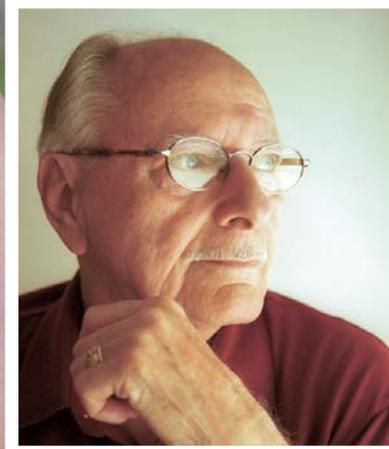


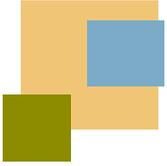
# RESULTS *of the* PENNSYLVANIA ACCESS *to* JUSTICE ACT



*A Report on the Filing-Fee  
Surcharge Law, FY 2004-2008*



February 2009



## PAIOLTA

### **Board**

CHAIR: MAUREEN P. KELLY, ESQ.

VICE CHAIR: WILLIAM P. CARLUCCI, ESQ.

HUBERT X. GILROY, ESQ.

WILLIAM T. HANGLEY, ESQ.

PENINA KESSLER LIEBER, ESQ.

MICHAEL H. REED, ESQ.

JAMES C. SCHWARTZMAN, ESQ.\*

ANDREW F. SUSKO, ESQ.

HONORABLE MARGHERITA PATTI WORTHINGTON\*

\*Appointed to the Board in September 2008

Former Board Members at June 2008

LEWIS F. GOULD JR., ESQ.

M. MARK MENDEL, ESQ.

### **Contact PA IOLTA**

The Pennsylvania IOLTA Board

P.O. Box 1025

Harrisburg, PA 17108-1025

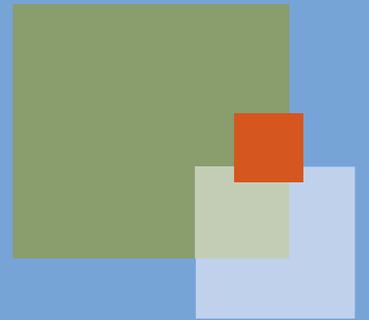
Phone 717-238-2001

Fax 717-238-2003

E-mail: [paiolta@pacourts.us](mailto:paiolta@pacourts.us)

This report, related to funding received as a result of the Access to Justice Statute (42 Pa. C. S. Section 4901 et. seq.), was sponsored by the Pennsylvania IOLTA Board, with data provided by Pennsylvania Legal Aid Network, Inc. (PLAN, Inc.). The report was produced for PA IOLTA by The Resource for Great Programs, Inc.

Data appendices to this report, and endnotes that provide additional information about data calculations used throughout the report, are available in the PA IOLTA web site [www.paiolta.org/ajareport/ajareport.htm](http://www.paiolta.org/ajareport/ajareport.htm).





## Introduction

In July 2002, the Access to Justice Act (AJA) was enacted with strong bipartisan support by the Pennsylvania legislature and signed into law by Governor Schweiker. The statute established a \$2 surcharge on filings in state courts. The funds from the surcharge were designated to provide civil legal assistance to low-income Pennsylvanians without charge. In 2006, the AJA was extended for a second five-year period; it is now scheduled to sunset November 1, 2012.

This report outlines the results of the Access to Justice Act's first five years, fiscal years 2004-2008. It finds that the AJA has had a significant, positive impact on low-income families and their communities across the state, especially upon some of the most vulnerable Pennsylvanians: children, seniors, people with disabilities, and veterans. In addition, legal aid offices and the civil court system have been made more efficient and effective as a result of the AJA funding. And taxpayers have been spared additional costs associated with unmet social needs, such as the need for emergency housing and urgent medical care.

The AJA has provided a stable, predictable funding stream totaling \$36.5 million from fiscal years 2004-2008, providing on average about 18 percent of the total support received by Legal Aid providers in Pennsylvania. As a result, it has enabled Legal Aid advocates to begin narrowing the "justice gap" between the overwhelming legal needs people face every day and the resources available to meet them.

