

# LOYOLA LAW

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*Four who shepherd the poor: Loyolans who protect the public interest*

An alumni publication of the School of Law



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**On the cover:** Public interest lawyer Lewis Check ('88) at Loyola's Community Law Center.

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# Four who shepherd the poor:

## *Loyolans who protect the public interest*

by Monica M. Walk

The study of law upholds the Jesuit tenet "knowledge in the service of others." Some Loyola graduates take that commitment to serve a cut nearer to the bone: they eschew corporate clients and instead choose to represent clients without means to employ the American legal justice system.

Public interest lawyers are a rare breed—willing to balance large caseloads against lilliputian salaries in the belief that their work matters, to their clients and to society. They will admit to pondering the financial benefits earned by their peers in large law firms, yet maintain that justice is recompense. Whatever the reason, they are lawyers with an inner need to pursue equal justice under the law for the poor.

Her clients never pay, and she doesn't expect them to.

Attorney Antoinette Moore ('85) interned for the Legal Assistance Foundation of Chicago (L AFC) while a law student and accepted a position with the not-for-profit corporation immediately after taking the bar exam. The L AFC is the principal Chicago provider of free legal services in civil law matters to individuals and not-for-profit corporations unable to afford legal counsel.

"I knew even before I went to law school that the type of work I wanted to do would relate to social change and justice for the poor and underprivileged," Moore said after a week of solidly booked court appearances. Late Friday afternoon sunlight leaked through Venetian blinds, across a desk in an office that the L AFC compares to its salaries: adequate and functional, but not luxurious. "This decision stems from my background and from my beliefs about what individuals should do for others who are unfortunate.

"As an undergraduate, I was introduced to the study of law through my interest in criminal justice and the death penalty. I was working on a defense committee to free a person who was unjustly imprisoned and on death row. I read the court transcripts; I met the lawyer; I met the defendant. This person ultimately was released and found innocent of the crime. Law became very real for me."

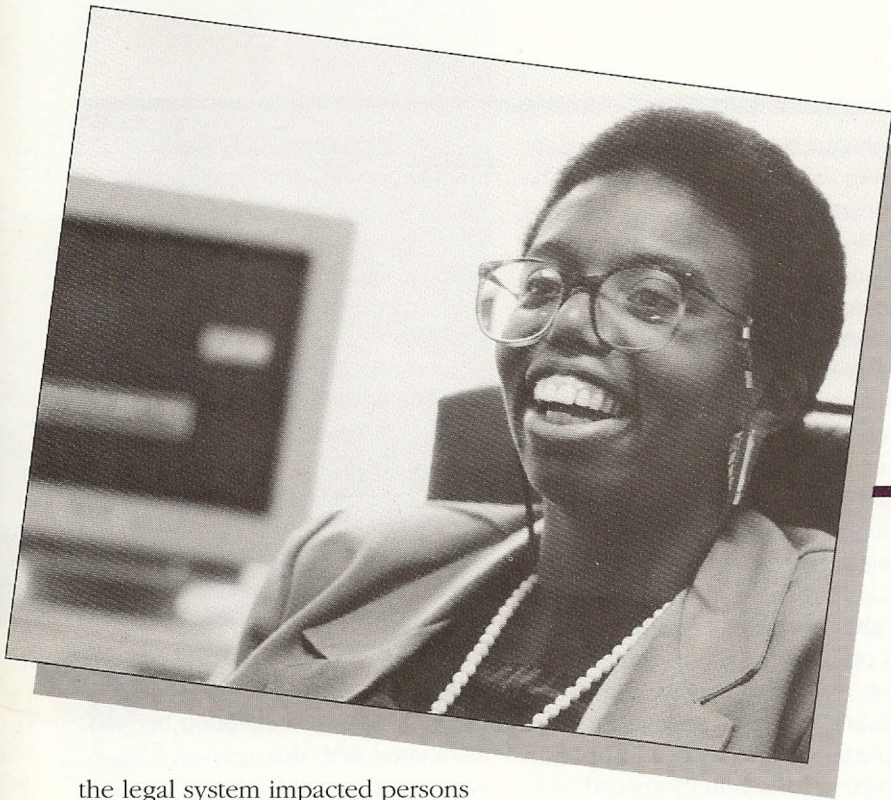
Her home life also honed Moore's sense of justice.

