

**A REPORT ON THE NEED FOR CIVIL LEGAL SERVICES  
FOR POOR PERSONS IN THE STATE OF WASHINGTON \***

**November 1988**

**Legal Aid Committee  
Washington State Bar Association**

**Joan Andersen  
Dona Cloud  
Evelyn J. Black Dennis  
Bruce E. Didesch  
Francois L. Fischer  
William L. Halpin  
Carole L. Hollon  
Michael Mirra, Chairperson  
John R. (Rick) Potter  
Susan J. Richardson  
William J. Roarty  
Gail R. Smith  
George J. Zweibel**

**\*The Board of Governors of the Washington State Bar Association has neither approved nor endorsed this Report but has authorized its distribution for informational purposes.**



## WASHINGTON STATE BAR ASSOCIATION

500 WESTIN BUILDING • 2001 SIXTH AVENUE • SEATTLE, WASHINGTON 98121-2599

(206) 448-0441

10 April 1989

RE: A REPORT ON THE NEED FOR CIVIL LEGAL SERVICES FOR POOR PERSONS  
IN THE STATE OF WASHINGTON

Dear Colleague:

The Legal Aid Committee of the Washington State Bar Association is proud to send you its Report on the Need for Civil Legal Services for Poor Persons in the State of Washington along with an executive summary. The recommendations provided in the Report are meant to encourage discussion and provide a basis for a variety of solutions to the problem.

Our Committee concluded that extensive unmet legal needs, which frequently involve life's most basic necessities, go unaddressed due to inadequate funding for low income civil legal services.

Washington's low income population continues to grow four to five times faster than the general population. At the same time, the resources available to assist the low income population continue to decrease. Legal services offices statewide were closed due to federal funding reductions. The number of offices was reduced from 34 in 1980 to 20 in 1984.

This situation has continued to deteriorate since the report was completed in November, 1988. The committee has recently been informed that given current funding levels, these legal service providers will be forced to make additional reductions in offices and staff. Charts 1 and 2 graphically illustrate the extent of the problem (copies enclosed).

Chart 1 illustrates the growth of the population eligible for legal services (125% of the poverty level) compared with the reduction in the number of attorneys available to serve those people. The growth in low income population between 1980 and 1988 has been 35%. Projected growth to 1990 shows an increase of 45%. These numbers do not include the institutionalized or migrant populations which are additional tens of thousands. It appears clear that the low income population continues to grow at a rate 4 to 5 times faster than the general population.

a. In 1980 the eligible low income population of 555,000 was served by 133 legal service attorneys.

b. In 1984, in the aftermath of the federal funding reductions, the number of available attorneys was cut to 79. The low income population, however, had increased to 630,000.

c. By December, 1988, much needed assistance from IOLTA was in place. The number of attorneys increased to 83, but the low income population also increased to 750,000.

d. Current projections to 1990, given current funding levels, show a decrease of legal service attorneys with a continued growing low income population to 800,000.

Chart 2 shows the number of low income people that must be served by each legal services attorney. The population has grown steadily from 4,000 per attorney in 1980 to 9,000 per attorney in 1988. The prognosis for 1990 is increasingly bleak - 10,000 for each attorney.

Statistics reveal only one dimension of the problem. Low income people need the assistance of a lawyer much more frequently than the average person. They have legal needs that concern the essentials of living: adequate food, income, shelter, medical services, and protection of the family unit. Frequency of need does not reveal the entire problem. The urgency of the need and the lack of adequate assistance take a toll in the lives of children and families that cannot be quantified.

This drastic situation requires immediate action. Identification and implementation of alternative funding sources is the first priority of the Legal Aid Committee for 1989.

The Washington State Bar Association also recognizes the severity of the problem and has responded with courage and conviction. At its March 1989 meeting, the Board of Governors passed a number of resolutions in support of more funding for legal services for low income people.

We hope you will find this Report useful in addressing the problem, and that you will also help develop solutions in providing equal access to justice for low income people.

Sincerely,



Will Roarty

Chair, Legal Aid Committee

## EXECUTIVE SUMMARY:

### A REPORT ON THE NEED FOR CIVIL LEGAL SERVICES FOR POOR PERSONS IN THE STATE OF WASHINGTON

This 1988 Report was prepared by the Legal Aid Committee, a Standing Committee of the Washington State Bar Association. A less extensive report on this same subject was prepared by the Committee in 1985 (See, Washington State Bar News, December, 1985). In the earlier report, the Committee concluded, "There is a pressing need in virtually every area of Washington to increase the resources available to provide representation to poor people in civil matters." Since the problems identified in the 1985 Report appeared to have worsened, the Committee decided a more detailed analysis was necessary.

The Committee surveyed both legal and community service providers. Questionnaires were sent requesting information describing the type and extent of legal services provided, an assessment of the unmet legal needs, and the barriers to adequate legal assistance. Other studies on the subject, including those from other states, were also reviewed.

The Committee has concluded again, in 1988, that the poor in Washington State urgently require legal assistance to a much greater extent than the legal service agencies for the poor and private attorneys are able to provide. The assistance of IOLTA funds and pro bono programs have been essential, but they are not sufficient to meet the rising need in this state. A summary of the Committee's Findings and Recommendations follows.

## FINDINGS

1. The unmet legal needs of the poor have grown substantially since the Committee prepared its 1985 Report.

The Committee's survey indicates that poor people in Washington are, on a daily basis and in large numbers, being denied legal representation on matters that are frequently urgent, such as utility shut-offs, denials of public assistance, Social Security/Supplemental Security Income, Medicaid, and Medicare benefits. Family law problems continue to be regarded as the greatest unmet need of poor clients.

2. The poor population in Washington continues to grow faster than the general population.

In 1980, 9.8% of the population of Washington lived below the poverty level. In 1987, the poor had increased to 12.2% of the population. In 1980, the number of persons at or below 125% of the poverty level (the level at which persons qualify for legal assistance) was considerably higher - 13.7%. Further, certain categories of poor people have increased at an even more alarming rate. For example, the number of families with children whose incomes are below 125% of the poverty level grew by 31% between 1980 and 1986. This is more than four times the growth of either the total population or total households. Racial minorities also represent a disproportionate percentage of the poor: 20.9% of the Black, 22.4% of the Hispanic,

24.8% of the Native American, and 15.1% of the Asian populations are below the poverty line.

The increased growth of the poor population has also placed a severe strain on the specialized services required. For example, the number of persons requiring Aid to Families with Dependent Children (single parent households) increased 24.6% from June 1984 to June 1988. State Supplementation to SSI (Disabled) increased 32.9% during the same time period. These statistics compare to a general population increase of 5.5% over the same four years.

3. Poverty is likely to increase the frequency of a person's need for legal assistance as well as the urgency of one's legal problems.

The American Bar Association reports that about 20% of the 30 million poor in the country require the assistance of a lawyer in a legal matter every year. This contrasts to the average person who needs a lawyer 4.8 times in a lifetime. In addition to sharing the normal legal needs that other persons experience, poor people have legal needs that concern the essentials of living, i.e. adequate income, food, shelter, medical services, and protection of the family unit. In part, this is because the poor must depend on governmental programs for their daily survival. Disputes over the denial, termination, or reduction of income or services from these programs are legal matters that may have devastating consequences for the poor.

4. Poverty law specialists are necessary to most efficiently serve the needs of the poor.

Legal assistance programs, such as Evergreen Legal Services, Spokane Legal Services, and the Puget Sound Legal Assistance Foundation, are the most effective and efficient providers of legal services to poor persons. They employ professional and full-time staff attorneys who specialize in the practice of poverty law. Much of the law which governs poverty law issues is sufficiently complex to discourage private practitioners who do not regularly practice in those areas.

The poor need specialized legal assistance either because of their peculiar vulnerability or the complex nature of the law of the programs they must rely on to meet their needs. Poverty law specialists are familiar with their needs and have an understanding of their long-range interests. They are also sensitive to the even more specialized needs of disabled and mentally ill persons, migrant workers, Native Americans, and institutionalized persons.

5. Drastic reductions in federal funding have made the viability of the three primary providers of legal service programs dependent on local assistance for survival.

Federal funding for the Legal Services Corporation was cut by 25% in 1982. This had a drastic impact on services provided for the poor in this state. Attorney staffing of all three LSC-funded offices fell from 105 in 1980 to 59 in 1983. Numerous offices around the state had to be closed. In response to this desperate situation, the Washington Supreme Court instituted the IOLTA program. In 1988, 91% of the IOLTA funds were directed to programs providing civil legal services. While these funds have been essential, they are not enough to adequately assist the poor. Even with the infusion of IOLTA funds, overall current funding is lower than 1981 levels. At present, all three legal service programs combined have only 87 staff attorneys.

6. Regulatory barriers prevent legal service lawyers from fully representing their clients.

The Legal Services Corporation has enacted or proposed a number of regulations that limit the ability of LSC-funded programs to represent their clients as fully as other lawyers represent their clients. For example, these restrictions include provisions that limit class actions and legislative advocacy.

7. Pro bono representation plays an important complementary role in serving the legal needs of Washington's poor.

Local bar associations play an important role. They help to provide assistance to the poor through pro bono programs. Some programs have been active for some time; others are just being started. While these programs do provide a valuable complement to the legal service programs, they will never be a substitute to well-staffed programs that specialize in representing the poor.

## RECOMMENDATIONS

Based on its findings, the Legal Aid Committee formulated a number of recommendations, the most important of which are summarized below. Several of these relate to funding, which the Committee believes should receive the highest priority from the Board of Governors, the State Legislature, and other bodies and persons to whom the recommendations are addressed.

1. The Washington State Bar Association, the Legal Foundation, and others should explore additional funding sources.

Extensive unmet legal needs, which frequently involve life's most basic necessities, go unaddressed due to inadequate funding for indigent civil legal services. Additional resources are essential.

