

Blue Ridge Legal Services

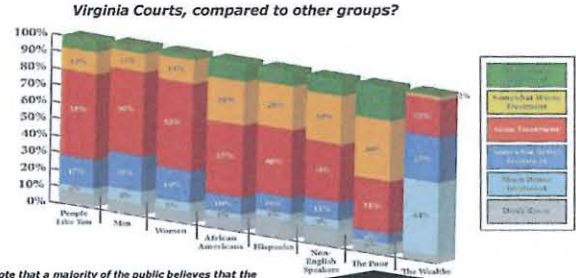
The Unmet Legal Needs of Low-Income Virginians 2010

Materials Documenting the Compelling Need for Increased Legal Aid Resources in Virginia

Prepared by John E. Whitfield, Executive Director, Blue Ridge Legal Services

The Public's Perceptions about How Different Groups are Treated in Virginia Courts

What sort of treatment do you think the following groups of people receive in Virginia Courts, compared to other groups?

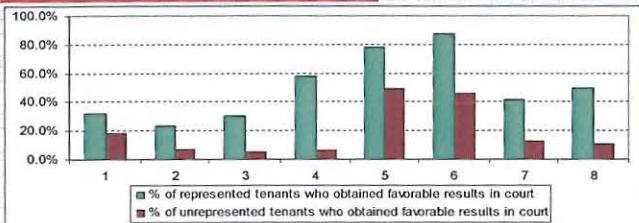


Note that a majority of the public believes that the poor receive worse treatment in Virginia courts, compared to other segments of the population.

Source: 2007 Citizens Survey, Office of the Executive Secretary, Supreme Court of Virginia.

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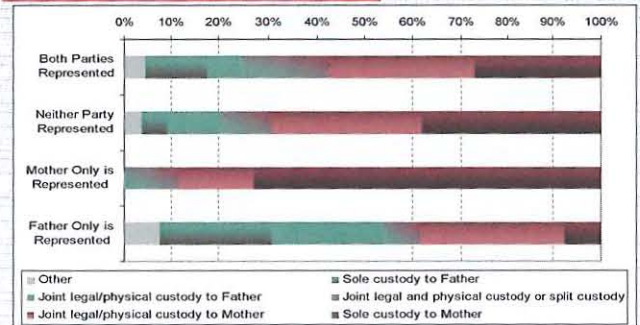
Correlation Between Representation and Favorable Outcomes for Tenants in Landlord-Tenant Cases



Study #1: Court Study Group of the Junior League of Brooklyn, Report on a Study of the Brooklyn Landlord and Tenant Court 21 (1973).
 Study #2: Stevens Ginn, *Rites, Eviction Defense for Poor Tenants: Godly Compassion or Justice Served?*, 13 WALE L. & POLY REV. 385, 411 (1995).
 Study #3: Chadha, Lisa Parsons, 1996. *Time to Move: The Denial of Tenants' Rights in Chicago Eviction Court*. Chicago: Lawyers Committee for Better Housing, Inc.
 Study #4: Rebecca Hall, *Eviction Prevention as Homelessness Prevention: The Need for Access to Legal Representation for Low-Income Tenants* (1991).
 Study #5: Seron, Carroll, Greg Van Ryzin, Martin Frankel, and Jean Kovath. 2001. *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment*. Law and Society Review 35(2): 419-34.
 Study #6: Anthony J. Fusco, Jr. et al., *Chicago's Eviction Court: A Tenant's Court of No Resort*, 17 URB. L. AFF. 93, 114-16 (1979).
 Study #7: Boston Bar Ass'n Task Force on Unrepresented Litigants, *Report on Pro Se Litigation*, 17 (1998), available at <http://www.bostonbar.org/bars/reports/>
 Study #8: Mass. Law Reform Inst., *Summary Process Survey*, 14 (2005).

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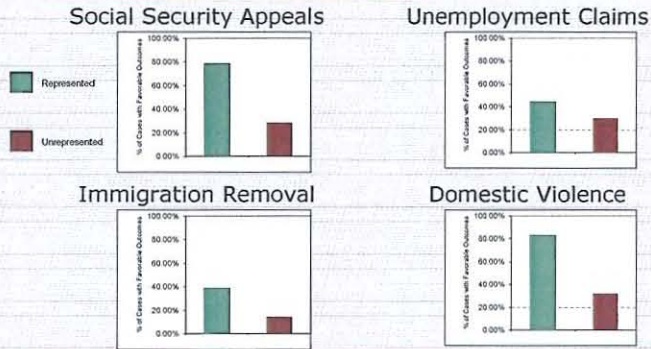
Correlation Between Representation and Custody Outcomes



Source: The Women's Law Ctr. of Md., Inc., *Families in Transition: A Follow-up Study Exploring Family Law Issues in Maryland* (2006), available at <http://www.wlcmr.org/pdf/familiesinTransition.pdf>.

