

**Promoting Client Involvement
In the Legislative Process
At Connecticut Legal Services**

History of Legal Services:

Congress established Legal Services Corporation (LSC) in 1974 as a private, non-profit to assure equal access to justice. (5/8/00, Retrieved from: <http://www.lsc.gov/>)

The incorporation of LSC provided federal funding for the longstanding neighborhood legal service offices, which were initially established under the Johnson Administration's "War on Poverty".

The development of neighborhood legal services offices was closely linked with the settlement house movement. At the same time that Jane Addams was developing Hull House in Chicago (1889) the Legal Aide Society was developing neighborhood law clinics in New York City. The link between settlement houses and early neighborhood law clinics makes great sense. Both movements focused on improving the plight of the poor by providing direct services. Both movements worked on issues regarding wages, working conditions, and housing problems. In fact, many settlement houses hosted legal clinics or secured their own elite private attorneys. (Davis, 1994.) In fact, Clarence Darrow was the in-house attorney at Hull House in the early 1900s. (Adelman et al, 1998.) It is also interesting to note that the Settlement House movement took the lead in social and legal reform during the Progressive Era, not the Legal Aide Society. (Davis, 1994.) The strength of the link between social workers and poverty lawyers has varied over time. As social workers became proactive during the Progressive Era, lawyers

distanced themselves. During the Great Depression and the War on Poverty, social workers and poverty lawyers worked in tandem once again.

In 1996, Congress established limits on the type of civil matters that LSC offices may take. These limits include total prohibitions on class action suits, cases challenging welfare reform, collection of attorneys' fees, rulemaking, lobbying, litigation on behalf of prisoners, representation in drug-related public housing evictions, and representation of certain categories of aliens. The Supreme Court recently held that the provisions prohibiting efforts to challenge existing law in welfare reform cases is unconstitutional. (Legal Services Corporation v. Velazquez, 531 U.S. __ (2001).) Justice Kennedy, writing for the 5-4 majority, stated that Congress was not originally required to create these offices but having done so cannot legally restrict their litigative ability in welfare challenges. Still, the other restrictions mentioned above remain in place.

Current Legal Services Programs in Connecticut

Connecticut responded to the 1996 limits on LSC offices by funneling the restricted federal dollars to a statewide intake system, thereby letting the local offices continue to do the forbidden work of class action suits, welfare reform cases, and lobbying. The agencies providing legal services to the poor in Connecticut are Statewide Legal Services, New Haven Legal Assistance, Greater Hartford Legal Assistance, and Connecticut Legal Services (CLS) (serving all areas except New Haven and Greater Hartford).

Statewide Legal Services receives all of the LSC dollars in Connecticut. Statewide offers a hotline intake system that funnels income eligible clients to the legal assistance program that serves the clients geographic area. The statewide program also

offers advice and support for low-income individuals who are representing themselves. The other legal services offices assist clients with legal issues involving unemployment, state and federal welfare benefits, divorce, custody, child support; housing, and special education.

A statewide office for legislative and policy work was also carved out. The Legal Assistance Resource Center (LARC) is the lobbying arm for Connecticut Legal Services. It works in collaboration with Greater Hartford Legal Assistance and New Haven Legal Services. LARC developed Connecticut Alliance for Basic Human Needs (CABHN) in 1992 to do advocacy and grassroots work for Connecticut Legal Services. LARC and CABHN share the same executive director and governing board. CABHN came into being under the theme "Investing in People," and operates with one full time staff person, Deborah Noble, who serves as a community liaison. Both CABHN and LARC have worked on strengthening the connection between poverty lawyers and social workers in Connecticut.

Current Need for Client Participation

The current trends surrounding welfare necessitate a revitalization of grassroots organizations. During the war on poverty, the National Welfare Rights Organization organized and mobilized aide recipients to fight and win significant changes in the administration of welfare. Unfortunately, by the 1970s, the National Welfare Rights Organization was bankrupt and slowly faded out of existence. Once again, it is important to mobilize recipients so their voices are heard as Temporary Assistance to Needy Families (TANF) goes through the congressional reauthorization process in 2002. This mobilization is building both locally and nationally through organizations such as

Welfare Made A Difference and Mothers for Justice, which will be discussed more further on in this paper.

When TANF was initially passed in 1996 under the Personal Responsibility and Work Opportunity Reconciliation Act, it stripped away the entitlement right to aid and instituted strict time limits and mandatory work requirements. Welfare programs have been devolved into state block grants, giving states wide discretion in their welfare programs, and even allowing the use of TANF dollars for non-welfare programs. On top of these draconian measures, the Bush Administration's proposed budget calls for large cuts in social service programs to finance the \$1.6 trillion tax cut for fiscal year 2002.

