

**SOUTH CAROLINA LEGAL NEEDS ASSESSMENT 2022
FINAL REPORT FEBRUARY 21, 2023**

**South Carolina Access to Justice Commission
South Carolina Bar
NMRS Center on Professionalism**

STATEWIDE LEGAL NEEDS ASSESSMENT

UNCG - CENTER FOR HOUSING AND COMMUNITY STUDIES

**FINAL REPORT
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Antioch Educational Center
Blackville First Baptist Church
Caskey Law Firm
Catholic Charities of South Carolina
Charleston Hispanic Association
Charleston Legal Access
Charleston Pro Bono Legal Services
Center for Heirs Property Preservation
Coble Law Group
Flores Menegakis, LLC
Low Country Legal Volunteers
Midlands Mediation Center
NAACP
Nelson Mullins
One80 Place
Prisma Health
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Root & Rebound
Safe Homes Rape Crisis Coalition
S C Appleseed Legal Justice Center
Sharp Law Firm, LLC
South Carolina Association for Community Economic Development
South Carolina Bar
South Carolina Bar Foundation
South Carolina Coalition Against Domestic Violence and Sexual Assault

South Carolina Court Administration
South Carolina Department of Health and Environmental Control
South Carolina Legal Services
South Carolina Office of Resilience
South Carolina Victim Assistance Network
University of South Carolina School of Law

On behalf of the Center for Housing and Community Studies and our sponsors, we express our deep appreciation and respect.

Executive Summary.

The South Carolina Access to Justice Commission and the Center for Housing and Community Studies of the University of North Carolina Greensboro, together with their partners the South Carolina Bar and the NMRS Center on Professionalism of the University of South Carolina School of Law, came together to launch this ambitious first-ever statewide civil legal needs assessment. The study team set out to learn about the life experiences of low- and moderate-income South Carolinians, the legal problems they encounter, and the gaps between their legal needs and the legal resources available to them.

To that end, we developed a comprehensive, mixed-method study incorporating multiple sources of data. The study draws on in-depth interviews with lawyers, administrators, community leaders, educators, legislators, and judges, inquiring about legal needs and resources; roundtable discussions with everyday South Carolinians from Rock Hill to Ridgeland and from Greenville to Conway, to talk about their experiences with lawyers and in courtrooms; surveys of South Carolina residents and lawyers, with questions designed to broaden our understanding of legal needs and how people deal with them, and how we might improve the availability of legal assistance; data about the number and types of cases handled by the court system; and data from legal services providers about the number of intakes and persons served. We also draw on Census data and other publicly available data on the demographic, socioeconomic, and geographic characteristics of South Carolina and its people.

In the pages that follow, we present a summary of the important themes and insights that emerged from this eighteen-month study of the South Carolina legal services system. The views and opinions presented here are not those of the researchers or the sponsors, but rather those of a wide and diverse community of service providers, clients, local residents and expert commentators – those who have a direct stake in the critical needs that we have identified and put on the table for discussion.

1. There are too many people in need of civil legal services and not enough services to go around.

The overarching theme running through all the work of the needs assessment – an alarm that sounded wherever we went – is people’s dire need for legal help, and the gap

between the needs and the resources available to assist them. The experts who were interviewed emphasized this. It was the most-recurring topic in the roundtable discussions and focus groups in urban, small-town, and rural communities. It was a point of consensus for both the attorneys and the members of the public responding to the surveys.

The data provided by the leading legal services providers underscore this point. Just those few agencies reported thousands of intakes in 2021, yet the agencies are staffed by fewer than 150 lawyers and support staff.

The shortfall of free and low-cost legal services did not come as a surprise to the project team members. But when we asked those directly affected about their experiences, about what they need, how they measure the need and how they respond to it, we gained a detailed, vivid, and nuanced understanding of the legal services system in South Carolina. The bottom line, according to one of the legal services lawyers we spoke to: “It is always in turmoil, to be honest with you. There’s just so many people in need, and not enough help out there.”

2. It really makes a difference when you have a lawyer.

South Carolina residents struggling to gain access to legal help were very clear: having free or affordable legal help makes an enormous difference. It can prevent the legal problem from becoming ruinous financially. It can greatly improve the outcome of the case. And it affects the intangible factors that can either instill or destroy people’s trust in the legal system.

For a person in crisis, especially someone who has little experience or knowledge of legal matters, navigating alone through a legal problem or court case can be traumatic. The people who endure it are full of fear. They don’t know where to turn or how to connect to services. They don’t know the rules. The judges and other court personnel aren’t always patient with unrepresented litigants, who repeatedly described feeling like they were on trial, and feeling disrespected.

The people we talked to were especially grateful for the assistance of legal services lawyers. South Carolina residents recognize how helpful a reputable private lawyer can be, and how often local lawyers have been willing to lower their fees. But many clients also told of times when private lawyers weren’t interested in their kinds of cases, or

lacked the required expertise; and some told stories of handing over thousands of dollars and not receiving adequate service.

In general, those who received free legal services had markedly better experiences. They weren't unanimous, but most expressed gratitude because they felt they wouldn't have received any help but for the intervention of legal services lawyers. They were impressed by the skill and dedication of their legal services lawyers. Some said their lawyers had become like family to them.

The importance of receiving effective legal help was underscored by the survey respondents who said they had not sought help. Fifty-nine percent of them said their problem was "still ongoing." In other words, without help, the majority of problems just do not get resolved.

3. Housing and family law are the areas of greatest need for legal services, with debt collection, access to public benefits, immigration, and domestic violence also identified as areas of need.

The areas of greatest need are housing and family law problems. These areas were consistently identified by lawyers and lay people across the state, in different contexts, in successive phases of our research, and in response to questions about the types of problems that people have experienced in the past and foresee happening in the future. Housing and family law were also at the top of the list when we asked about resource shortfalls. Other key areas of need are debt collection, access to public assistance, immigration, and domestic violence.

Eviction defense is the most pressing area of need in the housing area, and more so as the pandemic continued through 2021 and 2022. Private practitioners rarely take these cases, and legal services providers cannot handle them all. Many tenants are unrepresented in court or don't appear in court at all.

Divorce, child custody, and child support are the other areas of greatest need. Custody battles in particular can be difficult and protracted. Those are hard for private practitioners to handle, but legal services providers do not have the resources to take up the slack.

Legal needs are not shared equally by all racial and ethnic groups. Our research shows that housing problems are experienced by Black South Carolinians more than others. The reverse is true for matters concerning children and custody, with white and Hispanic

residents reporting legal problems in this area at greater rates than Black residents. And immigration problems are much more frequently experienced by Hispanic residents than any other group.

4. Lives in crisis present big challenges for legal services providers.

In the precarious lives of the poor, even an apparently minor event can set off a chain reaction. A looming eviction or other legal problem can be merely a symptom of a deeper crisis having to do with employment, health, or family instability. This makes legal services practice very different in nature from other kinds of law practice. Legal services lawyers must be skilled in responding to the emergencies that bring clients into the office, and that alone can be more challenging than the more deliberate problem-solving to which other lawyers are accustomed. But they must also see past the immediate issue to the underlying problems in the client's life that contribute to the continuing cycle of crisis.

Legal services lawyers must devote resources to address this broader challenge. They develop holistic intake systems designed to detect hidden issues. They act like social workers, or partner with social workers or even bring them onto their staff, moving toward a case management approach to legal assistance. They enter into partnerships with health care service providers, women's shelters, senior centers, and youth services agencies to refer clients to each other in an effort to serve them better.

5. Concern about cost is the biggest reason that people do not seek legal help, but there are other reasons.

People encounter events and problems in their lives that give rise to the need for lawyers, such as evictions, family battles, benefits cutoffs, and staggering debts. But many do not reach out for help – a matter of great concern to justice advocates. The reasons are varied, but fear of the cost is at the top of the list. Many low- and moderate-income people don't know about free legal services. Others may be just outside the income eligibility limits. Many people simply assume that they cannot afford a private lawyer – and in many cases, it is true. Fifty percent of those who responded to the Community Survey cited concerns about cost as a reason for not contacting a lawyer.

Concerns about cost are only half the story, though. There are other reasons why people with legal problems do not seek the help of a lawyer. Often, they do not realize that the

problem they have is a legal one, that a legal remedy might be available, or even that they have legal rights.

Lack of knowledge of available resources is also a major obstacle for those who need legal help. They may not know that free or low-cost legal help is available or, if they know, they have no idea where to look. We do not have enough legal services resources, but the resources that we do have don't always reach those who need them.

A fourth category of reasons why people do not reach out for legal help includes those we grouped under the broad heading of social barriers. Some people feel they ought to handle their problems by themselves, and aren't accustomed to asking for help. Others, who have felt neglected and ill-used by institutions and agencies their whole lives, have given up believing anyone would want to help. They may lump lawyers in with courts and police, not realizing that some legal system actors might be on their side.

6. Legal services agencies are looking for more ways to reach out to communities in need.

Education and outreach are needed to remedy information deficits in vulnerable communities about the resources that are available. Legal service providers have been creative and energetic in getting out the word, through advertising, strategically placed brochures, clinics providing information sessions on divorce, wills, and landlord-tenant law, and "ask-a-lawyer" programs. But as one lawyer told us, "As much as we have done, there are still so many people and lawyers out there who don't know about us."

Just as they lack the human and material resources to provide legal services, these agencies also have limited resources to devote to education and outreach initiatives. But clients of legal services firms are among those who urge greater efforts in this area. Recounting their struggles to find their way to help, they want others to have an easier time of it.

Referrals are an essential mechanism for facilitating contact between legal service providers and those who need help. Alongside formal cross-referral networks between lawyers and their various community partners, informal and ad hoc connections are equally useful. A man happened to be at a church event at the same time as a legal service provider was there handing out information. A woman met a legal services lawyer in an elevator coming from a Social Security hearing. The more people know about available resources, the more seeds will be planted in the communities.

7. South Carolina attorneys do not contribute enough pro bono services.

There is a consensus among the lawyers we interviewed that private lawyers in South Carolina do not contribute enough pro bono service. We were told of a “severe lack of pro bono,” and many lawyers we spoke to believe South Carolina lags behind other states. “We’ve talked about this ad nauseum,” said one lawyer. “Nothing seems to work.”

There are several possible explanations. Large, resource-rich law firms are less common in South Carolina than in North Carolina or Georgia. Our Practitioner Survey showed that 58 percent of lawyers who responded practice in firms of twenty lawyers or fewer – most in firms of five lawyers or fewer or in solo practice. Many small firms and solo practitioners are struggling to get enough work, especially since the pandemic.

Geography may be another factor. Small-town lawyers may see lower income, and many of the rural regions where they are located generate less economic activity. But even the big firms in the big cities are not meeting pro bono expectations (with notable exceptions). There is a widespread belief among lawyers we spoke to that big firm leaders don’t offer adequate support for pro bono service.

Fear of being drawn into protracted litigation keeps some South Carolina lawyers from doing more. Lawyers continue to debate whether current rules make it harder to provide limited-scope service, and many worry that once they appear for a client, judges will not let them withdraw. In addition, a mismatch between the skills lawyers have and those needed to handle low-income clients’ cases keeps many from volunteering. The need for additional training is a barrier, but legal services firms and pro bono programs have limited resources to provide such training.

New incentives could prompt some lawyers to do more. Eighty-one percent of those responding to the Practitioner Survey said lawyers would do more if they received continuing legal education credit for pro bono service. Sixty-nine percent said tax incentives would make a difference.

8. Reforms that would expand the roles of paralegals and other non-lawyers haven’t gained a consensus among lawyers.

Fifty-seven percent of South Carolina lawyers responding to our Practitioner Survey said they would be somewhat likely or very likely to support expanding the authority of paralegals to handle specified matters without the supervision of an attorney, while 43

percent said they would not be at all likely to support such measures. This response aligned with comments of lawyers we interviewed. Some expressed limited support, pointing to public benefits cases that paralegals already handle, and eviction cases that they said paralegals could handle. Some saw too much risk to the client, comparing it to a physician's assistant performing surgery. Some said limited resources should go to hire more lawyers rather than more paralegals.

To one degree or another, social workers, law students, navigators, and victim advocates possess special expertise, in some cases the equivalent of the lawyers they work with, and many already provide important services. But they feel very constrained by unauthorized practice of law rules.

When asked about initiatives elsewhere authorizing experienced paralegals to provide specific types of legal assistance without attorney supervision, 70 percent of the Practitioner Survey respondents said they were not at all familiar with them, and only six percent said they were very familiar with them. The prospects for reform in this area might be improved as South Carolina lawyers learn more about developments in other states.

9. Where you live affects access to legal services.

South Carolina lawyers are concentrated in the state's larger cities and towns. They may offer services in other parts of the state: according to our survey, no county is served by fewer than two hundred lawyers. But as a practical matter, those who live further from population centers find it harder to connect. This concentration of lawyers in bigger cities and towns is a key factor in determining access to legal help. Legal services offices are located in large and medium-sized cities throughout the state, but each office must serve the five or six or more counties surrounding it, while having very limited resources.

Among big cities, the City of Charleston stands out for its relative abundance of legal and legal services resources. It is the only city with four legal service providers. There are resource shortfalls everywhere in South Carolina, but the shortfalls are less severe in Charleston. Some legal services leaders urge more efforts to allocate resources more fairly across the state.

South Carolina is significantly more rural than the United States as whole; rural places in general have less access to lawyers, legal services, and other kinds of resources. And, the scarcity of resources has a racial dimension. Counties with larger Black populations are

generally poorer, and some of those counties have almost no access to legal services. Some Black residents told us there were more white than Black private practitioners in their towns; if they didn't see a lawyer that looked like them, they were hesitant to seek assistance.

10. The caseload of South Carolina civil courts is heavy, and concentrated in counties with lower incomes, more unemployment, and higher proportions of Black residents.

The South Carolina Court Administration furnished us with extensive case data that offered significant insights into the number of cases handled by South Carolina civil courts, the case types, and where those cases are litigated. In general, counties with larger populations have larger civil caseloads. But when we measured the number of cases per thousand of population, another pattern emerged. Those counties tend to be those ranking lower in median household income, have higher rates of unemployment, and have larger Black populations.

This pattern holds, with some exceptions, when we measured the case rates for specific kinds of cases that legal services lawyers handle: child support, child custody, debt collection, divorce and separation, and domestic violence. The top counties for each of these case types are not always the same counties, though there are some overlaps, but they consistently tend to be poorer counties with larger Black populations.

Eviction cases depart from the pattern and stand out in several ways. In every county, cases related to eviction are by far the largest category of those we measured. But why some counties have higher eviction case rates than others is not always clear. In this case, rather than income or racial composition, percentage of renter-occupied households and rate of vacant housing units seem to be better predictors of high case rates.

11. By quantitative and qualitative measures, legal services resources are well-spent.

A large number of individuals are served by a very small number of South Carolina legal services lawyers. They manage to intervene in consumer finance, educational rights, employment, family law, housing, public assistance, individual rights, wills and estates, advance directives, juvenile, health, name changes, and other matters. They prevent evictions and foreclosures, expunge criminal records, and win child support dollars and Social Security benefits. In 2021, the six leading legal services agencies together

conducted nearly 19,000 intakes and served nearly 14,000 people, whether by full representation, advice and counsel, or some other form of assistance.

Legal services lawyers measure their success in part by numbers served but also by intangible factors that do not necessarily depend on a victory in court or administrative tribunal. It may just be an hour's consultation that makes the difference. They say clients gain a sense of satisfaction from knowing help is available.

Lawyers responding to the Practitioner Survey also mentioned "intangible factors" as the most important measure of success, with number of clients served and substantive outcomes the second and third most important measures.

Clients, too, emphasize qualitative factors in describing their experiences with their lawyers. People who have struggled all their lives say their legal services lawyers made them feel heard for the first time. Some call it a life-changing experience. Substantial majorities of clients and former clients who responded to the Community Survey said they now have trust in the legal system, that their concerns were taken seriously, that their lawyers did a good job, that they were treated fairly, and that they were satisfied with the outcomes of their cases.

12. Support for expanded legal services is widespread in South Carolina.

One of this needs assessment's key areas of inquiry is the degree of support among the people of South Carolina for the expansion of legal services resources, and for the financial and regulatory investments that would require. Both surveys found very strong support.

These questions concern fundamental principles of access to justice. Ninety-nine percent of the Community Survey respondents agreed or strongly agreed that everyone deserves to be represented by a lawyer if they have a legal problem. Seventy-three percent said they would be willing to pay more in taxes to support more free legal services.

The lawyers responding to the Practitioner Survey showed similarly strong support. More than 90 percent said the availability of free or low-cost legal services is necessary to ensure access to justice. Around 75 percent said that governments should do more to ensure universal access to justice. Fully 78 percent said that they would support a right to counsel in eviction cases. And when asked what methods they would support to finance more legal services, by far the method selected by most respondents - 92 percent of them - was "appropriation of funds by the South Carolina legislature."

The lawyers also agreed on their assessment of South Carolina’s access to justice gaps. Only a quarter think civil legal services are widely available Three-quarters said it is unfair when one party is represented and the other is not, and more than 90% said people in some parts of the state have better access to justice than others.

These responses go to the heart of the question that this project set out to answer, demonstrating widespread recognition of the need for more legal services resources in South Carolina and widespread support among important stakeholder constituencies for the dedication of additional resources.

~ PART I - INTRODUCTION ~

Legal Needs.

The Legal Services Corporation offers this explanation of the purpose of legal needs assessment research:

Completing a comprehensive legal needs assessment helps identify your organization's priorities; helps determine the allocation of scarce resources and staffing; incorporates information from a variety of stakeholders, including applicants and clients; engages with the community to get feedback on how efficient, visible, and accessible the organization is; generates data and information that the organization can use in its media effort to increase the visibility of legal aid, develop support for legal aid work, and encourage resource development.¹

The Organization for Economic Cooperation and Development and the Open Society Justice Initiative, in their influential *Guide on Legal Needs Surveys and Access to Justice*, explain the importance of legal needs assessment this way:

Meaningful understanding of access to justice is crucial for the development of effective civil justice policies, models and financing. Legal needs surveys provide an empirical basis for understanding how peoples' justice issues arise, are experienced, and affect a broad range of development priorities. Governments and civil society organizations in diverse countries have conceptualized and implemented legal needs surveys to develop shared understanding, help improve justice services and strengthening linkages across policy sectors.

Legal needs surveys investigate the experience of justiciable problems from the perspective of those who face them (a 'bottom-up' perspective), rather than from that of justice professionals and institutions (a 'top-down' perspective). They seek to identify and explore the full range of responses to problems and, within this, all the sources of help and institutions that are utilized in pursuing problem resolution. They provide a uniquely comprehensive overview that is impossible to achieve by other means.²

The South Carolina Access to Justice Commission said this about the conditions that make these kinds of assessments necessary:

In three out of four state civil cases across the nation today, one or both parties go to court alone, unrepresented by an attorney.³

And this:

South Carolina residents face a significant civil "justice gap"—a lack of access to legal assistance in areas of basic human need, such as housing, family, and financial matters.⁴

These are among the reasons the Commission in the spring of 2021 invited the Center for Housing and Community Studies of the University of North Carolina Greensboro to submit a proposal to conduct a statewide assessment of civil legal needs for South Carolina. In our proposal we said:

A legal needs assessment is a process used by organizations to determine priorities, make improvements, or allocate resources. It will be used to determine gaps between the legal concerns and needs of low-income communities and current pro-bono legal assets across the state. It is an opportunity for building stakeholder support, engaging clients and referral agencies, eliciting staff and legal system feedback, and promoting community support. It is also an opportunity to identify barriers that low-income people face in accessing services.

The Center, the Commission, and partners the South Carolina Bar and the NMRS Center on Professionalism of the University of South Carolina School of Law, came together to launch this ambitious project. In the past year, our study team has been deeply immersed in all aspects of legal needs in civil cases and the workings of the civil legal system.⁵ We visited cities and towns from one end of the state to the other, from Conway to Greenville and from Okatie to Rock Hill. We sat down with experts and leaders to talk about legal needs, about what life problems give rise to the need for legal assistance, about the system of legal service delivery and what it's doing well and what it's not, about the social and material barriers that make it hard for low-income people to get legal help, and about many other topics. We convened roundtable discussions in conference rooms and church basements to talk to South Carolinians about their experiences with lawyers and in courtrooms, and what it's like to handle problems without a lawyer, alone. We conducted surveys, first of the people, then of the lawyers, of South Carolina, with questions

designed to broaden our understanding of legal needs and the ways people respond to them, and the ways lawyers who are called upon to solve legal problems respond, and we wanted to know their opinions about a variety of issues related to legal needs and the legal system.

We went to the legal services firms themselves with questions about the numbers of clients they serve and the kinds of cases they handle, and they generously shared with us information about their caseloads and intakes. We went to the South Carolina Court Administration with requests for court data, and they, too, were very generous with assistance. We learned much about the work of the courts and the geography of legal needs.

In this report, we will describe in detail the research methods we employed, the social, economic, demographic, and geographic conditions and circumstances in which the people of South Carolina live and work, and our findings, addressing a range of issues of great concern to the people of the state. But we highlight here one theme that ran through our work, an idea that was like an alarm that sounded wherever we went: the dire need people have for legal help, and the gap between that need and the resources available to meet it. This is what the lawyers we spoke to told us:

“It’s just the amount of people out there, you know, it just, there’s just not enough of us to go around.”

“It’s a numbers issue. Like, there’s just not enough lawyers to go around.”

“There’s just, yeah, there’s not enough resources.”

“There’s never going to be enough lawyers to represent everybody who needs a free lawyer, there’s no question about that.”

“There’s a greater need for more no-cost and low-cost legal representation out there.”

“It is always in turmoil, to be honest with you. There’s just so many people in need, and not enough help out there.”

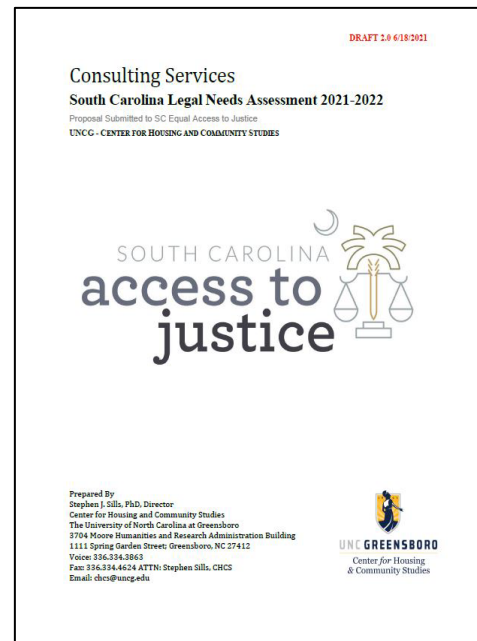


Figure 1 – CHCS Proposal Cover

This is what the people who need lawyers told us:

“I just found that there was no lawyers willing to give me their time to really hear what I had to say.”

“You can’t afford them, because a lot of people, they’re living from check to check. They might not want to admit it, but I don’t have that in my budget to pay somebody a retainer or, you know, an hourly fee or you know, I mean, if they write a letter, that’s three hundred dollars.”

“There are enough lawyers out there. There's too many lawyers! The problem is, is that the government doesn't pay for those lawyers, for people that can't afford it.”

Methodology.

Together, the Center and its partners designed a comprehensive, mixed-method study that would reveal vividly and multi-dimensionally the experience of South Carolina residents as they encounter the variety of problems that life brings their way, and then struggle to find help solving them. The study consists of a number of components.

Background Research.

We began with a review of prior needs assessments, academic research, public commentary, secondary data sources, and relevant laws, regulations, programs, and initiatives addressing the subject matters of legal needs and access to justice in South Carolina and elsewhere. We benefited from the work of many state commissions and civil society organizations in the United States who have conducted legal needs assessments or surveys, and we appraised the legal needs work that has been conducted throughout the developing world. We reviewed the robust scholarly literature on access to justice. We made an initial study of life in South Carolina for low- and moderate-income people, and began the enumeration of geographic, demographic, and socio-economic indicators of relevance to this work. These initial steps formed the basic foundation for our work, shaping our hypotheses about what the needs are and where the resources fall short, informing the research design, and pointing us toward areas requiring further investigation.

Research Through an Equity Lens.

We took steps to ensure that our work was inclusive, respectful, and incorporated an equity lens. We cannot fully understand the struggles and aspirations of low-income people except by also considering how race, religion, condition of disability, immigration status, ethnicity, youth and age, gender identity, and sexual orientation all play a part in determining access to justice. Therefore, we frequently asked whether resources and opportunities in the cities and towns we studied were more accessible to some population groups than to others? We asked, what communities are most in need of investment? How can the residents of these communities shape our research and how can we center the voices within those communities? These questions sparked many interesting conversations and illuminated our areas of study. Through this process, we hoped that the people whose lives we studied became less subjects of scrutiny, and more partners in transformational change.

Innovative Community Engagement.

We drew from a wide array of engagement strategies to ensure the voices of South Carolina would be heard. What we studied, and what we will ultimately recommend, were in large part determined by what the members of the communities told us and what their perspectives revealed. We used several different and complementary research methods in implementing our engagement plan.

Steering Committee. Our first point of encounter with the communities of South Carolina was with the Steering Committee established to oversee the project. The Access to Justice Commission project team recruited representatives of legal services providers, community-based organizations, the court administration, and the South Carolina Bar. We met regularly with the committee to consult on the direction of the work, to review research protocols, and to provide comment and feedback on our findings. In addition, members of the committee were instrumental in helping to identify interview subjects, to recruit participants in roundtable discussions, and to disseminate the surveys to the wider public.

Key Informant Interviews. We conducted semi-structured in-depth interviews with people from diverse backgrounds including legal services lawyers and administrators, community leaders, educators, legislators, jurists, and lawyers in private practice. We interviewed twenty-eight people representing twenty-two organizations located throughout the state. Interviews were confidential, and the statements made to us will not be attributed to any person by name or by affiliation. Duration of interviews was about an hour. The interviews were held via online video platform and were recorded and transcribed. The transcripts were thematically coded and analyzed by our staff. Further information concerning the methods used in interviewing, and detailed information about our findings, are included in the Report on Interviews included in Part II of this Report.

Roundtable Discussions. We conducted fourteen focus groups, or roundtable discussions, with a total of approximately 115 participants. We convened groups of South Carolina Legal Services current and former clients in their offices in Columbia, Spartanburg, Greenville, Rock Hill, Florence, Charleston, and Conway; clients of other legal services and social services agencies in Spartanburg, Columbia, and Charleston; and interested community residents in Columbia, Charleston, Ridgeland, and Blackville. We talked about the events that happen in people's lives that give rise to the need for legal

services, about how they go about finding a lawyer and what obstacles they face, about different experiences people have had with private lawyers and legal services lawyers, and about what it's like handling a legal problem without legal assistance. The roundtable discussions were all held in-person and were recorded and transcribed. The transcripts were thematically coded and analyzed by our staff. Further information concerning the methods used in conducting roundtable discussions, and detailed information about our findings, are included in the Report on Focus Groups included in Part II of this Report.

Survey Research. We conducted two surveys of South Carolina residents. The Community Survey was addressed to low- and moderate-income South Carolinians, including those who had utilized legal services and those who had not. The Practitioner Survey was addressed to members of the South Carolina Bar, including legal services attorneys, solo practitioners, private law firm members, judges, and law professors. They were asked many of the same questions as the interview subjects and roundtable discussion participants, relating to the need for legal services and the resources available to meet the needs, and they were asked their opinions about the legal services system and the legal system as a whole, and about potential reforms and initiatives that could increase access to justice. Further information concerning the methods used in our survey research, and detailed information about our findings, are included in Part III of this Report.

Court and Legal Services Data.

Our study included two additional secondary data compilations, which together provided a detailed look at court cases in South Carolina from the standpoint both of the court administration and of the leading legal services firms.

Court Data. The South Carolina Court Administration provided valuable assistance to the project. They made available to us extensive data on cases in the South Carolina courts, including information about evictions, foreclosures, family law matters, debt collections, and other case types, at a level of detail allowing us to analyze and display the data in useful tabular and geographical formats. Information from these files is included in the section of this report entitled "Court and Agency Data."

Agency Data. Five legal services organizations shared with us information from their internal files about their facilities, locations, and personnel. Client information was provided by race and ethnicity, age and gender, and case information was further provided by case type for the past five years where available, and methods of tracking

outcomes including cases opened, cases closed, whether full or limited representation or advice, and procedural outcomes such as settlements without litigation, court dispositions, and substantive outcomes where available including evictions prevented, dollar amounts obtained, and other matters. This information is included in the section of this report entitled “Court and Agency Data.”

The Goal of this Report.

The goal of this report is to present as wide as possible a variety of voices of South Carolina people – lawyers and their clients, and judges, educators, administrators, community leaders, and regular folks. All of them touch the legal system in their work every day, or because they’ve been drawn into legal proceedings, or just because their vantage point allows them a meaningful perspective upon our social and governmental institutions. Their views are not always consistent. At times, they express something like a consensus. At other times, they debate and contradict each other.

We intend for our findings to speak for themselves. The researchers and their sponsors have refrained from expressing their own opinions and judgements. We’ve synthesized and interpreted what we’ve heard, but we haven’t substituted our own views for those of the people who participated in this project. In places, we give expression to their recommendations, but we have not offered our own recommendations. Our goal is to give a hearing to the insights and opinions of the people of South Carolina, as accurately and as honestly as we can.

~ PART II – INTERVIEW AND FOCUS GROUP FINDINGS ~

Introduction.

