

# LEGAL NEEDS OF THE POOR IN MINNESOTA AN ASSESSMENT OF THE UNMET NEED



**EQUAL JUSTICE**

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LEGAL NEEDS OF THE POOR IN MINNESOTA:  
AN ASSESSMENT OF THE UNMET NEED

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## I. Introduction and Background

### A. A Brief History of Legal Services in Minnesota.

Organized legal services for the poor in Minnesota began with the creation of legal aid societies in Minneapolis in 1913, St. Paul in 1947, and Duluth in 1952. These programs provided services to metropolitan residents through one- or two- attorney offices, with local, charitable funding and some pro-bono assistance.

The first federal funding was provided through the Office of Economic Opportunity (OEO) beginning in 1966. These funds, while a significant increase over previous funding, were directed primarily to existing urban programs (Hennepin and Ramsey counties). In 1967, the Leech Lake Reservation Legal Services Project was established with special OEO funds.

In 1973, federal funds under Title XX of the Social Security Act became available to support legal services. Four counties-- St. Louis, Washington, Dakota and Olmsted--provided funds for single-county legal aid offices.

On July 25, 1974, in response to concerns about improper political interference with representation of clients under the OEO program, President Nixon signed into law the Legal Services Corporation Act. The Act established a private, non-profit corporation "for the purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance."<sup>1/</sup>

When the Legal Services Corporation (LSC) assumed responsibility for the existing OEO programs in Minnesota in October, 1975, the programs had survived five years of frozen budgets, political attack and administrative uncertainty. Early

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<sup>1/</sup> Legal Services Corporation Act, P.L. 93-355, 88 Stat. 378 (1974); as amended P.L. 95-222, 91 Stat. 1619 (1977); 42 U.S.C. §2996 et seq.

efforts were thus concentrated on rebuilding and strengthening the existing programs.

In the late 1970s, LSC implemented a plan of expansion in order to provide poor people in the Midwest and the South, and the rural poor throughout the country, with at least some access to legal assistance. The goal, known as "minimum access", was to provide the equivalent of two attorneys for every 10,000 poor persons.<sup>2/</sup>

After holding public hearings and consulting with legislators, local bar associations, community groups and legal services programs, LSC awarded expansion funds to three existing local programs--the Legal Aid Society of Minneapolis (LASM), Legal Assistance of Ramsey County (LARC) and the Legal Aid Service of Duluth (LASD)--which had demonstrated a capacity to deliver legal services effectively to poor persons.

LARC expanded to become Southern Minnesota Regional Legal Services (SMRLS) in 1977, covering 33 counties in southern Minnesota. Central Minnesota Legal Services (CMLS) was also formed in 1977, when LASM joined with newly created programs in rural areas to serve 20 counties in central Minnesota.<sup>3/</sup>

The Legal Aid Service of Northeastern Minnesota (LASNEM) received funds to serve eleven counties in the sparsely populated Arrowhead region. The Leech Lake Reservation Project also

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<sup>2/</sup> "Minimum access" is a funding concept which provides the basis for geographic distribution of legal services funds throughout the country. The measure is roughly the ratio of attorneys to poor persons which existed in the programs which received the highest OEO funding in 1974. It provides, at best, nominal access to legal assistance for poor persons. In Minnesota, for example, there are nearly 32 lawyers for every 10,000 persons in the general population.

<sup>3/</sup> In 1981, responding to changing needs, the local service providers which had comprised CMLS recombined to form Mid-Minnesota Legal Assistance (MMLA), which is now the primary service provider in central Minnesota. CMLS remains the LSC grantee, providing services through a reimbursement contract with MMLA.

expanded to include the White Earth and Red Lake Reservations, reincorporating as Anishinabe Legal Services.

Northwestern Minnesota, largely rural, sparsely populated and without an existing legal services program, formed a judicare program, Northwest Minnesota Legal Services (NMLS), in 1977.<sup>4/</sup> Judicare of Anoka County was also formed during this time, largely through the efforts of the local bar association. By late 1979, the poor in every county in Minnesota had at least nominal access to legal services.

During this period of expansion, the LSC provided support and technical assistance, in order to "insure the maintenance of the highest quality of service and professional standards", and the "most economical and effective delivery of legal assistance".<sup>5/</sup> Assistance included (1) the development of training, support and resource materials in the field of poverty law; (2) research on the use of office technology to improve efficiency; (3) the development of management and administration techniques; (4) the encouragement of a full range of representation including community education and outreach, complex litigation, legislative representation, and other means of resolving the legal problems of clients; and (5) research on different methods of delivering legal services.

In 1978, CMLS, SMRLS and LASNEM jointly received an LSC "special needs" grant for the Legal Services Advocacy Project to provide legislative and administrative representation to eligible clients on matters directly affecting their legal rights.

In 1980 the six LSC-funded programs obtained another LSC "special needs" grant to establish a state support project, the Minnesota Legal Services Coalition, to enhance cooperation and

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<sup>4/</sup> Under a judicare system, clients are represented by attorneys in private practice who participate on a panel and who are reimbursed by the legal services program at about one-half the usual rate for attorney services.

<sup>5/</sup> Legal Services Corporation Act, 42 USC §2996f(a).



coordination between the programs in training and the development of staff expertise, and other matters of state-wide concern.

By 1981 the LSC-funded programs had evolved into sophisticated and cost-effective providers of legal services for the poor throughout Minnesota, although even at their "high-water" mark, they were unable to meet more than a fraction of the need.

In 1982, however, the legal services programs suffered substantial cuts in federal funding. In 1981, while double-digit inflation was pushing costs up over 10%, Congress cut the LSC budget by 25% for fiscal year 1982. Other federal sources of legal services funding were reduced or terminated. In Minnesota, these reductions resulted in a loss of more than \$1,300,000, at a time when demand for legal assistance was growing as a result of the severe recession and cutbacks in government aid programs.

Thus, the past several years have required reassessment and reexamination as the legal services programs have struggled to continue to provide high quality legal assistance to as many low-income persons as possible.

B. Purpose. The purpose of this study is to analyze quantitative information on the need for legal services for low-income people in Minnesota, to identify the resources available to meet that need, and to determine the level of unmet need, thus providing a basis for future planning.

Analysis of data on project funding, staffing, and caseloads confirms the conclusion that most poor persons do not have effective access to legal assistance. For many of the programs, given the size of the area covered, the number and location of offices, and the size of the poverty population served, it is unlikely that all of the legal needs of the poor can in fact be met in the foreseeable future.

Programs must allocate resources in light of the fact that funding is inadequate to meet fully the legitimate needs of the poor. Efforts to expand these resources depend to a large extent on the availability of reliable data on both the legal services

programs and unmet need. What follows is an attempt to provide some of that information.

The data collected and analyzed for this study came from four main sources:

- (1) Existing literature on legal services for, and the legal problems of, poor persons;
- (2) Program statistics and records;
- (3) The 1980 Census and other population counts; and
- (4) Questionnaires to each of the programs.

This study quantifies the need for legal services for low income persons by estimating the number of poor persons in Minnesota (Section II) and the number of legal problems per poor person (Section III), and by multiplying the number of poor by the number of legal problems experienced per capita by poor people.

The current resources available to provide legal assistance to the poor are then described (Section IV). Finally, some projections of additional resources needed to meet the legal needs of poor persons are made (Section V).

## II. Estimate of the Number of Poor Persons

The term "poor persons" as used in this study means those persons whose gross income is below 125% of the U.S. Department of Health and Human Services (HHS) Official Poverty Threshold.<sup>6/</sup> Table 2:1 (p. 25). A count of the number of

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<sup>6/</sup> There is no universally accepted definition of poverty. See W.P.O'Hare, "Measuring Poverty", Clearinghouse Review, Vol. 15, No. 8, p. 648 (December 1981). The HHS Official Poverty Threshold, while conservative, is the most widely used. 125% of the HHS poverty threshold is also the definition used by LSC to establish income eligibility guidelines for legal services.

persons below 125% of the poverty level is provided by the 1980 decennial Census.<sup>7/</sup> Table 2:2 (p. 26).

Several adjustments have been made to the 1980 Census figures.

(a) Separate counts have been used for Native American and migrant populations served by Anishinabe Legal Services and the Migrant program (SMRLS), as Census poverty population counts are generally acknowledged to be incomplete for these populations.

The Native American count is taken from the U.S. Bureau of Indian Affairs (BIA) Labor Force Reports for the Leech Lake, White Earth and Red Lake Indian Reservations.<sup>8/</sup> The 1980 Census count was used for non-Indians on the reservations, assuming the same percentage of poverty as for the counties in which the reservation is located. Table 2:2 (p. 26).

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7/ Although the Census is believed by many to undercount the poor, it attempts an actual count of persons and income, rather than just a survey, and is therefore the most accurate and reliable information available. It also provides a count of poverty by county, thus making possible a breakdown by program. In addition, distribution of LSC, state filing fee surcharge and IOLTA funds is currently based upon the number of poor persons within each program's service area as determined by an adjusted Census count.

8/ The Census undercount for Native Americans -- based upon the difference between the Census and BIA counts -- is about 35%. Further, Census data does not include Indians "adjacent to or near" reservations who are potential and actual clients of the legal services program. Using BIA numbers of those unemployed, underemployed and not in the labor force, we calculated that 75% to 90% of reservation Indians are below 125% of poverty. For consistency, we adopted the LSC "rule of thumb" that 80% of the reservation Indian population falls below 125% of poverty.

The count of migrant farmworkers is taken from the Lillesand study commissioned by the LSC in 1977.<sup>9/</sup> The count is adjusted for family size and is weighted to reflect the length of the growing season. Although slightly out-of-date, it remains the best count of migrant farmworkers which is available at this time. Table 2:2 (p. 26).

