

Gap in low-cost legal help in Florida called a 'crisis'

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TAMPA -- Florida Bar President Ray Abadin says the inability of the majority of Floridians to afford legal representation is at "crisis proportions."

"Not having professional legal representation can have dramatic adverse consequences in any situation," Abadin said.

"It can be devastating to one person; it can have life implications for families. Not having a lawyer can be a very serious thing."

Abadin sits on the Florida Commission for Access to Civil Justice, which recently submitted its first report to the state Supreme Court offering suggestions for addressing the need, including a possible way to fund legal services.

Senior Judge Emerson R. Thompson Jr. said the problem has gotten more severe in recent years when the economy took a downturn and interest rates plummeted.

Thompson, the immediate past president of the state Bar Foundation, said the foundation's main source of funds to pay for legal aid, interest on attorney trust accounts, sank from \$22 million to \$5 million.

At the same time, thousands of Floridians faced foreclosure proceedings, threatened with losing their houses and needing legal representation.

"It is not just a lawyer legal problem," Thompson said.

"It is a social community problem... It's a problem that should be addressed by the Florida Legislature to get a continuous source of funding for legal services."

Although state statistics were unavailable, nationally, it is estimated that 80 percent of low-income people can't afford lawyers in civil matters such as divorces, wills, child custody and mortgage foreclosure cases.

Those people are forced to represent themselves in court, which can be a risky proposition.

And legal aid societies, which provide free legal representation to the poor, are perennially short on resources.

Even without that, they cannot represent middle-class people whose income disqualifies them from free legal aid but is not enough to pay for lawyers.

Richard C. Woltmann, president and chief executive officer of Bay Area Legal Services, in Tampa, said his office screens calls from some 60,000 potential clients each year from Hillsborough, Pasco, Pinellas, Manatee and Sarasota counties.

"We do not have the resources to handle 60,000 applications," Woltmann said.

"We screen and we triage. We accept those cases that are the most egregious and those cases where if we intervene we will have a significant, positive impact on the client's life."

In the end, they can accept about 10,000 of those 60,000 applications for representation, Woltmann said.

"We're turning them away because we do not have the resources to serve them," Woltmann said. "Some of those folks would be turned away anyway. If we had the resources, some of those people would be helped. There's so much need that I would say we would help thousands more."

The largest category of cases the office handles is family law cases involving issues of domestic violence or children at risk, Woltmann said.

"We don't handle a divorce because people can't get along with one another, although people, of course, need an attorney to get on with their lives."

Susan Miles Whitaker, staff attorney for the Legal Information Center of Bay Area Legal Services, gives guidance to people representing themselves in Family Court in Hillsborough County.

In March, the program, which started in October 2000, is projected to see its 100,000th visitor. People who seek help have different questions with various levels of complexity, Whitaker said.

Some want a divorce and need to know which forms to fill out. Some need to seek a change in child support.

Whitaker is not allowed to give legal advice at the center for a few reasons.

For example, the visitors might not meet the income requirements to receive free legal services.

And if she gave legal advice, she would be considered the visitors' attorney and would be subject to various rules, including a requirement that she make sure she hasn't advised people on the other sides of the disputes.

She said she frequently sees people who really need, but can't afford, a lawyer.

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