




**LEGAL SERVICES
CORPORATION
OF IOWA**

CENTRAL ADMINISTRATIVE OFFICE
1111 9th Street, Suite 230
Des Moines, Iowa 50314-2527

(515) 243-2151 or (800) 532-1275 (Both Numbers Voice and TDD) ♦ FAX (515) 246-6075  **LSC**

February 26, 2002

The Honorable Jeff Angelo
Iowa State Senate
Capitol Building
Des Moines, IA 50319

The Honorable Lance Horbach
Iowa House of Representatives
Capitol Building
Des Moines, IA 50319

**RE: Legal Services for Persons in Poverty Grants Program;
Report to the 2002 General Assembly**

Dear Senator Angelo and Representative Horbach:

Enclosed with this letter is the report concerning the Legal Services Grants Program which is required as a part of the current fiscal year's appropriation (Senate File 530). The report provides an update on the developments in providing legal services to low-income Iowans since the last report dated January 19, 2001. The funding supports the services of the Legal Services Corporation of Iowa with 10 regional offices serving residents of 98 counties and the Legal Aid Society of Polk County, serving residents of Polk County. Robert Oberbillig, the Executive Director of the Legal Aid Society of Polk County, assisted in the preparation of the enclosed report.

I appreciate the opportunity to provide this report. If there are any additional matters which you would like addressed, please contact me. I will provide copies to the other members of the Justice System Appropriations Subcommittee.

The difficulties with revenues in the next state fiscal year are well known. I want you to know that the funding you provide to the Legal Services Grants Program is vital to our continued operation and the ongoing delivery of services to clients throughout the state. This funding, which is a significant and vital part of our budget, is a good investment of state dollars in the lives of vulnerable Iowans. With this funding victims of domestic violence are helped to obtain protection orders that they and their children need in order to be safe and move on with their lives. Senior citizens with problems with the Social Security Administration or consumer scams get the legal assistance they need. Disabled Iowans are helped with a variety of problems they confront ranging from disability benefit programs to assistive technology devices and health care.

I believe we have a great system of justice in this country and in this state. That system will only work for all of Iowa's citizens if the most vulnerable among us have access to the courts and administrative agencies. I believe Iowa's Legal Services Programs do a great job in providing

The Honorable Jeff Angelo
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such access and I am willing to provide any additional information you need about our organization. We very much appreciate the support we have received. Continued and increased state support is vital so that vulnerable Iowans will have access to the system of justice.

I look forward to working with you during this session of the General Assembly and will provide answers to any questions that you have regarding our services.

Sincerely,



Dennis Groenenboom
Executive Director


DG/tb
Enc.

cc: Members of the House/Senate Justice System Appropriations Subcommittee
Paula Feltner
Mike Heller



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**REPORT TO THE 2002 GENERAL ASSEMBLY REGARDING
THE LEGAL SERVICES FOR PERSONS IN POVERTY GRANTS PROGRAM**

This report on the Legal Services for Persons in Poverty Grants Program is required as a part of the current year's fiscal appropriation (Senate File 530). The report updates the prior report of January 19, 2001 regarding developments in providing legal services on civil law problems to low-income Iowans.

Executive Summary

- 1. What is the history of and what is the use of the Legal Services for Persons in Poverty Grants Program funds? (Page 1)**

The General Assembly provided \$950,000 during the 1996 session. During the 1997 session, state funding was provided in the amount of \$500,000. During the 1998 session, this amount was increased to \$600,000. During the 1999 and 2000 sessions, the amount of the appropriation was increased to \$700,000. During the 2001 session, the appropriation was decreased to \$670,000. The 4.3% across-the-board cut resulted in a further reduction to \$641,190. A return to the \$950,000 appropriation level is included in the Department of Justice budget request for FY2002. The funds are used to provide civil legal services to Iowans with legal problems involving safety and basic necessities of life.

- 2. Who is provided assistance with funds from the Legal Services Grants Program? (Page 4)**

Legal Services Grants Program funds benefit women, men and children in all 99 Iowa counties. Over 74% of the cases closed are on behalf of women as the primary client. Over 20,000 cases are closed annually impacting over 50,000 Iowans. Legal services are also provided to Iowa's financially distressed farmers.

- 3. Why is continued and increased State funding particularly important this year given the State budget problems? (Page 5)**

Hundreds of Iowans who have legal problems are turned away each month, including in some instances, those with critical problems involving domestic abuse or disability. Many people are provided more limited services than are needed because of limited resources. Increases in basic operating funds are needed in order to maintain the 11 offices serving residents of all 99 counties.

- 4. What are the types of legal problems for which assistance is provided? (Page 6)**

Over 40% of the cases handled involve family law, most involving domestic violence. Problems related to disability and income support programs involve approximately 10% of the cases handled. Access to housing, access to health care and consumer problems are also significant portions of the cases handled.

- 5. What is the involvement of Iowa's Legal Services programs in domestic violence cases? (Page 9)**

Legal Services offices help in obtaining civil protection orders and enforcing those protection orders. Assistance is provided in obtaining child support, custody and related problems arising from domestic violence. The Director of the Iowa Coalition Against Domestic Violence has indicated that access to a lawyer for the domestic violence victim is the most important

factor in determining whether a victim will leave an abusive relationship.