2. The Legal Foundation should continue to allocate the vast majority of IOLTA funds to programs that provide direct legal services to the poor.

Most of the IOLTA funds should continue to go the legal service agencies that provide direct assistance. Funds allocated to other providers should complement the services provided by these programs. The Foundation should continue its present rate of IOLTA funding for pro bono representation. The Foundation should also explore additional funding sources.

3. Legal service programs in this state should be adequately funded and regulatory barriers should be eliminated.

Legal service programs should continue to integrate the private bar in providing legal services to poor people. Congress should consider eliminating or reducing the present requirement that 12.5% of LSC grants be spent locally on private attorney involvement.

4. The Washington State Bar Association should continue its support of legal services to the poor.

It should actively encourage increased pro bono activities by its members. For example, it could increase educational efforts to emphasize the need for and the value of such activities; it could provide incentives such as free CLE courses in related subject matters; and it could give public commendation for pro bono work.

5. The Washington State Bar Association should form a task force of family law professionals to evaluate and adopt court rules and statutes that would streamline and simplify family law litigation.

The task force should create standardized forms that can easily be understood by pro se litigants and thus provide them with easier access to the courts. Alternative dispute resolution programs should also be established to remove as many aspects of family law litigation as possible.

6. The Washington State legislature should more fully take into account the effect of proposed legislation on indigent and pro se participants in the judicial system.

7. The state's law schools should continue and expand efforts to introduce law students to the practice of poverty law.

## CONCLUSION

The number of poor persons in Washington has been growing at a substantially faster rate than the general population. The efforts of legal service providers have been seriously undermined by funding reductions and constraints at the federal level. The Legal Aid Committee is greatly concerned about the negative impact this situation has had upon the quality of justice in Washington State.

This is a major problem which does not lend itself to easy solutions. It is a problem which does not fall on the shoulders of any one group. It is a societal problem that requires solutions from responsible people working together. The Washington State Bar Association, the Washington State Legislature, and the federal government must recognize the problem and be willing to commit themselves to action. Only then will there be some assurance that the poor receive equal access to justice.

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## I. INTRODUCTION

This report of the Legal Aid Committee of the Washington State Bar Association (WSBA) describes the need that poor persons in Washington have for civil legal services that they are unable to afford.<sup>1</sup> The Committee surveyed the legal resources currently available to poor people. The Committee's principle conclusion is that poor persons require civil legal representation in urgent matters to an extent far above the ability of all legal services providers to fulfill. The need is also growing. The report discusses the consequences of this state of affairs and makes recommendations.

The Legal Aid Committee is a Standing Committee of the WSBA. Its responsibilities concern "questions in the field of legal aid, with respect to (1) administration of justice as it affects indigent persons throughout the state, (2) remedial measures intended to assist indigent persons in the protection of their legal rights, (3) the establishment and efficient maintenance of legal aid organizations and (4) cooperation with other agencies, both public and private, interested in these objectives."<sup>2</sup>

Several circumstances explain both the Committee's decision to prepare this report and its timing. Since 1980, Washington State has experienced significant changes in this area. Most importantly, the level of federal funding for the state's three legal services programs funded by the Legal Services Corporation (LSC) was severely reduced in 1982. This reduction was part of an effort by the new federal administration to eliminate the programs throughout the nation. As a result, these programs, which represent the state's primary resources for indigent legal services, were cut by almost half. During this same period, the number of poor persons in the state increased significantly.

In 1983, the Washington Supreme Court instituted the state's IOLTA (Interest on Lawyer's Trust Accounts)

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<sup>1</sup> Although the WSBA has not adopted the recommendations found in this report, it has authorized the report's distribution to inform the community of the pressing needs and to encourage discussion for solutions to the problems.

<sup>2</sup> Bylaws of the Washington State Bar Association, Article VIII, § 1(f).

program.<sup>3</sup> The Legal Foundation of Washington was created to administer the program and to allocate the program's funds. The first major grants were distributed in 1986. They have partially offset the losses to the state's legal resources and have become an important source of funding for basic legal services for indigent persons in civil matters.

These developments raise issues and concerns for the legal profession, the WSBA and other persons or authorities responsible for the administration of justice in the state. The Legal Aid Committee determined that a periodic review of the subject would help assess the changing nature of the problem and sustain the interest of a responsible legal community in possible solutions. The Committee issued its first report in 1985. This report is a more detailed update of the 1985 effort.

The Committee relied on various sources of information. As in 1985, the Committee attempted to survey legal service providers and community service agencies, using a mailed questionnaire. Appendix A is a copy of the questionnaire sent to legal service providers.<sup>4</sup> It sought information describing the type and extent of legal services that the programs offered, and an assessment of the unmet legal needs of low-income persons in the program's area and the barriers to adequate legal assistance. The questionnaire also solicited recommendations. Appendix B is a copy of the questionnaire sent to community service agencies.<sup>5</sup> The Committee asked these offices to describe the services they offered and the type of client they served. The Committee also asked for a description of the significant legal needs of their clientele, an assessment of the major unmet legal needs, and the reasons for them. The Committee also sought proposals for improvement.

The Committee also reviewed other studies on the

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<sup>3</sup> This program collects the interest upon the nominal or short term deposits of clients' funds in attorneys' trust fund accounts. The bank previously retained this interest. Under the IOLTA program, it is paid to the Legal Foundation of Washington for law-related charitable purposes.

<sup>4</sup> The Committee sent the questionnaire to 38 programs or offices that it had identified as legal services providers. The Committee received 20 responses, including those indicating a very low level of services or none at all.

<sup>5</sup> The Committee sent this questionnaire to 312 community service agencies. It received 70 responses.

subject, including those from other states. The Committee enjoyed the benefit of the broad perspective and experience of its members. The Committee included urban and rural private practitioners from large and small firms, a legal services practitioner, an assistant attorney general, a city attorney, a pro bono coordinator, and a tribal attorney. The Committee also included persons experienced in the management of legal programs, including members of the Board of Directors of two of the state's LSC-funded legal service programs and the director of the regional office of a federal law enforcement agency.

The Committee is pleased to submit this report to all persons interested in the way that our legal system serves poor people in civil matters.

## II. SUMMARY

Poor residents of Washington State have compelling but substantially unmet needs for legal representation and counseling in civil matters. The availability of legal representation frequently determines whether these persons will have the essentials of living, including adequate income, housing, medical services or food. Their ability to procure a lawyer's representation can determine whether or not they can arrange the most intimate and urgent details of their families' lives, including protection from domestic violence, questions of child custody, child support and marriage and dissolution.

Washington State has a variety of providers of civil legal services. These providers have endured significant reductions in funding during the past 8 years, especially in reduced federal grants from the Legal Services Corporation. The State's resources were spared from even more debilitating losses by the institution of the IOLTA program. Even so, the providers remain overburdened and substantially incapable of fulfilling more than a fraction of the need. There are simply too many poor persons with too many legal needs for the available resources.

As a result, many persons are denied essentials that they are entitled to receive under the law. Their access to the judicial system, which alone possesses the authority to address family law questions, is effectively restricted. The public institutions and systems that serve indigent persons operate without sufficient scrutiny that the judicial system is meant to provide. In general, the quality of justice in our state is diminished by its rationing on the basis of a person's ability to pay.

These circumstances are made more complex by the disproportionate numbers of racial minorities present among the State's poor population. As a result, the questions raised by the lack of legal representation become ones, not only of justice, but of racial justice. Similar questions arise because women who head their households, and their children, as well as elderly persons, are also more likely to be poor.

The Committee's findings, conclusions and recommendations are described and discussed in detail in Parts III and IV of the report. In summary, the Committee concludes and recommends as follows:

The legal assistance programs that employ professional and full-time staff attorneys who specialize in the practice of poverty law are the most effective and efficient providers of legal services to poor persons. The three Washington programs that are primarily funded by the Legal Services Corporation are the primary providers of indigent legal services. The Legal Foundation of Washington should continue to direct the vast majority of IOLTA funding to them and to the other staffed providers of legal services. The Legal Foundation should also begin to explore additional sources of funding.

The federal government should provide adequate funding for legal services programs and eliminate regulatory barriers that prevent legal services attorneys from fully representing their clients. The Legal Services Corporation should assume a supportive role in the provision of these services. The WSBA should vigorously exercise its influence in support of these programs.

Pro bono representation by private attorneys can become an important supplementary source of indigent legal services. Pro bono efforts should be coordinated with the local legal services offices to address needs that those programs cannot fulfill. Coordination can also reduce expense and allow a complimentary sharing of expertise. IOLTA funding for pro bono efforts should not divert funding from the staffed legal services programs.

The WSBA should more actively encourage and support increased pro bono participation by its members, including the use of incentives. The WSBA can also provide necessary coordination for local pro bono projects. Serious consideration should also be given to requiring a mandatory amount of pro bono services or contribution from active attorneys.

The state's judicial processes, especially those

governing family law, should be reviewed and modified, if necessary, to eliminate unnecessary burdens placed upon indigent and pro se litigants. The state's law schools, through substantive poverty law curricula and professional career counseling, should acquaint students with the professional practice of poverty law, and encourage and prepare those who are interested.

The need for legal representation in civil matters for poor persons is suggested by their number in Washington State. This number has increased in recent years:

Year	1987	1988	1989
# of persons living below poverty level	503,300	503,300	503,300
# of persons living below 15% of poverty level	123,300	123,300	123,300
# of persons living below 15% of poverty level	550,700	550,700	550,700
# of persons living below 15% of poverty level	13.7%	13.7%	13.7%

A recent study found that 13 million in Washington with children and spouses below 15% of poverty level (total 108,000 households) grew by 31% between 1980 and 1988. This is a rate more than four times the growth of either the total

"FOUR persons" are those living below the federal government poverty guidelines. U.S. Dept. of Commerce, Bureau of Economic Census, "General Social & Economic Characteristics of Washington State Employment Security Department," Annual demographic information, July 1987, Washington State, Table 1-1, page 2. Does not include persons in institutions.