(b) The recession, high unemployment and cuts in aid programs resulted in a steady increase in the poverty rate beginning in 1980. Since the 1980 Census is based on 1979 ("pre-recession") income, the poverty count has been updated by using data from the March, 1984, Current Population Survey (CPS) of the U.S. Census Bureau. The CPS reflects a 25.5% increase in the number of persons below 125% of the poverty level from 1979 to 1983 (the most recent year reflected in the CPS); thus an estimate of the number of persons below 125% of poverty was reached by multiplying the 1980 poverty count by a factor of 1.2558.<sup>10/</sup>

By this estimate, 701,686 Minnesotans are below 125% of the poverty level; that is approximately 17% of the total population of the state.

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9/ Lillesand, Kravitz and McClelland, An Estimate of the Number of Migrant Farmworkers in the United States and the Commonwealth of Puerto Rico (May, 1977). The count was developed from a variety of data sources including DOL In-Season Farm Labor Reports, HEW Migrant Health Estimates, the Office of Education Migrant Student Record Transfer System, and Health Services Administration Migrant Health Program Population Estimates.

10/ Bureau of the Census: Current Population Reports, "Money Income and Poverty Status of Families and Persons in the U.S.: 1983", Series P-60, No.145, August, 1984. The CPS is based upon a national sample survey; thus, although the updated count is more realistic in size, it may be less exact than the 1980 Census figures. It should also be noted that this adjustment assumes a uniform rate of increase in the poverty rate throughout the state. In fact, certain regions have been more adversely affected than others. The estimates, therefore, are probably low for the Northeastern region and for other counties which have been hardest hit by the recession and high unemployment.

### III. Estimated Number of Legal Problems of Poor Persons

The next step in determining need is to identify the number of legal problems per poor person. A number of surveys of the poor population quantify the level of need for legal services.<sup>11/</sup> The most conservative estimate concludes there are at least 2.3 problems for every 10 poor persons per year, while more recent legal services surveys indicate that every poor person may encounter more than three legal problems each year. Table 3:1 (p. 27).

A three step adjustment was needed to make it possible to compare the surveys and the Census and to compute the estimates. Using the most conservative survey estimate--the Denver Law School survey--the adjustments made in translating the survey data are shown in Table 3:2 (p. 28).

Taking the most conservative estimate from the adjusted surveys, at a minimum, 23% of poor persons will experience a legal problem each year. Multiplying this estimate by the number of poor persons in Minnesota, there are a minimum of 161,388 legal problems per year for which poor persons need legal assistance in Minnesota.

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<sup>11/</sup> American Bar Foundation, The Legal Needs of the Public (1978); Boston Bar Association, Action Plan for Legal Services, Report on the Legal Problems of the Poor in Boston, Part I; Civil Legal Needs (1977); Comptroller General of the U.S., Free Legal Services for the Poor -- Delivery Can Be Improved Through Increased Coordination, Community Legal Education and Outreach, Appendix III., Results of GAO's Potential Client Interviews (1978); Goodman, A Report on the Jacksonville Legal Needs Survey (1980); Sykes, "Legal Needs of the Poor in the City of Denver," H.E.W. Grant #OEG-4-7--061236-0093, OEO (1968); Vincent, A Report on the Western Kentucky Legal Services Needs Assessment Survey (1980). See also LSC, The Legal Services Corporation and the Activities of Its Grantees: A Fact Book, Spring, 1979. Despite their differences and limitations, these surveys represent the most useful information currently available for measuring legal need. The resources required to do a statewide survey of legal need in Minnesota are beyond the capacity of the Coalition at the present time.

#### IV. Current Resources

This section briefly describes the programs, number of case service staff (attorneys and paralegals), and funds available in Minnesota for providing civil legal assistance to the poor, as well as the number of clients represented by the programs in the past year.<sup>12</sup>

A. LSC-Funded Programs. There are six federally-funded civil legal services programs in Minnesota, the Minnesota Legal Services Coalition. Appendix A. The programs operate through 24 offices serving residents of all 87 counties in Minnesota, as well as residents of the Leech Lake, White Earth and Red Lake Reservations and migrant farmworkers throughout Minnesota. These offices are staffed by the equivalent of 134 full-time staff and judicare attorneys, and paralegals who directly represent clients.<sup>13</sup> About 50% of the local programs are 3 to 6 person offices; another 38% have 7 to 13 person offices. The three metropolitan areas offices (Duluth, St. Paul and Minneapolis) have larger staffs, ranging from 16 to 26 persons.

Salaries for legal services staff are well below those paid comparable staff in private practice or government service. The

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<sup>12</sup> The University of Minnesota, William Mitchell College of Law and Hamline University Law School also conduct clinical programs for students which result in some services to low-income persons. Approximately 450 cases involving assistance to low-income persons were handled in 1984.

<sup>13</sup> Judicare "equivalents" for staff attorneys (for comparative purposes) were calculated by dividing the total number of cases handled by the NMLS, Anoka, and LASNEM judicare panels by the average annual case-load of a full-time staff attorney (247).

average salary for a beginning staff attorney, for example, is about \$12,000 less than the average beginning salary for attorneys in public service or private practice in Minnesota. Services provided by legal services programs are extremely cost effective, averaging \$32 per attorney hour. (This figure includes all overhead and support costs including community education and outreach.) Table 5:1.

The total dollars available to the programs for legal assistance to low income persons in 1985 are \$7,778,311.<sup>14</sup> Of that amount, \$3,744,931 is annualized funding from the Legal Services Corporation and \$4,033,380 is from other public and private sources. Table 5:2. The six LSC-funded programs provided assistance to 33,408 clients during the period July 1, 1984 - June 30, 1985.

#### 1. Program Goals and Objectives

The goal of Minnesota's six LSC-funded programs is to provide a full range of high quality legal services to poor persons in civil cases, in a manner which enables clients to (1) assert and enforce their legal rights; (2) obtain effective access to the Courts, administrative agencies and other forums which constitute our system of justice; and (3) obtain the basic necessities of life and assure equal opportunity.

Specific program objectives to assure allocation of resources in

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<sup>14</sup> The total dollars shown reflect only funds which are available to serve low-income persons. Approximately \$409,385 (5%), which is expended for above-poverty persons through the Title III (seniors) programs, the Hearing Impaired Project, the Legal Advocacy for Developmentally Disabled Persons, and the Minnesota Mental Health Law Project, is not included in this figure. Federal funding sources for the Title III and Developmental Disabilities projects prohibit the use of a means test.

an effective, economical and efficient manner are established by each program's Board of Directors through a periodic priority setting process. Each of the six programs is required by LSC regulation to reassess its program priorities annually.

The priority setting process involves a comprehensive assessment of client need, taking into account the views of the eligible client population, legal services staff and board members, the private bar and other interested persons. It is based upon factors which include the size, distribution and special access needs of the population served, the relative importance of various legal problems to clients, the need for training, support and outreach, and program and other resources.

Although each program's objectives vary, based on locally-defined needs, the overall objectives are substantially the same, and include:

1. Concentrating resources in case areas which reflect clients' greatest needs and in areas which require special expertise and knowledge;
2. Taking affirmative steps to insure that disadvantaged persons who historically have had disproportionately less access to the legal system (such as handicapped, minority persons, persons in sparsely populated areas, and seniors) have access to legal services;
3. Working with local attorneys and state and local bar associations in administering and supporting volunteer attorney programs; These efforts increase access to legal assistance, particularly in areas of traditional private attorney practice, and enable local attorneys to participate and be recognized for their



service to low-income persons.

4. Encouraging the development of appropriate and effective alternatives (such as training staff in battered women's shelters to assist women in obtaining Orders for Protection) to address the legal needs of disadvantaged Minnesotans and to encourage persons to help themselves;

5. Implementing legal work management systems and providing necessary training, support and facilities to staff, judicare and volunteer attorneys to assure professional development, high quality and cost-effective services;

6. Providing salaries, fringe benefits, reimbursement for expenses, and other compensation at levels sufficient to retain experienced staff, judicare and volunteer attorneys;

7. Establishing a statewide framework to encourage cooperation and coordination among providers of low-income legal services;

8. Providing a full range of legal services including individual case work, complex litigation, community education and legislative representation <sup>15</sup> so that persons with individual or common legal problems may be benefited in the most cost-effective manner; and

9. Increasing the capacity to provide high quality legal services for persons "unable to afford counsel" in a manner which will benefit as many poor persons as possible.

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<sup>15</sup> Because of legislative restrictions, civil filing fee surcharge funds are not used for legislative representation.

## 2. Types of Services Provided

Minnesota's LSC-funded programs provide legal services to low-income people in every county in Minnesota. The services provided by the programs consist primarily of legal advice to, and representation of individuals. This includes the same forms of advice and representation before administrative, quasi-judicial, legislative or judicial tribunals as are provided by the private bar to paying clients. The programs also provide community education, outreach and referral services.

Over 33,000 low-income Minnesotans benefited annually from individual case services in 1984-85. Thousands more benefit from complex litigation, legislative representation and the community outreach efforts of the programs.

a. Individual Casework The overwhelming majority of legal services cases involve day to day legal problems of individuals. It is estimated that over 90% of the programs' resources go to individual service work and related outreach activities.

A large percentage - 23% - are income maintenance and public benefits cases. These include AFDC, Social Security, General Assistance, Food Stamps, Medicare and Medicaid, fuel assistance, and unemployment compensation cases.

Legal services lawyers also handle a large percentage of family law matters - 24% last year. The vast majority of family law cases involve spousal or child abuse and child custody and support matters.

Another 22% involve housing problems, including public subsidized housing benefits, eviction, substandard housing, and loss of a homestead or farm (mortgage foreclosures, cancellation of

contract for deed, FmHA loans).

Another 14% fall into the area of consumer law. Problems include wage garnishment; attachment of bank accounts; repossession of a car, appliances or furniture, or a mobile home; insurance problems; and heating bills and termination of utility services.

