FOREWORD

In the Spring of 1989, the Pennsylvania Bar Association created a special Task Force for Legal Services to the Needy to survey the unmet civil legal needs of the poor of this Commonwealth for civil legal services, and charged it with making such recommendations as it deemed necessary to address those needs.

The members of the Task Force represent the legislature, judiciary and bar. They are drawn from all across Pennsylvania, and reflect a wide variety of legal practice, interests and concerns. Despite this diversity, and following an intensive investigation that was only recently completed, the Task Force was unanimous in concluding that there is and can be no substitute for a network of professional poverty law offices, staffed by full-time, expert practitioners, and that the need for legal representation of the poor far outdistances the extent of services now available. The legal services program has been crippled by the budgetary cutbacks of the early 1980's. There is simply no excuse for the lack of adequate funding these programs have received over the past ten years, and governmental funding for legal services to the poor must be immediately and dramatically increased if the poor are to have even minimum access to justice. Even in these times of tight fiscal constraints upon government spending, the availability of legal services to the poor must be viewed as an essential obligation of government.

The Task Force also found that private lawyers across the Commonwealth are participating, and will continue to participate, with zeal and enthusiasm in pro bono programs delivering quality legal services to the poor without fee. These programs are essential to the delivery of legal services to the poor. The Pennsylvania Bar Association, and each one of this state's sixty-seven county bar associations, must do all that they can to support, encourage and expand the good work of these programs. But lawyers are not the cause of the problems faced by the poor, and volunteer lawyers can only be a part of the solution. There must be a comprehensive effort to meet the legal needs of the poor if "Equal Justice Under Law" is to be more than just a slogan above the halls of justice.

The Task Force now submits its recommendations for the way all components of society should begin to attack the problems faced by those who have been denied access to justice. They are addressed to the federal government, the Legal Services Corporation, the state government, the Supreme Court of Pennsylvania, the judiciary, the Pennsylvania Legal Services Center, the Law Coordination Center, legal services programs, pro bono programs, the Pennsylvania Bar Association, the county bar associations, law firms, individual attorneys, law schools, United Ways, and the community at large. The Summary of Report and Recommendations which follows immediately after this Foreword is a document which was formally endorsed by the Pennsylvania Bar Association Board of Governors at the 1990 Annual Meeting. The body of the report (including Appendixes) itself contains a full set of observations and recommendations, some of which are reflected in the Summary.

Where possible we have tried to suggest sources of revenue that could be employed, but we recognize that many of our recommendations will require additional support from the state and federal governments. At issue here are the social, ethical and constitutional rights of all people to due process of law. It is particularly fitting that we recognize and defend these rights this year, since it was exactly 200 years ago that Pennsylvania ratified the Bill of Rights.

Only by implementing these recommendations can we begin to give meaning to our national covenant to provide liberty and justice for all. We look forward to working with the Governor and the General Assembly, the leadership of the Pennsylvania Bar Association, and all members of the legal community in promptly implementing these recommendations. We invite and encourage your participation in this effort.

Respectfully submitted,

Joseph H. Jones, Sr., Esquire
Chairman
MEMBERS OF THE TASK FORCE

Christopher C. Conner, Esquire
Harrisburg

Kristin M. Cuene, Esquire
Philadelphia

Hon. Alfred J. DiBona, Jr.
Philadelphia

Joseph H. Jones, Sr., Esquire
Pottsville
Chairman

Hon. Allen G. Kukovich
Manor

David E. Lehman, Esquire
Harrisburg

Samuel W. Milkes, Esquire
Lancaster

Robert V. Racunas, Esquire
Pittsburgh

Hon. John J. Shumaker
Harrisburg

Robert W. Valimont, Esquire
Doylestown

Carolyn Worrell, Esquire
Harrisburg

Joseph M. Cosgrove, Esquire
Forty Fort

Verdell Dean, Esquire
Pittsburgh

Otto F. Hofmann, Esquire
Harrisburg

David M. Korman, Esquire
Pittsburgh

Hon. Joseph Lashinger, Jr.
Norristown

Hon. H. Craig Lewis
Philadelphia

Carl Oxholm, III, Esquire
Philadelphia
Reporter

K. L. Shirk, Jr., Esquire
Lancaster
Vice Chairman

Bernard W. Smalley, Esquire
Philadelphia

William H. G. Warner, Esquire
Mount Gretna

Susan Wood Paulson, Esquire
Lancaster
Consultant

Cover photo by Leandre Jackson
[The following summary was unanimously adopted by the Pennsylvania Bar Association House of Delegates on May 18, 1990.]

PENNSYLVANIA BAR ASSOCIATION
TASK FORCE ON LEGAL SERVICES TO THE NEEDY

SUMMARY OF REPORT AND RECOMMENDATIONS

In the spring of 1989, Pennsylvania Bar Association President Carl Brueck created a special Task Force on Legal Services to the Needy to survey the unmet needs of the poor of this Commonwealth for civil legal services, and charged it with reporting its findings and making its recommendations to the Association at its annual meeting in May, 1990.

Association Past President Joseph Jones was selected to chair the Task Force, and in conjunction with Leonard Dubin who became PBA President, appointed the members. Leading members of the legislature, judiciary, and bar, drawn from all areas of the state and representing a wide variety of legal practice, interests, and concerns have served on the Task Force. President Dubin has made the work of the Task Force a high priority of his administration.

Over the past year, the Task Force has performed its investigation by, among other things:

- holding day-long public hearings in ten cities across Pennsylvania—Harrisburg, Williamsport, Scranton, Philadelphia, Norristown, Meadville, Pittsburgh, Uniontown, Hollidaysburg, and State College—at which more than 200 witnesses testified and for which hundreds of pages of data were submitted;

- commissioning a statewide telephone survey of poor households in Pennsylvania, to determine the frequency of individual civil legal problems, the general nature of those problems, and the frequency of retaining legal help in dealing with those problems;

- conducting mail surveys of bar associations, legal services programs, judges, state legislators, social services organizations, and newly-hired legal services attorneys, to investigate a wide variety of issues, including the extent of participation in local pro bono programs, relationships between legal services and the private bar, the level of unmet civil legal needs of the poor, and the extent of educational loan indebtedness faced by new attorneys taking lower-paying public service employment; and,

- holding a hearing in Harrisburg at which the project directors of most of the legal services programs in the state testified about the health of their programs, the effect that the funding cutbacks of the early 1980s had on their programs, and the current capacity of their programs and the existing pro bono programs to meet the legal needs of the poor in their areas; and,

- reviewing each and every published needs assessment report and/or action plan that had been prepared by similar task forces across the country, and working with the American Bar Association to ensure the quality of the work of the Task Force.

The Task Force has now completed its study and hereby presents certain of its findings and recommendations to Association President Leonard Dubin for immediate action by the Association's House of Delegates.
FIRST, our profession has a long and proud tradition of public service, and we will continue to participate with zeal and enthusiasm in programs that deliver quality legal services to the poor without fee. However, lawyers are not the cause of the problems faced by the poor, and volunteer lawyers can only be a part of the solution. There must be a comprehensive effort to meet the legal needs of the poor if “Equal Justice Under Law” is to be more than a slogan on the halls of justice.

SECOND, there is simply no substitute for a network of full time, professional poverty law offices staffed by expert practitioners. Cutbacks in governmental appropriations at the federal and state levels beginning a decade ago have had a devastating impact upon the delivery of legal services to the poor, and have violated our commitment to ensure even minimum access to justice—two legal services lawyers for every 10,000 poor people. Over the past decade, inflation further eroded existing governmental funding, while at the same time the number of people living in poverty increased. Judicial and legislative expansions of the rights of our citizens increased the demand for legal aid, while inadequate funding, poor working conditions and low salaries decreased the supply of our professional legal services staff. Simply put, federal and state funding for civil legal services to the poor is now unconscionably low. The Task Force recommends that the Pennsylvania Bar Association hereby pledges to use its best efforts in Harrisburg and in Washington, to see to it that funding for legal services is immediately restored to a level not less than the amounts appropriated in 1981, adjusted for inflation and for increases in the numbers of people living in poverty.

THIRD, in 1988, the Pennsylvania Bar Association led the effort to enact a law that would permit Interest On Lawyer Trust Accounts, otherwise held in commingled non-interest-bearing accounts, to be credited to a new statewide non-profit corporation, for the benefit of poor people throughout the state. In its first year, the IOLTA program generated more than $1.8 million for legal services programs and specialized projects helping the homeless, the abused, the elderly, and others without access to justice. The Task Force recommends that the Pennsylvania Bar (i) establish as one of its principal goals the voluntary participation by all of its members in the IOLTA program, and (ii) pledge its best efforts to meet that goal, and (iii) urge the General Assembly to maintain the integrity of the IOLTA program, so as to preserve all IOLTA moneys as a private-sector supplement to, not substitute for, adequate funding for basic legal services otherwise required from the government.

FOURTH, the problems caused by an inadequate supply of lawyers to assist the poor are not visited solely upon the poor. Our courts groan under the weight of the numbers of new suits filed each year. When parties in litigation are not represented by counsel, all suffer. Parties proceeding pro se are at an obvious and often insurmountable disadvantage. Opposing counsel, as officers of the court, are forced to face conflicts of interest as they are duty-bound to represent their own clients zealously, but ethically precluded from taking advantage of the unrepresented. Pledged to render justice to all who appear before them, judges are compelled to play a more active role in proceedings, monitoring them more closely, intervening more often, and permitting deviations from the standard procedures in the interests of justice. These special circumstances inevitably cause delays in other matters pending before our courts, and thereby burden other litigants. Responding to the problems caused by proceedings pro se and to the obvious funding crisis in legal services, several states around the country have increased the initial filing fees for all cases, in some instances by $20, and allocated the moneys generated thereby to legal services programs. By applying this fee to all who use the court system, the true cost of the justice system is allocated to those who both use it and can afford to pay for it. The Task Force recommends that the Pennsylvania Bar Association endorse an increase in the filing fees for all first filings in all civil matters (i) in the Courts of Common Pleas by $5, and (ii) in the Commonwealth, Superior, and Supreme Courts by $10, with the Pennsylvania Legal Services Center designated as the recipient of all moneys raised thereby.

FIFTH, the costs of obtaining a legal education have escalated dramatically over the past decade; equally dramatic has been the widening of the gap between salaries offered to private attorneys and the salaries offered to attorneys taking public service positions. The typical educational debt carried by a new attorney contemplating a public service position now exceeds $30,000. As a -result of their educational loan
indebtedness, the heavy burden of monthly loan payments, and the modest salaries available in the public sector, many recent law school graduates have been precluded from seeking employment in public service law, and others have been forced to cut short their careers in public service law. While the disparity in salaries will remain the largest source of the problem, educational debts have a material and substantial effect on the choices made by younger attorneys. The Task Force recommends that the Pennsylvania Bar Association endorse the enactment of an educational loan repayment assistance law that would encourage talented law students to undertake lower-paying public service legal positions in Pennsylvania by paying at least part of their monthly educational loan obligations during the period of their public service.

SIXTH, there are many good pro bono programs across this Commonwealth, some providing representation in a wide variety of areas, others specializing in a particular type of representation. There is great expertise within this Association as to how very successful pro bono programs can be created, maintained, expanded, and improved. Twenty-one of Pennsylvania’s sixty-seven counties have at least one operating pro bono program, and statewide, 12.3% of bar association members participate in those programs, accepting representation in an average of 2.75 civil pro bono matters each year. The Task Force recommends that the Pennsylvania Bar Association establish a program to encourage the development and expansion of organized, systematic pro bono programs in each county of this Commonwealth, responsive to the size and specific needs of each county, and to help counties in either inaugurating or improving pro bono programs by providing the assistance of experienced attorneys, model programs, information, and other methods of support.

SEVENTH, while the needs of the inner-city poor are perhaps best known and surely more publicized, less known or appreciated is the lack of access to justice experienced by the rural poor and those who live in areas of our state geographically remote from our courthouses; by the immobile, infirm, disabled, illiterate, blind, and hearing-impaired; and by those who are not fluent in the English language. The Task Force recommends that the Pennsylvania Bar Association urge the Supreme Court of Pennsylvania to empanel a special commission to study and make recommendations for increasing access to justice by these citizens, and pledge its support in the work of such a commission.

EIGHTH, there is an overwhelming unmet need for poverty legal services in three critical areas of representation: (i) family law, particularly in the areas of divorce, custody and support; (ii) substandard housing, where there are often no housing codes to protect the poor and inadequate enforcement of the warranty of habitability; and (iii) children and the elderly, who are often the victims of abuse and neglect. While some legal services programs are able to devote a portion of their resources to these areas, those resources are nowhere near adequate. The Task Force recommends that the Pennsylvania Bar Association direct the appropriate Sections and Committees to study these problems and report back to the Board of Governors, within one year, with recommendations on how best to address these crises.

NINTH, the Task Force recommends that it be given the continuing charge of ensuring that its full Report and Recommendations are properly, fully, and promptly reviewed, implemented as appropriate, and monitored, in conjunction with the Committee on Public Service.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Pennsylvania Bar Association hereby declares that there is simply no substitute for a network of full-time, professional poverty law offices staffed by expert practitioners, and instructs its officers and staff to use their best efforts, in Harrisburg and in Washington, D.C., to ensure that funding for legal services is immediately increased to meet a great and growing unmet need for legal services by the poor.

2. The Pennsylvania Bar Association hereby calls upon the Congress of the United States to immediately restore the appropriation to the Legal Services Corporation to a level not less than the
amount appropriated in Fiscal Year 1981, adjusted for inflation and for increases in the number of persons living in poverty.

3. The Pennsylvania Bar Association hereby calls upon the General Assembly of the Commonwealth of Pennsylvania to immediately restore the appropriation to the Pennsylvania Legal Services Center to a level not less than the amount appropriated in Fiscal Year 1981, adjusted for inflation and for increases in the number of persons living in poverty.

4. The Pennsylvania Bar Association hereby establishes as one of its principal goals the voluntary participation by all of its members in the IOLTA program, and instructs its officers and staff to use their best efforts to meet that goal within the next year.

5. The Pennsylvania Bar Association hereby endorses an increase in the filing fees for all first filings in all civil matters (i) by $5.00 in the Courts of Common Pleas and (ii) by $10.00 in the Commonwealth, Superior, and Supreme Courts of Pennsylvania, with the revenues generated thereby allocated to the delivery of legal services to the poor through the Pennsylvania Legal Services Center.

6. The Pennsylvania Bar Association hereby endorses the enactment of an educational loan repayment assistance law to help defray the monthly loan obligations of law students undertaking lower-paying public service legal positions in Pennsylvania.

7. The Pennsylvania Bar Association hereby establishes a program to encourage and coordinate the development and expansion of organized, systematic pro bono programs in each county of this Commonwealth, and instructs its Executive Director to designate a member of his staff to be responsible for the development of that program.

8. The Pennsylvania Bar Association hereby calls upon the Supreme Court of Pennsylvania to empanel a special commission to study and make recommendations for increasing access to justice by the rural poor and those who live in areas of our state geographically remote from our courthouses; by the immobile, infirm, disabled, illiterate, blind, and hearing-impaired; and by those who are not fluent in the English language.

9. The Pennsylvania Bar Association hereby charges all Sections and Committees, as appropriate, to study and report back to the House of Delegates, within one year, with recommendations on how best to address the following areas of overwhelming unmet need for legal services: (i) family law, particularly in the areas of divorce, custody, and support; (ii) substandard housing; (iii) the elderly poor; and (iv) the growing numbers of children living in poverty.

10. The Pennsylvania Bar Association charges the Task Force on Legal Services to the Needy to continue with its work, by working with the Committee on Legal Services to the Public to ensure that its full report and recommendations are properly considered and implemented.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Subject</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOREWORD</td>
<td>i</td>
</tr>
<tr>
<td>SUMMARY OF REPORT AND RECOMMENDATIONS OF THE TASK FORCE FOR LEGAL SERVICES TO THE NEEDY</td>
<td>iii</td>
</tr>
<tr>
<td>REPORT:</td>
<td></td>
</tr>
<tr>
<td>I. Creation, Purpose, and Conclusions of Task Force for Legal Services to the Needy</td>
<td>1</td>
</tr>
<tr>
<td>II. The Duty of the Public and the Bar to Support Legal Services to the Poor</td>
<td>3</td>
</tr>
<tr>
<td>III. Methodology</td>
<td>4</td>
</tr>
<tr>
<td>IV. Defining Financial Eligibility for Legal Services</td>
<td>6</td>
</tr>
<tr>
<td>V. Surveys of the Unmet Need for Legal Representation</td>
<td>7</td>
</tr>
<tr>
<td>VI. History and Funding of Legal Services to the Poor</td>
<td>8</td>
</tr>
<tr>
<td>VII. Funding Reductions Have Dramatically Restricted the Provision of Legal Services to the Poor</td>
<td>9</td>
</tr>
<tr>
<td>VIII. Some Additional Resources Have Helped to Meet the Need for Legal Services to the Poor</td>
<td>15</td>
</tr>
<tr>
<td>IX. Concurrent With and Independent of the Drastic Cuts in Government Funding for Legal Services Since 1981 Has Been an Increased Need for Legal Services to the Poor</td>
<td>21</td>
</tr>
<tr>
<td>X. Cutbacks in the Legal Services Program Have Caused Poor People to Assume That Legal Representation Will Not Be Available; Adverse Parties Can Take Advantage of Poor Peoples’ Lack of Counsel</td>
<td>32</td>
</tr>
<tr>
<td>XI. The Drastic Cut in Funding of Legal Services to the Poor Coupled With the Increased Need for These Services Contributes to the Cycle of Dependency of the Poor and Therefore Their Poverty</td>
<td>34</td>
</tr>
<tr>
<td>CONCLUSION</td>
<td>40</td>
</tr>
<tr>
<td>FOOTNOTES</td>
<td>41</td>
</tr>
</tbody>
</table>

# APPENDIXES

A: Complete Set of Recommendations of the Task Force
B: Additional Suggestions made to the Task Force by Various Witnesses
C: List of Documents Generated by the Task Force
D: List of Names of the Witnesses Who Testified at the Hearings, Plus Names of Others Who Submitted Written Testimony
E: Legal Problems Addressed by the Mason-Dixon Telephone Survey
F: Chart Summarizing Responses of Pro Bono and Legal Services Programs to Pro Bono Survey
G: Resolution of the Lawyer Trust Account Board
H: Model Pro Bono Program
I.

CREATION, PURPOSE, AND CONCLUSIONS OF TASK FORCE FOR LEGAL SERVICES TO THE NEEDY

In the Spring of 1989, Carl Brueck, then President of the Pennsylvania Bar Association, created a task force to survey the unmet legal needs of the poor in Pennsylvania, and to report its findings, along with recommendations, to the PBA at its annual meeting in May, 1990.

The Task Force on Legal Services to the Needy gathered background and information in the following ways:

- A telephone survey of the poor.
- A mail survey of judges, state legislators, social service organizations and legal services programs.
- A survey of local bar association pro bono programs.
- Testimony from over 200 witnesses at 10 public hearings across the state, plus written testimony from an additional 25 people.

The Task Force was overwhelmed with evidence of a crisis in the delivery of legal services to the poor in Pennsylvania and concluded as follows:

1. In Pennsylvania, as in the rest of the country, poverty increased during the 1980’s. In 1979, 1,209,817 Pennsylvanians, 10.2% of the population, were below the poverty guidelines issued by the United States Department of Health and Human Services. During the past decade, the poverty population has increased significantly. This data will become available with the 1990 census.

2. Since 1979, state and federal funding for legal services to the poor has been severely reduced. At the same time, the need for legal services has increased because of many factors, including: a rise in the number of people living in poverty; a huge increase in the volume of domestic law cases, particularly in the area of domestic violence; a growing shortage of housing for the poor; de-institutionalization of the mentally ill; overcrowding of prisons; a rise in the population of non-English speaking poor from other lands and cultures, the elderly poor, and AIDS victims; and changes in public benefits

"I feel that there is a big crack in our country, a crack that divides the haves from the have-nots; a crack that denies legal representation to the poor and the many crises that they face each and every day, such as the ones that I have shared with you.

I feel that the sufferings that I have endured have bred character within me, and the character within me has bred great faith. I have great faith in you and the legislators that you will determine between what is the right thing to do for all the people and what is the wrong thing to do for all the people regardless of their financial status. And I have faith that you will determine between what is good and what is bad for all people."

— Mary Spenser,
Who described herself as “a person of low income” from Berks County
programs, making the laws most directly affecting the poor more complex.

3. The non-poor population enjoys the services of 28.25 lawyers per 10,000 people, while the poor have only 1.43 lawyers per 10,000 people. Equal access to justice before the law is not available to the poor in our society.

4. After examining the flood of data from its survey, the Task Force was distressed to realize that it has seen only the tip of a huge and growing iceberg of unmet legal needs and their consequences to hundreds of thousands of disadvantaged Pennsylvanians.

This report reviews the evidence the Task Force has collected. If the reader desires further information concerning the severity of the crisis in legal services to the poor in Pennsylvania, the Task Force welcomes the reading of any or all of the documents, including hearing transcripts (two were also videotaped), supporting this report. ¹

The Summary of Report and Recommendations of the Task Force is found in the introduction to this report. It was unanimously endorsed by the PBA Board of Governors and House of Delegates at the May, 1990 annual meeting. The complete set of recommendations of the Task Force is found at Appendix A. A further set of recommendations made to the Task Force by various witnesses but not formally adopted as recommendations of the Task Force is found at Appendix B.
II.

THE DUTY OF THE PUBLIC AND THE BAR TO SUPPORT LEGAL SERVICES TO THE POOR

A. The Constitution of Pennsylvania, Art. I, Sec. 11, states:

"All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay."

B. Rule 6.1 of the Pennsylvania Supreme Court's Rules of Professional Conduct, states, in part:

"A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means . . . and by financial support for organizations that provide legal services to persons of limited means."

The Comment following this rule states, in part:

"The rights and responsibilities of individuals and organizations in the United States are increasingly defined in legal terms. As a consequence, legal assistance in coping with the web of statutes, rules and regulations is imperative for persons of modest and limited means, as well as for the relatively well-to-do."