We provide the data for persons living below 15% of the federal poverty level because that is the definition used by most providers of civil legal services to determine who is eligible for their services. The income which corresponds to that level is set forth in Appendix C.

III. A SURVEY OF THE NEED THAT POOR RESIDENTS OF WASHINGTON HAVE FOR CIVIL LEGAL REPRESENTATION AND THE RESOURCES AVAILABLE TO THEM

A. The Need for Legal Representation

1. The Amount of the Need

The need for legal representation in civil matters for poor persons is suggested by their number in Washington State. This number has increased in recent years:

POOR PERSONS IN WASHINGTON <sup>6</sup>

	<u>1980</u>	<u>1987</u>
# of Persons Living Below Poverty Level	395,601	553,330
% of General Population Living Below Poverty Level	9.8%	12.2%
# of Persons Living Below 125% of Poverty Level	550,764	-
% of General Population Living Below 125% of Poverty Level	13.7%	-

A recent study found that "[f]amilies in Washington with children and incomes below 125% of poverty (about 108,000 households) grew by 31% between 1980 and 1986. This is a rate more than four times the growth of either the total

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<sup>6</sup> "Poor persons" are those living below the federal governments poverty guidelines. U.S. Dept. of Commerce, Bureau of Census, 1980 Census of Population, "General Social & Economic Characteristics, Washington"; Washington State Employment Security Department, "Annual Demographic Information, July 1987, Washington State", Table I-B, page 5. (Does not include persons in institutions.)

We provide the data for persons living below 125% of the federal poverty level because that is the definition used by most providers of civil legal services to determine who is eligible for their services. The income which corresponds to that level is set forth in Appendix C:

population or total households. Better than one of every four non-white families with children in the state had incomes below 125% of poverty,.... "7 The increased growth of the poor population is also evident from the increased number of families receiving Aid to Families with Dependent Children (AFDC). The number of single parent households receiving AFDC increased 24.1% from June 1984 to June 1988. The number of two parent households receiving AFDC increased 72.2% over the same period. These increases compare to a general population growth of 5.5% during the same period. See Appendix D. This number of persons would present a formidable demand for legal representation regardless of income level.

The range of legal problems that poor residents of Washington experience is described in the Attachment to the survey questionnaire sent to the legal service providers. That list included the following topics:

**Housing**

- Landlord-tenant
- Foreclosure
- Discrimination
- Homelessness

**Public Entitlements**

- Social Security/Supplemental Security Income
- Aid to Families with Dependent Children (AFDC)
- Food Stamps
- Unemployment Compensation

**Family Law**

- Dissolution with custody
- Dissolution without custody
- Domestic Violence
- Child Support

**Employment**

- Discrimination
- Health and Safety
- Worker's Compensation

**Health**

- Access to Health Care
- Medicare
- Medicaid
- Nursing Home

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<sup>7</sup> WASHINGTON STATE HOUSING NEEDS STUDY, Vol. I, page 48  
(Washington State Department of Community Development).



Utility Issues  
Economic Development  
Consumer/Debtor-Creditor

Issues concerning institutionalized persons, migrant workers, or Native Americans.

The Committee's survey was not designed to quantify the amount of legal assistance of various kinds that the poor population in Washington requires. Two general conclusions, however, are apparent from responses received and from other sources of information: (1) Poverty is likely to increase the frequency of people's need for legal assistance; and (2) as compared with the legal needs of the general population, the legal needs of poor persons are also more likely to involve essentials of life or other important issues of living or family.

There are several reasons why indigent persons appear to require legal assistance more frequently than other persons. First, they fully share many legal needs with others who have more resources. Family law matters are a prominent example. Everyone, poor or not, who seeks a dissolution, child custody order, child support order, or protective order must go to court.

Second, poor persons depend for many of their living essentials on government programs that provide benefits or services. Disputes concerning the denial, termination, or reduction in such income or services are legal questions by definition because they are determined by the law governing the program involved and public agencies in general. This law is frequently complex, in part because these programs are typically governed by voluminous administrative rules and regulations. As a result, the multitude of issues that arise in the lives of poor persons concerning any of these matters have a law-related origin and a law-related solution. Consequently, poor persons need lawyers more frequently than do more affluent persons.

This conclusion is supported by data recently provided to Congress by the American Bar Association. While the average person reported a fact situation that "implied legal need" 4.8 times in a lifetime<sup>8</sup>, about 20% of the 30 million poor persons in the country require the

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<sup>8</sup> Curran, THE LEGAL NEEDS OF THE PUBLIC, (American Bar Association 1977). See below at footnote 13 for data suggesting that the frequency of legal need is also higher for racial minorities and women.

assistance of a lawyer in a legal matter every year.<sup>9</sup> The ABA made the same point in its standards for civil legal services providers:

Lack of economic resources as well as dependence on public institutions and programs create a magnitude of legal problems for the poor that have been difficult to resolve.<sup>10</sup>

The number and frequency of the legal problems that affect poor persons are matched by their urgency. The ability to divorce, to obtain the custody of a child, to get protection from an abusive spouse or to recover child support can determine the objective and subjective quality of life for adults and children for years to come.

The same is true of those legal problems that are more directly associated with the poverty of the persons they afflict. The compelling nature of the governmental benefits and services upon which poor persons rely raises the stakes in any legal dispute concerning them. A dispute about AFDC eligibility, for example, can easily determine whether a family will keep or lose their apartment, what and whether they will eat, and whether they obtain medical services.

Significant portions of the indigent population, more than others, must rely on lawyers for less obvious reasons. Cultural, language and educational barriers are more likely to exist for poor persons than for others. As a result, they frequently need legal representation or

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<sup>9</sup> Statement of J. Michael McWilliams representing the ABA before the Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies of the Committee on Appropriations of the United States Senate on the subject of the FY 88 Appropriations for the Legal Services Corporation, May 13, 1987, p. 4.

The ABA data is conservative when compared to the results of other surveys of poor persons, e.g., one legal problem per poor household per year. Goodman, *THE LEGAL NEEDS OF THE POOR IN NEW JERSEY*, p. 4 (National Social Science and Law Center 1986); 3.7 legal problem per poor household per year. Pearson and Thoennes, *REPORT ON THE LEGAL NEEDS OF THE POOR IN COLORADO*, pp. 17-18. (Center for Policy Research 1985); 3.89 legal problems per poor household per year. *LEGAL NEEDS OF THE POOR IN PROVIDENCE: SELECTED FINDINGS* (National Social Science and Law Center 1980).

<sup>10</sup> ABA, *STANDARDS FOR PROVIDERS OF CIVIL LEGAL SERVICES TO THE POOR*, Introduction, p. i. (1986).

guidance for problems that other persons might be able to address alone. This is especially true where formal or even informal dispute resolution procedures exist. These barriers are also likely to prevent an indigent person from even realizing that their have a problem with a legal solution.

## 2. Some Groups of Poor Persons with Need for Specialized Legal Assistance

Significant portions of Washington's indigent population need specialized legal assistance for reasons that are worth separate mention. These needs are special either because of the peculiar vulnerability of these persons or because of the complex or specialized nature of the law governing their lives.

### a. Disabled or Mentally Ill Persons

Poor persons who are also disabled or mentally ill are frequently unable to represent themselves in any forum, however informal or hospitable it may be. Transportation difficulties alone can be troublesome. Yet, legal issues commonly govern essential aspects of a disabled person's life. Legal issues, for example, determine the availability of services from the Department of Social and Health Services for persons with developmental disabilities. The same is true of mental health or vocational rehabilitation services. Legal issues will also determine if developmentally disabled or mentally ill persons are involuntarily committed to state institutions and, while there, whether they are forced to submit to highly intrusive forms of treatment.

### b. Institutionalized Persons

Washington State has a large number of persons in its institutions, including adult prisons, juvenile institutions, institutions for developmentally disabled persons, nursing homes and psychiatric institutions. These persons have enormous civil legal needs. They rely on their custodians for nearly all aspects of their lives. The institutions' adequate fulfillment of this obligation, especially as it relates to safety and treatment, is emphatically a legal issue. These legal needs are made more compelling by the inadequate or abusive conditions that have prevailed at many institutions of these types, including those in this state. The remedies for those problems have often been compelled by legal action and the necessary representatives for the institutionalized persons have been lawyers.

### c. Migrant Workers

Migrant workers face unique legal problems arising from their unique employment status. Specialized laws govern the various aspects of their lives and working relationships. For example, specialized laws govern wage claims, field sanitation standards, and contractor registration. Language and cultural barriers are more likely to confront migrant workers. It is essential that programs serving this population employ bi-lingual attorneys to overcome these barriers.

### d. Native Americans

The Native American population of Washington has special legal needs arising from the status of tribal governments. Most prominent among these are issues governing treaty rights, tribal organization and tribal jurisdiction. Effective legal representation in these matters is critical to the economic and cultural survival of this population.

Both urban and reservation residents of this population also suffer from the lack of legal representation caused by cultural barriers. Native Americans are reluctant to seek assistance from programs and agencies that are not identified with the Indian community. The only way their legal needs can begin to be met is with the funding and placement of legal service programs directly within these community.

