

**EDITORIAL**  
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**LEGAL ASSISTANCE FOR THE POOR**  
*The responsibility of practicing trial lawyers*

Over the past ten years legal advocates for the poor have lost the public relations battle. The legal-aid program has been unfairly condemned as a tool of the left, helping the poor to cheat landlords, destroy families, and bog down the courts with frivolous class action lawsuits.

In 1996 there were major changes in the federal funding of legal services, with drastic cuts in funding and stringent restrictions imposed on the kinds of work that legal services lawyers could perform for clients. The three principal legal services organizations in the state which provide full and unrestricted representation for low income clients are therefore no longer federally funded and now employ only 90 attorneys, down sharply from a few years ago. They opened cases for more than 10,000 people in 1999 but had to turn away another 35,000 who requested full representation. Salaries of legal assistance lawyers are embarrassingly low, and caseloads much too high.

Lawyer pro bono programs can accommodate some of these people, but most go unrepresented. Pro bono efforts by the private bar have been expanded in recent years, due in part to the Connecticut Bar Association's Law Works for People program, and the generosity of private practitioners. But there are obvious limits to what the private bar can and should be expected to do in filling the legal services void.

We Americans talk glowingly of our justice system and say that it is open to all equally and fairly. But access to the system almost always requires advice, counseling and representation by a lawyer.

In Connecticut, for many of the poor, especially in civil matters, our justice system is not open. We have devised a system in which most of the responsibility for providing lawyers to the poor is passed off to legal services organizations, and we then fail to fund these organizations to take care of most of the poor needing help.

Arguably, the obligation to finance legal services should be assumed principally by state and federal government. But the State of Connecticut has never been a major source of funds for legal services and the federal government continually tries to defund and restrict the work. Moreover, there seems no prospect, at least in the foreseeable future, of government at any level taking on more of a financial obligation for legal services to the poor.

The Interest on Lawyers' Trust Accounts Program (IOLTA) is another significant source of funding for legal aid. But because of low interest rates on those accounts, legal services organizations now receive much less than they got from IOLTA a few years ago. No major increase in IOLTA funds for legal aid can be expected in the near term.

This leaves private giving as the most promising source of help for legal services for the poor in Connecticut. In our view, the bar, and most particularly trial lawyers in private practice, have a special obligation to make financial contributions to legal services organizations.

As trial lawyers, we have a unique responsibility to see to it that our justice system operates effectively and meets its objectives, including equal justice for all -- rich or poor. One way in which we should seek to fulfill our responsibility is by each of us making a generous annual contribution to the legal services organizations serving our local communities.

We urge each of our members to act promptly and to send a check to one of the State's three legal services organizations. Fulfill your obligation if you have not already done so.

The three organizations are: New Haven Legal Assistance Association, 426 State Street, New Haven, CT, 06510; Greater Hartford Legal Assistance, 80 Jefferson Street, Hartford, CT 06106; and Connecticut Legal Services (serving communities other than those in the New Haven and Hartford areas), P.O. Box 841, Middletown, CT 06457.