

September 22nd, 2017, Co-Author, 47 Million Client's, Every Lawyer's Dream, with Caroline Bersak.

OPINION: 47 Million Clients, Every Lawyer's Dream

Law360, New York (September 22, 2015, 7:36 PM ET) -- Every year thousands of students graduate from law school without a job. They have huge loans and often no ability to pay them. According to a 2014 ABA report, 40 percent of law graduates didn't have full-time, long-term legal jobs 10 months after graduation. That's a lot of underemployed, educated young people.

With such dismal employment numbers for recent graduates, it's tempting to think that we need fewer lawyers. It turns out the opposite is true. There's a huge segment of this country that needs and doesn't have access to legal counsel — the 47 million Americans who live in poverty.

The U.S. Census Bureau recently released its 2014 report — [Income and Poverty in the United States](#). According to the report, more than one in seven Americans live in poverty. This is startling when you consider how poverty is defined. To be considered poor, an individual has to make less than \$980 per month. For each additional person in their household, like a child, the standard goes up by only \$347 per month. People living on this kind of income constantly face impossible choices: whether to pay the rent or to eat; pay the electric bill or take their child to the doctor. Not surprisingly, living in poverty often means frequent interactions with courts and administrative agencies — foreclosure, eviction, medical debt, child welfare, disability.



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The Sixth Amendment guarantees that you get an attorney when facing the prospect of jail in a criminal matter, even if you can't afford one. There is no similar right to a lawyer in civil legal matters — even if your home, your children, your health or your safety is at stake. For people living at or below the poverty line, paying for a lawyer is out of the question. Nonprofit organizations throughout the country provide free legal services to low-income clients. But as the number of Americans living in poverty has increased in recent years, funding for civil legal services has generally decreased or remained stagnant. Legal service organizations cannot keep up with the overwhelming need for their services. This means that millions of poor people are left to navigate complex legal matters affecting their basic rights and basic needs without legal advice or representation.

Increasing our national and local investment in civil legal service programs would create excellent job opportunities for young lawyers, help to eliminate or alleviate the harsh effects of poverty on individuals and families, and have a positive impact on our economy and justice system.

Despite what you hear this election season, giving poor people a little help, including access to professional assistance like lawyers, makes a big difference. Just take a look at the Census Report. Data relating to the Supplemental Poverty Measure shows that programs such as social security, supplemental nutrition assistance, child support and rent subsidies help lift substantial numbers of people out of poverty. It's simple: if you erase an anti-poverty program such as social security, many more elderly and disabled people would be poor. Providing poor people with lawyers is not the same as giving them cash or food, but it might as well be. Statistics from courts and administrative agencies show that in all types of legal proceedings, from disability hearings to child support petitions, parties who are represented by an attorney do better than those who aren't. When it comes to legal matters relating to income, having legal representation can push an individual or family above the poverty line, allowing them to pay their rent and buy necessities, and putting significant money into the local economy. Legal representation in housing, family law, health care and other civil matters not only creates stability for a low-income individual or family, it also saves taxpayers millions of dollars in shelter costs, hospital bills and other emergency services.

Expanding legal representation for those in poverty would benefit the entire judicial system. We hear endless

complaints about how long it takes for a civil matter to wind its way through court. Family law, landlord-tenant disputes and other cases often take years to resolve. Judges across the country report high caseloads strained by parties' lack of access to counsel. When people don't have a lawyer, it takes a lot longer for the court to unravel what's happening and makes it a lot harder to reach a fair and just decision. This affects all Americans who use the court system, regardless of their income. If we want the system to move faster, then we have to ease the burden on it by providing good counsel for people who cannot afford it. This would do more than just help judges resolve cases faster. It would also prevent additional litigation that often results when people end up with judgments that should never have been entered, evictions that could have been prevented, and families pulled apart or forced to stay together for the wrong reasons.

Finally, increasing funding for legal services would create additional legal jobs desperately needed by so many underemployed law school graduates. The young lawyers who fill these jobs will gain as much, if not more than their low-income clients from the opportunity. Nonprofit legal agencies across the country turn out well-rounded, experienced lawyers. When you start your career in low-income legal services, you don't have five years of document review before you meet your first client. You have five minutes. You learn to multitask, to organize, to speak to clients candidly, to write and argue persuasively and think on your feet. The skills gained by helping disadvantaged communities can be applied anywhere — from the smallest court to the largest law firm.

Of course, there is a cost to providing a free lawyer to those who cannot afford one. But the cost of poor people not having legal representation is so much greater. The effects of poverty, such as homelessness, domestic violence and poor medical access, are devastating — and not just to those experiencing it firsthand. We all lose when we end up paying for homeless shelters instead of eviction prevention, an emergency room visit instead of a doctor's appointment, or welfare benefits instead of support from a child's parent. Investing in civil legal services makes good financial sense. A 2014 economic analysis in New York state determined that for every dollar put toward funding civil legal services, the state received an economic benefit of six dollars in return, representing millions of dollars in savings to government programs and increased economic activity within the state. Analyses of legal services programs throughout the U.S. show similar cost savings and economic returns.

The recent Census Report shows that poverty continues to affect a huge portion of our country. And it's not getting better. In a few months, the bar exam results from this summer will come in and thousands of newly minted lawyers will be looking to put their skills, knowledge and energy to work. There are 47 million Americans who could use their help.

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