"I grew up in a poor neighborhood in Brooklyn where I saw injustices, things that even as a child I knew shouldn't happen and weren't correct," she continued. "As I grew, I began to understand how



*Moore outside the CHA building that spawned an important case.*





the legal system impacted persons of color and persons who were poor—I began understanding the power system and the political system. At the same time, I got a sense of justice from my parents. My father happened to be a police officer in New York City, and he said things that made me realize that there was a lot of work to be done to balance those scales. And my mother just innately believes in fairness.”

Even before her teen years, Moore said, she became politicized and sensitized. “During that time, (John F.) Kennedy was shot, Malcolm X was shot, a few years later Dr. King was shot, the Vietnam War was going on. Throughout junior high school, I just kept thinking ‘things are not right in the United States.’ We learned all these things about America in school, but there were things not being told to us, and I was reading about them in the newspaper and seeing them in my neighborhood.

“That was when I really wanted to become a journalist,” Moore admitted. “All I did was read the paper and listen to the news. I was so caught up in the ‘68 convention in Chicago and the presidential election; it all seemed so important to me.”

**M**oore remembers her desire to be a journalist, but her parents say she always cited a dual goal of journalist and lawyer. “They even have a quote from a childhood event when I said I wanted to be both. I guess I wanted to be a lawyer earlier than I remember.”

Moore does remember direct and indirect support of her public interest propensity while in Loyola’s law school. “Hank Rose and the law clinic very definitely encouraged me. That was my first experience with ‘poverty law.’ I highly recommend that clinic to every Loyola

student I come in contact with, whether they are interested in public interest law or not. It’s an experience that every Loyolan should have.

“Professor (Norman) Amaker and his experience in the civil rights movement also had a great influence on me. He didn’t say ‘Toni, I know you’re interested in public interest law. Do it.’ He was an example. His work made it clear that you could become established in the legal profession and be respected for having done civil rights work and public interest work; you didn’t have to come out of the corporate field. And Associate Dean (Thomas) Haney and Dean (Nina) Appel, then my torts professor, both had expressed the need for Loyolans to look at public interest law. The school overall, I felt, had a positive influence on my choice to pursue that area. I can see that Loyola professors have an interest in developing lawyers who have a sense of justice and not just of the law.

“I also believed what was taught in my ethics class at Loyola,” she continued, gazing at the wall above her desk where she has tacked quotes from Malcolm X, Martin Luther King Jr., and Frederick Douglass. “It was real, not just a State of Illinois requirement. That impressed me. The professional responsibility and ethics taught at Loyola buttressed my idea about public interest law and the responsibility of having this degree and being able to assist people in very serious matters.”

In her position at LAFC, Moore handles 60 to 80 cases at a time, yet manages to keep her work week between 40 and 50 hours. “That’s clearly an advantage of working here,” she said. “Some-



times I work longer hours preparing for a trial or when the agency is overloaded with cases. But I usually don't work weekends. These are tradeoffs compared to the income."

Having personal time on the weekends enables Moore to pursue another profession of interest: teaching. Her Saturday mornings since 1985 have been devoted to underprivileged high school students enrolled in Loyola's Law Enrichment Program for Minority High School Students. The program deals largely with a street law curriculum and is geared specifically to minority students. "This is a way for me to give something back to my community, and to maintain a connection with the law school," she said. "I love to walk in the door, say 'hi' to Dean Haney and know I don't owe him a paper."

Through LAFc, Moore also performs a substantial amount of community legal education. But above all, Moore is a lawyer for the poor. She takes her legal representation of the indigent very seriously and says she feels a particular responsibility as a Black lawyer in the neighborhood she serves. From her LAFc Mid-South Office at 4655 S. Michigan Ave., Moore specializes in eviction defense, domestic cases, employment discrimination, and unemployment compensation.

