

THE LEGAL NEEDS OF LOW-INCOME ALABAMIANS

A Needs
Assessment
& Analysis



**“INJUSTICE ANYWHERE
is a threat to justice everywhere.”**

—The Reverend Martin Luther King, Jr.

The Legal Needs of Low-Income Alabamians:

A Needs Assessment & Analysis

A Report By
The Alabama Access To Justice
Commission

Research data provided by
Southeast Research, Inc.



MISSION STATEMENT

The mission of the Alabama Access to Justice Commission is to coordinate, expand and promote effective and economical civil legal services for the poor and vulnerable people of Alabama.

LETTER FROM THE COMMISSION CHAIR



Our unique and beautiful state is known and consistently recognized for the generosity and caring spirit of its hard-working citizens. We are all neighbors and as such we are committed to providing access to our legal system for all citizens, regardless of their ability to for the services of a private attorney when they need help in a civil matter.

In 2006 a study was commissioned to determine the number of low-income Alabamians receiving assistance with their legal problems. The study revealed that only 16% of those needing legal assistance received help. Under the leadership of Chief Justice Sue Bell Cobb the Alabama Access to Justice Commission was created in April of 2007. The Commission's task is to make the legal system more accessible to Alabama's poor citizens.

This report provides a detailed look at the survey results. Not surprisingly, consumer, family and housing issues were all areas of great need. This data will serve as a valuable tool in developing and implementing a system to meet these needs.

TED HOSP
Chairman
Access to Justice Commission

The Alabama Access to Justice Commission

In April 2007, the Alabama Supreme Court issued an order creating the Alabama Access to Justice Commission to serve as a coordinating entity for the legally underserved, the legal community, social service providers and the private and public sectors. The 19-member commission is comprised of citizens representing the legal profession, educational administration, religious community, military, business sector, advocacy groups representing low-income Alabamians, and volunteers. The is charged with the evaluation of programs currently in place to meet the legal needs of Alabama's poor in order to explore ways to increase legal assistance and maximize and expand the resources available for providing civil legal services. This needs analysis indicates the necessity for this type of approach in the provision of legal services to the state's legally underserved population.

In order to improve and expand civil legal services for all Alabamians, The Alabama Access to Justice Commission will design, develop and implement a systematic and comprehensive communications plan and public awareness campaign defining campaign goals and objectives, issues and opportunities, audiences and key messages, communication approaches, collaterals, timelines and budgets. This information will be distributed to service areas throughout Alabama based on U.S. Census Bureau information and other databases, via news media, retail locations, community events, public libraries, the legal community and social service agencies, organizations and nonprofits.



The need

There is no constitutional guarantee in Alabama regarding the provision of state funds for civil legal assistance. In February, 2007, Southeast Research, Inc. published the results of a comprehensive survey assessing the legal needs of low-income Alabamians. The report indicated low-income Alabama households experienced more than 700,000 legal issues in the previous year.

The purpose of this study was to document the type and frequency of civil legal issues facing these Alabamians and to gain a better understanding of the state's legal aid system. The study was based on four primary sources of data:

- A telephone survey of low-income Alabama households
- A survey of legal aid attorneys
- A survey of social service organizations
- A survey of paralegals.

The primary focus of this needs analysis and report will concern the data collected as a result of the survey of low-income households in Alabama.

Data for the general public survey was collected from a telephone survey of 500 male and female heads-of-household who were

living at or below 125% of the poverty level. A cluster sample design was used and the sample was proportionally distributed by county based on county poverty level.

The questionnaire used in the data collection was field pre-tested and approved prior to implementation of the study. The respondents were asked to indicate the legal problems they experienced during 2006. Since most of the data for the low-income population survey was collected in December 2006, the study's findings could slightly understate the incidence of legal problems experienced by Alabama's low-income population in 2006.