The remaining caseload falls into a miscellany of categories: employment disputes, nursing home problems, individual rights and discrimination, immigration and naturalization, mental health, juvenile matters, education law, job training programs and so on. (See Appendix F for a more specific breakout of the problems.)

The legal problems of legal services clients often involve immediate and basic needs in their lives, as in these real-life examples:

- A widow with seven children had her Social Security widow's check seized from her bank account by a debt collector seeking payments of bills related to her husband's final illness. The collector refused to release the money even after being told it was Social Security money. The widow called a legal services attorney because she had no money to buy milk for her children.
  
- A deaf man on public assistance needed medical treatment. The welfare department agreed that Medicaid would pay for the doctor, but would not provide a sign language interpreter that the man needed in order to communicate with the doctor.

- An Asian refugee family was renting an apartment in a building which had been condemned by the city as uninhabitable. The utilities were shut off because the landlord failed to pay his utility bill. When the family used some of the rent money to pay the utilities to get the heat back on, the landlord attempted to evict the family for nonpayment of rent.

- A creamery had been delivering a family farmer's entire milk check to a Farmer's Home Administration lender for the past 18 months. The family was on food stamps, had been unable to pay their local creditors and suppliers to keep the farm operating, and were being threatened with foreclosure.

- A young mother moved out of the family home to escape a situation in which both she and her two children were being abused. Less than a year after obtaining a divorce, she was served with an ex parte order from a court in another state, scheduling a custody modification hearing and ordering her to deliver the children to a welfare agency in that state immediately.

- Seventy-two elderly people were served eviction notices and told they would have to leave their nursing home when the state Medicaid law was changed to require equal rates for both private pay and Medicaid patients, and the nursing

home wanted to withdraw from the program.

Approximately 73% of legal services cases are resolved through advice, brief service, negotiation, and consultation. Approximately 11% of the cases are resolved through judicial or administrative decisions.

Although many of these cases may involve only limited time, they require an in-depth understanding of the substantive law underlying the issue. Often such matters involve sophisticated issues of law, complex government regulations, obscure consumer protection laws and the like, which can be handled in an effective and efficient manner only because of staff familiarity and expertise in substantive poverty law.

b. Complex Litigation

In addition to individual service work, legal services attorneys address common legal problems of poor persons on a broader scale through complex litigation.

Less than one-tenth of one-percent of legal services cases involve impact or class action litigation; nevertheless, in appropriate cases, such litigation is considerably more effective and cost-efficient than litigating the same issue over and over.

For example, in Polaski v. Heckler, a class action suit, attorneys from MMLA and SMRLS worked together to challenge successfully the Social Security Administration's failure to apply the Federal Eighth Circuit Court's standard for evaluation of pain in disability cases. The court ordered the Social Security Administration to reevaluate disability cases where pain is alleged using the proper standards, benefiting as many as 6,000 severely

disabled persons who were denied or terminated from Social Security benefits. The case will also result in recovery by the state and counties of General Assistance (GA) benefits paid during the time the Social Security benefits were terminated or denied.

Another case, Gamradt v. Block, involves a state class action to enjoin the Farmers Home Administration (FmHA) from foreclosing farm mortgages or attaching farm income, because of FmHA's failure to implement loan deferral and moratorium procedures required by federal statute. The suit is now joined with a national class action suit, Coleman v. Block. Twenty-four percent of Minnesota's 102,000 farmers have FmHA loans.

In both of these instances it would have been impossible for local programs to have represented each individual client who had a claim.

### c. Legislative Representation

Approximately 2% of the work of Coalition programs is devoted to legislative and administrative (rule-making) representation, primarily through the Legal Services Advocacy Project. This representation is provided on behalf of eligible clients, when it is an appropriate and effective means of resolving the legal problems of the client. Like class actions, legislative representation can only be undertaken in accordance with specific policies adopted by the local Boards of Directors. No Legal Services Corporation or filing fee surcharge funds are used for legislative representation.

Legal rights are not always most effectively resolved through the courts. Legislative representation permits cost efficient use of resources by preventing the inclusion of a harmful provision in an agency rule or by the adoption of a statute which addresses a problem widely faced by many low-income persons.

Furthermore, the legislature is often better suited for the development of a comprehensive solution to a particular problem. For many legislators, legal services is the only group available to present the views of indigent people on matters before them.

Minnesota's programs have benefited many thousands of low-income people through legislative and administrative representation in such areas as tenants' rights, public benefits, child support, consumer protection, health care, social services, housing, special education, and civil rights.

The passage of "self-help" legislation such as the Order for Protection and the new Child Support Enforcement Law also enables clients to exercise greater control in important areas of their lives, and frees up limited legal services resources to be used in other areas.

d. Community Education

Legal services programs also assist many thousands of persons who cannot be assisted on a one-to-one basis, through community education. Community education includes legal education seminars and workshops, lay advocacy training, advice on economic development efforts, newspaper articles and columns, public service announcements, client newsletters, and the preparation and dissemination of booklets, fact sheets and other materials describing

legal rights and responsibilities.

Such efforts assist clients to recognize legal problems and to know their legal rights, and enable many low-income people to assert their rights and resolve or prevent many legal problems on their own.

B. NonLSC Legal Assistance Programs

There are three non-LSC legal assistance programs in Minnesota. Appendix D. These programs serve single-county areas and are staffed by the equivalent of 5.75 full-time attorneys providing assistance to low-income persons. The major source of funding for these programs is Title XX reimbursement contracts with local County Social Service agencies. The total budget of the programs was \$259,122 for fiscal year 1985. The programs opened approximately 885 cases in 1984-85.

C. Volunteer Attorney Programs

There are also two independent non-profit volunteer attorney programs in Minnesota, the Legal Advice Clinic (LAC) in Minneapolis and Arrowhead Lawyers Care (ALC) in Duluth. Appendix E. A total of 1,940 private attorneys participate in volunteer programs in 1985, handling an average of 2.5 cases per attorney. Approximately \$525,200 will be expended to support volunteer programs in all 87 counties in 1985.<sup>16</sup> Most private bar programs are administered by

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<sup>16</sup> The LAC has a budget of \$116,000, and the ALC a budget of \$50,900. In addition, the six LSC-funded programs will spend about \$300,000 to support volunteer programs in 1985. The three non-LSC programs will spend approximately \$58,300 (with SMRLS match) for their private bar components. These amounts are included in the total budgets shown for the programs (including \$12,000 contributed by LASNEM to the ALC and \$12,000 contributed by CLMS to the LAC).



local legal services offices. Local office intake and screening processes (including financial and case acceptance guidelines) are used. Local staff coordinators make referrals, recruit volunteers, monitor cases, and ensure that volunteers receive needed support and assistance.

All programs provide materials and training, use of office space and library facilities, access to specialized assistance through the LSC-funded support centers, and staff consultation and assistance on cases as needed. Volunteer costs such as malpractice insurance, and telephone, mileage and litigation expenses are also covered by the legal services programs. The volunteers will be responsible for closing approximately 4,500 cases in 1985.

#### D. Total Resources

In sum, an equivalent of 139.75 case service staff (judicare, LSC and non-LSC programs) currently provide full-time legal assistance to low-income people in Minnesota. Additionally, there are 1940 volunteer attorneys, an approximate equivalent of 19 case service staff (11.9% of the total attorney/paralegal resources). The total funding available in 1985 for the provision of legal assistance is \$8,204,333, with which the Minnesota programs (LSC, non-LSC and volunteer) will provide legal assistance and representation to about 38,000 low-income and disadvantaged people in 1984-85.

In contrast, assuming the most conservative estimate of legal need (23%) there are a minimum of 161,388 legal problems faced by poor persons in Minnesota each year. Thus the legal service programs

and volunteers met only 21.1% of the need in 1984.

Statewide, including staff, judicare and volunteer efforts, there is the equivalent of one attorney for every 4,537 poor persons in Minnesota. In comparison, there is approximately one attorney for every 317 persons in the general population. There are, therefore, nearly 14 times as many poor persons per legal services attorney as there are persons per lawyer in the general population.<sup>17</sup>

#### V. Meeting the Funding Need for Legal Services

For the past four years the LSC-funded programs have operated with substantially reduced federal funding. In 1981 the Minnesota programs lost more than \$1,300,000 in revenues due to a 25% cut in LSC funding and loss of other federal funding. The LSC appropriations for 1984 and 1985 increased slightly, but these small increases did not even offset the effects of inflation.

In 1986, the legal services programs are again facing reductions in LSC funding. It is very possible that LSC funds will be frozen at the current levels--an effective 9 to 10% cut given the increase in the cost of doing business. Some of the programs--the Migrant Legal Services unit (SMRLS), Anishinabe Legal Services and State Support (the Coalition staff)--may face more substantial cuts, as much as 21%, under the 1986 budget proposed by the national Legal Services

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<sup>17</sup> The legal services ratio was reached by dividing the estimated number of poor persons (701,686) by the number of legal services staff, including volunteer and judicare attorney "equivalents" (154.67). The ratio of attorneys to the general population was reached by dividing the number of persons in Minnesota as established by the 1980 Census (4,075,790), by the number of attorneys in Minnesota (13,104); less the number of judges (250).

Corporation.

In addition, other sources of funding will be lost or static in fiscal year 1986. Older American Act (seniors) funding has been static for several years, with 25 to 50% matching requirements. The national LSC has decided to terminate the Reginald Heber Smith program in 1986, eliminating attorney positions in SMRLS, MMLA, Anishinabe, Anoka, NMLS and LASNEM. The statewide, one-time Coalition "bridge" (one-time private foundation) funding of \$470,000, raised by the Coalition between 1982 and 1984 to allow the legal services programs to seek permanent replacement funding for the federal monies lost, ended in June, 1985. Other funds have been obtained by individual programs from local foundations, bar associations and United Ways, donations from law firms and attorneys, and county and municipal appropriations. As the federal government cuts program funding, foundations have been asked to pick up an increasing share. The competition for charitable dollars is keen. Foundations have been hesitant to assume responsibility for what they view as a government obligation.

