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Legal needs of many low-income families not met

*By The Herald Editorial Board**Published: Wednesday, December 9, 2015, 12:01 a.m.*

Thanks in large part to TV police dramas nearly everyone knows that “if you cannot afford an attorney, one will be provided for you.”

It's a constitutional right guaranteed those in the criminal courts; but there's no right to legal advice or representation in civil cases. Legal help is available for many low-income families in Washington state, but few know they are eligible for assistance, and inadequate funding has limited the legal advice and representation that is available.

“We've watched legal needs increase while resources have decreased. There's a justice gap,” said state Supreme Court Justice Charles Wiggins.

Justice Wiggins is chairman of the Civil Legal Needs Study Update committee, which oversaw a recent survey and report that outlines how the problem has changed since the first study in 2003. About 7 in 10 of the state's low-income households face at least one civil legal problem each year, and those households face an average of nine legal difficulties, three times the level reported in 2003. More than 500,000 low-income state residents, about 76 percent of those with legal problems, won't get any legal advice or representation and are left to face such problems alone.

Most notably, all victims of domestic violence or sexual assault — that's 100 percent — will be caught up in civil legal problems, such as housing, child custody or divorce.

The survey, conducted by Washington State University's Social and Economic Research Center, found that the most common legal problems reported were related to health care costs, such as medical debt or the loss or inability to find insurance coverage; consumer and financial problems, such as debt collection or inability to get banking services; and problems with employers.

And these problems tend to build on each other. Difficulty in restoring a driver's license suspended for nonpayment of a traffic ticket, said Yvette War Bonnet, an attorney in the Everett office of the Northwest Justice

Project, complicates transportation, making it difficult to find or hold onto a job.

The state is facing two challenges in closing the justice gap, said James Bamberger, director of the state Office of Civil Legal Need. Many in need of assistance aren't aware of the assistance available, and cuts to the services his office provides have resulted in loss of staff around the state. Currently, Northwest Justice Program offices, which administer legal aid to low-income families, have only one staff member available for regions based in Port Angeles, Aberdeen and Walla Walla.

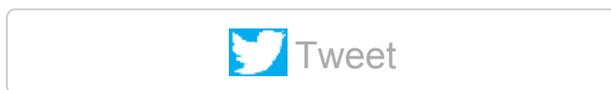
Where the national minimum standard for representation is one attorney for every 5,000 eligible clients, Snohomish County and most of Western Washington see ratios of one attorney for between 12,500 and 17,500 potential clients.

The state's Volunteer Lawyer Programs provide some assistance. In 2014, pro bono work by attorneys provided 54,430 hours, serving more than 15,000 clients with legal advice and more than 2,800 with representation. Likewise, War Bonnet said, her office works with agencies, including Housing Hope and the Tulalip Tribes, on outreach to those in need of legal aid.

But to come close to the national minimum standard, Bamberger said the state needs to provide funding for 125 more attorneys, which would require an annual budget appropriation of \$15.5 million. Bamberger and others plan to seek about \$500,000 in the coming legislative session's supplemental budget as a stop-gap measure, but also plan to seek more funding in the 2017-18 budget than the \$23.6 million provided in the most recent budget.

Some will see this as yet another financial responsibility for the state and its taxpayers at a time when the Legislature already must fix funding of K-12 public education and meet other needs. That it is. But it clear that civil legal difficulties can quickly fester into problems in finding and holding jobs and caring for children and families, trapping families in poverty and forcing them to seek other public assistance.

Justice delayed is justice denied. Justice also is denied when access to it is denied.



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