". . . Every lawyer, regardless of professional prominence or professional work-load, should find time to participate in or otherwise support the provision of legal services to the disadvantaged. The provision of free legal services to those unable to pay reasonable fees continues to be an obligation of each lawyer as well as the profession generally, but the efforts of individual lawyers are often not enough to meet the need. Thus, it has been necessary for the profession and government to institute additional programs to provide legal services. Accordingly, legal aid offices, lawyer referral services and other related programs have been developed, and others will be developed by the profession and the government. Every lawyer should support all proper efforts to meet this need for legal services."

C. The Pennsylvania Bar Association Articles of Incorporation state as one of the organization's purposes: "To see that no one, on account of poverty, is denied his or her legal rights." In 1987, the PBA reaffirmed this principle when adopting its Long Range Plan.

D. Former Justice Lewis Powell, speaking as President of the American Bar Association in 1965, was quoted by one of the witnesses testifying before the Task Force. His statement sums up the constitutional and ethical duty of the public and the legal profession to insure that the poor have access to justice:

"Equal justice under law is not merely a caption on the facade of the Supreme Court building. It is perhaps the most inspiring ideal of our society. . . . It is fundamental that justice should be the same, in substance and availability, without regard to economic status."
III.

METHODOLOGY


Over 200 witnesses testified at the hearings and 68 of these also submitted written statements. An additional 25 people submitted written testimony but did not testify. The written and oral testimony represented a cross-section of people and organizations with first-hand knowledge of the legal needs of the poor.2 These witnesses were:

- Judges (federal, bankruptcy, common pleas)
- A family court master
- A district justice
- State legislators
- A law school dean and faculty members
- Public defenders
- A city solicitor
- Local bar association representatives
- Private attorneys
- Court administrators
- Pro bono coordinators
- Union representatives
- Ministers and representatives of social ministries
- Representatives of women’s abuse shelters
- Representatives of homeless shelters
- Representatives of the elderly
- Representatives of programs/facilities serving the mentally ill
- Women’s organization representatives
- Unemployed representatives
- Homeless representatives
- AIDS victims representatives
- Hispanic representatives
- Prison inmate representatives
- Drug and alcohol abuse program representatives
- Housing organization representatives
- Tenants’ organization representatives
- Community Action Program representatives
- Child advocacy program representatives
- Migrant and seasonal farmworker representatives
- Legal services directors, managers, staff
- Legal services clients and other low-income people
- The executive director of a county human relations commission
B. The Task Force commissioned Mason-Dixon Opinion Research, Inc. of Columbia, Maryland, to conduct a telephone survey of poor households in Pennsylvania. The purpose of the survey was to determine the frequency of individual civil legal problems, the general nature of the problems, and the frequency of retaining legal help in dealing with those problems.

C. Through Mason-Dixon Opinion Research, Inc., the Task Force conducted a state-wide mail survey of state legislators, president judges (and other common pleas court personnel), human services organizations and legal services offices. The survey was designed by the Task Force to determine 1) the types of legal problems that recur among low-income people, and 2) whether or not legal help is received. Approximately 251 surveys were mailed to state legislators; 58 to president judges; 1700 to human services organizations; and 19 to legal services project directors (for distribution to local offices).

D. The Task Force mailed a questionnaire to all legal services programs in the state. The following information was received for every legal services office: staffing level; pro bono participation rate; other private lawyer involvement in delivering legal services; current priorities and a listing of case exclusions of legal services offices; and other free legal services for the poor in the county.

E. The Task Force mailed a questionnaire to every county bar association. The following information was received for each county: number of practicing attorneys; whether there is a pro bono program, and, if so, details about the program; and whether there is a reduced-fee or judicature program.

F. The Task Force obtained results of surveys of all legal services attorneys hired since 1980 to determine their educational indebtedness.

G. On September 25, 1989, the Task Force conducted a hearing at which the project directors of 14 out of the 20 legal services programs in the state testified. Testimony focused on the current capacity of legal services and pro bono programs to meet the legal needs of the poor.

H. The Task Force reviewed every published legal needs assessment report and action plan that had been prepared by similar task forces across the country.
IV.
DEFINING FINANCIAL ELIGIBILITY FOR LEGAL SERVICES

To be financially eligible for free legal services in Pennsylvania, a household’s gross income may not exceed 125% of the federal poverty line. This means test is set by federal Social Services Block Grant and Legal Services Corporation regulations. The income guidelines for the 1990-91 fiscal year are as follows:

<table>
<thead>
<tr>
<th>Family size</th>
<th>Maximum gross income (125% poverty)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$654/mo.</td>
</tr>
<tr>
<td></td>
<td>$7,850/year</td>
</tr>
<tr>
<td>2</td>
<td>$877/mo.</td>
</tr>
<tr>
<td></td>
<td>$10,525/year</td>
</tr>
<tr>
<td>3</td>
<td>$1,100/mo.</td>
</tr>
<tr>
<td></td>
<td>$13,200/year</td>
</tr>
<tr>
<td>4</td>
<td>$1,323/mo.</td>
</tr>
<tr>
<td></td>
<td>$15,875/year</td>
</tr>
<tr>
<td>5</td>
<td>$1,546/mo.</td>
</tr>
<tr>
<td></td>
<td>$18,550/year</td>
</tr>
<tr>
<td>6</td>
<td>$1,769/mo.</td>
</tr>
<tr>
<td></td>
<td>$21,225/year</td>
</tr>
<tr>
<td>7</td>
<td>$1,992/mo.</td>
</tr>
<tr>
<td></td>
<td>$23,900/year</td>
</tr>
<tr>
<td>8</td>
<td>$2,215/mo.</td>
</tr>
<tr>
<td></td>
<td>$26,575/year</td>
</tr>
<tr>
<td>Each add’l</td>
<td>$223/mo.</td>
</tr>
<tr>
<td></td>
<td>$2,675/year</td>
</tr>
</tbody>
</table>

While the number of people below poverty and below 125% of poverty is increasing, the number of near poor — people who are just above the 125% level — is also growing. These people, many of whom hold minimum wage jobs, are struggling to eke out an existence. They pay a large percentage of their income for minimal shelter. They often have no health insurance, and, after paying for necessities, have nothing left.

The Task Force heard much testimony about the unavailability of legal services for people who are just above legal services programs’ financial guidelines but who cannot afford private counsel. It is clear that there is a large population between the bottom economic stratum of people who are eligible for free legal services — as limited as the services may be — and those in the middle class who can afford at least some legal representation. This group of the near poor, is virtually denied any legal representation.
V.

SURVEYS OF THE UNMET NEED FOR LEGAL REPRESENTATION

A. An American Bar Association nationwide telephone survey demonstrated significant need.

In 1989, the American Bar Association published a report entitled, “National Survey of the Civil Legal Needs of the Poor,” which was based on a nationwide telephone survey. The study showed that in 1987, approximately 43% of poor households surveyed reported one or more civil legal problems. For those households reporting problems, the average number of problems was 3.18 per year.

The study found that in 1987, the poor had 4.9 million civil legal problems for which they had legal representation, and 19 million for which they had no legal help. This means that legal representation was available for only 20% of the legal problems of poor people.

B. The Task Force’s own 1990 telephone survey of poor households in Pennsylvania confirms the severity of the unmet need.

A telephone survey of 625 poor households in Pennsylvania commissioned by the Task Force was designed to elicit information on 73 specific legal problems grouped into eight major categories: health, employment, utility, consumer, governmental benefits, housing, family, and disability. The number of random interviews conducted in each county was determined by the percentage of the state poverty population residing in that county.

The overall results of the survey are as follows:

- The average poor household reported having 3.04 different legal problems in the last three years, not including repeat occurrences of the same problem.
- 32.8% reported no legal problems; 17.9% reported one; 10.1% reported two; and 39.2% reported three or more.
- Consumer, utility, and health are the three major areas in which the poor reported the most legal problems.
- The ten most common problems reported by the poor for which legal representation might be appropriate are (in order of frequency):
  - Unable to make utility bill payments
  - Being turned down for credit
  - Can’t afford to go to doctor or hospital
  - Repairs to dwelling not done or done improperly
  - Threatened by bill collectors
  - Charged for medical services that they could not afford
  - Heating or plumbing problems in rented dwelling
  - Dispute over utility bill
  - Rats or bugs in rented dwelling
  - Utility service turned off

- While 67% of the poor households reported at least one civil legal problem within the past three years, only 6% consulted a lawyer about the problem(s).

The full report of the telephone survey breaks down the statistics by specific legal problem and by region, age, sex, and race. It should be noted that 34% of the persons interviewed were 60 years old or above, while the percentage of poor people in that age group in Pennsylvania at large is only about 20%.  

7
VI.

HISTORY AND FUNDING OF LEGAL SERVICES TO THE POOR

The concept that the poor are entitled to legal representation began to be recognized at least 100 years ago, with the establishment of various private legal aid societies. After World War I, Reginald Heber Smith's publication, *Justice and the Poor*, gave enormous impetus to the movement. "Without equal access to the law," he wrote, "the system not only robs the poor of their only protection, but it places in the hands of their oppressors the most powerful and ruthless weapon ever invented."

For the next 45 years, legal aid societies — many of them committees of local bar associations — proliferated, many with strong local bar support, but they were overburdened with heavy caseloads, which precluded most litigation and appellate advocacy.

In 1965 the first efforts to structure a formal nationwide legal services program were begun by the Office of Economic Opportunity (OEO), which administered the federal "War on Poverty" programs.

During the 1960's, it became apparent that the legal services programs needed to be insulated from the political process, and in 1974, Congress passed the Legal Services Corporation Act establishing an independent corporation.

The Legal Services Corporation (LSC) began operation in October, 1975. The Board of Directors set a goal of "minimum access" — two attorneys for every 10,000 poor people.

The decade of the 1980's was an era of severe funding cuts, resulting in large reductions of legal services program attorney staffing. Nationwide, LSC funding dropped from its peak level of $321.3 million in 1981, to $308.6 million (or, $226.2 million when adjusted for inflation) in 1989. The funding decline in the 1980's was almost 30% in real dollars.

Pennsylvania has 20 legal services programs (in addition to an LSC-funded legal advocacy program for farmworkers, called Friends of Farmworkers, Inc.), all of which are funded primarily by LSC, direct state money, and federal Social Services Block Grant (referred to as "Title XX" prior to October 1, 1987; money over which the state has control. Generally, the programs also receive some funding from local sources, such as United Way agencies and Area Agencies on Aging.

In 1981, LSC's funding for legal services in Pennsylvania was about $10.5 million. In successive years, it dropped by over $2.5 million, and then gradually increased to its current (1990) level of $10.85 million. Although in actual dollars LSC's funding in 1990 slightly exceeded its 1981 level of $10.50 million, it had dropped to only $7.56 million when measured in real dollars.

Federal Block Grant money allocated to legal services by the state through Title XX peaked at $8.19 million in 1979. That funding declined in successive years, to a 1990 level of $6.5 million. In real dollars, the funding dropped from $8.19 million in 1979 to $3.62 million in 1990.

Direct state funding appropriated by the General Assembly for legal services was $2.32 million in 1979. It dropped to zero in 1982 and 1983. By 1987 it had risen to $2 million, where it has remained. When measured in real dollars, state funding from 1979 to 1990 decreased by $1.21 million.

When all three of these major sources of funding for legal services in Pennsylvania are combined and measured in real dollars, the total funding has dropped over 37% during the past decade. (See graph on page 10.)
VII.

FUNDING REDUCTIONS HAVE DRAMATICALLY RESTRICTED THE PROVISION OF LEGAL SERVICES TO THE POOR

The director of Community Legal Services of Philadelphia expressed the view of nearly all witnesses at the Task Force’s hearings when he said that the severe budget cuts have resulted in “extreme disruption to the provision of legal services” throughout Pennsylvania.

The testimony of the director of Susquehanna Legal Services summed up the many reports from legal services offices throughout the state:

_We’re reaching fewer people. More than ten years ago we probably had more than 4,000 cases per year. It’s now around 2,000. They tend to be all emergencies. They tend to require more time. They tend to cause more stress. They tend to be more of an all-or-nothing loss of shelter, children, income, domestic violence situation. There is very little preventive work. There is very little community education. There is very little outreach. We’re basically pinned in the corner and we’re responding to what comes in._

Legal services programs in Pennsylvania have had to close offices, eliminate outreach and community education efforts, and severely curtail the types and volume of cases they handle.

A. **Staffing has been reduced.**

Despite the increase in need for service, since 1980 there has been a reduction in legal services attorneys of almost 31%, and a reduction in paralegals of almost 26%.

In 1980 there were 358 legal services attorneys in Pennsylvania, or 2.13 for every 10,000 poor people, which met the Legal Services Corporation’s “minimum access” goal. By 1986 the number dropped to 242 attorneys, and the ratio dropped to 1.43 for every 10,000 poor people. This ratio contrasts with that of private (non-corporate, non-government) attorneys for the non-poor population of 28.25 per 10,000.

B. **Only emergency cases are handled.**

Most legal services programs have been forced to limit their service to emergency needs, and testimony demonstrated that not even all of these needs are being met. Emergencies are defined in most programs as follows:

1. Domestic violence.
2. Child custody cases only where the client has been sued or where the child has been snatched from the client’s custody.
4. Sheriff sales of personal or real property.
5. Termination or denial of welfare benefits (including food stamps and medical assistance), Supplemental Security Income (SSI) benefits, and Unemployment Compensation benefits.
TOTAL FUNDING FOR LEGAL SERVICES PROGRAMS IN PENNSYLVANIA SINCE 1979
FROM LEGAL SERVICES CORPORATION, FEDERAL SOCIAL SERVICES BLOCK GRANT
(TITLE XX),
AND THE STATE OF PENNSYLVANIA

KEY
M = 1979 funding hypothetically adjusted for inflation, 1979—1990
A = actual dollars appropriated by government sources, 1979—1990
R = real dollars, i.e., actual dollars appropriated after being adjusted for actual inflation since 1979
"During my 19 years on the Common Pleas bench in Philadelphia, I have seen a steady increase in the number of (pro se) cases involving indigent persons, even while the level of funding to provide legal services to the same people has either remained static or declined. . . . I would therefore hope that every effort can be made to find the resources necessary to enable agencies like Community Legal Services to serve the needs of the less fortunate in our society."

— Hon. Jerome Zaleski, Administrative Judge for the Family Court, Court of Common Pleas of Philadelphia

C. Most types of legal problems are not handled.

The list of problems or needs that legal services is unable to address is much longer. It generally includes at least the following:

- Discrimination
- Civil rights problems
- Denial of access to medical care
- Education problems
- Divorce
- Custody and visitation (except emergency)
- Spousal/child support
- Utility shut-offs
- Housing problems (except lockouts)
- Name changes
- Driver’s license suspensions
- Insurance problems
- Adoptions
- Summary offenses
- Debtor and other consumer problems
- Emancipation
- Guardianships
- Wills
- Real estate
- Bankruptcy (except emergency)
- Tax problems
- Powers of attorney
- Immigration and naturalization

D. Most people seeking legal help are turned away.

The consensus among legal services project directors is that, conservatively estimated, their offices turn away 2/3 to 3/4 of all the income-eligible people who ask for their services. Many also pointed out that the number of rejections does not tell the whole story of unmet need—many people have stopped coming back after having experienced rejections with previous problems. People know that their legal services office does not handle such problems as divorce; and many people are not aware of the availability of any legal services since programs do almost no outreach to make their services known.

The director of Northern Pennsylvania Legal Services, in testimony that was typical of the other project directors, reported that in 1980, the 18 attorneys on his staff served about 1,500 clients, 25% of
whom had emergency problems. In 1988, the 10 attorneys on his staff served 3,000 clients, almost 100% of whom had emergency problems.

The managing attorney of the Butler County office of Neighborhood Legal Services stated that although her staff of two attorneys and one paralegal accepted about 100 new cases each month and devoted over 1,300 unpaid hours of service in 1989, they were far from meeting the legal needs of their clientele.

E. Community education, outreach, and special needs projects have mostly been eliminated.

In addition to excluding most types of cases, virtually all the legal services programs have ended community education and outreach and have drastically curtailed or eliminated attempts to address the legal needs of special populations.

In Philadelphia, for example, Community Legal Services used to have special law projects to serve prison inmates and people suffering from mental illness. These projects are now closed. Their elderly, education, health, and child custody law projects have been cut back to serve "just a very small number of those in need," according to the director. The Elderly Law Project, for instance, employs only two attorneys, who are trying to meet the needs of, among the other elderly, all the thousands of poor boarding home and nursing home residents in Philadelphia.

Even if community education, outreach, and special needs activities were affordable, or if scarce funds were diverted for these purposes, the legal services offices would not be able to handle the resulting influx of people seeking services.

"We're afraid to advertise our services," said the director of Community Legal Services in Philadelphia. "If we have a public service announcement we get swamped the next day: [we] can't handle the caseload."

The manager of a Susquehanna Legal Services office testified:

We don't do as much community education as we used to do, all because we don't have the staff. We don't do outreach. We used to go to the county courthouses in Middleburg and Lewisburg one day a month in addition to encouraging those folks to come in. We also used to go to a city in Northumberland County called Shamokin one day a week because the need out there was so great in the eastern end of the county, and we don't do that anymore.

The poor are not only being denied access to legal services in most cases, but they are not being made aware of their rights, of services available to them (as limited as they may be), and of actions they can take on their own to assert their rights and protect themselves.

F. Offices have been closed; rural poor are isolated.

Many people testified about the closing of legal services neighborhood offices, particularly in rural areas. Twelve counties now have no legal services office and many outreach offices have been closed. These closings effectively cut off access by the rural poor and those with limited mobility.

A social ministry director testified, for example, that since the Bethlehem office of Lehigh Valley Legal Services was closed, people must take a 40-minute bus ride to the office in Northampton County.

Similarly, a representative of a women's shelter in a rural area of northwestern Pennsylvania testified that Northwestern Legal Services is 25-30 miles from the shelter's areas of service. Round-trip bus fare is $60, she said. She pointed out that while legal services provide an outreach service once a month in the town of Corry, transportation must still be obtained if the client lives outside the city — and the service can be used only if the legal problem can wait for that one day of the month.

The director of Susquehanna Legal Services, whose main office is in Williamsport, testified that his program has a total of five offices scattered over 5,000 square miles in eight counties in the northcentral part of the state. There is no public transportation, he said.

Some of the towns and townships and municipalities are isolated, the roads aren't good, weather can be a factor. We don't circuit ride out to the small towns like we used
to. We pretty much stay in the county seat of each county, with occasional trips to the other counties because that’s where you have to go to file something.

There are people that are out there... who don’t have the means to reach us, whether that’s by phone or because of transportation. [They] know they have a legal problem but, as earlier presenters indicated, just are too discouraged to do anything about it. [And there are] those that have a legal problem that don’t know they have a legal problem.

Not only is public transportation often non-existent in rural parts of the state, but many of the hearing witnesses reported that the poor often do not have telephones, or if they do, they often have long-distance phone blocks on their lines. At the same time, legal services office managers reported that their programs have no money to install toll-free numbers.

G. Salaries are low; law school debts are large; staff turnover is high.

The drastic funding cuts to legal services have resulted not only in fewer attorneys representing the poor, and a corresponding curtailment in service, but also low pay, difficulty in recruiting, and a high turnover rate of staff, with a corresponding further decline in service.

Attorney salaries have generally not even kept up with inflation, and have not nearly kept pace with those in the private law sector. Significant increases in law school loan levels combined with inflation have effectively placed legal services salaries below their level of 1980.

In 1986, an average Pennsylvania legal services staff attorney had slightly more than four-and-a-half years of experience and earned about $22,900. A survey conducted by the American Bar Association’s Student Lawyer magazine revealed:

"The starting wage for a staff attorney for many Legal Services Programs currently hovers around $16,000 to $17,000. Compare this to the Pennsylvania requirement that teachers start at $18,500 per year. Or consider that the lowest starting salary (bonuses excluded) for attorneys in private law firms in a survey covering 23 cities in 1987 was $31,000."

Mark A. Nordenberg, Dean of the University of Pittsburgh Law School, testified that law students used to be interested in a career in legal services, but

there has been a perceptible decline in student interest... and frequently those who would be the most attractive candidates are not able, economically, to seriously consider that employment alternative.

A number of people testifying at the Task Force hearings noted the “staggering” debt load carried by many recent law school graduates. The managing attorney of the Berks County office of Central Pennsylvania Legal Services said that one 1988 graduate recently interviewed for a position “pays $485 (in loans) per month, and one 1990 graduate will be obligated to repay almost $50,000.” Neither candidate was able to consider the position.

A survey of legal services attorneys in Pennsylvania revealed that school loan indebtedness at the time of graduation from law school averaged $36,788 for 1989 graduates, with monthly payments ranging from $450 to $550. Even for those who had practiced law for seven to eight years, the educational burden remained heavy; school debts averaged $15,105 for those who graduated in 1981 and 1982.

Difficulty in recruiting is a major problem confronting legal services offices all over the state. The managing attorney of a Southern Allegheny’s Legal Aid office testified that in November of 1987, a staff attorney left to join the legal department of a local corporation at a starting salary of $10,000-$12,000 more than his legal services salary. Legal services was unable to fill his position until June, 1989, because the starting salary, $16-$17,000, was so low. He also noted the difficulty of retaining support staff because of non-competitive salaries.
In addition to the difficulties of hiring is the problem of turnover. The director of Blair County Legal Services said that none of the three attorneys in his Altoona office has more than one-half year experience. The high staff turnover, he said, "has affected the type of cases we do and the number of cases."

Keystone Legal Services' director stated that no staff attorney "with any significant amount of experience" remains in her program. "All attorneys have been with the program less than five years," she said, "and over fifty percent of the staff attorneys have been with the program less than two years." She said that inexperienced attorneys are the only attorneys staffing some of the program's offices.

The low salaries, said the director of Southwestern Pennsylvania Legal Aid Society, "discourage many competent, ambitious, spirited attorneys who would otherwise commit themselves to legal services."

H. Working conditions are poor; office equipment is inefficient.

Office conditions and equipment have deteriorated. A managing attorney from Community Legal Services in Philadelphia, for example, testified that his office did not have enough receptionists. The photocopy machine was old and in constant need of repair. The office had no dictation equipment, space was cramped, and there was inadequate building security in the high drug-trafficking area of the city where the office is located. This testimony was typical of the conditions faced by legal services attorneys across the state.

