



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

**Eric Avildsen**

Conducted by Alan Houseman  
May 9, 2019

Alan Houseman:

This is an oral history of Eric Avildsen. He's the executive director of Vermont Legal Aid. The interviewer is Alan Houseman, for the National Equal Justice Library and the Consortium for the National Equal Justice Library. Today is May 9, 2019. Eric, let's begin with a broad overview of your life and work. Where you were born, grew up, went to college, etc., and the jobs you've held. Then we'll come back and talk about each of those in detail.

Eric Avildsen:

Okay, well I was born in Austin, Texas actually but I grew up for almost all of my childhood in Manhattan, and went to an all boys prep school in Manhattan for 14-15 years. I took a year off between high school and college and ended up going to the nation's first environmental college that was founded on Earth Day in 1970. I went in 1971 to the University of Wisconsin in Green Bay. It was a great experience for me. I still maintain a lot of friendships with folks who gathered from around the country to participate in the early formation of the environmental movement.

Eric Avildsen:

I graduated with a self-designed major in "environmental problem solving" I think I called it, or something like that. Ended up in Minneapolis and St. Paul and did community organizing for two and a half years or so. I then decided to go to law school based on a college course in constitutional law and general law and, frankly, a book called *The Trees Have Standing* which is based on a William Douglas dissent. I decided I could be an environmental lawyer. Ended up at a new law school in New Hampshire, the Franklin Pierce Law Center. At that time, it was brand new and focused on environmental law and energy law in specifics.

Eric Avildsen:

I think of myself as somewhat of an accidental legal services lawyer. My roommates were legal services types who did their internships at legal aid. I was an environmental lawyer and didn't really want to do legal aid work. After looking for a job and not really finding one that suited me, one of those roommates who was doing legal aid work as a Vista in Nevada was telling me about how much he was enjoying it. I started looking at Vista thinking I would go somewhere exotic and be a Vista lawyer.

Eric Avildsen:

They sent me to Worcester, Mass, which was not quite as exotic as I was hoping. But I was hired to run a project around utility rate setting and weatherization with low income tenants in Worcester, Mass. A couple months into my tenure there, the Reagan folks had taken over the Action Program and decreed that thou shall not do community organizing, which was the crux of what my cohort was all about. I can remember meeting in New England with 100 Vista

people who were all community activists, that's community organizers. That's who we were. We were all told you can't do any community organizing.

Eric Avildsen:

We had to change my project. They put me on utility shutoff. I was given a stack of intakes, about 100 of them or something and they said, "Do utility shutoffs." My Vista turned on a dime, and started doing utility shutoffs and got completely engrossed in it. I look back and think about, at one point, we sued a utility company for extortion, for the tort of extortion for threatening to shut people's utility service off in the winter, which was an illegal action in Massachusetts at that time. But they were threatening to shut people's gas off, and so we sued them. It was an unsuccessful lawsuit, but it was fun.

Eric Avildsen:

At the end of that year, they'd laid off about a third of the staff of the legal aid organization there, Central Mass Legal Services. But I wasn't paid by them at that time, so I didn't get laid off. They gave me a three month contract, and then another three month contract, and 30-40 years later, I'm still here. But that was how I got into legal aid. I was doing utility law for a few years, and housing law, some family law, some mental health law, just a range of different things. You want me to keep going through my-

Alan Houseman:

Yeah, well just finish it up, and then we'll come back and talk more about some of these things.

Eric Avildsen:

In a nutshell, I got engaged in trying to use the Wordperfect program to automate some housing pleadings. Then I got involved in the early design of a case management system to try and do that. That activity brought me into the management sphere. At a relatively early point in my career, there was an opening to reopen a small office in Fitchburg, Massachusetts. They had closed it after the Reagan cutbacks. Five years later they were reopening it. They sent me up there to take that on.