## 3. Legal Needs, Race, Sex and Age

Racial minority groups in Washington are disproportionately represented in the population of poor residents. As the numbers below show, only about 9% of the state's white population is poor. In contrast, 15% to 25% of each of the four primary racial minorities fall within the poverty guidelines:

POVERTY AMONG RACIAL MINORITIES<sup>11</sup>

	<u>White</u>	<u>Black</u>	<u>Hisp.</u>	<u>Asian/ Pac.</u>	<u>Nat. Amer.</u>
% of Total Population	90.4%	2.5%	2.9%	1.5%	2.5%
% of Poverty Population	82.9%	5.1%	6.6%	4.1%	3.9%
% of Racial Group in Poverty	8.9%	20.9%	22.4%	15.1%	24.8%

Women also appear in disproportionate numbers among the poor population. According to the 1980 census, while families headed by women alone constituted 11.3% of Washington families, they represented 44.3% of all families living in poverty.<sup>12</sup> The children of these families are also poor.

These rudimentary numbers mean that racial minorities and households headed by women are more likely than their white or two-parent counterparts to face the legal needs that characterize poor persons.<sup>13</sup> Persons over 65 years of age also constitute about 12% of the Washington population living in poverty.<sup>14</sup>

4. Attorneys Make a Positive Difference

A lawyer's assistance would benefit poor persons for the same reason that people who can afford to hire an

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<sup>11</sup> 1980 Census of Population, U.S. Department of Commerce, Bureau of Census, "General Social & Economic Characteristics, Washington", Tables, 57, 62, 72, 82 and 104.

<sup>12</sup> Id.

<sup>13</sup> While our study was not designed to determine if racial minorities and women, per capita, have more frequent legal needs than white persons and males, studies from other states have concluded that they do. E.g., Goodman, THE LEGAL NEEDS OF THE POOR IN NEW JERSEY, pps. 23-24 (National Social Science and Law Center 1986)(47.3% of black households have four or more legal problems per year, compared with 14% of white households.)

<sup>14</sup> Persons over 65 years old constituted 11.6% of the state's 1980 population. See footnote 8, supra.

attorney do so. The Committee attempted to confirm the effectiveness of legal representation by comparing the success rates of represented and pro se appellants who contest agency decisions in administrative hearings. While the Committee's survey was not comprehensive, it supports the general conclusion that persons represented by an attorney have a substantially greater rate of success over pro se appellants, measured either by the award of benefits or the reversal of a prior adverse administrative decision. This was true in proceedings before the Department of Social and Health Services and the Social Security Administration. See Appendix E.

#### 5. The Need for Poverty Law Specialists

Some legal needs of poor persons concern areas of legal practice familiar to many private practitioners. Prominent examples are family law matters and private landlord-tenant disputes.

Other legal needs require attorneys who specialize in the particular areas of poverty law. This is necessary for two main reasons. First, the competent and efficient practice of poverty law requires specialization. The subject matters are sufficiently complex to discourage the casual practitioner. This is the case, for example, with the law governing the AFDC program, Social Security/Supplemental Security Income, Medicaid, Medicare, Food Stamp Program, and the various subsidized housing programs, such as Section 8 Existing or the Section 221(d)(3) Below Market Interest Rate Program. All three LSC-funded legal services programs assign areas of specialization to attorneys.

The need and value of this specialization is evident from the fact that the well developed case law governing the variety of poverty law topics results largely from litigation brought by legal services attorneys around the country.

A private practitioner cannot reasonably be expected to acquire a sufficient competence in these areas for pro bono purposes.

Second, poverty law specialists are necessary to acquire an acquaintance with the needs of the indigent community and perceive its long range interests. Advocacy in the variety of judicial and legislative forums should be conducted with those interests in mind. Attorneys can acquire this perspective only by concentrating on poverty law.

The need that poor persons have for legal representation in both specialized and non-specialized areas suggests many opportunities for efficient collaboration between the private bar and staffed legal services offices. In King County, for example, the office of Evergreen Legal Services restricts most of its housing law work to subsidized housing cases. It refers private landlord-tenant cases to Preston, Thorgrimson, Ellis & Holman whose attorneys represent tenants on a pro bono basis.

## **B. Available Legal Services for Poor Persons**

There are a variety of direct legal service providers and resources in the State of Washington. These programs range from the three main LSC-funded programs that provide most of the indigent representation, to smaller and more specialized programs that also use staff attorneys, to pro se dissolution clinics and pro bono panels. The Committee surveyed providers of all types to determine the scope and availability of services.

Any survey or assessment of a legal services provider must first determine what is meant by a case or a client served. It can range from direct representation through trial and appeal to telephone advice or distribution of pro se materials. The Committee's survey was not able to provide a clear picture of the amount of legal services being provided. The various providers differed in the kind of data they collect. Comparisons or compiling an aggregate of data was difficult. While the larger programs collect a significant amount of information, the smaller programs do not. At the most, we can identify the providers and note the types of services and approaches used in the State.

The main providers are the three LSC-funded programs: Evergreen Legal Services (serving 31 counties); Puget Sound Legal Assistance Foundation (serving 3 counties) and Spokane Legal Services (serving 5 counties). Together, these 3 legal services programs currently employ 87 Full Time Equivalent (FTE) attorneys and 18 FTE paralegals. They receive funds from the Legal Services Corporation and smaller amounts of funds from other sources.

The three LSC-funded programs provide a range of civil legal services to persons below 125% of the poverty line. In addition, Evergreen Legal Services also has specialty offices serving discrete groups of indigent persons: its Native American Project represents small tribes; its Farm Worker Division represents farm workers; its Institutional Legal Services Project represents per-

sons incarcerated in adult prisons, juvenile institutions and psychiatric facilities. Spokane Legal Services also provides services to persons incarcerated at Eastern State Hospital, Medical Lake, WA.

Another 5 smaller programs, also employing staff attorneys and paralegals, bring the state total of staff legal advocates to 103.4 FTE staff attorneys and 23 FTE paralegals: Legal Action Center in Seattle, operated by Catholic Community Services; Disabilities Law Project, Seattle; Hispanic Immigration Program; Washington State Protection and Advocacy System, representing persons with developmental disabilities and persons incarcerated in psychiatric institutions; the Unemployment Law Project, representing persons in unemployment compensation cases. Gonzaga University Law School and University of Puget Sound Clinical Law Program also have legal aid programs that represent clients as part of clinical instruction for students.

The other sources of legal services for indigent persons in the state are the various pro bono programs associated with local bar organizations or community groups. Our survey was not able to provide a good indication of how active many of these programs are, how many persons they have served, and whether the service was direct representation or consultation.

Some pro bono programs are quite active. For example, the Benton-Franklin County Bar Association's Legal Aid Program enjoys the participation of 89% of the local bar.<sup>15</sup> Pro bono programs are just being started in several other counties.

In addition to these programs, Washington State has a number of pro bono programs that specialize in a certain kind of representation, some more directly related to the legal needs of indigent persons than others, including the American Civil Liberties Union of Washington, the National Lawyers' Guild of Seattle, and the Washington Volunteer Lawyers for the Arts.

There are also a number of legal assistance programs that do not rely directly on attorney representation or advic. E.g. The Tenants' Union, and the Fremont Public Association. There are also mediation services and numerous credit counselling services.

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<sup>15</sup> 1987 WSBA Report on Pro Bono Services, p. 12. (Washington State Bar Association).



The past 8 years have been a time of significant change for providers of legal services. Two changes stand out: the severe reduction in federal funding for the legal services programs, and the initiation of Washington's IOLTA program. The federal government's support of legal services through the Legal Services Corporation was cut drastically. After sustained support throughout the 1970s, the new administration in 1981 resolved to eliminate the program entirely.

The LSC-funded legal services programs survived because of strong public support, notably by the American Bar Association and state bar associations. The ABA, for example, has made the preservation of the legal services programs its legislative priority throughout this time period.

While the Legal Services Corporation was not eliminated, its funding was cut by 25% in 1982. Current funding is lower than 1981 levels, even without accounting for inflation. As a result, our state's three LSC-funded programs reduced services accordingly, going from a total of 105 attorneys in 1980 to 59 attorneys in 1983. Evergreen Legal Services closed offices in Everett, Port Angeles, Vancouver, the Tri-Cities, Clarkston, Ellensburg, Mt. Vernon, Walla Walla and Bremerton.

After this period, Washington instituted its IOLTA program. Created by the Washington Supreme Court in 1983, the program is administered by the Legal Foundation of Washington.

The Legal Foundation's Board of Trustees has established criteria for issuing grants in eligible program areas as follows:

1. Civil legal services for the poor.
2. Pro bono and/or private bar representation for the indigent.
3. Law-related educational programs for persons or law-related education programs that will have broad positive impact upon the legal problems of the poor.
4. Alternative dispute resolution programs.
5. Discretionary funds to be disbursed in emergency situations by the Board to assist organizations or community groups with unexpected need and to enable them to continue law-related educational or charitable services.

In 1988, the Legal Foundation dispensed \$ 2,586,812. Approximately 91% of the funds have gone to programs providing civil legal services. This included \$ 196,000 to organized pro-bono activities in ten counties of the state, \$ 23,500 to develop volunteer lawyer programs in five additional counties, and \$ 1,705,502, or 66%, to the three Legal Services programs in the state. At the same time, the Legal Foundation has spent only 6% of its annual income on its own administration.

These funds have had a major positive effect on indigent legal services in the state. They show an efficient and thoughtful administration of the program by the Legal Foundation. This effect is particularly pronounced in the increased level of services from the legal services programs. With the help of IOLTA, the staffing levels of the three programs have approached the 1980 levels:

ATTORNEY/PARALEGAL STAFF LEVELS

	<u>1980</u>	<u>1983</u>	<u>1988</u>
Evergreen Legal Services	76/13	43/9	68/9
Puget Sound Legal Found.	14/5	11/0	13/3.25
Spokane Legal Services	15/0	5/4	6/5.75
TOTAL	105/18	59/13	87/18

Similarly, the number of cases handled in 1987 by each of these program is, respectively, 76%, 84% and 76% of the numbers handled in 1980. In addition, the IOLTA funds have enabled Evergreen Legal Services to reopen its office in both Everett and Vancouver.

