

Funding LSC is a Wise Investment, Even in Hard Times



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For just a moment, I wondered if readers would not bother to read yet another President's Page about access to justice. But then I remembered that so many lawyers and bar groups I have encountered during my now 10 months as president of the State Bar already focus daily on this topic, often through pro bono service or donations for legal aid. Perhaps they are proud, as I am, of the organized bar's long history of prioritizing access to justice or, also like me, maybe that is among the reasons they became lawyers. So I know that this topic is one that matters not just to me but to so many of you. For that reason, I hope that you take time to read this article about why our support for adequate funding for the Legal Services Corporation (LSC) matters more than ever.

LSC has been funded by Congress for the past 30 years to provide direct grants to nonprofit civil legal aid offices. LSC provides just over \$10 million annually in Michigan (about 39 percent of all grants for civil legal aid in our state), supporting services in all of Michigan's 83 counties.¹ Congress reduced these grants by almost 4 percent² during this current fiscal year, and additional greater cuts are threatened for the coming fiscal year. To be sure, this is a challenging economic time when many cuts will be made to a range of very important services. Funding legal aid is particularly essential in such times, not only because it is the right thing to do in a society where equal access to justice is a fundamental value, but because funding LSC is an investment that especially pays off for our communities in hard times.

homelessness is prevented. Economic stability is increased when employment issues are resolved, child support is obtained, benefits are sustained for veterans, and seniors are protected from scams. Families are stronger when they are safe from domestic violence, have appropriate custody arrangements, and can maintain parent-child relationships in guardianship cases. LSC funds that go to our local legal aid programs actually serve to strengthen our communities in a time of rebuilding, maximize limited resources through innovations and collaborations, sustain effective public-private partnerships, and promote the constitutional ideal of due process.

That LSC funding is a wise investment is one of the reasons I am proud of the State Bar's position supporting adequate funding for LSC. Of course, just helping those in need is compelling in itself. According to a 2005 SBM study,³ even with current funding levels, legal aid programs must turn away nearly half of those seeking help because of lack of resources to assist them. Despite thousands of lawyers providing pro bono service or donating to the Access to Justice Fund, the need far outpaces available resources.

LSC Funding Helps Meet the Growing "Justice Gaps"

The number of persons who qualify for free legal aid because their annual income is below 125 percent of the federal poverty limit (or \$23,163 for a family of three⁴) has increased 50 percent in Michigan from 2000 to 2009—from 1.35 million to more than 2 million.⁵ Legal aid clients now include many newly poor who have lost employment in

today's difficult economy as well as the working poor, veterans and military personnel, family farmers, people with disabilities, the elderly, and victims of natural disasters.

Michigan continues to be very hard hit by foreclosures, with the fourth-highest number of foreclosures in the country as of the end of 2010.⁶ Several Michigan legal aid programs (including five LSC-funded programs) collaborated on the statewide Michigan Foreclosure Prevention Project, which has assisted thousands of at-risk homeowners. The project saved more than 1,500 homes from foreclosure during 2010–2011 and obtained additional positive outcomes for others, such as selling the home to prevent foreclosure.⁷

LSC-funded programs are the nation's primary source of legal assistance for women who are victims of domestic violence. While domestic violence occurs at all income levels, U.S. Bureau of Justice statistics indicate low-income women are significantly more likely to experience violence than other women. Recent studies also show that the only public service that reduces domestic abuse in the long term is women's access to legal aid.⁸

Legal aid programs closed more than 58,000 cases⁹ for their Michigan clients in 2009. Some 88 percent of these cases were addressed out of court; these clients benefited from legal advice given through legal aid telephone hotlines for problems that could be addressed simply by informing clients of their legal rights and responsibilities, or through additional brief services.

Legal aid programs also handle non-case matters that help thousands of additional persons avoid legal problems or prevent problems from getting worse, such as providing

LSC Funding Helps Our Communities

Property values and neighborhoods are stronger if foreclosures are minimized and

Adequate funding for the Legal Services Corporation matters more than ever.

information on websites, conducting community educational sessions on legal topics, offering self-help clinics, and training staff in other nonprofits to spot legal issues and direct their clients to assistance.

Legal aid programs also provide the infrastructure for pro bono systems to help private lawyers give volunteer legal services to low-income clients, so reduced LSC funding would impede private attorneys from providing pro bono services. Private attorneys who take cases on a pro bono basis provide these services mainly through organized local legal services programs. These attorneys need guidance and support because the practice of poverty law is somewhat specialized. In 2009, private lawyers obtaining pro bono cases through Michigan legal aid programs provided nearly 36,000 hours¹⁰ of free legal help for indigent clients.