6. How are legal services provided to elderly Iowans? (Page 10)

Assistance is provided to elderly Iowans with problems involving Social Security, health care and consumer matters. A Legal Hotline for Older Iowans provides advice and referral information to older Iowans throughout the state.

7. How do the Bar Association and Iowa lawyers help resolve the legal problems of low-income Iowans? (Page 10)

Iowa's legal community has been extremely supportive of Iowa's legal services programs and helpful in ensuring that access to justice is possible for those without the financial means to hire a private attorney. The rate of participation in the Volunteer Lawyers Projects in Iowa is tied for fifth highest in the nation. Contributions were valued at nearly \$1.5 million in 2000.

8. What efforts have been made by Iowa's Legal Services programs to find alternative sources of revenue to replace any reductions in federal funding? Where does other funding come from? (Page 11)

Iowa's legal services programs have diversified funding for many years. In the early 1980's, over 95 percent of the funding for Iowa's programs came from federal sources. Presently, that figure is under 50 percent. The loss of federal funds has been offset by additional fundraising efforts. Iowa's eleven Legal Services offices received funding from nearly 60 funding sources during the last year.

9. Conclusion (Page 14)

State funding is critical to Iowa's legal services programs' mission to provide access to the courts for abused women, disabled children and adults, older Iowans in economic and social need, as well as others who have critical civil legal problems involving basic necessities of life and safety. Iowa's legal services offices help with civil law problems and do not handle criminal law matters. In Iowa, there are, however, about 143 salaried Public Defenders, in addition to private attorneys statewide appointed to address the legal needs of persons accused of a criminal offense. By contrast, Iowa's two primary legal services programs employ less than half as many lawyers to serve the 300,000 low-income Iowans eligible for help with their civil legal problems.


The opportunity to provide this report is appreciated. Additional matters which need to be addressed or questions which need to be answered can be directed to:

Dennis Groenenboom
Executive Director
Legal Services Corporation of Iowa
1111 9th Street
Des Moines, IA 50314-2527
515-243-2151
or
1-800-532-1275



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THE LEGAL SERVICES FOR PERSONS IN POVERTY GRANTS PROGRAM**

This report on the Legal Services for Persons in Poverty Grants Program is required as a part of the current year's fiscal appropriation (Senate File 530). The report updates the prior report of January 19, 2001 regarding developments in providing legal services on civil law problems to low-income Iowans.

1. What is the history of and what is the use of the Legal Services for Persons in Poverty Grants Program funds?

The 2001 session of the Iowa General Assembly marked the sixth session in which funding has been provided for the Legal Services for Persons in Poverty Grants Program. The funding first came into existence as a result of large reductions in federal funding that supported providing legal services to low-income Iowans. The chart below sets forth the amount of federal funding provided to Legal Services programs nationally, the amount of that federal funding provided to Iowa's programs, and the state funding provided for each of the past seven years.

Legal Services Federal and State Funding History
1995 to 2002

Year	Federal Appropriation	Iowa Federal Funding	State Funding Requested	State Funding Received
1995	\$415 mil.	\$3,312,048	0	0
1996	\$278 mil.	\$2,370,513	\$950,000	\$950,000
1997	\$283 mil.	\$2,414,512	\$950,000	\$500,000
1998	\$283 mil.	\$2,414,512	\$950,000	\$600,000
1999	\$300 mil.	\$2,542,977	\$950,000	\$700,000
2000	\$303.8 mil.	\$2,539,523	\$950,000	\$700,000
2001	\$329.3 mil.	\$2,713,664	\$950,000	\$670,000 reduced by 4.3% to \$641,190
2002	\$329.3 mil.	\$2,719,648	\$950,000	\$

Each year since 1996, the main objective in requesting state funding has been to maintain services at a level roughly comparable to what the programs were providing prior to the 1995 federal

Report to the 2002 General Assembly
Legal Services for Persons in Poverty Grants Program

budget reductions. While there have been increases in federal Legal Services Corporation funding since the major reductions in 1996, these increases have not kept up with the rates of inflation, nor with the increasing costs faced by Iowa Legal Services programs which will be discussed in more detail later in this report. From January, 1996 through December, 2001, the federal consumer price index increased by 15.2%. Federal LSC funding, on the other hand, has increased during the same period by around 7%. Funding provided by the Congress to the national Legal Services Corporation for the new fiscal year is only \$6,000 higher (less than .002%) than the prior year. State funding is critical in order to avoid any further erosion in the ability of Iowa's Legal Services programs to serve low-income residents.

