

# Judicial Support for Legal Aid Funding

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## **Chief Justice Kathleen A. Blatz,**

“It is my experience that the legal aid delivery system helps the judicial system be more cost-effective by providing preventive educational materials, successfully resolving most matters through informal or formal negotiations, and advising persons against bringing non-meritorious cases.”

## **Associate Justice Paul H. Anderson**

“As an associate justice, I am very much aware of the challenge that many people face in obtaining access to the judicial system. In Minnesota, we have established an excellent reputation in comparison to other states for providing access, and this is due in large part to the excellent civil legal services system we have. In my opinion, civil legal aid providers are an essential and integral part of Minnesota’s justice system. .... The strength of our democratic society does depend upon access to the institutions of government. We need to preserve that access. Therefore, I hope that when balancing of priorities is done at the legislature, strong consideration is given to maintaining the past support that the state has given to civil legal services. If we are to maintain the public’s confidence in our judicial system, we need to keep Minnesota legal services strong. We have created a wonderful model for delivery of services and it deserves our continued support.”

## **Associate Justice Alan C. Page**

“The unmet need for civil legal services has a real impact on real people. Each year Minnesota’s legal services providers turn away more than 20,000 people.”

## **Court of Appeals Judge Natalie Hudson, Ramsey County District Court Judge Salvador Rosas and Dakota County District Court Judge Joseph Carter**

“Equal justice under law is one of our most cherished national ideals. Our legal system was created to provide a forum of rules for resolving disputes reasonably and fairly. The success of our system depends on its accessibility to all citizens.” MN Supreme Court Task Force on Racial Bias in the Judicial System. Final Report May 1993. Legal aid provides this accessibility and, thus, is a core government service. Without legal aid, court access and justice simply will not be available to most persons who cannot afford a private attorney, but who nonetheless need representation. .... As judges and former legal aid lawyers, we have observed, first hand, the hard work and outstanding dedication of legal aid lawyers who handle family law, domestic abuse, public benefits, civil rights and housing court matters. We know that legal aid helps persons solve their own legal problems, screens out non-meritorious cases and, when a hearing is required, either settles the matter quickly or helps to move the court hearing professionally and expeditiously, thus saving the court time and money. Equal access to justice for all persons is as basic as education. .... Legal aid lawyers perform a critical service for the state of Minnesota and we strongly urge that you make legal aid funding a continuing priority this legislative session.

## **US District Court Judge Donovan Frank**

“I respectfully request that the Minnesota State Legislature increase rather than decrease funding for legal aid. After serving as a state trial judge for fourteen years, I can verify that there is a direct and substantial relationship between funding for legal aid and the ability of the court system to provide people with the equal access to justice that the Constitution requires. ....Just as the staffing for legal aid programs has declined, the demand for their services has increased. ....Legal service programs have a significant impact because they help many people, especially women, achieve physical safety and

financial security so they can leave their abusers. More and more studies are confirming that the availability of legal services decreases the likelihood that women will be battered. Moreover, meaningful access to legal services is the most important factor in predicting long-term rates of reduction in domestic violence. This is just one example. There are many, many others. We live in a time when the principle of equal justice for all has never been more important. We owe it to the legal aid institutions of this State, the people who work for those agencies, and, most importantly, the individuals they represent, to properly fund those agencies. Adequate funding for legal aid is a win/win proposition for all the institutions and individuals within our State.

**Renville County District Court Judge Randy Slieter**

“As a trial court judge, I regularly see the need for representation by indigent litigants and yet, as a result of increased caseload among legal aid attorneys, often such litigants go underrepresented. Not only can this result in the inability of such litigants to have their arguments successfully presented, it also creates a strain on the court system due to significantly increased use of resources for pro se individuals.”

**Hennepin County District Court Judge Bruce Peterson**

“Legal aid offices and volunteer lawyers provide low-income citizens with the most basic opportunities to resolve disputes or protect their rights. Since joining the bench I have become even more aware of the importance of civil legal services. Judges know that lawyers are dispute resolvers and that good lawyering can keep problems from ever developing into lawsuits. Civil legal services aid the court system and deserve to be recognized as a key element in both our justice system and our social service delivery system.”