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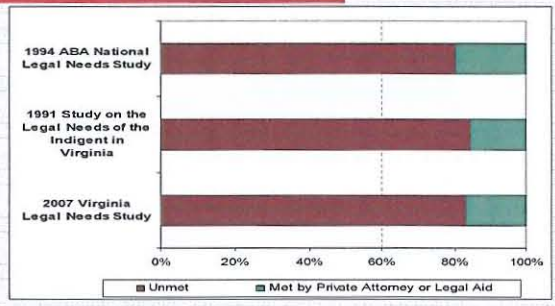
Correlation Between Representation and Favorable Outcomes in Other Types of Cases Frequently Involving Low-Income Litigants



Source: Russell Engler, *Connecting Self-Representation to Civil Goals: What Existing Data Reveal About Whose Counsel is Most Needed*, to be published in an upcoming edition of the *Fordham Law Review*. Virtually all of the outcome statistics cited in these materials were referenced in this very helpful work by Professor Engler, who is currently Professor of Law and Director of Clinical Studies at New England College of Law.

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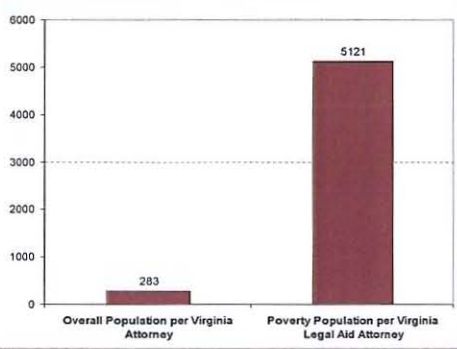
The Documented Unmet Civil Legal Needs of the Poor



Sources: 1994 ABA National Legal Needs Study
 1991 Study on the Legal Needs of the Indigent in Virginia, commissioned by the Virginia State Bar and funded by the Virginia Law Foundation
 2007 Virginia Legal Needs Study, commissioned by the Legal Services Corporation of Virginia (LSCV) and funded in part by the Virginia Law Foundation

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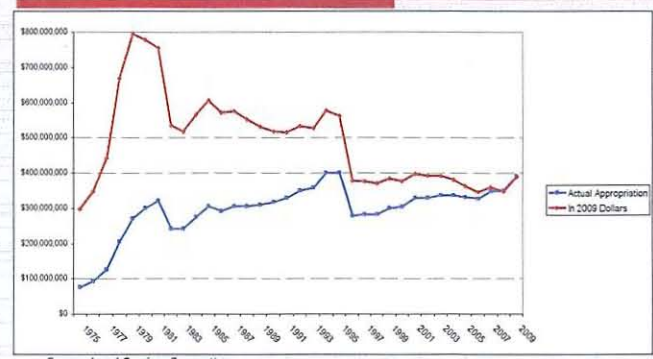
Number of Persons Per Attorney All Virginia Attorneys Compared with Legal Aid Attorneys



Sources:
 Number of active Virginia Lawyers (27,501), VSB Membership Report, 4/1/10.
 Number of Virginia Legal Aid Attorneys (157), LSCV Grant Applications, 2009-2010.
 Virginia Population figure (overall population, 7,832,590) and poverty population (804,024), US Census website.

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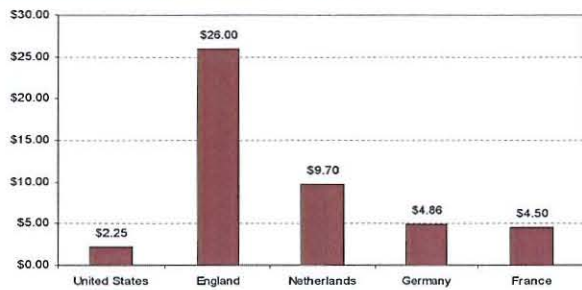
Federal LSC Funding Levels Since 1975



Source: Legal Services Corporation

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Government Per Capita Spending on Civil Legal Services for the Poor

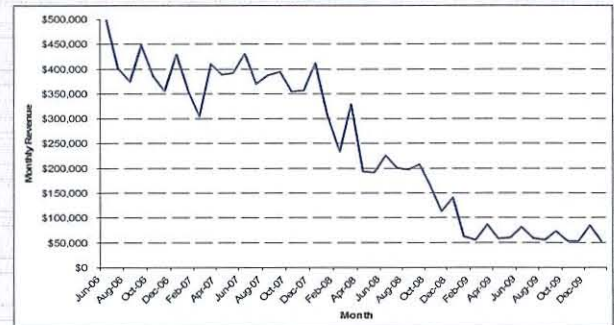


Source: *Access to Justice: Opening the Courthouse Doors*, The Brennan Center for Justice, 2007.

