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Unmet Legal Needs in the U.S. and Alaska

Barbara Armstrong

The provision of free civil legal assistance to the poor in the United States dates back to 1876 and the founding of a legal aid society to protect the rights of German immigrants. This organization later expanded its mission and became the Legal Aid Society of New York. In their brief history of civil legal aid, the National Legal Aid & Defender Association goes on to note that in 1888, a Chicago legal services agency was the first to offer legal aid regardless of nationality, race, or sex. By the early 1900s, legal aid offices were slowly opening in most of America's larger urban areas.

Today the concern about access to justice for low-income individuals in the U.S. is still with us. The Legal Services Corporation (LSC), a major provider of free civil legal services in the nation, released a recent study that examines this ongoing issue. Its September 2009 report, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, looks at the available legal aid attorneys in all 50 states and the lack of attorney assistance for a growing number of low-income citizens.

In 1965, the Office of Economic Opportunity's Legal Services Program was developed under President Lyndon Johnson's "War on Poverty." Nearly a decade later, Congress created the Legal Services Corporation (LSC) to guarantee continuous funding for the program, and LSC was mandated to provide access to civil legal assistance for low-income persons. (Municipal, state, and federal public defenders provide attorneys in criminal matters for persons who cannot afford an attorney.) Lawyers who work for one of the 136 organizations around the country funded by the Legal Services Corporation provide the majority of free or pro bono civil legal help to impoverished persons in the U.S. Other groups also assist in meeting the justice gap. Non-LSC-funded legal aid and pro bono organizations serve this low-income population either through their own legal aid staff attorneys or through

Table 1. Major Funding Sources for Alaska Legal Services Corporation, FY 2010 and 2011

Source	Period of fiscal year	Amount	
		FY 2010	FY 2011
Legal Services Corporation	January–December	\$1,479,393	Figure not yet available
State of Alaska	June–July	\$200,000	\$350,000
IOLTA (Interest on lawyers' trust accounts)	June–July	\$29,150	\$16,500

Note: Total funding for FY 2010 was \$3,140,470.

Source of data: Alaska Legal Services Corporation

recruiting lawyers in private practice to take cases pro bono, or both.

2009 Legal Services Corporation (LSC) Report

The LSC report examines a variety of issues involved in access to civil justice including the number of people seeking legal assistance and what areas of legal assistance are needed, state legal needs studies from 2006–2009, the number of legal aid lawyers compared to private lawyers, survey data on unrepresented or pro se litigants, and comparison data from the 2005 LCS study on unmet legal needs.

The 2009 LSC report notes that:

- For every person LCS helped, one was turned away because LSC lacked the staff and resources to assist them.
- Few legal problems of low-income people are ever dealt with by a legal aid attorney or a private attorney.
- In 2008, over 35 percent of cases closed by LSC organizations involved family law issues. Twenty-five percent of closed cases were concerned with housing (other than foreclosure), and 13 percent of closed cases were in the category of consumer problems.
- 2007 data on attorney employment numbers estimate there is one legal aid attorney available for every 6,415 low income persons. (Individuals must be at or below 125 percent of the federal poverty level to be eligible for LSC services.)

• In contrast, according to 2007 data, it is estimated that there is one private attorney available to provide legal services for every 429 people *above* the LSC poverty level.

• There is a continuing need for volunteer attorneys to provide free legal assistance, although increasing pro bono attorney numbers will not be enough to close the "justice gap."

• An estimated five-fold increase in federal funding is needed to help meet the civil legal needs of low-income persons.

• A comparison of the nine state legal needs studies examined in the 2005 ALSC Justice Gap Report and the seven state studies looked at in the 2009 Report shows a consistent level of unmet legal needs.

• A survey of state court judges has shown there is an increasing number of pro se or self-represented litigants, and recent studies point to often less favorable results in court proceedings for those persons who are representing themselves when compared to persons represented by an attorney.

LSC and Alaska Legal Services

The Legal Services Corporation is a 501(c) 3 nonprofit headquartered in Washington, D.C. Each state has one or more legal services organizations, all nonprofits, which receive federal money through the D.C. office. The Alaska Legal Services Corporation (ALSC) was founded in 1967, and

Please see *Unmet legal needs*, page 7

Correlates of Gun Ownership in Anchorage and the Mat-Su Borough

Sharon Chamard

This article is based on data from two residential surveys recently conducted by the Justice Center. The first is the Matanuska-Susitna Borough Community Survey (MSCS), which has been carried out annually since 2006. It is a mail and web-based survey of randomly-selected adult heads-of-household. Data from the 1,411 respondents to the 2009 survey are used in this analysis. The second data source is the Anchorage Community Survey (ACS) which has been conducted biannually since 2003. The ACS was conducted most recently over the winter of 2009–2010 and had 2,080 respondents. Like the MSCS, the sample is randomly-selected adult heads-of-household, and the methodology is a mixed-mode, mail and web design.

Both surveys included a question set in which respondents were asked to choose those things that they themselves do from among a list of things “people may do for self-protection or to feel more secure in their homes and neighborhoods.” The list included “Keep a firearm.”

It is important to note that the question does not differentiate among types of firearms, e.g., handguns such as revolvers or pistols versus long guns such as rifles or shotguns. The question also did not ask about gun ownership

overall; it is possible some respondents who own firearms primarily for sporting reasons and not for self-protection or security would not have selected “keep a firearm” from the list. Also, the number of respondents selecting “keep a firearm” may be fewer than the actual number of gun owners, because some people may have had reservations about reporting their gun ownership to the researchers (as the researchers were clearly affiliated with the Borough government in the case of the MSCS).

Firearm ownership was reported at 71.4 percent in the Mat-Su Borough and 52.6 percent in Anchorage. This difference may not be due to the rural/urban contrast between the two communities. In the Mat-Su Borough, reported gun ownership is higher in the more urbanized areas of Wasilla and Palmer (72.2%) compared to other parts of the Borough (65.9%).

To compare, the nationwide 2006 General Social Survey (GSS) asked respondents “Do you happen to have in your home any guns or revolvers?” In the U.S., just over a third (34.5%) answered “yes” to the question. The GSS does not report data by individual state, but divides the country into nine regions. Alaska is in the Pacific region; 27.9 percent of respondents in these states (Washington,

Oregon, California, and Hawaii, in addition to Alaska) reported having guns or revolvers in their homes. Inclusion with other more populous states diffuses the contribution of what are relatively high ownership rates in Alaska. In 2001, the Centers for Disease Control and Prevention Behavioral Risk Factor Surveillance System (BRFSS) surveyed 2,716 Alaskans; 57.8 percent reported having firearms in or around their homes.

This article provides a descriptive report of correlates related to gun ownership, in particular, gender, age, marital status and household composition, socio-economic status (household income, home ownership, and value of home), and race and ethnicity. Despite the significant difference in the incidence of gun ownership in the Mat-Su Borough versus Anchorage, the patterns with respect to correlates are remarkably similar. Tables 1, 2, and 3 show the percentage of reported gun ownership in various sub-sets of the sample.

Gender

In both samples, women were considerably less likely than men to report keeping a firearm. In Anchorage, fewer than half (45.1%) of women said they had a firearm in the home, compared to 62.0 percent of men.

In the Mat-Su Borough, 64.9 percent of female respondents reported having a firearm, while men in the Mat-Su Borough had the highest rate of gun ownership in both areas at 81.1 percent. Because of higher rates of gun ownership in the Mat-Su Borough overall, women in the Mat-Su Borough reported higher rates of gun ownership than women or men in Anchorage.

Age

In both the Mat-Su Borough and Anchorage, gun ownership was at its lowest levels in those 65 or over (62.3% and 46.2%, respectively), and those under 25 years old (64.4% in the Mat-Su and 44.5% in Anchorage). Peak ownership in the Mat-Su Borough was by those aged 35–44 (76.7%), while in Anchorage it was by those aged 55–64 (56.7%).

Table 1. Demographic Characteristics of Gun Owners in Anchorage and the Matanuska-Susitna Borough

Gun ownership: percentage answering "Yes"

	Anchorage Community Survey	Matanuska- Susitna Borough Community Survey		Anchorage Community Survey	Matanuska- Susitna Borough Community Survey
Gender					
Female	45.1 %	64.9 %	Household composition		
Male	62.0	81.1	Single, living alone	43.8 %	60.1 %
<i>Chi-square</i>	<i>p < .001</i>	<i>p < .001</i>	Single adult, with minor children	35.2	57.7
			Two adults, without minor children	55.9	73.2
Age					
Under 25	44.5 %	64.4 %	Two adults with minor children	54.1	74.9
25-34	51.2	71.6	More than two adults, without minor children	52.3	75.2
35-44	50.8	76.7	More than two adults, with minor children	56.1	72.6
45-54	56.6	75.9	Household without minor children	52.7 %	70.6 %
55-64	56.7	69.9	Household with minor children	52.9	73.4
65 and over	46.2	62.3	Married, without minor children	57.9 %	74.0 %
<i>Chi-square</i>	<i>p < .01</i>	<i>p < .05</i>	Married, with minor children	55.8	75.2
Marital status					
Single	42.0 %	64.4 %			
Married	57.0	74.5			
Separated	40.7	40.0			
Divorced	45.0	63.9			
Widowed	34.9	61.5			
<i>Chi-square</i>	<i>p < .001</i>	<i>p = .001</i>			

Note: *p*-values indicate statistical significance. *p*-values of .05 or less are considered statistically significant.