The UNCG research team had the opportunity to visit with and to ask questions of almost one hundred fifty members of South Carolina communities. We talked to legal services lawyers and administrators, community leaders, educators, legislators, jurists, and lawyers in private practice, and just everyday folks who were struggling with the problems of life and hoping to get help. These conversations, and the responses we received to our questions, were wide-ranging and illuminating.

Our interview protocol is attached as Appendix A, and our focus group protocol is attached as Appendix B.

For our research framework, we developed a series of questions following a logical sequence. We stuck with this sequence throughout each phase of our research, from interviews to focus groups to surveys. In each case, we started with a question about the “demand” for legal services. Then we asked whether and how this demand was to be supplied – through inaction, or self-help, or help from friends or family or local institutions, or finally through legal help. Then we concentrated our attention to legal help, continuing with a series of questions about how to find it, what procedures have to be followed, and how much it costs. We looked especially closely at the system of free and low-cost legal service delivery, and at specific components of the system including the intake process, the personnel, education and outreach, and support from the wider legal community. Finally, we wanted to know how well the system works for people, how we measure outcomes, and what we could do to make it better.

Report on Interviews.

We conducted semi-structured, in-depth one-on-one interviews of legal services stakeholders. Interviews were conducted remotely. The interview subjects were assured that their comments would not be reported in a manner that would identify the person speaking by name or by affiliation. The comments directly quoted in this report are lightly edited for clarity. Interviews were about forty-five minutes to an hour in length.

We interviewed twenty-eight people representing the following twenty-two organizations:

- Antioch Educational Center
- Catholic Charities of South Carolina
- Center for Heirs Property Preservation
- Charleston Legal Access
- Charleston Pro Bono Legal Services
- Lowcountry Legal Volunteers
- NAACP
- One80 Place
- Prisma Health
- Root & Rebound
- Safe Homes Rape Crisis Coalition
- SC Appleseed Legal Justice Center
- SC Association for Community Economic Development
- South Carolina Bar Pro Bono Board
- South Carolina Coalition Against Domestic Violence and Sexual Assault
- South Carolina Legal Services
- South Carolina Office of Resilience
- South Carolina Victim Assistance Network
- University of South Carolina School of Law
and
Three private law offices.

These organizations include legal services agencies,⁶ private law firms, nonprofit organizations engaged in the delivery of social services, a law school, a government agency. These organizations vary widely in their purposes and their outlooks. We encountered a spectrum of views and ways of thinking about legal services. Our promise of confidentiality elicited frank discussion. The level of knowledge and expertise proved, not surprisingly given the professional stature of our informants, high across the board. The markedly different roles they play in the legal services field, and the different perspectives from which they considered the many issues and problems we discussed, when taken together gave us what we believe is a vivid three-dimensional image of legal needs and resources in all their complexity.

Our aim for this project is an assessment of needs and resources. Based on the interview phase of our research completed we can conclude the needs are great and the resources not nearly enough. One of the lawyers we spoke to told us, "It's just the amount of people out there, you know, it just, there's just not enough of us to go around." Another lawyer said, "It's a numbers issue. Like, there's just not enough lawyers to go around." Said another, "There's just, yeah, there's not enough resources." Said another, "There's never going to be enough lawyers to represent everybody who needs a free lawyer, there's no question about that." And another, a community leader, said, "There's a greater need for more no-cost and low-cost legal representation out there."

"There's never going to be enough lawyers to represent everybody who needs a free lawyer, there's no question about that."

One of the lawyers put it this way. "It is always in turmoil, to be honest with you. There's just so many people in need, and not enough help out there." The turmoil, the complexity, the nuances revealed by a multiplicity of community voices – this is what we seek in this phase of our research. We've studied the legal needs assessments that have been conducted in other places, and we've reviewed the academic literature on access to justice, but for now we want to know what members of this South Carolina community have to say about it, and we want to know as much as we can about the experiences of struggling low- and moderate-income people who need legal help. We'll speak to them, the "clients," directly in later phases of our research for this project, but we learned a great deal from their lawyers. For one thing, we know there are a lot of them. "There are 20 bazillion, I don't know how many people that need us," according to one of the lawyers we spoke to. And we know something about their needs. "Just anything that life might throw at them." And we found out quite a bit about what the lawyers think we should do about this severe and intractable shortfall in resources. "We just need to roll up our sleeves," we were told, "and maybe we just need to put a little more time into it, it's OK, this is why we do it. We're not doing it because it's just a job, we're doing it because it means something and we want to see people do better." In the pages that follow, we'll dive into the details about who needs legal services, what they need them for, what the legal system is able to deploy to meet the needs, and what the outlook reveals as we peer into the future.

The Demand for Legal Services

We began each interview with a question about the demand side of the legal services equation. We wanted to know what kinds of events happen in people's lives that might give rise to the need for a lawyer's intervention. We found out that, as one person put it, "It's a little bit of everything, to be honest with you," and that assessment was borne out by the responses we got.

The Snowball Effect

In the precarious lives of the poor, an apparently minor event can set off a chain reaction. "When little things go wrong," one lawyer said, "as they do in all of our lives, there are often no safety nets, or friends or family who could help out. And it often creates an avalanche of other problems in their lives." A car breaks down. Some people have

"When little things go wrong, as they do in all of our lives, there are often no safety nets, or friends or family who could help out. And it often creates an avalanche of other problems in their lives."

understanding supervisors, and can take time off work, and have savings or credit cards to make repairs. A single mother working at a fast-food place, on the other hand, "may not have the vacation time, or the flexibility in their job to make it up later, it could just be a firing. Additionally, they may not have the credit or the family support to pay for the tow truck. And then you also have problems on top of this, of if you're a single parent,

trying to figure out who's gonna pick up your kids. You know, how do you move that vehicle, do you still owe a lot of money on that vehicle, so getting a new vehicle is going to be really difficult, paying for the repair is going to be difficult. And you can add on to that, that if, let's say dad, who has always wanted custody, or thinks he wants custody, finds out that mom no longer has a job nor a car, he brings that to court, you know, she can't take care of these kids, she doesn't have a car, she doesn't have a job anymore. She's being a terrible mother."

We heard about this snowball effect again and again. A parking ticket, if it isn't paid, can lead to harsh consequences, said another lawyer. "It gets to the point where they get pulled over," she said, "and there's an outstanding ticket, what does that mean? Does that mean they lose their license? If they lose their license, how do they get to their job? If they can't get to their job, etcetera, etcetera." Another lawyer said, "A lot of times, it starts with maybe a job loss or even not even that, it could be even just missing a few

days or a week from work. So, the paycheck is short, and rent is short because of that, and they get an eviction notice.” What looks to the judge like a “black and white” eviction case, said another lawyer, “If you start peeling it back, you see, well, they lost their job, they had cancer, their boyfriend was beating them up, they couldn't move out, their mom moved in, child, school, clothes, everything, all these things are happening.”

Instability in the lives of legal services clients is a key theme of our research and a defining feature of our informants’ law practices. “I would say that our clients often are living through a state of emergency,” said one lawyer.

“I think a lot of what my job is, is putting out fires or juggling fires. I can't always put them out, but I can figure out which fire is being the most destructive, and try to help with that.” This is something we’ll remember as we work through the specific issues, and we’ll return to it often, for

“I think a lot of what my job is, is putting out fires or juggling fires. I can't always put them out, but I can figure out which fire is being the most destructive.”

example when we talk about the barriers to access faced by low-income people, and about the “holistic” intake that reveals problems in addition to the one that brings the client in, and the triage process that determines whose crisis is the most severe, and again when we talk about the social work dimension of legal services, and again when we talk about outcomes of legal services and how we measure them.

Now, though, we’ll tighten the lens, from the big picture of poor people’s experience to some of the particular areas of need that our informants said are the most pressing. At the top of their lists are housing, family law, domestic violence, immigration, and public benefits, with consumer law, probate, children’s rights and other practice areas also mentioned.

Housing

We surmise that housing cases consume a large share of legal services resources in normal times in South Carolina, but in our interviews, this area of practice was almost always discussed in the context of the COVID crisis. Massive job losses in the early part of the pandemic led to widespread payment defaults of renters, and the expiration of the eviction moratoria later on set off a wave of evictions that brought us to the present situation. To the question, what are the life events that most often give rise to the need for lawyers, eviction was the first item mentioned more often than not. Speaking of the share of her firm’s practice devoted to evictions, one lawyer said, “Evictions probably are

close to 25%, I would have to pull the numbers to actually see, but we've seen a huge increase in eviction representations since COVID hit.”

“I guess when you are dealing with an eviction crisis,” said another legal services lawyer, “as we’ve seen in the last two years or so, that’s been our most pressing need. People facing homelessness.” Said another, “One of the biggest needs that we've had, most recently, probably within the last two years or so is in regards to housing.” Said another, “We're dealing with evictions now, so we're helping folks that are facing eviction.” A nonprofit leader observed, “Well, you can imagine, because of the time period, where the demand is great around eviction prevention.” Said another informant simply, “There’s a lot of people who are being evicted.” Another said, “Housing instability, as you know, is frequent among the families of my clients.”

The shortfall in legal services available to assist in the housing sector falls disproportionately on tenants, to be sure, but landlords deserve access to the courts as well, and occasionally a lawyer will be asked to assist. “The converse to the eviction problem,” we were told, “is you often have homeowners who may own the home, but they're not wealthy, in the sense of, they've got extra cash to come out of pocket to hire a lawyer to effect the eviction. The cost is often prohibitive as well.”

“That's the first thing that you know, as a private practice lawyer, like it becomes uneconomical for me to really get involved.”

One of the private practitioners we interviewed said that he’s hearing it, too, from people who call his office. “The most common ones that I see,” he said, “generally tend to be eviction related.” And a factor aggravating the crisis is the unwillingness of the private lawyers to take these cases. This

person told us, “That's the first thing that you know, as a private practice lawyer, like it becomes uneconomical for me to really get involved.” That’s not an unreasonable position, but when we examine the pro bono services available in South Carolina, we’ll discover that there, too, the commitment of the private bar to the resolution of the eviction crisis is less than what’s needed.

Some of the rise in evictions is due to a longer-term shift in the market, with rents rising and investors buying up properties, adding a further element of instability. “People come in,” said a legal services lawyer, “they buy them, they give a thirty-day notice to the tenants because they've been month to month for ten, fifteen years.” She said, “They haven't had an original lease in quite some time, and there's really not a defense to that

eviction. We can refer them to community services, but you know, the new owner wants them out.”

Family Law

Equally urgent, in the minds of our informants, is the array of issues, problems and cases loosely grouped under the heading of family law. “First one that comes to mind is family law,” said one legal services lawyer. “Whether it’s a divorce or a child custody dispute, those are probably the two that leap off the page,” said a lawyer in private practice. “Family law is a huge need,” said another lawyer. “Divorces, custody actions, Family Court matters are probably still close to 50% of our caseload,” said another. “Family Law is 75% of our, you know, callers fit into that category,” said another. “Marital discord or custody issues,” said another, “we see a lot of that.”

There are too many cases, and not many firms can handle them. “We don’t traditionally, we don’t do extended family law,” one of our informants told us. “We don’t really have the funding. So that’s a huge gap.” Said a lawyer who works with very low-income clients, “We don’t do a lot of family law.” He added, “I would guess any area that is lacking representation is family law issues.” But the problem, said one of the lawyers in private practice, “Hiring a family law attorney is very expensive, and most people can’t afford that.”

Within the family law practice area, child custody proceedings are among the most underserved. “I think custody is a really big issue,” said a legal services lawyer, “where people need legal representation.” Another lawyer agreed, saying that of all the needs, this is one where having legal representation is most necessary. “This is where it’s needed,” she said, “when issues address the safety of a family, I think having access to an attorney, when it comes to issues of safety, like orders of protection and custody, I think are essential.” But this is one where legal help can be most elusive, we were told. “It’s really hard to get a lawyer to feel comfortable about a custody action that’s going to probably last a couple years.”

“I think having access to an attorney, when it comes to issues of safety, like orders of protection and custody, I think are essential.”

Family dysfunction and custody battles often put children’s safety at risk, and that changes the equation in several ways. One legal services provider told us they’re more likely to take a case in this situation. “We don’t take any cases – family law – that don’t involve children, because part of the mission of our organization is to help children,” she said. “They’re ultimately the victims in bad relationships or abuse situations or divorce

matters, you know, the children are the ones that really, really suffer.” But if the situation advances to the point of abuse or neglect of the children, the Department of Social Services can get involved, and the equation changes again. “We don't handle any DSS matters,” that same provider told us. “We don't need to get into that. That’s a different animal.” The entry of DSS into the case can provide important protections to children, but it can also add a new layer of trauma for families. Said one of our informants, “I deal with a lot of parents who call me and DSS has just taken their kid and they have no idea why.”

A 2010 South Carolina statute conferred on parents a right to counsel in abuse and neglect cases, and a system was put in place for the appointment of private lawyers. “In the child protection system,” explained one of our informants, “we provide parents with attorneys appointed basically after DSS initiates a court case, which usually means after they've already removed your child.” That complicated life for families – and for legal services firms. Now, whether they will take a case can depends on whether DSS has initiated proceedings. One lawyer described the review process. “Oh, this is a family court matter. DSS is not involved. This is something that Legal Services might can help with. Or this is a family court matter, and DSS is involved. Legal Services probably can't help with that.” Said another, “Legal Services used to do most of all the abuse and neglect cases for DSS, and then we got a court rule that gave court-appointed attorneys and preempted us from doing that.”

Domestic Violence

“Domestic violence” is a technical term⁷ but it’s also a shorthand for a kind of law practice that may have several component parts but often centers on the obtaining of orders of protection stopping the abuser from threatening, abusing or contacting the victim.

“There was a survey done. I think only ten percent of victims are represented by lawyers in order of protection hearings in SC.”

Representation in order of protection proceedings was a frequently-mentioned area of need. “For orders of protection I think there's a huge gap in services,” said one legal services attorney. “It's with evictions, and with domestic violence restraining orders,” said another attorney when asked about the most pressing needs.

Several of our informants said that incidents of domestic violence increased during the time of the pandemic. “I've gotten a lot of calls, and you know, they predicted with a pandemic, and people being at home, that there would be an increase in domestic abuse.”

The shortfall in legal services in this area was reflected in our informants' comments. "How many women show up for court for an order of protection without an attorney," said one, "is extremely high." Said another, "There was a survey done. I think only ten percent of victims are represented by lawyers in order of protection hearings in SC." And another statistic highlighted the gap. "When I'm speaking of the sexual assaults, abuses, harassments, and the domestic violence within a family unit," one person told us, "I would say probably at least fifty percent of those go unreported."

We noted in the previous subsection that children's safety may be jeopardized by family conflict. This is a key concern of practitioners in the field, and unfortunately the legal proceedings arising from domestic violence can themselves increase the risk. "Orders of protection are dangerous in some scenarios for people that have just reported a domestic violence or sexual assault or harassment or stalking," we were told. This is one of the reasons why special training is called for. A provider of services to domestic violence survivors said, "We actually spend a lot of time trying to train lawyers around working with domestic violence victims and using trauma informed practices and that kind of thing." And it gets more complicated when, as often happens, the order of protection proceeding starts one of those snowballs rolling. The permanent order proceeding itself may occasion an early adjudication of a dizzying variety of important life issues including custody, visitation, support, disposition of the residence and allocation of property. One practitioner called this "insane." She said, "Within two weeks of receiving a complaint, you're expected to have a fully prepared affidavit packet and financial packets and time to get a lawyer, pay for a lawyer, prepare for that, and have that be what sets the course of your custody and visitation for the next year and a half."

The incident of domestic violence then propels the parties toward other needs. For example, said one person, "What other public benefits people might be eligible for." Immigration and housing needs may be implicated. "A lot of them are really colored by the immigrant experience, even when you're talking about domestic violence," said another. "I'm getting evicted, because these bad things have happened in my apartment, and now they're kicking me out, you know, so they might enter the system that way." Or the abuse may take on other patterns and characteristics. "Half of my caseload were trafficking victims," said one lawyer, "so we work really hard to identify that intersection with domestic and sexual violence." She said, "It's an emerging area of law for everybody."

Immigration

Immigration matters are underserved in four different ways. First, just as with any other legal service utilized by low- and moderate-income people, the cost to hire a lawyer is too high. “There’s a lack of access to attorneys and to resources when it comes to immigration matters,” said one legal services lawyer. “There are very few low cost service providers who practice that type of immigration,” said another.

Second, while many of the immigration matters that a person may deal with relate to that person’s immigration status, legal services firms that receive Legal Services Corporation (LSC) funding⁸ are barred from representing anyone other than citizens and permanent residents, with a few exceptions. “We are very limited in what we can do with

“We are very limited in what we can do with immigration, because we are prohibited from helping non-citizens unless they meet certain criteria.”

immigration,” said one legal services lawyer, “because we are prohibited from helping non-citizens unless they meet certain criteria as far as being here legally or being a victim of domestic violence.” That bar applies to South Carolina Legal Services, the biggest provider. As a consequence, we were told, “The biggest issue facing the South Carolina immigrant legal community is unless you fall into one of these narrow categories of qualified

immigrants, or victim immigrants, you’re not going to be eligible for South Carolina Legal Services, and so that leaves a lot of low-income immigrants without any options for legal representation.”

Third, of those lawyers not subject to the LSC restriction, few handle immigration cases. “We certainly don’t handle immigration,” explained one such lawyer, “just because we don’t have anybody, myself included, that knows immigration law the way you need to be successful at it.” One of those who do practice in this area told us, “There is not a sufficient core of low or pro bono immigration options for people, and there’s not enough private bar attorneys even.”

And fourth, while a few lawyers and firms can handle some matters for immigrant clients, almost no one in South Carolina is able to take on removal and asylum litigation. One practitioner told us, “When it comes to low-income clients, in South Carolina we have, virtually before my office was open, there was almost none practicing what we call removal defense.” And she added, “There’s even a further gap for those who are in need of asylum defense.” Added another lawyer, “And I know there’s some work that just

people won't take in South Carolina anymore, for example, asylum applicants and stuff like that.”

Public Benefits

Several of our informants named access to public benefits as a key area of need. “I would probably say benefit cases,” a legal services lawyer told us, “where people have applied for SNAP benefits or TANF benefits and been denied or maybe their benefits have been cut off, and I think a lot of that has to do with people just not realizing that we can do those cases.” Another lawyer, spoke about people with low legal and financial literacy. “They need somebody to fight for some benefits,” she said, “but they have zero income, you know, maybe they don't even know to apply for Social Security, so there are definitely unmet needs there.” Another said, “We have a bunch of people that have applied for public benefits that get denied on their initial application, so they need somebody to appeal that application and to represent them in a disability hearing.” And another said, enumerating her top areas of need, “Access to benefits. I mean, unfortunately, you shouldn't need a lawyer to get Medicaid or SNAP, but I'm dealing with two families right now who have been improperly denied. One woman was pregnant, and you know, it's too late now, she had her baby, but she had to forego a lot of prenatal care that Medicaid should have covered.”

“They need somebody to fight for some benefits, but they have zero income, you know, maybe they don't even know to apply for Social Security, so there are definitely unmet needs there.”

Consumer law, probate, predatory lending, disaster relief, children’s rights, heirs property and legal counseling of minority entrepreneurs also were named by our informants as important areas of legal need. “A lot of, you know, consumer scams, people entering into options to buy land, land for mobile homes and things like that,” said one person. Another told us of “a struggle for our land owners, because that's an obstacle, they're unable to show that they have clear title.” Another spoke of the struggles of parents. “Their child gets suspended, the child doesn't get special needs assistance,” he said, “The person doesn't know how to go about getting those services.” The needs seem limitless. And our informants said that not only these subject matter areas but some groups within the population are also underserved – people of color, women, Latinx people, immigrants. “I definitely don't think we're doing a good enough job serving the Hispanic community, or Latino community,” said one legal services lawyer. “I think there's huge gaps in services

there.” Said another, “African American men are probably the least served population in the group.”

Seeking Help

Having gained a good overview of the kinds of life events that give rise to legal needs, and the shortfall in legal resources available to meet those needs, we turn our attention to an important question about access to legal help. We shared with our interview subjects the observation that, as we know from research in this area, most low-income people with legal needs never seek the assistance of a lawyer.⁹ We asked “Why do you think that is?” It’s a critical question because it suggests that we may be seriously underestimating the demand for legal services. If more people were to seek help, overcoming the inhibiting factors – and there are many as we will see – the legal services system could be stressed even more than it is now.

Recognizing Legal Issues

One of the most important reasons why people don’t seek help is because they don’t recognize that the problem they have is a legal problem. “Yeah, you see that a lot,” said one of our informants, “that people don't realize there's a legal issue involved. They know that they have a problem, but not a legal problem.” Said another, “My sense is that a lot of folks don't even know, don't even identify this as a legal issue.”

The intervention of a government agency might alert someone of a legal issue, but then it might not. “The thought seems to come up when DSS is involved, the state's doing

“Yeah, you see that a lot, that people don't realize there's a legal issue involved. They know that they have a problem, but not a legal problem.”

something to you more actively, but for a lot of other issues, I don't think everyone really recognizes that.”

Our informants offered many examples of why even that doesn’t always make people realize what’s going on. “Their benefits are getting cut off or somehow their Medicaid is gone, or they're getting evicted, or the school is not doing what they need to do for their kid,” one legal services lawyer told us. “And it's just –

that is life as they know it. And the idea that I think that maybe my rights are being violated and a lawyer could help fix that, I don't think is a thought that crosses lots of folks’ minds.” Another said, to similar effect, “You may get a letter from your landlord regarding eviction, and it's been improperly served and it's not right but you don't even recognize that there might be a legal remedy for what you're experiencing.”

Understandably, the ability to recognize legal issues is a function of someone's life experience. "Those of us who work in the legal world," one lawyer commented, "or maybe academia or the medical field, are used to talking to lawyers in their regular lives in various ways, whether it's for personal reasons, or professional reasons, and that people who work in different types of jobs or may operate on cash only, don't encounter lawyers regularly. So one, it may not come to their mind that that's an option, but two, that's not part of their regular sphere. So they may not feel that that is accessible."

"The idea that I think that maybe my rights are being violated and a lawyer could help fix that, I don't think is a thought that crosses lots of folks' minds."

Our informants generally share the objective that this and the other inhibiting factors should be remedied, but as we said at the outset, that naturally would increase demand for services. "If more people realize they had a legal issue," said one person, "we probably even get more people trying to get ahold of us." Accordingly, the effort to facilitate contact must be paired with an effort to expand resources.

Knowledge of Available Resources

Our key informants told us that, even when a potential client knows they have a legal problem, they may not know help is available or how to navigate through resources. Why don't they reach out for help? "I think it's information," said one lawyer, "having access to information." Said another, "Most people do not know how to navigate civil justice systems." One of the legal services lawyers, repeating a comment we heard often, told us, "A lot of times people may not even know that we're here. Despite outreach that we do in the community, sometimes people just don't realize that we're here." Another from the same agency said, "It's surprising when we are out there in the field and talking to people, it's amazing the people who say they've never heard of us."

Some people know about the services, but don't understand what they're for. "We got a lot of people who know what we are and who we are, thinking that you only do divorces," one person told us. Another said, "Some of it is a perception that you only go to a lawyer for certain things, like a criminal problem." He added, touching on themes that we'll see often, "Or you don't think that you can afford a lawyer, or you reached out and you were told, no, they couldn't help you this time, so you don't go for the next one."

“It's confusing,” said one of our informants. “You know, if you try to Google a lawyer, the way lawyers advertise on Google, it's a lot of information, it's a lot of stuff that comes at you, and you don't know what it is.”

Resources for Immigrant Communities

Immigrant communities often struggle with limited or incorrect information. “Specific to the immigrant community,” said one specialist in the field, “I think generally it's a lack of awareness, right? If people don't know what their rights are, or how to assert them, or that there's resources to help them assert them, they're not going to do it.” And undocumented immigrants may think they have no rights. “Landlords maybe not providing the proper services that were included in in a contract, upkeep of the home, and, you know, they will try to resolve on their own, but oftentimes,” said another expert, “the undocumented population, they will let it go.”

A legal services lawyer told us, “Sometimes I think people don't realize that they have a legal problem, and sometimes I think that people are hesitant to ask for help. That's really

“If people don't know what their rights are there, or how to assert them, or that there's resources to help them assert them, they're not going to do it.”

true with people who may not be here legally.” That points to another obvious reason for undocumented people to hold off contacting lawyers. “For my community,” said one practitioner, “that, you know, the majority is undocumented, there's just certainly a fear of, you know, having other issues, encountering immigration issues, of why they may not seek out.”

Another expert put it vividly. “Here's an additional layer in the immigrant community, and particularly people without status,” she said, “is that, you know, there's a fear that somebody's going to call ICE and deport them. And it's like, for example, in our housing stuff, we say, you know, it's illegal for your landlord to retaliate against you by calling ICE, but that doesn't mean they can't do it, and you're not already deported by the time you know.”

A lawyer who sometimes works with homeless people said, to similar effect, “They have some misguided idea that if they come to the shelter, we have to report them if they're undocumented, which is not the case. We don't report at all, but I think that might be the fear there'll be reported, so they don't come to us.”

Social Barriers to Access

“I think some people, depending on their circumstances, are very hesitant to ask for help.” So said one of the lawyers, summarizing one of the social barriers that keep people from

reaching out. Another said, “When you're used to living in poverty, you just are not used to asking for help, getting help.” Or a person may think help is just too much to ask. “You know,” said one of our informants, ““Oh, nobody's gonna help me anyways. Even if I was to get a lawyer, you know, I just probably just need to move on, because nobody's going to help me really anyways.”” Or, to the contrary, some people don’t even believe in asking for help. “There's also a culture in the more rural part,” one rural lawyer commented, “of people wanting to take care of their own, so they try to figure it out themselves or with the help of their family, which is not always the best solution.”

Poor people are often in survival mode, with hiring a lawyer the least of their worries. “When I think of Maslow's hierarchy of need,” said one of the lawyers we spoke to, “I don't think legal needs is often thought of.” She added, “Food and benefits and those needs take precedence over, ‘Oh, let me go talk to a lawyer about my rights when it comes to housing.’” A lawyer who works with homeless people said something similar. “Their number one concern is just surviving, and finding a place to live at night, finding something to eat. So, while they probably know they have a legal issue or at least have some inkling they have a legal issue, it's not at the top of their to do list because there's other things that they have to take care of first.”

Fear of lawyers is another barrier. “I think intimidation by lawyers,” suggested one person. Said another, “People are very scared to see a lawyer and they don't know what's gonna happen,” adding that one of her clients had told her, “I don't think you guys realize how intimidating you are.” Fear of disclosure is another. “They don't want to give personal information,” said one lawyer. “With the rental assistance,” said another, “I think even with that, it's like, ‘I don't really want to give my personal information out to anybody.’” Fear of the cost is another. “I think there's always the impression that the cost is high,” said one nonprofit leader. “Even though we're Legal Services, not everybody that calls us thinks that the attorney services are free,” said one of the lawyers. They aren’t aware of the services that are available, and they think, according to another lawyer, “Oh, a lawyer would cost too much money.”

“Food and benefits and those needs take precedence over, ‘Oh, let me go talk to a lawyer about my rights when it comes to housing.’”

Often, inexperienced prospective clients have a distorted picture of what a lawyer does or who they are. “I think for people who have never encountered lawyers before,” suggested one person, “maybe their idea of lawyers is what's on TV, and they're thinking,

‘My situation doesn't look anything like that.’” Another pointed out, “The way that a lot of vulnerable people hear about attorneys is in the morning with a hundred ads on, you know, ambulance chasers, you know, ‘I'll take care of you when you have a fall or when you're in a car accident.’” Said another, “I mean the constant barrage of having those commercials on TV and that type of thing. That probably does make a difference.”

A “stigma” attaches to lawyers, we were told. “Oh, the stigma,” lamented one lawyer. “I think there's still a lot of misconception about attorneys that that the general public has about us, whether it's, we're ambulance chasers, we can't be trusted. I mean, everybody's heard enough lawyer jokes to know that we get a bad rap.” Another stigma is at work as well, she said. “I also think the same could be true if you were to talk about free lawyers. I've heard very negative connotations with regards to public defenders, and I'm going to get myself a paid lawyer.” Another lawyer said the same. “We get a lot of stigma from the private bar or still some from the community that says, ‘We're not real attorneys because we don't charge \$250 an hour.’”

Trust

Still under the category of “social barriers,” and one that we've hinted at, but that deserves a section of its own, is a lack of trust in lawyers and in the legal system, which is often seen among the low- and moderate-income population of potential legal services clients. One legal services lawyer put the matter simply. “I do think there is a level of mistrust for attorneys,” she said. “There's that lack of trust,” said another. “Lawyers have not always been viewed as, you know, actually going to be there to help you,” said a third.

This mistrust is rooted in history and experience, we were told. “There's many generations of layers of lack of trust or reticence around professionals,” one of our

“A lot of lower income folks, they've never had a professional speak to them in a respectful or equal manner.”

informants told us. “A lot of lower income folks, they've never had a professional speak to them, you know, in a respectful or equal manner.” Said a legal services lawyer, “The history of trusting the court system is one of the biggest obstacles that even our organization is facing when going into these new communities.” And,

said a third person, “Historically oppressed people have loads of reasons not to trust agencies or government.”