"I really like the type of practice I have here," she said. "I like litigating against the CHA and doing eviction defense work. The child abuse and domestic violence cases affect me the most. I get frantic over the paperwork and then feel a real high when we win the case. I get real satisfaction out of knowing we have changed a law, or made sure that the government complies with a law that exists. But

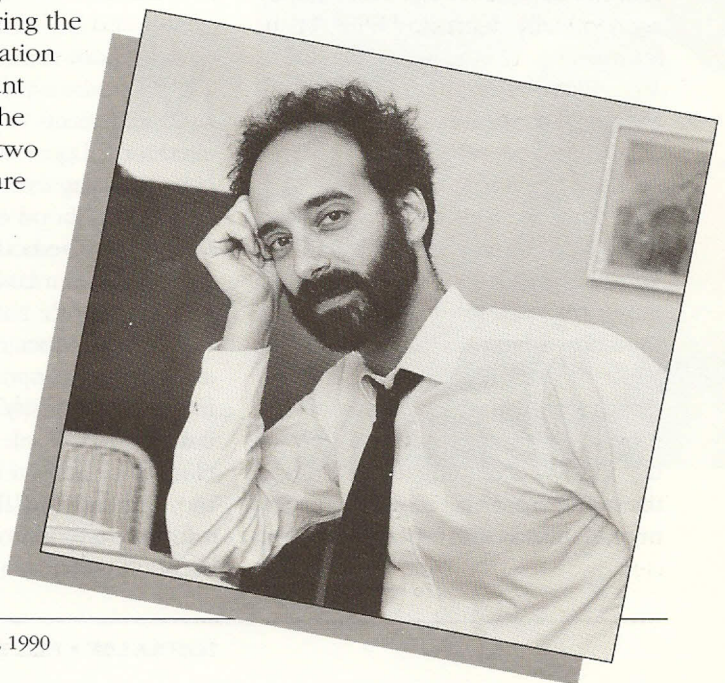
the job can be emotionally draining. We take some of the work home in our hearts."

A card propped on her desk, one among many that Moore has received from grateful clients, thanks Moore as much for listening as for winning the case. "I'm often the first person in the bureaucracy to look at them and listen to them and care about their problems," she acknowledges. "Often, I have to tell clients 'What happened to you is wrong, it was unfair, but it wasn't illegal. There's nothing a lawyer can do.' There are a lot of problems that poor people have that stem from their poverty and can't be solved in the legal mechanism. I try to refer people to sources that can provide the type of attention they need."

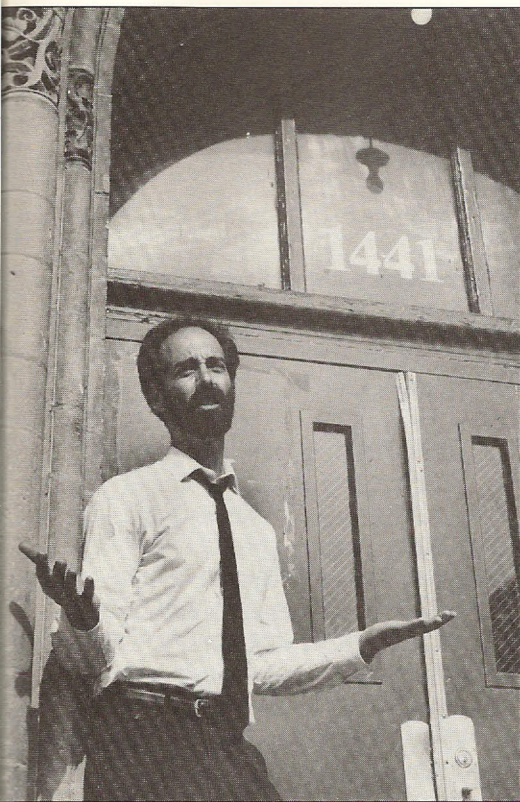
A housing case ongoing for her full five years at LAFc is the one Moore cites as her most significant. She represents the Lakefront Community Organization, a group of public housing tenants forced by the CHA to relocate. The negotiated settlement includes relocation for the 700 families, as well as employment opportunities during the building rehabilitation and ultimate tenant management of the buildings. "Now two of the buildings are near completion and we recently had a major meeting with CHA leaders and city aldermen," Moore noted. "People will soon return to the buildings."

