



Consortium for the National Equal Justice Library
Oral History Collection
Interview with

Mary Asbury

Conducted by Alan Houseman
Dec. 7, 2017

Alan Houseman:

This is an oral history of Mary Asbury, who's the Executive Director of the Legal Aid Society of Cincinnati. The interviewer is Alan Houseman. The date is December 7, 2017 and we're in Washington D.C.

Alan Houseman:

Mary, let's start with a short overview of where you grew up, where you went to college, and the jobs you've held. then we'll come back and we'll go through all of these in some depth.

Mary Asbury:

All right. Well I grew up in Cincinnati, but went away to high school to New England. Then I stayed there for college. I went to Trinity College in Hartford and then to law school at Boston University. That is really what led very closely to my legal aid career. I had the chance to participate in BU's clinic that was a joint project with the Boston Legal Assistance Project, which was then one of the OEO Legal Services programs, and to be stationed in one of their neighborhood offices as a law student. I kept working all but one summer. I did spend one summer in a law firm, but other than that stayed at what then became Greater Boston Legal Services. I lived in Boston for about five years after law school.

Mary Asbury:

Then through really a coincidence I wound up moving back to Cincinnati. I was not pursuing a job there, but I was then married to someone who was looking for university jobs. He had three possibilities -- Missoula, Montana, Hattiesburg, Mississippi, or Cincinnati. He wound up getting a job offer in Cincinnati and I was taken aback by that, but I moved there. I didn't have a job, but I got a staff attorney job with the housing unit of the Legal Aid Society. Shortly after, I became head of that housing unit and then about 10 years later became the Executive Director after Jerry Lawson left the program to found a mediation center. At around that same time and as part of that, I became also the Executive Vice President of our volunteer lawyers project in Cincinnati, and so I have been in both those roles since 1988.

Alan Houseman:

I think you touched on this earlier a little bit, what factors led you to go into legal aid? Who influenced you to go into legal aid?

Mary Asbury:

I think the biggest thing was in my senior year of college I was a psychology major. I did an independent study with the Connecticut Civil Liberties Union. One of the field trips that I was assigned to do was to go to a detention facility for girls in Connecticut. What I found there were these girls who were locked up, teenagers not much younger than I was at the time, for such crimes as being incorrigible or running away. Some of them probably did a few worse things, but a lot of them hadn't done much. I was just really struck by how wrong that was and how much they needed a lawyer. I applied to graduate school in psychology and then I decided to take the LSAT. I think I felt like I wanted to help people and I was more comfortable to help them by being their advocate than by being their head shrinker. So I still have retained a lot of interest in psychology, not professionally. I think that was really the turning point. Then as a younger kid I had done some work with some other nonprofits in disability organizations and so forth, but I think as far as really going to law school, that was it.

Mary Asbury:

The year we're talking about here is 1972. I had been involved in a small way in civil rights. I was really too young to be truly of the age of the civil rights movement. But I was certainly of the exact age where all my contemporaries were dealing with the draft and the Vietnam War. I got involved in a very remote way in student left politics and then a little bit more so in law school through the Lawyer's Guild. In going to school in Boston, I think there might be seven or eight law schools in Boston, and so the Lawyer's Guild was a forum for people from a lot of different law schools -- some professors, some lawyers, and a lot of students. It was just a fomenting of ideas and all different things that people were doing. I was in that scene and in that environment. It was funny because at that time going to legal aid was considered quite the conservative route and others were setting up what they called then law collectives and things like that. But I started at legal aid in my second year and really had a great experience with that.

Alan Houseman:

Focusing on your work at Boston Legal Assistance Project, what were some of the highlights of that work? What do you remember from that work and who there did you interact with that influenced you?

Mary Asbury:

Well I would say, Alan, it was really such an opportunity of being in the right place at the right time. There are a few other legal aids like this, too, I've come to know. But I had the opportunity when I went there to work first of all with a lawyer who was on that Greater Boston staff, or at that time the Boston Legal Assistance Project staff, and then teaching as a part-time supervisor. His name was Bruce Mohl. He left Legal Services early in his career. I don't know that he's so well known, but he was on a mission to reform the Boston Public Housing Authority, the BHA. He, along with someone else who I think you may know, wasn't a whole lot older than we were, but a couple years and had been a Reggie, was Gary Ratner.

Alan Houseman:

He was a Reggie with me.

Mary Asbury:

Yeah. So Gary was the director of litigation. He might have been 30 by then. The rest of us were in our early to mid 20s. But he was a very smart guy as was Bruce and I was Bruce's student. So for my second year of law school I was working on this Perez case and attending depositions of members of the Housing Authority board where they were showing that for example they didn't know that, if at the bottom of the financial statement a number was in parentheses, that meant it was a negative number. It was a very segregated housing authority. This was the height of the racial tension in Boston during the busing crisis, Louise Day Hicks, all that.

