

# NATURAL ALLIES: PHILANTHROPY AND CIVIL LEGAL AID



INVESTING TO HELP LOW-INCOME PEOPLE SOLVE THEIR LEGAL PROBLEMS IS SMART, RESULTS-ORIENTED PHILANTHROPY. FOR DECADES, ALL OVER THE COUNTRY, LEGAL AID GROUPS HAVE BEEN A DRIVING FORCE THAT MAKES CHANGE REAL IN MILLIONS OF LIVES. THEY HAVE ANSWERS WHEN FAMILIES NEED HOUSING, FOOD, HEALTH CARE. IT'S THEIR WORK THAT CORRECTS BAD POLICY AND CHANGES HOW SOCIETY TREATS THE MOST VULNERABLE.

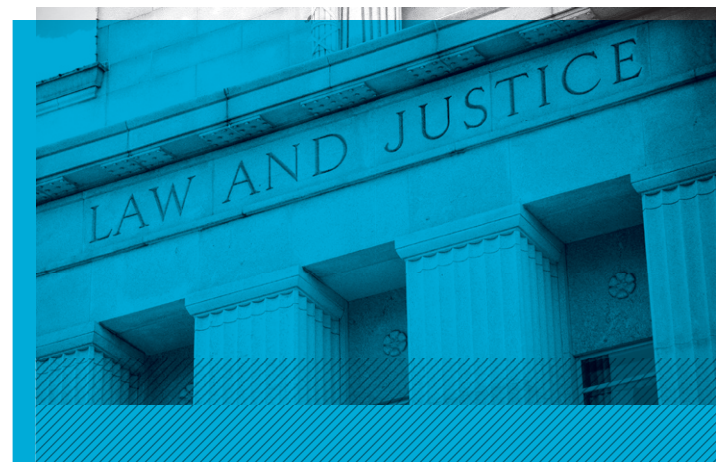
**Y**et, civil legal aid for families living in poverty or near poverty has often been an overlooked partner in philanthropic efforts to improve the bedrock economic, social, and health conditions for low-income people and communities. It's the indispensable underpinning for much of the work funders already support, a complementary strategy that can increase the impact of a funder's efforts. But it doesn't get a lot of attention.

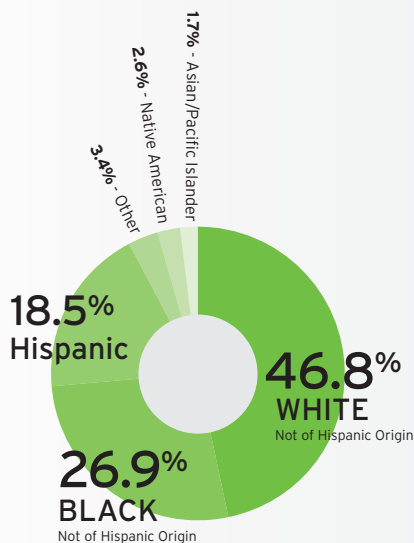
Currently, however, three things are happening on a national scale that demand attention and offer tremendous opportunity:

1. Because of challenging economic times, more people are poor and have no resources to get legal help to meet their basic needs – for housing, health care, personal safety, and income and economic security.
2. Funding that for decades has sustained legal aid work all over the country is in a state of crisis.
3. Legal aid groups – problem solvers by nature – are extending their reach by creating new and innovative programs that are reshaping the field with the potential to help more people. And there is unprecedented energy from newly engaged allies in all corners, leading to new partnerships and greater impact.

Providing more civil legal aid is not just a matter of addressing problems that low-income people encounter; it's also a matter of ensuring basic access to justice for them. Some foundations have embraced legal aid, and several are highlighted in these pages. But, overall, private philanthropy has barely gotten its feet wet on this issue – and it should take a larger and deeper plunge.

By embracing this powerful tool and incorporating it into existing priority areas, funders have an opportunity to help tackle barriers to equal justice *and* enhance their grantmaking programs. It's a win-win approach.