In fiscal years 2004 through 2008, Access to Justice Act funding supported work on 70,700 handled cases, directly benefitting a total of 138,100 low-income individuals and families who had no place else to turn while facing critical, often complex, legal problems such as domestic violence,



## Legal Aid in Pennsylvania

- *Pennsylvania IOLTA – the Lawyers Trust Account Board is an entity created by the Supreme Court of Pennsylvania to help provide equal access to legal representation for low-income Pennsylvanians. PA IOLTA distributes grants from a collection of funding sources including Interest on Lawyers Trust Accounts (IOLTA), Access to Justice Act filing-fee surcharge revenues, the Magisterial District Judges Interest on Trust Accounts Program, and other sources.*
- *Pennsylvania Legal Aid Network, Inc. (PLAN, Inc.) administers state appropriated funds and IOLTA Board grants, and provides strategic leadership and coordination for eight independent regional legal aid programs and five specialized legal resource programs that together, with two non-PLAN, Inc. funded programs, comprise the Pennsylvania Legal Aid Network. The Network's principal funding sources include PA IOLTA, the federal Legal Services Corporation, the Pennsylvania Department of Public Welfare and an array of other federal, state, local and private supporters (see back cover).*

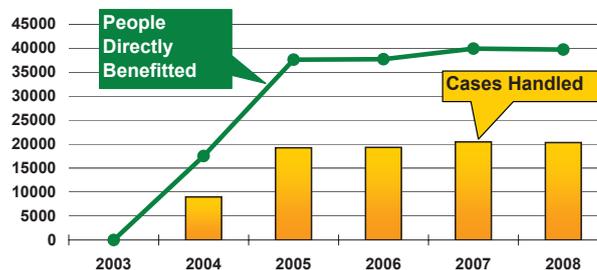


## The Access to Justice Act at a Glance

The Access to Justice Act attaches a \$2 surcharge on various courthouse filings and designates this funding to help support Pennsylvania's civil legal aid programs. The small charge is a user fee that enables those who access the court system to share in providing legal help to the poorest and most vulnerable Pennsylvanians facing critical legal problems affecting their homes, families, jobs, safety and health.

■ Year statute first enacted	2002
■ Statute renewed	2006
■ Statute expires	2012
■ Amount generated, FY2007-08	\$9.7 M
■ Percentage of Legal Aid's total funding from AJA	18%
■ Five-year cumulative through June 2008	\$36.5 Million
■ Five-year cumulative total of legal cases handled	70,700
■ Five-year cumulative total of people directly benefitted	138,100

**AJA-Funded Cases and People Benefitted**



Each year's "Cases Handled" figure includes all cases completed in that year, and all cases that were still active at the end of that year. The cumulative total over the five years of AJA funding was 70,700 cases, the sum of cases completed during the five years, and the active cases carried into 2009. The cumulative total of people directly benefitted was 138,100.



**Fact Sheet:**  
**The Justice Gap in Pennsylvania**

*There is a profound gap between the vision of **Equal Justice** and the reality for low-income Pennsylvanians facing serious legal problems.*

- *More than **1.7 million** people in Pennsylvania are living on incomes that are less than 125 percent of the federal poverty level. As a result, every one in seven Pennsylvanians is eligible for free civil legal assistance.*
- ***Thirty-two percent** of children and seventeen percent of the elderly in the City of Philadelphia live at or near poverty.*
- *In other areas of the state, poverty is equally dire; in rural Fayette County, for example, 26 percent of children and 14 percent of the elderly live at or near poverty.*
- *According to a national study by the American Bar Association, forty-seven percent of low-income households experience a legal problem each year. In Pennsylvania, this translates to 712,000 legal problems annually.*
- *Due to a lack of resources, Pennsylvania legal aid intake workers must turn away **one out of every two people** who apply for services.*
- *Many others in Pennsylvania do not apply. Only **one in five** low-income people who experiences a legal problem is able to get legal help from any source.*
- *People feel disenfranchised. The American Bar Association study showed that most low-income people feel shut out from the legal system. They do not turn to the courts for solutions because they believe the system will not help them.*

foreclosure, eviction, utility shutoffs and loss of custody of their children. This legal assistance has been provided in every county of the Commonwealth. In FY2008, the most recent year for which data are available, 39,700 Pennsylvanians obtained direct benefits from Legal Aid as a result of AJA funding. These figures cover a wide variety of services received by clients, including legal representation in court or administrative proceedings, advice and counsel, legal information, brief services such as a letter or phone call on the client's behalf and referrals to other service providers.

This report, related to funding received as a result of the Access to Justice statute (42 Pa. C. S. Section 4901 et. seq.), summarizes the results produced across Pennsylvania by the Access to Justice Act's filing-fee surcharge. It begins by outlining the needs the AJA was enacted to address. The report then describes the many ways the legal assistance providers comprising the Pennsylvania Legal Aid Network have strategically applied those dollars to maximize the benefits produced for low-income people, communities, taxpayers and courts across Pennsylvania.

## **The need for legal assistance to Pennsylvania's low-income people is compelling.**

According to a recent national poll, close to nine in ten Americans (89 percent) agree that free legal help for civil matters should be provided for low-income people. The Pennsylvania Bar Association believes that everyone facing adversarial proceedings should be provided legal counsel whenever basic human needs are at stake such as shelter, sustenance, safety, health or child custody.

