

Economic Benefits of Civil Legal Aid

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Civil legal aid, an essential part of our Constitution's promise of equal justice for all, also yields substantial economic benefits. It helps people prevent events that would be harmful to them and expensive for the larger society, such as domestic violence, long foster care stays, eviction, and health emergencies. It also helps people participate in government safety-net programs.

1. Civil legal aid saves public money by reducing domestic violence.

Civil legal aid "significantly" reduces repeat incidents of domestic violence by helping victims obtain custody and child support arrangements that make it possible for them to leave an abusive relationship.ⁱ Thus, when a civil legal aid program expanded its services to help every low-income victim of domestic violence throughout its geographic service area, requests for protective orders within the area fell by 35.5%, while requests within the entire state fell by only 16.2%.ⁱⁱ When civil legal aid programs reduce domestic violence, they reduce public spending "on medical care for injured victims, special education and counseling for affected children, [and] police resources and prison for perpetrators."ⁱⁱⁱ Medical and mental health care costs alone total approximately \$4.1 billion annually.^{iv} Civil legal aid also reduces victims' property losses and sustains their productivity: victims lose 8 million paid days of work annually, equivalent to 32,000 full-time jobs.^v

2. Civil legal aid saves public money by helping children leave foster care more quickly.

Children exit foster care more quickly when their parents receive high-quality representation in child welfare proceedings.^{vi} In Washington State, the rate at which children were reunited with their parents was 11% higher when the parents were represented by lawyers whose caseloads were kept to a manageable level than when the parents were represented by high-volume contract attorneys. The rate of adoption nearly doubled.^{vii} When civil legal aid programs speed family reunification and adoption, they reduce public spending in the form of payments to foster parents, subsidies for children's medical care, cash benefits, and the expense of monitoring the foster family.^{viii}

3. Civil legal aid saves public money by reducing evictions.

Tenants facing eviction are more likely to retain possession of their homes if they are represented by a civil legal aid attorney than if they either have no representative or receive less than full representation.^{ix} A substantial proportion of the tenants receiving representation avoid homelessness as a result, saving thousands or tens of thousands of public dollars in shelter costs for each eviction averted.^x Civil legal aid saved \$116 million in shelter costs in 2009-2010 in New York State alone.^{xi}

4. Civil legal aid saves public money by protecting patients' health.

Civil legal aid improves clients' health, thereby reducing public spending on healthcare. Civil legal aid enabled half of asthmatic adults in a study to get landlords to remove contaminants from their homes, enabling the patients to stop taking steroids for at least six months (no such benefit was seen in a control group that received no legal help).^{xii} Another study showed cancer patients who got legal aid to help with health insurance, disability benefits, or health-related job discrimination had reduced stress and improved compliance with medical regimens and with doctor appointments.^{xiii} Studies of medical-legal partnerships also reveal new revenue for hospitals in the form of insurance reimbursements and government benefits (Medicaid, Social Security and disability benefits).^{xiv}

5. Civil legal aid helps low-income people participate in federal safety-net programs.

Clients served by civil legal aid programs obtain hundreds of millions of dollars each year in Social Security Disability, Supplemental Security Income, SNAP, and other safety net programs. In New York alone, the federal benefits awarded to civil legal aid clients totaled \$348 million in 2011.^{xv} In many jurisdictions, legal aid is responsible for a substantial proportion of the benefit awards.^{xvi}

ⁱ Amy Farmer & Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 *Contemp. Econ. Pol'y* 158, 164 (2003).

ⁱⁱ Laura Abel & Susan Vignola, *Economic and Other Benefits Associated with the Provision of Civil Legal Aid*, 9 *Seattle J. for Soc. Justice* 139, 147-148 (2011) (citing Buckley Boone, *Legal Aid: Decrease in Domestic Violence in Southwest Virginia* (April 2009) (unpublished manuscript)).

ⁱⁱⁱ Abel & Vignola, *supra*, at 148 (quoting Memorandum from Lonnie Powers, Exec. Director, Mass. Legal Assistance Corp., to Ben Clements, 4 (Dec 10, 2007)). *See also* Report of Jeffrey L. Baliban to the Task Force to Expand Civil Legal Services in New York (2011),

<http://www.nlada.org/DMS/Documents/1328113081.49/NY%20report%202011%20Appendices.pdf>.

^{iv} Centers for Disease Control & Prevention, *Costs of Intimate Partner Violence Against Women in the United States* (2003), pp. 1-2, <http://www.cdc.gov/violenceprevention/pdf/IPVBook-a.pdf>.

^v Abel & Vignola, *supra*, at 148 (citing Liz Elwart et al., *Increasing Access to Restraining Orders for Low-Income Victims of Domestic Violence* 12-13 (2006)); Centers for Disease Control & Prevention, *Costs of Intimate Partner Violence Against Women in the United States* (2003), pp. 1-2,

<http://www.cdc.gov/violenceprevention/pdf/IPVBook-a.pdf>.

^{vi} Mark E. Courtney & Jennifer L. Hook, *Evaluation of the Impact of Enhanced Parental Legal Representation on the Timing Of Permanency Outcomes for Children in Foster Care*, 34 *Children & Youth Servs. Rev.* 1337 (2012); Abel & Vignola, *supra*, at 150-54; Laura K. Abel, *Keeping Families Together, Saving Money, and Other Motivations Behind New Civil Right to Counsel Laws*, 42 *Loy. of L.A. L. Rev.* 1087, 1110 (2009).

^{vii} Courtney & Hook, *supra*.

^{viii} Nicholas Zill, *Adoption From Foster Care: Aiding Children While Saving Public Money* (2011),

<http://www.brookings.edu/research/reports/2011/05/adoption-foster-care-zill>.

^{ix} James Greiner et al., *The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future*, forthcoming *Harv. L. Rev.* (draft available at

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1948286); Carroll Seron et al., *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment*, 35 *Law & Soc'y Rev.* 419, 419 (2001). A third study found little difference between outcomes of tenants who received full representation and those who received limited representation, but researcher John Pollock notes that "the full representation and limited assistance" provided there were "fairly similar to each other." John Pollock, *Recent Studies Compare Full Representation to Limited Assistance in Eviction Cases*, 42 *Housing Law Bull.* 72, 77 (2012).

^x Abel & Vignola, *supra*, at 148-49.

^{xi} Geeta Singh Ph.D., *Testimony at the NY Chief Judge's Hearing on Civil Legal Services* (Oct. 18, 2011),

<http://www.nlada.org/DMS/Documents/1328113081.49/NY%20report%202011%20Appendices.pdf>.

^{xii} Ariel Modrykamien et al., *A Retrospective Analysis of the Effect of Environmental Improvement Brought About by Legal Interventions in Poorly Controlled Inner-City Asthmatics*, CHEST (2006). Note, though, that the study involved a small number of people, so its results must be viewed with caution.

^{xiii} Abel & Vignola, *supra*, at 155 (citing Randy Retkin et al., *Impact of Legal Interventions on Cancer Survivors* (2007), pp. 2, 7).

^{xiv} *See* Jimmy Boyle & Ada Chiu, *Financial Impact Study of LegalHealth Services to New York City Hospitals* 8 (2007), http://legalhealth.org/docs/lgh_financial_impact_study.pdf.

^{xv} Task Force to Expand Access to Civil Legal Services in NY, *Report to the Chief Judge* (2011), p. 28.

^{xvi} Russell Engler, *Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel Is Most Needed*, 37 *Fordham Urb. L.J.* 37, 58-66 (2010).