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## Legal Needs Study Exposes Need For Expanding Civil Legal Services

By Kendra Reinshagen\*

In 1886, when the Legal Aid Bureau of Metropolitan Family Services was founded in Chicago, the idea of providing free legal services to the poor was a novel one. Today, the concept of equal justice for all is widely supported. Illinois has 23 civil legal service providers with 605 staff members, including 326 attorneys. Despite this, only one out of every six low-income households is able to obtain assistance for the legal problems they encounter, according to *The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans*,<sup>1</sup> released in February by a consortium of the Lawyers Trust Fund of Illinois, the Chicago Bar Association, the Illinois State Bar Association, the Chicago Bar Foundation and the Illinois Bar Foundation.

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The last legal needs study was completed in 1989. Since then, the number of legal problems low-income Illinoisans face has increased by 300,000 to 1.3 million each year. Legal service programs in Illinois have only been able to add nine attorneys across the entire state since 1989 to handle this increase. Thousands of our fellow citizens face an intimidating and unfriendly civil justice system with no understanding of how the system works or how to make it work for them. They navigate through the system alone because they are desperate to obtain the rights to which they are entitled. Without legal representation, there is no guar-

antee they will succeed.

The kinds of legal problems faced by low-income Illinoisans are not minor. The consequences if things go wrong can be devastating. These include homelessness, loss of child custody, inability to obtain protection from an abuser, denial of essential medical or financial benefits, or denial of relief from crushing financial debt. Many of those surveyed (43 percent) were not aware that free services might be available. Those who applied for legal services could not, in at least 140,000 cases, obtain it. The types of problems low-income Illinoisans faced without representation included such legal issues as evictions (83.3 percent), domestic violence (68.9 percent), a child custody battle (62.5 percent), bankruptcy (50 percent) and divorce (48.5 percent). Of the households who reported experiencing legal problems, those with a person who had a disability were most likely to experience at least one legal problem (73.9 percent). Low-income African-American and Latino households had more than a 50 percent chance of experiencing legal problems, with white households close behind at 42.5 percent.

The study identified one reason for this disturbing situation. Illinois has the dubious distinction of being dead last among the ten most populous states in providing funding for legal aid, at \$472,000 per year. Georgia is next at \$2,678,000, with the average level of support at \$6.1 million per year.

Legal service programs, with resources that are inadequate to meet the need, resort to triage, establishing priorities for case acceptance that address the most urgent needs. The private bar, through pro bono programs that are

Legal Services, continued on page 13

Legal Services, continued from page 12

coordinated by legal services or established in-house, handled 11,506 cases in the year examined by the legal needs study (2003).

The study reported a great deal of creativity among those attempting to bridge the gap between resources and need. Advice desks are staffed by legal aid and volunteer attorneys at courthouses throughout the state. Community seminars provide general information about legal rights. Legal service programs establish clinics to teach *pro se* litigants the basic information they need to navigate the court system. Court-based self-help centers serve a similar function. Illinois Legal Aid Online's Web site, [www.illinoislegalaid.org](http://www.illinoislegalaid.org), has information, forms and instructions presented in a user-friendly format. The study found that 59 percent of the households they surveyed had

*Young legal services attorneys spend 30 percent of their income to repay student loans and some take part-time jobs so they can remain in a profession they love.*

used the Internet and just under half had access to it, which makes this option available, if not optimal, for at least half of those facing legal problems.

Seeing a kidnapped child reunited with a loving parent or watching the transformation of an abuse victim when the violence ends, saving the home of an elderly victim of predatory lending or reversing a wrongful denial of medical coverage for a disabled child, ensuring safe housing for a family or obtaining justice for a victim of discrimination are some of the rewards of the legal aid profession. Money, however, is not.

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And a lack of money is causing legal services in Illinois to face a potential leadership crisis. The study found that the median tenure for executive directors in legal service programs is 18 years, for managing attorneys it is 15 years, but for staff attorneys, median tenure is only four years. Low salaries, coupled with overwhelming educational debt loads, were reported as the major cause of this rapid turn-over. Today, according to the study, most students graduate from law school with an average \$70,000 to \$80,000 in debt and a median starting salary of \$36,000. This is far below entry-level salaries in the private bar and 11 percent below the starting salary for a prosecuting attorney. The gap between legal service salaries and prosecutors widens to 30 percent after five years on the job. Young legal services attorneys spend 30 percent of their income to repay student loans and some take part-time jobs so they can remain in a profession they love. Most eventually leave as normal life transitions like marriage, children and mortgages make it impossible to keep up financially. One solution proposed by the study is a loan forgiveness program, tied to years of service, such as those offered by nine other states and 81 law schools.

The study offers imperatives, with detailed recommendations, to meet the challenges it has identified:

1) Make the legal system more accessible to low-income Illinoisans by providing a full range of options, including court systems that are friendlier to *pro se* litigants

Legal Services, continued on page 14

Legal Services, continued from page 13

*Proposed Supreme Court Rules are pending which would require attorneys to report the time they spend each year doing pro bono work. Similar rules were adopted in Florida in 1993, doubling the number of donated hours and increasing Florida's pro bono participation to the highest in the nation at 53 percent.*

- 2) Increase funding for legal aid and other access-to-justice initiatives in Illinois
- 3) Strengthen the existing legal aid system, including personnel and infrastructure
- 4) Encourage/assist the private bar to increase services to low-income persons
- 5) Develop new strategies and partnerships to address unmet legal needs
- 6) Pursue opportunities for coordinated action among legal service providers

Some of these initiatives are already underway in various forms. Two of these proposed initiatives would provide immediate assistance to low-income Illinoisans. Proposed Supreme Court Rules are pending which would require attorneys to report the time they spend each year doing pro bono work. Similar rules were adopted in Florida in 1993, doubling the

number of donated hours and increasing Florida's pro bono participation to the highest in the nation at 53 percent. The second initiative, "The Illinois Equal Justice Campaign," is working to pressure Illinois legislators to increase state funding for legal services by \$5 million. According to former Senate President Philip Rock, who co-chairs the campaign with former Governor Jim Thompson, "the amount made available for equal justice in our state is simply disgraceful." Mark Marquardt, research director for the Legal Needs Study, notes that "state law says equal access to the legal system is a 'basic right for all Illinois residents, regardless of their income.' The State clearly has a role to play here."

It is imperative in a civil society that justice be available to everyone, not just to those who can afford it. The Legal Needs Study makes a powerful argument that Illinois has fallen far short of that goal. It also offers a blueprint that, if adopted, will ensure that the promise of "equal justice under law" is a reality for all Illinoisans and not just words over the courthouse door.

\*Kendra Reinshagen is the Executive Director of the Legal Aid Bureau of Metropolitan Family Services. Reinshagen has worked in legal services since 1977 and is the only civil attorney appointed to the Illinois Attorney General's Advisory Committee to the Family Violence and Sexual Assault Accountability Project of DePaul College of Law.

1. The entire report, as well as an executive summary, is available at <http://www.ltf.org/legalneeds.htm> (last accessed June 6, 2005).

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