The history is especially burdensome for people of color and indigenous people. A lawyer spoke about “Like, how much the African American community doesn't trust lawyers.” A community leader explained, “There is a disconnect between the legal community and

low-income communities. Usually when you have to engage a lawyer it's when you're in trouble. It's not viewed as a resource. The legal profession, especially for black communities, are not always viewed as a partner in your development, in your growth." A lawyer working in rural communities said, "You look at Black land loss in our state, and a lot of that is because of distrust of lawyers and not comfortable seeking the kind of help that would be needed to avoid it." We also heard of similar concerns about Hispanic and indigenous groups. "I do think that there is probably some distrust and some hesitancy within those populations," one person said. "One thing we're doing is trying to work with the Catawba Indian nation, to eliminate that distrust, and to let them know about our availability of services and to make it easy for them to get access to our services."

The trust deficit may arise from bad previous experiences with lawyers or with the courts or government. "If your only interaction with the legal system has been negative," said one legal services lawyer, "or your only stories with regards to the legal system have been negative, then yeah, I could understand why there's a hesitancy to get involved." Said another, "I just think people have had the door shut in their face so many times that, you know, or been told, 'Sorry, we don't have the resources to help you.'" Or, said another, "You reached out and you were told, no, they couldn't help you this time, so you don't go for the next one."

"I just think people have had the door shut in their face so many times or been told, 'Sorry, we don't have the resources to help you.'"

The lawyers we spoke to told us they must build back the trust. "We have to do our best to try to build up some trust and work with them," said one. "And we're more successful with, you know, in some cases than others. And that's the nature of the of the work." Said another, "Trust is something which we build from the outset." One person explained that empowering their clients is one way to do it. They make clear that, as he put it, "You're the authority on your life, you get to dictate this and tell us what your goals are, and then we're going to help you navigate the way to get there."

Two of the lawyers expressed a somewhat contrary and more sanguine view. "You're always going to have those people," said one, "but I don't think that's an overwhelming factor." And, said another, "I feel like the trust is there, even when they have had bad interaction with past attorneys. I think ultimately, they think we're, you know, doing the right thing."

Making Contact

We discussed in the previous section the reasons why some people who have legal problems don't seek help from lawyers. But some people do seek help, of course, and there are many points of contact between legal services agencies and the low- and moderate-income people they serve. In this section, we'll talk about the efforts of legal services agencies to reach into communities to inform people about the services that are available and to rebuild trust. We'll hear about the intake process that determines who gets represented. And we'll examine some of the remaining barriers that make it harder to gain access to services, even when both lawyer and client want it to happen.

Information and Outreach

Our informants spoke about the things they do to bring information to the communities, about their services and about substantive legal issues. It's part of their mission, we found, to rectify some of the information and access deficits that we've described. As one of the legal services lawyers put it, "We really do have to go to people where they are, we have to be there, you know, we have to show up and be there consistently." Another explained why it's necessary. "People don't think about the resources unless they have somebody who's telling them about the resources."

The scope of outreach and education activities is wide. "We work with the domestic violence shelter," one lawyer told us. "We work with a community organization in one of our counties that we go to once a month that they're doing primarily expungements for clients in the area. It's a rural area where job rates are down so we've been doing a lot of work with them." Another said, "We will do educational seminars, you know, know your rights as a tenant, what are your rights and responsibilities? What are you entitled to have? What do you not entitled to have? We will do more clinical programs where we're doing wills clinics, or health care power of attorney clinics. We reach out and say, 'What are your needs? How can we help?'"

Another lawyer told us, "We try to put brochures in courthouses, food stamp places, DSS, all the places that people may go." And that may not be enough, he added, "People don't always read brochures or posters or anything, and a lot of word about us passes through friends, like, 'Oh, I got evicted, or they tried to evict me and I got an attorney, and here's how you reach them.' But it is highly possible that they just haven't heard of us." The worry that "they haven't heard of us" drives many of these initiatives. "As much as we have done," said one lawyer, "there are still so many people and lawyers out there that

don't know about us. So many clients that don't know about us.” This sense that they still have work to do to make themselves known is shared by many of our informants. One of them said, “There's a shortage of programs that can help identify folks who could benefit from legal services.”

Again, special efforts are being made in immigrant communities. One lawyer spoke of “the importance of getting information out to this community and doing better with language access and partnering with trusted community partners,” adding, “If they don't have that sort of community broker to introduce them to the community and vouch for them, it's not going to be a successful process, so I think there's been a lot of learning around that.”

One twist on outreach: “The pandemic made it easier,” according to one of our informants. “I've been able to show up in everybody's meetings and Facebook Lives, and actually, it really helped my community outreach and to build relationships with partners.”

Intake Trouble

Much depends on the reception that a legal services agency can provide to a potential client who picks up the phone and calls. Each of the agencies has a system for this. We'll talk about how some of the smaller agencies do it, and we'll talk about South Carolina Legal Services, which operates by far the largest intake operation in the state, how they do it. “We were averaging probably about 25,000 calls a year,” one of the SCLS lawyers said, giving us a sense of the scale of it. “We might be able to answer maybe fifty to fifty-five percent of those calls, depending on how many staff people we have in the office at that time.” Another SCLS lawyer told us more about the system, highlighting an issue that we would hear about from many stakeholders around the state. “The telephone intake service is a statewide number,” she said. “They're open from 9 AM to 6 PM, Monday through Thursday, and they do a great job of processing the applications as they come through. However, there is a, you know, sometimes there's a very high call volume and clients can call several times and then you're on hold for I believe ten or fifteen minutes and then it basically drops the call and you have to call back.”

“If they don't have that sort of community broker to introduce them to the community and vouch for them, it's not going to be a successful process.”

Another SCLS lawyer we spoke to said, “you know, just to be blunt, our intake process is as streamlined as we've been able to figure out how to make it so far, but there's a wait.

When you call, there's a wait. Now we've figured out some ways around that. There are some things you can do online and then have someone call you back. But it's not ideal." And another pointed to a sort of rush hour that makes intake more challenging for SCLS. "It's just a matter of how do you get the intake done, especially if you're on your lunch break and you can't get through the line because everybody is calling at their lunch break."

This self-assessment was echoed by lawyers outside SCLS. One compared her firm's intake system to SCLS's. "We've been doing a really good job with intake," she said, "but I, you know, I don't want to speak for other organizations, but we do have a lot of people call

"Just to be blunt, our intake process is as streamlined as we've been able to figure out how to make it so far, but there's a wait. When you call, there's a wait."

us because we're the first people that pick up the phone." She conceded it might be easier for a smaller organization. "We pick up the phone. We try to get back to people. Maybe we just don't have as high call volume as the other organizations, but, you know, we are responsive." Another lawyer made a similar point. "I've definitely referred clients who are like, 'I just gave up because it was

too difficult to do the intake.'" And another raised a further issue in addition to the wait times and dropped calls. "If you're successful in getting through, then you have to hope that your case falls within legal services priorities."

Three other notable points emerged from this discussion. One, the intake has to accommodate Spanish-speaking and other non-English-speaking callers. Said one lawyer, "We do have an option for Spanish speakers to just press one or two to circumvent the process to get around that. So for them to get somewhat – we have Spanish speaking staff in our intake service and so Spanish speaking clients can press that," and she said there's a further option that has the effect of bringing in an outside interpretation service. Two, the intake person has to be a skilled interviewer of sorts. As one put it, "Sometimes, you know, the language and the way we speak and trying to get to the facts is not the same way that somebody thinks about their life and what the facts are." Three, the caller is an equal partner in the intake. If the agency can't subsequently reach the caller, the process will be interrupted. "For my office," said one lawyer, discussing the reasons why someone might not get representation, "the biggest reason is, we can't get them back. They either withdrew, we can't ever get them back, they've completed an application, or we're trying to get a follow up question or something's not totally complete."

Holistic Intake

We noted in an earlier section that often poor people bring in not just a discrete legal issue but potentially an avalanche – or a snowball – of problems that aren’t necessarily legal ones. Or, to try a third metaphor, in the words of one of our legal services lawyers, “There are some times when we get into services and this all unfolds like an onion peeling.” It’s at the intake stage that the peeling sometimes happens. One lawyer said, “Oftentimes people with legal issues don’t just have a legal issue. It’s a whole bunch of issues going on.” Said another lawyer, “Rarely does somebody present with just one legal problem, and if you really do a holistic intake on someone, there’s usually four or five things that probably need to be addressed, and probably the most important one isn’t the thing that they presented to you to begin with.” The objective, we were told, is to address the underlying problems of which the legal issue is just a symptom.

The Emergency Rental Assistance Program is today’s most prominent example of how this can work. “We can help do the legal aspect to maybe stop an eviction,” said one lawyer, “and then pair them with a group that’s going to provide some funding. We would really not just put a band-aid on the issue, but put a bow and help them get past it where we’re not going to see them again next month.”

On a more comprehensive scale, we see another important example in the medical-legal partnerships (MLPs), including one formal program in which SCLS participates. As we said, a person may not know they have a legal problem or may not put it on a high priority. But often they do know when they have a medical problem. In the MLP setting, the medical personnel are trained in holistic intake, and are able to identify legal issues and make appropriate referrals. “So many things that present as a medical problem, it really, actually needs a solution outside the four walls of the hospital,” explained one practitioner. “Often, it’s a legal intervention.” As another lawyer who studies these initiatives put it, “In the heart of one of the many benefits of that model is you have folks at the hospital who are identifying legal needs of the families they may not identify for themselves.” These are innovative and challenging, we were told. “Instead of designing what is easiest for the doctors and lawyers or what they’re comfortable with,” said one of our informants, “or what they’re used to, which is what

“There’s usually four or five things that probably need to be addressed, and probably the most important one isn’t the thing that they presented to you to begin with.”

we tend to do, this actually is designed to be the best response to a problem that appears to be medical or health-related.”

The MLP intake runs in two directions. The medical intake may result in a referral to SCLS, and an SCLS intake may result in a referral to the MLP. “Sometimes,” said an MLP practitioner we spoke to, “we have patients that aren't appropriate for the MLP, but

“Some states have school-based legal services, which I think could be a really fruitful area, especially to help identify legal needs for kids.”

absolutely are appropriate for South Carolina Legal Services, and so we will give them the intake number for the main intake office of Legal Services. So, they wouldn't benefit or really don't qualify for the MLP. Maybe they have a legal need, but it's not health-harming. And we'll refer them to call and kind of take the situation into their own hands

versus us really walking them through it and case-managing them through everything like we do for our MLP clients. So, most of the time, the folks that we get are going to become clients. There's a few that we'll refer to legal aid to handle on their own, but – and vice versa. Sometimes people will call the main intake office at Legal Services and they'll say, ‘Oh, I think this might be MLP,’ and they'll kick it over to us.”

The medical-legal model has special relevance to the domestic violence / sexual assault practice. “That can be a place for intervention, particularly, we have doctors that do domestic violence screenings, and sexual assault screenings as part of their care for their patients. And then it would be nice if in that moment, the doctor could, you know, send an immediate referral or provide immediate assistance to have either a lawyer or an advocate follow up with that person.”

The lawyers see all this as an improvement over the typical lawyer referral. “Normally, our partners seem to be focused on the one area of law that they focus on, for lack of a better place. So, you know, the best thing that kind of helped us in that area is when we got involved with a medical legal partnership, and we did training for the medical legal partnership, so they kind of refer all sorts of cases to us, because they hear whatever their patients said.”

The holistic intake can function in a variety of settings. “I'd love to see analogous models elsewhere,” said one lawyer. “Some states have school-based legal services, which I think could be a really fruitful area, especially to help identify legal needs for kids, or we could have school social workers referring families.” Or, “you get some partnerships with places

like pediatricians offices,” that could be, he said, “a huge untapped resource for spotting issues.”

Triage

We have established that the amount of legal services is insufficient to meet all the needs. This makes a legal services intake, to continue the medical connection, like a hospital emergency room. Both perform triage, the rationing of services to those in most immediate need – or as we will see, to those who have themselves or whose cases have other characteristics that move them to the front of the line. One person spoke of the necessity of “Some triage that the lawyers have to do really quickly.” A legal services lawyer said, “Of that particular batch of cases that have come in that week, yours is one of the worst ones, because they're triaging so many cases per week, you know, only the worst ones get taken.”

In a stark indication of the severity of the shortfall, a determining factor of “immediate need” that we heard often was whether a person would be, in the judgment of the legal services provider, capable of fighting it on their own.

“We don't have the resources to be able to help everybody,” explained on lawyer. “You have to make a decision based on the client. I mean, we have these discussions all the time about, you know, this client, after the advocate having talked to the client, if I equip them and give them what they need, I think they will be able to do it on their own. However, this client is never going to make it. And so we make

“This client, after the advocate having talked to the client, if I equip them and give them what they need, I think they will be able to do it on their own. However, this client is never going to make it.”

decisions like that all the time.” Another put it this way. “Okay, this person can't do this on their own, you know, you can just get that feeling from talking to them.” Said another, “We'll screen people for ability to do things pro se.”

The factors pointing to that conclusion may vary. Another legal services lawyer described her criteria. “When we have somebody who is deaf, or has limited mental ability, or even just can't really speak well, can't organize their thoughts, that does make us more likely to try to bend a little bit to take the case. Because we truly feel that they won't be able to represent themselves at all.” Another provider enumerated the quite different factors they consider, ones aimed more at broader social issues than issues of individual capacity. “One, we want to make sure that the case is meritorious.” She continued, “Two, we always look at the public interest factor. We really want to make sure we're not just, you

know, helping a bunch of landlords kick poor people out of their homes, just because they qualify for our services.” And finally, “I look at whether there's inequities in the situation. If one side has an attorney, but the other side doesn't, you know, should we come in and really try to balance the power there, the dynamic there?”

After much discussion of the cases firms will turn away – those that aren't the most urgent – some reframed the process in a more positive tone, saying they would turn away no

“The way our offices work, we wouldn't turn anyone away that had an immediate need.”

one whose case is urgent. “The way our offices work,” said one practitioner, “we wouldn't turn anyone away that had an immediate need.” Said another, “If they got served with papers, then that intake is transferred to the local office and I actually

send an email to the managing attorney that says ‘This person's got a hearing. This person got served with papers. This is an emergency.’”

Importantly, SCLS and others make room for a middle ground between representation and rejection. “We try to give counsel and advice to as many as we can,” one lawyer said. “We try to see what we can do to give them some kind of assistance.” He concluded, expressing a lament shared by all legal services lawyers, “We try to see as many people as we can. Unfortunately, there are way too many clients for our staff.”

Eligibility to be a Client

We've talked about the judgement calls that intake and triage entail, but we haven't yet mentioned the strict eligibility criterion that must be met before all those other factors are even considered. The most important one is income. Most firms offer their services only to those under specified income thresholds, typically prescribed by statute or the terms of a grant. South Carolina Legal Services' threshold is 125% of the federal poverty guideline, with some exceptions. One of their attorneys explained, “They do have to meet some eligibility criteria in order for South Carolina Legal Services to be able to serve them. And so there's an income eligibility requirement, which is no more than 200% of the federal poverty level. Really, it's, you know, if they're over 125%, then that's up for the consideration of the managing attorneys that are reviewing that application.”

Other agencies have other thresholds. One lawyer told us, “They need to be at or below 150% of the federal poverty guidelines. And we just go by a chart where they have to provide income verification, whether it's pay stubs or tax returns, so we verify the income.” Verification is important; we were told that on occasion an applicant, whether deliberately or by inadvertence, understates their income. “Sometimes people don't –

sometimes they find additional income. When the intake comes to the office when they're verifying income, that could possibly be over income."

One of the most unfortunate aspects of the service shortfall is that many have income exceeding the threshold but not nearly enough to afford a private lawyer. "One of the problems," said one lawyer, "is if you're part of the working poor, chances are you're going to be over 200% just barely. But there's nothing for you at 201%. Then you really can't then afford even low bono services." There is one agency that targets that middle group. "So, we specifically serve anyone who's below 400% of the federal poverty line. We say we pick up where Legal Services leaves off."

"If you're part of the working poor, chances are you're going to be over 200% just barely. But there's nothing for you at 201%."

Other strict criteria include geography, with some agencies limited to specified counties, subject area restrictions, and immigration status. SCLS and other providers receiving LSC funding are, as we mentioned, barred from serving undocumented immigrants. We were told, "They also have to have legal status, so either be U.S. citizens or legal residents of the United States, with some exceptions, but those are pretty nuanced."

Material Barriers to Access

Access to justice is affected by social factors as we've discussed, and also by material factors which can create significant obstacles. We'll discuss several important factors in this section.

Cost

An obvious one, and one we've touched on already in the context of income eligibility, and one that's implicit in our entire exploration of legal needs, is cost. Services provided by private lawyers are expensive. That's the basic problem. "When you look at access to the private bar," said one legal services lawyer, "I mean, certainly the number one issue is going to be a financial one." Said another, "For private attorneys, cost is a real issue."

Poverty is itself a very high barrier as we've discussed, just because it demands so much attention all the time, thrives in crisis, and distracts people from their search for things like a good lawyer. "Poverty is number one," said one lawyer to the question what are the main obstacles to access. "Those people are out there with no services at all, trying to get through it as best they can," as one lawyer said. "The system is hard for them." Said

another, “If you’re super low income, you know, it's the reality in a capitalist society, it's just hard to have a go of it without some resources. And so, that's always going to be looming, you know.” The working poor face these barriers. “If you have to choose between going to work and feeding your family that month,” we were told, “or pursuing a claim against somebody who sold you a lemon car, you might just move on with your life and feed your family.”

A special barrier is encountered by survivors of domestic violence, who may have an abusive partner with control of the household finances. “A lot of our clients are women,” said one practitioner in the field, “who maybe their husband has money, or their ex has money, or the person that’s their partner had money, but usually the people that cannot access or if there's a partner situation, the partner who isn't the breadwinner, and that partner typically has the kids and no car and now no home, etcetera.”

Filing Fees

But we’d also like to highlight a cost factor that doesn’t always get the same amount of attention. The client may have the benefit of free or low legal fees, but they remain responsible for filing fees and costs. A legal services lawyer explained, “A lot of times our

“One of the biggest obstacles we see are the fees, the filing fees, or the fees that are incurred as you're going through either litigation or just some type of process.”

clients can't afford the costs that are associated with that even though they have a free attorney.” Another said, “One of the biggest obstacles we see are the fees, the filing fees, or the fees that are incurred as you're going through either litigation or just some type of process. For example, the most that we see fees are with guardianship cases where you have to pay a guardian ad litem, and there's just costs that

come out of that, that are not considered part of the sort of free legal assistance. So that's a barrier and can be just a stopping point.”

Said another lawyer, “For the third-party costs, such as publications and filing fees, those are the responsibilities of the client to pay for.” She used as an example a client seeking to establish title to real property. “Filing fees,” she said, “recording, you know, guardian ad litem that's required, maybe a court reporter, all those things, title searches, they all add up and these are landowners that don't have the assets to do it. Its literally their paycheck to paycheck, and they're just trying to sustain or trying to continue to live on the property.” In a guardianship or conservatorship case, we were told, “You're normally looking at between a thousand and fifteen hundred dollars for those fees, even with

people who are willing to do reduce cost.” She added, “The same goes for adoptions, for non-relative adoptions, but with the adoptions, there's a DSS subsidy that we can help our clients apply for that will assist them in paying the cost of the adoption for the guardian ad litem and the pre and post placement.” And finally, immigration proceedings have high filing fees associated with them. “Just filing an immigration claim costs upwards of \$500,” according to one legal services lawyer. “Now you can file things to have that waived, but there's a lot of upfront costs that come along with any sort of litigation, civil, even Magistrates Court stuff, and it's very hard for them, even if they do have a job.”

Time Off Work

Adjacent to the cost issue is the issue of taking time off work, a luxury that many low-income people can't afford.

As one informant explained, “You have to be able to take time off work, to attend appointments with your lawyer to attend court hearings, all those things. So that also creates a burden.” Said another lawyer we spoke to, “A lot of our folks, they don't want to leave their job, or they

“There's a misconception that clients don't work. But most of our clients work if not one, multiple jobs.”

can't leave their job to come and meet.” Another lawyer pointed out, “There's a misconception that clients don't work. But most of our clients work if not one, multiple jobs, and then they're usually shift work, and now we're trying to coordinate. They don't get PTO.”

In an extreme case this is a problem that can block access altogether. “It's very hard for them, even if they do have a job, now they have to take off a day. And then sometimes these things get continued and they have to take off another day, and then they're fired, and they've been through it perhaps before through the court system, so they know, that's going to happen this time, so they'd rather just not deal with it.”

Cumulatively, the various kinds of cost burdens can be crushing. One person summed it up for us. “A lot of these people are living paycheck to paycheck and so just the financial burden of having to take a day off work or you know, make copies or, you know, search out documents or whatever, or pay somebody to translate to like, all of the time that it takes to sort of coordinate your legal matter and deal with it is a huge opportunity cost for families.”

Transportation

Whenever low-income people are considered, or rural people, or elderly people, or when issues of equity are considered in any context, the problem of transportation is featured

prominently as a complicating and deleterious factor. Gaining access to legal services in South Carolina is a good example. Speaking of appointments with the lawyer and court appearances, a legal services lawyer said, “You have to have transportation to get to all those things, which is a real problem in South Carolina.”

In a car culture, with public transportation an afterthought outside a few of the biggest cities, poor people who don’t have their own cars struggle to accomplish even the simplest tasks. “As far as proper, you know, public transportation that’s reliable,” said one

“Just getting to legal services, you know, if somebody needs to take a bus line, and what if the bus is running late, to get to our office?”

lawyer, “I don’t think there’s enough of it, for folks to be able to really access it.” Said another, “Just getting to legal services, you know, if somebody needs to take a bus line, and what if the bus is running late, to get to our office?”

If a client can get to a bus line, and if the destination is on a bus line, the problem is manageable, as one lawyer pointed out. “If they need to get to us, I mean our offices, the bus stop is right outside our door.” This lawyer also said that if the client can’t reach the office, the lawyers will travel to the client. “We have identified places where we can go and see people in different counties,” she said.

Our informants were emphatic on the subject of rural transportation. “I think transportation for the really low income is an issue,” said one lawyer, “especially in rural areas.” Said another, “We see that a lot in rural places, where they don’t have transportation, or there’s transportation service that will bring them to our office, or they are not able to pay, you know, not able to fill the car up with gas to come to the office, so transportation in general is an issue.” Said another, “I mean, you talk about a whole state, you certainly see gaps in people who live in rural area who have lack of transportation.”

If the client can’t get public transportation, they have to get a ride with a friend or family member. “Logistically,” a legal services lawyer said, “transportation is an issue. I pulled in to work today, and I saw an individual in their car with their car running. And I knew that they were there for one of our clients that had come in for a meeting about a trial, and that individual had to get a ride to come and see us and prepare for their upcoming trial.”

And in general, this barrier is more daunting for an elderly person of low income. “If you’re elderly,” one lawyer said, “trying to get to an office is not easy, trying to get to the courthouse is not easy, because of lack of transportation, or public transportation.

Digital Divide

Transportation and internet access are related. If a client can't get to the lawyer's office, they might be able to do so online. It certainly helps to have at least one or the other. "Oftentimes," said one lawyer, "they may not have access to a computer or a ride to the courthouse, like, it's really tough." Another lawyer told of "since the pandemic trying to accommodate people by doing a lot of talking back and forth on zoom calls." Another lawyer agreed that the pandemic had a silver lining in this respect. "So, you know, in some ways, COVID was very helpful, because so much went virtual. And clients that would have had a very difficult time getting to our office or getting to the courthouse now have the ability to attend the hearing virtually." But, she continued, "The flip side of that is, you know, if they're elderly or low income, they might not have reliable internet or know how to use the internet. So those who prefer to come to our office, because they didn't have that kind of access, now struggle when it comes to virtual hearings, or signing representation agreements."

"They can't upload a document. They don't know what upload means. They don't have a laptop."

And the other flip side is that during the pandemic, many people lost their ability to get online. "The library being closed for the last couple of months," we were told, "I mean for a while people were not being able to go in to use their computers."

Our informants agreed that, whether before or since the pandemic, the people they serve often do lack digital access. "A lot do not have access to technology," a legal services lawyer said, "whether it's internet access or a computer." In thinking about the most important obstacles to access, one person said, "That's first. We lack broadband internet access. So, it's a lot of people that cannot effectively utilize the internet to get their needs met." Some clients try to conduct legal business digitally but are unsuccessful. "One of the bigger issues for these individuals," said one informant, "is they can't upload a document. They don't know what upload means. They don't have a laptop." She added, "It's a real technical divide and lack of access for these folks."

That can be a serious problem in today's world, when services are routinely delivered through online platforms. "Even technology," said one lawyer, "access to technology, a lot of things now are online, or you'll have to pre-fill a form. Some of the clients that I see or come into contact with, they just, you know, are not as tech savvy and really want to have some sort of in-person guidance, so that can also be a barrier." Said another, "You have all those other issues with the poor as well, not only the trust issue, but the tech

issue, to know where to go, everything is all tech now.” And again, the immigrant communities bear the heaviest burden, we were told. “Going back to who disproportionately bears that,” a practitioner observed, “it’s obviously the lowest, you know, people with the least access to internet, to community organizations, our immigrants in rural areas really suffer.”

For our informants, communication via cell phone is one of the most vexing of all the technology issues. How effective it is, and how satisfying a substitute for internet access, is a question still in the process of being answered. “Almost all of our people have access to smartphones,” said one person, “most of them.” And one legal services lawyer viewed this development more optimistically than did most of her colleagues. “I rarely encounter anyone who doesn’t have a phone anymore,” she said. “It used to be that a lot of people had their phone turned off because they didn’t pay the bill, but that seems to be a more common part of people’s existence, that that’s one of the first things they pay, or they can get the limited free minutes, which is connected to them getting food stamps, so I rarely find anyone saying they don’t have a phone.”

But others said that while most people indeed have phones, they often do have them turned off and they do run out of minutes. “We have clients,” said one lawyer, “who run out of minutes and change phone numbers, change addresses, and trying to keep up with

“I’ll have phone numbers for clients, but I call those, and if I get the message ‘voicemail is not set up,’ it usually means that the bill has not been paid and there’s no way to contact them.”

the best method of communication.” Another said, “They have phones, it’s called the Obama phone that you can get through the Department of Social Services. But the issue is keeping the minutes on them. I’ll have phone numbers for clients, but I call those, and if I get the message ‘voicemail is

not set up,’ it usually means that the bill has not been paid and there’s no way to contact them.” The struggles begin with the intake, according to another lawyer we spoke to. “Sometimes it takes us several times,” she said, “several back and forth to get in touch with our clients. Their inboxes are not set up, they’ve run out of money on their cell phones, they’re working and they can’t answer calls, you know, so just getting that initial phone call can be really difficult.” Another added, “Probably because they don’t want creditors calling, a lot of them also have voicemails that are full when we call.”

The phone also falls short, compared to a computer, in its ability to transmit documents. We were told, “They have a phone, they can take a picture of something and send it to

you usually, but as far as scanning something to you, they're probably not gonna have that ability.”

The Geography of Access

In this report we’ve sometimes referred to geographical factors, particularly when we note the disadvantages suffered by rural communities in regard to legal services resources, transportation and internet access, and Black land loss. In this section we’ll explore more directly two related geographical factors that help define the legal needs of South Carolina residents.

Charleston and the Rest

The distribution of legal services resources in South Carolina is lopsided. Poor people throughout the state are underserved by the legal system, but within that overall framework, our informants told us, Charleston is relatively well-resourced while much of the rest experience serious shortfalls. Said one Charleston lawyer, “Charleston is unique in the state of South Carolina, in that it's the only city that has four legal service providers. Nobody else has that. So, while I'm sure there is a gap, we probably have a lesser of a gap than anywhere else in the state.”

“We have huge pockets in our state where there’s very little going on, and then we’ve got other parts of our state where there’s lots of resources and lots of programming.”

Others generally agreed. “It’s very well-resourced,” said another legal services lawyer. “I’m not going to say all the programs are well-resourced, but you’ve got four staffed programs down there.” And another lawyer said the same. “Charleston County,” she said, “has probably the most legal resources out of every, what I've noticed out of most counties.” Housing Court is a recent innovation that conferred even more unequal resources on Charleston. “Charleston is in a unique place,” another lawyer said, “because we have the Housing Court and we’ve been participating in it with some of the other legal services providers here.”

Some of our informants spoke of efforts to remedy this imbalance. “We have huge pockets in our state where there’s very little going on,” said one, “and then we’ve got other parts of our state where there’s lots of resources and lots of programming. And, I understand that people are doing what they need to be doing where they physically are, but that isn’t necessarily how we should be looking at how do we get the help across the

state.” So, they are asking such questions as, “Do we have offices in the right place? Are there ways that we should be putting resources in certain parts of the state for certain things that we’re not thinking about right now, that might be more helpful?” One of the problems that will have to be addressed is that, as in most parts of the country, it can be hard to recruit young professionals to work in out-of-the-way places. “If we’re having trouble getting attorneys to certain parts of the state,” one person said, “are there other ways we can think about making that happen in a way where if we worked with the judiciary, and we worked with some of the social service providers, we could still make it work even if we can’t have somebody physically always there in that area?”

It isn’t only legal services resources that are concentrated in Charleston. It’s all kinds of resources. “They don’t have the same kind of transportation system and spread out a little bit more and harder to get to than people who live in Charleston,” said one lawyer. A Charleston lawyer who often works with homeless people said, “That population everywhere else in the state is definitely underserved because there’s no access to them, and even Legal Services I don’t think see a lot of people that are homeless because there’s no way for the folks there to get contacted from Legal Services.” People being evicted from their homes have much more access to resources in Charleston, as we’ll describe in more detail in a later section. “There’s whole areas of the state,” said a lawyer with expertise in evictions, “where you’re lucky to have half a lawyer doing evictions in this fairly substantial population area, and there’ll be other areas where there’s no lawyers at all able to do it, and there’s another part of the state where we’ve got three programs.”

