
Budget cuts threaten justice

Posted by Rob Anderson

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John Broderick and Martha Minow

“Equal Justice Under Law” is engraved on the front of the United States Supreme Court building in Washington, D.C., but it is in severe jeopardy as the Congress threatens to drastically cut funding for civil legal assistance — legal help for poor people facing eviction and foreclosure, domestic violence and child custody, bankruptcy and consumer fraud, disability benefits and veterans services. Today as the House of Representatives calls for cutting \$70 million from the Congressional grants of \$284.4 million for civil legal assistance, many of the 900 programs helped by the federally-funded Legal Services Corporation will need to close — 370 staff attorneys will be let go and 162,000 fewer people will be served — just as the recession pushes the highest number of Americans into poverty in 51 years. Such cuts abandon some of the most vulnerable people in our nation and in addition risk creating new burdens not only for them but also for their communities and public budgets, as an evicted person becomes homeless, an abused person lands in a hospital, and a veteran fails to re-enter the workforce and community life.

When President Richard Nixon authorized the Legal Services Corporation in 1974, people of contrasting political views committed to ensure access to legal representation for poor people facing loss of their homes, jobs; they also committed to a bi-partisan, independent board to distribute public support for legal services programs around the country. Since that time, the Legal Services Corporation has worked with large corporate law firms, solo practitioners, small firms, state Access to Justice Commissions, courts, law schools, businesses, and religious organizations to address the legal needs of the elderly poor, victims of domestic violence, veterans seeking the benefits to which they are entitled, disabled individuals, and other low-income Americans.

Private attorneys provide enormous hours of pro bono service and yet cannot meet the scale of the need; before threatened cuts, only 1 in five of the legal problems experienced by poor people is addressed by any legal assistance, whether by unpaid volunteer lawyers or legal services staffs. Working together, LSC lawyers cooperate with private lawyers who in turn provide invaluable volunteer efforts, and still the needs in communities like Tucson and New Orleans far outstrip the available services.

Local legal services offices are so already overwhelmed by the demand for legal services that they turn people away; some close in-take after only a few days each month. Downturns in private funding sources have already forced lay-offs of legal staff around the country. Local legal services offices have relied on Interest in Lawyers’ Trust Accounts (IOLTA) yet the low level of current interest rates and balances have dramatically reduced the available resources.

Without access to legal advice, thousands of individuals will turn to clerks and judges who are already swamped and hampered by their own budget cuts. Thousands of veterans, elderly people, and victims of violence will go without assistance; many will slip further into homelessness, illness, and despair. People previously confident of their middle-class status face home foreclosures and unemployment without access to legal advice that could help them keep their homes and secure employment. Without help mediating and settling disputes, businesses and landlords will face longer delays in resolving conflicts, and the climate for doing business will further deteriorate.

As deans and teachers of law students, we urge our students to carry on the vision of “equal justice under law.” This founding value should not be left on the cutting-room floor.

John Broderick, dean and president of the University of New Hampshire School of Law and until recently, chief justice of the New Hampshire Supreme Court, served on the board of the Legal Services Corporation for 10 years. Martha Minow is dean and professor at Harvard Law School and current vice-chair of the Legal Services Corporation.

Globe file photo: Harvard University law student Julia Hildreth helps a client fight an eviction case in 2008.