

Warren Municipal Courts that I deal with, actually one of our Board members is a referee over there, he is always supportive of Northeast Ohio Legal Services being there. Judge Griffith is always supportive, he sort of has a philosophy sort of the way that we do that the law is supposed to help people and not just a one way railroad. I think he is real glad at the fact that people are getting help and he is pleased that there is help out there for people. Especially Warren Municipal, in terms of Courts, that is the one I get to a great majority of the time. Of course, I deal a lot with welfare agencies and administrative hearings and the hearing officers, although they are not Judges they are decision makers, they seem to have a good view on Legal Services. There are a couple that think that Legal Services are trouble makers and will not leave the welfare department alone. I think even those folks are glad to

have someone there

C What is it like dealing with agencies such as the welfare department and their clients?

D Sometimes it is very difficult. My sense is that we are all working for the same thing. Is this person eligible for something that you have? Can you help this person out with one of the services that you have available whether it is housing, food stamps, or medical? I am always surprised with the attitude that I get on the other side of every defense. Like we are not here to provide a service to these folks and we as attorneys whether what you did is right or not. My only goal is that if there is something that you have that these people are eligible for, then let's see that they get it. I think that is what their attitude is too, but they do not act that way. They take it as a personal front or for some reason you are out to get them or to make their life difficult. That is what I think the institutional attitudes are.

Some of the best moments I have ever had is with individuals within the different agencies who just really have that attitude that I originally talked about. Well you are calling and you are an attorney and yes in a sense you are putting us on the spot. If you did something wrong, then you deserve to be put on the spot and let us see if we can resolve the situation. Some of those have really been the best times that I have had, just a real cooperative effort.

There are two hearing officers over at the local welfare agency and they are both, I do not think you could draw a blue print of what I would consider to be more helpful and more useful contacts over there than those two. The one lady, in fact, I know got reprimanded because she was helping people out by her exact job description. I thought that was pretty courageous. I think it really all does come back to the individual and if you can find decent folks to work with, then you really have a decent experience. Unfortunately, I think the institutional attitudes are not that favorable to the people that are applying and it is sad. Anybody that works over there should know that what those people get is still not enough to have what those of us are lucky enough to have other stuff would consider to be a decent lifestyle.

C You also mentioned that you do a lot of work with the Housing Authority. What is that like and what is the Housing Authority like in comparison to area agencies?

D The Housing Authority in one sense is easier to deal with because they are very modelific. I try to talk to individuals like Housing Managers and different people like that. Early on in my relationship with them, the people higher up made it clear that you are not to go to anybody but them with any problem. So it is much easier in that sense that you get to the people higher up much quicker and those are pretty much your absolute decision makers. It is sort of clear how you operate with them.

The problem with them though, is that they are really besieged, they have a problem



that the Welfare Department does not. The Welfare Department sits over in their building and all they really have to do is push papers. They do not have to deal with the everyday problems like the Housing Authority. I sort of understand where they get their negative feelings about any attorney and Legal Services specifically because we are basically the only attorneys available to the tenants over there.

There are problems in the housing projects, real life problems. People die, people get shot, there are fights, there are gangs, there is drugs, and a lot of the time they think the people we are representing are the people are contributing to that. Whether they are or they are not, I do not always know the answer to that. They really have a tangible basis for the human nature kind of reactions. I understand their anger at times when we get people to stay that they think are problems. However, I do not understand the Welfare Department. It is not money out of the case worker's pocket. I do not understand why they have the kind of attitudes they have to not see people get what they are entitled to. They do not have any fear because a lot of the Housing Managers live at these places. The Welfare Department does not have any kind of personal stake, none that I can see invested in whether people get A, B, or C benefits or do not. That is why I always thought they would be more cooperative, but they are not.

We usually have pretty good success over there and I think it is on a personal level, I get along with those folks pretty well. I think that has actually made it a little easier to work on a professional basis because they do not see me or the office as just an agency out to give them problems. They understand that we do sympathize, but they also recognize that we have an obligation to the individual tenant in front of us. The Welfare Department is more like a scatter show because there are so many case workers and the supervisors really do not get involved unless you cannot work things out with the individual people. You are dealing with a whole lot of different personalities and it is much more of a crap shoot, what you get over there.

C In the time that you have been here, what have been some memorable cases or events, things that have stood out in your mind?

D I can think of a lot of cases. I guess one that really stood out in my mind was a housing case that I had, well two actually. Both cases I really thought that the people really deserved to stay. They were really faced with being put on onto the street. A lot of cases people are going to get evicted or not evicted, but they sort of have backup networks or friends or relatives that they could stay with.

I remember these two because they really did not have any backups that they were aware of. They really did not have any immediate options. If they lost, they may have ended up somewhere and they may not have. The one they had accused her of drug related activity and they had about five policeman and four employees. There was over ten witnesses on the other side and then there was her. She was her own witness and it was really quite an ominous preceding. There were all these people that were respectable and the kind of people you think the Court would listen to, and it really made my faith in our system rise because she ended up winning the hearing just based on her own testimony and a little bit of cross

examination of the other witnesses. The Court was willing to except her position over all these other folks and I really thought that showed our system well. There were a lot of people that on paper was really probably a no chance kind of hearing because a lot of people were willing to come in and say they thought this was going on, but it was not sufficient to get her out and I think she is still there today.

