



CONNECTICUT LEGAL SERVICES

A PRIVATE NONPROFIT CORPORATION
62 WASHINGTON ST. MIDDLETOWN, CT 06457
TELEPHONE (860) 344-0447
FAX (860) 346-2938
E-MAIL POVERTYLAW@CONNLEGALESERVICES.ORG

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ADMINISTRATIVE OFFICE
62 WASHINGTON STREET
MIDDLETOWN, CT 06457

LAW OFFICES

211 STATE STREET
BRIDGEPORT, CT 06604

587 MAIN STREET
NEW BRITAIN, CT 06051

153 WILLIAMS STREET
NEW LONDON, CT 06320

20 SUMMER STREET
STAMFORD, CT 06901

85 CENTRAL AVENUE
WATERBURY, CT 06702

872 MAIN STREET
WILLIMANTIC, CT 06226

SATELLITE OFFICES
(call for office hours)
5 COLONY STREET
MERIDEN, CT 06451

62 WASHINGTON STREET
MIDDLETOWN, CT 06457

98 SOUTH MAIN STREET
SOUTH NORWALK, CT 06854

564 PROSPECT STREET
TORRINGTON, CT 06790

155 WEST MAIN STREET
ROCKVILLE, CT 06066

February 9, 2010

Testimony of Richard Orr, Vice-Chair of Connecticut Legal Services On Behalf of

**Connecticut Legal Services,
Greater Hartford Legal Aid, and
New Haven Legal Assistance Association**

Before the Appropriations Committee of the Connecticut Legislature

Senator Harp, Representative Geragosian, and Members of the Committee:

Thank you for this opportunity to update you on the crisis in legal aid funding in Connecticut, in the context of the larger crisis impacting the Judicial Branch and the state as a whole. My name is Richard Orr; I'm the Vice-President and General Counsel at BL Companies in Meriden, and the Vice-Chair of the Board of Connecticut Legal Services. I am testifying on behalf of all three legal aid programs. We work together to serve the entire state. The three executive directors are behind me if you have any questions for them.

The non-profit legal aid agencies are an incredibly effective, coordinated network that provides legal help to very poor people in crisis. Every social service agency in the state relies on us to help their clients. Non profits and state agencies alike send us cases when their clients need a lawyer to solve their problem. Together we have been handling over 15,000 cases each year. The staff are highly skilled, perennially underpaid compared to other public service lawyers, and passionate about their work and the needs of their clients.

Last year, you took two important steps to help legal aid, because you recognize the importance and value of this work.

- First, you established a funding stream through increased court filing fees.
- Second, you increased the long standing funding through Judicial Branch from \$1 million to \$1.5 million.

Today we are not asking for more.

We are only asking that these commitments be kept.

In this environment, many programs for poor people are being cut, and legal aid is no exception. IOLTA revenues are down \$16 million per year. (See attached graphic). Legal aid programs have lost many positions, including through layoffs, and have also significantly reduced hours to cut back on costs. With two unpaid days per month, the remaining young lawyers at Connecticut Legal Services now have take-home pay barely over \$40,000/year – and still are glad to have a job and be doing work they believe in.



But severe cutbacks in funding for the Judicial Branch have resulted in the Branch not paying the \$1.5 million designated in the budget for legal aid. Legal Services will have to go through another round of contraction if a solution cannot be found.

Loss of Institutional Knowledge. Obviously, losing even more staff capacity would be a bad thing for the future of legal aid. We, and you, have invested in the development of talented legal aid lawyers, and it would be a terrible long-term strategy to throw that away for short-term savings.

Harm to Poor People. Even more important would be the immediate harm to low-income people in our state. Every legal aid lawyer helps around 100 people each year. They focus their work on people who are in the most desperate need, people for whom we can make a real difference. In this economy, that means victims of domestic violence, tenants being evicted as a result of foreclosures, and children and elderly who cannot be cast aside because of a tough economy.

Burden To the State. And then there is the cost to the state. Legal aid's work for low-income people saves the state money. When people being evicted don't have lawyers, it takes up more of the court's time, and they are much more likely to end up in homeless shelters. When victims of domestic violence don't have lawyers, they too end up longer in shelters, and take longer to build safe lives, and it is harder for them to return to work.