Eric Avildsen:

I did that for a few years, and then came back to the main office in Worcester and was the managing attorney there for a couple more years. My wife and I wanted to move somewhere a little bit more pastoral. We were thinking in 30 miles circles around Northhampton, Mass or Portsmouth, New Hampshire or Burlington, Vermont. I had tried actually to get a job in Vermont Legal Aid as a staff attorney because one of my law school friends was there. I was vacationing where she was living and that didn't seem to make a lot of sense. I'd go visit her. She had the same job as me. I was going to ski in the winter and hike in the summer, and she was going to work. She never came to Worcester, so there was a real imbalance.

Eric Avildsen:

We were saying, "Okay, let's move to Vermont." To this day I am surprised I got the job. I was relatively inexperienced at the time. I answered all their questions. I was so sure I had the right answers during the interview. Then I figured I'd do it for 10 years, and we're 30 years in. For some reason, it continues to seem like the best job I could possibly get. I'm fortunate to have a tremendous staff, and the people I get to work with keep me engaged and enjoying my work.

Alan Houseman:

Well let's go back a bit. I think you really addressed this, but let me ask it very directly. What factors led you first to be interested in environmental law and then willing to stick in legal services? Is there a religious background or, what kind of background led you or what kind of factors led you to those kind of concerns and interests?

Eric Avildsen:

My parents were liberal Democrats, and public service was something they supported. My father was a private businessman, but my grandfather was also quite active in liberal Democratic politics. They instilled in me community service and volunteering for things when I was in high school. I was a little young for most of the anti-war and definitely for the civil rights movement. But my parents were engaged in following it and brought myself and my siblings up looking at the TV and talking about the civil rights movement. I think my interest in environmental law, or environmental studies in general, grew out of an initial thought that I might actually work for the National Forest Service and be a forester. I had some interest in that, but it was really the workday activities back in the early 70s that got me interested.

Eric Avildsen:

I took this year off. Like about a third of my class, we all read an article in Harper's Magazine about Eco U. Literally a third of the class at least were out in Green Bay because they read that article and it sounded like an exciting place to be. In fact, it was. We sat around and talked about really big questions. That got me engaged in the environmental movement.

Eric Avildsen:

Legal services was really about the individuals that I was helping. The big cases that we did were exciting and interesting intellectually. But the core of legal aid work is the ability to help an individual client. You get satisfaction and fight the injustice. Certainly that kept me in legal services during those formative years. To this day, particularly mentoring and directing young new lawyers into a legal services practice, and that work is something that keeps me going.

Alan Houseman:

We talked a little bit about Central Mass and the Legal Assistance Corporation. Would you want to add anything else to what you said earlier about your work there and achievements there or anything?

Eric Avildsen:

Well it was an interesting period in that organization's history. It was an LSC-funded program. In Worcester, there was a traditional Legal Aid Society formed by the bar association when I first arrived there that did mostly divorce work and some probate work, and charged clients 50 bucks to do their divorce. About five or six years in, the programs were merged by the Bar Association of Worcester as an involuntary merger. A bunch of us had to start doing divorces and take over this caseload. Managing that and helping the program figure out how to do that was the first management thing I was involved in as an informal leader within the program. A bunch of us were very unhappy with having to do these divorces. We were figuring out that in fact we could force the local family court to actually follow the rules of evidence. Their practice had been incredibly informal. The lawyers would stand up and just make representations about what the case was going to be about. A bunch of us legal aid lawyers came in and said, "No, no, no. We're going to do this case and appeal it if the judge was going to issue rulings." Managing that became one of my first big challenges.

Eric Avildsen:

Another big accomplishment of mine was organizing work in the housing court with an attorney-of-the-day approach where legal aid lawyers would be stationed on the eviction days at the courthouse and take cases as they showed up, without preparation, and try and get them continued if there was something significant to do. If I look back, those were the things that I was most engaged in. As I mentioned, I did author a case management system with a very prototype database that was made available in the early days. I started the idea of tracking work in a computerized case management system. That continues in some ways to this day. But for the first 10 years of my work at legal aid in Vermont, I was still contracting. We have a customized case management system now, and we had one when I got to Vermont for Vermont Legal Aid. I've always been interested in the data piece of the work and how you can automate the practice using data driven forms.