Legal Services in Rural Areas

The disparity of resources between Charleston and the rest of the state is only a particularly noticeable example of a broader challenge with which practitioners everywhere are familiar: rural areas simply don’t have access to the same resources as cities and even towns do. One lawyer put it plainly. “It’s more spread out and there’s less services out there.”

Another of our informants said, “Usually it’s the main cities that have the attorneys, whereas if you’re in a rural area, it may be difficult to access legal services.” In another typical comment, we heard, “The counties below Charleston, Hampton, Jasper, down there, they’re very rural, and I’m sure the folks there don’t have any idea – I don’t know if there are legal services for them. And if there are, it’s very limited, and there’s no pro bono type program down there.” (We’ll explore the pro bono question in a later section.) That southern tip of the state was mentioned several times. “Those are some of our

poorest communities, Jasper, Beaufort, that area, and so there it's almost like a desert there.”

The scarcity of lawyers has a racial dimension. An upstate lawyer said, “Those of us in larger population centers, while we've suffered like everyone else, we've been able to go to community foundations or, you know, do more fundraising locally to try to make up some of that difference. But when you're talking about places like the Peedee, when you're talking about Orangeburg, South Carolina, the more rural areas, areas that have higher African American populations, those areas are very dependent on the federal funding.” A nonprofit leader told us, “In rural communities, especially heavily African American counties, if there's a lawyer there, that lawyer probably has been practicing in that area for quite some time, has developed certain networks, and a lot of times those networks, that lawyer oftentimes does not represent the population that largely lives in that area.” Put another way, he said, “You don't have an abundance of lawyers of color in rural areas.”

“You don't have an abundance of lawyers of color in rural areas.”

Our informants talked about the pricing structure in rural South Carolina. “Surprise, we have some very intense rural poverty, and I don't think there's many affordable legal services out there. And if you're lucky, there's some folks who have hung a shingle and will probably represent you on something for a modest fee.” He added, “For many families, any fee above zero is just not tenable,” but a modest fee may be the only option in some places. Some country lawyers struggle to get business, and they won't always welcome legal services in their county. “There's such a low proportion of attorneys to low-income individuals,” a legal services lawyer told us. “Maybe we would be encroaching on their clients, you know, in the rural areas, because I think my understanding is, a lot of the solo practitioners there kind of do things on sliding scale anyway.”

Cultural factors can make it even harder for legal services to reach some rural communities. For example, they might not be welcomed by the very people who need them. Some rural people, we were told by one lawyer, “don't like strangers. Being from a small place, people don't always trust outsiders coming in, or they don't want to ask for help from outsiders.” Another example: everybody knows everybody's business. “We do a pro se divorce clinic,” one lawyer said, “that teaches people how to get a divorce on their own, if they meet certain criteria. But we have had people from Fairfield call about the clinic, but they don't want to come to the clinic in Fairfield, because they're afraid

people will know that they're there. So, they would rather travel to Lancaster, where they might not see somebody that they know, than go to the clinic right in their backyard." And a further factor, which we've touched on before, is internet access. "The rural areas have really bad internet, so online intake applications are not going to work very well there." That's not helpful, because as we've seen, intakes are already a challenge.

"Being from a small place, people don't always trust outsiders coming in, or they don't want to ask for help from outsiders."

But when thinking about how to reach the rural areas, legal services lawyers say you can't simply import them from the city. As one rural lawyer explained, "The counties that we cover are very rural. And that also changes how you can interact with people. Some services that would work for people in Columbia or Greenville are not the same for what would work in McCormick or Edgefield, which are much smaller places."

The Legal Services System

We have sometimes treated legal services as an undifferentiated mass of resources that share certain characteristics. That isn't wholly inaccurate, but it bears remembering that legal services in South Carolina is made up of a number of independent agencies, and a number of regional offices within a single large agency, each with countless community partners who contribute in some way to the overall enterprise. We interviewed legal services lawyers representing South Carolina Legal Services, four other law firms, and nine other organizations that provide legal services, and there are no doubt more. We wanted to know something about how these parts relate to each other and how the parts work together. Our informants had strong ideas about this.

Coordination and Conflict

In the course of our interviews, it became clear to us that this question about working together has been on the minds of many of our informants. They agree that coordination is desirable, and that it hasn't been achieved. As one lawyer put it, "There's not a concerted effort for us all to be talking with each other and coordinating."

Agencies are isolated from each other. Said one person, "There's definitely siloing. There's concern about turf and who's doing what, and not thinking about it in a way that, if we all do our jobs and work together and figure out how we can make it a statewide – making sure that people are getting the assistance that they need across the state." A private

lawyer, observing the system from the outside, said, “My sense is that the people who do, when their groups are providing legal services, operate in silos.”

The organizations don’t know what the others are doing, according to our informants. “We’re not coordinating as well as we could as groups within the state,” we were told, “and so it’s hard to assess what the needs are until we figure out what everybody’s doing, and then how do we ensure that we’re maximizing all that needs to be done among all of us. Then it will be a lot easier to assess as far as what’s going on and folks in need of representation.” One of the practitioners wanted to know what kinds of cases the system could

“There’s definitely siloing. There’s concern about turf and who’s doing what.”

handle. “What’s everybody really interested in this year, and then what are sort of like types of cases that we just cannot take, because we don’t currently have the talent or the funding? And then how can we figure that out?” This kind of coordination could make the system work better overall. “We’re so busy always learning what everybody’s doing,” said one expert, “we’re not talking about how do we all do it together and how do we make it seamless, or as close to seamless as we already could.”

Having this information would prevent duplication of effort and enhance system efficiency. Said one lawyer, “I think you’re really missing the boat if we don’t look outward to what other organizations are doing when other organizations out there exist. If we try to do something that another organization is already doing, and doing well, we’re wasting our resources. And so the whole idea that we stay engaged and updated on the organizations in our community doing this work is critical.” Moreover, if the agencies know what others are doing, they could learn from that. “Why recreate the wheel,” said one person, “if we can steal one and try and implement it here and adapt it, and I think we’re just always afraid to do that.”

Perhaps the worst symptom of siloing and lack of coordination is the fight over funding. To people worried that someone else might compete for their grant funding, one lawyer responded, “It’s not your grant! There are resources out there, and if we could just have these conversations about how those resources are shared or allocated, what needs are out there, it would make a difference.” It shouldn’t be seen as a zero-sum game. Instead, we were told, “Maybe we can figure out how to allocate, so that it’s not that somebody’s losing something, maybe they’re gaining something, and maybe we’re just figuring out a better way to do it, because we’re not doing the best we could.”

The issue of coordination is relevant not only to interagency relationships, but in the case of SCLS, intra-agency ones, too. Said one of the many current and former SCLS lawyers we spoke to, “Another thing that I would love to see is more of is a continuity between Legal Services offices.” She said, “Each office functions very differently than every other office, so it makes it difficult. When you're doing referrals for clients, you may refer something to the office in your county and they say no, this is not something we're interested in.” Another said, “I would try to break down the fiefdoms that are the local offices, open up better communication with the partnership, so everybody knows what we do, and we know what they do. Continually kind of micromanage that until it actually will work on its own, as a whole for Legal Services.”

Some of our informants seemed inspired by one signal success of coordination – the Housing Court. “There's four public interest agencies in the Charleston area,” one lawyer said with satisfaction. “We worked together on that.”

Community Partnerships

Coordination between legal services agencies is important; equally important is coordination between legal services agencies and the nonprofit service providers and other community-based organizations that together serve the same low- and moderate-income populations. In this realm, coordination efforts have been more successful.

We've stressed the holistic nature of these services. A single client may have, in addition to their legal problem, an array of other problems with housing, health, safety and

“I provide training and information to the community partners who are directly interacting and providing services to the community.”

education. The providers do a better job when they work together, and the client reaps the benefit. “It's relationship building,” said one of our informants. “I mostly work with direct service providers,” said another, “and also like trusted grassroots community leaders. And I see sort of my role there. It's not hierarchical, but it's sort of like a flow of information, right? So that I provide training and information to the community partners who are directly interacting and providing services to the community, they then pass that information on to the community.”

Some of the same system dynamics apply here as in the relationships among legal services firms that we described in the previous section. Speaking of the community partners, a legal services lawyer said, “We still don't understand why everybody doesn't know what everybody does, or who everybody is, but if that ever became a reality, then, we'd have

a much more efficient system.” When it works well, the partners offer better service to clients. “We know how to make an effective and efficient transfer of services back and forth between partners,” this lawyer said, “because one thing I hate to do is bounce clients back and forth to agencies.” When it works well, it’s like a well-oiled machine, said another lawyer. “We have super strong networks in the upstate, across the state, really, and that is our goal. But I can tell you personally, yes, we make those connections, we meet the new people, we shout out to the old people that have been there, not old, but the seasoned folks. And yes, we make sure that those are all greased wheels.”

One way the lawyers sometimes frame these relationships, of course, is as a system of cross-referrals. “A lot of those groups we also have direct referral systems with. They can directly refer a client to us and we will call him and do that client intake.” Another lawyer said, “We refer people, we've got a referral list of agencies and, you know, other help, nonprofits in the area.” Said another, “I think it's worth our time to educate them on our services, and to definitely partner with them, so that we can obtain referrals from them and do that on an efficient basis.”

In specialized practice areas implicating complex social structures, these partnerships are vital. Domestic violence and sexual assault practice is an example, illustrating the sheer number of institutional and community stakeholders involved. Said one practitioner in this field, “We have a relationship with the hospital system, because we do provide twenty-four-hour hospital accompaniment for victims of sexual assault. And so our hospital system has a sexual assault nurse examiner program. And we work very closely with those nurses and the personnel in that program. We also are active in our housing, local housing task forces. As you can imagine, a lot of our survivors stay in their situations because of lack of housing because they can't afford housing because there is no affordable housing to be had. So we're active in those partnerships as well. We're active with law enforcement, we have a program called the lethality assessment program where officers on the scene, if they respond to a domestic call, ask, I think it's five questions, and then based on how the victim responds to those questions, the officer will call us, put us directly on the phone with a victim at the scene.” We heard similar accounts from housing practitioners, who spoke of homeless service agencies, the Continuum of Care, housing counselors. “We partner with basically, you

“I think it's worth our time to educate them on our services, and to definitely partner with them, so that we can obtain referrals from them and do that on an efficient basis.”

know, pretty much any nonprofit, our working partnerships are mostly with the housing community.”

In previous sections of this report, we described the hesitation and mistrust felt by vulnerable people who need help but have difficulty reaching out. Legal services firms rely on their community partners to act as trusted intermediaries, to prepare the way for clients to connect with lawyers. “We need trusted partners in the community,” said one lawyer, “and I think there is that little bit of trust, because people have now been applying through trusted partners.” Said one community leader, “So trusted intermediaries, I think at this point is probably the most efficient way to begin that conversation.”

Lawyers and Nonlawyers

We asked our informants if legal services firms should make more use of nonlawyers who can perform some of the ancillary and supporting work that requires specialized knowledge but, perhaps, not a law license. Is this a way to make legal services resources go farther, by letting the lawyers concentrate on the legal work? That would be ideal if it could be made to work, said one lawyer. “I think it's great if you can let the lawyers do the legal stuff in the courtroom, so they're not stretched thin and not burned out, and then use folks who are specific to their field, who are kind of experts in that field.”

“That’s the unauthorized practice of law, and we’re always aware of it, but it would be egregious if we let that happen.”

The nonlawyers come in many shapes and forms, each with its own special characteristics and constraints – paralegals, social workers, law students, navigators, victim advocates, title experts, community health workers, mediators and lay volunteers. They do a variety of tasks and have

different kinds of relationships with lawyers and law firms, but one thing they share in common is that the more they do, the more people worry about the unauthorized practice of law. For this reason there’s an element of controversy in the background of this inquiry.

Paralegals

“We do use our paralegals as much as possible,” said one lawyer, describing a practice followed by many lawyers. “We’re utilizing our paralegal a lot,” said another. “She’s amazing. I’d love to have three more of her.” There are things that paralegals can do more of, we were told. “The Family Court stuff, you know, the uncontested divorce packets,

some of these order of protection petitions, name changes, I mean, they can easily be done by a paralegal, under the supervision of a lawyer.” As we will see, the subject of lawyer supervision was never far from our informants’ minds throughout the discussion of nonlawyer resources.

One of the legal services lawyers said the paralegal can act as a conduit between the lawyer and the client. “When my paralegal goes back to them,” she said, “she makes sure she tells them I have had full frank conversation with the attorney, here is her answers, like verbatim. So, we do use our paralegals as much as possible.” To stray outside those strict bounds, she said, “That’s the unauthorized practice of law, and we’re always aware of it, but it would be egregious if we let that happen.”

So, our informants emphasized the strict staying inside the lines. Said one, “The paralegal might say, ‘Okay, now read number one. What’s your answer to number one? Okay, it’s Yes? Write in Yes. Number two?’ You know, so they’re not giving them answers, but they are sort of helping them through the form, helping them navigate the form. And so I think that helps us avoid the liability because we’re not really making the form for them.” One lawyer drew a perhaps inexact analogy to the health care system, where work that used to be done by doctors is increasingly done by others. “I would be concerned with how that would be utilized,” she said. “I wouldn’t want someone to be able to get a bachelor’s degree or an associate’s degree and a paralegal certificate and be able to do certain things, because – there’s a potential for a lot of good, but there’s also potential for a lot of harm with that.”

That said, by law a paralegal may represent a client in front of an administrative law judge in a public benefits case. “She has been doing public benefits cases and helping public benefits clients, which are Social Security Disability, SNAP, and Medicaid, Medicare type cases,” said one lawyer, speaking of one of their paralegals. “And with Social Security and some other cases like that, you don’t have to be an attorney to be a representative.” Said another lawyer, “In the benefits space, for SNAP and TANF and Social Security, you don’t have to have lawyers to do those cases.”

Social Workers

As much as lawyers like to define that which is lawyers' work and that which is, say, paralegals' work, the line of demarcation is not always clear. The line between them and the social workers is also not clear, because, as we've noted in several different contexts already in this report, clients don't bring only legal issues to their lawyers. "There's a lot of things that happen here," a legal services lawyer explained, "that the attorneys are

"The way it works, probably a lot that's done is done by those advocates and social workers."

using their energy and time for that would be better served if we had a social worker." Another lawyer described to us what really happens in a legal services practice. "The way it works," she said, "probably a lot that's done is done by those advocates and social workers. And it's really a

comprehensive job that sometimes the actual legal part, you know, that's one component, but, you know, really, when you talk about comprehensive services, it's difficult to work in a silo, solely on getting something filed, and you may get your enforcement orders, something like that, but really having someone on the other side – the advocates and the volunteers – that's a crucial component." The objective, for these lawyers, is to be able to respond to all the client's needs. The domestic violence practice illustrates this principle vividly. "You have a built-in sort of social work or victim services component alongside the legal," said one practitioner. "I think we were sort of thinking like, how can we start to share this idea of victim centered and trauma informed and holistic lawyering?"

The social worker function can be performed by a collaborative partner through referrals or by sharing responsibility for the clients. The medical legal partnership is an example of this approach. "Our social workers really are the first people that screen those patients after the physician makes the referral," said one participant in an MLP. "And so if it is a social determinants need, that is not truly a legal need, then we can go ahead and do a warm handoff to a community-based solution." Or it can be housed within the legal services office. One lawyer shared his vision for that sort of office. "There's a whole host of areas where you could have a multidisciplinary law office and having a social worker on staff doing a whole lot of work." And, he took pains to add, "It doesn't raise any concerns about unauthorized practice."

Law Students

Law students are another source of support. For law offices that are stretched thin, it can make a difference. “Even law students who were properly trained to help,” said one legal services lawyer, “I mean the more on board the better.”

Recently, Charleston students joined a nationwide alliance of law schools formed to provide assistance in eviction cases. Said one practitioner in this area, “They’re now starting to use students to help out, so it will be interesting to see what this year brings with having the students able to go into court and help out with the evictions.” Another lawyer active in this practice area described how it worked. “They help us do all the screening and everything that’s necessary. It’s also certainly good for them to get the experience. They don’t get to represent clients but they get to see how various attorneys represent clients and different approaches that are taken.”

One lawyer suggested that because they’re easy to learn, the eviction cases are especially suited to nonlawyer participation. “I do think law students would be a good solution for eviction cases, because the law that you have to learn is relatively limited. Our landlord Tenant Act is small, so it’s easier to train attorneys how to do that, than some other areas.” Another lawyer we spoke to made a similar point, taking it a step further with one of the few instances where we heard a lawyer suggest a loosening of the unauthorized practice rules. “Surely you don’t really,” he said, “once you know how these cases go, do you really need a law degree to stand up in housing court? Probably not.”

“I do think law students would be a good solution for eviction cases, because the law that you have to learn is relatively limited.”

Law students work on other kinds of cases as well. “The Navigation Center is an example,” said one of the legal services lawyers. “They’re downtown here in Charleston. We’ve gone there to assist with Housing Choice Voucher sign up. We utilize law students to help us do that so we can get as many people on the waitlist as possible.” The disability cases that we mentioned in an earlier section is another example. “We use students for that as well,” said one person. “Our goal, of course, is to try to get people approved on initial claim, running all the way to a hearing.” He added, “The lawyer would have to step in at the hearing, but I would insist that I step in at the hearing.”

Navigators

The same housing crisis that brought a rise in evictions also brought an influx of federal rental assistance funds, and another familiar nonlawyer category, the navigator, grew in

importance. As one lawyer explained it, “We do have positions for what we call housing navigators, which would be nonlawyer folks that would work with tenants to help them find out where the benefits are, especially rental assistance, and work to make sure they follow through with what they agree to do.” The rental assistance application process is notoriously tricky, and navigators are needed. To illustrate, another lawyer took us through the steps. “To apply,” she said, “you have to go online, then you have to upload a bunch of documents. So even if our clients have the documents, how do they scan them? Nobody knows how to do that. And then if they got anything wrong, or missed a document, SC state won't call them, they just won't give them an answer. So they have to call back and say, ‘I haven't gotten a response.’ And they say, ‘Oh, yeah, you missed this one document.’ And then when you try to call them, it's a two hour wait on the phone. So I think where we could use a lot of non-attorneys is: Money. Need. Connecting those and putting it in a system that's accessible for people.” It makes a lot of sense, said another person. “We as lawyers don't need to be helping with the rental assistance.” And, said another, effective work from navigators can actually reduce the need for lawyers. “I don't think it always can be used to replace having attorneys, but I think that if you had more of that in place, we might find fewer people ultimately need that lawyer down the road because there's some preemptive work that can be done.”

One of our informants reminded us of the importance of lawyer supervision. “If you had attorneys who could supervise the navigator program,” she said, “then you've got the best of both worlds, because those who are going to need more than the navigator can get to the attorney, and those who the navigator can help them get them through the process of what they need and hopefully get them to a good place, that all works great.”

Victim Advocates

A long-standing and well-accepted form of nonlawyer support is provided by victim advocates in the domestic violence field. We heard of three distinct functions of the victim advocates. First, as a lawyer explained, “We have domestic violence advocates, court advocates that assist individuals who want to file orders of protection in the family court system, or restraining orders in the Magistrate Court system. And those advocates are not attorneys, and so they help the victims with the paperwork. That paperwork is then sent to our part time attorney who reviews the paperwork and schedules a consultation with the client to go over the paperwork and kind of do a holistic legal intake to find out what the client's most pressing needs are.” Second, in addition to the paperwork, they provide emotional support. “The victim advocates will actually go with them to the

hearing and they don't really say anything, they're just there with them to support them. And sometimes that's what they need is just someone there, so they don't feel alone, to walk out to their car with them.” And they fulfill a referral function. “Our victim advocates and law enforcement do a good job of recommending people to call us. And I think that is a more accessible intermediary for that, so I think they have huge influence.”

Yet for all their good work, we sensed in the lawyers we spoke to a particular concern that the work of these advocates may pose unauthorized practice risks. “I kind of have mixed feelings about that,” one lawyer said, “because, in my experience, victim advocates are not always able to look at the situation in an unbiased way, and they might not understand all the legal ramifications of what goes on at the order of protection hearing.” Said another, describing the same strict form-filling methods we heard about the paralegals using. “You want to be careful,” she said, “so as not to be providing, like being a lawyer, but you know, she can read a document, she can say, like, ‘This is what you have to fill in here, this is what you have to fill in here.’” Said a third, describing what she’d found when she went to work at her present firm. “Before I got there, they were practicing law. But what they did not have was an attorney reviewing. And so that's the unauthorized practice of law.” Yet another practitioner in this area expressed similar concerns. “Where is the line?” she asked. “Tell them about it, help them fill them out, get them filed. But there's so many legal questions like, ‘Should I file? What are the implications for filing? Maybe there's a better route to getting what I need?’ And so, I think that the advocates who are smart don't want to practice law without a license, realizing there's so many layers of questions that they can't answer and shouldn't answer.”

“Sometimes that's what they need is just someone there, so they don't feel alone, to walk out to their car with them.”

What to Make of Nonlawyer Support

As we’ve seen, there are many types of nonlawyer resources that can be used to support lawyers and make their limited resources go further. It isn’t clear, though, that there is room for reform or expansion. We heard of some, but very little, support for modifying unauthorized practice rules to permit more nonlawyer expert advocacy and representation. More typical was this comment. “Asking a lawyer that question – I would be hard pressed to say yes, we should be loosening it. Just like I would be hesitant to say we should loosen the medical requirements for somebody to practice medicine and then prescribe medication and perform surgery.” Another lawyer said he wouldn’t want

anyone who hadn't gone to law school to do the work of lawyers. "There's a reason why legal training," he said, "is all about, we call issue spotting, indicate you get the fact pattern, it's scan and figure out what is really at issue here. And that thing is hard to develop to train into people. And that would be the worry, I think for lawyers when we start to talk about enabling nonlawyers to do it."

We discussed the possibility of more formal certification programs that would allow trained experts to do some things that lawyers do now, within strict limits. "Let's get some

"That would be the worry, I think for lawyers when we start to talk about enabling nonlawyers to do it."

other folks involved," agreed one lawyer. "And they would need some sort of training or certification."

Another said the housing practice might lend itself to this approach. "What we're talking about here, where even if you're not a lawyer, well, maybe not a full paralegal, but maybe you're somewhere between full

lay person and paralegal, there would be some sort of training regime that would enable you to participate." He added, "For example, the eviction area, it's a rather limited area of law, you can literally read all the statutes at issue."

But one of the lawyers suggested that we should first expand pro bono programs to make sure the lawyers are doing all they can. "An optimal answer would include fully mobilizing our existing attorneys, to go out and meet the needs of all of our citizens through some sort of program, whether it's CLE credits, whether we develop some sort of tax incentive regime, you know, if you could do that, that would probably be the best way to go." (We will talk about these programs in a later section of this report.) Another lawyer said, "I one hundred percent agree that there are other ways to do this other than relying on bar members. But people that do this for pay and are trained and maybe you have some sort of certification system for them as well and have the oversight just like you would have the oversight of a lawyer in a law firm." So, not a full-throated endorsement of certification initiatives.

We asked about efforts to train nonprofit staff members and other nonlawyers to spot legal issues. Some offered support. "I'm a huge fan of having nonlawyers trained to help people and answer general questions and things," said one. "I think it's worth our time to educate them on our services," said another, "and to definitely partner with them so that we can obtain referrals from them and do that on an efficient basis." A third, an immigration lawyer, gave an example of when issue spotting can be useful "Especially when it comes to immigration," she said, "because it's ever changing, so for people to be

able to spot you know, when you deal with criminal issues, understanding how that can impact a person's immigration status.”

One person agreed, “It's worth our time to educate them on our services. And to definitely partner with them, so that we can obtain referrals from them and do that on an efficient basis.” But for this person, there were definite limits. “I don't know how much training I would want to invest in that,” she said. “I don't want to train them to issue spot.”

Support for Unrepresented Litigants

Part of the objective of our questions was to explore different ways of expanding access to justice with the resources available. In the last section we considered using more nonlawyers. In the next section we'll look at the pro bono system, asking whether the private bar could do more. In this section, we'll talk about the many low- and moderate-income residents who are being forced to represent themselves, and about ways to support them and make their lives easier.

There aren't nearly enough legal services lawyers to go around. But the problem is, the legal system is too complicated for the lay person. “I mean, it's a built-in annuity for attorneys, frankly, because it's convoluted and complicated.” Yet so many people do have to go it alone. A lawyer in the domestic violence practice told us, “It's incredible how many women go into court by themselves without an attorney.”

So, they're going to be there. “The self-represented litigants are going to be coming regardless of if they're provided with some guidance,” another lawyer said. “And I think it benefits everybody involved to make sure that they have some semblance of an understanding.” Another framed the question in a similar way. “The pro se litigants are going to come no matter what,” she said. “And so why not have them be better prepared, make sure their documents are in order, make sure they understand the concept of service, make sure that by the time they show up to their hearing, they've done all the things they needed to do to proceed with the hearing.”

The Role of the Courts

We asked our interview subjects whether judges and court clerks are sufficiently patient and supportive of pro se litigants. The answer: it depends. Said one legal services lawyer, "It's gonna depend as I mentioned sometimes from judge to judge how much leeway you get." Said another, "They may react to them, depending on the county, they may treat

"In, say, Family Court or places like that, I think that you'll find there's more sympathy and more leeway given to pro se litigants. I'm not sure so much in Magistrates Court."

them kindly, or they may not. But they do not like to deal with the general public." One said it depends on the court more than on the individual judge. "In, say, Family Court or places like that, I think that you'll find there's more sympathy and more leeway given to pro se litigants. I'm not sure so much in Magistrates Court just because of the type of setting it is." Overall views differed. One

expressed pessimism. "I would say certain judges are a bit more flexible and maybe patient with pro se litigants, but I'm very unhappy with the judiciary that we have." Another was more sanguine. "I would say for the most part our judges are very supportive and very patient with pro se litigants."

The courts no doubt prefer to deal with lawyers, but that preference doesn't necessarily square with reality. Said one informant, "Their argument would be a person is best served and their rights are best protected when they're with an attorney. So, I think that the rights are best served, technically, yes. But sometimes there is no choice there. And those people should be allowed to process through as a pro se litigant. And judges throughout the state do not allow that."

Sometimes a judge's leniency means not a willingness to guide a litigant but a willingness to grant a continuance. In some cases, said one lawyer, "They'll reschedule that hearing for another date and give him time to get an attorney." Said another, "The judge is saying because this is adversarial, I want you to get assistance with the law on this. So, they would recommend an attorney to assist you in that. That means do a continuance." The judge becomes a kind of referral service. "The judge is very patient," we were told, "and tries to do what they can to lead them through the process. And I know that they also direct people here."

The clerks also get mixed reviews. "There are pretty good forms available through the clerk's office for pro se people to complete," one person said. But the clerk can't guide or explain, this person added. "The clerk's not gonna be able to do that because that's giving

legal advice.” Another emphasized that point, and said referral to a lawyer is about the best the clerk can do. “There was a pretty clear directive that the people staffing the clerk's office at the windows are not to give legal advice. So that may be the first stop that a lot of people go if you don't know what to do, we go to court. And so, they have information for legal aid organizations handy, and when somebody comes and starts asking questions, and I can't afford an attorney, I don't know what to do, they're able to provide them with that information.”

“You have people that are only beholden to their constituency, and their constituency very often does not include marginalized people.”

One of our informants suggested that simple probate proceedings may be an exception. “Some clerks in the office for probate, what they'll do is they'll try to assist the person with making sure that the forms are filled out timely. So, the clerks are there to assist someone that's doing a pro se probate administration because it is form driven, for the most part, if it is informal. Now, the formal process, a judge may require an attorney, depending on if it becomes something that could be litigated.”

Structurally, one lawyer said, the clerk is simply not accountable to pro se litigants. “Clerks in South Carolina are elected positions,” she said. “You have people that are only beholden to their constituency, and their constituency very often does not include marginalized people.”

Limited Legal Help

Courts and lawyers do some things to help pro se litigants, and could do more, according to our informants. Legal services lawyers spoke about a middle ground between providing formal representation, on the one hand, and doing nothing, on the other. In the middle are some things lawyers can do. “We give people copies of blank affidavits that they can use. So yes, we do try – we call those brief services. We do try to do brief services when we can't do extended.” Said another, “The scope of the representation we could give can be something as simple as advice and counsel and explaining why you may not yet have the jurisdiction met, or why you need to be filing somewhere else. We could go further into brief services where we're assisting with the preparation of summons and complaints and affidavits.” It can help to have a lawyer at the courthouse available to assist, for example in uncontested divorce cases. “You're going to have pro se attorneys at the courthouse,” one lawyer told us, “which would review these packets so that one, it would ease the burden on the courts, in the clerk's office, but also help unrepresented litigants.”

Legal services firms also conduct clinics for pro se litigants. “We offer pro se clinics,” said one lawyer, “with some follow up to let them know, if something happens, they can always come back and ask us.” Said another, “We typically do four pro se divorce clinics a year here at our office.” She added, “We have a local attorney that is a former legal services attorney that now has a private practice that comes and does that. We put together the packet for the folks that are coming in. And then that attorney walks them through filling out the packet.” Said a third lawyer, “There have been different clinics on, you know, from immigration, naturalization or Know Your Rights clinics. Those are always helpful in the community and certainly there's room to have more.”

