

CIVIL ACCESS TO JUSTICE SUMMIT

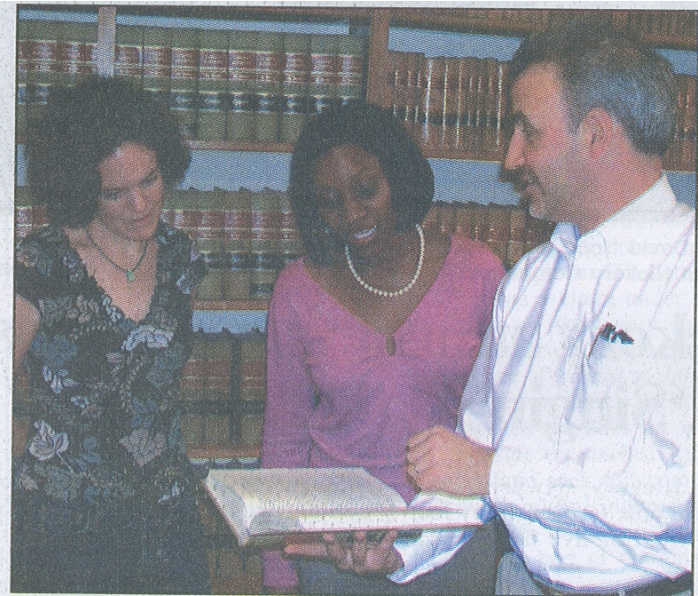


Photo by Guy Loranger

Durham Legal Aid attorneys (from left) Hope Williams, Michelle McPhatter and Roger Cook hold a discussion in the office library. They are among seven attorneys on staff in Durham.

Finding a way

Legal Aid of North Carolina carries on with its mission despite limited resources

By GUY LORANGER

Staff Writer

Lawyers, judges, legislators, business executives and academics from around North Carolina will meet Oct. 12 in Cary at the Civil Access to Justice Summit, seeking novel ways to provide legal assistance to the state's low-income residents.

At Legal Aid of North Carolina, they do that every day.

Despite a history of budget cuts and staff shortages, the organization has managed to serve its clients, relying on a spirit of innovation and sense

of determination.

"It's like they say, 'Necessity is the mother of invention,'" said Gina L. Reyman, the senior managing attorney for LANC's Durham office. "We're always trying to find ways to leverage our resources."

The nonprofit law firm provides free legal services in civil matters to eligible, low-income people in the state's 100 counties. It features a staff of 120 attorneys and 120 paralegals and support personnel, scattered among 24 offices statewide.

BY THE NUMBERS

311 million dollars requested by the White House to fund Legal Services Corporation in 2008, which is \$10 million less than LSC received in 1981.

8 million dollars of LSC funding which is received annually by Legal Aid of North Carolina. This accounts for roughly half of Legal Aid's budget.

2.9 million people who could qualify for legal services under federal poverty guidelines in North Carolina.

27,000 eligible residents for each Legal Aid attorney in the state. In comparison, there are 460 residents in the general population for each regular attorney.

2 out of every 10 potential clients who could be accepted by Legal Aid. Due to a lack of staff and resources, Legal Aid must turn away 8 out of every 10 cases.



LANC's mission: To ensure equal access to justice and remove legal barriers to economic opportunity. Its struggle: To find the funding to carry out that mission.

More than half of LANC's funds come from the federal Legal Services Corporation — a source that has ebbed more than it has flowed since it was established in 1974.

In 1996, for instance, LSC's budget was slashed from \$415 million to \$278 million, which led to the firing of 900 attorneys and the closure of 300 offices nationwide. Durham's office went from 14 attorneys to seven.

"If you look through our library, you can tell the years when there were cuts," Reyman said. "For those years, we have a lot fewer books."

Although the White House has proposed cutting LSC funding to \$311 million for 2008 - \$10 million less than what LSC received in 1981 - the Senate is considering \$390 million, a significant increase from the previous year.

LANC would receive an estimated \$8 million from that budget as well as \$4 million in state funding, according to LANC's executive director, George Hausen. LANC's 2007 budget is about \$18.6 million.

The bulk of its remaining funds would come from private donations, which could see a spike based on recent developments:

- The State Bar Council has proposed making IOLTA participation mandatory, which would provide funds for LANC and other legal services organizations throughout the state;

- The N.C. Bar Association has launched the LANC Endowment Fund, and it is actively encouraging donations to LANC through president Janet Ward Black's 4ALL initiative;

- In July, attorneys Alfred P. Carlton Jr. and Willis P. Whichard

announced a drive in the Triangle to raise \$1 million over the next three years through the "Access to Justice Campaign."