Mary Asbury:

We brought this lawsuit -- I say we because I was very involved, I was like the right-hand person of my supervising attorney -- in the Housing Court which was a state trial court, and wound up going up to the Massachusetts Supreme Judicial Court. We put the Housing Authority into receivership and it resulted in just pretty significant reform of the Housing Authority. It was just a big case, the Perez case, and I had been on that.

Mary Asbury:

Then at almost the same time, also still as a student, I got involved in another case that had to do with the rights of people who were in the Boston State Hospital. These were mental patients, people with

mental health problems, who were being treated with involuntary medication and seclusion. So the hospital was just down the street from the neighborhood office where I was working and I was assigned along with another law student to go over and have office hours at the hospital and to meet the patients who were our clients to do the hearings on their involuntary commitments. Then we got involved in the lawsuit that we filed in federal court to challenge the involuntary medication and the involuntary commitment. That turned into a case, *Rogers v. Okin*, that went to the U.S. Supreme Court. Gary was on that case too and a guy who, again, left Legal Services early on but pushed the idea of suing for damages. It was just a very ambitious litigation agenda there. I was lucky enough to get into that so early.

Mary Asbury:

Then the program was doing stuff I wasn't as involved in, but I was around. There was a woman, Hollis Young, who was their full-time legislative person who worked in the Massachusetts legislature. They were having a lot of impact on passing consumer protection laws. You know it was right at the time when some of the big cases had just been decided, *Goldberg v. Kelly*, things like that. Then they were being implemented by people like me who became staff attorneys representing in the welfare hearings and things. It was just a very fortunate start to a legal aid career as far as understanding how good a legal aid program could be.

Mary Asbury:

I'll say another thing about Greater Boston before we get off of it. There were also some other people who got involved with that program at that same time that I was a staff attorney, after I got out of law school. The biggest influence on that was Gary Bellow. He at that point was over at Harvard and they had a legal aid bureau program at Harvard, but he was setting up around this same time a new legal aid in Jamaica Plain in Boston. But before he did that he got involved with one of the neighborhood offices in Boston. That's when he was writing about are we part of the solution or part of the problem.

Alan Houseman:

Correct.

Mary Asbury:

It was the criticism of having these huge case loads and churning people through and not really analyzing what their true legal rights were. Ironically I was in a different office. I had a huge case load. I probably had 150 cases. I thought these were a bunch of babies, you know, they want to cut their case loads, they don't want to do any work. You know this is just really a bunch of ivory tower stuff. However, I came to have a different view. He worked with another really smart guy who didn't stay in Legal Services so long but was very influential, named Mike Haroz who was the head of litigation. I think he was a deputy director, something like that. They brought into play case load limits, case reviews, the beginning of having high quality legal work, and what did that look like and what should supervisors do?

Mary Asbury:

I did come around and I wound up then working in the office that he had consulted with and had quite a bit of contact with him and with Mike. Dan Manning was involved in that. He did stay with Legal Services. It was really at the forefront of a lot of good thinking. Then I was coming along beginning to be a supervisor and got involved with some of the very first things that came out of the Legal Services training capacity, because this was right at the same time as Legal Services came into play and was expanding. I was one of the guinea pigs for the PAWS 1 and PAWS 2 trainings. It was for the supervising legal work, the managing legal work, working with Denny Ray. All I gotta say is I was lucky and just had a lot of exposure to really good thinkers and got to work with them in the formative years as they say.

Mary Asbury:

I have to say I was then a little worried to move to Cincinnati and not be too sure what I was going to encounter. It turned out there were some good things beginning to happen there as well. When I got to Cincinnati, a very good person named Jerry Lawson was just on the verge of becoming the Director. He was the managing attorney of their welfare unit when I got there. But he had been there and then had left to be a director in Virginia. He had come back as the heir apparent to take over. He was very open to reforming and improving legal aid in Cincinnati. We were very simpatico. We worked closely together and with some other people -- like a guy named John Schrider who's still there now -- to really I think try to make Cincinnati into a strong national tier legal aid program.

Alan Houseman:

What did you do before you became Director in Cincinnati?