"I feel very proud to be associated with this grass-roots group that grew out of a crisis. They rose up and, in a democratic fashion, fought back. They are very inspiring clients, just about the most sophisticated I've ever had. They know how to use a lawyer, and call me only when they need a legal opinion. They have stuck together despite being displaced. The result is that their persistence kept this affordable housing for poor people from being torn down. I cherish this case."

Reflecting on the cases she has handled personally and seen handled by other LAFc attorneys, Moore said, "I feel so good being associated with this agency. I have won some recent CHA cases where I know that had these people been put out of their homes, they would have joined the ranks of the homeless. They had no other option. I think it's extremely important that someone be doing this work."







*Cozzola outside the CGLA building.*

**B**ecause the funding for public interest law limits the number of positions available, it's not surprising that Moore moves in some of the same circles as Richard Cozzola ('80).

He began working at the Cabrini-Green Legal Aid Clinic (CGLA) as an unpaid student employee in 1980. It was four years before a paying position opened up. Between graduation and his return to CGLA, Cozzola spent a year in the legal services division in economically depressed Flint, Mich., and another two in Saginaw, Mich., doing housing law. A legal writing fellowship brought him to DePaul University to teach, and he began volunteering again at the CGLA clinic. When his original contact at the clinic, Rosemary Soffel, left CGLA, Cozzola was hired as the supervising attorney.

"I didn't know much about public interest law until I received a Governor's Fellowship while a Loyola student," admitted Cozzola, who later also received the Wall Street Journal Award for volunteer work. "I worked for the Illinois Department of Public Aid, which

loaned me to the State's Attorney's Office child abuse unit. I also learned a lot from my Loyola professors, both in class and by their example. After the fellowship experience, I was a student employee at the Legal Assistance Foundation. I then met Rosemary Soffel at Loyola, during a Street Law mock trial that she judged. When she asked me to work at the Cabrini-Green Legal Aid Clinic without pay, I was ready.

"I did have some sense of wanting to work with the poor due to my seminary background," he said. Cozzola attended Niles College and taught grade school in the mid-'70s. "I think I had this idea of a sort of 'Abe Lincoln' law office: 'give me a chicken and I'll represent you.'"

On a sunny Thursday morning, the stairs to Cozzola's second floor office are blocked by a score of men and women lined up near a large, well-lit closet. Children mill about. A young boy tries to straddle the bannister as his elders wait patiently for brown bags of groceries, topped with fresh cabbages. The former orphanage and medical center at 1441 N. Cleveland houses a number of programs aimed at the residents of nearby Cabrini-Green. Several, including the legal aid clinic, were founded through the non-denominational LaSalle Street Church.

The white walls outside the clinic offices are bruised and scraped with age, in contrast to Cozzola's crisp white shirt and neatly knotted tie. He looks natty enough to represent any Fortune 500 executive; his attire conveys the message that he is a lawyer with important clients.

"Anyone in this community can get arrested and convicted once," Cozzola said. "But if a person has two or more felony convictions, we won't take their case. We try not to duplicate services of other agencies. We do a lot of work that is special to this neighborhood. Less than a quarter of the cases that we handle are criminal; 25-30 percent are public housing issues. We also handle social security/disability cases, juvenile delinquency, child abuse and neglect, consumer issues, problems with vocational schools, unemployment, and some estate probate. Clients aren't charged for our services."