Alan Houseman:

Let's move to Vermont Legal Aid. Describe the program currently, and also describe Law Line and all those issues around funding that, just to give a picture of Vermont.

Eric Avildsen:

Okay. Well maybe, I think in some ways it might be better to talk about when I arrived.

Alan Houseman:

That's fine, anyway you want it.

Eric Avildsen:

It's a statewide program. At the time, it was the only legal services program of any kind in the state. There's a small law school and it has a small low-income clinic. But Vermont Legal Aid was the LSC recipient and the recipient of some state funds. It's always had a somewhat broader brief. For example, it has always done the mental health commitment cases. It does every mental health commitment case under contract with the state of Vermont, and has since its inception. It's always done some kinds of work that's outside the traditional legal aid gamut. It grew slowly but steadily through my first seven or eight years there. Then, with the advent of the Gingrich restrictions -- or the restrictions that resulted from the negotiations in 1995, I guess it was-

Alan Houseman:

Ninety-six.

Eric Avildsen:

In '96. Legal Aid of Vermont had a significant number of contracts that included things like a statutory obligation to lobby the legislature in some areas of the law and a bunch of programs to represent income-ineligible clients and the several classes that we were mandated to represent. So the restrictions were a non-starter. In those early days New Hampshire, Connecticut, Vermont and Washington State got together and talked about this at a meeting. We all went back and set it up. The day the restrictions went into place we had a new nonprofit set up to receive the LSC funds. Vermont Legal Aid turned down the LSC grant and gave it up to a nonprofit that we had set up with former staff of mine who went over there. I shifted six staff over there, and one of my managers became the director there, Tom Garrett. They had to move out and go to a different building.

Eric Avildsen:

We were separate. But we were still pretty integrated at that time. Legal aid would intake new clients. Clients we believed would get just counsel and advice over the phone were sent over to this other entity to do the telephone counsel and advice. After about 10 years, we got a little closer. We bought the building next door to ours, and connected them and put this other nonprofit into half of the building next door to ours and started sharing some board members.

Eric Avildsen:

As some of the restrictions loosened up, we became more intertwined to the point where today, I'm sure we are as intertwined as any two separate legal aid organizations that are separate nonprofits could be. Vermont Legal Aid rents space and provides accounting services and IT services to the LSC grantee. The LSC grantee answers the telephone, does quick advice

and screening and manages the website, and charges Legal Aid for those things and sends cases that Legal Aid handles under the priorities electronically back to legal aid. There's absolutely complete integration to the extent we're allowed to. There's the same exact board of directors between the two organizations, so we share 100% of the board now. Hopefully we integrate our priorities as well as you can possibly do that. I subcontract three different grants. I subcontract part of the work with senior citizens and with victims of crime and some housing work to the LSC grantee, and they actually sub-grant me a small private bar innovations grant that they have for us to help provide on-site work in some of the courts outside of Chittenden County. We are pretty integrated. It's still inefficient and fairly troublesome to operate two corporations, but we've made it as minimal as we can possibly do that.

Eric Avildsen:

The program now at Vermont Legal Aid is about \$7.8 million budget. It's five offices and about 75 employees, 35 of which are lawyers. That's roughly the numbers. The Legal Services Vermont LSC corporation is about a million dollars with 10 staff people. They're all located in Burlington. They operate the hotline and a bunch of specialized projects.

Eric Avildsen:

One thing that's different about Vermont Legal Aid is that, despite the fact that we have five offices, we operate on a project basis, not a geographic basis. We organize our services around clients with disabilities or healthcare or poverty law or housing discrimination law project. The supervision is done by an attorney in those projects who may be in one location, and the other four lawyers are in four different locations. Because it's a small state, we are focused very significantly on the legislature and on the state administrative advocacy function. The housing lawyers are doing poverty law, housing, are organized on our statewide basis and attempting to influence statewide housing policy much more than the attorneys in southeast Vermont working together in that office to help the community in southeastern Vermont. There's one housing lawyer or one poverty lawyer, one disability lawyer, one seniors lawyer in that office and they work more with the other lawyers in their project than they do with the people in the local office.