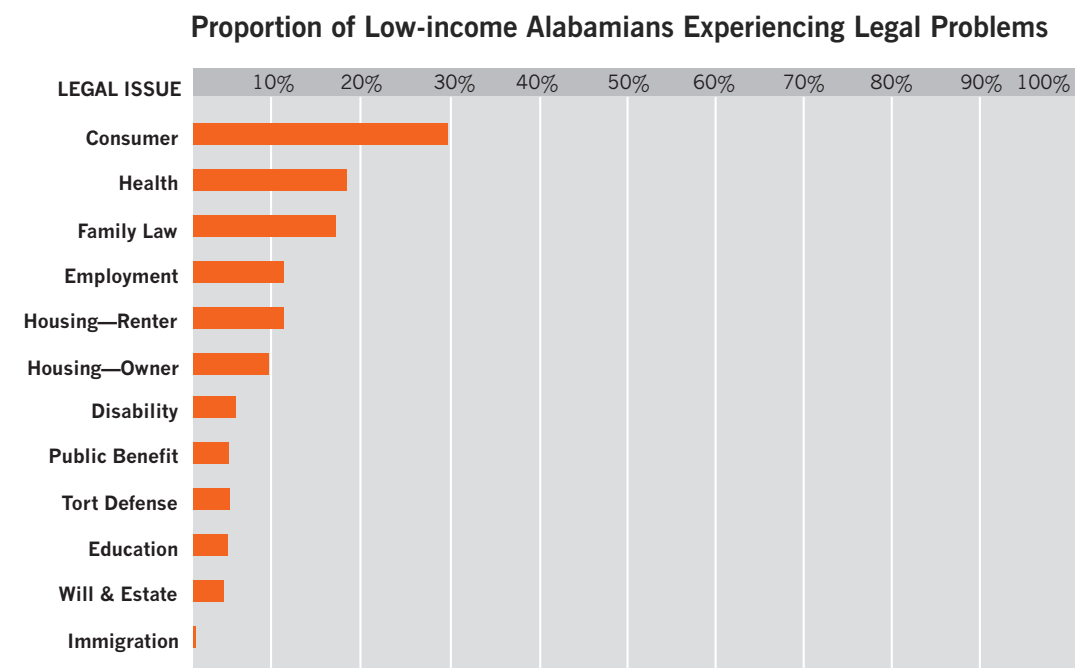
(Survey conducted 11-27-06 to 12-27-06 / Margin of error + 4 percentage points)



RESULTS OF LOW-INCOME SURVEY

Almost half (48%) of the low-income households in Alabama experienced one or more legal problems in 2006. Low-income households had an average of 1.7 legal problems and households that experienced at least one legal problem faced an average of 3.6 issues where some form of legal assistance could have been needed. When applied to the low-income population of Alabama, the survey findings indicate that approximately 422,119 households experienced over 733,000 legal problems in 2006.