Many of the clients who come to the clinic have colorful stories to tell. One of Cozzola's favorite cases involved a woman "remarrying" her dead husband. "They had lived on a piece of property in his name in Arkansas," Cozzola related. "They separated, and she came to Chicago about 25 years ago. He was very involved with a relative of hers, but she never wanted to be divorced from him. She said, 'I couldn't stand living with him, but I love him. So I couldn't see much point in getting divorced.' He would come around and ask to reconcile, but she'd say that while she could forgive him, she couldn't forget the four children he'd had with her cousin. He died in a car crash and she learned that she didn't have title to the property and wasn't receiving his social security benefits. In 1978, unknown to her, he had divorced her, claiming he couldn't find her. Of course, it is improper not to notify the other party when you are suing them and you do know where they are. The court eventually saw this and set aside the divorce, so she has a



chance to get the property back.

"We do have all kinds of criminal cases," Cozzola said. "One of the great advantages of us being community-based is that we establish a reputation in the community and can use connections from past cases.

"I do think it's hard for a poor client to win a case," he continued. "The amount of work that goes into a case, to really have a shot at winning, is beyond the expense of the poor, and the public defender's office has so many cases to handle. Poor people feel that life is precarious and the system is overwhelmingly against them. That's where a community-based organization like CGLA has an advantage."

**C**ozzola cited a case in which a 15-year-old was arrested for murder. "His probation officer called and said he was a shoplifter, but not a murderer. We investigated the case and heard the kid's perspective. He said he was up in a Cabrini-Green apartment with a friend and the friend's sister. They heard the shots, looked out the window and saw people running. The kids ran outside, past a woman who lived on the first floor and past two police officers running toward the scene. When the kid got outside, he didn't go to the scene because he saw his grandmother and they started talking. About four minutes later the police officers that had passed him came up and arrested him.

"At the station, they handcuffed him and put him in a room with his face to the wall. The door opened, a voice said 'Is that him?' Another voice said 'Yes.' This happened three times; the fourth

time, the kid turns and sees a person he recognizes and calls out his nickname. This person says, 'That's not him; he didn't do the shooting.' The police reports mention the first three people, but don't mention the fourth. The witnesses were all from a rival gang; one soon had a murder charge of his own. All we had to go on was this nickname and the witnesses who were with the kid at the time of the shooting. We had a motion to say the lineup was illegal, but the judge said it was proper for an emergency situation.

"After three or four months of looking, we finally tracked down the boy with the nickname, who saw the whole thing and knew who did the shooting. This witness was in the same gang as the victim, and said 'The guy who died was a friend of mine, but the guy they arrested didn't do it.' He agreed to testify. Then we started searching for the other witnesses, the women, who were afraid to testify. It took a lot of talking to convince them. A third witness had seen boys with guns running out of another apartment building before the murder. We had to convince her to testify, too. We found these women while talking to them about other cases or asking questions of other people.

"The jury was amazed that these obviously frightened women came in to testify," Cozzola said. "We were able to argue, 'Who do you want to believe, these gang members, or these women who risked their lives?' The jury came back with a 'not guilty' verdict—but we had to perform hundreds and hundreds of hours of work."

The defendant on that case did stop by to see Cozzola after the

trial. "That's a rare occurrence—the elderly are always so grateful, but the youths seldom stop in," he said. "They just don't know what to say. They do refer their friends."

The clinic provides a number of legal internships for law students interested in public service law. Cozzola and the clinic staff believe it is important to offer students a look at the field. "The interest is there, but there aren't as many jobs in public service as there should be," said Cozzola, who received the 1988 Chicago Bar Foundation's Maurice Weigle Award for service to the bar and community by a young lawyer. "Some of the students who come through here go on to public service jobs, others find it overwhelming. But we hope they will take some idealism with them to whatever job they pursue, and we hope they will consider pro bono work."

Cozzola cites his co-workers as an important factor in his six years of satisfying work at the clinic. In July, however, he left this work "family" to enter another area of public service law. He's now at the Office of the Public Guardian, where he works in the courtrooms and trains lawyers. He joined seven other Loyola-educated lawyers on the 45-attorney staff.