**ETHNICITY OF CLIENTS SERVED BY FEDERALLY FUNDED LEGAL AID OFFICES IN 2011**



**“Most Americans don’t realize that you can have your home taken away, your children taken away and you can be a victim of domestic violence but you have no constitutional right to a lawyer to protect you.”**

**JIM SANDMAN, PRESIDENT,  
LEGAL SERVICES CORPORATION**

## WHAT IS CIVIL LEGAL AID AND WHY DOES IT MATTER?

### LEGAL AID HELPS PEOPLE SOLVE PROBLEMS...

**TENANTS** facing wrongful eviction;

**HOMEOWNERS** facing foreclosure due to fraudulent schemes;

**WOMEN** who are victims of domestic violence;

**VETERANS** and military families struggling in civilian life;

**CONSUMERS** bankrupted by predatory lenders;

**WORKERS** cheated out of wages or denied lawful benefits;

**CHILDREN** who need a stable home or special education;

**ELDERLY** whose economic security or health care is in jeopardy;

**DISABLED PEOPLE** denied opportunities;

**IMMIGRANTS** who work the lowest-wage jobs without benefits or contracts;

**COMMUNITIES** devastated by natural disasters...

**F**or the millions who are facing a life crisis of some sort every day, the most powerful and effective response often includes some kind of legal help – not necessarily the work of a lawyer in a courtroom (although sometimes that), but knowledgeable guidance through unfamiliar rules and processes.

This legal help is especially important for people who are poor or nearly poor (federally defined in 2013 as income up to \$29,438 a year for a family of four) – people whose basic survival depends on being able to stay in a home, secure health care or food, keep their families together, or protect themselves against abuse. Unresolved, such problems can multiply, tearing families apart and driving them further into poverty.

Yet, unlike in criminal cases, there is no guarantee of counsel in civil cases.

There are offices in many parts of the country with experienced professionals that offer legal help ranging from dispensing basic advice, helping to mediate claims, providing representation in court, community advocacy, and policy reform. Most of the encounters with legal aid do not involve litigation.

The federally funded Legal Services Corporation (LSC), the largest single donor nationally for civil legal aid, supports 134 programs with 900 offices in every state and the territories. In some places, private lawyers and law students offer *pro bono* services, while self-help tools available online and in courts and libraries help guide those without representation.

“The impact of legal aid in terms of public costs saved – homelessness prevented, health benefits secured, domestic violence harms averted, among other measures – has been documented in dozens of local and national analyses,” says David Udell, director, National Center for Access to Justice at Cardozo Law School in New York City. “The impact in terms of people’s lives is immeasurable.”

For example, the Task Force to Expand Access to Civil Legal Services in New York reported in 2012 that funding civil legal aid gets a return on investment of approximately \$6 for every \$1 spent. And a Texas Access to Justice Foundation study conducted by the Perryman Group in 2013 found that funding in the state for indigent civil legal services generates about \$47.5 million in yearly fiscal revenues to state and local government entities.

## FUNDING CRISIS

**S**tate and national studies estimate that a staggering 80 percent of serious legal needs of low-income people go unmet due to grossly insufficient funding and support. In fact, although some 60 million people who are poor or nearly poor are eligible for LSC-funded legal aid programs, only about one million clients seeking legal help annually are able to be served due to limited resources. As the number of those who are at or near the poverty level has gone up and LSC funding has gone down, funding per eligible client has dropped by almost 60 percent in the past two decades.




A key source of funding in the states is from Interest on Lawyers Trust Accounts (IOLTA). At no cost to lawyers or their clients, short term and nominal sums that cannot earn net income for clients are pooled in IOLTA accounts and generate interest to help fund legal aid in the states. Because of the economic downturn and low interest rates, however, income for this funding has declined by a dramatic 74 percent between 2007 and 2011. The funding declines have hampered the staffing of legal aid offices, further undermining the ability of low-income families to get help.

