



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

**Robert Cohen**

Conducted by Alan Houseman  
Oct. 7, 2014

Alan Houseman:

This is an interview with Bob Cohen. The interviewer is Alan Houseman. This is October 7th, 2014. Bob, you've been a leader in innovation in civil legal aid, so we want to focus a lot on that. But let's start with your background and history a little bit. Where did you grow up? Where did you go to college and law school? What were your early days in the legal profession before you went into legal aid?

Robert Cohen:

Let's see. I grew up in Chicago. I went to Roosevelt University, and it was during the Vietnam War. After I graduated from Roosevelt, I got a job as a teacher of socially maladjusted educable mentally handicapped children. That's what they called special ed back then. During the evening, I went to law school at John Marshall. My first job, which didn't last all that long, was as a deputy district attorney. I worked on appeals in Cook County for Edward Hanrahan. Apparently, Mr. Hanrahan didn't really appreciate my services so after he lost the election, I was fired. But I was re-hired by the Republican, Bernard Carey, and it was at that point that I decided I had enough of Chicago politics. I moved on to Clark County, Nevada -- Las Vegas.

Alan Houseman:

You became a staff attorney at--

Robert Cohen:

I became a staff attorney at Clark County Legal Services.

Alan Houseman:

How long were you there, and what kind of work did you do?

Robert Cohen:

I was there maybe a couple of years. I worked in the senior citizens law program. We did some senior citizens case work. I was looking for a way of raising some additional funds for our program and stumbled across the way the law library raised money, which was through a filing fee. We proposed a filing fee. I think it was about a dollar for each divorce. At the time, Las Vegas was really the capital of divorce work, so it offered us a nice opportunity to raise some money for our program. Unfortunately, my skills in legislative advocacy were a bit limited. We could get the bill together. We could get it out of leg counsel, but I could not get it past the chair of the oversight committee.

Robert Cohen:

Fortunately, Arlene Joyce, one of the unsung heroes of legal services, was a paralegal at the program. She was very political and her husband, Dick Joyce, was very political. He brought the bill to the committee chair. It was then placed on the desk of the Governor, Michael Callahan, who had a score to settle with Arlene. Arlene had been very active running his successful campaign, but was terribly disappointed and angry that Muhammad Ali could not get a license to box in Nevada. She started a recall campaign against the governor. The governor called her and said he would not sign our filing fee legislation unless she personally apologized. It was probably one of the biggest arguments I ever had with her or anyone, ever, in legal services. I was pleading with Arlene, "Please, don't have our bill vetoed." She told us after she met with the governor how awful it was, but he did sign our bill. That filing fee legislation was I think one of the first in the country.

Alan Houseman:

What year is this?

Robert Cohen:

This was 1974.

Alan Houseman:

Yeah, it would have been one of the first.

Robert Cohen:

We couldn't find anything like that other than for the law library. That I think raised the interest of the folks who were hiring at National Senior Citizens Law Center, Paul Nathanson, because they were in the midst of staffing for a grant from the Administration on Aging, which was designed to promote what is now AOA Title III network. I mean, everyone thinks it was just always that way, but, in fact, it was not. The grant that the National Senior Citizens got back in 1975, when I started working on it, was designed to create that network. It was the work of Paul Nathanson and the staff that was creative enough to really spread the idea that it was the thing to do to work with your area agency on aging.

Robert Cohen:

It seemed so logical and so simple. But I remember going to programs where they were wondering if I was selling snake oil. I said, "No, no. You work with your area Agency on Aging, and it's going to be money for your program. It's going to be advocacy for seniors, and it's going to work out. It's all going to really create a whole new opportunity for you." I had the western states. As we now know in retrospect, it did work out just fine. At the time even ... Do you remember Paul Lichterman?

Alan Houseman:

Sure.

Robert Cohen:

Paul Lichterman was the liaison between LSC and AOA. He created a joint agency agreement to allow LSC funds to match our AOA legal services, without doing the income eligibility, which was really quite astounding. Poor Paul passed on, but it was the start of something that is a network in place that is probably one of the least controversial things that we ever did in legal services that had such an important impact on our client community. I was real happy to be part of that effort.

Alan Houseman:

What else did you do at the Senior Citizens Law Center?