I. Legal Services Corporation's burdensome paperwork and reporting requirements aggravate the impact of funding cuts.

At the same time LSC cut funding for legal services programs, it also imposed on them excessive and oppressive paperwork and reporting burdens, and continues to do so. Examples of these burdens, which divert a large amount of staff time away from delivery of legal services, include an extensive refunding process, oppressive reporting requirements, and annual revisions of numerous program policies.

The annual refunding process is cumbersome and far exceeds what is necessary to assure appropriate distribution of funds. The process is bifurcated into a Fall phase and a Spring phase. It requires the legal services programs to collect hundreds of pages of documents concerning such matters as every training event attended by staff over the previous year, broken down by individual staff member, the purpose of each training, and the sponsoring organization; and a detailed description of every appeal filed by the program and pending at any time during the previous year. A recent survey of Pennsylvania legal services programs revealed that the average amount of staff time devoted to 1990 refunding applications was 154 hours per program.

Until recently, LSC required programs to track every person who contacted the program but whom the program was unable to represent. Programs had to track people by the type of legal problem at issue, the reason for ineligibility, and the ultimate disposition of the case. At first, programs were also required to ask persons who were denied service their age and ethnicity. Only after strong protest from programs and the private bar did LSC withdraw the age and ethnicity tracking requirement.

LSC has imposed burdensome requirements in other areas as well. For example, its on-site monitoring process involves not just an appropriate review of program operations but has included long visits by large teams. Teams review fiscal and administrative records and meet with staff. Monitoring can include review of individual personnel files, while at the same time the monitoring does not purport to review for quality of representation, only technical compliance with LSC requirements.

LSC's reporting and monitoring requirements have clearly exceeded the bounds of what is useful and reasonable, and have become excessively burdensome and wasteful. The unreasonable diversion of manpower necessary to meet these oppressive demands has exacerbated the reductions in client services caused by LSC's funding cuts.
VIII.

SOME ADDITIONAL RESOURCES HAVE HELPED TO MEET THE NEED FOR LEGAL SERVICES TO THE POOR

A. Pro bono programs have been successful in meeting some legal needs of the poor, but cannot be expected to fill the void.

Responding to the cutbacks in state and federal funding for legal services programs, many county bar associations across Pennsylvania have initiated pro bono programs in their counties.¹⁰ The programs are generally designed, under a cooperative arrangement between local bar associations and legal services offices, to handle the overflow of cases from legal services. Typically, the legal services office screens cases and refers appropriate clients to participating pro bono attorneys, who have agreed to handle a certain number of cases per year or contribute a certain number of hours without charge. Only persons who are financially eligible for legal services are eligible for pro bono representation (generally, victims of domestic violence are eligible for pro bono representation, as they are for legal services, without regard to income).

The Task Force’s August, 1989 survey of county bar associations¹⁰ revealed that 88% of the population of Pennsylvania resides in counties with pro bono programs sponsored either by the local bar association (23) or otherwise provided (23). Sixty-two percent reside in counties where the bar association itself is the sponsor.

Some counties (9) have a reduced-fee/judicare program but not a pro bono program. Only 8% of the population lives in counties with neither a pro bono nor a reduced-fee/judicare program.

Although only 34% of the counties have bar association-sponsored pro bono programs, 77% of the lawyer population practices in these counties.

The number of attorneys involved in pro bono programs where such programs exist is by no means satisfactory. Statistics indicate that only 15.5% of the attorneys in these counties participate, although each of these attorneys handles an average of 2.59 pro bono cases per year. Statewide, only 12% of Pennsylvania Bar Association members participate in pro bono programs.

"It is unfair that attorneys should be called upon to finance the entire cost of providing legal services for the indigent. I say that because the needs we are addressing, the providing of legal services to the needy is not just a lawyer’s problem, it is a public problem as well. While increased pro bono efforts will surely help, the bottom line is that there must be governmental leadership in funding on both a state and the federal level to cure the situation. Everyone deserves and needs the benefit of counsel when involved in litigation. I am personally committed to doing all that I can do to provide that assistance and urge this Task Force to do likewise."

— Hon. Jan DuBois,
Judge, United States District Court, Eastern District of Pennsylvania
Several counties have reason to be pleased with the success of their local *pro bono* program (see Appendix H for an example). These successful programs have a relatively high participation rate, over 82% in one county, and they run smoothly, with strong leadership in the private bar and with close cooperation between the local bar association and the legal services office.

Legal services staff overwhelmingly praised *pro bono* programs as being "lifesavers" for providing an outlet for the overflow of cases. The view was also unanimous that *pro bono* programs are a necessary component of the effort to meet the legal needs of the poor.

Private bar and legal services representatives alike, however, agree that *pro bono* programs are only one component of the solution. By themselves, they cannot fill the tremendous gap in services to the poor caused by loss of government funds to legal services programs. A number of reasons were cited for this:

1. **The participation rate, even in some of the successful *pro bono* programs, is too low.**

   With a participation rate of only about 15.5% of lawyers in counties with bar association *pro bono* programs, the few attorneys who do accept referrals often find themselves taking on a disproportionate share of the burden. Their frustration at frequently being called upon to take cases, which usually require prompt attention, discourages them from continuing to participate in the program.

   The president judge in Lawrence County testified that both the legal services office and the *pro bono* panel have been "inundated," and that "it is often difficult, if not impossible to secure adequate *pro bono* representation . . . ." The director of Central Pennsylvania Legal Services reported that a six-week waiting list is common.

   The director of Susquehanna Legal Services reported that although a large percentage of members of the bar had signed up for *pro bono* participation, "we ran into difficulty in actually getting people to take the cases when we called them. They signed up but then when we called they were busy."

   The director of Montgomery County Legal Aid testified: "We often find ourselves calling on the same core of attorneys time and time again. The view expressed by many witnesses at the hearings was that, with full or nearly full participation, the *pro bono* burden on individual attorneys would be minimal, and the programs would be healthy and sustainable, with many more individuals in need being represented.

2. **Because of the deluge of domestic cases overflowing from legal services offices, most of the existing *pro bono* programs are unable to meet the demand.**

   a. The overwhelming majority of referrals to *pro bono* panels are domestic cases.

   The director of the York County Bar Association testified that 3/4 of the *pro bono* referrals in her county are domestic cases. Domestic cases, she said, have "exhausted" the *pro bono*

<<... Quite frankly, we don't believe that *pro bono* is the solution. We believe that *pro bono* is a very important part of the whole solution but that we can't expect more than we are now asking out of the members of our bar association. We have done a real enormous job of trying to solve this problem, in trying to get to the bottom of it as best we can. And we're convinced now that it is not going to be sustained unless there is some other help that comes.>>

— Jeff Ernico,
Chairman of the Dauphin County Bar Association Public Service Committee

16
program. The pro bono coordinator in Erie County testified that over 40% of the cases referred to pro bono attorneys are domestic and that the most frequent requests for service were in areas excluded by the pro bono program: divorce, initiating custody actions, and support cases. His testimony also revealed that 20% of the requests for service are for divorces, which are not even handled by the pro bono panel.

The Chairman of the Dauphin County Bar Association’s public service committee stated that the pro bono divorce backlog in his county is two years.

The intake paralegal in the Lancaster office of Central Pennsylvania Legal Services said that even though the pro bono program in that county is considered “highly successful,” it only “skims the surface.” She said that half the calls she receives are domestic cases, and that the few pro bono attorneys who will take domestic cases are “overwhelmed.”

The experience related by the director of Philadelphia’s Community Legal Services is indicative of the problem with domestic cases:

In August of this year I suggested to our managing attorneys of local offices that they send domestic cases, not domestic violence, but support cases and custody cases, down to Philadelphia VIP [pro bono program]. We had been holding back because of the huge numbers. Within three to four days Philadelphia VIP had to close its intake process. It experienced what we have experienced, the closing of intake because you’re overwhelmed; what do you do with all the people coming in?

b. Existing pro bono programs require more private attorneys willing to handle domestic cases.

There was general agreement among the witnesses that most pro bono attorneys do not like to handle domestic cases, either because the attorneys are not experienced in that area of the law, or because such cases can be very time-consuming and emotionally draining.

Domestic cases do not fall into the areas of specialization of most private attorneys. “There is greater and earlier specialization in all areas of practice in private and commercial types of law practice,” stated the chairperson of Allegheny County Bar Association’s public service committee. “This specialization trend may actually render members of the private bar less effective in representing poverty clients than their counterparts were 20 years ago.”

A typical example of the reports received by the Task Force concerning referrals of domestic cases to pro bono panels was given by the pro bono coordinator for Cumberland County. She said that of more than 100 pro bono attorneys, less than a dozen will handle domestic cases, and even those who do, when called, tell her to “call back in a few weeks or months.”

To get one custody case referred out recently, I worked for eight hours trying to find an attorney for a battered woman who wished to move with her child. . . . In another case, I called 12 different attorneys, leaving messages for most of them. I heard back from two of them. Neither of them took the case.

3. The specialization of poverty law makes it difficult for pro bono programs to supplement adequately the delivery of legal services to the poor.

Particularly with regard to governmental programs, which touch on most aspects of the lives of the poor, the job of learning and keeping up with the complex and ever-changing mass of regulations is a full-time one. It would be unreasonable to expect private attorneys to develop expertise in these areas. It would also be unreasonable to expect them to provide competent, comprehensive representation in these areas of the law.
“Even with Lancaster County’s very successful pro bono program, it’s become very evident to me that legal needs of Lancaster County’s low income population are not being met.”

— MacDonald Stacks, Executive Director, Community Action Program of Lancaster County

An attorney from Pittsburgh expressed the concern of many:

The average practitioner is simply not equipped to give advice in the area of family law when he/she has insufficient knowledge of the Department of Public Assistance regulations, and public housing or rental programs. This knowledge is needed in order to coordinate the needs of the poverty-stricken.

The chairperson of Allegheny County Bar Association’s public service committee testified:

Many of the younger lawyers who have the social conscience and general willingness to serve the poor are intimidated from trying to practice in areas where they are not trained and comfortable.

The specialized nature of poverty law may help explain the testimony of the managing attorney of the Lawrence County office of Neighborhood Legal Services, which echoed reports throughout the state, that “it is often impossible . . . to find counsel for indigent clients with anything but the most routine of civil cases.”

4. The growing populations with special needs, such as farmworkers, Hispanics, Southeast Asians, the homeless, the mentally ill, and the institutionalized, including prison inmates, require specialized legal services which may be beyond the scope of pro bono programs.

There are many obstacles, for example, to providing legal representation to farmworkers, virtually all of whom are below poverty, according to former clients and representatives of Friends of Farmworkers, Inc. These include cultural barriers, geographic access, lack of transportation, intimidation of workers by their employers, as well as the specialized nature of the substantive practice.

Similarly, representing Hispanics and Southeast Asians involves language and cultural barriers. Representing the homeless, the mentally ill, and the institutionalized often involves specialized treatment, problems of access, and special areas of the law.

5. Other practical constraints on the pro bono system were reported to the Task Force.

There was testimony that in rural areas, small firms and solo practitioners have fewer resources to give to pro bono efforts than larger firms.

The problem of accessibility, particularly in urban areas, was described. “Those whose practices are located in upscale office buildings can make the offer,” stated a director of a social ministry, “but few who are poor would dare venture into such a rarefied atmosphere.”

Similarly, a representative of the Allegheny Bar Association testified,

Providers of commercial legal services particularly in urban areas, simply are not accessible to those parts of the community that need their services.

. . . There is not much walk-in trade on the 58th floor of the USX Tower.
While praising the “strong, close relationship” between the private bar and legal services offices, the director of Community Legal Services testified as to the heavy costs involved:

*In Philadelphia we train pro bono lawyers, we provide back-up for them, we pay for staff salaries in the pro bono project, we pay for their postage, their rent, their Xerox, we do a tremendous amount of in-kind contributions as well as cash contributions in order to make pro bono programs work. And that’s at the expense of direct delivery of services to clients.*

B. IOLTA (Interest on Lawyer Trust Accounts) funding has helped provide additional resources to legal services programs and has the potential to provide much more.

The IOLTA program was established in Pennsylvania by Act 59 of 1988. Under the Act, lawyers or law firms may open IOLTA accounts at participating financial institutions. These accounts replace traditional client escrow accounts, which, individually, are too small in amount or held for too short a time to generate much interest. Lawyers may not appropriate for their own use interest from client funds.

The interest from IOLTA accounts throughout the state is pooled to fund legal services programs and other forms of legal assistance to the poor.

While the trend in the country is towards mandatory IOLTA programs, Pennsylvania’s is an “opt-out” program, which means that each lawyer becomes a participant unless electing not to be.

A participating lawyer may earmark up to 20% of the amount generated by his or her IOLTA account to go to a local bar foundation. By statute, all IOLTA funds, minus administrative expenses, go to legal services programs or other qualifying legal services providers.

According to the Executive Director of the Lawyers Trust Account Board, 25,000 to 28,000 lawyers in Pennsylvania are eligible to participate in IOLTA, and of those, about 24% do participate. This is a high figure, he said, because not all of the “participating” lawyers have actually established their account. With this 24% participation rate, $1.88 million was generated from IOLTA accounts in 1989.

In states with comparable numbers of eligible lawyers, but with higher participation rates than Pennsylvania because of their mandatory programs, the following amounts are being generated yearly:

- Ohio (30,000 eligible lawyers, 73% participation): $4 million
- Texas (26,000 eligible lawyers, 87% participation): $4.4 million
- Illinois (20,000 eligible lawyers, 60% participation): $3.77 million

The IOLTA Board made its first grant to legal services programs in January, 1990. The amount of the grant was $1,358,250, and covers the period February 1 through October 31, 1990. From then on, disbursements will be annual, covering the period November 1 through October 31.

While Pennsylvania’s IOLTA program has been in effect for only two years, the results have been encouraging. However, it is clear that IOLTA’s full potential to help fund legal services to the poor is far from being realized. Greater participation would yield significantly higher levels of funding, as is demonstrated in other states that have mandatory IOLTA participation. In New York State, for example, $1 million a year was being generated prior to the February 1, 1989 conversion to mandatory participation. After the conversion, $21 million was generated in 1989.

A major obstacle to lawyer participation in Pennsylvania’s IOLTA program is lack of cooperation by major banks, mostly in the eastern part of the state. In central and western Pennsylvania, most banks encourage participation in IOLTA by converting existing accounts without charge. They require no new account, no new account number, and no new checks. The existing account simply begins to earn interest, and the interest goes into the IOLTA fund. Also, if service charges are assessed at all by these banks, they are usually very low.

In contrast, major banks in eastern Pennsylvania, and banks in some northern rural counties, often discourage lawyer participation in IOLTA. Few banks in the rural northern counties are offering IOLTA accounts for attorneys. Eastern banks often require a new account, new account number, and new
The majority of us are very, very good people ourselves. Worthy individuals. Special people. A lot of us are very intelligent and well educated, with good family backgrounds. We are respectable, deserving, caring people who just need help in a very complex and complicated field — the law. A lot of us are being taken advantage of because of our vulnerable and susceptible status. Thank God for . . . Legal Services.

— Tara Lynne Myers,
A legal services client

checks. In addition, they assess high service charges to the IOLTA Board. These banks inhibit IOLTA participation in other ways, as well. Lawyers from the eastern part of the state have reported that when they approach a bank about setting up an IOLTA account, they are told that the bank is not aware of IOLTA. They also report that banks that allow free checking for non-interest-bearing accounts suggest that they will charge for checks written on IOLTA accounts. The Task Force finds these practices to be unacceptable burdens on lawyers who participate in IOLTA.

The Task Force urges that this special new IOLTA fund which helps finance legal services to the poor not be cited as a reason to reduce government funding. It was designed to supplement, not replace, such funding. Cutting state or federal funds would defeat the purpose of having an IOLTA program.
IX.

CONCURRENT WITH AND INDEPENDENT OF THE DRASTIC CUTS IN GOVERNMENT FUNDING FOR LEGAL SERVICES SINCE 1981 HAS BEEN AN INCREASED NEED FOR LEGAL SERVICES TO THE POOR

The following factors contributing to this increased need were brought to the attention of the Task Force:

A. Poverty in Pennsylvania has increased dramatically since the 1980 census.

B. The Task Force was overwhelmed with testimony about the large and increased volume of domestic cases during the 1980’s, and especially, protection from abuse cases.

Pro bono coordinators and legal services representatives reported that from 40-60% of client need is in the domestic law area. Family court judges and masters reported that more than half of all cases filed involve family law issues, including custody, divorce, support, equitable distribution, neglected or abused children, and domestic violence.

As with other areas of need, because of funding cuts, representation in the domestic law area has been scaled back to just emergency problems, such as domestic violence and child snatch cases.

Dozens of witnesses testified about the terrible consequences to people who cannot get legal help with non-emergency family law problems, such as custody, support, and divorce. A witness at the Western Pennsylvania hearing testified:

The ability to utilize court resources to resolve the problems with regard to custody and visitation of children can introduce a degree of civility to disputes which can otherwise deteriorate into divisive family feuds, causing discomfort and lasting trauma to the children involved.

The president judge of Lackawanna County Court of Common Pleas observed:

Poor people are waiting two and three years to get divorced. This delay has caused the parties to resort to other means in an attempt to resolve their domestic problems. Accordingly, we have seen a significant rise in the number of custody and protection from abuse cases. In the criminal side of the court there has also been a significant increase in prosecutions for child and spousal assaults.

A Lycoming County Common Pleas judge observed some additional far-reaching consequences of this neglect of family matters:

[The marriage falls apart] but there [is] no one to really help them get a divorce and so people may have entered into a series of very — rather semi-permanent relationships with children being produced but none of those relationships having the stability that can be provided through a divorce or remarriage. And those things are important to the children that are produced to those relationships.
The inequality of justice for poor people was addressed by Kenneth Jewell, Esq., Chairman of the Lancaster County Bar Association Public Service Committee:

*One of the areas that Legal Services and the pro bono program have not met at all in the past ten years is in the area of divorce. And the economic benefits and issues raised by the Divorce Code of 1980 have never been... [available to] low income people. As a result, our committee feels that most low income people going through the divorce process lose rights that the Divorce Code intended they should have, that the equitable results intended are not met in most cases.*

Witnesses pointed out that the epidemic of drug addiction has also contributed to the rise in domestic problems. A low-income person testified that "many extended family members are faced with the new dilemma of taking care of the children of relatives who are addicts."

The counsel to the Support Center for Child Advocates in Philadelphia testified:

*Increased numbers of family members (grandparents, aunts, and uncles) and neighbors are stepping forward as caretakers of these children. Often in poverty themselves, such caretakers face a myriad of legal problems in providing permanent protective homes for the children... . . .

At the Support Center we receive many calls from frantic and confused relatives and caretakers. . . .

When a child needs to be enrolled in school, needs non-routine medical treatment or income benefits, these caretakers find impediments to obtaining such services.*

In passing the Protection from Abuse ("PFA") Act (35 P.S. 10181 et seq.), and the 1988 Amendments, the state legislature created significant legal remedies for victims of domestic violence. Through use of the civil law, victims of such violence can obtain court orders protecting them from further violence and providing for temporary custody, support, possession of a residence, and other remedies. Violations of these court orders are punishable by fine and/or imprisonment.

The 1988 Amendments increased the effectiveness of the Act by:

- Bringing within coverage abusers who are boyfriends (and girlfriends), rather than just spouses;
- Requiring the courts to assist people in filing pro se;
- Expanding relief to include out-of-pocket expenses related to the abuse.

In adopting the Act and its amendments, the legislature neglected, however, to create adequate means of enforcement. Even though victims can file pro se, responsibility for representing these and thousands of other abuse victims has fallen almost entirely on legal services offices, which have simultaneously been suffering cutbacks in government funding. It is significant that before the Protection from Abuse Act, it was the district attorney's office, funded by the county, which represented domestic violence victims.

Legal services' intake of domestic violence cases has increased steadily since the passage of the PFA Act. The most dramatic upsurge in new cases, however, followed passage of the Amendments to the Act in 1988. A representative of the Pennsylvania Coalition Against Domestic Violence reported that because of the 1988 Amendments,

*More women than ever are now seeking civil relief under this Act and the reality is that our statewide networks of domestic violence and legal services programs are drowning under this case load.*

The administrative judge of Philadelphia's Common Pleas Family Court testified that in 1989, 4,396 PFA petitions were filed, a three-fold increase over the previous year. He said that 85% of the petitions were filed pro se. He expects the number of filings to double in 1990.
A women's shelter in Pittsburgh reported that the number of domestic violence victims it served jumped from 458 in 1987, to 1,633 in 1988, to 2,360 in 1989.

This and many other organizations serving victims of domestic violence were represented at the Task Force's hearings. Shelters provide valuable support and services, including housing and advocacy, to the victims. However, when it comes to actual legal representation, only two shelter programs in Pennsylvania have an attorney on staff. Shelters refer as many clients seeking protection orders as they can to legal services, but most legal services offices are so inundated with such cases that they either cannot handle all the referrals or they have to establish waiting lists.

As the representative of an abuse shelter in northwestern Pennsylvania testified, her clients cannot wait for a week or two for an appointment at legal services because of the violence associated with their situation. She reported that for two years, her organization has been forced to help clients with pro se PFA's, leaving victims unrepresented when the hearing is held. A representative of an organization serving domestic violence victims in Philadelphia testified that of the over 1,800 women her organization has helped, at least 1,600 have been forced to proceed pro se.

Legal services project directors and managers described their offices' domestic violence intake and caseloads as "overwhelming" and "incredible." In 1986-87, legal services programs in Pennsylvania represented 9,497 victims of domestic violence. In 1988-89, that number jumped to 17,153, an increase of 124%. The number of PFA cases handled in 1989-90 rose to 18,067.12

The report of the managing attorney of the Lawrence County office of Neighborhood Legal Services was typical of the testimony from all the legal services offices:

Presently, our office schedules one-third of all our new clients appointments for representation concerning protection from abuse issues, and approximately one-half of the open cases currently being handled in our office involve issues of protection from abuse and custody.

![Legal Services Protection from Abuse Caseload Number of Clients Handled in Last Ten Years](image)

Pennsylvania Legal Services Center
The great demand for PFA representation, she pointed out, limits the range of other services her office can provide.

