

By Manisha H. Bhatt

## Deep Impact: The Economic Crisis and Legal Services Funding



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**I**t is 9:00 a.m. Greater Boston Legal Services (GBLS) has just opened for business and the reception area is swarmed with people with various legal problems. Some are elderly, disabled or otherwise unable to work, but have been denied social security benefits. Some are homeless, struggling to find shelter from the winter's frigid temperatures. Some are abuse victims desperate to live an abuse-free life. All of these people are poor. They come to our firm as their last hope for legal representation to safeguard their fundamental human rights: the right to suitable housing, the right to live independently and the right to live free of fear. Since the economic crisis began in the summer of 2008, people who were once ineligible for our services have become eligible (a household income of \$510 per week or less for a family of four). Unemployed doctors, lawyers and other highly educated professionals are now coming to GBLS for services. An advanced degree unfortunately does not grant immunity from life's problems and the need for legal assistance in times of crisis.

The high volume of clients that come to GBLS mandates that we have three full-time receptionists to handle the unending telephone calls and the numerous people walking in the office desperate for services. Because of our office's proximity to the Probate and Family Court, Housing Court, Department of Employment and Training, Department of Mental Health, Social Security Office and Immigration Court, panicked clients walk in without an appointment, having just been denied unemployment benefits, having just been served eviction papers, or experiencing a combination of emergency situations. To accommodate these emergencies, each department has one attorney or paralegal on "emergency duty." Reception contacts the appropriate staff member who then meets with the client, advises her and assesses the case for representation. When a receptionist goes on a much-needed lunch break, another staff person must cover because two receptionists are not enough to handle the incessant client stream. Indeed, in its more than 100 years of existence GBLS has always been a flush law firm — flush with clients. It has never been flush with funding.

### The Numbers

Legal services agencies statewide are funded by the Massachusetts Legal Assistance Corporation (MLAC). IOLTA and the state budget fund MLAC. The housing crisis devastated IOLTA revenue such that the projection for funding legal services programs for fiscal year 2009 is \$9 million compared to \$17 million in fiscal year 2008 – an unprecedented 54% reduction in one year. In addition to the IOLTA cuts, MLAC received an additional 6% cut in the fiscal year 2010 state budget. These cuts are dealing a crushing blow to legal services.

GBLS is one of 17 legal services organizations local and statewide that receive MLAC funding. As the program serving the largest number of people, GBLS receives 25 cents of every dollar appropriated to MLAC. Our 140-person firm includes attorneys, paralegals, administration and support staff. Dedicated law students, the majority of whom

volunteer their time because of lack of funding, and volunteer lawyers consistently augment our ability to provide critical services to our clients. Each year we serve over 15,000 clients in the areas of elder law, public benefits law, immigration law, health and disability law, employment law, housing law, consumer law and family law. We have a unit that provides outreach to and represents the Asian community. Despite the large volume of people that we serve, we are forced to turn away half the people eligible for services because we do not have enough staff to handle their cases. Even in prosperous economic times, we struggled to meet the needs of an extremely deserving but unrelenting client stream.

The dawn of the subprime crisis led to an eclipse of legal services funding nationwide. This unprecedented decline in funds resulted in staff downsizing in legal services offices statewide. We are not immune to the downsizing epidemic. GBLS alone lost \$2 million in annual IOLTA funding in the last six months. GBLS staff are taking a salary reduction, hoping to save jobs. Despite the reduced salaries, everyone knows that there are no guarantees. The grim financial forecast places 20 people (or perhaps more) at risk of losing their jobs. For the last three months, each practice unit has been strategizing how a staff potentially reduced by 10-15% can serve a growing client population. Fresh, new ideas for expanding client services that each GBLS unit entertained in early 2008 are now being put on hold. The prospect of a reduced work force requires us to focus instead on delivering the most basic and urgent services.

### **But what do the numbers really mean?**

A couple of months ago, I was staffing the domestic violence center in Suffolk Probate and Family Court. A frightened, 22-year-old woman came to me for assistance with a restraining order. Her partner had physically and sexually abused her. This client impressed me because, despite her young age, she was quite knowledgeable about her rights. I represented her in the initial *ex parte* hearing. We were scheduled to return to court for a second hearing 10 days later. I informed my client of the process. She told me that her sister would accompany her at the next hearing for emotional support.

At that next hearing, I saw a former client, a woman whom I had represented six years earlier in a restraining order and divorce case when she was 22. I asked her what

she was doing back in court. She replied, “Manisha, you now represent my little sister. I’m here for support. Apparently, this stuff (domestic violence) runs in the family. I told my sister that I got through it, that she has rights, and she is going to get through it too. She does not have to put up with this nonsense.” I was speechless. After a few moments, I regained my composure and asked her to update me about her life. She told me that she is pursuing a master’s degree in nursing and that she is working part-time in a local hospital to pay for school. I was so happy for her!

At the end of the hearing, I hugged both clients goodbye. I was amazed that the scared, overwhelmed young woman that I represented six years ago is now a nurse, caring for countless many and empowering her little sister to leave an abusive relationship. I began to wonder: How many other legal services clients are there that have, in turn, educated and empowered others to fight against injustice? How can we accurately quantify the impact of the work that we do? Can we really measure the human impact of the cuts in our staffing? I do not think it is possible.

### **Conclusion**

Knowledge, when used for the greater good, is like a pebble thrown into calm waters – the resulting wave spreads farther and farther. Serving one client results in serving countless clients, because once people are educated about their rights, they empower others to fight for themselves. Therefore, the numbers about legal services funding cuts tell an incomplete story. I wonder: what is the monetary value of ensuring that a family has food stamps so children receive adequate nutrition? What is the value of removing obstacles low wage earners face so they maximize their employment opportunities and their income to support their families? What is the value of helping a family live in suitable housing and not on our streets? What is the value of rescuing a person from torture and persecution by helping them get political asylum? What is the value of helping children growing up in a peaceful, abuse-free household? Is GBLS’ \$2 million cut indicative of the resulting tear the loss of legal services will make to the fabric of our just society? My colleagues and I ardently believe there is no accurate way to measure the devastation of these cuts. We remain steadfast in our effort to provide our clients with critical services to the best of our abilities while we remain in GBLS’ employ. A just society cannot afford that we do otherwise. ■