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**International Legal Aid Group**

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A Comment on the  
Current State of  
Government and Charitable  
Funded Legal Services for  
the Poor in the US

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**A COMMENT ON THE CURRENT STATE OF GOVERNMENT AND  
CHARITABLY FUNDED LEGAL SERVICES FOR THE POOR IN THE US**

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Conceived in the expansive atmosphere of Lyndon Johnson's War on poverty as an activist army of skilled and militant lawyer-agents of social change, the federally funded US program of legal services to the poor quickly generated political opposition and controversy. This has persisted to the present time and remains a major factor in the inability of the program to secure an adequate funding base. The unremitting hostility directed at the program by conservatives has heightened the difficulties of a thorough assessment of the shortcomings as well as the accomplishments, of legal aid in the US. It has also pressed legal aid lawyers into a chronically defensive position, which, over the years, may have impaired their capacity to critically assess their work or to produce innovations that would improve productivity and quality. At the national level and to a lesser extent at the state level, the US policy agenda has fixed on debates about the proper role (if any) for government subsidized legal services. Total US government outlays for legal aid are a nominal share of the national budget. They are also miniscule in comparison to the revenues of the private sector legal services industry, particularly the gross revenues of large corporate firms.<sup>2</sup>

Thus, as John Kilwein (1999) suggests,<sup>3</sup> it has been ideology--- the symbolic meaning of legal aid for both its opponents and many of its proponents-- - that has been the dominant factor in shaping US legal aid policy and stagnating the program's growth. As Kilwein points out, this aspect of the US program contrasts sharply with the experience of other countries where fiscal politics, the unrestrained growth of demand led programs in Britain, Ontario Province, the Netherlands and other countries, that has propelled the policy agenda. The issues in these systems has been how to restrain skyrocketing costs, assure value for dollar spent, and maintain or expand good quality *and* cost-effective legal services to large sectors of the populace.

What is most remarkable, perhaps, about the US system of legal aid for the poor is that it has survived the efforts of three presidential administrations (Nixon, Reagan and the elder Bush) as well as the 1994 Gingrich led Congress to

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<sup>2</sup> See Earl Johnson, "Equal Access to Justice: Comparing Access to Justice in the United States and Other Industrial Democracies" 24 Fordham int'l L.J.83(2001).

<sup>3</sup> See John Kilwein, "The Decline of the Legal Services Corporation" in Regan, Paterson, Goriely and Fleming, eds, The Transformation of Legal Aid (Oxford 1999) for a thoughtful and sophisticated analysis of the politics of legal aid in the US.

eliminate or mortally would the program. The natural political base of support for the US program, the program's clients and its staff are so miniscule, by themselves, as to have no chance to impact national or even local fiscal and policy agendas. There have never been more than 4,000 legal aid lawyers in the US (in a bar now approaching a million active lawyers). The population eligible for legal services has never exceeded 20% of the US population and the program has never provided services, of any sort to more than a tiny fraction (2 or 3%) of those those eligible.<sup>4</sup> In the face of this reality, program leaders have shrewdly and assiduously cultivated an alliance with the American Bar Association (ABA) and with progressive state and local bar associations (e.g. Bar of the City of New York, Boston Bar Association). This alliance has produced enough political clout to save the program --- on more than one occasion.

Field leaders and staff of the US program (the field) emphasize the substantial nature of the changes that have occurred, particularly at the level of the federal government, as a result of the compromises and restrictions that have emerged as each attempt to dismantle the program was warded off.<sup>5</sup> Less attention has been paid to the remarkable stability of the program, to how durable, even rigid, its basic structures have proved to be. There has also been a dearth of critical scrutiny by the program's friends and supporters.<sup>6</sup> One of the tolls of grossly inadequate funding is that legal services providers have a ready explanation for all quality and productivity shortcomings. There is no discussion of the possibility that, even if there were a massive infusion of new monies, issues of quality, productivity and focus would not necessarily be resolved.

The first section of this paper identifies distinct features of the US program, emphasizing areas of stability and change. The second section identifies some evidence of little discussed problems in the program as it has evolved to date. The final section suggests exploration of a much broader policy and institutional agenda as a prelude to re-asserting a claim of universal access to civil legal service for all whom the fee for service system does not reach. In this section, I will pay some attention to the ways in which the present leadership of the Legal Services Corporation appears to be addressing issues of quality and productivity that have been off the agenda for decades as well as creating structures via which more productive, better funded and higher quality program might be achieved. veness and

Data available from the Legal Services Corporation and other government agencies is presented in Tables 1 through 5 attached to this paper. Numbers are rounded as indicated, the aim being to present the order of magnitude and direction of fluctuations over time of various program indicators. These tables present data, where available, over a 13 year period from 1987 through 1999.

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<sup>4</sup> See Tables 1 and 2, attached, present historical data on funding, eligible population, and total cases closed, as reported by grantees.

<sup>5</sup> Alan Houseman, "Recent Developments: Civil Legal Assistance in the United States", 2001, ILAG Conference paper.

<sup>6</sup> Two notable exceptions are Gary Bellow, "Turning Solutions Into Problems", *The Legal Aid Briefcase*, (1978); and Marc Feldman, "Political Lessons: Legal Services for the Poor", 43 *Georgetown L.J.* 1529 (1995)

Included are the following for each of the thirteen years: (i) US poverty levels; (ii) size of US poverty population; (iii) size of the population eligible for federal legal services (125% of the poverty level); (iv) total funding, in both nominal and 1987 dollars, for civil legal services, with sub-totals for sources of funds; (v) total number of cases reported closed each year, with sub-totals for reason closed; (vi) break down of total cases closed by LSC grantee, private attorney and other; (vii) funding per eligible person in nominal and 1987 dollars; and (viii) cost per case closure in nominal and 1987 dollars; (ix) distribution of LSC funds by state with information on poverty population per state, number of grantees per state and LSC \$\$ per poverty capita in each state. The Tables are referred to and discussed in the text and some additional data is presented in the text as well.

### Section One: Features of the US Program of Civil Legal Services for the Poor

Since 1974, federally funded legal services have been administered via the Legal Services Corporation, a publicly chartered entity<sup>7</sup> that hires no advocates and provides no legal services. The LSC exists to set and administer policy consistent with Congressional mandate, to secure and receive federal appropriations and allocate these to not for profit legal service organizations (LSOs) throughout the country; to assure that these state and local LSOs comply with federal law and regulations and to guarantee the delivery of high quality service to poor Americans. The LSC governing board is appointed by the President of the United States. The Board hires the President of LSC who, with her or his staff, is responsible for administering the program. While it is the case the parallel structures exist in a number of states that also provide funding for legal services to the poor, Alan Houseman is, in my opinion, correct that the federal LSC plays the primary role in assuring availability of advice and assistance and in setting policy and direction for the US program.<sup>8</sup>

Aspects of the US delivery system pre-date LSC. Even before OEO Legal Services inaugurated the publicly funded US effort for the poor, charitably funded legal aid in the US functioned through a small number of not for profits that employed attorneys to deliver service. However, the basic structure and goals of the US delivery system was defined in the early years of OEO legal services. Thus, since 1965, the following features have characterized the US legal services program:

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<sup>7</sup> Federally chartered corporations are not rare in US government, but they are unusual. . Other examples include the Federal National Mortgage Association (Fannie Mae), the Resolution Funding Corporation, the Tennessee Valley Authority, The Communications Satellite Corporation (COMSAT). As federal corporations chartered by the Congress, LSC and its federal corporate cousins are not administrative agencies and so do not fall within this well elaborated body of law. See, Stuart Kagen, "An Immodest Proposal: Investigating the Legal Form of the Legal Services Corporation" 1994 unpublished student paper on file with the author. This form was chosen by program supporters attempting to allay the intense political pressures on the OEO administered programs. It was thought that the federal corporate form was more likely to assure political independence and interference program.

