

# Examining Access to Justice in Missouri

## Report Highlights

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### Profile of Poverty in Missouri

- In Missouri and much of the nation, the biggest growth in poverty has occurred in the suburban areas around urban centers. The new poor are formerly middle class households dragged into poverty by unemployment, foreclosures, and uninsured medical costs. They may be more inclined to seek legal resolutions to problems than the traditional poor.
- Missouri's children increasingly live in poverty. Their poverty rate grew by 39 percent over the last decade. Almost 27 percent of children live in households at the 125 percent of poverty level.
- Children with disabilities are a very vulnerable group; one in three children with a disability lives below the poverty level.
- One of the most vulnerable groups in Missouri is female-headed households with children; this group's poverty rate is 40 percent.
- While a safety net does exist to serve the needs of veterans, veterans from the most recent Gulf War and those from the Vietnam era are vulnerable to living in difficult circumstances. They have legal needs that are not being met adequately, particularly regarding family cases and consumer finance matters. The trauma they experienced while serving has enduring impacts, leaving many with disabilities and an incomplete safety net.
- About half of impoverished individuals work, almost nine percent full-time and 35 percent part-time. They may have to choose between paying for legal representation or for basic necessities.

### Legal Needs of the Poor in Missouri

- Based on a 2002 study and 2010 poverty counts, low income households in Missouri have more than 625,000 legal problems requiring resolution.

### Missouri Legal Aid Services

- In 2011 legal aid offices were able to accept 50 percent of the applications they received or 21,531 applications.
- Already a high volume area, housing saw a significant increase from 2009-2011, growing by almost 30 percent in cases closed.
- From 2009 to 2011, Missouri's four legal aid offices closed 54,555 cases.
- Comparing cases closed to estimated legal need indicates 91 percent of the legal problems of Missouri's poor are not being resolved with direct assistance from legal aid offices.

### Courts and the Economic Downturn

- Since the onset of the economic downturn in 2007, overall case activity has decreased. However, filings on case types associated with economic hardship, after increasing significantly, have now stabilized at a level of 10,000 cases above where they were prior to the downturn.

### **Missouri Court Accommodations for Low Income Households:**

1. During fiscal 2011, more than 2,200 motions to proceed *In Forma Pauperis* were filed in Missouri courts; three-fifths of them were in family cases.
2. Self-Representation
  - In 2011, of 4,921 respondents to a questionnaire about Missouri's 'Representing Yourself' website, 48 percent indicated they would not use an attorney because it was too expensive.
  - Applying this 48 percent to the 76,973 *pro se* filers in fiscal 2011, suggests 36,947 of them could not afford an attorney.
  - Results of a national survey of judges indicate self-representation is associated with increases in procedural errors, failure to present necessary evidence, ineffective witness examination, failure to properly object to evidence, and ineffective arguments.
  - In such situations, judges struggle to maintain impartiality while preventing injustices and clerks try to assist *pro se* parties to correctly complete forms while avoiding giving legal advice.
  - Similar to national observations on comparisons to non *pro se* filers, *pro se* filers in Missouri tend to have a higher proportion of judgments against on their cases involving family, housing, and consumer finance matters.

### **Alternative Resolutions to Legal Problems in Missouri**

- Individuals without access to legal aid or financial resources to hire an attorney often wait years to resolve their problems, putting themselves and their children in insecure living environments.
- Individuals who seek help at domestic violence and homeless shelters have low levels of functional and financial literacy, which compounds their legal problems. Even if a legal resolution is found for a problem such as unmanageable debt, individuals may lack the skills to avoid having the same problems in the future.

### **Economic Benefits of Legal Aid in Missouri**

- According to a 2009 study, every dollar spent on legal aid results in \$1.84 in additional benefits (primarily through federal transfer payments).
- The benefits are derived from \$7.1 million in Social Security and Supplemental Security Income and \$6.8 million in federal operating grant.
- The resulting economic stimulus amounted to \$24.9 million in new jobs and sales.
- Legal aid offices helped clients obtain \$4.5 million in Medicare and Medicaid benefits and saved an estimated \$3.7 million in avoided costs associated with domestic violence.

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Complete report available at: <http://www.courts.mo.gov/file.jsp?id=56601>

If you wish more information on how to help people in need of access to justice,

Visit the Judges' Tool Kit on Pro Bono Legal Assistance at – <http://www.courts.mo.gov/page.jsp?id=4975>

Visit The Missouri Bar Pro Bono website at – <http://www.mobarprobono.net/>

Email the Supreme Court Committee on Access to Family Courts at [CAFC@courts.mo.gov](mailto:CAFC@courts.mo.gov)