Yet a huge gap prevents that vision from being realized. The reality in Pennsylvania is that one out of every two people who apply for Legal Aid must be turned away for lack of resources, and many others do not apply. Only one in five low-income Pennsylvanians having a critical legal problem is likely to get legal help from any source.

One symptom of the un-met need is the large number of people appearing in court without lawyers to represent them. For example, in Montgomery County 80 percent of litigants in Family Court are showing up without legal representation. In Erie County, over 60 percent of the initial court filings in child custody cases -- and virtually all of those in Protection From Abuse matters -- in 2008 were entered by self-represented litigants, although some of these might have obtained counsel after the filing, and were represented at a hearing.

This has drastic consequences for both litigants and the courts. Not only is society less likely to get fair and speedy resolution of civil disputes, but the courts are increasingly being bogged down by people unable to get legal assistance and therefore forced to navigate the legal system on their own.



## The funding produced by the AJA has made a difference.

Prior to passage of the Access to Justice Act in 2002, the Pennsylvania Legal Aid community struggled to keep up with the need for legal assistance in the face of rising costs and federal funding cuts.

After federal appropriations for Legal Aid were cut in 1982, Legal Aid supporters launched strong efforts to seek funding from other sources such as local governments, charitable organizations and bar associations. In 1990, with the help of leaders in the Legislature, the private bar, and the courts, the Interest on Lawyers Trust Accounts Program was launched, bringing additional new dollars into the system.

However, as successful as these efforts were, total resources for Legal Aid failed to keep pace with rising costs. While total funding from all sources grew by 29 percent during the 1990s, inflation, at 30 percent during the same period, negated the increases from successful resource development efforts. By 2002, total Legal Aid funding in inflation-adjusted dollars had fallen to half the level of 1979, the peak funding year for Legal Aid, and low-income people facing critical legal problems had far fewer Legal Aid advocates to help them.

AJA funding has made a significant difference in that picture. Although the gap between legal needs and available resources is still great, AJA funding has enabled the Pennsylvania Legal Aid community to make real progress in its effort to serve more clients, improving the quality of services, reaching out to hard-to-reach client segments, increasing economic impacts, and in many other ways improving the lives of low-income Pennsylvanians across the state.

### Going Forward – AJA funding sustains Legal Aid when other funding sources cannot.

The filing-fee surcharge is providing a stable, predictable funding stream that helps to even out the ebbs and flows of other funding sources.

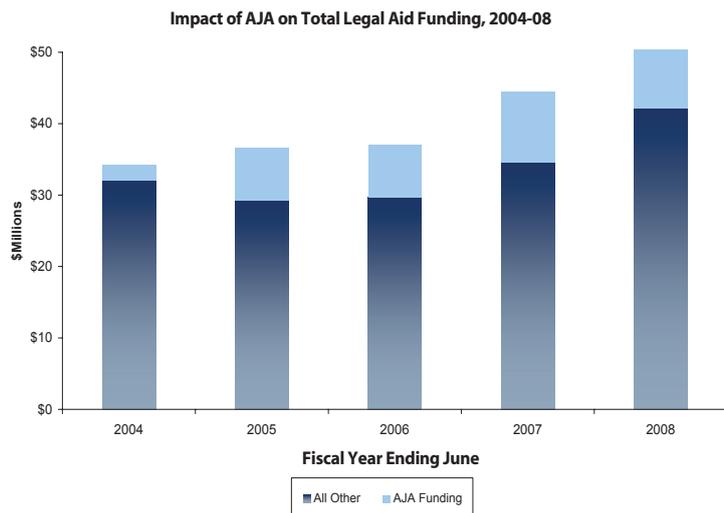
In FY2008-09, AJA funding is helping to mitigate the impact of a 71 percent decrease in IOLTA funding caused by the national economic crisis and falling interest rates. A further IOLTA cut may occur for FY2009-10 as a direct result of interest rates having dropped to their lowest levels in history.

Until interest rates turn upward, AJA dollars will play a critical role in minimizing the need for layoffs and office closings in Legal Aid programs across the state.

## The AJA funding supports day-to-day legal assistance.

Because resources are limited, each Pennsylvania Legal Aid Network program is required to review its case acceptance priorities on a regular basis to ensure that the most urgent needs in its service area are being addressed. Input from the community is sought through client surveys, interviews and meetings with representatives of partner agencies such as human service providers, faith-based organizations, schools, job centers, bar associations and the courts.