<sup>8</sup> See Houseman, note 5 above.

- *Service Providers Are Full Time Staff of Private, Decentralized, Not For Profit Entities* - The Legal Services Corporation (LSC) funds hundreds of private, decentralized, locally based not for profit LSOs. Every LSO is staffed by salaried attorneys and paralegals who deliver service to clients. Each LSO has its own board of directors, a majority of whom, per federal statute, must be attorneys. Other Board members are client and community representatives. The board hires the Executive Director of each LSO and the Executive Director hires the staff of the office. The Board has formal power to set broad program agendas but may not interfere in any way with the representation of individual clients of the office. While there are certain types of services that LSOs may *not provide* (per Congressional or other restriction) within these constraints, the LSO Board decides the general office case taking priorities of each office. There have been no studies, but anecdotal evidence indicates that most boards are passive/ supportive of program directors and staff rather than active/interventionist. In 1997, there were 263 LSO grantees of federal funds. Tables 4 and 5 present the distribution of LSC funds by state. Table 4 presents the data by state. Table 5 presents that data beginning with the state with the highest LSC funding per poverty capita (Alaska) to the lowest (Connecticut). This data illustrates that funding patterns do not correlate with poverty rates. Nor does the number of LSOs in states correlate with funding levels or with poverty rates. Moreover, the number of LSOs in states does not correlate with the geographic size or general population of the state.

The distribution of LSOs and LSC funds reflects historical patterns much more than policy initiatives, although in the late 70s, field leadership urged the rationalization of funding to assure at least one attorney for every 10,000 eligible clients. They also sought assurances that LSOs already funded at or above that level would retain their “over-funded” status. At the initiative of the present LSC leadership, the number of LSOs will have decreased by over one-third, from 263 in 1997 to 167 as of the end of this year (see Part 3 below).

Privatize, decentralized, not for profits has been the only service delivery model in the US dating back to the OEO origins of the program. Houseman suggests<sup>9</sup> that until recently, the US system has been essentially national in scope and direction and that it is now undergoing a transformation to a more de-centralized program. It is true that, as with many other government funded service programs, there has been a sharp trend towards devolution to power to states to shape programs. However, as the states’ coordinative and policy roles grow, the authority of the radically de-centralized not for profit network of LSOs is necessarily declining. The present LSC administration is moving in just such a direction and the field leadership of many LSOs are resisting what they see as incursions on their program domain. The trajectory in the US seems to me to be towards consolidation at the state level which will, in many respects, enhance the regulatory capacity and policy agenda of LSC

*Limited Role for Private Bar* – As indicated above, in the US, service is provided via a staff of salaried attorneys, paralegals and “intake workers”.

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<sup>9</sup> Ibid.

These attorneys (about 3500-3800) and paralegals (about 1500) understand themselves as a unique subset of the bar. Since the 70s, the Congress has mandated that 12.5% of a grantee's federal funds support private attorney involvement, or "PAI", in service delivery. A tiny fraction of the private attorney involvement has been on a paid (per case or per contract for a block of cases) basis. By far the most common PAI approach is to use these dollars to support the infrastructure for service to the poor by pro bono, or volunteer, attorneys. Table 2 suggests the possibility that private attorneys (including those who volunteer) may be relatively efficient. For periods covered in the Table, private attorneys have completed from 15-20% of the total matters closed in any year, far in excess of the 12.5% of grantee funds that supports their involvement. However, there continues to be no interest on the part of the field or their supporters in any type of private bar involvement in delivery except on a pro bono basis. In other words, the role of the private bar in delivering legal services to the poor in the US has been: (i) to volunteer their time<sup>10</sup>; (ii) to participate on LSO boards; (iii) to donate money, raise funds from charitable sources and lobby for increased governmental funding for the salaried staff in not for profit LSOs. This has been an extremely stable feature of the US program since its inception.

- *Service Only to the Very Poor* - Public dollars have served only the very poor - in the main, households below 125% of the poverty line.<sup>11</sup> Table 3 sets out the dollar poverty levels for various household sizes and for 125% of poverty, which is the upper threshold for eligibility for federal legal services.<sup>12</sup> Tables 1 and 2 include data on the number of Americans below both the poverty line and below 125% of the poverty line from 1987 through 1999. Since 1987, the poverty population has fluctuated between 13 and 15% of the US population. It has declined each year beginning in 1994 through 1999. The population below 125% of poverty has consistently been within the lowest quintile of the US income distribution and also has declined every year beginning in 1994. Because only a fraction of eligible clients actually receive any type of assistance from legal aid programs, there is no client constituency with any electoral or political clout to support the program. Because legal aid in the US is not an entitlement, the budget each year emerges from the national legislative and budget processes, subject to the lobbying of the ABA and field leaders. It is absolutely fixed with no structures that link national appropriations to fluctuations in numbers of eligible clients or to eligible client need.

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<sup>10</sup> While pro bono participation rates seldom exceed 20% of the private bar, the near exclusive focus in the US on private bar voluntarism has led to the development of this resource as a supplement to government funded efforts than in other countries.

<sup>11</sup> The US poverty line is an indicator, devised for the Johnson Administration's War on Poverty. It has come under wide discussion and debate because (i) (with the exception of an inflator for Alaska and Hawaii) the poverty line is uniform for all other states and for rural and urban areas, where cost of living, etc. vary widely; (ii) it is based on a multiplier of food costs when housing costs most significantly impact living circumstances; (iii)

<sup>12</sup> Federally funded legal services are strictly limited to clients at or below 125% of poverty. Some state and charitably funded programs and other federal programs (e.g. for the elderly) permit service to clients above 125% of poverty.

The US has no public programs to meet the legal needs of moderate income individuals,<sup>13</sup> which recent ABA studies show to be substantial, largely unmet and in many respects similar in type to the needs of low income people. Moreover, there is no interest on the part of LSOs, the LSC or ABA supporters in expanding publicly subsidized legal assistance to a broader economic spectrum. While the LSO field and their supporters have sharply and consistently criticized restrictions on the types of advocacy they may undertake (e.g. no class action work), there has been no criticism of the sharp restrictions on who is eligible for service. There is and has been a virtually unquestioned consensus that the legal needs of working and moderate income Americans be left to innovations in the fee for service or pre-paid sector.<sup>14</sup>

- *Service is Free* - Publicly funded legal services for the poor have been entirely free. There have been no co-payments or client contributions. Moreover, many clients have not been asked to reimburse filing fees and other routine costs advanced by grantee LSOs in the course of representation. Conservatives have urged experimentation with client co-payments, but the leaders of legal services programs have vigorously resisted.<sup>15</sup> There is no reason to believe that a co-payment system would not be accepted, even by low income clients<sup>16</sup>, or that it might not generate non-trivial additional revenues. The Hale and Dorr Center at Harvard has instituted modest client co-payments or low, flat fees for many services, producing in excess of \$100,000 per year in revenue (about 5 % of the Center's annual operating budget). There has been little negative response from clients.
- *Law Reform and Social Change are Prominent Goals* - Law reform and test case litigation were explicit goals of OEO legal services and to the early generation of legal services staff. These goals, which emphasize systemic impact, continue to be of significance to the staff of LSOs nearly 40 years later. This is reflected in the recognition and status accorded "test case" litigators and law reform or policy positions in LSOs. Novices do direct service in what are perceived as "routine" cases. Advancement within legal services involves moving away from direct service to impact work. It is also reflected in the intense concern and protest among LSOs and their supporters about the recent restrictions on class actions and policy advocacy. The perceived failure of LSO attorneys to consistently undertake change or impact oriented work on

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<sup>13</sup> These 1994 ABA studies define moderate-income households as those above 125% of the poverty line but below \$60,000 in annual income.