Among the programs slated for reduced or flat/insufficiently adjusted for inflation funding are:

- Supplemental Nutrition Program for Women, Infants, & Children (WIC);
- School Lunch Programs (Though a new initiative to explore if ineligible children are fraudulently receiving free meals is funded.);
- Even Start - a program aimed at encouraging continuing education of low income families with young children;
- Head Start - a federally funded program offering part-day and full-day preschool for low income children;
- TANF Supplemental grants for states with disproportionate number of welfare recipients, (zero funded);
- Child Abuse Prevention and Treatment Program;
- Public Housing; and
- Work Investment Act programs.

(Center for Community Change, Policy Alert 228.) Clearly, all of these programs have a direct impact on the quality of life available for low-income families.

In addition, the types of legal remedies available to lawyers are decreasing. With the removal of entitlement rights and the increase in discretionary decision-making, due process claims are losing their impact. Before the Personal Responsibility and Work Opportunity Act, lawyers could argue that all income eligible individuals had a right to federal assistance through Aid to Families with Dependent Children. Now there is no guaranteed right to assistance for eligible individuals. Before the devolution of welfare programs, federal regulations set standards for screening clients and disseminating benefits. Now each state can choose how to run its own welfare program, and can set eligibility and benefit guidelines. Lawsuits cannot be counted on to defend the rights of the poor. Organized public action will be necessary to protect the interests of low-income individuals.

CABHN and Client Participation

CABHN works with benefit recipients, low-income individuals, staff and clients of social services programs, and welfare advocates. In collaboration with the above named groups, CABHN pushes for funding and programming around issues facing the low-income community in Connecticut. CABHN orchestrates a free monthly newsletter, monthly statewide meetings, and regular community outreach and educational events. Typical outreach sites include domestic violence shelters, homeless shelters, food pantries, and alternative incarceration centers. Outreach programs are directed at both staff and clients, and include basic information about relevant policies, programs, and legislation as well as a piece called "How to Get Your Legislator to Listen: A Guide to Taking Charge." (See attached.)

Client participation in system advocacy is an ongoing challenge for CABHN and Deborah Noble, Community Liaison. The majority of people subscribing to the newsletter and attending the meetings are service providers, policy workers, and lobbyists; NOT legal services clients/welfare recipients. Ms. Noble attributes a large part of this to the changing work requirements for welfare recipients. (Personal interview, 5/2/01.) Recipients who once had the opportunity to participate in grassroots organizations now must find work in addition to meeting the needs of their families and pursuing training, education, or community involvement. Ms. Noble also notes that there is an overall decrease in "social capital." (*Ibid.*) This term refers to the connectedness of communities, and can be measured by the number of community agencies and the frequency and nature of contact between people within the community.

CABHN is adapting to the new difficulties caused by welfare reform and the decline of social capital. After the 2001 Connecticut legislative session completes, CABHN will be going through a strategic planning process with the goal of revitalizing social capital. Current ideas include the development of a web-based community. Technology allows people from across the state and across the country to connect with each other. CABHN is planning to launch a homepage, host a listserv, and develop an "e-group" to which only current and prior benefit recipients may belong. Other states have similar web-based communities, and have found that internet access and computer literacy were not a problem for this population. (Slater, 5/10/01 retrieved from <http://www.lincproject.org/digdiv.htm>)

Current CLS/CABHN Shortfalls

Currently, Connecticut Legal Services regional offices do not adequately utilize their association with CABHN. The Case to Cause advocacy schema is not part of CLS. Attorneys do not follow up on the links between individual cases and the overall socio-economic milieu surrounding their clients. Clients are not informed about CABHN or referred to their meetings or advocacy trainings. CABHN newsletters and pamphlets are not always available or, in some cases, present in the CLS offices. CABHN materials are not a part of the outreach done by the branch offices of CLS.

The only time CLS attorneys promote client involvement in the legislative process is when the attorney is lobbying on an issue or thinks legislative intervention is appropriate. When advocates use client participation as a tool, the nature of the experience for the client is not considered. This limited scope does not encourage clients to develop their own political voice or learn how and why they might want to engage in the legislative process. This is a critical gap in services.

Much of the life of a welfare recipient is governed by regulations and policies. There are administrative exemptions available for many of the regulations, but these often require the intervention of an advocate. The most successful advocates are the caseworkers in congressional offices or the clients' own Representative or Senator. By not informing clients about this option, or helping them develop a political voice, attorneys limit the potential power of their clients.