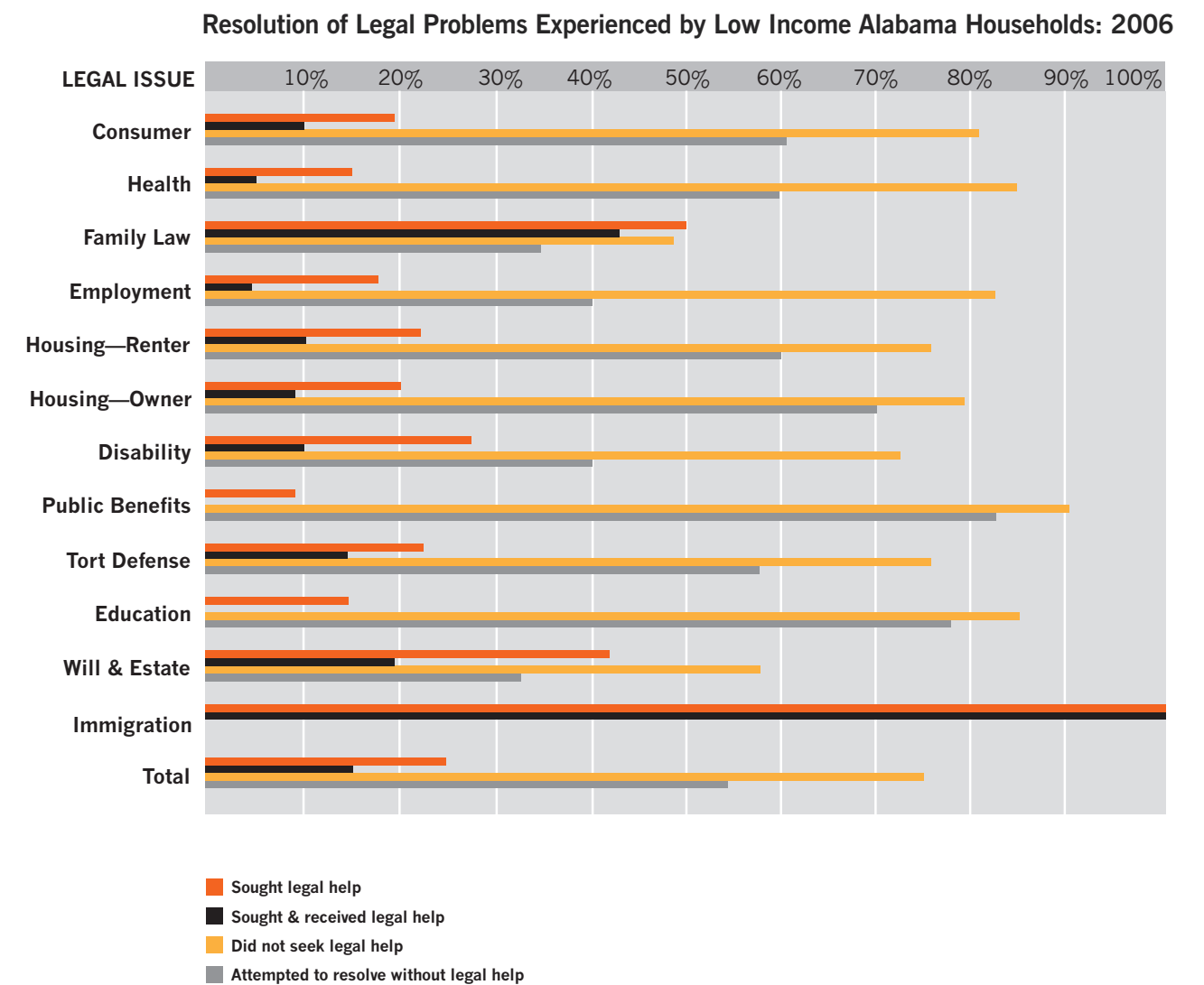
The most common categories of legal problems involved consumer issues experienced by 28.8 % of low-income households, housing issues (18.8%), health issues (17.2%), and family law issues (16.2%).



When these assistance figures are applied to the total low-income population of Alabama, this means that individuals and families had legal assistance for an estimated 116,500 legal problems, but had no legal assistance for about 617,000 legal issues they faced.

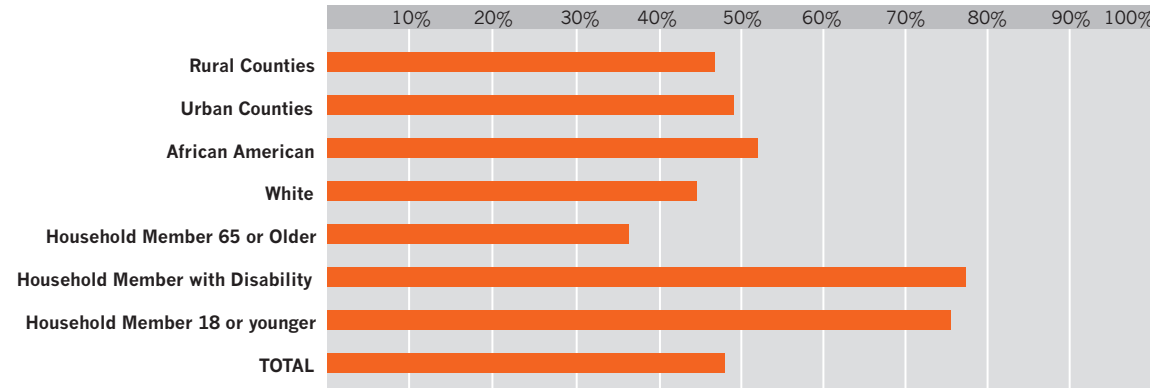
Low-income households sought, but were unable to secure, legal assistance for over 73,000 problems in 2006. This level of unmet demand existed despite the fact that one-fifth (20%) of low-income Alabama households were aware of the availability of free legal assistance.