**“You’ve also proven that civil legal aid doesn’t just open doors to our justice system – it provides a critical reinvestment in the community. Your work saves precious taxpayer dollars by protecting patients’ health, increasing access to public benefits, keeping families together, reducing domestic violence, and offering indigent citizens a way out of poverty. And this economic benefit is more important than ever before, as so many of us – at every level of government, and across both the nonprofit and private sectors – have struggled to meet constantly growing demands with increasingly limited budgets.”**

**U.S. ATTORNEY GENERAL  
ERIC HOLDER (speaking to the  
Legal Aid Society of Cleveland)**



### LSC FUNDING PER ELIGIBLE CLIENT

YEAR	LSC Funding in Inflation-Adjusted (2012) \$\$ Per Eligible Client	Estimated Client Eligible Population (Income < 125% of Poverty)
'94	\$ <b>12.30</b>	 50,401 <sub>M</sub>
'04	\$ <b>8.20</b>	 49,693 <sub>M</sub>
'12	\$ <b>5.67</b>	 61,358 <sub>M</sub>

## ALLIES AND OPPORTUNITY

In the face of this crisis, leaders in the civil legal aid sector are responding creatively to expand their ability to serve more people. They are designing and implementing thoughtful and innovative solutions in service delivery.

For example, some locales have initiated streamlined court procedures, simpler forms, online help (similar to TurboTax), or self-help centers in libraries so that more people at all income levels can represent themselves. Such solutions recognize that the gap between need and availability of legal aid will not be closed simply by hiring more lawyers. In Montana, funding from the Bill & Melinda Gates Foundation has supported training for library and court staff to guide people using online self-help resources.

Some courts allow lawyers to handle only part of a case so the fee is less, permit non-lawyers to do some tasks that were previously limited to lawyers, or refer people to mediators who actively help work out agreements. Prestigious postgraduate legal fellowships – imagine a domestic Peace Corps for lawyers – create hundreds of opportunities for the next generation of lawyers to provide effective representation to underserved communities, and seed legal aid offices with future leaders.

Powerful allies are emerging to advocate for civil legal assistance. Access to Justice Commissions, now in 28 states, and other similar entities in the states bring together the courts, the bar, legal aid providers and others in a coordinated effort to remove barriers to civil justice for low-income people.

More state Supreme Court judges are speaking out and advocating for increased resources for legal aid, as well. New York's Chief Judge Jonathan Lippman, for example, has been an innovator in addressing access to justice barriers. In 2012, he issued a rule requiring lawyers to perform 50 hours of unpaid work before being licensed to practice, the first of its kind in the nation.

## WHY SHOULD FOUNDATIONS CARE?

Opportunities now abound for strategic investment in legal aid. Local legal aid groups across the nation have programs that can match funder interests with client needs. State-based entities – like bar foundations and IOLTA funders – long experienced in legal aid grantmaking, offer a host of ways that philanthropies can extend their impact through legal aid funding.

For funders, civil legal aid can serve as a significant tool in their toolbox, similar to community organizing, advocacy, or research. It adds value as an integral component to their programs, such as affordable housing, access to health care, education reform, economic development, income security, domestic violence, or children and families.

Funders committed to improving conditions for low-income people and communities through service provision see civil legal aid as one of the most effective tools. Those concerned about creating broader impact or ensuring that policies are implemented and sustained view legal aid lawyers as terrific partners. These lawyers see the problems low-income people face every day and they use that knowledge to build broader advocacy strategies in a variety of social policy areas in which funders are engaged.

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**“Equal access to justice contributes to healthy communities and a vibrant economy. No community thrives when people are homeless, children are out of school, sick people are unable to get health care, or families experience violence.”**

CAROL HUNSTEIN,  
CHIEF JUSTICE, GEORGIA

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**“The increasing inaccessibility of legal services – for the poor, for even the middle class – undermines the rule of law for us all.”**

WALLACE JEFFERSON,  
CHIEF JUSTICE, TEXAS

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**“The potential that legal aid holds, and the crisis that it’s in, have led to an incredible moment of opportunity for philanthropy. Using this strategy as a tool in our grantmaking toolbox can bring added value and complement whatever else we are doing to achieve impact.”**

MARY MCCLYMONT, PRESIDENT,  
PUBLIC WELFARE FOUNDATION

For funders who want to sustain programs and leverage dollars, civil legal aid is a powerful vehicle. And they have seen how private funding of innovative legal aid projects often complements state and federal funding through public-private partnerships.

Some national philanthropies already support legal aid groups serving low-income communities. For example, The Kresge Foundation funds the Rhode Island Legal Services' holistic legal and social services network. This network includes other legal and human services providers who will take a comprehensive approach to the legal financing and social issues of their clients.