Robert Cohen:

At the time, in California, I tried to recreate our Nevada effort for filing fee legislation. I was about as good at legislative advocacy in California as I was in Nevada. We were working with something new, a state bar committee. There were no state bar committees doing this at that time. The legislative advocacy work was done through Western Center and CRLA. We created the filing fee bill. Remember, at the time, filing fees were 35 bucks. We were going to get a few dollars. It was actually going along quite nicely. I think it made it out of the Assembly.

Robert Cohen:

Then we got a call from both Western Center and CRLA that said they would drop everything they were doing to oppose the bill unless it was done in a way that assured that those over our client eligibility standards did not have to pay more for filing fees. Well, that of course was impossible. I do think, in looking back on it, with filing fees, \$200, \$300, \$400, it was a mistake. But we had no choice but to all agree. In return, we formed a bigger and a stronger coalition of legal aid programs to support the whole notion of a general fund appropriation for legal services. Now the problem with that was that, unlike our filing fee legislation which only required a simple majority vote, the general fund appropriation required a two-thirds vote.

Robert Cohen:

We met with Tony Klein, the government appointments secretary at the time. He sat down at a long table, something like this, and he took generalship of the whole project. We had a whole list of things that we were going to do, that he was going to do. We were very active, and we couldn't exactly tell what Tony Klein was doing, but we were very active. It came up for a senate vote. I remember he was standing there in the hallway. We were one vote short of our two-thirds majority. We said, "Tony, could you get us one vote?" I remember what he said, "Now I'd look pretty foolish now if I got you one vote and the governor vetoed the bill," and he walked away.

Robert Cohen:

That was our lesson in California politics, and that led us back to the drawing board. Back to the drawing board meant coming up with the craziest idea ever, IOLTA. I mean, think about it. Actually, I remember telling you about it at the time. I don't know if you remember this, how crazy IOLTA was. I mean, like, we're going to get the bar to agree to allow the un-segregated trust accounts to earn interest for the state bar. We're going to get private attorneys to agree to that, and we're going to get the banks to agree to give us the money. I mean, really, you have to roll your eyes back at that time at something like that.

Alan Houseman:

What year is this?

Robert Cohen:

It started in about '78, '79. The bill, as it was passed, was actually signed into law by Governor Brown, inadvertently by the way, in ... I think it was 1981, 1982. We were at the Conference of Delegates, but it was 1981. We went to the state bar, and we really have to thank strange bedfellows. We have to thank President Reagan for making IOLTA possible. I don't know if we could have done it without him, because we used to clip all of the articles about what he was saying he was going to do to us and what his staff was saying. Why would we fund a program that was suing the government? We would take those to the state bar. They'd say, "Okay, what do you want us to do?" We'd say, "Well, we want this IOLTA program."

Robert Cohen:

I remember the trust fund committee they sent us to. They said, we looked at that a couple of years ago. There's no money there. What do you want that for? I thought it would make money. I actually went to Australia to study how they did it, to see how it would work. I thought it would make money, but who knew? No one had done anything like that before. When we started it in California, we had to propose it as a voluntary bill. We were following along Florida that had done the tax work for the proposal, and they were forming a foundation. But they were a really big help in clearing the way for the tax work, because it involved a complicated tax issue. Whose money was it? Do you have to actually claim the donation? It was a bit of complicated tax work.

Robert Cohen:

After they got a favorable opinion was when we could really move ahead with a statewide legislative approach. But our first effort was as a voluntary bill. It was so popular as a voluntary bill. I think it was the California state senate that it passed without any difficulty at all. It had a very large majority vote. We thought that, under those circumstances, it was worth trying to make it mandatory. There were three of us who were really guiding this through at the time, Mark [Garrinson?], that you might know, and Peter Reed. I remember the phone call. We were

talking about, well, it's a voluntary bill. It's not going to work very well. We're going to be knocking on law firms' doors, and we're going to be holding campaigns. Why don't we try it as mandatory? I said, sure, why not? Let's see what happens.

Robert Cohen:

Well, before we took it to the assembly as a mandatory bill, we had to take it back to the state bar. There was a board of directors meeting. The state bar was kind of passive about the whole thing but they didn't care because it was a voluntary bill. Some of the board of governors of the bar were panicked and irate about the notion of this becoming mandatory. It was noted that we had to go back to the banking community to get support for this. The banking community looked at what we had in mind and said they didn't care because it wasn't mandatory for the banks. It was mandatory for attorneys. That's right. That's terrific.