These factors help to explain why the most common response (54.6%) to a legal problem was to attempt to resolve it without legal assistance. In 2006, low-income Alabamians attempted to resolve an estimated 400,500 problems on their own. Significantly, low-income households did not make any attempt to solve one out of five (19.5%) legal problems. This means that an estimated 143,000 legal issues experienced by low-income households were likely ignored as far as attempting any resolution.



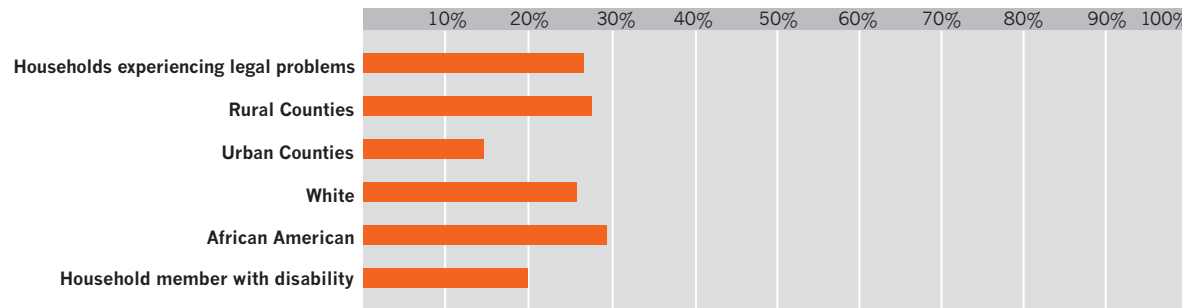
The incidence of households with at least one legal problem was somewhat higher among low-income African American households vs. white households (51.8% vs. 44.8%). The highest incidence of legal problems was among households that have a member with a disability (77.0%) and among households that have a member 18 or younger (75.3%).

Further, households that included a person with a disability experienced an average of 3.9 legal problems in 2006, more than twice the average number of legal problems for all households surveyed.

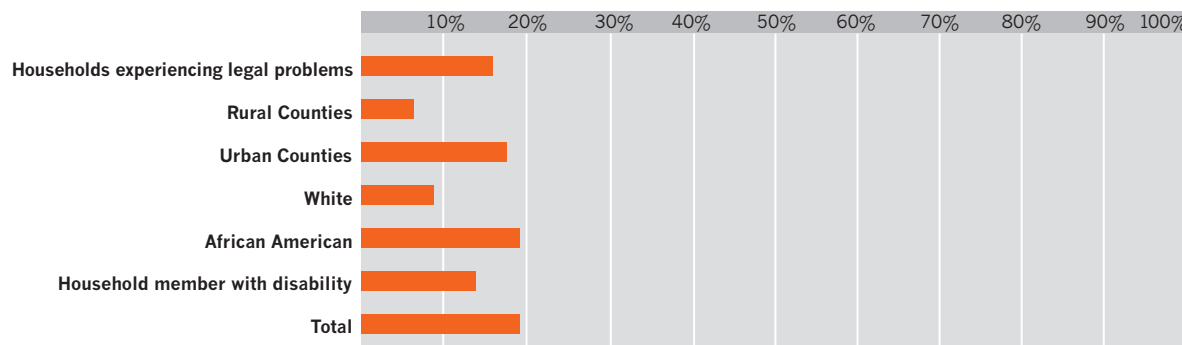


AWARENESS OF LEGAL SERVICES

One out of five (20%) low-income households are aware that free civil legal aid services are available; among those who were aware of free legal aid services, less than one out of seven (13.9%) actually used these services in 2006.