Eric Avildsen:

Because of the small size of the state, we have -- I don't know if it's unprecedented -- we have a lot of access to policy makers. So if a staff attorney wants to talk to the welfare commissioner, they call them up and say, "Can I come down and talk to you?" They can get a meeting pretty readily with any state official about a substantive issue. Similarly, while the legislature doesn't always do what we want it to do, they pretty much won't consider legislation that affects low income people or other vulnerable Vermonters without asking Legal Aid its opinion, and inviting us in to testify, or being receptive when we say, "You need to hear us out on this proposal by the Medicaid department to do X, Y or Z." We pretty much can get a hearing pretty readily.

Eric Avildsen:

Now as I said, they don't always do what they want, but it's a citizens legislature with virtually no staff. A lot of times they want our expertise. They want to hear about what the other side is from what the administration might be offering. We do do a lot of lobbying. I probably have eight registered lobbyists in any session. So we are down there a fair amount on substantive issues. Similarly, most of the state commissions or public bodies that are advising state agencies, we have a seat by designation on those Medicaid advisory board or whatever the different boards might be.

Eric Avildsen:

To this day, we maintain a fairly broad range of legal services work, perhaps in some ways broader than many other legal aid programs. We operate the long-term care ombudsman program. There's only a handful of legal aid agencies so we're the designated agency for Vermont. We have a paralegal in each part of the state that goes out and visits the residents in facilities once a quarter and takes complaints and works on quality of life and quality of care issues in those institutions. As I said, we do the mental health work, and also have designation to do certain kinds of public guardianships, and even defending folks with specialized status as sexual offenders who have developmental disabilities and they're under a civil order. We're appointed under contract to do all of those defenses. We have a Medicaid, a Medicare advocacy project. There's a few places that do that work, so the state's paying us to appeal Medicare denials for folks who are dually eligible. We have five or so people do that work. We've dealt with the stagnant funding and the decreased funding from IOLTA and other things by diversifying the kinds of legal work we do.

Eric Avildsen:

Most recently I think it's played out in medical/legal partnerships. We have three different medical/legal partnerships that we're doing right now and in the last few years. I expect and hope to be able to grow that into something that actually is taking place across the state. I believe that it's great work. There's a lot of money in healthcare to do innovative things in Vermont. So I think it's a way to get at some legal problems much earlier on. The nature of that work is that you're dealing with a housing problem before there's an eviction filed. You're dealing with the school discipline issue before a kid's been expelled or suspended. It's not traditional legal aid work in that there isn't a lot of litigation. It's mostly helping clients avoid getting to the point where there's litigation. So it's not every lawyer that I have on staff who wants that work, but there's certainly some lawyers who enjoy the ability to make meaningful impacts simply by calling up the landlord and talking to them. That's as opposed to, in the private landlord/tenant world, once the eviction's been filed, the tenant's not staying. You could win the individual eviction case, and we often do, but they'll just refile it the correct way the second time and the relationship's deteriorated at that point. You're not going to stay in Vermont in that house. You're going to end up having to move anyway. If we can intervene

before the eviction's filed, we're much more likely to help get the tenant into a place of stable housing. We've been focused the last few years on trying to grow that part of our practice, and be responsive to new funding opportunities because the more traditional ones are fairly flat and have been.

Alan Houseman:

Are your lobbyists part of each of these teams?

Eric Avildsen:

Exactly.

Alan Houseman:

One person or two on the housing team would also be a lobbyist?

Eric Avildsen:

Yeah. There's one person who spends a lot of her time as an organizer/lobbyist. She's at the state house a lot keeping track of all the stuff that's going on. She does that for half of her time maybe. One of my healthcare people -- he's also statutorily supposed to represent the public on healthcare issues at the legislature -- he spends a lot of time there. Everybody else is just the substantive experts in a particular area. So if there's a special ed change being contemplated, one of my disability lawyers will be down there. On housing, we did a big report on homelessness. If we're trying to get some money for back rent, one of those housing lawyers will register as a lobbyist and end up spending quite a lot of time there. But there's nobody except the healthcare director that's really down there as a lobbyist as a significant portion of their job. These other folks are spending 10% of their time, or 15% of their time for half the year. It changes depending on what issues are going anywhere on that particular front.