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Declining IOLTA Revenue in Virginia 2006-2010



Source: Legal Services Corporation of Virginia (LSCV)

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THE DOCUMENTED UNMET NEED FOR LEGAL AID JUNE 2010

National Data

1994 ABA Legal Needs Study. A landmark 1994 American Bar Association Comprehensive Legal Needs Study found that the poor received help from a legal aid provider or pro bono attorney in roughly 1 in five legal problems identified. In other words, there was an 80% unmet need among low-income Americans for civil legal services. The ABA study remains the most recent and most authoritative national study of the legal needs of low-income Americans and the extent to which they are or are not met.

2009 LSC Justice Gap Study. In 2009 the federal Legal Services Corporation (LSC) conducted a national study of the unmet civil legal needs of low-income Americans to determine the extent of the "Justice Gap."¹ Using a number of methodologies, the study confirmed the existence of a continuing major gap between the legal needs of low-income people and the legal help that they receive. Principal findings included:

- For every client served by a legal aid program, at least one person who sought help was turned down because of insufficient resources.
- Only a very small percentage of the legal problems experienced by low-income people (one in five or less) are addressed with the assistance of either a private attorney (pro bono or paid) or a legal aid lawyer.

Virginia Data

1991 Study on the Legal Needs of the Indigent in Virginia. This study was commissioned by the Virginia State Bar, conducted by Virginia Commonwealth University, and funded by the Virginia Law Foundation. It found that 84% of Virginia's poor did not have benefit of counsel when faced with a serious civil legal problem, despite the work of Virginia's legal aid societies and the pro bono efforts of private attorneys across the state.

2007 Virginia Legal Needs Study. This study was commissioned by the Legal Services Corporation of Virginia, and funded in part by the Virginia Law Foundation. It found that only 17% of Virginia's low-income population had the benefit of counsel (e.g., legal aid or pro bono attorneys) when faced with a serious civil legal problem, closely mirroring the findings of the 1991 report.

¹ See http://www.lsc.gov/pdfs/documenting_the_justice_gap_in_america_2009.pdf

Local and Regional Data

Results of January 2005 Greater Augusta County Community Needs Assessment. Providers identified access to legal services as a problem. 60% felt that access to such services needed to be expanded or greatly expanded, while only 18% felt that the current level of availability was adequate. See Table 6.

Consumers identified "affording legal services" as a major problem. It appears to have topped the list of services in terms of severity of access to community resources. 15% identified it as a major problem, while another 14.2% saw it as at least a minor problem.

Consumers repeatedly identified the need for affordable legal services as one of the community's top ten "major problems." "Affording legal services" was a top ten "major problem" for:

- Consumers in the 55-64 age bracket (cited by 19.6% of them) and those in the 35-54 age bracket (cited by 21.1% of them) Table 21.
- Males (6th most frequently cited) Table 22.
- Whites (9th most frequently cited) Table 23.
- Consumers with more than a high school education. Table 24.
- Consumers living alone. (7th most frequently cited problem) Table 26.
- Waynesboro residents (14.7%)
- Low-income consumers, including those with incomes of \$5,000-\$9,999 (21.2%), those with incomes of \$10,000-\$14,999 (21.7%) as well as those with incomes of \$20,000-\$24,999 (23.2%)

Results of 2006 Harrisonburg-Rockingham County Community Needs Assessment. Last year's comprehensive Community Needs Assessment in neighboring Harrisonburg and Rockingham County found similar unmet need for affordable legal services:

- Among low-income households, legal assistance was the second most frequently reported needed non-governmental, non-medical services.
- Among elderly low-income residents, it was the most frequently reported need.

Blue Ridge Legal Services Justice Gap Survey. Over a nine week period in the spring of 2009, BRLS participated in a national "Justice Gap" survey conducted by the national Legal Services Corporation. BRLS tracked the number of requests for legal assistance we had to decline over those 9 weeks due to lack of resources. We found that we had been forced to turn away twice as many clients as we were able to help. Based on this data, we believe we are meeting only about 1/3 of the civil legal needs of qualified applicants who actually apply for our services.