Source of data: Anchorage Community Survey (2009–2010); Matanuska-Susitna Borough Community Survey (2009)

Marital Status and Household Composition

In both samples, gun ownership was highest among married respondents (74.5% in the Mat-Su Borough and 57.0% in Anchorage). Among single, never married people, gun ownership was reported as 64.4 percent in the Mat-Su Borough and 42.0 percent in Anchorage. Like singles, divorced people were less likely to own firearms compared to married people (63.9% in the Mat-Su Borough and 45.0% in Anchorage). Widowed people and separated people comprised a small number of respondents. Both these groups had the lowest levels of gun ownership in the samples. In the Mat-Su Borough, 61.5 percent of widowed people said they owned guns for self-protection, as did 40 percent of separated people. In Anchorage, gun ownership was reported as 34.9 percent for widowed people and 40.7 percent for separated people.

Respondents were asked “Including yourself, how many people currently live in your home?” and “How many children under the age of 18 currently live in your home?” These two variables were used to create new household composition variables to examine whether gun ownership differs in households where there are children versus households without children, or if single people living alone report different rates of gun ownership compared to married people.

Single adults, as a group, have lower rates

of gun ownership compared to households with two or more adults. Within the group of single adults, those with children in the house (i.e., single parents) were less likely to report owning a firearm. This was true in Anchorage and the Mat-Su Borough.

As noted above, married people had among the highest rates of gun ownership. Within married households in Anchorage, the rate of gun ownership is lower when there are children under 18 years old in the house than when there are no children (55.8% versus 57.9%), but in the Mat-Su Borough, the opposite is the case, where 75.2 percent of married couples with children under 18 said they own guns, compared to 74.0 percent of married couples without children in the house. The differences in gun ownership among married people in homes with and without children are not statistically significant (see Table 1).

People who live alone comprise 12.8 percent of respondents in Anchorage and 11.9 percent of Mat-Su Borough respondents. While both these groups have comparatively low gun ownership rates, there are interesting differences between women who live alone and men who live alone. In Anchorage, for example, 26.7 percent of women who live alone said they own a gun, compared to 61.4 percent of men who live alone. Sixty-two percent of men who live with others said they own a gun, while 47.7 percent of women who live with others said they owned guns. For men, whether they live alone has little effect on gun ownership.

Among women, those who live with others are almost twice as likely as those who live alone to report owning a firearm.

The differences in rates of gun ownership between women who live alone and those who live with others are not a function of homeownership, as the percentage of women who own homes is 83 percent for those who live alone and 83.9 percent for those who live with others. As discussed later in this article, the variable most strongly associated with levels of gun ownership is household income. Household income for women who live alone is much lower (44.4% report incomes under \$50,000) than it is for women who live with others (21.0% report household incomes under \$50,000).

Socio-economic Status

Household Income

Gun ownership increases in linear fashion, with the lowest income respondents (less than \$20,000) having the lowest rate (44.3% in the Mat-Su Borough and 30.1% in Anchorage). Those with household incomes of \$100,000 or more report gun ownership rates of 84.6 percent in the Mat-Su Borough and 60.4 percent in Anchorage. In both communities, the relationship between household income and gun ownership was moderately strong and highly significant ($p < .001$).

Please see Gun ownership, page 4

Table 2. Socioeconomic Characteristics of Gun Owners in Anchorage and the Matanuska-Susitna Borough

Gun ownership: percentage answering "Yes"

	Anchorage Community Survey	Matanuska- Susitna Borough Community Survey		Anchorage Community Survey	Matanuska- Susitna Borough Community Survey
Formal education			Home ownership		
Less than high school diploma	38.2 %	61.3 %	Own	54.8 %	73.2 %
High school diploma or equivalent	55.4	68.1	Rent	41.2	55.5
Some college, no degree	57.8	74.0	<i>Chi-square</i>	$p < .001$	$p < .001$
Associate of Arts or other 2-year degree	58.6	75.7	Market value of home^a		
Bachelor's degree	48.3	71.9	Less than \$75K	—	60.9 %
Graduate degree	48.7	69.6	\$75K to \$124,999	—	65.3
<i>Chi-square</i>	$p < .001$	$p = .273, n.s.$	\$125K to \$199,999	—	67.7
Household income			\$200K to \$299,999	—	76.2
Less than \$20K	30.1 %	44.3 %	\$300K or more	—	83.4
\$20K to \$34,999	40.2	64.3	<i>Chi-square</i>		$p < .001$
\$35K to \$49,999	46.4	66.7	Market value of home^a		
\$50K to \$74,999	49.1	74.6	Less than \$160K	40.4 %	—
\$75K to \$99,999	51.9	74.9	\$160K to \$224,999	50.2	—
\$100,000 or more	60.4	84.6	\$225K to \$299,999	53.8	—
<i>Chi-square</i>	$p < .001$	$p < .001$	\$300K to \$399,999	55.1	—
			\$400K or more	61.8	—
				$p < .001$	

Note: *p*-values indicate statistical significance. *p*-values of .05 or less are considered statistically significant.

a. The Anchorage Community Survey and Matanuska-Susitna Borough Community Survey use different category divisions for market value of home.

Source of data: Anchorage Community Survey (2009–2010); Matanuska-Susitna Borough Community Survey (2009)

Gun ownership

(continued from page 3)

Homeownership

Owning a home is strongly associated with owning a gun. In the Mat-Su Borough, 73.2 percent of homeowners said they own a gun versus 55.5 percent of renters, while in Anchorage, 55.3 percent of homeowners reported gun ownership versus 39.3 percent of renters. When controlling for income however, the relationship is not so apparent. Comparing renters and owners of similar incomes reveals few differences in gun ownership. The significance of homeownership is easily explained by the fact that lower-income people are less likely to be homeowners, and are also less likely to own firearms.

Value of Home

In the Mat-Su Borough, the more expensive a respondent's house was, the higher the level of reported gun ownership. This relationship is strong and linear. This pattern was also generally true in Anchorage, with the exception of those who reported a market value for their home of less than \$75,000. The gun ownership rate for these individuals was 49.9 percent, nearly as high as the 53.8 percent and 58.2 percent reported by respondents whose home value was \$200,000 to \$299,999 or \$300,000 or more, respectively.

The way home value was measured was not the same in the two surveys. In the Mat-Su Community Survey, the question was closed-ended, that is, respondents had to choose from a list of options of home values. In the Anchorage Community Survey, the question was open-ended. More significantly, for the sake of comparability, the Anchorage Community Survey data were collapsed to the same scale used in the Mat-Su Community Survey (see Table 2). Because of the higher market value of residential properties in Anchorage relative to the Mat-Su Borough (the average sales price of a single-family home in Anchorage in the third quarter of 2008 was \$319,683 versus \$235,972 in the Mat-Su Borough according to data from the quarterly Survey of Lenders, Third Quarter 2008, Alaska Department of Labor and Workforce Development, Research and Analysis Section) using this scale places over 50 percent of Anchorage respondents in the \$300,000 or more category, and fewer than four percent have reported residential market values of under \$125,000. In the Mat-Su Borough, eight percent of respondents said their house was worth less than \$125,000, while only 22 percent thought it was worth \$300,000 or more.

If the Anchorage data are collapsed in a manner more appropriate to the demographics of that survey, the relationship of household market value to gun ownership begins to more closely resemble that observed in the Mat-Su Community Survey.

Education

In both Anchorage and the Mat-Su Borough, there was a non-linear relationship between levels of formal education levels and gun ownership (see Table 2). The highest rates of gun ownership are among those with more than a high school education but less than a four-year college degree. People who had less than a high school degree had the lowest rates of gun ownership; this may be a function of income more than education. Indeed, the relationship between education level and gun ownership is not significant when controlling for income. In other words, the higher the income level reported by respondents, the more likely they were to say they own a gun. Education, while positively correlated with income (as education increases, so does income), was less a predictor of gun ownership than income was.

Race and Ethnicity

Both surveys asked respondents to indicate if they were of Hispanic or Latino background or heritage. The percentage of people who said they were Hispanic or Latino was quite small in both areas: 5.7 percent in Anchorage and 5.3 percent in the Mat-Su Borough. There was no significant difference in gun ownership among Hispanics and non-Hispanics in Anchorage or the Mat-Su Borough.

In the Mat-Su Borough, when whites are compared to all other racial groups combined, the rate of gun ownership by minorities is significantly higher than it is for whites (79.5% versus 70.7%; $p < .05$). However, there are differences among the minority groups. For racial groups, Alaska Natives and American Indians were least likely to report owning a gun (66.7%, but there were only 48 respondents), the seven black respondents reported a 71.4 percent gun ownership rate, 85.7 percent of Asians said they owned a gun (14 respondents), and all of the four Pacific Islanders reported gun ownership. The number of minority respondents is low, so these results should be taken with some caution.

