

Silent crisis

By JULIE DeICOUR Editorial writer
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Meeting the legal needs of the poor

Eighty percent of the poor's legal needs go unmet in this country each year.

So much for "Equal Justice Under Law" inscribed on the facade of the U.S. Supreme Court Building.

In 1963, criminal defendants won the right, in *Gideon v. Wainwright*, to have an appointed attorney if they cannot afford counsel. There is, however, no "civil Gideon."

If the disenfranchised cannot get help from legal services agencies or attorneys volunteering their time, these people must fend for themselves in civil matters.

This is a silent, creeping crisis that grows worse by the day.

Michael S. Greco, president of the 405,000-member American Bar Association, has spent most of his career trying to close the "justice gap" for children and the disadvantaged.

Greco will speak here Wednesday to University of Tulsa College of Law students about the importance -- in their future -- of providing pro bono (free legal services) to those in need. He comes at the invitation of TU law dean Robert Butkin who has known Greco for 35 years.

During the past eight months Greco has used the "bully pulpit" of the largest professional organization in the world, to draw attention

to the plight of those 50 million poor Americans without access to the legal system.

Greco's message is important. While Americans fight to bring democracy to the downtrodden half a world away, America's own downtrodden too often cannot access a legal system meant to protect their rights.

So, where do they turn? The Legal Services Corp. and its satellites such as Legal Aid Services of Oklahoma Inc., provide help but they are underfunded and overloaded. Attorneys are lucky if they can serve one out of 10 eligible clients. The poor, confronted with child custody disputes, evictions or foreclosures, domestic abuse and loss of

government benefits often must go it alone, if they go to the courthouse at all.

Those who do try to handle their case usually are ill-equipped to do so, not knowing legal procedures. These pro se cases slow down the system and frustrate judges who would like to see a more level playing field.

Sixteen years ago, a national commission dedicated to improving the availability of legal services said:

"Absence of legal assistance to the poor goes to the essence of some fundamental principles ingrained in our jurisprudence: simple equity; due process; equal protection, and equal elementary access to the legal system to redress wrongs."

Nothing's happened to change those principles except that more poor people are forgoing their rights.

Greco's first step as ABA president was to create his "Commission on the Renaissance of Idealism in the Legal Profession." The initiative includes as honorary co-chairs Associate Supreme Court Justice Ruth Bader Ginsburg and Theodore Sorensen, former adviser to the late President John F. Kennedy. The mission is to get more lawyers into public service and to encourage their employers to enable them to perform pro bono work.

"Young people go to law school full of idealism and they come out of law school full of idealism" Greco says. "If they lose that idealism along the way, it's due to economics, not culture."

Greco also appointed a task force to explore a "defined right to counsel" for the poor in certain civil matters.

"This would not be to help the poor with all their legal problems. That's unrealistic," Greco said. "But it would be extended to matters dealing with shelter, family and health issues -- "basic human needs. Those are things that every American should have help in protecting."

The task force will issue a report in August.

Even if his initiative is successful and pro bono service is expanded, and even if Legal Services funding were doubled -- not cut by \$20 million as proposed by the president this year -- the many of the poor's needs still would go met. The demand is that great.

"That's why it's so critical to look at a defined right to counsel," Greco said.

"We have a war going on that's sapping hundreds of billions of dollars of tax money. To fund a defined right to counsel for issues dealing with shelter, family and health wouldn't cost that."

It would not be remotely close in cost. And it's benefits would be immeasurable.

What is unacceptable, Greco argues, is the shameful fact that for 50 million people the courthouse door is effectively bolted shut.

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