

Legal Services for the Poor Sorely Need Funding

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We are a nation built upon the concept of equal justice for all. We pledge allegiance to our flag "with liberty and justice for all." We have embraced "equal justice under the law" as a national ideal.

But the poor often cannot hire a lawyer when they need one to solve a pressing civil legal problem, and the current recession means that increasing numbers will be turning to legal aid programs because they have no place else to go for assistance.

These low-income Americans are women seeking protection from abuse, mothers trying to obtain child support, families facing unlawful evictions or foreclosures that could leave them homeless, and individuals who have lost their jobs and need help in applying for unemployment compensation and other benefits.

Thirty-five years ago this summer, Congress created the Legal Services Corporation to promote equal access to justice and to fund nonprofit programs that provide high-quality civil legal assistance to the nation's poor.

Many in Delaware have stepped up to the challenge of funding and supporting legal services for the poor. Individual attorneys and law firms, the Delaware State Bar Association, the Delaware Bar Foundation, many local corporations and banks and, to a limited extent, the state government and private foundations have donated time and money on behalf of legal services for the poor.

Millions of Americans for the first time are or will be finding themselves facing poverty because of the recession. The challenge for civil legal services programs is large.

Nearly 51 million Americans, including almost 225,000 in Delaware, qualify for civil legal aid from the 137 nonprofit programs around the country that currently receive funding from LSC.

Even before the recession, LSC-funded programs were not able to help all the people who came through their doors or called on the telephone. In 2005, LSC found that for every eligible client LSC-funded programs were able to assist, one eligible applicant was turned away. LSC understated the magnitude of the "justice gap," because it only included people aware of services and those who came to a legal aid office.

In Delaware, less than 40 percent of low-income residents with legitimate legal problems are able to obtain the assistance of a lawyer, according to current estimates.

In Delaware and elsewhere, funding and resources do not keep pace with the demand for civil legal aid. Adjusted for inflation, federal funding for legal services is less than half of what it was in 1994. Since that time, the poverty population in Delaware has increased by more than 40 percent, so not only has the number of people needing help has greatly increased, but also, with the recession and the problems that it has brought, the need is even greater.

State funding for legal services in Delaware, sadly, puts our state in the bottom 20 percent, per capita, for such funding in the United States. Recent dramatic funding cuts from foundations have caused legal services providers in Delaware to lay off attorneys at just the time when the need for their help is greatest.

The fact is that the majority of poor Americans do not have access to justice. At a time of economic hardship, governments, businesses and community organizations must step up their efforts to provide high-quality civil legal assistance to the poor.

These times require all of us to keep working to make the promise of equal justice a reality.

Douglas B. Canfield is the executive director of Legal Services Corp. of Delaware, Inc.

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