Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
May 23, 2018	☒ Formal action or request ☐ Information only ☐ Other	Legal Services Corporation Funding (as part of the Chairperson's Report)

From: Judge Lawrence F. Winthrop

Presenters: (Same)

Discussion: Judge Winthrop will discuss sending a letter to Legal Services Corporation in support of its FY 2019 budget request to Congress.

Recommended motion: To authorize the ACAJ chair to send a letter to Legal Services Corporation in support of its FY 2019 budget request to Congress.

LAWRENCE F. WINTHROP
JUDGE

Court of Appeals

STATE OF ARIZONA
DIVISION ONE
STATE COURTS BUILDING
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007

Phone (602) 452-6795

May 23, 2018

VIA EMAIL (richardsond@lsc.gov)

Mr. David Richardson
Treasurer, Legal Services Corporation
3333 K Street, NW 3rd Floor
Washington, DC 20007-3522

Dear Mr. Richardson:

Every day, hundreds of vulnerable low-income Arizonans must face civil legal challenges involving housing, medical care, employment and denial of critical benefits. Because of their financial status, these individuals cannot afford to hire a lawyer, and instead must seek assistance from our state's legal aid providers, Community Legal Services, Inc. (CLS), DNA – People's Legal Services, Inc. (DNA), and Southern Arizona Legal Aid, Inc. (SALA). Over forty years ago, Congress recognized the importance of insuring adequate funding for civil legal aid services, and created the Legal Service Corporation (LSC) to provide funding to approved legal aid agencies in each state. Unfortunately, Congress has not fulfilled its promise to adequately fund the essential work of LSC and its approved state providers.

On behalf of the 20-member Arizona Commission on Access to Justice, as well as all those who care about unmet civil legal needs, we urge Congress to fully fund LSC at its Fiscal Year 2020 budget request of $564.8 million.

Geographically, Arizona is the sixth largest state; in terms of population, it ranks 14th nationally. With Federal and State governments owning almost 60% of the land, we are really a state of several urban centers and a lot of fairly remote, rural areas. Additionally, Arizona leads the nation with the largest percentage of tribal lands. These factors combine to create a state where, notwithstanding improved national economic conditions, the poverty rate in Arizona remains persistently higher than other states. Only some individuals facing critical civil issues can afford to hire an attorney. Most cannot.

You already know how under-resourced the 133 LSC-funded providers are. Arizona's legal aid staffs struggle every day to triage requests for help and to allocate limited legal resources. Without question, additional financial resources would allow these offices to have greater geographic reach and to provide services to more clients. Notwithstanding the Congressional

promise of adequate funding, Arizona's LSC providers are diligently working to supplement and diversify their income sources by seeking alternative funding through local appropriations, grants, philanthropic foundations, and private donors. Professional fundraisers are building and implementing the case for increased public and private support at each program. Congressional support and adequate funding for LSC, however, remain critically important, and we urge approval of increased funding in that regard.

Demographics and Service Data for Arizona LSC providers

Community Legal Services, Inc.
$7.47 million total budget, 80% LSC funds.
5,164 cases closed. The top four categories: 34% housing; 24% family; 17% consumer; 11% income.
76 total staff, 32 attorneys, in six offices.
Service area:
LaPaz County – 20,601 population; $36,321 median income; 24.8% poverty rate.
Maricopa County – 4,307,033 population; $55,676 median income; 15% poverty rate.
Mohave County – 207,200 population; $39,856 median income; 18.3% poverty rate.
Yavapai County – 225,168 population; $46,638 median income; 13.3% poverty rate.
Yuma County – 207,534 population; $41,467 median income; 19.3% poverty rate.

DNA – People's Legal Services, Inc.
$4.2 million total budget, 70% LSC funds.
1,594 cases closed. The top four categories: 51% family; 17% consumer; 8% Misc.; 7% housing.
66 total staff, 30 lawyers, in nine offices (four in Arizona, four in New Mexico, one in Utah).
Service area:
Coconino County, Apache County A (the Navajo and Hopi reservation areas of that county), Navajo County A (the Navajo and Hopi Reservation areas of the county), San Juan County, Native Americans living on or near the Navajo Reservation in Arizona, New Mexico, and Utah, and the Hopi Reservation in Arizona, and members living off reservation who have cases which require litigation in tribal court, Native Americans living on or near the Jicarilla Indian Reservation.
Apache County (totals for entire county) – 71,606 population; $32,460 median income; 33.2% poverty rate.
Coconino County – 140,776 population; $51,106 median income; 17.8% poverty rate.
Jicarilla Indian Reservation – 2,743 population; $26,818 median income; 29.5% poverty rate.
Navajo County (totals for entire county) – 108,956 population; $36,868 median income; 28.2% poverty rate.
San Juan County – 115,079 population; $48,624 median income; 17.4% poverty rate.