The director of Pittsburgh's Neighborhood Legal Services testified:

We've had as many as 27 abuse clients in one day to get processed: in the door, intake, court papers drawn up and get them over to court by 1:00 in the afternoon for motions. If we don't get them over, processed in time, we have to send them back to the shelter for their safety, and they're brought in the next day. It's an incredible situation.

You can come into our office any morning and . . . it's just a zoo. It takes the work of all of our staff, all of our secretaries could be typing abuse cases in the morning. If you have a brief that's due, it gets done in the afternoon or night.

The drain on the staff emotionally is incredible.

A legal advocate from Berks Women In Crisis observed:

I feel confident that the [legal services] attorneys know the law pertaining to abuse. But equally important, I have found that they are also sensitive to the victims' needs and to their fears. . . .

On a more negative side, because of the number of clients using Legal Services, there are times when our clients must ask for a continuance for the protection from abuse order hearing. Having to go to court in and of itself can be very intimidating. But needing to return for a continued hearing is very difficult. And there are women that I know of who have dropped their orders because they can't face having to go back into court a second or a third time.

"Even for those victims who we are able to represent in Protection From Abuse cases," one manager of an abuse clinic testified, "many related legal needs remain unmet."

The testimony of a director of a women's center in Montgomery County echoed the reports of many others:

Since protection orders can grant temporary support and custody, the result has been a tremendous increase in the number of women seeking permanent support, custody, and in some cases, divorce. While these women are entitled to representation from legal aid in the abuse action, they may not be eligible for representation in a support, custody, or a divorce action. In fact, the overwhelming majority of women we see cannot afford private counsel and have come to us precisely for that reason. As a result, hundreds of women each year are going into hearings for support, custody, and divorce without the aid of counsel, and are not aware of their rights and what they may be entitled to.

"Battered women," testified the manager of a domestic violence advocacy center in Philadelphia, "need a whole range of legal services to help them establish violence-free lives for themselves and their children." She said her organization conducted a survey of its clients for one month in 1988:

Out of 29 cases where our clients had children in common with abusers, 25 (86%) wanted permanent custody orders and 19 (66%) were in need of child support awards. For the 19 clients who were married, 12 (63%) wanted to obtain divorces.

A woman whom legal services had once represented in obtaining a Protection from Abuse order related what happened when she could not get legal help with custody. After numerous threats by her husband that he would take the children, he finally snatched her youngest daughter, aged 1-1/2 years.

No one knows, unless it has happened to you, what it's like to have your child taken from you. The fear is overpowering, especially when you know that their father is unpredictable and prone to violence.

You go crazy wondering if your child is safe, if [she] is hungry, scared, alone and crying for you.
Typical of the testimony received by the Task Force was that of one abuse victim who, in escaping from her husband with her children, had only the clothes on her back. Although legal services was able to get a Protection from Abuse order for her, it could not handle a property settlement. She was forced to go back to the marital home while her husband was at work and take things she needed, placing herself at risk of further abuse. She wanted a custody order and a divorce, but was unable to get either, and meanwhile, the protection order expired, harassment started, and she had to file criminal charges.

A witness from a Philadelphia domestic violence advocacy center (Women Against Abuse) also pointed out that “42% of the homeless families in Philadelphia report they are homeless as a result of domestic violence.” Their homelessness results from being unable (through lack of legal representation) to get access to the income and assets they left behind when they escaped their abuser, and from the shortage of low-income housing. Homelessness simply creates another array of legal needs.

When a woman has no access to marital assets, a representative of a women’s center pointed out, “all too often she is [so] frustrated that she considers going back to the abuse situation because it’s so hard to make it financially on her own.”

A representative of the Pennsylvania Coalition Against Domestic Violence summed up the testimony of dozens of witnesses familiar with domestic violence cases. Because legal services cannot handle divorce, custody, and support cases, she said,

A victim may be forced to stay in a marriage that is violent and dangerous to her and her children. The one consistent and significant predictor of whether a battered woman will escape the violence and leave her batterer is if she can economically survive on her own.

The effect, particularly on victims of domestic violence, of being unable to sever the relationship with the abuser by obtaining a divorce is destructive, according to the testimony. Dozens of witnesses stressed the importance to battered women of severing ties to the abuser, becoming self-sufficient, and getting on with their lives. Having to wait for the abuser to take the initiative, they said, perpetuates the cycle of dependency that contributed to the original abusive situation.

C. Increased complexity of governmental regulations which directly affect the welfare of the poor has created a greater need for legal help.

“The legal dilemmas that poor people find themselves in are frequently complex and require specialized knowledge,” stated the director of Philadelphia’s Welfare Rights Organization. Even the average layperson would have trouble deciphering the complex requirements of benefit programs, according to many witnesses. When the poor — many of whom are illiterate, disabled, or simply worn down by the system — are the victims, the difficulty escalates, and the consequences are severe.

"All civil law, bankruptcy included, has grown more complex, perhaps mirroring our society in general. Those whose income is not sufficient to hire a private counsel are being forgotten. And their numbers are large and increasing. Although the federal and state constitutions do not mandate the right to counsel in virtually all civil cases, constitutional provisions often represent only the most minimum level at which a civilized democratic society must operate. In many instances it is necessary to strive for and obtain greater levels of decency and fairness."

— Hon. Bruce Fox, Judge, United States Bankruptcy Court for the Eastern District of Pennsylvania
"As the size of public and private bureaucracies grows and the complexity of society increases, low income families will have even greater need of the advising counsel of well trained attorneys. The current system of legal services to the poor is inadequate. The outlook for the future is even bleaker if we do not increase the capacity of this system to respond to [the critical needs of poor people]."

— MacDonald Stacks,
Executive Director, Lancaster County Community Action Program

A state representative testified,

*More stringent reporting requirements to continually prove governmental benefit program eligibility represent for the poor, the elderly, the disabled, the uneducated, the functionally illiterate, the frightened and embarrassed, new and more frequently occurring opportunities to lose part or all of the benefits to which they are probably entitled.*

Some of the complex requirements that have been imposed on welfare recipients, for example, throughout the 1980’s (and currently) are:

- Monthly reporting
- Retrospective budgeting
- Mandatory grant grouping
- Support pass-through
- Overpayment and recoupment
- The lump sum resource rule
- Verification of eligibility regulations
- Employment and training requirements and sanctions
- Reimbursement requirements
- Income deductions
- Resource presumption
- Medical assistance terminations due to wages
- Medical assistance “spend-down”
- Emancipation regulations
- Prospective budgeting
- Presumptive eligibility under medical assistance
- Transitionally and chronically needy definitions
- Workfare regulations

Even welfare caseworkers and legal services attorneys and paralegals have difficulty applying or deciphering these extremely intricate regulations. It is clear that as the volume and complexity of the regulations increase, as has occurred tremendously during the last decade, the need of poor people for legal representation correspondingly increases.

Similarly, recipients of Social Security disability and Supplemental Security Income (SSI) benefits have faced increasingly onerous requirements, such as:

- Trial work periods
- Deeming of income
- In-kind support and maintenance definitions
- Requests for waiver of overpayment (14-page form)
- Re-entitlement criteria
Computation of benefit policies
Medical improvement reviews
Substantial gainful activity standards
New standards for children’s cases
(resulting from U.S. Supreme Court case, Sullivan v. Zebley)

The increased population of nursing home residents also faces increasingly complex regulations. "The nursing home industry," testified a representative of an elderly advocate group, "is a complex web of rules and regulations that is virtually impossible for the average nursing home resident to negotiate alone."

D. An increased need for legal services has accompanied the dramatic growth in the Hispanic population in Pennsylvania over the last decade.

The estimated population of Hispanics in Pennsylvania is 280,000 to 350,000, representing a doubling of the population of a decade ago.

The Task Force heard testimony about the special problems of poor Hispanics for which legal representation is required: mistaken identity arrests; discrimination; access to education; access to governmental benefits; availability of decent housing; problems of prison inmates; and problems with unscrupulous businesses, particularly "rent-to-own" companies.

The director of a shelter for the homeless in Berks County testified that most of the people who stay at the shelter are Hispanic and in immediate need of legal services. He cited an example:

"One of the things we try to do is find employment for the unemployed and homeless people. And many times we are called, and a contractor will say to us, 'I need five people to come out and work tomorrow.' I'll pick them up at 7:00. You offer these five people a job; they go out; they work for a week, and they don't get paid. They call up, and people are constantly stalling and don't pay them. And our people, who haven't any money to begin with, begin to feel totally disenfranchised because there's nobody to represent them to be able to get the funds for them."

The director of a social ministry in Bethlehem stated that 25-40% of the persons his organization serves are Hispanic.

Much testimony was presented to the Task Force by farmworkers and farmworker representatives concerning the special and severe legal problems of migrant and seasonal farmworkers, many of whom are Hispanic.

There are approximately 17,303 migrant farmworkers (50,921 when dependents are included) and 32,206 non-migrant seasonal farmworkers (76,605 when dependents are included) in Pennsylvania. Virtually all of this population is below the poverty line, according to representatives of Friends of Farmworkers, Inc., a legal services program.

"I've been into farm work for 21 years. My father was a farm worker; and I was raised from city to city, state to state, picking apples, tomatoes and everything you can name. I've seen a lot of people being abused and mistreated. And I've seen a lot of people lose their wages, the wages that they get, you know, from crew leaders. And a lot of bad things that's going on there you all should be aware of. For instance, I worked for one company — I won't call it any names — and I was paid less than a dollar an hour. And I called the Labor Board, and the Labor Board couldn't help me."

— Birdie Woodley,
Migrant farm worker
Friends of Farmworkers, nearly the only source of legal representation for the poor migrant and seasonal farmworker population in Pennsylvania, consists of three attorneys and one part-time paralegal.

The legal needs of farmworkers are many and severe. Witnesses cited wage and wage payment problems; violations of farmworker protection laws; substandard camp housing; retaliation for exercising legal rights; unsafe working conditions; employment discrimination; difficulties establishing eligibility for governmental benefits; substandard living conditions (not enough food, soap, heat); and lack of bathrooms.

Farmworkers are particularly vulnerable to abuses and illegal treatment because of language and cultural barriers and their geographic isolation (aggravated by lack of access to telephones and transportation).

E. De-institutionalization of the mentally ill has expanded the need for legal services.

According to the director of the Mental Health Association of Pennsylvania, many mentally ill persons have been released from state hospitals because of the development of therapeutic drugs, the establishment of community mental health services, and civil rights cases brought in the 1960's and 1970's. "Lifetime institutionalization is no longer a matter of course," she said.

In 1966, according to the Mental Health Association, there were 35,000 patients in state hospitals. That number dropped to 9,800 by 1981, and fell further to 7,183 by 1989.

In 1966, 14,000 mentally ill people received some kind of service from the community health system; that number rose to 225,000 by last year. These people, who are mentally ill but living in the community, have a greater than average need for legal services, and, specifically, for free legal services, according to the Mental Health Association.

Nearly all chronically mentally ill people are poor, according to testimony presented to the Task Force, because their disability prevents gainful or steady employment. Many need legal help in obtaining disability and other governmental benefits. They are particularly vulnerable to daily problems of living, such as landlord/tenant and consumer difficulties.

The legal needs of the mentally ill are intensified, according to witnesses, by inadequate support in the communities in the form of housing, vocational and social rehabilitation, case management, and partial hospitalization.

The percentage of homeless who are mentally ill is very high. The director of a shelter for the homeless in Berks County testified that of the 100-120 homeless people staying at the shelter, one-third of them are mentally ill people who were previously institutionalized. He said they are unaware that they may be eligible for public assistance or Social Security benefits.

The director of a Philadelphia organization serving the homeless testified that many of the homeless are mentally ill people who "lack basic life skills." They are "handicapped to the tasks of life," she said, making them "vulnerable."

A minister who serves the poor testified that he sees landlords exploiting mentally ill people. The landlord asks how much they can afford to pay in rent. "And they say, 'well, I only get $300 a month.' And [the landlord says], 'okay, I'll give it to you for $250.' They know no better."

"Effective, adequate legal representation may make the difference between living on the streets or in housing. It may make the difference between a woman remaining with her abuser or leaving him."

— Hannah Benson Mouzon, Former legal services client
F. The shortage of housing for the poor has increased steadily throughout the 1980's, generating an increased need for legal help with landlord/tenant problems and public housing problems.

The Task Force heard much testimony about the long waiting lists for public housing. For example, in Harrisburg, the housing authority recently opened its waiting list and in eight days added 700 names. In Berks County, the waiting list for low-cost housing is one-and-a-half years, and no more applications are even being taken. In Williamsport, 600 persons are on the housing authority's waiting list. Numerous witnesses reported to the Task Force that homeless shelters are filled to capacity most nights.

The consequence of the scarcity of low-income housing, according to testimony, is that poor people are at the mercy of their landlords, both in private and public housing. Exploitation results.

The director of a social ministry reported instances where utilities were shut off; doors were removed; harassing visits and phone calls were made; locks were changed. He testified:

*One particularly reprehensible case involved 14 families in an apartment building.*

*When several of the tenants defaulted on their rent, the owner shut off the central heating system for the entire building.*

Another minister testified about the eviction of a woman who reported housing violations to the authorities. He stated that "there is a significant [number of landlords] who are raising rents and exploiting people because [the people] have no other option." He reported cases where landlords charge $300 for a 15 by 12 foot room. He said he visited a woman's apartment recently that "I wouldn't have put my dog in, and she was paying $195 a month and [was] getting $337 [income per month]."

Housing conditions pose serious problems for the poor. The Task Force's mail survey revealed that nearly one of every five judges characterized problems with rats or bugs as a recurring problem, yet only one-half of the judges could report that individuals experiencing these problems received legal help. Improper housing repairs were seen as a recurring problem by nearly one-third of the judges, yet only about 40% of the judges could report that these individuals received any legal help.

Over one-third of the judges viewed heat and plumbing problems, as well as landlord harassment, as recurring problems, yet only one-half of these problems were addressed through availability of legal help.

The director of an organization in southwestern Pennsylvania serving people with disabilities testified about discrimination against disabled people and lack of equal opportunity in public housing programs. "The complaint processes are ineffective," she said, "and do not protect from retribution."

G. The elderly population in Pennsylvania has been steadily increasing. The need for legal services for the elderly poor has correspondingly increased.

According to the state Department of Aging, the population aged 65 and over in Pennsylvania has increased from 1,530,933 in 1980, to 1,722,284 in 1987, a 12.5% increase.

A representative of an organization serving the elderly stated that in Philadelphia, 80-90% of nursing home residents receive medicaid. The elderly, both those in nursing homes and boarding homes, and those living independently, are particularly vulnerable and have many special legal needs, according to testimony presented to the Task Force.

Directors of organizations serving long-term care residents listed some of these needs:

- Wills
- Protection of allowable assets through use of powers of attorney and limited guardianship
- Financial management, particularly in the area of representative payees
- Legal representation to persuade licensure agencies to use the full range of available sanctions and remedies
- Application of consumer protection laws to long-term care facilities, admissions practices and contracts
- Health care decision-making
- Medicare and medicaid problems
- Social Security and Supplemental Security Income problems
- Representation in the discharge and transfer process.

The elderly poor who live independently encounter the same kinds of problems that other poor people face, but because of their particular vulnerability, the need for legal help is even greater, according to the testimony. The director of the senior citizen judicare project in Philadelphia testified that the elderly need help, for example, in getting protection from abuse, appealing tax assessments, obtaining housing grants, dealing with unscrupulous landlords, and handling utility problems.

H. Prisons are becoming increasingly overcrowded, resulting in greater need by inmates for legal services.

According to the Pennsylvania Prison Society, the adult prison population increased from 8,000 in 1980, to 20,500 in 1989, more than a 156% increase. The state prison system is now at 150% capacity, and, statewide, the county prisons are at 133% capacity.

The dramatic increase in prison populations during the 1980's, according to the Prison Society, is attributable to the imposition of mandatory sentencing and sentencing guidelines in the early 1980's. In addition, fewer inmates are being paroled at the end of their minimum sentences.

A private lawyer from northern Pennsylvania stated, "We just recently built a new jail because of the overcrowding of the old jail, and the new jail within two years was overcrowded." He pointed out that prisoners are "probably the most indigent and most powerless among the poor." The federal, state, and county prisons, he said, "are just filled with people with [civil] legal problems who have absolutely no ability to get a lawyer." These include many pretrial detainees whose charges have not been adjudicated.

Legal services program directors testified that they have to reject requests from prisoners for legal help. The director of the Bucks County Legal Aid Society reported,

> I've got letters on my desk from prisoners who have got real legal problems; the letters aren't answered. The prison itself, which is a new prison, is at twice its capacity, in violation of a federal court consent decree . . .

The legal needs of prison inmates are many: problems with conditions; problems with classification (e.g., placing violent offenders with others); problems concerning AIDS; and problems that many other poor people face, such as visitation and consumer problems. Many inmates are imprisoned for only a short time and so must deal with these problems. It was made clear to the Task Force that there is a large and growing need for legal services for indigent prisoners.

I. The rising incidence of AIDS during the 1980's has generated a need for legal representation of victims, many of whom are poor.

According to the state Department of Health, 3,061 AIDS cases have been diagnosed in Pennsylvania since the first six cases were identified in 1981. The number of persons with AIDS is expected to rise to just over 9,700 by 1992, an increase of over 200%.

The number of children with AIDS increased 132% in 1989, and the rate of infection among women is up 61%.

The director of the AIDS Law Project in Philadelphia, which is staffed by only himself and a part-time staff attorney, listed some of the many legal needs of AIDS victims: discrimination; loss of employment; loss of health and other insurance benefits; estate planning; powers of attorney; living wills; debt collection practices; and the "bewildering" problems in obtaining benefits, both from private insurers and from public agencies.

J. There has been a proliferation of human service organizations, which themselves generate a need for legal services to their low-income clients.

The Task Force was impressed by the vast number of grass roots organizations that have formed to help people in need, including: the elderly; domestic violence victims; women in transition; Hispanics;
the homeless; the unemployed; AIDS victims; the mentally ill; drug and alcohol abusers; children in need of advocacy; tenants; consumers.

It appears that these human services organizations have arisen in response to the same increased needs that have strained the legal services system. Evidence was even presented that many human services organizations have formed in response to the legal services void.

Ironically, the very existence of these many human services organizations has crystallized the need for legal services that are not available. The organizations can and do provide services up to the point of legal representation. The problem, identified many times by different witnesses during the Task Force’s hearings, is that because of the understaffing of legal services programs, these organizations are typically unable to refer their clients for legal representation.

The testimony of the head of a social ministry reflected the perspective of the groups that testified:

I think the system is in place where there are enough people who care, who are already doing that kind of job such as myself, Council of Churches, and other organizations in the community, but the problem is, when we send them to legal aid, are they staffed to handle it?
X.

CUTBACKS IN THE LEGAL SERVICES PROGRAM HAVE CAUSED POOR PEOPLE TO ASSUME THAT LEGAL REPRESENTATION WILL NOT BE AVAILABLE; ADVERSE PARTIES CAN TAKE ADVANTAGE OF POOR PEOPLES’ LACK OF COUNSEL

A. Poor people assume legal help is not available.

The director of Susquehanna Legal Services, in testimony similar to that of other program directors, commented, “word gets out in the community that we’re not doing certain things, so they stop calling.”

The testimony of the director of Legal Services, Inc. summed up that of many representatives of legal services programs throughout the state:

When we try to figure out our unmet need, waiting lists and turn-downs don’t tell the whole story. We have people who have given up on calling or rumors circulate, because of all the people we turn down, that we don’t provide service in a certain area or we don’t provide service to minorities or all kinds of rumors start because of our emergency standard. . . .

She gave an example of what happens when people are accustomed to being turned away from legal services. A man who had represented himself at an unemployment compensation hearing and before the appeals board — because he (wrongly) assumed legal services could not help him — was told he would need an attorney to go into Commonwealth Court. It was at that point he went to legal services.

He comes for the first time with a case that, had we been involved, we could have made out a wonderful case for him . . . . Well, he came late because he’d been turned down before . . . .

B. Parties who have power over poor people, such as unscrupulous landlords and businesses, know they can violate the law, because legal services will not be able to intervene.

“All of a sudden, since we are not a presence in the community at the grass roots level,” testified the director of Northern Pennsylvania Legal Services, “we’re losing a lot of the influence we had on this system itself.” Ironically, he noted, this situation makes legal services’ caseloads worse. He gave the example of landlords:

Landlords and magistrates now know that we’re not going to hold them accountable. It’s amazing that magistrates have forgotten about 30-day written notices for eviction.

. . . [W]e fought that battle in the ’70’s and magistrates would say, I’m sorry, you can’t evict this person until you give them a 30-day notice. Since we’re not there holding them accountable at those hearings, all of a sudden we’re getting a lot of people that are getting seven days’ notice, three days’ notice, which I had never seen in my ten years of legal services.
It's becoming commonplace now because the landlords know they're getting away with it, the magistrate doesn't have to hear — there's no one on the other side talking about statutes or reasonable time to get out, and they're letting it go through the system.

So we're building a monster that I thought we had slayed in . . . the early '70's, when we were telling people that there was something [called] the Landlord-Tenant Act. The cuts in funding to legal services in 1981 have thus had a "snowball" effect, beginning with the turning away of most poor people and culminating in a severe systemic regression of their legal rights and protections. The irony is that many of the rights of poor people were defined and clarified in the '60's and '70's because of the representation provided by legal services. Suddenly representation has been withdrawn and those rights, which are not being enforced or honored, are rendered meaningless.
XI.

THE DRASTIC CUT IN FUNDING OF LEGAL SERVICES TO THE POOR COUPLED WITH THE INCREASED NEED FOR THESE SERVICES CONTRIBUTES TO THE CYCLE OF DEPENDENCY OF THE POOR AND THEREFORE THEIR POVERTY

A. Legal representation is not available at all for the enforcement of most judicial and legislative remedies for poor people.

"Unfortunately," said the director of Philadelphia’s Welfare Rights Organization, "our society is frequently better at passing laws than seeing that the rights of the poor are enforced."