Funding was received from the State of Iowa Executive Council in the last three state fiscal years, predominantly to sustain services LSCI provides to financially distressed farm families and older Iowans through the Legal Hotline for Older Iowans. As a result of deposits that were made into the Civil Reparations Trust Fund, and pursuant to a commitment made by the Executive Council in 1997, funding has been allocated to continue to provide services to Iowa's financially distressed farmers. Given the problems in the farm economy, Iowa farmers are facing debt restructuring problems. Many are facing liquidation. They have significant debt issues with creditors who are well represented by legal counsel. These financially distressed farmers need legal assistance in order to either continue farming or liquidate and move on with their lives. The Executive Council has provided funding for legal services for financially distressed farmers since 1993. At this time, no funds remain in the Civil Reparations Trust Fund and no deposits are expected within the next year.

The state funding supports services in all offices around the state. The state funding of \$641,190 constitutes approximately 15% of the funds for Legal Services and is, therefore, critical to providing help to clients with their civil legal problems.

Of the funds provided in 1996, \$143,862 was provided to the Legal Aid Society of Polk County and \$806,138 to the Legal Services Corporation of Iowa. Of the 1997 funding of \$500,000, \$75,696 was provided to the Legal Aid Society of Polk County and \$424,304 to the Legal Services Corporation of Iowa. The \$700,000 appropriation provided for state fiscal years 2000 and 2001 resulted in \$100,840 going to the Legal Aid Society of Polk County and \$599,160 to the Legal Services Corporation of Iowa. The \$641,190 appropriation for State FY2002 resulted in \$93,331.42 going to the Legal Aid Society of Polk County and \$547,858.58 going to the Legal Services Corporation of Iowa.

State Funding Provides Critical Services in all 99 Counties:

Iowa's legal services programs provide services to residents of all 99 counties of the state. Ten of the legal services offices are a part of the Legal Services Corporation of Iowa (LSCI). LSCI has offices in Cedar Rapids, Council Bluffs, Davenport (through a subgrant to HELP Legal Assistance), Dubuque, Iowa City, Mason City, Ottumwa, Sioux City, Waterloo and Des Moines. The Legal Aid Society of Polk County (LASPC) is located in Des Moines and provides services to residents of Polk County. The state funding is used in all eleven locations in order to maintain services throughout the state.

Final figures for calendar year 2001 on services provided are not yet available. In 2000, 22,438 cases were closed. The number of people in the households of clients represented is tracked so that projections can be made as to the number of individual Iowans who are helped through these 22,438 cases that were closed in 2000. Based on the figures tracked, the estimated number of individuals in the households helped in 2000 was at least 51,743 Iowans. While final figures for 2001 are not available, it is projected that those case closure numbers and the number of individuals in the households will decrease slightly as a result of insufficient funding and a variety of other factors.

The state funding allows staffing of offices at minimum levels so that all eleven offices can continue to provide services to low-income clients. Iowa's programs provide services to clients with legal problems involving the most critical issues affecting safety and basic necessities of life. Given limited resources and the large numbers of clients eligible for services, the Boards of Directors of Iowa's programs set priorities for the types of cases to be handled. The resources are targeted to those types of legal problems which, if not addressed, would potentially have the most adverse impact on the client.

Of the cases handled, over 40% involve family law matters. Most of those involve domestic abuse. Iowa's legal services programs help obtain protection orders for survivors of domestic violence. As a part of these protection orders, custody, child support, access to the home and related critical issues are addressed. In some instances, dissolutions of marriages are obtained in those cases where domestic violence has occurred. Most of the clients represented in this category of cases are women and children. In fact, in 2000, over 70% of all cases handled by legal services programs were on behalf of women as the primary client.

Approximately 10% of cases involve income support programs. Most of these cases involve problems with Supplemental Security Income Disability Benefits and other disability programs administered by the Social Security Administration.

Nearly 15% of the cases involve consumer problems such as utility shutoffs, unfair debt collection practices, debt restructuring for Iowa's financially distressed farmers, and illegal sales practices.

The remaining approximately 35 % of cases involve access to housing and health care, legal problems affecting people with disabilities, or elderly individuals living in nursing homes or in their own homes in the community. Nearly 16% of the clients served are Iowans over age 60. In addition to direct services, state funds have also been used to process referrals to private attorneys through the three Volunteer Lawyers Projects.

Most of the cases handled by Iowa's legal services offices are in state court or before state administrative agencies. **The provision of state funding to help low-income people with civil law problems makes the state judicial system work more efficiently.** The sharing of costs between the federal and state governments for civil legal services is a good and necessary way to ensure equal access to the courts—one of the foundations of our nation of laws. Indeed, the Constitution of the United States, in its Preamble, indicates that one of the reasons for adoption of the Constitution is

to “establish justice”. Carved above the steps of the United States Supreme Court is a promise of “equal justice under law”.

2. Who is provided assistance with funds from the Legal Services Grants Program?

The simplest answer to this question is that most of the cases in which legal services offices provide help primarily **benefit women and children in every Iowa County**. Services are provided every year to residents of all 99 counties. In 2000, over 70% of the cases closed continued to be on behalf of women as the primary client. Most of those female clients are single parent households headed by low-income Iowa women. Many cases involved women who were involved in abusive relationships and needed legal assistance to ensure safety for themselves and their children, and to move on to become more productive citizens. See question #5 below.

