

THE BLOG

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Prepare To Dig In To Preserve Civil Legal Aid



By Lonnie A. Powers

We don't quite know what to expect from the federal government in the weeks and months ahead in terms of support for civil legal aid. For decades, support for the [Legal Services Corporation](#) (LSC), the nonprofit that administers federal funding to legal aid programs across the country, has been seen as a smart investment by members of both parties.

In 1964, Congress passed the Economic Opportunity Act, a centerpiece of President Lyndon B. Johnson's anti-poverty agenda. The law aimed to eliminate poverty by giving poor people access to educational and vocational programs, loans, and other services that would help them achieve greater financial security. It quickly became clear that free legal advice or representation in non-criminal legal matters like child support and custody disputes; home foreclosure or eviction; wrongful termination from a job, and accessing veterans' services provided stability that was just as vital to fighting poverty as educational and financial supports. [Civil legal aid](#) became a key part of the effort to fight poverty in America.

Like Johnson before him, President Richard M. Nixon understood the necessity of civil legal aid for people struggling to escape poverty. In his proposal to create the LSC, which was passed by Congress in 1974, Nixon [called local civil legal aid offices](#) the places where "the old, the unemployed, the underprivileged, and the largely forgotten people of our Nation may seek help." He added, "Perhaps it is an eviction, a marital conflict, repossession of a car, or misunderstanding over a welfare check—each problem may have a legal solution. These are small claims in the Nation's eye, but they loom large in the hearts and lives of poor Americans."

Numerous programs have since demonstrated the wisdom of this approach. Civil legal services can help poor people stay in their homes, prevent sudden evictions by allowing tenants to negotiate exits from housing, and ensure smooth transitions to safe, affordable housing. A pilot program launched in 2009 by the Boston Bar Association [showed](#) that poor people fighting eviction notices in housing court in Quincy, Massachusetts fared much better when they were represented by attorneys. Two-thirds of those with full representation kept their housing; only one-third of those who went through housing court without an attorney were able to do the same. Similar results have been found in [New York City](#), [San Francisco](#), and [San Mateo County](#), California.

Legal advocacy in the form of large, class-action lawsuits to change laws and governmental policies that adversely — and overwhelmingly — affect poor people, has also been

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effective in ensuring access to justice regardless of income. In 1970, legal aid attorneys successfully argued before the U.S. Supreme Court in *Goldberg v. Kelly* that state welfare departments cannot terminate benefits without first providing applicants with a fair hearing. In 1973, California Rural Legal Assistance successfully sued to stop large agricultural operators from requiring migrant farm workers to use short-handled hoes while working in fields. (The short-handled hoes forced workers to stay bent over for long periods of time; field managers required their use because if they saw workers standing up, then they knew that they were resting and not working. After these hoes were banned, back injuries among farm workers dropped by more than 30 percent.) More recently, a federal lawsuit by Greater Boston Legal Services resulted in changes in policy by the Massachusetts Department of Transitional Assistance which had improperly denied benefits to people living with disabilities.

Despite these clear successes, state and federal funding for civil legal aid is well below what is needed — studies show that more than 63 million Americans qualify for LSC-funded civil legal assistance, yet about 80 percent of the serious legal needs of low-income Americans go unmet. Civil legal aid must be deployed more broadly in future efforts to combat poverty, and public resources for legal assistance must be increased greatly in order to maintain progress. President Obama, a strong supporter of civil legal aid, secured modest funding increases during his tenure (though some were rolled back). He also expanded access to legal aid services through initiatives like the White House Legal Aid Interagency Roundtable (LAIR). The Roundtable has made available more grant funding for legal aid, conducted new research, and provided education to federal agency staff about how civil legal aid advances federal priorities, among other activities. But much more is needed, in terms of resources and political will, if we are truly serious about helping low-income Americans establish and maintain independent, financially secure lives.

Any attempts to weaken or dismantle federal civil legal aid must be met with principled advocacy and resistance by the legal community, social justice activists, and civil rights organizations. Civil legal aid is a powerful — and much needed — tool that helps people living in poverty build a foundation of stability so they can create a better future for themselves, their families, and our communities.



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