

# Legal Aid Society: Equal Justice Under Law



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I met Joan on a day like any other day. She came in for some legal help, and she told me her story. Joan was 63. She had been employed at a casual dining restaurant, as a server. She said it was a good job. She was careful with her money. She owned her car, a red 1998 Ford Escort, stick shift, 98,000 miles. It ran. She had bought a house with her daughter, who was also employed in the restaurant industry. They had paid on the house for years. They had some equity.

Then Joan lost her job. After a while, she found another job, cleaning motel rooms at a \$50 a night place. She described it as a bad job. It paid \$7 an hour, not enough to pay for the house payment. Her daughter lost her job at the same time. Joan borrowed at the payday loan place to make the house payments. It didn't work. They fell behind on their house payments anyway and the house went into foreclosure. The unpaid payday loans people took judgments and garnished Joan's pay. Joan had trouble making enough money after the garnishments to pay for her basic expenses. She went to The Legal Aid Society of Cleveland desperate for a bankruptcy she otherwise could not afford. Legal Aid referred her to me - a *pro bono* attorney ready to help.

I had volunteered at the behest of Diana Thimmig, a past President of Legal Aid's board of directors and the Chair of CMBAs Pro Bono Bankruptcy Project. I had asked her for a contribution to the Bar Foundation, and she said, yes, if I would take a *pro bono* bankruptcy case. Of course, this sort of horse trading goes on all the time among our colleagues, because it does so much good. Sometimes to get what you want you have to embrace someone else's charitable vision. So I said yes.

I worked Joan's case with my colleague, David Blocker. We filed a bankruptcy for Joan, which gave her some breathing space and allowed her to get back on her feet. When we finished the case, we were astounded at how much we were able to change Joan's life for the better. Freed from the garnishments, Joan was able to get another good job at a Wal-Mart store. She eventually qualified for health care coverage. She rented secure housing and was able to keep her car.

She sent us a thank you note. The note said, "it may not have been a big thing to you, but to me, it was everything." David and I agreed that helping Joan was one of the most rewarding things we had done in a long time. Thus it was that David and I entered the Legal Aid army of 1,500 volunteers, and we still take a couple *pro bono* bankruptcy cases a year. We work on them together, sharing the work with other associates and paralegals and sharing the appearances according to time available on our calendars.

Legal Aid helps vulnerable people like Joan every day. The problem is, there are too many people like Joan and not enough Legal Aid resources. In the legal world, there is a big difference between the rich and poor: rich people have lawyers. While the poor can count on free legal aid in criminal cases, they often face battles with landlords, employers and governmental bureaucracies without a lawyer. Although the words, "Equal Justice Under Law" are inscribed on the architrave above the portal of the Supreme Court of the United States, there is a gap between the need of low income Americans for legal representation and the ability to provide it, called, the

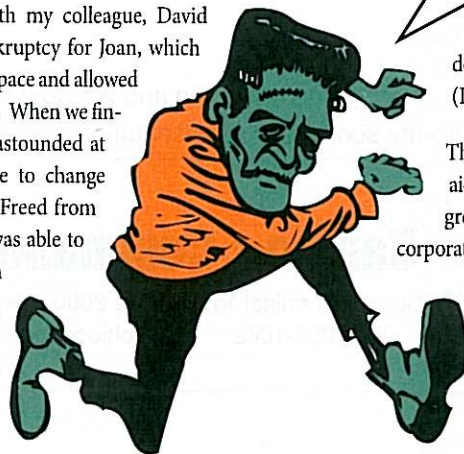
"Justice Gap."

Keep training for the

## HALLOWEEN

Bench-Bar Run for Justice on  
Saturday, October 31!

5 Mile, 5K or 1 Mile Fun Run!  
**YOU CAN DO IT!**



This gap has been thoroughly documented by The Legal Services Corporation (LSC).

The LSC is the single largest funder of civil legal aid for the poor in the nation. Established by Congress in 1974, LSC operates as a private, nonprofit corporation that promotes equal access to justice and provides grants for high-quality civil legal assistance to low-income Americans. LSC distributes more than 95 percent of its total funding to 137 independent nonprofit legal aid programs, including Cleveland's.