Robert Cohen:

Then we took it to the bar association board of governors. I'll always remember the hearing because we were so lucky. I mean, the gods were smiling on us. As we proposed it, the member from LA of the board of governors looked back at the three of us, and I think his words started with, "You stupid" ... I think those were his words. He didn't get very far, because Bill [Winky?] -- who was, I think, at that time, splitting a term with Bob Raven from northern California -- Bill looked a lot like John Wayne, and the board of governors member who was opposing it looked a lot like me. Bill immediately got up, and he's from Orange County, stood in front of us, looks down at his colleague and says, "These are my friends. Are you calling my friends stupid?" He went on to make a speech about how the conservative in Orange County was supporting the great need for legal services and how he would invite his liberal colleagues to join him. That saved the day at the state bar, and I admire Bill to this day for making that possible.

Robert Cohen:

The bill was on the Governor Jerry Brown's desk. I think it was 1982. He had 500 bills on his desk that week. He signed ours.

Robert Cohen:

Sometime later he was about to speak to the Conference of Delegates. The issue on the Conference of Delegates' agenda was repeal of SB 713, our bill, because of the mandatory nature of the program. The Bar Association of San Diego and the Bar Association of Oakland were sponsoring the repeal, and the Bar Association of Orange County, believe it or not, and the Bar Association of San Francisco were defending the bill. What a strange day that was. The governor was being briefed on the matter before he was giving his remarks to the Conference of Delegates. He was standing there, and just by coincidence I happened to be fairly close to him. I remember that there was kind of a whispered briefing. We couldn't hear the briefing, but I remember distinctly because he said it so loud. He said, "Mandatory? Mandatory? That's

crap!" He goes on to give a speech at the Conference of Delegates and blames the Conference of Delegates for not writing him and telling him he was signing a mandatory bill. He said, "I had 500 bills on my desk that week. I did not know this program was mandatory. It was recommended to me that I sign it."

Alan Houseman:

Is this Governor Brown?

Robert Cohen:

Governor Brown. Shortly after he concluded his remarks, there was discussion of our bill and a vote. Thank you, Governor Brown, the Conference of Delegates voted two to one to support mandatory. IOLTA took off on its life in court. By 1985 we had the first check out of the program. Other states started, or repeated, our effort and the effort of Florida, although Florida's was just a foundation. That's how IOLTA spread throughout the country. It went from the craziest idea ever to something that was accepted as one of the root funding mechanisms for legal services. That was a funny, lucky experience for us. It could have died had the governor paid more attention to what he was signing. It could have died if the banks had paid more attention. We were just incredibly lucky. It's had a pretty good run, although with the interest rates so low, it's not doing very much right now.

Alan Houseman:

You were at Senior Citizens and then you moved on.

Robert Cohen:

To Orange County Legal Aid, in 1980.

Alan Houseman:

Right. You are director of that still. Is there some other organization you're director of? Community Legal Services? Is that part of Orange County?

Robert Cohen:

Yes. It's part of our Orange County grant. In 1984, the LSC asked us to bid on the Community Legal Services program. We didn't really express an interest in doing that, because it's our neighboring area in LA. I remember the conversation. I think it was Michael [Asalvio]. Do you remember Mike? He used to follow Coach Peter Broccoletti.

Alan Houseman:

Yeah.

Robert Cohen:

He said, "Well, you know, Bob, we're thinking about a nice judicare experiment in the area. How would you feel about that? We bid on the program against other legal aid programs, and we were awarded that. Community Legal Services became part of our program. It is an adjacent area. We serve all of Orange County and we serve southeast Los Angeles County from Norwalk to the Compton area.

Alan Houseman:

Just a little background, and then we're going to go through some of what you've done at the program. How big is your program now? How many staff do you have? Roughly, what's the funding level and all that overall?

Robert Cohen:

Overall, our funding level now is about \$7 million. The staff is about 85, and we have about 21 attorneys on staff, but we work extensively with the private bar. We have a hotline which takes about 52,000 calls a year, 52,000 requests for service. We have what we have named a three-tiered service system. The first tier is our hotline, in which advice and counsel is provided. More in-depth legal services are scheduled. Appropriate referrals are made. The second tier being our self-help technology, I-CAN!, and/or our clinics. The third tier is complete representation.