"I think our role here is, in all of the juvenile court abuse and neglect system, the most important role—we are the attorneys for the children," Cozzola said. "The guardians are strong advocates for what is in the best interest of the child; we are not bound by what DCFS or the parents want. And the number of cases in the public guardian's office is staggering. There are a lot of children in need. This position and my job with



CGLA are, to me, great jobs, and I feel fortunate to do what law school taught me."

**J**oe Gatlin ('82) worked with the poor before he attended law school. Having earned a seminary degree, he moved to the northeast corner of Rogers Park with his wife to start a neighborhood ministry. With the support of their growing faith community, they founded a church and alternative Christian elementary school, and a hospitality house for the homeless.

"Out of that community organization, many neighbors concerned with housing formed a not-for-profit housing development corporation called People's Housing," Gatlin said. "I had some background in administration with not-for-profits and took on the role of executive director for five years."

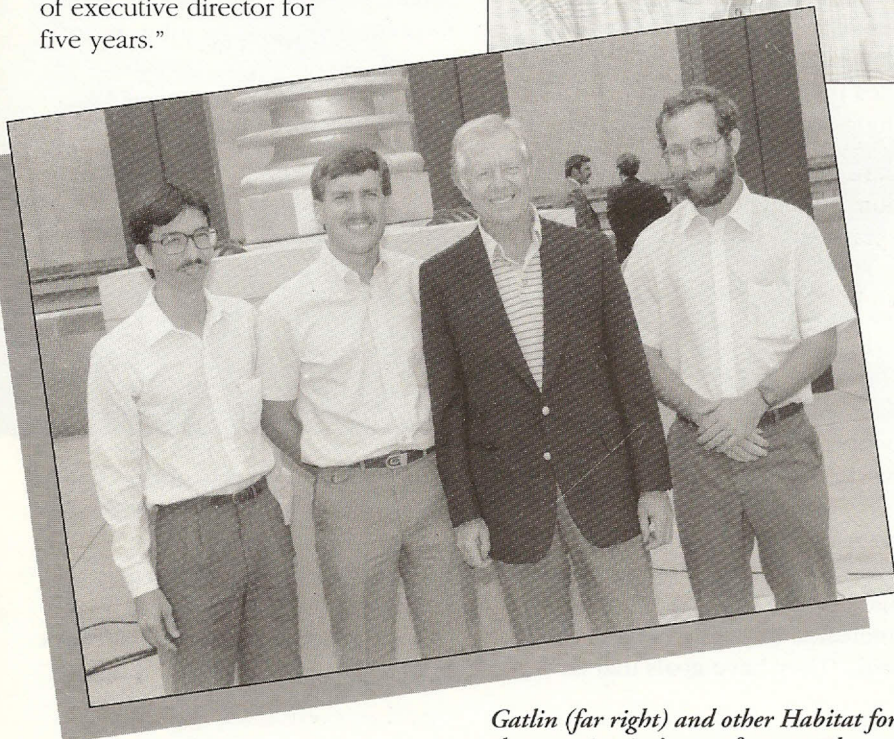
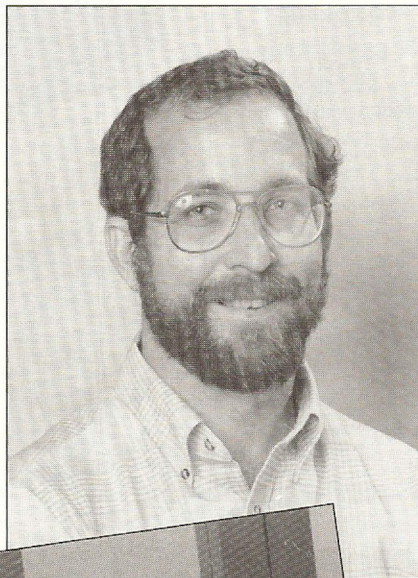
Gatlin saw a law degree as a credential to help him continue his ministry. "I didn't go to law school with the intent to practice law," he explained. "My wife and I feel our life vocation is to build Christian community, particularly working among and enabling low-income

people. We want to challenge more affluent Christians to be aware of responsibilities. After I finished the seminary, I thought law would certainly be something helpful. I didn't think I would be particularly happy practicing law, but I thought a J.D. would give me a good background in not-for-profit and realty principles."

