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Wed 7:00pm

Posted on Thursday, July 9, 2009

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Growing numbers of poor people swamp legal aid offices

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By Tony Pugh | McClatchy Newspapers

WASHINGTON — After years of funding shortfalls, legal aid societies across the country are being overwhelmed by growing numbers of poor and unemployed Americans who face eviction, foreclosure, bankruptcy and other legal problems tied to the recession.

The crush of new clients comes as the cash-strapped agencies cut staff and services.

The nonprofit Legal Services Corp., which funds more than 900 legal-aid offices nationwide, says that the number of people who qualify for assistance has jumped by about 11 million since 2007, because of the recession. Roughly 51 million people are now eligible for assistance — individuals and families who earn less than 125 percent of the federal poverty level, now set at \$27,564 a year for a family of four.

The federal government budgeted an 11 percent increase in funding for legal aid this year. That increase, however, is more than offset by the growing demand for services and a recession-driven decline in state funding, charitable gifts and grants, which together traditionally make up half of legal service funding.

That means that legal-aid programs will turn away roughly 1 million valid cases this year, advocates say, about half the requests for assistance they'll receive.

"The impact of the recession on the delivery system for civil legal aid has been dramatic with respect to those nonfederal funds," said Don Saunders, the director of the Civil Legal Services division of the National Legal Aid & Defender Association.

In Cleveland, where unemployment is 10 percent, the Legal Aid Society of Cleveland has seen a 56 percent increase this year in employment cases, such as wage-and-hour disputes and the denial of unemployment insurance for laid-off workers.

The agency, which has 55 full-time lawyers and 1,400 volunteer lawyers, expects to handle more than 900 such cases this year and about 10,000 cases overall. However, it'll turn away some 14,000 other valid, income-eligible cases because it can't meet the demand.

"It's heartbreaking that we have to turn away so many clients," said Melanie Shakarian, the Cleveland agency's director of development. "We have a considerable amount of resources to help low-income people, but even with all that we have, we can't serve everyone who comes to us for help."

Middle-class people also have trouble affording legal help, but with fewer economic resources, the poor are more likely to find their money problems leading to court.

Legal aid offices typically handle cases involving divorces, child custody and a host of consumer issues that can include landlord-tenant disputes, foreclosures, evictions, applications for government benefits and battles with predatory lenders. They often represent battered women who need protection, women who are trying to obtain child support or families trying to secure

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Each downward turn of the economy increases the need for services. During the first year of the recession in 2008, 93,000 people contacted the Cleveland agency for help. That was up 35 percent from the year before, Shakarian said. This year, the agency is on pace to get 100,000 calls for assistance. Of these, only about 10 percent will be served.

Nationally, experts estimate that 80 percent of low-income Americans who need legal help in civil cases don't receive any. That comprises "not only people who show up at the door and are turned away, which is a large number, but also those who don't even try because it's so hopeless," said Peter Edelman, who teaches poverty law at Georgetown University in Washington.

In southwest Texas, Texas RioGrande Legal Aid turned away a third of the people who requested help last year. The rate is even higher this year, communications director Cindy Martinez said.

One major reason is the decline in funding from the Interest on Lawyers Trust Accounts program. The program collects interest from lawyers' client trust accounts and distributes the money as grants to legal-service organizations nationwide. Nearly \$112 million in such funds were distributed last year. That funding is expected to fall 21 percent this year, however, in part because the Federal Reserve slashed the benchmark interest rate to near zero to help fight the recession.

Some states have seen more precipitous declines. Connecticut went from \$21 million in Interest on Lawyers Trust Accounts funds to \$4 million in one year, Saunders said, while Texas funds declined from \$30 million to \$2 million.

"When those interest rates dropped, they took legal aid with them," Martinez said.

After providing \$390 million for programs funded by the Legal Services Corp. this year — an 11 percent increase over 2008 — Congress is poised to up the ante again. The House of Representatives has requested \$440 million for fiscal year 2010. President Barack Obama asked for \$435 million and the Senate has called for \$400 million.

House and Senate conferees will settle on a final amount, but it's unlikely to approach the previous inflation-adjusted peaks of \$750 million in 1981 and \$554 million in 1995, according to a new report by the Center for American Progress, a liberal research center. The report found that the Legal Services Corp.'s inflation-adjusted funding this fiscal year is the lowest in the program's 35-year history, an estimated \$6.85 per person.

"We're at less than half of where we were when President Reagan was inaugurated," said Saunders, of the legal aid and defender association. He noted that federal Legal Services Corp. funding has followed a typical pattern since the 1980s, increasing when Democrats control Washington and declining when Republicans are in the majority.

Ted Frank, a resident fellow at the American Enterprise Institute, a conservative policy research center, expressed the conservative sentiment, saying, "There are better ways to help the poor than by sending in more lawyers."

He suggested changing the rules that make legal representation so costly, such as eliminating the third year of law school and bar examinations. Doing so, he said, would free more time for private lawyers to provide pro bono work for the poor. He also said there was little research to show that the legal needs of the poor couldn't be addressed at current funding levels. He suggested that legal aid offices already are taking just the strongest cases and turning away only weaker, less meritorious ones.

