

“...with Liberty and Justice for all.”

“Equal justice under law is not merely a caption on the facade of the Supreme Court building, it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists...it is fundamental that justice should be the same, in substance and availability, without regard to economic status.”

-Lewis Powell, Jr., U.S. Supreme Court Justice

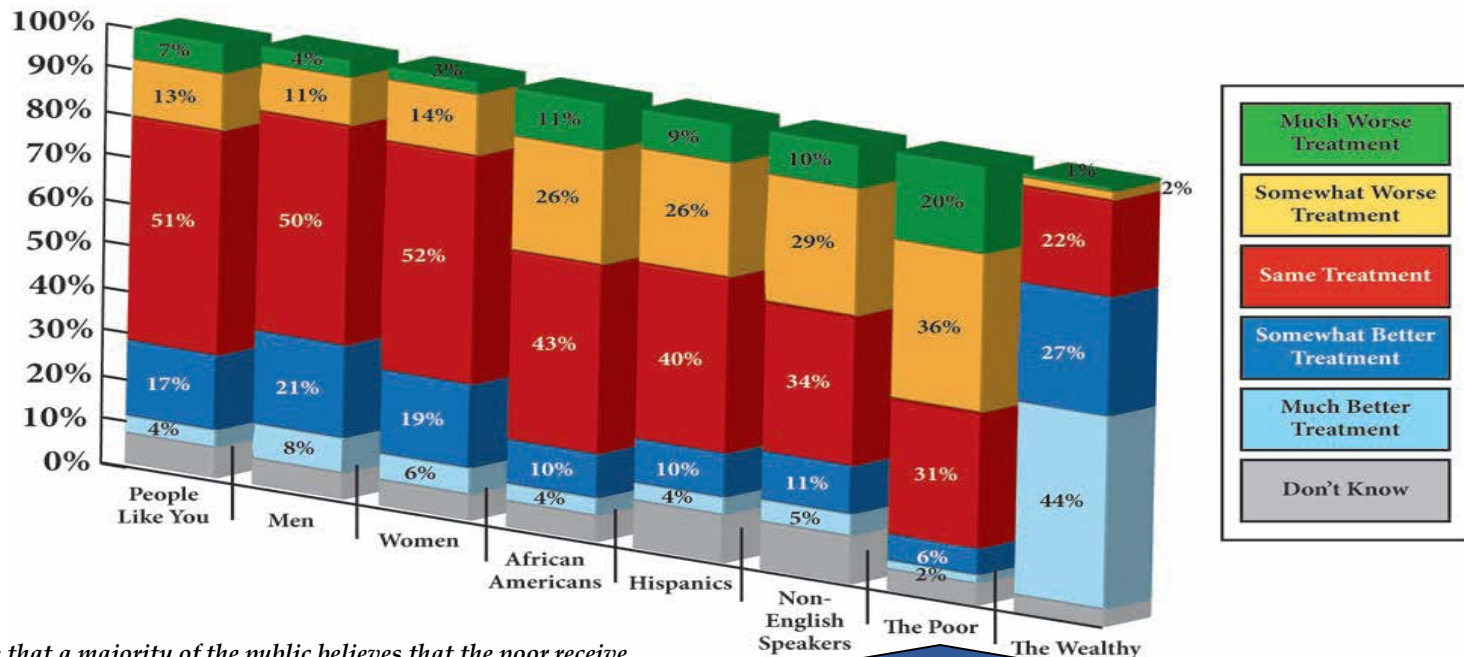


The Correlation between Availability of Representation and Case Outcomes

Why it is crucial to the administration of Justice that poor people have access to counsel in civil cases in Virginia.

The Public's Perceptions about How Different Groups are Treated in Virginia Courts

What sort of treatment do you think the following groups of people receive in Virginia Courts, compared to other groups?



Note that a majority of the public believes that the poor receive worse treatment in Virginia courts, compared to other segments of the population.

Source: 2007 Citizens Survey, Office of the Executive Secretary, Supreme Court of Virginia.