In 2003, Pennsylvania Legal Aid Network providers and the PA IOLTA Board created a statewide vision and plan for the most effective use of Access to Justice Act funds and have continued that planning in recent years. Pooling the information



# Snapshot of AJA-Funded Legal Assistance

With funding from the AJA filing-fee surcharge, IOLTA and other sources, the Pennsylvania Legal Aid Network handles approximately 90,000 legal cases each year, directly benefitting more than 138,000 low-income Pennsylvanians each year.

Total Legal Aid Cases Handled  
FY 2007-08: 94,400



## Funded by AJA: 20,300 Cases

Please see Appendices VIII and IX for a breakdown of this total by legislative districts.

Family - 29%

### Family: 5,800 cases.

Legal problems include domestic abuse, divorce and child custody.

### Snapshot: Hearing-Impaired Father Reunited with Daughter.

"Miguel," who was deaf, was devastated when his infant daughter was placed in foster care as the result of her mother's drug use. A Community Legal Services advocate intervened with the Department of Human Services to provide Miguel with a sign language interpreter so he could attend an intensive parenting program. He was reunited with his daughter, and the case has been discharged from dependency court.

Housing - 20%

### Housing: 4,100 cases.

Legal problems include landlord/tenant, mortgage foreclosure and subsidized housing rights.

### Snapshot: Affordable Housing Expanded in Pittsburgh.

Regional Housing Legal Services helped create rental housing for five low-income families. It represented a community housing group in acquiring and financing a two-story mixed use project for low-income families and ground floor commercial space on a vacant lot in Pittsburgh. This work involved the acquisition of six adjacent parcels from two separate sources, negotiating financing with four separate sources, and obtaining the variances necessary to move forward with the project.

Public Benefits - 12%

### Public Benefits: 2,400 cases.

Legal problems include TANF/Other Welfare, Social Security and veterans benefits.

### Snapshot: Restoring Crucial Income Benefits.

An advocate from Southwestern Pennsylvania Legal Services represented "Joshua," a disabled veteran with cancer who received notice that his medical benefits were about to be terminated. When he was faced with having to delay crucial surgery, he turned to Legal Aid. The attorney immediately met with a caseworker at the County Assistance office. Together, they determined that Joshua qualified for Medical Assistance for Workers with Disabilities. His benefits were restored, and he was able to have the surgery and resume his cancer treatments.

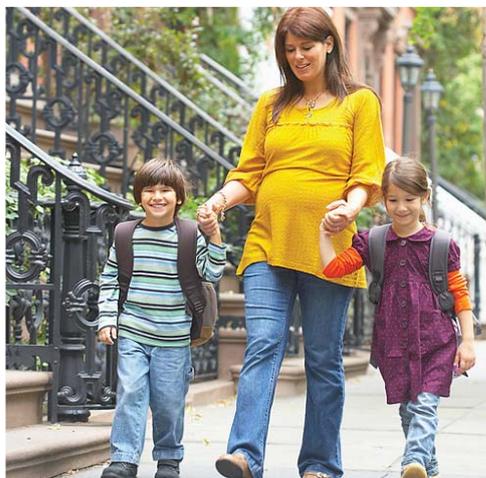
Consumer - 11%

### Consumer: 2,200 cases.

Legal problems include bankruptcy, debt collection, public utilities and unfair sales practices.

### Snapshot: Resolving an Elderly Woman's Debt Crisis.

An advocate with North Penn Legal Services helped an elderly woman avoid collection of a six-year-old, \$4,000 alleged debt on her credit card. When the creditor could not document the charges, the District Justice dismissed the complaint, greatly relieving the client's anxiety about an overwhelming debt she was in no position to pay.



from their individual legal needs assessments, they reviewed emerging client needs they saw in their communities in light of the legislative intent and requirements of the statute.

Adhering to this plan, the bulk of AJA funding has been applied to support day-to-day legal assistance aimed at those problems deemed as the highest priorities by each Legal Aid provider (see sidebar on previous page, Snapshot of AJA-Funded Legal Assistance). The cases handled reflect the bread-and-butter work of Legal Aid: family, housing, public benefits and consumer-related problems.

## Specialized projects multiply the impact of AJA funds.

As an important adjunct to locally derived priority setting, the plan for AJA-funded services launched two specialized projects that address growing levels of need in two legal specialty areas: employment law and public benefits law.

These projects provide specialized funding to regional service providers to ensure that clients everywhere in the state have access to representation in these critical substantive areas. In addition, the projects enhance the individual efforts of each service provider through coordination, training and sharing of best practices on a statewide basis.

## AJA funds support legal assistance through a coordinated, statewide system of Legal Aid organizations.

Funds from the AJA filing-fee surcharge are collected at courthouses and remitted to the Pennsylvania Department of Revenue. Pennsylvania IOLTA draws down the money annually and distributes an annual grant to the Pennsylvania Legal Aid Network, Inc. (PLAN, Inc.), the entity that oversees the statewide network of Legal Aid providers serving every region in Pennsylvania (see graphic on inside back cover).

