



# CIVIL LEGAL ASSISTANCE

HUMAN RIGHTS

## ABOUT THIS REPORT

Social Impact Research (SIR) reports are a resource to help donors and funders learn about specific social issues affecting at-risk populations and identify high-performing organizations that are addressing those issues. Drawing on current research and interviews with experts representing government, academia, nonprofits, and foundations, social issue reports provide an

overview of the issue, populations affected by it, approaches to address it, and investment recommendations on how donors and funders can take action. The report is complemented by state reports that frame the issue in the local context and the guide to giving that provides criteria to evaluate organizations working to address the issue.

## DEFINITION

Civil legal assistance describes the services and interventions that ensure equality before the law for at-risk individuals.<sup>1</sup> Such services can improve individuals' awareness of their rights and help ensure their basic needs are met. These include safe housing, protection from abusive relationships, assistance in child custody disputes, and relief from financial exploitation.

## SOCIAL ISSUE REPORT SUMMARY

Equality before the law is a constitutional right, and includes access to a lawyer in most criminal cases. Yet despite the ubiquity of civil legal needs, many do not have equal access to the civil justice system. Providing civil legal assistance to those who cannot afford it requires an increased attention to early intervention and integration of the private and nonprofit sectors.

- Civil legal assistance significantly influences how at-risk individuals fare in the justice system, and how successfully they maintain access to basic needs. **For more reasons why civil legal assistance matters, see page 2.**
- Providing civil legal assistance to greater numbers of those in need requires working toward evidence-based provision of a range of legal services and comprehensive systems of intake and assistance. **For more information on approaches to civil legal assistance, see page 4.**

## PROVIDING ACCESS TO CIVIL LEGAL ASSISTANCE

### RATIO OF CLIENTS PER LAWYER<sup>2</sup>

Private lawyer 1:429

Legal services lawyer 1:6,415  
lower income people

There is only one legal services attorney for every 6,415 income-eligible individuals (up to 125 percent of the federal poverty level).<sup>3</sup> By comparison, there are 15 times as many private attorneys – 1 for every 429 persons – available to the general population able to pay for legal representation.<sup>4</sup>

### SOCIAL ISSUE INDICATORS

SIR identified two indicators to assess progress toward providing at-risk individuals with access to quality civil legal assistance. These indicators are unmet legal need and the number of self-represented litigants. **Unmet legal need** refers to the number of low-income individuals with a civil legal issue who do not recognize or act on these legal needs. The graph below illustrates data from the most recent national survey on unmet legal need, conducted in 1992.<sup>5</sup> **Self-represented litigants** refers to the number of individuals who appear in court without legal counsel. Aggregate data at the national level are unavailable because not all states track this information. The graph below shows New York as a representative example.<sup>6</sup>

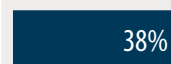
#### ESTIMATED UNMET LEGAL NEED<sup>7</sup>

United States, 1992

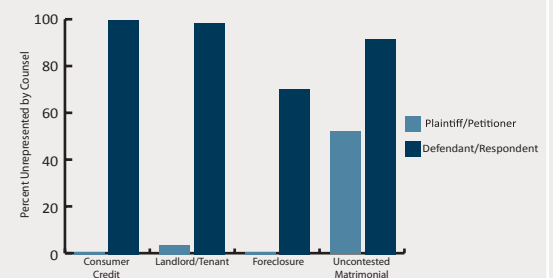
Percent of individuals with legal issues



Percent of individuals who do nothing



#### SELF-REPRESENTED LITIGANTS, NEW YORK, 2009<sup>8</sup>



The crisis in civil legal assistance and the burden it places on the courts is often compared to hospital emergency rooms (ER) struggling to cope with the vast number of under- and uninsured patients who use the ER as the frontline source of primary care. Similarly, one study suggests that at least 50 percent of unrepresented individuals facing legal issues are likely to turn to cash-strapped court resources for help.<sup>9</sup> Like the ER, which specializes in responding to emergencies and is not designed as a primary care facility, the courts are overwhelmed by the growing number of self-represented individuals who come to court ill-prepared, unable to present the evidence or arguments required to fare well.

The courts are poorly equipped to function as more than a stopgap in response to the larger need for civil legal assistance. This increased pressure on courts has contributed to the growing “justice gap,” which refers to the divide between the promise of equality before the law and the reality that at-risk individuals face challenges (see Figure 1) that decrease the likelihood that they will secure the legal support required for equitable treatment.