In Anchorage, minorities were less likely than whites to report owning a gun (49.1% versus 53.6%). This is not a statistically significant difference. Among the various racial groups, of the 56 black people who answered the survey, over half said they own a gun, and 46.0 percent of the 100 Alaska Natives

and American Indians in the survey reported gun ownership. Gun ownership rates were 42.9 percent for the 21 Pacific Islanders who responded and 42.0 percent for the 88 Asian respondents.

Conclusion

Reported rates of gun ownership are higher in the Mat-Su Borough than in Anchorage, although the correlates of gun ownership are similar in both communities. Men are more likely to own guns than are women, homeowners are more likely to own guns than are renters, and married people are more likely to own guns than are single people. People in the oldest and youngest age groups, relative to the middle-aged, are less likely to report owning a firearm. Two related variables, value of home and household income, were positively associated with gun ownership. As incomes and home values increase, so does the reported rate of gun ownership.

More detailed analyses of the data from both the ACS and MSCS, currently underway, explore the issue of gun ownership in relation to fear of crime and other self-protective measures.

For more information on the Community Indicators Project and residential surveys conducted by the Justice Center, see <http://justice.uaa.alaska.edu/indicators/index.html>

Sharon Chamard is an associate professor with the Justice Center.

Table 3. Race/Ethnicity of Gun Owners in Anchorage and the Matanuska-Susitna Borough

Gun ownership: percentage answering "Yes"

	Anchorage Community Survey	Matanuska- Susitna Borough Community Survey
Hispanic origin		
Yes	46.2 %	73.3 %
No	53.2	71.9
<i>Chi-square</i>	$p = .301, n.s.$	$p = .785, n.s.$
Race/ethnicity		
Alaska Native/American Indian	46.0 %	66.7 %
Asian	42.0	85.7
Black	50.0	71.4
Pacific Islander	42.9	100.0
White	53.5	70.7
Other	61.2	88.1
<i>Chi-square</i>	$p = .086, n.s.$	$p < .05$
Race/ethnicity		
White	53.6 %	70.7 %
Other	49.1	79.5
<i>Chi-square</i>	$p = .286, n.s.$	$p < .05$

Note: p -values indicate statistical significance.
 p -values of .05 or less are considered statistically significant.

Source of data: Anchorage Community Survey (2009–2010);
Matanuska-Susitna Borough Community Survey (2009)

Two Pilot Projects in the Alaska Court System

Teresa White Carns

PACE—Project HOPE for Alaska

Anchorage Superior Court Judges William Morse and John Suddock held warning hearings during the week of July 12–16 for the first 29 probationers assigned to Anchorage Project PACE—Probationer Accountability with Certain Enforcement. During subsequent weeks, judges have held hearings on petitions to revoke probation because of violations of the PACE requirements as needed. By the end of August, judges had conducted revocation hearings for 14 of the 29 participants. The goal of the PACE project is to reduce substance abuse, technical violations, and incarceration for probationers.

To help with the planning for the project, Honolulu Judge Steven Alm, who initiated Project HOPE in Hawaii in 2005, flew to Anchorage for meetings on June 8 and 9 with Criminal Justice Working Group (CJWG) members, including cochair Chief Justice Walter Carpeneti, and the team who will manage PACE in Anchorage. Dr. Angela Hawken from UCLA, whose randomized control evaluation of the Hawaii project showed that participation reduced recidivism substantially, joined Judge Alm. They also spoke at the Western Conference of Corrections Directors. Fourth Judicial District Presiding Judge Douglas Blankenship and Fairbanks Chief Probation Officer Glenn

Bacon joined the meetings to prepare for a possible Project PACE in Fairbanks.

From the outset, the PACE pilot project in Anchorage will be evaluated using multiple designs including, in the longer run, a fully randomized experimental approach. The Anchorage probation office set criteria for the first round of probationers. Participants will have a “urinalysis required” condition of probation. In the early stages of this program, probationers who are on the Enhanced Supervision, Sex Offender, or Minimum Transition Units; those who have an active petition to revoke probation; and those on parole have been excluded (although parolees may be considered later). Comparison group participants would be selected using the same criteria as those for PACE participants.

Electronic Exchange of Discovery Project

A Criminal Justice Working Group committee that included representatives from the Court System, the Department of Law, the Office of Public Advocacy, and the Judicial Council and technical advisors from the Juneau and Anchorage Police Departments reviewed responses to the request for proposals that was circulated in April and May 2010. After applying the criteria of cost, analytical approach, familiarity with the systems used by the Juneau Police Department, ability to work with other electronic

records, and capacity to perform the work, the committee chose Justice Data Group, Inc., a private vendor based in Juneau, as the successful applicant.

During the next six to eight months, Justice Data Group will develop and launch the eDiscovery WebPortal system that will allow law enforcement agencies and state and municipal prosecutors in Juneau (the pilot location) to electronically share discoverable information and reports in criminal cases. Defense attorneys in Juneau will have electronic access, on a case-by-case basis, to the discovery information in their assigned cases.

The project will reduce the time needed for attorneys to review discovery information such as police reports, reduce staff time spent copying and delivering information, and reduce questions about whether and when the discovery was actually provided. Criminal Justice Working Group members hope to expand the pilot project throughout the state in the future.

Teri Carns is with the Alaska Judicial Council in Anchorage, with responsibility for research projects, report writing, and aspects of judicial selection and retention.

New Faculty

Prof. Troy Payne and Prof. Jason Brandeis have joined the Justice Center faculty as of the Fall 2010 semester.

Jason Brandeis, J.D., joins the Justice Center faculty as an Assistant Professor and will be teaching courses in the justice and paralegal studies programs. During the fall 2009 and spring 2010 semesters, he was an adjunct faculty member and taught justice and paralegal studies courses. Most recently he worked for the Alaska Public Offices Commission as an associate attorney; prior to that, he was a staff attorney for the ACLU of Alaska. His legal experience includes civil, criminal, and appellate work. Prof. Brandeis received his law degree from Vermont Law School.

Troy Payne, graduate of the University of Cincinnati School of Criminal Justice, is joining the Justice Center faculty as an Assistant Professor. He has conducted research on situational crime prevention and has assisted police departments with problem solving and community oriented initiatives.

Most recently, his work with the Cincinnati Police Department has focused on crime and nuisances at apartment complexes.

Rosay Awarded Contract

Dr. André B. Rosay, Justice Center Director, has been awarded a contract from the Office of the Governor to provide research services to support the Governor’s Initiative to end the epidemic of domestic violence and sexual assault in Alaska. Dr. Rosay will partner with the Office of the Governor and the Council on Domestic Violence and Sexual Assault to establish baselines in case outcomes and recidivism. In addition, he will build research and evaluation capacity to monitor the effectiveness of the Initiative. During this contract period, Dr. Rosay will still be employed by UAA, but Dr. Allan Barnes will serve as Acting Director for the Justice Center.



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Pro Bono Programs in Alaska

The term “pro bono legal services” refers to free legal representation that is provided by volunteer attorneys, most often through a pro bono organization. The services may be full representation of a case or may involve discrete legal tasks or legal assistance with one phase of a matter. There is often confusion about the types of legal services provided by the different pro bono organizations in Alaska. Following is a brief history of the major pro bono programs in this state, and an overview of current pro bono programs with information on their purpose and contact details.

Brief History

The Alaska Legal Services Corporation (ALSC) was established in 1967 and did not have a formal pro bono program until 1983.

This original in-house component was called the Alaska Pro Bono Program (APBP) and was a joint effort with the Alaska Bar Association. Funding was through ALSC and IOLTA (revenue generated by interest on lawyers’ trust accounts). APBP placed all types of cases with volunteer attorneys. In 2000, the Alaska Pro Bono Program left ALSC, re-opened as an independent entity, and accepted all types of pro bono cases. APBP continued to handle pro bono cases for ALSC under a subgrant.

Loss of IOLTA funding in 2002 resulted in APBP only accepting pro bono cases that ALSC was restricted from handling, and ALSC resumed taking cases it was permitted to handle. In 2010, APBP shifted its emphasis to placing a variety of pro bono unbundled legal services, i.e., discrete legal

tasks rather than full representation of a case, with its volunteer attorneys. This independent pro bono organization currently has a staff consisting of an Executive Director and one staff attorney, both of whom are part-time contractors. There is no office; contact is through their website.

By mandate, ALSC must still have its own pro bono component, and since 2002 has operated an in-house pro bono program called the Volunteer Attorney Support Program coordinated by a Director of Volunteer Services and Community Support. This program accepts civil cases and assigns them to volunteer attorneys; all clients must meet ALSC income eligibility guidelines.

