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Calkins, Hugh H. oral history interview

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Interview with Hugh H. Calkins by Andrea L'Hommedieu

Summary Sheet and Transcript

Interviewee

Calkins, Hugh H.

Interviewer

L'Hommedieu, Andrea

Date

June 19, 2003

Place

Portland, Maine

ID Number

MOH 399

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Biographical Note

Hugh Harold Calkins III was born in New York City on October 13, 1942. At a young age his family moved to Colorado. His parents were Hugh Harold II and Elizabeth Calkins. After college he joined the Peace Corps with his wife and later attended law school at the University of Colorado. He received the Reginald Heber Smith Fellowship, which enabled him to choose from a list of places to work and he chose to work in Maine. He and his wife first worked at Pine Tree Legal Assistance. After a couple of years he decided to go into private practice. When his wife was appointed to the judiciary, he returned to work with Pine Tree Legal Assistance part-time. He was one of the founding members of the board of directors of the Maine Bar Foundation. He was the director for two three-year terms. He now works mostly with legal services organizations around the country, and some national organizations that are involved with legal services. He has played a large role in the computerization of legal services. He worked with Senator Muskie on the Maine Commission on Legal Needs.

Scope and Content Note

Interview includes discussions of: family background and education; Maine Bar Foundation; IOLTA (Interest on Lawyers' Trust Accounts); Pine Tree Legal Assistance; working with Muskie on the Maine Commission on Legal Needs; and Don Nicoll.

Indexed Names

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Schendel, Mary
Wroth, Kinvin

Transcript

Andrea L'Hommedieu: This is an interview with Hugh Calkins at his office at Pine Tree Legal Assistance in Portland, Maine, on June the 19th, the year 2003, and this is Andrea L'Hommedieu. Mr. Calkins, could you first start by stating your full name and spelling it?

Hugh Calkins: My name is Hugh Calkins, I have a middle name, Harold, my last name is spelled C-A-L-K-I-N-S.

AL: And where and when were you born?

HC: I was born in New York City actually, in 1942, October 13th, 1942, my folks lived there for a very short time.

AL: So where did you grow up?

HC: I grew up in Colorado.

AL: Oh, wow, what was that like?

HC: That was great. I love Colorado, I still love Colorado. We get back there pretty often, and went to school there, went to college and law school there, and only came to Maine after I graduated from law school.

AL: What were your parents' names and their occupations?

HC: My father's name was Harold Calkins, actually Hugh Harold Calkins, I didn't, you asked for my full name and it's actually Hugh Harold Calkins, III, it was my grandfather's name as

well. And my brother's a lawyer in Denver. My brother and I grew up saying that we would never be lawyers, and we both ended up going to law school and being lawyers, although I'm not sure that what I do now is actually lawyering. Same with him; he's the fiscal manager of the public defender in Colorado.

AL: Do you have a sense of when it was that you decided to change your mind and follow the path of law?

HC: When we graduated from college, my wife and I went into the Peace Corps and as our time in the Peace Corps started getting close to the end, and we had to figure out what we were going to do next, that's when I decided finally, well, why not go to law school.

AL: And where did you go to law school?

HC: At the University of Colorado.

AL: And your mother, what was her name and occupation?

HC: Her name was Elizabeth, and, her name is Elizabeth, and she worked in retail sales. When I was a kid, she was a stay-at-home mother most of the time, only after I went to college did she start working.

AL: Now, after law school, how was it that you came to Maine?

HC: I had a fellowship, called a Reginald Heber Smith Fellowship, which was offered to people to bring them into working with legal services. They gave me a list of places that I could go, about fifteen states, and I'd never been to Maine. I said, "Well, why don't I go to Maine, that sounds good." And thinking that I'd stay for a couple of years and go back to Colorado, but I never actually got around to that.

AL: Now at what point did you get involved with the Maine Bar Foundation?

HC: Well, I was pretty much involved with the Maine Bar Foundation from the beginning, from the inception. I think I was a founding member of the Bar Foundation. The then director of Pine Tree Legal Assistance, David Kennedy, was instrumental in putting it together, and I was one of the founding members of the board of directors of the Bar Foundation.

AL: What was it that precipitated the need for the Bar Foundation, is it something that every state has, or what's its specific mission and goal?

HC: Not every state has, well they may, they may actually all have bar foundations now. They did not at that time. In part it was a funding mechanism for legal services. I'm perhaps a little hazy on this, but it's my recollection that the Bar Foundation was started up about the same time that we started talking about having an IOLTA program in the state of Maine. IOLTA stands for Interest on Lawyers' Trust Accounts. And in the pre-Bar Foundation days lawyers would keep their trust accounts with a bank and could not be paid interest on those accounts

because there's an ethical prohibition against commingling their own funds with their client funds. And the trust accounts have money from lots of different clients, it just moves in and out. Not really enough to earn the client interest but, so the interest was going nowhere, the banks were keeping it. I think the state of Florida had started an IOLTA program in which the interest on those trust accounts was paid into a fund that was used to fund legal services. We wanted to set one up here in the state of Maine, and I believe that the Bar Foundation was set up around that effort.