**FIGURE 1: POPULATIONS AT GREATEST RISK OF LACKING ACCESS TO CIVIL LEGAL ASSISTANCE**

- In poverty
- Low literacy
- Low-income
- Limited English language ability
- Disabled
- Minority
- Rural location

Those at greatest risk of inadequate legal support are low-income individuals who may live in poverty.<sup>10</sup> In 2010, more than 146 million Americans (or nearly 50 percent of individuals) were classified as low-income or living in poverty.<sup>11</sup> Minorities and those with low literacy, limited English language ability, and physical or mental disability are also more likely to not have their legal needs met.<sup>12</sup> In rural settings, geographical distance from civil legal assistance organizations also presents a significant challenge. In Indiana, for example, there is approximately one legal services attorney per 16,100 at-risk individuals.<sup>13</sup>

In addition, the justice gap affects lower-income individuals who face many of the same challenges but are ineligible for programs designed for individuals living in poverty.

**THE VULNERABILITY OF AT-RISK POPULATIONS**

More than 80 percent of the civil legal issues of low-income individuals go unaddressed.<sup>14</sup> The civil legal issues of at-risk individuals are often critical to securing basic needs in the following areas:

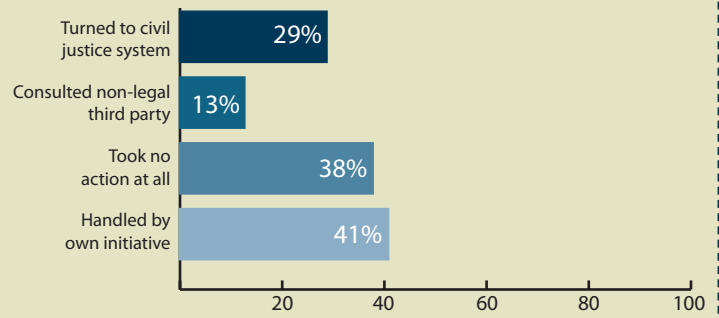
- **Housing:** evictions and illegal lockouts; mortgage foreclosures; housing authority grievance proceedings
- **Consumer:** small claims and bankruptcy issues; problems with creditors and insurance companies
- **Family:** household or marital dissolution; domestic violence or harassment; child welfare issues such as custody and support; termination of parental rights proceedings
- **Income Supports:** ensuring access to a range of public

benefits and services, including those that have been withheld

- **Employment:** discrimination in hiring or on the job; problems with compensation or working conditions
- **Health:** problems with payments and barriers to care

A comprehensive national survey of Americans’ response to their legal issues was most recently conducted in the mid-1990s.<sup>15</sup> This research suggests that about 40 percent of low-income individuals try to deal with legal matters on their own, and that almost an equal number take no action at all (see Figure 2).<sup>16</sup> Many never seek help because they are unaware of the legal implications, they think they can handle it themselves, or they do

**FIGURE 2: LOW-INCOME INDIVIDUALS’ RESPONSE TO COMMON LEGAL NEEDS<sup>17</sup>**



not know how to find help. These individuals are more likely to risk losing access to basic needs such as safe housing, protection from abusive relationships, assistance in child custody disputes, and relief from financial exploitation.

The justice gap also poses a critical challenge for individuals who do seek help. Most are unlikely to receive assistance because of insufficient funding, limited services, and system-wide gaps. Half of qualified individuals who seek help from federally funded legal services organizations are turned away.<sup>18</sup> Critical funding gaps have even forced some of these organizations to refuse to take any new clients. Because the legal system is difficult for many to navigate, only the most persistent individuals find assistance elsewhere.

The combined challenges of recognizing civil legal issues and finding legal services have resulted in large numbers of individuals going to court without legal counsel. Once there, they often fare poorly in the process, regardless of legal issue.<sup>19</sup>

- **Housing:** Landlords typically prevail in eviction cases, regardless of representation.<sup>20</sup> Studies suggest that tenants are, on average, nearly ten times as likely to prevail in court when they are represented.<sup>21</sup> Another study suggests that nearly 100 percent of tenants in eviction cases in New Jersey and Washington, D.C. go to court without a lawyer.<sup>22</sup>
- **Foreclosures:** Practitioners in the field observe that representation improves the likelihood that an individual will avoid eviction and forfeiture of property. In 2009 in New York State, 70 percent of defendants in foreclosure cases did not have an attorney, while nearly all plaintiffs had counsel.<sup>23</sup>

- **Family:** In domestic violence cases, having an attorney substantially increases the rate of success in obtaining a civil protection order. In a 1999-2000 study, 83 percent of women with legal representation secured a protection order, compared to 32 percent of unrepresented women.<sup>24</sup>
- **Immigration:** A 2004 study of deportation cases found that 62 percent of represented, non-detained persons are able to remain in the country, compared to 17 percent of unrepresented, non-detained persons. When individuals were detained, the figures dropped to 33 percent and 0 percent respectively.<sup>25</sup>