How big is this Justice Gap? In 2007, 70,231 people contacted Legal Aid's Cleveland office for assistance. In 2008 - 93,640 contacted Legal Aid for help, a 35% increase. Of those cases eligible for Legal Aid's services, only a fraction can be assisted -- 8,010 cases were handled by Legal Aid in 2007 and 9,400 in 2008. These figures represent only those who contacted Legal Aid because they knew they had a problem and reached out for help. Often, low income people who are experiencing a problem do not call for help because they do know there is a legal solution to their problem, or that free legal services are available or that they are financially eligible for them. According to the LSC, 80% of the civil legal needs of low-income people in the United States are not met annually.

Legal Aid in Cleveland uses the money it receives from the LSC and private donations to provide legal assistance to low-income individuals in Cuyahoga, Lorain, Ashtabula, Lake and Geauga counties. Legal Aid's funding is supplemented with interest from IOLTA accounts-- Lawyers Trust Accounts. Because of the economic downturn, there has been a steep decline in interest rates and correspondingly, interest on IOLTA accounts is down 70%, from a record \$22 million to an estimated \$6-7 million by the end of 2009. As a result, a significant percentage of low-income Ohioans will continue to be without access to legal advice and assistance.

Legal Aid lawyers and volunteers deter domestic violence, fight consumer fraud, protect the rights of children, protect the elderly and otherwise insure access to justice for all regardless of ability to pay. In deciding who gets help and who does not, Legal Aid evaluates each case using a variety of priorities, including whether and how much taking the case will benefit the community and the family involved. The clients served by the Legal Aid are mostly women, many with minor children. Often they cannot pay their rent because of garnishments, and are being evicted. They are a hair's breath away from homelessness. David and I thought practicing law was stressful. Now we understand what stress really is: facing eviction alone, with a couple kids.

Legal Aid contributes to a healthy greater Cleveland community, that is, one where people live in safe homes, with adequate food, a sense of security, and a good education that connects them with good jobs. They live their lives with dignity, decency and hope. Access to justice builds strong communities by righting wrongs, ensuring that having power and money does not load the dice in your favor, and by empowering low income people so they too can take part in the goodness of our society. We can't just chisel "Equal Justice Under Law" over the door of the Supreme Court, we must write it on our hearts, embrace it in our minds, and live it in our daily law practices.

This President's Page is written to join Legal Aid in

thanking its volunteers and contributors and to raise your awareness about Legal Aid's mission to help bring Equal Justice Under Law to low-income Greater Clevelanders. The week of October 25, Legal Aid will be holding a series of events to spotlight its successes and its needs. The week will emphasize Legal Aid's need for contributions of money and volunteer lawyer time. We seek help with meeting those needs from you -- yes you!

There are many ways to volunteer your time. Let me suggest that you put your toe in the water by volunteering for one of Legal Aid's Brief Advice Clinics. It takes only a few hours to complete your commitment. The clinics are set up to pair you with seasoned veterans, who screen the applicants, and give you a counseling opportunity suited to your skill set. Chances are you already know one of the groups participating in the Brief Advice Clinics. At this writing, the Legal Aid website shows Brief Advice Clinics staffed by lawyers from the Northeastern Ohio Association of Corporate Counsel of America, (NEO ACCA), Jones Day, Notre Dame, Beaumont School and John Carroll alumni lawyers, Calfee Halter, the Federal Bar Association, Buckingham Doolittle, KeyBank, Thompson Hine, Dominion, the C. Lyonel Jones Pro Bono Committee, Ulmer Berne, the Ohio Employment Lawyers Association, Hahn Loeser + Parks, Andrews & Pontius, and the Norman S. Minor Bar Association. (Thanks to all who are helping!!)

You may fit in with one of these groups, or you can volunteer for a clinic with volunteers from all different directions. Either way, you will be doing something for your community and for yourself. Be selfish, take the plunge. You can join Legal Aid's army of volunteers with a click on the web site, or a telephone call to Ann McGowan Porath - managing attorney of Legal Aid's *pro bono* practice, at 216-861-5332 (email [amporath@lasclv.org](mailto:amporath@lasclv.org)).

You can give money, of course, instead of time. You can make a difference in less than one minute by going to Legal Aid's web page, [www.lasclv.org](http://www.lasclv.org) and helping them out with a contribution.

Colleen Cotter, the Executive Director of Legal Aid, has said of helping find justice for low income people: "It is important work. It is frustrating work. It is exciting work. It is rewarding work. And we each are honored to be called to it." I say, let's get on with it. ➤

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