Some of the myriad federal, state, and local laws that would be of particular significance for poor people if they could enforce or implement them are:

- Pennsylvania’s Act 6 (mortgage foreclosure relief)
- Federal mortgage relief statutes
- Pennsylvania’s Unfair Trade Practices and Consumer Protection Acts
- Many federal consumer protection statutes
- Bankruptcy
- Laws governing repossessions
- Public Utility Commission regulations
- Equal opportunity/anti-discrimination laws
- Provisions for tax rebates
- Federal school lunch and breakfast programs and many other federal social programs
- Educational opportunity laws
- Landlord/tenant law
- Laws governing administration of small estates
- Veterans’ benefits
- Local housing codes and health ordinances
- Federal and state farmworker protection laws
- Support, custody, divorce, adoption
- Laws governing name changes
- Guardianship laws
- Fair housing laws

Much testimony was presented to the Task Force that if these laws were made available to the poor, the latter could, in many cases, become or remain self-sufficient — or at least more self-sufficient — and would not have to rely so heavily on public benefits. People who are entitled to certain benefits, protections, and relief are simply not getting them because they have no legal representation.

The examples of women separating from their spouses, whether because of abuse or other reasons, have already been noted. Usually, they can get no legal help in reaching income and assets to which they are entitled. The toll on themselves and the state is enormous.
The director of a judicare project for the elderly testified,

[If the elderly do not get legal assistance in] remaining independent in their own homes as long as they wish to, . . . if [they] are forced out of their homes because of abusive children, high taxes or unscrupulous landlords, the cost to society could be expensive, especially if these elderly folks are unnecessarily dumped in nursing homes simply because they have no other place to live. Nursing home care now averages $30,000 a year and the government, through the Medicaid Program, pays half the tab.

B. Where representation is available to poor people, it is usually delayed until a crisis has arisen.

1. Legal representation is available only at the crisis stage.

Legal services offices reject many more kinds of cases than they accept. They generally accept only cases that have reached the crisis stage. “We don’t do anywhere near as much advice type of work as we used to,” said the manager of a Susquehanna Legal Services office, “where people would come in with a problem that was brewing and we could possibly nip it in the bud.”

The Task Force heard hours of testimony about the results of limiting legal services to only emergency help: Clients often end up in a worse position than before the crisis, because they missed the opportunity to take advantage of positive, constructive remedies that would have prevented the crisis.

A Lawrence County Common Pleas judge’s testimony reflected the views of many witnesses:

To provide in-court representation, out-of-court counseling and assistance for their clients would indeed enhance the services provided by [legal services] and ultimately assist in eliminating the problems which provoke court intervention.

2. Postponing legal representation can actually create a crisis and set into motion a domino effect.

Restricting legal services to emergency cases often actually causes the crisis for which legal help would then be available.

The director of Philadelphia’s Community Legal Services gave an example of how this happens:

In the area of mortgage foreclosure, we used to be able to help people who walked in our door and said that they had missed several mortgage payments because of some crisis in their family. Getting involved early we would work with them, counsel them on money management, direct them to programs that could assist them in their utility payments, work with
"We should not be sitting in our society looking at other societies and applauding them for taking steps, dramatic steps to democracy and we sit here saying it is okay if people's rights are discriminated against."

— Richard Gold,
First Deputy City Solicitor for Philadelphia

their mortgage company, help them apply for emergency mortgage foreclosure assistance, and give them the help they needed to prevent default from becoming too serious. . . .

... [Now] we often are unable to see clients until their mortgage default has grown into a major crisis, and they are facing judgments and sheriff sales of their homes. In Philadelphia, hundreds of homes are on the sheriff sale list each Monday of every month. Unfortunately, there is far less we can do for homeowners at so late a stage in the proceedings.

The director of Northern Pennsylvania Legal Services gave another graphic illustration:

When I started as a staff attorney in 1979, if someone was having a problem with their landlord, if the landlord didn't like the loud music they were playing, they'd come into the legal services office, we'd call the landlord on the phone, try to straighten it out, and 90% of the time we would solve that problem.

A few years later after the first funding cuts the answer would be, you might be having a problem, why don't you go talk to your landlord yourself, and if you get an eviction notice, then come in and talk with us.

A few years later, after the staff reductions, more cuts in funding, stagnant funding, the answer was, once you go to the magistrate and there's a magistrate hearing, then we'll come in and we'll go to the hearing with you.

At the present time we tell people that when there's an order of possession served upon you by the constable, that's when we'll talk to you. . . . So there's already been four or five steps in the process, the landlord is riding the high horse, thinking he's won all this way, he's not willing to negotiate, we're forced [into] filing an action in Common Pleas Court, posting a bond, going to court for a supersedeas.

So we're our own worst enemy. Where [previously] . . . we could have picked up that phone, talked to the landlord, used a little common sense, maybe cajole him a little bit, told him that we're going to defend this person, and that could have ironed out 90% of the problems. All of a sudden, for the first time we have a considerable amount of landlord-tenant problems at the Common Pleas level, which was completely unheard of.

A paralegal from Neighborhood Legal Services in Pittsburgh reported that her office does not represent people who are facing suspension of their driver's license as a result of an accident:

If the driver's license is necessary for employment purposes, the person could lose his or her job. If that happens, the license suspension could lead to an unemployment compensation case. Between the time they lose their job and the time that they must wait to see if the unemployment compensation
benefits will be awarded, they more than likely will have no income, which in turn leads to the possibility of an eviction procedure.

Thus, the inability of legal services to help clients at early stages sets in motion a domino effect of one crisis creating another, each more disastrous than the previous one.

If legal services programs used their manpower to practice preventative law, there would be none left to handle emergencies. They have been forced into the position of dealing only with crises, which consume all their resources.

Kenneth Jewell, Esq., the Chairman of the Public Service Committee of the Lancaster County Bar Association, saw a certain irony in this result, especially as it relates to the pro bono programs:

We had over 1600 hours, volunteer hours, that were reported in 1989 and a good many more hours I’m sure that went unreported. Any yet, we’re still in a situation where people with certain kinds of cases do not receive representation.

Now, the irony of that is that some of these people do get representation further down the line when their problems become worse. The most obvious example is a parent who wishes to confirm a custody situation. It’s not considered an emergency, and that person receives no representation but comes back a few weeks or a month later when the other parent has stolen the child and left the jurisdiction. The person is entitled to representation then, which may or may not be effective.

3. Poor people who are denied representation are forced either to represent themselves or to do nothing.

A federal district court judge, expressing the unanimous view of the witnesses, stated, “everyone needs counsel when involved in litigation.” The overwhelming majority of poor people, however, generally cannot get counsel. Those who can must usually wait until a crisis has developed.

A district justice from Franklin County testified, “a large number of low-income people pass through my office involved in civil suits who would benefit from representation by [legal services].” Many people attempt to represent themselves, and many, who are too intimidated or just worn down and discouraged, do nothing.

The pro bono coordinator in Cumberland County stated,

When people are being sued at district justices’ offices, we tell them they have to go to hearings without representation. That means that tenants have to proceed on their own at eviction proceedings. Consumers have to

“<I have served on the federal bench for a year and a half now. As a federal judge, all too often I see litigants who, due to lack of resources, are without counsel. Many have meritorious claims and need counsel to pursue them. Some do not have meritorious claims and do not belong in the federal court, or any court at all, and they need counsel to so advise them. Without question, the litigants without counsel cause difficulties for the court and dramatically increase the burdens on the court. More importantly, however, equal justice under law is not a reality, unless there is access to counsel.>>

— Hon. Jan DuBois,
Judge, United States District Court, Eastern District of Pennsylvania
proceed without counsel when being sued for debts they can’t pay but to which they might have defenses. It also means that those facing hearings on traffic violations which could lead to loss of their licenses have to proceed without counsel. The people asking for help are often confused about the legal process, ignorant of the law, and afraid to appear in court. Sometimes they don’t bother to go to their hearings because they are unable to obtain legal counsel.

Particularly in cases where a battered woman has no legal representation, the legal process is intimidating. As described above, battered women are often forced to represent themselves in seeking a protection order, custody, support, and other remedies, and yet, a shelter representative testified that these victims “are not in a position to really advocate for their own rights because they’re working from a position of fear. They’re afraid to ask for things. They’re ignorant about what options are available to them.”

Another representative of a shelter testified that victims of abuse “are often not their own best advocates because of their low self-esteem or their desperation to need a resolution quickly rather than a good resolution.”

The administrative judge of the Family Court of Philadelphia’s Court of Common Pleas reported that in 1989, 2,538 support petitions were filed pro se; 4,157 custody petitions were filed pro se; and the “vast majority” of the 4,396 PFA cases were filed pro se. He added that he has seen a “steady increase” in the number of pro se indigents before the court.

When an indigent person is courageous enough or desperate enough to negotiate the legal process pro se, he or she is often at a particular disadvantage if the opposing party — whether it is a spouse, a landlord, a creditor, a school system, an employer, or a utility — is represented by counsel.

The director of the Philadelphia Unemployment Project pointed out, for example, that unrepresented claimants in unemployment compensation hearings face employers who not only have legal counsel, but who also have learned the system by repeated experience.

4. Postponing legal representation until there is a crisis wastes public funds.

In addition to the severe human toll caused by legal services’ inability to deal with problems before they explode into full-blown crises, is the waste of public funds. One witness stated:

The system is going to have to deal with the situation one way or another: either up front, or at the end, when it has become a crisis, with, for example, welfare.

A private attorney in Pittsburgh testified that if legal services had sufficient funds to represent poor people in domestic matters, “the money that it would take to fund such programs would be returned tenfold” because the recipients of such services would be better able to support themselves. She also pointed out that if legal services were better equipped to help people establish entitlement for federal programs, the burden on state funds would ease.

A volunteer at an Hispanic center in Harrisburg pointed out that legal services are not available to enforce federal law entitling Hispanic students to equal educational opportunities. A high dropout rate is at least partially due to this, she said, and few go on to higher education. “Many of them,” she testified, “become permanent clients of the Welfare Department or the Department of Corrections instead of becoming taxpayers.”

Several other witnesses made the same point with regard to disabled children. Legal services offices are too understaffed to represent parents and children with special education needs. “As a result,” said the director of an organization serving disabled people, “handicapped children of low-income parents do not get the therapy or educational placement their parents feel they should have . . . .”
"If schools do not allow handicapped children to reach their full potential," another witness stated, "and if their parents cannot get legal help in enforcing equal opportunity, then [the children] will not become full taxpayers citizens."

The manager of a legal services office in northern Pennsylvania summed up the views of many witnesses:

Abused children, homeless people, women who don't get economic justice, people who live in substandard housing, people in mental institutions, children whose parents abuse one another, all these people likely will not fulfill their full potential as taxpaying citizens and because of that, the drain on the public revenue will be greater than if they were able to fully support themselves with good-paying jobs. . . . [I]t's an investment in the future.

The result of not being able to secure legal representation except in crisis situations is, according to a Lycoming County Common Pleas Court judge, the building of "an inventory of need." It is also "despair and hopelessness," a legal services paralegal said. Another legal services paralegal, who has intake responsibilities, put it this way:

[The people] are at the end of the emotional rope. They are sad, sad to the point of almost being ready to quit and just give it all up. . . . Others are so angry that they come in talking about blowing somebody away. . . . It is not because they are crazy but they have been pushed, pushed to the limits. Society is constantly taking things away from them.

The director of the United Churches of Williamsport and Lycoming County described people who cannot get legal help to resolve their problems this way:

Well, [the poor people] tend to disintegrate; that is to say, [their problems] are not resolved. And so people become like logs in the river; they just sort of toss to and fro and they try to . . . eke out their existence as best they can. . . . [T]here are no resolutions to the problem, and so people just linger on and make the best of it.
CONCLUSION

The Task Force concludes that there is a severe and growing unmet need for legal representation for the poor and near-poor in Pennsylvania. The consequences — to the poor and to society as a whole — of failing to meet this need are enormous. The general unavailability of legal services to the poor for any but the most urgent needs sets in motion a domino effect which helps perpetuate the cycle of poverty and creates a two-track system of justice in our state: one for those who can afford its intricacies and one for those who cannot.

The public, including the legal profession, has a duty to ensure that access to justice is available to everyone, not just to those who can afford it. The Task Force’s recommendations — which are addressed to the federal government, the Legal Services Corporation, Pennsylvania state government, the Supreme Court of Pennsylvania, the Pennsylvania judiciary, the Pennsylvania Legal Services Center and the Law Coordination Center, legal services programs, pro bono programs, the Pennsylvania Bar Association, county bar associations, law firms, private attorneys, law schools, United Ways, and the community — are intended to put this duty into practice.
FOOTNOTES

1 A list of these documents appears in Appendix C.

2 A list of the names of the witnesses who testified at the hearings, plus names of all who submitted written testimony, appears in Appendix D.

3 Appendix E lists these 73 specific legal problems. The complete report of the survey is on file at the Pennsylvania Bar Association.

4 The results of the survey are skewed to the extent that the population sample was overrepresented by the elderly. The Task Force is fully aware that a telephone survey is only one method of attempting to determine the unmet need for legal services. Many factors can work against its accuracy: phrasing of the questions, inhibitions in answering certain questions; inability of the respondent to recognize certain problems as "legal" problems for which legal help would be beneficial; the fact that many poor people do not have telephones.

The Task Force, however, agrees with the American Bar Association (as it stated in its 1989 survey report) that the advantages of a telephone survey outweigh the disadvantages, and that in fact, given the cost constraints, there is currently no viable alternative to the telephone survey as a method of gathering primary data from the poor. By supplementing the telephone survey with statewide hearings, as well as mail surveys of judges, human service organizations, state legislators, and legal services programs, the Task Force believes it has gathered as complete and accurate information about the unmet legal needs of the poor as it could.

5 The minimum access formula of two lawyer-units for every 10,000 poor people was established by LSC in 1977 and has been incorporated into the annual Congressional appropriations bills. LSC made it clear that the formula is extremely conservative, because of undervaluing of salaries, litigation, and rent, and understating the number of paralegals and amount of supervision and management time that are "necessary to achieve a quality program." (See "Next Steps for the Legal Services Corporation," published by LSC in April, 1978.) Also, minimum access does not imply that all, or even substantially all poor people in need of representation will be represented.

6 The ratio rises to 39.47 per 10,000, when lawyers employed by government, corporations and law schools are included.

7 Data from Pennsylvania Legal Services Review, Fall, 1989.

8 Excerpt from Pennsylvania Legal Services Review, Fall, 1989. Salary survey of cities was done by ABA's Student Lawyer magazine, and was reported in The Allegheny Lawyer magazine.

9 As used in this Report, the term "pro bono" has the meaning of legal representation provided to indigent clients without the expectation of any fee for any service rendered by the attorney. This term does not include such activities as providing legal advice to non-profit corporations (unless such a corporation has been referred through a pro bono program); serving on the board of directors of a pro bono, legal services, community, or charitable organization; or representing clients who default in the payment of agreed-upon fees or expenses.

10 See Appendix F for chart summarizing responses to questionnaires sent to county bar associations.

11 Attached as Appendix G is a Resolution of the Lawyer Trust Account Board affirming the intention of the Board that its funding be a supplement, not a substitute for, governmental funding.

12 The director of a legal services program pointed out that because eligibility standards set by the state require legal services to represent victims of domestic violence without regard to income, "conceivably [there is] an unlimited potential number of eligible people."

13 Because of staff cuts and increased workload, face-to-face services have been dramatically reduced; rural outreach stations have been closed; field representatives, who travelled to meet with claimants who were unable to get to Social Security offices, have been phased out.
APPENDIX A

RECOMMENDATIONS
OF THE
PENNSYLVANIA BAR ASSOCIATION
TASK FORCE ON LEGAL SERVICES TO THE NEEDY

I.
Federal Government

1. Immediately increase the appropriation to the Legal Services Corporation (LSC) to restore it to a level not less than the amount appropriated in Fiscal Year 1981, adjusted for inflation¹ and for increases in the number of persons living in poverty.²

2. Confirm as members of the LSC Board of Directors only such persons as have demonstrated by their past conduct a personal commitment to the delivery of quality legal services to the poor.

II.
Legal Services Corporation

1. Reaffirm as its corporate policy the goal of ensuring the availability of no fewer than two full-time legal services lawyers for each 10,000 poor people.

2. Reduce the excessive, wasteful, and oppressive annual reporting requirements for LSC-grantees, standardize the reporting requirements so that the grantees may collect the required data on an ongoing basis, and eliminate unnecessary administrative and regulatory burdens now imposed on legal services programs.

3. Closely examine the Corporation's operations, reducing administrative and other overhead costs to the extent feasible and maximizing the use of federal funding for direct service delivery.

¹ In Fiscal Year 1981, Congress allocated $321.3 million to legal services programs across the country. To maintain that level of funding and keep pace with inflation, Congress would have had to allocate $438.3 million to legal services in Fiscal Year 1989; instead, only $308.6 million was allocated. To restore funding to the 1981 level — an allocation specifically established to provide "minimum access to justice," or two lawyers per 10,000 poor persons — Congress should allocate at least $542.9 million to legal services in Fiscal Year 1991.

² The 1981 legal services allocation was approved before the results of the 1980 census were published. As a result, no adjustments have been made in the budget in more than a decade to address increases in poverty.
III.
Pennsylvania State Government

1. Immediately increase the appropriation to the Pennsylvania Legal Services Center (PLSC) to restore it to a level at least equal to the amount appropriated in Fiscal Year 1980, adjusted for inflation\(^3\) and for increases in the number of Pennsylvania residents living in poverty.\(^4\)

2. Maintain the integrity of lawyers' contributions to the delivery of legal services to the poor by insuring that Interest On Lawyer Trust Account (IOLTA) moneys only supplement the allocations for basic legal services otherwise required from the state for that purpose.

3. Enact an educational loan repayment assistance law that would encourage talented law students and paralegal students to undertake lower-paying public service legal positions in Pennsylvania by assisting in the payment of their monthly educational loan obligations during the period of their public service.

4. Increase the filing fees for all first filings in all civil matters (i) by $5.00 in the Courts of Common Pleas, and (ii) by $10.00 in the Commonwealth, Superior, and Supreme Courts of Pennsylvania, with the revenues generated thereby allocated to the delivery of legal services to the poor through the Pennsylvania Legal Services Center.

5. Expand the jurisdiction of district justices by (i) increasing generally the jurisdictional limit to $7,500.00, exclusive of interest and costs, (ii) adding actions in replevin to the list of civil claims over which they may exercise jurisdiction and giving the minor judiciary the power to enforce their replevin orders, and (iii) authorizing the award of punitive damages up to the jurisdictional limit, as otherwise recoverable at law, in cases of extreme and outrageous conduct. [Amending 42 Pa. C.S.A. 1123, 1515]

6. Clarify existing statutes to confirm that a party who is without financial resources to pay the costs of litigation is entitled to proceed in forma pauperis before the minor judiciary simply by filing the required affidavit with the minor judiciary. [Amending 42 Pa. C.S.A. 1725.1(a)]

7. Amend the IOLTA statute, 62 P.S. 4023(2) and 4030(b), relating to specialized legal services providers, to include within the definition of "qualified recipient" any 501(c)(3) entity which provides pro bono legal representation in civil matters in connection with a state or local bar association.

8. Study whether a new statute could be enacted that would authorize the award of reasonable attorneys fees to a prevailing party if the prevailing party was qualified to proceed in forma pauperis and was represented by an attorney without fee, and if the paying party was not also qualified to proceed in forma pauperis. [Amending 42 Pa. C.S.A. 1726(1)]

---

\(^3\) In Fiscal Year 1980, through direct funding and Title XX moneys, the Commonwealth of Pennsylvania allocated $9.6 million to legal services across the Commonwealth. To maintain that level of funding and keep pace with inflation, the General Assembly would have had to allocate more than $14.4 million to legal services in Fiscal Year 1990; instead, only $8.5 million was allocated. To simply restore state funding to the 1980 level, the General Assembly should allocate at least $15.5 million to legal services in Fiscal Year 1991.

\(^4\) The Fiscal Year 1980 legal services allocation was approved before the results of the 1980 census were published. As a result, no adjustments have been made in the budget in more than a decade to address increases in poverty. The combination of reduced funding, continuing inflation, and increases in poverty has had a devastating impact on the delivery of legal services to the poor of this state. Even though the numbers of attorneys actively engaged in the practice of law has grown steadily over the past decade, to the point where there is now one lawyer for every 284 persons in Pennsylvania, there is at best only one legal services lawyer for every 7,010 poor persons in Pennsylvania. Compounding this problem is the fact that the Pennsylvania state government has provided new rights and remedies to its citizens over the past few years — as, for example, to victims of domestic violence pursuant to Act 56 of 1988, and for child support, pursuant to Act 35 of 1988 — but has not allocated even one additional dollar to fund the legal services necessary to effectuate those new rights.
9. Hold hearings into how banking institutions have implemented the IOLTA program, and why some banks have made it so difficult and/or expensive for lawyers to participate in IOLTA.

10. Amend the state tax code to provide credits for any corporate financial contributions made to any qualified recipient of IOLTA funds.

11. Amend the Neighborhood Assistance Act, 62 P.S. 2081 et seq., to include pro bono legal services to impoverished citizens of Pennsylvania.

IV. Supreme Court of Pennsylvania

1. Require all licensed attorneys to report annually to the Court on what they did in the preceding year to satisfy their obligation to render public interest legal service under Rule 6.1 of the Pennsylvania Code of Professional Conduct.

2. Amend Rule 6.1 of the Rules of Professional Conduct to provide that where there is an organized and structured pro bono program providing legal services to the indigent, a lawyer should render public interest legal service through that program.

3. Empanel a special commission to study and make recommendations for increasing access to justice by disabled, immobile, illiterate, and hearing impaired citizens; by those who are not fluent in the English language; and by those who live in areas of our state geographically remote from our courthouses.

4. Amend the student practice rules (Bar Admission Rules 321(a) and 322(a)) to permit supervised appearances before the courts by qualified second year law students.

5. Clarify the procedure for proceeding in forma pauperis before the minor judiciary to ensure that petitions under Rule 240 may be presented directly to and acted upon by the minor judiciary.

V. Judiciary

1. Employ the prestige of the bench both to encourage attorneys to undertake pro bono representation and to honor publicly those who do so.

2. With the participation of county bar associations, convene a special blue ribbon panel of practitioners within each county to investigate the unmet needs of the poor for legal services within that county, and to make recommendations for meeting that need.

3. Expand the availability of interpreters throughout the entire court system.

4. Host annual conclaves of president judges and selected bar leaders to consider the unmet need for civil legal services and to formulate responses thereto.