Community foundations, too, have found creative ways to support local legal aid groups, so that they can spend more time serving clients and less time raising funds. The Greater Kansas City Community Foundation maintains an endowment fund to ensure that Legal Aid of Western Missouri will be able to serve clients in 40 counties.

## IMPACT: FOUNDATIONS AND LEGAL AID PARTNERS

**Smart philanthropy, in partnership with legal aid, can make a lasting difference for individuals and communities in need.**

### INDIVIDUAL ADVOCACY

"A critical funding need is for holistic, one-on-one advocacy work that often involves creative strategies to untangle several related problems," says Jo-Ann Wallace, president of the National Legal Aid and Defender Association. "Whether that means giving a client step-by-step advice, making a phone call, writing a letter, or filing legal documents, the advice and influence of a lawyer can prevent homelessness, keep a child in school, or have other life-altering consequences. Most cases that lead to court action are resolved without a trial."

The impact is seen in lives changed – as in the case of a terrified young mother who arrived one day at Legal Aid of Western Ohio. At first, she was unable to tell anyone what was happening in her home. But with an advocate in her corner, she managed to get a protective order against her abusive husband, file for divorce, go through bankruptcy, and take charge of her life. Eventually, she told her story to the world through an online video urging more support for the legal aid office that helped her. Similarly, legal aid clients all over the country describe their legal aid lawyers as friends in a transformational journey from fear to freedom.

### COMMUNITY RESPONSE AND ORGANIZING

Their deep roots in communities give legal aid groups leverage to tackle complex problems by mobilizing multiple constituencies with whom they have relationships. When lawyers at Legal Aid Justice Center in Virginia saw patterns of problems in nursing homes, for instance, they didn't just organize family members to advocate for better patient care, they also organized nursing home staff who advocated for better working conditions. One of the funders for the work is the Charles M. and Mary D. Grant Foundation, an independent foundation supporting a range of projects in the southeastern U.S.

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**"Legal representation is sometimes all that's standing between a family's effort to be self-sufficient and poverty. If you need a car to get to a job and a predatory lender is making a claim on it, you need civil legal aid or you may be out of work. When you are living on a low income, access to quality legal aid can be the tipping point."**

GUILLERMINA HERNANDEZ-GALLEGOS, PROGRAM DIRECTOR FOR HUMAN SERVICES, THE KRESGE FOUNDATION

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**"Legal aid programs are at the heart of what's been accomplished in strengthening many key programs for low-income people over the past 45 years – and what needs to be done going forward to make further progress. They are simply essential to implementing effective programs on a range of social policy issues, and I encourage funders to see them as such."**

ROBERT GREENSTEIN, PRESIDENT, CENTER ON BUDGET AND POLICY PRIORITIES

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**"Legal aid has been a crucial support to community empowerment efforts by low-income residents for decades. Time and time again I've seen how legal aid lawyers have supported organizing efforts that have resulted in major changes in policies and practices that have a huge impact on the quality of life in low-income communities."**

DEEPAK BHARGAVA, EXECUTIVE DIRECTOR, CENTER FOR COMMUNITY CHANGE

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**“Whether it’s emergency legal assistance to individuals facing evictions, loss of employment, contractor fraud and myriad other problems, or legal and policy advocacy to address the systemic neglect that poor people confront in the wake of disasters, the philanthropic community is an indispensable partner.”**

**MARTHA BERGMARK, PRESIDENT,  
MISSISSIPPI CENTER FOR JUSTICE**

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**Funders like the Eugene and Agnes Meyer Foundation have long valued legal aid as both first responders and agents of change. “Supporting direct legal services has been a part of our grantmaking strategy for more than 50 years. We believe that investing in legal services is not only a powerful way to address urgent needs of individuals in crisis, it also informs critical advocacy work that leads to policy changes, which have the potential to improve the lives of thousands.”**

**JULIE ROGERS, PRESIDENT,  
EUGENE AND AGNES MEYER  
FOUNDATION**



## **DISASTER RESPONSE**

Legal aid groups can also respond quickly to community-wide crises, reaching far beyond their own staff capacity. When Superstorm Sandy hit the East Coast in 2012, New Jersey and New York legal aid groups were on the ground within hours – enlisting volunteer lawyers, dispatching mobile aid centers, and publishing guides for storm victims on how to get help with housing, utilities, and public benefits. They were joined by legal aid workers from Louisiana and Mississippi who brought lessons from Hurricane Katrina. The Robin Hood Foundation was one of several philanthropies that provided funding for local legal aid groups to respond to the crisis.

