

Maurer School of Law: Indiana University

Digital Repository @ Maurer Law

Articles by Maurer Faculty

Faculty Scholarship

2009

Indiana's Latest Study of the Legal Needs of the Poor

Amy Applegate

Indiana University Maurer School of Law, aga@indiana.edu

Monica A. Fennell

Indiana Pro Bono Commission

Follow this and additional works at: <https://www.repository.law.indiana.edu/facpub>



Part of the [Law and Society Commons](#), and the [Legal Profession Commons](#)

Recommended Citation

Applegate, Amy and Fennell, Monica A., "Indiana's Latest Study of the Legal Needs of the Poor" (2009).
Articles by Maurer Faculty. 2750.

<https://www.repository.law.indiana.edu/facpub/2750>

This Response or Comment is brought to you for free and open access by the Faculty Scholarship at Digital Repository @ Maurer Law. It has been accepted for inclusion in Articles by Maurer Faculty by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact rvaughan@indiana.edu.



LAW LIBRARY
INDIANA UNIVERSITY
Maurer School of Law
Bloomington

Indiana's latest study of the legal needs of the poor

The number of low-income Hoosiers facing civil legal problems without legal assistance is large and growing. This need was extensively documented in "Unequal Access to Justice: A Comprehensive Study of the Civil Legal Needs of the Poor in Indiana," a recent study inserted in the July/August issue of *Res Gestae*. At times of crisis, especially in this economy, legal representation and even brief legal advice can make a big difference. Despite the best efforts of those in the legal aid and pro bono community and despite the progress that has been made, there is still a large gap between the need of low-income Hoosiers and available legal assistance. On average, 62 percent of those who sought legal representation from the pro bono districts were unable to obtain it, and 75 percent of those who applied for assistance from Indiana Legal Services were unable to obtain it. The insufficient number of pro bono and public service attorneys representing the poor in comparison to the need for legal assistance was a consistent theme throughout the responses to the various surveys, questionnaires and focus groups making up the study. Indeed, the study reported that in Indiana the ratio of attorneys to potential clients is approximately one attorney per 688 potential paying clients, in contrast to one attorney per 8,850 potential clients who earn less than 125 percent of the federal poverty level and one attorney per 16,100 potential clients who earn less than 200 percent of the federal poverty level.

Other states have conducted studies of the legal needs of the poor and have reached similar conclusions about the "justice gap" between those who can and those who cannot pay for legal representation. Recent state studies have shown that the number of legal prob-

Executive Director
Indiana Pro Bono
Commission
Indianapolis, Ind.
MFennell@inbf.org

Clinical Professor
of Law and Director
Viola J. Taliaferro Family &
Children Mediation Clinic
Indiana University
Maurer School of Law
Bloomington, Ind.
aga@indiana.edu

lems per household is anywhere from 1.1 in Vermont to 3.5 in Montana. The Indiana study, as with other studies, found that the greatest needs were in the areas of consumer finance, family law, housing, public entitlements and health. A comparison of the 2008 data from low-income Hoosiers with data collected by Indiana Legal Services in 1999 showed significant increases in reported problems relating to utilities, housing, consumer finance, Medicare, food stamps and

employment. From 1999 to 2008 the state's low-income population increased by 35 percent while Indiana's population overall grew by 6.8 percent from 1999 to 2007.

As a result of the information obtained through the legal needs of the poor study, the study sponsors recommended that Indiana undertake a strategic planning process, considering the information and data obtained in the study, to develop a comprehensive set of detailed recommendations and statewide plan of action to better meet the needs of the poor. In connection with the strategic planning process, the study sponsors further recommended the creation of a statewide Access to Justice Commission whose membership would include representatives from the various stakeholders involved directly and indirectly in the delivery of legal services to the poor. The study sponsors suggested that this commission should be charged with evaluating, planning, coordinating and improving statewide efforts to meet the civil legal needs of the poor.

Indiana's four-phase study was conducted in 2007 and 2008 by its sponsors, the Indiana Bar Foundation, Indiana Legal Services and the Indiana State Bar Association's Pro Bono Committee. The study consisted of a telephone survey of low-income Hoosiers as well as questionnaires to attorneys, judges, clerks of court, pro bono plan administrators, legal service providers, employees of social service and government agencies serving the poor, and Indiana Legal Services employees, clients, potential clients and board members. The study sponsors also conducted focus groups, priority-setting meetings and a Conclave on the Delivery of Pro Bono Services in Indiana. The full Indiana legal needs study can be found on sponsor Web sites, www.indianajustice.org, www.inbf.org and www.inbar.org.

The authors acknowledge the tireless efforts of legal needs study committee members Norman Metzger and Victoria Deak with Indiana Legal Services, Larry Champion with Stewart & Irwin, Charles Dunlap with the Indiana Bar Foundation, and Prof. Applegate's co-chair of the State Bar's Pro Bono Committee, Catherine Meeker with Baker & Daniels. Additional acknowledgements are on page 3 of the full study. ❧