Since 1985, IOLTA has become a major source of funding upon which the three LSC-funded legal services programs have come to rely for their provision of basic services. IOLTA constitutes 24% of Evergreen Legal Services's budget, 30% of Spokane Legal Services' budget and 26% of the budget of Puget Sound Legal Assistance Foundation. Many of the other providers also rely heavily on IOLTA funds.

IOLTA will clearly remain a vital source of funds for indigent legal assistance. The prospects of increased funding from the Legal Services Corporation remain uncertain.

Among the providers of all types in the state, some particular strengths and innovative approaches deserve mention:

(1) The state's three LSC-funded legal services programs, as well as the other staffed programs, represent an invaluable aggregate of expertise in poverty law. The various staff includes practitioners with more than 15 years experience in poverty law practice, as well as attorneys and other staff with advanced degrees in tax law, hospital administration, public administration and planning. Washington's programs enjoy a national reputation for the high quality of their work.

The programs are well established and enjoy a productive relationship with local and state governments. Their attorneys and staff serve on a variety of administrative, executive and legislative committees or advisory bodies, such as the Washington State Hospital Commission and the Governor's Task Force on Child Support.

Within the limits of their resources, these programs provide effective and vigorous legal representation of Washington's poor persons.

(2) The three LSC-funded programs collaborate extensively on efforts to address issues of state wide importance and pool scarce resources to reduce duplication of effort.

(3) A number of programs have created varying kinds of self-help programs for family law litigants.<sup>16</sup>

(4) Evergreen Legal Services and other programs use bi-lingual staff and materials as necessary to serve non-English speaking clients. The Disabilities Law Clinic uses telecommunication devices for deaf clients.

(5) Many programs have well established relationships with community agencies and client organizations to insure that the attorneys are acquainted with client issues and that clients are effectively referred.

(6) Many programs have developed pro se packets or

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<sup>16</sup> The Committee is aware of self-help programs of varying kinds for family law matters created by the Skagit County Community Action Program in collaboration with the Skagit County Bar Association and Evergreen Legal Services, Seattle-King County Bar Association in collaboration with Evergreen Legal Service's office in King County, Spokane Legal Services in collaboration with the Spokane Bar Association, Whatcom County Volunteer Lawyer Program, and Snohomish County Legal Services. These programs offer varying levels of attorney or paralegal advice. Whatcom County's program also offers a volunteer family mediator.

a variety of informational materials for clients.

(7) Legal services offices in Spokane, Vancouver and Olympia coordinate referral and screening efforts with local pro bono programs. Evergreen's Private Attorney Involvement program coordinates the efforts of private attorneys, and provides them with training on poverty law topics.

(8) The Seattle-King County Bar Association is starting a mentor program in family law.

(9) The Whatcom County Volunteer Lawyer Program has organized the donation of services from other court professionals, e.g., process servers and court reporters, enabling pro bono attorneys to take cases to trial. The Benton-Franklin Legal Aid Society (pro bono referral) uses free delivery by the local legal messenger firms.

(10) Some private firms in the state have approached their pro bono commitment from a firm-wide perspective. Public interest legal work is organized, actively encouraged and considered a positive contribution to the firm. The Seattle firm of Lane, Powell, Moss & Miller, for example, has made a substantial commitment of firm resources to take cases screened by and referred from Evergreen Legal Services. The firm takes approximately 150 cases each year. This effort is in addition to the firms other organized pro bono activities.

The law firm of Preston, Thorgrimson, Ellis & Holman, also in Seattle, differs in approach in that it specializes in private housing cases to enable its attorneys to acquire the expertise that the practice requires.

(11) Evergreen Legal Services has developed a successful program to refer SSI cases to private practitioners.

### C. The Unmet Legal Needs of Poor Persons and Some Conclusions

Based upon the responses received from social service agencies and legal services providers, as well as the experience of others, the Committee has reached some conclusions about the unmet civil legal needs of Washington's poor.

(1). At present funding levels, the resources of the providers of legal services in this state are not able to meet the demand for their services. They simply do not

have the resources. Potential clients are, on a regular basis and in large numbers, being denied legal representation, frequently on urgent legal matters. Providers cannot advertise their availability without being swamped with an even greater demand. Some social service agencies have stopped referring clients to legal services offices.

It was not possible for the Committee to quantify this unfulfilled need other than to note the unanimity of the opinion that it is very large. A recent professional survey conducted in Massachusetts concluded that "less than 15% of the total legal needs of the poor are currently being met".<sup>17</sup> The Committee would be surprised if a similar study did not reach the same conclusion about Washington.

(2). Family law problems, including dissolution, child custody, protective orders, and child support and child support enforcement continue to be regarded as the greatest unmet need of indigent clients. This is also represents the category of cases in which the most clients are turned away by providers.

If available at all, the legal services programs are forced to restrict their attention to only the most urgent cases -- those involving domestic violence or custody. Many counties are completely without any family law services.

Although this is one area of law that is within the expertise of most private practitioners to handle, it is difficult to find pro bono attorneys willing to do so. The Report of the 1988 Pro Bono Task Force explains why this is the case and why it will likely remain the case for the foreseeable future.<sup>18</sup>

The prominence of family law among reported unmet legal needs of the poor, however, may hide other areas of equal need that a different survey effort could identify. The indigent population can readily identify a family

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<sup>17</sup> Massachusetts Legal Services Plan for Action, page 109 (Mass. Legal Services Corporation 1987)

<sup>18</sup> Among other reasons, the Pro Bono Task Force notes that family law is one of the areas of the law with the highest rate of dissatisfied clients and unpaid legal bills, family law is an emotionally draining practice of ever-increasing complexity, and many family law issues require expensive professional services. Report of the 1988 Pro Bono Task Force, p.7.

problem as a legal one and seek assistance. This should come as no surprise in as much as 27% of the general non-indigent population has been a party to a legal proceeding related to divorce or child support.<sup>19</sup> The Committee's own survey might have invited an over-representation of family law problems because it was sent to a large number of shelters and services for victims of domestic violence. There is a whole range of unrecognized legal problems of the poor.<sup>20</sup> We are not in position to propose any specific priority of need by subject matter.

(3). Poor people may tend to view the judicial system as hostile. This is suggested as well by the recent survey of public opinion about the judicial system conducted for the Office of the Administrator for the Courts. The survey found that "[r]esidents tend to disagree poor people and wealthy people are treated equally which was also evident in focus group discussions."(sic).<sup>21</sup> The report also listed the "treatment of poor people vs. wealthy people" as a "key area" of concern.<sup>22</sup>

(4). The judicial system is not fashioned or equipped to accommodate the number of pro se litigants. Its procedures presume that litigants are represented by counsel when they are not. This is especially true of family law cases.

(5). There is general ignorance about the availability of legal services providers and alternative resources beyond those of the three major legal services programs. The social services agencies suffer from a lack of information about the existence of programs' eligibility requirements, as well as the restrictions imposed upon all programs by the shortage of resources and the

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<sup>19</sup> Washington State Judicial Survey, page 12 (Office of the Administrator for the Courts 1988).

<sup>20</sup> A study of legal needs in Massachusetts, for example, found that, while the most numerous type of problem recognized by the client as a legal problem related to family law, housing legal problems become more numerous if unrecognized problems were included. MASSACHUSETTS LEGAL SERVICES PLAN FOR ACTION 36, 53 (Mass. Legal Assistance Corporation 1987); See Also, The Legal Needs of the Poor in New Jersey 26-29 (National Social Science and Law Center 1986).

<sup>21</sup> Washington State Judicial Survey page 10 (Office of the Administrator of the Courts 1988).

<sup>22</sup> Id. at 11.

need to identify priorities. Legal service providers sometimes lack information about available social service agencies.

(6). In rural areas, poor persons lack access to legal services in part because they lack transportation. In some rural areas, the legal services programs cannot recruit enough private attorneys for the Private Bar Involvement program, requiring staff attorneys from urban areas to address the problem at greater cost and less effectiveness.

(7). Private attorneys are not always able to render legal services in poverty law areas in which they do not normally practice. Social service agencies, for example, complain of improper legal advice rendered to the elderly concerning Medicaid, transfer of assets, and other public assistance program issues.

(8). Cultural, language and educational barriers prevent many poor persons from seeking and obtaining necessary legal services.

(9). The disproportionate numbers of racial minorities in the state's indigent population may diminish the ability or perceived ability of the judicial system to administer justice without regard to race. The Committee notes that the Office of the Administrator for the Courts has convened a Minority and Justice Task Force to examine the treatment of minorities in the state's judicial system.

(10). Legal advocacy and judicial review serves the vital public purpose of enforcing the law that governs the lives of the residents. Judicial scrutiny of any number of practices or institutions has frequently been the only remedy for illegalities or abuse. Both federal and state legislative bodies, as well as our constitutions, contemplate the availability of the private cause of action to enforce the law and deter violations.

Yet, the inability of indigent residents of the state to procure legal representation means that expansive practices and institutions that seriously affect their lives operate without effective review. This defeats the purposes of laws which go unenforced. It hurts the intended beneficiaries of those laws.

(11). The lack of legal representation or the restrictions on the ability of legal services lawyers to advocate in legislative forums disenfranchises poor persons on matters that affect them. This problem also de-

prives legislators of representative views and technical expertise on matters that they must address.

(12). The inability of indigent residents to gain access to the courts deprives them of this unique forum that the judiciary offers. There are few other places where a person is assured the quiet opportunity to be heard, where he or she can confront an opposing party, and where the decision maker is obliged both to answer and to give a reason for an answer. In these ways, the judiciary is a very special place.

