

Call for Justice, LLC—United Way 2-1-1 Training Paper

Session 1 Refreshed: Basics of the Civil Legal System—Again

Speaker on March 12 and 13, 2015: Ellen (Ellie) Krug, Executive Director, Call for Justice, LLC

Featured Speaker’s Topic

This session, Call for Justice, LLC Executive Director Ellie Krug will revisit some of the basics about the civil legal system—because don’t you know that memories fade, people move on, and well, it’s simply about time for a refresher!

Note: This is a supplement to our original Session 1 training which took place in March 2012; thus, while Ellie will cover the same topics from that session (211 staff, please see that training paper in your notebook/website viewers, scroll up to “Session 1”), what follows are supplemental topics as part of the refresher.

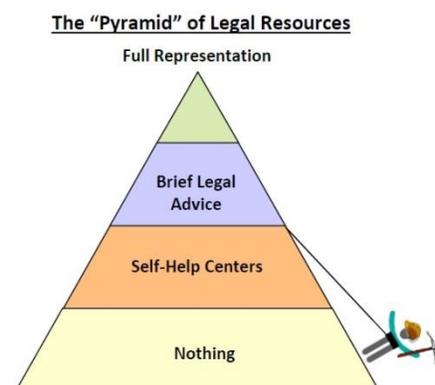
The Pyramid of Legal Resources

It’s important to remember that the “civil” legal system differs from the “criminal” legal system in a critical way—in criminal matters, an accused is faced with the possibility of losing freedom (e.g. a criminal proceeding involves the risk of going to jail). Civil matters, for the most part, involve money damages or a court ordering someone to do something with their property or manner of living (such as an eviction proceeding in which a tenant is ordered to move out of an apartment). Civil matters don’t usually involve the risk of losing liberty. (Caveat—if you’re in contempt of court, there’s always the possibility of a court putting you in jail if the contempt is sufficiently serious.)

Now on to the fact that there are not enough legal resources (e.g. attorneys or legal professionals who can assist with form preparation) for the number of low and moderate-income people with civil legal needs. The numbers are staggering: in Minnesota, there are only 214 full-time Legal Aid attorneys; and while there are many other attorneys doing pro bono work (plus a variety of specialized Legal Aid organizations like the Immigrant Law Center of Minnesota), there’s only 1 attorney to serve 3,682 low-income Minnesotans (those who earn up to 200% of the Federal Poverty Guidelines). In contrast, the ratio of private attorneys to paying clients is 1 attorney to 369 potential clients.

As a result of this reality, Call for Justice, LLC has created the accompanying “Pyramid of Legal Resources.”

Underlying the Pyramid are the Federal Poverty Guidelines and how legal services are rationed to low-income persons in legal need. Thus, Legal Aid (as that is broadly defined to



include the entire range of legal services organizations and other nonprofit legal providers) usually can provide “full representation” (where an attorney handles a legal matter from start to finish) only to people earning 125-187.5% of the Federal Poverty Guidelines. Translated into actual dollars, for a family of four in 2015, the income range to qualify for full representation would be \$30,313 to \$45,469; for individuals, the income range would be \$14,713 to \$22,069.

For the most part, persons earning more than 200% FPG must settle for “brief advice” or “brief services” (e.g. where an attorney will meet with someone for 15-30 minutes to discuss a legal matter or where the attorney may write a letter on a person’s behalf), without the benefit of developing a relationship with an attorney. Yet more people don’t have any access to attorneys for various reason (they live in rural areas where fewer pro bono attorneys practice or the person in legal need can’t get off work to attend a clinic to receive brief advice) and are left to fend for themselves. These folks, who are also referred to as “self-represented litigants,” might only receive help on forms (but not legal advice) from court self-help centers. Unfortunately, self-represented litigants often just flounder in the civil legal system without being able to do the things needed to protect themselves.

As we discussed three years ago, the role of Call for Justice, LLC is that of an “information hub” where we train/share/promote/educate about civil legal resources. We’ve found that many people in legal need simply don’t know what resources exist. Many of those folks can actually make their way through the system if told about various resources. (Thus why we train 211!)

