

June 2016 Bar Bulletin

Civil Legal Needs Study Update: An Alarm and an Opportunity

By Jay Doran

Every day, civil legal aid brings immediate and life-changing benefits to the lives of low-income people throughout our state. Every day, civil legal aid means the difference between being housed and homeless, being safe or in danger, and being employed or jobless. Every day however, most low-income Washingtonians are forced to face their problems alone, without the help of an attorney. Unlike criminal cases, the Constitution does not guarantee legal assistance in civil cases, no matter the potential outcomes, which can be life altering and long lasting.



Source: 2015 Washington State Civil Legal Needs Study

To get a clear picture of this problem, the Washington Supreme Court commissioned an update of the 2003 Civil Legal Needs Study (CLNS), hoping to gain a present-day understanding of the substance and prevalence of civil legal problems in our state. The results were informative and alarming.

The CLNS Update finds that more than half a million individuals in our state are unable to access needed civil legal help each year, including: women and children fleeing domestic violence; senior citizens falling victim to fraud; immigrant children at risk of deportation; and veterans who cannot access their benefits. Sadly, only about 24 percent of low-income people who experience civil legal problems will receive the legal assistance they need to address their life-altering civil problems.

Without access to legal advice and representation, one unresolved civil legal problem can lead to a series of complex and interconnected legal issues that quickly threaten the health, safety and financial security of low-income individuals, families and entire communities.

Among the most alarming findings is that the average number of legal problems per low-income household has tripled from 3.3 to 9.3 in the last 12 years.

People of color, survivors of sexual assault and domestic violence, persons with disabilities, and young people between the ages of 15–21 experienced substantially greater rates of civil legal problems than their respective counterparts.

The 2015 Update generated a treasure trove of data, all of which provides Washingtonians and Washington's civil legal aid network (known as the Alliance for Equal Justice) with insights into the scope, breadth and nature of the barriers and challenges low-income people face. Here are a few more key findings from the study:

1. The most common types of civil legal problems have changed. Civil issues related to health care, consumer/finance and employment now represent the three most prevalent problems facing low-income Washingtonians. Issues related to housing, family law and employment topped the list of problems identified by the 2003 study.
2. There is a legal education problem. A majority of low-income people do not understand how the problems they face have a legal dimension or how they could benefit from legal help. In fact, nearly 50 percent of low-income households do not self-diagnose the problems they experience as having a legal component, and as a result they do not seek legal help.
3. Most low-income people have low confidence in the state's civil justice system. Nearly 60 percent do not feel "people like them" have the ability to use the courts to protect themselves or to enforce their legal rights. In other words, most low-income Washingtonians do not believe they — and people with similar identities — are treated fairly in our state's civil justice system.

It is clear from this data that people who need legal help are not getting it. They are not able to access the justice system — a cornerstone of our government and our democracy. However, the system works for those who do get help. Sixty percent of those who receive legal help secure some resolution to their problem, but as stated above, only 24 percent of low-income people experiencing a civil legal problem are able to secure legal help.

Of the 1,375 low-income residents who completed the survey for the CLNS Update, more than 400 volunteered additional comments upon completion of the survey questions. While many offered gratitude for the opportunity to be a part of the study, some shared deeply personal stories, like this:

I moved here one year ago from Portland after my service to this country and I have had to sell my truck, all my tools and constantly fight to stay afloat. If it were not for my wife and child, I do not believe I would even fight to stay alive. People are struggling and it's getting worse. Thank you for trying to do something.

Others offered up a challenge, calling on us to turn these findings into action: “Will anything constructive get done about the legal problems mentioned in this survey?” “Will people in my position, or worse off than I, get any sort of meaningful help?”

At the moment, the answers to these two questions are not incredibly hopeful. Washington is a long way from providing all residents — not just those who can afford it — with fair access to civil justice. Currently, Washington has just one staff civil legal aid attorney for every 10,783 low-income residents, which is less than half the nationally recognized “minimum level of access” of one attorney for every 5,000 low-income residents.

While the Washington Legislature has been the largest and most stable source of funding for legal aid over the last decade, both the public and private sectors need to work together to generate the necessary resources to address, and ideally solve, this crisis.

