

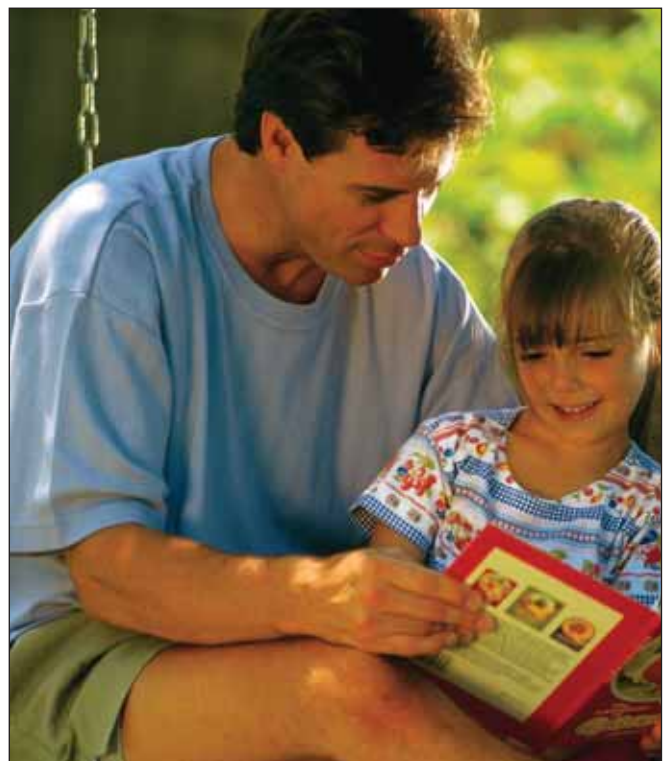
# The Committee on Civil Justice

## Addressing the Legal Needs of Georgia's Poor

by Caren Henderson

**S**arah is an elderly widow who recently had new windows installed in her home. Because the windows were not installed as required by contract, she declined to pay the installer until the work is done properly, which led to a lien being placed on her house. Now, without the help of a pro bono attorney, she must attempt to clear a materialman's lien on her home even though the windows still haven't been properly installed.

Joseph, another Georgia resident, is a divorced father of two who regularly pays his child support. Shortly after a court in Georgia granted his divorce, his ex-wife moved with his son and daughter to Alabama. According to his divorce decree, Joseph was supposed to see his children every other weekend. Because of the distance and the cost of travel, he now rarely sees them. Joseph wants to modify his divorce decree, but because he cannot afford a lawyer, he is faced with trying to navigate these jurisdictional issues alone.



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In any given year nearly 40 percent of the state's poorest citizens have at least one civil legal need, and yet only one in 10 is able to secure legal representation. These Georgians are often our neighbors, elders

and friends, who are left to face complex legal issues without the benefit of a lawyer. Even more troubling is the fact that most poverty-law cases impact areas of fundamental human concern, including family, housing, health and education.

To help people like Sarah and Joseph, and other low-income individuals who live in our state, the Georgia Supreme Court formed the Committee on Civil Justice. The Committee on Civil Justice, which held its first meeting on May 2, will work to strengthen Georgia's civil justice system by developing, coordinating and supporting policy initiatives to expand access to the courts in civil matters for low-income Georgians.

According to Phyllis Holmen, executive director of the Georgia Legal Services Program (GLSP), there are currently more than 750,000 people in Georgia who live below the poverty line in the 154 county area served by the

GLSP. The poverty line is defined as a gross income of approximately \$25,000 per year for a family of four. Similarly, Steven Gottlieb, executive director of the Atlanta Legal Aid Society, reports that preliminary census data indicates that Georgia's poverty population will increase by 94 percent between 2000 and 2010. That means, of course, that the need for civil legal services by low-income Georgians is expected to increase dramatically.

Supreme Court of Georgia Chief Justice Leah Ward Sears recently commented, "Although Georgia has made significant strides in meeting the needs of indigent criminal defendants, for many of its poorest citizens requiring assistance in civil legal matters, the promise of meaningful access to justice has been slow in coming."

Georgia's increasing poverty population, however, is not the only challenge facing legal aid and pro bono providers in the state.

Another challenge arises because legal services providers are sometimes restricted in the types of cases they are authorized to handle. For example, ALAS and GLSP, both of which receive some federal funding from the Legal Services Corporation, cannot initiate, participate or engage in class action lawsuits. An additional challenge to offering legal services to all Georgians is that oftentimes the provider's geographical reach does not extend to citizens living in isolated areas of the state. In five of Georgia's counties there are no lawyers, and in 35 of the state's counties there are five or less.

Six years ago the State Bar of Georgia began studying ways to improve the delivery of civil legal services to the poor through the State Bar's Access to Justice Committee. The Committee concluded its work in 2004, with a recommendation that the State Bar's Board of Governors support a resolution to urge the Supreme Court to

