



LEGAL

**COMMUNITY NEEDS:
PRO BONO
LEGAL SERVICES**

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April 22, 2003

Community Needs: Pro Bono Legal Services

Modern-day life is complicated. Simple disputes that could have been decided 150 years ago by the church pastor or town elders now regularly require the intervention of lawyers and judges. Unfortunately, unlike the church pastor or the town elders, a lawyer's time is not free. Those who most need help navigating our complicated legal system are often the same people who can least afford the help. The result is a segment of our community who can not fully access the legal system and, in turn, can not fully exercise their rights as citizens of our complicated society. Even in a relatively stable and prosperous community like Kosciusko County, there are people who need legal help but who never receive it because of their financial status.

The term "pro bono" is Latin and means donating legal work for the public good. In modern day society, the term pro bono legal services generally refers to legal services provided either for free to the recipients or on a sliding fee scale based on income. Pro bono legal services are generally limited to civil matters, including but not limited to, divorces, custody/adoption issues, contract disputes (including landlord/tenant issues), and wills/estates. Pro Bono Legal services do not include criminal defense, which is provided by the State through the public defender system.

Our goal was to not only research and document the shortfall that currently exists in the availability of pro bono legal services to low income members of our community, but also to work with the stakeholders in our community and to propose a solution for addressing this shortfall.

In 2000/2001, a survey was conducted through a joint effort between the Kosciusko County Bar Association and the Kosciusko County Community Foundation.

Fourteen local area social service agencies were asked to complete a questionnaire that would aid in defining our county's pro-bono needs. Social service agencies cater to households whose wages are at or below 125% of the poverty line and provide services to approximately five thousand people in Kosciusko County. Of those surveyed, the average family held four people with an annual (pre-tax) income of \$17,500. Many of the respondents could identify with civil legal needs in their lives that have either been unsatisfactorily addressed already or are set aside because they could not afford the lawyer fees. In fact, 96% responded they could not afford the legal representation necessary to follow through with legitimate legal matters. Additionally, many lower income families do not completely understand our legal system and are unable to interpret what rights they may or may not possess. Although there are various reasons individuals may seek legal representation, among the top causes found in Kosciusko County were

- Landlord/Tenant Disputes
- Separation/Divorce
- Child Support/Custody
- Public Benefits
- Consumer/Finance

All of the agencies which participated in the survey had received requests for referrals for civil legal services and/or advice by their clients.

Although pro bono legal services are available through Indiana State agencies in South Bend, transportation to the locations available pose a large problem. Today, the only source for pro bono legal services within Kosciusko County is a program at

Combined Community Services (CCS) with very limited resources and limited time commitments from attorneys. Currently there are twelve attorneys participating in aiding with pro-bono services through CCS and donating an estimated two hours each month. The Indiana State Bar Association shows our resources are far greater with over one hundred registered lawyers in our county. The question remains what do we do next?

There are several financial resources that are available to aid in the realization of a pro-bono legal clinic. Legal clinics have been extremely successful in other counties in Indiana and have continued to flourish beyond their original expectations. For instance, the legal services provided in Allen County have now become an independent not-for-profit organization as a result of their community needs. With five thousand people in Kosciusko County below the poverty line and almost 100% finding themselves at a closed door when legal services are needed, it is clear our county does indeed need a legal clinic.

There are five steps needed to be taken to bring the dream of a legal clinic to life. Key to the entire process is the idea of capitalizing on and expanding the program which already exists, as opposed to completely starting new with a program at a new location that would likely duplicate some of the services already being offered. Capitalizing on the space already available, by housing the clinic at CCS, is the first step. Their location in downtown Warsaw has the capacity to house an expanded program and their leadership has expressed an openness to the possibility. The second step would be for the CCS Board of Directors to add a sub-committee whose purpose would be to oversee the clinic's activities and ensure the quality and integrity of the program. We have already gained good faith commitments from several community leaders to participate in a sub-

committee if one was formed. The third step would be to obtain additional volunteers (yes, all three of us have committed to seeing this project flourish), particularly attorneys and paralegals, who would commit themselves to helping make this clinic a reality and to spreading the word throughout our local business community. The fourth, and most crucial step, would be to increase the number of practicing attorney's willing to provide the legal services to the clinic. Time constraints, conflicts of interest, and lack of follow-through on the client side are the realities of existing problems lawyers face in the current CCS program. Many lawyers feel as if their time has been wasted when they arrive to provide a service only to find the client has missed the appointment. It is clear that to gain lawyer participation, the clinic will have to be well organized and efficiently ran from the start. The fifth, and final step, in starting a pro bono legal services clinic would be to obtain funding for office equipment, particularly a computer for tracking clients and cases, office furniture, and general overhead expenses. These expenses can be funded in a variety of ways. Grants can be written to agencies like the Kosciusko County Community Foundation and the Kosciusko 21st Century Foundation for hard costs, such as computer equipment and furniture. The United Way of Kosciusko County is a potential source for operating funds. A sliding fee scale based on the client's income is another potential source of revenue. Local businesses are available and many willing to contribute services and money to help ensure this venture is successful. Specific money has been set aside and continues to grow in our State Bar and State Government funds that are available if our county demonstrates the dedication required to make this project a success.