Self-help desks and kiosks aren't widely used in South Carolina, but some lawyers support the idea. “There's kind of a body of research into self-help centers at courthouses. That I think would surely be of some service,” said one observer. He added, “At least in the more urban areas, and there could truly be some benefits to doing so, even if it's just, ‘Okay, here's where you go if you want to find a lawyer,’ and a lot of people just don't know. ‘And here are some of the forms and here's some of the rights.’ You could have a pamphlet on the rights that everyone has.”

We also heard more about pamphlets and packets. “When you walk into a courtroom that's like, you know, little pamphlets like, ‘Do you need help with custody? Do you need help with child support? Do you need help with order or protection, and they're little pamphlets, but they also have a list of resources. So, it's something.” These are commonly

“These uncontested divorce packets should be translated into Spanish. Order of protection at least should be translated into Spanish.”

in use in courtrooms and in legal services offices, but they can pose a problem of language access. “Things need to be translated,” said one lawyer, “these uncontested divorce packets should be translated into Spanish. Order of protection at least should be translated into Spanish.” Said another, “A few of the self-help packets have been translated.” But, she added, “the language access needs to be better for those.”

The packets are also susceptible to misuse. One of our informants gave an example. “The idea behind it was to provide forms and go-bys for a very specific and narrow type of case – an uncontested divorce, no children, no assets, no debts, and make it available on the website. And while I think it had good intentions, what we saw happening was people who had cases that didn't fit into that very narrow definition, started pulling that

document and then trying to make the more complicated case fit into that very simplified pleading, and then they would take that to court and it would be a headache.”

It’s the Norm

For a surprising array of case types, we were told that pro se proceeding is more or less the norm – in the eviction area, for example, where in other contexts we were told that having a lawyer makes a big difference. “If it’s an eviction case,” said one lawyer, “I think the Magistrate Court judges are more used to a pro se person so I don’t think it’s going to be heavy legal issues, but I think they do give them a chance to say their piece.” Another spoke of the domestic violence cases, where pro se may be the norm but is problematic. “The order of protection was designed to be a pro se action. However, a lot more respondents are bringing their attorneys on to the action. And so it becomes very difficult for the petitioner to proceed pro se when there’s an attorney on the other side.” An uncontested divorce, not unreasonably, is expected to be conducted pro se. One lawyer told us how they approach that. “There could be different types of cases that may be suitable for pro se. Currently, we’re doing a divorce clinic, and the divorce pro se needs to be a one-year separation, no children, no property. It gets a little hairy if you start adding events, or, you know, property and children.”

Some case types are distinctly not appropriate for pro se proceeding. “In disability cases,” one lawyer explained, “if somebody makes a mistake of trying to represent themselves in one of those hearings, the judges there, the administrative law judges usually suggest that they need to get an attorney.” Land title proceedings are another example. “Judges won’t hear a pro se petition to determine heirs or a quiet title action, for the simple fact that these are complex actions that require notification and publication and just knowledge of the law.”

A Tall Order

To the question, is this a problem worth solving, we encountered some skepticism. “We would love to see more assistance,” said one person, “and then again, the practicalities of putting that in place. Everybody has their role within the court so you would talk about maybe creating almost another program within the system to help pro se.” When thinking about clinics or a help desk, one informant responded, “Something like that would you know, in a perfect world, we had plenty of money and plenty of time, I think that’d be a great idea.” And under the category of something good that might not be practical, another informant suggested we should have a “pro se judge.” She said, “An idea that I have had is creating pro se judge positions. So judges whose docket consists of pro se

litigants. And I think that you can train those judges well enough to handle – because I think part of the issue becomes judges get accustomed to working with attorneys, they get accustomed to things running a certain way. Things never run that way with pro se litigants. It causes frustration for the judges, it causes frustration for the litigants.”

And one person argued against putting resources into pro se improvements. “There’s never going to be enough lawyers to represent everybody who needs a free lawyer,” she said. “There’s no question about that. But I think that’s all we’ve been doing all these years and how’s that working for us? It’s been terrible. So, if that’s all we’re going to do, then why bother going through this exercise of a needs assessment and where the gaps are? I mean, that would be just business as usual.”

Pro Bono Services

Legal services firms, bar associations, the public all share an expectation that lawyers in private practice will donate some of their time to assist clients who cannot afford to pay for legal help. The legal services organizations cannot possibly meet the demand without support from the private bar. But in South Carolina this expectation, on the whole, has

“We’ve talked about this ad nauseum at every meeting we go to, about the lack of attorneys in South Carolina that will do pro bono services.”

not been met. Our informants were in agreement on this. “ “We have a severe lack of pro bono,” said one. “More people are needing help, but we can’t get the attorneys to help,” said another. Said a third, “We’ve talked about this ad nauseum at every meeting we go to, about the lack of attorneys in South Carolina that will do pro bono services.” And

another, “The trend is, it’s just getting more and more difficult to get attorneys to do pro bono work. Just nothing seems to work.” And another, “Not even close. Our pro bono, that has been something that we’ve been hitting our heads with since I got sworn in. We, as the bar, suck at pro bono representation.”

“Especially since the pandemic,” we were told, “I guess the attorneys are struggling and trying to make their own way.” Another lawyer agreed, times are hard on some lawyers. “I’ve been in private practice, you know, these folks have families, you know, they have families to pay for and feed, their time is money.” But lawyers deal with these conditions everywhere, yet, said one person, “The landscape of pro bono in South Carolina, with members of the bar, in comparison with other states, I would say it’s poor.” Said another, “I’ve pleaded and begged. And I have had a very few folks that have helped me but they

have helped to great success over the years, but it's few and far between. It's few and far between.”

That person pointed to a bright spot, and we heard of others. “There's several attorneys that that do this work pro bono,” said one person, “that really – and sometime it’s attorneys taking these pro bono because they know the community, they have a tie to the community.” Another spoke of “the pro bono spirit,” saying they “get attorneys in the private bar to accept cases based on their area of practice and their level of interest on the scope of how deep they want to go.”

Big City, Small City

We were told the dearth of pro bono services is more severe in small towns and rural areas. “I think in the bigger,” one small town lawyer said, “just to be blunt, I think in the bigger areas, there may be just more income coming in, so they don't mind taking a pro bono case.” Said another small town legal services lawyer, “As far as the local bar, no.” She added, “Local attorneys just really aren't interested in it, even though we have had events to try to drum up support for it.” One explained, “I think I have a good relationship with our local attorneys of all different ages, and it is across the board, they're not willing to do pro bono.”

We heard several times that small town practitioners sometimes see legal services firms as competing for their clients. “We are sometimes competing in a way with the private attorneys,” one legal services lawyer said. But, said another person, “Maybe in the past there's been some competition or, you know, which I don't understand at all because there are more than enough clients to go around. We could – all of us together can't help them all.” One said, striking a theme that we’ll hear often, that a few local lawyers are willing to assist in a way they know will be very limited. “If I need a guardian ad litem, to represent a child, I have about three different attorneys around here who will give me a very reduced rate. But they know that I have looked through this case, that I'm going to be in charge of most of it, and their role is very finite, and they're comfortable with that situation.”

But the assumption that bigger cities necessarily have more pro bono services was questioned, though we saw no consensus. To this question, one lawyer said, “No. No. In Charleston, pro bono? No.”

Big Firm, Small Firm

For the same reason that we look to big city lawyers to shoulder the biggest share of pro bono work, we look to the big city big law firms. Here again, in South Carolina, with notable exceptions, the firms are not meeting expectations, we were told. “We do have

“I wish in South Carolina that we had leadership at the big law firms to provide more support.”

some law firms that are very, very involved in pro bono,” one person said. “I would say a handful, maybe four or five, but the remainder of those, I can't say that they do any pro bono work. And so we're really trying to learn why that is, and what we can do to encourage them.” Another lawyer said the firms aren't stepping up.

“They're really not. There's very limited large firms in South Carolina relative to North Carolina, Georgia, Florida.” Said another, “I wish in South Carolina that we had leadership at the big law firms to provide more support.”

Young lawyers, who could benefit from the professional experience pro bono service offers, don't get the opportunity. Their firms don't support or encourage it. “That's a great opportunity for a young attorney to, you know, that's in a firm, maybe that's not getting a lot of courtroom experience or something.” One of our informants said, “I think that there probably are a lot of young associates that want to do this pro bono.” To the question, why don't they, she speculated, “That would be a question, I think, for the firms generally, but my guess is, I think maybe they think maybe the firm doesn't support it. And it would be hard for an associate to do that without firm support.” Another agreed, lamenting a lost opportunity, “We're not seeing the young attorneys. I thought that with pro bono being what seems to me to be a larger component of law school these days that that would carry over when they go into practice, but I think a lot of them, you know, are joining law firms that require them to have the billable hours and don't necessarily encourage pro bono work.”

The firms have it in their power to encourage their young lawyers. Said one of our informants, “Maybe if some of the bigger firms here incentivize their associates by having pro bono hours count as billable hours, there'll be more people willing to do it.” They could have a big impact. “That would make a huge difference,” said one person, “if some of these larger law firms made it a mandate that some of their newer attorneys – even if every big law firm told each of their new folks that they had to take one pro bono case – one pro bono case! We could cover so many more people. We could give access to so many more folks!”

Limited Representation

At the heart of the pro bono problem is the question whether lawyers who volunteer can avoid open-ended commitments. We heard this again and again. Lawyers are more willing to do limited things that fall short of full-scale representation of a client, with the risk of protracted litigation. We were told, “Some of them may not be willing to do the direct representation, but they may be willing to do a couple hours a month on freelancers or, you know, an hour a week or whatever.” Or, a legal services lawyer said, “You know, people going into a portal and taking someone’s general questions.” Someone might take something that’s easy to do, we were told. “If it doesn't involve a lot of time, you might be able to get somebody to do wills, advanced directives. There is nobody going to take a custody case pro bono. Nobody.”

Some of our informants attributed the lawyers’ hesitation to a standoff over the local rules permitting limited scope of representation. One lawyer said, “If our courts would kind of open up a little bit, then some of these very experienced folks that can't help us because, again, they can't take on a full-scale litigation because of, you know, the lack of funds that they'll receive, but they could do a hearing here or there to the benefit of their client, to the benefit of the judge, really.” Lawyers worry that once they’ve made an appearance on behalf of a client, the court will not let them withdraw from the case until the bitter end. “What has happened,” we were told, “is those attorneys who have tried offering the limited services, but then they tried to get relieved as counsel, the judges won't release them, because the judge wants an attorney on the case, it's easier to deal with an attorney. And so, attorneys were just saying, ‘No, even if I think I can provide limited scope services, under the rule, I'm not doing it because the judges in South Carolina are notorious for never letting you off of the case.’” Added one lawyer, “Some judges, I mean, not everyone, but the practice is, in for a penny in for the pound.”

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One lawyer explained, “The Access to Justice Commission proposed about three years ago to the Supreme Court, amending it so that it would be, lawyers would feel better about providing, again, unbundled services,” but, she said, “The Supreme Court did not amend the rule.” People have differing views as to the meaning of the rule as written. “The way that it's worded currently, some lawyers feel like they could potentially be engaging in, you know, an ethical violation or whatever by offering unbundled services,” said one

lawyer. “I don't necessarily read it that way.” But the controversy, while it continues, seems to be a contributing factor to the shortfall of pro bono service in South Carolina.

Matching Skills and Needs

The deployment of pro bono services is made even more challenging because of a mismatch between the skills and interests of lawyers, on the one hand, and the clients' needs on the other. Some practice areas have an easier time attracting pro bono volunteers than others, and some are easier to train for than others. “There are some scenarios where you really need a certain level of experience,” said one informant. Said another, “There are certain things that we can provide training on easier than others, like evictions, landlord tenant matters. That's something we can train, the one-year separation divorces, we can train on because they don't take a lot of time. Even if you don't practice in those areas, you can get up to speed on those things fairly quickly. There are other things that require a little more expertise.”

Others agreed that training for housing cases can be done without great difficulty. “One of the biggest needs that we've had, most recently,” one person said, “probably within the last two years or so, is in regards to housing. And luckily, the residential Landlord

“I'll be honest, like victim service professionals are very, very scared to send one of their clients just some lawyer, right, at risk of retraumatization.”

Tenant Act is fairly limited, it's not an overly difficult area of law to learn and be trained on.” Said another, “There's not a corporate lawyer that doesn't know how to read a lease.” But a practitioner involved in eviction cases told us, “We do have pro bono attorneys that have helped with the Housing Court” but after days of training, he

said, “Out of the seventy-some people, lawyers that attended these hearings, only seventeen ever volunteered to provide legal service at these hearings, so that's, what? Fourteen, fifteen percent of the people that that actually went to the training came through.” So training is not the only hurdle.

The other practice areas mentioned by our informants in this context have a worse showing than the housing cases. Domestic violence is one. A practitioner in the field told us, “We actually spend a lot of time trying to train lawyers around working with domestic violence victims, and using trauma-informed practices and that kind of thing. And that usually scares them off.” She said she tries to sell lawyers on it. “We've tried to make the case of how these skills will actually help you with all of your clients, with your entire client base. And sometimes that works. And sometimes they're just like, ‘No, no, I don't

want to do that.” Another lawyer said she wouldn’t even send some of these volunteers. “I’ll be honest, like victim service professionals are very, very scared to send one of their clients just some lawyer, right, at risk of retraumatization. I think we’re trying to convince lawyers to do it pro bono, or even low bono. They’re scared to death.”

But of all the practice areas, family law has the greatest mismatch between resources and need. “People say, well I’ll do it, but I don’t want anything to do with family law, or I don’t know anything about family law.” Here, the volunteer lawyers not only lack expertise but are afraid of the time commitment, particularly when it comes to child custody. “it’s really hard to get a lawyer to feel comfortable about a custody action that’s going to probably last a couple years. That’s a really hard ask.” We were told, “And so the area that we probably fell short on is having attorneys willing to take contested family court cases. We have a very limited number of attorneys in the community who will raise their hand and say, ‘Sign me up for these.’”

Incentives

We asked our informants what incentives might encourage more lawyers to do more pro bono service. They don’t have a lot of ideas. “I don’t know if there’s that much incentive to do it,” said one person. “There’s no actual requirement to do pro bono work.” But if you do it, she added, “You get your name on some kind of roll for the Bar and get some kind of acknowledgement.”

“I don’t know if there’s that much incentive to do it. There’s no actual requirement to do pro bono work.”

A lawyer in private practice urged an expanded menu of incentives. “An optimal answer,” he said, “would include fully mobilizing our existing attorneys, to go out and meet the needs of all of our citizens through some sort of program, whether it’s CLE credits, whether we develop some sort of tax incentive regime, you know, if you could do that, that would probably be the best way to go.” CLE credits, we were told, “that’s the biggest carrot. That’s a huge carrot to offer lawyers to do more.”

But there’s not much on offer. We heard much about the fifty-hour standard, which originates with ABA Model Rule 6.1.¹⁰ South Carolina’s version of the rule omits the fifty hours (but those who do report fifty hours of service are listed on the Honor Roll, as our informant suggested.) Said another lawyer, “In South Carolina, there is no requirement to do a certain number of hours. There is that ABA suggested amount of 50 hours, but there’s no enforcement mechanism behind it.” One of our informants told us, “The Pro

Bono Board proposed amending rule 6.1,” to add the fifty-hour language, but even that would have had no mandatory effect.

We asked about mandatory pro bono service, and were not surprised to be told, “That’s just not, it’s just not going to happen.” But one of our informants did say it would have to happen. “Let’s be honest here. I think that mandatory is – and I think they’ve tried that in the past here in South Carolina and everybody went nuts, but at the end of the day, that’s gonna be the most effective tool to having folks do pro bono.” Others argued against it. “If anything, I think forcing attorneys to do this stuff, it actually devalues people’s confidence in attorneys and in the justice system as a whole, because they have a negative experience with their assigned attorney.” She added, “I think we should maybe look at ways to encourage attorneys to want to do more pro bono work and understand the value of it, and maybe this report and showing how bad the needs are, and identifying some ways that they can get involved would be wonderful, but forcing it I don’t think benefits anybody.”

PAI

A critical part of the pro bono structure in South Carolina is a low bono program operated by South Carolina Legal Services. The Private Attorney Involvement program, or PAI as it’s known, invites the participation of private lawyers, who accept cases from SCLS at a reduced hourly rate, formerly \$65.00 per hour, recently raised to \$85.00 according to our informants. “It’s essentially low bono legal services,” said one SCLS lawyer. “So they sign a two year contract with us and we pay them sixty-five dollars an hour for legal work. They bill us, and we pay them from our funds. We have spent twelve and a half percent of our budget every year to do that.” Said another, “We are required by Legal Services Corporation, which is our primary funder, to spend a certain amount of our funding on Private Attorney Involvement, so it’s an opportunity for South Carolina attorneys to provide low bono services.”

It’s met with some success, said another SCLS lawyer. “it’s a controlled process, and they’re getting paid. And even some of our more successful attorneys in town do that. So it also shows you, one, I think it’s for some civic mindedness reasons, but also, we are guaranteed income.” She added, “They kind of use it as their bread and butter too.”

But it's hard to talk about PAI without quickly learning about its drawbacks. The clients don't always cooperate, for example. Said one lawyer, "We can't get clients to return

"I think there are a lot of attorneys who would probably do that because at least they're getting something."

paperwork to us so that we can refer the case to them, or we'll get the case referred to them, and then they won't return the attorneys call, or provide the information to the attorney." And the lawyers' participation is limited as well, another lawyer told us. "They're very limited in the types of cases, the

private bar is very limited in the types of cases they're comfortable with taking." For various reasons, the program is struggling. A lawyer outside the organization suggested it isn't widely-enough known. "They're struggling to recruit attorneys for their Private Attorney Involvement program," she said. "I think there are a lot of attorneys who would probably do that because at least they're getting something. It's still considered pro bono because it's substantially reduced rate. But nobody knows about the PAI program." One of the SCLS lawyers suggested the private lawyers have their own issues. "We don't get a lot of pro bono or PAI volunteers in the last two years or so," she said. "Especially since the pandemic, I guess the attorneys are struggling and trying to make their own way."

Magistrates Court

The Magistrates Court is a county trial court with jurisdiction over low-level criminal offenses, small civil claims, landlord tenant disputes, and certain kinds of restraining orders. Similar in many respects to county small claims courts and divisions in other places, it seemed to us to have an outsized profile in the legal services community in South Carolina. With its important role in evictions, and to a lesser extent in domestic violence cases, it emerged as a key theme it itself in our interview process. How effective it is, and how competent the magistrates, were questions our informants brought up again and again. Something of the tone of this discussion is reflected in the comment of

"You'll hear this from every attorney who ever practices in Magistrates Court: it's kind of like a wild, wild west because every magistrates office is different."

one informant. "You'll hear this from every attorney who ever practices in Magistrates Court: it's kind of like a wild, wild west because every magistrates office is different."

The qualifications to be a magistrate were mentioned often. "In South Carolina, magistrates don't have to be attorneys," said one practitioner. "Some of them have been

grandfathered in and don't even have to have a bachelor's degree." Said another, "The requirements to be a magistrate, the way it works, you don't have to be an attorney at this point." Another lawyer speculated on what would happen "if South Carolina got rid of that 'anybody could be a magistrate,'" but added, "Right now we're in a place where you don't have to be an attorney to be a magistrate." Said another lawyer, "A magistrate judge has to go through less training, like significantly less training than cosmetologists. Yeah, it's like 20 hours of training."

One lawyer in private practice defended this eligibility rule, in terms that revealed much about small town law practice in South Carolina. Using Barnwell as an example, he said, "If you go to like Barnwell County, and they only need one magistrate, if you require them to be an attorney, well, you're not going to have anybody, if an attorney then can't practice in that county. So, then you won't have anybody and there's a lot of history behind why you have the magistrates and what they handle."

The qualifications standard might not be objectionable in itself, but many of our informants raised questions about the magistrates' competence. "A lot of the non-attorney ones don't know the law well enough," one said. "I hear that complaint from my lawyers coming back from court all the time." Said another, a housing lawyer, "Some of our magistrates give really horrible advice to people about how fast landlords can get evictions." Another legal services lawyer explained, "I would not call it hard to work with, I would say uninformed about the law. Often, they refer to a book called The Magistrates Court Bench Book, which is sort of a guide to how to be a magistrate, which can be really helpful and we refer, we look at it as well, but we don't agree with how they interpret it. I mean, it doesn't interpret law, it just, you know, it's a rough guide to here's what this kind of case typically looks like. But when we show up and say, 'Actually, we believe this law applies,' and it's not addressed in the bench book, they're not sure what to do with it."

The magistrates seem to have particular difficulty with the court's jurisdiction, including matters of personal jurisdiction. "I think that better education of the lay magistrates," said one legal services lawyer, "that they would be able to, you know, effectively verify that they have jurisdiction over a case." Another frustrated practitioner who'd skirmished with landlords who "can't prove they gave this person notice," told us, "It would free up our resources for more comprehensive litigation at times, if the magistrates knew, like other judges know, you know, 'I don't have jurisdiction to hear this case.'" And against this background, some of the lawyers, fairly or not, drew an inference of corruption from

the fact that magistrates are nominated by state senators. “I would say it's very political,” said one.

The political culture, and the small town culture, where the politicians, the lawyers and the landowners are likely to have ties, point to another concern that people have with the magistrates: that they're landlord-friendly. At a time when the high rate of evictions in South Carolina places the Magistrates Court at the center of the legal services lawyers' concerns, this is a damning indictment. One lawyer told us, “In the smaller towns, especially, they tend to know all of the landlords and be friends with them. And that doesn't mean they couldn't make a fair decision, but it does feel

“Magistrates Court, some of the magistrates used to be landlords. I mean, they're landlord friendly.”

rather lopsided.” Said another, “Yeah, Magistrate Courts are often landlords themselves.” Said another, acknowledging the seriousness of the allegation, “Unfortunately (I guess I'm recording), but, you know, Magistrates Court, some of the magistrates used to be landlords. I mean, it's – they're landlord friendly.” The same private lawyer who defended the qualification standard also came to the defense of the magistrates in this respect. “LTA is landlord friendly,” he said. “If a magistrate follows the Landlord Tenant Act, then it, I will say, favors landlords, but you know, if they tend to win more, it's because of the actual law.”

Others have come to the defense of the magistrates, sometimes half-hearted. “Some of them are very landlord friendly, some of them are very neutral,” one said. “I think it's gotten a lot better,” said another. “You know, the jurisdictional level has gone up, the qualifications of magistrates has gone up. Are we where we need to be? No. Do the judges need more guidance from court administration? Absolutely.”

But a fundamental question about the legal services system emerged from the discussion of Magistrates Court and especially as it concerns the landlord tenant law. We were told that tenants are rarely represented. “Every now and then I would see an SC Legal Services lawyer there helping somebody out occasionally,” said one lawyer. “But rarely, if ever, did a tenant have a lawyer.” One lawyer suggested there would be no point in having representation in these cases. “What can I do when a person's \$4,000 behind in rent, you know? If they can get them to resources, that's one thing, but to argue a point of law, or to continue the case, it makes it difficult and outside of that legal approach.” The contrary view expressed by a tenant lawyer is widely shared in the legal services community. “Well,

they get evicted. And they really, truly need a lawyer to handle our Magistrate Court system.”

Two other points about the Magistrates Court. One, like other courts we heard about, they perform an important referral service for floundering pro se litigants who don’t realize that help may be available. “The magistrates refer people to us regularly with evictions,” said one legal services lawyer. “We had one magistrate who, if he felt like something just wasn't right, he would just stop the hearing and refer them to us, which was very helpful to have that connection.”

Two, the Magistrates Court doesn’t have a strong reputation for language access. “I have had Magistrates Court staff in South Carolina tell me to my face that people need to bring their own interpreters,” said one practitioner, “that they have no obligation in civil cases to provide interpreters in court. Even though the South Carolina Magistrate Bench Book is very clear that interpreters are required for LEP proficiency.”

The Effectiveness of Legal Services

We asked our informants to tell us whether they think the legal services system as a whole, or their own agency in particular if it’s a legal services agency, is effective. We wanted to know if – given the resources it does have – it is doing what it sets out to do, and how would they know? How do they measure success? Their responses were thoughtful, varied, and almost uniformly positive.

Some of their comments could stand as a summation of the broad purposes of legal services. This comment from a legal services lawyer is an example. “I’ve seen the difference an attorney can make when you have one and you don't in those specific types

“I have some clients that have told me over the years that I’m literally the only person that ever tried to help them.”

of matters, that can be the meaning of staying in this country or not, being deported or not, getting safety from an abuser or not. So. it's huge consequences when you don't have an attorney.” Another example is this comment. “I'm making sure that our attorneys are well trained, that they treat the client with respect, which they do, that we are reaching all of our rural areas, and

that we're not missing corners in our seven counties that we just cover, that when I run into community partners, and they say, “Oh, yeah, legal services, I just sent somebody to your office, or you know, to the intake line the other day,’ that, to me, is a success that

we are getting the word out there, and we're producing quality work.” And a third person said simply, “I have some clients that have told me over the years that I’m literally the only person that ever tried to help them.”

Metrics

All the agencies use quantitative measures. We will review those data in a later phase of this needs assessment, and we talked about them in our interviews. Said one lawyer, “We keep track of the number of cases opened, cases closed, demographics, the folks we help, you know, their race, their age, sex, all that we keep a track of that.” A lawyer at another agency said, “We review how many cases we've closed every year, how many clients applied for services, how many clients received extended services, brief services, advice.” Another said, “I keep stats every year, and I see how many people we've provided legal services for.” This person also counts substantive outcomes related to his practice areas. “How many disability cases were approved and how many evictions were averted.” So did another lawyer we talked to. “We track the amount of child support that we get for folks in the community, which is a lot of money for folks. A lot of these folks can, you know, get that child support and then get off other services that they've had to access from the government, and now they've got the proper child support that they deserve, and their children deserve.”

The numbers have many important uses, but for our informants the numbers didn't express what they wanted to express about effectiveness and success. Some spoke about the difference between quantitative and qualitative approaches to the question. “I'm a quantitative person,” one lawyer said, “I'm always thinking about the number of resolved solutions, you know, like, how many resolutions did I get, but I really didn't consider how much I empowered people.” Said another, “Are we measuring the impact by how many people we serve or the actual outcomes, right? Of how many people, you know, were better off because they were able to get legal assistance. We track both.” One person said the numbers could be seen as disappointing, to the extent they reveal a gap between people needing help and people served. But, she pointed out, “We can't be discouraged by the numbers because the numbers really don't express the magnitude of change.”

“Not have the eviction on their record? Like that's already a win for them.”

None of our informants said they keep track of “number of court victories.” Whether a commercial litigator relies on such a measure is another question, but that's not the only, or even the main, objective of legal services. Said one lawyer, “I don't necessarily think

winning in court is the only success.” Said another, commenting on the eviction cases, which are typically a losing battle. “There's not much you could do with someone who's just not paying the rent,” she said, “but if we're able to at least negotiate with the landlord and say ‘You know what, they'll be out by the end of the week, just give them to the end of the month, give them to the end of the week, okay?’ And not have the eviction on their record? Like that's already a win for them.”

Getting Advice

Another evaluative measure, perhaps next on the spectrum from cases opened or cases closed, is advice given. “Sometimes just having advice and counsel,” said one lawyer. “All they want to know is what their rights are,” said another. “And that's a win.” Another described her agency's procedure. “At the very least, we try to follow up with them with an advice letter within, you know, a week or so of their application, and try to get those advice letters out to them as quickly as possible to let them know that, you know, we can't provide you with extended representation, but here's some legal advice.”

Another lawyer cautioned against placing too much weight on advice letters. “Sometimes that's truly what the person needs,” they said. “They need a counselor advice, a quick call

“They don't feel alone, because that's why they reach out, because they feel alone and left out and dropped by the system or not heard.”

or a quick letter. But depending on their literacy, their transient status, does that letter actually get to them? Can they actually interpret it? And sometimes the letter doesn't help at all right? If it doesn't get to them, it's certainly not helping or maybe it's information, like I said, they can't understand, or it's information, just saying, ‘Hey, we're sorry, we can't help you.’” He called into question the utility of some quantitative measures. “And

so that's considered a successful outcome, because it's a touch point for legal services, they did have a touch point with that client. And I recognize that in and of itself is important, you know, there's at least a touch point, but is it really successful? Did it really do any good, you know, beyond just that touch point?”

Being Heard

But beyond the numbers and the advice letters are an impressive variety of intangible, emotional, social and philosophical measures. Our informants articulated these with passion. “Success,” said one lawyer, “is a level of safety, matched with contentment, matched with the ability to progress to a level of happiness.”

We heard often about clients “being heard.” One lawyer explained, “I feel like that is really success so that they feel really heard. And, you know, they feel like they've got a support team. And they don't feel alone, because that's why they reach out, because they feel alone and left out and dropped by the system or not heard.” That feeling transcends even the disappointment of losing something material. “I haven't been able to keep them housed, or I haven't been able to achieve, I guess, their ultimate goal,” said one person, but “they felt like someone finally heard them.” Another of the lawyers we spoke to expressed a similar viewpoint. “There are clients,” she said, “that are appreciative of someone just holding their hands for the process, explaining it to them, you know, fighting for them, because otherwise they would have no one in their corner. And it doesn't always result in the best outcome or a win, if you want to say, but I think just understanding the system is one of the most important things.” Said another, “They felt that they were heard, and they give us hugs afterwards.”

Many legal services clients cycle through eviction after eviction, crisis after crisis. Another hard to measure but important outcome happens when the client learns something that helps them avoid the same situation the next time. “If we help somebody understand what to do the next time their landlord doesn't make a repair,” one housing lawyer said. “And then they know what to do because they were told the first time. That's a win. They don't have to come back to us.”