<sup>14</sup> The pre-paid or group legal services sector serves a great many more people than the government funded program for the poor. The National Resource Center for Consumers of Legal Services claims that 115 million Americans, over 40% of the population are covered by one or more pre-paid plans. The Center's web site, [www.nrccls.org](http://www.nrccls.org) has an array of charts and data documenting the explosive growth in this sector.

<sup>15</sup> Douglas Besharov, ed, Legal Services for the Poor: Time for Reform (AEI 1990), chaps. 1. and 8.

<sup>16</sup> There is, of course, no basis for assuming that co-payments would be either resisted or accepted by potential clients since there has been no systematic experimentation and study.

behalf of the poor is seen by veteran providers as cause for concern necessitating reform.<sup>17</sup>

At the same time, the field recognizes that only an “access” or “service” rationale, which is perceived by both supporters and opponents of legal services as less political than “impact” work – sustains government funding. Therefore, LSO staff argue to funders and the general public that access for the poor to quality legal services is a critical element of a fair adversary system. They also point out to the bar that the legitimacy of its professional monopoly is threatened if only the rich have access to quality advice and assistance. Among themselves, in their journals and at their conferences, policy and impact dominate the agenda.<sup>18</sup>

- “Cadillac” Standard of Service – There is no formal statutory or regulatory guideline for the standard of service in the US. Informally, from OEO days to the present, field staff and leaders have asserted that the standard of service to the poor should be “to offer the poorest citizens the same expertise, diligence, zealouslyness and extent of service available to the wealthiest clients of the most prestigious firms”. In the US system, there is no merit test, beyond the general professional proscription against bringing frivolous claims. Nor is there any cost benefit test. US legal service providers may take on cases that are certain to be considerably more expensive in terms of LSO resources and staff time, than the benefit likely to be achieved for the client. A staff attorney or paralegal in an LSO may, for example, take on representation requiring a hundred hours of effort to obtain \$10 per month in SSI benefits.
- Most Clients Receive Limited Services - Despite the commitment to law reform and social change, and the commitment to offering corporate style aggressive and extensive services, the information in Table 2 shows that over many years, the vast majority of matters closed each year -- 75% or more -- involve only brief service, advice and counsel, referral and the like. This rough proportion of limited to extensive service has characterized US legal services since the inception of the LSC. It has been an extremely stable and predictable aspect of service to clients.<sup>19</sup> and contrasts sharply with field rhetoric and aspirations.

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<sup>17</sup> See, e.g., Marc Feldman, “Political Lessons: Legal Services for the Poor”, 43 Georgetown L.J.1529 (1995)

<sup>18</sup> An exception is the recent interest in “hot lines” and technology assisted or dependent approaches to providing brief service and advice. To a growing extent, these efforts are embraced and endorsed by the field entirely on access grounds.

<sup>19</sup> The sharp decline in total cases closed in 1998 and 1999 is a result of a lengthy investigation by the Inspector General of the LSC that identified significant over-reporting. As a result, data reported from LSOs is reduced by 11% each year and LSC has issued clarifying guidelines for defining what client contacts may be fairly categorized as cases. See [www.oig.lsc.gov](http://www.oig.lsc.gov) for information on this issue and on the methodology employed in determining the error rate.



- Family, Housing, Consumer and Public Benefits Matters Are Over 80% of Matters Closed – Traditional poverty law matters – family, housing, consumer and public benefits (income maintenance and health categories) have dominated the caseload in the US system. Despite major changes in the political climate, e.g., much greater emphasis on work than welfare in the 90s, types of cases handled by LSOs have hardly varied. The following chart shows the case types for 1989 and 1999 by absolute number and per cent of total case load:

<b>Case Type</b>	<b>1989</b>		<b>1999</b>	
Family	447,402	30.8%	373,918	37.0%
Housing	306,223	21.1	238,892	22.9
Income maintenance	248,388	17.1	145,413	14.0
<u>Consumer</u>	<u>170,423</u>	<u>11.7</u>	<u>124,639</u>	<u>11.5</u>
sub-total		80.7%		85.4%
Health	42,096	2.9	31,160	2.7
Employment	38,020	2.6	20,773	2.3
Individual rights	33,610	2.3	20,773	1.7
Education	16,434	1.1	10,387	0.9
Juvenile	22,446	1.7	9,233	0.8
Other	126,058	8.7	62,320	6.3

- No Case Outcome Information – There is no substantive outcome information in the US case reporting system. For example, in 1996, LSOs closed nearly 78,000 SSI cases. There is no information on the number or percentage of these cases that were won. There is no information on whether tenants in eviction disputes with their landlords retained possession of the premises or successfully relocated. Without such information in it almost impossible to make any interesting or useful statements about the effectiveness or benefits of legal services to its clients. The national case reporting system requires that every closed matter be identified only by case type and extent of service, e.g. brief service, advice and counsel, administrative hearing
- Staffing patterns – The staffs of LSOs include attorneys, paralegals, managerial staff, support staff, receptionists, translators and perhaps “intake workers” who deal with clients seeking assistance, and legal assistants who assist lawyers or even paralegals in carrying out a representation. Attorneys outnumber paralegals by about 2 and a half to one, a ratio consistent with the reform, test case litigation goals of LSO staff, but not consistent with the

program's actual functioning as a massive advice and limited assistance program. It seems likely that the actual functioning of the present US system is at odds with its staffing and resource allocation patterns, which in turn seems likely to produce inefficiencies and to negatively impact quality.

- *No Client Choice of Legal Services Provider and No Competitive Structures* – The policy of offering client's some choice of provider has never been on the agenda of the field or supporters of the legal services program. Since so few eligible clients are served and funding levels so low and stagnant, the issue of client choice of provider may seem an unreachable luxury. There is also resistance from LSOs who see the possibility of multiple providers available to the same client community as a threat to their resource base. This is likely enhanced because client choice of provider has been on the agenda of conservative critics of the program.