Equal Justice Under Law

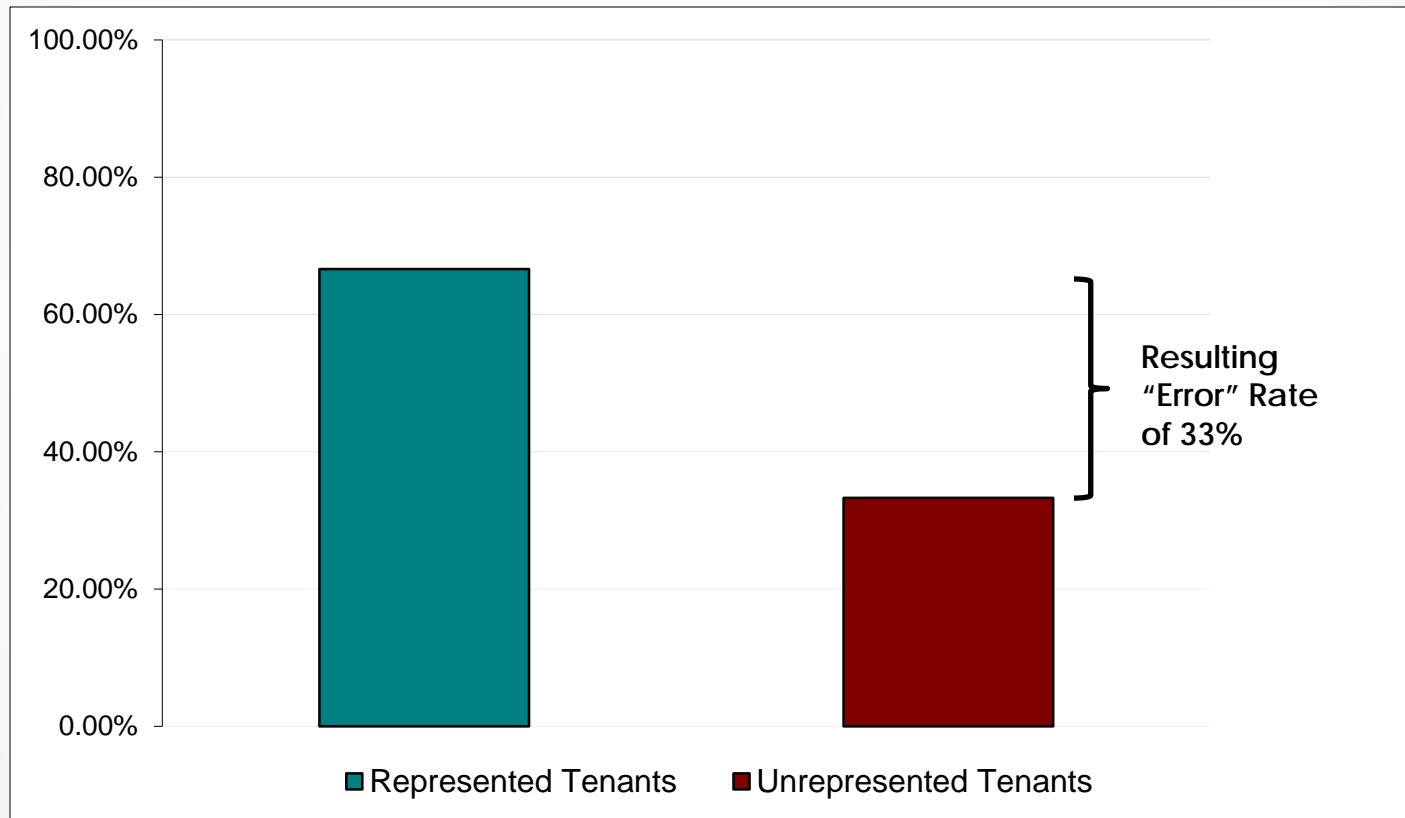
- Our system of justice relies upon the adversarial model, with each side capably and zealously represented by counsel.
- It is a peerless mechanism for arriving at the truth and applying the law fairly.

