

Legal Services

OVERVIEW

What is it?

A program that provides free legal services in civil matters.

Who is it for?

Individuals experiencing certain types of legal problems whose family income does not exceed 125% of the federal poverty guidelines.

Where are applications taken?

At local legal services offices.

INTRODUCTION

Legal Services provides free legal help in civil (noncriminal) matters to low-income people. The mission of all legal services programs is to promote equal access to the justice system by providing high-quality civil legal assistance to those who would be otherwise unable to afford legal counsel.

Legal Services programs receive most of their funding from the federal government, through the Legal Services Corporation in Washington, D.C. Other funding is from state, local and private sources. Federal laws place some restrictions on the types of cases that can be handled by Legal Services offices, and limited funding further restricts the availability of services.

BENEFITS/ SERVICES

Each Legal Services program sets its own priorities and criteria for accepting cases. However, most programs handle the following types of matters, either with staff lawyers and paralegals, or by referring the cases to local lawyers:

- *Government benefits.* Including problems involving Work First, Medicaid, Social Security, SSI, and Food Stamps.
- *Housing.* Including evictions and substandard housing cases in both public and private housing.
- *Consumer.* Including debt problems and problems with merchants.
- *Employment.* Including unemployment insurance cases and illegal job terminations.
- *Family.* Including domestic violence, child custody, guardianships, and wills.
- *Education.* Including school residency, discipline, and discrimination.

In most situations, clients can expect to receive advice about their problems from an attorney or paralegal. If the Legal Services program determines that the problem fits its acceptance criteria, the client may be offered representation in a negotiation,

administrative hearing or a court procedure, or other appropriate representation. Although the client may sometimes be responsible for certain expenses such as court fees, the attorney's or paralegal's services are free.

Volunteer Lawyer Program

Most Legal Services programs have insufficient resources to handle all of the legal problems of people seeking assistance. In many areas, the program is able to refer some of its clients to lawyers in the community who will also provide free legal assistance.

APPLICATIONS

Applications for Legal Services are taken at the local offices. In some cases, the initial interview is done by phone; in other cases the client is asked to come to the office. A client should call the program covering the county in which he/she resides, or the applicable special client program, to find out about the application procedures for the particular office. The programs and counties they serve are listed in Appendix A.

ELIGIBILITY REQUIREMENTS

General Eligibility Requirements

To be eligible for Legal Services, an individual must:

- Be a US citizen, a lawful permanent resident or an immigrant with another allowable immigration status. Undocumented immigrants can also be provided assistance if the problem is domestic violence;
- Have a civil (noncriminal) legal problem;
- Have a family income of less than 125% of the federal poverty guidelines (with certain exceptions noted below); and
- Not have available assets in excess of the resource limits.

Income Eligibility

The gross monthly family income of the applicant usually is limited to 125% of the federal poverty guidelines. The following figures reflect the poverty guidelines set in March 1999. They increase annually when the federal poverty guidelines change.

Family Size	Monthly Gross Income
1	\$ 858
2	1,152
3	1,446
4	1,740
5	2,033
6	2,327
7	2,621
8	2,915
Each additional person	add \$ 294

Exceptions can be made to these limits in certain situations. If a client has significant debts or other unusual circumstances, he/she may be eligible if the gross family income does not exceed 187.5% of the federal poverty guidelines.

Family Size	Monthly Income
1	\$1,288
2	1,728
3	2,169
4	2,609
5	3,050
6	3,491
7	3,931
8	4,372

Each additional person add \$ 441

Elderly (age 60 or older) can be served in some circumstances without regard to income and assets. This is the case when the Legal Services program receives special funding through the federal Older Americans Act to represent older adults.

Resource Eligibility

The following represent the maximum equity value (after subtracting liens or mortgages) in available resources:

Family Size	Maximum Limits
1	\$20,600
2	27,650
3	34,700
4	41,750
5	48,800
6	55,850
7	62,900
8	69,950

Each additional person add \$ 7,050

These resource limits do not include the family's principal place of residence or essential vehicles.