Involving our current social service agencies, formatting clear participation

criteria for clients, addressing the particular needs of our community, valuing the time our lawyers are willing to offer, creatively meeting the overhead expenses, and relying on the good will in our community will make this clinic a reality

Is there anything you can do to help those less fortunate than you have a more enhanced view of our legal system? Absolutely! We would love to hear your ideas, answer any questions, and show you a way to give back to your community

**KOSCIUSKO COUNTY PRO BONO LEGAL SERVICES
CLIENT ELIGIBILITY GUIDELINES
2003**

	Gross Income @ 100%		Gross Income @ 200 %			
	Annual	Monthly	Annual	Monthly		
Number in Family						
1	\$8,979 96	\$748 33	\$17,959 92	\$1,496 66		
2	\$12,120 00	\$1,010.00	\$24,240 00	\$2,020 00		
3	\$15,259 92	\$1,271 66	\$30,519 84	\$2,543.32		
4	\$18,399.96	\$1,533.33	\$36,799 92	\$3,066 66		
5	\$21,540 00	\$1,795 00	\$43,080 00	\$3,590 00		

Assets exempted from eligibility:

- Residence - primary only
- Vehicle – 1, value less than \$10,000
- Bank accounts – amount is less than three months living expenses

Other assets: Determined on a case by case consideration based on value and liquidity

Proposal for Participation
Kosciusko's Pro Bono Lawyer Program

Name: _____

Firm: _____

Address: _____

Telephone: _____ Fax: _____

E-Mail: _____ Attorney # _____

Professional liability insurance – please attach a copy of the declarations page

Area's of Practice you wish to Participate in:

- Civil Rights
- Consumer Law
- Contract Disputes
- Debtor/Creditor
- Domestic Relations
- Education
- Employment Law
- Guardianship
- Health Care
- Insurance Benefits
- Landlord/Tenant
- Mediation
- Public Entitlements
- Real Estate
- Tax Matters (Individually only)
- Tort Defense
- Wills & Estate
- Advice Only (please list areas)

**KOSCIUSKO COUNTY PRO BONO LEGAL SERVICES
CLIENT INFORMATION SHEET**

Date _____ Referral Source _____

Name: _____

Address _____

Telephone _____ Message/Safe Phone. _____

Age _____ Sex _____ US Citizen _____ Martial status _____

Number in household _____ Number of dependants _____

Gross Income _____ Annual Monthly _____

Assets: Number of Vehicles _____ Real Estate _____

Bank Account(s) _____

Stocks/Bonds/Annuities. _____

401K/IRA. _____

Life Insurance _____

Briefly describe the nature of the problem

Opposing party name

Best way to contact opposing party

**KOSCIUSKO COUNTY PRO BONO LEGAL SERVICES
CLIENT AGREEMENT, RELEASE, AND INFORMATION**

Information

This program serves as a way to refer eligible clients to attorneys in private practice who have agreed to help low-income individuals by participating in the program. The director of this program is not an attorney and cannot represent you.

Your case will be reviewed to determine the best means of handling. Please understand that it is not always possible to place cases in the Kosciusko County Pro Bono Legal Services (KCPBLS) program. However, this in no way reflects the merits of your case. We deeply regret telling any client there is no one available to represent them, but it does happen.

To maintain eligibility in this program, you must inform your legal representative of any changes in address or telephone. If your income or assets increase in any way you must inform the director of the program immediately. You must appear at all hearings and court dates on time and cooperate in all ways necessary to help KCPBLS prepare your case.

Your Rights

As a client you will have the right to be kept informed of any important developments that involve your case. Additionally, you will be consulted before any significant decisions are made on your behalf. You have the right to agree to those decisions before your case is settled. All information obtained regarding your case will be kept private unless otherwise specified by you.

Termination

If KCPBLS decides to withdraw from your case, all means possible will be taken to not prejudice your case. In addition, KCPBLS must follow the requirements of the Rules of Professional Conduct, court rules and all other laws as they apply.

