

# CALIFORNIA LEGISLATURE

STATE CAPITOL  
SACRAMENTO, CALIFORNIA  
95814

April 6, 2015

The Honorable Edmund G. Brown Jr.  
Governor – State of California  
State Capital  
Sacramento, CA 95814

Dear Governor Brown,

As members of the Legislature, we continue to be gravely concerned about the lack of revenue allocated to the Equal Access Fund, which makes legal services in civil matters available to low-income Californians. In order to improve equal access and the fair administration of justice, we implore you to increase allocations to the Equal Access Fund by another \$15 million in this year's revised budget.

The state must take a greater role in funding legal aid because traditional funding has vanished in recent years. Since 2008, revenue from the Interest on Lawyer Trust Accounts (IOLTA) program, the traditional revenue source of legal aid for 30 years, has fallen by 75 percent due to historically low interest rates—from over \$20 million in 2007-08 to under \$5 million in 2013-14. Yet the number of Californians eligible for legal aid services has since *increased* by 20 percent—an additional 1.6 million people. These figures clearly show that legal aid programs cannot rely on IOLTA funding in the future to maintain their essential mission. Thus the state must take greater responsibility in funding legal aid.

The Department of Justice (DOJ), Judicial Council, and the State Bar of California all agree there is a serious lack of funding and resources that makes serving those in need extremely difficult. The DOJ has found that *over half* of Americans eligible for legal aid are turned away due to lack of resources—a statistic mirrored here in California. For instance, a 2013 report to the California Legislature indicated there are nearly 10,000 legal-aid-eligible Californians for every *one* legal aid attorney.

This lack of representation undermines public confidence in the justice system by creating a structure where the financial resources of a party are more likely than the merits of an issue to determine the outcome.

Legal aid services have enormous impacts on families by helping them escape domestic violence, avoid homelessness, obtain needed mental health care, access basic support services, and resolve many other problems that threaten the health and safety of families and their children. Legal services programs also assist over 60,000 California seniors with fixed incomes every year on issues concerning financial elder abuse, Social Security, and Medicare. A leading study by researchers at the Carnegie Mellon Census Research Data Center found that access to legal aid is one of the most effective ways to help women in poverty escape domestic violence. The study concluded that access to legal aid ensures delivery of protective orders; assistance with child custody and support; and divorce and property distribution that victims desperately need.

But lack of funding is not only a social justice issue but also an economic one. Multiple studies show that legal aid funding has more than a 100 percent return-on-investment by reducing state costs to law enforcement, health care, foster care, emergency shelter, and other services. Moreover, legal aid provides significant cost savings to the court system as the number of unrepresented litigants is ever increasing. Pro per litigants typically are unfamiliar with court procedures and forms as well as with their rights and obligations, which impedes proceedings and consumes significant court resources that are already stretched thin.

For these and other reasons we respectfully urge you to increase funding by an additional \$15 million to the Equal Access Fund in this year's budget. These needed funds will help low and fixed income Californians find legal services they desperately need and deserve, thus protecting the vitality of our democracy and preserving Californians' faith in the legal system.

We thank you for considering the restoration of legal aid funding to improve Californian's access to justice.



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