Mary Asbury:

I'll just say what I did as a lawyer probably primarily and that I'm still somewhat involved in is housing and community economic development. I was manager of our housing unit from 1980 to 1988. I also got involved in the national group that came out of the lawsuit against HUD that had to do with mortgage foreclosures in those days and the perverse incentives for banks to foreclose quickly on HUD-subsidized mortgages. It resulted in a HUD assignment program and a national group was put together by lawyers in Chicago and Philadelphia, a couple of other people who were lead counsel on the lawsuit which was in the 7th Circuit in Chicago. But they pushed it out into the country. I was the person in Cincinnati who was on that project. I did foreclosure work, not just landlord/tenant. I had gotten involved in Boston quite a bit with landlord/tenant and the law was more advanced in terms of warranty of habitability, and retaliatory eviction and all of that. I did quite a bit of litigation in state court around housing.

Mary Asbury:

I got very interested in supervising, not so much managing per se, but in supervising. I had to go to NITA training and then was involved in the development of TAST, the Trial Advocacy Skills Training, basic lawyering skills. I got on the Ohio training group, OTAC, Ohio Training Advisory Committee. Then a little later after Reagan became President and they cut back very much the regional LSC capacity which had really run training, I was involved with the Committee on Regional Training for what had been region four. We manage to this day to sustain a training capacity in Ohio. Training, first in litigation, and then later in management, has always been a really strong interest that goes back to those days.

Mary Asbury:

The other issues I got involved in included homelessness. There was more appreciation by the mid '80s about homelessness. I helped get homeless strategies going in Cincinnati. Then the other thing that was really on a different track all together was employment law. We were working on making inroads to at-will employment. At that time pretty much in Ohio everything was employment at-will. So there was no private practice doing plaintiffs' work on behalf of people who got fired from their jobs. We, including myself and then Bob Newman, who later I married to who was a Reggie, started doing cases to try to establish exceptions for reliance on employee handbooks, for whistle blowers, public policy exceptions, things like that. We were doing this before there was really any plaintiffs' bar in that. Then as things progressed and some of those cases were successful, Legal Aid stepped back from that partially because of loss of staff, which was another repercussion of the Reagan years, and partly because the plaintiffs' bar was starting to pick that up. But those were probably the main substantive things that come to mind.

Alan Houseman:

Then you became Director. Talk about what you've done as Director any way you want to.

Mary Asbury:

Here's what I'll say. Another person I really do owe a great debt to is Jerry Lawson because Jerry set up a format that I maybe have embellished, but he was the transformational director in Cincinnati. What he brought to it -- and this came from I think some people like John Tull, Gary Singen, probably you, and some others -- was trying to get to an understanding of what was really the point of doing legal work and trying to better evaluate what was being done, how successful it was, and have a plan. It's like try to really be serious about understanding what resources you had, how you could bring them to bear, and what has now become under the umbrella of strategic planning, and in the LSC world was usually more called priority setting. Jerry Lawson was ahead of his time and he brought folks like that in in Cincinnati as well as John Arango and some others to help design planning.

Mary Asbury:

The first thing he did before he was director, but in '79 to '80, was the first self invented legal needs study and planning process to set priorities on substantive work. Then what I think what was kind of the breakthrough was to come to a decision and get the board to come to a decision to put 60% of the resources of the program into impact work. That included community economic development, litigation, legislative work, whatever it might be. His recognition was that we could sit there all day, every day and do anybody's case that came in the door. But it would be somewhat random. It was really incumbent to try to figure out how we can marshal the resources we had and try to really make an impact as well as help people with the most significant individual cases. He really drove that and established a pattern of reinvigorating it every four years. He did it in 1980 and then again in '83 and in '87. Then he left. The best thing I ever did was keep that going, which I have continued to do.

Mary Asbury:

What I came to realize is that when I talk about myself as a director my best thing is that I came to realize the power in that -- of getting the staff, the board, the community all lined up understanding what we're trying to do and doing it. It informed then the fundraising, the individual work, the training, you know, because people knew what we were trying to do. There was another thing that was great about doing it over and over again. Of course, a lot of the legal needs don't change that much. If you read the annual reports of the Legal Aid Society of Cincinnati back in 1908 or 1915, they're the same. It's family. It's consumer. It's don't have a job. But having new staff and board members grapple with what are the issues, what can we do about it, really engage with it, then they're on it. It's not the same as if you just hand out assignments.

Mary Asbury:

I will say it's really challenging now to have anything close to a replication for those younger lawyers of the kind of experience that we were able to have if we started in the '60s and '70s because they are buried under layers of experienced people. We can get too cautious and not let them get out there and really have those opportunities. Then of course we don't have the same kind of federal program that we had in the late '60s, '70s either. That has certainly in some parts of the country really thwarted the opportunity to do exciting work. But I'll just say trying to set things up so that they stay engaged and excited about it is probably the best thing I could do. We're getting ready to do it again. We've got an all staff retreat on January 19th. I'm up for it.