Marcia Cypen, the executive director of Legal Services of Greater Miami, disputes that contention. She said her agency turned away cases involving consumer issues not because they didn't have merit but because it had to focus its scarce resources on the most urgent and needy.

"It's not that they're weaker cases," Cypen said. "We have to select cases that go to core survival issues: food, shelter, income protection for vulnerable populations. It's not that the other cases aren't important. They're things that people need, but they just won't die if they don't get them."

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[Center for American Progress report, "And Justice for All: Prioritizing Free](#)

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[GravelKucinichPaulNader](#) wrote on July 10, 2:54 PM:

Wall street
Military industrial complex
Multi-national corporations
Health insurance pharma complex

How much "Justice" can you afford to pay for?

DNC & RNC have BOTH sold out the country in order to enrich themselves.

Gravel Kucinich Paul Nader
McKinney Ventura too
perotcharts.com

The Fed
AIPAC
9/11

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[tampamike](#) wrote on July 10, 12:48 PM:

erief -- wonderful response. There is only one thing wrong with your approach. The judgements in most of these cases would be going against big banks. And, unfortunately that would never fly in

Washington. You see the Wall Street investment banks that caused most of this mess, and the FED own our government. If you expect the government to help someone to gain remedy from the banks please don't hold your breath.

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[tampamike](#) wrote on July 10, 12:42 PM:

Are these more of the green shoots that Helicopter Ben Bernanke and Little Timmy Geithner have been talking about? The poor in this country don't get quality legal help, they get "free" legal help, unless they happen to be someone like Rodney King. When a "good" shyster lawyer smells BIG BUCKS and a whole lot of national TV "face" time, they will always be willing to help. For you folks that think these poor people are getting what they deserve please go to this Website:
<http://lauraflanders.firedoglake.com/category/episodes/>

You will see how the fun loving folks at Wells Fargo targeted black churches, with the help of none other than Tavis Smiley. They steered all these poor folks into high-fees, and horrific interest reset loans. This, of course is all legal, because the lawyers for the banks and mortgage companies "bought" the legislation they needed from the fun loving folks in Congress. What a wonderful country! And the taxpayers? Well we get the old greased pole!

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[ericf](#) wrote on July 10, 12:10 PM:

I see lots of comments have been removed. I don't know what in this story could have provoked that sort of response. I congratulate Tony Pugh on a good piece of journalism. He's brought light to a problem that even news junkies likely have never heard about, and a problem that is painful in part because it's so easily remedied. The money we spend in a week in Iraq might be enough to end the funding shortages, and it would help people who are least able to navigate the legal system, not to mention maybe making the legal system run more smoothly (in other words, cheaply). As an added benefit, almost all the money spent on legal aid will go to labor costs --- in other words, more people will get paychecks --- and the rest to court costs at a time the courts are cutting their own budgets beyond the fat and also laying off staff.

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[bedias90](#) wrote on July 10, 11:29 AM:

That is NON Exclusive

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[bedias90](#) wrote on July 10, 11:29 AM:

Grey Ghost-- the first dozen or so poor folks who try it will immediately leave the welfare rolls where they put themselves, that's because ill Light hem up like a Republican Christmas tree

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[Greyghost](#) wrote on July 10, 10:00 AM:

Hey bedias90, yea you stupid who wrote HEY Stupid---You are poor--- you spent all the money you had and a lot you DIDNT have. You cant do that!

www.nextrevolution.net

I look forward to the day the poor come & take all you own because you are the ignorant fool who voted into office the crooks who put these people out of work promoting illegal immigration & free trade giving away their jobs & busting their health care.

If it were up to me, all you own would be taken so you could see what the poor are going through. You are inbred & deserve what ever happens to you.

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[Greyghost](#) wrote on July 10, 9:43 AM:

Any American foolish enough to believe these poor people who lost their jobs to illegal immigration & free trade are to blame for managing poorly is a true democrat or republican terrorist.

Our mis-representation through campaign finance is responsible for every problem we have in this nation!

www.nextrevolution.net

The American people have been taken in the gretatest scam the world has ever seen. The divided state of America, 49% republican, 49% democrat, volley back & forth changing the poillicies of the other party after proven failure, cost US trillions while accomplishing nothing except lining their pockets along with contributors at expense of country/people.

A cost analysis would show Americans making a living wage with health care & retirement wouldn't have US trillions in debt, busted economy, wars, bailing out crooked banks, AIG, & the rest.

The promotion of illegal immigration & free trade, repretatives float our \$ like bad notes, & tax cuts to contributors.

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[bedias90](#) wrote on July 10, 9:06 AM:

bedias90's comment has been removed.

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[Sectionhand](#) wrote on July 10, 7:41 AM:

Tony ,
Based on the photo at the top of your article I'd say that the people you write about aren't "poor" ... They just used "Poor Judgement."

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