In 1999, the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) Legal Advocacy Project (LAP) opened with

Current Pro Bono Programs

Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) Legal Advocacy Project (LAP)

Provides technical assistance to legal advocates at domestic violence (DV) and sexual assault programs statewide, provides full civil case representation to DV and sexual assault victims below 200% of the federal poverty guidelines, operates a referral hotline for victims, and a pro se project in Fairbanks for DV and sexual assault victims representing themselves. *Main office:* Juneau. Pro bono program main office: Sitka. *Contact:* Juneau: 907-586-3650. Sitka: 907-747-7445. http://www.andvsa.org/?page_id=37

Alaska Pro Bono Program, Inc. (APBP)

APBP accepts only cases that Alaska Legal Services is restricted from accepting. Currently APBP is focusing on unbundled legal services, i.e., assistance with discrete parts of a case or matter. The program places cases with volunteer attorneys, and has a pool of lawyers in the Volunteer Lawyers in the Courtroom

(Domestic Relations) project (see Pro Bono article). *Main office:* Anchorage. *Contact:* <http://www.alaska.probono.org/>

Volunteer Attorney Support Program — Alaska Legal Services Corp. (ALSC)

This program is administered by the Director of Volunteer Services and Community Support. Clients must be ALSC eligible. Only civil cases are accepted, and these are then assigned to volunteer attorneys. *Main office:* Anchorage. *Contact:* 907-222-4521. http://www.alsc_law.or/pro_bono/probono.html

Alaska Immigration Justice Project (AIJP) — Pro Bono Asylum Project

This program offers pro bono representation for immigration asylum cases, and for cases involving undocumented children who are abused and neglected. AIJP matches the client with a volunteer lawyer. *Main office:* Anchorage. *Contact:* 907-279-2457. <http://www.akijp.org/legalassistance.html>

Other resources

Alaska Legal Services Corporation (ALSC)

ALSC accepts civil cases, with some exceptions, and clients must meet income restrictions. *Main office:* Anchorage; regional offices statewide. *Contact:* 907- 272-9431; <http://www.alsc-law.org/>

Alaska Native Justice Center (ANJC)

This program provides assistance for victims of domestic violence and sexual assault. The focus is on low-income Native persons, but attorney representation is not exclusively for Natives. Other persons may apply. Some representation for family matters is provided. *Main office:* Anchorage. *Contact:* 907-793-3550. <http://www.anjc.org/circle.shtml>

Disability Law Center of Alaska (DLC)

Provides legal representation and other advocacy services,

under all federal and state laws, to all people with disabilities (no financial eligibility requirements). DLC is the designated “Protection & Advocacy” Agency in Alaska. *Main office:* Anchorage. Offices in Juneau, Bethel, and Fairbanks. *Contact:* Anchorage: 907-565-1002. Toll-free: 800-478-1234. <http://www.dlcak.org/>

Family Law Self-Help Center (FLSHC)—Alaska Court System

The FLSHC is a free statewide service for persons representing themselves in domestic relations cases, and provides explanation of court procedures and forms via their helpline, as well as extensive information on their website. The FLSHC does not represent clients. *Main office:* Anchorage. Assistance is via helpline and website. *Contact:* 907-264-0851. Toll-free in Alaska outside the Municipality of Anchorage: 866-279-0851. <http://www.courts.alaska.gov/selfhelp.htm>

a focus on assisting victims of violence against women. Since its inception, this effort has been continuously funded almost wholly by grants from the U.S. Department of Justice Office on Violence Against Women. In addition, LAP has a family law self-represented litigants program in Fairbanks and works with the law firm of Borgeson & Burns to aid victims of domestic violence (DV) and sexual assault who are handling their own family law cases.

In 2004, the Alaska Bar Association Board of Governors provided for a full-time Pro Bono Director to work in partnership with legal services agencies in the state and with the Alaska Bar Pro Bono Services Committee. The focus is on building a state-wide program that includes recruitment of volunteer attorneys, coordination among the providers, and overall advancement of the pro bono mission.

The Alaska Immigration Justice Project (AIJP) opened in 2005 and, among other services, offers pro bono representation for immigration asylum seekers. In conjunction with this project, the law firm of Ashburn & Mason provides free representation for undocumented children who are abused and neglected. In the 1980's, the Immigration Justice Project was part of Catholic Social Services and in 1998 began taking asylum cases pro bono. This work transferred to AIJP when it opened.

There are other organizations that are not strictly pro bono agencies, but that do provide advocacy assistance, or in some cases, direct legal services at no charge. These include the Disability Law Center of Alaska (DLC), funded by federal grants, which opened in 1977 and under federal law is the designated "Protection & Advocacy" agency in Alaska; the Alaska Court System

Family Law Self-Help Center (FLSHC) which opened in 2001 and is a free state-wide service for individuals representing themselves in domestic relations cases and is funded by the Court System; and the Alaska Native Justice Center (ANJC) which began offering legal advocacy services in 2007, and since 2009 has also offered attorney services for victims of domestic violence and sexual assault. The focus of this project is on outreach to low-income Native persons, but attorney representation is not exclusively for Natives. Funding is through a grant by the U.S. Department of Justice Office of Violence Against Women.

In addition to the major pro bono organizations noted above, there are other legal advocacy groups in Alaska that take a narrow range of cases that fall within their area of focus, such as civil liberties or Native law issues.

Unmet legal needs (continued from page 1)

came under the auspices of the nationwide program in 1974. ALSC's main office is in Anchorage. There are currently regional offices in Bethel, Dillingham, Fairbanks, Juneau, Kenai, Ketchikan, Kotzebue, Nome, and Palmer. In 2010 ALSC has 16 full-time and four part-time attorneys and three paralegals. Forty-seven per cent of ALSC funding comes from LSC federal money, with additional monies from state appropriations, municipal and borough matching grants, attorneys' fees awarded in court cases, IOLTA money (interest on lawyers' trust accounts—a program administered by the Alaska Bar Foundation), private grants and donations, and Native regional nonprofit corporation and profit corporation funding. The total funding for ALSC in FY 2010 was \$3,140,470 (Table 1).

Alaska Legal Services Clients and Cases

Alaska Legal Services Corporation (ALSC) serves low-income clients who fall within certain income restrictions: 125 percent up to 200 percent of the federal poverty guidelines adjusted for Alaska (see Table 2 for guidelines). ALSC is prohibited from handling certain categories of cases: class actions, criminal defense, representation of prisoners in any type of case, and representation of undocumented noncitizens, with an exception if the case involves domestic violence or human trafficking.

Each year Alaska Legal Services conducts a brief survey of nonprofits and of other service providers across the state that refer low-income persons with legal prob-

lems to an ALSC office. The survey asks questions about the types of legal problems these agencies are seeing. ALSC is able to use this data to help establish priorities for case acceptance for their offices around the state. Each regional office can focus on the specific high priority needs of the community it serves.

The following types of cases are more likely to fall within the "high" priority category: consumer finance; domestic abuse; custody/visitation and divorce (cases involving child snatching, denial of parental access, severe child or spouse abuse not being addressed otherwise, or complex legal issues); guardianship; neglected/abused dependents; health cases involving Medicare, Medicaid, home and consumer-based care, and long-term health care facilities; housing involving federal subsidized housing and public housing; housing discrimination; predatory lending; mortgage and foreclosures; income maintenance issues of Temporary Assistance for Needy Families (TANF); food stamps; Supplementary Security Income (SSI) appeals; Native allotments; and Indian/tribal law.

ALSC Caseload

In 2009 ALSC received 3,421 inquiry calls, and 2,834 individuals filed applications for legal service. Of the 587 calls that did not result in an application, ALSC estimates it could have assisted over 76 percent of those, had the caller filed the necessary

Table 2. Federal Poverty Guidelines for Alaska and Alaska Legal Services Corporation Income Eligibility Guidelines, 2010

Persons in family	Poverty guideline for Alaska (2009; extended to 2010)	Maximum gross yearly income for ALSC clients (2010)
1	\$13,530	\$16,913
2	\$18,210	\$22,763
3	\$22,890	\$28,613
4	\$27,570	\$34,463
5	\$32,250	\$40,313
6	\$36,930	\$46,163
7	\$41,610	\$52,013
8	\$46,290	\$57,863

For each additional family member, add:

\$4,680 \$5,850

Source of data: U.S. Department of Health and Human Services (based on Federal Register 74(14): 4199-4201 (January 23, 2009)); Alaska Legal Services Corporation

forms. ALSC accepted 1,855 of the 2,834 applications it received and rejected 979. Over half of the clients whose applications were rejected could have been helped if ALSC had more resources. The remainder were rejected for ineligibility reasons, including not falling within the required low income category. Alaska and Hawaii both have adjusted poverty level rates (Table 2). See Table 3 for Alaska poverty rates by borough/census area.

In 2009, 34 percent of the cases ALSC handled were in the category of family law, 17 percent were housing issues, followed by consumer/finance and health at 12 percent each (Table 4).

ALSC closed a total of 1,370 cases by year-end 2009. However, in about 21 per-

Please see Unmet legal needs, page 8

Unmet legal needs (continued from page 7)

cent of those cases, ALSC was only able to provide the client with *part* of what the client sought, e.g., the client sought full representation, and ALSC was only able to provide an “unbundled” partial service. The remaining 485 cases accepted in 2009 were ongoing as of the close of the year.