Alan Houseman:

Is there any other thing you want to talk about here, about your program? In the late '90s I think it was, after restrictions came in effect, you tried to figure out ways of dealing with some mergers that I think

were going on. You were dealing with this new environment of more restrictions on legal aid, merging programs, et cetera. You did what I thought were some interesting, innovative things. Why don't you talk a little bit about that?

Mary Asbury:

Right. Well in 1996 when the restrictions were imposed on the entity that took LSC funds and not just on the funding, we did take a really careful look at what all work we had pending. We looked at what we thought was in the strategic plan to see what aspects of that were really going to be crowded by the restrictions or eliminated by the restrictions. We did have a few class actions pending and they were clearly in the cross hairs. But initially what we decided is that there wasn't a huge impact. That was because, of 50 large metro areas in the United States, we were the 50th in the number of non-native born people. We didn't have a big issue with the restrictions on being unable to serve people without good immigration status.

Mary Asbury:

But we still had a big commitment to a full range of service and not having the range circumscribed by restrictions. So we contracted with a couple of lawyers in the community and paid them money out of non-LSC funds to do a few immigration cases and a few other kinds of cases for people who were immigrants. That worked pretty well. We had a guy named Mike O'Hara who had been our litigation director who had recently gone into private practice. We got him to take charge of the three pending class actions we had that were all in consent decree mode at that point.

Mary Asbury:

Going back again to my predecessor Jerry and the board, this restrictions business started in '80 really, but certainly by '82. I was not the director then. But Jerry, along with the president of the board, they saw the writing on the wall. What they did was set up a volunteer lawyers program as a separate 501(c)(2). They decided it was not going to have any legal aid funding, not even any LSC funding. They were going to set up a totally separate board. This was before the '90s, this was in '82. It was going to be a separate corporation with a separate board and it was going to raise all its money from private lawyers and law firms. The intake was going to be at the bar association. It was like a joint project of the Bar Association and Legal Aid.

Mary Asbury:

By the time I became director it was still in force. The role of the legal aid director, which I mentioned I think in my resume, was to be the Executive Vice President of the VLP Foundation, which I still am to this day. But it always had this separate board and also all separate money and all private money. When the '96 format came in, even before the litigation, it was not restricted and it was just a separate operation. So we thought we could muddle through with referring cases to the VLP.

Mary Asbury:

What really was the rub in that was the predatory lending that became very popular in the 1990s. In Cincinnati we just had many, many people who were having fraudulent appraisals, whose property had been flipped, who were facing mortgage foreclosures. We realized the only way to represent them properly was with cases that involved a claim for attorney's fees and for fraud. Under the restrictions at that time you could not do that. That was really what drove us to figure out, okay, how can we set up an operation here? The VLP was overwhelmed, they could not take all those cases. In '96, only about 17% of our funding was LSC. So it was like, "We're not going to let them set the rules on this whole operation." We got some good legal advice that in Ohio we could establish a Limited Liability Company, that it could have a separate governing body that was a board of managers. But it could be essentially a

wholly-owned subsidiary. It's a single member LLC and that it would pass muster under what had become the rules under the Regulation 1610 following the litigation that the legal aids in Hawaii and Alaska and other places had brought to establish that the board of directors had the right to set up a sufficiently separate other operation.

Mary Asbury:

We did that. What we decided to do was not to spin that off and also not to make it a restricted activity boutique shop. Instead what we did was make it a full service legal aid program, which it is to this day. I think probably less than 10% of its activities are actually restricted by Legal Services Corporation. But the idea was to go back to having a legal aid where the restrictions just weren't relevant, where the community needs were what was going to drive the agenda. As had been the case before, the majority of that really wasn't restricted and once the LSC dropped the restriction on attorney fee cases then that part went away.

Mary Asbury:

Now in the meantime there were more undocumented immigrants coming in to Cincinnati, so that became a little bit more of the piece of it. It was interesting on class actions. It's now been over 10 years I think in which we've only filed one, which then got dismissed. I think we realized that it was good for the staff to have the freedom to evaluate whether they ought to file a class action. But by and large trying to do our type of work under Rule 23 really didn't bring a lot of advantages and it brought a lot of disadvantages. As federal jurisdiction had changed and things like that, it just wasn't relevant. But it was very relevant to the staff feeling like they were making sound legal decisions about the form of the lawsuit and not feeling like, "Well gee, we cannot do this because of a restriction." So that was good.