Equal Justice Under Law?

- But when a party can't afford the services of an attorney, the system cannot function properly.
- The normal level playing field is tilted, despite the best efforts of the court.
- The Judge can't be the *pro se* litigant's counsel.
- What is the result?

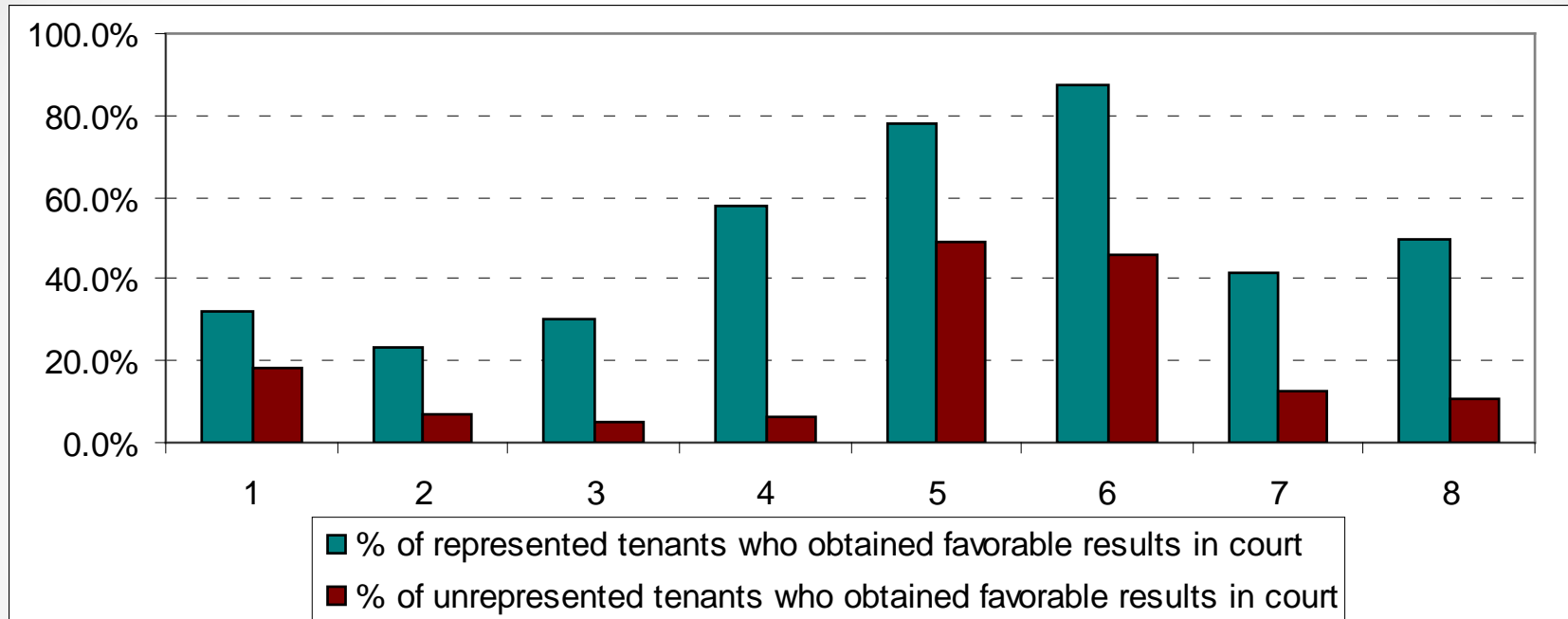
Correlation Between Representation and Outcomes in Eviction Cases

Percentage of Tenants Retaining Possession of their Homes in Eviction Cases



Source: *The Importance of Representation in Eviction Cases and Homelessness Prevention*, Boston Bar Association Task Force on the Civil Right to Counsel, March 2012.

