

Losing access to legal aid

By John G. Levi

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The so-called “Justice Gap” between the legal needs of low-income people and the capacity of the civil legal assistance system to meet those needs has stretched into a “Justice Chasm” and is threatening a core American value – equal access to justice.

Growing numbers of low-income Americans who cannot afford to hire a lawyer are also having a very difficult time getting access to one through increasingly overburdened civil legal aid services. Recent studies indicate that less than 20 percent of poor Americans’ legal needs are being met.

Today at Duke University, North Carolina Supreme Court Chief Justice Sarah Parker will join other chief justices and judges from around the region to discuss the crisis in civil legal assistance in America during a program sponsored by the Legal Services Corporation, the single largest funder of civil legal aid for low-income Americans.

This will not be a debate about lofty abstractions.

The 2 million people aided by lawyers at LSC-funded programs every year are seeking assistance with problems that go to the very heart of their safety and security. They are fighting to avert unlawful foreclosures, or to escape domestic violence. They are veterans returning from overseas and facing legal issues, or grandparents seeking legal guardianship of a grandchild in need of lifesaving surgery. Nearly three of four of them are women, and include Americans of all races, ethnic groups and ages.

LSC, established by Congress during the Nixon administration with a bipartisan board of directors appointed by the president and confirmed by the Senate, provides federal grants to 134 nonprofit legal aid programs with more than 900 offices in every state. LSC’s grantee in North Carolina, Legal Aid of North Carolina (LANC), operates 20 field offices across the state and gets nearly 50 percent of its funding from LSC.

LSC’s programs throughout North Carolina and the rest of the country are increasingly overwhelmed with requests for help. As a result of the recession, nearly one in five Americans – 61 million people – now qualify for LSC-funded civil legal assistance because they live at or below 125 percent of the federal poverty guideline. That is an all-time high.

As demand has been rising, the combined funding for LSC programs from federal, state, local and all other sources has dropped from \$960 million in 2010 to \$878 million in 2012.

Not surprisingly, the combination of increased demand and diminished funding has reduced LSC's ability to meet the civil legal assistance needs of low-income Americans. Recent studies have shown, in fact, that the U.S. ranks 21st on access to justice for disadvantaged groups and 52nd in the world in terms of access to legal assistance.

The circumstances in North Carolina mirror the national trend. More than 21 percent of North Carolinians now qualify for help from Legal Aid of North Carolina, but LANC is facing a 14 percent drop in funding from all sources this year.

Last fall, budget cuts forced LANC to shutter three field offices in largely rural areas and eliminate nearly 30 staff positions, impacting services in 11 counties. The budget crunch has also forced LANC to impose a salary and hiring freeze since 2008 and to narrow the kinds of cases it will accept.

Cutbacks in legal services offered by LANC and other programs funded by LSC affect more than the low-income Americans who may not be able to secure quality representation or may not pursue valid legal claims.

Civil legal assistance supports the orderly functioning of the civil justice system as a whole. Large numbers of unrepresented parties in courts slow dockets and reduce efficiency in the administration of justice for everyone who needs to use the court system.

LSC has responded to these challenges by launching a Pro Bono Task Force to look for new ways to expand the number of volunteer lawyers working with its legal aid programs. The report of that Task Force will be previewed today during our meetings at Duke. LSC is also focused on using technology to increase efficiency and to expand the availability of do-it-yourself legal forms and other useful legal information via the web.

Much more must be done. The widening cracks in our civil justice system may not be as visible as those in our bridges and highways, but they are just as real and, in my view, pose an even greater threat.

All of us – the courts, the bar, government, and the public – must speak up about the unacceptable risk now threatening one of the fundamental pillars of our wonderful country. If we do not do what we need to do now, the extraordinary justice system that we take for granted, that was fought for by our ancestors, will be lost to future generations.

John G. Levi is chairman of the board of directors of the Legal Services Corporation.