AL: How long were you director of the Maine Bar Foundation?

HC: I was a director for I think six years, two terms, two three-year terms I believe.

AL: And what years did that span?

HC: I'm real bad at years.

AL: In the eighties, you think?

HC: I believe in the eighties, but I'm not, like I say, I'm not good at years.

AL: Now you've also been a strong advocate for equal access to justice over the years, and that I'm sure has been through your work with Pine Tree Legal Assistance.

HC: That's true. I worked, when I first came to Maine I worked with Pine Tree Legal Assistance for a couple of years, and then I went into private practice, and my wife [Susan Calkins] continued for Pine Tree. And when she was appointed to the judiciary, I decided to go back with Pine Tree so that we would maintain some connection with legal services. And I only went back part-time and since then, that must have been in '80, I have been a part time employee at legal services, continuing to do some things on the side. Mostly now I work with other legal services organizations around the country, and with some national organizations that are involved with legal services.

AL: And how did technology play into creating equal access to justice?

HC: Well, the project we worked on with Don Nicoll was a project to allow our clients to prepare court forms over the Internet. It was something that, at the time we envisioned it, really hadn't been done before and we put that in as a small part of the Maine Telecommunications partners (*unintelligible word*) grant proposal to the Department of Commerce. And it is a successful grant, but at the same, when the grant was initially made we were thrown into a real serious funding crisis and we called Don and told him that we didn't think we could focus on that, we'd have to focus on our survival, and so we backed out of it. But then a year later we called and said, "Well, could we get back in?" And we did get back in. And that sort of started us on using Internet technology to work with our clients. I had always been involved in sort of bringing computerization into the program during the eighties.

AL: Have you found that it's had an effect on people being able to have better access to the

Internet, or -?

HC: Oh, absolutely. Our website, which has lots of information for our clients, is very heavily used and has been a real model for using the Internet for legal services programs nationally.

AL: Wow, that's impressive. I've been to the site, and it does have a wealth of information. It really has some basic questions to ask to lead people through the process of who it is they need to contact, depending on what the nature is of their needs.

HC: Right. We try very hard to make it accessible to our client population, which is often, although certainly not always, a population that has low literacy skills. So we try to gear all of our client education materials to a fairly low literacy level. Our goal is to have it be accessible to someone with a fifth grade reading level, and Kathleen Caldwell in our Bangor office does most of that and has become a sort of national expert on making legal materials available and accessible to folks with low literacy levels.

AL: And do you know, have you gotten any feedback on where the clients are able to get use of computers, do you know if they utilize the public libraries a lot?

HC: They do utilize the public libraries a lot, they use computers in public housing projects, at CAP agencies, that's Community Action agencies, and lots of times other folks will get the information for them from the Internet. They'll have friends, neighbors with computers who will get the information, their kids get it at school. And more and more of our client population have home computers, because the price has dropped so much and you can get used computers for very little. In fact, you get new computers for relatively little.

AL: I'd like to talk about your time on the Muskie, not the Muskie Commission, the Maine Commission on Legal Needs.

HC: I think it did come to be known as the Muskie Commission.

AL: I think it did, and it's referred to as such. I would like to know what your role was on the Commission, what Ed Muskie's role was, what your perspective was on how that Commission worked.

HC: Okay, it certainly worked much better than any of us anticipated. It turned out to be a much bigger project than any of us anticipated it would. I have to say I believe that the concept was mine initially; I remember meeting with Mary Schendel, who was the president of the Bar Foundation at the time at a Bar Association meeting, and telling her that I thought it would be good to do a legal needs study, that it would be good to be able to document the extent of the need in the state of Maine. And Mary went back and talked with the folks at the Bar Foundation, and especially with Nancy Chandler who was the director of the Bar Foundation. And we sort of presented the idea and Nancy, we thought, Mary Schendel and I thought it would be a fairly small project and we'd do some polling and gather some information to use for publicity. Nancy thought about it and thought about it, and it was her idea, I believe, to bring Senator Muskie into

it. And I'm sure you, I hope that this project has talked to Nancy.

AL: Yes, I have.

HC: I hope you got to go to Green Valley, Arizona to do it?

AL: No, she came to me.