Mary Asbury:

The other thing that we had been doing all along in compliance with the other regulation, 1612, was legislative and administrative advocacy. We did that under the LSC format. It was cumbersome. But as you know one of our other good lawyers, Cal Owens, did a lot of work and others did some too because they got invitations to participate and we did public rulemaking and other things we could do with non-LSC funds. But I will say once we set up a separate entity and we could do that kind of work without respect to 1612, I think we were probably more robust, a little more effective. Another thing that was a factor was not having the nuisance frankly of having a lot of people in the legal services community constantly saying, "How could you do that? You can't do that."

Mary Asbury:

So now we still have the two, the unrestricted, non-LSC funded, is about twice as big from a legal staff point of view as the restricted. The other thing we did that I think was really a great idea was we put all of the fundraising, IT, administrative into the parent company, of which I'm the Executive Director. I'm part of the Management Services unit for both entities. Both pay in pro rata for all those management-administrative services and also for the support staff. We've been visited several times by our friends at the Legal Services Corporation and I think all I can say about that is another really good staff member you have to have if you get into this whole realm is a good CFO because they gotta keep the books straight. So we do.

Alan Houseman:

I'm going to move beyond Cincinnati unless you want to add more?

Mary Asbury:

Nope.

Alan Houseman:

You've been a significant major player in MIE. We have interviewed last year Patty Pap, executive director of MIE. You've been a major player at MIE. Talk a little bit about MIE and particularly the kind of work that you've done.

Mary Asbury:

MIE was really a godsend to me. I became director as I mentioned in 1988. A group of other directors had just a couple years before that realized that they really didn't know what the hell they were doing as managers. They were all good lawyers I'm sure. But the story is told, and I wasn't there, that they went out to dinner and they were having dinner together talking about their trials and tribulations as management and there was an item on the menu that was "flounder in green sauce". They said, "Well, that describes our situation." That was the origins of MIE.

Mary Asbury:

So what happened when I became Director was that they were already in existence. I got the opportunity to go out to I think it was in San Diego. It was the first time I'd ever gone to a Legal Services' management training that was about executive directors and leading change, managing change. Joan Lieberman was the featured speaker. It was a little disconcerting. She was great. But about halfway through it she did one of these things where you wad up your paper and say, "I'm not going to give that speech." I'm not sure I really believe in all this stuff anymore, but it was very interactive and it was very engaging.

Mary Asbury:

That's when I met some of the other really good Executive Directors, such as Jon Asher and many other people I could name. All of us were trying to figure out, "Okay, we don't have an MBA. What are we doing here about managing a complex organization? We better figure out how to do it." As I mentioned before I always had a real affinity for training. What my big involvement was in MIE was to be on the training committee and to ultimately for a number of years chair the training committee. I did some programs with you where we would put on programs about the Legal Services Corporation regulations and how to understand them, how to be smart about complying with them without constraining your legal advocacy. I did some good trainings with Gerry Singsen about project management and outcomes. I have continued over all these years since then to help deliver and invent new training programs. We just did one last September for the first time that was on financial management. One of my other big interests in life is raising money for legal services. After MIE merged with a fundraising project we started to help with and get involved with the fundraising conference. Really training has been my big thing. The other big activity of MIE is its journal. But I don't quite have the patience for the writing for the journal. But training has really been it.

Mary Asbury:

Then just the MIE organizational infrastructure. Because we went through transitions before Patty. She was actually on the board. She was of course an executive director herself. So I was on the board when Guy Lescault was the Director and we had to figure out if we could really take MIE to the next level. I will say probably as legal aid lawyers go, I'm one of the more entrepreneurial. I felt like, "Yeah, I think we can. We can raise enough money to bring somebody on full time, to have some support staff, to really put a product out there." It's a very foreign concept, the idea of marketing and selling and having people pay money to come do something in legal services. But we've made it work. We've kept it going for quite a long time now.

Alan Houseman:

Talk about your work with the Ohio Bar, then about some of your Cincinnati work.

Mary Asbury:

I was on the Board of Governors, which is the governing body of the Ohio State Bar Association, for four years. I don't think I made a big mark on the Ohio Bar. I think it was good that I participated and I'm still involved. Now I know those people and I'm active because it is really in Ohio the ultimate old boys network. It's not at all connected to public interest law, or even the plaintiffs' bar or anything. I think I was a real change of pace for them and that it was good for them to get to know a person who did legal aid.

Mary Asbury:

I think I and some other board members helped them become more stalwart supporters of funding for legal aid. I think some of them, from some of the smaller Ohio counties, almost felt like legal aid would compete for clients, which is ridiculous because our clients really cannot afford to pay fees. But they would say, "Well maybe they'll save up their money and eventually they'd hire me to do their divorce if legal aid wasn't there." There was that sentiment. They didn't want funding. They didn't like the idea of a filing fee that would go to legal aid. So I played a small role in just helping move along what is not very strong support for the legal aid programs, for the LSC survival effort and everything.