## **POLICY REFORM**

Their on-the-ground expertise in communities enables legal aid groups to lead the way on broader social change. Legal aid efforts on behalf of clients have been behind major reforms to rein in predatory lending, protect health benefits for disabled children, and improve job conditions for low-wage workers, among many other achievements.

**Some examples of work on particular issues and with targeted population groups follow.**

## **HOUSING**

By preventing eviction and foreclosure, legal aid offices saved an estimated \$116 million in shelter costs in 2009-2010 in New York alone. In Ohio, legal aid saved almost 1,000 homes from foreclosure in 2010. “Home prices are stabilized and local governments save the tax dollars typically lost to home foreclosure each time a legal aid attorney helps a homeowner prevent foreclosure,” notes Angela Lloyd, executive director of the Ohio Legal Assistance Foundation.

The MacArthur Foundation supports legal aid groups working for affordable housing, not only for their expertise in navigating rules for their clients, but for their capacity to promote innovation in the field through national networks. These housing groups are able to use creative strategies and build cross-sector support for change because they have a funder who sees the long-term value of civil legal aid in an integrated approach. “You need top [legal] talent and you need to be patient, because it may take some time to see some wins,” says MacArthur program officer for housing in the U.S., Mijo Vodopic.

## **HEALTH**

Legal aid is a powerful tool for promoting health, preventing illness, and accessing benefits. In one study, civil legal aid enabled half of the asthmatic adults in one inner-city neighborhood to get landlords to remove contaminants from their homes, allowing those patients to stop taking steroids for at least six months. Another study showed that cancer patients who received legal help with health insurance, disability benefits, or health-related job discrimination had reduced stress and improved compliance with medical regimens and doctor appointments.

Sometimes health problems can’t be solved without legal help to remedy the conditions that cause them. What began in the early 1990s as a small initiative at Boston Medical Center, with major support from the W. K. Kellogg Foundation, has now grown into a network of more than 95 medical-legal partnership programs in over 300 hospitals and health centers, serving 54,000 low-income people nationwide. These partnerships integrate lawyers into health care teams to address unmet social needs like housing, food, and safety that undermine patients’ health.

One of those partnerships is funded by the Health Foundation of Greater Cincinnati and the Manuel D. and Rhoda Mayerson Foundation. During one brutally hot summer, doctors referred three families to Legal Aid Society of Greater Cincinnati because they said they weren't allowed to have window air conditioners in their apartments. Reports Robert Kahn, associate director, Division of General and Community Pediatrics at Cincinnati Children's Hospital: "Legal aid asked the simple question that a physician never would have asked – 'Who's your landlord?'"

It turned out that one developer owned more than a dozen buildings that needed new roofs and cooling and heating systems. Legal aid got that done.

The health-related work of most legal aid groups centers on helping clients access benefits and challenge unfair costs. It was a legal aid fight against excessive hospital billing that led to a permanent change in Medi-Cal, California's Medicaid program – and a health foundation, the California Endowment, made that work possible.

## WOMEN

Legal aid for abused women saves public costs on medical care for victims; special education and counseling for affected children; and police, court, and jail costs for perpetrators. Since some of these legal needs are first seen in hospitals, funders like The Pfizer Foundation help support lawyers to work in medical settings.

"Meeting women's medical and legal needs is very important to us," says Pfizer Executive Vice President Amy Shulman. "Women are often the portal through which families get access to health care."

## SENIORS

The fastest-growing age group in the country is 65 and older and about 15 percent of that group lives at or near the poverty level. Some are sole caregivers of grandchildren and seek custody to keep their families intact. Others have been victims of predatory lending or physical abuse. Those living only on Social Security income do not have the resources to obtain legal help to address their specific problems.