## THE HISTORY OF ADDRESSING THE JUSTICE GAP

For most of the 20<sup>th</sup> century, the U.S. substantially expanded access to legal assistance for at-risk groups. This was accomplished, in part, by a Supreme Court case recognizing an individual's right to legal representation in criminal cases.<sup>26</sup> Another significant step occurred in the 1970s, when the patchwork of legal services programs became a comprehensive, federally funded initiative with the establishment of the Legal Services Corporation.<sup>27</sup> Legal services became the backbone of a comprehensive effort to provide greater civil legal assistance to individuals living in poverty. This national effort led public and private agencies to treat the poor more equitably. It also persuaded the courts to simplify their rules and procedures to be more accessible to at-risk populations. This was accomplished by relying on local, full-service providers serving particular geographic areas and was backed by state courts, public interest groups, and non-legal providers.

In the following decades, an increasing number of providers have stepped in to bridge the justice gap for at-risk individuals. These providers operate at the local, state, and federal levels and across the public and private sectors.

- **Courts** include the state appellate and judicial courts. Courts increasingly offer access to legal information, through self-help kiosks and self-help centers.
- **Legal services organizations** offer a wide range of legal services from full case or limited scope representation to legal advice and referral services. They are typically supported through federal and state funding and might also provide non-legal interventions such as conflict resolution.
- **Private bar** primarily represents paying clients, although it does provide some reduced fee or pro bono civil legal assistance to at-risk individuals.
- **Legal support organizations** provide a range of intermediary services to legal services providers. These include the American Bar Association (ABA), which

primarily offers funding support, legal training and referral services; and Interest on Lawyers' Trust Accounts (IOLTA) programs, which fund legal services through earned interest on certain client deposits for case-related costs.

- **Law schools** provide legal services to low-income individuals using law students on a volunteer basis. These services can vary from referrals to full case representation.
- **Legal information services and libraries** provide access to educational material and, increasingly, additional information for self-represented litigants.
- **Partnership support organizations** assist in the integration of legal assistance into medical and social service systems. These organizations provide models to engage service providers across systems and coordinate research and initiatives to change policy.
- **Social service and multi-service agencies** provide referral and case support services in conjunction with legal services organizations and the private bar, as follow-up support. These organizations are usually nonprofits.
- **Community organizations** help provide alternative conflict resolution and other measures that might minimize the need for some at-risk individuals to formally engage with the legal system.

Despite the efforts of these public and private providers, the lack of a shared vision across legal and social service systems and programs has resulted in fragmentation. Courts, social service agencies, and other civil legal assistance providers often operate in isolation from one another, or worse, in conflict. In addition, addressing the justice gap continues to be plagued by other significant challenges, such as:

- Federal funding of legal services has never been sufficient to address the magnitude of unmet needs. In recent decades, it has been substantially cut. Since the 1980s, this funding has been subject to restrictions on the types of cases to which it can be applied.<sup>28</sup>
- Changes in welfare law, other policies, and demographic shifts have increased the number and scope of legal issues facing at-risk individuals.<sup>29</sup>
- Most social service providers do not see themselves as part of the larger civil justice community. In addition, many providers are physically and culturally isolated from the communities they serve, making it difficult for at-risk populations to find and receive services.
- In lower income communities, there is a pervasive lack of legal awareness and few individuals think about their problems within a legal framework.

Dramatically improving civil legal assistance will require systemic reform within the legal community at the local, state, and federal levels, and within the social services communities. But the scope and complexity of the issue present significant challenges. Most reforms address particular aspects of the system. Within each aspect, best practices are just beginning to emerge. Even though a coherent approach does not yet exist, a number of reform efforts reveal agreed upon aspects of an emergent approach.

Increasingly, these reform efforts focus on a triage-type system to provide the minimum amount of effective assistance. Full legal representation is recognized as providing at-risk individuals with the best opportunity to receive equitable treatment before the law. Many proponents agree that providing such assistance to all at-risk individuals presents such enormous financial and logistical challenges that it is extremely difficult to achieve. Instead, this pragmatic triage approach focuses on providing a range of legal services to give individuals the help they need — from full legal representation to forms of limited assistance (see the Agreed Upon Aspects box). This strategy promises to more effectively support the large number of self-represented litigants and individuals who don't recognize they need help. How this should be accomplished continues to be developed.

## LEGAL COMMUNITY REFORM

Within the legal community, addressing the fundamental obstructions to closing the justice gap is primarily occurring through two related efforts: Civil Gideon and statewide “access to justice” movements. Both efforts focus on structural reforms of civil legal assistance at the federal and/or state levels.