Alan Houseman:

Well, let's move back in time a little bit. You've been an innovator, and there's a number of innovations that I want to talk about. You may want to present these in a different way. There's I-CAN!. There's Legal Genie. You've been a leader on pro bono. You've been a number of things. I'd like you to talk about, from your point of view and your perspective, some of these innovations that you've led nationally, essentially. You've been the national leader on this.

Robert Cohen:

Well, the interesting thing about getting a reputation like that is that, as you very well know, these are not things anyone does by themselves. You're standing on someone's shoulders who has done something like it. You're working with many folks who are working as hard or harder. They're always group efforts. I remember when I-CAN! came along. I-CAN! is an acronym for Interactive Community Assistance Network. It's a document preparation system. At the time, there were no document preparation systems. We started working on it in 1999, and standing on someone else's shoulders. I have to say that I saw Richard Zorza's system that he did when he was with a program in New York. I looked at that. I thought that's kind of neat. But it wouldn't work exactly that way for us. We'd have to make a few modifications. Then I very nervously put an idea together. I remember, that was the first time I met Alan Slater, who was the Court Executive of the Superior Court of California, County of Orange. He listened for about a minute, and then he takes the paper away. He starts drawing the diagram of how this is going to work. It's great. Alan's totally on board. Not only is he on board, he's our great leader, and

he's been our great leader ever since. We start, and we are just scraping around for money at the time. Then Ed Quatrevaux pays us a visit.

Alan Houseman:

Explain who Ed Quatrevaux is.

Robert Cohen:

From time to time I ask folks, "Don't you miss Ed?" No one says yes. I miss Ed. I really liked Ed. Ed Quatrevaux was an inspector general of the Legal Services Corporation. I don't know if our time was up for a visit or what, but he came up personally with David. He was very interested in I-CAN!, the whole concept. At the time we had a box that looked like an old '30s radio, how this all would come together. We had a little ceremony at a library in South Orange County, how we were going to do this.

Robert Cohen:

Ed went back to Washington, and this is Ed's story about this. John McKay gives him a call.

Alan Houseman:

John McKay was the president of LSC.

Robert Cohen:

President of LSC. John says that OMB offered him \$7 million if he could come up with something that was not controversial. Ed says, "Technology," and he explains what we were doing. Technology Initiative Grants (TIG) were born from Ed's idea. TIG actually funded I-CAN! at first. I-CAN!, the way we were doing it, had its limitations as far as the community was concerned, because our developer, AJ [Devaros? - inaudible], who's now with the court, wanted a system that technologists developed and the code was held. As we see, [inaudible] has kind of stood on I-CAN!'s shoulders, instead making the system one that attorneys can develop by themselves.

Robert Cohen:

But in the interim, we looked ... I think it was 2003. We were looking at one of the biggest scams ever, and that was how our client community was being defrauded of their rights for the tax credit, the low-income-

Alan Houseman:

Earned income tax credit.

Robert Cohen:

Earned income tax credit. I thought, we could do that. We could do that. It took a while to convince AJ that we could do it. I remember, we kept on writing the IRS, and they never responded. Then one day a guy shows up from the non-profit audit division. He was a nice guy, Mark. I said, "Hey, Mark, is this what we get for writing the IRS with a good idea, an audit?" He thought that was funny. He said, "I don't have anything to do with any of that stuff. I don't know. I'm just here to audit you."

Robert Cohen:

He goes away after auditing us, and then we get a call from the deputy director's office at the IRS. He wants to come out and visit. He brings representatives of the IRS, and they pretty much fill a table. This is an IRS joke. They introduce what they do in each division. There's a moment of silence, and then in unison they say, "We're from the IRS. We're here to help," and they all start laughing. They listened to our proposal, and the deputy director said, "This is very impressive." His technologist looks at me and says, "You know, other people had similar ideas, but no one's ever been able to do it."

Robert Cohen:

AJ is brilliant, and we actually put together I-CAN! E-File. I-CAN! E-File, during its life -- I think it was from around 2003 to 2011 -- brought in about \$800 million in credits and refunds to our client community. It didn't cost them anything. Maria Shriver discovered our program while she was first lady, and she took us around to events. We were her program until Intuit made some inroads into the whole effort. Then her events had the choice of Intuit's program or our program, and Intuit kind of led the effort after a few years. But it was a great time, because we proved that technology by itself could do so much for our client community, and we actually wound up with 500 partners throughout the US. One year Helaine Barnett said -

Alan Houseman:

Helaine was president of LSC.