Although exact counts are not available, the statistics that have been kept allow for a very close approximation of the number of children helped. Of the cases closed from 1/1/00 - 12/31/00 it is projected that at least 24,600 children were involved in those households as either the direct or indirect beneficiaries of the legal assistance that was provided. Over 15% of the programs’ clients are elderly Iowans.

Iowans with disabilities were another significant portion of the clients assisted. While some people are born with disabilities such as physical limitations or mental retardation, others become disabled later in life as a result of an accident, illness, or other unfortunate circumstance. Iowa’s legal services programs assist many individuals with disabilities in a variety of ways. Legal assistance helps individuals to obtain disability benefits, rehabilitative services, health care benefits, and to deal with problems they may confront in their communities as a result of their disability, including discrimination in employment and housing.

While the clients served with funds provided by the State of Iowa may have a variety of backgrounds, all clients must be low-income and own few assets. Clients must meet both income and asset eligibility guidelines established by federal regulations. The basic eligibility guideline is 125% of the poverty level. This figure is determined based on the number of people in the household. For Iowa’s programs, the maximum 125% eligibility level currently is:

Household Size	Income	Household Size	Income
1	\$10,738	3	\$18,288
2	\$14,513	4	\$22,063

Under federal regulations, there are certain exceptions allowing representation of individuals with slightly higher incomes in areas of the law not typically handled by the private bar. These exceptions include those individuals who have excessive medical expenses, child support payments

or excessive work-related expenses. Persons confined in medical institutions may also be assisted if their incomes exceed these limits. Although these exceptions are not routinely utilized, they do allow representation of individuals with slightly higher incomes if their expenses are sufficient to bring them below the basic eligibility guidelines. For instance, a one-person household with income up to \$16,107 could be provided assistance if they met one of these exceptions.

Clients must also meet asset restrictions. While the individual's home is not included in determining eligibility, the other restrictions on assets are similar to those applied in public benefits programs administered by the Iowa Department of Human Services or the Social Security Administration. They include limitations on liquid assets as well as non-liquid assets.

3. Why is increased State funding particularly important this year?

The need is particularly acute this year because of issues related both to clients who need service and to the basic infrastructure of the programs. With regard to clients served, Iowa's legal services offices continue to turn away hundreds of people each year who are in need of legal assistance. Iowa's legal services offices keep track of the numbers of individuals who make contact with the offices who have been turned away because of lack of resources. Approximately 650 to 750 people per month are rejected for services. Many of these are people who have legal problems that could not be addressed another way, but are of less critical importance than those that are handled such as domestic violence, access to health care, shelter and other basic necessities of life. Services held steady from 1999 to 2000, as in 1999, the programs reported closing 22,291 cases, while in 2000, 22,438 cases were reported closed. This number is expected to decline when 2001 figures are available.

When individuals are provided services, many are provided less extensive services than are needed. Advice and brief service often substitutes for representation in court or administrative proceedings because of lack of resources.

Other people are turned away because of conflicting scheduling problems. For instance, most offices have no more than four attorneys who are trying to serve anywhere from 6-14 counties. If hearings are scheduled at the same time in multiple counties such that staff in the office cannot cover all of the hearings, individuals will be provided advice or brief service with the hope that they will be able to adequately represent themselves or obtain a continuance so that LSCI will be able to become involved at a later time.

Although a comprehensive legal needs study has not been conducted in Iowa, those conducted in other states and national studies indicate that legal help is available for between 1/4 and 1/3 of the legal problems confronted by low-income people. Iowa's legal services offices focus their limited resources on the legal problems affecting matters involving safety or basic necessities of life.

The need for increased state funding is supported by several staffing and infrastructure problems faced by the programs. While the eleven legal services offices serving all ninety nine counties have done a good job of finding available local funding to support their activities, increasing

costs and a growing inability to pay minimally competitive salaries threaten the ability of these programs to serve clients. The two programs in Iowa - Legal Aid Society of Polk County and Legal Services Corporation of Iowa, are currently going through a reconfiguration process to consolidate into one program. This new entity will have some efficiencies of scale, but will have increased costs as salary levels will be increased for staff attorneys. The current starting salary for staff attorneys with LSCI is \$26,500. LSCI has been unable to recruit and retain sufficient staff at this level. Entry level salaries for the reconfigured program will be closer to the entry-level for the Legal Aid Society of Polk County of \$32,000. It should be noted that comparable entry-level salaries for state Public Defender offices and the Attorney General's office exceed \$38,000 per year.

In addition to increasing costs, grants from the national Legal Services Corporation are not increasing even by the rate of inflation. Some local grants are also being reduced, including the possibility of reductions from county governments that are facing their own budget problems, including Polk County.

Programs continue to face increased costs, particularly in health insurance. Between 1999 and 2001, LSCI's health insurance costs have increased over \$73,000, or 20%. Lease costs have risen \$12,081, or 5.8%. Employee in-state travel costs which are generally related to providing services to clients, have increased by 28%, a portion of which involving services provided in rural areas to domestic abuse survivors. At the same time, Iowa's Legal Services programs continue to work to contain costs by negotiating reduced local and long distance rates, terminating subscriptions to almost all law publications and relying on services such as Lexis-Nexis for Internet based legal research. Personnel costs for salary and fringe benefits continue to represent over 75% of the budget for Legal Services programs, despite the fact that attorney salaries are the lowest among all sectors of the legal profession in Iowa.