SeniorLAW Center in Philadelphia sponsors legal clinics, provides direct services, and operates a telephone helpline that serves low-income seniors in all 67 counties of the state. The Independence Foundation provides multiyear general operating grants for direct legal aid.

## VETERANS AND MILITARY FAMILIES

Veterans of recent wars who are struggling to find work and resume normal life, as well as aging veterans of earlier wars, often face long waits and a maze of obstacles in their efforts to secure VA benefits. According to the Department of Veterans Affairs' annual survey of homeless and formerly homeless veterans, legal issues account for three of the top ten unmet needs of homeless veterans.

Pine Tree Legal Assistance in Maine is one of many legal aid offices around the country that help speed the complex process of claims and appeals so that veterans can get the health care and housing they need. Pine Tree's Executive Director Nan Heald says, "Legal aid programs have proved essential in allowing veterans to achieve economic security, avoid homelessness, and promote stability within their family relationships."

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**"Why would a health foundation be funding a bunch of lawyers? We fund 'community lawyers' at legal aid organizations because they get results. They not only resolve specific problems that low-income individuals and families encounter, but they also rigorously document those client experiences and then advocate for sensible policy, systems and administrative changes that ultimately benefit everyone."**

GREGORY HALL, DIRECTOR OF PROGRAM QUALITY AND EFFECTIVENESS, CALIFORNIA ENDOWMENT

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**"Legal aid clients are disproportionately women – low-income single mothers and grandmothers, low-wage workers, caregivers of disabled children or elderly parents. These women include victims of domestic violence and immigrant women who face barriers accessing public benefits. In civil legal matters that dramatically affect a woman's well-being, legal aid provides representation to women excluded from the system."**

ANIKA RAHMAN, PRESIDENT AND CEO, MS. FOUNDATION FOR WOMEN

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**"The fact that SeniorLAW Center is a lean organization is very interesting to us. They use their resources very wisely and support a lot of their work through volunteers."**

SUSAN SHERMAN, PRESIDENT, INDEPENDENCE FOUNDATION



## NATURAL ALLIES: PHILANTHROPY AND CIVIL LEGAL AID

# TIME TO STEP UP: WHAT FUNDERS CAN DO

Legal aid is fighting effectively on every front that funders care about, but with diminished resources.

In many ways, legal aid groups are already philanthropy's best, most natural allies. Supporting them is a good tool for funders to use and also helps achieve justice. It's time to ensure that the work of these groups not only thrives, but endures.

"Whether you are a national or community-based funder, whatever the program issue, and whether your focus is on services or policy, I'd really encourage funders to explore using civil legal aid. You can talk to local legal aid lawyers and leaders to see how to include this vital strategy in your programming," says Mary McClymont, president, Public Welfare Foundation.

### HERE'S WHAT ELSE GRANTMAKERS CAN DO NOW:

- » Identify grantmaking programs that could achieve improved outcomes and reach their goals more efficiently by adding civil legal aid partners.
- » Identify and eliminate unintended barriers that can prevent legal aid providers from becoming grantees and subgrantees.
- » Invite current grantees to investigate collaborations with legal advocates for those they serve.
- » Partner with state IOLTA funders [www.ambar.org/IOLTADirectory](http://www.ambar.org/IOLTADirectory) to identify legal aid programs that match your funding priorities.
- » Provide general support for the legal aid groups that serve your own communities.
- » Learn more about legal aid and areas of need by visiting authoritative websites:

**American Bar Association** » [www.ambar.org/sclaidinitiatives](http://www.ambar.org/sclaidinitiatives)

**Legal Services Corporation** » [www.lsc.gov](http://www.lsc.gov)

**National Legal Aid and Defender Association** » [www.nlada.org/civil](http://www.nlada.org/civil)

**National Center for State Courts** » [www.ncsc.org/atj](http://www.ncsc.org/atj)

Ultimately, civil legal aid is a powerful tool that can increase the impact of a funder's support. At the same time, it empowers low-income people and communities to have an equal shot at the justice they deserve to meet their basic needs, promotes more dignity and stability in their lives, and creates pathways out of poverty.

The information in these pages was drawn from print and online reports from legal aid organizations and their funders, as well as independent interviews and research conducted by the Public Welfare Foundation in late 2012.

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