

Preface

The term public interest law (PIL) is new to the language, as is the institution known as a public interest law firm. Within the last decade, the types of activities associated with Ralph Nader and his consumer organizations, with the Sierra Club and its environmental programs, and with a new institutional form embodied in law firms that characterize their activities as partly or wholly “public interest” law have proliferated. They draw ever-increasing attention in the general interest press and are the subject of specialized literary efforts as well. With the appearance of financial support from a number of private foundations, and more recently, with the official blessing of the American Bar Association, PIL activities have multiplied, as has talk about their future.

This study is an attempt to evaluate this new set of activities and its institutionalization in the public interest law firm. We seek to learn not whether particular lawyers or PIL firms have acted wisely, successfully, or efficiently, but rather whether such an institution is well suited to deal with specific problems. We regard it as axiomatic that there are always alternative ways for society to deal with its economic and other problems. We seek to cast light on the probable consequences and effectiveness of one set of alternatives — PIL activities — in general and in particular problem areas.

While many persons have authored or co-authored chapters in this study, and although economists, lawyers, and sociologists have all made contributions, this is not a collection of independent contributions set between a pair of multidisciplinary covers. The outline for the volume was developed after a year-long seminar that I directed and in which most of the contributors to this volume participated. The structure for each of the case-study chapters on public interest

law in action, found in Part Two of this volume, was designed to reflect the concepts developed in the predominantly theoretic chapters of Part One, especially Chapter Two. The area-study chapters in Part Two reflect attempts to relate the experience of public interest law efforts in each area to a common evaluative framework. Each chapter was thus treated from the outset as a part of an integrated project, with careful attention in the initial conception of the chapter to its content and to how it would fit into the overall study. Moreover, every chapter was presented and discussed in at least one Project Seminar, and was critiqued in draft form by at least two of the three senior authors of this volume. If we have failed to produce a cohesive study, it was not for lack of effort.

Our work was supported by a grant from the Ford Foundation to Joel F. Handler and me. We cannot overemphasize, however, that we were entirely free to pursue our research wherever good scholarship required. We want to make it clear that we did not attempt to evaluate the efforts of any particular PIL group, whether it received Ford Foundation support or not; our work was broader — on PIL as an institution.

While I was Director of the study, Handler and Neil K. Komesar helped in making policy decisions as the project developed, shared in the critiquing of papers, and served as an unofficial board of directors, in addition to writing particular chapters.

When we began this study we set up a small outside advisory board of eminent people from a number of disciplines. We were fortunate to obtain the assistance of James M. Buchanan (economist); Lawrence M. Friedman (professor of law); Albert Jenner (attorney); Julius Margolis (economist); Gilbert Steiner (political scientist); Peter O. Steiner (economist); the late Joseph

Weintraub (jurist); and Stanton Wheeler (sociologist). The group assembled semi-annually and met with project personnel to discuss the work in progress, to react to our plans for additional research, and to suggest alternative research approaches. Satisfying a diverse group of able and experienced persons from economics, political science, and sociology, in addition to an academic lawyer, a practicing attorney, and a jurist, provided a challenge to our ability to tackle problems from a number of research perspectives and to convey our findings with rigor and clarity. The diversity of our board, however, reflected the multiplicity of perspectives we believed were relevant and the multiple audiences we hoped our study would attract. The advisory board was indeed valuable to us.

The study also benefited from as fine a pair of staff assistants as any study director could imagine. Delores (Dee) Juszczak was Administrative Assistant, secretary, and "Person Friday" during most of the study. She managed arrangements with our advisory board, handled much of the

manuscript typing for the mounting number of chapter drafts and redrafts, and assisted me in countless ways to cope with the budgetary, administrative, and management aspects of the Project.

Ellen Sward was Editorial Associate, a title that fails seriously to convey her vital role. She not only co-authored a chapter, but she critiqued most other chapters and handled the major task of final editorial revision and coordination. My debt to Ellen Sward and Dee Juszczak is great, and it is a pleasure to acknowledge it.

In short, the study has benefited, from beginning to end, from the efforts of many. I wish to thank the Ford Foundation for making this study possible. I also want to thank the authors, research assistants, Advisory Board members, and others whose combined efforts produced not only this volume but a study group and an associated intellectual atmosphere in which ideas germinated, struggled for survival, and on occasion blossomed.

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