



Open doors to justice for all, fat wallet or not

By Daan Braveman

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The Monroe County Bar Association recently held its second annual Legal Services Awards Luncheon to honor legal organizations and individual lawyers in our community who devote their careers to representing people with limited financial means. Eighty-five years ago, Reginald Heber Smith, the father of legal aid in this country, wrote a treatise on injustice and inequality. In it he observed that the denial of justice is attributable to "grave defects in the administration of the law." Specifically, he was concerned about the denial of access to justice and the obstacles placed in the path of those needing assistance.

He wrote: "There is something tragic in the fact that a plan and method of administering justice ... should result in rearing insuperable obstacles in the path of those who most need protection, so that litigation becomes impossible, rights are lost, and wrongs go unredressed."

In the nearly nine decades since publication of Smith's book, we have made some progress in providing access for the poor. We have seen the emergence of legal aid societies, federally funded legal services, not-for-profit organizations, public defenders programs, law school clinics, assigned and volunteer lawyer programs.

However, we have a long way to go. In September, the national Legal Services Corp. completed a study of the unmet civil legal needs of low-income individuals. When LSC was established in 1974, the goal was to provide sufficient funding to enable at least a minimum level of access to legal assistance in each U.S. county. That funding level was achieved in 1981 — but lasted for just that one year.

As the recent LSC report documents, an extraordinarily wide justice gap still exists. Consider the following statistics. Nationally, there is one private lawyer for every 525 people; but there is one lawyer for every 6,861 low-income clients. Equally disturbing, less than 1 in 5 of the civil legal problems experienced by poor people is addressed with the assistance of a private or publicly funded lawyer.

Access to justice includes more than access to the courts but also access to a minimum level of basic needs, such as housing, food, education, health care and employment.

In this regard, we still have a disturbingly long way to go. During the 1990s there was nearly a 6 percent increase in the number of people living at or below the poverty levels. Since 2000, the number of children living in poverty has grown by nearly 13 percent. Today 13 million children, more than 17 percent of all U.S. children, live in poverty.

The statistics should not obscure the day-to-day human costs of child poverty. A number of years ago the Children's Defense Fund described that impact: "Poverty stacks the odds against children before birth and decreases their chances of being born healthy and of normal birth weight or of surviving; it stunts their physical growth and slows their educational development; frays their family bonds and supports; and increases their chances of neglect or abuse. Poverty wears down their resilience and emotional reserves; saps their spirits and sense of self; crushes their hopes; devalues their potential and aspirations; and subjects them over time to physical, mental, and emotional assault, injury, and indignity. Poverty even kills."

At a time when lawyers are regularly the brunt of nonsensical attacks, it is important to recognize the significant contributions lawyers make. The Legal Aid Society, Monroe County Legal Assistance Corp. and the Empire Justice Center serve nearly 20,000 people a year. In addition, the Volunteer Legal Services Project involves 700 private lawyers who handle more than 900 cases. These numbers do not include the extensive services provided by the Public Defender's Office and the Assigned Counsel Project.

These lawyers are ensuring that the poor in this community have access to the legal system and to justice in the larger sense as well. In a most real sense, they are doing their part to address issues of poverty. We all should thank them.

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