Correlation Between Representation and Outcomes for Tenants in Landlord -Tenant Cases



Study #1: Court Study Group of the Junior League of Brooklyn, *Report on a Study of the Brooklyn Landlord and Tenant Court* 21 (1973).

Study #2: Steven Gunn, Note, *Eviction Defense for Poor Tenants: Costly Compassion or Justice Served?*, 13 YALE L. & POL'Y REV. 385, 411 (1995). Study #3: Chadha, Lisa Parsons. 1996. *Time to Move: The Denial of Tenants' Rights in Chicago Eviction Court*, Chicago: Lawyers Committee for Better Housing, Inc.

Study #4: Rebecca Hall, *Eviction Prevention as Homelessness Prevention: The Need for Access to Legal Representation for Low-Income Tenants* (1991).

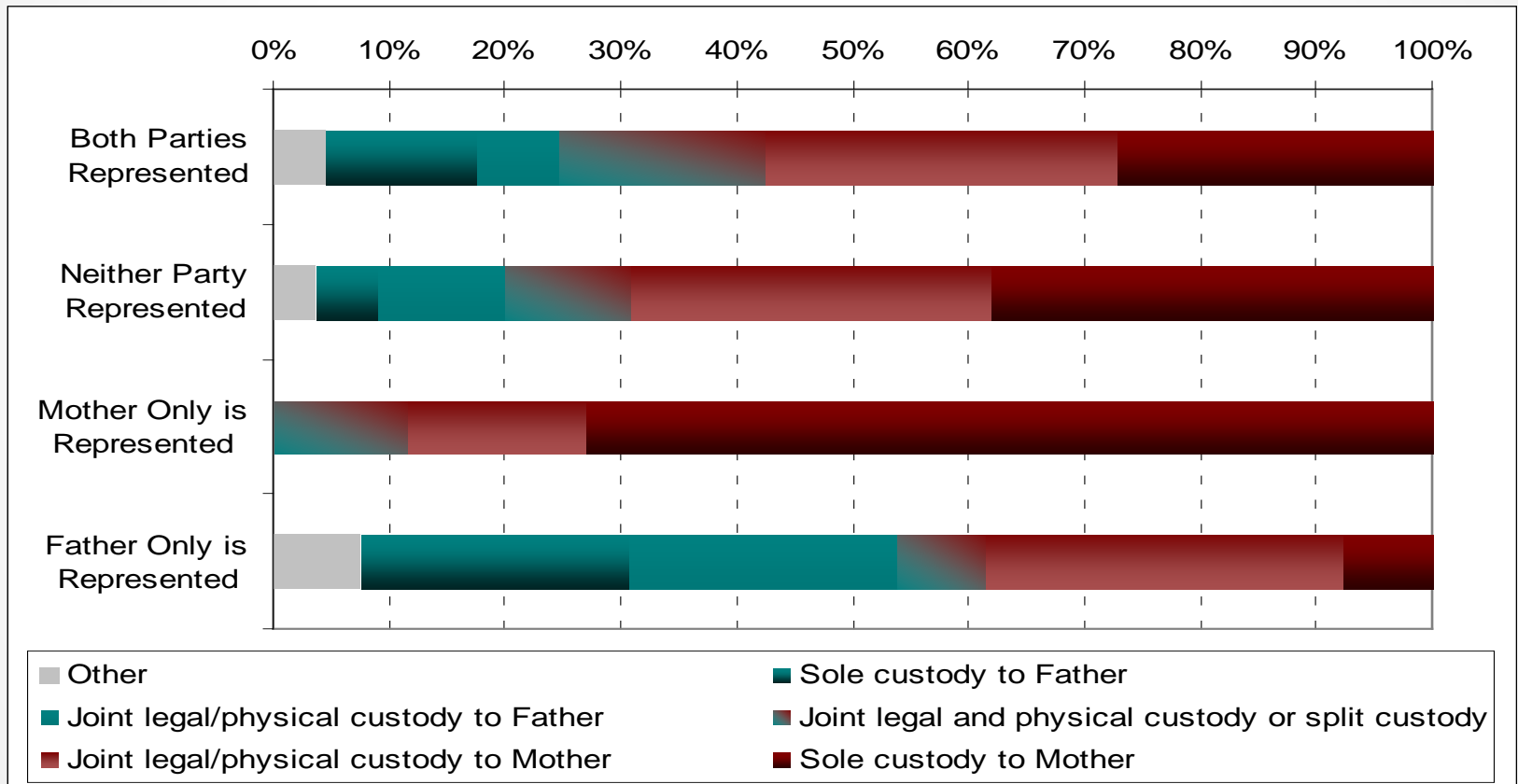
Study #5: Seron, Carroll, Greg Van Ryzin, Martin Frankel, and Jean Kovath. 2001. *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment*. Law and Society Review 35(2): 419-34.