Eric Avildsen:

I did want to talk about our healthcare advocacy office, because it's I believe the only place in the country where there is a state-funded healthcare advocate program. The state of Vermont funded a program for an independent agency to represent the public. It has two components, one of which is to run a separate hotline open to anybody in the state without regard to income who has a health-related problem -- healthcare, health access, quality of care, billing -- with either a private insurer or a state or federal medical healthcare insurance program. Then three lawyers represent the public in the rate-setting process for the hospital budgets and private insurance rates in the same project. We have 14 people who just do who just do healthcare work -- seven paralegals and several attorneys and a health policy analyst. So other parts of Legal Aid will still do more complex Medicaid cases involving assistive technologies or an appeal about your right to get a certain service. Our disability lawyers might still do those cases. But the initial intake would be done by the paralegals operating the hotline.

Eric Avildsen:

But what really happens is, in addition to their being able to actually solve problems with the healthcare exchange or with Blue Cross/Blue Shield, they have the inside numbers. So the people can actually figure out why somebody's being billed for something and they can often resolve those complaints. They also generate the examples that the policy advocates then take down to the legislature or to the Green Mountain Care Board and say, "We've had 65 cases involving hepatitis treatment denials. We need to change this." They do 4,000 cases a year so they have a pretty broad sense of what's going on in the healthcare world.

Eric Avildsen:

So we are more deeply engaged in healthcare. Over the years, Vermont has launched a bunch of different healthcare reform initiatives. In the end, it didn't go off on its own on single payer. But during that process, the legislature decided that there needed to be an independent check on the administration in terms of representing the public's interests. It's been fascinating work and, again, things that I didn't know much about prior to our doing that. For the whole rate-setting process we have \$100,000 worth of actuarial experts who come in and work with us to analyze those hospital budgets and advise the board on what we think the rates for the coming year's insurance plan should be. That's a different and interesting work.

Alan Houseman:

Yeah. California has some privately funded health advocacy focus, but nothing like this that I've ever heard of.

Eric Avildsen:

It's an interesting thing. I've talked to some other states about it. It's grew from a three-person little program that the Medicaid division was funding, and just spiraled over the years. Now, the legislature depends on it and there's a lot of public support. One of the things you notice is, low income people don't go to their legislators for help that much. They certainly don't go back to their legislators that have sent them somewhere for constituent help and people tell their legislators, "Thank you for doing that." A lot of more moderate income folks do go to their legislature and say, "This isn't working. Get me some help." When those legislators send them to Legal Aid for help, and then the client gets help, they call their legislator back and say, "Thank you."

Eric Avildsen:

The level of legislative support for that work is five times or 10 times as great as it is for my poverty work. There's some benefit for the poverty work, but that feedback loop to legislators through the constituent service, I have just never been able to replicate that with low income community folks because they just don't interact with their legislators in the way that the more moderate income folks do. In a small state like Vermont, House reps in Vermont literally pretty

much have to knock on every door in their district in order to get elected. So there's really quite a direct connection between House members and their people in their towns.

Alan Houseman:

That's very interesting. Talk a little bit about the Vermont Access to Justice Coalition and what it is and how it was set up and what it tries to do.

Eric Avildsen:

Our Access to Justice Coalition is not a formal commission. Some folks make more of that than I think... I've never really understood how that would change things. But it's pointed out to us that we don't have a commission, we have a coalition. It's still chaired by a Supreme Court Justice, in this case, Beth Robinson. The major legal services providers are part of it. So I'm a member along with the current director of Legal Services Vermont, Sam Abel-Palmer. Tom Garrett was there before. The law school clinic's director was Jim May for many years. He was a long-time legal aid lawyer. He recently left and one of my board members is actually the current director of the legal clinic at the law school. She also sits on the coalition. The Vermont Bar Association director sits on it. The Vermont Bar Foundation director sits on it, as well as a couple of private lawyers appointed by the coalition, but nominated by the court. They are often people who've been engaged in Access to Justice activities.

