



# The Georgia Civil Legal Needs Summit

## Key Points Fact Sheet

Based on 2007 figures, the percentage of families in Georgia living below the poverty level (14.7%) is higher than that of the United States overall (13.3%). Georgia ranks 13th among the states for persons living in poverty, and remains below the national average in terms of per capita income.

### Number of legal needs of low and moderate income Georgians per year

- » Georgia's population in 2008 was approximately 9,685,744. Of this total, 1.9 million persons live at or below 150% (\$30,000) of the poverty rate, or- approximately 769,000 households.
- » More than 60% of low and moderate income households in Georgia experience one or more civil legal needs a year.
- » Low income households in Georgia experience over 2.3 million legal problems in a year, and moderate income households have another 4.3 million legal problems each year.

### What are the substantive legal needs of low and moderate income households in Georgia?

Of all the legal problems reported, consumer problems represented 22.3%, followed by housing (15.8%), health (8.9%), employment (8.4%), public benefits (7.7%), education (6.3%), family law (5.8%), estates (4.1%), torts (3.5%) and other problems.

Similarly, those identified as "hard to reach" and interviewed in person, rather than via the telephone, also reported consumer problems as one of the major area of legal needs (19.6%), but as expected, housing was an even larger area of legal problems (21.8%). Other legal problems reported by the hard to reach population segment include: health (6.1%); employment (11.4%); family law (7.8%); civil rights (3.3%); torts (2.3%); and, education (3.6%).

Interestingly, court personnel perceived that the most common legal needs confronted by low and moderate income households were family law, followed by housing and consumer problems.

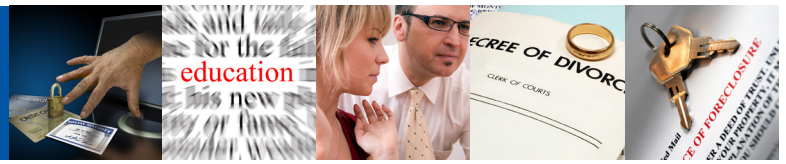
### What happens when a low or moderate income household in Georgia experiences a civil legal need?

- » Over ninety percent of respondents to the public telephone survey and personal interviews stated they did not obtain legal help for their issue.
- » Nearly three quarters of those interviewed said they tried to resolve the issue by themselves without legal help.
- » Nearly 75% of respondents who did not seek help said they did not realize that their problem could be remedied with legal assistance. Others reported not knowing where they could go to seek legal assistance.
- » Only 9.1% were able to obtain some form of help from an attorney.
- » Although over two-thirds of households participating in the survey reported that they had access to the Internet, over 94% of all households reported that they have not used it to access online resources and legal forms.

### What barriers to access to the justice system were identified in the survey?

- » 95.5% of court personnel identified "lack of understanding the court system," another 90.7% named "pro se expectations for assistance," and 88.7% said "lack of *pro bono* or low cost services."
- » Providers of legal and social services reported that the most serious obstacles derived from the nature of poverty itself, such as difficulties with finances and credit, health issues, housing, transportation, education and literacy, and job loss and job training.

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- » A key obstacle noted by court personnel is the low level of awareness of those resources that are available to help with resolution of legal problems. Less than 20 % of respondents were aware of mediation services, and nearly half did not know about a legal services program or attorney referral service.

## Barriers Experienced by Legal Service Providers in Meeting Legal Needs

- » The four most significant factors identified were “caseload/time constraints” (87.1%); “lack of budgetary resources” (88.6%); “lack of available attorneys” (81.4%) and “lack of staff/personnel” (81.5%).

## Who is providing pro bono or low cost services?

- » A higher proportion of attorneys from small firms (49.5%) and solo practitioners (47.7%) reported being engaged in *pro bono*, while the largest firms reported a much lower participation rate (27.1%).
- » Although a smaller percentage of attorneys in the largest firms are engaged in *pro bono*, those who do provide this service contribute more hours per year – over twice the number of hours reported by sole practitioners.
- » Those who engage in *pro bono* representation cited the motivation for doing so was a sense of professional responsibility. Also reported as important was knowledge of the needs of low and moderate income clients, requests by the court, and faith based motivation.

## What are the barriers to doing pro bono?

- » Non-*pro bono* attorneys identified lack of time, family obligations, small firm economics, reliable screening referrals, and lack of skills or experience in practice areas as barriers to their participation in *pro bono*.
- » For 39.1% of non-*pro bono* attorneys, the failure to provide some form of group malpractice insurance for *pro bono* practitioners was an actual obstacle to participation. Over three-fourths of the non-*pro bono* attorneys surveyed said that free malpractice insurance would be a motivating factor to encourage their participation with *pro bono* activities.
- » The disparity between the substantive expertise of most private attorneys and the legal needs of low and moderate income households is a major reason attorneys may not participate in *pro bono*. 60% of the respondents most commonly practice in three areas: business/corporate/tax (24.2%), real estate (17.4%), and personal injury (14.5%). None of those areas were identified in the study as being particularly relevant to the most serious legal needs of low and moderate income families.
- » By contrast, the number of attorneys who commonly practiced in areas more in demand, such as housing/landlord tenant law (2.4%), public benefits (1.6%), civil rights (2.7%) and elder law (1.6%), is quite small.
- » Respondent attorneys identified particular areas of substantive law that they would specifically decline to accept for representation. Family law, a key legal need for low and moderate income families, is specifically avoided by 22.1% of the survey sample. Consumer law is avoided by 6.3% of respondents. 16.1% of respondents reported not accepting any cases that were outside of their area of specialization.
- » Almost 40% of the attorneys in the survey who were limiting their practice responded that they would accept cases outside of their comfort zone if free training were available.
- » 59.6% of non-*pro bono* attorneys answered “the opportunity to work on a discrete task” would be important in encouraging non-*pro bono* attorneys to engage in *pro bono* work.



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244 Washington Street, SW | Suite 300 | Atlanta, GA 30334-5900 | [www.gaccj.org](http://www.gaccj.org)