## Part Two: Evidence of Problems

Because there is no adequate, let alone rich data base on provision of legal services in the US, it is very difficult to know just what sorts of service are being delivered, to whom, at what levels of quality and efficiency. However, the data that is available suggests that there may rather serious problems in these areas. The following briefly sketch the contours of what are at least "puzzles" that emerge from what we do know about the US system:

As indicated above, the data suggests that, despite field aspirations and anecdotal claims of extended and aggressive advocacy, the US system is a massive limited advice and assistance effort. This may be even more dramatic than the conventional division of annual caseload into "limited services" and "extended services" – already enormously lopsided on the limited service side – would suggest. This division is a crude one based on reason for case closure. All closures that resulted from negotiation of any sort, or by agency or court decision are included in extended service. In 1996, LSC data shows over 1,400,000 reported cases, see Table 2. For 1996, and presumably for other years, LSC breaks out the data on reasons for case closing by subject matter area. This data shows that nearly half a million (34.8%) of the total cases closed were in the family law area. Of these half million cases, nearly 70,000 were closed as a result of court decision (14.0 % of the total family matters). However, some number of these family cases decided in court involve parts unknown, non-contesting or ineffectively contesting opponents. Such cases are often routine, and while requiring a supportive relationship with the client, involve few or no complex issues of law, fact or legal judgment, and may take no more time than an extended advice matter. These matters technically fall into the "closed as a result of court decision" category and so into the "extended service" matters for the year, but this masks cases, technically resolved by court decision, that involved no extensive service. Similarly, of 15,937 extended service consumer matters reported in 1996, 8,555 (more than half of all extended consumer matters) were bankruptcies. Bankruptcy proceedings for very poor clients are seldom actively contested and proceed in a routinized, bureaucratic fashion until a final decree of

bankruptcy is issued by a court. Here is another area where a significant number of “extended service” matters may not involve extensive time, research, analysis or judgment.

By contrast, there were 317,240 housing cases (22.2 % of total case closings) reported in 1996. Of the 38,000 or so housing cases that are reported as extended service cases, 9,800 (about 26%) were reported closed as a result of court decision. Housing is typically a sharply and vigorously contested area of practice with moderate to reasonably complex common law and statutory claims, each of which requires rather extensive investigation (e.g. of the condition of premises over time, of required landlord record-keeping, of the factual bases for landlord claims of tenant misconduct). Good practice requires routine use of experts on housing repair and health issues. However, 86% of all housing matters in 1996 were resolved by limited or summary services and nearly 26,000 of the 38,000 (about 74%) of extended service cases were resolved by negotiation. In the family area, nearly 70,000 of 87,000 (about 80%) extended service matters were resolved by court decision. It is highly unlikely that the great disparity in court resolution between family and housing is a result of much more aggressive work in the latter area. It is likely that the high number masks many cases with no real contest.

There is also reason for concern when resolution by settlement dominates the extended service category in housing. This is a practice area where there is often great pressure to settle formally strong tenant claims for substantially less than their value. Based on my 30+ years of legal services work, largely in the housing area, I would predict that substantive outcome information on legal services housing cases would show a great deal of mediocre to poor quality results, the criteria for a good result being degree of enforcement of existing laws and entitlements.<sup>20</sup>

There are many such conundrums lurking in the data. The point here is that US providers should face up to the actual functioning of their system as a limited service effort. We should then take a hard look at whether limited advice and assistance is all that most clients need or whether it is all that they are getting.

Another example is the limited role of the private bar in US legal services. While the US may have pioneered effective use of pro bono or volunteer lawyers, emphasizing pro bono to the exclusion of other roles may neglect an important resource. The 1994 comprehensive ABA legal needs study showed that many more poor people, eligible for federally funded legal services, were assisted by the private bar than by the legal services program. The study’s results showed that of poor people who recognized that they had a legal problem, only about 31% took legal or judicial action. Of these potential clients, about 68% obtained the services of an attorney. Of those who obtained attorney services, 75% received service from the private bar (most market rate fees, or and reduced or contingent

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<sup>20</sup> Note that no element of law reform or policy change is necessarily involved. It has been my experience that, difficult as it is to achieve favorable law or policy changes, it is sometimes much harder to enforce the new claims once they are on the books. Law reform in the landlord and tenant area is a prototypical case. In many jurisdictions in the US what is needed is not more law reform, but more law enforcement.

fee arrangements). The remaining 25% who obtained lawyer services were clients of (LSOs) and LSO related pro bono efforts.<sup>21</sup> It is not likely that these clients received very extensive service, and there may, as many legal services lawyers believe, be significant quality concerns about the strata of the bar available to serve poor and working class Americans, but the legal services system itself, as we have seen, is dominantly a limited advice and service institution. On the quality side, at best we know little, and there is reason for concern. We ought not ignore off the private bar's relatively significant market contributions, and we might constructively explore low cost ways of enhancing the quality and amount of service delivered from this sector.

Finally, focusing public resources only on the very poor may have a number of negative effects. The potential base of political support is much smaller among the poorest, who are least active in US politics. Possibilities of poor and working class alliances are undermined (the ABA Legal Needs study suggests that there is considerable common ground between the legal needs of the poor and moderate income Americans). Proponents of government funded legal services have little knowledge of the rapidly growing pre-paid or insurance sector and so no basis for considering whether similar approaches might benefit lower income individuals. Client co-payments or limited fee structures are more plausible for moderate income clients and experience with this sector may encourage experimentation with co-payments for some types of service to poorer clients. Finally, it is possible that the presence of greater economic mix and some paying clients would positively impact quality and productivity in LSOs. Our experience at the Hale and Dorr Legal Services Center, which serves poor and moderate income clients, suggests that this is so.

### Part Three: Policy Initiatives

The present policy agenda in the US, pursued by the ABA and local bar leaders, by progressives, and by incumbents and leaders of the existing legal services system, has two main thrusts: (1) increase government and charitable support to expand the network of decentralized, not for profit legal service programs for poor people; and (2) encourage (or require) all lawyers to make annual donations of money or time, preferably both, to represent poor clients. This agenda is at a standstill. Congressional funding for the Legal Services Corporation has decreased, not increased, over the past two decades. Alternative local and charitable sources have not, in real dollars, made up the difference let alone expanded resources. Vast amounts of new funding would be required to provide salaried, specialized attorneys, to meet even the minimal needs of all individuals and households at or below 125% of the poverty line. Nothing in the present political climate suggests that such an influx of funds is in the offing.

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<sup>21</sup> Incidentally, clients who took legal or legal action were the most satisfied, while the most dissatisfied were those who attempted to handle their problem by themselves or who did nothing at all.

Similarly, despite vigorous and sincere efforts, less than 20% of US attorneys participate in *pro bono publico* efforts on behalf of the poor, and the number is not rising. It may simply be unrealistic to imagine that small amounts of time from 900,000 lawyers of vastly differing experience and expertise, can be marshaled to fill the gap left by even a greatly expanded network of salaried poverty lawyers.

### *LSC Initiatives*

At this time, creative leadership at the national level is coming primarily from LSC which is asking the important question, even without substantial increases in public funds, is it possible that changes in the present structures for delivering legal services to the poor might achieve both greater access and higher quality service? The agenda of LSC suggests that the answer to this question is emphatically in the affirmative. Since 1997, LSC has committed to improving quality of service and reaching many more presently unrepresented poor people. LSC has sought and obtained increased funds to introduce technology aiming to reduce costs and improve quality, moved towards a much improved system of outcome measures and insisted on coordination of services at the state level so that all providers in a jurisdiction come to the same table and begin to strategize on ways of matching the resources available to each with the most appropriate legal need. If reliable data on the benefits provided by government funded legal services and the cost effectiveness of service efforts become routinely available, LSC hopes that this will lay the basis for ending the long funding stagnation and bring badly needed new revenues to the effort.