**Civil Gideon** is a method of advocating for mandates to extend an individual's right to legal counsel in civil cases that involve a basic need or right. This method has been around for decades and is growing more popular. In 2006, the American Bar Association adopted a resolution calling on the government to provide state-funded counsel in cases in which “basic human needs are at stake.” States are approaching Civil Gideon in different ways. One is by litigation; another is by enacting statutes. For instance, a number of states have passed the uniform probate code that guarantees a right to counsel in guardianship cases. Some states, including Massachusetts, Texas, Wisconsin, and Pennsylvania, are also supporting pilot programs in specific areas to measure the effect of providing a right to counsel. This approach can rely on legal services organizations as well as through contacts with individual attorneys or law firms to provide the mandated representation.

**Access to justice commissions** focus on developing the strategic plans for statewide civil legal assistance delivery and other initiatives designed to expand at-risk individuals' access to the justice system. These commissions involve judges, whose participation bring critical credibility and help ensure the effectiveness of access to justice efforts. Thus far, 40 states have formed such commissions. A number have begun pilot initiatives whose goals are similar to those formed through Civil Gideon efforts. These efforts might employ the model used in legal services organizations, in which full-time attorneys provide assistance. Others might rely on the private bar and pro bono services.

## COMMUNITY-BASED REFORM

Promising efforts focus on intermediary partnerships and the integration of legal assistance mechanisms into social services. Both endeavor to provide at-risk individuals with additional opportunities to access civil legal assistance, including through medical and social services settings.

**Intermediary Partnerships** refer to efforts to integrate access to civil legal assistance into other systems. Medical-legal partnerships provide the models and support to integrate legal professionals into the healthcare system. This enables the early identification of legal issues as part of a collaborative effort to assist the individual. For example, training medical staff to identify legal needs and refer clients to appropriate services has been shown to improve clients' health<sup>30</sup> and generate revenue for hospitals that successfully appeal improperly denied public health insurance.<sup>31</sup> These partnerships can also help address substandard housing issues that contribute to chronic illnesses such as asthma.

**Integrated social services** focus on aspects of intake and delivery mechanisms to better address the needs of at-risk individuals. These efforts might integrate the knowledge of civil legal issues with other non-legal services to provide a continuum of care across legal and social services. For instance, children's services organizations might develop an assessment process that identifies the emergent legal needs of at-risk youth and parents and connects them with civil legal support in conjunction with services such as housing assistance and healthcare.

These community-based efforts promise to advance civil legal assistance reform. Experts agree that the justice gap must be reframed as a social issue that extends beyond the legal system. However, these efforts have had a limited impact on the integration of civil legal models into social services.

## IMPLEMENTING A COORDINATED SYSTEMS APPROACH

No single reform effort has the power to transform civil legal assistance, yet each is laying critical groundwork that may help create a transformative coherent systems-oriented approach. Such efforts seek to unify the existing collection of public and private providers that currently operate largely in isolation.

The field has yet to coalesce around a clearly defined approach, although it will likely become one in which civil legal assistance is coordinated among many actors, referred to as the coordinated systems approach in this report. Likewise, the most promising organizations to directly assist at-risk individuals are those that employ aspects of this approach at the programmatic level and integrate their work with emergent statewide civil legal systems. This includes a focus on comprehensive intake and delivery mechanisms that address the immediate challenges faced by at-risk individuals and the provision of limited forms of legal support, in conjunction with other non-legal services.

Broad agreement has emerged around two aspects of best practice. These include comprehensive outreach and the effective delivery of civil legal assistance. In time, organizations and institutions employing these aspects will need to develop processes of cooperation and resource sharing to better integrate these efforts.



## AGREED UPON ASPECTS OF A COORDINATED SYSTEMS APPROACH

- **Comprehensive outreach:** Finds at-risk individuals where they tend to seek help—such as community centers, courts, and hospitals. This is implemented by social service agencies, healthcare providers, and legal services organizations, among others. Among social service agencies, this involves training non-legal professionals to screen for potential legal needs and partnerships with legal services organizations that emphasize early intervention and follow-up care.
- **Effective delivery:** Works with individuals to identify their legal needs and provide the minimum effective legal assistance for each individual. These interventions include:
  - Self help: improves individuals' access to and understanding of the legal process through court kiosks and technology-enabled services such as websites and hotlines
  - Limited legal assistance: provides a range of interventions including legal advice, limited scope representation, and alternative dispute resolution

- Full case representation: provides comprehensive legal counsel through legal services or pro bono attorneys
- Preventive assistance and early intervention: focuses on identification and response to reduce the degree to which issues become complex crises

The delivery of this assistance occurs through a range of providers, including legal services organizations and the private bar, in a variety of settings. The legal tools selected depend on the situation, the complexity of the case, and the individuals' needs. While many situations require legal counsel, an increased focus on early intervention and the use of other legal tools can help more individuals avoid the significant consequences of self-representation or inaction.