HC: But she, and Bob Hirshon I believe, were the ones who got Senator Muskie involved in the project. And we hired, I don't know, I think it was (*sounds like: Apt*) Associates out of Boston to do the statistical analysis for us, and that project turned out to be larger than we anticipated. But I think we got some really good data from the project, and were able to use that to really develop a comprehensive picture of what the legal needs of low income Maine people are.

AL: Now, do you have recollections of some of the meetings that Muskie attended on the Commission?

HC: I do. Well, it was always a real honor for us to have the Senator involved. I guess he wasn't the Senator at that point, but that's certainly how I think of him; I guess most people call him Senator Muskie. And I remember him coming to a number of, a number of meetings, a lot of sort of roll-up-your-sleeves meetings about how the report was going to be written. And before that, doing the public hearings that were held all over the state, he attended most of them to my recollection. And it was a real treat to watch him interact with the audience and with the public, some of whom had, really were difficult personalities, you know, who had some legal problem and they'd want to vent about that. And it was a real pleasure to watch the Senator work with those people, get the information that they needed, treat them with respect, and then be able to quiet them down at the end, which is a skill that few people have but he had it a lot.

And after the data was gathered, both through the public hearings and through the polling that was done, I was on the writing committee that sort of gathered it all together and wrote up the reports. And the Senator came to those meetings as well and really participated in how we should present the information and evidence that was gathered through the Commission.

AL: Did you have a sense that, when he was there, that he was in charge, or he was just a participant, was he leading?

HC: He was certainly a leader, although I think he didn't want to step in and direct the whole project. But he had some strong ideas and was willing to put them forth, and people were, tended to be a little deferential to him. But I don't think that, he didn't sort of take control of things. I think he realized that he wasn't going to be able to do all of the work, but that he wanted to see what was going on and to give us his ideas as to how, how we ought to put this together.

AL: Was there a lot of vigorous discussion in the meetings, or was it fairly low key?

HC: Well in the, certainly in the public hearings there was lots of vigorous discussion. And in some of the early meetings there was, well yeah, there was vigorous discussion about, you know, how would we respond to this particular problem, what can we come up with for ideas, and it was a lot of sort of brainstorming which was pretty vigorous. But then as we progressed and got into the nitty-gritty of writing, it became more low-key then, everybody just trying to come up with the best way to present the ideas and the concepts, and to convey the recommendations that the Commission came up with.

AL: And do you recollect whose idea it was to have the public hearings?

HC: I do not. It may well have been Senator Muskie's idea, as a matter of fact. It's something that he was certainly strongly involved in and strongly supportive of. I think the idea probably came up in conversations he had with Nancy Chandler about how to gather the information. And it's not the kind of thing that I immediately thought of, but the Senator being a politician and looking for public input, I think it was more natural to him than it was to me. I was more into getting statistical data and things like that, rather than getting the ideas that the public might want to present to us.

AL: And were there others that were on that Commission that you recollect in terms of their roles?

HC: Well, Kinvin Wroth was, who was at that time the dean of the law school, was on the Commission and was the head of the writing committee, which is the committee that really did the bulk of the work in producing the report. And he was a really, spent a lot of time and a lot of effort on this. Gee, I don't know if I remember all of them, the names of other people that were involved on it. But Kinvin was one that I remember specifically as putting in a lot of time and effort into writing the report.

AL: Now, was this the first time you had had contact or met Senator Muskie, or did you, had you met him earlier?

HC: I may have met him on some, you know, visit he was making to the state of Maine, but this is the first time I met him to know him and to work with him. Before, it would have been just a handshake in a reception line or something like that, but this was the first time I'd ever really worked with him and met him in any really significant way.

AL: After that Commission work was done and you walked away, what was your sense of Senator Muskie?

HC: Well, my sense was that he was a man who could maintain his, a range of interests that extended from international affairs at the really the highest level to the concerns of a mentally ill person with legal problems in the state of Maine. And that he had, you know, the picture I have is just sort of a, of a long continuum that's probably a lot longer than the continuum of interest that any of the rest of us have, that he was able to work on all different levels. And that was to me pretty impressive, that he could maintain that range of focus that he did.

AL: Now when you worked with Don Nicoll on the Maine Telecommunications project, what was that like, working with Don?

HC: You know, Don is, working with Don has been a real treat, and it was great to involve him in the work of Pine Tree, and interest him in the work of Pine Tree and he's been very helpful to us. I don't know all of the ins and outs of it, but it has been my sense that some of the ideas that we came up with on the Telecommunications project resulted in some real significant changes in telecommunications policy in the state of Maine, resulted in the wiring of all of the schools and libraries in the state of Maine, and helped to make Maine a real leader in technology and telecommunications, which is still pretty impressive and is something that's been carried on by subsequent administrations after the work of the original Telecommunications project was done.