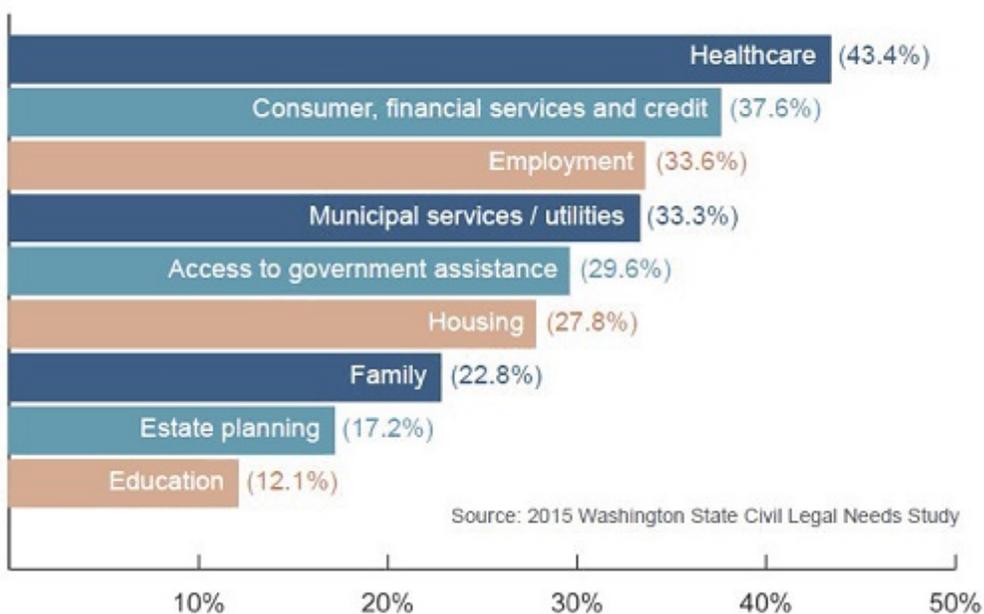
The Legal Foundation of Washington (LFW) provides funding to 23 civil legal aid organizations throughout the state, investing in programs and strategies that make our state a fair and just place to live. Among its funding streams are the interest on lawyers trust accounts (IOLTA), and charitable contributions raised through the Campaign for Equal Justice, which is our state’s unified legal aid fundraising effort, and the Endowment for Equal Justice, which helps secure justice for future generations by providing a stable, permanent funding source for legal aid. In 2015, the Campaign and Endowment accounted for roughly \$2 million of the nearly \$6 million that LFW distributed to legal-aid organizations around Washington.

In addition to private dollars, our state’s Equal Justice Coalition (EJC), which is comprised of legal aid providers, funders and supporters from around the state, advocates on the local, state and federal levels for increased public funding for civil legal services. In 2017, the EJC will use the findings of the CLNS Update to ask the Legislature for a substantial increase in funding for legal aid.

We encourage everyone to learn about the EJC’s efforts to promote the findings of the CLNS Update at www.ejc.org/justiceforall, and to stay up-to-date and learn how to get involved in advocacy efforts, sign up for EJC Action Alerts at http://salsa4.salsalabs.com/o/50967/p/salsa/web/common/public/signup?signup_page_KEY=7377.

“Equal justice under the law” — these are the words inscribed over the columns of the U.S. Supreme Court. The phrase comes straight from the Constitution and it is a promise to the people of this country. However, for a large segment of our population, it is an unfulfilled promise. Justice is out of reach for the vast majority of low-income individuals and families in Washington. We must ensure people are being treated fairly, in accordance with the law, and have equal access to the system.

Prevalence of Civil Legal Problems in Washington



The 2015 Civil Legal Needs Study Update has presented Washington with an unprecedented opportunity to highlight and address a growing societal problem. If we bring our collective intellect, ideas and energy to bear on this problem, we can not only move the needle, we can find long-term, permanent solutions.

NOTE: The research of the 2015 Civil Legal Needs Study Update was conducted by Washington State University’s Social and Economic Science Research Center (SERC), is considered to be the most methodologically rigorous study of its kind in the country, and confirms that, despite our state’s best efforts, the number of low-income people who are unable to fairly access justice is immense and growing.

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Civil Legal Aid Funding Trends in Washington

