



February 19, 2014

**Appropriations Committee**

**Testimony of Richard F. Orr in support of funding for Legal Services**

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Senator Bye, Representative Walker, Senator Kane, Representative Miner and members of the Committee,

My name is Richard Orr. The purpose of my testimony is to thank you for all you have done to support vitally needed funding for civil legal services for poor people, and ask for your continued support.

In my day job I am the General Counsel of the University of Connecticut, but today I am not representing UConn. Instead, I am appearing as the Chair of the Board of Connecticut Legal Services.

With me are Attorney Ben Solnit, Vice Chair of New Haven Legal Assistance Association, and Attorney Kristin Hoffman, Chair of the Board of Greater Hartford Legal Aid. The lead executive staff of these programs are seated behind us.

Together our three organizations cover the entire state of Connecticut. I am testifying on behalf of all three organizations. My testimony makes 3 points:

First, legal aid funding has been in crisis since 2008; but during that same time period there has been an increase in the numbers of low-income people who are themselves in crisis and who need legal services;

Second, the Governor's budget bill, which the Judicial Department supports, provides continued funding to help alleviate this crisis; and

Finally, the rest of the Governor's proposal concerning legal aid funding, S.B. 31, will be heard in the Judiciary Committee. That bill concerns court fees enacted in 2012 which provide essential, substantial support for legal aid. The Governor's bill will eliminate the sunset in current law so that funding can continue uninterrupted.

Financial support for legal aid is important.

Why? Because of the need.

The staff in our programs provide essential services to about ten thousand low-income people facing life crises every year. The legal services our staff provides is an essential part of the social service network.

Every social service agency, court, police department and legislative office refers the most complicated and urgent situations facing poor people to our legal services lawyers. Every day, our lawyers address situations involving domestic violence, foreclosure and homelessness, basic medical care, nursing home issues, children's education, and more.

Legal aid benefits individual clients, but more importantly, it benefits our entire society -- the costs to our state would be enormous if these problems were not addressed.

Legal aid funding in Connecticut has been in crisis since 2008 because of the collapse of IOLTA (Interest On Lawyer Trust Accounts). With the collapse of interest rates, IOLTA went from generating \$20 million in 2007 to just over \$2 million last year and revenues continue to drop this year.

It is not hyperbole to say that without the support of the Legislature and the Governor, the legal aid programs in Connecticut would have collapsed.

The legal aid funding crisis has been addressed by the Legislature in two ways: first, by an appropriation for legal aid in the Judicial Branch budget, and second by court fees enacted by the Legislature to keep legal aid programs funded. Both are vital.

### The Appropriation

The Governor has proposed continued legal aid funding of \$1.66 million, through the appropriation for the Judicial Branch. This funding goes to two purposes. Most of the funding, \$1.5 million, goes through the Connecticut Bar Foundation to support general legal aid funding. A smaller amount added last year of \$160,000 is designated for one social worker at Connecticut Legal Services in Bridgeport and one social worker at New Haven Legal Assistance in New Haven -- both working on child protection cases.

This funding supports model projects in the child protection courts in Bridgeport and New Haven. These model programs help children by providing legal assistance supported by social workers. The addition of social workers supporting the legal work adds a depth of understanding and additional dimensions to the representation. This joint effort has pleased the judges in those courts and -- more importantly -- made an incredible difference in the lives of very challenged families.

We respectfully ask your support for the Governor's proposal, and specifically your support of continued funding of \$1.66 million in this line, for general legal services funding and for the small child protection grants.

### Court Fees

Although the remainder of the Governor's proposal for legal aid will be heard in the Judiciary Committee, we ask for your support for that proposal as well.

In brief, the Legislature enacted court filing fees in 2009 and again in 2012 to keep at least most legal services staffing in place to assist families. The 2012 fees will "sunset" or automatically expire unless the legislature acts. We urge the elimination of the sunset so that this funding can continue. Without legislative action the financial shortfall will require laying off approximately one-quarter of legal services staff next year.

The 2012 fees are shared between legal services and the judicial branch. The Governor has recognized in his budget proposal that there is an acute need for more of the essential legal assistance that our programs provide. The Governor has proposed increasing the percentage of the 2012 court fees that go to funding legal services from 70% to 95%. That increase is accomplished by decreasing the percentage going to fund Judicial Branch technology.

We are very grateful that the Judicial Branch supports this change. The Branch has stated that despite the importance of its technology needs, they agree with the Governor that it is appropriate for a portion of this funding to be transferred to legal aid to help address more of the enormous unmet legal needs of the citizens of our state.

To summarize, the proposal directly before the Appropriations Committee is the \$1.66 million legal services funding line in the Judicial Budget. We ask for the Committee's support of that funding line.

But we also ask you each individually to support the Governor's proposal regarding filing fees that will be heard by the Judiciary Committee and, we trust by the full House and Senate.

Thank you for your time; we would be happy to answer any questions.