It is also important to note that voter registration materials are available within the offices, but attorneys generally do not talk with clients about registering or voting.

Models for Improving Client Participation

The Welfare Made a Difference Campaign (WMAD) offers a national model for the use of computer technology in organizing. This campaign was able to shut down a proposed Ricki Lake show on "How I Use Welfare to Live in Luxury." An action alert was sent out via email to all WMAD subscribers, urging everyone receiving the alert to call the Ricki Lake comment line, and pass along the alert. Within 24 hours of the alert, the Ricki Lake show agreed to pull the program.

In Connecticut, Mothers for Justice, is an active group of welfare recipients from New Haven. This group has mobilized for rallies, public hearing testimony, and press conferences. With pressure from Mothers for Justice, legislation allowing welfare recipients to participate in post secondary education and training is likely to pass this session. CABHN can build on the local model of Mothers for Justice, and the national model of WMAD.

Suggestions for Improvement:

To counter the onslaught of policy reforms and program cuts, CABHN will need to present a strong front and creative recruitment strategies. Best practice ideas for client involvement can be gleaned the scores of grassroots organizing associations working on welfare issues across the country (see previous section.) Other groups who are focusing on enhancing client participation in the legislative process can also offer practice tips. Such groups include the Blue Ribbon Commission, and the work done within clubhouses to activate persons with mental illness or retardation.

A good first step for improving client participation is the use of focus groups to learn what issues benefit recipients are interested in knowing more about, what their current level of knowledge and political activity is, and what they need to be comfortable

as they move toward political activism. These focus groups should be a part of CABHN's strategic planning so that the feedback from the group can be used to set the agenda.

Another early step is to increase awareness of CABHN by the CLS attorneys. Every month, all of the attorneys working on benefits issues from Statewide, Greater Hartford, New Haven, and CLS, get together. This would be a perfect opportunity for Noble to hand deliver the newsletter, share the upcoming agenda for the CABHN meeting, and encourage attorneys to pass CABHN literature on to all new intakes. Advocates should also take this opportunity to share the tenor and type of cases they are seeing and give suggestions for CABHN activities.

A simple improvement would be the incorporation of CABHN materials to every outreach done by CLS. Whenever attorneys talk about the legal remedies and advice available, they should also mention the opportunity for people to organize for change.

An improvement that is likely to grow out of the ideas previously discussed is the development of a mindful approach to recruiting clients to testify. This legislative session client recruitment was done via email. While this is a good medium for getting information out, it is not an effective way of generating clients for testimony. Attorneys receive scores of emails every day. It is easy to ignore requests for the time consuming process of selecting and preparing clients to testify.

During all of the public hearings, press conferences, and lobby days that CLS was involved in during the current session, only one client participated. Credit for recruiting this client can be attributed to one advocate's personal values around participation in the political process, as there was no agency wide effort to recruit or involve clients. The

CLS system was unprepared for organizing client testimony, though this is something that occasionally occurs. The logistics were nightmarish:

- generating written testimony for the client,
- getting the requisite 75 copies,
- having someone available to put the client's name on the informal list (begins when the first person arrives at the capitol, around 5:00 am) and the formal sign up list (available at 9:30 am in this situation);
- finding transportation to and from the Legislative Office Building in Hartford.

However, witnessing the client sharing her own words made all of the work worthwhile. More time and consideration needs to be put into getting more clients to the capitol. Clients should have a larger role in deciding who testifies and how the logistical struggles will be overcome.

A final suggestion for improvement is the development of tools to track CABHN's success in generating client involvement in the legislative process. Anecdotal information is all that currently exists to document CABHN's work. While this information is heartening, it needs to be bolstered by quantitative and qualitative data. Clear documentation will help CABHN learn about the effectiveness of its work, give direction for future growth, enable the program to stand as a model for other organizations, and aide in the pursuit of funding.

References:

Adelman et al, (1998) The Pullman Strike Yesterday, Today, and Tomorrow. 33 J. Mar. LR. 583.

Center for Community Change. Policy Alert 228.

Davis, Martha. (1994) Brutal Need. Reprinted in *Cases and Materials on Poverty Law Theory and Practice*. ed: J. Nice, L. Trubek. West Publishing Co.: St. Paul. (1997)

Legal Services Corporation. Homepage, <http://www.lsc.gov/>

Slater, Dirk. "Low-Income Grassroots Organizations Work to Close the Digital Divide." 5/10/01 retrieved from www.lincproject.org/digdiv.htm