

THE SPOKESMAN-REVIEW

November 10, 2015

Study: Most poor Washingtonians don't get legal help they need

Rachel Alexander

The Spokesman-Review

Tags: attorneys Nancy Isserlis Northwest Justice Project Washington Supreme Court

Linda White was struggling before she was sent to juvenile detention. Her six-person family was squeezed into a two-bedroom apartment in Spokane Valley where arguments and fights were common. Then, her mom kicked her out.

When she was 16, she started a fight with another student who was bullying her at school, landing her in detention for two and a half months. Inside, she found a lot of other teenagers who were acting out because of other problems in their lives like homelessness or bad foster families.

"Some of the kids were there multiple times and hadn't had anything done about their situation," she said.

A [new study \(http://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf\)](http://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf) from the state's Office of Civil Legal Aid suggests that's all too common. Seventy percent of low-income households in Washington face at least one civil legal problem per year, and three-quarters of them don't get the legal help they need.

That means half a million low-income Washingtonians are doing without legal representation, and the civil legal needs of the average household have tripled since the state's first study in 2003.

"We have not kept up with the need that's there," said Spokane City Attorney Nancy Isserlis, who spent five years working as a legal aid attorney.

In criminal cases, courts are required to appoint an attorney for anyone who can't afford one. But with a few exceptions, there's no corresponding right to legal aid for civil issues like contesting evictions or lost health insurance coverage.

The study on civil legal needs is based on a 2014 survey of 1,375 low-income Washington residents conducted by researchers from WSU's Social and Economic Sciences Research Center. It was commissioned by the Washington Supreme Court to update data from the 2003 study.

White's probation officer referred her to Team Child, a legal advocacy group that works on civil issues for minors. With help from attorney Rosey Thurman, White was able to get placed in Hutton Settlement, a children's home in Spokane Valley. She got access to her birth certificate and had her juvenile records sealed. Now, she's 21, has completed a college program for massage therapy and is working at a grocery store.

Without legal help, civil issues can quickly spiral into large problems. One survey respondent wrote about being threatened with eviction after a neighbor called the police when her boyfriend was assaulting her. The next time she was assaulted, she made the decision not to call for help because she didn't want to become homeless.

Another woman wrote she lost her job because she had to miss so much work to be in court trying to stop an abusive ex-husband from getting custody of their daughter.

"It's very gut-wrenching. It's very real. It often involves children," Isserlis said of civil legal issues.

Civil legal problems are especially acute for black and Native American people, Latinos, sexual assault and domestic violence victims, young adults and families with veterans or military members, the study found. Health care problems, like insurance not covering needed services or problems with medical debt collection, were the most common, followed by issues with consumer and financial services and employment.

A patchwork of pro bono lawyers, legal aid clinics and other services can help low income clients deal with these problems. The Northwest Justice Project maintains a legal aid hotline at (888)201-1014, which helps refer people to legal services they're eligible for, but finding help can be confusing.

"Many people just don't even bother," Isserlis said.

Washington has only one state-funded legal aid lawyer for every 10,783 low-income residents. Having one attorney for every 5,000 residents is considered the minimal service level to ensure low-income people have legal representation.

“We must recognize the consequences of a system of justice in our state that denies a significant portion of our population the ability to assert and defend their core legal rights,” said Supreme Court Justice Charles K. Wiggins, chairman of the study update committee, in a news release.

Many people don't realize the problems they're facing could be solved with legal help, and many don't know services are available.

“When they come in, people don't know what their legal needs are,” Thurman said.

As a result, low-income people often end up representing themselves in civil court proceedings.

The Equal Justice Coalition, a nonpartisan group of civil legal aid providers and supporters, estimates it would take \$15.5 million to fund enough lawyers to close the gap. More private attorneys doing pro bono work also would help.

“We need to step up and do our part. Many of us do, but we can always do better,” Isserlis said.

Get more news and information at Spokesman.com