

NEIGHBORHOOD LEGAL SERVICES

To a large extent, my summer as a full time volunteer at Neighborhood Legal Services was a consequence of my Jesuit education at Gonzaga College High School and learning to be a man who lives by the mantra "one for others." This concept of selflessness sometimes is its own reward but sometimes you are eventually rewarded in other ways, which I think was the case with my NLS career.

By the end of my second year in law school, I was pretty desperate to find some form of work in the legal field. I did not have the grades to get one of those cushy clerkships with one of the judges like a few of my friends did, and I really had no contacts whatsoever in the legal world. Other than my law school experiences, the only contact I had had with the law was watching Perry Mason on TV. I applied for a few jobs and internships but none of those panned out.

I cannot now remember how it came to be that I called Neighborhood Legal Services looking for an internship. I had, of course, gone to high school in the District of Columbia, and, even though I attended law school in Baltimore, I had continued to work every night from 5-9 at the Franciscan Monastery answering the phones and manning the reception desk. So one day in May of 1976, somehow, I found the number for the NLS office in far northeast D.C. I called and spoke with the managing attorney there, a young lawyer named Ed Basile. I told him I wanted to come and clerk in his office and would gladly work for free. He flat out told me no, that the year before he had hired a clerk who ended up coming in only a few hours a week, that he never knew when the guy would show up, and in the end, there were dozens of clients who were angry and upset that he had not followed through on their cases. Ed said he was not interested in cleaning up another intern's mess after that negative experience.

I probably begged. I am certain that promised that I would work as close to a 40 hour week as I could all summer without fail and he would not be disappointed. Either I was very convincing, or the guy really needed more help in the office. In the end, I am pretty sure it was the latter. I worked that entire summer for nothing, getting in to the office about 9am and working until about 4, at which time I would leave to go to my paying job at the Monastery to work until 9pm. Not much of a social life that summer, that is for sure. My wife, Clare, worked downtown for the Smithsonian Institution and we would sometimes meet up for drinks after my shift at the Monastery, but then, the next day it was Groundhog Day, back to my double shift work life.

The Legal Services office was located on Deane Avenue in what, in Washington, D.C. is called far northeast. That street was re-named Nannie Helen Burroughs, a turn of the century (the 20th century that is) black educator during my tenure at NLS and I attended the dedication parade. Anything east of Minnesota Avenue in D.C. qualifies as far northeast. It was and still is a poor area of town and our constituents were, as far as I can recall, 100% African-American. We had a great mix of people working in that office, and I find it interesting that while I have worked in and managed a law firm for almost the past 40 years, the law firm has had so many attorneys, clerks and staff come and go that there are many that I cannot remember. But I remember names, faces and personalities of almost everyone I worked with that year and a half at Legal Services. Ed Basile was a lanky white fellow, probably 7-10 years my senior, and managed the

office for the first part of the time I worked there. Patricia Nemore, another youngish white lawyer, was an assistant attorney in the office and took over as manager when Ed moved on to another job. Trish then hired Emma Simpson, a beautiful, fun and bright black lawyer, right out of law school. Our secretary was Deenie Dorsey, a terrific lady who made me laugh when she wasn't being (justifiably) cross over some mistake of mine. Then we had Bennie Johnson, who was our paralegal/investigator who would be called on for just about any task that did not require a lawyer.

Once the summer was over, I announced that I would be heading back to school and would no longer be able to work my internship, whereupon Ed apparently twisted Willie Cook's arm down at the main office and got me a paying position. My life then became even more complicated for a while: from my Beltsville apartment to law school at University of Baltimore all morning, then the drive down to far northeast to work at the law office, then to the Monastery from 5-9 that night. After about a month of that routine, Clare and I decided that the Monastery money was not worth it and after 7½ years of working there 13 days out of 14 every 2 weeks I finally quit.