"The intersection of all of these efforts on our behalf has been phenomenal," Hausen said.

Still, the need for increased funding remains daunting.

According to the 2005 U.S. Census, 2.9 million North Carolinians are at 125 percent or less of the federally established poverty guidelines.

The income cut-off for eligibility is 125 percent of the poverty line. A typical LANC client earns \$9,100 per year.

Between 2000 and 2005, the percentage of individuals living in poverty in Raleigh and Charlotte rose by 35 percent, while in Greensboro, the number rose by 41 percent, according to Census figures.

LANC's staff numbers have not increased proportionately, and with average salaries for attorneys in the \$37,000 range, it has been difficult to recruit and retain staff as well.

According to LANC, it has the resources to provide only one attorney for every 27,000 eligible residents in the state (compared to 460 residents in the general population for each regular attorney).

At the most, LANC can serve only 25,000 clients per year. The organization cannot serve eight out of every 10 eligible clients because there simply is not enough staff to handle the work load.

"It's the most difficult part of life here — the people you have to turn away," Reyman said, "because you know that for most of them, this is the end of the line."

Still, LANC presses on with its mission.

According to LANC, more than 70 percent of its cases are resolved or settled without litigation. When litigation has been required, LANC has prevailed more than 90 percent of the time.

"We have lots of talented, intelligent, committed people who work here," said Willette M. Crews, a paralegal and community educator in LANC's Durham office.

The consolidation of several legal services organizations from around the state into a single entity in 2002 has contributed to LANC's success, Hausen said.

"Some of those programs would have gone bust by now. Consolidation really saved all of that," Hausen said. "We eliminated the duplication of expenses and positions, but we kept all the former directors in place as senior managers. We kept that experience, and we managed to keep talented people in positions."

The consolidation also created a centralized intake service, which has allowed LANC to separate "advice-and-counsel" cases from those that require more extensive work.

"We handle fewer cases, but we handle more substantive cases," said Michelle McPhatter, a staff attorney in Durham.

Handling those cases are attorneys who have been able to "specialize" in the different areas that LANC typically handles: Housing, domestic violence, health care, subsistence income, environmental safety and consumer problems.

The attorneys become "experts" in those areas, Reyman said, and through statewide practice groups and a Web-based case management system, they are able to link up with LANC experts in other offices.

"It's a very collaborative effort, and in that way, it makes the work product for our clients better," McPhatter said. "We might go into a case where it looks like we only have a 50 percent chance of winning, but we'll win it because we're better prepared."

The collaboration spills into LANC's work with groups outside of its offices, such as law school

students, private-practice attorneys (more than 3,000 attorneys donate pro bono services to LANC each year) and other business and community organizations.

In Durham, for instance, staff attorney Roger Cook has worked on Section 8 housing issues with attorneys from Womble Carlyle and in-house counsel from GlaxoSmithKline.

That partnership led to an important federal district court ruling in 2006, in which the Raleigh Housing Authority was found to have violated a tenant's constitutional rights by illegally cancelling her rental assistance.

"When an agency has to make a procedural change, it can affect a lot of other clients," Cook said.

McPhatter, meanwhile, is helping to coordinate the Medical-Legal Partnership for Children in

Durham, a program that will help identify legal solutions to health problems.

A child's chronic asthma exacerbated by exposure to mold in his apartment, for instance, could lead to action against a landlord.

"It helps children, and to me, they are the ones who particularly need access to justice," McPhatter said.

Due to restrictions that accompanied the federal funding cuts in 1996, there are limits to the types of cases that LANC can handle.

Attorneys can only deal with individual clients and cannot initiate class-action suits, engage in grassroots legislative lobbying or challenge welfare reforms as unconstitutional.

"Why we have to take this Band-Aid approach, I'm not sure,

when we could be organizing and addressing these issues before they become cases," Hausen said.

It's a line of work that can become frustrating, but Reyman hasn't let that affect her approach. When she became an LANC attorney in 1989, she said she was inspired by the idea that "there are situations where the balance of power is out of whack between different parties. If you can put them on equal footing, then the law can be applied.

"When you can take something that's wrong and set it right," she said, "it rejuvenates you every day."

— *Questions or comments may be directed to*
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NOTE: Also see article in same October 1, 2007 edition of North Carolina Lawyers Weekly: ***“Summit’s potential impact starts with combining talent, resources,”*** page 28.

Summit's potential impact starts with combining talent, resources

From STAFF REPORTS

The Civil Access to Justice Summit that will take place in Cary on Oct. 12 has a basic goal.