Mary Asbury:

My biggest volunteer commitment to the bar is really far afield, which is I've been now for 10 years on the Board of Commissioners on Character and Fitness. That is the arm of the bar that reviews applicants. I'm one of 12 people on that. It's a lot of work. The only thing it has to do with legal aid is I'm a little more fair than some of the people I would say. There are a lot of prosecutors and very hard nosed people who tend to be on that. I'm maybe a little bit of a moderating view on that. But I will say I'm the most hardball on people who have, in their previous lives, been doing things like property flipping, where I feel like they're a danger to the public. But on the other hand those who have done some pot smoking I tend to go easy on.

Alan Houseman:

You've been very involved in a bunch of things in Cincinnati, some that you've already talked about that you continue to be -- the Cincinnati Volunteer Lawyers Group, Government Foundation, human services, Cincinnati Works, groups like that.

Mary Asbury:

I'll just talk a little about a couple of those and what it has to do with this. The Seasongood Foundation is the Good Government Foundation. It doesn't have so much to do with legal aid except that it's a network of people who are of goodwill and honest, trying to not have corruption in government. That's the outlook that gives people like us access to the legislative and administrative process. Because if you have a patronage system, or a spoils system, there isn't that kind of access. For example when I worked in Boston, it was much more of a ward boss system. In Cincinnati there had been a big reform effort interestingly led by a guy named Murray Seasongood who was also extremely interested in legal services. He was President of the board of the National Legal Aid and Defender Association, and served on it for over 50 years. He's the same Seasongood as this Seasongood Good Government Foundation. In his mind, having professional city government, a city manager form of government, and all of that, went hand in glove with the idea of equal justice and just a fairness thing.

Mary Asbury:

Cincinnati Works, on the other hand, is very integrated with Legal Aid. I was invited by the guy who founded it to be on his advisory community. He figured out that, if people were trying to get a job and keep a job, which is the mission of Cincinnati Works, it would be very helpful if somebody could help eliminate barriers to employment. A lawyer could deal with not only expungement of a criminal record, but an unstable custody situation, or a pending eviction, or debt collections at work, or domestic violence. Something that was going to interfere with that person being a good employee or staying focused on job training. So he brought me on to his board when it was first an advisory committee to figure out the legal component.

Mary Asbury:

This is a guy named Dave Phillips. What he realized is that he could capture legal aid and VLP to do the legal work for his participants. Which I thought was great. I was happy to be captured. Our feeling was, "Yeah, our mission is to help prevent poverty." Going back to strategic planning, the two best strategies for that were keeping people in school and helping people get a job or keep a job. So to be able to team up with Cincinnati Works and develop what we called then Clearing Legal Hurdles to Employment -- this was the mid '90s -- was like a real breakthrough program for us. The priority wasn't about, "What kind of legal problem is this?" It's, "What can we do to help somebody keep their job or keep their job?" So it could be anything. It could be small claims. It could be consumer. But it's like, "No, they don't have time to go sit over in court."

Mary Asbury:

We'll move into this in a minute where I have a lasting skepticism about all the pro se support. There is a myth that people have nothing but time on their hands. That's exactly what they don't have. In any event that's Cincinnati Works. I went on to their legal community for a long time and then I recruited back to my board their director Dave Phillips, who had been the managing partner for Arthur Anderson -- I'll say before the Enron scandal. He's a really well connected business guy who had been recruited back to Cincinnati to set up a downtown booster thing called DCI, Downtown Cincinnati Incorporated. He's a religious, pretty conservative, Republican guy. He said, "Well I'm only going to do this if I can do the Cincinnati Works project under the umbrella because I want to help people who want to get a job figure out how they can get a job and get out of poverty." Somehow he had found out about Cleveland Works, which was previously in existence and actually had its own couple of lawyers. He loosely modeled it on Cleveland Works.

Mary Asbury:

Now he's been on my board for a long time. He has really helped us fund raise and build contacts in the business world and so forth. We built it out so now we partner with 30 different programs, not just Cincinnati Works, but with the Urban League, with the Community Action Agency, with the county Departments of Job and Family Service -- anybody who wants us to do barriers to employment. It's a big program.

Mary Asbury:

Then I will say we kept going in that vein and we set up a teen/child program with the Hamilton County Juvenile Court. We said the probation officers can send us any kid, any family, to help them stay in school. Get them special ed help, do their eviction, get their domestic violence case done. We will do any and all cases from the Hamilton County delinquency docket and teamed up with the probation department. They love it. They fund us for it because their philosophy is that the best predictor that a kid's going to reoffend is if they're out of school. So if we can keep them in school, if we can mitigate the suspension, expulsion, get mental health counseling, get special ed, we do that.