**NUMBERS
SERVED**

Legal Services programs in North Carolina served approximately 45,000 people in 1998. Of these, 40% were provided advice only, 21% were provided brief services, 12% were represented in administrative hearings or court, 7% were referred to another agency, 14% declined, withdrew, or became ineligible for services, 2% settled without litigation and 4% were categorized as other.

**PRIORITIZATION
SYSTEM**

Each Legal Services office establishes its own priority system for the types of cases it will handle, if insufficient funds are available to handle all the individuals seeking assistance.

APPEAL RIGHTS

If a client is dissatisfied with the manner or quality of services he/she has received or has been denied service, he/she can file a grievance with the program director. This is an informal complaint procedure handled differently by each program director.

A client who is dissatisfied with the resolution of the grievance proposed by the program director in a case involving the manner or quality of services can make a further complaint to the program's Board of Directors. The client will be given the opportunity to submit oral and written statements to a grievance committee of the local program's board of directors. There is no board involvement in cases involving the denial of services.

If a client is still dissatisfied with the resolution reached by the director or board grievance committee, he/she may submit a complaint to the grievance committee of the Legal Services of North Carolina, Inc. Board of Directors. That committee will review only whether the procedures for handling the complaint at the program level were proper. It will not review the substance of the complaint.

State Bar Complaints

A client who believes that a Legal Services attorney has failed to meet his/her professional or ethical obligations, can make a complaint to the NC State Bar. The NC State Bar is the organization that licenses and disciplines lawyers. A formal investigation will follow in which the State Bar will determine if the complaint has merit. If it determines the complaint has merit, a formal disciplinary proceeding will follow.

FINANCING

Legal Services programs receive funding from three primary sources: the federal government (55%), Interest on Lawyers Trust Accounts (IOLTA) (13%), and the state (16%). A small amount of funding is received from Title III and grant funds (16%).

ADMINISTRATION

The program is administered on the national level by the Legal Services Corporation, an independent, non-profit corporation established by Congress in 1974. In North Carolina, there are four separate programs which, in combination, provide legal services to all 100 counties. A listing of all the offices is located in Appendix A.

- **Legal Services of North Carolina, Inc., (LSNC)** is made up of 12 geographically based "field" programs located throughout the state. In addition, there are two statewide, special client programs focused on the problems of farmworkers and persons with mental health disabilities. LSNC serves the following counties: Alamance, Alexander, Alleghany, Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Chowan, Clay, Cleveland, Columbus, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Jackson, Johnston, Jones,

Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Polk, Randolph, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Swain, Transylvania, Tyrrell, Wake, Washington, Watauga, Wayne, Wilkes, Wilson, and Yancey.

- **Legal Services of the Southern Piedmont** in Charlotte serves the following counties: Cabarrus, Gaston, Mecklenburg, Stanly, and Union.
- **North Central Legal Assistance Program** in Durham serves the following counties: Durham, Franklin, Granville, Person, Vance, and Warren.
- **Legal Aid Society of Northwest North Carolina** in Winston-Salem serves the following counties: Davie, Forsyth, Iredell, Stokes, Surry, and Yadkin.

SOURCES OF LAW	Federal statute:	42 USC 2996 et. seq.
	Federal regulations:	45 CFR 1600 et. seq.
	State statutes:	NCGS 7A-474.1 et. seq.
	State regulations:	none

**FOR MORE
INFORMATION**

Legal Services of North Carolina, Inc.
224 S. Dawson St.
PO Box 26087
Raleigh, NC 27611
(919) 856-2564

Legal Services of Southern Piedmont
1431 Elizabeth Avenue
Charlotte, NC 28204
(704) 376-1600

Legal Aid Society for Northwest North Carolina
216 W. Fourth St.
Winston-Salem, NC 27101
(336) 725-9166

North Central Legal Assistance Program
PO Box 2101
Durham, NC 27702
(919) 688-6396

North Carolina Lawyer Referral Service
1-800-662-7660

The referral service is operated by the NC Bar Association; it will provide a client the name of a lawyer who will discuss the client's legal problem for one-half hour for not more than \$30. Additional legal work may be contracted for the lawyer's going rate.