Total revenues have risen an average rate of 5% since 1982 (the first year of the LSC cuts in federal funding). However, the increases are due in major part to the infusion of the civil surcharge filing fee and interest on lawyer trust account (IOLTA) funding. Both of these funding sources, after the initial year, appear to be low growth revenue sources. The annual increase in the total revenue available for LSC programs from the civil surcharge filing fee was 6% from FY84 to FY85. For FY86 (the second full year of collection) the annual growth rate for IOLTA funds appears to be

-3% because of falling interest rates. Thus, while there have been significant additions from civil surcharge and IOLTA programs to funding for legal services in the past four years, these major revenue sources do not appear likely to provide for continued growth to sustain projected normal cost increases for existing programs.

During the same 1982-85 period expenses for LSC programs have risen at an average rate of 9% a year.

These reductions in funding continue to affect the legal services programs. The programs are currently staffed by 110 attorneys, as compared with 122 attorneys in 1981, a continuing 10% reduction in service staff. However, with improved efficiency, the increasing expertise and experience of legal services staff, and the contribution of volunteer attorneys, the LSC programs were able to close over 33,000 cases in 1984-1985, an amount equal to the number of cases closed prior to the funding cuts.

With anticipated LSC reductions, and other funding losses, the programs are again facing a serious deficit situation in 1986. Without substantial non-LSC support, staff reductions are likely. It is also possible that several of the small offices will have to be closed.

Unfortunately, these reductions have come at a time when the demand for legal assistance has been growing, and will probably continue to grow. Since 1979, there has been a 25.5% increase in the number of persons below 125% of the poverty level, creating the highest percentage of Americans in poverty since the beginning of the War on Poverty in the 1960s.

Continuing high unemployment in some industries, the farm

crisis, and a continuing sluggish economy in rural areas of the state, have meant not only more legal problems relating to jobs and government aid and benefits, but also heightened tensions within the family and increased demands on the community at large. Substantial changes and reductions in government benefits can again be expected in the next several years (as in 1981 and 1982), particularly in the health care programs (Medicare and Medicaid) and income maintenance programs (such as AFDC, SSI and Food Stamps).

The net effect has been a significant increase in the number of persons unable to afford private counsel, and increased pressure on the programs not only to provide more services, but also to expand services into areas which have traditionally been limited or not handled at all.

The farm crisis, for example, has caused Coalition programs to seek new and alternative long-term resources to help address the problem, while struggling to find ways to respond to this complicated and time-consuming new problem in the short-run, with limited resources and experience.

In summary, the funding reductions have meant that the programs have been unable to address the substantial existing unmet need of many poor Minnesotans for access to legal services in a period when that need is increasing.

## TABLES



TABLE 2:1. LEGAL SERVICES CORPORATION  
LOW-INCOME ELIGIBILITY GUIDELINES - 125%  
OF POVERTY

APPENDIX A OF PART 1611 - LEGAL SERVICES  
CORPORATION POVERTY GUIDELINES

Size of family unit		Annual Maximum Income*	Monthly Maximum Income*
1	.....	\$ 6,652	\$ 554.33
2	.....	8,812	734.33
3	.....	11,062	921.83
4	.....	13,312	1,109.33
5	.....	15,562	1,296.83
6	.....	17,812	1,484.33
7	.....	20,062	1,671.83
8	.....	22,312	1,859.33

For family units with more than 8 members, add \$2,250 annually (\$187.50 monthly) for each additional family member.

\*Refers to gross income before taxes. Annual Revision of Poverty Income Guidelines, HHS, 50 FR 13331 (4/4/85).



TABLE 2:2. ADJUSTED 1980 CENSUS BY COUNTY AND PROGRAM WITH  
MIGRANT AND NATIVE AMERICAN COUNTS.

TABLE 2:2  
Page Two

JUDICARE OF ANOKA COUNTY: 12,265

Anoka

NORTHWEST MINNESOTA LEGAL SERVICES: 80,045

Becker	6,416	Kittson	1,260	Polk	6,320
Beltrami	7,918	Lake of		Pope	2,786
1/Cass	1,327	the Woods	776	Red Lake	1,462
Clay	6,691	Mahnomen	1,653	Roseau	2,584
Clearwater	2,733	Marshall	2,844	Stevens	2,698
Douglas	5,847	Norman	2,031	Traverse	1,298
Grant	1,556	Otter Tail	10,588	Wadena	3,829
Hubbard	3,635	Pennington	2,511	Wilkin	1,282

LEGAL AID SERVICE OF NORTHEASTERN MINNESOTA: 65,817

Duluth		2/St. Louis	17,380		<u>21,060</u>
Carlton	3,827		<u>27,879</u>	Brainerd	
Cook	628	Virginia		Aitkin	3,505
1/Kanabec	1,895	Itasca	6,716	1/Cass	4,505
Lake	842	Koochiching	3,233	Crow Wing	8,868
1/Pine	3,037	2/St. Louis	11,111		<u>16,878</u>

MID-MINNESOTA LEGAL ASSISTANCE: 183,185

Minneapolis		1/Mille Lacs	941	Meeker	3,976
Hennepin	94,511	1/Pine	1,051	Renville	3,422
St. Cloud			<u>8,056</u>	Swift	<u>3,039</u>
Benton	4,076	Little Falls			<u>20,635</u>
Sherburne	3,490	1/Mille Lacs	2,270	Marshall	
Stearns	17,177	Morrison	7,913	Lac Qui	
Wright	6,053	Todd	7,087	Parle	2,294
	<u>30,796</u>		<u>17,476</u>	Lincoln	2,351
Cambridge		Willmar/Appleton		Lyon	4,051
Chisago	2,719	Big Stone	1,720	Yellow	
Isanti	2,793	Chippewa	2,796	Medicine	3,015
1/Kanabec	552	Kandiyohi	5,681		<u>11,711</u>

SOUTHERN MINNESOTA REGIONAL LEGAL SERVICES: 212,647

St. Paul		Washington	6,619	Rice	4,609
Dakota	11,642		<u>70,903</u>	Scott	<u>3,129</u>
1/Goodhue	3,199	Carver			<u>11,086</u>
Ramsey	49,443	Carver	3,348		

Winona			<u>13,829</u>	Cottonwood	2,606
Dodge	2,181	Mankato		Jackson	2,839
Fillmore	4,821	Blue Earth	7,902	Murray	2,726
1/ Goodhue	1,283	Brown	4,062	Nobles	3,680
Houston	2,977	Faribault	3,278	Pipestone	3,023
Olmsted	8,677	LeSueur	3,047	Redwood	4,006
1/ Rice	1,085	Martin	3,439	Rock	<u>1,987</u>
Wabasha	3,051	McCleod	3,581		<u>20,867</u>
Winona	7,084	Nicollet	3,337		
	<u>31,159</u>	Sibley	2,690	Migrant (Statewide)	
Albert Lea		Waseca	2,445		
Freeborn	4,858	Watsonwan	<u>2,051</u>	Statewide	<u>28,971</u>
Mower	5,547		<u>35,832</u>	(Adjusted for	
Steele	3,424	Worthington		seasonal change)	

ANISHINABE LEGAL SERVICES: 13,436

		<u>BIA (80%)</u>	<u>Non-Indian</u>	
Leech Lake Reservation	3/	3,656	4/	961 5,043
White Earth Reservation	3/	3,100	4/	1,906 5,006
Red Lake Reservation	3/	3,387	5/	0 5,387

NOTE: Poverty counts do not include those in "group quarters"-- institutionalized persons, military group quarters, college dorms, unrelated persons under 15 (group homes).

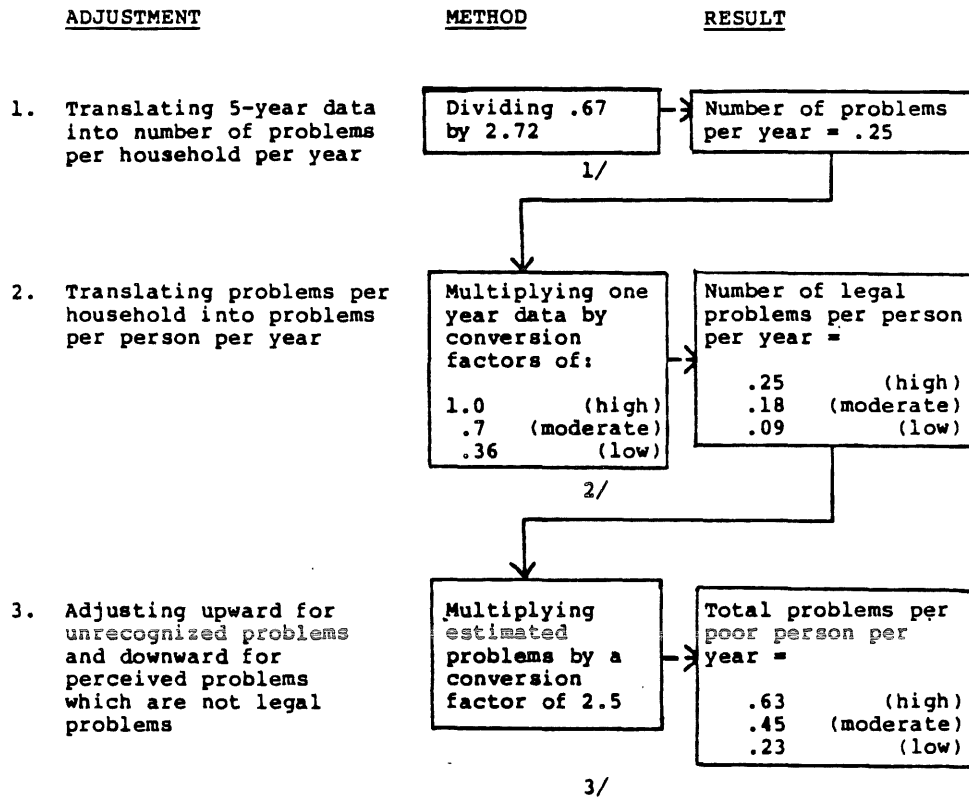
- 1/ Title III (Seniors Project) service areas overlap LSC service area boundaries in several instances. The numbers have been adjusted accordingly to reflect the number of persons 60+, below 125% of poverty (1980 Census), less the average percentage of LSC clients who are seniors (16.8%).
- 2/ South St. Louis 61%; North St. Louis 39%.
- 3/ Leech Lake BIA Report on Labor Force, April, 1983. White Earth BIA Report on Labor Force, December, 1982. Red Lake BIA Report on Labor Force, April, 1977, from Tosco Foundation American Indian Population Study (LSC, 1977).
- 4/ Non-Indian population on the reservation, 1980 Census. Assumes non-Indian poverty rate on the reservation is the same as off in county covered.
- 5/ Assumes all non-Indians on Red Lake are government employees (i.e., non-poverty population).

