

Guest column

## Do not cut civil legal aid

PAUL F. KIRGIS

Mar 22, 2017

---

The Trump administration has released its 2018 budget proposal. As expected, the proposed budget would cut a number of domestic programs, including all funding for the Legal Services Corporation (LSC). That would be a mistake. LSC exists to aid exactly the lower-income working people who have fallen behind in our economy and whose votes helped elect



President Trump. Civil legal aid fosters self-reliance and ultimately saves money.

As a nation, we have a wide and persistent “justice gap.” According to the World Justice Project, the U.S. ranks dead last (36th out of 36th) among high-income countries in access to basic legal services. The situation in Montana is particularly dire. A 2014 study commissioned by the Montana Supreme Court’s Access to Justice Commission found that an estimated 167,000 Montanans with low and moderate incomes have at least one civil legal problem per year that they do not address. Those legal problems overwhelmingly arise in areas that affect working families the most: navigating the parenting issues in a divorce, drafting a will, finding decent housing, or dealing with a medical crisis.

This is not a new problem. The LSC was created to address the justice gap in 1974. Designed to be nonpartisan and nonprofit, it distributes funding through a competitive

grant process to 134 independent legal aid programs across the country. Those programs provide legal services for people at or below 125 percent of the federal poverty level, a category that encompasses about 1 in 5 Americans.

In Montana, funding from LSC supports the Montana Legal Services Association (MLSA), which celebrated its 50th anniversary in 2016. MLSA's 13 attorneys handle between 2,000-3,000 cases each year, while also coordinating pro bono services—free representation provided by practicing attorneys—and maintaining a self-help website providing legal information on a wide range of civil legal issues. MLSA is the linchpin in our state's efforts to provide basic legal services for the almost 200,000 low-income Montanans eligible under the federal guidelines.

At first blush, abolishing federal support for legal services seems consistent with the Trump administration's objective of reducing the scope of government. But legal aid lawyers do not create dependency on big government. To the contrary, they help ordinary people navigate the complexities of modern society in ways that promote self-sufficiency. Legal aid lawyers help level the playing field. To paraphrase President Trump's own rhetoric, the system is rigged if only the rich and powerful have legal representation.

Because of the work MLSA and similar organizations do, fewer elderly people are taken advantage of, fewer veterans lose their homes, fewer children are stuck in foster care, and fewer victims of domestic violence are trapped in destructive relationships. The beneficiaries of those services are then better able to be productive members of society, ultimately reducing the cost of social services.

To be sure, federally funded legal services are just one way to provide civil legal aid to underserved populations. Private attorneys can and should continue to give of their time, and other organizations provide assistance for those in need. The University of Montana's Blewett School of Law is one such organization, delivering free legal services through its clinics and pro bono programs and maintaining one of the two law

libraries in our state open to the public. But federal support remains essential. Without that support, the justice gap will only grow, and more working people will find themselves without the resources to handle their own legal problems.

Paul F. Kirgis is dean of the Blewett School of Law at the University of Montana. The author is expressing his personal views and is not speaking on behalf of the university.