There is broad agreement that the effective delivery of civil legal assistance will require greater use of these "unbundled" services, yet determining which services are most appropriate in which situations will require increased reliance on evidence-based support such as randomized experiments and pilot studies to establish best practices.

## RETURN ON INVESTMENT

Investment in civil legal assistance for at-risk individuals presents donors and funders with a significant opportunity for individual and societal impact. It has the potential to produce health, social, and economic benefits by reducing the direct and indirect costs of supporting at-risk individuals with inadequately resolved legal issues. Several studies have demonstrated the significant returns of systemic reform such as the coordinated systems approach.

- Providing civil legal assistance demonstrably impacts the economic costs of domestic violence. According to a 2006 State Bar of Wisconsin study, for every dollar spent increasing representation for victims of domestic violence saves governments about nine dollars that they would have to spend to deal with the consequences of ongoing abuse.<sup>32</sup>
- Connecting access to civil legal assistance with government funds and benefits services programs help prevent crises. According to Single Stop USA, in 2011 alone, these efforts helped participants secure \$87 million in health programs, \$33 million in food stamps (SNAP), \$25 million in housing and eviction prevention and \$114 million in legal counseling.<sup>33</sup>
- Integrating legal intervention into healthcare models has been proven to increase access to legal services and improve the health and well-being of at-risk individuals. According to a 2008 site study conducted by the National Center for Medical-Legal Partnership, these partnerships provided legal assistance to nearly 10,500 individuals and families and trained more than 17,000 healthcare and legal staff providers.<sup>34</sup>

## RETURN ON INVESTMENT

- A medical-legal partnership in Missouri estimates that over two years, efforts to obtain Medicaid benefits for 422 patients who largely had been previously denied benefits led to nearly \$3 million in Medicaid payments for services.<sup>35</sup>
- New York City's social services department estimated that the city saves \$4 in shelter and other social services costs for every \$1 spent on legal representation for individuals at risk of becoming homeless because of eviction.<sup>36</sup>
- In 2011, the Massachusetts Legal Assistance Corporation programs helped nearly 2,500 low-income families, keeping an estimated one quarter out of homelessness and thus saving the Commonwealth \$11.25 million in state shelter costs.<sup>37</sup>
- A 2000 National Center for State Courts study observed that motions in one domestic relations court were dismissed twice as often as in cases with two self-represented litigants than in cases with lawyers on both sides, and that self-represented litigants were often at a disadvantage in terms of case outcomes if the other side was represented.<sup>38</sup>

This is a unique moment for donors and funders interested in bridging the growing gap in justice for at-risk individuals. For donors and funders interested in program funding, SIR recommends supporting nonprofits and partnerships that are beginning to adopt a coordinated systems approach to civil legal assistance. Support might be used to help organizations build awareness among at-risk individuals regarding their rights and then offer these individuals a continuum of services while adapting organization-wide strategies to integrate into a statewide system.

For those interested in supporting the systemic changes that are required to dramatically improve at-risk individuals' access civil legal assistance, SIR recommends two key types of support. The first involves funding intermediary organizations and think tanks providing the leadership and innovation required to drive the improved integration of legal systems into other models. A growing body of research has demonstrated how medical-legal partnerships are improving patient health, reducing barriers to care, and improving the provision of legal services.<sup>39</sup>

A second type of systemic support focuses on the spectrum of legal assistance, from self-help and advice through full representation, and the need for more research to guide practitioners about which legal tools to use in which situations. While there is little evidence-based practice in the legal system, a number of studies and pilot programs are underway to establish best practices.<sup>40</sup> The following examples highlight the considerable progress in the development and implementation of aspects of this emergent approach.

- Since 2001, California has organized the design, implementation, and evaluation of numerous self-help center pilot programs. Initial data suggest that these centers help litigants better understand the legal process as well as improve the court's ability to process cases more efficiently.<sup>41</sup>
- A number of research studies have focused on comparing the effectiveness of full attorney representation to other types of legal assistance.<sup>42</sup>
- The Self-Represented Litigation Network focuses on innovations to better support unrepresented litigants. These include developing plain language forms and instructions and automated forms of access.<sup>43</sup>

**FIGURE 3: AGREED UPON ASPECTS OF A COORDINATED SYSTEMS APPROACH**

This emergent approach is not yet clearly defined, although there is broad agreement that this approach includes comprehensive outreach and effective delivery.