These seem promising directions. There is, however, resistance from LSOs and field staff to LSC initiatives. As in other countries with mature legal services systems, incumbents, once part of the solution, can become part of the problem when they resist change. Surely the remarkable stabilities, I would say rigidities of the US system cannot have served the US as well in the 60s as in the 80s or 90s or the new millenium. Leadership is required and the present Corporation appears to be providing it, all under a quite emphatic access rationale.<sup>22</sup>

### *A broadened policy agenda*

If the US is to meet the challenge of a universal guarantee of quality legal advice and assistance for all whom the market fails, the following approaches ought to be studied:

- *Non lawyer service* - What role might lay or paralegal advocates, client self-help, advice centers, computer and technological innovations play in expanding access to both low and moderate income households?
- *Greater private bar involvement* - Are those private, fee for service attorneys who presently provide three-quarters of the legal services to poor clients and

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<sup>22</sup> John McKay, "Federally Funded Legal Services: A New Vision of Equal Justice Under Law" 68Tenn L. R. 101 (2000). John McKay has been president of the LSC since 1997 and has been largely responsible for the initiatives described above.

all of the service to moderate income clients as efficient and effective as they might be?<sup>23</sup> There may be cost effective (likely some market, subsidized hybrid) ways of inducing private attorneys to meet a much greater share of presently unmet legal needs

- What do we know *and what ought we to know* about the type of service and the outcomes that the present system produces for poor and moderate income clients?
- *Improved recruitment, retention and professional development in the staffed programs* - What incentives (salary and benefits; training; professional development and mentoring; career opportunities) would attract and retain the best advocates? How might direct client service become as professionally attractive and rewarding as higher profile law reform and public policy advocacy?
- *Creative uses of Technology* – Cost saving and quality enhancing measures may result from the strategic introduction of technology. Because the infrastructure costs are high it is important to be deliberate, but it is also important not to lag far behind this revolution.
- *Pre-paid and Legal Insurance Approaches* - Would pre-paid or insurance approaches be feasible and cost effective in meeting at least some important legal needs of the poor? These program, targeted to moderate income clients, assure at least minimal service to many times the number of clients served by the legal services program for the poor. The pre-paid industry claims that 115,000,000 Americans are covered by some type of pre-paid plan. Even if this number is overstated, it is worth seriously exploring not only what but whose what legal needs this vigorous and rapidly growing sector presently meets .

### CONCLUSION

There is no more urgent agenda facing the legal profession today than the unfinished work of the visionaries of the 1960s who launched the legal services program for the poor. The explosive growth in law, regulations and entitlements since 1965, make access to quality legal advice and assistance all the more pressing and valuable for every household. The legitimacy of an independent bar and of our adversary system of justice itself is threatened if access is limited to the few with sizable resources.

Gary Bellow, one of the pioneers of the legal services movement and of poverty law practice in the US, issued the following warnings at the moment of

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<sup>23</sup> See the ABA's 1994 Comprehensive Legal Needs Study which involved a survey and reports on the amount and nature of legal needs of low and moderate income Americans.

the founding of the federally funded legal services program that he and many others, had worked hard to bring about.<sup>24</sup>

*“Nevertheless, it seems to me that, even in establishing the neighborhood offices, the test case units, the legal education programs — even in creating this whole panoply of legal and supportive services — we have made a number of very narrow assumptions concerning the problems with which they deal and the scope of what needs to be done. We have assumed that the provision of legal aid service to the poor is separate from the general problem of the unavailability of legal service to others in our low-income areas and to much of the rest of the nation. We have assumed that, with adequate financing, legal aid services can be fully provided within the present structure and organization of the profession. We have assumed that the provision of legal advice and representation, in and of itself, will fulfill any responsibility that the Bar has to the nation ...*

*In my view these assumptions are in error. They will, as they are pursued, inevitably create new problems which will themselves one day have to be faced and solved. This means the cost of legal service to the client must drastically be reduced.”*

It is the thesis of this paper that we would have done well to heed those early warnings. As we approach the 40<sup>th</sup> anniversary of the US program, it is perhaps long past time for those of us who have dedicated our careers to making legal assistance universally available to face up to the problems that exist within the program. We ought not leave the task of critical assessment to those who would dismantle all public efforts to assure access to Americans who cannot afford decent quality legal service. The US project was begun with tremendous hope and promise. While we now recognize the naiveté of some of those hopes, there is reason for optimism that even the most difficult problems will yield to sustained work by capable and dedicated individuals, and so reason to work harder and smarter than we ever have.

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<sup>24</sup> See Earl Johnson, Jr., Justice and Reform, (1974 ) for the definitive history of the OEO legal services program, the predecessor of the present federal Legal Services Corporation program in the US.