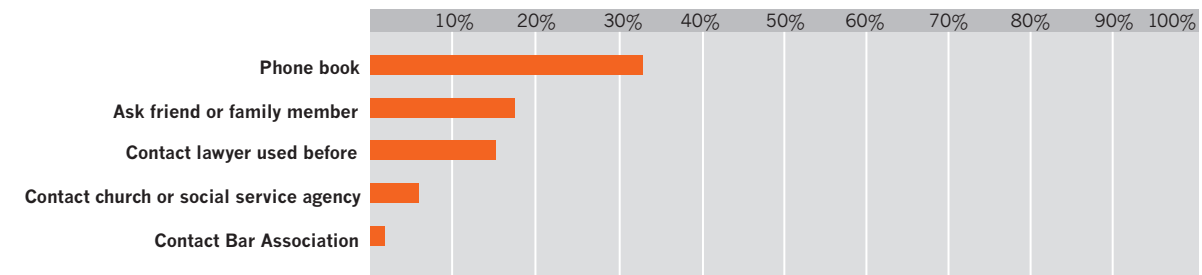


INCIDENCE OF HOUSEHOLD MEMBER USING FREE CIVIL LEGAL AID SERVICES

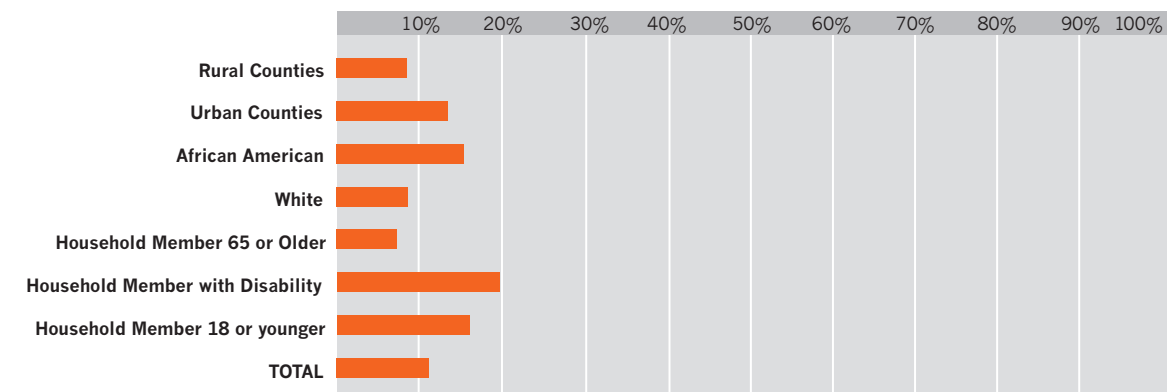


SEEKING SOURCES FOR LEGAL HELP

If a low-income household needed a lawyer today, more of them would look for one in a phone book (32.8%), followed by "ask friend/ family member" ((17.2%), and "use a lawyer they have used previously" (15.0%). Only about five percent (5.4%) would contact a social service agency, community group or church, while only about two percent would contact the bar association.

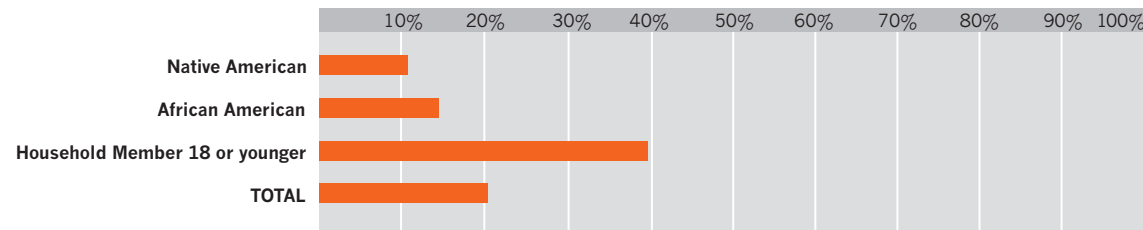


While almost one-half (48%) of the low-income households indicated they experienced situations where they likely needed legal assistance in 2006, only about one out of ten (11%) felt that they actually faced a legal problem during the past year. Among those who felt they had experienced a legal problem, about eleven percent used a computer software kit to help deal with the legal issue. And, of those who used a computer software kit, two-thirds stated they were able to resolve the legal problem with the kit.