Mary Asbury:

We did the same thing with the domestic violence shelters. Then did the same thing with medical-legal partnerships. Probably way over half our work now is driven by these partnerships where there's some bigger goal -- the health of the kid, the kid in school, keep the job, finish the domestic violence. It's not the usual way of thinking about priorities.

Mary Asbury:

But you can still, you know, just get a regular case done by us. I'll say probably more because all of this really, really is good for fundraising because everybody gets it. They get what's the point of get a job or keep a job or stay in school, so it's really allowed us to grow. It's not taking away. People worry, well is that taking away from? No. Because it's just more.

Alan Houseman:

Perhaps that was a great maybe segue to the question of what is your view of the future of civil legal aid and access to justice? Obviously there's all these strings going on in our community -- those like you and I that believe strongly in full representation at some level, the self-representation movement, the non-lawyer movement, unbundling. Or frame the question any way you want.

Mary Asbury:

No, I'll do my best. I'll try my best. Let me start this way. I had the chance when the Legal Aid Society of Greater Cincinnati celebrated its 100th anniversary to look back over the history of Legal Aid. I've read your histories of the national legal aid and I know Cincinnati's. There's been a tension running at least since 1908 between giving a little bit of advice to the most possible people versus trying to have more of an impact. In Cincinnati, the early people in 1915, the big thing they were working on was legislation called the Lloyd Law to end what they called loansharking. It was the same thing as payday lending, as you know, predatory lending. That was in 1915.

Mary Asbury:

The idea that doing work on systemic change was either invented in the 1960's is not really true. But it is true that it went in abeyance. Then the OEO program and later the Reggie program and so forth there was an effort -- and in many ways a successful effort -- to reenergize old legal aid programs as well as start new legal aid programs and realize that just giving out a bunch of advice to people when the system wasn't changing wasn't accomplishing a hell of a lot. I would say in other words that is the message I took from Bellow on whether we're part of the problem. I guess I was indoctrinated at a young age that the people who were not well respected in legal aid in Cincinnati were the ones who were sitting there on the phone all day giving out advice. It was like, what's the point of this?

Mary Asbury:

I feel the same way about the work I did with the United Way, and other foundations which I continue to do very much to this day, which is, "What's the outcome?" I'm really all about the outcomes. That can include important individual cases. I'm not against that. But I do not feel that we have the resources or that's it even very important to give people advice about relatively trivial matters and not even know what they do with that. I do not think that helping people navigate the courts is the work of the legal aid programs. I think we are wrong to take that on. I think serving poor people and trying to do justice and trying to alleviate poverty is a huge task and we are grossly under resourced to that task. Why we would chose to take on access to the courts is beyond me. It is a role for the general bar and the general public. I think the people who really benefit from that are middle class people who can take a day off from work, who can follow procedures if they get assisted pro se.

Mary Asbury:

Our clients have very low literacy. In Ohio there are 88 counties. Every court is a fiefdom. Every judge within that court is a little, tiny fiefdom. They are not geared, except in very narrow areas, to do anything other than churn people who are in there unrepresented. You know I have sat through enough eviction dockets and seen what happens to the unrepresented and even some of the represented that I consider it a waste of time and not our correct task to just make that run smoother. I know I'm an outlier on this, but I do not think that we are making the right decision to put resources into it. I think in some states, other than Ohio, there is a good move to get other people to take ownership and put money in. But in other places I think there's a misguided feeling that we must do it in order to control it and to have it give access to our clients. I just think that's really misplaced. I think that too many people and too much time of legal aid staff members and resources is going into that side of the equation right now. I think that there's a lot pushing that way.

Mary Asbury:

I don't think it's a bad thing. Don't get me wrong. It's that I don't think it's our thing. I don't think we should have to be the ones responsible for it. I also know from working at the bar and doing other things that you can be on the committee and get your two cents in and have pretty much influence. You do not have to put all the work in to it. You do not have to put all the money in to it to make sure that there's going to be responsiveness to the extent it's even possible for lower income people.