Pursuant to regulations promulgated by the IOLTA Board (see PA Code Section 204,



### AJA-Funded Employment Law Project Reaches Out to Remove Barriers to Low-Income Workers.

#### Snapshot:

“Diana” was finishing her training as a Medical Assistant but found she could not get a job in her new field because of a 12 year old delinquency judgment on her record stemming from a school yard fight when she was 14. As a single mother of three, she desperately needed this job. An advocate from Neighborhood Legal Services in Pittsburgh, funded by the Employment Law Project, obtained a court order erasing this charge from Diana’s record and clearing the way for a better life for her and her family.

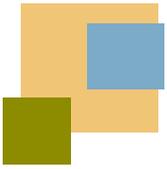


#### Snapshot

#### AJA-Funded Public Benefits Law Project helps mothers get the child care benefits they need while staying safe.

In seeking child care benefits for a low-income mother, a public benefits specialist with *Northwestern Legal Services* discovered that a local child care agency was ignoring a rule designed to provide child care benefits, and at the same time, ensure that the mother would not be in jeopardy of retaliation by an abusive ex-spouse or partner. Based on that case, the *Public Benefits Law Project* persuaded the Department of Public Welfare to instruct all child care agencies across the state on how to handle requests for child care benefits in a way that keeps victims and their children safe. Now domestic abuse victims across the state are able to get the child care benefits they need to attend work or school without placing themselves or their children in danger.

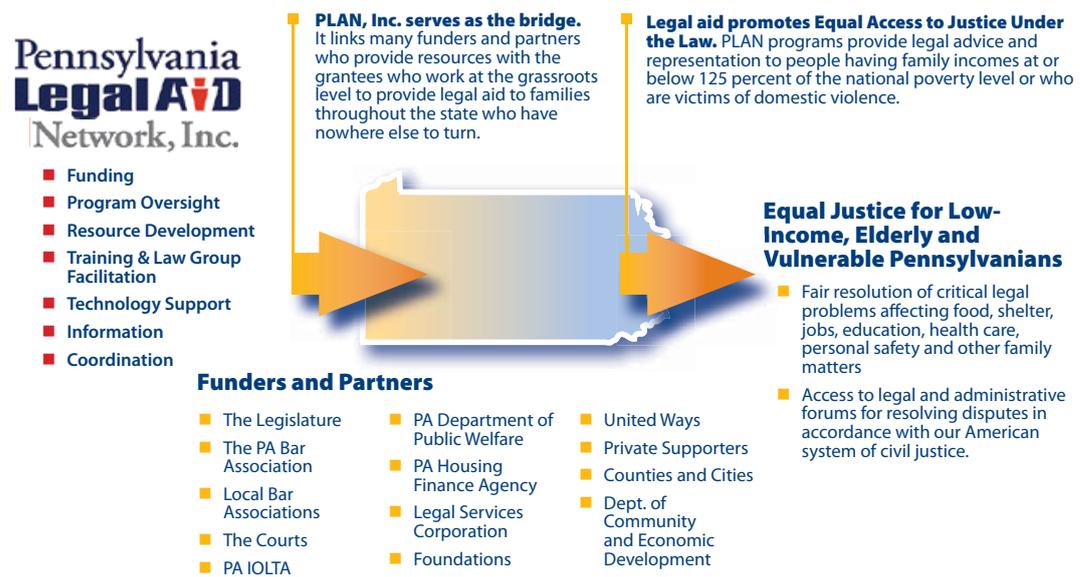




Chapter 401), legal assistance can be provided only to persons financially eligible for services. At June 2008, a family of four with an annual income at or below \$26,500 was eligible for AJA-funded legal assistance.

The PLAN system is structured for effectiveness and accountability. PLAN, Inc. administers regulations and policies that promote optimal use of AJA funds – for example, enforcing requirements that Legal Aid service providers assess community needs, set priorities for the most effective use of funds and submit annual reports on client services. Every three years, PLAN, Inc. comprehensively evaluates each Legal Aid provider on compliance with regulatory requirements and on widely-accepted industry standards, such as the American Bar Association’s Standards for Providers of Civil Legal Services for the Poor.

## About the Pennsylvania Legal Aid Network



## AJA funding has supported legal services to rural and isolated clients.

Access to Justice Act funding has made it possible to sustain legal services for hard-to-reach clients such as elderly and hospitalized people and to rural communities across the state. Those services otherwise would have been steeply cutback when IOLTA revenues dropped in 2007. In addition, AJA funds have supported expansion of technology-based legal services such as telephonic legal helplines, staffing of outreach sites in less populated localities, and the PALawHelp.org web site that increase access to services for clients unable to travel to a Legal Aid office.