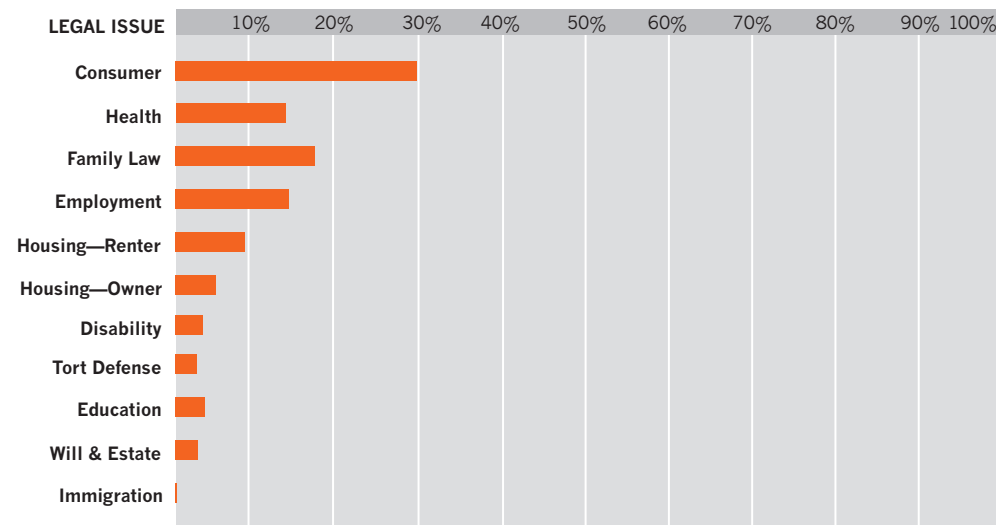


INTERNET ACCESS & USAGE AMONG ALABAMA'S LOW-INCOME POPULATION

One out of five (20.4%) low-income households had access to the Internet in 2006, while close to one out of three (29.4%) have ever used the Internet.



A variety of legal problems were experienced by low-income Alabamians ranging from issues related to health care to difficulties with housing. The lion's share of the legal problems facing this segment of the state's population, nearly 30% of the total, was related to consumer issues.



CASE STUDY

Many people believe that crime, drug abuse, and danger do not reside in small towns, but Sandra Rutrowski, an Empire, Alabama resident knows from sad experience that trouble can show up anywhere. Sandra quietly tells the story of her daughter, Suzy, who became addicted to prescription drugs. Suzy realized her daughter was in trouble, and also realized her children, Destin and Savannah, were in harm's way. Savannah was only five-months-old and Destin was seven-years-old when they came to live with Sandra, their grandmother.

In 2003, Sandra received the heartbreaking news that her daughter had died of a drug overdose. Sandra realized that taking care of two small children on her disability check presented a daunting challenge. She was not able to apply for other public assistance as she lacked the paperwork designating her as the children's legal guardian. She could not locate either of the children's fathers and, worst of all, she worried that Destin's father might suddenly appear and take him away, breaking-up their family. In addition to her overwhelming grief at her daughter's death, Sandra "lived in fear of losing the children."

Sandra remembered hearing about legal aid organizations and finally found the Alabama State Bar Volunteer Lawyers Program. Attorney Greg Williams took her case and drew up papers that allowed Sandra to legally adopt Savannah and Destin. The process involved finding one father, who agreed to sign adoption papers, and sending out public notification through announcements in newspapers when the other father could not be located. For Greg, the situation was a matter of legal process and paperwork; according to Sandra, it was the answer to a prayer. But she will be thankful "for as long as I live" for the legal assistance that made it possible for her to adopt her grandchildren. And while the children laugh and play in the background, Sandra explains that she is "so grateful that she can't say it enough."

In 2003, Sandra received the heartbreaking news that her daughter had died of a drug overdose. Sandra realized that taking care of two small children on her disability check presented a daunting challenge.

"I am forever grateful that a family could be kept together."

Sandra Rutrowski / Empire, Alabama



TABLE 1-A
Percent of Low-Income Alabama
Households Experiencing Legal Problems
During 2006: By Type of Program

CONSUMER ISSUES	Total = 28.8%
Creditor harassment / threatened with court orders	16.6
Unspecified consumer legal issues	11.6
Utilities turned off for non-payment	8.6
Unable to get utility service due to lack of credit	5.2
Repossession Issues	3.8
Bankruptcy issues	3.0
Unresolved issues with unsatisfactory or defective goods	2.6
HEALTH ISSUES	
	Total = 17.2%
Could not get health care because Medicaid not accepted by providers	8.2
Unspecified health legal issues	6.8
Turned down for government insurance program	4.0
Government insurance company would not pay for covered expenses	3.6
Private insurance company would not pay for covered expenses	1.8
Nursing home problem with admissions, transfers or discharge	0.4



TABLE 1-B
Percent of Low-Income Alabama
Households Experiencing Legal Problems
During 2006: By Type of Program