State funding is so vital because it provides financial stability to Iowa's legal services programs since a large number of funding sources are for specialized projects and for short duration. The costs of maintaining the basic infrastructure of legal services are covered by the funding from the Legal Services Corporation and the Legal Services Grants Program provided by the State of Iowa. Maintaining this stable funding base allows programs to make longer term commitments to provide services to clients.

4. What are the types of legal problems with which assistance is provided?

Set forth in answer to question #1 is a brief summary of the primary types of cases handled by Iowa's Legal Services programs. The types of cases handled are determined by the Legal Services programs priorities, which are adopted by their Boards of Directors. The effect of these priorities is that state funding is used to obtain protection orders in domestic violence cases. It is used to obtain federally-funded disability benefits for disabled people who would otherwise be dependent on state and county assistance. State funds are used to obtain housing and a safe environment for low-income children. It has made possible representation for literally thousands of Iowans who have legal problems involving basic necessities of life and safety.

The best way to give meaning to the types of cases that are handled by Iowa's Legal Services programs is to provide real examples of clients who have been assisted.

- A domestic violence survivor's ex-husband kidnapped and hid one of their children. The child was returned to her mother, but remained frightened of her father, who continued to threaten to take the children and physically harm their mother. A protection order was obtained and the client was able to move in with her family.
- A woman in her 70's asked for help when, after obtaining a judgment, a creditor had a lien put on her checking account. Her only source of income was less than \$7,000 per year in Social Security benefits. Because the only funds in her account were from Social Security benefits, the account was exempt from garnishment. The creditor was contacted and an agreement was negotiated in which the attachment was lifted and money was returned to the woman.
- A woman was helped to obtain a one-year restraining order against her husband who had become increasingly violent and unpredictable as his use of methamphetamine increased.
- A mother with young children who was diagnosed with Multiple Sclerosis applied for Supplemental Security Income benefits and lost her case at the hearing and reconsideration levels. After obtaining appropriate legal assistance for an appeal, she was successful in obtaining ongoing benefits and over \$12,000 in back benefits. This provided her family financial stability and reduced expenditures of local general relief funds and state dollars.
- A client's husband had hit her and thrown her down in front of their children. She still had bruises on her face when she was represented at a hearing two weeks later. She obtained a one-year restraining order, custody of the children, and the husband was required to enter a batterer's education program.
- A senior citizen was helped to prepare a will by a volunteer lawyer from the Volunteer Lawyer's Project. She did not have many possessions, but those she did have were important to her. The volunteer lawyer prepared her will and she later wrote thanking the lawyer for the peace of mind he had provided for her.
- A veteran was able to establish disability based on post traumatic stress disorder. After the client was helped to get a medical assessment, the Veterans Administration awarded him a 70% rating and back benefits. The client now has monthly income and is no longer homeless.
- Medicaid attempted to collect from a deceased woman's estate by putting a lien on her house. The adult son of the deceased woman asked for help to keep his mother's

house so he would have a place to live. Upon examination it was discovered that the son was a disabled SSI recipient and, thus, pursuant to Iowa law which helps protect disabled individuals, the lien could not be placed on the home during his lifetime.

- After the father of her children had choked her, kicked in her car door, and made various physical threats against her, a woman sought help to obtain a protective order. She was helped to obtain legal custody of the children and establish a visitation schedule with the father that required a third party's presence.
- A client's Social Security Disability and Supplemental Security Income disability benefits were being terminated. The client, who had been diagnosed with schizophrenia, appealed the termination. Proper documentation demonstrated the client's disability and the examiner continued his benefits without the necessity of holding a hearing.
- A disabled man had failed to respond to paternity papers several years before and, as a result, a child support obligation was established against him. Based on a blood test, paternity was disestablished.
- A woman who had been in an abusive relationship with a man who had been found to have sexually abused the couple's 4 year old son asked for help to obtain a restraining order. A restraining order was obtained and work is continuing on a custodial action to eliminate all visitation contact.
- A child was harmed while in the care of his father, an abusive ex-husband. A consent decree was obtained which required the ex-husband to be supervised during visitation and arrangements were made to transport the child in a way that would not require the mother to have contact with her abuser.
- A 27-year old man had been in a car accident that had resulted in quadriplegia and dependency on a ventilator. His cousin, a registered nurse, had been appointed as his durable power of attorney for health care. Because she was providing the health care, he wanted to change the appointment. This was done and a living will was drafted for the client.
- A volunteer lawyer from the Volunteer Lawyers Project successfully obtained a divorce and established custody for a young mother who had been married to an abusive man.
- A child was away from home when he experienced a grand mal seizure and became unconscious. After an ambulance service was called to take the child to the nearest hospital, the Department of Human Services initially denied the client's Title XIX claim to pay for the ambulance service. After information was obtained demonstrating the medical emergency, DHS paid the claim.