Another one was a pregnant lady who had an abusive boyfriend who was a real problem. He actually is in jail now for raping someone else. She had tried to get him out of her apartment. She had thrown him out one time and he beat the living day lights out of her. After that, she really did not do much to make him leave, but then he finally did volunteer to leave and he moved on to someone else I guess, to add sunshine to someone else's life. They were trying to evict her and she was due in a week or two weeks and she already had one child and she did not know really where she could go and she had really tried and gone through a lot with this one individual and I think she really made a courageous effort to change her circumstance and they were trying to evict her. It was the longest eviction hearing I have ever been to, personally. It was over five hours, the total time for the hearing. She had a couple witnesses and they had just a ton of people. She ended up winning that case and getting to stay. Those are two of the more gratifying ones.

The problem is it is too hard for me to get excited. If you win you win, it is no big deal. It is for the client but it is not on a personal level. You have won some small battle for them, but you really have not done anything most of the time to really change the war they are fighting to make any kind of appreciable difference in their lives. You have put a Band-Aid on. With those two cases I was really pleased with the outcome.

C Are there any other cases in other areas that give a flavor of the type of work that you do, and the results there of, either in consumer, housing, or public assistance?

D One case that comes to mind, only because it is fairly recent, it also felt good to help these people and to educate the Welfare Department at the same time. There is a new concept, there has been cuts in the General Assistance Program and persons are being taken off their Household income, although it is not a lot of money when that is pretty much what you have, 100% of somebody's income is still quite a loss to them. There is a concept called Central Persons. It means that if you are a particular relationship to an ADC family, you are entitled to be put on their case.

I had assumed the Welfare Department as a matter of course would be checking for this when people's General Assistance eligibility ran out. This would be a way to keep people from being pushed into having nothing. Apparently, if they are doing it, they are not doing such a great job of it. I had one client call in and her husband had actually lost his GA benefits, but they qualified for that particular program and we were able to intervene with the case worker so now he has medical coverage where he did not before and the household had an extra one third increase to their income, plus an increase to food stamps. It was just a benefit to the household and at the same time we got to educate a lot of the workers over at the Welfare Department. I had spoken with supervisors over there and higher ups in the agency and had explained to them to make sure they make an effort to look for this particular

issue because it is crucial. I think I liked that case because we got to make an individual difference and also contribute to the institutional effectiveness over there. At least I hope they are, I have no guarantee of that and I am not sure what more I could have done, I did what little part I could.

C Can you think of any other cases or any other examples?

D Utility cut offs, that comes up on a fairly regular basis. The main issue that I have seen in that, and we had one case where someone lived in an apartment with someone else and the bill was in the other person's name, and that person moved out without paying the bill and the agency came over and shut off the water for the whole place, which was improper and we got them to turn it back on for this person and put the services in his name. Those kinds of things, they are not major legal issues but they certainly mean a great deal to people in their day to day living.

C What is a typical day like for you?

D A typical day is, I get in in the morning, it depends our office hours are 8:30 to 4:30 but that only applies to people calling in. Those are not the hours that the attorneys work or that the staff stays. She comes in and does the thing that she needs to do to get the office ready to go in the morning. I come in and I have either have things from the day before that I need to follow up on or try to work on the cases that are already open. I have structure in the sense that I know this is something that I would like to work on today or this is something that I would like to try and get to. You sort of have files on your desk from yesterday that you know you are going to follow up on the next day. The clients really dictate my day, because with my clients, I let them know that it is an open door. If you have any problems or questions, feel free to call whenever you feel the need to, and they do and I am glad they do. That really dictates a lot of the course of the day. I could expect to do A, B, and C, and if you get calls all throughout the morning, then it turns your day around. The typical day is talking to attorneys, talking to clients, writing letters, doing research on the cases, checking welfare files, checking court files, drafting documents, and I guess that is a typical day.

C If you had the opportunity, what would you like to see change in the future?

D I would like to see Legal Services become distinct, there are no more poor people. That is the goal for the agency. My goal is that we work ourselves into obsolescence and that society works us into obsolescence.

I guess anything more realistic, change. I am not really sure that there is a lot that I would vote to change. The people that I work with are terrific and supportive and helpful. I guess the only thing I would like to change is me. I know X amount of material and I do an X level of legal work and I guess I will be better than I am now and I wish that was now. I am not sure, the job unfortunately will stay the same because poor people are still going to be poor and they are still going to have those kinds of issues. I guess the only thing I would

change is how effective I hope to be, I wish I was now

C Is there anything important that we have not talked about that you could like to discuss or that you think is important?

D No It is just from the time that I have clerked here, it is just the sense that the people that are working here are doing something that is good and that is helpful and useful I never knew anything about law Before I went to law school I did not know any lawyers, no friends of the family, I had not been court I had basically no contact with the legal system at all, on any level. I did not even know that Legal Services existed, the concept of Legal Services In fact I learned about it from Joanne Ford who was a friend of my aunt That there was this thing out there and they do this that and that really sounded like a really good idea Before that I had no conception that that even existed There is nothing more that I can say

C Thank you

End of Interview