Eric Avildsen:

In the past, I would say that it's been more a clearinghouse. It may change. The current chair has some interest in being a little bit more proactive and getting the court more engaged in pushing a more proactive agenda. It tends to be a place where we make sure everybody's on the same page about major initiatives and major undertakings. It occasionally will focus for a few years on pro bono or focus for a few years on the creation of a low bono project that the coalition helped organize and control.

Eric Avildsen:

One of the big things that it did about 12 years ago now is as follows. Legal Aid and Law Line -- the Legal Services Corporation grantee which was named at the time Legal Services Law Line of Vermont -- we were terrible at raising money from the private bar. I think 18 grand was the most we ever got, and we tried all the tricks. I would come to these conferences to learn about it, and we just couldn't get any money. Vermont doesn't have a lot of big firms, and so it's hard to get big gifts. The coalition looked into that. We decided to have an Access to Justice campaign run by the coalition. It would raise money to create a two-year poverty law fellowship. The leadership of the coalition decided at that time, "We can't raise money for just another legal aid lawyer. It's not going to work." The person that was chosen to be the chair of the campaign had -- his roommate was a Reggie back in the day -- and he had always wanted to be a Reggie. So he decided that what we should do is set up our Vermont fellowship.

Eric Avildsen:

We've had six of them. We're in our sixth one right now. Five of them have been at Legal Aid. One of them has been at the clinic. It's been unbelievably successful as a fundraising tool. They raise between \$100,000 and \$150,000 a year. The fellows have all done absolutely remarkable work over their two years. They're all still in Vermont. Three of them still work for me. But they all have had a fellowships that focused on an unmet legal need, something that Legal Aid wasn't doing formally but had identified as an unmet need. So they focus on that. They do individual cases and learn the lay of the land for the first year. Then the second year they do an impact activity of some sort. They've all done remarkable impact work over the course of the two years.

Eric Avildsen:

The first one was right in the beginning of the foreclosure crisis. So she was assigned to do foreclosure work. She had no background in it. By the end of the second year, we had mandatory mediation established by a state statute, and we had trained and recruited mediators for the foreclosure crisis. Over the years, we've had projects on school discipline and on the opioid crisis and veterans affairs and hurricane relief. We had a fellow who was focused on housing conditions and the lack of good enforcement. Shortly after her fellowship started, Hurricane Irene hit Vermont and devastated a bunch of the state. She went after that and organized the emergency legal response to the hurricane-related issues over the course of her two years.

Eric Avildsen:

So it's worked. We tend to get 80 resumes from all of the best law schools in the country just by calling it a fellowship. It's worked. It's recruited very highly qualified lawyers to do it, and they all stayed in the state. They're all either working for me or doing other nonprofit work. That's been very successful, and it was the Coalition who got that started. Still, the money flows through the Bar Foundation, but it's still the Coalition's Access to Justice campaign.

Alan Houseman:

You've also been on the Vermont Advisory Committee on Civil Rules and Civil Division Oversight Committee. What committee is this?

Eric Avildsen:

Well, the Civil Rules Committee had a person from Legal Aid before I got there. When she left, I took it on. I learned something from a great attorney named Jim Rowan from Harvard -- you probably know him. He once trained me way back as a young lawyer about all the things you could do with the civil rules if you really know how to use the civil rules. A lot of folks see it as pretty boring. It's a glacially-paced committee. It goes really slowly. But fundamentally you can do a lot to affect self-represented litigants in the legal system by changing the civil rules.

Eric Avildsen:

I've done it for 28 of the 30 years I've been at Legal Aid. I've been on that committee as have many of the members. It's a very stable committee. From that work, I ended up getting appointed to some other committees that the court system runs. We have an oversight committee that's mostly judges and clerks, and a couple of private lawyers of which I'm one. We see the inside of the court system as the courts and the judges and the clerks fight about how the civil courts are working. We recommend internal policies for the court system, best practices for judges and clerks on how to handle collections cases or how to handle foreclosures.