- The main inquiries of callers to the Legal Hotline for Older Iowans have to do with issues involving public benefits, wills and probate, health care directives, Medicaid planning and other health issues, debt problems, contracts, and other consumer issues.

These examples are just a few of the thousands of typical cases handled each year for people who live in both rural and urban parts of Iowa. The work done by Legal Services lawyers helps to ensure that the laws enacted by the General Assembly are carried out to achieve their intended purpose.

5. What is the involvement of Iowa's Legal Services programs in domestic violence cases?

Over 40% of the cases handled by Iowa's legal services programs involve family law matters. Most of those cases involve domestic violence. Iowa's legal services offices help thousands of Iowans each year in obtaining civil protection orders. These cases sometimes involve interaction between the civil court system and the Indigent Defense Program, which is also funded by the Justice Systems Appropriation Subcommittee, since the abuser may be entitled to a court-appointed attorney.

Civil protection orders are started by the filing of a petition, which can be done by the client pro se. Temporary relief is available promptly and can be ordered based on the information contained in the petition. Up to this point, the process is very informal. The next stage is the hearing on the permanent protection order. At this hearing, the proceeding will likely be in the courtroom and the defendant (the alleged abuser) may be represented by an attorney.

If a final protection order is entered, there may still be need for further proceedings if the defendant violates the order. If the police have probable cause to believe that a person has violated a protection order, the defendant may be brought to court and ordered to appear before the court which issued the original order. The plaintiff may also file an affidavit to start contempt proceedings. If the court finds there is probable cause to believe that a protection order has been violated, a hearing will be held. The defendant is notified that there is a right to appointment of an attorney if the defendant cannot afford to hire one. This appointment of counsel is required under the law whenever someone may end up spending time in jail. Under Iowa Code §236.8, if a defendant is held in contempt, the defendant must serve a jail sentence. As a result, all indigent defendants are appointed counsel, either through the Indigent Defense Fund or the Public Defender's Offices. The abused plaintiff, however, is not entitled to any appointed counsel and so must pursue the contempt pro se or obtain counsel from a legal services program if they cannot afford an attorney.

A no-contact order may also be entered as part of a criminal case. Not all domestic abuse cases result in a criminal charge. The authority to bring and prosecute the case is given to the county attorney. The decision to charge is based on numerous factors, including the ability to prove the action under a higher burden of proof, or beyond a reasonable doubt. If there is a violation of the no-contact order in a criminal case, the county attorney will handle any enforcement action. The defendant, if indigent, will have the opportunity to have counsel appointed during the case as well as

during any contempt.

While obtaining a protection order is of primary importance in a domestic abuse matter, it is only one of many important issues that confront a victim of domestic abuse. Legal services offices also help clients retain custody of their children, obtain child and spousal support and maintain the possession of their homes and personal belongings. In addition, domestic violence often generates other problems ranging from losing a job to not having sufficient income. LSCI assists many victims of domestic violence with matters involving unemployment insurance, evictions and obtaining public benefits so that they can maintain a minimal standard of living and work toward self-sufficiency.

Legal services programs' involvement in domestic violence cases can mean the difference between life and death. More often, providing legal services to a victim of domestic violence makes the difference between a client continuing to be abused or getting out of the relationship. The director of the Iowa Coalition Against Domestic Violence program has indicated that access to a lawyer for a domestic violence victim is the most important factor in determining whether a victim will leave an abusive relationship.

6. How are legal services provided to elderly Iowans?

Iowa's legal services programs have long had a commitment to addressing the most critical legal problems confronted by elderly Iowans. In 2000, over 16% of the clients served were 60 years of age or older. These efforts are supported by a close working relationship with the Iowa Department of Elder Affairs, as well as Iowa's Area Agencies on Aging. Twelve of the 13 Area Agencies on Aging in Iowa contract with Iowa's legal services programs for the provision of legal services to older Iowans in economic and social need. Assistance can also include guardianships and conservatorships; wills and estate planning for families with disabled children; and preparation and execution of forms for medical power of attorney, and life sustaining declarations.

Beginning in 1998, LSCI was able to enhance the services that were provided to older Iowans. A grant was received from the United States Administration on Aging to establish a Legal Hotline for Older Iowans. This grant is comparable to grants provided by the Administration on Aging to establish hotlines in 21 other states. The Hotline provides advice, and on occasion, brief service, to older Iowans who contact the Hotline. While Hotline advice services are provided to older Iowans without regard to income, if more extensive representation is needed, it is available to those low-income older Iowans who need assistance through legal services offices throughout the state or through the provision of assistance by volunteer attorneys participating in Iowa's Volunteer Lawyers Projects.

7. How do the Bar Association and Iowa lawyers help resolve the legal problems of low-income Iowans?

Iowa's legal community, including individual lawyers and the leadership of the Iowa State Bar

Association, have been extremely supportive of Iowa's legal services programs and helpful in ensuring that access to justice is possible for those without the financial means to hire a private attorney. In 1982, Iowa's legal services programs, in conjunction with the Iowa State Bar Association, established a Volunteer Lawyers Project.