Study #6: Anthony J. Fusco, Jr. et al., *Chicago's Eviction Court: A Tenant's Court of No Resort*, 17 URB. L. ANN. 93, 114-16 (1979).

Study #7: Boston Bar Ass'n Task Force on Unrepresented Litigants, *Report on Pro Se Litigation*, 17 (1998), available at <http://www.bostonbar.org/prs/reports/>

Study #8: Mass. Law Reform Inst., *Summary Process Survey*, 14 (2005)

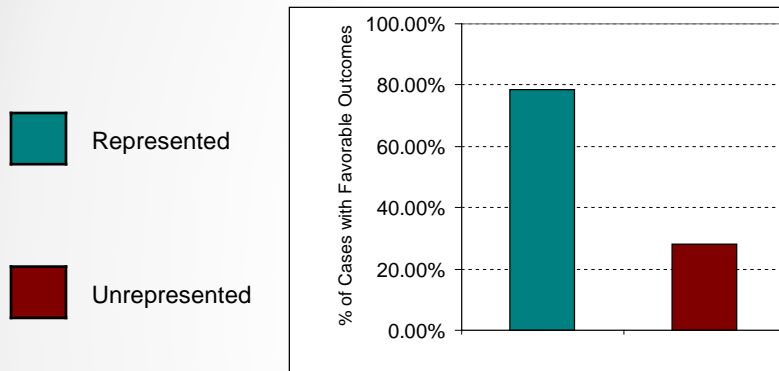
Correlation Between Representation and Custody Outcomes



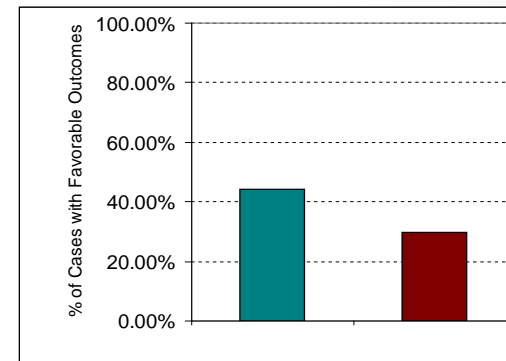
Source: The Women's Law Ctr. of Md., Inc., *Families in Transition: A Follow-up Study Exploring Family Law Issues in Maryland* (2006), available at <http://www.wlcmd.org/pdf/FamiliesInTransition.pdf>.

Correlation Between Representation and Favorable Outcomes in Other Types of Cases Frequently Involving Low-Income Litigants

