



The Facts About the Legal Needs of Alabama's Poor and Disadvantaged

Q: Is there really a problem facing Alabama's low-income families in regards to civil legal assistance?

A: The need for legal aid in Alabama is dire. Unlike the criminal defense system, the constitutional guarantee of funding for low-income Alabamians who need civil legal assistance has not yet been met. The consequences of a lack of access to justice are devastating for the poor and weaken a democratic society as a whole. Last year more than 422,000 households experienced more than 733,000 legal issues. Low-income households had legal assistance for only about 16% of these legal problems.

Q: What kind of civil problems do these low-income families face?

A: A recent survey shows that 48% of low-income households in Alabama experienced one or more legal issues in 2006. The majority of these civil problems included: consumer issues (creditor harassment, utility non-payment, bankruptcy issues), health issue (Medicaid, government insurance, nursing home), family law issues (divorce, child support/custody, abuse), employment issues (unemployment benefits, pension, lost job), and housing issues (unsatisfactory repairs, foreclosure, eviction, poor living conditions).

Q: How does improving the civil legal services of low-income resident help all Alabamians?

A: Improving the quality of civil legal services helps all residents of Alabama in a number of ways. First, it allows all residents to have equal and fair legal representation regardless of race, ethnic origin or income level. By providing civil legal services, thousands of legal matters can be resolved without actually tying up Alabama's court system. In addition, many civil legal matters involving family matters that go unresolved can actually end up involving criminal issues due to a lack of resolution. By providing better civil legal services, many of these matters can be resolved before they escalate into criminal issues.

Q: Where can someone get help or find out more about the program?

A: If you are seeking help you can call:
Alabama State Bar Volunteer Lawyers Program **1-888-857-8571**
Birmingham Volunteer Lawyers Program (**205)250-5198**
Legal Services Alabama **1-800-403-4872** or **1-877-393-2333**
Mobile Bar Association Volunteer Lawyers program **(251) 438-1102**

A: Except for cases involving actual loss of liberty (i.e., commitment to a mental hospital), the Supreme Court has not recognized a constitutional right to a lawyer in civil cases. Although there is a movement in this country for something called "Civil Gideon" which seeks to expand the right for publicly-provided legal counsel in civil cases where low-income people's basic needs would be adversely affected without having counsel.

Beginning in 1965 and continuing to this day through the Legal Services Corporation, federal funding has supported the provision of some legal services to the poor. It is estimated that around 2400 offices in the country (with about 4800 lawyers and 2000 paralegals) are supported by the Legal Services Corporation. In addition, states, non-profit organizations, and individual lawyers and law firms provide legal assistance to the poor. Nationwide estimates indicate that more than 130,000 lawyers take some pro bono or reduced-fee cases each year.

Q: What kinds of cases are handled by Legal Services Alabama?

A: LSA offices provide assistance with domestic relations, landlord tenant problems, consumer affairs, and government benefits issues, such as Social Security and Supplemental Security Income, Medicaid/Medicare, Welfare, and Food Stamps.

Some LSA offices may specialize. Examples include legal services for the elderly, such as wills, advance directives, guardianships, nursing home cases, and Medicaid issues; domestic violence services; and assistance with housing matters and even legal aid for the arts.

Q: Who is eligible to receive free legal services through legal aid?

A: More than two-thirds of LSC clients are women—most of them mothers. The legal problems faced by those living in poverty can have serious, long-term consequences for children, and as a result, for society as a whole.

To be eligible for services, clients must be low-income according to the financial guidelines, such as family income that is no greater than 125% of the federal poverty guidelines [that's an income of \$27,563 a year for a family of four]. In addition, because the demand for services is greater than available resources, each organization has case guidelines which determine that certain cases have priority. Generally, cases which will enable clients to obtain "basic needs" such as food, shelter, medical care, and freedom from domestic violence have the highest priority.

If clients are eligible, there is no initial charge. They may, however, be required to pay certain court costs and expenses related to their case.

Q: What is the Legal Services Corporation?

A: LSC is a private, nonprofit corporation established by Congress in 1974 to ensure equal access to justice. It provides legal assistance in civil matters to low-income individuals. Congress created LSC to ensure that at least a minimum level of access was available everywhere in the United States.

Q: How many are helped?

A: According to the latest information from the U.S. Census Bureau, in 2007 there were nearly 51 million Americans eligible for LSC-funded services--defined as living at or below 125 percent of the federal poverty line. In 2008, LSC-funded programs closed nearly 1 million cases [889,155] on behalf of clients. As in prior years, nearly three-fourths [73 percent] of all clients were women. To put it another way: 19.7 million women and 17.6 million children are eligible for LSC-funded services.

Q: How great is the need for civil legal services?

A: An overwhelming unmet demand exists for civil legal services. In 2005, a national study prepared by the LSC, established that for every client who received service, one eligible applicant was turned away. Fifty percent of eligible potential clients requesting assistance from LSC grantees were turned

away for lack of adequate program resources. The findings understate the need, because LSC did not count persons who do not contact a program either because they are unaware they have a legal program, or they do not know that the program can help them. With the current recession and economic downturn, even more people will be eligible for LSC-funded services. At a time when poor Americans are struggling to keep their jobs, homes and basic necessities for their families, it is crucial for the federal government to address the civil legal needs of these vulnerable people as a national priority.

Q: Do legal services lawyers handle criminal cases?

A: No. LSC-funded programs do not handle criminal cases. In 1996 a series of new limitations were placed on LSC-funded programs. Among them are prohibitions on class actions, collection of attorneys' fees, rulemaking, lobbying, litigation on behalf of prisoners, representation in drug-related public housing evictions, and representation of certain categories of aliens.

Q: What does the organized legal profession in Alabama do to fill the gap in providing legal services?

A: Many lawyers and law firms donate a portion of their time to take on worthy cases at no fee. Bar associations often help establish pro bono programs. The Alabama State Bar's Volunteer Lawyers Program recruits lawyers to provide free legal services to low-income Alabamians in civil matters.

Pro bono lawyers may represent individual clients who have problems with domestic, housing, medical, or consumer issues. Or they may take on class action cases, or advocate for changes in the law. Others may provide legal assistance to non-profit organizations that serve the poor. Two of the more noteworthy projects being undertaken by the VLP are Wills for Heroes which provides free simple wills and health care directives to first responders and the Mortgage Foreclosure Assistance Task Force which assists homeowners facing foreclosure by furnishing them with limited representation, negotiation or litigation services, if necessary.

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**For more information or if you would like a program for your civic group
please contact the Alabama State Bar Volunteer Lawyers Program
(334) 269-1515.**