Access to this unique forum may be especially important for poor persons. They cannot compete in legislative or executive forums where they are effectively disenfranchised by their poverty, their different cultural backgrounds, their educational limitations or their disabilities.



#### IV. RECOMMENDATIONS

The Committee recommends or supports the following actions.

1. The Legal Foundation should continue to spend the vast majority of IOLTA funds on programs providing direct legal services to the poor.

DISCUSSION: The Committee's principle conclusion is that Washington's indigent population continues to need civil legal services to address important, often urgent concerns, and that this need far exceeds the ability of the existing providers to fulfill. While improving law-related education and alternative dispute resolution are laudatory goals, the Committee believes that limited funds and pressing unmet legal needs require that these goals remain relatively low IOLTA priorities.

2. The Legal Foundation should continue to grant most of the IOLTA funds allocated to direct providers to the state's three LSC-funded legal services programs.

DISCUSSION: Staffed programs with poverty law specialists have long been recognized to provide the most consistent level of high quality legal services. These programs possess the necessary expertise in poverty law and the acquaintance and perspective necessary for effective and efficient advocacy. The efficiencies offered by these programs and their experience are especially important when funds are so scarce.

Washington's three LSC-funded legal services programs are the primary providers of legal representation to poor persons. All three programs have used IOLTA money to partially recoup losses of Legal Service funding and have restored the level of their basic services. These programs must be able to rely on predictable IOLTA funding levels to do necessary planning, particularly regarding which offices to keep open.

3. The Legal Foundation should allocate IOLTA funds to non-legal service funded providers so as to complement the services offered by the three LSC-funded programs and fill service gaps that the legal services programs cannot address.

4. The Legal Foundation should continue its present rate of IOLTA funding for pro bono representation, especially funds necessary to start new projects. This use of funds should not divert any funding from the staffed

**legal service providers.**

**DISCUSSION:** Washington is enjoying an apparent increased interest in pro bono activities, as evidenced by the recent attention the WSBA has given the matter and by the newly forming local pro bono projects. Support for effective pro bono programs is an appropriate use of IOLTA money. As discussed below, pro bono activities should also be supported by funding from the bar associations, both state and local. Pro bono activities should supplement existing legal service providers and should not diminish them by consuming IOLTA resources that they require.

**5. The Legal Foundation should explore additional sources of funding.**

**DISCUSSION:** This report has already noted the extent of the unmet need for indigent legal services. Any additional resources would be helpful. Moreover, recent changes in bank technology affecting the calculation and handling of interest may someday diminish the IOLTA funds. Although this does not appear to be imminent, the Committee believes it would be prudent to explore possible additional funding sources before the problem arises.

Other states may provide some useful models. Massachusetts, for example, raises funds by adding a \$ 10 surcharge on all filing fees.

The WSBA should consider forming a task force to investigate new sources of funding for legal services for the poor.

**6. The Legal Services Corporation should adequately fund legal services programs, including those in this state.**

a. Federal funding, at a minimum, should meet the American Bar Association's minimum standard of two lawyers for every 10,000 poor persons or the National Legal Aid and Defender Association's recommendation of \$ 15.75 per poor person per year.

b. Adequate funding should be provided for the national legal services support centers.

c. Funding for the representation of Native Americans and migrant workers should be continued and increased to adequate levels.

d. Regulatory barriers that prevent legal services lawyers from using all available means to re-

present poor people, including but not limited to, representation of clients before legislative and administrative bodies and in class action litigation, should be removed in order to provide adequate representation of all poor people.

e. Legal services programs should continue to integrate the private bar into the provision of legal services to poor people, but the regulatory requirement that programs spend 12.5% of their Legal Services Corporation allocation on private attorney involvement should be eliminated, or at least decreased.

f. The Legal Services Corporation should assume a positive, constructive role in the provision of legal services to the poor.

DISCUSSION: The three LSC funded programs will remain the primary providers of services to poor persons in the state. Poverty law is a specialized area. Along with the smaller staffed projects, the three LSC-funded programs have the most expertise and are the most efficient at providing legal services to the poor.

It is clear that the federal government will remain the primary source of funding for legal services. The present level of LSC funding in Washington is \$ 8.50 - \$ 8.75 per poor person per year, depending upon location. That is approximately one-half the minimum recommendations of the NLADA and ABA. Clearly, the funding is inadequate.

Adequate funding of the national legal service support centers is important because they provide important and necessary technical assistance required by advocates for poor persons. The services that they provide concern areas of the law that simply are not addressed by any other segment of the bar.

The funding that is provided for legal services for poor people should not be restricted in its use. Advocates for poor people should have all forums available to them. The Rules of Professional Conduct require lawyers to exercise independent professional judgment. Lawyers funded by the Legal Services Corporation should not be impeded in their representation of poor people by regulations which impede the exercise of such judgment. They should be free to represent and advocate, using whatever means, that, in their judgment, is appropriate.

The funding restriction requiring that 12.5% of LSC funds be spent on private attorney involvement should be eliminated because it is an inefficient and counter-

productive use of such funds. Private bar involvement in the provision of legal services to the poor is desirable. However, each local Legal Services program should have the opportunity to determine how it will involve the private bar in the most cost-effective and productive way under the specific circumstances. Requiring that 12.5% of the funds be spent in a particular manner encourages wasting of those scarce funds as programs are often compelled to create schemes to spend the money. In addition, the cost of administration and enforcement of the requirement is charged to the percentage itself. Such costs are substantial since there is no proven, simple way of involving the private bar in the provision of such services. Thus, the resources are diverted from the most cost effective way to provide legal services to the poor, namely the staff attorney model.

The restrictions proposed and imposed on LSC funds in recent years have been part of an effort by a hostile federal administration, contrary to strong Bar support, to destroy the Legal Services programs. The Committee urges the Legal Services Corporation to undertake, instead, a more constructive role in the program.

7. The WSBA should vigorously express its support for adequate federal funding for legal services programs, as above described, to the Legal Service Corporation, to the appropriate members of Congress, and to the President.

8. The State should adequately fund civil legal services for persons committed to its institutions and should remove restrictions on such services that impede an attorney from fully representing clients in cases that involve challenges to state policies and practices. The WSBA should assert its influence with the State to address this problem. The WSBA's Committee on Corrections should examine this problem in detail as it relates to institutions within its assigned area.

DISCUSSION: The state has a constitutional obligation to provide an access to courts to persons committed to its adult prisons, juvenile institutions, and psychiatric facilities. The state fulfills this obligation by contracting with attorneys to provide representation.

The State's level of services falls way below adequate levels for minimum access.

The State should not restrict the scope of the attorney's representation in order to shield institutional practices or conditions from legal challenge. Such restrictions foil the most important purposes that the legal

representation is intended to fulfill. Furthermore, restrictions can also violate an attorney's obligations to the clients.

9. The WSBA should actively encourage increased pro bono activities by its members on behalf of indigent persons. The WSBA should consider the following efforts:

a. increase educational efforts to emphasize the need for and value of such activities;

b. provide incentives, such as free CLE courses in related subject matters;

c. explore ways to provide pro bono practitioners with necessary malpractice coverage;

d. public commendation for pro bono work;

e. fully support its newly appointed Pro Bono Coordinator, including payment of salary and other expenses using WSBA funds. The WSBA should not request IOLTA funds for this purpose.

f. give serious consideration to requiring a minimum amount of pro bono services from attorneys as a condition of retaining an active license.

DISCUSSION: In general, the Committee supports the recommendations of the Report of the 1988 Pro Bono Task Force.

The Pro Bono Task Force and Washington's Network of Pro Bono Coordinators recommended that the WSBA's Pro Bono Coordinator be a full time position. The Committee notes that only 60% of the position created, apparently, is to be devoted to pro bono activities. The WSBA should be prepared to increase the pro bono activities of the position to full time, if necessary.

Additionally, the WSBA should fully fund this position with its own funds. The Committee notes that the WSBA is seeking IOLTA funds for the position. The Committee believes that this would be an inappropriate use of IOLTA funds. IOLTA funds should not be diverted from their primary purpose of funding direct legal services.

Careful thought is needed regarding the many difficult issues that a mandatory pro bono program would raise. The increasing extent of the unmet need for indigent legal services, however, unavoidably provokes a

profession such as ours to consider the question seriously.

Mandatory pro bono would increase the extent and distribution of available assistance to poor persons. It would spread the burden of service and reflect the commitment of the bar to providing services to all persons, regardless of their income levels. Some practical issues to be addressed include the definition of pro bono services, insuring the quality of services, especially if reluctantly provided, and the effect that the requirement would have on attorneys who presently participate voluntarily.

Mandatory pro bono services for indigents can take several forms. One approach would be to use state or local bar association funds, which represent the contribution of members, for the expenses of administering the pro bono programs.

10. Legal services programs and pro bono organizations should continue or increase coordination of services.

**DISCUSSION:** The Committee found many advantages and opportunities for coordination between pro bono programs and the staffed legal services programs. Our state also provides many successful examples.

In counties with established legal services offices, the pro bono programs could be administered out of the legal services offices to reduce duplication of administrative costs, and to insure complementary services. Some private bar pro bono referral programs are already administered from legal services offices. Two larger programs which operate in that way are the Vancouver and the Olympia programs. This arrangement allows the pro bono program to share established screening procedures and existing physical resources. For counties just implementing a private bar program, start-up costs could be greatly reduced. Collaboration might also make recruitment easier for those pro bono attorneys who would benefit from the substantive expertise in poverty law areas that the legal services programs could offer.

Several large bar associations, such as Spokane and Seattle-King County, administer programs that are physically separate from the legal services providers. This model seems to work well where there are large numbers of cases in areas not handled by the legal services offices and where specialty cases, such as public benefits, are primarily handled by the legal services staff.