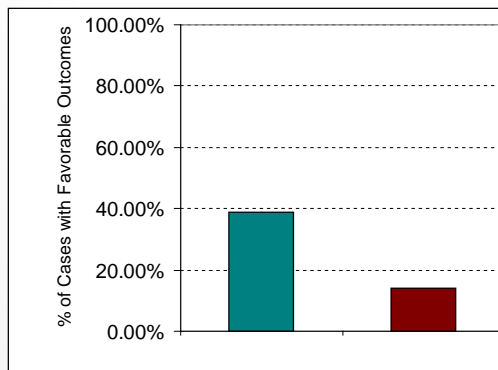
Social Security Appeals



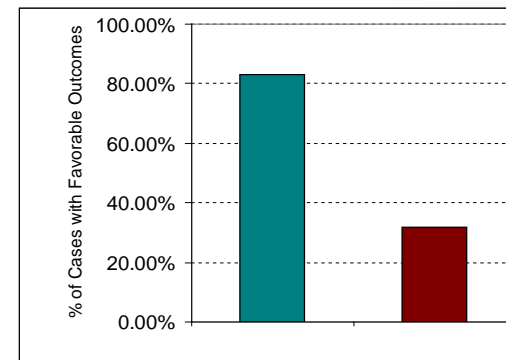
Unemployment Claims



Immigration Removal



Domestic Violence



Source: Russell Engler, *Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel is Most Needed*, to be published in an upcoming edition of the Fordham Law Review. Virtually all of the outcome studies cited in these materials were referenced in this very helpful work by Professor Engler, who is currently Professor of Law and Director of Clinical Studies at New England College of Law.

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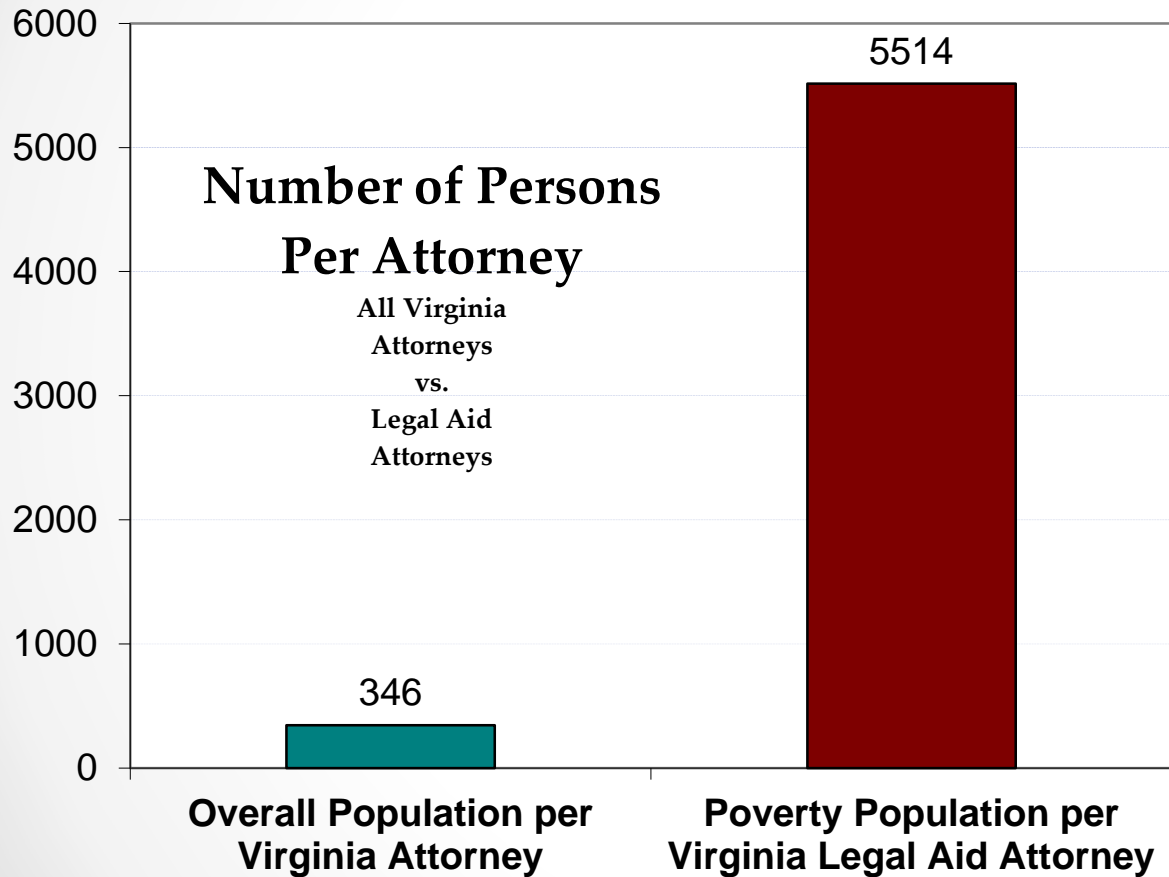
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Access to Justice and the Rule of Law?