Overall, ALSC estimates that for every 100 callers who asked for legal aid in 2009, ALSC attorneys were able to help 54. Of

the 46 rejected callers, 17 did not meet requirements for assistance, but 29 could have received some type of legal service if ALSC had had more resources.

Volunteer Attorneys – LSC Pro Bono Nationwide

Each LSC office is required to have some type of pro bono component that recruits volunteer attorneys to take cases. This LSC-funded pro bono work is one of several pro bono efforts that exist in each state. Other legal aid agencies, as well as bar

associations, encourage and recruit attorneys to assist with providing civil legal service to low-income individuals. Although pro bono service is seen as an integral part of meeting civil legal needs for low-income persons, LSC notes that the numbers of people needing civil legal assistance can only be met by increasing LSC and non-LSC funded legal aid agency attorneys, as well as increasing pro bono activity by volunteer lawyers. LSC maintains that a substantial increase in funding for LSC attorneys is critical to closing the justice gap for low-income Americans:

Table 3. Alaskans Below Poverty Line, 2008

Borough or census area	Total population (2008 estimate) ¹	Population below federal poverty line		Median household income ³	Per capita income 1999 ⁴ (2008 as noted ⁵)
		Number ²	Percent of total population ³		
Aleutians East Borough	2,810	429	15.3 %	\$52,786	\$18,421
Aleutians West Census Area	4,529	404	9.0	\$62,849	\$24,037
Anchorage Municipality	279,243	19,638	7.2	\$74,397	\$34,258 ⁵
Bethel Census Area	17,236	3,630	21.5	\$41,755	\$12,603
Bristol Bay Borough	953	74	7.8	\$67,214	\$22,210
Denali Borough	1,848	100	5.4	\$70,720	\$26,251
Dillingham Census Area	4,933	960	19.6	\$50,827	\$16,021
Fairbanks North Star Borough	97,970	7,004	7.5	\$65,473	\$28,512 ⁵
Haines Borough	2,271	235	10.4	\$48,299	\$22,090
Juneau City & Borough	30,988	2,047	6.7	\$71,313	\$35,184 ⁵
Kenai Peninsula Borough	53,409	5,380	10.3	\$54,206	\$27,292 ⁵
Ketchikan Gateway Borough	13,142	1,129	8.7	\$58,689	\$23,994
Kodiak Island Borough	13,049	1,034	8.0	\$61,525	\$22,195
Lake and Peninsula Borough	1,488	254	17.2	\$43,687	\$15,361
Matanuska-Susitna Borough	85,458	7,808	9.3	\$71,575	\$25,127 ⁵
Nome Census Area	9,261	1,898	20.9	\$46,892	\$15,476
North Slope Borough	6,615	743	11.4	\$72,499	\$20,540
Northwest Arctic Borough	7,502	1,225	16.5	\$57,721	\$15,286
Prince of Wales-Outer Ketchikan Census Area	5,533	839	15.2	\$44,491	\$18,395
Sitka City & Borough	8,889	677	7.8	\$61,436	\$23,622
Skagway-Hoonah -Angoon Census Area ⁶	3,066 ⁷	375 ⁷	12.3 ⁶	\$46,511 ⁶	\$19,974 ⁶
Southeast Fairbanks Census Area	6,753	887	13.3	\$59,124	\$16,679
Valdez-Cordova Census Area	9,362	790	8.5	\$58,946	\$23,046
Wade Hampton Census Area	7,717	2,244	29.2	\$33,033	\$8,717
Wrangell-Petersburg Census Area	5,910	573	9.8	\$54,274	\$23,494
Yakutat City & Borough	657	86	13.3	\$54,401	\$22,579
Yukon-Koyukuk Census Area	5,701	1,410	24.9	\$33,900	\$13,720
Entire state	686,293	61,871	9.2 %	\$67,332	\$36,756 ⁵

Note: Household income is estimated annually. Per capita income is available only for 1999 except for counties noted as 2008 figures.

- 2008 estimates from "Table 1: Annual Estimates of the Resident Population for Counties of Alaska: April 1, 2000 to July 1, 2008," Population Division, U.S. Census Bureau.
- 2008 estimates from "Estimates for Alaska Counties 2008, All Ages in Poverty," Small Area Income and Poverty Estimates (SAIPE), U.S. Census Bureau.
- 2008 estimates from State and County QuickFacts, U.S. Census Bureau.
- 1999 per capita income estimates from State and County QuickFacts, U.S. Census Bureau.
- 2008 per capita income estimates for Anchorage, Fairbanks, Juneau, Kenai, and Matanuska-Susitna from "2006–2008 American Community Survey 3-Year Estimates," U.S. Census Bureau.
- Includes Skagway Municipality and Hoonah-Angoon Census Area, for which data on population below poverty line and median and per capita income are not available separately.
- 2008 population estimate for Skagway Municipality is 2,174 (344 below poverty line); for Hoonah-Angoon, 892 (31 below poverty line).

Source of data: U.S. Census Bureau reports; 2006–2008 American Community Survey, U.S. Census Bureau

[D]espite the expansion of non-LSC-funded programs in the past decade, a majority of attorneys serving the poor still work in LSC-funded programs. The LSC network of offices thus remains the primary source of civil legal aid for low-income Americans.

LSC received \$420 million in funding in FY 2010 and requested \$516.5 million for FY 2011. President Obama's budget proposal for LSC is \$435 million. Both these FY 2011 figures are still far below the five-fold increase LSC says is required to close the justice gap.

Pro Bono Programs in Alaska

In Alaska, a number of organizations are involved in recruiting pro bono attorneys to assist with civil legal representation for low-income persons. (See "Pro Bono Programs in Alaska," page 6.) The Alaska Bar Association Pro Bono Director reports that in 2009 there were 200 volunteer attorneys who accepted cases or some level of representation for low-income individuals through one of the several legal

service providers in the state. The majority of these attorneys donated 50 or more hours to the case or issue. There are currently 2,439 active lawyers in Alaska either in private practice or government service, or in the state judiciary. (The majority of lawyers are concentrated in Anchorage, followed by Juneau and Fairbanks as noted in Table 5.) Alaska Attorney General Dan Sullivan, like other attorneys general, has encouraged state attorneys to participate in pro bono work. Judges are allowed to encourage pro bono activities by lawyers and to support pro bono efforts, but cannot practice law or directly solicit individual lawyers for pro bono cases.

Self-Represented Litigants

The LSC national report highlights another issue that is a growing concern for state courts: the increasing number of persons representing themselves in court proceedings. These individuals are called *self-represented* or *pro se* litigants. The National Center for State Courts' (NCSC) website has data from several individual state courts on the number of per-

Table 4. Alaska Legal Services Corporation Cases for 2009 By Category

Category	Percentage of cases
Family law	34 %
Housing	17
Consumer/ finance	12
Health	12
Income maintenance	6
Employment	1
Juvenile	1
Individuals rights	1
Wills/estates	1
Miscellaneous	15

Source of data: Alaska Legal Services Corporation

sons representing themselves in civil litigation, but complete nationwide data is not available. However, in 2009, the Self-Represented Litigation Network (SRLN) with a membership including judges, court staff, lawyers, para-

Please see *Unmet legal needs*, page 10

Civil Legal Assistance and Self-Representation: Further Reading

- Alaska Court System. (31 Oct 1997). *Report of the Alaska Supreme Court Advisory Committee on Fairness and Access*. Anchorage, AK: Alaska Court System. (<http://www.ajc.state.ak.us/reports/fairness.pdf>).
- Alaska Judicial Council. (Aug 2005). *Court Innovations in Domestic Violence Cases*. Report prepared for the Alaska Court System. Anchorage, AK: Alaska Judicial Council. (<http://www.ajc.state.ak.us/reports/DVReport.pdf>).
- . (Jul 2007). *Evaluation of Domestic Violence Advocates: 2007*. Report prepared for the Alaska Court System. Anchorage, AK: Alaska Judicial Council. (<http://www.ajc.state.ak.us/reports/DVReport8-07.pdf>).
- Altender, Katherine. (Summer 2007). "Literacy and the Courts." *Alaska Justice Forum* 24(2): 1, 5–8. (http://justice.uaa.alaska.edu/forum/24/2summer2007/a_literacycourts.html).
- Engler, Russell. (Feb 2010). "Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel is Most Needed." *37 Fordham Urban Law Journal* 37. (<http://www.thefreelibrary.com/Connecting+self-representation+to+civil+Gideon%3A+what+existing+data...-a0224166840>).
- Farmer, Amy and Tiefenthaler, Jill. (Apr 2003). "Explaining the Recent Decline in Domestic Violence." *Contemporary Economic Policy* 21(2): 158–172. (<http://www.nasams.org/DMS/Documents/1195248210.25/Explaining%20Decline%20in%20Domestic%20Violence.pdf>).
- Justice Center, University of Alaska Anchorage. (Summer 1996). "Indigent Legal Services in Alaska." *Alaska Justice Forum* 13(2): 1, 6–8. (http://justice.uaa.alaska.edu/forum/13/2summer1996/a_indigen.html).
- . (Fall 2002). "Access to Legal Services for Alaskans with Low Incomes." *Alaska Justice Forum* 19(3): 1, 4–7. (http://justice.uaa.alaska.edu/forum/19/3fall2002/a_access.html).
- Legal Services Corporation. (Sep 2009). *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, 3rd ed. Washington, DC: Legal Services Corporation. (http://www.lsc.gov/pdfs/documenting_the_justice_gap_in_america_2009.pdf).
- . (Jul 2010). *2009 Annual Report: 35 Years As America's Partner for Equal Justice*. Washington, DC: Legal Services Corporation. (http://www.lsc.gov/pdfs/annual_report_2009_35_years_as_americas_partner_for_equal_justice.pdf).
- Rieger, Lisa. (Summer 1996). "Tort Reform and Access to the Courts." *Alaska Justice Forum* 13(2): 5. (http://justice.uaa.alaska.edu/forum/13/2summer1996/c_tort.html).
- Wood, Darryl S. (Aug 2005). "Court Processing of Domestic Violence Protection Orders in Anchorage, Alaska." Appendix A in Alaska Judicial Council, *Court Innovations in Domestic Violence Cases*. Report prepared for the Alaska Court System. Anchorage, AK: Alaska Judicial Council. (<http://www.ajc.state.ak.us/reports/DVReport.pdf>).

