A Host of Heroes: A Story of the Notre Dame Legal Aid Clinic

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The central figure in any important event or period, honored for outstanding qualities. . .

— Webster's New World Dictionary 657 (4th ed. 1978)
humanistic, values-centered legal education at Notre Dame, guided the students who were helping clients, thereby infusing their work with his belief that the problems of people and society were the problems that lawyers should tackle.

Professor Broden joined the law faculty in 1959, shortly after his graduation from NDLS. Almost immediately, he set about finding ways for law students to help those in need of legal services. Notes in the November 30, 1951, and March 14, 1952, issues of the Scholastic describe a Legal Reference Service begun in late 1941, run by students under the direction of John Terranova '52 J.D., with Professor Broden as the faculty advisor. A University student, employee or faculty member with a potential legal problem would present the situation to a law student who participated in this service — "student referrals," as they were called, were selected for their maturity and knowledge of the law. The student referral would evaluate the case and, if appropriate, refer the individual to a member of the St. Joseph County (Indiana) Bar Association who had agreed in advance to accept the case for a low initial consultation fee — $5 for the first half-hour. The March 14, 1952, issue of the Scholastic describes this program as evolutionary, primarily because local bar association members had agreed to accept referrals from NDLS students and had agreed to a reasonable fee arrangement. The value of this program to law students was not lost on the Scholastic editors: "This [service] will also be of practical benefit to the law student, giving him experience in counseling with needy clients." (Nov. 30, 1951, at 2b)

Interaction between NDLS students and the local bar association, as well as with other community agencies, proved to be a hallmark of Professor Broden's involvement with Notre Dame's legal services programs. In fact, it was his innovative plan for bringing various legal-services agencies in the South Bend community under one umbrella that made Notre Dame's Legal Services Program a role model for other universities trying to secure federal funding to support their own programs.

Professor Broden's proposal for the Notre Dame program proved to be one of the more innovative, because it brought together under one organizational structure the various county and local agencies that provided legal services to the poor. In an article in a Notre Dame Lawyser (the law review) of the era, Professor Broden described his plan:

"The... Notre Dame Law School program... is the legal service program for St. Joseph County, Indiana, employing South Bend, Michiana and some smaller towns. Prior to 1960 financing for the service was a Legal Aid Office in downtown South Bend with one lawyer and a lawyer's assistant. The local OBSO community action agency, the county bar association, the Legal Aid Society, the United

In 1965, as an element of its "War on Poverty," the Johnson Administration's Office of Economic Opportunity (OEO) chartered law schools to develop programs through which law students could provide civil legal assistance to the needy. This type of program presented a radical change for law schools at the time — since law students generally could not "practice" law (even at summer jobs) before graduating and passing the bar examination. Law schools around the country seized the opportunity to become community leaders in the provision of legal services to the poor by approving programs for federal funding. OEO sought high-quality, ambitious programs that would have a significant effect on the problems of poverty.
Community Services (United Food agency, which had been supporting the Legal Aid Office and the University agreed on a single expanded legal services program which would create one or more neighborhood law offices in the four sections of the county in addition to the downtown South Bend office. A new 24-
man board was created with representation as follows: 10 members to be elected by the county bar association, 8 representation of the bar, 4 members of human rights and human relations groups; and 2 faculty members of the Notre Dame Law School who are members of the county bar association. 


Professor Broden guided Notre Dame’s proposal down a narrow path, balancing the socially conservative University’s concerns against the requirements of a soc-
cially liberal federal government. Due to huge support to Professor Broden’s immediate successor and his community-oriented vision, Notre Dame secured federal funds and labs (and grants to support the program, and became the first law school in the country using this model to be approved for funding by the federal government. Professor Broden structured his proposal for the Notre Dame program so well, that, in fact, both Harvard and Columbia “borrowed” it as their model for their own programs. Professor Broden’s program won the praise of the federal government and law schools. But in addition to serving the underrepresented poor people of the area, this program gave NDLIS students practical experience and the opportunity to interact closely with faculty practicing attorneys, local judges and community leaders. The Law School administration honored the value of this multidisciplinary educational experience.

— [Professional competence is not enough. The Law School prefers that lawyers and law schools must face the great question concerning the nature of man and of society, the origin and purpose of law and its future role in society. — The School

believes that its lawyer is best served, and its community as well, if he possesses not only legal knowledge and legal skills but also a profound sense of the ethics of his profession — and something else which the curriculum is likewise designed to cultivate: pride in the legal profession and a sense of the importance of Justice. To that end the Law School participates in a local program to provide legal ser-
cices mainly in civil cases, to persons unable to pay counsel. This activity is part of the Legal Services Program of the Office of Eco-
nomic Opportunity.