**TABLE 1: FUNDING FOR CIVIL LEGAL SERVICES IN US**

**US CIVIL LEGAL SERVICES -- HISTORICAL DATA**

	% pop	1987	% pop	1988	% pop	1989	% pop	1990	% pop	1991	% pop	1992	% pop	1993	% pop	1994	% pop	1995	% pop	1996	% pop	1997	% pop	1998	% pop	1999	
<b>POPULATION (thousands)</b>																											
Poverty Population	13.4%	32,221	13.00	31,745	12.80	31,500	13.5	33,585	14.2	35,708	15.0	38,014	15.1	39,265	14.5	38,059	13.8	36,425	13.7	36,529	13.3	35,574	12.7	34,476	11.5	32,300	
Eligible population of poverty	125%	43,032	17.50	42,551	17.30	42,700	18.0	44,837	18.9	47,527	19.7	50,592	20.0	51,801	19.3	50,401	18.5	48,761	18.5	49,310	17.8	47,853	17.0	46,036	15.6	44,000	
<b>FUNDING</b>																											
<b>Nominal Funding (thousands)</b>																											
LSC funds	306,000	306,000	306,000	317,000	328,000	350,000	357,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	278,000	283,000	283,000	283,000	283,000	283,000	283,000	303,000	
% change previous year	5.00%	0.00%	0.00%	2.59%	3.47%	6.71%	2.00%	12.04%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-30.50%	1.80%	1.80%	1.80%	0.00%	0.00%	0.00%	7.07%	
<b>Non-LSC Funding:</b>																											
Federal Grants	25,000	28,000	28,000	28,000	30,000	31,000	32,000	31,000	34,605	30,000	31,000	31,000	32,000	31,000	34,605	28,740	27,815	35,996	28,740	27,815	27,815	27,815	35,996	28,740	27,815	47,783	
State & Local Grants	31,000	34,000	34,000	50,000	52,000	59,000	70,000	70,000	75,140	70,000	70,000	70,000	70,000	70,000	75,140	68,191	79,884	87,721	68,191	79,884	79,884	79,884	87,721	68,191	79,884	88,419	
IOLTA	29,000	30,000	30,000	55,000	74,000	88,000	88,000	88,000	64,883	64,883	60,194	60,194	60,194	60,194	64,883	53,313	57,453	63,457	53,313	57,453	57,453	57,453	63,457	53,313	57,453	68,639	
Private and Other	36,000	38,000	42,000	50,000	45,000	61,000	68,000	68,000	68,217	77,821	58,799	58,799	58,799	58,799	68,217	209,043	209,043	262,768	209,043	209,043	228,762	228,762	262,768	209,043	209,043	267,064	
Total Non-LSC Funding	121,000	130,000	149,000	183,000	201,000	239,000	246,000	246,000	242,845	253,513	253,513	253,513	253,513	253,513	242,845	487,043	487,043	545,768	487,043	487,043	511,762	511,762	545,768	487,043	487,043	570,064	
<b>Total Funding</b>	<b>427,000</b>	<b>436,000</b>	<b>458,000</b>	<b>500,000</b>	<b>529,000</b>	<b>589,000</b>	<b>603,000</b>	<b>603,000</b>	<b>642,845</b>	<b>653,513</b>	<b>653,513</b>	<b>653,513</b>	<b>653,513</b>	<b>653,513</b>	<b>642,845</b>	<b>987,043</b>	<b>987,043</b>	<b>1,198,768</b>	<b>987,043</b>	<b>987,043</b>	<b>1,000,762</b>	<b>1,000,762</b>	<b>1,091,534</b>	<b>987,043</b>	<b>987,043</b>	<b>1,130,064</b>	
% change previous year	2.11%	5.05%	9.17%	9.17%	5.80%	11.34%	2.38%	6.61%	6.61%	1.66%	1.66%	1.66%	1.66%	1.66%	-25.47%	5.08%	6.64%	5.08%	5.08%	5.08%	5.08%	6.64%	6.64%	6.64%	4.45%		
<b>Inflation Adjusted Funding - 1987 \$</b>																											
LSC Funding	306,000	287,054	272,007	259,199	245,877	241,379	229,140	242,424	242,424	231,348	231,348	231,348	231,348	231,348	242,424	153,846	151,337	147,242	153,846	151,337	151,337	151,337	147,242	153,846	151,337	152,722	
% change previous year	-6.19%	-5.24%	-4.71%	-4.71%	-5.14%	-1.83%	-5.07%	5.80%	5.80%	-4.57%	-4.57%	-4.57%	-4.57%	-4.57%	-33.50%	-1.63%	-2.71%	-2.71%	-33.50%	-1.63%	-1.63%	-1.63%	-2.71%	-1.63%	-1.63%	3.72%	
Non-LSC Funding	121,000	121,951	131,162	149,632	150,675	164,828	157,895	147,179	147,179	146,624	146,624	146,624	146,624	146,624	147,179	115,685	122,333	136,716	115,685	122,333	122,333	122,333	136,716	115,685	122,333	134,609	
<b>Total Funding</b>	<b>427,000</b>	<b>409,006</b>	<b>403,169</b>	<b>408,831</b>	<b>396,552</b>	<b>406,207</b>	<b>387,035</b>	<b>389,603</b>	<b>389,603</b>	<b>377,972</b>	<b>377,972</b>	<b>377,972</b>	<b>377,972</b>	<b>377,972</b>	<b>389,603</b>	<b>269,531</b>	<b>273,670</b>	<b>283,958</b>	<b>269,531</b>	<b>273,670</b>	<b>273,670</b>	<b>273,670</b>	<b>283,958</b>	<b>269,531</b>	<b>273,670</b>	<b>287,331</b>	
% change previous year	-4.21%	-1.43%	-1.40%	1.40%	-3.00%	2.43%	-4.72%	0.66%	0.66%	-2.99%	-2.99%	-2.99%	-2.99%	-2.99%	0.66%	-28.69%	1.54%	3.76%	-28.69%	1.54%	1.54%	1.54%	3.76%	-28.69%	1.54%	1.19%	
<b>CASE CLOSURES (thousands)</b>																											
Cases Closed	1,422	1,430	1,453	1,487	1,526	1,563	1,618	1,686	1,686	1,686	1,686	1,686	1,686	1,686	1,686	1,426	1,500	1,100	1,426	1,426	1,500	1,500	1,100	1,100	1,100	924	
Funding per Case Closure 1987	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Funding per Eligible capita- 1987	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Funding per Case Closure (Nominal \$)	300.28	304.90	315.21	336.25	346.66	376.84	372.68	381.28	381.28	394.16	394.16	394.16	394.16	394.16	381.28	341.54	341.17	496.15	341.54	341.17	341.17	341.17	496.15	341.17	341.17	616.95	
Funding per Eligible Capita (Nominal \$)	9.92	10.25	10.73	11.15	11.13	11.64	11.64	12.75	12.75	13.40	13.40	13.40	13.40	13.40	12.75	9.88	10.69	11.86	9.88	10.69	10.69	10.69	11.86	9.88	10.69	12.96	





**Table 3: US Poverty Levels and 125% of Poverty**

**US Poverty Levels and 125% of Poverty - Most recent 5 years**

Size of Family Unit	2001-Pov.	2001-125%	2000-pov	2000-125%	1999-pov	1999-125%	1998-pov	1998-125%	1997-pov	1997-125%
1	\$8,590	\$10,738	8,350	\$10,438	\$8,240	\$10,300	\$8,050	\$10,063	\$7,890	\$9,863
2	11,610	14,513	11,250	14,063	11,060	13,825	10,850	13,563	10,610	13,263
3	14,630	18,288	14,150	17,688	13,880	17,350	13,650	17,063	13,330	16,663
4	17,650	22,063	17,050	21,313	16,700	20,875	16,450	20,563	16,050	20,063
5	20,670	25,838	19,950	24,938	19,520	24,400	19,250	24,063	18,770	23,463
6	23,690	29,613	22,850	28,563	22,340	27,925	22,050	27,563	21,490	26,863
7	26,710	33,388	25,750	32,188	25,160	31,450	24,850	31,063	24,210	30,263
8	29,730	37,163	28,650	35,813	27,980	34,975	27,650	34,563	26,930	33,663
For each additional person add	\$3,020		\$2,900		\$2,820		\$2,800		\$2,720	

SOURCE: Federal Register, Vol 66, No. 33, pp. 10695-10697 (2/16/01); Vol. 65, No. 31, pp. 7555-7557 (2/15/00); Vol 64, No. 52, pp. 13428-13430 (3/18/99); Vol 63, No. 36, pp. 9235-9238 (2/24/98); Vol 62, No. 46, pp. 10856-10859 (3/10/97)