Access to Justice. Finally, adequate funding for legal aid is part of the message of access to justice that the Judicial Branch has been bringing to you. Laws do not enforce themselves. The rights of children, disabled people, battered women, the elderly, tenants and many others depend on legal aid lawyers to apply the laws relevant to their life crises, so that they can access the court protections created by this legislature.

We thank you for having recognized the incredible work for low-income people, and for Connecticut, these legal aid programs are providing on behalf of us all. We ask you to preserve the remedy you built last year, in the face of the remarkable collapse of the IOLTA funding source and the remarkable tenacity of the underpaid lawyers struggling to help those in great need in this economic crisis.

Our request today is simple.

- Preserve the filing fees you enacted last year as a funding stream for Legal Aid
- Preserve the \$1.5 million already appropriated.
- And place that funding in a separate line outside of the "Other Expenses" (OE) line item to insure those funds are used to support legal aid.

Please help us to avoid shutting our doors on people in need.

Thank you. We'd be happy to answer any questions you may have.

Addendum to Testimony
Richard Orr
2/9/10

» THE HARTFORD COURANT » TUESDAY, FEBRUARY 9, 2010 » A11

OPINION

THE OLDEST CONTINUOUSLY
PUBLISHED NEWSPAPER IN AMERICA

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YOUR VIEW: ROSS GARBER AND PETER KELLY

FUND CUTS CURTAIL ESSENTIAL LEGAL AID SERVICE

Legal aid lawyers play an essential role in our system of justice, because laws don't enforce themselves. These dedicated, passionate and underpaid lawyers for low-income Connecticut residents take cases involving homelessness, domestic violence and access to basic needs. Without their work, "justice for all" would be a myth. When there are not enough legal aid lawyers, justice is not only denied to the poor, but impaired for everyone because courtrooms are flooded by unrepresented people.

Falling revenue from Interest on Lawyer Trust Accounts, state budget cuts and the proposed reallocation of funds originally intended for legal aid have put this critical service at jeopardy. The funding that has been allocated to legal services should be sustained.

Our state's system of justice requires more than a courthouse, a judge and a clerk. It depends on lawyers to learn their clients' legal issues, give them good advice and champion their positions, all while navigating complex procedural rules. For families that are both very poor and facing crisis, Connecticut's legal aid lawyers are their only source of

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representation. This is why Connecticut's judicial branch, in its 2008 Strategic Plan Implementation, noted the importance of finding ways "to stabilize funding sources for legal aid."

Legal aid funding through Interest on Lawyer Trust Accounts, the primary fund source for legal aid, has plummeted from \$20.7 million a year to about \$4 million a year. The state's last budget included funding to replace some of that lost revenue. Even with this help, legal aid programs have had to lay off staff, reduce salaries and adopt frugal days.

But, now the judicial branch has proposed diverting \$1.5 million of funds that were appropriated for legal aid to the poor to help cover a rescission of \$7.8 million in the judicial budget. The governor, General Assembly and judicial branch must find a way to ensure this \$1.5 million reaches legal aid. Legal aid staff

being foreclosed. But many tenants don't know the rules. Legal aid helps many poor clients learn their rights and accompanies them to court to force banks to comply with laws designed to protect people who pay their rent.

Legal aid assists about 10,000 people every year, helping to ensure our courts provide justice for all people. Without the funding allocated in the state budget, not only will more low-income residents be denied justice, but everyone will suffer as the halls of courthouses fill with people unable to navigate judicial process.

The governor, judicial branch and the legislature need to find a way to ensure that legal aid receives all of the funds the governor and the legislature appropriated to meet this crisis in legal services funding. This funding will ensure that there is truly access to justice for all of Connecticut's residents.

» Ross Garber is a lawyer in Hartford and a member of the board of directors of Connecticut Legal Services. Peter Kelly is a lawyer in Hartford and co-chair of the Advisory Council of Connecticut Legal Services.

members have responded to the crisis with heart. Faced with pay cuts and uncertainty, they continue to fight for thousands of domestic violence victims, elderly people pressured by creditors, low-wage workers not being paid, disabled children seeking an education, disabled people seeking state and federal benefits.

A typical case might involve a single father who is a low-wage worker and is raising three children, one of whom lives with disabilities. Much of the man's wages go to pay rent on a modest home. He has always paid his rent on time; despite his payments, however, a bank that foreclosed on his landlord moved to evict him. Without the help of legal aid, the man and his children would have no representation and would lose their home.

There are state and federal laws that protect tenants in good standing who live in houses