AL: And that probably has some effect on the fact that the state government is so well organized on the Internet?

HC: I think that's true. I think, it's amazing to me how all of these efforts continue to bear fruit and to ripple down and continue to have a lot of beneficial effect. And the legal needs study is certainly an example of that. It's not something that ended up when we published the report, but something that has really continued to have ripple effects even today.

AL: That's great. Is there anything that I haven't asked you about that you feel is important to add?

HC: Sure, well I guess I'd like to talk a little bit about some of the ripple effects that the legal needs study has had, because it's been really significant to Pine Tree Legal Assistance and all of the legal services providers in the state. Senator Muskie stayed involved after the legal needs study was done. He came up and spoke at law day on the first of May a couple of times. He got, I think through his personal efforts with the state legislature, got the Maine Legal Services Funds created in the state legislature and, although that was initially not funded, I think because of the opposition of the then chief justice. The funds existed as a body, and in subsequent times when we started having some real financial difficulties during the Gingrich Congress, that was there as a vehicle for state funding for legal services. And at that time, there being a new chief justice who did not oppose it, in fact supported state funding for legal services, that was, there was a filing fee surcharge enacted by the legislature that provides significant funding for Pine Tree Legal Assistance now, for legal services for the elderly, the Maine Equal Justice Project, and all the legal services providers in the state. And I don't know if I can say that none of that would have happened, but it would have been much more difficult to accomplish any of that without the results of the legal needs study.

And some of the other recommendations of the legal needs study have been taken to heart by the legal services providers. And through some serious joggling from Senator Muskie, the legal services providers developed a much closer working relationship and coordination of their efforts, so that people didn't get bounced from one provider to another provider but would, once they found a place, they would be directed to the place where it was most appropriate for them to get help. And that's something actually that we've even brought into the technology, into our

website and all that, where we try to use that to direct people to the appropriate place for them to get help so that they don't get bounced around from place to place.

So a lot of the efforts of the legal needs study and the Legal Needs Commission have really continued to bear fruit. And I think that our organization is a lot healthier now, than it would otherwise be, because of the legal needs study. And so I think that's really an important thing to keep in mind, that it didn't stop and that it sort of legitimized us in legal circles to have the Senator involved I think. And so that lots of people were more willing after his involvement, to jump in and lend their support to some of the things that we were trying to do. And so we continue to be grateful for his involvement.

AL: Now, I interviewed Bob Hirshon last year and he talked about a project that is sort of in the development phases, and I wondered if you were involved with it at all, regarding setting up a system where people coming out of law school can get money off their tuition bills by volunteering through legal services?

HC: Yeah, that's been a, that was one of the recommendations of the legal needs study, and I think that's where Bob got the idea. It's not something that I've been directly involved with a lot. People, especially nowadays, graduate from law school with massive debt and with really heavy loan repayments. And we've lost some very good employees who wanted to work with us but simply couldn't afford to work in legal services because they had so much debt that they had to repay. And so Bob's efforts on the national level with the American Bar Association, that are still in process really, might well help to make it possible for people to work with legal services who wouldn't otherwise be able to afford it. That's been a problem for us, and I know it's a problem nationally in the legal services movement. And that's another one of those sort of ripple effects that came from the legal needs study, came from the information that we gathered and the recommendations that the Commission made, and are still continuing to percolate through the system.

AL: Well, we've seen it work with physicians, doctors coming out and being able to do that same sort of thing in rural communities, providing health services. I think if we're able to do it in the legal profession as well, it's going to, like you said, even strengthen more this area. Is there anything else that you'd like to add?

HC: Well, you know, one thing I would just, it's a sort of an anecdote. The Senator had us all down to his place in Kennebunk, and I went down there with my wife and it was just a gorgeous day and we were all out on the lawn. And my wife sat with him up on the porch and he was asking her, "Well now, who's that? What's that person's name?" And got into a discussion with her about his techniques for remembering the names of thousands upon thousands of people, which was a skill that he had throughout his political career but which was beginning to fade. And he was lamenting that he didn't really practice it as well as he used to practice it when it was part of his daily duties to remember the names of thousands and thousands of people. But it was intriguing to me to think of that as a skill that he had learned and polished over the years, rather than some ability that came naturally to politicians. But that was a fun little anecdote that I got from my wife from her conversation with him that day.

AL: Did she ever do any work with him?

HC: She, well she was actually director of Pine Tree Legal Assistance for a couple of years. She didn't do any work with the Senator directly, though, no. I think that was the only time that she really met him and spent any time with him.

AL: Well, thank you very much.

HC: My pleasure, I think this is a great project. I hope I'll get to see some of the results sometime.

End of Interview