If we want the poor to “play by the rules,” we as a society need to assure them that the rules work **FOR** them as well. Otherwise, the Rule of Law itself is threatened.

- “There can be no equal justice where the kind of trial a man gets depends on the amount of money he has.”
 - The United States Supreme Court in *Griffin v. Illinois*, 1956
- “Poor people have access to the American courts in the same sense that the Christians had access to the lions when they were dragged into a Roman arena.”
 - California Court of Appeals Justice Earl Johnson Jr.
- **“Without equal access to the law, the system not only robs the poor of their only protection, but it places it in the hands of their oppressors the most powerful and ruthless weapon ever created.”**
 - Reginald Heber Smith, *Justice and the Poor*, 1919

Why can't Legal Aid help everyone who qualifies for their assistance?



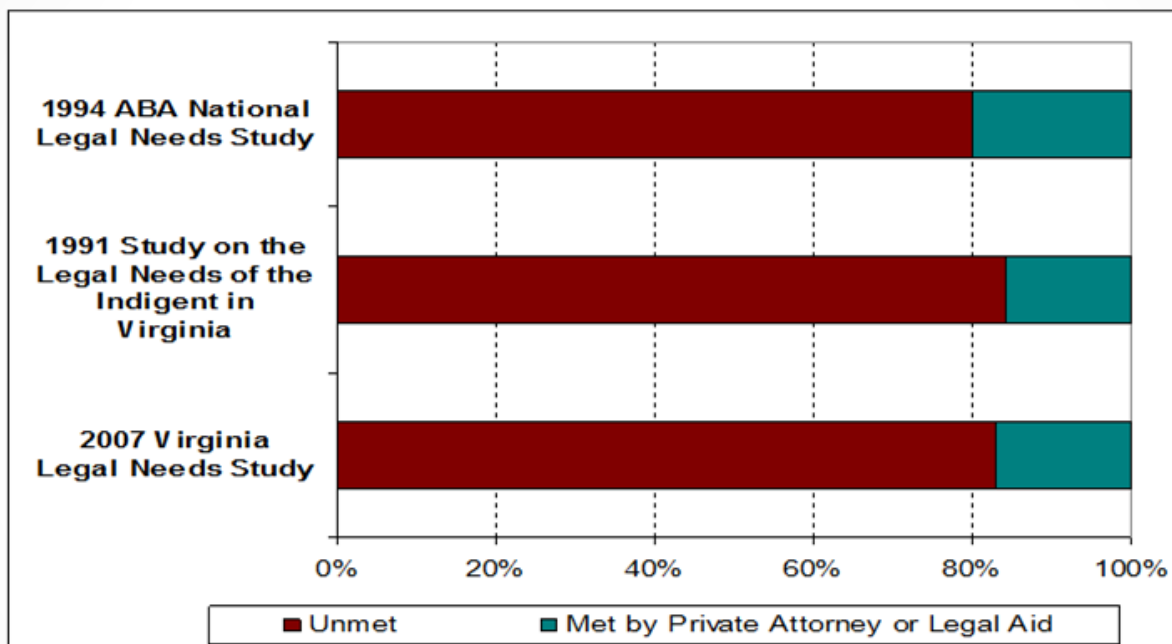
Sources:

Number of active Virginia Lawyers practicing within the state (23,121), VSB Membership Report, 4/1/12.

Number of Virginia Legal Aid Attorneys (157), LSCV Grant Applications, 2010.