There are also examples of successful collaboration between individual private firms and the local legal services office or other community agency. In these arrangements, the legal services office or other agency could screen and refer cases for the firm.

11. The WSBA should form a task force of experienced family law practitioners, judges, court commissioners, mental health professionals, educators and social workers to recommend to the Supreme Court the adoption of court rules, and to the legislature the adoption of statutes for the following purposes:

a. to streamline and simplify family law litigation procedures, especially to consider changes that would better accommodate pro se family law litigants;

b. to create uniform court forms with directions that are easily understood by people of limited education and legal sophistication;

c. to establish alternative dispute resolution programs to remove as many aspects of family law litigation out of the court system as possible.

12. The WSBA should recommend to the Supreme Court the adoption of court rules to make in forma pauperis procedures more uniform in the state and easier for pro se litigants to use.

13. The Washington State legislature should more fully take into account the effect of pending legislation on indigent and pro se participants in the judicial system. The WSBA should use its legislative influence on an ongoing basis to further this goal.

DISCUSSION: The Committee received numerous comments, for example, that the new Parenting Act has worsened the situation for pro se litigants. It has also increased the expense of family law representation generally and thus confined its availability to an even narrower group of person. The Committee is not able to assess how much of this effect will subside once the new law becomes familiar.

To the extent that the law has made family law procedures more complex, it may be a refinement of the law, however meritorious, for a smaller and smaller group of persons at the expense of making the entire body of family law inaccessible to a larger and larger group of people who cannot afford a lawyer.

14. The WSBA should take an active role in increasing the number and scope of "self-help plus" programs to assist pro se litigants in judicial and administrative procedures, especially family law.

15. The WSBA should prepare, circulate, and update regularly, an inventory of the following:

a. all providers of legal services to poor persons, with a description of services, resources, eligibility criteria and other information that would be useful for referral or coordination purposes; and,

b. the various innovative techniques used in the state for the provision of indigent legal services, especially methods of collaboration between providers.

DISCUSSION: The Committee received many responses from both legal services providers and community service agencies indicating a need for these directories. It is also apparent that many providers in the state are trying new or creative approaches. Others could benefit from these many fine examples.

16. The Minority and Justice Task Force of the Office of the Administrator for the Courts should examine the relationship between the lack of indigent legal services and the actual or perceived unfair treatment that racial minorities receive in the state's judicial system.

17. Legal service providers should collaborate to adopt a uniform method, if possible, to compile data describing the type and quantity of both services they provide and requests for services they are unable to fulfill.

18. The Committee also supports the recommendations of the fine Report of the 1988 Pro Bono Task Force. In particular, the Committee accepts the Report's proposal that the Legal Aid Committee be charged with responsibility for furthering the stated goals within the Bar.

19. The state's law schools should continue and expand efforts to introduce law students to the practice of poverty law, including substantive poverty law curricula and career guidance.





APPENDICES



Return to: Michael Mirra  
401 2d Ave South  
Suite 401  
Seattle, WA 98104  
(206) 464-1422

1988 SURVEY OF CIVIL LEGAL SERVICES FOR INDIGENT PERSONS IN WASHINGTON STATE  
Questionnaire for Legal Service Providers

Legal Aid Committee  
Washington State Bar Association

I. INTRODUCTORY INFORMATION

- A. Name and Address of Program: \_\_\_\_\_  
\_\_\_\_\_
- B. Telephone Number: \_\_\_\_\_
- C. Name of Director: \_\_\_\_\_
- D. Name of Person Providing Information: \_\_\_\_\_

II. DESCRIPTION OF THE PROGRAM'S SERVICES AND CLIENTELE

- A. Please briefly describe the services that the program provides: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Staffing.

	<u>FTE</u>	<u>Total Number of Persons</u>
1. Attorneys	_____	_____
2. Paralegals	_____	_____
3. Support Services	_____	_____
4. Other: _____	_____	_____

C. Funding

<u>Present Sources of Funding</u>	<u>1988 Funding Amounts</u>	<u>Restrictions on Use of Funds</u>	<u>Prospects for Future Funding</u> (Certain/Uncertain/None)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

D. Location of Service Offices and Office Business Hours

<u>Addresses of Service Offices</u>	<u>Offices Business Hours</u>
_____	_____
_____	_____
_____	_____
_____	_____

E. Description of Clientele

1. Does your program have client eligibility standards? Yes/No

If yes, please attach or describe: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. What geographic areas does your program serve? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. How many clients do you serve, on an average, each month? \_\_\_\_\_

4. Please indicate the percentages of your clientele that actually receives services that fall into the following race, age, and sex categories:

White	Black	Hispanic	Asian	Nat. Am.	Under 18	18 - 59	Over 59	Female	Male

F. Method of Service Delivery

1. Please estimate the % of your clients served by each of the following service delivery methods:

- a. Direct Client Representation (pro bono programs should include their referrals to pro bono attorneys) \_\_\_\_\_ %
- b. Phone Information or Advice \_\_\_\_\_ %
- c. Office Information or Advice \_\_\_\_\_ %
- d. Informational or Educational Presentations \_\_\_\_\_ %
- e. Other: \_\_\_\_\_ %  
\_\_\_\_\_ %

2. Please describe any service delivery techniques that has increased your program's ability to deliver services. (E.g., self-help programs, use of telephones, coordination with other providers.)

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G. Type of Cases Accepted and Not Accepted

1. Please list the types of cases, by subject matter, that your program handles:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. As your records allow, please fill out the attached chart indicating the assortment of cases by subject matter that your program handles.

3. Please list below the types of cases by subject matter that your program does not accept, and the program's reasons for not accepting cases of these types.

Type of Cases Not Accepted

Reasons for Not Accepting Case Types

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

H. Referrals

1. Are persons whom your program cannot represent regularly referred to another provider of legal services? Yes/No.

2. If your program makes regular referrals, please identify below the places or organizations or offices to whom persons are referred, the type of cases referred and the approximate number of referrals made in 1987:

<u>Organization or Office</u>	<u>Type of Case</u>	<u>Number of Referrals in 1987</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

III. UNFULFILLED LEGAL NEEDS OF LOW-INCOME PERSONS

A. Please list the types of request from eligible persons that your program receives most frequently that your program does not fulfill for any reason unrelated to the merits of the cases. Also estimate the number of each type of request your program receives each month and the main reason for declining each request type:

<u>Type of Unfulfilled Request</u>	<u>Estimated #/Month</u>	<u>Reason For Declining</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Please estimate the total number of eligible persons who requested legal representation from your program in 1987 and whom your program was unable to represent for reasons unrelated to the merit of the cases: \_\_\_\_\_

C. In your opinion, what are the prominent unfulfilled legal needs of low-income persons in your area?

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IV. BARRIERS TO LEGAL REPRESENTATION OR ACCESS TO COURTS

A. Please assess the significance that the following factors may have in the ability or inability of low-income persons or their organizations in your area to receive needed legal representation or gain needed access to courts:

	<u>Significant</u>	<u>Moderately Significant</u>	<u>Not Significant</u>
Insufficient Income to Purchase Legal Assistance	_____	_____	_____
Lack of Transportation	_____	_____	_____
Illiteracy	_____	_____	_____
Language Barriers	_____	_____	_____
Cultural Barriers	_____	_____	_____
Insufficient Resources of Available Legal Service Providers	_____	_____	_____
Lack of Client Awareness About Available Services	_____	_____	_____
Unnecessary Procedural Barriers to Court	_____	_____	_____
Other: _____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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VI. PROPOSALS FOR IMPROVEMENT

A. Please describe any specific suggestions or ideas you have to improve the access that low-income persons or their organizations in Washington have to legal representation or to the court system. \_\_\_\_\_

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B. Please describe any specific suggestions or ideas that would enable your program to do a better job for your clients. (E.g., better coordination with other providers, more funding) \_\_\_\_\_

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C. Please describe any specific action that the Washington State Bar Association could take that would improve either the ability of your program to serve your clients or the access that low-income persons or their organizations in Washington have to legal representation or the court system generally.

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Please return this survey form, with any attachments, to:

Michael Mirra  
401 2d Ave South  
Suite 401  
Seattle, WA 98104  
(206) 464-1422

Thank you very much for your cooperation. If you have any questions, please call Michael Mirra at the above number.

Attachment to Question IIG2: Survey of Legal Services for Indigent Persons in Washington State

1987 DATA

(TYPE OF SERVICE PROVIDED)

SUBJECT MATTER	# OF ELIGIBLE PERSONS SEEKING SERVICE	# OF PERSONS SERVED	(TYPE OF SERVICE PROVIDED)				# OF ELIGIBLE PERSONS REFERRED ELSEWHERE
			# Served By Direct Representa- tion	# Served By Office Advice	# Served By Phone Advice	# Served By Other Means	
HOUSING:(total)	_____	_____	_____	_____	_____	_____	_____
Landlord-Tenant	_____	_____	_____	_____	_____	_____	_____
Foreclosure	_____	_____	_____	_____	_____	_____	_____
Discrimination	_____	_____	_____	_____	_____	_____	_____
Homelessness	_____	_____	_____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____	_____	_____	_____
PUBLIC ENTITLEMENTS:(total)	_____	_____	_____	_____	_____	_____	_____
SS/SSI	_____	_____	_____	_____	_____	_____	_____
Public Assistance	_____	_____	_____	_____	_____	_____	_____
Food Stamps	_____	_____	_____	_____	_____	_____	_____
Unemployment Comp.	_____	_____	_____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____	_____	_____	_____
FAMILY LAW:(total)	_____	_____	_____	_____	_____	_____	_____
Dissolution w/custody	_____	_____	_____	_____	_____	_____	_____
Dissolution w/o custody	_____	_____	_____	_____	_____	_____	_____
Domestic Violence	_____	_____	_____	_____	_____	_____	_____
Child Support	_____	_____	_____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____	_____	_____	_____
EMPLOYMENT:(total)	_____	_____	_____	_____	_____	_____	_____
Discrimination	_____	_____	_____	_____	_____	_____	_____
Health and Safety	_____	_____	_____	_____	_____	_____	_____
Workers' Comp.	_____	_____	_____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____	_____	_____	_____
HEALTH:(total)	_____	_____	_____	_____	_____	_____	_____
Access to health care	_____	_____	_____	_____	_____	_____	_____
Medicare/Medicaid	_____	_____	_____	_____	_____	_____	_____
Nursing Home	_____	_____	_____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____	_____	_____	_____
ECONOMIC DEVELOPMENT	_____	_____	_____	_____	_____	_____	_____
CONSUMER/DEBTOR-CREDITOR	_____	_____	_____	_____	_____	_____	_____
MIGRANT WORKER ISSUES	_____	_____	_____	_____	_____	_____	_____
INSTITUTIONS	_____	_____	_____	_____	_____	_____	_____
INDIAN LAW ISSUES	_____	_____	_____	_____	_____	_____	_____
OTHER: _____	_____	_____	_____	_____	_____	_____	_____