Legislators, human services workers, clergy and others who serve the poor regard these outreach sites and the PALawHelp.org web site to be invaluable for the referral of constituents who need legal help. They are seen as a lifeline by residents who are far from or otherwise unable to travel to a Legal Aid office.

## AJA funding has fostered improvements in quality and productivity.

AJA funding has made it possible for Legal Aid providers to make strategic investments addressed at reducing turnover of staff attorneys, especially those having completed their first three to five years of service in Legal Aid. The goal is to increase the average experience level of staff attorneys and bring about improvements in productivity and the quality of services received by Legal Aid clients.

## AJA funds lessen the impacts of staff turnover.

Access to Justice Act funding has helped Legal Aid providers bring salaries closer to other public sector employers such as prosecutors and public defenders, thereby helping to reduce staff turnover and its negative impacts on the program and its clients.

In FY2002, the median starting salary of a Legal Aid lawyer in Pennsylvania was \$30,000. One out of every three lawyers was leaving Legal Aid within the first five years of employment. Each lawyer who left represented a loss of \$39,000 in recruitment and training expense.

By FY2008, the median starting salary of a Legal Aid lawyer had increased to \$41,200. AJA funding helped support this increase and reduce turnover which has helped to expand the base of experienced young lawyers, thereby increasing the productivity and effectiveness of their work in serving clients. By 2008, turnover in the one to five years' experience range had been cut in half.

These results are paying rich dividends in terms of making every dollar count in the effort to bridge the "justice gap" in Pennsylvania.

## The legal assistance supported by AJA funds brings important economic benefits to communities throughout Pennsylvania.

A conservative estimate of the total economic impact of legal assistance supported by the first five years' worth of Access to Justice Act funds is \$154 million, 4.2 times the total amount invested. This figure is the total of the amounts indicated in the sidebar on the next page, *Economic Impacts of AJA-funded Legal Aid*.<sup>1</sup>

Those figures include quantifiable impacts such as the direct dollar-benefits for clients secured by Legal Aid advocates; the multiplier effect of those dollars on local economies; and cost savings to local agencies and state taxpayers through reductions in the need for high-cost emergency services such as shelter subsidies for evicted families and emergency room treatment for victims of domestic abuse and others needing healthcare.



### The AJA is Supporting Increased Services to Hard-to-Reach Clients

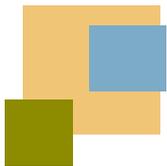
AJA funding has enabled Legal Aid providers to sustain important services for Pennsylvania's rural communities and people generally who cannot travel to a full service Legal Aid office.

First, AJA funds allowed many programs to avoid immediate cutbacks in outreach sites, home visits and other direct services to hard-to-reach groups when IOLTA revenues dropped sharply in 2008-09.

Secondly, AJA funds enabled Legal Aid programs to use new technologies to make services more accessible. For example, AJA funding helped to establish the PALawHelp.org web site, which allows low-income people to obtain legal information and self-help materials directly from the Internet rather than having to travel to a Legal Aid office.

AJA funding also supported expansion of telephone Legal Aid "help lines," which make services more accessible to clients. Thanks to AJA funding, *Legal Aid of Southeastern Pennsylvania* was able to expand the hours of its telephonic Central Intake Unit in 2008, talking with 35 percent more people each day who needed legal help and who otherwise would have had to travel to a program office.

<sup>1</sup>The assumptions and detailed calculations used in deriving the total economic impact of AJA funds are outlined in Appendix I, which may be downloaded from the Web at [www.paiolta.org/ajareport/ajareport.htm](http://www.paiolta.org/ajareport/ajareport.htm).



## Economic Impacts of AJA-funded Legal Aid

The total economic impact of legal assistance supported by AJA funds between fiscal years 2004 and 2008 was \$154 million, more than four times the amount of AJA funds invested. The impacts include:

- **\$68 million** in economic activity in local communities. Each dollar of federal benefits for clients circulated 1.86 times through local economies. The result: sales for local businesses and 1,710 jobs for working Pennsylvanians.
- **\$37 million** in direct-dollar benefits for clients (included in the \$68 million figure above). These benefits secured for clients by AJA-funded Legal Aid advocates provided critically needed financial support and reduced the burden of such assistance on state taxpayers.
- **\$8 million** savings in emergency shelter costs. In 2004-08, 670 low-income families successfully avoided homelessness thanks to legal help by AJA-funded Legal Aid advocates. Studies show an average savings of \$11,550 per family for Pennsylvania taxpayers.
- **\$23 million** savings in costs of domestic abuse. Legal Aid advocates funded by AJA protected 7,700 families from domestic violence in 2004-08. Studies indicate an average savings of \$3,000 per family in the costs of medical care for injured victims, targeted education and counseling for affected children, police resources and incarceration of abusers.
- **\$55 million** savings for low-income utility customers. In 2007, the PA Utility Law Project represented low-income customers in negotiating an agreement with the gas company that eliminates security deposits and initial enrollment payments and provides significant discounts for low-income customers.