- **Comprehensive outreach** engages at-risk individuals where they tend to seek help
- **Effective delivery** works with individuals to identify their legal needs and provide the minimum effective legal assistance for each individual. Implementation will require evidence-based development of best practices to support through research, pilot studies, and partnerships

**TAKE ACTION**

In addition to offering financial resources to support organizations already providing civil legal assistance as part of a direct service portfolio, donors and funders may provide support through other channels.

**Improve Individuals' Access to Civil Legal Assistance**

- Talk to the nonprofits you already support and ask them to provide better access to supports that address the civil legal issues of the clients they serve
- Support the efforts of existing civil legal aid organizations, which are the backbone of any comprehensive social services network
- Support efforts to provide legal education for nonlegal professionals to help them more effectively identify the legal issues that at-risk individuals often face and promote early intervention and follow-up care by working in partnership with legal services to resolve existing civil legal issues
- Support efforts to standardize intake models that incorporate civil legal issues, regardless of the issue for which the individual is seeking assistance
- Help foster partnerships and efforts to integrate legal services into medical and social services models

**Promote System-wide Reform**

- This report identifies the critical need to gauge the effectiveness of various civil legal assistance services. Providing support for research studies and pilot programs can help develop such models, and, in turn, improve the efficiency and effectiveness of legal assistance delivery
- The report also highlights the need for comprehensive system-wide models that can support the structural, procedural, and operational shifts necessary to transform the face of civil legal assistance. Most immediately, this means the development of resource-sharing capabilities and supporting the integration of civil legal models into medical and human services

## REFERENCES FOR FURTHER RESEARCH

### ORGANIZATION

American Bar Association, Division for Legal Services

National Center for Access to Justice

National Center for Medical-Legal Partnership

National Legal Aid and Defender Association

### WEBSITE

[www.americanbar.org/groups/legal\\_services.html](http://www.americanbar.org/groups/legal_services.html)

[www.ncforaj.org](http://www.ncforaj.org)

[www.medical-legalpartnership.org](http://www.medical-legalpartnership.org)

[www.nlada.org](http://www.nlada.org)