Return to: Michael Mirra  
401 2d Ave South  
Suite 401  
Seattle, WA 98104  
(206) 464-1422

1988 SURVEY OF CIVIL LEGAL SERVICES FOR INDIGENT PERSONS IN WASHINGTON STATE  
Questionnaire for Community Service Providers or Organizations

Legal Aid Committee  
Washington State Bar Association

I. INTRODUCTORY INFORMATION

- A. Name and Address of Program: \_\_\_\_\_  
\_\_\_\_\_
- B. Telephone Number: \_\_\_\_\_
- C. Name of Director: \_\_\_\_\_
- D. Name of Person Providing Information: \_\_\_\_\_

II. DESCRIPTION OF THE PROGRAM'S SERVICES AND CLIENTELE

- A. Please briefly describe the program's services or activities: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Staffing.

<u>Type of Position</u>	<u>FTE</u>
_____	_____
_____	_____
_____	_____
_____	_____

C. Location of Service Offices and Office Business Hours

Addresses of Service Offices

Offices Business Hours

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

D. Description of Clientele or Membership

1. Does your program have client eligibility standards? Yes/No

If yes, please attach or describe: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. What geographic areas does your program serve? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. How many clients do you serve, on an average, each month? \_\_\_\_\_

4. Please indicate the percentages of your clientele or membership that actually receives services that fall into the following race, age, and sex categories:

White    Black    Hispanic    Asian    Nat. Am.    Under 18    18 - 59    Over 59    Female    Male

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E. Method of Service Delivery

Please estimate the % of your clients served by each of the following service delivery methods:

- 1. Direct Client Service \_\_\_\_\_ %
- 2. Phone Information or Advice \_\_\_\_\_ %
- 3. Office Information or Advice \_\_\_\_\_ %
- 4. Informational or Educational Presentations \_\_\_\_\_ %
- 5. Referral to other service providers \_\_\_\_\_ %
- 6. Other: \_\_\_\_\_ %

III. LEGAL NEEDS OF CLIENTELE OR MEMBERSHIP OR PROGRAM

A. Please indicate below the percentage of your clientele or membership that you find needs legal representation in the subject areas listed. Also indicate the sources of legal representation available for those needs. If your organization itself needs legal representation, please indicate the subject areas and the legal assistance available to it.

SUBJECT AREA	%CLIENTELE	SOURCES OF LEGAL REPRESENTATION AVAILABLE TO CLIENTELE
HOUSING: (total)	_____	_____
Landlord-Tenant	_____	_____
Foreclosure	_____	_____
Discrimination	_____	_____
Homelessness	_____	_____
PUBLIC ENTITLEMENTS: (total)	_____	_____
SS/SSI	_____	_____
Public Assistance	_____	_____
Food Stamps	_____	_____
Unemployment Comp.	_____	_____
FAMILY LAW: (total)	_____	_____
Dissolution w/custody	_____	_____
Dissolution w/o custody	_____	_____
Domestic Violence	_____	_____
Child Support	_____	_____
EMPLOYMENT: (total)	_____	_____
Discrimination	_____	_____
Health and Safety	_____	_____
Workers' Comp.	_____	_____
HEALTH: (total)	_____	_____
Access to health care	_____	_____
Medicare/Medicaid	_____	_____
Nursing Home	_____	_____
Mental Health	_____	_____
Development Disabilities	_____	_____
ECONOMIC DEVELOPMENT	_____	_____
CONSUMER/DEBTOR-CREDITOR	_____	_____
MIGRANT WORKER ISSUES	_____	_____
INSTITUTIONS	_____	_____
INDIAN LAW ISSUES	_____	_____
OTHER: _____	_____	_____

B. Please list the common types of legal problem for which your clients, membership or organization requires legal representation that is not available to them. Also estimate the number of such instances each month and indicate the main reason why the legal representation is not available:

<u>Type of Unaddressed Legal Problem</u>	<u>Estimated #/Month</u>	<u>Main Reason Why Legal Representation Is Not Available</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. In your opinion, what are the prominent unfulfilled legal needs of low-income persons or their organizations in your area, whether or not your clientele shares these needs: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

IV. BARRIERS TO LEGAL REPRESENTATION OR ACCESS TO COURTS

A. Please assess the significance that the following factors may have in the ability or inability of low-income persons or their organizations in your area to receive needed legal representation or gain needed access to courts:

	<u>Significant</u>	<u>Moderately Significant</u>	<u>Not Significant</u>
Insufficient funds to purchase legal Assistance	_____	_____	_____
Lack of Transportation	_____	_____	_____
Illiteracy	_____	_____	_____
Language Barriers	_____	_____	_____
Cultural Barriers	_____	_____	_____
Insufficient Resources of Available Legal Service Providers	_____	_____	_____
Lack of Client Awareness About Available Services	_____	_____	_____
Unnecessary Procedural Barriers to Court	_____	_____	_____
Other: _____	_____	_____	_____

B. Comments:

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

VI. PROPOSALS FOR IMPROVEMENT

A. Please describe any specific suggestions or ideas you have to improve the access that low-income persons or their organizations in Washington have to legal representation or to the court system.

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

B. Please describe any specific action that the Washington State Bar Association could take that would improve either the ability of your program to serve your clients or the access that low-income persons or their organizations in Washington have to legal representation or the court system generally.

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Please return this survey form, with any attachments, to:

Michael Mirra
401 2d Ave South
Suite 401
Seattle, WA 98104
(206) 464-1422

Thank you very much for your cooperation. If you have any questions, please call Michael Mirra at the above number.

INCOME DEFINING 125% OF FEDERAL POVERTY GUIDELINES

Number of persons dependent upon income	Gross weekly income	Gross monthly income	Gross yearly income
1	\$138.70	\$601.04	\$7,212.50
2	185.81	805.20	9,662.50
3	232.93	1,009.37	12,112.50
4	280.04	1,213.54	14,562.50
5	327.16	1,417.70	17,012.50
6	374.27	1,621.87	19,462.50
7	421.39	1,826.04	21,912.50
8	468.50	2,030.20	24,362.50

For family units with more than 8 members, add \$2,375 for each additional person per year.



**PERSONS RECEIVING INCOME ASSISTANCE IN WASHINGTON STATE\***

<b>Income Assistance Program</b>	<b>June 84</b>	<b>June 88</b>	<b>Percent Change</b>
AID TO FAMILIES W/ DEPENDENT CHILDREN (Single parent households)	145,709	181,536	24.6%
AID TO FAMILIES W/ DEPENDENT CHILDREN (Only one of two parents employable)	17,491	30,116	72.2%
STATE SUPPLEMENTATION TO SSI (Aged)	11,397	10,323	-9.4%
STATE SUPPLEMENTATION TO SSI (Disabled)	29,046	38,616	32.9%
STATE SUPPLEMENTATION TO SSI (Blind)	616	729	18.3%
FOOD STAMPS	277,663	310,510	11.8%
CONTINUING GENERAL ASSISTANCE	11,816	12,898	9.2%
GENERAL ASSISTANCE TO PREGNANT WOMEN	499	1,310	163.5%
REFUGEE ASSISTANCE	2,570	1,614	-37.2%

\*Washington State DSHS Blue Books for June of 1984 and June of 1988.

According to the Washington State Office of Financial Management, Forecasting Division, the population of Washington State increased by 5.5% from 4,328,100 to 4,565,000 between April, 1984 and April, 1988.

EFFECT OF ATTORNEY REPRESENTATION ON ADMINISTRATIVE DECISIONS

	* <u>DSHS</u>	** <u>SOCIAL SECURITY</u>
Of all cases in which party appealed from an adverse administrative decision:		
1a. % in which the party appeared pro se.	74.9%	19.4%
1b. reversal rate in cases where party appeared pro se.	41.3%	44.1%
2a. % in which the party was represented by an attorney.	15.7%	65.8%
2b. reversal rate in cases where party was represented by an attorney.	69.2%	63.0%

\* These data refer to 1986 administrative proceedings conducted by the Office of Hearings, Department of Social and Health Services reviewing decisions adverse to the appellant in the following programs: AFDC, General Assistance, Medical Assistance, Refugee Assistance, State Funded Medical Care and Title XX Social Services. Data from Office of Hearings, DSHS.

\*\* These data refer to 1987 administrative proceedings conducted by the Social Security Administration reviewing denials or terminations of assistance to the appellant in the Social Security programs. Data does not include proceedings which did not result in a hearing. Data from Participant Involvement in Request for Hearing Cases for Fiscal year 1987 (DMI/OHA, Social Security Administration January 1988).