FAMILY LAW ISSUES	TOTAL = 16.2 %
Divorce related issues	6.0
Disputes involving child support	4.2
Unspecified family law issues	4.0
Abuse problems involving spouse, boyfriend, girlfriend, parent or other household member	3.4
Dispute over child visitation rights	3.2
Child custody dispute with parent or others	3.0
Need of guardianship of a chilled, elderly or disabled person	2.8
Household member suffered from abuse or taken advantage of financially	2.4
Dispute over maintenance pay(s) or distribution of pensions	1.6
Problems relating to establishment of paternity of a child	0.8
Problems related to adoptions or termination of patient rights	0.6
EMPLOYMENT ISSUES	
	TOTAL = 10.2%
Unspecified employment issues	4.8
Household member unable to collect unemployment benefits	3.6
Household member unable to collect pension benefits owed	2.4
Household member lost job or promotions due to race, age or religion	1.6

TABLE 1-C
Percent of Low-Income Alabama
Households Experiencing Legal Problems
During 2006: By Type of Program

HOUSING ISSUES – OWNERS **TOTAL = 8.8%**

Paid for repairs / improvements which were unsatisfactory but not corrected	7.4
Unspecified housing related problems	4.6
Late paying property taxes in past	3.9
Threatened with foreclosure or had mortgage foreclosed	1.4
Refinanced or took out mortgage in excess of home's value	1.4
Refinanced mortgage more than once in past two years	1.1

HOUSING ISSUES - RENTERS **TOTAL = 10.0%**

Had problems with condition of rented unit, mice, lead paint etc.	19.4
Unspecified legal rental housing problem	7.1
Threatened with eviction or evicted	6.6
Problem collecting security deposit	4.1
Denied rental housing due to children under 18 in household	2.6
Household threatened or physically abused by landlord	2.0
Denied rental housing because landlord refused Section 8 voucher	1.5
Householder was locked out of residence	0



TABLE 1-D
Percent of Low-Income Alabama
Households Experiencing Legal Problems
During 2006: By Type of Program

DISABILITY RELATED ISSUES **TOTAL = 4.8%**

Household member lost or denied job due to disability	6.1
Unspecified legal problems related to disabilities	5.3
Household member unable to gain access to business or government building due to disability	3.8
Household member denied or removed from housing due to disability	3.0
Household member unable to use government service due to disability	2.3
Household member forced to live in nursing home etc. because they could not get services to stay in own home	1.5

TORT DEFENSE ISSUES **TOTAL = 4.2%**

Unspecified legal problem related to being sued	3.0
Household member sued for personal injury, auto or property damage claim	1.2

WILL AND ESTATES ISSUES **TOTAL = 3.4%**

Unspecified legal problem with will or estate	2.2
Household member had problem with will or estate of deceased person	2.0

TABLE 1-E
Percent of Low-Income Alabama
Households Experiencing Legal Problems
During 2006: By Type of Program

PUBLIC BENEFIT ISSUES	TOTAL = 4.2%
Had problems applying for or receiving food stamps	6.4
Had problems applying for or receiving welfare payments	2.0
Had problems applying for or receiving social security, disability or social security insurance	6.6
Experienced problems applying for or receiving low income energy (LIHEAP) assistance	3.6
Experienced problems applying for or receiving Veteran's benefits	2.8
Unspecified legal problems related to public benefits	3.4
Household member denied access to job training / educational services necessary to obtain work	0.6
Household member denied government assistance in paying for childcare necessary to obtain or keep job	0.8



TABLE 1-F
Percent of Low-Income Alabama
Households Experiencing Legal Problems
During 2006: By Type of Program

EDUCATIONAL ISSUES	TOTAL = 3.8%
Felt child was unfairly suspended or expelled from school	14.4
Household member turned down for special education program needed to address learning disability or other mental or emotional issues	7.8
Child in household placed in special education program that was felt not right for them	4.4
Unspecified legal problems pertaining to education	2.2
Child in household denied needed education services because child does not speak English well	1.1

IMMIGRATION ISSUES **TOTAL = 0.2%**

Note: Only seven (7) low income respondents met the criteria for the immigration questions. Due to this very small base no individual items are shown separately



FREQUENTLY ASKED QUESTIONS

Q: Is there really a problem facing Alabama’s low-income families in regards to civil legal assistance?