Resources

- Alaska Court System Family Law Self-Help Center. <http://www.courts.alaska.gov/selfhelp.htm>
- Alaska Legal Services Corporation. <http://www.alsc-law.org/>
- Center for Law and Social Policy (CLASP): Civil Legal Assistance. http://www.clasp.org/issues?type=civil_legal_assistance
- Legal Services Corporation. <http://www.lsc.gov/>
- National Center for State Courts (NCSC): Self-Representation. <http://www.ncsc.org/topics/access-and-fairness/self-representation/ncsc-documents.aspx>
- National Coalition for a Civil Right to Counsel—Civil Gideon Project. <http://www.civilrighttocounsel.org/>
- National Legal Aid & Defenders Association (NLADA). <http://www.nlada.org/Civil>
- NLADA: Resource Center for Access to Justice Initiatives. http://www.nlada.org/Civil/Civil_SPAN
- NLADA: Economic impact of meeting civil legal needs. http://www.nlada.org/DMS/Index/000000/000050/document_browse#topics
- Self-Represented Litigation Network (SRLN). <http://www.srln.org/>

Umet legal needs (continued from page 9)

legals, and others in the legal field, surveyed about 100 of its judicial members. Sixty percent of the judges indicated an upsurge in self-represented litigants from 2008 to 2009. The LSC report points to this as an indicator of the impact of the economic downturn.

Alaska courts are also facing a growing percentage of people who act as their own lawyer, and a growing percentage of domestic relations cases. Statistics are not readily available on self-represented litigants here; however, the Alaska Court System Family Law Self-Help (FLSHC) does have some statistics

on represented and unrepresented parties in certain types of cases.

The Family Law Self-Help Center (FLSHC) is a free statewide program for individuals representing themselves in family law cases. There are no income requirements. FLSHC is based in Anchorage and provides education and information about court procedure and forms through a toll-free telephone helpline and a detailed website. The Center has over 7,000 contacts annually, and is one of the most frequently used resources of the court system. The FLSHC includes a director, a part-time staff attorney, and four facilitators who speak to self-represented litigants about their case, and explain procedures and court

forms. In Anchorage, the state's largest court and most populated judicial district, the Center presents free classes on domestic relations matters for self-represented litigants. All of these services result in pro se litigants having a better understanding of the process, filing forms appropriately, and consequently, gaining faster processing through the court system, and shorter waiting periods.

Data compiled by FLSHC indicate that in domestic relations cases the most likely parties in Anchorage to be unrepresented by an attorney in 2009 and thru July 2010 are unmarried parents in a child custody case (Table 6). In 2009, the parties represented themselves in 55 percent of cases with child custody issues, and through July 2010, 59 percent of child custody cases were handled by self-represented parties. (The FLSHC reports that these numbers do not reflect dissolutions cases, which are a large part of domestic relations case filings, and generally have a very low attorney representation rate.) The Alaska Court System Annual Statistical Report 2009 shows that there was a 7.3 percent increase in domestic relations case filings from FY08 to FY09, although domestic violence case filings dropped by 1.4 percent during that same period.

In addition to providing a range of services to pro se litigants who call or come to them, the FLSHC director and staff attorney also assist with the Volunteer Lawyers in the Courtroom program currently being conducted in Superior Court Judge Stephanie Joannides' courtroom in Anchorage. This pro bono project is coordinated by the Alaska Pro Bono Program, Inc., a nonprofit corporation, and provides volunteer lawyers at specified domestic relations court hearings to assist the parties in settling their case without going to trial. Each party has the option of brief (15–30 minutes) consultations with his/her own volunteer lawyer. Judge Joannides screens her assigned domestic relations cases for appropriateness for this program, and calendars them for one afternoon a month. There have been 43 cases to date, and 70 percent have settled without going to trial. Those parties who do not settle their case receive appropriate interim orders, including for child support, and the case is scheduled for trial at a future date.

Court Outcomes for Unrepresented Parties

The LSC report outlines the need for more national data on unrepresented parties, types of cases, and the final disposition of their matters in order to assess ways of meeting this growing issue. The report references the work of Professor Russell Engler of New England Law School.

In his *Fordham Urban Law Journal* article "Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel Is Most Needed," Engler looks at representation and outcomes in court. He notes:

Table 5. Active Alaska Bar Association Members by Judicial District, Borough/Census Area, and City

As of September 16, 2010.

First Judicial District	295	Third Judicial District	1,884
City and Borough of Juneau	232	Municipality of Anchorage	1,661
Juneau ¹	216	Anchorage ¹	1,609
Douglas	12	Eagle River	35
Auke Bay	4	Chugiak	8
Ketchikan Gateway Borough	34	Elmendorf AFB	4
Ketchikan ¹	33	Ft. Richardson	3
Ward Cove	1	Girdwood	2
City and Borough of Sitka	23	Matanuska-Susitna Borough	110
Sitka ²	23	Palmer ¹	74
Haines Borough	4	Wasilla	29
Haines	4	Willow	5
Wrangell-Petersburg Census Area	2	Houston	1
Petersburg	2	Talkeetna	1
Second Judicial District	28	Kenai Peninsula Borough	78
Nome Census Area	13	Kenai ¹	48
Nome ²	12	Soldotna	16
Unalakleet	1	Homer ³	9
North Slope Borough	9	Nikiski	2
Barrow ²	9	Seldovia	1
Northwest Arctic Borough	6	Seward	1
Kotzebue ²	6	Sterling	1
Fourth Judicial District	232	Valdez-Cordova Census Area	6
Fairbanks North Star Borough	199	Valdez ³	4
Fairbanks ¹	194	Cordova	2
Delta Junction	3	Kodiak Island Borough	21
Two Rivers	1	Kodiak ²	21
Bethel Census Area	28	Dillingham Census Area	7
Bethel ¹	28	Dillingham ²	7
Southeast Fairbanks Census Area	4	Bristol Bay Borough	1
North Pole	2	King Salmon	1
Tok	2		
Wade Hampton Census Area	1		
St. Marys	1		

Note: Membership counts include judges of the Alaska Court System.

Alaska Court System locations: 1. both superior and district courts; 2. superior court; 3. district court.

Source of data: Alaska Bar Association; Alaska Court System

The activity of the past decade [regarding self-representation] comes against the backdrop of unmet legal needs, the inadequacy of funding for legal services for the poor, and reports demonstrating that litigants without counsel often fare poorly even where basic needs are at stake in the proceedings.

Engler discusses several types of cases and the impact of legal representation in each, including housing, family law, small claims, administrative appeals, unemployment, and immigration.

In Alaska, we have some data on outcome and representation in selected cases. Anchorage representation rates in FY 2006 and FY 2007 for domestic relations cases (with dissolution, without dissolution, dissolution only), small claims, and forcible entry and detainer (FED)/evictions are shown in Table 7. The highest percentage of both parties being represented by an attorney occurred in domestic relations cases that were not dissolutions and that involved contested issues.

Data is also available for some domestic violence cases. A 2005 report by the Alaska Judicial Council, *Court Innovations in Domestic Violence Cases*, looked at a number of characteristics in intimate partner domestic violence cases in Anchorage District Court from 2002 and 2003–2004. Respondents (the person against whom the protective order is being requested) had an attorney in 15 percent of the long term protective order domestic violence hearings, and petitioners (the person requesting the protective order) had an attorney in 15 percent, but in only 9 percent did both parties have an attorney.

Further analysis of the cases by Dr. Darryl Wood in “Court Processing of Domestic Violence Protection Orders in Anchorage, Alaska” found that long term protection orders were granted in “23 per cent more of the cases when the respondent did not have an attorney... than when he or she did have an attorney.” A follow-up report in 2007 by the Alaska Judicial Council, *Evaluation of Domestic Violence Advocates: 2007*, found that respondents in domestic violence long term protective order cases had attorneys in 26 percent of the cases in 2006–2007 versus 15 percent of the cases in 2003–2004. In cases where a respon-

Table 6. Representation Rates at the Beginning of a Case*: Anchorage Domestic Relations Cases, 2009 to July 2010

Row percentages.