The structure for pro bono services in Iowa includes the Iowa State Bar Association Volunteer Lawyers Project (ISBA VLP) which is a separate not-for-profit entity independent of the Iowa State Bar Association (ISBA). The mission of the ISBA VLP is to assist low-income Iowans by enhancing their access to the civil legal system by promoting and encouraging the use of pro bono legal services. The ISBA VLP strives toward this mission through statewide recruitment of volunteers, the development of programs to address special issues facing the legal community, the recognition of volunteer attorneys, and by providing technical assistance and support services to the direct delivery VLP programs.

The entities that are involved in placement of cases with volunteer lawyers include the Legal Services Corporation of Iowa Volunteer Lawyers Project (LSCI VLP) that is responsible for placement of cases in 97 of Iowa's 99 counties. The Polk County Bar Association Volunteer Lawyers Project (PCBA VLP) is responsible for placement of cases in Polk County. The Pro Bono Project of HELP Legal Assistance and the Scott County Bar Association is responsible for placement of cases in Scott County.

The types of cases handled by the LSCI Volunteer Lawyers Project are limited to civil law matters. Potential clients are selected from those people who contact LSCI regional offices. Persons contacting the offices are screened for income and resource eligibility, as well as type and merit of legal problems. The regional office staff make the decision as to whether the case is appropriate to refer to the LSCI Volunteer Lawyers Project or a case in which LSCI staff will provide advice, representation, or referral of the client.

The rate of participation in the Volunteer Lawyers Projects in Iowa is tied for fifth highest in the nation. In 2000, 2,225 cases were closed by volunteer lawyers in Iowa who contributed over 14,800 hours of service on those cases. If this time is valued at \$100.00 per hour, the in-kind donated contributions are \$1,482,826.

Iowa lawyers also make cash donations to Iowa's legal services programs. Donations to the Iowa Lawyers Campaign for Legal Services (now in its sixth year operating under the leadership of the President of the Iowa State Bar Association) and other financial contributions to Iowa's legal services programs, amounted to nearly \$100,000 in 2000.

8. What efforts have been made by Iowa's Legal Services programs to find alternative sources of revenue to replace any reductions in federal funding? Where does other funding come from?

Once again during the past year, Iowa's legal services programs have worked to expand their funding base by continuing to seek funding from new sources. In the early 1980's, over 95 percent

of the funding for Iowa's programs came from federal sources. Presently, that figure is under 50 percent. The on-going reductions in federal funds have been offset to some degree by additional fundraising efforts, and **Iowa's eleven Legal Services offices have received funding from over 60 funding sources during the last year.** These sources include contracts with Area Agencies on Aging, grants from United Ways and a grant from the United States Department of Justice for domestic abuse representation, as well as several small grants from local foundations and racing and gaming associations.

Successful fundraising is critical to Iowa's legal services programs if they are to maintain even the minimal level of services currently available to low-income Iowans. The federal reduction in funding in 1996 of \$1 million could have resulted in a dramatic reduction in services, had those funds not been replaced by state funding and funding from other grants.

General purpose funding, such as that from the state and federal governments, is the core funding for Iowa's legal services programs and is necessary to continue to provide access to the courts for low-income people with civil law problems. Most of the other new sources of funding are for specialized services, such as those to domestic abuse survivors or people who are homeless. Many of these grants are also for a specified period of time and cannot be counted on as ongoing sources of revenue.

The use of specialized funding has made possible the continuation of the services which are presently available. However, as discussed more fully in Item 3 above, increased state funding is needed to maintain the basic structure of legal services because of increased personnel costs, health insurance costs, and other operating expenditures. State funding for legal services is critical because it pays for much of the general purpose expenses that had been paid with federal funds prior to 1996.

Examples of the ongoing efforts to secure funding are summarized below:

IOLTA Funding

One of the funding sources for Iowa's legal services programs that was of critical importance in the early years of diversifying funding was the Interest on Lawyers Trust Account Commission (IOLTA). The IOLTA Commission was set up by the Iowa Supreme Court and requires that money which is held by attorneys on behalf of clients be put in trust accounts, the interest on which is paid to the IOLTA Commission. The Commission makes grants to provide civil legal services to low-income Iowans. These grants have provided basic operating expenses for programs. While reduced interest rates in past years have led to reductions in grants from this Commission, LSCI's current grant is \$376,970. LSCI received a grant of \$23,468 in 2001 to allow the Legal Hotline for Older Iowans to be continued. Likewise, the Legal Aid Society of Polk County is currently receiving IOLTA funding in the amount of \$168,777, up slightly from its previous high mark of \$165,000 in fiscal year 2000-2001. Similarly, for HELP Legal Assistance in Davenport, IOLTA funding is at \$164,020. When adjusted for inflation, the basic IOLTA grants are substantially below the highest grants given by IOLTA in the 1993-1994 fiscal year.