**TABLE 4: 1997 Geographic Allocation of LSC Funds to Local Legal Services Programs**

<u>State*</u>	<u>Number of Programs</u>	<u>LSC Grant Received in 1997</u>	<u>% of Total LSC Grants</u>	<u>State Population</u>	<u>Poverty Percentage</u>	<u>Poverty Population</u>	<u>LSC Grant Per Poverty Capita</u>
Alabama	3	\$ 5,683,339	2.2%	4,320,281	14.7%	635,081	\$ 8.95
Alaska	1	\$ 956,275	0.4%	608,846	8.8%	53,578	\$ 17.85
Arizona	5	\$ 7,211,710	2.8%	4,552,207	18.1%	823,949	\$ 8.75
Arkansas	5	\$ 3,281,886	1.3%	2,524,007	17.2%	434,129	\$ 7.56
California	21	\$ 29,210,732	11.4%	32,217,708	16.3%	5,251,486	\$ 5.56
Colorado	3	\$ 2,969,848	1.2%	3,891,293	9.3%	361,890	\$ 8.21
Connecticut	1	\$ 1,707,066	0.7%	3,268,514	9.9%	323,583	\$ 5.28
Delaware	1	\$ 421,648	0.2%	735,024	9.5%	69,827	\$ 6.04
D.C.	1	\$ 756,177	0.3%	528,752	22.7%	120,027	\$ 6.30
Florida	12	\$ 12,599,444	4.9%	14,683,350	13.9%	2,040,986	\$ 6.17
Georgia	2	\$ 7,250,005	2.8%	7,486,094	14.3%	1,070,511	\$ 6.77
Hawaii	2	\$ 954,873	0.4%	1,189,322	12.3%	146,287	\$ 6.53
Idaho	1	\$ 1,077,731	0.4%	1,210,638	13.2%	159,804	\$ 6.74
Illinois	5	\$ 10,420,282	4.1%	12,011,509	11.1%	1,333,277	\$ 7.82
Indiana	4	\$ 4,505,365	1.8%	5,872,370	8.6%	505,024	\$ 8.92
Iowa	2	\$ 2,414,509	0.9%	2,854,396	9.4%	268,313	\$ 9.00
Kansas	1	\$ 2,156,918	0.8%	2,616,339	10.1%	264,250	\$ 8.16
Kentucky	7	\$ 5,355,139	2.1%	3,907,816	15.5%	605,711	\$ 8.84
Louisiana	8	\$ 7,594,935	3.0%	4,351,390	18.6%	809,359	\$ 9.38
Maine	1	\$ 1,081,190	0.4%	1,245,215	10.6%	131,993	\$ 8.19
Maryland	1	\$ 3,046,088	1.2%	5,092,914	8.6%	437,991	\$ 6.95
Massachusetts	6	\$ 4,078,942	1.6%	6,115,476	10.3%	629,894	\$ 6.48
Michigan	12	\$ 9,455,945	3.7%	9,785,450	10.8%	1,056,829	\$ 8.95
Minnesota	6	\$ 3,703,783	1.4%	4,687,726	9.9%	464,085	\$ 7.98
Mississippi	6	\$ 5,022,802	2.0%	2,731,826	18.3%	499,924	\$ 10.05
Missouri	6	\$ 5,207,860	2.0%	5,407,113	10.4%	562,340	\$ 9.26
Montana	1	\$ 1,087,526	0.4%	878,706	16.4%	144,108	\$ 7.55
Nebraska	3	\$ 1,366,533	0.5%	1,656,042	10.8%	178,853	\$ 7.64
Nevada	1	\$ 1,046,417	0.4%	1,675,581	9.9%	165,883	\$ 6.31
New Hampshire	1	\$ 534,762	0.2%	1,173,239	8.4%	98,552	\$ 5.43
New Jersey	14	\$ 4,501,595	1.8%	8,054,178	9.0%	724,876	\$ 6.21
New Mexico	4	\$ 2,562,335	1.0%	1,722,939	22.4%	385,938	\$ 6.64
New York	15	\$ 17,886,118	7.0%	18,143,184	16.6%	3,011,769	\$ 5.94
North Carolina	4	\$ 6,629,411	2.6%	7,428,672	12.5%	928,584	\$ 7.14
North Dakota	2	\$ 756,440	0.3%	640,945	13.2%	84,605	\$ 8.94
Ohio	15	\$ 10,412,727	4.1%	11,212,498	11.6%	1,300,650	\$ 8.01
Oklahoma	3	\$ 4,295,305	1.7%	3,314,259	14.8%	490,510	\$ 8.76
Oregon	4	\$ 2,856,600	1.1%	3,243,254	12.8%	415,137	\$ 6.88
Pennsylvania	17	\$ 10,081,757	3.9%	12,015,888	11.3%	1,357,795	\$ 7.43
Rhode Island	1	\$ 727,840	0.3%	986,966	11.8%	116,462	\$ 6.25
South Carolina	5	\$ 4,066,799	1.6%	3,790,066	13.3%	504,079	\$ 8.07
South Dakota	3	\$ 1,583,395	0.6%	730,855	13.0%	95,011	\$ 16.67
Tennessee	8	\$ 5,850,844	2.3%	5,378,433	14.5%	779,873	\$ 7.50
Texas	10	\$ 23,742,502	9.3%	19,355,427	16.1%	3,116,224	\$ 7.62
Utah	1	\$ 1,547,047	0.6%	2,065,397	8.5%	175,559	\$ 8.81
Vermont	1	\$ 419,165	0.2%	588,665	10.6%	62,398	\$ 6.72
Virginia	13	\$ 4,803,657	1.9%	6,732,878	11.3%	760,815	\$ 6.31
Washington	1	\$ 4,261,502	1.7%	5,604,105	10.0%	560,411	\$ 7.60
West Virginia	3	\$ 2,710,397	1.1%	1,815,588	17.6%	319,543	\$ 8.48
Wisconsin	4	\$ 4,103,981	1.6%	5,200,235	8.6%	447,220	\$ 9.18
Wyoming	1	\$ 550,492	0.2%	480,031	12.0%	57,604	\$ 9.56

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\* Guam, Micronesia, Virgin Islands and Puerto Rico are not include

**Table 5: 1997 Geographic Allocation of LSC Funds to Local Legal Services Programs  
(Ranked by LSC Grant Per Poverty Capita)**

