

## PRESIDENT'S MESSAGE

# LAW AND THE SOCIAL SCIENCES: FUTURE GOALS

The rapid growth of the Law and Society Association indicates enormous current interest in the relationship between law and the social disciplines. If this interest is to contribute effectively to intellectual development and social utility, we need to take stock of our present position and our future prospects. The Association seems the likely instrument for a planning effort which can move us toward our goals. The job can only be done, however, in a manner that utilizes the energies of our individual members, provides each of us with ways of facilitating our own work, and relates that work to the work of others. Victor Rosenblum, in completing his term as President, has done much to encourage such participation and to remind us of the need to do more. The Association should draw on its members for a systematic exploration of the knowledge now available in each of the several key fields, paying particular attention to possible applications of that knowledge. One area that seems particularly appropriate for such an inventory is the study of the legal profession. We can proudly cite a dozen studies describing legal practice in a manner that helps explain why our legal institutions function as they do. We should now summarize the knowledge in such studies and ask about their implications for enhancing the social usefulness of the profession.

Recent changes in substantive law, such as no-fault insurance, seem likely to restrict previous fields of practice; at the same time, new needs for representation abound. Efforts of young lawyers have helped to open up some of these, but many are only beginning to be explored. The kind of inventiveness shown by earlier generations of lawyers in establishing the legal basis for American corporations and in developing the law of labor-management relations can be turned with comparable capability to dealing with problems of the environment, the consumer, civil rights, prisoners, the aged, the mentally ill, students, and comparable interests and groups in the population which have been neglected.

Properly, to open such new modes of activity we must search out the needs of the groups in question. In the past, the profession has been guided by fee-for-service principles which meant that legal services were provided to those who felt the

need, had the money to pay lawyers, and had a pretty good idea of when to seek legal help. By contrast, current opportunities for new practice may be ignored because these conditions are not present. The neglected groups in our population, whose life chances could be improved by legal representation, are likely to be unaware of their legal rights or unable to realize those rights because of limited resources and inadequate organization. Accordingly, such people do not so easily find their way to the conventional practitioner's office. In the past decade, members of the profession, with government help, have developed the reverse process, in which lawyers have been able to find their way to people with needs.

We must determine how effective this process has been and what can be done to make it more so. Where are the unmet needs in our population and how can the legal profession help to meet them? What changes are necessary in the organization of the profession, in arrangements for financing legal representation, in the substantive and adjective law, in the legislative and administrative processes? What kind of research is needed to monitor existing representation and provide the kind of information that will ensure a continuing congruence between need and representation?

It is clear that the legal profession cannot, unaided, come up with the answers to these questions. The American Bar Foundation has worked wonders in the effort to meet this need. Other centers show promise. But their work depends on the methodological, theoretical, and substantive contributions of the social sciences. Our part of the task is to secure the link between these basic contributions and the applications which can be made in the legal process. The profession is only one of the possible anchor points. We will be searching out others during the coming months.

**Richard D. Schwartz**