

THE JUSTICE GAP: A STUDY OF THE LEGAL NEEDS OF LOW-INCOME RESIDENTS OF NEW HAMPSHIRE

The Scope of the Problem: The three main New Hampshire legal services organizations were able to offer assistance in 2010 in only 8,403 civil cases, despite a conservative estimate of 149,101 low-income residents who had legal needs.¹ That means legal needs were met in **less than 6%** of all cases. Since the beginning of the financial crisis in 2008, demand for services has risen and at the same time, resources have been cut dramatically.

Those Most at Risk: Women, disabled persons, and senior citizens are among the most overrepresented in the low-income population and are at greater risk for certain kinds of legal problems. In particular:

- Women represent 55% of the low-income population in New Hampshire and a majority of the legal-aid recipients. Many women face urgent legal problems because of sexual and domestic violence, and they disproportionately bear financial burdens for raising children and maintaining households on their own. In fact, 18% of children in New Hampshire are raised by single mothers. Housing and consumer cases fall most heavily on female heads of households in our state.
- Persons with disabilities represent 11% of New Hampshire's overall population but 22% of its low-income population. These persons are more likely to experience financial hardship. Although these individuals have rights and protections under federal and state law, legal representation often is needed to enforce these rights.
- Senior citizens are a substantial and growing portion of the population, representing 14% of New Hampshire residents. Seniors typically live on fixed incomes and have specific and unique legal issues that have profound economic consequences, including housing, health care, and debt collection harassment.

Barriers to Justice: Low-income New Hampshire residents face several barriers in addressing their legal problems, including, but not limited to:

- lack of available and affordable legal services;
- physical access issues;
- no knowledge that a legal remedy exists;
- lack of belief that the justice system can work for them; and
- fear of the repercussions of addressing the problem.

Self-Representation: The Justice Gap has led to a high rate of self-representation in New Hampshire state courts—an estimated 61% to 70% of cases overall. These individuals, many of whom lack basic reading and comprehension skills, are at a serious disadvantage and place a further strain on our already strained New Hampshire court system. The high percentage of self-represented parties slows down the litigation process, and creates more work for court staff and judges, who are concerned about treating pro se litigants fairly, while at the same time not offering legal advice.

Solutions: New Hampshire can take three pragmatic steps to close the Justice Gap:

- 1) Expanding access for civil legal services for low-income people, with increased resources as a key element to address court functioning;
- 2) Increasing and improving resources to assist self-represented litigants, such as offering case managers, service centers, and educational workshops, as well as providing educational materials and more support for access to experienced legal advice and on-site volunteer attorneys; and
- 3) Increasing coordination between service providers to this population to ensure, for example, that Community Action Program (CAP) workers, who encounter many low-income people, refer clients with legal needs accordingly.

¹ The three main providers of legal services are New Hampshire Pro Bono, New Hampshire Legal Assistance (“NHLA”), and the Legal Advice and Referral Center (“LARC”). New Hampshire Pro Bono’s main emphasis is matching low-income individuals with volunteer attorneys. NHLA provides full legal representation by staff lawyers and paralegals in court and at administrative hearings through five local offices (two other offices closed in 2011 due to funding cuts). LARC handles a large volume of applicants for civil legal services by offering legal information, providing intake services to NHLA and Pro Bono and providing legal counsel and advice over the phone to self represented litigants.