Eric Avildsen:

So that's an influential committee because you're behind the scenes and you get to have a direct impact on what they train their staff to do. I've also served on the Rules of Electronic Filing Committee and just a range of committee work through the bar association or through the courts. If you're willing to do the work, you can get appointed. You've got to be willing to spend the time. It does get me out of my office and thinking in a different way. I like it as a break from my regular work.

Alan Houseman:

Vermont has this long-term involvement through our mutual friend John Dooley on the Russian-American Rule of Law Consortium. It's dead now. But it was alive for many years. I remember, one of my trips to Karelia. You were on it. I don't know if you want to talk a little bit about the Karelia work or not. I can't remember what you did.

Eric Avildsen:

Well, I'll talk briefly about it. It was interesting. John took a range of Vermont lawyers over there on trips to help train the Karelians about different US legal system theories from real property to public defense, and everything in between. Early on, he took the director of the legal clinic at the law school over to set up the first legal clinic in Russia for a law school. Jim actually married a Russian eventually. He made a lot of trips over to Karelia and throughout Russia. Actually that law school model of having clinics was very successful. Eventually, John got an expansion grant to set up a legal aid office in Karelia, and was sort of like, "I'm just going to make up a new legal aid program from scratch." He worked with the folks at the clinic to do that. Part of that grant was to bring three of us over after three years to evaluate how that legal aid program in Karelia was working. So Martha Bergmark and John Tull as consultants to legal aid programs, and me as an actual active director, were brought in to spend a week there.

Eric Avildsen:

I initially demurred. I thought I really didn't have anything to offer. I don't know anything about the Russian legal system. I understand it's really different. So I was saying, "I don't think I have

much to do." But John often gets what he wants and so he got me to do it, even though I was somewhat reluctant. Lo and behold, Karelians have the same legal problems as Americans. They have housing problems, domestic violence problems and problems with government benefits. The work that the law students, the private lawyers, and the two staff lawyers were doing in this program looked incredibly familiar. It turns out that I had some management stuff to comment on and suggest things on. I felt when I got back that I learned a lot more than I gave to them.

Eric Avildsen:

It was an interesting thing. It was a time at which the Russians were really excited about what they saw the future as being. It's somewhat bittersweet now, looking back on that, because that's not the reality. But I will point out that a month ago, I had 17 legal aid lawyers from the Ukraine at Vermont visiting with my staff because Ukraine has a really active dispersed legal aid practice involving everything from pro bono to staffed legal aid offices. So, even if Russia didn't propagate the same level of legal aid programs, other parts of the work of that rule of law program seem very strong. So it was quite exciting to say, "Oh, this has actually spread and it's working." They did learn a lot from the legal aid programs in the United States which provided most of the templates for that work.

Alan Houseman:

I actually was the one that oversaw that grant.

Eric Avildsen:

Oh, okay. you know much more about it than I do.

Alan Houseman:

No, no. I worked with John from 96 to whenever the damn thing folded itself. That's why you were involved with John and Martha, trying to bring real expertise to it. Have you received any awards that you think are particularly interesting?

Eric Avildsen:

I haven't gotten a lot of awards. I've gotten some public service awards from the bar association or different entities over time, and my old legal aid program gave me an award. But at one point, my staff gave me an award one year, and it had a little justice meter. I often talk about that something affects "my justice meter" and then we've got to do something about it. That probably has more resonance with me than the public service award. I'm glad the people appreciate my work, but I haven't really focused or thought much about those. They're just political things I have to do. But I've tried to work hard to have a collaborative relationship with the staff at Vermont Legal Aid, and it's not unionized. I do work at that, and so it's nice to be appreciated occasionally, even though I wouldn't say that's persistent all the time.

