

EQUAL JUSTICE

for All Vermonters

 HOUSING

 FAMILY LAW

 PUBLIC BENEFITS

 HEALTH CARE

 IMMIGRATION

 CONSUMER LAW

Civil legal assistance brings stability to Vermonters by protecting the basic rights of low-income and vulnerable individuals as they face civil legal issues related to housing, health care, and access to services and income. Civil legal assistance brings economic benefits to individual clients, private business, and the state. With fully 25% of all Vermonters eligible for legal assistance, it is critically important to ensure that we increase support for these essential services, which in turn support the stability of individuals, families, and communities.

Unfortunately, over the past 10 years, federal, state, and charitable funding for civil legal assistance has fallen significantly, and legal services organizations are forced to further ration the services they provide.

Almost
1 in 5
VERMONTERS
is eligible for free
legal assistance

At current funding levels,
Vermont's civil legal assistance
programs can represent
only about
15%
of the state's
eligible residents

The Legal Services
Corporation estimates that
71%
of low-income households
experienced at least one civil
legal problem in a typical year

For every \$1 invested in Vermont low-income legal services,
the State and Vermonters see a **rate of return of \$11.**

Vermont has an innovative and integrated legal assistance partnership that works to meet the needs of low-income Vermonters. This partnership is supported by a variety of local and more specialized organizations, as well as attorneys working in private practice. The statewide collaboration among these various providers, which avoids duplicate efforts and maximizes the impact of limited access to justice resources, is a model for the efficient and integrated delivery of civil legal assistance. After several years of improved economic prosperity, now is the time for Vermont to begin to close some of the major gaps in its access to justice promise. Additional investment in civil legal assistance programs will produce savings in state expenditures, increase Vermonters' incomes, and add significantly to the state's economy.

Vermont Access to Justice Coalition

Vermont Legal Aid | Legal Services Vermont | Vermont Law School, including the South Royalton Legal Clinic
Vermont Bar Association | Vermont Bar Foundation | Vermont Supreme Court

Renewing Vermont's Commitment to Access to Justice

The Coalition has identified six areas of need and developed targeted approaches to begin to address those needs.

1. MEETING VERMONT'S CONSTITUTIONAL AND STATUTORY MANDATES

Many Vermonters--such as those facing adult involuntary guardianship proceedings in the Probate Division of the Superior Court, and defendants in child support and other contempt matters--cannot access legal representation, despite being legally entitled to counsel.

Estimated cost to ensure representation in these cases: \$60,000/year

2. MAINTAINING CORE LEGAL ASSISTANCE INFRASTRUCTURE

Vermont Legal Aid and Legal Services Vermont jointly operate Vermont's major legal assistance infrastructure, including the legal assistance Helpline and a website that provides legal information and referral information on civil legal problems. VLA staffs a network of five local legal aid offices providing civil poverty law representation as well as representation to Vermonters facing other kinds of legal problems, including commitment and involuntary medication proceedings. Funding for that work has declined significantly, while requests for help and the costs of providing representation have continued to grow.

Estimated cost to begin to bridge the funding gap in civil legal assistance: \$250,000/year

3. HELPING ADDRESS THE CRISIS IN TERMINATION OF PARENTAL RIGHTS CASES

The opioid crisis has had significant impacts on Vermont's court system, including its role in safeguarding children, with the number of children subject to termination of parental rights proceedings (TPR) having risen by more than 50% over the past 10 years. One innovation to mitigate the all-or-nothing stakes in TPR proceedings is through post-adoption contact agreements, which allow parents facing a termination of their parental rights to secure the possibility of future contact with their children with some limitation. Unfortunately, prospective adoptive parents are the only people involved in the child protection proceedings who do not have court-appointed attorneys representing them.

Estimated cost of providing legal advice to adoptive parents in these cases: \$12,000/year

4. PROVIDING ACCESS TO LEGAL ADVICE FOR VERMONTERS IN FAMILY COURT

Vermont's Family Courts are, by design, more accessible to litigants without lawyers than the other courts. However, the Family Court process can be complex and intimidating to litigants without assistance, who often end up confused and at a loss to understand what to do. Legal advice clinics held across the state on a periodic basis would give low-income Vermonters an opportunity to meet one-on-one with an attorney to discuss the family court process and learn which forms to file.

Cost to operate a statewide Family Law Clinic as described above: \$250,000/year

5. INCREASING ACCESS TO LEGAL ASSISTANCE FOR VERMONT'S IMMIGRANTS

Vermont has a growing population of immigrants facing complicated and pressing legal problems. Many immigrants are fleeing persecution and torture, or are survivors of domestic violence and other crimes. Immigrants face significant legal problems, including the threat of deportation and family separation, and an ever-changing landscape of federal immigration orders and policies. At the same time, only about 30% of immigrants have attorneys representing them in high-stakes removal proceedings.

Estimated cost to meet the civil legal needs of Vermont's immigrant communities: \$150,000/year

6. REDUCING HOMELESSNESS

Eviction and homelessness impose significant costs, not only on the tenants who are evicted, but also on landlords and the courts. Eviction proceedings make up 31% of all cases on the civil docket, and the State spends millions of dollars each year trying to address the impact of homelessness on Vermont's low-income residents. Studies conducted in cities that have expanded right to counsel in eviction cases project that the net cost of such programs would be modest, or in some cases, they will likely save money for the city or other jurisdiction.

Estimated cost to expand legal representation for tenants facing eviction: \$300,000/year