I learned a lot more about life working at Legal Services than I ever learned about the law. I had worked there thinking it would be a stepping stone for a later job. It ended up that working there did nothing for my résumé, but it really did help me understand the workings of the courts and how to handle clients.

Of all of my experiences at Legal Services, there were two cases that were the most memorable. The first never actually was a case, more like a life experience.

It was a quiet morning in the office. For some reason, almost everyone was out except for me and Bennie. Bennie was in his office with a client and I was on the phone with a client with the door open. A man entered the office, let's call him a prospective client, and, three being no receptionist that day, he wandered around until he reached my office, undoubtedly led there by hearing my voice on a phone call, he peered into my door and stared at me, wanting my full attention. I held my hand over the mouthpiece of the phone and told him I was on a call and would be with him in a minute if he would just have a seat in the lobby.

Our office was a one level storefront box in which smaller boxes for offices were partitioned along the outer walls, leaving a open area in the center. The front area of the office by the front door was the natural area for a lobby, and Deenie's reception desk was about in the middle with the back area reserved for rows of file cabinets. My office was the third office on the right as you entered the office. Drab would be a complement in terms of ambiance. The walls were painted a grey white, there were no memorable wall coverings and the furniture was utilitarian at best, the classic government issue sheet metal desk being a prime example.

When the fellow did not seem like he would leave the entrance to my office, I have no doubt that I was unfriendly in my escalation of insistence that he go sit in the lobby. Finally he disappeared and I was able to finish my important client call. As soon as I was off of the phone, I went out to the lobby and found this young, sulking man sitting in one of the lobby chairs. I thanked him for his patience (that he obviously did not have) and told him I could see him now. He didn't move, and at first, didn't speak. I explained to him that I had been on the phone with a client and would

not permit an interruption, just as I would not allow one when I was helping him. "What can I do for you?" I asked.

"Nothin'" he mumbled, by way of reply. I repeated my question at which point he said "Nothin', I want nothing from you." As he spoke he rose from his seat and turned to leave the office. After the door slammed, I went in to see Bennie, whose client had since left. I asked if he knew who that guy was. Bennie told me that he knew the man's name was "Junior" and that he was not right in the head. The man had apparently served in Vietnam and had been discharged because he was "shell-shocked" a condition that today we would call post-traumatic stress disorder or PTSD.

Bennie then added the more interesting and disturbing tidbit that Junior had also killed someone and had been convicted of manslaughter, serving about five years in the Lorton Reformatory, which served as the District of Columbia prison at that time. All in all, Junior was a crazy tough guy in a neighborhood of crazy tough guys. Needless to say, I was quite unhappy with the way the incident with Junior had played out. I was just plain unlucky to have been the only one in the office on the day Junior chose to stroll in and been doubly unlucky to have been stuck on an important call at the time. Somehow, I knew that there would be another encounter with the infamous ex-con Junior.

Several weeks later, the office was abuzz with activity. Every lawyer, secretary and paralegal was at their post. Clients were being seen, work was getting done. I did not have a client in the office at that time and was trying to catch up on the filing of the case materials regarding my many clients, which by that time numbered about 100. At one point I left my office to file something in the file cabinets at the rear of the big open room, just behind Deenie's sheet metal desk, when I heard a loud shout.

"YOU!" The voice bellowed. "You got to be having more respect for people. People come in here 'cause they need help." When I turned to see who it was that was shouting and what was going on, sure enough, it was Junior, and he was pointing and shouting at me.

I really wanted to go back in my office, close the door and hide, but that did not seem to be a wise choice. Instead, I pretended to file documents, look for files in random drawers and cabinets, all of the time ignoring the loud man creating an awful ruckus in our lobby. Of course I should have known that the last thing to do to Junior was to ignore him, since that was exactly what had set him off in our first encounter.

Finally, Junior was completely frustrated that no one was paying attention to him and he opened the door to leave, but not before making a parting threat.