Termination of your representation can occur if

- You become financially ineligible for services
- If continuing your case will not help accomplish your goal
- You fail to cooperate in preparing your case or fail to appear for appropriate court dates and hearings
- You decide you no longer want to be represented through KCPBLS.

Costs

You are not required to pay for the services provided to you by the attorney or other legal representatives. However, you are required to pay certain costs necessary for processing the case (for example filing fees, process service fees, and deposition/mediation costs) In some cases the court will agree to waive those fees as they see appropriate If you win your case and there is money awarded, KCPBLS may recover lost fees as mentioned above In some situations, the judge may order the other side of the case to pay attorney fees to compensate for the time it took KCPBLS to represent you If this occurs, the money will be paid directly to the KCPBLS attorneys

Scope of Representation

I understand the KCPBLS agrees to represent me on the case as stated below If I lose this case or later have another legal problem and want KCPBLS to help me, I understand each case will be reviewed as an individual case and not as an on-going means legal service I am required to report my satisfaction of the KCPBLS representation back to the board of directors of KCPBLS

Client Authorization and Release

- I understand that my case may be sent to a different organization or an attorney who is aiding low-income families by participating in KCPBLS
- I give full permission for the attorney chosen by KCPBLS to act as my legal representative for the matter stated below
- I give permission for KCPBLS to release records and information about my case to the organization or KCPBLS attorney I also give permission to have records released by KCPBLS or the attorney
- I understand the information in my file at KCPBLS may be seen by an independent auditor hired by KCPBLS so KCBLS can comply with contractual and statutory requirements of agencies and organizations that provide funding for the services provided to me by KCPBLS

I have received a copy of this agreement

X _____ Date _____
Clients Signature

Please write a brief description of the case you are to be represented

Good Faith Commitments

Jennifer Stevenson **Work 574-372-1827**
 Home 574-269-5373

Laura Kauffman **Home 574-269-2312**
Dee Strang **Home 574-858-2477**

Jennifer Mitchell
Dana Leon Huffer
Bob Vioutox
Krista Zimpelman
Tony Garza

(This list was in the beginning stages of development at the time of publication. There are several other contact names that have been contacted and will most likely be included in this list. If you would like to become an active participant in aiding this program further please contact Jennifer, Laura, or Dee at the above listed numbers.)

LEGAL NEEDS SURVEY SUMMARY OF RESPONSES

Background Information

Number of people living in poverty in Kosciusko County, according to a 1997 census estimate, was 4,440. Area social service agencies typically serve clients at or below 125% of the poverty line.

Who was surveyed

Over 20 social service agencies, as identified by Combined Community Services, were asked to complete service provider questionnaires. From those agencies, 17 individuals participated representing 14 agencies.

Responding agencies included:

- Victim Service Center - 1
- Bowen Center - 2
- Kosciusko Office of Family & Children - 3
- Combined Community Services - 4
- Kosciusko Home Care & Hospice - 5
- Kosciusko County Foundation – Good Samaritan Fund - 6
- Child Advocate Services - 7
- Kosciusko Community Senior Services - 8
- Boys & Girls Club of Kosciusko County - 9
- CASA of Kosciusko County - 10
- Warsaw Housing Authority - 11
- Mental Health Association - 12
- Kosciusko Literacy Services - 13
- Cardinal Center - 14

Combined Community Services, Kosciusko Home Care & Hospice, Salvation Army, Warsaw Housing Authority and the Division of Children and Family Services made a brief survey available to their clients. Twenty-six (26) client surveys were returned.

LEGAL SURVEY RESULTS – SERVICE PROVIDERS

- 1 Does your organization work directly with low-income clients?
- 53% Yes, primarily with low income
 - 35% Yes, more than half of clients are low-income
 - 12% Yes, less than half of clients are low-income
 - 0% No, we do not work with low-income clients
- 2 If yes, in what ways do you work with low-income clients?
- 71% Providing basic needs
 - 53% Transportation
 - 41% Emergency services
 - 47% Counseling
 - 82% Referrals
 - 71% Advocate
 - 47% Education
 - Other
 - 6% Case Management
 - 12% Housing
 - 6% Guardianship
 - 6% Power of Attorney
 - 12% Job Services
 - 6% Medical
 - 6% Financial
 - 6% Mobile Meals
- 3 What geographic region is served by your organization?
- 6% Warsaw area
 - 59% Kosciusko County
 - 35% Multiple Counties
- 4 Does your organization receive requests for or requests for referrals to civil legal services and/or advice?
- 100% Yes
 - 0% No
- Comments:
- On a weekly, sometimes daily basis.
 - Most of them for guardianships, involuntary commitments or for collection of debts.
 - Occasionally
 - Referrals to Friends of the Club, Legal Services & CCS
5. If yes, check all issues for which your clients have needed legal services:
- 71% Separation/Divorce
 - 65% Child Support/Custody
 - 59% Public Benefits
 - 47% Spousal/Child Abuse
 - 59% Consumer/Finance
 - 71% Landlord/Tenant
 - 41% Individual Rights
 - 41% Health
 - 41% Juvenile
 - 41% Immigration
 - Other
 - 6% Estate Planning
 - 6% Power of Attorney
 - 6% Health Care Representative
 - 6% Nursing home issues
 - 6% Guardianship

