

Civil Legal Aid 101

What is Civil Legal Aid?

Civil Legal aid is *free* legal assistance to low- and middle-income people who have *civil* legal problems. These problems are non-criminal; rather, civil legal aid helps people access basic necessities such as health care, housing, government benefits, employment, and educational services. Many people are surprised to learn that the right to a lawyer is limited to criminal cases.

How can Civil Legal Aid help?

The type of legal assistance available through civil legal aid programs includes:

- Accessing **basic necessities** including government benefits and disaster services ([SNAP](#), [School Lunch Program](#), [SCHIP](#), [TANF](#), [SSI](#), disability, veterans, [FEMA](#)); housing (loans to repair, foreclosure, eviction, unsafe housing, subsidized housing benefits); and health care (Medicaid, Medicare, Affordable Care Act).
- Ensuring **safety and stability** including individual safety (domestic violence, stalking or other harassment, elder abuse, child abuse and neglect); family law (child support, adoption, guardianship, divorce); and keeping children and youth in school (student discipline hearings, accommodations).
- Supporting individuals' **economic security** including employment (proper payment for work performed, safe working conditions, securing drivers/professional licenses, accommodations for people with disabilities); taxes (filing and obtaining low-income tax credits); and consumer protection (consumer fraud and scams, predatory lending, unfair debt collection practices and managing debt).

Civil Legal Aid is...

“...central to our notion of equal justice under the law.”

–**President Barack Obama**

“...our shared responsibility...equal opportunity for every citizen...”

–**Attorney General Eric Holder**

[White House Forum on the State of Civil Legal Assistance, April 17, 2012](#)

What type of services does Civil Legal Aid provide?

Civil legal aid refers to both free legal *advocacy* and legal *information* for low- and middle-income people to help address the civil legal problems they may face. This can take many forms, including:

- **Direct services by legal aid attorneys and pro bono volunteers** such as legal representation in a court proceeding, and legal advice to help identify legal issues and possible solutions.
- **Identifying and addressing systemic issues** such as comprehensive data collection and helping to identify solutions to problems faced by a large number of people.
- **Self-help and community education** delivered via workshops, telephone help lines, medical/legal partnerships, online information and chat tools, and downloadable court forms, all of which help people understand their rights and responsibilities, when legal assistance may be needed and where to find it, and get assistance with self-representation when necessary.



Who provides Civil Legal Aid?

Civil legal aid is provided free of charge by nonprofit legal aid organizations, “pro bono” volunteers (attorneys, law students and paralegals), law schools, court-based services such as self-help centers, and online technologies such as document assembly and legal information websites.

The largest funder of civil legal aid for low-income Americans in the United States is the Legal Services Corporation (LSC), which distributes more than 90 percent of its total Congressional appropriation to 134 independent nonprofit legal aid programs with more than 800 offices serving every county and territory in the country. LSC is headed by a bipartisan board of directors whose 11 members are appointed by the President and confirmed by the Senate. LSC-funded programs help people who live in households with annual incomes at or below 125% of the federal poverty guidelines.

LSC-funded organizations comprise about 25% of the total number of civil legal aid providers nationally. There are hundreds of independently-run nonprofit civil legal aid programs that don't get LSC funds and that may focus on particular populations or issues (e.g., children, homeless, people with disabilities, veterans, etc.), provide more generalized services including legal aid, coordinate pro bono programs, or specialize in self-help assistance. Many of these programs and services are not limited to people earning up to 125% of federal poverty guidelines. Some programs may have funding that enables them, for example, to serve any older American or domestic violence victim regardless of income. Self-help and informational services are available to all.

“Civil legal aid” or “civil legal services” refers to all of these programs. LSC encourages—and all non-LSC programs depend on—leveraging limited resources by partnering and collaborating with other public and private funders of civil legal aid, including federal, state and local governments, Interest on Lawyers' Trust Accounts (IOLTA), state-based access to justice commissions, the private bar, philanthropic foundations, and the business community.

What are the barriers to accessing Civil Legal Aid?

Despite the number of providers, civil legal aid cannot meet the need for services.¹ According to the U.S. Census Bureau's 2014 statistics on poverty, 63 million Americans—one in five—qualified for free civil legal assistance.² Unfortunately, more than 50 percent of those seeking help are turned away because of the limited resources available.³ These statistics describe only those below the poverty line and do not reflect the tens of millions of moderate income Americans who also cannot afford legal help.

- **63 million** Americans qualify for free civil legal assistance
- More than **50%** of those seeking civil legal help are turned away for lack of resources



Why raise awareness about Civil Legal Aid?

Raising awareness about the vital role of civil legal aid is critically important because research demonstrates the majority of low- and moderate-income Americans don't see the issues they're encountering as legal problems—frustrating efforts to match people with appropriate services. A family may be concerned about unsafe housing conditions or a son being expelled from school, but they often see these as personal or social problems, or just bad luck, whereas a civil legal aid lawyer may be able to identify a legal solution. Research also shows poor people are twice as likely as their moderate-income counterparts to do nothing to address their civil justice problems, even though they may need the help even more. And, it's not just the poor who overlook the potential for civil legal aid; it's also those who seek to help them.⁴ Federal policymakers can play a valuable role in raising awareness because they can get information to the people who need help, as well as to the nonprofit and government grantees and partners that help carry out federal programs and initiatives.

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While there is still a need for further research on the impact of having access to civil legal aid, many studies show that people who get legal help, across a range of problems, receive better outcomes than people who do not.⁵ For example, in housing cases, a randomized control trial found that 51% of tenants in eviction proceedings without lawyers lost their homes, while only 21% of tenants with lawyers lost possession;⁶ and, the research of two economists indicates that the only public service that reduces domestic abuse in the long term is women's access to legal assistance.⁷

Ensuring access to legal solutions can not only improve outcomes for those who would seek assistance, but it can also save public dollars in the long term, by preventing problems like homelessness or health issues, that can be extremely costly and harmful to individuals and the public.⁸

¹ Remarks by Attorney General Eric Holder, White House Forum on Civil Legal Aid (Apr. 17, 2012), <http://www.lsc.gov/media/in-the-spotlight/white-house-and-lsc-co-host-forum/us-attorney-general-eric-holder-jr-remarks>.

² Legal Services Corporation, FY 2017 Budget Request (2016), <https://lsc-live.app.box.com/LSCFY2017BudRequest>.

³ *Id.*

⁴ Rebecca L. Sandefur, *Civil Legal Needs and Public Legal Understanding*, American Bar Foundation, http://www.americanbarfoundation.org/uploads/cms/documents/sandefur_-_civil_legal_needs_and_public_legal_understanding_handout.pdf.

⁵ Rebecca L. Sandefur, *The Impact of Counsel: An Analysis of Empirical Evidence* (2010); see also WH-LAIR Civil Legal Aid Research Report (Feb. 2016).

⁶ Seron et al, *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment* (2001).

⁷ Amy Farmer and Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 *Contemp. Econ. Pol'y.* 158 (April 2003).

⁸ Laura K. Abel, *Economic Benefits of Civil Legal Aid*, National Center for Access to Justice (2012), <http://ncforaj.files.wordpress.com/2012/09/final-economic-benefits-of-legal-aid-9-5-2012.pdf>.