"We want to educate attendees about the significant poverty issues in North Carolina and their effect on the administration of justice in our state," said Greensboro lawyer Janet Ward Black, the president of the N.C. Bar Association.

Black will join several other figures from the state's legal, legislative, business and academic communities at the summit, which is being organized by the Equal Access to Justice Commission along with support from the NCBA.

The event will mark the first interdisciplinary gathering in state history that addresses the issue of providing civil legal services to the state's growing low-income population — an issue that has served as the focus of Black's 4ALL initiative as the NCBA president.

"I think there are a couple of models that it could follow, and that would be up to the commission and Chief Justice Parker," Black said. "It could heighten awareness, or it could turn into an opportunity where ideas are collected and action planned.

"I think it's going to be amazing to have an historic legal event like this in North Carolina. This is something important."

The event is the most significant move yet by the Equal Access to Justice Commission, which was established by an order of the state's Supreme Court in November 2005.

Chief Justice Parker has served as the commission's chair since its inception. Michelle Cofield, the director of public service and pro bono activities for the NCBA, is the commission's executive director.

"I think having the summit organizes the whole community — not just the legal community — and it pulls everyone together to have a single voice," Cofield said. "You're able to combine all of the resources of those who can provide assistance."

Topics that are likely to come up at the summit are the state's growing low-income population and the need for more funding and volunteer participation.

For instance, more than 2.9 million people could qualify for legal aid assistance in North Carolina; however, the state ranks No. 42 in the country in the total funding it provides per eligible client, \$14.62. Maryland, in contrast, provides \$51.43 per client.

George Hausen, the executive director of Legal Aid of North Carolina, said he hopes the summit clears up misconceptions about typical LANC clients.

"I often hear, 'These people get welfare, free homes — why should they get free lawyers,'" Hausen said. "That's not the case. I'd like to tune people into the fact of how hard these people work and how resilient they are."

Black said she hopes the summit addresses the extent to which unequal access to justice can impact an entire community.

"If you have people in homeless shelters because they didn't have a lawyer to prevent a foreclosure, or a domestic violence victim who can't get a protective order, it affects the health of the community as a whole," she said. "We want good neighborhoods and healthy families that can stay together and succeed."

The event will be held at One Eleven Place, which is located at 111 Realtor's Way in Cary between the N.C. Bar Center and Harrison Avenue. Registration, which is free, begins at 9 a.m. The summit will conclude at 3:30 p.m.

The keynote speaker will be Gene Nichol, former dean of the University of North Carolina law school and current president of The College of William & Mary. While at UNC, Nichol helped to launch the Center on Poverty, Work and Opportunity.

Roger Cook, an attorney in LANC's Durham office, said he is interested in seeing what emerges from the day's discussions.

"Good things always come out of intelligent, good-minded people getting together in such a way," he said.

"It could generate some new insights into how legal aid could be more effective, how the private bar could facilitate legal aid and how the justice system, as a whole, could be more responsive to legal aid and the people it serves."

— *Questions or comments may be directed to*
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SUMMIT AGENDA

The Summit on Civil Access to Justice in North Carolina is set for Friday, Oct. 12. It will be held at One Eleven Place in Cary, which is one mile away from the N.C. Bar Center. The day's agenda will feature:

9-9:30 a.m.	Registration and continental breakfast
9:30-9:45 a.m.	Welcome and introductory remarks
9:45-10:15 a.m.	"Why is Access to Justice Important?" Thomas W. Lambeth, Senior Associate, Z. Smith Reynolds Foundation
10:15-10:30 a.m.	"Overview of Civil Legal Needs: The Problem of Access to the Civil Justice System"
10:30-10:50 a.m.	Break
10:50-11:25 a.m.	"A Real Look at Client Stories"
11:25-11:55 a.m.	"Plenary Session: Concerns for Special Client Populations" Changing ethnicity of N.C. and its impact on the court system Child poverty and legal solutions Predatory lending and its impact in our state Small group discussion
11:55-12:05 p.m.	Open forum
12:05-12:25 p.m.	Lunch and keynote address by Gene R. Nichol, president, The College of William & Mary (former dean of UNC law school)
12:30-1:30 p.m.	"Panel: Solutions to the Gaps in Access to Justice" Legislative activity Self-serve centers Civil <i>Gideon</i> Role of the business community Pro bono Pro se litigants and the court system
2:30-3:00 p.m.	Solutions and next steps (breakout groups)
3-3:30 p.m.	Reports back and next steps