Robert Cohen:

Yes. Helaine said programs should be working with us to promote the refund. I don't think it was ever very popular with legal aid programs. There were several that worked with us, but it was more popular with United Ways, with social service agencies, with banks, with schools. Some states had contests, how much they could raise by comparison, and it was great. It was doing \$100 million a year toward the end. I thought that that effort was worth maintaining, because it cost us about \$400,000. Maybe we could do it for \$350,000, and we could get such a huge return. But the LSC stopped funding it. They said, well, it wasn't their idea of what legal services was. It wasn't a legal service. But that wasn't Helaine. That was a different point of view, a different board, a different president.

Alan Houseman:

When did this stop?

Robert Cohen:

I think it was around 2011. I think that was about the year that was its last year. Glen was trying to get us more funding, but it never happened. Things with beginnings have ends, and that had an end.

Alan Houseman:

Sorry.

Robert Cohen:

That's all right. that was actually a fun effort. That was really fun, because to see folks ... If you go to our events and you could see folks who didn't for a moment believe they could do their own taxes and they did them. I'll always remember the first guinea pigs that we brought into our office regarding whether I-CAN! E-File would work. I mean, it seemed like it would work. But we were told by folks who doubted that our client community could actually do it on their own. We brought in a couple of Hispanic ladies who immediately thought they had been misled, because they thought we were going to do their taxes for them.

Robert Cohen:

We sat them down. We explained what to do. The program was actually written in Spanish as well as English. They got four screenshots into it before they really started on their own. As they did, we were backing away to see what would happen. I'll always remember that one of them started crying, and I went, uh-oh, what's going on? We've created technology that makes our clients cry. Well, she had made it to the refund page, and she saw the size of her refund, and she started crying. I thought it's okay. If we can make our clients cry that way. It's okay.

Robert Cohen:

That was the start of it, and it worked out very nicely. I still today believe that we need a program like that nationwide that can help our client community without suffering the horrendous losses they get from -- I don't know if you've heard of refund anticipation loans -

Alan Houseman:

Yeah.

Robert Cohen:

... from refund anticipation loans, which have come in as high as 700% interest, when you add all the administrative fees. The tax preparer ends up splitting the refund with the client. So the client, as opposed to getting maybe a \$5,000 refund, they get half that. With our system, by

comparison, the client gets the whole thing. I mean, it was just a delightful time. It was the most fun thing we ever did, just putting money in folks pockets and doing it with a minimal kind of effort. But it was a demonstration project. We showed, after about 10 years, it could be done. It really works, and it's not quite done that way anymore.

Alan Houseman:

What other innovations have you been involved with in your program? There's some mention of Legal Genie, and I'm not sure I know what it is and how you would characterize that.

Robert Cohen:

Legal Genie ... Of course, I may be in a small minority at this point ... I think was a wonderful idea, is a wonderful idea, but it didn't take off in the way that we had hoped. Let me explain what it was, what its potential is, and why I think it's a valuable idea. Legal Genie would do document assembly, would create pleadings in draft. They would be subject to review by an attorney in private practice or an attorney at legal aid, depending on the client's eligibility. In a minimal amount of time and for a minimal amount of money, an attorney in private practice could use it and provide an unbundled legal service limited scope review.

Robert Cohen:

When I-CAN! E-File was coming to an end, we were debating about how could we possibly support the technology without the TIG grant from I-CAN! E-File. We decided to create a for-profit subsidiary that we would offer up for modest means panels of local bar associations, which would use Legal Genie. The idea actually got a Louis Brown Award from the ABA, but the private investment market was kind of in the doldrums. The CEO that we had hired for the for-profit had promised that he could bring in \$10 to \$13 million for marketing Legal Genie. LegalZoom, by the way, had \$25 million in marketing when it started. At the end, we wound up with three choices: Choice number one was not \$10 to \$13 million, but \$1 million in investment to be followed by maybe \$9 million a year later if we proved the concept. That was choice number one. Choice number two was just flat out selling our technology to the Daily Journal. They had made a bid for it at \$350,000, and we hadn't pursued it.