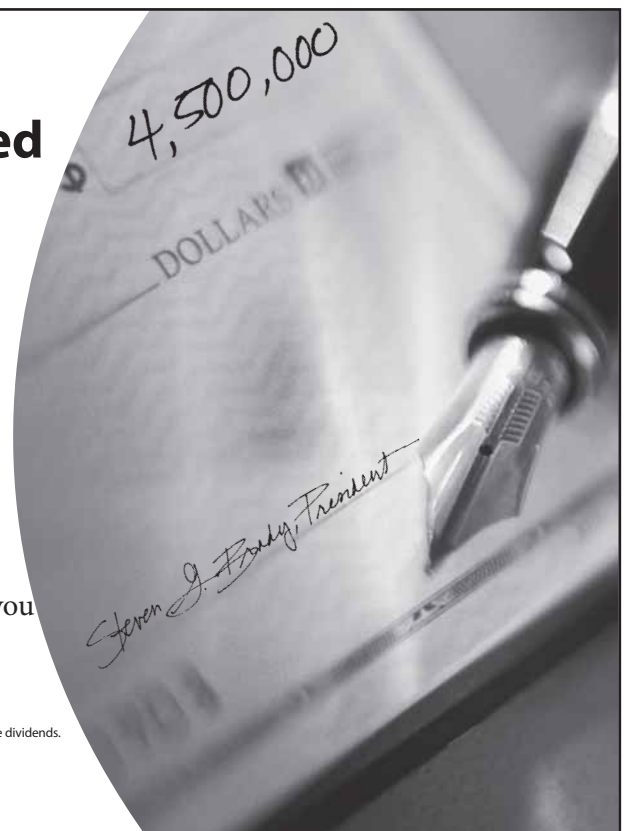
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## Special Thanks

A special note of thanks to 2003 Access to Justice Committee Chair P. Todd Carroll III and 2004 Access to Justice Committee Co-Chairs Hulett "Bucky" Askew and Gerald Weber, for their tireless efforts to create the Committee on Civil Justice, an important tool in filling the gaps of providing legal representation to Georgia's poorest populations.

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form an Equal Justice Commission. This work ultimately resulted in the Supreme Court creating the Equal Justice Commission, comprised of two independent committees—the Committee on Access and Fairness in the Courts and the Committee on Civil Justice.

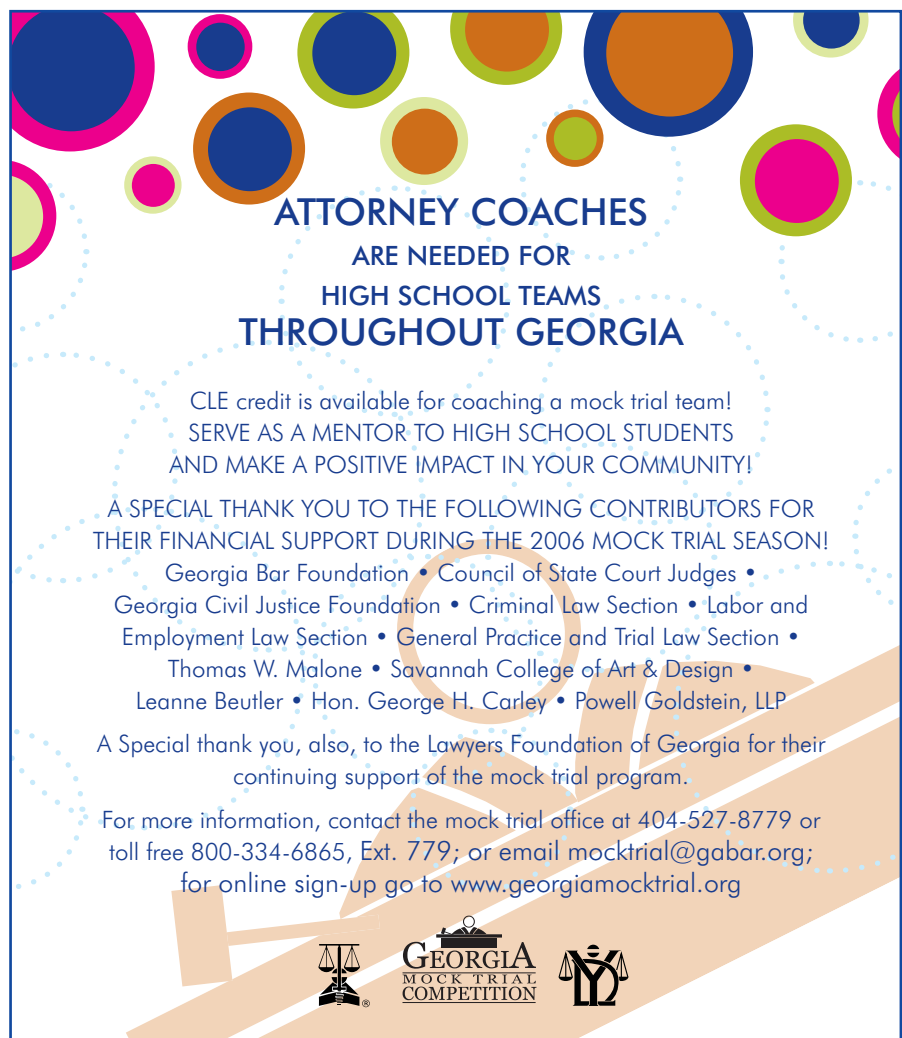
Building on the work initiated by the State Bar's Access to Justice Committee, the Committee on Civil Justice will assist stakeholder organizations in developing strategic alliances; eliminating duplication of effort; and securing the legal, financial and political support necessary to improve the delivery of services to those in need. Judge Wayne M. Purdom says of the Committee's daunting task, "Access to the courts, whether on your own or through an attorney, is protected in Georgia's Bill of Rights, and as judges we take an oath 'to do equal rights to the rich

and the poor.' I look forward to the work of this commission as an opportunity to advance these responsibilities of my office."

Open to the public, the Committee will hold its next two meetings at the State Bar of Georgia. On Oct. 31, at 9:30 a.m. the Committee will discuss "The Justice Gap" and "National Access to Justice Initiatives" will be the topic for the Dec. 4 meeting, at 10 a.m. For more information about the Committee's work, please contact Executive Director Karlise Y. Grier at 404-920-0038. 



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