**Hennepin County Housing Court Referee Tom Haeg**

“The Hennepin County Housing Court handles more than 9,000 cases a year. Most of the litigants are vulnerable... They are in critical need of representation to insure that their basic rights of citizenship are safeguarded. Civil Legal Aid provides a formidable and efficient service to protect those basic rights. They contribute to the efficiency of the court’s administration. They quickly focus on the core issues of the case to bring about the effective administration of justice for all.”

**Stearns County District Court Judge Bernard Boland**

“The justice system is interdependent. The effect of a serious funding shortfall in any part of it is much like that of squeezing a balloon – it stresses and increases the pressure on the remainder. When legal aid is available to less than half of the indigent population in need of civil legal services, there is bound to be a significant increase in *pro se* litigants. People who represent themselves already consume a disproportionate share of available judicial resources. Failure to adequately fund legal services could undermine the significant investment the legislature has made to make Minnesota’s judicial system a model of efficiency and fairness.”

**Le Sueur County District Court Judge Richard C. Perkins**

“Legal Aid does for civil proceedings what public defenders do for criminal proceedings: Protect the interests and rights of the financially less fortunate and speed the process. I have witnessed first hand how delay in civil proceedings such as family matters, harassment and protection matters, and housing issues greatly affect the rights and interests of those involved. The lack of legal aid resources does adversely affect people, as well as court calendars. The issues of protection and speed are rightly woven together. In this time of funding cutbacks, and/or minimal growth, exceptions have to be recognized and championed. I believe our entire system of justice is such an area of funding exception.”

**McLeod County District Court Judge Terrence E. Conkel**

“Providing effective and accessible legal assistance for economically disadvantaged individuals is really a win-win situation for all of our citizens and a wise investment for our State. While providing direct services for their clients, legal aid benefits our broader community and, in the end, saves money for our

taxpayers. Legal aid stabilizes families, maintains communities, makes society safer, and encourages people to become self-sufficient and participate effectively in society. Well-funded legal aid programs provide enormous assistance to our State's system of justice. Legal aid effectively advises people on how to avoid legal problems. They assist many individuals in efficiently resolving their claims and legal difficulties before they get into court."

**Olmsted County District Court Judge Joseph F. Chase**

"Legal Aid contributes to the efficient operation of our state trial courts. With a caseload as heavy as ours, that is an important benefit to the administration of justice, and to the taxpayers who fund our courts. Legal Aid attorneys lift a great share of that burden from trial courts across the state every day. Legal Aid lawyers bring those matters to court ready for decision. That allows us to handle more cases more efficiently; and that is to say nothing of the fact that the results are more just and satisfactory when parties have gotten good legal advice and made well-informed decisions. Legal Aid saves Minnesota's trial courts time and, thus, taxpayers' money."

**Anoka County District Court Judge Sharon L. Hall**

"As a judge, I see the critical role that legal aid services fill in our judicial system. To maintain their effectiveness, and insure justice for all, these services must be adequately funded. I can state with certainty that the provision of legal aid is an efficient process. By making use of volunteer services and paying staff attorneys as little as 60 percent of the salaries paid to other public sector lawyers, legal aid services are able to help more citizens in need. Our judicial system can only be as effective as the tools we provide to each person to access it. We cannot expect the system to function unless given resources that reflect its important role in our state."

**Isanti County District Court Judge James E. Dehn**

"Because of limited legal aid services available to our counties at this time, we have experienced a situation that has contributed to the clogging up of our court schedules. Individuals are coming into the courts, filling out their own paperwork without any direction from anyone. This has resulted every day in countless hours of court time being spent correcting individual's Pleadings in open court and sending people out of the courtroom to redo their paperwork. Legal Aid has in the past helped literally thousands of people overcome the procedural hurdles that are now backlogging our court calendars. As a Judge I notice that if the Legal Aid budget requests are funded we can process more individuals through our courts with Legal Aid assistance and find less disruption and frustration amongst those using the courts for their legal hearing."