Southern Arizona Legal Aid, Inc.
$4.93 million total budget, 54% LSC funds.
5,433 cases closed. The top four categories: 44% family; 20% housing; 14% consumer; 6% juvenile.
62 total staff, 25 lawyers, in five LSC-funded offices and one office funded by the Gila River Indian Community.

Service area:
Apache County B (all of Apache County, except the Navajo and Hopi Reservations), Cochise County, Gila County, Graham County, Greenlee County, Navajo County B (all of Navajo County except the Navajo and Hopi Reservations), Pima County, Pinal County, Santa Cruz County, Native Americans living in Gila and Graham counties who are members of the San Carlos Apache Indian Reservations and tribal members living off reservation who have cases which require litigation in tribal court; Native Americans living off reservation in Maricopa County; Native Americans living on or near the Tohono O'odham Reservation in Pima, Pinal, and Maricopa counties and Tohono O'odham tribal members living off reservation who have cases which require litigation in tribal court; and Native Americans living in (1) Fort Apache Indian Reservation which covers portions of Gila, Apache, and Navajo counties, (2) Gila River Indian Community in Pinal and Maricopa counties, Ak-Chin Indian Community in Pinal County, Cocopah Indian Community and Ft. Yuma Indian Community in Yuma County, (3) Salt River Pima-Maricopa Indian Community and Ft. McDowell Mohave-Apache Tribe in Maricopa County, (4) Camp Verde Yavapai-Apache Indian Community in Yavapai County, (5) Pascua Yaqui Indian Community in Pima County, and tribal members living off reservations who have cases which require litigation in tribal court.
Apache County – Apache County (totals for entire county) – 71,606 population; $32,460 median income; 33.2% poverty rate. ochise County – 124,756 population; $45,383 median income; 21.1% poverty rate.
Gila County – 54,556 population; $40,593 median income; 20.3% poverty rate.
Graham County – 37,466 population; $47,422 median income; 22.9% poverty rate.
Greenlee County – 9,455 population; $51,813 median income; 12% poverty rate.
Navajo County – please see under DNA Peoples Legal Services, Inc.
Pima County – 1,022,769 population; $46,764 median income; 18.2% poverty rate.
Pinal County – 430,237 population; $51,190 median income; 15.4% poverty rate.
Santa Cruz County – 46,212 population; $38,941 median income; 20.9% poverty rate.

Examples of Innovative Use of Federal Funds by LSC attorneys

Through Low-Income Tax Credit (LITC) grant funding, CLS provides assistance to individuals facing tax debts through direct assistance, education, and outreach. After losing their home to foreclosure and becoming homeless, a couple faced a tax lien of nearly $90,000 that prevented them from collecting $4,000 from a settlement. The wife was facing a critical cancer diagnosis and unable to work and the husband, whose work was project-based, had been laid off. After lengthy negotiations, a CLS attorney was able to settle with the IRS for $500 and the IRS lifted the lien allowing the couple to receive the $4,000; they found stable housing, she was able to focus on her health, and re-build their lives. In 2017, more than 500 household members were educated about their rights.

Four Corners Legal Care, an innovative medical-legal partnership program at DNA – People's Legal Services, Inc., is the flagship model of integrating legal advocacy and healthcare in Indian Country. The standard models of healthcare delivery for American Indians and Alaska Natives communities are failing, in part because Indian Health Services and tribal health centers are not equipped to respond to the tremendous social and legal barriers that keep patients from leading healthy lives. Poverty forces compromises, like choosing between purchasing healthy foods and putting gas in a vehicle to be able to travel to work. Rural Arizonans are isolated from

healthcare, employment opportunities, and social services support. Four Corners Legal Care places attorneys in health centers, broadening the array of treatment tools available to health providers and improves the well-being of patients. An attorney onsite at a healthcare facility ensures timely legal assistance to individual patients, and harness the expertise of health and legal providers to combat systemic practices that burden health.

Outside of Pima and Maricopa counties, engaging pro bono attorneys is challenging. The private bars are small -- there are no firms with more than three to five members -- and the majority of attorneys in rural counties are employed by government agencies. In Greenlee County, for example, there are four attorneys – the Superior Court judge and three lawyers who work for the County Attorney's office.

To address this challenge, SALA received an LSC Technology Innovation Grant to implement web conferencing to pair urban Pima County volunteer attorneys with clients in Southern Arizona's rural areas. A traveling attorney, as well as a paralegal, were successfully funded through a Victims of Crime Act (VOCA) grant to serve three rural counties where there are no SALA offices. The attorney spends one day a month in four separate communities. Private meeting space is provided at no charge by the superior courts. SALA has five full-time employees – two attorneys, a tribal court advocate, crime victim services coordinator, and paralegal – whose employment was made possible by VOCA grant funding.

We are your partner in the fight for access to justice for all. We are hopeful increased funding will help everyone who is working to change lives one case at a time.

Warm Regards,

Lawrence F. Winthrop
Chair, Arizona Commission on Access to Justice