As discussed in last year's report, the future of IOLTA funding is somewhat in doubt. The United States Supreme Court, in a decision issued in June, 1998, found that the manner in which IOLTA programs have operated may not be constitutional. The case, entitled Phillips vs. Washington Legal Foundation, challenged the Texas IOLTA Program. The U.S. Supreme Court found that interest follows principal and that the interest arising from IOLTA accounts was the property of the owner of the principal. The Court did not make a finding as to whether the IOLTA programs' use of those funds was a "taking" of property or whether even if there was a "taking", just compensation was owing. The case was remanded for further litigation. The circuit court has again found that there are problems with the way that the IOLTA program operates. A similar case out of Washington state resulted in a circuit decision finding that the IOLTA program was operating appropriately. It is likely that one or both of the cases will be reviewed by the United States Supreme Court.

While Iowa was not directly involved in those cases, the cases are being watched closely by IOLTA programs throughout the nation and may result in significant changes in IOLTA funding. As indicated above, in 2001-02, \$746,470 in IOLTA funding was provided to Iowa's legal services offices. If this program were eliminated, it would cause significant problems for Iowa's legal services offices. It is not expected that there will be action taken in the next year that would dramatically affect IOLTA funding to Iowa's legal services offices.

Domestic Violence Funding

In 1999, LSCI became the recipient of a grant from the United States Department of Justice Violence Against Women Act Grants Program. The original grant was renewed, but this renewed grant ends March 31, 2002. Another renewal has been requested. Without this renewal, services to survivors of domestic violence will have to be further reduced. The grant supports the provision of services in five of LSCI's offices. While this funding will assist LSCI to be able to provide services to domestic violence survivors, it is again specialized funding and available in only part of the state. In addition, the grant does not replace the federal funding which was lost from the state VAWA office and VOCA funding as a result of reductions in funding in the VOCA Program which resulted in shelters not renewing their contracts with LSCI offices. Iowa's legal services programs will continue their efforts to receive funding for domestic abuse representation as those opportunities become available.

Tax Grant

An example of LSCI's efforts to try to undertake extraordinary efforts to raise other funds in order to maintain services is exemplified by a grant received from the Internal Revenue Service. This small grant, first received in 2000, supports funding to provide outreach to individuals for whom English is a second language about their tax rights and responsibilities. The main focus of the project is to assist people for whom English is a second language in obtaining the Earned Income Tax Credit. This tax credit results in additional dollars being retained in low-income people's households which are then spent in Iowa, helping the Iowa economy. This grant also allows for assistance to low-income individuals who are having problems with the IRS. Much of the legal assistance provided in

this project is provided by volunteer attorneys who have expertise with tax problems. This project has resulted in additional contributions of donated time for Iowa's low-income people by private attorneys with expertise in tax law.

Gaming Industry

Iowa's gaming industry continues to make significant contributions to Iowa's legal services programs. The Polk County Board of Supervisors provides a grant to the Legal Aid Society of Polk County through funds that it received from Prairie Meadows in the amount of \$250,000. Continuation of this grant is in doubt given the budget problems faced by Polk County. LSCI offices have also seen smaller contributions from Gaming Grant Programs. Prairie Meadows Racing Association of Central Iowa granted LSCI \$5,000 in 1999 for the purpose of studying telecommunications needs and \$10,000 in 2000. The second grant has been used to implement some of the recommendations made as part of the telecommunications study. LSCI updated inadequate and outdated telecommunications equipment which is used for all telecommunication needs from client intake to Internet access. Iowa West Racing Association in Council Bluffs has provided funds on four different occasions. The first was to purchase computer equipment for the Southwest Regional Office in Council Bluffs. The second grant was to provide specialized domestic violence services to survivors of domestic violence in 14 southwestern Iowa counties. Grants were made in 2000 and 2001 to address some technology issues and some costs associated with Legal Services to Youth at Risk. The Dubuque Racing Association has also provided a grant to the Northeast Regional Office in Dubuque to help purchase computer equipment.

Other funding developments

Iowa's legal services programs have also been active in seeking funding and donations to improve their technological infrastructure. A grant was awarded from the Technology Initiatives Grant program through the Legal Services Corporation to create a wide area network connecting all of Iowa's Legal Services offices and to allow the offices to have updated case management software and an updated database for case management. These special one-time grants allow Iowa's Legal Services offices to upgrade some of our inadequate technology. This will allow the services to be provided more efficiently and better serve low-income Iowans.

9. Conclusion

As demonstrated by the work that we have done in administering the state funds as well as the funds from nearly 60 other sources, Iowa's legal services programs do an effective job in providing services to clients. We work with other agencies providing services to low-income Iowans to ensure that low-income Iowans receive the critical legal services they need in an efficient and professional manner. The work that is done contributes to the economic well-being of Iowa's citizens, as well as contributing to the sense of fair play that is a part of the fabric of Iowa as well as the goal of our justice system in promising "Equal Justice Under Law."

The opportunity to provide this report is appreciated. Additional matters which need to be

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Legal Services for Persons in Poverty Grants Program

addressed or questions which need to be answered can be directed to:

Dennis Groenenboom
Executive Director
Legal Services Corporation of Iowa
1111 9th Street
Des Moines, IA 50314-2527
515-243-2151
or
1-800-532-1275

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