

THE SHRIVER REPORT

A Woman's Nation Pushes Back from the Brink
A Study by Maria Shriver and the Center for American Progress

JANUARY 2014 Edited by Olivia Morgan and Karen Skelton WITH ROBERTA
HOLLANDER, DANIELLA GIBBS LEGÉR, AND LAUREN VICARY BECKY BELAND,
MELISSA BOTEACH, AND KATIE WRIGHT

Shriver, Maria (2014-01-11). The Shriver Report: A Woman's Nation Pushes Back from the
Brink (Kindle Locations 2-8). RosettaBooks. Kindle Edition.

Women and Poverty: The Role of Lawyers and Family Law

By JOHN BOUMAN, president of the Sargent Shriver National Center on Poverty Law, and WENDY POLLACK, founder and director of the Women's Law and Policy Project at the Shriver Center.

During the Shriver Center's many years of representing women in poverty, we have learned that these women often have family and relationship pressures and crises that threaten their basic economic survival. Those problems underlie or even cause other legal problems, such as job loss, eviction, lack of child support, and personal safety issues.

Dealing with all of these underlying family and relationship issues is often at the heart of sorting out other legal concerns. Successfully addressing the problems would allow these women to get on a path to stability, upward mobility, and a decent quality of life, but doing so heavily depends on whether they have competent lawyers to assist them. Yet that isn't as simple as it sounds.

Lawyers representing women in poverty come from underfunded legal-aid programs or from volunteer programs that provide pro bono private attorneys. The largest source of federal legal-aid funding is from the Legal Services Corporation, or LSC. The LSC wisely allows local program boards to set priorities among the many competing legal needs in their communities, but the distribution of scarce resources often leaves women's family-law issues short-staffed.

LSC and state bar groups have conducted "legal needs" studies¹ to discover the issues for which low-income people need lawyers. These studies show that attorneys handle less than half of the family-law matters presented by low-income clients in which an attorney is required. Often the clients represent themselves, sometimes using so-called self-help articles or brochures. LSC's report presents further evidence of what common sense tells us: Self-represented clients are at a distinct disadvantage, especially when they are up against an adversary with an attorney. They fail to assert their own rights and defenses, they fail to effectively present their side, and they lose.

An even sadder truth is that women often do not even know that they have any rights in the first place or what those rights are, let alone how to access legal information or representation. Justice in those cases is accidental or absent altogether.

Today, there are nowhere near enough lawyers to meet the needs of the low-income population, and that is a genuine crisis in our justice system. Congress and state legislatures must step up their efforts to fund and staff poverty-law programs adequately. At the same time, bar associations, law firms, law schools, and court systems must continue to develop and expand successful programs for new volunteer attorneys.

One example of such a program is the **Harriett Buhai Center for Family Law** in Los Angeles, which not only offers legal representation on family-law matters, but also educates women on marriage, divorce, child-custody, and child-support law. It operates on a volunteer-lawyer model that can and should be replicated around the country.

In addition to beefing up the poverty-attorney corps, there are policy and systemic solutions that would prevent, ameliorate, or solve many family and relationship issues if they became law or established practice in our states. We have seen proof of this around the country already:

- Lawyers representing women have been responsible for important systemic changes such as no-fault divorce, child-support collection systems and the Violence Against Women Act;
- More than 20 states have passed laws protecting the workplace rights of domestic and sexual violence survivors;
- A number of states have beefed up tenants' rights already on the books, with additional rights for tenants who have survived domestic or sexual violence;
- Illinois has passed a law promoting the educational rights of students who are pregnant or parenting or are survivors of domestic violence;
- Some states have changed their child-support collection systems to foster cooperative parenting and to help well-intentioned low-income fathers succeed, rather than just punishing them by default.

But much more is needed in many more states.

Developing such family-friendly, women-friendly policies and practices is as important as representing low-income women in individual cases. But many states do not have legal organizations with the capacity for policy advocacy on behalf of women in poverty. ⁹ Building that capacity is an important part of helping low-income women— indeed, all women— deal with family and relationship matters.

The message is clear. The legal system itself and access to it is an important way for a caring society to help women climb their way out of the poverty trap— or avoid it in the first place.

Shriver, Maria (2014-01-11). *The Shriver Report: A Woman's Nation Pushes Back from the Brink* (Kindle Locations 2235-2239). RosettaBooks. Kindle Edition.

The Shriver Report: Acknowledgements

Countless colleagues have guided us along the way. For their input throughout the phases of developing this report, we thank Karen Anderson from the Hamilton Project; Michele Jolin from the Center for American Progress; Ron Haskins at the Brookings Institution; Bob Greenstein and his team at the Center on Budget and Policy Priorities; Dr. David Gray at the New America Foundation; Donna Cooper; Shelley Waters Boots; Jodie Levin-Epstein at the Center for Law and Social Policy; Debbie Weinstein at the Coalition on Human Needs; Mark Clapham; George Sheldon, Acting Assistant Secretary for the Administration for Children and Families under the U.S . Department of Health and Human Services; AnnMaura Connolly of City Year; Suzy George at Albright Stonebridge Group; Anmarie Widener of Georgetown University; Kirsten Lodal and Molly Day at LIFT; Heidi Hartmann and the Institute for Women’s Policy Research; John Bridgeland of Civic Enterprises; Wendy Spencer and Mary Strasser at the Corporation for National and Community Service; Karen Baker at CaliforniaVolunteers; Walter Dellinger at O’Melveny & Myers LLP; Commissioners Chai Feldblum and Victoria Lipnic of the Equal Employment Opportunity Commission; Vin Weber, Adam Mendelsohn, and Alan Elias at Mercury Public Affairs; **Betty Nordwind at the Harriett Buhai Center for Family Law**; and Alix Burns of Bay Bridge Strategies.

Shriver, Maria (2014-01-11). *The Shriver Report: A Woman’s Nation Pushes Back from the Brink* (Kindle Locations 6130-6135). RosettaBooks. Kindle Edition.