

Maurer School of Law: Indiana University

Digital Repository @ Maurer Law

Articles by Maurer Faculty

Faculty Scholarship

Summer 2016

Book Review of, *Women and Justice for the Poor: A History of Legal Aid, 1863-1945*, by Felice Batlan

Maggie Kiel-Morse

Maurer School of Law - Indiana University, mkielmo@iu.edu

Follow this and additional works at: <https://www.repository.law.indiana.edu/facpub>



Part of the [Legal History Commons](#), and the [Social Welfare Law Commons](#)

Recommended Citation

Kiel-Morse, Maggie, "Book Review of, *Women and Justice for the Poor: A History of Legal Aid, 1863-1945*, by Felice Batlan" (2016). *Articles by Maurer Faculty*. 2963.

<https://www.repository.law.indiana.edu/facpub/2963>

This Book Review is brought to you for free and open access by the Faculty Scholarship at Digital Repository @ Maurer Law. It has been accepted for inclusion in Articles by Maurer Faculty by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact kdcogswe@indiana.edu.



LAW LIBRARY
INDIANA UNIVERSITY
Maurer School of Law
Bloomington

conceptualize creating organizational systems in many areas of readers' professional lives, it does not provide illustrative examples of what those systems might look like.

¶5 This book could be useful to anyone working in the legal industry. However, it is especially useful for attorneys in small firms and solo practitioners. Solo and small-firm practitioners have less administrative support staff to help them handle things like marketing, library resources, records management, and financial records. They also tend to have less guidance on organizational matters from experienced colleagues. Since small-firm or solo practitioners more frequently meet clients in their offices rather than in conference rooms, it is even more important for them to maintain an organized office space. Practitioners in large firms might be more concerned about organization for succession planning purposes or for collaboration with colleagues on large projects. However, the small-firm lawyer or solo practitioner will get the most use out of this book.

¶6 Overall, *The Organized Lawyer* is a useful guide for the attorney who is ready to get serious about being organized. The book helps readers develop their own organizational systems rather than imposing a particular system on them. This makes it more likely that changes made as a result of reading the book will be lasting changes because those changes will be based on the conscious decisions of the readers. Perhaps a third edition will include some illustrative examples based on organizational systems that its readers have created. However, there is something of value in this book for anyone who is employed in a legal environment and ready to work toward a more organized life.

Batlan, Felice. *Women and Justice for the Poor: A History of Legal Aid, 1863–1945*. New York: Cambridge University Press, 2015. 238p. \$94.99.

*Reviewed by Margaret Kiel-Morse**

¶7 In *Women and Justice for the Poor: A History of Legal Aid, 1863–1945*, Felice Batlan exposes the important role of women lay lawyers (women who provided legal aid without the credentials of a law degree or bar certification) and social workers in the development of legal aid in America. This development was nonlinear in nature, and varied widely due to the complexities of gender, race, class, and social structures. Similar to the history of women in other professions such as medicine, women were essential to the founding of legal aid societies until men stepped in to “professionalize” the field and thereby excluded women. Through exploring the hidden history of women in legal aid, Batlan also sheds light on the origins of social work as a profession, the often contentious relationship between the two fields, and the frequent overlap of legal and social needs among low-income people.

¶8 Batlan introduces her book by sharing her personal experience providing legal aid in New Orleans in the immediate aftermath of Hurricane Katrina. She volunteered to provide legal assistance at a Federal Emergency Management Agency disaster recovery center and instead provided much more than what her previous definition of legal assistance entailed. She found that people needed help

* © Margaret Kiel-Morse, 2016. Reference Librarian, Cleveland-Marshall College of Law Library, Cleveland, Ohio.

with a wide range of issues that had her engaging in mediation, advocacy, education, and social work. Batlan's experiences caused her to "reflect broadly on volunteer work, charity, lawyers, social workers, and the ambiguities of what the practice of law means in an environment of massive and aching need" (p.3). Throughout this book, Batlan questions the definition of practicing law, discusses how the definition has changed over time, and examines how the line between legal aid and social work often blurs.

¶9 The book is divided into three parts, each exploring a different phase of the development of legal and social assistance. Part 1 covers 1863 through 1910 and reveals the role of women and women's organizations at the beginning of the legal aid movement. In the first two chapters, Batlan discusses the rise of urban upper- and middle-class women who were interested in self-education, community improvement, and social reforms. Many of these elite women were particularly interested in legal issues and saw it as their duty to provide legal assistance to poor women.