TABLE 3:1. NEEDS ASSESSMENT SURVEYS  
SHOWING METHOD AND NUMBER OF PROBLEMS  
PER HOUSEHOLD

SURVEY	METHOD	UNADJUSTED PROBLEMS PER 5 YEARS PER HOUSEHOLD	PROBLEMS PER YEAR PER HOUSEHOLD
University of Denver Law School Survey (1968)	Survey of poor households in Denver. Questionnaire examined by a panel of lawyers who diagnosed legal problems.	.67	.25
GAO Potential Client Inter- views (1978)	Response to survey question "In the last year have you or anyone in your household had any kind of legal prob- lems that you thought needed a lawyer's help?"		.35
Boston Bar Association Report (1977)	28-page questionnaire administered door to door to 500 low-income families in Boston	1.3	.48
American Bar Foundation (ABF) Study (1978)	Thorough 4-year survey of adult population (including 13% poverty population) covering real estate, employ- ment, consumer, estate planning, governmental, torts, constitutional rights and juvenile.	1.43*	.53*
North Carolina Legal Services Needs Assess- ment (1979)	Survey using detailed questionnaire covering problems common to low- income families.		2.2
Western Kentucky Legal Services Needs Assessment (1980)	Survey using questionnaire covering approximately 100 problems faced by low-income people.	4.2**	2.6
Jacksonville (Fla.) Legal Services Needs Assessment (1980)	Survey using questionnaire covering nearly 300 problems of low-income persons.		3.5

\* Problems per adult.  
\*\* Problems per three years.

TABLE 3.2. STEPS IN ESTIMATING NUMBER OF LEGAL PROBLEMS PER POOR PERSON PER YEAR FOR UNIVERSITY OF DENVER LAW SCHOOL NEEDS SURVEY (1968)



1/ The ABF Study calculated that the number of problems during a five year period is 2.72 times the number of problems during one year. The three year figure was adjusted accordingly ( $3/5 \times 2.72 = 1.63$ ).

2/ All of the surveys except the ABF Study measure the number of problems by household. For use with Census data the estimates need to be converted into number of problems per person. According to the 1980 Census there is an average of 2.74 persons per household. As the household member surveyed may have reported the total number of problems per household (.36), the number of problems experienced only by him or herself (.1), or something in between (.7), we adjusted the estimates to account for these possibilities. The .36 factor was reached by dividing 1 by 2.74; the .7 factor was reached by dividing 1 by 1.4 (or  $\frac{1}{2}$  of 2.74).

3/ The Denver and the Boston Bar surveys estimate the number of unrecognized problems and the number of problems which turn out not to be legal problems. We averaged the number of unrecognized problems estimated by the studies (3.3) and subtracted the estimated number of non-legal problems (.8) to reach a factor of 2.5.

TABLE 5:1. LSC FUNDED PROGRAMS: STAFF BY POSITION, PERCENT OF WORKFORCE AND EXPERIENCE.

<u>POSITION</u>	<u>% OF WORKFORCE</u>	<u>EXPERIENCE</u>
<u>Executive Director</u> (6)	2%	
MMLA/SMRLS/LASNEM		14 (Range 13-15)
Anoka/Anishinabe/NMLS		5.3 (Range 4-7)
Average		10
<u>Litigation Support</u> (4)	1.5%	
SMRLS (2)		12 (Range 10-13)
MMLA (2)		
<u>Managing Attorneys</u> (19)	7%	
SMRLS (6)		
MMLA (8)		10 (Range 4-15)
LASNEM (4)		
Support (1)		
<u>Supervising Attorneys</u> (11)	4%	
SMRLS (7)		
MMLA (3)		6 (Range 3-10)
Support (1)		
<u>Staff Attorneys</u> (73.5)	28%	
SMRLS (22)		
MMLA (36)		
LASNEM (8)		4.5 (Range .5-10)
Anishinabe (2.5)		
Support (3)		
NMLS (1)		
Anoka (1)		
<u>Judicare Attorneys</u> (14)	5.5%	N/A
LASNEM (.5)		
NMLS (11)		
Anoka (2.5)		
<u>Paralegals</u> (55.5)*	21%	
SMRLS (17.5)		
MMLA (22)		
LASNEM (8)		
NMLS (3)		6 (Range .5-12)
Anishinabe (3)		
Anoka (1)		
Support (1)		
<u>Administrative Staff</u> (12.5)**	5%	
SMRLS (3)		
MMLA (3)		
LASNEM (2)		
NMLS (3)		
Anishinabe (.5)		
Anoka (1)		
<u>Clerical Staff</u> (60)	25%	
SMRLS (19.5)		
MMLA (31)		
LASNEM (9.5)		
NMLS (2)		
Anishinabe (2)		
Anoka (2)		
Support (1.5)		

\* Includes DDA specialists, media specialists, legislative assistant, community advocates, and nursing home ombudsmen.

\*\* Includes Deputy Director, Community Advocacy Coordinator, Legal Research/Education Coordinator, Client/Attorney Coordinator, Administrators, Administrative Assistants, Comptrollers, Bookkeepers, and Accounting Technician.