Type of case	Cases	2 attorneys (both parties represented)		1 attorney (1 party represented)		No attorney (neither party represented)	
		N	Percent of total	N	Percent of total	N	Percent of total
2009							
Divorce with children	307	124	40.4 %	84	27.4 %	99	32.2 %
Divorce without children	218	101	46.3	51	23.4	66	30.3
Custody	172	31	18.0	46	26.7	95	55.2
Total	697	256	36.7 %	181	26.0 %	260	37.3 %
Jan–Jul 2010							
Divorce with children	187	69	36.9 %	63	33.7 %	55	29.4 %
Divorce without children	127	50	39.4	39	30.7	38	29.9
Custody	128	24	18.8	29	22.7	75	58.6
Total	442	143	32.4 %	131	29.6 %	168	38.0 %

* Status of attorney representation for parties may change at any phase of a case—i.e., parties may decide to hire or to fire an attorney.

Source of data: Alaska Court System Family Law Self-Help Center

dent was represented by an attorney, judges granted fewer long term protective orders (39%) in 2006–2007 compared to orders granted (47%) in 2003–2004 if the respondent had an attorney. The report notes,

Practitioners agreed that the presence of attorneys at hearings affected the outcomes, often making it more likely that the petitioner would request dismissal [of the request for a protective order].”

Access to legal services for victims of domestic violence has come to be seen as one of the most important means of preventing

further victimization. Amy Farmer and Jill Tiefenthaler in “Explaining the Recent Decline in Domestic Violence” (*Contemporary Economic Policy*, 2003) studied data from the National Crime Victimization Survey (NCVS) from 1992–1998. During this time period, there was a decrease in domestic violence incidents. Following the analysis of the NCVS data, they concluded:

[A]lthough shelters, hotlines, and counseling programs targeted at battered women are found to have no significant

Please see *Unmet legal needs*, page 12

Table 7. Representation Rates at the Beginning of a Case*: Anchorage, FY 2006–FY 2007

Row percentages.

Type of case	Cases	2 attorneys (both parties represented)		1 attorney (1 party represented)		No attorney (neither party represented)	
		N	Percent of total	N	Percent of total	N	Percent of total
FY 2006							
Domestic relations without dissolution	1,527	467	30.6 %	552	36.1 %	508	33.3 %
Domestic relations with dissolution	2,411	467	19.4	580	24.1	1,364	56.6
Dissolution only	884	0	0.0	28	3.2	856	96.8
Small claims	5,070	64	1.3	1,513	29.8	3,493	68.9
Forced entry and detainer/eviction	2,226	53	2.4	1,021	45.9	1,152	51.8
Total	12,118	1,051	8.7 %	3,694	30.5 %	7,373	60.8 %
FY 2007							
Domestic relations without dissolution	1,372	404	29.4 %	442	32.2 %	526	38.3 %
Domestic relations with dissolution	2,245	404	18.0	460	20.5	1,381	61.5
Dissolution only	874	0	0.0	18	2.1	856	97.9
Small claims	5,074	50	1.0	1,575	31.0	3,449	68.0
Forced entry and detainer/eviction	2,008	52	2.6	1,040	51.8	916	45.6
Total	11,573	910	7.9 %	3,535	30.5 %	7,128	61.6 %

Note: The State of Alaska and Alaska Court System fiscal year runs from July 1 to July 30.

*Status of attorney representation for parties may change at any phase of a case—i.e., parties may decide to hire or to fire an attorney.

Source of data: Alaska Court System Family Law Self-Help Center



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Unmet legal needs (continued from page 11)

impact on the likelihood of abuse, the availability of legal services in the county of residence has a significant negative effect on the likelihood that an individual woman is battered.

Alaska Supreme Court Access to Civil Justice Committee

From 2006 to 2009, Virginia, Utah, Wisconsin, Nevada, Alabama, Georgia, and New Jersey conducted studies of unmet legal needs in their area. Alaska does not have any survey data currently. The Alaska Supreme Court Access to Civil Justice Committee, co-chaired by Supreme Court Justice Daniel Winfree and Anchorage Superior Court Judge Mark Rindner, is considering a proposal to conduct a statewide pro bono needs assessment. This project, if approved, would fall under the Alaska Supreme Court Fairness and Access Initiatives Group which includes the Access to Civil Justice Committee as well as the Fairness, Diversity and Equality Committee chaired by Justice Dana Fabe. Pro bono is looked to by all states as one way of closing the justice gap for low-income people. However, in assessing the need across the country, the 2009 LSC report issues a caution:

[E]ven expanded pro bono contributions will not be enough to address a major portion of the unmet legal needs.

Conclusion

Judges, lawyers, the courts, and legal aid

organizations are continuing their work to meet the civil legal needs of low-income Americans. The landscape of this need is changing and growing. Increasingly there is a call for a "Civil Gideon" that is, the right to counsel in a civil matter if an individual does not have the means to hire an attorney. (The *Gideon v. Wainwright* decision in 1963 guaranteed the right to counsel in a criminal trial.)

LSC's 2009 Annual Report discussed the rise nationally in case closings for that period and attributed the higher numbers to the economic downturn. Unemployment cases increased by 63 percent, food-stamp cases by 37 percent, and foreclosure cases more than doubled (Figure 1). And data just released in September by the U.S. Census Bureau Annual Social and Economic Supplement for 2009 shows that the number of citizens nationwide and in Alaska who are below the federal poverty line has increased. One estimate indicates that the poverty level for Alaskans in 2009 was 11.7 percent, up from 9.2 percent in 2008.

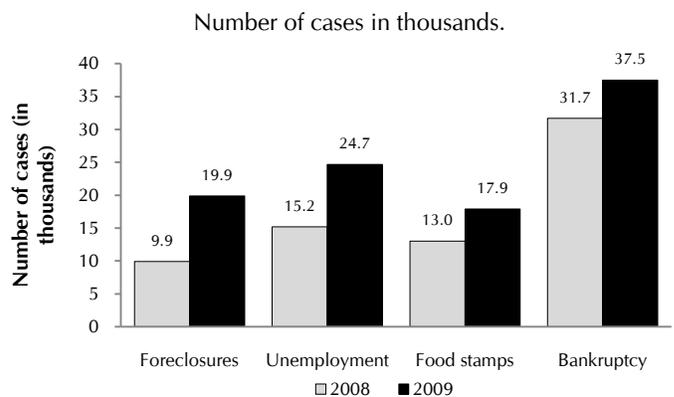
Economic climate, level of civil representation (full representation versus unbundled services, i.e., representation for dis-

crete parts of a case or matter), and resource allocation are significant issues that need to be considered. Further research will assist in the assessment of the breadth and depth of unmet civil legal needs of low-income persons in Alaska and across the nation.

Additional information including statistics from pro bono organizations describing lawyer participation, cases, and number of clients assisted, as well as additional information on poverty rates and maps of Alaska Court service locations, are available on the Justice Center website at http://justice.uaa.alaska.edu/forum/27/2/a_unmet2.html.

Barbara Armstrong is the editor of the Alaska Justice Forum.

Figure 1. Recession-Related Cases Handled by Legal Services Corporation Programs, 2008 and 2009