Equally important, legal services can have beneficial consequences for clients beyond the boundaries of the immediate case. It can stop the snowball of problems before it starts. “It could be, you know, ancillary to the result in court, other positive effects on that family,” one lawyer said. “We had one lady that was able to get a house at the end of the case. She was applying for a mortgage and getting her children in a home.” There could be a good snowball that even helps people beyond just the client. “We see tons of cases like that,” said another informant, “where once a lawyer got involved, not only did we fix the apartment for that family, but there were nineteen other units that had similar effects. So you can see, we call that kind of getting upstream, trying to deal with the actual cause, not just the symptoms.”

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Our informants said the medical legal practices offered benefits of this kind. “So many things that have massive health, negative impacts, but the timely intervention of a civil legal aid lawyer is literally life-changing, you know, because of the immediate health

impact.” And, this lawyer added, the health care system as a whole is a beneficiary. “We have many metrics that we judge our success by. Patient health is one of them. But certainly, to these nonprofit hospitals, safety net hospitals, well-documented, the financial benefit. We also consider health equity.” He added, “A lot of doctors are thrilled that through the intervention of an attorney that they connected their patient with – you have real serious health improvement.”

Social Change

We asked whether social change, or shining a light on injustice, are among the objectives of legal services. The informants said no, with some caveats. “I typically try to focus more on a one client at a time approach,” one person explained, “and I think that's one reason why I've probably lasted eight years. I think those who come in and want to take on the entire system sometimes burn out more easily.” Said another, “Ultimately, yes, you want to win the war on poverty, and you want to be able to fight the systemic changes. But at the same time, you also have to be focused on the person who's in front of you, because while you may want to go out and end world hunger, this person just wants to know why they're only getting thirty-five dollars in SNAP benefits.”

Social change is made up of the cumulative effect of countless small things. “Changing society, no,” said another legal services lawyer, “I don't know how that can be a goal. It's

“It's too lofty of a goal to me to be able to change society. I guess what we do is small acts of goodness along the way and hopefully that will change society.”

too lofty of a goal to me to be able to change society. I guess what we do is small acts of goodness along the way and hopefully that will change society.” Another said to similar effect, “While you work on one case at a time, you can also be doing systemic stuff. I mean, one of it is getting rid of bad creditors or bad landlords. And if you do one case at a time, they're either going to learn and you're

not going to have – or you're going to finally get to them. Eventually, you've done something systemic.”

South Carolina Legal Services

Our question about the effectiveness of legal services was intended to add color and depth to what we've learned about the needs of clients and the way legal services resources are utilized. Our informants responded to the question in the spirit in which it was asked. But inevitably the subject of the effectiveness of the “legal services system” led our informants, to some extent, to think about the effectiveness of particular

agencies. So while we haven't set out to evaluate any particular program or agency, and we didn't ask our informants about them, we did hear some comments about some of them, and many of those concerned, inevitably, South Carolina Legal Services. We'll review some of these comments as part of our inquiry into effectiveness.

Most of our informants think SCLS is doing a good job. "I think everybody loves Legal Services," said one person. "I think they're great," said another. A lawyer within SCLS said, "Just to be perfectly honest with you, I think we are doing our job well," and added, "I think we are very needed in the community."

Some of the widely shared praise for SCLS was leavened with concern about capacity, and this became a drumbeat. One of the informants said, "The sheer numbers of low-income individuals in South Carolina make what they are currently tasked with impossible for them." Said another, "They're so limited in resources." And, said another, "The only issue is the limited, you know, the lack of resources, the limited availability. If SC Legal Services would double their staff, triple their staff." Said another, "They do a good job with what they have, the environment we're operating in." But he added, "I think that there's a greater need for more no cost and low-cost legal representation out there." Said another person, "I think generally, yes, but there are tensions, and this gets into caseload issues."

From here, our informants, from within SCLS, from former SCLS staffers, and from outside the organization, raised an array of complaints covering topics from staff turnover, to debates over priorities, to communications deficits, to intake systems, to pro bono engagement. We'll report some of them here.

"They have tons of staff turnover," said one lawyer, adding, "I find that navigating the relationships is exhausting, and then ultimately just makes it difficult for us, and just like we don't know who to refer to day to day." As

to case priorities, we had the impression that each person we spoke to has their own preferences. "There are different things that I would like to see them do," said one lawyer. As an example, one person said, "Legal Services

"The sheer numbers of low-income individuals in South Carolina make what they are currently tasked with impossible for them."

gets a deluge of family law cases, and their response is to kind of stop taking so many family law cases, because it does burn attorneys out. Like I understand that. But I don't know that that is the best response." One of the SCLS lawyers gave another example. "We prioritize domestic violence survivors, and there are a lot of people who need help who have not had domestic violence."

We have already discussed the issues with the intake system in an earlier section. Here, we'll only add that people want to refer clients to SCLS, but, as one informant put it, "There's a barrier with that as well. I tell them, just keep calling, just keep calling." One SCLS lawyer questioned the value of some of the ways they count things. "You know," he said, "they really don't tell you that much." Some of SCLS's technology initiatives, especially for pro se litigants, came in for some criticism. "We find that most of our client base is not literate or computer literate enough to be able to use those," said one lawyer.

Though all are aware SCLS can't represent undocumented residents, some think the agency can do more. One person said, "I think Legal Services really needs to invest in creating institutional knowledge around how to serve the immigrant community, because ultimately, they're best positioned to do that." And finally, we heard comments directed at SCLS's relationships with private lawyers. "There's no way in the world Legal Services can do all of it, and I think Legal Services doesn't like to deal so much with pro bono lawyers, because it takes so much of their time to deal with lawyers when they have such a heavy caseload."

The Right to Counsel

The interviews established that the legal services system suffers from a serious shortfall of legal resources. Our informants considered various remedies, including more funding for legal services, more volunteer lawyering from the private bar, relaxing the unauthorized practice of law rules to permit expert nonlawyers to provide more advice

"When one side has an attorney and the other one doesn't, there's no way it's going to be fair."

and advocacy, better outreach, better coordination. All of these may come into play in the future, but all are deemed politically unfeasible or have been tried or are ineffectual. We decided to bring up another politically unfeasible remedy for the legal services shortfall, the right to counsel, on the theory the "something's got to

give." Right to counsel proposals have been discussed seriously for decades, have been implemented to a limited degree in South Carolina, and are in recent years increasingly at the center of the national discourse on access to justice – in the context of the rise in evictions but in other settings as well. We asked our informants about this issue.

The basic premise, our informants said, is that without equal access to legal counsel, the system is inherently unfair. "We're talking about our legal system and making it fair," said one legal services lawyer, "giving someone a chance, because when one side has an

attorney and the other one doesn't, there's no way it's going to be fair." Said another, "It would make a huge difference, because it always makes a difference if you can show up with somebody who knows the law. I mean, it's true in eviction cases, it's absolutely true in foreclosure cases, DV cases, collection cases, all of them."

South Carolina already has one right to counsel law. "Parents are entitled to counsel if they're accused of abuse or neglect," one lawyer pointed out. The right to counsel for eviction cases, already implemented in several other jurisdictions recently as we mentioned, would be a good next step for South Carolina, according to our informants. "We definitely need right to counsel," one person said. "You know, in eviction cases and in Magistrate's Court, yeah. And I just think, when you get to the first hearing, the judge absolutely knows that they can't, the person cannot represent themselves." Another lawyer pointed out the benefit would inure not only to the tenant but to the society at large. "I do think it should be on the agenda in eviction cases," she said, "because landlords usually own more than one property, and so if they're doing something wrong, it's affecting multiple tenants potentially. And I do think that those people should have the right to counsel, because there are times when they would have a defense."

Right to counsel in eviction cases would act as a brake on landlords' abuse of the eviction statute, we were told. "It also ultimately helps with landlords recognizing that they're not just going to use eviction as a collection action, and there's suddenly going to be a whole new discussion and a whole new way of doing things, and you suddenly don't have people who are in constant panic mode because they don't know whether they're going to be kicked out or not."

Some people we spoke to want the eviction cases to be only the start of a wider approach. "I've talked to our state rep and our state senator," said one lawyer, "but it's something I've been pushing, not just for the landlord tenant issues, but for all issues." They point out that the constitutional principle underlying the sixth amendment right to counsel in criminal cases – that the defendant's very freedom is in the balance – logically extends to cases where the roof over their head is in the balance, or where their parental rights or their personal safety are in the balance. "Just kind of extending the logic of that constitutional concept," one lawyer said. "There's a there's a certain set of civil cases, not all of them, but a certain set that – come on! I mean, without a lawyer, it's like a death sentence to people, you know, they never get out from under that foreclosure, that eviction, losing that child, losing that job." Another lawyer pointed to the practice in some other states. "There is a right to counsel if you're low-income for order of protection cases

and custody cases, because they viewed it as a risk to one's due process, taking away the loss of one's child or having an order of protection against you." And, she added, "When one is at risk of losing their home." Making a similar case in relation to immigration practice, another lawyer said, "Right to attorney for people in immigration court and stuff like that, because it's akin, even though technically it's a civil proceeding, the consequences can be akin to a criminal one."

One lawyer offered a good summation of the right to counsel argument. "I really would do right to counsel," she said. "I would do right to counsel in certain situations when someone's life or liberties are at risk, which I think includes eviction matters, absolutely, and order of protection and custody matters because it also leads to effectiveness and efficiency. It helps the judges, they don't have to deal with pro se clients. It creates equity in our system. And it really helps to ensure people's assets and well-being is being preserved and families are staying intact and safe."

But not all of our informants supported right to counsel proposals in all these areas. One practitioner said, "I wouldn't say the right to counsel in all domestic violence cases is

"I don't see that ever, ever passing in South Carolina. I don't see the judiciary supporting it, or the legislature."

something we should pursue, but I think that the right to meet with an attorney to help analyze the case is something we should pursue."

And many of our informants expressed doubt that these proposals will have traction in South Carolina. "I don't see that ever, ever passing in South Carolina," said one. "I don't see the judiciary supporting it, or the legislature."

Said another, "I don't think anyone's actually having a conversation about a right to counsel here." Said another, "It's just a long-term persuasion project." And said yet another, "I would love for everybody to have an attorney, but I don't think it's feasible."

Funding, rather than the logic or the principle, was the main obstacle, some said. "The problem is," said one lawyer, "how do you pay for that? Either we come up with some really innovative ways to make it happen, where you do the combination of staff and pro bono, or we have to have a dedicated funding source for right to counsel." Said another, "Funding is going to be a real constraint, right? or perceived funding. And of course, that's political. The state budget is plenty large enough, but I can imagine legislators being receptive in concept, but resistant in terms of actually appropriating dollars."

Another of our informants suggested the resistance would come from the private bar as much as from the legislature. “I don't think this is the state that is gonna back that.” He said lawyers are afraid of being subject to court appointment and would view it as a kind of forced pro bon service. “They're not going to want to be court appointed.” Referring to the statute providing for counsel ion abuse and neglect cases, he said, “Let me tell you, because of that rule, every private attorney that doesn't want to do pro bono blames that rule for not wanting to do anything pro bono, cause they're on a court appointed list.”

The Way Forward

Toward the end of each interview, we asked about solutions. We opened the lens, surveying all we had learned from the interviews and taking in the whole terrain of legal needs. If you could, we asked, what new policy, program or initiative would you implement to improve legal services in South Carolina? The answers we received were imaginative and far-reaching. We walk through a selection of them here, offering a preview of some of the proposals and recommendations that we and the Access to Justice Commission will develop as this needs assessment reaches its later phases.

Quite a few people chose, as one put it, the obvious solution of more funding, more lawyers, more resources. “The issue,” said one, “always is funding and folks, resources. The more people you have, the more people you can help. You can't have more people until you have more salaries and more funding.” Said another, “I do think, obviously, better funding for the South Carolina Legal Services or any of the legal services corporations. I know it's not that they don't want to serve more people, it's that they're unable to serve more people because they just don't have the funding or the staff to do it.” One person specified more resources in the immigration practice. “I know that they can't meet the needs of the undocumented immigrant community, but that's not their fault, but I mean, you know, anecdotally, there's just not enough resources.” Another said, “We need to put more emphasis in having legal services that are not overwhelmed.” She added, “I mean, they're just inundated and overwhelmed, so how do you increase ability to have greater capacity to serve?”

“The answer would be something akin to an unlimited supply of lawyers available to take on cases for free.”

“The answer,” one lawyer put it simply, “would be something akin to an unlimited supply of lawyers available to take on cases for free.”

Other proposals addressed issues of cost. Referring to South Carolina’s only “sliding scale” law office, one lawyer said, “They are the only office of its kind that I know of, and really, we need stuff like that all over the state to meet many of these needs.” On the other side of the equation, said another, the income eligibility limits are too low. “We would expand the income limitations to 400% of the federal poverty level, versus cutting it off at that 200%.”

Pro bono resources were a key topic. “We need to have in the legal community more support as far as more people willing to take pro bono cases, more people willing to take low bono cases,” said one lawyer. “It would be beneficial,” said another, “to look at some of these larger firms and figure out a way for them to get more involved. I think this pro bono work would be a wonderful opportunity for some of the newer members of the firm who are not going to have an opportunity to go do motion practice or even trial to get in

and take a pro bono case and harness some of those skills that they could use to the benefit of their employer, but would also benefit the population who otherwise would not have representation.”

The limited scope rule that we have discussed was the subject chosen by two of our informants. “There should be limited scope allowances in South Carolina as a rule, that judges should allow low income or anybody really, to be able to have somebody for this hearing, if they can only afford one hearing.” Said another, “I’m a proponent of actually having attorneys who don’t have to worry about crossing that line. It doesn’t have to be full representation, you know, I think we can move towards a model of more limited rep in certain situations in order to get people the help that they need.”

One person said retired lawyers could help add to the resources. “To engage people who have retired from the practice of law, but still want to help people and still want to maybe put a toe in. So, they have the background of the legal knowledge, but they could agree to accept in controlled ways, what they’re willing to do.”

Various kinds of supports for pro se litigants were proposed by our informants. “I think having a help desk,” said one, “either at the Magistrates Court or at Family Court, whenever they have order of protections or evictions, and at least that person can at least get some advice before they go in that courtroom.” Said another, “Making things more accessible and easier for pro se litigants, especially when it comes to Family Court and service issues. And having, you know, more guidance at different parts of the process

“It would be beneficial to look at some of these larger firms and figure out a way for them to get more involved.”

would be helpful. And also having staff at the courthouse that's more designated to help them, process it, or have attorneys who are willing to do a free thirty-minute consultation or something along those lines, or having some type of help desk would be very beneficial.”

Another person said, to similar effect, “Put resources into where you teach people to be a little bit more self-sufficient with the law and provide them with things that they can do on their own. That works. There’s always going to be a group of people where that doesn’t work for, but there will be a group of people that will be able to be helped that way.” And the “pro se judge” proposal, which we mentioned, came up again. “You have a judge whose expectation is the people who are going to come in here are going to be pro se and so I’m going to need to have a certain demeanor, a certain trauma-informed lens.”

One of the legal services lawyers suggested a new way of projecting legal services into underserved rural communities. “Getting the word out about what we can do and that we’re available to help people. So, my ideal is, I’ve always wanted to have a bus, the Legal Aid Bus, and you would take it in the rural areas and be able to stop, like the bookmobile, the library bookmobile or whatever, just to go out to rural areas to let people know that there’s somebody who can help you, there are legal services available.”

Several ideas concerned the role of nonlawyers. For example, one practitioner mentioned an expanded victim advocate model in use in other states. “A model where the advocates assist with the protection paperwork, they’re in the courthouse, and then they have pro bono attorneys that come and represent the litigants in the actions. And I think that that would be a really good model for South Carolina to look at to determine if it’s possible.” And along similar lines, several looked to the expanded use of social workers. “I’m an attorney. I’m not a social worker. And I’m not trained to be a social worker. And we need, I mean, if we could have a social worker in each office, I think that would be very beneficial.” This pointed toward a “one-stop-shop” model. “Back in the eighties,” said one person, “we had social workers, we had everything and truly, that’s what you need to have a comprehensive program that really addresses people’s needs from start to finish.” Said another, “One-stop-shot, right? You show up, you get your social services, your housing assistance, your counselors and your legal assistance all in one place.”

“Double the fee for filing an eviction. It’s probably one of the lowest in the country.”

Innovations in multi-disciplinary screening and intake were on some of our informants’ minds. One lawyer said, “I would probably blanket the state with entities like

school-based legal services and medical legal partnerships as an intake function. And along with that, build the legal services infrastructure to meet all the needs that would be found.”

Legal services for immigrants naturally came up. “I would create a legal services program that’s immigrant focused,” said one practitioner. “And that includes really high caliber language services, as well as issues. I mean, some of the legal issues that immigrants face are the same as everyone else, but a lot of them are really colored by the immigrant experience, even when you’re talking about domestic violence, when you’re talking about custody.”

One lawyer suggested a novel method for reducing the number of evictions. “Double the fee for filing an eviction. It’s probably one of the lowest in the country,” he said. “And it’s just, you can just file over and over again, you know, make it \$300, and so it’d be kind of twofold. If you were to increase it, you could use all that money for whatever potential you want to use it for.”

Another addressed the question of success measures, which we discussed in an earlier section. “Move towards a more dynamic measuring of the effects of our work,” he said. “I think it’ll be appreciated more, it’s more motivating.” He suggested that a more sophisticated presentation of the economic impact of access to justice would help persuade policy makers. “If they can see what – Whoa! – some of the effects this has, and the cost it saves, and, and the visual of the impact, it’s just how we react to data. It’s gonna have a big impact.”

Finally, several people looked past the legal services resources to the underlying issues of poverty. Said one person, “I would love to see policies in place that help people get out of poverty, like that provide the training and address their needs. Because we do have a lot of good paying jobs in this county, but a lot of our inner-city clients can’t get to them because they don’t have reliable transportation.” Said another, “There’s some systematic things that can be done with transportation, for example, public transportation, that would be really, you know, low income or low-cost daycare, there are a lot of other things that could be done that would stop that avalanche of one problem becoming a bazillion problems.” The implicit promise: get people out of poverty, and you won’t need as many legal services.

Change in South Carolina

Those who have studied the problems of access to justice, and the legal needs assessments conducted all over the country, will find the issues of needs and resources in South Carolina to be no different from what others have found in their own jurisdictions. This is a national challenge. Yet, our informants hinted at various points that the challenges we face in South Carolina are somehow worse, and they furnished some evidence for this.

“Just in general,” one lawyer told us, “South Carolina is very slow to change and to think outside of the box and be innovative when it comes to solving big problems, such as access to justice.” She continued, “It’s hard to get the support of the legal community, but also like the bar to really promote these types of innovative initiatives to tackle the problem of access to justice.” Public support for legal services is not monolithic. “People complain,” said one of our informants, “people, I mean, in the community complain that we’re helping people who don’t deserve to be helped.”

“Just in general, South Carolina is very slow to change and to think outside of the box and be innovative.”

One lawyer pointed to these cultural issues to explain the shortfall in pro bono resources. “We live in a very red state where, you know, it’s my freedom, you can’t make me work, you know, you can’t make me give away my time, not get paid for my work.”

Many of our informants said South Carolina has the highest eviction rate in the nation. “Fifteen of the top worst counties in the country are in South Carolina,” said one. “We’re the worst,” said another. “We have the highest eviction rates, you know, per capita in the country.” Said another, “We’re on some top-10 lists for frequency of evictions.”

But to the question, should South Carolina provide counsel to tenants in eviction proceedings, to counter the tsunami of evictions? There was a shrug of the shoulders. “South Carolina is South Carolina. And I just don’t see it.”

So, the challenge to the Access to Justice Commission and to the South Carolina legal community is to find ways to answer that cultural resistance. “South Carolina’s always been an interesting place,” said one legal services lawyer, “and very provincial, and we need to step out of that and maybe be a little uncomfortable from time to time, and think about how to do things differently.”

Report on Focus Groups.

For the second phase of our research, we shifted our attention from the experts to the regular members of the community. We convened fourteen focus groups, or as we called them, “roundtable discussions.” We recruited current and past legal services clients through South Carolina Legal Services and other agencies, and members of the community at large through local community and social service agencies. This selection method yielded an excellent social and geographic cross-section of low- and moderate-income residents with a wide range of experiences of the legal system and legal services. Brief descriptions of the groups follow:

Date	Sponsor	Location	Description
Mar 1, 2022	Charleston Legal Access	North Charleston	Clients of Charleston Legal Access
Mar 1, 2022	Root & Rebound	North Charleston	Clients, staff members, and friends of Root & Rebound
Mar 2, 2022	Charleston Hispanic Association	North Charleston	Members of the Charleston Hispanic Association
Mar 15, 2022	South Carolina Legal Services	Columbia	Clients of South Carolina Legal Services
Mar 16, 2022	Midlands Mediation Center	Columbia	Clients, staff members, and friends of Midlands Mediation Center
Mar 29, 2022	Safe Homes-Rape Crisis Coalition	Spartanburg	Clients of Safe Homes-Rape Crisis Coalition
Mar 30, 2022	South Carolina Legal Services	Greenville	Clients of South Carolina Legal Services
Mar 30, 2022	South Carolina Legal Services	Spartanburg	Clients of South Carolina Legal Services
Mar 30, 2022	South Carolina Legal Services	Rock Hill	Clients of South Carolina Legal Services
Apr 5, 2022	South Carolina Legal Services	Florence	Clients of South Carolina Legal Services
Apr 5, 2022	South Carolina Legal Services	Charleston	Clients of South Carolina Legal Services
Apr 6, 2022	South Carolina Legal Services	Conway	Clients of South Carolina Legal Services
Jun 13, 2022	Antioch Educational Center	Ridgeland	Residents of Jasper County
Jun 14, 2022	Blackville First Baptist Church	Blackville	Residents of Barnwell County

Table 1 – Focus Group Locations

The geographic distribution of the roundtable discussions is shown in Figure 2:

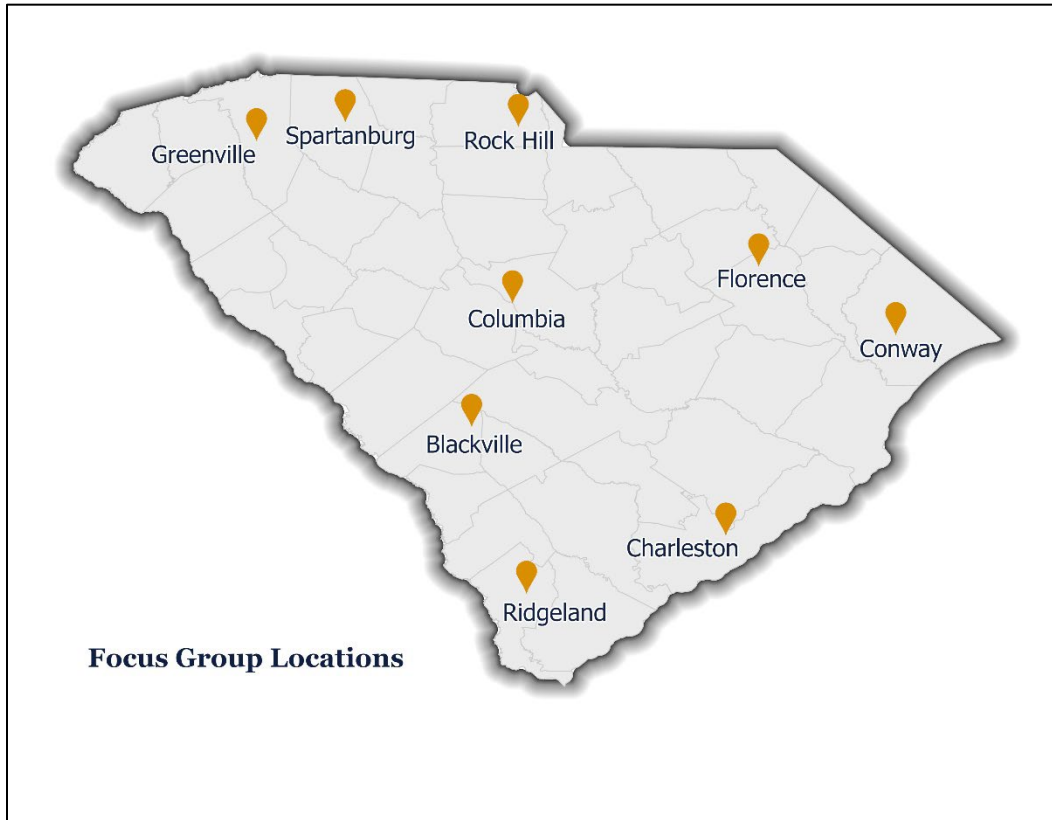


Figure 2 – Focus Group Locations

As our earlier report on interviews demonstrates, we’d learned a lot from experts about the civil legal needs of low- and moderate-income South Carolinians, about the resources available to meet those needs, and where they see the most important gaps. Now we wanted to hear about these things directly from those who experience them every day. We wanted to ask them about their lives and about their interactions with lawyers and the court system.

All roundtable discussions were held in-person. Our teams traveled to ten different towns and cities from one end of the state to the other. We were invited into law firm offices, nonprofit organizations, community centers, churches, and shelters. The roundtable participants were assured that their comments would not be reported in a manner that would identify the person speaking by name or by affiliation. The comments directly quoted in this report are lightly edited for clarity. Each event was about an hour in length. Community members received \$20.00 gift cards to compensate them for their time and effort.

The approximately 115 participants offered widely varying perspectives and outlooks. We encountered people from the biggest cities and the smallest towns. Even within the same part of the state or sponsor organization we encountered different opinions and ways of thinking about the life events and problems that give rise to the need for lawyers. Some had used lawyers, some never had. Some had sophisticated ideas about the legal system, some had no knowledge of it at all. Some had learned to gain access to needed legal services, some felt powerless and disconnected.

We used what we learned in the earlier phase of our research to frame our questions for this phase. In some respects, our new findings confirmed what we had learned before. Some of the experiences the focus group members reported agreed with the descriptions of the experts we interviewed. In some areas, our emphasis shifted as new facets of the topics were revealed, and sometimes we discovered new information about the legal services system. Most notably, these roundtable discussions for the first time gave us opportunities to explore legal services through the first-hand accounts of the people who struggle with legal problems. The participants shared stories that lent a tangible and dramatic air to familiar topics, and in the pages that follow, we place great reliance on their words, and hope that the reader will seem to hear their voices.

The SCLS Groups.

Half of the groups were drawn from the clientele of South Carolina Legal Services, by far the largest cohort of low- and moderate-income people who have participated in the legal services system. We believed, and rightly, that a large sample of SCLS clients would offer us a vantage we could obtain in no other way onto the experience of free legal services in South Carolina. Because we convened as many groups as we did, in so many different parts of the state, we saw all aspects of the practice through the eyes of those who use it and benefit from it.

There was no principle of selection other than “client or former client.” Nothing suggests the selection was skewed toward happy clients, but it’s possible happy clients were more inclined to accept SCLS’s invitation. For whatever reason, most of the participants in these seven groups expressed satisfaction about their encounters with SCLS and said they’d been treated well, and many reported favorable outcomes. They were able to provide insights and details about the legal system from the consumer’s point of view. What was the issue that brought them to legal services? How did they find their way there? What’s it like to have a lawyer on your side? And they were also able to describe what it’s like not to have a lawyer, because nearly all of them had struggled, some for years, before finally

connecting. The assumption, that having access to a legal services lawyer results in a distinct and material benefit to a client, was validated by these inquiries.

These groups were diverse. Depending on which office we visited, the attendees were predominantly urban or from small towns. Often we had a mix, reflecting the large catchment area for some of these city-based legal services offices. The attendees were distributed across age groups from twenties to sixties and seventies. They were roughly two-thirds women and roughly half Black, with little Hispanic representation except in the Charleston group, which was about a third Spanish-speaking and was conducted in both English and Spanish. People with disabilities attended several of the groups (including one man for whom we moved the event from a second floor to a first-floor location). With the exception of the Charleston group, the topics of their discussions remained remarkably constant, regardless of the geographic location. The breadth of case types and subject areas was very wide, as we'll see in the next section of this report entitled "The Demand for Legal Services."

The Charleston group differed in some respects from the others, perhaps because the Hispanic population in Charleston is larger than in other parts of the state. It was one of two bilingual roundtables, with a friend providing simultaneous interpretation. The participants brought up a variety of legal problems and cases, including eviction, disability benefits, and child custody, but a large part of the discussion was taken up by one woman's tale of domestic violence, which transfixed those in attendance. The dynamics of focus group discussions are unpredictable, and this was an example of one that went in unexpected and illuminating directions. (The group stood out also because of the tornados and flash floods in the area and a researcher's flat tire, none of which deterred either the researcher or the ten participants.)

The Community Groups.

Five of our roundtable discussions were sponsored by local organizations, each having a unique purpose and character. A nonprofit law firm that charges on a sliding scale. A provider of shelter and legal services to survivors of domestic violence and sexual assault. A community mediation service. A community-based organization that advocates and provides legal services for reentering people. A Hispanic neighborhood association.

Some of these groups were limited to legal services clients, just as the SCLS groups were. In a few cases, because of varying eligibility criteria, we were able to talk to people whose incomes were above the eligibility limits for free legal services but still not enough to afford a private lawyer – the underserved middle we often talk about. Other groups

included activists and staff members of the organizations hosting the events, and these included several lawyers.