TABLE 5:2

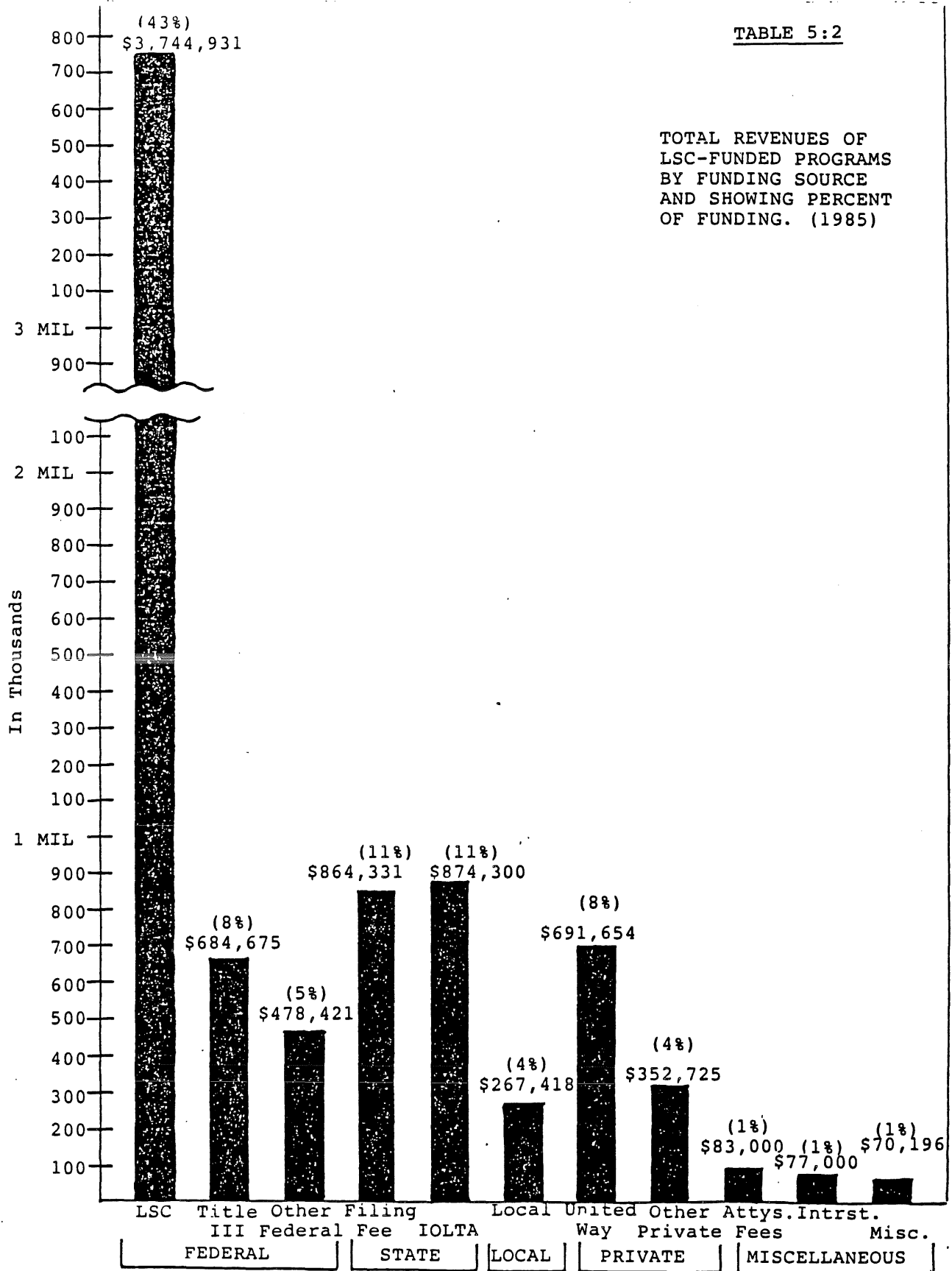


TABLE 5:3

## MINNESOTA LEGAL SERVICES COALITION

## 1985 Program Revenue and Expense Summary

<u>Revenues</u>	<u>SMRLS</u>	<u>MLLA</u>	<u>LASNEM</u>	<u>Anoka</u>	<u>NMLS</u>	<u>Anish- inabe</u>	<u>Total</u>
Legal Services Corp.	1,434,559	1,080,429	380,855	69,543	451,908	190,671	3,607,965
United Way	65,457	562,397	33,800	30,000	0	0	691,654
Other Federal	45,000	357,821	73,000	2,600	0	0	478,421
RH Smith Fellowship	26,000	11,333	0	0	0	7,950	45,283
Foundations	34,000	297,250	0	3,000	14,975	3,500	352,725
Local	21,500	24,128	176,924	44,866	0	0	267,418
Older Americans	235,911	265,751	61,500	3,000	111,400	7,113	684,675
State Filing Fees	342,661	271,545	101,270	20,281	119,917	8,702	864,376
Lawyer Trust Account	327,719	279,802	105,975	18,887	121,277	20,723	874,383
Interest	25,000	12,000	3,000	1,000	36,000	0	77,000
Attorney Fees	65,000	15,000	3,000	0	0	0	83,000
Miscellaneous	5,000	40,246	11,000	7,750	1,200	0	65,196
State Support	26,544	41,723	12,585	2,191	10,987	2,653	96,683
Prior Reserve	66,547	67,171	55,361	(2,419)	(15,251)	19,465	190,874
TOTAL REVENUE	2,720,898	3,326,596	1,018,270	200,699	852,413	260,777	8,379,653
<u>Expenses</u>							
PERSONNEL	1,964,422	2,524,507	726,284	76,841	181,330	187,068	5,660,452
Space Costs	144,211	150,112	53,533	9,788	13,923	8,400	379,967
Equipment Rent	21,374	37,059	8,881	157	0	0	67,471
Office Supplies	69,338	106,938	39,233	3,000	10,800	7,875	237,184
Telephone	117,708	123,006	32,727	600	21,000	8,715	303,756
Other Travel	75,063	64,641	11,359	1,050	10,000	9,555	171,668
Board Expenses	1,874	8,767	0	1,575	3,200	0	15,416
Staff Training	5,375	13,740	5,249	1,050	3,000	3,885	32,299
State Support	34,790	48,763	15,251	3,215	16,772	3,859	122,650
Library	37,814	51,585	13,131	2,310	4,000	7,770	116,610
Insurance	8,300	24,142	13,211	1,575	2,625	4,935	54,788
Fees	5,874	7,108	3,126	315	735	0	17,158
Audit	8,000	10,520	9,975	1,325	3,150	3,780	36,750
Litigation Costs	13,563	2,258	2,835	3,000	21,850	2,100	45,606
Capital Acquisitions	7,750	0	3,150	0	500	4,200	15,600
Client Service Contract	24,789	16,904	29,677	88,383	510,000	0	669,753
Prog. Service Contract	0	44,210	2,677	1,050	4,000	0	51,937
Other	21,954	24,411	6,124	0	6,000	1,112	59,601
TOTAL NON-PERSONNEL	597,777	734,164	250,139	118,393	631,555	66,186	2,398,214
TOTAL EXPENSES	2,562,199	3,258,671	976,423	195,234	812,885	253,254	8,058,666
SURPLUS/DEFICIT	158,699	67,925	41,847	5,465	39,528	7,523	320,987

TABLE 5:4. CASES CLOSED BY LSC-FUNDED PROGRAMS IN 1984

Annual Cases Closed -- MINNESOTA LEGAL SERVICES COALITION

Type of Closing Legal Problem	Ad- vice Only A	Brief Serv B	Priv Bar Ref C	In- suff Merit D	Clt With drew E	Neg w/o Lit F	Neg /w Lit G	Adm Agcy Dec H	Ct Dec I	Chg in Elig J	Othr K	Total Total	Per Cent of Total
Bankruptcy	146	22	43	6	36	4	3	6	60	1	2	329	
Collection	974	282	72	26	79	98	39	5	19	2	7	1603	
Contracts/Warran	449	122	40	16	31	28	21	1	12	1	5	726	
Credit Access	20	5	0	0	3	0	0	1	0	0	0	29	
EnergyNotPubUt	28	17	1	1	8	4	0	1	0	0	1	61	
LoansNotCollecti	93	34	7	1	12	19	19	0	4	1	1	191	
Public Utilities	243	138	4	7	33	73	5	5	2	2	3	515	
UnfairSalesPract	30	18	1	1	2	2	0	0	2	0	0	56	
OtherCons/Financ	633	240	31	10	45	36	11	0	5	1	4	1016	
TOTAL CONSUMER/FI	2616	878	199	68	249	264	98	19	104	8	23	4526	15%
TOTAL EDUCATION	93	22	8	5	11	61	17	17	12	0	1	247	1%
Job Discrimin.	44	8	15	7	7	6	1	5	6	0	1	100	
Wage Claims	215	86	32	9	23	26	0	2	5	1	7	406	
Other Employ	209	79	18	24	38	25	5	34	1	2	7	442	
TOTAL EMPLOYMENT	468	173	65	40	68	57	6	41	12	3	15	948	3%
Adoption	35	5	2	1	5	3	0	1	27	0	1	80	
Custody/Visit	730	109	112	27	160	48	65	2	203	15	18	1489	
Div/Sep/Annul	1019	66	139	29	552	95	258	76	979	39	73	3325	
Guard/Conservato	145	42	17	11	9	4	5	0	28	2	3	266	
Name Change	44	16	11	0	2	0	0	0	5	0	2	80	
ParentRtsTerm	31	6	3	1	1	0	0	0	2	0	1	45	
Paternity	73	18	15	2	5	4	1	2	8	0	1	129	
Spouse Abuse	270	47	14	8	51	11	18	1	133	5	2	560	
Support	266	61	75	12	43	19	16	0	122	10	6	630	
OtherFamily	283	50	15	8	37	5	12	1	18	1	1	431	
TOTAL FAMILY	2896	420	403	99	865	189	375	83	1525	72	108	7035	23%
Delinquency	20	1	2	0	1	1	0	0	4	0	0	29	
Neglect/Abuse	65	8	7	4	9	4	3	0	18	0	0	118	
Other Juvenile	70	17	4	4	10	10	0	4	4	0	0	123	
TOTAL JUVENILE	155	26	13	8	20	15	3	4	26	0	0	270	1%
Medicaid	529	229	15	22	42	72	7	67	3	0	7	993	
Medicare	116	41	2	4	9	12	2	9	0	0	0	195	
Other Health	420	287	13	15	38	73	11	8	4	3	7	879	
TOTAL HEALTH	1065	557	30	41	89	157	20	84	7	3	14	2067	7%
FedSubsidyRights	193	62	4	14	28	36	20	12	10	1	4	384	
Homeownership	430	128	81	11	71	60	13	9	24	9	10	846	
Tenant/Landlord	2290	479	81	30	157	150	86	10	118	7	13	3421	
OtherPubHousing	151	54	5	9	30	51	14	16	4	0	2	336	
OtherHousing	309	77	19	9	15	30	7	0	7	0	6	479	
TOTAL HOUSING	3373	800	190	73	301	327	140	47	163	17	35	5466	18%
AFDC/OtherWelfar	1153	592	43	90	181	327	149	253	49	6	21	2864	
BlackLung	0	0	0	0	0	0	0	0	0	0	0	0	
FoodStamps/Commo	246	199	2	13	47	69	15	45	4	3	1	644	
Social Security	252	129	30	28	55	29	3	279	8	6	6	825	
SSI	214	107	16	20	59	45	1	234	11	12	15	734	
Unemployment	184	41	12	39	60	10	3	272	11	8	4	644	
VABenefits	41	16	5	8	5	5	1	12	0	1	2	96	
Workers Comp	33	9	15	1	4	2	1	5	2	0	0	72	
OtherIncomeMaint	145	68	13	10	16	21	4	20	4	3	2	306	
TOTAL INCOMEMAIT	2268	1161	136	209	427	508	177	1120	89	39	51	6185	20%
Immigration/nat	35	25	14	2	13	2	0	6	0	3	7	107	
Mental Health	116	41	15	6	5	7	1	1	2	3	4	201	
Prisoner's Right	15	1	1	0	0	0	0	1	0	0	0	18	
PhysicalDisabler	49	3	0	5	12	23	4	7	1	0	0	104	
Other Rights	134	36	11	14	16	19	0	4	5	2	2	243	
TOTAL INDIV RTS	349	106	41	27	46	51	5	19	8	8	13	673	2%
Incorp/Dissoluti	9	6	5	1	2	1	1	1	0	0	1	27	
Indian/Triballaw	8	4	1	1	2	1	0	0	2	0	2	21	
License(Auto&Oth	78	50	7	5	7	6	0	3	3	0	1	160	
Torts	261	26	57	3	9	14	15	1	7	3	7	403	
Wills/Estates	826	481	69	7	39	7	4	1	8	3	10	1455	
Other Misc	960	184	64	12	59	28	6	13	21	1	10	1358	
TOTAL MISC.	2142	751	203	29	118	57	26	19	41	7	31	3424	11%
TOTAL CASES	15425	4894	1288	599	2194	1686	867	1453	1987	157	291	30841	100%
PER CENT BY CLOSE	50%	16%	4%	2%	7%	5%	3%	5%	6%	1%	1%	100%	

## APPENDICES





THE MINNESOTA LEGAL SERVICES COALITION PROGRAMS

Six programs -- Southern Minnesota Regional Legal Services, Mid-Minnesota Legal Assistance, Legal Aid Service of Northeastern Minnesota, Northwest Minnesota Legal Services, Anishinabe Legal Services, and Judicare of Anoka County -- provide legal assistance in civil matters to low-income, elderly and disabled persons in Minnesota with funding derived in part from the national Legal Services Corporation (LSC). The programs provide services to low-income persons in all eighty-seven (87) counties in Minnesota, as well as on the Leech Lake, White Earth and Red Lake Reservations, and migrant farmworkers throughout Minnesota.