"You think you are so smart white boy. Just know that anytime you walk out this here door, you might just have a 30-odd-6 trained on your head...SUCKA!"

Well I might have been a smart white deferred from Nam boy, but I had enough experience with my hunting friend Charlie Gorgone to know that a 30-odd-6 was a rifle (really a rifle that shoots a .30-06 cartridge, the "odd" really meaning "aught" or "ought," an archaic word for zero, but enough on the history of guns...).

At that time I realized that I had better do something. I was buoyed by the fact that I was surrounded by an office full of people, co-workers and clients. I finally looked at the man at the door, making eye contact with him for the first time that day. "So, Junior" and I paused to see the effect of that word. As expected, he was very much taken off guard that I knew him by name. He had just made a serious threat and I'm sure he assumed no one would know who he really was. Also, I knew his name, but he did not know my name. In saying that one word, I had turned the tables on him a little.

I continued: "You would rather be a coward out there shooting a rifle at some defenseless guy? Are you too much of a coward to come into my office?" We just stood and stared each other down like some kind of far northeast version of Tombstone, AZ for a few seconds, then I went back to my office and gestured to him that he should enter. Junior closed the front door he had half opened and very slowly crossed the room to my office, entered and I closed my office door.

For some reason, instead of having Junior sit across the desk from me as I had usually done with my other clients, I pulled the client chair around the desk right next to mine to my left. I pulled out a pen and pad of paper and asked him why he needed to see a lawyer. Junior started talking and he talked for a solid forty minutes or so. It was a rambling soliloquy about the war, about his life, nothing about prison, and nothing that I can recall specifically today. My recollection of it is poor I suspect because I think much of what he had to say was a jumbled up mess. He was, as Bennie had told me that day a few weeks before, not right in the head. At some point, he looked me in the eye and said "You know, I respect you, and you know why?" When I, of course replied no, he continued, placing his right hand on my left knee, whispering "Because you have no fear...of death." My left knee may have stayed steady but my heart was racing and my right knee was twitching madly.

Later I learned that for about the first 20 minutes of my time in the closed room with Junior, my co-workers were huddled in a silent cluster just outside my office in a whispered debate about whether to call the police, their respective clients temporarily abandoned. The NLS temperament had a disdain for calling the police, however, since the police were rarely loved by our clientele, and a police presence would discourage our mission to help the poor. Eventually, they assumed that I would be okay and went back to work.

Junior continued his soliloquy until I finally got through to him on about the fifth time I asked what I could do for him and he replied with the most honest of answers: "Can you give me a dollar for a bottle of wine?"

I told him it was against policy of the office to give money to clients, instead we were there to provide free legal aid to people who could not afford it. Junior looked unhappy with that answer and I reconsidered, pulled out a dollar and told him I would be glad to loan him a dollar if he would sign this IOU, at which point I wrote on my yellow pad "I owe Lou Pettey \$1" and had him sign his name. I was, of course, never repaid that dollar but the debt of it came in handy in the following weeks.

Junior finally left the office and my fellow workers, who had quietly listened, praying that I would be okay, swarmed me asking for the details and I repeated the story that I just told here.

The epilogue to the Junior story is that there was a liquor store up the street about two blocks from the office, and those of us who worked in the office often walked up to the liquor store to buy sodas and snacks to eat and drink back at the office. There were almost always a group of guys hanging around the liquor store, brown bag in hand, hiding some alcoholic drink or another. They would harass the ladies of the office so one of the guys in our office would always have to accompany them, and they were usually pretty rude to me when I went up there. After my office visit with Junior, I next saw him with the other fellows at the liquor store. When the other fellows started giving me lip, Junior cut them off saying: "Leave that man alone, he's my lawyer."