6. Of the issues mentioned in question 12, please write in the top three issues your clients face:

- 53% Separation/Divorce
- 47% Child Support/Custody
- 18% Public Benefits
- 12% Spousal/Child Abuse
- 35% Consumer/Finance
- 35% Landlord/Tenant
- 0% Individual Rights
- 18% Health
- 6% Juvenile
- 6% Immigration
- Other
- 24% Legal Guardianship
- 6% Power of Attorney
- 6% Health Care Representative
- 6% Individuals w/ Disabilities Act (IDEA), Free Appropriate Public Education (FAPE), Least Restrictive Environment (LRE)
- 6% Nursing Home Issues

Comments.

Landlord/tenant issues include eviction, unsafe living conditions and foreclosure

7 Please estimate how many low-income persons you serve monthly who need *civil* legal services.

- 76% Between 1-10
- 18% Between 11-25
- 6% Between 26-50
- 0% Between 51-100
- 0% Between 101-200
- 0% Over 200
- 0% Over 500

8 Has your organization ever referred clients to civil legal services?

81% Yes

If yes, where.

Private attorneys, Legal Services, CCS Legal Program, South Bend

0% No

19% I am unaware of legal services that take referrals

9. Did your referral result in legal services for your client?

(Some organizations answered yes & no to this question, which can be interrupted as "sometimes")

20% Yes

20% No

If no, why not:

- Legal Aid has refused many of our clients. Clients are leaving an abusive marriage, but Legal Aid still considers his income as hers even though she does not have access to it.
- Financial reasons
- Unsure why client didn't get help
- Legal services for the handicapped are under-resourced and can't meet all the needs.

7% Sometimes

53% I don't know

10 Do you feel there are sufficient civil legal resources for low-income clients in Kosciusko County?

0% Yes

88% No

12% Unsure

11. Of the groups below, please check groups which you think have civil legal needs which are not currently being met

- 71% Homeless
- 71% Disabled
- 53% Single Parents
- 29% Elderly
- 24% AIDS Patients
- 24% Juveniles
- 35% Domestic Violence Victims
- 65% Non-English Speaking
- 53% Illiterate & Undereducated
- Other
- 6% All low-income people

12. In your opinion, do low-income persons in your service area have civil legal matters for which they do not seek assistance?

- 100% Yes
- 0% No

Comments.

- They feel they can't afford it
- Usually for housing needs.

13. If yes, please check no more than three reasons why they may not seek assistance

- 88% Cannot afford legal services, don't know where to go if they can not pay
- 29% Do not realize they have a legal problem
- 82% Intimidation by the court process.
- 41% Obtaining a legal remedy takes too long
- 0% Lack of childcare
- 6% Lack of transportation
- 18% Cannot take time off of work

Other

- 6% Fear of family

14. What legal services are needed in our community for low-income clients? Check all that apply

- 82% Legal clinics where clients can receive advice
- 94% Legal services – an attorney works on the client's case
- 53% Education – Understanding your legal rights
- 59% Education – Understanding the legal process
- 65% Greater dissemination of information regarding existing legal services

Other

Comments: Don't just tell them they have a problem, fix it!

15. In your opinion, are changes in judicial procedures, administrative regulations or legislation necessary in order to adequately meet the needs of low-income people in our community?

