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Legal Aid can help with foreclosures, civil matters

Jessica Baggett

Most Americans are aware that defendants in a criminal case are entitled by law to legal representation, thanks to television cops reciting the Miranda Rights as they make arrests ("You have the right..."). If a defendant cannot afford to hire an attorney, the court appoints one.

But the right to counsel does not extend to civil cases, meaning low-income people face significant legal issues alone. Many find their homes threatened by foreclosure because of sub-prime mortgages. Others face bankruptcy because of credit card debt. Some even face threats to their safety or the safety of their children because of domestic violence.

Where can these individuals turn? Many turn to the Legal Aid Society, which has four full-time attorneys and one paralegal in our Elyria office. (Legal Aid is in the process of hiring another full-time attorney.) In addition, Legal Aid draws from 50 full-time attorneys in four offices throughout Northeast Ohio.

Legal Aid serves people who live at or below 125 percent of the federal poverty level, as well as those with exceptional circumstances whose incomes are below 200 percent of the poverty line. This group often includes older adults and persons with disabilities.

But studies show that about 80 percent of the civil legal needs of low-income

Americans are not being met. In Lorain County alone, Legal Aid takes on about 700 cases each year out of 1,800 requests for help. And, of course, this doesn't count those who don't ask for help.

It's no surprise that the need is increasing in Lorain County. Ohio leads the nation in foreclosures and consumer debt is climbing rapidly. Personal bankruptcy filings also are increasing, despite recent laws that make it more difficult to file.

It's common for us to meet with elderly consumers who signed agreements for credit or mortgages without really understanding what they were signing. Many were enticed by low "introductory" rates, not understanding that they could soon be paying double-digit interest. Their inability to understand the fine print can cost them their homes.

We often get calls from people who do not qualify for our services but, for a variety of reasons, cannot afford to hire attorneys. Some have lost their jobs and are at risk of losing their homes. Some are ill and struggling to protect their rights for medical coverage. Some are parents of young children, trying to escape domestic violence.

We are frustrated when we can't respond, because we know these individuals face threats to the most basic human needs — shelter, income, safety or education. Clearly, their chances of success

would improve significantly if they had legal advice and representation.

To help meet this growing need, we are holding several "brief advice clinics" in the community this spring. These clinics provide individuals with an opportunity to meet one-on-one with volunteer attorneys. While these clinics are not the same as having an attorney take the case, they do offer some assistance and a chance to explore options. Our next clinic will be on Saturday, May 3, in Lorain. In addition, anyone who wants to apply for assistance can stop by our office at 538 West Broad St. in Elyria during regular business hours.

Legal Aid recently received grants from the Ohio Legal Assistance Foundation and the Institute for Foreclosure Legal Assistance to address the growing need and is part of "Save the Dream," a foreclosure prevention effort coordinated by the state of Ohio to help Ohioans remain in their homes. In addition to calling Legal Aid, those with specific worries about foreclosure can contact Save the Dream at (888) 404-4674 or savethedream.ohio.gov.

We are still recruiting volunteer attorneys to help with our free advice clinics. Attorneys and consumers can get more information by calling Legal Aid at (440) 323-8240 or (800) 444-7348, or by visiting our Web site, lasclev.org.

Baggett is the managing attorney of the Legal Aid Society of Cleveland's Lorain County office.