The chorus of increased need and diminishing resources is a familiar one. We all need to make more out of less. Funding for LSC does just that. LSC funding is a significant factor in attracting other federal, state, and local funding because it provides a stable base and infrastructure that other funders can build on. Legal aid programs are important community resources for other partnerships with local agencies who together plan coordinated service delivery and solve community problems. The State Bar, Michigan State Bar Foundation, and Michigan's legal aid programs continue their cooperative private fundraising efforts to grow the Access to Justice Fund and encourage private lawyers to continue to provide volunteer legal help to the poor.¹¹

In 2009, LSC funding was 39 percent of Michigan's civil legal aid funding. The rest of the resources come from state and local funders and private donors that contribute to the funding mix in part because a reliable LSC funding base gives programs the stability to use additional funds efficiently. Not only would a reduction in LSC funding mean reduced services on its own, it could jeopardize other funding that LSC grants help to attract. Lack of stable funding wastes resources; one study found that vacillating funding levels that cause staff layoffs in down times, followed by hiring and gearing up again when funding increases, can cost up to \$39,000 per staff position—money that is unrecoverable.¹²

Michigan's LSC-Funded Programs

- Legal Aid and Defender Association
- Legal Aid of Western Michigan
- Legal Services of Eastern Michigan
- Legal Services of Northern Michigan
- Legal Services of South Central Michigan
- Michigan Indian Legal Services

Other nonprofit programs also provide civil legal aid for the poor in Michigan; for a complete list, visit www.atjfund.org.

Private fundraising and assistance from pro bono lawyers allow more indigent persons to be helped, but cannot make up for lack of funding or fill the “justice gap” in Michigan. Resources for the self-represented and community legal education are invaluable, but they cannot help others who need full representation to resolve critical legal issues. Without adequate LSC funding as the base for our combined innovations, collaborations, and resources, the constitutional imperative of due process goes unmet for many in Michigan.

How You Can Help

LSC is currently funded with less than one half of the inflation-adjusted dollars that Congress appropriated in FY 1980. A 2009 national report¹³ indicated that the federal minimum access funding level of \$321.3 million provided by LSC in 1981, if adjusted for inflation in 2005 dollars, would be \$687.63 million—more than 50 percent higher than the current appropriation level.

A 2000 national opinion survey¹⁴ showed broad public support for the concept of legal aid, with close to nine in ten Americans agreeing that legal help for civil matters should be provided for low-income people. Eight in ten support the idea even when it is described as a government-funded program.

LSC is an investment in making the principle of equal justice for all a reality for those in need, promoting respect for the rule of law, and sustaining the quality of life for ordinary people and our neighborhoods across the country. It is also an investment in the strength of our communities, particularly in hard times. Please help us convey the State Bar's position of support for the president's recommendation to fund the LSC at the level of \$450 million for FY 2012 by adding your own voice. Here is an easy way to send your message: visit <http://www.house.gov/> to con-

tact your representative in Congress. Michigan's U.S. senators signed a letter in June 2011 supporting the recommendation.

Thank you for paying attention, one more time, to a timeless message about access to justice. ■

FOOTNOTES

1. Michigan State Bar Foundation, *Justice for All* <<http://msbf.org/atj/jfa2009/jfa09.pdf>>. All websites cited in this article were accessed June 26, 2011.
2. Nat'l Legal Aid and Defender Assoc, *NLADA Says Budget Deal Comes at Expense of the Poor Who Need Legal Services* <<http://www.nlada.org/News/2011041239514961>>.
3. State Bar of Michigan, *Documenting the Justice Gap in Michigan* <<http://michbar.org/programs/ATJ/pdfs/JusticeGap.pdf>>.
4. 45 CFR 1611.3(C)(1); 45 CFR 1611 (appendix).
5. U.S. Census Bureau, 2009 American Community Survey <http://factfinder.census.gov/servlet/ThematicMapFramesetServlet?_bm=y&-geo_id=01000US&-tm_name=ACS_2009_5YR_G00_M00601&-ds_name=ACS_2009_5YR_G00_&-MapEvent=displayBy&-_dBy=040#?396,209>.
6. Kaiser Family Foundation State Health Facts, 2010 <<http://www.statehealthfacts.org/profileind.jsp?rgn=24&cat=1&ind=649>>.
7. Michigan Foreclosure Prevention Project Report to Michigan State Bar Foundation, 2011.
8. Farmer & Tiefenthaler, *Explaining the recent decline in domestic violence*, 21 *Contemporary Economic Policy* 158, available at <<http://ideas.repec.org/a/bla/coecpo/v21y2003i2p158-172.html>>.
9. *Justice for All*, n 1 *supra*.
10. *Id.*
11. To donate, see <<http://www.atjfund.org>>.
12. The Chicago Bar Foundation and the Illinois Coalition for Equal Justice, *Investing in Justice: A Framework for Effective Recruitment and Retention of Illinois Legal Aid Attorneys* <http://www.calegaladvocates.org/library/item.145089-Investing_in_Justice_A_Framework_for_Effective_Recruitment_and_Retention_of> at 18.
13. Legal Services Corp, *Documenting the Justice Gap in America* <www.lsc.gov/pdfs/documenting_the_justice_gap_in_america_2009.pdf>.
14. Nat'l Legal Aid and Defender Assoc, *National Campaign for Equal Access: Bringing Justice Home* <<http://www.nlada.org/DMS/Documents/1005937353.65/getting%20the%20most%20from%20your%20toolkit.pdf>>.