<u>State*</u>	<u>Number of Programs</u>	<u>LSC Grant Received in 1997</u>	<u>% of Total LSC Grants</u>	<u>State Population</u>	<u>Poverty Percentage</u>	<u>Poverty Population</u>	<u>LSC Grant Per Poverty Capita</u>
Alaska	1	\$ 956,275	0.4%	608,846	8.8%	53,578	\$ 17.85
South Dakota	3	\$ 1,583,395	0.6%	730,855	13.0%	95,011	\$ 16.67
Mississippi	6	\$ 5,022,802	2.0%	2,731,826	18.3%	499,924	\$ 10.05
Wyoming	1	\$ 550,492	0.2%	480,031	12.0%	57,604	\$ 9.56
Louisiana	8	\$ 7,594,935	3.0%	4,351,390	18.6%	809,359	\$ 9.38
Missouri	6	\$ 5,207,860	2.0%	5,407,113	10.4%	562,340	\$ 9.26
Wisconsin	4	\$ 4,103,981	1.6%	5,200,235	8.6%	447,220	\$ 9.18
Iowa	2	\$ 2,414,509	0.9%	2,854,396	9.4%	268,313	\$ 9.00
Alabama	3	\$ 5,683,339	2.2%	4,320,281	14.7%	635,081	\$ 8.95
Michigan	12	\$ 9,455,945	3.7%	9,785,450	10.8%	1,056,829	\$ 8.95
North Dakota	2	\$ 756,440	0.3%	640,945	13.2%	84,605	\$ 8.94
Indiana	4	\$ 4,505,365	1.8%	5,872,370	8.6%	505,024	\$ 8.92
Kentucky	7	\$ 5,355,139	2.1%	3,907,816	15.5%	605,711	\$ 8.84
Utah	1	\$ 1,547,047	0.6%	2,065,397	8.5%	175,559	\$ 8.81
Oklahoma	3	\$ 4,295,305	1.7%	3,314,259	14.8%	490,510	\$ 8.76
Arizona	5	\$ 7,211,710	2.8%	4,552,207	18.1%	823,949	\$ 8.75
West Virginia	3	\$ 2,710,397	1.1%	1,815,588	17.6%	319,543	\$ 8.48
Colorado	3	\$ 2,969,848	1.2%	3,891,293	9.3%	361,890	\$ 8.21
Maine	1	\$ 1,081,190	0.4%	1,245,215	10.6%	131,993	\$ 8.19
Kansas	1	\$ 2,156,918	0.8%	2,616,339	10.1%	264,250	\$ 8.16
South Carolina	5	\$ 4,066,799	1.6%	3,790,066	13.3%	504,079	\$ 8.07
Ohio	15	\$ 10,412,727	4.1%	11,212,498	11.6%	1,300,650	\$ 8.01
Minnesota	6	\$ 3,703,783	1.4%	4,687,726	9.9%	464,085	\$ 7.98
Illinois	5	\$ 10,420,282	4.1%	12,011,509	11.1%	1,333,277	\$ 7.82
Nebraska	3	\$ 1,366,533	0.5%	1,656,042	10.8%	178,853	\$ 7.64
Texas	10	\$ 23,742,502	9.3%	19,355,427	16.1%	3,116,224	\$ 7.62
Washington	1	\$ 4,261,502	1.7%	5,604,105	10.0%	560,411	\$ 7.60
Arkansas	5	\$ 3,281,886	1.3%	2,524,007	17.2%	434,129	\$ 7.56
Montana	1	\$ 1,087,526	0.4%	878,706	16.4%	144,108	\$ 7.55
Tennessee	8	\$ 5,850,844	2.3%	5,378,433	14.5%	779,873	\$ 7.50
Pennsylvania	17	\$ 10,081,757	3.9%	12,015,888	11.3%	1,357,795	\$ 7.43
North Carolina	4	\$ 6,629,411	2.6%	7,428,672	12.5%	928,584	\$ 7.14
Maryland	1	\$ 3,046,088	1.2%	5,092,914	8.6%	437,991	\$ 6.95
Oregon	4	\$ 2,856,600	1.1%	3,243,254	12.8%	415,137	\$ 6.88
Georgia	2	\$ 7,250,005	2.8%	7,486,094	14.3%	1,070,511	\$ 6.77
Idaho	1	\$ 1,077,731	0.4%	1,210,638	13.2%	159,804	\$ 6.74
Vermont	1	\$ 419,165	0.2%	588,665	10.6%	62,398	\$ 6.72
New Mexico	4	\$ 2,562,335	1.0%	1,722,939	22.4%	385,938	\$ 6.64
Hawaii	2	\$ 954,873	0.4%	1,189,322	12.3%	146,287	\$ 6.53
Massachusetts	6	\$ 4,078,942	1.6%	6,115,476	10.3%	629,894	\$ 6.48
Virginia	13	\$ 4,803,657	1.9%	6,732,878	11.3%	760,815	\$ 6.31
Nevada	1	\$ 1,046,417	0.4%	1,675,581	9.9%	165,883	\$ 6.31
D.C.	1	\$ 756,177	0.3%	528,752	22.7%	120,027	\$ 6.30
Rhode Island	1	\$ 727,840	0.3%	986,966	11.8%	116,462	\$ 6.25
New Jersey	14	\$ 4,501,595	1.8%	8,054,178	9.0%	724,876	\$ 6.21
Florida	12	\$ 12,599,444	4.9%	14,683,350	13.9%	2,040,986	\$ 6.17
Delaware	1	\$ 421,648	0.2%	735,024	9.5%	69,827	\$ 6.04
New York	15	\$ 17,886,118	7.0%	18,143,184	16.6%	3,011,769	\$ 5.94
California	21	\$ 29,210,732	11.4%	32,217,708	16.3%	5,251,486	\$ 5.56
New Hampshire	1	\$ 534,762	0.2%	1,173,239	8.4%	98,552	\$ 5.43
Connecticut	1	\$ 1,707,066	0.7%	3,268,514	9.9%	323,583	\$ 5.28

\* Guam, Micronesia, Virgin Islands and Puerto Rico are not included

**Table 5: 1997 Geographic Allocation of LSC Funds to Local Legal Services Programs  
(Ranked by LSC Grant Per Poverty Capita)**

<u>State*</u>	<u>Number of Programs</u>	<u>LSC Grant Received in 1997</u>	<u>% of Total LSC Grants</u>	<u>State Population</u>	<u>Poverty Percentage</u>	<u>Poverty Population</u>	<u>LSC Grant Per Poverty Capita</u>
Alaska	1	\$ 956,275	0.4%	608,846	8.8%	53,578	\$ 17.85
South Dakota	3	\$ 1,583,395	0.6%	730,855	13.0%	95,011	\$ 16.67
Mississippi	6	\$ 5,022,802	2.0%	2,731,826	18.3%	499,924	\$ 10.05
Wyoming	1	\$ 550,492	0.2%	480,031	12.0%	57,604	\$ 9.56
Louisiana	8	\$ 7,594,935	3.0%	4,351,390	18.6%	809,359	\$ 9.38
Missouri	6	\$ 5,207,860	2.0%	5,407,113	10.4%	562,340	\$ 9.26
Wisconsin	4	\$ 4,103,981	1.6%	5,200,235	8.6%	447,220	\$ 9.18
Iowa	2	\$ 2,414,509	0.9%	2,854,396	9.4%	268,313	\$ 9.00
Alabama	3	\$ 5,683,339	2.2%	4,320,281	14.7%	635,081	\$ 8.95
Michigan	12	\$ 9,455,945	3.7%	9,785,450	10.8%	1,056,829	\$ 8.95
North Dakota	2	\$ 756,440	0.3%	640,945	13.2%	84,605	\$ 8.94
Indiana	4	\$ 4,505,365	1.8%	5,872,370	8.6%	505,024	\$ 8.92
Kentucky	7	\$ 5,355,139	2.1%	3,907,816	15.5%	605,711	\$ 8.84
Utah	1	\$ 1,547,047	0.6%	2,065,397	8.5%	175,559	\$ 8.81
Oklahoma	3	\$ 4,295,305	1.7%	3,314,259	14.8%	490,510	\$ 8.76
Arizona	5	\$ 7,211,710	2.8%	4,552,207	18.1%	823,949	\$ 8.75
West Virginia	3	\$ 2,710,397	1.1%	1,815,588	17.6%	319,543	\$ 8.48
Colorado	3	\$ 2,969,848	1.2%	3,891,293	9.3%	361,890	\$ 8.21
Maine	1	\$ 1,081,190	0.4%	1,245,215	10.6%	131,993	\$ 8.19
Kansas	1	\$ 2,156,918	0.8%	2,616,339	10.1%	264,250	\$ 8.16
South Carolina	5	\$ 4,066,799	1.6%	3,790,066	13.3%	504,079	\$ 8.07
Ohio	15	\$ 10,412,727	4.1%	11,212,498	11.6%	1,300,650	\$ 8.01
Minnesota	6	\$ 3,703,783	1.4%	4,687,726	9.9%	464,085	\$ 7.98
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