



“With Liberty and Justice for All”
Legal Aid: Essential to the Justice System
March 2003

People in need look to civil Legal Aid offices for advice and assistance with critical legal problems, such as helping a single parent and her children gain legal protection against abuse, receive child support, and be safe enough to go to work; and helping an elderly couple remain in their home. Tens of thousands of Minnesota’s most vulnerable, least powerful citizens – children, the poor, elderly, and disabled – have this **access to justice only because of Legal Aid and volunteer lawyers**. The poor have more legal problems during bad economic times.

Legal Aid providers are an essential part of Minnesota’s justice system, just like judges, prosecutors, public defenders, bailiffs and law clerks. State appropriations through the Supreme Court’s budget help to fund these services and leverage other public and private resources. Access to justice is a fundamental value in our democracy. The seven regional programs comprising the Minnesota Legal Services Coalition (Coalition) serve all 87 counties and helped over 35,000 families in 2001.

State funding is an essential long-term investment for Minnesota taxpayers. Legal Aid “stabilizes families, maintains communities, and makes society safer; saves taxpayers money; helps to prevent legal problems which would otherwise further clog the court system; and helps people to become self-sufficient and participate effectively in society.” (From the 1996 report of the Joint Legal Access & Funding Committee, appointed by the Minnesota Supreme Court at the direction of the Legislature).

Legal Aid programs save the state money.

- Legal Aid **secures about \$4 million each year in new child support orders**, primarily on behalf of families on public assistance, thus reducing the burden of such assistance on taxpayers.
- Thousands of disabled Minnesotans **obtain over \$5 million each year in new federal disability benefits** with Legal Aid’s help, thus easing the burden on state and local government funds.
- Legal aid **prevented homelessness** in an estimated 2,650 cases last year, **which saved government about \$3.96 million in additional shelter subsidy costs**.
- Only 10.5% of legal aid’s cases went to full hearing last year; 3,072 cases were settled without further litigation or screened out for lack of merit. This **saved at least \$5.1 million in court time**. As noted by Supreme Court Chief Justice (and former state legislator) Kathleen Blatz, Legal Aid helps “the judicial system be more cost-effective by providing preventive educational materials, successfully resolving most matters through informal or formal negotiations, and advising people against bringing non-meritorious cases.”
- According to the Department of Justice, the incidence of domestic violence decreased during the 1990s. Economists analyzing DOJ statistics concluded “**Legal services are the only service that decreases the likelihood women will be battered. Since legal services help women achieve economic power and self-sufficiency, they are a good place to spend public money.**”
- Family instability, abuse, deprivation, and school instability (all problems addressed by Legal Aid) are identified risk factors in producing violent crime. As noted in an article by **Senator Ellen Anderson** and Governor Pawlenty’s **Chief of Staff Charlie Weaver**, “**Preventing just five people from committing violent crime would save the state \$4 million in prison and corrections costs.**”
- **Chief Justice Blatz** also has stated, “I am impressed that **legal aid providers** do not request the legislature to fund all of this critical community service. Rather, they have worked hard and successfully to **leverage over \$10 million per year of federal, United Way, foundation, and private attorney financial support.**”

Legal Aid’s work contributes to crime prevention and assists law enforcement. Obtaining Orders For Protection for domestic abuse victims, creating Child Safety & Visitation Centers with other community partners, and keeping kids in school reduce the incidence of police calls and save lives in communities in which legal aid has a significant presence. Legal aid staff also train police and other justice system personnel to respond safely and effectively to persons with mental illness and in domestic abuse situations. By giving low-income persons a voice in our society, Legal Aid makes them less likely to take the law into their own hands.

At current state funding levels, Legal Aid providers are already substantially reducing services and staff because of severe losses of other funding and rising costs.

- There were 19% fewer attorneys in December 2002 than in March 2001; thus fewer clients are being served and more critical needs are going unmet. Already administratively lean, programs started responding in 2001 and 2002 by making significant cutbacks in staffing. Programs have left open positions unfilled and have begun staff layoffs. Rural and city neighborhood offices are reducing hours or may have to close. Providers have had to absorb increased costs of health insurance (as much as 80% in the past few years) and other operations while facing dramatically declining funding. By the end of 2004, without further state cuts, Coalition programs will lose 32% of their attorneys.
- Over \$4.5 million in cuts in federal, foundation, IOLTA, and other funding are certain for the coming biennium – over 20% of the Coalition programs' total 2002 budgets.
- Minnesota programs' federal Legal Services Corporation funding, which has been stagnant for several years, is dropping an overall 17.35% (close to \$670,000) for 2004, because of national census adjustments. Legal Services of Northwest Minnesota, which serves 22 counties, is losing over 29% of its federal funding.
- Interest on Lawyer Trust Account (IOLTA) revenues are down over 50% because of low interest rates. Programs suffered a 31.5% cut in funding (over \$960,000) on July 1, 2002, and have been warned of a larger cut for the next fiscal year.
- Nine years of extraordinary special initiative funding for child support and domestic abuse-related work from The McKnight Foundation (approximately \$750,000 per year) ended on December 31, 2002.

The Joint Committee's report documents that "[T]here exists in Minnesota, as across the nation, a very serious **unmet need for civil legal services** for low-income persons."

- The Joint Committee found that Legal Aid resources are sufficient to meet **less than 50 percent of the need** in the civil law area. At least 20,000 low-income Minnesotans who have critical legal needs were turned away each year because of inadequate resources before the recent cuts; at least 13,650 additional families will be turned away in the coming year.
- Most of the Joint Committee's recommendations for addressing the large unmet need have been implemented. Only the recommendation to the Legislature, that there be a systematic increase over five years in state appropriations for Legal Aid, is close to **\$1 million below the 2000 goal**.

Until the 2001 session, Legal Aid had not had any increase to its funding base since 1997. And Legal aid was one of the few justice programs suffering a cut in the 2002 session. The 2002-03 base appropriation is \$7,559,000. Most state Legal Aid funding is distributed statewide in proportion to poverty population; 15% goes to programs serving particular needy populations or specific geographical areas. Almost all Legal Aid state funding is based on surcharges on civil court filing fees and real estate document filing fees. Those surcharges go into the General Fund.

Legal Aid is efficient. Legal Aid offices operate on spartan budgets. Their cost of serving clients is a fraction of the typical cost of private legal services. Former MSBA President Kent Gernander noted that an "often overlooked contributor to legal services in the financial equation" is Legal Aid staff themselves. **"Legal aid lawyers are typically paid as little as 60 percent of the salaries paid to other public sector lawyers.** This salary disparity contributes about \$3 million annually to the provision of services." Staff legal aid services also leverage substantial volunteer lawyer services.

Not maintaining this investment in fairness will hurt our communities. Based on average costs of serving clients, the cuts mean that each year **Legal Aid and volunteer lawyers will help 13,650 fewer families.**

- At least **3,500 fewer** families and their children will be protected from domestic abuse or have their lives stabilized through Order for Protection, child custody, and family law representation.
- At least **2,000 fewer** veterans, disabled persons, and seniors will receive legal help obtaining federal disability benefits, including access to federal medical programs, or being assisted in moving from welfare to work.
- As many as **3,500 fewer** families will be protected from homelessness, have the opportunity to remain on the family farm, or have their substandard housing made safe and habitable.
- At least **700 fewer** vulnerable senior citizens will be protected from victimization and be able to live independently.
- At least **500 fewer** deserving children will have the legal help they need to be able to remain in or come back to school where they would have a better chance at later success in life.

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