A New Approach to Dealing with Barriers to Legal Access—“But hey, can you put your hands on \$500?”

Of course, the biggest barrier to civil justice system access is a **lack of money**. Most attorneys want to be paid by the hour---sometimes at rates as high as \$300 or \$400 per hour. Often, attorneys want money up front (called a “retainer”) and many people just don’t have thousands of dollars in savings.

But wait. An increasing number of attorneys are representing people for less than market rate legal fees. These attorneys are willing to perform “low bono” (reduced fee) services where either they will handle a legal matter entirely for one flat rate or at least provide services that will take care of a good part of the legal matter. (Recall that “pro bono” is free legal services; “low bono” can be anything from \$55/hr to \$95/hr.)

We at C4J hear that more and more attorneys are offering low bono services. However, the problem is that most people don’t know about this. **211 can help bridge this information gap.**

Three years ago, C4J wasn’t making many direct legal referrals to people in legal need. In the time since our first 211 training session, we’ve received many calls from people in search of lawyers. Many times, the call starts out with the caller saying, “I need a pro bono attorney.” Many callers feel that a variety of life circumstances means that they’ll be appointed an

attorney to handle their civil matter. Given the paucity of Legal Aid/nonprofit attorneys, many of those folks simply will spend much time looking for/waiting for an attorney to come along. In the meantime, their legal situation likely will get worse and worse.

As a consequence, we've learned to ask callers "Do you have \$500 or \$600? If so, that may be enough to help you move from the back of the line to the front of the line."

Surprisingly, about half of the callers tell us, "Well, yes, I can find \$500." Sometimes people actually have that kind of money in savings. Other times, they know someone who can gift or loan the money. The point here is that the system simply isn't regularly alerting people to the fact that yes, there are low bono lawyers available to help.

We know that asking about someone's ability to pay for a lawyer could get tricky; however, it doesn't have to be a complicated discussion. For example, the conversation could go this way:

Caller: "I'm looking for a pro bono attorney for this problem I'm having with my ex. He's not following the court order regarding visitation with our son."

211: "There are far fewer pro bono attorneys than people who need them. I wonder if you'd be interested in hearing about ways of connecting with attorneys who charge reduced rates?"

Caller: "Yes, I might be interested."

211: "Most of these attorneys ask for retainers of \$500 to \$600. Do you have access to that kind of money either on your own or through a family member or friend?"

Caller: "Maybe."

211: "If so, you might be able to obtain legal assistance much sooner than if you searched or waited for a pro bono or free lawyer."

The idea here is to plant a seed in the caller's mind that yes, they could move to the front of the legal waiting line if they paid something for legal services. Resources that would be available to a caller include (all of these you are well familiar with):

1. **The Hennepin Bar Association Lawyer Information & Referral Service Family Law Project (612-752-6666)** serves Hennepin County residents between 125-250% of the Poverty Guidelines. Note: the project is designed to help the "working poor," and it requires that the client pay a \$500 retainer and a \$30 administrative fee. After that, the attorney charges \$55/hr. The client must have a regular form of income in order to qualify for this service (some form of government benefits is sufficient to meet this qualification).

2. **The Ramsey County Bar Association “Modest Means Panel” (651-224-1775)** serves persons both inside and outside Ramsey County who are between 125-250% FPG; the caller pays a \$20 referral fee. The client must pay \$600 for a retainer; after that the attorney charges \$55/hr. This panel covers bankruptcy, family law, consumer issues, immigration, real estate and other matters; additionally, even though Modest Means Panel attorneys are based in Ramsey County, they will work with clients located in other Minnesota counties.
3. **C4J’s Alternative 211 Referral List (located on the Call for Justice, LLC website at <http://callforjustice.org/alternative-2-1-1-referrals/>)** includes a number of private practice attorneys and law firms that engage in low bono practices. C4J is receiving many inquiries from private attorneys who ask to be listed on our low bono listings, and thus we expect the number of available low bono resources to increase.

Please consult the original Session 1 training materials for other topics/strategies for legal referrals. We’ll cover that material during our training session/presentation.

Thank you!

Ellie and Emily, the Call for Justice, LLC staff