

NEWS RELEASE

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FOR IMMEDIATE RELEASE

ASSEMBLY PANEL HEARS LEGAL SERVICES FUNDING PLIGHT

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EDISON – Bill and Barbara Bennes were in the throes of mental illness when their newborn daughter was taken away from them by the State. Even though they made significant strides in recovery over the years, the Seaside Heights couple was repeatedly rebuffed for some 15 years in their efforts to get back custody of the girl, now well into her teens. For them it was a nightmare – and a nightmare for the girl, too, who reportedly suffered abuse in foster care.

Miles away, in Camden County, Wanda and Broderick White just three years ago were bursting with elation when they were approved to acquire a house under a state program for first-time homebuyers. They had spent nearly 20 years in the City of Camden and now they were headed for a home of their own in Lawnside. Soon the elation would turn to consuming dejection as they faced the loss of their dream home – through no fault of their own.

The Benneses in Seaside Heights and the Whites in Lawnside are living examples of what happens when poor people who cannot afford legal help try to deal with their problems on their own and all too often don't get to first base. Ultimately, their problems were resolved with help from Legal Services of New Jersey and its regional offices. The two couples are among the fortunate ones, though.

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These days, Legal Services, tied down by heavy funding reductions, turns away two of every three poverty-plagued people seeking legal help for issues that likely could be handled in their favor.

The Bennes and Whites are no longer among the hundreds of thousands of financially-destitute New Jerseyans caught in the civil justice gap – people saddled with pressing legal problems but unable to afford or get a lawyer when fighting landlord evictions and foreclosures, seeking restraining orders against abusive mates, or confronting other serious legal issues, including child guardianship rights.

Today (May 23), at a hearing before the Assembly Judiciary Committee, Legal Services said its ability to help people in or on the brink of poverty with civil legal problems is being eroded because of severe funding reductions the organization has suffered. Deborah T. Poritz, chair of the Legal Services of New Jersey board of trustees, said that, as a result of funding losses, Legal Services in New Jersey is “facing a crisis.”

In fact, Legal Services said the twin on-going developments – more and more people seeking the organization’s help and funding shortcomings that result in fewer and fewer applicants being assisted – add up to an onerous result. Melville D. Miller, Jr., president of Legal Services of New Jersey, said that “Without question, Legal Services and New Jersey – and, most compellingly, people in poverty – are losing ground. The number of people denied access to justice is increasing, and each year we lose ground is another lost year for many in the next generation of New Jerseyans.”

Hard numbers tell just what losing ground amounts to. Two years ago, Legal Services was able to take on 69,000 cases. This year, that number will be no more than 55,000, a 21percent falloff. And, without getting some extra funding, the drop may be even more precipitous, officials noted. Dwindling funding is the driving force. In the last couple of years, Legal Services has had to eat about a 35 percent loss of its funding and consequently cut its staff from 710 to fewer than 500 – with more personnel cuts looming. The fallout, Legal Services said today, is that it is forced to decline representation to two out of every three applicants seeking and qualifying for help.

Clearly, the justice gap is widening, said Legal Services officials. A recent Legal Services report found there are at least 400,000 low-income adults in New Jersey who cannot afford lawyers to deal with their pressing civil legal problems. This is coming at a time when another recent Legal Services study reported there are nearly 2 million people in New Jersey – including almost 600,000 children – living in or bordering on poverty. Many of them reportedly are having a hard time putting enough food on the table.

Legal Services officials noted that failure to deal with the legal problems of low-income people can be a springboard for all sorts of other problems in the future that may ultimately cost society far more in the long run. What happens, for example, immediately and after to a family and its children when an eviction occurs or a home is lost through foreclosure? That point about the consequences of inaction was underscored during testimony before the Assembly Judiciary Committee.

What befell the Whites – after they obtained their house in Lawnside and came close to losing it over a mortgage agent’s mishandling of paperwork of the couple’s separate \$8,000 loan – was offered at the hearing as an example of how professional legal help usually makes all the difference to the outcome of a problem. In this instance, the Whites were on brink of losing their \$200,000 home over an \$8,000 loan because of the mortgage agent who, it was later discovered, had cheated many homeowners and was eventually cited for fraud and breach of contract. Wanda White says she and her husband could never have afforded a lawyer, and without the help from South Jersey Legal Services and Legal Services of New Jersey, the outcome would have been horrible. As she put it, “We probably would have lost our home.”

It was much the same for Bill and Barbara Bennes, who recall how they spent some 15 years fighting and imploring authorities to give them back their daughter. At times, they said, they were made to feel like “criminals. Then help came from Ocean-Monmouth Legal Services and Legal Services of New Jersey. We got such good help that, in a little more than six months, we had our daughter home,” says Barbara Bennes. “It was the best thing that happened in our lives.” Bill Bennes told the Legal Services staffers the speed with which they resolved the long-festering situation was amazing. “You guys performed a miracle in six months that nobody else could do in 15 years.”

Legal Services of New Jersey, located in Edison, is the coordinating office for the state’s system of Legal Services programs, which provide essential legal aid in civil matters to low-income people in all 21 counties.

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