**Crow Wing County District Court Judge John R. Leitner**

"I have been on the bench for almost ten years in Brainerd and can assure you there is a great need for legal services to help indigent and low-income persons. As a judge, I am concerned about cases where the unrepresented part is obviously at a disadvantage before the case even gets off the ground, and because of financial circumstances is not in a position to do anything about it. The attorneys and staff in the Brainerd Legal Aid office work extremely hard and do an outstanding job for their clients, but the fact of the matter is that because of limited resources, persons who qualify for their services all too often must fend for themselves. I hope you can find some time in your busy schedule to consider the benefits the legal aid program provides to the justice system and the people of this state."

**Lyon County Court Administrator Mary A. McCormack**

"I have been the court administrator in Lyon County since 1997. The phrase public access to the courts means different things to different people; we might think of wheelchair access or interpreters. But, for a poor person, the only meaningful access to the courts is with an attorney. In some situations, such as domestic abuse or child custody litigation, the person needs the advice and representation of a lawyer. It has been distressing to me to watch some *pro se* individuals struggle through a custody or visitation

dispute on their own, when I know that the legal services offices have been unable to hire a staff attorney due to their budget constraints.”

**Ramsey County District Court Judge Jack Van de North**

“Since I have been on the bench, I have seen first hand how important and how difficult it can be for people with poor education, poor communication skills, various learning disabilities, etc., to bring their claims to court. The lawyers at SMRLS are absolutely critical to the efficient and fair disposition of many cases. As you know, we have experienced a significant increase in our caseloads in District Court in recent months and this includes an increase in major civil case filings. These cases require significant time and resources to resolve. Help from legal aid in resolving housing court cases, conciliation court appeals, and other important every day matters for many people in our community is critical if we are to have enough time for these increasingly complex matters.”

**Chippewa County District Court Judge Paul A. Nelson**

“In my 21 years as a private lawyer, I worked closely with the civil legal aid programs. My experience then, and even more so now as a judge, convinces me that adequate funding for civil legal aid is not only necessary for providing equal access to justice, but also makes it possible for the courts to keep up with their caseloads. There are increasing numbers of *pro se* litigants appearing in court. A *pro se* case requires me to spend much more time than if lawyers are involved. Each day I see the unmet need for legal services.”

**Ramsey County District Court Judge James H. Clark Jr.**

“As a District Court Judge, I recognize that legal aid is an essential part of Minnesota’s justice system, as are judges, public defenders, county attorneys, interpreters and the like. As judges, our mission is to help ensure equal access to justice. This can only happen if low-income persons have legal aid representation available to them on complicated, critical civil legal problems. Legal aid helps the judicial system to be more cost effective by screening out many non-meritorious cases, providing preventative educational materials and training, and by resolving most matters through informal or formal negotiations. I have been very impressed by legal aid” work (in cooperation with the courts, the public defender and social agencies) to keep kids in school and, through conciliation and negotiation, to persuade school officials to take affirmative steps to meet the individual needs of at risk children. I have witnessed the outstanding job that attorneys from Southern Minnesota Regional Legal Services do in representing low-income persons faced with complex domestic abuse and custody issues. There is no question that legal aid’s work helps to protect the safety of children and spouses who are facing violence. In 1999, the legislature appropriated a significant amount of funding to make public defender salaries competitive with other public lawyers. Legal aid lawyers currently are typically paid as little as 60% of public defender and county attorney salaries. It is both fair and an excellent investment that their work be more fairly compensated. As Chief Justice Blatz has pointed out, one of the major challenges facing our judicial system is that for many citizens it remains inaccessible. This underscores the importance of Minnesota’s civil legal aid service in helping the courts to achieve our mutual mission of ensuring access to justice.”