The second memorable experience at NLS was much less exciting but was more interesting in terms of my law practice experience. One day an elderly woman came to our NLS office and, as luck would have it, Deenie ushered her into my office for the initial conference. Emma J. Craigg qualified as a "disabled" person for the purpose of certain Supplemental Social Security payments. She may have originally been given those payments through the federal government, but eventually the District of Columbia took over the making of those payments but in January 1976 discontinued making them. Mrs. Craigg came to see me some day in late 1976 when she realized she had 2 problems: (1) she was no longer getting her supplemental disability payments, and (2) the District of Columbia had placed a lien on her house for the amount of money she had received in payments. The case I took that morning eventually weaved its way through the Federal Courts, reaching the United States Court of Appeals for the District of Columbia in the case of *Craigg v. Russo*, 667 F.2d 153, 215 U.S. App. D.C. 110 (C.A.D.C., 1981).

I saw Mrs. Craigg's case as an injustice because she was being discriminated against based upon her status as a homeowner. Had she not been the owner of a home, she might have received the same benefits, albeit with a different label. The payments she received were classified as "vendor payments" because they were used to pay the mortgage on her home. However, she would still have been entitled to supplemental payments due to her disability during that period. It was also a "class action" case since, we were certain after some digging through records of the D.C. government made available under the Freedom of Information Act, many other persons would be similarly aggrieved. The government had taken some steps to protect itself, requiring that Mrs. Craigg sign the lien instrument "approving" the lien, but it was clear to me that she would not have had a thorough understanding of the ramifications of the lien instrument when she signed it in 1970. It was only in 1976 when the payments had ceased that the effect of that lien instrument became apparent.

For the next few years, Trish Nemore and I plodded through the Federal court process, originally filing suit against Joseph P. Yeldell, the somewhat notorious director of the District's Department of Human Resources, from which the payments to Mrs. Craigg had originated. I personally served Mr. Yeldell with the original suit in his office building downtown. While he was easy to spot, being a frequently interviewed public official in town, he was not easy to get close to, since he was always in the circle of some entourage. Once served, the D.C. Office of the Corporation Counsel became our adversary. The Craigg case took a lot of our time and resources, and I

suspect that Trish was not too pleased with me for dragging her into it. We did not receive much support from the downtown office of NLS, and, in the end, Trish took the case with her when she left NLS and took a new job at Law Offices for the Elderly across town in northwest. I had since taken a job at Heise Jorgensen and Stefanelli P.A., but still helped out some on the case for a while, and even became admitted to the United States Court of Appeals for the District of Columbia for that purpose. Fortunately, in the end, Trish Nemore found someone else to shepherd the case to its conclusion, and we were both out of the case.

The sad fact, looking back on it, was that the case became one of those faceless arguments about the intricate workings of federal vs local laws and almost nothing about poor Emma J. Craigg. There was never a positive conclusion of the case for her, and, to this day I cannot remember when I had my final meeting with her in the office. In the end, her name was on a Federal case from which she derived no tangible benefit and about which she knew nothing and, given the legal remonstrations that the case eventually took, winding its way through the city and federal laws and regulations, she would have never understood. It was my case, and I hardly recognized or understood it in the appeal.

What the Emma J. Craigg case did for me, however, was instill in me some kernel of interest in real estate law. That kernel grew into a lifelong law practice in the years to come.

Many years later in my legal career, my client, Elm Street Development, worked on the redevelopment (under the euphemistic term "adaptive reuse") of the Lorton Reformatory, the prison where Junior had been incarcerated for many years. It was a very successful and rewarding project for me and my client that I began to work on in 2011, and the work is still ongoing today in 2021. The history of the project can be studied on the Fairfax County, Virginia website: <https://www.fairfaxcounty.gov/planning-development/laurel-hill>

After about five years of working the project, I attended the ground breaking ceremony and sat under a tent in the prison's minimum security courtyard listening to various speakers and thought about how far I had come in my career since I had represented former Lorton inmate, Junior. I wondered then whatever had become of Junior, and, of course, I wondered about that dollar I had loaned him.

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