### Additional economic impacts (not quantified):

- Savings from crime prevention and law enforcement assistance.
- Savings from keeping children in school whose attendance would otherwise have been interrupted by homelessness and/or domestic abuse.
- Efficiencies in Pennsylvania courts made possible by Legal Aid assistance to clients and self-represented litigants, such as materials and training on how to follow court procedures.
- Additional tax revenues from jobs preserved as a result of Legal Aid employment cases.

For example, the graphic below illustrates how federal benefits and grants secured by AJA-funded Legal Aid advocates flow into communities and circulate through the economy. In 2008, the benefits and grants attributable to AJA funding generated \$68 million in income and 1,710 jobs for working Pennsylvanians.

The sidebar indicates several ways in which the work of Legal Aid advocates produces economic impacts that in total far exceed their cost. These quantifiable benefits are achieved in addition to the basic mission of Legal Aid, fundamental to a civil society: providing access to our justice system for all people including those unable to afford legal assistance.

## Economic Impact



\*Total impact was estimated by applying the universally accepted U.S. Department of Commerce "Regional Economic Multiplier" for payments to low-income families in Pennsylvania. According to the U.S. Department of Commerce "Regional Economic Multiplier" studies, each million dollars brought into Pennsylvania from outside the state circulates through local economies 1.86 times and supports 47 jobs.

The figures do not include economic benefits that are more difficult to quantify, such as increased tax revenues from employment of people illegally denied jobs or the economic benefits of Legal Aid's important role in preventing crime and improving law enforcement.

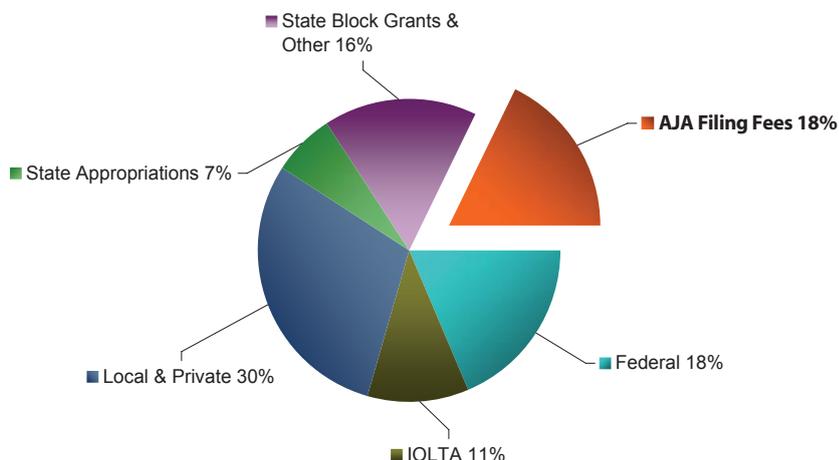
## Legal Aid's work contributes to crime prevention and assists law enforcement.

By obtaining Protection from Abuse orders for domestic violence victims, working with other community partners to enhance family safety, and keeping children in school, Legal Aid advocates reduce the incidence of police calls and save lives in communities across Pennsylvania. Legal Aid staff also train police and other justice system personnel to respond safely and effectively to persons with mental illness and in domestic abuse situations. For example, in 2006, *MidPenn Legal Services* conducted trainings to inform law enforcement personnel, human services staff and local judges about Legal Aid services to victims of domestic violence and to provide legal information helpful to them as first-responders to domestic violence incidents.

## Funding of Civil Legal Aid is a Partnership of Sources.

Legal Aid providers do not ask state taxpayers to fund all of this critical community service. Rather, they have worked hard and successfully to leverage over \$50 million per year of federal, United Way, foundation, and private attorney financial support (*see graph below*). By expanding the state's contribution, the Access to Justice Act signals a vital state commitment to assuring basic fairness for all residents that is the cornerstone of a civilized society.

**AJA Filing Fees Provided 18 Percent  
of Legal Aid Funding**  
FY2004-08 Funding by Source

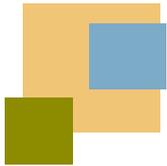


## The AJA funding leverages a significant private sector contribution from the private bar throughout Pennsylvania.

Not included in the funding graph shown above is a major in-kind contribution by Pennsylvania's legal community. Between fiscal years 2004 and 2008, private attorneys and law firms donated 108,600 hours of pro bono services to Legal Aid clients, worth \$16 million. These contributions were made in the context of organized pro bono programs operated by Legal Aid programs, leveraged in part with Access to Justice Act funds.