Southern Minnesota Regional Legal Services

Southern Minnesota Regional Legal Services, Inc. (SMRLS) provides legal advice and representation to low-income residents of 33 counties in southern Minnesota, and to migrant farmworkers throughout Minnesota, through offices in St. Paul, Carver, Mankato, Winona, Albert Lea, Worthington, Fargo and the Administrative/Program Support Office in St. Paul. Each office also has a senior citizens project. Outreach offices are located in the Hispanic Westside and the American Indian Center in St. Paul. SMRLS also uses a number of circuit-riding and "growing season" offices throughout Minnesota.

Two statewide legal services projects, the Minnesota Legal Services Coalition and the Legal Services Advocacy Project, are housed in the SMRLS offices in St. Paul.

SMRLS closes just under 9,200 cases in 1984, including several large (and successful) class actions, benefitting an additional 32,000 persons, as well as engaging in significant community advocacy efforts. Approximately 70% of SMRLS clients are women, 14% are minority group members, and 27% are senior citizens.

SMRLS presently employs 38 attorneys, 18 paralegals, and 23 administrative and support staff.

SMRLS has strong working relationships with local bar associations and client groups, and has enlisted approximately 725 private practitioners in its volunteer attorney programs administered locally out of each SMRLS branch office. SMRLS has also worked with the 3M Corporation in the development of Minnesota's first corporate pro-bono program.

#### Mid-Minnesota Legal Assistance

Mid-Minnesota Legal Assistance (MMLA) provides legal advice and representation to low-income clients in twenty counties in central Minnesota, through offices in Minneapolis (3), St. Cloud, Little Falls, Cambridge, Willmar and Marshall. Efforts to increase access for especially disadvantaged clients have been made by securing funding for senior citizens projects, the Community Legal Education project, the Legal Advocacy Project for Hearing Impaired Persons, the Mental Health Advocacy Project, and Legal Advocacy for Developmentally Disabled Persons. MMLA delivers services for Central Minnesota Legal Services (CMLS), the LSC grantee, on a reimbursement contract basis.

MMLA closed over 12,000 cases in 1984. Approximately 70% of MMLA clients are women, 15% are minority group members and 27% are senior citizens.

MMLA currently employs 48 attorneys and 22 paralegals as well as 34 administrative and support staff.

MMLA enjoys strong support from local bar associations, law firms and client groups. The local 500-lawyer volunteer program in Hennepin County has had a referral relationship with the Legal Aid Society of Minneapolis for over 15 years. In addition, more than 210 attorneys participate in the MMLA volunteer attorney programs administered by its local offices outside Hennepin County.

#### Legal Aid Service of Northeastern Minnesota

The Legal Aid Service of Northeastern Minnesota (LASNEM) provides legal services in civil cases to low-income residents in eleven counties in northeastern Minnesota, through offices

in Duluth, Brainerd and Virginia, as well as a Judicare panel serving Koochiching County (the most distant of the counties served), and part-time outreach offices in Grand Rapids and Pine City.

LASNEM currently employs 13 attorneys and 8 paralegals, as well as 12 support and administrative staff. Twelve attorneys participate on the Koochiching County Judicare panel. LASNEM closed about 5,500 cases in 1984. Approximately 19% of LASNEM clients are seniors and 5% are minority group members.

In 1981, LASNEM and the 11th District Bar Association jointly organized a now separately incorporated volunteer attorney program. That program won the National Legal Aid and Defender Association's Harrison Tweed award in 1982.

#### Northwest Minnesota Legal Services

Northwest Minnesota Legal Services (NMLS) serves twenty-two counties in the northwest quadrant of Minnesota. Its Administrative Office is located in Moorhead.

The program provides legal services to low-income people and senior citizens through a combined staff/judicare system. Clients are represented by private attorneys on the NMLS panel who are reimbursed by NMLS at a rate about one-half the usual rate for attorney services (\$30 per hour with maximum fees set for certain types of cases).

NMLS has three staff attorneys, two paralegals and two full-time and one part-time administrative support staff. The staff provides all administrative support, including client intake, eligibility screening and referral. The two attorneys provide training on poverty issues, co-counsel in individual cases if needed, and support and research to panel attorneys. The staff also handles some poverty law cases. NMLS also provides community legal education through its staff and judicare attorneys.

Approximately 250 attorneys in the NMLS service area (nearly 80% of the local lawyers) participate in the NMLS program, averaging nearly 12 cases per attorney per year. NMLS closed 2,666 cases in 1984.

#### Anishinabe Legal Services

Anishinabe Legal Services (ALS) provides legal assistance in civil cases to low-income persons on or near the Leech Lake, Red Lake and White Earth Reservations in northern Minnesota. The program serves all eligible clients in its service area, Indian and non-Indian; however, 80% of those receiving services in 1984 were of Indian descent.

ALS presently employs 2 full-time attorneys and one part-time attorney, 3 paralegals and 2 administrative/support staff. ALS closed 700 cases in 1984.

Although ALS does not have a formal volunteer attorney program (primarily because of the nature of the program and its service area), the program does make its extensive library available to local practitioners and provides staff consultation on poverty law and Indian issues, and also participates in the provision of training to local private attorneys on such issues.

#### Judicare of Anoka County

Judicare of Anoka County provides legal services to low-income residents of Anoka County. Anoka Judicare is a combined staff and judicare program. The staff is composed of an Executive Director/Attorney, a paralegal and a secretary/bookkeeper. The staff's responsibilities are to administer the program (including client intake, eligibility screening and referral) and to provide legal advice and representation to clients in more traditional poverty law cases. The program closed 1,318 cases in 1984.

A panel of private practitioners are referred cases in which they have expertise and are paid \$30 per hour (about one-half the usual rate). Judicare of Anoka County presently has approximately 88 attorneys on its panel, handling about 4 cases per year per attorney.

The program has enjoyed strong support from the local Bar Association, which has asked that each member contribute five hours of pro bono (uncompensated) time, or \$150.00 to Anoka Judicare to provide low-income legal services.

MINNESOTA LEGAL SERVICES COALITION PROGRAMS

Southern Minnesota Regional Legal Services

Administrative Office: 700 Minnesota Building  
46 East Fourth Street  
St. Paul, MN 55101  
612/228-9823  
Bruce A. Beneke, Executive Director

300 Minnesota Building St. Paul, MN 55101 612/222-5863 (Serves Dakota, Goodhue, Ramsey, and Washington counties)	5th and Oak Streets Carver, MN 55315 612/448-4880 (Serves Carver, Scott, and Rice counties)
506 Kenny Road St. Paul, MN 55101 612/776-8592 (Native American outreach office)	179 E. Robie Street St. Paul, MN 55107 612/291-0110 (Hispanic outreach office)
Lea Center Building, Suite 243 Albert Lea, MN 56007 507/377-2831 (Serves Freeborn, Mower and Steele counties)	P.O. Box 1266 Winona, MN 55987 507/454-6660 (Serves Dodge, Fillmore, Houston, Olmsted, Wabasha and Winona counties)
529 South Fifth Street Mankato, MN 56001 507/387-5588 (Serves Blue Earth, Brown, Faribault, Martin, McLeod, Nicollet, LeSueur, Sibley, Waseca and Watonwan counties)	926 Fifth Avenue Worthington, MN 56187 507/372-7368 (Serves Redwood, Cottonwood, Jackson, Nobles, Rock, Pipestone and Murray counties)
700 Minnesota Building St. Paul, MN 55101 612/291-2837 (Provides services to migrants statewide)	15 South 21st Street Fargo, ND 58103 701/232-8872 (provides services to migrants statewide)

Mid-Minnesota Legal Assistance

Administrative Office: 222 Grain Exchange Building  
323 South Fourth Avenue  
Minneapolis, MN 55415  
612/332-1441  
Jeremy Lane, Executive Director

222 Grain Exchange Building  
Minneapolis, MN 55415  
612/332-1441  
(Serves Hennepin County)

2929 Fourth Avenue South  
Minneapolis, MN 55408  
612/827-3774  
(Serves South Minneapolis)

21 Court House Square  
St. Cloud, MN 56301  
612/253-0121  
(Serves Benton, Stearns,  
Sherburne and Wright counties)

302 W. Fourth Street  
Willmar, MN 56201  
612/235-9600  
(Serves Big Stone, Chippewa  
Kandiyohi, Meeker, Renville  
and Swift counties)

2507 Fremont Avenue North  
Minneapolis, MN 55411  
612/522-6636  
(Serves North Minneapolis)

Route 5, Box 21  
East Side Plaza  
Cambridge, MN 55008  
612/689-2849  
(Serves Chisago and Isanti  
counties; also Pine, Kanabec and  
Mille Lacs for senior citizens)

62½ East Broadway  
Little Falls, MN 56345  
612/632-5431  
(Serves Todd, Morrison and Mille  
Lacs counties)

244 West Main Street  
Marshall, MN 56258  
507/537-1588  
(Serves Lincoln, Lyon, Yellow  
Medicine and Lac Qui Parle  
counties)

#### Legal Aid Service of Northeastern Minnesota

Administrative Office: 302 Ordean Building  
424 West Superior Street  
Duluth, MN 55802  
218/726-4800  
Michael Connolly, Executive Director

302 Ordean Building  
424 W. Superior Street  
Duluth, MN 55802  
218/726-4800  
(Serves South St. Louis,  
Carlton, Cook, Lake, Pine  
and Kanabec counties)