Alan Houseman:

Finally, what is your vision or hope for the civil legal aid programs and system for the future? What would you like to see happen? What are things that now you'd like to see changed? Big broad questions, big broad picture.

Eric Avildsen:

It's interesting that I'm not sure that I have a very well-formed answer. I'm intrigued and somewhat concerned about the focus on 100% access. The concern that legal aid becomes a public defender, or even less than a public defender around civil legal services, is a concern of mine -- that given the funding levels that what we're going to be encouraged and potentially forced to do is to give everybody a little bit of help. I'm a pretty strong advocate for impact work. I have a desired goal of 20% to 40% of my attorney time on impact work. I think it's critical. Access to a lawyer to help try to defend a bad situation under a statute that has some problems is not that helpful. We need to change the statute.

Eric Avildsen:

So I want my legal aid program to maintain its interest in the goal of protecting people's rights. That includes the law reform and systemic reform, community education. Whatever the mechanism is that you might use to change something, I want us doing that work. So I have focused on that. I do think legal aids have to be careful of staying in a narrow range of clients. It's something we struggle with, with the lack of general funding. The idea of advertising and doing robust outreach is very risky because we can't answer the phone now. I think that that balance to try and make sure you're serving everybody with something while maintaining a focus on what's really happening to the clients. We're not merely giving them access to the legal system. We're not merely giving them access to representation in their individual case, because a lot of times something needs to change. You can have all the access you want, but you're going to lose. You're not going to remedy whatever the problem the client is having unless you change something in the underlying structure. I do want us to be vigilant about that.

Eric Avildsen:

Our community of legal aids has been successful in getting robust bipartisan support in Congress to protect the Legal Services Corporation and to get all the Supreme Court justices around the country to weigh in in very strong terms on legal aid's behalf. Part of that is this deal that we're going to be a little less controversial. We're going to be a little bit more focused on helping the court system manage their workflow, and sometimes not as focused on shaking things up when there are things that need to be shaken up. I think that's a tension which we struggle with in Vermont, and that I think other programs around the country struggle with. It's my own vision that we need to really be sure we're looking at what the client community is really having as problems, and not just about access.

Alan Houseman:

Okay. Do you have anything else to add that we haven't covered that you want in this oral history?

Eric Avildsen:

(silence) I guess I, over the last few years, I've been reflecting on leadership a little bit. Most legal aids, including Vermont Legal Aid, do not have very many levels of formal organizational leadership positions. We have thin management structures often, and that certainly was true in Vermont Legal Aid. We've been struggling as we have a lot of staff that stay a long time in my organization. I've been there 30 years, and a bunch of my managers have 25 years in their position. There aren't opportunities for staff the way I was managing attorney at five years, and an executive director at eight years.

Eric Avildsen:

So I've thought a lot about that, and we struggle with it and I'm still working on that. But I think it's an important thing for the community to think about in terms of providing younger lawyers with opportunities. When I was a young lawyer, everybody around me was pretty inexperienced and people hadn't done many things. So you could do something new pretty easily, because nothing much had been done yet in the legal aid community.

Eric Avildsen:

When you're practicing as a new lawyer now, you can think you're doing something new. But if this attorney's been working at legal aid for 35 years, they've done pretty much every kind of housing case you could do and they have opinions about how those housing cases should be done. They can tell you, "Oh, that's a waste of time. You can do X, you can't do Y." They could be wrong, but it's very hard as a young lawyer to push back, even if the senior lawyers are supportive. The risk that you're going to do something stupid, and there's somebody who knows you're doing it stupid, is there. Whereas, when I was a young lawyer, there was nobody around me to say, "That's crazy. You can't sue the utility for extortion." Well, maybe I shouldn't have, but we did some interesting litigation.

Eric Avildsen:

I have been working with my staff to create a leadership development program, and to try and provide staff, even quite young staff with this leadership opportunities. It's a work in progress. But as our community ages and gets more institutional as a legal aid community, we have to guard against not letting the new lawyers make their own way. We need to give them support and encouragement to shake things up. That's what's keeping me going right now.

Alan Houseman:

Okay. Great.