¶10 Batlan compares associations in New York City, Boston, and Chicago. She examines different ways that women provided assistance, the types of cases each association handled, and the consequences of involvement by male lawyers attempting to exclude women lay lawyers. Batlan seems to emphasize how the Chicago association took a more holistic approach to legal aid, viewing legal assistance as part of a larger mission to improve working women's overall quality of life, advocate for broader community and social reforms, and join with other women's social service groups.

¶11 Part 2 details the professionalization of legal aid during the period from 1890 to 1921. The professionalization of legal aid by male lawyers also led to the rise of social work as a separate field for women. According to Batlan, male lawyers viewed traits associated with practicing law and professionalism as masculine traits, whereas traits associated with social work were viewed as feminine and unprofessional. Throughout the book, Batlan frequently points out where gender-based stereotypes were used on both sides of the debate. To protect their members' work as lay lawyers, some of the women's groups relied on the view that men and women were inherently different, and therefore only women could truly understand and represent women in legal matters. Men relied on stereotypes of women as weak and in need of protection to validate the removal of women from practicing law. However, women continued to provide much of the available legal aid services, especially to women clients, and still carried out a blending of legal aid and social work.

¶12 Part 3, describing 1921 to 1945, illustrates more of the tensions between professional legal aid organizations dominated by men and the role of women and social workers. However, Batlan notes a reconvergence of legal aid and social work occurring within more progressive legal aid groups. Additionally, the Great Depression severely restricted funding for stand-alone legal aid groups, causing them to join forces with other social assistance groups that were in better financial standing.

¶13 New Deal programs and World War II caused views of charity and social work to change. A nationwide emphasis on caring for servicemen and their families led to more women as both legal aid providers and clients. Social workers were also viewed more positively and with more respect during this time. Unfortunately,

¶17 Berman astutely makes his case in subsequent chapters as well. Titles such as “The Second Reconstruction,” “The Counterrevolution,” “Challenging the Consensus,” and “The Realignment,” among others, emphasize that change has been largely illusory and clearly lacking as structural reform. One constant, though, has been the perennial challenge to section 5 of the VRA. According to Berman, section 5 “was the VRA’s most important enforcement provision, the tool that allowed the federal government to ensure that the law did not meet the same cruel fate as Reconstruction, which lasted only twelve years before federal troops pulled out of the South” (p.7). In short, section 5 provides the enforcement mechanism, the teeth, of the VRA. Sadly, revisionist strategies have eviscerated section 5 to such an extent that, under the guise of protecting states’ rights to forge and determine election policies, section 5 has essentially been eradicated.

¶18 In the chapter so aptly titled “Old Poison, New Bottles,” Berman emphasizes the fraught reality that the struggle continues. One need only consider the relatively recent controversy regarding voter ID laws to recognize that, in essence, poll taxes are alive and well. Voter ID laws unduly burden minority voters of lower socioeconomic status who might be less likely to hold official government identification cards, such as driver’s licenses. Accordingly, such voters would need to travel to the appropriate agencies and pay the requisite fees to obtain the documents, assuming they are realistically in a position to do so at all. Thus, old forms of voter oppression have not been exterminated; rather, they continue to reappear in new, deeply unsettling permutations and combinations.

¶19 Finally, Berman excoriates *Shelby County* and its aftermath. In *Shelby County*, the Court infamously refused to uphold the constitutionality of section 5 of the VRA. In essence, the majority opinion blithely undermined the long-term struggle for voting rights in America. The fact that this chilling opinion was handed down a mere three years ago should terrify any proponent of constitutionally protected voting rights in America. And that is the ultimate force and wisdom of this superb book. The more things change, it seems, the more they stay the same—if we passively permit them to do so. In the end, every academic library should acquire *Give Us the Ballot*, and every legal academic should hasten to read it. Verily, we shall be changed.

Fordyce-Ruff, Tienielle, and Kristina J. Running. *Idaho Legal Research, Second Edition*. Durham, N.C.: Carolina Academic Press, 2015. 180p. \$25.

Reviewed by Ashley Sundin and Patrick J. Charles***

¶20 *Idaho Legal Research, Second Edition* is part of the Carolina Academic Press’s Legal Research series, of which there are currently guides for thirty states, as well as one for federal research. Many of the guides are in their second or third editions. The first edition of *Idaho Legal Research* was published in 2008.

¶21 Tienielle Fordyce-Ruff is director of the Legal Writing and Research program at Concordia University School of Law in Boise, Idaho, and Kristina J. Running is a

* © Ashley Sundin, 2016. Reference/Research Librarian, Chastek Library, Gonzaga University School of Law, Spokane, Washington.

** © Patrick J. Charles, 2016. Assistant Professor of Law and Library Director, Chastek Library, Gonzaga University School of Law, Spokane, Washington.