



Poverty Law

by John D. Whitaker

One of the bedrock principles of our legal system is the concept that we are all equal under the law. The system does try to honor this ideal, but the reality is that poor people cannot afford the kind of access to justice that a person with resources can get with a private lawyer. If an indigent person is charged with a crime, the state does provide a lawyer through the public defender program. But when a person with limited resources gets into a beef with his landlord, he is on his own. The landlord can afford a lawyer, and so guess how this usually turns out. If you can't afford to hire a lawyer to help you deal with a problem, you probably don't feel all that equal.

About the closest thing Wyoming has to a legal emergency room for poor people is the Legal Services of Wyoming program. In order to qualify for services the client must have an income at or below 125 percent of the poverty level established by the federal government. Presently a family of four with income below \$26,000 per year will qualify. This is not a lot of money, as the median income of a family of four in Wyoming today is \$62,000.

The type of cases in which Legal Services can provide assistance is limited. Most cases involve landlord-tenant disputes, income, consumer issues, protection of families and Indian law. They do not represent people in personal injury cases, class actions or any type of fee-generating cases. The Legal Service attorneys cannot obtain legal fees even where such fees are permitted by statute.

Their primary source of funding for Legal Services is through the Federal Legal Services Corporation. This funding is being cut to a point where the budget is not even keeping pace with inflation. The budget for Legal Services of Wyoming is so limited that the program has only four lawyers in three offices to cover the entire state. If you don't live in Lander,



Casper or Cheyenne, you are going to have to hit the road for help. This program is seriously underfunded. Wyoming is one of only five states that does not provide significant funding for legal services for indigent citizens. Last year the State of Wyoming provided only \$6,000 in funding for legal services, and that funding was restricted to providing legal advice to persons 60 years of age and older. The economy in Wyoming is holding up pretty well, but even in view of the economic expansion we are now enjoying, there are approximately 75,000 people in this state who would qualify for services under these guidelines. That is a lot of unequal people. Last year there were over 1,900 applications for services. Of those, only 300 cases received legal assistance to the conclusion of the case. Another 800 cases received limited services.

Poverty affects every facet of life for our less fortunate citizens. We have all heard the stories about poor people having restricted access to health care, but there is little said about the lack of access to legal services. Imagine a young mother who works nights at a convenience store. She would like to get custody of her two small children and protect them from her abusive alcoholic husband who terrorizes her by showing up to take the kids when the mood strikes him. She can't afford to hire a lawyer to attend to these pressing legal issues. Without a program like legal services she would be completely out of luck.

The people this program was designed to help include some of our most vulnerable citizens. This is not a situation where the state is funding sport litigation, but rather it is providing a vital service for our less fortunate citizens. The fact that Wyoming does not provide significant funding for this program is unconscionable. I would urge all of our legislators to consider allowing the state to help fund this deserving program. If you doubt the need for this program, just ask the clerk at your local convenience store if they could use a little legal help.

The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer's credentials and ability, and not rely upon advertisements or self-proclaimed expertise. This informative column is brought to you by John Whitaker who practices personal injury and criminal law throughout Wyoming. He can be reached at jw@wyoinjury.com or by calling his office in Casper at 265-6204.