Robert Cohen:

Choice number three was what our board actually chose. At the time, and unbeknownst to us, our court had gone to the state legislature and asked to be a pilot project for the state of California in e-filing. The oversight committee was worried about what would happen for poor people if they allowed the court to have mandatory e-filing. The court pledges to the legislature, without ever telling us, that they would be working with the Legal Aid Society of Orange County because Legal Aid has such great technology. The court wants to work with us, but will not work with us through a for-profit entity. They could not do that. Given the three

choices, the board decided to reclaim the technology from the for-profit, dissolve the for-profit, and enter into a contract with the court to create a mandatory e-filing project.

Robert Cohen:

You would think the contract was a simple thing to negotiate. It actually wound up being 61 pages long. We had Rutan & Tucker, a local firm, negotiate it with the court. It provides for, I think, it's \$9.95 for every pleading that we e-file from someone who gets a fee waiver, and allows us to charge \$9.95 for someone who's over our client income that has to pay for filing fees. That is producing some revenue for us at the moment. That was the path the board told us to follow. As a matter of fact, I remember one board member saying, "It's a no-brainer. We work with the court here." That's what happened to Legal Genie. It became technology that has been incorporated back into legal aid.

Robert Cohen:

I do believe, given what's happened to the bar and modest means programs, the direction that legal services is taking now nationwide is trending toward limited licenses. The disconnect between the bar at large and the public is substantial. The public believe that something like LegalZoom, something done with a paralegal, is just fine, that they don't need an attorney. I believe a program like Legal Genie would be a perfect bridging technology in that we could have young attorneys, attorneys who just started their practice, begin in modest means programs providing unbundled services, providing a limited scope service, and use technology to provide very competitively priced legal services. Such an effort would allow for the bar to continue serving the modest means public without the drift toward moving toward limited licenses to reduce the cost of legal services at a time when so many attorneys these days are graduating and cannot find jobs anywhere. They have to go into solo practice. Anyway, that dream has not yet been fulfilled. Enough? Or do you want to hear about our incubator?

Alan Houseman:

Not enough, hang on. You have been active in the American Bar Association. Tell us some of your involvements in the American Bar Association.

Robert Cohen:

Well, I think that really provided an opportunity, and I think it's our next opportunity moving forward. I was on the ABA legal services delivery committee, which really looked at the delivery of legal services for modest income folks. By way of background, our legal aid program has its own state bar certified lawyers referral service. I know that there are not that many, if any, other legal aid programs in the country that do that. I know that because we recently had the inspector general out about four times, and they had never seen a lawyers referral service before. They were measuring it, and it was crazy. But that enabled us to see better the needs of

modest income folks. At any rate, on the ABA committee, one day Fred Rooney comes to us. You know Fred?

Alan Houseman:

Yeah. Who is he? Explain.

Robert Cohen:

At the time, he was a professor at CUNY, City University of New York. He had created a legal services transition program for law students who were going to create their own practice but had no idea how to create their own practice, which he dubbed an incubator. The way I hear the story, it was never very popular, at least when Fred was starting it, with the local programs in New York. But Fred continued, and Fred felt challenged in some way about others saying that, well, his circumstances were unique, and that really wouldn't work anywhere else. he went off to Pune, India, to replicate it with the Symbiosis Law School. He went off to the Dominican Republic. He got funding from the State Department to replicate it there.

Robert Cohen:

When I heard about his program, it was the equivalent, for me, of looking at what Richard Zorza had done with technology. I thought, "My God, that would be wonderful for us, and even better for us than it would be for Fred because we have our own lawyers referral service." We could do everything. We go train them. We could get the pro bono services from them, learning how to be attorneys. We could help new attorneys start their own community practices through mentoring and through partnerships with law schools and with our local bar. We're just on the cusp of really making this happen. We have partnerships now with four law schools in Orange County, UCI, Chapman, Whittier and Western State. We have purchased the property immediately north of us, which was until recently a Dairy Queen. We're creating what, in our days ... I don't know if you remember the term, Alan, Fegen Suites. Do you remember Fegen Suites?

Alan Houseman:

Yes.

