

How Pennsylvania's Legal Aid System is Organized

By Samuel W. Milkes

Recently, I read a study on first-year associates in big Philadelphia law firms. These are lawyers handling commercial litigation, transactional matters, real estate and intellectual property — not your usual legal aid cup of tea. I was struck by one statistic in particular. I had not expected that when these lawyers were asked to cite the one reason they wanted to practice law, 15 percent would say they “wanted to right social wrongs.” This reason ranked well above salary as a consideration and not far behind having an “interest in the business world.”

Well, in legal aid, we are often in the business of helping to right social wrongs, often case by case, representing individuals and families who would have nowhere else to turn were it not for our legal help. Most of our cases are in the family law area, with many also involving government benefits, consumer problems, housing problems and a host of other issues.

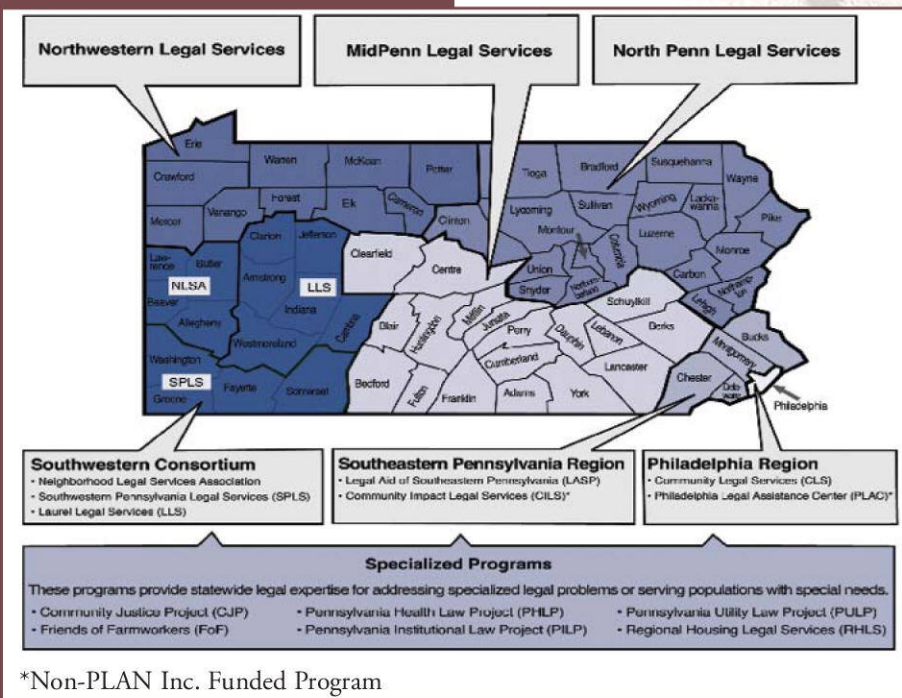
Recognizing that the organization of the civil legal aid system in Pennsylvania is confusing for many, this article is intended as a road map to legal aid. First, a word about terminology. Historically, “legal aid” initially was used as a term referring to free counsel for those facing criminal charges. Over time, the term began to be used for civil legal aid. In the 1970s, efforts were made to move to the term “legal services” when referring to civil legal services. This was seen partly as a way to avoid confusion over the civil/criminal distinction and partly as a way to refer to a more professionalized

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connotation in the language. But clients and the public have continued to use and be comfortable with the term “legal aid.” For this reason, many organizations, including my own, again use that term.

Civil legal aid services are available in every Pennsylvania county. While the Pennsylvania Legal Aid Network Inc. (PLAN) distributes state funding and Interest on Lawyers Trust Account (IOLTA) funding to local legal aid programs, each program operates as an independent nonprofit organization with its own board of directors. Programs are answerable to the funding conditions set by these supporters, by the federal Legal Services Corp. (LSC), which contracts directly with most of these programs, and by local funders such as United Way units, city and county governments, and bar associations and foundations.

During the 1990s, at the urging of LSC, some states consolidated their legal aid services into single statewide programs. Pennsylvania leaders took a more conservative approach, which I believe has served us well. Smaller programs, some serving only one county, were merged together to provide core services to six regions of the state. The result was the formation of the eight programs displayed on the map at left. Meaningful local control and accountability are assured through local boards of directors made up of local attorneys, some judges, clients and members of the community.



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With few exceptions, legal aid programs represent clients whose gross income is at or below 125 percent of the federal poverty level. For a family of four, that's currently an annual income of \$26,500. A person earning minimum wage would not qualify alone, but if that person also supported a child, the family would be eligible. Exceptions to this income cutoff rule: As specified by funding from the state, victims of domestic violence are represented without regard to income; and where the local Area Agency on Aging has contracted for services with legal aid, income guidelines do not apply. Some funding sources allow for variations on the income cutoff, up to about 200 percent of the federal poverty level.

Within certain parameters, each program decides on how best to spend its money and allocate its services. The stark reality is that all our programs must prioritize their services; they can't do it all. A recent LSC study found that only half the eligible persons presenting themselves to legal aid offices in Pennsylvania can be represented. So how are these services rationed? While PLAN programs handle about 100,000 cases annually, these programs must also decide whom to turn away. In one county, mortgage foreclosures may be a high-priority need because of abusive lending practices or especially dramatic declines in property values. In another county, the highest need may be for help with unemployment compensation and other employment-related issues because of higher unemployment rates. One county may have in place a well-functioning custody dispute system, where fewer lawyers are needed; a neighboring county may need more assistance from lawyers to help make the system work.