By their nature, several of these groups emphasized a particular social issue or legal practice area. The domestic violence roundtable addressed domestic violence and related issues of housing and family law. The Hispanic neighborhood association focused on the circumstances of low-income Spanish-speaking communities. The mediation center roundtable ranged across many topics but devoted a large part of the time to community mediation. The reentry services roundtable discussion was less specialized, and more general in its subject matter. The demographic mix of these groups was not much different from that of the SCLS groups, with some exceptions: the domestic violence shelter group was all women rather than majority women, and the Hispanic neighborhood association was made of all Spanish-speaking members.

The Rural Groups.

Which of our roundtable discussions were “rural” is not clearly defined. Several of the SCLS groups drew attendees from outlying rural districts. We’ll confine this description to two groups we convened in small South Carolina towns: the “Barnwell County” group, held in Blackville, population 2,406, and the “Jasper County” group, held in Ridgeland, population 3,749. These groups were sponsored by long-time nonprofit leaders in their respective communities.

The two groups were somewhat different in their makeup. The Jasper County group was held in a community center that provides educational, job preparedness and health and wellness services. The twelve attendees were all Black women from the town and surrounding area, many lifelong residents. It was striking to us to see Black women, in this group and to an extent in all of the groups, expressing more interest in the subject matter than other population groups, and taking more responsibility for many of the important questions that families and communities encounter.

The Barnwell County group was held in a church on the main street. Still having a majority of Black women, it also included white members and male members, and was distinctly more diverse in income and socioeconomic status. The difference can’t be attributed to the different circumstances of the two towns. They’re similarly situated geographically, in similar remote country areas, with both roughly forty miles from a large city. Blackville is notably poorer and has a larger Black population than Ridgeland.

We organized groups in these two towns because we wanted to include rural people in our focus groups, and because we wanted to draw from the remotest and poorest South Carolina communities and the least-well-served by lawyers. We partially succeeded: the Jasper County people probably were the least-served by lawyers of all the people we encountered. But overall, we were struck by the similarities, not the differences, between the income levels, demographic makeup, and most importantly the types of problems and the issues of concern discussed in the fourteen groups. All over, people reported great difficulties in gaining access to legal help, and all over people described the same eviction, disability, divorce, custody, fraud, and land title cases. The element of rurality was not confined to Blackville and Ridgeland but is applicable across South Carolina, a very rural state, and was in evidence in discussions held in Florence, Conway, Greenville and elsewhere. The element of poverty, as manifested in the discussions, didn't seem to us to affect disproportionately any part of the state.

The Demand for Legal Services

Throughout this project, we have taken as our conversational starting point the demand for legal services. What happens in people's lives that gives rise to their need for lawyers in the first place? We asked some version of this question to kick off every group. What happened that made you want a lawyer? The responses were breathtaking. They were so many and varied, and had the immediacy of lived experience. This is a feature of focus group research that stands in contrast to the stakeholder interview setting, where we hear at second hand about people's lives and keep an emotional distance. Here, the stories told by our participants were colorful and vivid, and often emotional. Together, they created a narrative of events, problems, crises, and needs that explains why legal services are in such high demand. We would need many times the number of legal services lawyers we have now to address all the issues that arise every day in the lives of low- and moderate-income people.

In this part of our report, we will describe a wide variety of the situations our participants told us about in answer to our initial question, using their words and thus allowing them to speak at length for themselves.

Child Custody and Child Support.

We expected to hear little about child custody in the focus groups, or family law matters more generally, because our interviews had led us to conclude that legal services agencies are not equipped to handle them to the extent needed in the communities they serve.

“It’s a nightmare. Right now, my daughter, I haven’t seen her in six years. I seen her, last time I seen her, I was in Walmart, I think it was last year.”

But we did hear about these cases; it proved one of the top three or four case categories discussed in our groups. A member of the Florence focus group imparted something of the flavor of these cases when he said, “Right now, I’m trying to find out what more can I do in my current situation, because right now it’s like it’s a war battle, and not seeing my daughter drives me crazy,” he said. “It’s a nightmare. Right now my daughter, I haven’t seen her in six years. I seen her, last time I seen her, I was in Walmart, I think it was last year, I was coming out, they were coming out, they didn’t know it was me walking, they didn’t recognize me. Then it was said that my baby mama, that they changed her name, they got full custody. I was like, how did they get full custody because I didn’t sign my rights off. So how, I didn’t sign my rights off, there’s no way. And they move, they don’t notify me, they don’t give me no contact, call, nothing.”

A woman who attended a Spartanburg focus group described her struggles. “My daughter passed from brain cancer in twenty-nineteen. That’s what led me here because she had a will that was reported into the court system, and the dad wanted – he stole the children from me outside of the will, so I needed some help getting those kids back over from the North Carolina State line back into South Carolina area. I ended up losing my job after going through a five-year battle of cancer with her. Now I’m taking in her young two children. He felt like because he was the father that was absent the whole time of their life that he should have the children and I could not afford a lawyer so I came into this program and was accepted into this program. And that had helped me in assisting me to get the children back.”

Another Florence participant had a daughter who was, fortunately, still alive, but not a suitable mother, either. “Let’s see. I got my granddaughter, she’s twelve now, she was five. DSS had stepped in. It’s my biological daughter’s daughter, and when I had gotten her, it was, you know, it’s a lot. They tried to reinstate the child with their mother and that wasn’t going well. So I finally decided. I had her for like two years and her mother

wasn't trying to, you know, do anything to better herself." Grandparents' custody came up again and again in these groups. Said one participant, "If there wasn't a program that assists low-income families or grandmas, 'cause in society today, which the laws have changed, grandmothers don't have the first – do not have the first right to the children."

In addition to struggling dads and grandmas, naturally we heard from single moms as well. One who attended the Safe Homes group saw the locked-out dad problem from her point of view. "My court case with DSS was like two days away and DSS had already found my husband guilty of the charges and they were saying 'Oh, well you've already won the case, we found him guilty.' But he wants visitation and I don't want him to have visitation," she said. "I needed a lawyer to defend me if I didn't want my kids to have visitation with their dad." A member of one of the Charleston groups said, "Me personally, as a single mom, you know, saying, I've needed to navigate and find a lawyer for, you know, visitation or something to protect my rights as a parent. So it runs the gamut." She reflected on the added drama resulting from the criminalization of child support arrears, saying, "Unfortunately, some of those things ended up in incarceration. So it all kind of intersects here in Charleston."

"I needed a lawyer to defend me if I didn't want my kids to have visitation with their dad."

DSS was a constant presence in these conflicts. A client of SCLS in Florence told us about her fight to gain custody of her daughter. "It was like, two years went by and nothing was happening. It seemed like nobody could help me and I was, like, really struggling. I couldn't get any financial assistance for her per se because I really I just had guardianship because, like I said, she was taken by DSS and placed with – It wasn't that. She was staying with me, but DSS still had custody of her, which I didn't understand that either. And then I had to go to court with DSS in order to have them then rescind their custody and then transfer – It was a lot! I didn't even know it required all that. And then, after all that, then I still had to get a lawyer."

Said another parent caught up in a fight with the agency, "DSS and child support, they don't know what they are doing no more. They will come after you, you, me, all these people in this room, but let a person who's smoking weed and on Facebook with a child behind them, they don't say nothing. But a person whose not trying to do all that, trying to have their child, they'll take it with the quickness and you don't get to cry on the shoulder."

Another life event our participants talked about that gives rise to the need for lawyers, one that's adjacent to custody, is guardianship of a relative or loved one. A participant in the Conway focus group explained, "My aunt never been married, never had no kids, but my mom passed when I was very young, so I'm like her daughter and she's hospitalized now and we're working on trying to make me guardian over everything." She decided she'd need a lawyer. "I was about to go to the courthouse and just get the paperwork and fill out everything. She do have siblings. But all of them so far, they get along and the oldest one came from Philly, he's with me now and he's in agreeance with me that I can go ahead and proceed with, you know, going to court, trying to get guardianship over her estate and everything."

"So when he died, he didn't have an estate, a will. So, I didn't have any funds to pay for a lawyer."

Care for a loved one in or outside of the immediate family can give rise not only to a custody or a guardianship case but to an estate case as well. "I took care of my mother and my father," said a woman attending the Florence group. "They died twelve days apart and my father didn't have a will, but it was always said, 'cause I had five brothers and I was the only girl, and in coming up they always say if anything happens to him, everything will go to me, but that's what, you know, word of mouth. So when he died, because I've been taking care of them since 2005, they died April 2017. And so when he died, he didn't have an estate, a will. So, I didn't have any funds to pay for a lawyer."

Housing.

Housing cases were also among the most frequently mentioned in our roundtable discussions. Like the family law conflicts we discussed in the preceding section, these housing cases touch an essential human need and elicit strong feelings, and they shone a light onto the human drama that housing cases bring out.

One of the Greenville attendees did have a typical eviction story. "I was served eviction papers for non-payment of rent. And I received housing assistance so at that time I didn't even have a rent balance because the housing was paying my rent for me. But even though, that being said, they still filed eviction for non-payment of rent. And I was being evicted."

A participant in the Barnwell County group had an eviction story as well. "There was this one time me and my husband, we got involved with a pastor, who proclaimed he wanted to help us. He wanted my husband to work for him and only him and we weren't making

any money at the time. We were poor and we were trying to make enough money to pay him rent. We had stayed in a place for about two weeks, and he was working for Piggly Wiggly, and they wanted him to work all the time, which this had only been a couple of weeks. But after that couple of weeks, him working at Piggly Wiggly and not getting his car or whatever he wanted fixed from my husband, he turned around and he wanted to evict us. He turned our lights off. He turned our lights off.”

A Charleston participant had the harrowing experience of being evicted because of something over which she had no control. “My son had got in some trouble, and whatever, and if I’d just said, you know, ‘y’all go ahead and do whatever it is that y’all gonna do,’ versus me saying, ‘Let me try to get some help to see what’s going on or whatever,’ cause they just ready to so blatantly throw me out on the street, and he wasn’t even on the premises or whatever, and they was just going off of, well, ‘You signed a lease agreement or whatever.’”

Of the housing stories we heard, a surprising number involved people who wanted to do the evicting – either landlords or roommates. It turns out, as one of the participants in Charleston put it, “Landlords get

screwed, too.” One of the other Charleston participants told us, “I have a house and I rent out a room upstairs, sort of. It’s not a duplex, but it’s more or less. And so I had a tenant who became a bit erratic, and I was not comfortable having her there and gave her thirty days’ notice. And I went on Legal Zoom and, you know, tried to follow. I just wanted to follow everything by the book. And then she refused to leave, refused to vacate.”

One of the landlords said he’d had a hard time getting any lawyers to hear him out because he was a landlord. “I had a problem getting meetings with anybody because they knew I was coming in as a landlord,” he said. “They’re more apt to represent tenants and tenants’ rights.”

A Greenville participant drew out the thin line between eviction and homelessness. “That’s part of the reason they’re homeless,” he said. “It’s they were living on the edge, from paycheck to paycheck but something happened. And, in today’s society, particularly now, so many people are one paycheck away from being homeless, until they wind up on the street.”

“In today’s society, particularly now, so many people are one paycheck away from being homeless, until they wind up on the street.”

Public Benefits.

“They stopped paying and I couldn't understand why they stopped paying it.” That plaint from a member of the Florence group typified the stories we heard about Social Security and other benefits. Said another participant, “I've been battling with Social Security disability for, it seems like every five years they investigate me and put the wrong things in the computer and stuff. In 2017, I think they stopped my benefits for three years. Like, what am I supposed to live on? And then if you go to work and get a full-time job, that disqualifies, and yet you still have a disability.” Lest we think the “wrong things” are in the clients' imaginations, this woman told how the story ended. “Social Security took me back to court for an over-payment that was their mistake. They made an error in their computer, with – I'm working for an employer, and instead of they put down that I made \$1,100 that month, they put down that I made – it would be nice to make \$10,000 a month, I'd guarantee that. But they had an error in their computer, and they took me to court, and the judge actually ruled in my favor.”

A Charleston participant said, “I made too much, so they cut me off disability, so I applied for my Social Security, and I applied for two years, and now I'm having all kinds of problems getting my money.” Said another, “They stopped it and I'm trying to get it back reinstated.” We heard again and again about these constant battles of low-income people versus the Social Security bureaucracy. “Especially when you're dealing with Social Security,” said one of the Columbia attendees, “Social Security will fight you. They will fight you to the neck down. They just don't give you the money like that.” Said another gentleman attending the Columbia focus group, “My situation was, I was disabled, and I was a disabled child. And then when I became an adult, Social Security tried to come after me for overage payment. And I can't afford an attorney. I'm on a fixed income, and I can't afford an attorney, so I went through the same process.”

Domestic Violence.

We spent some time with women at the Safe Homes facility in Spartanburg, but that wasn't the only place where we heard harrowing stories of domestic violence and single mothers on the run with their children. We heard that at the Legal Services offices in Spartanburg and Charleston, at the Charleston Hispanic Association, and in the remote rural town of Blackville. Altogether, and not to our surprise, these cases were among the most common of the cases we heard about from the participants in our roundtable discussions.

“He got a machete, I think he's gonna chop me up, because he has a machete!” said one person. “Thanksgiving Day,” said another, “I left with the kids and never returned, and I stayed with a friend and then I finally went to the police in another county. And there was no way for us to go there. So we came here to Spartanburg and went into a shelter here. They were the ones who told me I needed to go to Legal Services. It was so bad they would not let us leave until there was an order of protection.”

A Spanish-speaking woman who attended the Charleston SCLS event told us, “I came here because my ex-husband was beating me, and my little boy was in school, and he complained in school, and they were going to take my kids away. And he would beat me a lot. And he would tell me if, I called the police, he would kill me, and I was very scared.” Threats were a feature of several of the stories we heard. A friend of one of the domestic violence survivors said, “I had one lady telling me that her husband kicked her and her daughter out. And if she told anybody that he would kill the child. And I said, ‘Are you serious?’ So I went and hired an attorney and took her to the office and said, ‘You tell this, you gotta get the police involved.’ That’s a nasty threat. ‘I will kill the child.’”

“They were the ones who told me I needed to go to Legal Services. It was so bad they would not let us leave until there was an order of protection.”

One of the Safe Homes clients said, “At the time, I didn’t think about getting a free lawyer. I’m just thinking about my life, my child’s life. Because my baby was so afraid of this man. He didn’t stay home for two months. He went to stay with his dad that night for two months. My baby would not even come home. He’s like, ‘Mama I’m not coming home until that man is out of this house because soon as you leave to go to work he’s going to try to bother me.’”

A gentleman who attended the event in Barnwell County told of his wife’s tribulations with her ex-husband. “She was so distraught over what happened because she was beaten every day by her husband in Puerto Rico. She went to church, she went to see lawyers, judges, everything. They wouldn’t help her. They said that she probably deserved it. Yeah that was what they told her. She was all broken up. She had to leave, for her own safety. She had to leave her kids behind. She had to escape and get out of there. She told the kids she would come back and get them. When she went back to get them, I went with her, and her ex-husband already went to court and got custody of the kids.”

Like the mother from Puerto Rico who was told “she probably deserved it,” the women we talked to often encountered misinformation and lack of empathy in the legal system. One was told, incorrectly, that she must have three police reports to prove the violence.

“At the time, I didn’t think about getting a free lawyer. I’m just thinking about my life, my child’s life. Because my baby was so afraid of this man.”

“They told me get three police reports. Then you can get a restraining order. Three police reports. I had three police reports – civil assault, third-degree assault when he slammed me to the door and was choking me, then they added the assault.” A clerk told one woman, incorrectly, that the court could not issue an order against the husband. “She gets ready to type it out and she says, ‘Is this your husband?’ I’m like yeah. ‘Well I can’t give you a restraining order against your husband. You can only get a restraining order after you divorce him.’ I’m like, ‘So what I’m supposed to do?’” The clerk consulted a judge. “She spoke with that judge and he said, ‘No, you have to be divorced before you get a restraining order against your husband. If it’s a boyfriend, you get the restraining order. If it’s a husband, you don’t.’” She argues, to no avail. “I’m like, ‘I already have a sister who’s dead because of domestic violence.’ She didn’t get away and I was telling them I’m not trying to be a statistic. I got to fend for my child but it didn’t matter because we were married and we was living in the house.”

Another woman was forced to argue over the severity of her injuries. “There you are, all night, saying okay, after taking pictures of my face, pictures of my bruises, somebody’ll do something. No. It’ll go in front of that judge, then you got to have the balls to call the sheriff’s office the next morning and give your case number, that they give you this little brochure. All for them to say ‘Oh, the judge said that it wasn’t enough marks on you’ or ‘The judge denied for him to have a warrant issued for his arrest.’ So then you’re stuck with well, what do I do? Do I go home? Do I stay where I’m at? And you’re just stuck. You can’t even call the cops.”

Heirs Property.

We heard many other stories in the course of our focus group series, about employment, wage theft, debt collection, bankruptcy, and fraud. But we will close this section on the demand for legal services with a story about heirs property. Again, we will quote at length, in fragments taken from various points along the roundtable discussion. The woman speaking tells it better than we could, and the story itself is a perfect example of the heirs

property category and its particular agonies, while at the same containing and previewing so many of the related topics addressed throughout the pages of this report.

“My mother had some property,” she said, “and when she passed away, I didn't have a clue. I mean, I was completely dumb to the fact. I didn't even know what heirs property was. I thought – so, you know, being her caregiver and everything, I thought it was left to the living children. Then it had – all the family members. They weren't the children but they were children of the children. So I guess, you know, it ended up into a legal matter. I needed an attorney. I didn't have the funds.

“I didn't really know I didn't own all of the property. I wasn't going to sell it, and I took care of the property. Well, I searched around. I called. I asked different individuals. They gave me different advice. I tried another place once. They wouldn't help me. Someone gave me this name.

“My case got a little complicated, because it just went on and on.

“It started off with a property line. It was my property against – It was family. My situation, like, destroys families. We don't talk now, but it's okay. It was my mom's property next to – It was her property as well but it was given to my sister, she gave it to her children. Well, the husband, not a family – well he's a family because he married, but the property line, he was saying wasn't right. So we started like that. So I said, 'What do I do?' So I came in here, and they helped me. Well, the five of us that was entitled to the property – the husband who owned the property manipulated two of them out of their property. It was a mess. It was a mess. It was my attorney and two other attorneys. One of the other attorneys, I don't know, I just think he was at a fine line of – ethical. You better know it. Breaking the law. I mean, I'm not an attorney, I don't know, you know, but he just really did some shady, shady stuff to be an attorney. I have no respect for that gentleman at all. I never met him. But you know, just, it was just mind boggling. Terrible.

“My mother had some property, and when she passed away, I didn't have a clue. I mean, I was completely dumb to the fact. I didn't even know what heirs property was.”

“I called, and they gave me an appointment. I think they were located in Charleston, way downtown off of Meeting Street. I can't remember. But I went in. And when I went in, there's about three or four of them, sitting there. I was scared to death. I was scared to death. Very kind. I felt like a dummy. I mean, I didn't know. I didn't know the law. And

really, I'm not saying this for you. But really, when you think about it, myself, we're kind of dumb to the law! I mean, you'd be surprised at the law, I'm like, really? I didn't know!

"You get what's left from the bigger lawyers. And I saw that happening even in my situation where there was one family member, he didn't have an attorney. He did not have the funds to get an attorney. He was even, I don't even think he even had the mind frame. I don't want to – He needed help. I tried, but you know, anyway.

"That's why I'm telling you, a fine line. And that other attorney manipulated him out of his portion of the property. You know, he, you know, signed over his portion and allowed this other party that started the fight to come in and gain control. It was a very manipulating."

Finding a Lawyer

The situations people face, the struggles and the crises, when we hear about them day after day, they add up to a crushing weight. We asked our roundtable participants what happens to people who go through these things. "Some people just get tired of the fight,"

"Some people just get tired of the fight."

one woman said. "Like she said, she's been going through what she going through ongoing. I've been going through what I've been going through since 2019, and it's 2022, with the same company. It gets exhausting, like she said. I've got diagnosed with chronic severe anxiety. I've been hospitalized. So, it's like you get tired of having to fight and especially when you've done nothing wrong. If I did something, you would

have every right. But when you've done nothing wrong and you're being victimized, it gets exhausting and draining."

As we've discussed at length in our report on interviews, many people don't ever look for a lawyer, some because of exhaustion and others for the various reasons we described in that report. But as will already be clear from the comments above, many people do reach out for a lawyer's assistance. In this section, we will discuss the ways they do that, and some of the things they find.

Referrals.

We asked the participants in our roundtable discussions, if they connected with lawyers, how did they? How did they find their way to South Carolina Legal Services or wherever they found their lawyers? Some said friends pointed them in the right direction. One said,

“Somebody told me I could go to Legal Aid. I needed somebody to help fight for me because I didn’t know how. I’m from Philadelphia, I’m not from here, and I didn’t know any legal things or anything.” Another said, “I explained my situation to a friend of mine and she was like ‘You can go to Legal Aid because they help with that.’ They said they help with housing.” Another said, “For my divorce, I went to one of my sorors. I’m part of a Fidelity chapter and she was practicing a private practice, and she agreed to do my divorce.”

Others only found out about their legal services lawyers by luck. Speaking of her lawyer, a participant in the Conway group said, “I was a single parent when I first moved here, and she just so happened to go to my church.” A Florence participant said of her lawyer, “I met Susie here at Legal Aid in an elevator leaving a Social Security case.”

On the other end of the spectrum from luck is an intentional outreach program by SCLS. One of their Greenville clients met his lawyer through such a program. “I knew about the legal assistance here,” he said, “because of the Triune Mercy Center. It’s a local church that runs a rescue center or mission with case managers, social workers, and so forth. They’re located right here in downtown. And I had been volunteering there for some time. I knew that two representatives come every Wednesday to from South Carolina Legal Services.”

“Somebody told me I could go to Legal Aid. I needed somebody to help fight for me because I didn’t know how.”

A third way is simply a referral from another organization. “I went through the South Carolina Bar,” said one of the Columbia attendees, “and found this place and then contacted this place.” Said a Florence participant, “DSS actually referred me to South Carolina Legal Services, ‘cause I never knew about them either.” A Spartanburg participant said, “One of the case workers at the DSS had recommended us to come to South Carolina Legal Services.” Another from that group said, “I found my way through the shelter here in town.” A Greenville client said, “Someone said call Adult Protective Services, so I called them, they came out and they looked over things and referred me to Legal Aid.”

A member of the Charleston SCLS group was referred by her former law firm. “The lady who was working with me, she no longer work there no more, so she the one that sent me here.” Something similar happened to one of the Charleston participants whose private lawyer didn’t want to take his disability case. “He didn’t see any money in it for

him, so he recommended Legal Services. I didn't even know they existed. He did me a favor with his prejudice."

Sometimes it just takes more work, and it takes a longer time before the connection is finally made. One person told us, "I searched around, I asked different individuals, they gave me different advice. I tried another place once. They wouldn't help me. Someone gave me this name. I think that company gave me this name." Another person said, "Then I had to start, like, the process, and I – a lot of it's just fear of doing the wrong thing, and so I went to speak to, like two different attorneys that were referred to me through friends, and first, they didn't have any time to speak to me, and then, you know, when you get there, you know, 485 an hour, I was like, okay, so I contacted my friend here, and he explained what he does, and it was exactly what I needed." And a Columbia participant's saga was not atypical. "I called different attorneys," she said. "I could not afford to pay them. And if you heard me, I said in the beginning, I am a social worker. Well, my income still does not accommodate an attorney and his fee, you know, and they told me that consultation was like eighty-five for thirty minutes for the ones that I contact. And so, I said, 'Oh, my God.' So, I finally went to the courthouse to ask for some information. When I went to the courthouse to ask for the information, they had Legal Aid and they had pro bono. A young lady gave me the information and told me this and so I called Legal Aid. I told them what I was going through, you know, and they sent me to the assessment, and reference to my income and all of this stuff, and if it wasn't for Legal Aid, I would have incurred all of these attorney fees. I wouldn't be able to pay – I

wasn't going to get no help because I couldn't afford an attorney!"

"Right now my best friend is Google. That's how I found out about Legal Aid!"

Hard to Find Help.

"I was scared to death," said one of our participants about her search for a lawyer, and many of the people we spoke with reported they'd been scared, confused, and frustrated. They didn't know where to look. One person told us they looked in the only place they knew.

"It's not on Facebook, they're not advertising on Facebook."

Facebook may not be a helpful place to look for affordable legal help, but perhaps Google may be. "I didn't have any funds to pay for a lawyer," said one of our participants, "so I Googled 'Where in Florence can I find legal services?' and that's when Legal Services popped up." A participant in Spartanburg said, "Right now my best friend is Google. That's

how I found out about Legal Aid!” But another person, an attendee of one of our Charleston groups, said, “Then you like, you know, just Google ‘affordable legal services’ or whatever. and I still didn't get it.” A younger person attending the Greenville group said it would be easier for someone of her generation to find needed services online. “I looked it up online,” she said, “but I’m kind of young. I’m thirty-five. So a lot of people that are older or not from here or familiar with resources don’t know, ‘Oh, you can go to Legal Aid or call their intake line and get help.’ So I know a lot of people to this day that were evicted wrongfully and are homeless because they didn’t know that they could get help for free.” And someone already homeless often can’t look things up online, a member of the same group pointed out. “They don’t know or they don’t have access to the internet that much.”

Many of our discussion participants told us of times when they just couldn’t find help. “I was looking for a lawyer after I lost my job of fourteen years,” said one. “And I just found that there was no lawyers willing to give me their time to really hear what I had to say.” A client of a women’s shelter told us, “Mine was domestic violence and I was going everywhere I could think of to try to get help. It took me months to get help because no one wanted to help.” People told her, “We can’t do anything unless something happens. And I’m like, ‘So this man got to actually beat me to death?’” Speaking of family law matters, another said, “Nobody really wants it when it’s kids involved. Nobody wants to do that without getting paid.” Another woman told us, “Trying to get a divorce from my ex-husband, the legal assistance for that is slim to none.” And it’s harder when certain kinds of matters are concerned. “The obscure stuff like, you know, employment, things like completing a 501(c)(3) application,” one person told us. “Things like that are where it’s difficult. You might find yourself on your own. Maybe an immigration application. You maybe try the Catholic Charities for that, but once again, you’re going to be limited.”

“I think they are great lawyers, but they don't cover everything, and the capacity is always an issue, a question for them.”

There just aren’t enough lawyers out there – or the kind that don’t charge much. “There are enough lawyers out there,” one person said. “There's too many lawyers! The problem is, is that the government doesn't pay for those lawyers, for people that can't afford it, as they do in criminal law.” He said, “There's no one's paying for those indigent services.” Another person said the legal services lawyers can’t meet all the needs. “I would agree,”

she said. “I think they are great lawyers, but they don't cover everything, and the capacity is always an issue, a question for them.”

That person considered the low-cost lawyers “great lawyers,” but we detected some confusion about this. One domestic violence survivor said, “You have to pay a lot of money to get the right representation with a lawyer. You just have to kick out to just really

“Cause if I can't afford for you to just review, I most def can't afford you.”

feel like you're getting something done.” A client of SCLS in Columbia disagreed, saying her lawyers were excellent, but her adversary in court, the property manager, disparaged her Legal Services lawyers. “She didn't think I hear heard her, but she said, ‘Oh, she don't even have real attorneys.’” And another participant took the point even further, saying the fact they are free is proof that they are better lawyers.

“I feel like if these lawyers, you know, it's almost like they just want money,” she said. “But if these lawyers know about the program and they're volunteering their time, then that must mean they want to do it and that they're going to put their all into it.”

Can't Afford a Lawyer.

Another way of putting it is that people can't afford a lawyer. “You call,” one Spartanburg woman told us, “and the first thing they going to tell you is what they charge an hour. They gonna charge you a consultation fee just to hear your case and see what you got going on. And half of the time, when they give you that price, I'll say, ‘OK, yeah, you have a nice day.’ Cause if I can't afford for you to just review, I most def can't afford you.” A woman in a small, rural town, who had, like so many mothers we spoke with, sought child support payments to which she was entitled, said, “I've had multiple situations where I may have should have had a lawyer. For example, with my child support. Never got the child support but I felt like it wasn't even worth trying to go through all the loops and holes to, and I would probably be spending more money than I would actually get out. So a lot of times I think people veer from you know seeking justice because I don't have that in my budget.”

“You can't afford it,” said one of the Barnwell County participants. “For one, you can't afford them, because a lot of people, they're living from check to check. They might not want to admit it, but I don't have that in my budget to pay somebody a retainer or, you know, an hourly fee or you know, I mean, if they write a letter, that's three hundred dollars.” And in these rural counties, we came to understand that some Black residents perceive lawyers as socially off-limits. In her town, said a resident of Cheraw, “You

couldn't afford it. I don't even know. I've seen a few signs, but I mean, you can tell by the outside of the building, you can't afford to go in there."

Even some those who knew about free legal services were closed out: income too high to qualify for legal services but not enough to afford private lawyers. "There's nothing in the middle," said one Charleston resident. "I wasn't looking for free services or handouts or anything like that. I just needed something that I could actually afford to do." She continued, "I don't want to take up resources that are saved for people who actually do need free counsel, like women who are trying to leave their house." Another woman, a member of our Florence focus group, also got caught in the middle. "I was going to try to get them to assist me in a divorce," she said, "and I just qualified for advice for that one. They wouldn't represent me fully for that one, which is fine. And I did go out and try to hire a lawyer. That didn't go well, so I'm still married. [Laughter.] It's just too costly. It's just a lot, and financially, I'm just not in a place where I could really afford that."