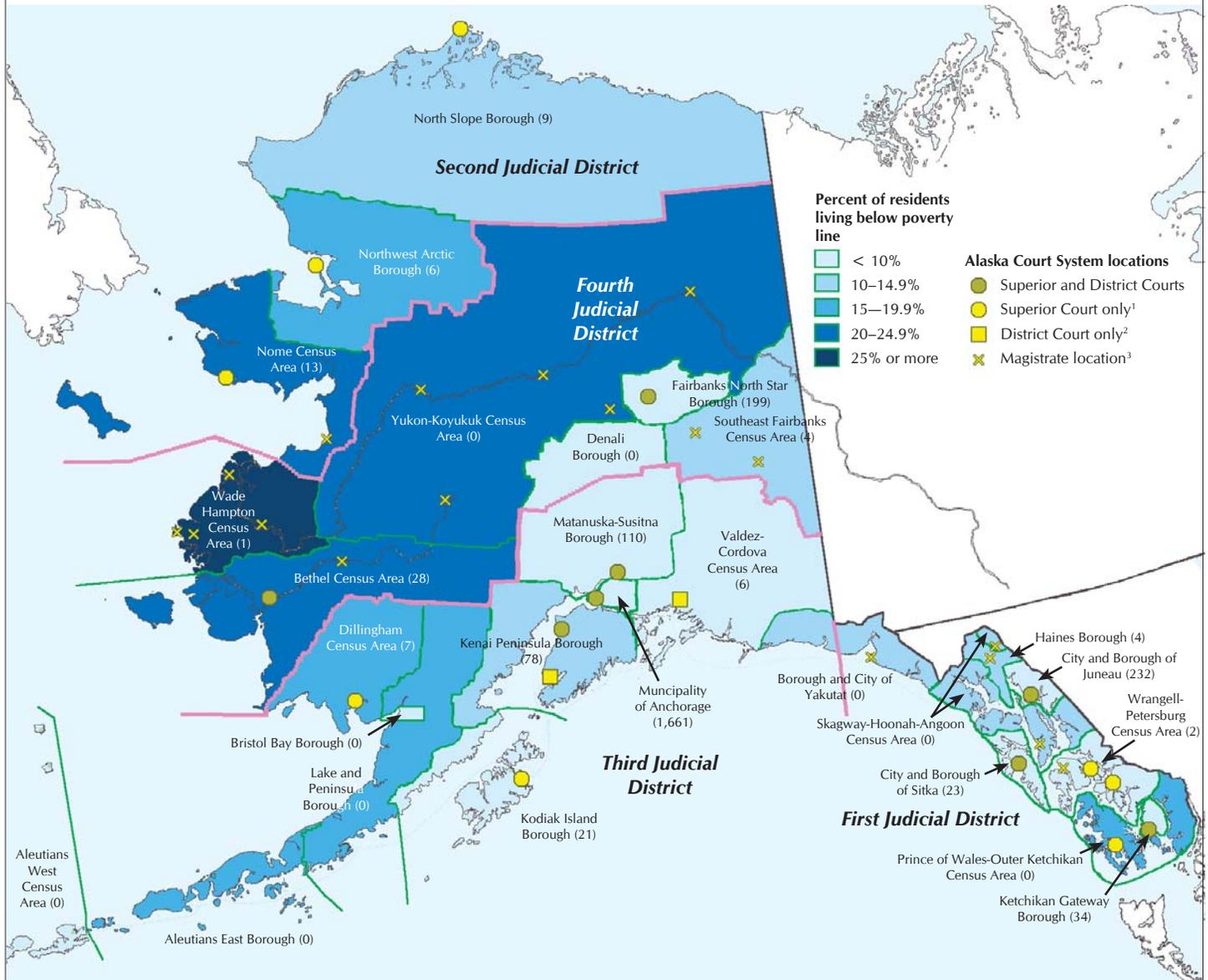
Source of data: Legal Services Corporation, 2009 Annual Report

Unmet Legal Needs in the U.S. and Alaska: Web Supplement

The following figure and tables were prepared for the Summer 2010 issue of the *Alaska Justice Forum*, but could not be included in the print edition for reasons of space.

Figure 2. Alaska Court Locations, Active Alaska Bar Association Members, and Poverty in Alaska by Borough/Census Area

Numbers in parentheses denote number of active Alaska Bar Association members resident in each borough/census area as of September of 16, 2010.



Note: Alaska Bar Association membership counts include judges of the Alaska Court System.

1. Craig, Petersburg, and Wrangell (First Judicial District) do not have resident Superior Court judges, but traveling Superior Court judges hold court in those in those three locations one week out of each month.
2. Judges travel to St. Paul and Sand Point (Third Judicial District) about once every other month.
3. Hooper Bay, McGrath, and Tanana (Fourth Judicial District) do not have resident magistrates, but magistrates travel to those locations once per month.

Sources of data: Alaska Court System (court locations as of September 27, 2010); Alaska Bar Association (bar membership as of September 16, 2010); State and Country Facts, U.S. Census Bureau (poverty rates as of 2008).

Table 8. Alaska Court Locations and Public Defender and Alaska Legal Services Corporation Offices

By judicial district, court type, and location as of September 2010.

Location	Alaska Court System locations			Office locations of:	
	Superior Court	District Court	Magistrate	Public Defender Agency	Alaska Legal Services Corporation
First Judicial District					
Juneau	x	x	x	x	x
Ketchikan	x	x	x	x	x
Sitka	x	x		x	
Craig	1		x		
Petersburg	1		x		
Wrangell	1		x		
Angeon			x		
Haines			x		
Hoonah			x		
Kake			x		
Skagway			x		
Yakutat			x		
Second Judicial District					
Barrow	x			x	
Kotzebue	x		x	x	x
Nome	x		x	x	x
Unalakleet			x		
Third Judicial District					
Anchorage	x	x	x	x	x
Dillingham	x			x	x
Kenai	x	x	x	x	x
Kodiak	x		x	x	
Palmer	x	x		x	
Homer		x			
Valdez		x			
Cordova			x		
Glennallen			x		
Naknek			x		
Sand Point		2			
Seward			x		
St. Paul		2			
Unalaska			x		
Fourth Judicial District					
Bethel	x	x	x	x	x
Fairbanks	x	x	x	x	x
Aniak			x		
Chevak			x		
Delta Junction			x		
Emmonak			x		
Fort Yukon			x		
Galena			x		
Hooper Bay			3		
McGrath			3		
Nenana			x		
St. Marys			x		
Tanana			3		
Tok			x		

1. Craig, Petersburg, and Wrangell (First Judicial District) do not have resident Superior Court judges, but traveling Superior Court judges hold court in those in those three locations one week out of each month.
2. Judges travel to St. Paul and Sand Point (Third Judicial District) about once every other month.
3. Hooper Bay, McGrath, and Tanana (Fourth Judicial District) do not have resident magistrates, but magistrates travel to those locations once per month.

Source of data: Alaska Court System (as of September 27, 2010); Alaska Public Defender Agency; Alaska Legal Services Corporation

Table 9. Program Statistics for Pro Bono and Related Programs in Alaska

Agency	Program(s)	Staff	Caseload	Funding
Alaska Immigration Justice Project (AIJP)	AIJP matches the client with a pro bono lawyer. As part of this program, the law firm of Ashburn & Mason represents undocumented children who are abused and neglected.	Executive Director and Supervising Attorney	<ul style="list-style-type: none"> In 2009: 22 asylum seekers and 3 children's cases. Averages about 20–25 cases per year, including undocumented children's cases. 	Joint application with ALSC and Alaska Pro Bono Program for IOLTA funds.
Alaska Native Justice Center (ANJC)	Assistance for victims of domestic violence and sexual assault, some representation for family law matters. Attorney services started in late 2009. Legal advocate services have been available since about 2007.	Staff attorney	<ul style="list-style-type: none"> Current case load is 20–25 cases. 	Grant funding from U.S. Department of Justice Office on Violence Against Women.
Alaska Network on Domestic Violence and Sexual Assault (ANDVSA)	Matches volunteer attorneys with DV and sexual assault cases.	Legal Advocacy Project Director/Project Attorney, mentoring attorney. 81 participating attorneys. Approximately 25 attorneys per year over the past 11 years have participated.	<ul style="list-style-type: none"> In 2009, 180 of 317 victims who applied for assistance were helped. 2000+ referrals since 1999. 	Federal grants. About 99% of funding comes from the U.S. Department of Justice Office on Violence Against Women (DOJOWV). ANDVSA is one of a few federal grantees to be continuously funded since 1999. Alaska state funding is scheduled for the first time and will begin in FY 2011.
Alaska Pro Bono Program, Inc. (APBP)	Accepts only those cases that ALSC is restricted from accepting. Three types of programs are in place that focus on the placement of a variety of pro bono unbundled legal services, i.e., discrete legal tasks, rather than full representation.	Executive Director and one staff attorney; both are part-time contractors, collectively equaling less than one full-time position.	<p>In 2009:</p> <ul style="list-style-type: none"> Cases placed with pro bono attorneys: 51 open cases, 24 placed in 2009, 1,061 volunteer hours. Direct unbundled legal services: Over 100 people assisted. Wills Clinic with Habitat for Humanity and Alaska Bar: 12 wills completed; 7 attorneys (18 attorney hours) and 4 paralegals (10 paralegal hours). Volunteer Lawyers in the Courtroom (Domestic Relations): November 2009 to August 2010: 60 volunteer hours. Average of 4 attorneys for every court session. Current pool of attorneys: 7. 	IOLTA — joint request with Alaska Legal Services Corporation and Alaska Immigration Justice Project. Will also be seeking donations.
Disability Law Center of Alaska (DLC)	Provides direct legal services for persons with mental/physical disabilities relating primarily to issues of abuse, neglect, and exploitation.	6 attorneys and 4 legal advocates	Active caseload year to year averages 150 total for all offices.	Federal funding through Protection and Advocacy grants. Under federal law, DLC is the designated "Protection & Advocacy" agency in Alaska. Each state was mandated by Congress in 1975 to have a P&A agency.
Family Law Self-Help Center (FLSHC), Alaska Court System	Statewide service to help people represent themselves in family law cases.	Family Law Resource director, family law staff attorney, four facilitators	<ul style="list-style-type: none"> Over 7,000 contacts annually. 	Alaska Court System
Volunteer Attorney Support Program, Alaska Legal Services Corporation (ALSC)	All Legal Services Corporation offices are mandated to have a pro bono component. This program accepts civil cases and assigns them to volunteer attorneys. Clients must be ALSC	Director of Volunteer Services and Community Support	<p>In 2009:</p> <ul style="list-style-type: none"> 1,607 hours donated 95 cases placed with pro bono attorneys 47 one-time consultations 86 cases closed 	Legal Services Corporation and IOLTA

Source of data: Contacts with described agencies, September 2010.