## ENDNOTES

1. In this report, “at-risk” individuals have low-income or live in poverty; are minorities, disabled, have low literacy and/or limited English language ability; and/or live in a rural location. There is no standard definition of low-income; in this report, it is an annual income of 100 to 199 percent of the poverty level as designated by the U.S. Census Bureau. Those individuals under 125 percent of the poverty level, which constitute approximately the bottom fifth of the population, are often eligible for publicly supported legal services.
2. Legal Services Corporation. Documenting the Justice Gap in America. (Washington D.C.: Legal Services Corporation, 2009). [www.lsc.gov/sites/default/files/LSC/pdfs/justicegap.pdf](http://www.lsc.gov/sites/default/files/LSC/pdfs/justicegap.pdf).
3. Legal Services Corporation (LSC) is required by law to establish maximum income levels of 125 percent of the federal poverty level (FPL) for individuals eligible for civil legal assistance.
4. Legal Services Corporation. Documenting the Justice Gap in America. (Washington D.C.: Legal Services Corporation, 2009).
5. American Bar Association. Consortium on Legal Services and the Public. “Legal Needs and Civil Justice: Major Findings from the Comprehensive Legal Needs Study.” (Chicago: ABA, 1994). [www.americanbar.org/content/dam/aba/migrated/legalservices/downloads/sclaid/legalneedstudy.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/legalservices/downloads/sclaid/legalneedstudy.authcheckdam.pdf). This figure does not reflect the impact of the 2007-2009 economic recession has decreased the availability of legal services lawyers at a time when more people need assistance. In recent years, there have been significant Legal Services Corporation and state funding cutbacks as well as plunging levels of Interest on Lawyers’ Trust Account (IOLTA) funding.
6. NY State Courts. NY State Courts Access to Justice Program 2010 Report. (NY: NY State Courts, 2010). [www.nycourts.gov/ip/nyaj2j/pdfs/NYA2J\\_2010report.pdf](http://www.nycourts.gov/ip/nyaj2j/pdfs/NYA2J_2010report.pdf).
7. American Bar Association. Consortium on Legal Services and the Public. “Legal Needs and Civil Justice: Major Findings from the Comprehensive Legal Needs Study.” (Chicago: ABA, 1994).
8. NY State Courts. NY State Courts Access to Justice Program 2010 Report. (NY: NY State Courts, 2010).
9. American Bar Association. Standing Committee on the Delivery of Legal Services. Perspectives on Finding Personal Legal Services: The Results of a Public Opinion Poll. (Chicago: ABA, 2011). [www.in.gov/judiciary/probono/files/survey-report.pdf](http://www.in.gov/judiciary/probono/files/survey-report.pdf).
10. Legal Services Corporation. Documenting the Justice Gap in America. (Washington D.C.: Legal Services Corporation, 2009).
11. Short, Kathleen S. The Research Supplemental Poverty Measure: 2010. (Washington D.C.: U.S. Census Bureau, 2010). [www.census.gov/hhes/povmeas/methodology/supplemental/overview.html](http://www.census.gov/hhes/povmeas/methodology/supplemental/overview.html).
12. Legal Services Corporation. Documenting the Justice Gap in America. (Washington D.C.: Legal Services Corporation, 2009).
13. Ibid.
14. A comprehensive, national assessment of the gap between current and necessary levels of legal assistance to meet the needs of low-income persons has not occurred since the 1970s, when Alan Houseman conducted a study on behalf of the Legal Services Corporation. However, virtually “all of the recent state studies found a level of need substantially higher than the level” found in the 1994 American Bar Association study.
15. American Bar Association. Consortium on Legal Services and the Public. Legal Needs and Civil Justice: Major Findings from the Comprehensive Legal Needs Study.” (Chicago: ABA, 1994).
16. Ibid. Note the sum may be over 100 percent, as multiple actions may be taken.
17. Ibid.
18. Legal Services Corporation. Documenting the Justice Gap in America. (Washington D.C.: Legal Services Corporation, 2009).
19. Houseman, Alan. “The Future of Legal Aid: A National Perspective,” 10 U.D.C.L. Rev. 35 (10) (2007): 43-46.
20. Engler, Russell. “And Justice for All-Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators and Clerks,” Fordham Law Review 67 (1999).
21. Engler, Russell. “Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel is Most Needed,” Fordham Urban Law Journal 37 (2010). [papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1641269](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1641269).
22. Legal Services Corporation. Documenting the Justice Gap in America. (Washington D.C.: Legal Services Corporation, 2007).
23. NY Courts. NY State Courts Access to Justice Program 2010 Report. (NY: NY State Courts, 2010).
24. Murphy, Jane. “Engaging with the State: The Growing Reliance on Lawyers and Judges to Protect Battered Women,” AM. U.J. GENDER SOC. POLY & L. 499 (2003): 511-12.
25. Engler, Russell. “Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel is Most Needed,” Fordham Urban Law Journal 37 (2010), citing Kerwin, Donald. “Charitable Legal Programs for Immigrants: What They Do, Why They Matter and How They Can Be Expanded,” Immigration Briefings, No. 04-06 (June 2004).
26. Gideon v. Wainwright. 372 U.S. 335 (1963).
27. Houseman, Alan W. “Civil Legal Assistance for the Twenty-First Century: Achieving Equal Justice for All,” Yale Law and Policy Review 17 (1) (1998).
28. Ibid. Limits placed on funding dictate the kinds of responses that full service agencies provide, including impact litigation. Funding limits also exclude populations such as prisoners and undocumented workers.
29. Legal Services Corporation. Documenting the Justice Gap in America. (Washington D.C.: Legal Services Corporation, 2007).
30. Weintraub, D., et al. “Pilot Study of Medical-Legal Partnerships to Address Social and Legal Needs of Patients,” Journal of Health Care for the Poor and Underserved 21 (2010): 157-168. [www.medical-legalpartnership.org/sites/default/files/page/Pilot%20Study%20of%20MLP%20to%20Address%20Social%20and%20Legal%20Needs%20of%20Patients.pdf](http://www.medical-legalpartnership.org/sites/default/files/page/Pilot%20Study%20of%20MLP%20to%20Address%20Social%20and%20Legal%20Needs%20of%20Patients.pdf).
31. Teufel, James, et al. “Process and Impact Evaluation of a Legal Assistance and Health Care Community Partnership,” Health Promotions Practice. July 2009; 10(3): 378-385. [hpp.sagepub.com/content/10/3/378.abstract](http://hpp.sagepub.com/content/10/3/378.abstract).
32. Elwart, Liz, et al. “Increasing Access to Retraining Orders for Income Victims of Domestic Violence: A Cost-Benefit Analysis of the Proposed Domestic Abuse Grant Program,” LaFollette School of Public Affairs at the University of Wisconsin for the State Bar Association of Wisconsin. December 2006.
33. Email correspondence with Grayce Wiggins, Single Stop USA, April 2012.
34. Wise, Marissa, et al. “Medical-Legal Partnership Network Annual Partnership Site Survey – March 2009,” National Center for Medical-Legal Partnership.
35. Knight, Rachel. “Health Care Recovery Dollars: Sustainable Strategy for Medical-Legal Partnerships?” Capacity & Sustainability Working Group, The Medical-Legal Partnership for Children (2008).
36. Boston Bar Association Task Force on Expanding the Civil Right to Counsel. Gideon’s New Trumpet: Expanding the Civil Right to Counsel in MA. (Boston: Boston Bar Association, 2008), quoting NYC Department of Social Services, The Homelessness Prevention Program: Outcome and Effectiveness 2 (1990).
37. Massachusetts Legal Assistance Corporation. Civil Legal Aid Yields Economic Benefits to Clients and to the Commonwealth: Some Benefits from FY11 Advocacy (2011). [mlac.org/pdf/Economic-Benefits\\_FY11.pdf](http://mlac.org/pdf/Economic-Benefits_FY11.pdf).
38. Greacen, John M. for Center for Families, Children, & the Courts, CA Administrative Office of the Courts. “Self represented litigants and court and legal services responses to their needs: What we know” (July 2002), quoting Mott, Nicole and Paula Hannaford. A Picture of Pro Se Litigants: Who and Why?, Paper presented to the Joint Law and Society Meeting and Research Committee on Sociology of Law of the International Sociological Association. The National Center for State Courts, Williamsburg, VA. 2001.
39. Tobin Tyler, Elizabeth, et al. (Eds.). Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership. Durham, NC: Carolina Academic Press, 2011). [www.cap-press.com/books/isbn/9781594607790/Poverty%2C+Health+and+Law%26%238212%3BFORTHCOMING](http://www.cap-press.com/books/isbn/9781594607790/Poverty%2C+Health+and+Law%26%238212%3BFORTHCOMING).
40. Abel, Laura. “Evidence-based Access to Justice,” University of Pennsylvania Journal of Law and Social Change 13 (2009-2010); Engler, Russell. “Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel is Most Needed,” Fordham Urban Law Journal 37 (37) (2010); Weintraub, D., et al. “Pilot Study of Medical-Legal Partnerships to Address Social and Legal Needs of Patients,” Journal of Health Care for the Poor and Underserved 21 (2010): 157-168.
41. Judicial Council of CA. Model Self-Help Pilot Program: A Report to the Legislature, (March 2005). [www.courts.ca.gov/documents/Self-Help\\_full.pdf](http://www.courts.ca.gov/documents/Self-Help_full.pdf).
42. For one of best examples of recent, careful research in this area, see: Boston Bar Association Task Force on the Civil Right to Counsel, “The Importance of Representation in Eviction Cases and Homelessness Prevention: A Report on the BBA Civil Right to Counsel Housing Pilots,” March 2012.
43. Zorza, Richard, Ed. Court Leadership and Self-Representation Litigation: Solutions for Access, Effectiveness, and Efficiency. (Document developed by the Self-Represented Litigation Network and presented at the September 2008 Court Solutions Conference).