5. Develop ways of making pro bono service less burdensome — e.g., by setting aside special days for such cases, and by granting early listings to cases in which pro bono attorneys are involved.

6. Develop a “friend of the court” program involving non-lawyer members of the community through which pro se parties with literacy problems may be assisted.

7. Seek and accept appointment to the board of directors of local pro bono programs.

8. Consider holding evening sessions of the court, to make justice more accessible to the working poor.

9. Consider holding hearings in the more remote parts of the court’s jurisdiction, to make justice more accessible to the rural and immobile poor.

A-3
10. Enforce the statutory provision for the award of reasonable attorneys fees under the Protection from Abuse Act, 35 P.S. 10184, in all cases where the defendant is financially able to pay such fees.

VI.

Pennsylvania Legal Services Center and the Law Coordination Center

1. Coordinate a comprehensive effort within the Commonwealth's legal services offices to better address the unmet demand for representation in divorce matters.

2. Encourage local legal services programs to develop creative ways to use the federal moneys required to be allocated to Private Attorney Involvement to leverage greater contributions of time and service from the private bar.

3. Work closely with the Pennsylvania Bar Association in designing new programs to address the unmet legal needs of the poor in family law matters, inadequate and substandard housing, and protecting the interests of the growing number of children and senior citizens living in poverty.

4. Provide regular reports to the Pennsylvania Bar Association on the amount and nature of the unmet legal needs of the poor of this state.

5. Develop new programs specifically targeted on the special needs of the rural poor.

6. Develop and make available to all pro bono and legal services programs across the Commonwealth state-of-the-art training materials and programs, computerized legal assistance programs, video libraries, form books, and manuals in all areas of the law where legal service to the poor is needed.

7. Develop and distribute to all bar associations, and all pro bono and legal services program, training materials and programs on civil rights litigation and remedies for discrimination.

VII.

Legal Services Programs

(For Recommendations specific to legal services-sponsored pro bono programs, see Section VIII, below.)

1. Assume greater responsibility for handling divorce cases, thereby reducing the "domino effect" of domestic situations deteriorating into physical abuse, child snatching, evictions, lockouts, and homelessness.

2. Review the types of cases currently handled to determine whether there are any that could be referred in greater numbers, if not entirely to the private bar, permitting a more efficient allocation of currently available resources.

3. Award to local pro bono programs the high priority that they deserve, and strive to make pro bono representation available and successful.

4. Whenever possible, provide income eligibility screening for clients who are referred to pro bono programs.

5. Provide regular reports to local bar associations about the amount and nature of the unmet legal needs of the local poor.

6. Join with bar associations in considering and creating new approaches to service delivery that are less dependent upon actual case referrals to attorneys (e.g., alternative dispute resolution, hearings before volunteer masters/arbitrators, pro se clinics, certified legal technicians).
7. Consider keeping offices open in the evenings to make justice more accessible to the working poor, and opening branch offices in more remote parts of the program's jurisdiction, to make justice more accessible to the rural and immobile poor.

8. Especially for programs providing service to rural or large geographical areas, investigate offering toll-free (800) telephone service.

9. Expand existing and develop new sources of financial assistance, including local United Way programs, bar associations and bar foundations, individual attorneys and law firms, state agencies (e.g., those serving the aging, children and homeless), local governments (county, township and municipal), foundations, businesses, and the community at large.

10. Provide local pro bono programs with up-to-date manuals and forms, free training, and access to staff attorneys specializing in the areas of poverty law practice that are the subjects of referrals to volunteer attorneys.

11. Work with the private bar to create a full schedule of educational programs, available only to attorneys who are participating in pro bono projects.

12. Work with law schools to develop computerized-assisted practice software, to assist both staff lawyers and volunteers in the delivery of quality legal services to the poor.

13. Develop creative ways to use the federal moneys required to be allocated to Private Attorney Involvement to leverage greater contributions of time and service from the private bar.

VIII.

Pro Bono Programs

1. Adopt as a goal 100% participation in the program by all available attorneys practicing within the county, though the contribution of both time and financial assistance.

2. Develop a close working relationship with the local legal services program, to ensure that the pro bono program is supportive of the efforts of the legal services program and consistent with the needs not being met.

3. Forge new bridges between the private bar and legal services, by encouraging the active participation by both in the volunteer effort.

4. Develop a strong network with other pro bono programs, within the state and across the country through the American Bar Association's Private Bar Involvement Project, to ensure that learning is shared and efficiency obtained.

5. Develop methods of assuring the quality of the legal services being delivered to all clients.

IX.

Pennsylvania Bar Association

1. Encourage the development and expansion of structured and organized pro bono programs in each of the 67 counties, responsive to the size of each county and to the specific needs of each county, and assist in a statewide recruitment effort, asking all attorneys to become involved in their local pro bono programs.

2. Maintain a nucleus of attorneys with experience in structuring successful pro bono programs who would volunteer to assist counties in either inaugurating or improving pro bono programs by providing model programs patterned to meet the size and needs of the counties.
3. Conduct a public relations campaign making the public and the Bar aware of the need of the poor for legal services.

4. Develop programs to increase IOLTA participation, short of mandatory participation, with a goal of 100% participation within two years.

5. Adopt a policy encouraging all members of the Association — specifically including all officers and other leaders of the Association — either to devote a minimum of 15-25 hours each year to the pro bono delivery of legal services to the poor or to make an equivalent financial contribution to their local legal services or pro bono program.

6. Reaffirm its commitment to, and support of, the full-time, professional legal services program, and regularly express that commitment through lobbying in Washington and Harrisburg for increased funding for legal services programs.

7. Work with other professionals (e.g., mediators) to determine which areas of poverty law practice might be susceptible to alternative dispute resolution programs.

8. Require the appropriate Sections, Divisions and Committees of the Association — expanded to include members of the judiciary, legal services attorneys, and other professionals involved in the legal community (e.g., paralegals, court reporters, mediators, social workers) — to study and report back to the Board of Governors, within the year, on:
   (a) how best to reduce the enormous backlog of divorce cases across the state;
   (b) how best to address the overwhelming demand for representation in other family law matters of critical concern, especially custody and support;
   (c) how best to address the existence of substandard housing, specifically including the development and enforcement of housing codes, the warranty of habitability, and the availability of escrow accounts for tenant-landlord disputes;
   (d) how best to protect the interests of the elderly poor — the fastest growing part of Pennsylvania’s poverty population — in such areas as elderly abuse, nursing homes, access to justice, wills, and estate planning; and,
   (e) how best to protect the interests of children living in poverty — now estimated at one out of every three children in this Commonwealth — including those involved in traumatic domestic situations, substance abuse, educational need, employment, pregnancy, and child abuse.

9. Charge each PBA Section and Standing Committee with the duty of preparing a plan for highlighting the need for pro bono legal services, fashioning new pro bono projects, and recruiting attorney volunteers.

10. Establish training and pro bono representation programs for mental health commitment hearings and for special education “fair hearings.”

11. Develop a comprehensive program of incentives for participation by attorneys in pro bono, including but not limited to discounts on PBA CLE programs, luncheons, receptions, and the like, and make the recognition of at least one volunteer an item on every annual meeting and every conference of the Association.

12. Ensure that PBA publications regularly contain articles about pro bono, either to describe a specific program, honor a particular attorney, or highlight a special need.

13. Ensure that the statewide Lawyer Referral Service maintained by the Association has the current income eligibility criteria for legal services programs, as well as the names, addresses and telephone numbers of all legal services and pro bono programs across the Commonwealth.

14. Ensure that the delivery of legal services is a permanent item on the agenda of the Board of Governors, and that special presentations on the unmet needs of the poor and the status of pro bono are made regularly.
15. Designate an Association employee as the statewide *pro bono* coordinator for the private bar, whose full-time role would include acting as a resource for all local *pro bono* projects, coordinating the *pro bono* activities of all PBA committees and sections, and serving as liaison to the Private Bar Involvement Project of the American Bar Association.

16. Offer a new class of membership in the Association, through which attorneys employed in full-time public service legal practice (including government, district attorney, public defender, and legal services programs) may join the Association at a reduced dues level.

17. Develop professional and informational programs on the need for legal services for the poor and community education programs on the availability of legal services and *pro bono* attorneys.

18. Recruit and provide attorneys for "advice only" programs, *pro se* programs, and other community education programs.

19. Create new ways of responding to the overwhelming demand for representation in family law matters — principally divorce, custody, and support.

20. Develop scholarships for law school students who will commit themselves to a certain number of years of employment with the legal services program.


22. Ensure that the Recommendations of this Task Force are properly, fully, and promptly reviewed, implemented, and monitored.

X.

County Bar Associations

*(For Recommendations specific to bar association-sponsored *pro bono* programs, see Section VIII, above.)*

1. Encourage close and supportive working relationships between the private bar and the local legal services programs.

2. Ensure that each county has a healthy, vibrant *pro bono* program that supplements the services available through the local legal services program and that addresses the specific unmet legal needs of the poor in that county.

3. Adopt as a goal of the association participation by 100% of its available members in the local *pro bono* program.

4. Create a special program to take advantage of the skills and free time of the many retired lawyers within the county.

5. Ensure that the delivery of legal services to the poor is a permanent item on the agenda of the association and its leadership.

6. Publicize regularly and applaud the important contributions, and personal sacrifices, made by attorneys working full-time in local legal services programs and by those rendering outstanding *pro bono* service.

7. Encourage greater participation in the work of the association by providing reduced-fee memberships for legal services, public interest, and government attorneys.

8. Provide discounts on bar association functions to attorneys who provide volunteer legal service through association-sponsored *pro bono* programs.
9. Regularly solicit association members for the local *pro bono* program.

10. Meet regularly with the leadership of the local legal services program, to ensure a close working relationship between the professional legal services and pro bono delivery systems.

11. Work closely with legal services to determine the most efficient use of their Private Attorney Involvement funds.

12. Convene a blue ribbon committee to investigate how best to raise money for legal services and *pro bono* programs.

13. Send at least one association representative to the Pennsylvania Bar Association’s annual *Pro Bono* Conference, and to the American Bar Association’s *Pro Bono* Conference to be held in Philadelphia on April 11-13, 1991.

14. Contribute financially to the local legal services program.

XI.
Law Firms

1. Participate fully in IOLTA.

2. Adopt a written *pro bono* policy that specifically provides for the participation of each of the firm’s attorneys in the local *pro bono* program.

3. Adopt a written *pro bono* policy through which the firm pledges to devote a minimum of 15-25 hours each year per attorney to the delivery of legal services to the poor, or to make an equivalent financial contribution to the local legal services or *pro bono* program.

4. Adopt a written *pro bono* policy that specifically treats *pro bono* matters as the equivalent of billable matters (up to at least 50 hours each year) for attorney evaluation purposes.

5. Adopt a written *pro bono* policy for the firm’s paralegals, encouraging them to participate in *pro bono* activities under the supervision of a firm attorney.

6. Encourage summer law clerks to participate in the firm’s *pro bono* activities.

7. Large law firms, in particular, should create a firm *pro bono* committee to regularly review the firm’s volunteer activities, and appoint as its chair a senior partner who will give the work the importance it deserves; and appoint a senior associate or junior partner to be the firm’s *pro bono* coordinator, to serve as a liaison with legal services and *pro bono* organizations and to find volunteers for specific referrals.

8. Large law firms, in particular, should permit attorneys to take a six-month to one-year rotation in a legal services office, government law department, or other public service legal employment, and give full credit to the attorney for that time for evaluation purposes.

9. Government and businesses should make a special effort to find ways for their attorneys to participate in local *pro bono* programs.
XII.
Attorneys

1. Participate in IOLTA.
2. Devote a minimum of 15-25 hours each year to the delivery of legal services to the poor through the local pro bono program.
3. Contribute financially to the local legal services and/or pro bono program.

XIII.
Law Schools

1. Recognize that each law school plays a critical, indispensable part in the creation of the professional ethic of volunteer service and that this ethic can be encouraged but not created by the private bar.
2. Work with legal services programs to develop computer-assisted practice software, to assist both staff legal services lawyers and volunteers in the delivery of quality legal services to the poor.
3. Develop public interest scholarships, low income protection programs, loan forgiveness programs, and other efforts to encourage students to take public service jobs within the Commonwealth of Pennsylvania.
4. Increase funding and opportunities for work study placements in legal services offices.
5. Adopt a requirement for graduation that each student have volunteered a specified number of hours in the second and third year to an approved legal services, government, or other public interest activity.
6. Expand and enhance clinical programs, encouraging each student to learn first-hand about the delivery of legal services to the poor.
7. Assist in the effort to recruit minority attorneys for positions in legal services programs.
8. Require each professor in each course to emphasize each attorney’s professional responsibility to serve the poor and those who are denied equal access to justice.
9. Require all faculty who are members of the bar to devote a minimum of 15-25 hours each year to the delivery of legal services to the poor through the local pro bono program.

XIV.
Community

1. Foundations and United Way Programs need to recognize that lawyers hold the keys to self-sufficiency for the growing numbers of poor, whose lives are now more than ever bound up and defined by laws and regulations that are incomprehensible to them and thus enslaving when there are no lawyers to assist them.

---

The Recommendations made to “attorneys” are intended to apply with equal force to all attorneys, specifically including attorneys working in businesses and government, professors, retired attorneys, and judges. All practicing attorneys maintaining pooled escrow accounts should participate in IOLTA. All active attorneys, whether practicing law or teaching, should devote 15-25 hours each year to the delivery of legal services to the poor. And all attorneys should contribute financially to the local legal services and/or pro bono program. Each person who has passed the bar has a special, and personal, duty to render pro bono legal service to the poor, and each attorney should make a special effort to determine how his or her talents may be put to their best service.
2. Businesses should re-examine the roles they are playing in their communities, recognize the important, stabilizing roles that lawyers play, and contribute — with funds and in-kind services and products — to legal services and pro bono programs in their communities.

3. Business and professional organizations should adopt a code of ethics for their members that requires volunteer service, encouraging, where possible, joint projects with local bar associations and the donation of goods and services to local legal services and pro bono programs.

4. Colleges and graduate schools should expose their students to the lives of the poor and teach them that the unmet need of the poor for legal services is not a problem that lawyers alone can solve, but a social problem demanding response by everyone, including students and teachers.

NOTE

The Meaning of "Pro Bono"

As used in all of the Recommendations made by the Task Force, the term "pro bono" has the specific and exclusive meaning of legal representation provided to indigent clients without the expectation of any fee for any service rendered by the attorney. This term does not include such activities as providing legal advice to non-profit corporations (except as referred to a volunteer through a volunteer legal services program); serving on the board of directors of a pro bono, legal services, community, or charitable organization; or representing clients who default in the payment of agreed-upon fees or expenses.

Likewise, the term "pro bono program" has the specific and exclusive meaning of an organized and structured volunteer legal services delivery program that is sponsored or otherwise supported by the local bar association. It may include court-administered programs, specialized projects targeted on particular legal needs, legal clinics, or general programs administered through a bar association, legal services program, or separate charitable corporation. The term does not include individual efforts or ad hoc reactions to perceived needs.
APPENDIX B

ADDITIONAL SUGGESTIONS MADE TO THE TASK FORCE BY VARIOUS WITNESSES

Chairman’s Explanatory Note: During the course of the hearings the Task Force received many suggestions from witnesses that were not formally adopted. These suggestions dealt with diverse subjects, ranging from substantive law reforms to administrative processes, to matters affecting operations or structure of local legal service providers. We have listed many of these suggestions below. They are not organized topically but simply recorded so that they might serve as a resource of ideas, approaches, and initiatives addressing the serious, complex, and interrelated problems underlying the unmet need of the poor for legal services.

1. More county government support of legal services is needed.
2. Better funding for public defenders is needed.
3. The district attorney should represent petitioners in support cases.
4. The district attorney offices should improve their procedures for prosecuting murder cases, including the training of counsel and assigning better experienced counsel. This would allow the district attorney offices more time to prosecute other types of cases.
5. More district attorney service to the indigent is needed, for example, in harassment cases.
6. Children without legal representation should be given guardians ad litem at the expense of the county.
7. An entire unit is needed to focus on legal services for the elderly, operated through county Offices of the Aging.
8. Court-appointed counsel for indigent persons should be provided at the expense of the county in appropriate cases such as support, protection from abuse, and where the other party is represented.
9. The county Domestic Relations Office attorney should represent petitioners for support.
10. In custody cases, money should be made available for home studies and psychological evaluations for the poor.
11. Where there are no serious disputes, the court staff, with directions from the court, should facilitate the handling of certain issues, such as visitation, pro se.
12. More conciliation and mediation services are needed in the area of custody.
13. Masters’ fees in custody and divorce cases should be eliminated.
14. All common pleas judges should be required to handle family law matters; president judges should be allowed to make the appropriate assignments.
15. More pro se procedures are needed, especially in the area of divorce.
16. The courts should allow more time on their dockets for family law matters, especially domestic violence cases.

17. Courts should be better organized to waste less time of lawyers, especially those representing pro bono and legal services clients.

18. Court costs should be indexed according to the size or complexity of the case, with the fees being used to help fund legal services for the poor.

19. Fees to the Disciplinary Board of the Supreme Court of Pennsylvania should be increased to provide for legal services to the poor.

20. The state should pay for representation of poor people in support cases.

21. Better enforcement of support laws is needed.

22. Support offices should publish lists of persons who are delinquent in paying support.

23. Courts should eliminate the delay in the support process in order to minimize the incidence of other legal issues such as domestic violence and landlord-tenant problems.

24. District justice office staff should assist unrepresented persons in preparing complaints.

25. District justices and constables should be required to advise unrepresented litigants of their rights.

26. The types of cases accepted by pro bono panels should be expanded.

27. If the local bar is providing substantial pro bono services, administrative costs should be absorbed by the public sector.

28. Local bar associations should publicize lists of attorneys who provide pro bono services; depending on the extent of their service, attorneys could be classified as regular members, sustaining members, etc., of the pro bono panel.

29. Training is needed for the private bar in certain fields, with credits for subsequent pro bono efforts.

30. Pro bono attorneys should be trained in how courts interpret the laws they work with, particularly the Protection from Abuse law.

31. Pro bono programs could be administered through the court administrator.

32. Judges' clerks should do their share of pro bono services.

33. Lawyer liability should be limited for pro bono and legal services attorneys.

34. A legal advice telephone network should be set up by legal services and/or the private bar. Callers would be advised of whether lawyer representation is needed; whether they have any chance of winning their case; and the process of enforcing or protecting their rights in their particular case.

35. Local bar associations should make available a group of lawyers for Office of Aging and/or senior citizen centers.

36. Local bar money should be used to finance custody cases.

37. Local bar associations should provide their lawyer referral service free to indigent persons.

38. The Lawyer Referral Service should make $15 coupons available and should increase initial consultation service from one-half hour to one hour.

39. All practicing attorneys should be required to accept these coupons in the field of their competence.

40. Bar associations should provide education as to where and when (under what circumstances) to secure legal services.
41. Income from county legal journals should be used for funding legal representation of the poor.
42. Bar associations should provide domestic violence training to police, district justices, and judges.
43. The courts should take the initiative in domestic violence training.
44. Domestic violence cases and other family matters stemming from them are straining the judiciary; more judges are needed.
45. The Pennsylvania Coalition Against Domestic Violence should not limit funding to one domestic violence organization per county. The geography of the county should be taken into account in the distribution of protection from abuse organizations.
46. Protection from abuse orders need better enforcement.
47. Judges should provide a non-intimidating atmosphere in their courtroom in domestic violence cases (e.g., do not require abused spouse to be in close physical proximity to the alleged abuser).
48. Protection from abuse should be brought back into the criminal law arena, thus requiring the district attorney to represent the Commonwealth or abused persons.
49. There is a need for outreach offices staffed at least one day a week by a legal services paralegal and a volunteer private attorney.
50. Legal services stations should be set up in places where there is great need, e.g., homeless shelters, public housing, welfare offices.
51. Community education — as to legal rights and how to enforce them — should be re-established as a component of legal services.
52. Legal services offices should not restrict themselves to “emergency only” cases. The economic and human cost of such restrictions is too high.
53. Legal services should reorder their priorities so that they can provide more effective service in family law matters.
54. Legal services should give law students adequate advance notice of hiring commitments.
55. Minority attorneys (who often have a greater debt than others) should be financially encouraged to take legal services jobs, such as with scholarships, postponement of debt, etc.
56. Special funds should be made available for the employment of first and second year law students with legal services.
57. More bi-lingual legal services staff are needed; at least some attorneys currently employed by legal services should be taught the Spanish language.
58. Better training of legal service staff is needed, for example, the area of abuse of children in schools.
59. Experts in legal services offices are needed in specific areas such as unemployment compensation, long term care, public assistance, and Social Security.
60. Better (more practical) geographic boundaries are needed for legal services offices to increase access of the client population.
61. A Pennsylvania Bar Association committee should be appointed to study possible programs to provide legal services to those at 150% of the poverty level.
62. Legal services should raise the income guidelines to allow for legal representation of the near poor, even if it means that those above the poverty line are served on a sliding fee scale.
63. Legal services offices and the private bar should adopt a sliding fee scale for all its clients, even if the minimum fee is only $5.00 (people tend to value what they pay for).

64. The Pennsylvania Bar Association should discount its dues for legal services lawyers.

65. Pennsylvania Bar Institute discounts for legal services staff should be continued and expanded.

66. Pennsylvania Bar Institute training in pro bono areas should be free as its contribution to pro bono activities.

67. A better distribution of lawyers throughout the state is needed.

68. Qualified paralegals should be permitted to assist people in court in such matters as support and protection from abuse.

69. Paralegals should be put to greater use.

70. There is a need for labor unions to organize farm workers so as to avoid many farm worker legal needs.

71. It should be required that mail delivered to farm labor camps be forwarded to the new location of the migrant farm workers.

72. The federal government should follow up its mandates with money to implement them, for example in the area of child support.


74. Regulations should be better enforced, to avoid the need for asserting legal rights. For example, better enforcement efforts are needed by Pennsylvania's Department of Environmental Resources, Department of Labor and Industry, Department of Health, and Department of Agriculture.

75. A simple procedure is needed to obtain prompt investigations by agencies such as those listed in Item 74.

76. Agencies should adopt a cooperative, problem-solving attitude rather than constantly referring clients back and forth between agencies (e.g., welfare and support offices).

