

# The Hennepin Lawyer



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## Survivability of the Legal Services Corporation (LSC)

As-Salaam-Alaikum!\*

In 1974, President Richard Nixon signed the Legal Services Corporation Act, creating an independent corporation to provide "financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance." In 1981, the Reagan administration proposed zero funding for legal services. Reagan won a 25 percent cut in the legal aid budget when Congress enacted a \$60-million cut in the LSC budget. In 1991, census data showed a 15.4 percent increase in the nation's poverty population, evidencing a dramatic growth in the need for legal services.

In 1995, the 104th Congress gears up to eliminate or substantially reduce funding to the LSC. In 1996, the American public and the legal community . . . ?

### I. WHY DO WE NEED THE LSC?

The LSC promotes the principles of fair play and equality under the law by ensuring essential access to our system of justice for millions of Americans who could not otherwise afford legal assistance. In addition, the LSC enforces the legal rights of low-income Americans and gives meaning and significance to the laws that were enacted to protect them.

Before the LSC, state and local governments played a minor role in providing civil legal services to low-income individuals. Before federal funding, the only significant sources of support for legal services were private charity and the pro bono efforts of individual lawyers. Due to the budgetary constraints faced by states and municipalities today, there is no strong reason to believe that these political bodies will step forward to fill the void.

### II. HOW DOES THE LSC WORK?

Legal services to low-income individuals are not provided directly through the LSC but instead through 320 independent local legal services programs scoring every county in the country. Local programs usually receive funding directly from the LSC as well as from a variety of other private and public sources. Each local program is a private, nonprofit corporation governed by a board of directors. A majority of the board members consists of attorneys appointed by the local bar associations in the communities served by the program.

Contrary to what some in Washington would like us to believe, the LSC is not a big government bureaucracy run from Washington. The LSC has a small staff of approximately 100 employees whose purpose is to make grants and contracts, monitor and evaluate programs, and ensure that technical assistance, training, and other support activities are effectively made available to the program funded.

The LSC uses only 4 percent of its budget for administrative costs. Thus, 96 percent of its resources are devoted exclusively to helping low-income Americans with their legal problems. How many of us can boast of a 4 percent administrative overhead? Instead of cutting or reducing funding to the LSC, our federal government should be conducting case studies on how to clone this program. Approximately 4,620 attorneys work in legal services; the average staff attorney salary is under \$33,708. Staff attorneys average over four years of experience; program directors and litigation directors average 15 years of experience.

### III. WHAT DOES LEGAL SERVICES DO?

The local LSC-funded programs utilizes experienced and specialized staff attorneys and paralegals as well as thousands of private attorneys who devote millions of hours to pro bono program clients. These local programs also work with community groups, churches, social organizations, social services agencies, businesses, and bar associations to maximize assistance to low-income citizens in the community.

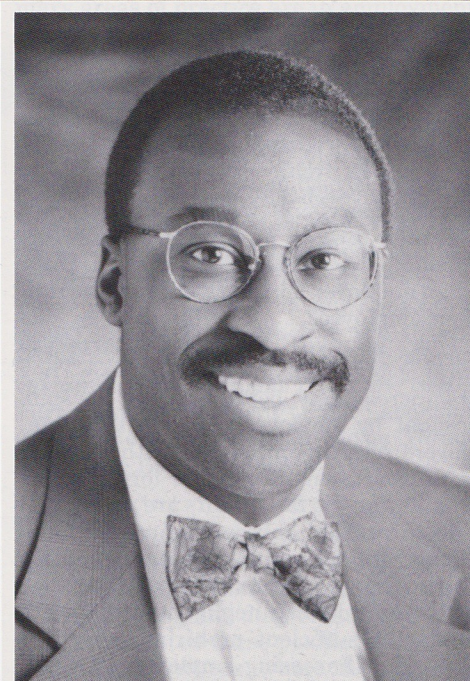
Specifically, the LSC handled over 1.5 million cases in 1993. About a third of these cases involved family law matters, such as child support, custody, divorce, or spouse abuses. The next-largest group of cases handled by the legal aid programs concerned housing issues, such as landlord/tenant laws and evictions—or stated another way—the prevention of homelessness. The third-largest category of cases involved creating access to fundamental benefits, such as unemployment compensation, veteran's benefits, medical assistance, AFDC, supplemental security income, and food stamps. Health and employment problems, problems of family farmers, consumer problems, access to education, and juvenile and individual rights made up the majority of the remaining cases.

Contrary to popular belief, the LSC-funded programs do not increase litigation nor crowd our courtrooms. The problems of most clients are resolved through advice

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\*As-Salaam-Alaikum is an Arabic word taken from the religion of Al-Islam. It means "Peace be unto you."

## Your President Reports



By Jarvis Cedric Jones

## Your President Reports - continued

and brief service. Only 9 percent of legal aid caseloads resulted in court decisions.

LSC-funded programs pride themselves on handling cases affecting urban America as well as rural America. Legal aid clients in Minnesota reflect the racial diversity of poverty: 52 percent white; 24 percent black; 19 percent Hispanic; and 5 percent other.

### IV. WHAT CAN YOU DO TO SUPPORT THE LSC?

Here's what you and your law firm can do to save the Legal Services Corporation:

1. Communicate with your congressional representatives that funding of the LSC is essential to creating access to the legal system.
2. Communicate with your state legislators that increased funding of legal services at the state level is vital to the preservation of access to justice for all. Now is not the time to reduce program services.
3. Encourage your law firm to contribute generously to the local legal services organization.
4. Encourage members of your firm to increase their pro bono efforts.
5. Increase your contribution to the Fund for the Legal Aid Society. Contact Rosemary Gubrud (612) 920-1442 for more information. Attend the Fund for the Legal Aid Society dinner on April 26.
6. Increase your contribution to the Volunteer Lawyers Network (VLN). Contact Candee Goodman at (612) 339-5500 for more information.
7. Contact Nancy Kleeman, director of volunteer legal services at the Minnesota State Bar Association, to discuss how you and your firm can support the LSC. She can be reached at (612) 673-6331.
8. Ask organizations, legal and nonlegal, with which you are associated to adopt resolutions supporting the LSC.
9. Notify Nancy Kleeman at the MSBA if you have contacts, either directly or indirectly, with elected officials in Minnesota.
10. Support the adoption in Minnesota of revised Rule 6.1 of the Model Rules of Professional Conduct "Voluntary Pro Bono Publico Service." ABA Rule 6.1 is an aspirational pro bono standard for lawyers.

If we seriously take on the above challenges, we will be able to say that "in 1996, the American public and the legal community beat back the attacks on the Legal Services Corporation and it still stands today as an important source of equal access to justice." 