
FROM THE PRESIDENT

Giving to help close the gap

By Bill Hebert

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If you are like me, you give money every year to your favorite legal services group, usually one that provides help close to home. I give money to those that serve the community near to me: a local legal aid society, a local bar association pro bono program or a group that helps those whose needs touch me every day — children, the homeless, veterans or many other worthy consumers of legal services. Like yours, my donations help to fill the “justice gap”, the gap between the amount of money available to pay for legal services for vulnerable Californians and the money actually needed to serve those who cannot afford a lawyer. The legislature and the State Bar call this difference The Justice Gap, the difference between dollars available and dollars needed. According to the legislature, as of 2006, The Justice Gap was \$350 million — and we know that the divide has grown substantially since then. The gap has become a chasm.

In 2006, the state legislature passed AB 2301 to address the “increasingly dire need for legal services for poor Californians.” Starting with the 2008 dues bill, the State Bar has recommended a \$100 contribution from each attorney member to help close the justice gap. When each of us gives to our local legal services centers, we give a much-needed gift. But there are underserved clients who live in the rest of the state who need our help as well. A small contribution to [The Justice Gap Fund](#) can make a huge difference in the life of someone outside your community who desperately needs your help. When we give to The Justice Gap Fund, we are supporting worthy legal services all over the state. To make this support meaningful, each of us must give.

How many attorneys donated last year? Only 8,330 attorneys (about 4 percent of members) donated \$741,094. Out of about 228,000 licensed attorneys and judges, this is an abysmal showing, especially considering how our collective effort could help fill a huge unmet need. **If every attorney donated the requested \$100, The Justice Gap Fund would generate more than \$22 million for legal services throughout the state.** And the fund could provide significantly more legal help for vulnerable Californians if every lawyer who could afford to would contribute at the \$1,000 benefactor level.

Since 2006, the economy has tanked. The support from IOLTA funds (Interest on Lawyer Trust Accounts) has dropped from \$22 million in 2008 to \$7 million in 2009 and will dip even lower this year. What does this mean? Even with prudent use of reserves, grants for legal services dropped 10 percent in 2009 and an additional 15 percent in 2010, and because there are no reserves remaining to cushion further revenue

drops, grants are projected to be 50 percent less next year if lawyers like you do not step in to stop the freefall. (Unfortunately, other sources of funding, including foundation, government grants and contracts, law firm and individual giving also declined.)

In 2009, we estimated that California's 96 legal aid organizations turned away approximately 1.1 million eligible low-income Californians who needed legal aid to help them stay in their homes, claim earned wages, get needed medical care or be protected from violence. You have to have the experience of telling someone — who has nowhere else to turn— that you can't help them before you can understand what turning away 1.1 million people means.

What's worse, just as resources are dropping, the need has increased. Families that were previously secure are suddenly facing foreclosure, job loss and other life-threatening crises. Domestic violence increases when the economy worsens. Many legal aid programs report 20 to 40 percent increases in people at their door, asking for help. One program, for example, reported that the wait time for their hotline has increased from seven to 45 minutes. Many people just give up.

The situation is getting worse, not better. Census data released in September showed that poverty in California continues to rise: Since the start of the recession, about 1.1 million additional Californians have fallen into poverty. Some 5.5 million Californians live below the poverty line, which means they live on less than \$22,000 for a family of four. The number of people qualifying for free legal aid is the highest in 35 years.

What does this mean for the legal services delivery system? In a study about recruitment and retention challenges in legal aid organizations released in April by the Legal Aid Association of California, 17 of 26 organizations reported they were forced to take some action to reduce personnel costs, including laying off staff, eliminating vacant positions and implementing furloughs or reduced work hours. In other words, in the greatest time of need, we are providing fewer services than the people of our state require.

I am asking that every attorney help to shoulder the burden of providing legal aid services in our state. Our goal this year is to double contributions to The Justice Gap Fund from less than \$1 million to \$2 million.

Of course, this fund would defeat its purpose if money previously contributed directly to legal aid were instead contributed to The Justice Gap Fund. If you already support legal aid, please consider an additional gift to The Justice Gap Fund to support our underserved populations. If you do not already support legal aid, please do so now. The need has never been greater. I urge every attorney in this state to check off the box on the dues statement for The Justice Gap Fund in the amount of \$100 or more. The State Bar website is also equipped to accept online donations at <http://calbar.org/justicegapfund>.