



**Public Welfare**  
FOUNDATION

**PROGRAM NEWSLETTER**  
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## **INVESTING IN CIVIL LEGAL AID**

How foundations can maximize their programming impact

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**In Part I of the Public Welfare Foundation's e-newsletter, we described the need for civil legal aid, the sources of civil legal aid funding and the gap between the need and the supply of resources and programs. This e-newsletter focuses on what private philanthropy is doing and can do to help fill the void.**

Shortly after Greg Hall joined the California Endowment as a Program Officer more than a decade ago, he was given a portfolio that included grants to legal aid organizations. Hall, now the Endowment's Director of Program Quality and Effectiveness, admits that his first reaction was, "Why would a health foundation be funding a bunch of lawyers?"

But as he spent time with these grantees in the field and saw their results, he was quickly converted.

Take the case of "Stacy" (not her real name), who was sued by a collection agency for failing to pay medical bills after a stay in an Orange County, California hospital in 2008. Stacy had applied for the county's health program while she was in the hospital, and was denied because she qualified for Medi-Cal, the state's Medicaid program that serves low-income families, seniors and people with disabilities, among others.

She sought help from the Orange County Health Consumer Action Center, a partner with the Endowment-funded Health Consumer Alliance (HCA) that provides legal services to consumers having difficulty with local or state-based health care systems. Stacy's HCA advocate helped her

confirm that she had been enrolled retroactively in Medi-Cal for the time that she was hospitalized. When that information was presented to the judge, the case against her was dismissed.

But the lessons from Stacy's case and others whose eligibility had been questioned or who faced excessive billing because of problems with implementation of Medi-Cal policies and regulations across the state were also used to make system-wide changes and improvements.

The Western Center on Law & Poverty (WCLP), another HCA partner, told California legislators about unfair practices, leading to passage of a law that addressed some of Medi-Cal's billing issues. In addition, WCLP worked with the Department of Health Care Services to reform how hospitals bill consumers for services.

The value of these legal assistance groups, as Hall summarizes, is their ability to have impact at multiple levels: with individual clients, local health system administrators, county and state agency staff, elected officials and other policymakers and leaders.

"We fund 'community lawyers' at legal aid organizations because they get results," Hall says. "They not only resolve specific problems that low-income individuals and families encounter, but they also rigorously document those client experiences and then advocate for sensible policy, systems and administrative changes that ultimately benefit everyone."

Providing legal aid in civil matters is an important way for foundations to help low-income people for whom the stakes, while different than in criminal cases, are still very high. Losing government benefits, a car, a home or custody of a child can be just as devastating as the loss of personal freedom. And the cost of a legal battle to resolve a civil case can drive someone further into poverty.

At a time when the number of people in poverty has increased and funding for civil legal aid at the federal and state levels has decreased, support from private philanthropy can be a crucial way to maintain the programs that foundations are working so hard to provide.

"As funders, we want investments in our programmatic areas to be sustainable," notes Mary McClymont, president of the Public Welfare Foundation. "Adding this strategy as a tool in our toolbox can help strengthen and preserve our programs. This is true in most program areas where funders work, including affordable housing, health, income security, children and families, as well as other programs...Civil legal aid is a strategy that can bring added value and complement whatever else we as funders are doing to achieve impact."

The MacArthur Foundation came to that conclusion at least a decade ago when it decided to fund legal services as part of a broad effort to preserve affordable rental housing in Chicago and in other areas around the country.

Mijo Vodopic, Program Officer for Housing in U.S. Programs at MacArthur, says that the Foundation has long worked with legal groups such as the National Housing Law Project and the Shriver National Center on Poverty that are trusted by tenant groups. These groups are also able to navigate the regulations and procedures of government agencies—giving them credibility with both sides.

Working with reputable organizations and recognizing that meaningful policy change takes time are critical aspects of civil legal aid work and important lessons for foundations to understand, says Vodopic.

“You need top [legal] talent and you need to be patient,” he advises funders, “because it may take some time to see some wins, so you need to be able to stick with it for a while.”

That has been the experience of the Eugene and Agnes Meyer Foundation, which works in communities in the Washington, DC area, and has funded legal work involving housing, economic security, domestic violence and other issues.

Julie Rogers, president of the Foundation notes that, “supporting direct legal services has been a part of our grantmaking strategy for more than 50 years. We believe that investing in legal services is not only a powerful way to address urgent needs of individuals in crisis, it also informs critical advocacy work that leads to policy changes, which have the potential to improve the lives of thousands.”

Other foundations are coming to the same conclusion. For example, the Kresge Foundation’s Human Services Program tries to help multi-service organizations operate better so that they can be more effective in helping people seeking to get out of poverty.

“We view access to effective civil legal aid as a cross-cutting theme to our work and a critical tool in strengthening the safety net and protecting the pathways out of poverty,” says Guillermina Hernandez-Gallegos, Kresge’s Program Director for Human Services. “Such access is increasingly central to the human services delivery system.”

Kresge has already given a major grant to the Shriver Center to provide educational, technical assistance and support to “the mosaic of organizations attending to the legal aid needs of people experiencing

poverty,” Hernandez-Gallegos reports. It is also augmenting an investment already made by the Public Welfare Foundation with a grant to support state Access to Justice Commissions and their network to remove barriers and expand access to civil legal aid by low-income and vulnerable people.

Investments in these and other innovations can create more of a level playing field for low-income people whose health, economic security and family stability often depend on their ability to navigate complex procedures and systems.

And when individuals and communities go up against entrenched institutions and organizations that have a vested interest in maintaining the status quo, it is important for them to have savvy partners helping to fight for change.

As Dr. Robert Ross, President of the California Endowment says, “If you think you are involved in a debate and the other person thinks he’s involved in a fist fight, then you are going to lose.”

That’s why McClymont thinks more foundations should see civil legal aid as an integral part of their work. As she puts it, “whether it’s a national or community-based funder, whatever the program issue, and whether the focus is on services or policy, I’d really encourage funders to explore using civil legal aid and talk to local legal aid lawyers and leaders to see how to include this vital strategy in their programming.”

**Photo Credits:** Carol Guzy

**OUR MISSION** The Public Welfare Foundation supports efforts to ensure fundamental rights and opportunities for people in need. We look for carefully defined points where our funds can make a difference in bringing about systemic changes that can improve the lives of countless people.

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