Robert Cohen:

It's going to be a center for attorneys to meet clients, to do work. But I imagine, these days, there's so much work that can be done from home that it's kind of going to be a drop-in center on an as-needed basis. We have been doing this, but not as formally, for law students for a few years now, and it's worked out fabulously for us. We get hundreds of cases litigated that we would not have resources for. We find that attorneys are hanging around at first, asking what can I do next, what kind of cases do you have. Then maybe six months, eight months later,

they're not nearly as available because they're too busy, which is the exact notion of creating a community practice.

Robert Cohen:

Speaking personally -- there are many of us who feel this way -- one of the big problems with Legal Services Corporation funded programs since 1996 is that our funding is restricted. Not only our LSC funding, but our non-LSC funding. We can't do the stuff that we used to do. We used to do prisoner litigation in Orange County. We used to have immigration caseloads. Furthermore, we find ourselves in a position that we're raising money. We're acting like a sponge of other community resources to restrict money in accordance with what Congress, at the moment, has decided should be restricted.

Robert Cohen:

Because we can refer so many of these restricted cases to private attorneys through our network of service providers, I see the incubator program as a way of being able to get as much done as we used to -- maybe not all of it, but a lot of work done that is otherwise restricted but needs to be done on behalf of the client community. We're excited about that opportunity. We wanted to make sure that we do it right so that when we have a monitoring visit, they can see that there's no physical connection between the two buildings. This would be one thing that we would be asking you about and Linda about, on exactly how do we manage this so that we don't violate any LSC regs.

Robert Cohen:

But that is one of the exciting opportunities for us regarding the incubator. Having 40 new attorneys, which is what we plan to do, training with us will substantially supplement the staff that we have. Instead of having one attorney making a yes or no decision on representation, we have that attorney with a cluster of other attorneys so that we have several attorneys that can look at the same matter as a training case and as a way of serving. We've actually got our presiding judge who's on our faculty, retired judges, retired court commissioners, the Latino bar, some law professors. We're going to have a great time of this, putting this program together. Anyway, that's our new project.

Alan Houseman:

Great. You've won a number of awards from various places. I'd like you to just talk about some of the awards you've won.

Robert Cohen:

Let's see. There was the Loren Miller Award from the state bar. That's an award to a legal services attorney for the work done on behalf of our client community statewide, along with other programs. It was a humbling experience winning that award. I've won other awards. In

Orange County, I've won awards from our local bar association, of course, from the Anti-Defamation League. One of perhaps the most inspiring things is that, along with our superior court, we won the Justice Achievement Award. As I understand it, that award is given to a court program, and the court program was I-CAN!, our program, that was the best program that year in the nation. All the court administrators get to vote, and we actually won for I-CAN!. That was great. I know Alan Slater was happy, and that helped us show the credibility of the system. Because now it's kind of accepted, but when you start doing something, it's kind of like, what? Why are you doing that? You have to get beyond the "why are you doing that" to people asking, "well, how do you do that?" Then it becomes part of a new way of delivering legal services. I sometimes go off and start thinking, well, what should we be doing next? Because it's fun.

Alan Houseman:

Well, one of the things you're doing is this-

Robert Cohen:

Oh, the notice.

Alan Houseman:

... the notice. Explain a little bit about the notice.

Robert Cohen:

Oh, yeah. A councilman from the City of Irvine came to us, Larry Agran, who's been a longtime friend over the decades. He was very angry. He was angry because the City of Irvine has to spend \$50,000 a year on legal notices. He thinks that this is perhaps one of the dumbest ways of spending money that the city could come up with. He tried to convince his city attorney to put the notices on the website, and the city attorney said it's impossible. The law won't permit it. Larry came to us in frustration saying, "Can't you do anything with this? There ought to be a way of making some money on this and modernizing this system."

Robert Cohen:

Our first effort was just creating the alternative for the state bar website to be a way that these notices could be posted. We had a great technological argument that there would be really more access. It would be a statewide searchable database. Richie Rothstein ... You know Richie, don't you?

Alan Houseman:

Yes.