Of course, the degree of pro bono services also varies from county to county. Legal aid programs and county bar associations or independent pro bono programs are the usual starting places to get referrals for pro bono representation by lawyers from outside the legal aid system who have offered to help. In some counties, there are very active panels of lawyers covering many types of client needs. Other counties have more scaled-back levels of participation. We in the legal aid community were very excited to witness the PBA's action in June 2007, under its then-President Andy Susko's leadership, adopting a resolution that sets the bar's commitment and expectations for providing pro bono help. Still, the level of volunteer service available can greatly impact the level of overall service available in any given county.

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In some counties, we know that as many as 80 percent of litigants in family law matters enter the legal system unrepresented. While the pro bono and legal aid systems continue to try to address this, there are also ways in which self-represented litigants are being helped, through the Internet and through standardized forms. The Pennsylvania Supreme Court recently announced an important initiative to standardize forms in the family law area. Ironically, counties offering help to self-represented litigants have not necessarily seen a rise in numbers of the self-represented. But for those who must proceed this way, they are better equipped.

The PLAN programs don't have a monopoly on the legal aid market. While our core programs together provide services in every county and

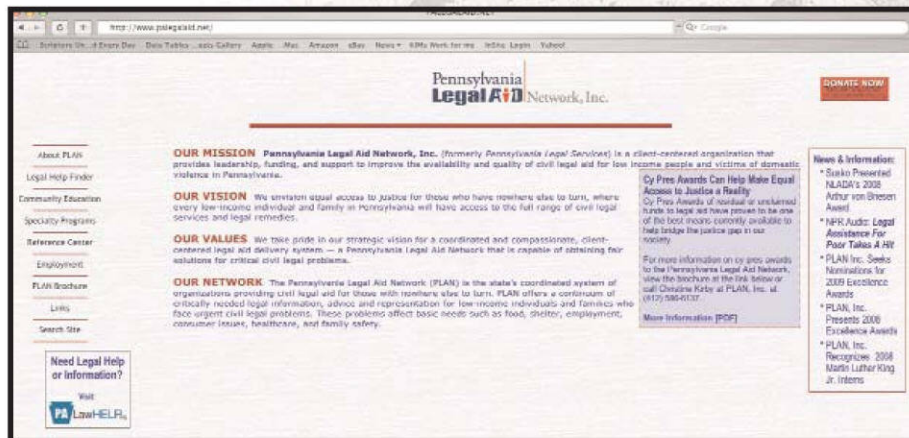
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our specialized programs provide an array of additional needed services, there are other sources of help. Along with independent pro bono referral programs, there are some free-standing legal aid programs that are not part of PLAN. Some of these programs provide vital services that emphasize representation of children, our older population, women and clients who are HIV positive. Others focus on particular areas of law such as education or disability. We consider the combination of the PLAN programs and these other programs to offer an overall web of assistance, often allowing for some level of help to those in need.

The variation of services from program to program and county to county can be frustrating and confusing. We recognize that. But weigh that against what a one-size-fits-all system would look like. Most programs have telephone intake systems, so one can easily determine whether the case is handled and, if not, what other resources might be available.

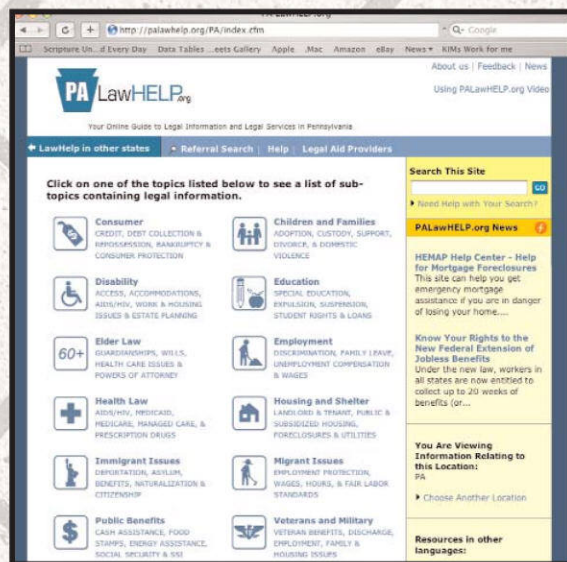
Programs have plans in place to deal with problems arising in other counties. For example, if a client lives in Erie County, but the legal problem has its venue in Montgomery County, contact with either of these programs will lead to a coordinated result, allowing for the client to be represented.

The PLAN system also has six specialized programs listed on the map. These programs are relatively smaller. They provide targeted services in specialized areas such as health and utility law. Their services are accessed differently, depending upon the program. But where there is a need, each program can easily be contacted for services.



See the PLAN Web site at www.palegalaid.net.

Another resource is the www.palawhelp.org Web site.



Speaking of contacting programs, all the PLAN programs have Web sites. Many answers can be found by going to the PLAN Web site, www.palegalaid.net, which will direct a visitor to the program he or she needs and provide other key information. Our companion Web help site, www.palawhelp.org, which is promoted and maintained in partnership with the PBA, offers a wide array of information to the general public and to lawyers who may be seeking help maneuvering through the legal aid system or the court system, looking for information about a substantive area such as how to claim a security deposit or just trying to locate the nearest Social Security office. We receive 15,000 page visits monthly at the help site and are told it is a great help to lawyers and to the public.

Although we are doing a lot, legal aid programs and their clients need your help. Please consider getting involved, if you aren't already. You can donate your time or dollars to legal aid and pro bono programs. You'll make a difference. ☼



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