77. Telegraph calls to locations just five to six miles away are being charged in certain areas as long-distance calls. This is a heavy burden on the poor which needs to be corrected.

78. More adequate translation facilities are needed.

79. Illegal eviction practices should be criminalized.

80. Landlords should be required to advise tenants of their rights in housing matters.

81. Written and oral disclosure — in the appropriate language — by disinterested parties is needed as to employee rights under the Workers' Compensation law.

82. The Workers' Compensation Board should include attorneys' fees in awards (both when benefits are initially granted and when termination is successfully prevented) to increase access of the poor to legal representation.
APPENDIX C

LIST OF DOCUMENTS GENERATED BY THE TASK FORCE

List of documents that support the Task Force's report but which are not contained within the Report. They are available for review at the Pennsylvania Bar Association.

a. Legal services and bar association surveys
b. Hearing transcripts (1,766 pages) of all hearings except the Meadville hearing; four audio-cassettes of the Meadville hearing
c. Mason-Dixon telephone survey report
d. Mason-Dixon mail survey report
f. Reports of State Needs Assessments from other states:
   Maryland
   Massachusetts
   New York
   Illinois
   Maine
   Alabama
   Colorado
   North Dakota
## APPENDIX D

### LIST OF NAMES OF WITNESSES AND OTHERS SUBMITTING WRITTEN TESTIMONY

#### Uniontown Hearing Witnesses

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fred Heintz</td>
<td>Managing Attorney, Southwestern Legal Aid Society, Inc., Uniontown Office</td>
</tr>
<tr>
<td>Gloria Mickens</td>
<td>Executive Director, domestic violence shelter</td>
</tr>
<tr>
<td>Carol Rush</td>
<td>Client, Greene County</td>
</tr>
<tr>
<td>Catherine Reeves</td>
<td>Women’s Services of Westmoreland County, Inc., Greensburg</td>
</tr>
<tr>
<td>John DeCarlo</td>
<td>Housing Specialist, Fayette County Community Action Agency, Uniontown</td>
</tr>
<tr>
<td>Charles Evanina</td>
<td>President, Concerned Citizens of Fayette County</td>
</tr>
<tr>
<td>Bob Wetzel</td>
<td>Private attorney, Fayette County</td>
</tr>
<tr>
<td>Hon. William J. Franks</td>
<td>Common Pleas Court of Fayette County</td>
</tr>
</tbody>
</table>

#### Norristown Hearing Witnesses

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dianne Upson</td>
<td>Legal Aid of Chester County</td>
</tr>
<tr>
<td>Rita M. Wiley</td>
<td>Director of Opportunity Board, Norristown</td>
</tr>
<tr>
<td>Hon. Maurino Rossanese, Jr.</td>
<td>Montgomery County Court of Common Pleas</td>
</tr>
<tr>
<td>Lois Gould</td>
<td>Phoenixville Area Community Service</td>
</tr>
<tr>
<td>Virginia Frantz</td>
<td>Senior Adult Activities Center, Norristown</td>
</tr>
<tr>
<td>Patricia Schang</td>
<td>Women’s Advocacy Project for the Women’s Center of Montco</td>
</tr>
<tr>
<td>Adaminor Ortiz</td>
<td>ACLAMO</td>
</tr>
<tr>
<td>Harvey Strauss</td>
<td>Executive Director, Montgomery County Legal Aid</td>
</tr>
<tr>
<td>Miguel Aguilar</td>
<td>Friends of Farmworkers, Kennett Square</td>
</tr>
<tr>
<td>Francisco Perez</td>
<td>Comite de Apoyo para Trabajadores Agricola, Kennett Square</td>
</tr>
<tr>
<td>William Gonzalez</td>
<td>Philadelphia attorney</td>
</tr>
<tr>
<td>Arthur Read</td>
<td>Friends of Farmworkers</td>
</tr>
<tr>
<td>Rev. David DeReemer</td>
<td>New Bethany Ministries</td>
</tr>
<tr>
<td>Katherine Wenstrup</td>
<td>A Woman’s Place shelter</td>
</tr>
<tr>
<td>Hope Lihn</td>
<td>EQPT, Emergency Outreach</td>
</tr>
</tbody>
</table>

D-1
Name | Organization
---|---
Pat Sharer | Adults in Transition
Susan Edgrin | Family Services
Meg Groff | Legal Aid Society, Bucks County
William Eastburn | Presenting remarks of the Hon. Isaac S. Garb, Bucks County

**Scranton Hearing Witnesses**

Gertrude Hastings | Board member, Northern PA Legal Services
Sylvia Hahn | Managing attorney, Northern PA Legal Services
Vito Geroulo | Chief public defender, Lackawanna County
Margaret Ruddy | Women’s Resource Center, Scranton
Diane Hoover | Paralegal, Northern PA Legal Services, Wyoming County
Michael Keegan | Executive Director, Lackawanna Bar Association
Donna DeVita | Attorney, chairperson, Lackawanna County Bar Association
John Bogdanovich | Executive Director, Northern PA Legal Services
Richard Campagna | President, Lackawanna County Bar Association
Charles Petrillo | Executive Director, Legal Services of Northeastern PA
Ruth Borland | Private attorney, Luzerne County

**Meadville Hearing Witnesses**

Carol Hutchison | Court Administrator (and pro bono administrator), Venango County
John D. Petruso | President, Crawford County Bar Association
Sara Burns | Client, Northwestern Legal Services
Carol Fentin | Client, Northwestern Legal Services
Desiree Pompey Austin | Southwest Gardens Economic Development Corporation, Mercer County
Cynthia Murphy | Legal unit director for Hospitality House Services for Women, Erie
Tish Donze | Executive Director, GROW (Grass Roots Opportunities for Women)
Paula Mrufchak | Low-income person (GROW client)
Rose Churchill | Low-income person (GROW client)
Susan Graves | Paralegal, Northwestern Legal Services, Mercer County; former client
Edith Benson | Managing attorney, Northwestern Legal Services, Mercer County
Jean Vallimont | Horizon House, Union City
Frank K. Warner | President advocate, Crawford County Senior Citizens Council
Jane Hepting | Managing attorney, legal services, Butler County
Veronica Wright | Managing attorney, Neighborhood Legal Services, Lawrence County
Don George | Environmental inspector, City of Erie Lead Poisoning Prevention Project
Name          Organization

Connie Maine ................................State Representative, Crawford County
John Gandrud ........................................Staff attorney, Northwestern Legal Services, Erie
Ms. Lauren Lukert ................................ Commissioner, Human Relations Commission (not representing HRC at hearing); formerly E.D., Hispanic-American Council in Erie
Albanna Johnson .................................Low-income tenant of housing project
Mabel Jones ................................. Low-income tenant of housing project
Dan Watkins .................................. Community educator, Northwestern Legal Services, Erie County
Judy Griffin ....................................Executive Director, Women’s Services, Meadville
Otto Lukert ..................................Executive Director, Northwestern Legal Services

State College Hearing Witnesses

Beth Hamilton .................................. Legal assistant and pro bono coordinator, Keystone Legal Services
Mike Saglimben ................................ Staff attorney, Keystone Legal Services, Clearfield
Carolyn Johnson ............................. Attorney, Keystone Legal Services, Huntingdon County
Harold Chambers ............................. President, Chestnut Terrace Residents Association, Huntingdon County
Maddie Gill .................................. Rural advocate for Centre County Women’s Resource Center
Stuart Silo ....................................... President, Keystone Legal Services Board of Directors
Janet Decker .................................... Receptionist, Keystone Legal Services
Lisa Ranck ..................................... Area Agency on Aging
Diane Shipley .................................. Director of AIDS Project, Centre County
Ron Quinn ...................................... Temporary Housing, Inc.
Charlotte Bogart ................................ Private citizen, Mechanicsburg
Carol Lang ...................................... Court Administrator, Huntingdon County Court of Common Pleas
Robin Foor ...................................... Institutional Law Specialist, Keystone Legal Services
Mary Jane Isenberg .......................... Director, Clinton County Women’s Center, Clinton County
Michelle DeBord ................................ Executive Director, Keystone Legal Services

Pittsburgh Hearing Witnesses

Vi Nolla ........................................ Assistant to State Senator Michael Dawida
Mike Stout ........................................ Client
Joseph Nestico .................................. Client
D. L. Rosenfeld ................................. Managing Director, Business to Business Office Systems
Marjorie Kerns ................................ Alliance for Mentally Ill of PA
Twila Clevenger ................................ Patient advocate, United Mental Health, Inc. of Allegheny County
Tom Thompson .................................. Private attorney, Chairman, Public Service Committee, Allegheny County Bar Association
<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dean Mark Nordenberg</td>
<td>Dean, University of Pittsburgh School of Law</td>
</tr>
<tr>
<td>Barbara Sturni</td>
<td>Client</td>
</tr>
<tr>
<td>Barney Oursler</td>
<td>Co-director, Unemployed Council of Southwest, PA</td>
</tr>
<tr>
<td>Dona Sorce</td>
<td>Shelter coordinator, Bethlehem Haven of Greater Pittsburgh</td>
</tr>
<tr>
<td>Helen Kotler</td>
<td>Attorney, Pittsburgh</td>
</tr>
<tr>
<td>Phyllis Bianculli</td>
<td>Assistant Director, Women’s Center and Shelter</td>
</tr>
<tr>
<td>Joanne Ross Wilder</td>
<td>Chairman, Greater Pittsburgh Commission for Women</td>
</tr>
<tr>
<td>Stephanie Regni</td>
<td>Executive Director, Alle-Kiske Area HOPE Center, Pittsburgh</td>
</tr>
<tr>
<td>Heather Heidelberg</td>
<td>Attorney, co-director of Homeless Project</td>
</tr>
<tr>
<td>Rose Palmer</td>
<td>Executive Director, Support, Pittsburgh</td>
</tr>
<tr>
<td>Ruby Lockett</td>
<td>Abuse victim (in shelter)</td>
</tr>
<tr>
<td>Katherine Benesch</td>
<td>Attorney, Chairman of Young Lawyers Section, Allegheny County Bar Association</td>
</tr>
<tr>
<td>Leslie Leber</td>
<td>Legal services client</td>
</tr>
<tr>
<td>Mary Ann Troper</td>
<td>Paralegal, Neighborhood Legal Services</td>
</tr>
<tr>
<td>Bill Buchko</td>
<td>Executive Director, Legal Aid Society of Pittsburgh</td>
</tr>
<tr>
<td>Ulah Mae Johnson</td>
<td>Client council, Neighborhood Legal Services</td>
</tr>
<tr>
<td>Georgine Siruky</td>
<td>Staff attorney, Child Advocacy, Legal Aid Society</td>
</tr>
<tr>
<td>Thelma Reese</td>
<td>Paralegal, Neighborhood Legal Services</td>
</tr>
<tr>
<td>Shirley Darby</td>
<td>Community education specialist, McKeesport Womansplace Domestic Violence Agency</td>
</tr>
<tr>
<td>Robert Racunas</td>
<td>Executive Director, Neighborhood Legal Services</td>
</tr>
</tbody>
</table>

**Harrisburg Hearing Witnesses**

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>MacDonald Stacks</td>
<td>Executive Director, Community Action Program of Lancaster County</td>
</tr>
<tr>
<td>Migdalia Rios</td>
<td>Social Worker, York Spanish-American Center</td>
</tr>
<tr>
<td>Louis Butcher</td>
<td>Executive Director, Human Relations Commission, Lancaster County</td>
</tr>
<tr>
<td>Susan Reider</td>
<td>Executive Director, Mental Health Association of PA</td>
</tr>
<tr>
<td>Ken Jewell</td>
<td>Chairman, Public Service Committee, Lancaster County Bar Association</td>
</tr>
<tr>
<td>Bertha King</td>
<td>Resident, Hall Manor public housing project; former president of Hall Manor Tenants Organization</td>
</tr>
<tr>
<td>Mike Caulder</td>
<td>Legal services client</td>
</tr>
<tr>
<td>Mary Elizabeth Spenser</td>
<td>Legal services client</td>
</tr>
<tr>
<td>Mary Kozlowski</td>
<td>Legal advocate for domestic violence shelters, primarily serving Berks County</td>
</tr>
<tr>
<td>Denise Kirtin</td>
<td>Legal services client</td>
</tr>
<tr>
<td>Joe Braun</td>
<td>Executive Director, Reading emergency shelter</td>
</tr>
<tr>
<td>Name</td>
<td>Organization</td>
</tr>
<tr>
<td>----------------------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Michael Bowen</td>
<td>Staff attorney, Central PA Legal Services, Harrisburg</td>
</tr>
<tr>
<td>Judy Yucavage</td>
<td>PA Coalition Against Domestic Violence</td>
</tr>
<tr>
<td>Lori Eyler</td>
<td>Domestic Violence Advocate, Women in Need, Chambersburg; former legal services client</td>
</tr>
<tr>
<td>Starr Miller</td>
<td>Paralegal, Legal Services, Inc., Chambersburg</td>
</tr>
<tr>
<td>Ada Farber</td>
<td>Domestic Violence Legal Clinic, Lancaster</td>
</tr>
<tr>
<td>Howard Miskey</td>
<td>Managing attorney, Central PA Legal Services, Lancaster</td>
</tr>
<tr>
<td>Sue Danforth</td>
<td>Paralegal, Central PA Legal Services, Lancaster</td>
</tr>
<tr>
<td>Gertrude Hassinger</td>
<td>Legal services client, Perry County</td>
</tr>
<tr>
<td>Scott Evans</td>
<td>Chief Public Defender, Dauphin County</td>
</tr>
<tr>
<td>Ann Schwartzman</td>
<td>Director of Advocacy, PA Prison Society</td>
</tr>
<tr>
<td>Laurie Lightbody</td>
<td>Legal services client</td>
</tr>
<tr>
<td>Richard Kearns</td>
<td>Private attorney, Harrisburg</td>
</tr>
<tr>
<td>Jeffrey Emico</td>
<td>Public Service Committee, Dauphin County Bar Association</td>
</tr>
<tr>
<td>Deb Beck</td>
<td>President, Drug/Alcohol Service Provider Organization of PA</td>
</tr>
<tr>
<td>Emestine Watlington</td>
<td>President-elect, Board of Central PA Legal Services; low-income person</td>
</tr>
<tr>
<td>Birdie Woodley</td>
<td>Former farmworker, Chambersburg</td>
</tr>
<tr>
<td>Walter Garvin</td>
<td>Former farmworker, Franklin County</td>
</tr>
<tr>
<td>Donna Crockett</td>
<td>Executive Director, York County Bar Association</td>
</tr>
<tr>
<td>Mike Alexander</td>
<td>Independent Living Specialist</td>
</tr>
<tr>
<td>Jerry Philpott</td>
<td>Private attorney, Perry County</td>
</tr>
<tr>
<td>Ron Diehl</td>
<td>Board member, Central PA Legal Services, Perry County</td>
</tr>
<tr>
<td>Rev. Charles Dorsey</td>
<td>Director of Special Ministries, PA Council of Churches; Chairman of PA Coalition of Seasonal Farmworkers</td>
</tr>
<tr>
<td>Rochelle Hall</td>
<td>Assistant director of Housing Council of York County</td>
</tr>
<tr>
<td>Kay Pickering</td>
<td>Harrisburg Fair Housing Council</td>
</tr>
<tr>
<td>Yolanda Perez</td>
<td>Counselor at Harrisburg Area Community College; member of Latino community</td>
</tr>
<tr>
<td>Paddy Rooney</td>
<td>Interim E.D. of Christian Churches United of the Tri-County Area</td>
</tr>
<tr>
<td>Magda Villaronga</td>
<td>Member, board of directors of the Puerto Rican Organizing Committee</td>
</tr>
<tr>
<td>Sonya Hinkle</td>
<td>Paralegal and private bar coordinator, Cumberland County</td>
</tr>
<tr>
<td>Bob Manara</td>
<td>Managing attorney, Central PA Legal Services, Berks County</td>
</tr>
<tr>
<td>Margarita Kearns</td>
<td>Volunteer with Hispanic Center, Harrisburg (testimony read by Yolanda Brown)</td>
</tr>
</tbody>
</table>
**Williamsport Hearing Witnesses**

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. Thomas C. Raup</td>
<td>President Judge, Lycoming County Court of Common Pleas</td>
</tr>
<tr>
<td>Rev. Alton Motter</td>
<td>Director, United Churches of Williamsport and Lycoming Counties</td>
</tr>
<tr>
<td>Rev. Wayne Scott</td>
<td>Shepherd of the Streets</td>
</tr>
<tr>
<td>Peter Macky</td>
<td>Managing attorney, Susquehanna Legal Services, Sunbury</td>
</tr>
<tr>
<td>Lucy Heggenstaller</td>
<td>Susquehanna Valley Women in Transition</td>
</tr>
<tr>
<td>Arlene Shaheen</td>
<td>Director, Wise Options (women’s center)</td>
</tr>
<tr>
<td>William Miele</td>
<td>Chief public defender, Lycoming County</td>
</tr>
<tr>
<td>George Price</td>
<td>Family court master, Lycoming County</td>
</tr>
<tr>
<td>John M. Humphrey</td>
<td>Private attorney, member of Susquehanna Legal Services, Williamsport</td>
</tr>
<tr>
<td>Joe Campagna</td>
<td>Executive Director, Susquehanna Legal Services</td>
</tr>
</tbody>
</table>

**Philadelphia Hearing Witnesses**

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sam Garro</td>
<td>Executive Director, Senior Citizen Judicare Project</td>
</tr>
<tr>
<td>Edward Ohlbaum</td>
<td>Attorney, Director of Clinical Legal Education, Temple Law School</td>
</tr>
<tr>
<td>Hannah Benson Mouzon</td>
<td>Outreach Coordinator, Women’s Law Project</td>
</tr>
<tr>
<td>Lance Haver</td>
<td>Executive Director, Education and Protective Association of Philadelphia</td>
</tr>
<tr>
<td>Carol Boyer Walton</td>
<td>Client</td>
</tr>
<tr>
<td>John Dodds</td>
<td>Director, Philadelphia Unemployment Project</td>
</tr>
<tr>
<td>Louis Rulli</td>
<td>Executive Director, Community Legal Services, Philadelphia</td>
</tr>
<tr>
<td>Virginia Brown</td>
<td>Action Alliance of Senior Citizens, Philadelphia</td>
</tr>
<tr>
<td>Tom Burke</td>
<td>Intake paralegal, Community Legal Services</td>
</tr>
<tr>
<td>Phyllis Ryan</td>
<td>Executive Director, Philadelphia Committee for Homeless</td>
</tr>
<tr>
<td>Mary Fallon</td>
<td>Director of Long-Term Care Connection, Northwest Interfaith Movement</td>
</tr>
<tr>
<td>Art Doherty</td>
<td>Executive V.P., Philadelphia Local of the American Postal Workers Union</td>
</tr>
<tr>
<td>Lorrie McKinley</td>
<td>Clinical Lecturer/Supervisor, University of Pennsylvania Law School</td>
</tr>
<tr>
<td>Liz Robinson</td>
<td>Executive Director, Energy Coordinating Agency of Philadelphia</td>
</tr>
<tr>
<td>Hon. Jan E. DuBois</td>
<td>U.S. District Court, Eastern District</td>
</tr>
<tr>
<td>Ann Kiser</td>
<td>Coalition of Advocates for the Rights of the Infirm Elderly</td>
</tr>
<tr>
<td>Karen Detamore</td>
<td>Executive Director, Friends of Farmworkers; former legal services client</td>
</tr>
<tr>
<td>Lucy Fitch</td>
<td>Legal Aide to Representative Ruth Harper, North Philadelphia</td>
</tr>
<tr>
<td>Hon. Jerome Zaleski</td>
<td>Administrative Judge, Family Court, Court of Common Pleas, Philadelphia</td>
</tr>
<tr>
<td>Sam Magdogvitz</td>
<td>Associate director, Juvenile Law Center</td>
</tr>
</tbody>
</table>
Name | Organization
--- | ---
Judith Bernstein-Baker | Attorney, Support Center for Child Advocates
Eva Gladstein | Director, Tenant Action Group
Jennifer Campbell | Supervisor, Discharge Planning for Dept. of Social Work at Thomas Jefferson Hospital
Richard Gold | First Deputy City Solicitor for Philadelphia
Irv Ackelsberg | Manager, Law Center Northcentral, Community Legal Services
Mary Hanna | General counsel, Temple University Legal Aid Office
Hon. Bruce Fox | U.S. Bankruptcy Court, Eastern District
Deborah Willig | Vice-chancellor, Philadelphia Bar Association
Mary Scherf | Managing attorney, Women Against Abuse Legal Center, Philadelphia
Diane Cimaldi | Client
David Webber | Director, AIDS Law Project of PA
Thomas Paine Cronin | President, AFSCME, District Council 47
Janet Stotland | Managing attorney, Education Law Center of PA
Karolloviea Sharpe | Legal services client; member, Community Legal Services Client Advisory Board
Madeline Shikomba | Head of North of Washington Avenue Coalition
James Royal | Community Legal Services Board of Directors

**Hollidaysburg Hearing Witnesses**

Andrew Gleason | Chairman, Cambria County Bar Association Committee on Legal Services for the Poor
Donna Gority | County Commissioner, Blair County
Thomas Morgan | Private attorney, V.P. of Clearfield County Bar Association
Earl Glock | Private attorney, Johnstown, V.P. of Cambria County Bar Association
David Axinn | Director, Blair County Legal Services
Todd Kelly | District Justice, Blair County
John A. Kopay | Executive Director, Laurel Legal Services, Inc.
Carol Lipka | Former legal services client
Art McCoy | Client of legal services
Don Graffius | Managing attorney, Southern Alleghenys Legal Aid, Bedford Office
Joanne Watts | Coordinator of Domestic Abuse Project, Blair County
Written Testimony Submitted for the PBA Task Force for the Legal Services to the Needy Public Hearings

(Some persons who submitted written testimony may have been omitted inadvertently from this list.)

