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Grant Makers Need to Help the Poor Fight Legal Injustices

By Mary McClymont

Imagine that your spouse abuses you and your children. Or that a bank is about to foreclose on your home, even though you are up-to-date in making your payments. Or that you are a wounded veteran struggling to obtain government disability benefits.

You have suffered an injustice, and you want an opportunity to go to court to make things right. You need a lawyer, but you are poor. You think that someone will say, as you've seen on countless television shows, "If you can't afford a lawyer, one will be provided for you." But that constitutional guarantee of a lawyer does not apply to people fighting civil injustices, such as unlawful evictions, denial of benefits, or access to health services—essential matters of personal safety, economic security, and family support that can threaten basic survival.

Not surprisingly, these dilemmas become even more common and acute during challenging economic times. Without legal help, even relatively minor problems can escalate. And often the failure to resolve these issues can tear families apart or drive them further into poverty. In fact, more than 61 million poor and nearly poor people are eligible for civil legal aid to help them get their day in court.

These individuals represent the diversity of America—by race, ethnicity, gender, age, as well as rural and urban locations. Yet state and national studies estimate that 80 percent of serious legal needs of low-income people go unmet due to grossly insufficient financing.

The federal government provides modest support for many of the legal-aid groups that offer free services to low-income people around the country. But due to limited resources, only about 1 million clients seeking help from these groups annually are served. Because of the economic downturn, a key source of money in the states for civil legal aid has declined—by a staggering 74 percent from 2007 to 2011.

As someone who worked on civil legal aid at the Ford Foundation and is doing so now as head of the Public Welfare Foundation, I am constantly reminded of this critical and continuing crisis, which a 2011 *New York Times* editorial called the “justice gap.” In a country that prides itself on equal access to justice, these civil legal-aid shortages should be utterly unacceptable.

Philanthropy, which has not yet paid much attention to this serious concern, should take on a larger and deeper role. By embracing this priority, grant makers have an opportunity not just to help advance equal access to justice but also to make progress on other issues, such as affordable housing, access to health care, education reform, economic development, income security, domestic violence, and help for children and families.

We should recognize that civil legal aid can serve as a significant grant-making tool, similar to community organizing, advocacy, or research. It adds value to the work grant makers already undertake. Opportunities abound. In recent years, legal-aid lawyers have joined forces and moved ahead with thoughtful and innovative solutions that make it possible to serve more people. These innovations could be expanded exponentially with more investment.

A prime example: medical-legal partnerships, which integrate lawyers into health-care teams to ensure that needy people are safe and get housing, food, government benefits, and other help that would keep them from getting sick. And powerful allies like state chief justices are emerging to advocate for legal aid.

Grant makers committed to services for low-income people should see civil legal aid as one of the most effective ways to improve people’s lives. Foundations that want to influence public policy or make sure government and business follow through on their promises should enlist civil legal aid groups as partners. These groups see problems faced by low-income people every day, and they use that knowledge to create broader advocacy strategies that advance the goals so many philanthropies care about.

Civil legal aid can also help us make sure our dollars are being used wisely. It can prevent people from losing the affordable housing that a grant maker has already provided funds to preserve. And private support of innovative legal-aid projects can complement or attract federal or state money in public-private partnerships.

Philanthropies such as the California Endowment, the Kresge Foundation, the John D. and Catherine T. MacArthur Foundation, and the Eugene and Agnes Meyer Foundation, to name a few, have recognized the importance of civil legal aid to bolster key components of their work. And we at

the Public Welfare Foundation are also supporting efforts to strengthen and expand civil legal aid opportunities.

Ultimately, supporting civil legal aid as a complementary strategy will increase a grant maker's impact. At the same time, it can give low-income people and communities an equal shot at the justice they deserve to meet their basic needs, promote dignity and stability in their lives, and create pathways out of poverty.

Mary McClymont is president of the Public Welfare Foundation.