Mary Asbury:

I think there's some exceptions to that. I think for example in domestic violence situations there's something that ought to be easy enough to do that you can do pro se. But we found even there that there's a huge difference if we even go in there with a law student. We've got a clinic with the University of Cincinnati College of Law to represent people and even to get a restraining order. It's a huge difference if someone's in there representing or if they're not. What we've done is really develop a lot of clinics that are pro bono. They are not pro se. We are getting the courts to cooperate with us to run expedited dockets so that pro bono attorneys, private lawyers, can do juvenile, custody cases, divorces. We're working now on some stuff in municipal court. But then there is a lawyer there. If it gets a little too complicated for the expedited docket, they can take a step the side and either do the case or give it back to Legal Aid. But it's very different to have a pro bono clinic than a pro se clinic. sometimes those are conflated.

Mary Asbury:

We put a lot of effort into support for pro bono. I'm all for that. But pro se, as you can tell, I'm pretty skeptical. As you can tell from what I said before, we've reconceived of some of the impact. I haven't talk about it too much, but we do quite a bit of litigation. We've just had a great victory in federal court to push HUD back from canceling housing assistance payments. You know we do quite a bit of traditional work that way. We do quite a bit of legislative work. But I think that the insight we've had that I'd like to see more legal aids do is to team up with other community organizations that serve the same client base and figure out where legal aid work can really leverage the services that other agencies provide and they can work together and really try to have some transformative effect for the lives of the clients. Because to me, in the end, that's the point of it.

Mary Asbury:

I'd like to see more of that. I'm not so sure it's really catching on. You gotta have lawyers who can build the relationships that it takes for that. You've gotta be willing to be more available and do stuff that other people want you to do. I think that where there's a lot of promise -- and it's really caught on quite a bit -- is with the medical legal partnerships. I do think that's a very good development. We've got some

good ones going where there's a real even specific point. Like one we just are doing now is focused on pregnant mothers, specifically. We're doing the cases that we think will reduce stress due to bad housing conditions, domestic violence, not having food -- bread and butter legal aid cases. The goal is that they will carry the babies to term because they have a very high rate of premature birth. That results in bad outcomes for the baby, very expensive outcomes for NICU-

Alan Houseman:

And Society.

Mary Asbury:

... and the society. More special ed problems and all that. So it's great doing these because the other thing that's really fun is working with people who are essentially scientists, which we are not, to test the hypothesis. Can you have interventions in social determinants of health and try to ameliorate and fix some of those problems and really end up with better health outcomes? Where you've got a population like that, high risk pregnancies, what the statistics are about the rate of prematurity, so you'd be able to tell if you're turning the corner on that.

Mary Asbury:

I will say in the meantime it's very nice for the individuals that they get the food, they get the bad abuser out of there. You get the regular kind of outcomes in the cases. We got a big three-year grant from a health foundation called Bethesda Foundation where we said, "We know we can deliver this service. Give us some money to deliver the service, but give us enough money to do enough evaluation and we'll put together an advisory committee including Medicaid managed care administrators to help us design this so that we can demonstrate that this is bringing better health outcomes and saving them money." Our goal is that they will then fund the services for intervening in the social determinants of health and have a sustainable funding model. We'll see. We're about a year and a half in to it. We've gotten a little derailed because of all the backlash on Obamacare and the Affordable Care Act and Medicaid. Everybody's so tossed up in the air-

Alan Houseman:

Right.

Mary Asbury:

... that getting them to focus on this is not so easy. But our further theory is, even the bad guys want to cut the costs. If we actually keep these babies out of the NICU, people can be in favor of that even if they're otherwise evildoers. That's a long, round about answer to the future of legal services. But I think right now we're thinking very small ball. I'm not too interested in portals and stuff like that. But I'm very interested in energizing some other things.

Alan Houseman:

Right. Well this has been terrific. Is there anything else you want to add that I've missed or we haven't covered or thoughts you'd like to give?

Mary Asbury:

Only one thing. I think one really important thing about the future of legal services is that there should be a reempowering of the actual organizations that deliver legal services. That's where the pendulum used to be and you've written about this. Local control and all that, that was kind of parochial. It wasn't great. But what can wind up happening is that you wind up with people in my positions and the lawyers

and they don't really feel like they're the author of their own fate. They aren't very ambitious and they don't go out and raise a lot of money. They sit around and they are passive. They're battered around by funders and governments and everybody else.

Mary Asbury:

The only way they're going to really be effective is if they have some power and if they are players and they are agents. I think that people -- many of them well intended -- who try to organize always top down in Washington, DC or state planning or whatever it is, disempower accidentally the leadership of the people who have to deliver the service. So you wind up with a bunch of passive people who accept assignments and get kicked around by the fads and whatever. I think that it really weakens the potential. I think that you don't want everything balkanized and localized. But if you do not have people who really see agency in what they're doing, I don't think they're going to be very effective.

Alan Houseman:

Excellent. I like it. Thank you. You've been great.

Mary Asbury:

Well-