Virginia Population figure (overall population, (8,001,024) and poverty population (865,746), US Census website.

The Documented Unmet Civil Legal Needs of the Poor



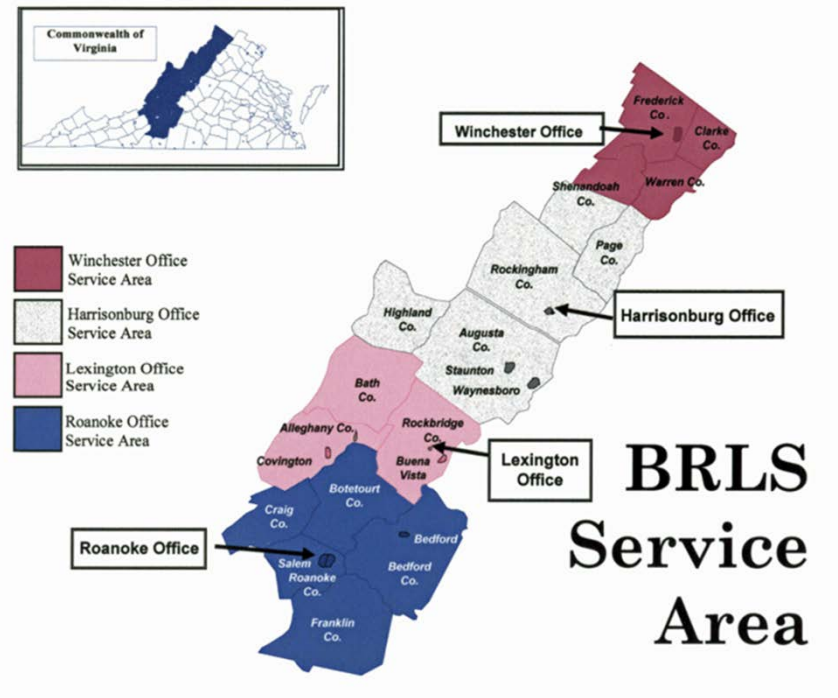
Sources: *1994 ABA National Legal Needs Study*

1991 Study on the Legal Needs of the Indigent in Virginia, commissioned by the Virginia State Bar and funded by the Virginia Law Foundation

2007 Virginia Legal Needs Study, commissioned by the Legal Services Corporation of Virginia (LSCV) and funded in part by the Virginia Law Foundation

Current Status of Legal Aid in the Valley

- Blue Ridge Legal Services, is a small, primarily rural program stretching down the Valley of Virginia.
- We cover an area that's about the size of the state of Massachusetts with 4 small offices - each with just a handful of staff members.



A Culture of Pro Bono in the Valley

- We have some of the most vibrant pro bono programs in the Commonwealth, like our long-standing collaboration with the Harrisonburg-Rockingham Bar Association - one of the strongest pro bono programs in the country for a bar of its size.
- Even so, we are nevertheless turning away twice as many clients as we can help; the clients we turn away have nowhere else to turn for advice or representation.

The “Double-Whammy” of Collapsing IOLTA Revenue and Federal Funding Cuts

- Like programs across the country, we’ve been hit by a double whammy of collapsing IOLTA revenue and federal funding cuts. The overall impact has been almost a **20% loss in our funding**.
- With the pending lay-offs scheduled for the next couple of months,
 - we will have ***lost 26% of our entire staff*** compared to the end of 2010
 - We will have ***lost 36% of our attorney staff***.
- Meanwhile, our poverty population has ***increased 42%*** over the last decade.

The Impact of these Reductions

- We are turning away twice as many people as we can help.
- We've lost the benefits of economy of scale, so that our cost per case has increased as the number of cases we can handle has declined.
- Ironically, it's now harder for us to support pro bono activities, since we have fewer staff to screen and refer cases to our pro bono programs.
- The Court's help in encouraging pro bono across the Commonwealth is greatly appreciated and urgently needed.