

TALLAHASSEE DEMOCRAT

Kristine Knab: Justice is a core value but not free

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The U.S. Constitution begins with the words: “We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defence ...do ordain and establish this Constitution for the United States of America.”

Our Founding Fathers identified justice as a core value, before tranquility, defense, general welfare, liberty and prosperity. In tandem with that prioritized value, we pledge our allegiance to our country with a promise of supporting liberty and justice for all.

Yet accessing justice in America is elusive to citizens who have no ability to navigate a complicated system on their own or to pay a lawyer to ensure their legal problem is fairly resolved.

Much has been written recently about rights afforded to citizens, with various analyses of which are more important. I would suggest that none of them matters if you are unable to enforce them. Unlike the recognized right to an attorney for people facing criminal charges, the only help for people facing other legal problems comes from attorneys providing free services as they are willing and able, or attorneys employed by nonprofit law firms that are supported by government and foundation grants and private contributions.

These organizations provide services to many people who, like criminal defendants, face loss of liberty, though of a different sort. For example, rather than incarceration in jails or prisons, domestic violence victims are imprisoned in their homes and by their abusers until they have the help of counselors, law enforcement and, eventually, the courts to free themselves.

Domestic and sexual violence victims have been belittled, humiliated and traumatized, rendering them unable to effectively seek legal solutions without the assistance of a lawyer.

Other legal aid clients are limited by resources, lack of education and lack of exposure and experience in questioning authority. Without a lawyer, many will lose their homes to foreclosure and eviction when they have a valid defense, be preyed upon by scam artists, not receive relief that is available after natural disasters and fail to receive a variety of financial benefits to which they are entitled.

Unfortunately, the funding for legal aid organizations has historically been grossly inadequate, and recently it has been on a steady decline. Studies over several decades (the last conducted in 2009) came to the same conclusion — 80 percent of the legal needs of low-wealth Americans were unmet. That was before the economy tanked and more people became eligible for services and before funds for serving them were reduced.

As a society, our inability to provide meaningful avenues of relief has numerous impacts:

- It undermines our democratic form of government.
- The rule of law loses relevance and we see people taking measures into their own hands, leading to increased criminal activity, endangerment of law enforcement and residents, and more funding needed to support the criminal court system.
- It increases dependence on public benefits and contributes to the rising income gap between low- and high-wealth Americans.
- It places a larger burden on over-taxed human service organizations.

The ability of legal aid lawyers to meet even a small portion of the need has been hampered, not only by cuts in inadequate resources but also by bureaucratic requirements that are not coordinated by multiple funders and that suck resources out of programs at the expense of services. Sadly, programs are not judged by results to clients but by factors such as whether their administrative support is too high or too low.

Justice in America is too important to be threatened by lack of resources.

If we want an orderly society, we must support a system that enables citizens to resolve their disputes through a fair and orderly process.

Funders must take responsibility for enhancing resources while holding organizations accountable without overly burdensome requirements.

Without civil legal help we will all pay a price.

How much are you willing to pay?

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