Robert Cohen:

... got us a sponsor, Senator Rubio from the Fresno area, who offered to author the bill. Rutan & Tucker wrote a draft of it, which was wonderful. When the bill came out of leg counsel it was even more wonderful. We were going to change the whole technology, the whole way legal notices are provided. You would actually know how a legal notice ... If you were being sued, because there would be a statewide searchable database. I think that bill had the shortest lifespan of any bill because, as soon as it reached Senator Rubio's office, he was inundated with phone calls from the Press Association saying that they were adamantly opposed to the bill. The one time I spoke to Senator Rubio, he said, "Bob, I'm so sorry." He said, "I had no idea how much money was involved in this program and how many jobs it would affect."

Robert Cohen:

Now in our research, we understood that from a couple of comments that the Press Association had made. For instance, nationwide, they pegged the revenue potential for legal notices at \$800 million. We tried to figure out exactly how much it would be in California. In contacting the City of Los Angeles, we discovered ... this is where we're at now ... they have no idea how much they spend on legal notices. We do know Irvine spends \$50,000 a year, but in Los Angeles it's so diluted within the different agencies, they have no idea what their budget is.

Robert Cohen:

To make a long story short, we followed the time honored strategy of, if you can't beat them, join them. It's an antiquated law, but, in California, it allows for us to become an adjudicated newspaper if we follow the rules as set forth in Government Code Section 6000, which we did. We became adjudicated for Orange County about a year ago, and shortly thereafter, a few months thereafter, became adjudicated for Los Angeles County. The idea is to put ourselves in a position where the bar recognizes that proper filing of legal notices is as much of an obligation for the bar as their pro bono work. Number one, it can support legal services. Secondly, it can save them money. I've made this pitch a few times now. Some of the more wise leaders of the bar listening to our patriotic pitch about supporting legal services would smile and say, "Bob, why don't you lead with the fact that you're providing a discount?" We're going to be doing that. We're going to learn that lesson better.

Robert Cohen:

You can see from the notice [holds up paper], it actually has legal notices in it. We're running about three pages of legal notices now. We have to run about six to start getting in the black, but we just really started. We're learning how to market, and we're bringing our colleagues in LA on board to help. We were told, through friends, that it's possible for us to get some state contracts, that it's possible for us to get some government contracts both in Los Angeles and in Orange County, and we're looking at that as our next big effort to create a sustainable source of funding for legal services which is independent from government, which is independent from

the vagaries of what interest rates turn out to be. I'm still, at my advanced age, at work trying to figure out how do we fund legal services so that everyone can get access to this system.

Alan Houseman:

That's fascinating. One final question: What do you perceive as the future of civil legal aid? What directions do you see it going? What directions would you like to see it go? I don't care how you answer the question.

Robert Cohen:

Of course, I think everyone would like to see complete access to legal services for the poor and for those of modest means. I think there's no doubt about it. I do remember, and you probably remember, Alan, the strategy back in the '70s of ... what was it? Fill up the cup.

Alan Houseman:

Yeah, minimum access.

Robert Cohen:

Fill up the cup. Well, I can tell you, unfortunately ... It might be amusing, but I can tell you, unfortunately, when I talk about fill up the cup now, the reaction I get, that's interesting, who was he? Who was Phillip? You've got to recognize, I think, at some point, that that's not going to work. We have to come up with something else that actually provides legal services. I think the threat to our whole effort is that moderate income people don't have access to legal services. If they don't have access to legal services, they don't, with the intensity and the breadth, feel that it's so bad a deal that poor people don't have access to legal services too. I think it's a problem that's incumbent upon us with the bar to solve for both groups. I think if it doesn't happen, what we're going to see is legal services become much more like services you get at the DMV. It's going to be legal information, and everything's going to be simplified. I think that's the trend that we're seeing now. It's not going to be anything like what we expected when we began the practice of law.

Robert Cohen:

I would like to see a combination of technology, modest means programs, and alternative funding sources provide for complete access to legal services. I think it's possible. I think we have to put a plan together that merges the opportunities that we have, that technology provides for us, that alternative funding sources provide for us. I think we're learning that we cannot rely on Legal Services Corporation funding to the extent that we would have liked to, that the power to say no of a few minority members of the U.S. House of Representatives is much greater than the power of saying let's make a deal maybe with the other chamber. As long as someone can stop the funding of legal services, we need to look at alternatives to supplement programs statewide and to supplement our community nationwide.

Alan Houseman:

Thanks.

Robert Cohen:

That's no problem.

Alan Houseman:

This has been a wonderful interview. Thanks for your time. We'll follow up.

Robert Cohen:

Sure.