A: The need for legal aid in Alabama is dire. Unlike the criminal defense system, the constitutional guarantee of funding for low-income Alabamians who need civil legal assistance has not yet been met. The consequences of a lack of access to justice are devastating for the poor and weaken a democratic society as a whole. Last year more than 422,000 households experienced more than 733,000 legal issues. Low-income households had legal assistance for only about 16% of these legal problems.

Q: What kind of civil problems do these low-income families face?

A: A recent survey shows that 48% of low-income households in Alabama experienced one or more legal issues in 2006. The majority of these civil problems included: consumer issues (creditor harassment, utility non-payment, bankruptcy issues), health issues (Medicaid, government insurance, nursing home), family law issues (divorce, child support/custody, abuse), employment issues (unemployment benefits, pension, lost job), and housing issues (unsatisfactory repairs, foreclosure, eviction, poor living conditions).

Q: How does improving the civil legal services of low-income residents help all Alabamians?

A: Improving the quality of civil legal services helps all residents of Alabama in a number of ways. First, it allows all residents to have equal and fair legal representation regardless of race, ethnic origin or income level. By providing civil legal services, thousands of legal matters can be resolved without actually tying up Alabama’s court system. In addition, many civil legal matters involving family matters that go unresolved can actually end up involving criminal issues due to a lack of resolution. By providing better civil legal services, many of these matters can be resolved before they escalate into criminal issues.

Q: So where can I get help or find out more about the program?

A: If you are seeking help you can call:

Alabama State Bar Volunteer Lawyers Program:	1.888.857.8571
Birmingham Volunteer Lawyers Program:	205.250.5198
Legal Services Alabama:	1.800.403.4872
	1.877.393.2333
Mobile Bar Association Volunteer Lawyers Program	251.438.1102

All Alabama residents are encouraged to learn more about the civil legal services offered and asked to spread the word in the community by promoting the Access to Justice Commission’s Web site in your local newsletter or church bulletin, discussing it in your neighborhood association meeting, or placing a poster in the window of local establishments.

Q: I’m an attorney, what can I do to help?

A: Any attorney licensed in the state of Alabama is asked to donate his or her time or monetary resources to support the Commission and its goals. Many lawyers participate in “pro-bono” work each year, but more are needed. If all 15,000 plus members of the Alabama State Bar Association could volunteer some of their time each year, substantial improvements could be seen. If you are an attorney and would like to volunteer, please contact the Alabama State Bar Association.





COMMISSION MEMBERS

The 19-member Alabama Access to Justice Commission is comprised is composed of a wide range of citizens representing the legal profession, educational administration, the religious community, the military, the business sector, advocacy groups representing low-income Alabamians and volunteers.

Henry Callaway

Hand Arendall
Mobile

Dean John L. Carroll

Cumberland School of Law
Birmingham

Rev. Thack Dyson

Rector, St. Paul's Episcopal Church
Daphne

Alan Engel

President, Crowne Partners
Birmingham

Frances Heidt

Attorney
Birmingham

Robin Hinkle

Redmont Health Services, Inc.
Birmingham

Judge James Fry

Executive Director, Legal Services Alabama
Gulf Shores

Henry A. Gaede, Jr.

BE & K
Birmingham

Judge Rhonda Jones-Hardesty

Circuit Judge
Clanton

Ted Hosp

Maynard, Cooper & Gale
Birmingham

Judge Thomas Jones

Fourth Judicial Circuit
Selma

Sister Lynn McKenzie

Benedictine Sisters of Sacred Heart Monastery
Lawyer, Knight, Griffith & McKenzie
Cullman

Dr. Charles Nash

Vice Chancellor for Academic Affairs
University of Alabama System
Tuscaloosa

Sen. Myron Penn

Lawyer and Alabama State Legislator
Union Springs

Daryl Perkins

Chief of Staff, Office of Congressman Artur Davis
Birmingham

Herman A. Watson

Watson, Jimmerson & McKinney
Huntsville

Beth McFadden Rouse

McFadden, Lyon & Rouse
Mobile

Robert Ward, Jr.

Rushton Stakely
Montgomery



415 Dexter Avenue
Montgomery, Alabama 36101
334.269.1515
tdaniel@alfinc.org
www.AlabamaATJ.org