At Habitat for Humanity International, Gatlin has put those principles to work. Habitat for Humanity is a non-profit ecumenical Christian housing organization dedicated to eliminating sub-standard housing by building and rehabbing homes. Homeowners are required to invest hundreds of hours of "sweat equity" in the construction of Habitat homes. The organization will sponsor 3,000 houses this year.

Since 1986, Gatlin has been back in his hometown of Waco, Texas, where he organized a Habitat affiliate and served as executive director. He was appointed regional director for Habitat's southwest region, covering Oklahoma and Texas, in 1988.

"I think there will be more positions for people who are lawyers to do public service work. My positions have risen out of need," Gatlin said. "Public service positions for lawyers won't pay as well as a firm, and may not necessarily involve practicing law, but the law background will be helpful. Habitat founder Millard Fuller is an attorney, and in addition to his work with the organization, he does maintain a private practice. We also have staff attorneys."



*Gatlin (far right) and other Habitat for Humanity staff members with the organization's most famous volunteer, former president Jimmy Carter (second from right).*



The organizational skills he developed in law school help Gatlin in his Habitat work. As a regional director, he is a resource for 26 affiliates in two states. He recruits new affiliates, raises funds for Habitat International, represents Habitat International throughout his region, and chairs its national advisory council. He also occasionally pounds nails.

**W**hile Joe Gatlin enrolled at Loyola more interested in implementing service than practicing law, Lewis Check ('88) came to Loyola intent on pursuing a law career that would provide public service. Like Rich Cozzola, he taught school for several years before opting for law school. And like Toni Moore, he found Loyola's Community Law Center a helpful part of his education. He now works there on a fellowship.

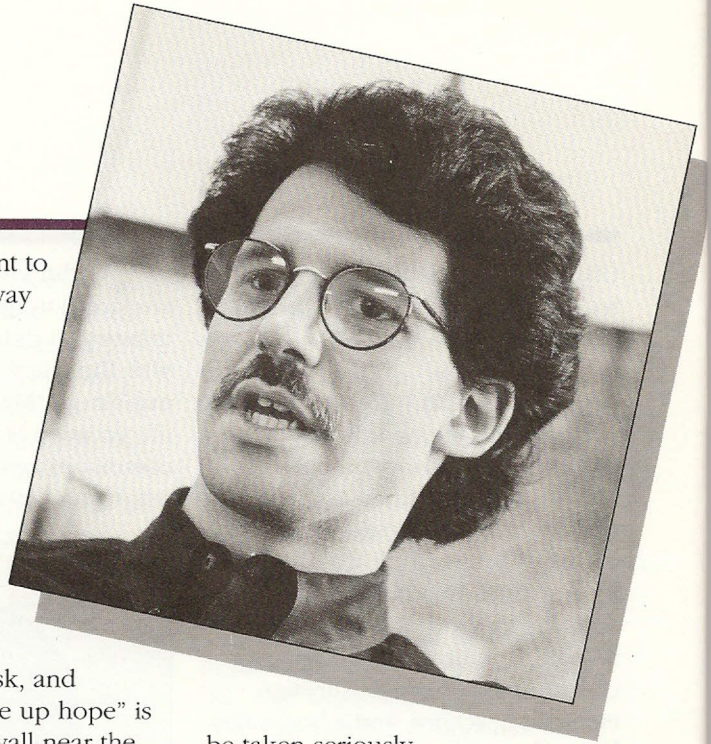
"This center is not about pushing people into public interest law," said Check, who followed a public interest curriculum track as a student. "It's about practicing skills. We teach good lawyering here, and because we serve poor clients, we sensitize the students to the needs, concerns, and desires of the poor."