- 35% Yes, please specify
 - More availability and protection
 - Judicial procedure
 - Custody should not cost \$3,000-\$5,000
 - See attached letter (from Child Advocate Services)
 - Need free, immediate access to legal assistance and advice
 - Need statewide guardianship program for elderly and disabled
- 12% No.
- 53% No Answer

- 16 To your knowledge, what are local private attorneys and bar associations doing to provide legal services to low-income individuals?
(Some respondents checked that they had no knowledge of available services, but went on to check other options as well)
- 35% I have no knowledge of local legal services available to low-income individuals
 - 59% Private attorneys provide some pro bono work
 - 12% Bar association referral is available
 - 53% Some attorneys take cases for low-income clients at reduced rates or on a sliding scale fee
 - 18% Some attorneys stretch out the payment period for low-income clients
- Other
- 24% CCS has a legal advice program
- Comments:
- CCS legal advice program is too limited.
- 17 How do you think legal services could best be delivered to low-income clients? Rank (1 being most favorable way to 7 being least favorable way).
(Percentages represent a percent favorable rating and were arrived at by awarding 5 points to each option that was ranked highest to 0 points for option ranked lowest. Each option's total points were tallied and divided by the total possible score in order to receive a percentage)
- 42% Each attorney takes a certain number of pro bono cases each year
 - 45% Offer reduced fees based on a sliding scale
 - 24% Offer special payment plans
 - 40% Work more with community organizations
 - 20% Offer legal education programs
 - 55% Operate a legal clinic
- 18 Please check any changes you've noticed in the last five years regarding civil legal issues for low-income clients.
- 24% I haven't noticed any changes
 - 0% Fewer clients with civil legal issues
 - 65% More clients with civil legal issues
 - 12% More private attorneys involved
 - 12% Fewer private attorneys involved
 - 6% More services available
 - 29% Fewer services available
- Other:
- Comments:
- (Changes) run in cycles
 - Need continues to grow, but private attorneys are not stepping up
- 19 If additional funds were available for the delivery of legal services to eligible clients in our community, how would you allocate those funds?
- 71% A community based legal clinic
 - 53% An organized system of pro bono legal services
 - 6% Home visits or hotline for those of limited mobility
 - 18% Community education programs
 - 29% Mediation
- Other
- 6% Through existing services. Trust and a base are already established
20. Please list any suggestions for funding of legal services
- Look at actual cost of services. Why does it cost so much to file a paper in court? What could cut costs? Less clerical? A simplified process?
 - K21 for the health-related cases
 - Local bar, State bar, local foundations, federal dollars through legal services program, get Kosciusko County out from under South Bend's Legal Services umbrella
 - Vouchers for legal services accepted by local lawyers
 - Pro bono, reduced fees by attorneys, more use of Education for Conflict Resolution's mediation services

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Please list any additional comments regarding legal services for low-income clients.

- This is the greatest need for us. Women fleeing abuse usually have no way of hiring an attorney to help them uphold their rights in court when it comes to custody or divorce hearings. This is one more fear that is added to their list.
- Very big need. The legal profession can't step up to the plate on its own because the business of lawyering is more and more competitive and less and less profitable. Doesn't leave much time for pro-bono work.
- I think area attorneys try very hard to help low-income folks, but the individual *has* to seek help. Lawyers are not allowed to solicit clients.
- I think the services need to be individualized to be effective. I suspect people will *not* participate in group education classes.

LEGAL SURVEY RESULTS – CLIENTS

1. 100% of the client respondents identified themselves as over the age of 18.
2. 88% of respondents lived in Kosciusko County
12% lived in another county
3. The range of household size of our respondents was from 1 to 7 persons per household. The median household size, at 28% of all households, was 4
4. The range of household, pre-tax annual income was from \$3,000 to \$34,000, with the median household income at \$10,000-\$24,000 per year. Thirty-eight (38) percent of respondents fell into these income categories: \$10,000-\$14,999, \$15,000-\$19,999, and \$20,000-\$24,999.
5. 28% of respondents had used an organization that offers free or reduced fee legal services.
76% had not
6. Respondents who had used free or reduced fee legal services listed the following services used.
 - Legal Aid of Starke County
 - Prepaid Legal
 - Combined Community Services
 - Legal Services of Indiana
 - WIC
7. Respondents who had used free or reduced fee legal services were asked how satisfied they were with the services they received.

57%	Very satisfied
14%	Mostly satisfied
0%	Mostly dissatisfied
29%	Not at all satisfied
8. 33% of the respondents had been sued or had sued someone in the last year
9. Of those respondents who had been sued or had sued someone else, we asked what kind of case and in what court. Their responses included:
 - Rent
 - School books – small claims
 - Divorce
 - Collection agency
 - Hospital bills
 - Personal & business
 - Civil
 - Social security back pay (hasn't gone to court yet)
 - Divorce & back pay of support
10. Those same respondents were asked, "Did the Judge "

18%	Explain what was going on
18%	Rule in your favor
36%	Give you a chance to tell your side
9%	Tell you to get a lawyer
18%	(write in) Lawsuit still ongoing

Comment:
Yes & No on giving me a change to tell my side.
11. Those respondents who had been sued or had sued someone were asked if the other side had a lawyer.

57%	Yes
43%	No