

2016 Second Extraordinary Session

HOUSE RESOLUTION NO. 2

BY REPRESENTATIVE MAGEE

A RESOLUTION

To urge and request the Access to Justice Commission of the Louisiana State Bar Association to conduct an economic impact study regarding the need for civil legal aid and the benefits to this state, and to report its findings to the Louisiana Legislature no later than January 31, 2017.

WHEREAS, equal access to justice plays an important role in the perception of fairness of the justice system; and

WHEREAS, one of the foundations of our legal system is to ensure that all persons have access to address their legal needs, regardless of their economic circumstances and their ability to pay; and

WHEREAS, indigent individuals in civil matters, often with life-altering consequences, have no constitutional right to counsel; and

WHEREAS, the poverty rate in Louisiana is among the highest in the nation at almost twenty percent and an estimated two hundred thirty thousand poor Louisiana citizens will experience a legal need each year; and

WHEREAS, in the Louisiana civil justice system, a small group of civil legal service and pro bono organizations act as a cornerstone in ensuring equal access to justice for all by providing legal representation in merited civil cases to these persons in Louisiana without means; and

WHEREAS, civil legal aid organizations in Louisiana have sustained a significant drop in state and federal funding while poverty in Louisiana has increased significantly over the last six years, causing more Louisianan citizens to be in need of civil legal aid, as demonstrated by the following:

(1) Interest rates on Lawyers Trust Account (IOLTA) funds have declined seventy-four percent between 2007 and 2011, resulting in unavoidable cuts in IOLTA funding for legal services for the poorest citizens; and

(2) The three largest civil legal aid providers in Louisiana have experienced a forty percent decrease in funding from their major benefactor (the Legal Services Corporation) in the past six years, making them less able to meet the overwhelming demand for civil legal aid; and

(3) Louisiana is one of only three states in the nation in which the state provides no statewide appropriation nor statewide dedicated fines or fees to support the civil legal aid providers in Louisiana; and

WHEREAS, decreases in funding combined with the high poverty rate in Louisiana overwhelms the limited staff and resources of civil legal aid offices, which undermines the ability of low-income citizens to access the civil justice system, burdens state agencies and resources, and places the already challenged legal aid system in Louisiana in crisis; and

WHEREAS, it is the responsibility of all stakeholders in the justice system of Louisiana to ensure access to justice for all; and

WHEREAS, in 2014, Louisiana attorneys provided over three million dollars in volunteer legal services, and out of state attorneys appearing in Louisiana courts contribute two hundred dollars per motion to ensure equal access to justice; and

WHEREAS, there is recognized value in showing that legal assistance not only has an immediate benefit for the recipient of the services, but can also have multi-fold financial benefits for the community and state; and

WHEREAS, in 2010, Louisiana State University economics Professor James Richardson estimated in a study titled "Legal Services Programs in Louisiana: Their Economic Impact on the State of Louisiana," that for every dollar spent on legal services for the poor, there is a benefit of up to two dollars and forty cents, and that the three legal services corporations assisted their clients in either acquiring or retaining over fifty-eight million dollars, which initiated a series of economic transactions totaling between seventy million dollars and one hundred and seven million dollars for the state; and

WHEREAS, the Access to Justice Commission, with representatives from the Louisiana Supreme Court, Louisiana State Bar Association, and Louisiana Bar Foundation,

believes that an updated economic impact study is vital to understanding the full scope of the need for civil legal aid in Louisiana and the benefits to be obtained by the state.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request the Access to Justice Commission to commission an economic impact study regarding the need for civil legal aid and the benefits for this state to be funded by the Louisiana Bar Foundation, and that the Access to Justice Commission report its findings to the Louisiana Legislature no later than January 31, 2017.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES