

EDITORIALS NOVEMBER 14, 2015

There's truly big need for civil legal aid

HIGHLIGHTS

70 percent of low-income Washington residents have at least one legal problem yearly, a new study shows

The average number of problems grew since 2003 from 3.3 per household to 9.3 problems

The 2015 Washington State Civil Legal Needs Update study makes the case for greater legislative action

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A Washington Supreme Court study published last month found a huge unmet need for civil legal help for low-income people in the aftermath of the Great Recession.

In criminal cases, an accused party is constitutionally guaranteed a lawyer if he or she cannot afford one. That isn't true for civil legal issues.

The new study – called the 2015 Washington State Civil Legal Needs Update – makes the case for greater action on this issue by our governor and Legislature.

State Supreme Court Justice Charles Wiggins chaired the update committee. He said it challenges our state to make “liberty and justice” available to all.

The report is based on a scientific survey by Washington State University that included interviews with more than 1,600 people across the state and across a wide diversity of ethnic and racial lines.

Several former top public officials – from former Supreme Court chief justice Gerry Alexander to former Attorney Rob McKenna and former U.S. Attorney John McKay – and current AG Bob Ferguson have said more needs to be done to ensure “justice for all.”

Here are a few highlights from the report:

- 70 percent of low income residents have at least one legal problem yearly. The average number of problems grew since 2003 from 3.3 per household to 9.3 problems, and the highest prevalence was for victims of domestic violence and sexual assault.
- Healthcare, consumer and financial problems, and help with city services or state aid programs are the kinds of legal troubles occurring most often. That contrasts to the housing issues that topped the lists in the past. Even so, those who end up seeking out legal aid most often get it for housing and family and domestic problems.
- Whites and Hispanics reported the fewest problems with discrimination or unfair treatment related to juvenile criminal records while Native Americans and blacks reported the most. Blacks and Native Americans reported the most discrimination or unfair treatment related to credit history.
- Many who have legal issues don't know they can get help and 76 percent deal with the legal issues on their own.
- Another 124.5 lawyers are needed to meet the need for client services lawyers providing legal aid – up from 107.5 today. That would get Washington to the national minimum access standard, one lawyer for 5,000 eligible residents for civil legal aid.
- The share of residents whose low incomes would qualify them for legal aid is growing.

Since the high court's first report on civil legal aid needs in 2003, state lawmakers have stepped up by increasing funding. The current biennial budget for civil legal aid totals \$23.6 million and another \$3.3 million goes for legal representation for children in dependency cases, said Jim Bamberger, director of the Washington State Office of Civil Legal Aid.

Bamberger estimates \$15 million a year would be needed to get the legal aid staffing up to federal standards. One challenge is that since 2009 legal aid staffing has been cut by about 20 percent, he said.

The tax dollars provided are leveraged with private donations. One large investment is the statewide CLEAR call center (Coordinated Legal Education Advice and Referral), which is run by the Northwest Justice Project. This provides qualified attorneys to give advice or referrals over the phone.

Much else is done by the legal profession to help fill in the gaps. Alexander said there is too little appreciation for what attorneys do offer in donated, or pro bono, services.

In Thurston County, a volunteer legal clinic has operated for years with lawyers donating their time. For example, they staff a Superior Court docket on Fridays that handles housing issues such as evictions.

Leslie Owen, the senior attorney in the Olympia office of the Northwest Justice Project, says a big problem her organization is attacking lately is what happens when someone's driver license is suspended. Sometimes this mushrooms into trouble in multiple courts with snowballing fines, which then go to collection agencies and overwhelm a person.

In one case, Owen said a woman was helped into drug court and treatment to deal with an addiction, which let her get a job; lawyers worked with local courts to set up a payment plan. Without a navigator who knew the courts, the woman was drowning.

Clearly lawmakers and Gov. Jay Inslee have their hands full with legal mandates to boost K-12 school funding, fix mental health institutions, and possibly to fill a larger budget hole caused by Initiative 1366.

But we should not fool ourselves that our social safety net is repaired on the justice front.

"It should scare courts. It should scare policy makers. It should scare all of us – when we realize the phrase liberty and justice for all is nice candy. There's nothing there," Bamberger said.

Editor's note: This post was updated.



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