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 Each week, the Brennan Center for Justice at NYU School of Law publishes the Legal Services E-lert, reaching a wide audience with the most important articles on civil legal aid and access to justice for low-income people.

THIS WEEK'S HEADLINES

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3. **Legal Clinics Help Poor Keep a Roof Overhead (Washington, D.C.)**
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7. **Judy Garlow, Hero of Legal Services for the Poor, Dies at 63 (California)**

THIS WEEK'S STORIES

FEATURE STORY

1. ***A Key to Breaking the Cycle of Violence: Legal Aid:*** *In the opinion piece below, Jean Crowe, managing attorney for the family law section of the Legal Aid Society in Tennessee, outlines the important role that legal aid organizations play in addressing domestic violence. The article cites an important study, "Explaining the Recent Decline in Domestic Violence" (<http://www.nlada.org/DMS/Documents/1042657644.87/Explaining%20the%20Decline%20in%20Domestic%20Violence%20-%20CEP%20Version.pdf>), in which the authors show that civil legal aid has contributed to the decline in domestic violence rates. Although the study is attributed to the Brennan Center, we unfortunately cannot claim it as our own. However, in a recent Brennan Center white paper, we also cited the study for its finding that civil legal aid organizations help reduce domestic violence. The Brennan Center white paper -- "Access to Justice: Opening the Courthouse Door" -- can be read at: www.brennancenter.org/ATJWhitePaper.*

With Sufficient Legal Services, Domestic Victims Break Cycle of Abuse (Opinion)

Despite the best efforts of social workers, law enforcement, elected officials and legal professionals, domestic violence remains a serious problem in our society. Nationally, one-third of women will be a victim of domestic violence in their lifetime. Between 3 and 10 million children are exposed to domestic violence every year. Public perception of the problem does not approach the horror of the reality. We had a client who was literally a prisoner in her house, routinely abused by her husband as well as strangers he brought home. She was cut, beaten, isolated from her family and threatened with even more abuse if she were to try to leave him. So how do we deal with

domestic violence? According to a study conducted by the Brennan Center for Justice, the most effective means of dealing with the underlying problem of domestic violence is by funding legal services for victims. Legal Aid Society provides the support to allow a victim to break the cycle of violence. Without help and understanding, victims may find the uncertainty of trying to raise children alone more daunting than living with an abusive spouse....

Source: Jean Crowe, *With Sufficient Legal Services, Domestic Victims Break Cycle of Abuse*, The Tennessean (Tenn.), June 8, 2007. Available at: <http://www.tennessean.com/apps/pbcs.dll/article?AID=/20070608/OPINION03/706080402/1007/OPINION>.

LEGAL SERVICES STRUCTURE

Funding

2. *Prospects Good for More Federal Legal Aid Dollars*

House Subcommittee Approves \$28 Million Increase for LSC

Last evening the House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies approved a \$28 million increase for the Legal Services Corporation (LSC) as part of its FY 2008 funding bill. LSC is an independent, non-profit Corporation created by the Congress in 1974 to promote equal access to justice and to provide high-quality civil legal assistance to low-income Americans. The 8 percent increase for the Corporation is the second consecutive annual increase and would represent a \$50 million gain over two years. The bill passed unanimously by voice vote and is expected to be acted on by the full House Appropriations Committee next week. Chairman Alan Mollohan (D-W.Va.) said in his opening statement to the Subcommittee, "We have made positive changes with some of the smaller agencies in this bill. I'm proud to say we have added \$28 million above the FY 07 level and \$66 million over the President's request for the Legal Services Corporation."

Source: News Release, *House Subcommittee Approves \$28 Million Increase for LSC*, Legal Services Corporation, June 12, 2007. Available at: http://www.lsc.gov/press/pr_detail_T7_R36.php.

3. *New Grants Hit the Ground to Prevent Homelessness: Federal grantmaking for civil legal aid is less than what's needed to meet the legal needs of low-income families and communities. To improve access to justice, state and local governments such as the District of Columbia Council, are making their own grants to civil legal aid programs.*

Legal Clinics Help Poor Keep a Roof Overhead (Washington, D.C.)

Whether it's the threat of losing government food aid or the prospect of being evicted, the legal problems faced by poor people can carry devastating consequences. And unlike people who are arrested, people in other sorts of legal trouble aren't guaranteed the assistance of a lawyer.... The D.C. Access to Justice Commission, created in 2005 by the D.C. Court of Appeals, has been lobbying for more money for such services, and the commission scored a notable victory in the fall. The D.C. Council approved more than \$3 million to help organizations hire more lawyers and to help pay off the law school loans of lawyers who choose to work in poverty law. Last month, the D.C. Bar Foundation, which is administering the new money from the city, began sending out checks to a number of organizations, including Legal Counsel for the Elderly, the Whitman-Walker Legal Clinic and the Legal Aid Society of the District of Columbia....

Source: Henri Cauvin, *Legal Clinics Help Poor Keep a Roof Overhead*, The Washington Post (Washington, D.C.), June 7, 2007. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2007/06/06/AR2007060600905.html>.