235 South Sixth Street  
Pine City, MN 55063  
612/629-7166  
(Satellite office of Duluth)

204½ Chestnut Street  
Virginia, MN 55792  
218/749-3270  
(Serves North St. Louis, Itasca  
and Koochiching counties)

217 N.W. Fourth  
Brainerd, MN 56401  
218/829-1701  
(Serves Cass, Crow Wing and Aitkin  
counties)

5 Northeast Fifth Street  
Grand Rapids, MN 55744  
(218) 326-6290  
(Satellite office of Virginia)

Northwest Minnesota Legal Services

403 Center Avenue  
P.O. Box 714  
Moorhead, MN 56560  
218/233-8585  
Larry Nordick, Executive Director

(Serves Becker, Beltrami, Clay, Clearwater,  
Douglas, Grant, Hubbard, Kittson, Lake of  
the Woods, Mahnomen, Marshall, Norman, Otter  
Tail, Pennington, Polk, Pope, Red Lake, Roseau,  
Stevens, Traverse, Wadena and Wilkin counties)

Anishinabe Legal Services

Box 157  
Cass Lake, MN 56633  
218/335-2223  
Karen Sullivan, Executive Director

(Serves Indian and non-Indian residents of  
Leech Lake, White Earth and Red Lake Reservations)

Judicare of Anoka County

2006 First Avenue North, Suite 205  
Anoka, MN 55303  
612/421-4760, extension 1380  
Floyd Pnewski, Executive Director

(Serves Anoka county)



NON-LSC PROGRAMS

Legal Assistance of Washington County  
3880 Laverne Avenue North  
Lake Elmo, MN 55042  
612/777-6355  
John L. Gunderson, Executive Director

(Serves Washington county)

Legal Assistance of Olmsted County  
903 West Center Street  
Rochester, MN 55902  
407/282-2781  
Gail D. Baker, Executive Director

(Serves Olmsted county)

Legal Assistance of Dakota County  
14451 County Road 11, Suite 171  
Burnsville, MN 55337  
612/431-3200  
Jori L. Whitehead, Executive Director

(Serves Dakota county)

THE LEGAL SERVICES CORPORATION

The national Legal Services Corporation is a private, nonprofit corporation, established by the Legal Services Corporation Act<sup>1</sup> for the purpose of providing "financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance".<sup>2</sup>

The Corporation is governed by an eleven member Board of Directors, appointed by the President with the advice and consent of the Senate. A majority of the Board must be members of the bar of the highest court, and at least two must be eligible clients.

The Corporation is not a department or agency of the Federal Government, but was intended to be an independent entity in order to insulate legal services from partisan politics.

The LSC receives an annual appropriation from Congress<sup>3</sup> and is authorized to provide financial assistance to qualified programs for the purpose of providing legal assistance to eligible clients.

The Act defines an eligible client as "any person financially unable to afford legal assistance".<sup>4</sup> The Corporation has established guidelines, setting maximum income

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<sup>1</sup>P.L. 93-355 (1974), as amended P.L. 95-222 (1977); 42 U.S.C. §2996 et seq.

<sup>2</sup>42 U.S.C. 2996b(2).

<sup>3</sup>The LSC submits its own annual budget request to Congress. The Office of Management and Budget may review and submit comments on the request.

<sup>4</sup>42 U.S.C. 2996a(3).

eligibility at 125% of the official U.S. Department of Health and Human Services poverty level.

Legal services are delivered by locally controlled programs. Each local legal services program is governed by a board of directors made up of residents of the community they serve. Sixty percent of the membership of each local board must be attorneys; one-third must be eligible clients. This local control produces a wide variety of delivery systems, allowing each program to determine how best to meet the needs of its clients and the local community.

Because none of the programs have sufficient resources to meet the needs of all, or even most of those eligible for legal assistance, the Legal Services Corporation Act and regulations require each program to set local priorities for service based on an appraisal of client needs and available resources in the local community.

In 1985, with a budget of \$305 million, the LSC funded 326 legal services programs throughout the 50 States, the Virgin Islands, the District of Columbia, Puerto Rico and Micronesia.

Approximately three percent of the total LSC appropriation is used for central administration; another two percent is used for field training. More than 95 percent of the LSC budget goes directly to the field programs.

NON-LSC LEGAL ASSISTANCE PROGRAMS

Three non-LSC legal assistance programs also provide staff legal services to low-income people in Minnesota -- Legal Assistance of Washington County (LAWC), Legal Assistance of Dakota County (LADC), and Legal Assistance of Olmsted County (LAOC).

The major sources of funding for these programs (approximately 50 to 60% of total revenue) are reimbursement contracts with local County Social Service Agencies. Other sources include local United Way agencies, local bar association contributions, and state filing fee surcharge and IOLTA funds.

Legal Assistance of Washington County

Legal Assistance of Washington County (LAWC), established in 1973, provides legal assistance to low-income residents of Washington County through its office located in Lake Elmo.

The program staff includes an Executive Director/attorney, a staff attorney/volunteer coordinator and a legal secretary/paralegal.

The LAWC opened 225 cases in 1984. Services were primarily in the area of family law (70%), as well as administrative appeals (public benefits), consumer cases, landlord/tenant matters, and miscellaneous other cases.

The program received state filing fee surcharge funds beginning in 1983 to establish a volunteer attorney program. 40 private attorneys in the county participate in the program.

Legal Assistance of Dakota County

Legal Assistance of Dakota County (LADC), formed in 1973, provides legal assistance to low-income residents of Dakota County through its office located in West St. Paul.

The LADC is staffed by an Executive Director/attorney, two staff attorneys, and a legal secretary.

The program opened 311 cases in 1984, most of which were family law matters (80%). The program also handles some public benefits, consumer, landlord/tenant and tort defense cases.

The LADC initiated a volunteer attorney program in 1983, with state surcharge filing fee funds. 53 private attorneys participate in the program.

#### Legal Assistance of Olmsted County

Legal Assistance of Olmsted county (LAOC), established in 1973, provides legal assistance to low-income residents of Olmsted County, through its office in Rochester.

Program staff includes an Executive Director/attorney, a staff attorney, and one full time and one part-time secretarial and clerical staff.

The program closed 408 cases in 1984, 82% of which were family law cases. Other areas included consumer, landlord/tenant, public benefits and and miscellaneous other cases.

The LAOC's volunteer attorney program, also established with surcharge funds in 1983, has 60 private attorneys (43%) participating in the program.

MINNESOTA VOLUNTEER ATTORNEY PROGRAMS

Volunteer attorney programs have grown significantly over the past three years in Minnesota, due in part to the impetus of an LSC 12.5% private bar allocation requirement, and also due to the cooperation of the State and local bar associations in responding to the increased unmet need created by the LSC funding cuts.

About 1800 attorneys participate in volunteer programs in 1984, handling approximately 5,000 cases.

Ramsey Volunteer Program. Ramsey County is served by an established pro bono panel, the Ramsey Volunteer Attorney Program, a joint project of the Ramsey County Bar Association and Southern Minnesota Regional Legal Services (SMRLS). Approximately 350 volunteer attorneys participate on the panel, handling about 475 cases in the past year.

SMRLS provides intake and screening, referral, training and other back-up assistance to volunteer attorneys on the panel. A full-time coordinator is provided by the SMRLS St. Paul office. SMRLS also co-sponsors a volunteer program with 3M through which 3M corporate attorneys provide pro bono representation to low-income clients in Ramsey County.

Southern Minnesota Regional Legal Services Volunteer Attorney Program. The SMRLS Volunteer Attorney Program, implemented in 1983, provides services in 32 of the 33 counties served by SMRLS through its local legal services offices in Albert Lea, Winona, Worthington, Carver and Mankato. Each local office has a staff volunteer coordinator and provides intake and screening, referral, training and follow-up assistance. About

375 attorneys participate in the SMRLS Volunteer Attorney Program, closing nearly 200 cases in 1984.

Legal Assistance of Washington County Volunteer Attorney Program. The Legal Assistance of Washington County (LAWC) Volunteer Attorney Program began in 1983, when LAWC received filing fees surcharge funding to develop a volunteer program. The program is administered by a part-time attorney coordinator. 34 attorneys participate in the LAWC Volunteer Attorney Program, closing 34 cases in 1984-85.

Legal Assistance of Dakota County Volunteer Attorney Program. The Legal Assistance of Dakota County (LADC) Volunteer Attorney Program also began in 1983 with the assistance of filing fee surcharge funds. A part-time attorney coordinator administers the program. 28 cases were closed by the volunteer program in 1984. 53 attorneys have been recruited to participate in the program.

Legal Assistance of Olmsted County Volunteer Attorney Program. The Legal Assistance of Olmsted County (LAOC) Volunteer Program was also established in 1983 with filing fee surcharge funds. The program is administered by a part-time attorney coordinator, and closed 31 cases in 1984. About 60 attorneys have been recruited by the program.

Central Minnesota Legal Services Volunteer Attorney Program. The Central Minnesota Legal Services (CMLS) Volunteer Attorney Program, implemented in 1983, provides volunteer attorney services to 21 of the 22 counties served by Mid-Minnesota Legal Assistance (MMLA) through local legal services offices in St. Cloud, Little Falls, Cambridge, and Marshall-Willmar. Each office has a staff volunteer coordinator and provides intake and screening, referral and follow-up assistance. There is, in addition, a full-time program-wide attorney coordinator. About

220 private attorneys participate in the CMLS Volunteer Attorney Program, handling 226 cases in 1984.

Minnesota Volunteer Attorney Program. The Minnesota Volunteer Attorney Program was established by the joint efforts of the Minnesota State Bar Association and the Minnesota Legal Services Coalition in 1982. The program, administered by one full-time staff, coordinates and provides support to the volunteer attorney programs throughout Minnesota.