Judith Bernstein-Baker — Support Center for Child Advocates, Philadelphia
David A. Baxter, Esq. — Program Coordinator, Legal Aid Volunteer Attorneys, Erie County
Katherine Benesch, Esq. — Chairperson, Allegheny County Young Lawyers Section
Phyllis B. Bianculli — Assistant Director, Women’s Center and Shelter of Greater Pittsburgh
Charlotte H. Bogart — Mechanicsburg
Michael T. Bowen, Esq. — Harrisburg
Pat Brennen — Executive Director, United Cerebral Palsy of Beaver, Butler and Lawrence Counties
Robert M. Brenner — Executive Director, Southwestern Pennsylvania Legal Aid Society
Stephanie Bressler — Assistant Professor, Kings College, Wilkes-Barre
Louise Brookins — Executive Director, Philadelphia Welfare Rights Organization and Chairman, Board of Pennsylvania Legal Services Center
Virginia Brown — Action Alliance of Senior Citizens, Philadelphia
Sara Burns — low income person, Meadville hearing
Honorable Francis X. Caiazzo — Judge, Lawrence County
Jennifer Campbell — Supervisor, Discharge Planning, Thomas Jefferson University Hospital, Philadelphia
Florence Cantiello — low income person, Norristown hearing
Ora Lee Carroll — 12th Ward 4th District Committeewoman (Pittsburgh) and Hope Carroll
Harold W. Chambers, Sr. — President, Chestnut Terrace Residents Association, Mt., Union
Elsie Claudio — Executive Director, Mt. Pleasant, Latino American Center, Harrisburg
Mark A. Criss, Esq. — Evans City, PA, Butler County
Thomas Paine Cronin — President, AFSCME, District Council 47, Philadelphia
Shirley Darby — Community Education Specialist, Womensplace, McKeesport
Rev. David H. DeRemer — Executive Director, New Bethany Ministries, Bethlehem
Karen Detamore — Executive Director, Friends of Farm Workers
John Dodds — Director, Philadelphia Unemployment Project
Tish Donze — Executive Director, Grass Roots Opportunities for Women, Erie
Mark S. Drier, Esq. — Jersey Shore, PA, Lycoming County
William H. Eastburn, III, Esq. — PBA Zone 9 Governor
Jeffrey A. Ernico, Esq. — Chairman, Public Service Committee, Dauphin County Bar Association
Lori E. Eyler — Domestic Violence Court Advocate, Women in Need, Chambersburg
Mary J. Fallon — Director, Long Term Care Connection, Northwest Interfaith Movement, Philadelphia
Ada Farber — Coordinator, Domestic Violence Legal Clinic, Lancaster
Samuel Garro — Executive Director, Senior Citizens Judicare Project, Philadelphia
Honorable Richard Geist — House of Representatives, Commonwealth of Pennsylvania
Earl Glick, Esq. — Johnstown, Cambria County
Donald M. Graffius, Esq. — Southern Allegheny Legal Aid, Inc., Bedford
Donald W. Grieshofer, Esq. — private attorney, Erie
Beth Hamilton — Administrative Legal Assistant, Keystone Legal Services, Inc., State College
Mary K. Hannah, Esq. — Temple Legal Aid Office, Philadelphia
Rosemarie Hartzell — Executive Director, The Open Line, Pennsburg, PA
Lance Haver — Executive Director, Consumers Education and Protective Association, Philadelphia
Jane F. Hepting, Esq. — Managing Attorney, Neighborhood Legal Services Association office for Butler County
Sonya Hinkel — Paralegal and Private Bar Coordinator, Legal Services, Inc. (Cumberland County)
Horizon House Shelter for Women, Inc., Union City
Mary Jane Isenberg — Director, Clinton County Women’s Center, Castanea, PA
Kenneth Jewell, Esq. — Chairman, Public Service Committee, Lancaster County Bar Association
Senator Roxanne Jones — Philadelphia
Honorable Richard A. Kasunic — House of Representatives, 52nd Legislative District (Fayette County)
Margarita Morales Kearns — volunteer, Harrisburg Hispanic Community
Honorable Robert M. Kemp — President Judge, Tioga County
Marjorie A. Kerns — board member of several Beaver County mental health organizations (Aliquippa)
Bertha King — President, Hall Manor Tenants Organization, Harrisburg
Anne Kisor — Coalition of Advocates for the Rights of the Infirm Elderly, Philadelphia
Kathleen P. Kleinmann — Director, Center for Independent Living of Southwestern PA, Washington, PA
John A. Kopay — Executive Director, Laurel Legal Services, Inc., Uniontown
Helen R. Kotler — Neighborhood Legal Services, Pittsburgh
Madeline Lozowski — Executive Director, Easton Area Neighborhood Centers, Inc., Easton, PA
Samuel B. Magdovitz — Associate Director, Juvenile Law Center, Philadelphia
Robert J. Manara, Esq. — Managing Attorney, Central Pennsylvania Legal Services, Reading
Honorable Glenn McCracken, Jr. — President Judge, Lawrence County
Lorrie McKinley — Clinical Lecturer/Supervisor, University of Pennsylvania Law School, Philadelphia
Starr A. Miller — Paralegal, Legal Services, Inc., Chambersburg
Andra Motyka — District Court Administrator, Erie County
Hannah Benson Mouzon — Outreach Coordinator, Women’s Law Project, Philadelphia
Paula Mrochak and Rose Churchill (joint submission) — low income people, Meadville hearing
Tara Lynne Myers — Client, Central PA Legal Services
Vi Nolla — for Senator Michael Dawida
Mark A. Nordenberg — Dean, University of Pittsburgh School of Law
Adamino Ortiz — Executive Director, ACLAMO (Accion Comunal Latino Americana) of Montgomery County, Norristown
John D. Petruso, Esq. — Crawford County Bar Association
George R. Price, Jr. — Family Court Master, Lycoming County
Arthur N. Read — General Counsel, Friends of Farmworkers, Inc., Philadelphia
Thelma Reese — Paralegal, Neighborhood Legal Services, Pittsburgh
Susan M. Reider — Executive Director, Mental Health Association in Pennsylvania
D. L. Rosenfeld — citizen, Pittsburgh
Louis S. Rulli, Esq. — Executive Director, Community Legal Services, Inc., Philadelphia
Patricia A. Schang — Project Director, Women’s Advocacy, The Women’s Center of Montgomery County
Mary Scherf, Esq. — Women Against Abuse Legal Center, Philadelphia
Ann Schwartzman — Pennsylvania Prison Society, Philadelphia
Karolovia Sharpe — Philadelphia
Dona Sorce — Bethlehem Haven and Hospitality Shelter for Women, Pittsburgh
J. William Stover — District Justice, Franklin County
SUPPORT, Pittsburgh
Thomas M. Thompson, Esq. — Chairperson, Public Service Committee, Allegheny County Bar Association
Mary Ann Troper — Neighborhood Legal Services Association, Allegheny County
Honorable Brendan J. Vanson — President Judge, Tunkhannock, PA
Ernestine Watlington — citizen, Harrisburg
David W. Webber — Director, AIDS Law Project of Pennsylvania, Philadelphia
Joanne Ross Wilder
Rita E. Wiley — Executive Director, Opportunity Board of Montgomery County, Inc., Norristown
Deborah R. Willig — Vice Chancellor, Philadelphia Bar Association
Michael R. Winkler — Blair County Children and Youth Services
Veronica Giel Wright — Managing Attorney, Neighborhood Legal Services Association office for Lawrence County
Judith K. Yupcavage — Pennsylvania Coalition Against Domestic Violence, Harrisburg
APPENDIX E

LEGAL PROBLEMS ADDRESSED
BY THE MASON-DIXON TELEPHONE SURVEY

Consumer
1. Turned down for credit
2. Threatened by bill collectors
3. Defective/misleading product purchase
4. Contractor/repairman problem
5. Bankruptcy
6. Wages garnished
7. Repossession of property
8. Others

Utility
1. Unable to make payments on time
2. Dispute over bill
3. Service turned off
4. Other utility

Health
1. Could not afford to go to hospital or doctor
2. Charged for services that could not afford
3. Medicare acceptance
4. Getting admitted to hospital for services
5. Other medical

Benefit
1. Food stamps
2. Social Security
3. Disability benefits
4. Weatherization
5. Child support collection
6. Workmen’s Compensation
7. SSI
8. Low-income energy assistance
9. Certification for public housing
10. Other welfare benefits
11. AFDC
12. Unemployment benefits
13. Veterans benefits
14. Medicare
15. Medicaid
16. Other benefits

**Housing**
1. Repairs not done/done improperly
2. Heating or plumbing problem
3. Rats or bugs
4. Eviction or threat of eviction
5. Rent disputes
6. Landlord harassment
7. Reclaiming security deposit
8. Turned down due to discrimination
9. Problems as owner
10. Other housing problems

**Employment**
1. Losing job/promotion due to discrimination
2. Treated unfairly on the job
3. Unsafe work conditions
4. Collecting wages
5. Other job problems

**Family**
1. Child support problems
2. Divorce
3. Custody fight
4. Children in trouble with law
5. Problems with child at school
6. Claims of child abuse
7. Claims of other family abuse or violence
8. Welfare Department taking or threatening to take child
9. Other family problems

**Disability**
1. Getting care for mental illness or dependency problem
2. Problems with family member getting care in prison
3. Getting admitted/proper care at nursing home
4. Getting admitted/proper care at group home
5. Getting admitted/proper care at personal care boarding home
Others

1. Getting insurance
2. Getting streets repaired
3. Suing or being sued
4. Drawing up a will
5. Collecting a debt
6. Settling an estate
7. Keeping drivers license
8. Transferring or getting title to property
9. Getting registered to vote
10. Other dealings with public agencies
11. Other problems
# APPENDIX F

## CHART SUMMARIZING RESPONSES OF PRO BONO AND LEGAL SERVICES PROGRAMS TO PRO BONO SURVEY

<table>
<thead>
<tr>
<th>COUNTY</th>
<th># OF ATTORNEYS</th>
<th>BAR ASSOCIATION PRO BONO PROGRAM</th>
<th># OF ATTORNEYS IN PRO BONO PROGRAM</th>
<th># OF CASES EACH ATTORNEY PER YEAR</th>
<th>OTHER PRO BONO PROGRAM</th>
<th>REDUCED FEE / JUDICARE PROGRAM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams</td>
<td>30</td>
<td>YES</td>
<td>18</td>
<td>2</td>
<td>—</td>
<td>NO</td>
</tr>
<tr>
<td>Allegheny</td>
<td>6,300</td>
<td>YES</td>
<td>480</td>
<td>1 to 2</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Armstrong</td>
<td>40</td>
<td>YES</td>
<td>N/A</td>
<td>N/A</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Beaver</td>
<td>139</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>YES**</td>
</tr>
<tr>
<td>Bedford</td>
<td>19</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Berks</td>
<td>475</td>
<td>YES</td>
<td>215</td>
<td>2 to 3</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Blair</td>
<td>120</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Bradford</td>
<td>48</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Bucks</td>
<td>743</td>
<td>YES</td>
<td>558</td>
<td>2</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Butler</td>
<td>105</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Cambria</td>
<td>175</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Cameron</td>
<td>5</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Carbon</td>
<td>50</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Centre</td>
<td>140</td>
<td>NO</td>
<td>36</td>
<td>2 to 3</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Chester</td>
<td>639</td>
<td>YES</td>
<td>106</td>
<td>2+</td>
<td>—</td>
<td>YES</td>
</tr>
<tr>
<td>Clarion</td>
<td>22</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Clearfield</td>
<td>68</td>
<td>NO</td>
<td>16</td>
<td>3</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Clinton</td>
<td>26</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Columbia</td>
<td>50</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Crawford</td>
<td>60</td>
<td>YES</td>
<td>40</td>
<td>2 to 3</td>
<td>—</td>
<td>NO</td>
</tr>
<tr>
<td>Cumberland</td>
<td>130</td>
<td>YES</td>
<td>60</td>
<td>2</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Dauphin</td>
<td>1,000</td>
<td>YES</td>
<td>300</td>
<td>2</td>
<td>—</td>
<td>NO</td>
</tr>
<tr>
<td>Delaware</td>
<td>950</td>
<td>YES</td>
<td>170</td>
<td>2</td>
<td>—</td>
<td>NO</td>
</tr>
<tr>
<td>Elk</td>
<td>28</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Erie</td>
<td>396</td>
<td>YES</td>
<td>230</td>
<td>1 to 2</td>
<td>—</td>
<td>NO</td>
</tr>
<tr>
<td>Fayette</td>
<td>86</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Forest</td>
<td>6</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Franklin</td>
<td>70</td>
<td>YES</td>
<td>30</td>
<td>2</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Fulton</td>
<td>5</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Greene</td>
<td>26</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Huntingdon</td>
<td>30</td>
<td>YES</td>
<td>N/A</td>
<td>N/A</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Indiana</td>
<td>57</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>COUNTY</td>
<td># OF ATTORNEYS</td>
<td>BAR ASSOCIATION PRO BONO PROGRAM</td>
<td># OF ATTORNEYS IN PRO BONO PROGRAM</td>
<td># OF CASES EACH ATTORNEY PER YEAR</td>
<td>OTHER PRO BONO PROGRAM</td>
<td>REDUCED FEE JUDGEBARPROGRAM</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------</td>
<td>----------------------------------</td>
<td>------------------------------------</td>
<td>----------------------------------</td>
<td>------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Jefferson</td>
<td>33</td>
<td>YES</td>
<td>10</td>
<td>—</td>
<td>—</td>
<td>NO</td>
</tr>
<tr>
<td>Juniata</td>
<td>10</td>
<td>NO</td>
<td>2</td>
<td>4</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Lackawanna</td>
<td>407</td>
<td>YES</td>
<td>23</td>
<td>2</td>
<td>—</td>
<td>YES</td>
</tr>
<tr>
<td>Lancaster</td>
<td>467</td>
<td>YES</td>
<td>151+</td>
<td>3</td>
<td>—</td>
<td>YES</td>
</tr>
<tr>
<td>Lawrence</td>
<td>86</td>
<td>YES</td>
<td>71</td>
<td>4 to 6</td>
<td>—</td>
<td>NO</td>
</tr>
<tr>
<td>Lebanon</td>
<td>73</td>
<td>YES</td>
<td>60</td>
<td>6 to 8</td>
<td>—</td>
<td>NO</td>
</tr>
<tr>
<td>Lehigh</td>
<td>500+</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Luzerne</td>
<td>575</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Lycoming</td>
<td>133</td>
<td>YES</td>
<td>56</td>
<td>N/A</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>McKean</td>
<td>36</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Mercer</td>
<td>110</td>
<td>YES</td>
<td>40</td>
<td>2 to 4</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Mifflin</td>
<td>27</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Monroe</td>
<td>125</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Montgomery</td>
<td>2,590</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Montour</td>
<td>8</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Northampton</td>
<td>425</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Northumberland</td>
<td>80-85</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Perry</td>
<td>18</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>10,000+</td>
<td>YES</td>
<td>1,000</td>
<td>1</td>
<td>—</td>
<td>YES***</td>
</tr>
<tr>
<td>Pike</td>
<td>30</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Potter</td>
<td>11</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Schuylkill</td>
<td>100</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Snyder</td>
<td>17</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Somerset</td>
<td>58</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Sullivan</td>
<td>4</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>YES?</td>
</tr>
<tr>
<td>Susquehanna</td>
<td>15</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Tioga</td>
<td>30</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Union</td>
<td>20</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Venango</td>
<td>47</td>
<td>YES</td>
<td>N/A</td>
<td>2</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Warren</td>
<td>30</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Washington</td>
<td>251</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Wayne</td>
<td>40</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Westmoreland*</td>
<td>400</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Wyoming</td>
<td>20</td>
<td>NO</td>
<td>—</td>
<td>—</td>
<td>NO</td>
<td>YES?</td>
</tr>
<tr>
<td>York</td>
<td>387</td>
<td>YES</td>
<td>120</td>
<td>2</td>
<td>—</td>
<td>YES</td>
</tr>
</tbody>
</table>

* in process of forming a Bar Association Pro Bono Project
** divorce cases only
*** seniors only (over 60)
N/A not available
APPENDIX G

RESOLUTION OF THE LAWYER TRUST ACCOUNT BOARD

February 16, 1990

WHEREAS, Act 59 of 1988 known as the IOLTA Act (Interest on Lawyers’ Trust Accounts) provides that certain attorney trust funds may be placed in interest bearing accounts; and

WHEREAS, the interest earned on such trust funds are administered by the Lawyer Trust Account Board and used to fund grants to Pennsylvania non-profit corporations that provide free civil legal representation to the Commonwealth’s impoverished and disadvantaged; and

WHEREAS, the IOLTA Act provides that such funds are a supplemental funding mechanism for such civil legal representation; and

WHEREAS, the civil legal needs of the Commonwealth's poor and disadvantaged are great and cannot be serviced by existing resources; and

WHEREAS, bar associations, lawyers and law firms from across Pennsylvania have promoted the IOLTA program and established IOLTA accounts to generate such funds for these purposes and the Board is concerned lawyers may opt-out and withdraw from participation if the legislature supplants funding for civil legal services as a result of the funds raised by the IOLTA program;

BE IT HEREBY RESOLVED, that the Lawyer Trust Account Board on behalf of itself and the participating lawyers, law firms, bar associations and grant recipients, discourages any actions, legislative or otherwise, which may directly or indirectly, circumvent the intent of the IOLTA Act and the tireless efforts of the Act's participants; and

FURTHER, the Board encourages the provision of additional financial and other resources through all means available for those Pennsylvania non-profit corporations providing such legal services.

James C. Buckley, Chairman

G-1

Administering Pennsylvania's Interest On Lawyers' Trust Account (IOLTA) Program
APPENDIX H

REPORT ON THE BUCKS COUNTY
PRO BONO LEGAL SERVICES PROGRAM

The initial impetus for a pro bono program in Bucks County came in 1981 at the time of the Legal Services Corporation's funding cuts to the Bucks County Legal Aid Society. A large percentage of attorneys signed up for the pro bono program that year, but the actual participation rate (i.e., the number of attorneys who actually took referrals) was only about 25-30%.

As the funding cuts to legal services continued, and as the needs of the poor increased as a result of a rise in poverty and in such problems as spouse and child abuse, the county's pro bono program needed to be revamped.

In 1988, the Bucks County Legal Aid Society took an inventory of unmet legal needs of the poor in the county. The inventory revealed that the following needs were unmet by existing legal services for the poor:

1. More than 100 cases per year in areas such as bankruptcy, debt collection, driver's license suspension, special education, emancipation, expungement of record, guardianship, health law, immigration, labor, mental health, etc.
2. 300 to 400 custody cases per year.
3. 200 to 300 protection from abuse cases per year. (With the 1988 Amendments to the Protection from Abuse Act, the cases have more than doubled and at the present rate, will exceed 600 per year.)
4. 200 to 300 divorce cases per year.
5. 1000 intake interviews per year.

On the basis of this inventory, a new pro bono program was instituted in early 1989. Because of the large unmet need for legal representation, the county bar association determined that all attorneys who were not exempt would be expected to participate in the pro bono program by providing either free service or financial support.

Of the approximately 750 members of the bar association, about 100 were exempted from the pro bono program. These were retired attorneys, judges, legal aid staff, public defender and district attorney staff, judicial clerks, masters in divorce, U.S. Attorneys, and members of the Pennsylvania Attorney General staff. In addition, certain other attorneys were excused upon request, such as full-time government attorneys, in-house counsel for industrial and commercial firms who do not actively practice in the county, and attorneys whose principal practice is in another county and who do organized pro bono service in that county.

All attorneys not exempted from the pro bono program received from the bar association's ad hoc Pro Bono Committee and the president judge a solicitation asking them to choose the category of pro bono contribution they would make. (The form accompanying the solicitation is included in the Appendix.) They could choose the general type of case they would take or other service they would provide for the pro bono program. If they preferred to perform no service, they could choose to make a financial contribution of $400 to the Legal Aid Society.

In lieu of participation in the pro bono program of representation in civil cases, or contributing financially, attorneys were permitted to choose another form of service to the indigent. They could elect to provide
criminal representation in public defender conflict cases. Although these attorneys receive some (slight) compensation from the court for these services, they also receive a greater number of appointments than do participants in the pro bono program.

A full-time coordinator is employed by the pro bono program. The coordinator, working out of the Legal Aid Society's office, schedules attorney participation. Members of the bar association's standing Pro Bono Committee, which includes the Legal Aid Society's executive director and the president judge, act as trouble shooters in the program. A trouble shooter is designated for each of the categories of participation in the program. The trouble shooters work, on a day-to-day basis, with the program coordinator and the executive director of the Legal Aid Society.

In addition to designating trouble shooters, the Pro Bono Committee has designated one of its members as a liaison with the county commissioners with a special charge to seek funding in the fields of protection from abuse and children and youth, for which there is entitlement under the statutes.

The Bucks County pro bono program has worked well, with an active participation rate of over 86% of non-exempt lawyers. The program is continually being reassessed because of changing circumstances. For example, the Pro Bono Committee is considering revising the categories of participation in order to accommodate the recent huge influx of domestic violence cases.

The Bucks County plan is adaptable to both large and small counties. The keys to its success are an active bar association pro bono committee; the involvement of the president judge, specific guidelines and expectations for the participation of attorneys, and a willingness of participating attorneys to work with members of the bar committee and with the program coordinator.
RETURN IN THE ENCLOSED ENVELOPE by November 4, 1988

SELECTION OF ALTERNATIVE TYPES OF SERVICE FOR LEGAL ASSISTANCE TO THE POOR

I hereby select the following alternative type of service to the poor. (If you desire you may make a 1st, 2nd and 3rd choice by marking 1, 2, or 3.)

1. Custody & Divorce
   (2 per year per person)

2. Abuse
   (2 per year or appearance in Court for 1 day per year)

3. Experts in Family Law to answer inquiries of volunteers in custody, divorce & abuse (in sufficient number not to create undue burden on anyone)

4. Intake Interviewer at Legal Aid or other office
   (2 — one-half days per year)

5. Miscellaneous, i.e. consumer, bankruptcy, housing, motor vehicle
   (designate preferred specific area 2 cases per year)

   Designated preferred areas:

6. Public Defender, conflict cases
   (1 case per month, participants to be excused from other pro bono assignments)

7. Financial Support in lieu of services detailed in 1 to 6 above ($400 per year to be paid to Bucks County Legal Aid Society earmarked for legal help in the shortfall areas)

__________________________________________
Signature of Attorney

__________________________________________
Please print name

__________________________________________
Address

__________________________________________
Telephone number