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Study finds few low-income Washington residents get civil legal aid

By EVAN MARCZYNSKI @Evan_SVH Nov 10, 2015



Brandy Shreve / Skagit Valley Herald

Ken Ginnett (left) talks Monday at Community Action of Skagit County in Mount Vernon about his experience seeking civil legal aid to handle a dispute with a former landlord. With Ginnett is Scott Thomas (right), a Mount Vernon lawyer who offers volunteer legal assistance to clients in Skagit County and who represented Ginnett in court.

MOUNT VERNON — When Ken Ginnett believed a former landlord was violating state law, he felt he had few options to get legal help, he said.

Wanting to do what he thought was right, the Skagit County resident turned to the Northwest Justice Project, a publicly-funded legal aid program designed for those living on limited incomes.

“I had nowhere to turn,” Ginnett said. “I couldn’t go out and hire an attorney. It was kind of a last resort.”

The program put Ginnett in touch with Scott Thomas, a Mount Vernon lawyer who has volunteered civil legal aid for Skagit County clients for about a decade. Thomas agreed to represent Ginnett in court and helped the man reach a settlement with the former landlord.

A new study commissioned by the Washington State Supreme Court found low-income residents in the state are facing a growing number of civil legal problems, but few are able to get the help they need.

The study, titled the “2015 Washington State Civil Legal Needs Study Update,” reported in October that more than half a million Washington residents living on limited incomes lack access to civil legal aid.

Seven in 10 of the state’s low-income households face at least one civil legal problem each year, and the average number of civil legal issues low-income households deal with annually has tripled since 2003, according to the study, which relies on data from a 2014 survey of low-income residents by Washington State University’s Social and Economic Sciences Research Center.

The study also found that people of color and those with disabilities, as well as survivors of domestic violence and sexual assault, are more adversely affected by civil legal issues.

When a person charged with a crime can’t afford a lawyer, a judge must appoint one at public expense. But in almost all civil matters, including landlord-tenant disputes, child custody battles and cases involving access to government assistance, no such requirement exists, leaving many with few outlets for help.

Navigating the courtroom without a lawyer is one option, but Thomas said those who try to go it alone put themselves at risk.

“Our justice system, over time, has become quite complex,” he said. “It’s a very difficult venue for those who have a limited ability or exposure to it.”

According to the study, most people who try to get legal help do so to deal with housing disputes.

Civil matters involving housing for low-income families are common in Skagit County, said Eva Wescott, manager of the volunteer lawyer program at Community Action of Skagit County. Many facing legal problems that involve housing lack a detailed understanding of housing laws, Wescott said, making it difficult to defend themselves against poor rental housing conditions and improper eviction proceedings.

In response to the study, the Equal Justice Coalition, which advocates for better legal aid for low-income people, called on state lawmakers to improve access to legal help, including doubling the number of state-funded civil legal aid lawyers, expanding the number of volunteer lawyers representing low-income clients and building better awareness of legal aid services available to those in need.

The coalition estimates \$15.5 million is needed to have enough state-funded lawyers to meet national minimum standards.

Kirsten Barron, a Bellingham lawyer and advisory member of the LAW Advocates of Whatcom County’s board of directors, said the issue should be one that transcends partisan politics, adding that voters should demand more from lawmakers and candidates for political office on the issue of equal justice.

Barron said that expanding access to civil legal aid could go a long way to boosting confidence in the court system. She added she was particularly concerned with a finding in the study that only 24 percent of the low-income people surveyed said they received some level of legal help for at least one problem.

“That’s not justice. That’s privilege,” she said.

Ginnett, who said he used to manage properties as a landlord, said he wanted to speak about his experience in order to bring awareness to the lack of affordable housing in Skagit County and elsewhere.

He said he couldn’t be certain what would be able to happen if he had never been able to work with a lawyer.

“I’m glad I didn’t have to get to that point, because I really don’t know” he said.

— Reporter Evan Marczynski, 360-416-2149, evan@skagitpublishing.com, Twitter: [@Evan_SVH](https://twitter.com/Evan_SVH), facebook.com/EvanReports