For Check, though, the center signaled a benchmark in his legal studies. "When I met Hank Rose, the director, he was willing and interested in talking to me about what I found important, difficult, and troubling about law. I found out I wasn't alone in my beliefs. Until then, law school was very difficult for me. The study wasn't as exciting as the practice.

"My commitment to public service goes way back," he continued, toying with a pen at a desk that seems to fill his small office in the Catholic Charities building at 721 N. LaSalle. Two columns of pennies are stacked precariously near one corner of the desk, and the slogan "Don't give up hope" is emblazoned on the wall near the opposite corner. A bulletin board with three rows of neatly tacked papers provides a backdrop for his conversation. "I grew up during the tail end of the Vietnam War and the beginning of the environmental movement. I was president of my junior high environmental club at the time of the first Earth Day. There was a general notion of doing good for the community, the idea that you are given certain things by the community and you have an obligation to return some good.

"I saw teaching English as a way to impart knowledge to the community, but after finishing my master's degree I was at a crossroad. I decided to use my resources and skills in practicing law and have a greater impact on more people and on the way things work."

Check notes a new pressure from students who are public-interest oriented. "I'm very encouraged by the students who are interested in public interest law," he said. "They have goals that have to



be taken seriously.

As more women and minorities join the ranks and demand representation, and as there is a reawakening of public consciousness, law school administrators will feel pressure to provide more service to students with these interests. Our dean is committed to improving the school in terms of its commitment to public interest—my job is proof of that. This two-year position was created by the university to allow a student to have a public interest job.

"Lawyers have an obligation under the code of ethics to help those who can't afford to help themselves," Check said. "We have to remember that. This clinic serves people and promotes what good lawyering should be. We foster the Jesuit tradition in a very visible way."

One of the goals of the clinic, Check said, is to foster the idea of pro bono commitment. "The students who work at the clinic are not hippie do-gooders. Most want to learn practice skills and will work in traditional firms. We do think it's



important to instill a sense of commitment to the community and to representing the poor."

Having worked in the center for two semesters as a student, Check knows the benefits of the experience. In his third year of law school, he worked on a trial with Rose—an unusual opportunity for a student. "We lost. I took it hard, but I learned a lot about my lawyering abilities. I learned I could do it," he said.

Now as a faculty member, Check frequently hears from

students that they consider the clinic their best experience in law school. Students who opt to work at the clinic take a corresponding class. They are prepared for their work through practice and role playing, and then they actually represent clients in civil legal cases. Students learn firsthand the skills involved in practicing law: client interviewing and counseling, case planning, fact investigation, case negotiation, and oral and written advocacy. Enrollment in the class is limited.

Check has yet to decide where his public interest career will lead him next, but he doesn't believe it can be as rewarding as the combination of teaching and service that he has done at Loyola for the last two years. He does have a vision for the future: if Hank Rose leaves the clinic directorship, Lew Check wants to know about it.

In light of the poverty and problems that they see daily, these advocates for the poor remain optimistic about their immediate effect on the system. The daily onslaught, however, makes it difficult to predict the future. More funding is crucial to progress for the poor. "The eight years of the Reagan administration did a lot of damage to public service providers in general. Those were eight monumentally destructive years," Moore said quietly. "I think we have a lot of work to do to get to where we were in 1980, let alone advance.

"Until the country's priorities change, things aren't going to get much better for the poor," she continued. "Until the country thinks it is an absolute priority to educate all the children, provide habitable housing, decent food, and a safe environment, there won't be a great deal more funding for programs like LAFC. People will become poorer, and I think that is self-destructive. So, it's up to what the individual can do: lobby your congressional representative, volunteer at a shelter, contribute in your professional life if you can. Be an involved citizen." ■



*Check videotapes students as they role play client and lawyer situations. The tapes are then reviewed with the students.*