Issues in Legal Services Delivery

4. *Proposed Tax Could Limit Access to Justice:* *As states move away from the income tax and rely instead on new sales taxes to raise revenue, low and moderate income people are hurt the most. A proposed tax may make legal representation unaffordable for low and moderate income Georgians.*

Georgia House Speaker Proposes Taxing Lawyers' Services

Along with hourly rates and hours billed, Georgia lawyers may soon have to add another column to their clients' receipts -- one to show the state sales tax. House Speaker Glenn Richardson, R-Hiram, and his allies plan to push in next year's legislative session changes that would levy sales taxes, for the first time in Georgia, on professional-service providers -- from barbers and landscapers to accountants and lawyers. The rate would be the current sales tax rate, which varies by local government, although the details of Richardson's proposal could change before the General Assembly debates it next year. Many attorneys would end up passing on the higher cost to their clients, said Doraville sole practitioner James S. "Jim" Lewis, who practices criminal-defense and family law. That could hurt low-income clients who seek help on divorce or other routine matters. "For folks in the lower-income levels, it's hard enough to get them to bring in more money," he said.... Consider in the city of Atlanta, Lewis said, where the sales tax is 8 percent. A lawyer who works an eight-hour day and charges \$250 per hour would produce daily sales tax revenue for the state of \$160. "That's going to drive the cost of legal services sky-high," Lewis said....

Source: Andy Peters, *Georgia Proposes Taxing Lawyers' Services*, Law.com, June 6, 2007. Available at: <http://www.law.com/jsp/article.jsp?id=1181034331393>.

5. *A Win-Win Deal: Do a Case Pro Bono for Continuing Legal Education Credit*

Pro Bono Program Exchanges Work for Education (Ohio)

Local attorneys could get a free continuing legal education course next month in exchange for volunteering to take one Legal Aid Society of Cleveland case without pay in the next year. The seminar [for CLE credit] ... will focus on unmet legal needs of the low income population. Attorneys who pledge to take a pro bono case could take the five-and-a-half hour course for free and the \$165 cost would be waived. Lawyers must complete 24 hours of continuing legal education every two years. Legal Aid handles landlord/tenant disputes, domestic issues and other civil matters in court. In Lorain County, criminal defendants who cannot afford an attorney are provided with a court-appointed attorney. Legal Aid and the Lorain County Bar Association have been working since February to start up a pro bono program that has not been around for several years, said Kreig Brusnahan, who officially became president of the local bar yesterday, replacing attorney Gayle Reeves. Cases involving people who ask for help from Legal Aid's Elyria office will be referred to a pro bono panel developed at the end of the seminar, he said....

Source: Matt Suman, *Pro Bono Program Exchanges Work for Education*, The Morning Journal (Ohio), June 9, 2007. Available at: http://www.morningjournal.com/site/news.cfm?newsid=18452921&BRD=1699&PAG=461&dept_id=46371&rft=15.

SPECIAL MENTION

6. *Civil Legal Aid Attorney, Now a Judge, is "Not Afraid To Do Battle With the Forces of Evil"*

Judge in Assessment Case Has Long Been a Controversial Figure (Philadelphia)

He has never shied away from a fight. R. Stanton Wettick, Jr., the judge who handed down the decision today throwing out Allegheny County's use of the base year for its assessments, was a controversial figure even before he was on the bench. As a judge, he's known for his intellect and his work ethic. "He's very bright and he grasps the issues very quickly," said President Judge Joseph A. James. "He can summarize the lawyers' positions and can focus the issues quickly." In 1970, as the executive director of Neighborhood Legal Services, Judge Wettick studied the courts and found that poor defendants suffered harsher penalties than those with private attorneys, concluding

that the public defenders assigned to the indigent were not as successful in "judge shopping" as defendants whose attorneys had better connections.... Wendell Freeland, an attorney who was the chairman of Neighborhood Legal Services Association when Judge Wettick was the director, said that Judge Wettick was a good administrator and changed the focus of the organization by taking on governments and winning. Now, as a judge, Mr. Freeland said "he takes the tough cases and he really is interested in the ideal of justice. He's not afraid to do battle with the forces of evil." ...

Source: Ann Belser, *Judge in Assessment Case Has Long Been a Controversial Figure*, Pittsburg Post-Gazette (Pennsylvania), June 6, 2007. Available at: <http://www.post-gazette.com/pg/07157/791889-85.stm>.

ANNOUNCEMENTS

7. *Saying Goodbye to a Legal Aid Champion, Judy Garlow, California IOLTA Leader*

Judy Garlow, Hero of Legal Services for the Poor, Dies at 63 (California)

Judy Garlow worked out of the limelight, and is largely unknown to the general public. But nobody in California did more over the past three decades to protect legal services for low-income people. In fact, it is no exaggeration to say that without Garlow's efforts, poor people in much of California facing eviction, or whose public benefits have been wrongly eliminated, or who were victims of domestic violence, would have no access to legal representation. The decimation of legal services is one of the crowning achievements of the Newt Gingrich era, and followed a decade long battle against a Reagan Administration desperate to deny poor people access to justice. Garlow fought to create a new funding source to keep legal aid alive, and millions of poor people have benefited from her advocacy. Word of Judy Garlow's death came as a shock to all of us who counted upon her to protect legal service for the poor. One cannot imagine what obstacles low-income Californians with legal problems would face had Garlow not worked at the State Bar of California when the Republican war on legal services began in 1981....

Source: Randy Shaw, *Judy Garlow, Hero of Legal Services for the Poor, Dies at 63*, BeyondChron (California), June 8, 2007. Available at: http://www.beyondchron.org/articles/Judy_Garlow_Hero_of_Legal_Services_for_the_Poor_Dies_at_63_4593.html.

The Legal Services E-lert is produced by David Pedulla and edited by Laura Abel and David Udell. Because the E-lert collects stories reported by others, the views presented are not necessarily those of the Brennan Center.

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If you would like to be removed from this list or have any questions about the Legal Services E-lert, please contact David Pedulla at david.pedulla@nyu.edu or 212-998-6288.