Under Professor Broden’s guidance, Notre Dame’s legal services program estab-
lished neighborhood law offices around South Bend. Local attorneys agreed to give their time to the program and to supervise the students who performed legal services for the needy in the community. Among the first attor-
ey heroes was the neighborhood office of Professor David L. Teplick, who, in 1964, first established the hub of the South Bend neighborhood office and then set up the western neighborhood office. He succeeded in administering the program were due to his nature — he was charac-
teristic, a marvelous presence, and outraged well in the world of legal com-
mittees — and to his unassuming commitment to social justice. Professor Broden, appointed assistant dean in 1965, served as program director until 1968. During his tenure, he managed to secure federal funds to support pro-
gram activities throughout 1971. In 1969, he took a leave of absence from NDLIS to ac-
cept a position with C. S. in Washington, D.C., and returned a South Bend two years later to head the University’s newly created Urban Planning Board. Today, as profes-
sor emeritus of law, he continues to facili-
tate, encourage and teach students through his various efforts as the citizens. In recent years, the University has taught courses in subjects such as law and poverty — courses that augment the actual clinical educational experience and provide the intellectual foundation that supports the idea of a clinical, practice- oriented education in an academic environment.

Professor Shaffer another hero of this era, joined the faculty in 1963 and, having worked in both health as an attorney with Barbara. The bestu and Western

But this was one of many treasures that made him the natural choice of the stu-

dents in their work in three legal services programs right from the beginning. In the early 1960s, a group of students

created an organization in response to requests for help from tenants in the Indiana State Prison in Michigan City. Although

dating back to the 1960-64 academic year, the students formally organized the Notre Dame Legal Aid and Defender Association in the 1964-65 academic year. Under the

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In reality, the association was more than just a community-service organization. Professor Shaffer had become the faculty advisor to a student group that had mushroomed quickly into the largest law office in northern Indiana. In addition to teaching his full course load, Professor Shaffer supervised the student who served as executive director of the association — still largely a student-run enterprise that, by 1968, included five regional offices in South Bend and one in Cass County, Michigan, and other divisions that provided assistance to University students, faculty and employees, to inmates in the Indiana State Prison, to the St. Joseph County prosecutor's office, and to the local public defender's office.

Professor Shaffer also worked with the supervising attorneys in the regional and county offices to ensure that quality legal services were being provided by the students who participated in the program.

Professor Shaffer continued to influence the direction of the clinic all the way through his tenure as dean from 1971 to 1975. Although unable to supervise the students directly because of the demands of the deanship, Professor Shaffer ensured that the work of the clinic would continue by adjudicating students who exhibited a strong social conscience. This service-oriented focus of his work was described in a 1997 article in *Humanistics Legal Education,* written shortly after the beginning of the 1972-73 academic year.

The intensely personal concern at ND Law School is interprofessional legal education between professors and students, students and students, students and the South Bend community, and between potential enemies and resolving problems of our own as civil rights, international development, housing and poverty.

**ND Law School [under the guidance of Dean Shaffer] has a humanistic ethos in which students can learn to become personally involved in their clients' problems, where attorneys can learn to live Christian humanism in their work through a people-oriented legal education.**


There is every indication that Professor Shaffer succeeded in his goal to integrate the needs of people and society into the study of the law. In fact, during the Shaffer Era, participation in clinical programs grew to its highest level — approximately 120 students per year helping those in need. And through their practice of law today, many alumni of the era — including, for example, Honorable Milton G. Lipscomb '75, J.D., who served as executive director of the association in '13, and Honorable Anne Claire Williams '75, J.D. '97, J.L.D., who was instrumental in establishing a law library at the Indiana State Prison — continue to be community activists, working to secure justice for those in need.

**Legal Aid Today**

Today Notre Dame Legal Aid Clinic retains much of the influence of Professors Brocken and Shaffer. It is an essential part of the legal-services community of St. Joseph County and much of the surrounding area, in keeping with Professor Brocken's plan for a community-based organization. It allows the students who work there to minister to the needs of the community in their practice of law, thereby furthering Professor Shaffer's desire to bring a humanistic, values-centered approach to the study of law. But the clinic today is also so much more.

Beyond the unparagonable valuable and worthwhile goals of community service and practical experience for law students, the clinic has become an integral part of the Law School's academic programs. The clinic's coordinator, Edgar Dowson '98, J.D., in response to faculty desires as well as to the response to the University's renewed commitment to the South Bend community (as evidenced, for example, by its investment in the South Bend Center for the Homeless and in retaining the neighborhood south of campus), decided that the Law School should have a stronger community presence. Professor Shaffer returned to NDLS and expressed his desire to reexamine the next phase of his career teaching roles in a law-office setting and contributing to the helping the community. And Edgar and Barbara arrived with ideas and energy.

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Milvertoft and Barbara live in Los Angeles and Tubin. They are married with young children. Both arrived in South Bend around the same time with their husbands who had taken positions at the University. Both are women with a passion for their work.

Right around the time Edgar and Barbara arrived at Notre Dame, a Lazarus confirmation of sorts paved the way for today's clinical programs. Dean David L. Laur '58, 61, J.D., in response to faculty desires as well as to the response to the University's renewed commitment to the South Bend community (as evidenced, for example, by its investment in the South Bend Center for the Homeless and in retaining the neighborhood south of campus), decided that the Law School should have a stronger community presence. Professor Shaffer returned to NDLS and expressed his desire to reexamine the next phase of his career teaching roles in a law-office setting and contributing to the helping the community. And Edgar and Barbara arrived with ideas and energy. Although initially able to secure grants to cover only part-time salaries, Edgar and Barbara conspired themselves full-time in their mission to refashion the way NDLS ran legal services. First, they reorganized the student association using the law-firm model. Edgar notes.