Pro bono attorneys handled a total of 23,750 cases, seven percent of the total cases handled for Legal Aid clients in fiscal years 2004-08, directly benefitting 46,400 people with solutions to legal problems affecting their food, shelter, income, education, health and personal safety.





### **AJA Funding Plays a Vital Role.**

As indicated below, a loss of AJA funding would result in a tragic setback for *equal justice under the law* for all Pennsylvanians. Based on the data on outcomes of Legal Aid, a loss of AJA funding would mean that *each year, 39,700 fewer people in our state would directly benefit from legal assistance.* Further:

- *At least 11,000 fewer women and their children would be protected from domestic abuse or have their lives stabilized through Protection From Abuse orders, child custody, and family law representation.*
- *At least 3,000 fewer veterans, disabled persons, and seniors would receive legal help obtaining federal disability benefits, including access to federal medical programs, or being assisted in moving from welfare to work.*
- *At least 1,500 fewer low-income people would be protected from homelessness or have their substandard housing made safe and habitable.*
- *At least 700 fewer deserving children would have the child support and legal assistance they need to stay in school and have a decent chance at later success in life.*
- *At least 5,800 Legal Aid cases that are pending at the end of funding would have to be transferred to other providers – for example, the private bar.*

## **AJA-funded Legal Aid helps the judicial system be more cost-effective.**

By providing preventive legal education, negotiating solutions to disputes and advising people against bringing non-meritorious cases, Legal Aid advocates help their clients move smoothly through the court system.

For example, in FY2008, a typical year, 8,400 AJA-funded Legal Aid cases (67 percent of the total) were settled without litigation. In the process of helping their clients, Legal Aid advocates helped reduce the burden on courts by negotiating settlements, serving as intermediaries between clients and third parties (for example, a landlord), and referring clients to other sources of help when their cases lacked legal merit. Only 30 percent of Legal Aid's AJA-funded cases went to court or administrative hearings in that year.

Additional savings in court time are achieved each year through legal assistance provided to self-represented litigants -- for example, assistance in preparing papers for filing with a court. This highly efficient and low cost legal help is reducing congestion from a rising tide of self-represented litigants in courts in Pennsylvania and across the nation. For example, in FY2008, pro se materials and clinics conducted by AJA-funded Legal Aid advocates assisted 8,600 people who otherwise would have entered the court system without any legal help at all.

## **Conclusion: AJA funding is an essential long-term investment.**

This report provides conclusive evidence that funding from the Access to Justice Act, in its first five years, has produced dramatic results for low-income people and communities all across Pennsylvania, while benefitting state and local taxpayers.

As indicated by the sidebar at left, the loss or reduction of AJA funding would result in a significant setback for low-income Pennsylvanians and for legislators, bar leaders, courts and Legal Aid advocates striving to achieve Equal Justice under the Law for all Pennsylvanians.

The stable funding stream produced by the filing-fee surcharge has been applied strategically by the Legal Aid providers of the Pennsylvania Legal Aid Network to leverage economic benefits far exceeding the dollars invested.

Perhaps even more significant are the intangible results that have been achieved. AJA-supported Legal Aid stabilizes families, maintains communities and makes society safer. It saves taxpayers money and helps prevent legal problems that would otherwise further clog the court system. Legal Aid helps people to become self-sufficient and participate effectively in society.

Passage of the Access to Justice Act in 2002 was a major milestone; its extension to 2012 confirmed the Commonwealth's commitment to Equal Justice. The remaining period of funding under the Act presents an opportunity to solidify the gains already made, achieve even greater productivity and quality, and continue providing legal assistance that improves the lives of the poorest and most vulnerable Pennsylvanians. Those efforts will bring the day closer when everyone, regardless of income, can obtain the legal assistance he or she needs to function as a full participant, not a victim, in our society.



**BOARD**

*PRESIDENT:* CHARLES B. GIBBONS, ESQ.

*PRESIDENT-ELECT:* GERALD A. MCHUGH, ESQ.

*SECRETARY:* NANCY H. FULLAM, ESQ.

*TREASURER:* THOMAS A. TUPITZA, ESQ.

*PRESIDENT EMERITUS:* YVETTE R. LONG

JUSTINE BOATWRIGHT

SONIA BROOKINS

JEFFREY A. ERNICO, ESQ.

THE HONORABLE CHESTER A. HARHUT

REPRESENTATIVE KATE HARPER, ESQ.

LINDA MORRIS

A. MICHAEL PRATT, ESQ.

ROBERT V. RACUNAS, ESQ.