**This report was authored by:**

Colleen Kaman, Research Fellow  
Anne Radday, Senior Manager of Research  
Colette Stanzler, Director

**Social Issue Expert Interviewees:**

Laura Abel, Esq., National Center for Access to Justice  
James Bierman, Esq., Foley & Lardner  
Cathleen Clements, Esq., Children's Aid Society  
Russell Engler Esq., Massachusetts Access to Justice Commission  
Alan W. Houseman, Esq., CLASP, Center for Law and Social Policy  
Julie Kashen, Single Stop USA  
Ellen Lawton, Esq., Ellen Lawton Consulting  
Sue Marsh, Rosie's Place  
Mark O'Brien, Pro Bono Net  
Kay Paine, Massachusetts Access to Justice Commission  
Lonnie Powers, Esq., Massachusetts Legal Assistance Corporation  
Megan Sandel, MD, MPH, National Center for Medical-Legal Partnership  
Jayne Tyrrell, Esq., Massachusetts Interest on Lawyers' Trust Accounts (MAIOLTA)  
Grayce Wiggins, Single Stop USA

Social Impact Research (SIR) is the independent research department of Root Cause, a research and consulting firm dedicated to mobilizing the nonprofit, public and business sectors to work collaboratively in a new social impact market. Modeled after private sector equity research firms, SIR conducts research on social issues and independent analysis of program performance to provide leaders and funders with the rigorous, actionable information they need to make strategic decisions about creating and investing in social impact.



**SOCIAL IMPACT RESEARCH**

*Actionable Information for the Social Impact Investor*

11 Avenue de Lafayette | 5<sup>th</sup> Floor | Boston, MA 02111 | 617.492.2310 | [www.rootcause.org/social-impact-research](http://www.rootcause.org/social-impact-research)