People are resourceful, though, and one Columbia attendee told a story about raising the money themselves for someone in need. "One of my friends, that's been evicted, not knowing the process – and this was like years prior to my process, so, you know, I didn't know what to tell her what to do or anything. I said, 'Well, let's just do some fundraisers, let's just try to get the money. Let's just try to do a strategy. I'll donate this, and all your other friends,' and that was the solution, you know. But it didn't help because if you weren't in a position to pay your rent the next month, then that would happen all over again," she explained. "So, you know, she ended up staying with people that she didn't want to stay with, probably doing some things she didn't want to do, to survive."

Trust.

In this section we're talking about the obstacles that make it hard to find a lawyer. The money to pay is one. Trust is another. Distrust can grow out of lifelong disaffection with the legal system or with government agencies. It can grow out of fear. Or lawyers themselves, if they don't conduct themselves in the proper way, can engender distrust. We asked our roundtable discussion members if they trust lawyers.

One person framed the trust issue as one more element of the racial divide in many South Carolina towns. "I do believe that would be an issue as well," she said. "Considering the community in which we live, and considering who are the attorneys in our community, if you don't see a representation of yourself, and you don't have a relationship with attorneys, yeah, there is going to be a trust issue." A member of the Spanish-speaking immigrant communities of Charleston said something similar. "I think a lot of people who

are fearful of the law, talking to a lawyer is maybe not an option. They don't even know what rights they have.” A participant in the community mediation group in Columbia said, “You have lawyers, you have pro bono, you have free, you have so many different areas. But when someone think of legal, they cobble it together, so you're afraid to go to court, you're afraid to talk to a lawyer, you're afraid of the cops, you're afraid of coming to a mediation center – all because it has to do with legal. And so that's an overshadowing, that I see in a lot of the rural communities and it goes back to trust.”

“A lot of people who are fearful of the law, talking to a lawyer is maybe not an option. They don't even know what rights they have.”

Some lawyers aren't trustworthy. “He did not take the valuable time to work through some of the situations or the concerns that I had,” said one participant. “He just kept making excuses. Therefore, I began to stop trusting and, you know, his ability to serve me fairly, honestly.

And it caused a lack of trust.” A client of a legal services firm said that her trust was rebuilt only after she connected with them. “Now I am more confident,” she said. “But before, I was, you know, I had no confidence in believing that I can walk into a legal office and get effective assistance of counsel. I had no confidence. Didn't even know what that look like.”

We give the last word on this topic to a participant in the Jasper County group. “No, it's not that I don't trust them. It's that they slick. [Laughter.] Some of them slick.”

Hired a Private Lawyer

Much of our roundtable discussions were devoted to our participants' experiences with lawyers. We wanted to know, did you connect with a lawyer? What was that like? Did you have a good experience. Many of the responses we received described experiences with private lawyers, both from those who eventually gained access to legal services and from those who never did – and the experiences were not good.

Too Expensive.

These lawyers were too expensive, for one thing. “We hired a lawyer,” said one man. “He got paid like four thousand dollars – for a lawyer.” An elderly person in Columbia said, “I can't afford, you know, five thousand, ten thousand. That's just something I can't do on the fixed income.” A Florence attendee said the same. “I looked into getting a private

lawyer. It was so much! They were saying, like the start-out base was like five thousand dollars for an adoption, and I just, like I said I was on a fixed income.”

Just as prospective clients can't afford lawyers, lawyers can't afford to take clients who can't pay. “He didn't want to do it,” said a member of the Florence group, “because there was no money involved for him. I was just trying to get reinstated back onto SSDI.”

Those prospective clients, who live in towns not easily served by legal services agencies, are forced to negotiate wherever they can. “I would probably have to call an attorney like him and see if he'll do it for me for free,” said one person. Another person at that meeting agreed with that approach. “I would,” she said. “I would call an attorney, and I would ask them, and I would just be honest, I will say, ‘Well, would you be would you be willing to do this as a part of the service? For me?’ This is what I mean. I mean, I could say that to them. I would definitely look into pro bono.”

“I can't afford, you know, five thousand, ten thousand. That's just something I can't do on the fixed income.”

But the idea keeps emerging, that it's just too much money to make it worthwhile. One of the Barnwell County participants said, “The perceived idea is that it's not going to be affordable and it's not going to be worth what I spent, you know, at the end of the day.” And in Greenville, one person said a lawyer she spoke with about care of an ailing friend made that same ruthless calculation. “The lawyer I had first talked to said that was going to cost so much money, he says it's not even worth it. He says you're not blood related, let her go. Well, she was family to me.”

Kiss That Money Goodbye.

We have addressed throughout this report the high cost of lawyers, but the high cost isn't what surprised us. What did surprise us was the bad service and shady conduct consistently reported by our roundtable participants about their expensive lawyers. One inexperienced small-town resident paid four thousand dollars to a lawyer in a city some distance away. “Nothing got done,” he said. “The lawyer just didn't do anything. And we weren't there to make it happen. We kept calling him, sending him letters, he wouldn't return them. Phone calls, wouldn't react to any of the letters we sent him.” After that, they hired another lawyer and paid thirty-five hundred dollars. “It was a lady lawyer. She was pregnant. She decided to take some time off after we hired her. Then she decided she was going to stay home and take care of her child, so we asked her for a refund. Didn't get no refund.” This is a strange tale that is surely not representative, but the feeling of

being cheated did pervade some of our groups. One person said she hired the wrong kind of lawyer but couldn't get the money back. "He was the one that told me that that's not something he could help me with, but I had already paid by then," she said. Others just

"We kept calling him, sending him letters, he wouldn't return them. Phone calls, wouldn't react to any of the letters we sent him."

get poor advice. "Everything seems to go extremely slow, almost to the point of incompetence," said another person. "He just filed the paperwork. And I'm not an attorney, I don't know what to say. And now we're trying to get it changed."

Some lawyers aren't responsive. "I had experienced that with legal counsel that I had obtained," said one participant. "He just kept putting me off, putting me off and making excuses after I gave him my money." This wasn't a problem with the legal services lawyer in Florence, according to one participant, but it had been with the private lawyer. "They will call you back. If the lawyer don't call you back, the receptionist will call you back, their paralegal, whoever it is," she said. "But the ones you pay, it doesn't work like that. It takes them a long time. And you pay them money."

Hired a Legal Services Lawyer

By design, clients and former clients of South Carolina Legal Services offices and other legal services agencies were overrepresented in our roundtable discussion participants. We were interested in the experiences of people in the legal services system. In contrast to those who'd hired or tried to hire private attorneys, these clients were happy ones, for the most part.

Really, Really Grateful.

We expected they'd be happy about the cost. "If it wasn't for Legal Aid, you know, I would have incurred all of these attorney fees," said a Columbia woman. "I was gonna get no help because I couldn't afford an attorney." We didn't know whether they'd be as happy about the quality of the work, but most were. "I can honestly say," she said, "that I am really, really grateful, because they did everything that they needed to do to help me." Said a member of the Florence group, "They were so perfect, and they did everything back-to-back, you know, and it took us four years. It was amazing how the attorney here, she was good from the very beginning."

As we saw from the discussion of paid lawyers in the previous section, how a client is treated is an essential part of the experience. “They are really welcoming here,” said one of the Columbia participants. “Everybody that I associate with, even like, to the secretary. Each lawyer have their own secretary, I guess, but even when they’re not available, I speak to the other ones and they’re welcoming and everything like that, and I’ve never really had an issue or problem. Their turn around is really quick, like I can call, they do get back to you. Most of the time the same day, if not the next day.” We heard a note of amazement in some of the people’s voices, some of them never having dealt with lawyers before, and some having assumed that a free service must be a second-rate service. “Somebody will call you back within twenty-four hours,” said one woman, “and I appreciate that ‘cause I’m not paying anything, it’s free. You don’t expect that.” Another person said the same. “When you hire a lawyer, you usually speak to their paralegal ninety-nine percent of the time.” But she was able to speak directly to her legal services lawyer. “Even when she’s not available, they’ll tell you, well, she’s not in the Florence office today, she’s in the Columbia office. She gives you her number, her personal number, everything. I mean, she’s very knowledgeable and she gives you information that you need.”

“Somebody will call you back within twenty-four hours, and I appreciate that ‘cause I’m not paying anything, it’s free. You don’t expect that.”

People’s expectations were upended when the free lawyer acted in the way they’d thought an expensive, private lawyer would act – and vice versa. “It was like I’d paid this lady fifty thousand dollars. She was in court on time. She brought all my paperwork. They sent me copies of everything. So, it was a free attorney, but I felt she acted like it was a hundred-thousand-dollars attorney and it was free. She treated me that way.”

Some of the participants said the legal services lawyers had become more than just lawyers to them. A Columbia client said, “She was very supportive. She went kind of beyond duty, because she was trying to tell me how to fix my budget, and that way I can stay on my budget. But that one attorney went against the government and we won, and I appreciate her from the bottom of my heart, ‘cause I couldn’t do it without her.” A Greenville client said, “I know mine became a little extended part of our family because, like I said, he was like a saving grace. Like, he done been in my home. Me and my kids give him Christmas cards every year. Like he God sent.”

The legal services lawyers got results very often, according to our discussion participants. “He helped me,” said a Spartanburg woman who’d had an eviction case. “So I appreciate that. And I didn’t have to pay anything and he did all the work and research and you know.

“I know mine became a little extended part of our family because, like I said, he was like a saving grace. Like, he done been in my home. Me and my kids give him Christmas cards every year. Like he God sent.”

I didn’t even have to go court.” A woman attending the Greenville group said, “If someone didn’t come to me and tell me, ‘Oh, you can get services from Legal Aid for free,’ me and my four small children that I care for on my own would have been homeless.” Another participant said, “I’ve been with my lawyer now it’s going on – May will be three years we’ve been fighting the case and we’re now at the end for the finalization on the full-time custody. We won the permanent custody of the children.”

Another client described a successful outcome of a family conflict. “They did help me, you know, find where I needed to be in order to take care of my kids,” she said. “Without the lawyer, you know what I’m saying, I would probably not have those kids and they would be in a bad situation.”

A Florence woman was amazed at the efficiency of her adoption case. “They just took it and ran with it,” she said. “It was a simple process. You know, you read the stories and seeing the news and how much adoption is and how long it takes. Dealing with South Carolina Legal Services, I think it took maybe like five or six months total. And I had her now for, well, September it will be eight years.”

Evidently, good results resonate through entire families. “My daughter is in the honors college at WCU,” said one person, “partly thanks to these folks right here, because they helped us pull out of a situation we never would have pulled out of.” Said another, “I was blessed with everything that happened the last four years. My grandson is in Citadel at Charleston.”

Some participants in the Columbia group urged the clients of legal services to show their gratitude in a tangible way. “You have to give back,” said one woman. This program done help a lot of people in the Columbia area, Charleston area and throughout the state, right? So, if you get a lump sum back, I think you should donate some of that money to help them – if you can, because some people have a lot of bills that they owe, because they wasn't getting no income for years, and they have bills they have to pay off. So, if you can give something back, I don't care if it's like twenty dollars, fifty dollars, it goes a long way

in a program like this.” Another woman responded with enthusiasm. “Or just your time,” she said. “I took off my job, I said, ‘Okay, you got leave time? Take some of your leave time and go down there, because of the fact they’ve been there for you.’ So what was it out of my leave time for me to take an hour out of my leave time and to come down here to say how much I appreciate Legal Aid or to participate? You know, so that’s just how I feel about paying forward.”

Intake.

The intake, the first point of encounter between lawyer and client, can be a source of satisfaction or frustration. We knew from our interviews that legal services intake processes are not always friction-free, but to the extent our roundtable discussions turned to that subject, most reports were favorable. “I walk in,” said a Charleston participant, “and they kind of heard my story and they said, ‘Just gather up all your information, email to us, and we’ll decide if we’ll take your case.’ That was the intake. And that’s pretty much all I remember of it. Pretty easy. Very easy.” Said a Greenville SCLS client, “Yeah, the intake process is not difficult. They just ask you a few questions, they get back to you like in a day or two.” A person facing eviction in Charleston said, “The whole process was very helpful to me, getting everything in order for the court date, he came back, he decided. I still live here.” A Florence SCLS client said, “I contacted them, they reached out to me very quickly. It wasn’t, you know, they didn’t drag it out and it wasn’t a long process, and once they stepped in it was, I think it took maybe like five months total for it from day one to let’s meet in court.”

“Yeah, the intake process is not difficult. They just ask you a few questions, they get back to you like in a day or two.”

Not everyone had as good an experience. For example, a day or two might be fast for some, but, said one Greenville participant, “Some people need a more immediate response.” A Conway group member waited much longer. “Mine was terrible,” he said. “The call to the 1-800 number was good, but after that they said, ‘Okay, no problem, you know, you’re accepted in some way, we’ll get ya.’ Didn’t hear from anybody for a long time.” That person said he wasn’t the only one. “My neighbor, he had one who told him to call here, and same thing with him. He got accepted but he didn’t hear back from the lawyer for a good two months. And that’s not going to work, I mean, ‘cause he doesn’t know whether she’s going to do something or not and you’re just there, wondering what’s

going on.” He added “They should never be too busy to have a secretary call you and say, ‘Hey, we’ve got you on the list, we’ll get with you within so many days.’”

“That’s a problem in itself, because if you’re overworked, then how are going to give me your best service? Even if it’s free?”

Applicants are turned away, for a variety of reasons. One man asked SCLS to handle a claim against a contractor. “Someone came in and they painted,” he said. “And it’s going to cost me more to fix it everything they messed up. And I have pictures and everything. But I went through the intake and they wouldn’t take me.” He didn’t know the reason; it could be the practice area, or it could be income. “I couldn’t get Legal Aid,” said a Greenville participant, “because I work part-time at McDonald’s, and it I guess took me out of what you’re allowed to make I guess.” That sounds harsh, but the Federally-imposed limits are strict. Also harsh was the situation of a woman who sought legal help for a divorce. “She never worked, all her income was based on her house, but because they had a joint tax statement, she could not qualify for legal services,” we were told. “She wasn’t in the criteria that was set by a system that doesn’t recognize that when she divorced him, she lost all access to her resources. She had nothing.”

No One’s Perfect.

A legal services client attending the Florence group described her experience with them, and “the ladies that helped me along the way,” as “perfect!” Then she described one thing that went wrong on the case. But, she added, “Other than that, I’m satisfied.”

No one’s perfect, and we did hear of problems. One that was identified in two different groups – somewhat at odds with the consistent reports of staff returning calls promptly – was overwork. “Those lawyers who have good hearts,” said one of the Barnwell County attendees, “and they’re really in it for the justice of the people, they are underpaid and they work more hours, and so that’s a problem in itself, because if you’re overworked, then how are you going to give me your best service? Even if it’s free?” A Greenville legal services client made a similar point, referring to her lawyer on a tight timetable. “She tried to help but I think she was a little overwhelmed ‘cause it was like right then.”

Another legal services client, describing a property claim, received some advice that no one wants to hear but that many frustrated clients do hear. “It will probably cost you more to fight the case than it would to just leave it alone. So I told him I really wanted to fight the case but I didn’t think he wanted to really represent me.” She thought the lawyer

was not sufficiently zealous. A Spanish-speaking person looking for low- or no-cost help with immigration matters came up short, not surprisingly. “I don't know if they doing it for free, or what the situation is, but they seem very, what's the word I'm looking for? You know what I mean, it was almost like you're bothering them. You know?”

Partial Representation.

Several of the people we spoke with weren't taken on as clients by legal services firms, but as we learned from our interviews, the firms often provide other services. A Florence participant explained partial representation. “They can do a full representation or a partial,” she said, “which means you can just get over-the-phone legal advice and stuff like that and not actual full services where you could come in and you could talk to somebody, they'll be there for you. You could just qualify for advice, you know, and they don't actually fully represent you. Like if your income is too high you could get one service or another.” She wasn't sure that was adequate for her needs, but we were told it does provide some help. “Even if you're not hiring a lawyer,” one person said, “even if you can get a preliminary consultation or something, with somebody with a legal mind, where they can say to you, here's what you're working with, you have the potential to do this, this and this. I can't do it for you, but here's, you know, so at least you know that you're chasing the right idea.”

“Then you sit in front of the hearing with the judge, who does not look like you, and let them tell you off, while the other person is fully represented.”

Another person got some advice ahead of a court hearing, but it didn't help much at the hearing. “I did go to some legal services place on Church Street,” she said. “They provide you assistance with the paperwork up until the hearing. And then you sit in front of the hearing with the judge, who does not look like you, and let them tell you off, while the other person is fully represented. So that's how that went. So, it's not full representation, it's representation as far as it's on paper. Not everything.”

A Florence participant described a one-hour consultation service that she said helped her. “There is a little referral service that they recommend you to and you call them and you can get a one- hour session of a discounted price. So that's what I did with my divorce, and I think it was like fifty dollars. It went by my income.” She added, “it was worth the fifty dollars because I could have dished out a whole lot more just to get that information.”

What It's Like to Have a Lawyer

As our topics already suggest, we particularly wanted to know what it's like to have a lawyer. We knew we were talking to people who have not typically had access to lawyers. Perhaps more affluent people who have had access to lawyers all their lives may take them for granted, but a conscious understanding and appreciation of just how meaningful it can be emerged as key themes from our roundtable discussions.

Unrepresented.

Before we talk about what it's like to have a lawyer, though, we have to explore what it's like not to have one. We talked to many people in our groups who'd had the experiences of handling their legal matters by themselves. One Spartanburg woman who'd been through that told us that without legal assistance, "We have to struggle by ourself, and you know, try to maneuver everything in this weird system that y'all got, to get what we need."

One person told us about connecting with legal services after much struggling. "I was doing everything myself," she said, "and I got confused." A woman with an eviction case didn't know where to go. "I was late," she said, "because I was looking for housing court.

"You can't even think to begin with, like, you're just so amped up about the situation and nervous."

I didn't know everything was in one building. But when I got there, he was like, 'You lost.'" We heard from one of the participants about a plaintiff in a domestic violence protective order case whose mistakes lost her the case. "She couldn't get a single piece of evidence in there," her friend told us. "Whether you have someone complete the paperwork or not, she didn't know that she had to have a record or an officer testifying to those phone calls to get

it admitted. And that was her only opportunity to do it. There's no way someone can be expected to learn all those things, especially in such a short period of time."

People are resourceful. A Barnwell County participant referred to it as "sweat equity," telling us, "I'm kind of perceptive, so I went online and I did the maintenance agreement and, you know, I did all the research myself." Someone we spoke to in Charleston said he did the best he could. "For me it was like I can read and I can learn and I can figure out what the law is. But that doesn't mean I know how to interpret it for my situation. And it's so stressful and overwhelming that you can't even think to begin with, like, you're just so amped up about the situation and nervous."

Others warn, don't try! "They get a little complicated," said one gentleman with a bankruptcy case. "Very complicated! If you try to do a bankruptcy by yourself, you might as well go home, 'cause you're not going to know who to notify and all that. Like I said, I went through a bankruptcy, it's complicated." A domestic violence survivor fighting protective order, housing and custody cases all at once said, "The shelter has helped me as much as they can but when it comes to DSS and all of that, you're kind of just on your own."

Eviction cases came up often in these discussions. They are difficult and a lot is at stake, but tenants often represent themselves if they appear in court at all. "There're so many people," said one person, "who probably got evicted illegally and didn't know that they had rights." Said another, "By yourself you can't. I've been to the housing court, I'm a landlord, and I have been to housing court quite a few times, and they never bring lawyers." Where one party is unrepresented in court, we were told, "It's not even the slightest way close to a fair fight." According to another of our participants, "It's like having a pro football player go in against – I mean, not like it's an intelligence thing, but just the education background – having him play against someone who's in pee wee. It's impossible."

A Columbia legal services client told us, "It was hard, it was difficult, because we don't know the legal stuff like an attorney would know. We think we doing the right thing, and in some cases, we probably mess things up, because we didn't know what we was doing, when we was following the documents. I went to a hearing myself, because I was doing everything by myself, and I lost that hearing." When she went to the next hearing with her new legal services lawyer, she said, "We went in front of the same judge that I had before, the same judge, and he was like, when we walked in there, he said, 'Oh, you smart today.'" [Laughter.]

Like I Was on Trial.

In this section, we will hear more about the feelings people have when they have to fight a case alone in court. "A nightmare," said one person. "I'm nervous," said another. "It was kind of scary, actually," said another. "Because even though we knew what our rights were in the situation, we didn't know whether or not the judge would take us seriously." A key theme struck there recurred throughout these conversations: fear of messing up, fear of losing, fear of the judge. "I can attest to that," said a Columbia participant. "The judges are really, really more susceptible to you when you have an attorney." She added, "It's not what you say. It's how you say it."

We'd been told by people we'd interviewed that some judges are impatient with pro se litigants, and that was borne out by our group members. One man, referring to the judge, said, "She was kinda – she was the one who made me feel like I was guilty, you know what I mean?" Another person had a similar reaction. "I felt like I was on trial for murder or something," she said, "and I didn't even do anything."

A third person said the same. "It made me feel more like a criminal, I guess you could say, than an actual person. And I say 'criminal' like I did something wrong. Like I'm a bad person. I'm not saying criminals are bad people. I'm just saying like, it made me feel like I did something wrong. And I didn't do anything wrong." That speaker continued, haltingly, concerned not to give offense to anyone in the room. "To be honest, without any hurt feelings, because I felt like I was a Black woman being berated by this white judge who knew nothing about my story in my life, while the other person in question, got to cry and have full representation. While she told me how bad of a mom I was."

These kinds of experiences made one of the participants in the Charleston SCLS group angry to think about. "You are disrespected," she said, "and I'm not gonna let anyone

"I felt like I was on trial for murder or something, and I didn't even do anything."

disrespect me, and I'm far from dumb and you're not gonna talk to me any kinda way!" A Greenville woman also expressed anger, recalling that day in court. "You have to compose yourself," she said, "and that's very hard for some people to do, especially when you are in a courtroom and they're telling lies. You supposed to tell the truth and you swore on the Bible that you're telling the truth but you're lying." The frustration – not only about the courtroom

drama but about the legal system as a whole, could be heard in these voices. A participant in the Jasper County group concluded that the fix is in and justice an illusion. "I think it all goes back to who you get, where you are, the people around you, the judges around you, the lawyers around you, the prosecutors around you, they all hobnob together, they all get together, they discuss your case, and when they go to court, they already know what's going to happen."

It's Good to Have a Lawyer.

As bad as proceeding without a lawyer may be, having one is good, our discussion participants told us. It's a shield against those who would take advantage of people, said a Conway attendee. Referring to SCLS, he said, "This place being here has really been a blessing, like I said, and not knowing about the law is something a lot of people need to

be thinking about before you accept what someone says, because we clearly don't know or they wouldn't be coming at us like that." A Greenville participants said the same. "If you don't know your rights or know the law or know resources, companies like where she lives or where I'm renting from can run circles over you."

Said one participant, "Honestly, I appreciate having Legal Aid, because they really helped me a lot." Said another, expressing an idea we heard often, "At least you know that person is there for you." Speaking of her lawyer, a participant told us, "She said, 'Hold up. I got you!'" When you have someone to fight for you, you win, we were told. "The one time I had a lawyer," said one person, "that was the only victory I done had."

To be sure, having a lawyer is no guarantee of success. One of our participants came up short, but the blame fell on the judge, not the lawyer. "I did feel like at times I was not heard," she said, "but that was not from Legal Services. That was through the court system. There was a time that even an attorney of mine could not see how the judge ruled the way they ruled. Still to this day does not understand it." Another person agreed, victory will not always be at hand. "There are some times that you're gonna lose, but just don't give up. Don't give up. That doesn't mean that you didn't have a good lawyer."

*"She said,
'Hold up. I
got you!'"*

Everyone should have a lawyer, said a Columbia SCLS client. "I think you should always have a good attorney. Yeah. I feel that way now. You should always have a good attorney. Just like you got a good doctor, you need a good attorney. You got a good attorney in life? You good. You need a good doctor, and a good attorney."

Education, Outreach, and Awareness

The lawyers, jurists, administrators, and educators we interviewed often spoke to us about educating the public and finding better ways to inform vulnerable communities about the services that are available. We asked our roundtable discussion participants – many who are members of such communities – whether they'd known where to turn when they had a problem, and whether they'd known of the existence of legal services. Overwhelmingly, they said they had not – hence the difficulties finding legal assistance described in the foregoing sections. In this section we will try to locate the awareness gaps, explore some educational and outreach methods, and take a closer look at one

particular method we heard about, the legal clinic. Finally, we'll address a language barrier that often hinders education, outreach and awareness.

People Need to Know.

A client of a Spartanburg domestic violence service center related a conversation that is in many ways typical. "People just need to know this. I would have never known about Legal Aid until I was filling out my order of protection here. And she said, 'Well, what are you going to do about your divorce?' I said, 'Girl, I'll cross that bridge when I get to it.' And she said, 'Well, you can get Legal Aid.'" Another woman in the same group stressed the importance of low- and no-cost legal services. "As far as for us," she said, "just making sure that people know. Advertising it everywhere, you know, and if it's a nominal fee, then that's fine, but just making sure we know that we have that option."

A member of the group we convened in Jasper County spoke about people in her small town. "What I've experienced," she said, "is a lot of people don't know what to do. There's a lot of resources that they have in the community in South Carolina, but a lot of people don't know what this is or where this is or how they can get the help that they need. They have never experienced this." Said another, "There's a lack of skill of networking and a

lack of knowledge in the community about where to go when those things happen."

"She said, 'Well, what are you going to do about your divorce?' I said, 'Girl, I'll cross that bridge when I get to it.' And she said, 'Well, you can get Legal Aid.'"

A Barnwell County resident said the same. "There are a lot of people here who don't know the system, the laws and the laws that are in place." She related the problem to housing issues in particular. "When it comes to renting, or even if you're, say, in a place like lower income neighborhoods, where the government is paying for your rent or part of your light bill, you still

have a right to live at the place without being threatened every so often about being kicked out, especially without notice, anything that you might be doing wrong or anything that might, like, say, if you needed to fill out some paperwork, there has to be some notice about coming to the office and doing some paperwork that might be missing, rather than having someone send you an eviction notice without telling you what's going on."

The elderly face information challenges. “They used to help the elderly with these problems, but they don’t do it anymore,” said one participant. “These are the questions that are coming up, but it’s lack of education and lack of understanding where to go.” Someone mentioned elderly widowed people’s need for help with their spouse’s estates. “That information is for lack of knowledge. They don’t understand that you could go to a probate judge and get things done,” she said. “That is one thing that need to be brought to attention of elderly people as they lose their spouses.”

And citing an example of nonprofit and governmental agencies working hand-in-hand with legal services on outreach, one person mentioned the Offices on Aging. “I believe there should be a human being in there that their sole job is to find out what these elderly people need to know. They may not know how to do all this stuff. They should, but they may not, but they know where to point ‘em.” A participant in Greenville made a similar point. “Get to know your community leaders,” she said, “those who represent you. Explain the problems you went through and have them look out for you and for their community that they represent.”

“They used to help the elderly with these problems, but they don’t do it anymore.”

The women at the domestic violence shelter group pointed out that many of them had no knowledge of resources. “This was the first time ever,” said one. “So if this is your first time ever experiencing it, how will we know we need a lawyer? When we call the police and get these police reports and they tell us to go to the magistrate’s office, why not have something in place at that office?” Another said the police can help, but they aren’t case managers or advocates. “When I went to the police station that night, like at the time I didn’t really know what I wanted to do,” said this participant. “All she kept saying was if you want us to help you, you got to put in an order of protection. Well, right now that’s not what I want to do. I need to think.” Another officer stepped in with better information. “Like she was trying to push it on me instead of telling me about the shelter, and there was another cop that came in and he the one who told me about the shelter.”

Methods.

There are many ways to get information to where it’s needed, and our discussion participants talked about some of them, and they had recommendations.

A Barnwell County attendee thought legal services agencies should rely more on social media. “One of the biggest things is, you put something in the newspaper, people not going to read it. People, they don’t read the newspaper. You put something on social

media, they'll grab a hold of that a little bit quicker than you putting in the newspaper. I feel that educating people is very important." One of the Spartanburg participants suggested more strategic advertising choices. "Cause it's not advertised," she said. "Like, you advertise things in a social service building or in the bus station. It should be advertised more. You know people could know about it. On the bus, everywhere."

"It should be advertised more. You know people could know about it. On the bus, everywhere."

A member of the Greenville group said classes that community residents attend could address legal issues. "I teach a lot of health classes at churches," he said, "and I bring in people who are not necessarily in the health field but in the community areas, and they can tell people about situations like this to make them aware that if you have a problem, hopefully you don't have a problem, but if you do, at least you got to know somewhere I can go to Legal Aid."

Outreach efforts have to be tailored to the audience, we were told. "I'm thinking about the level of comprehension when it comes to when we put information out," one person said. "So it has to be on fifth grade reading level, especially when you go into a lot of rural and remote areas. And I'm looking at delivery of how we market and promote. I found that you can't do it the same way with elder, with different ethnic groups." A Charleston man who works with Hispanic communities said brochures are great, but they're often useless to him. "When they come in," he said, "and they bring me their little brochures, they're beautiful. And I say, 'Okay, show me the one in Spanish.'"

One participant said that something as simple as a sign would make a difference. "You should have a sign in the front to let people know that you're here," he said, "because a lot of people don't know anything about it." He also said that word-of-mouth is an important method of education and outreach, which others mentioned as well. "Because there's a lot of people that because of my situation, I've shared with them, and they were like, 'I didn't even know this existed.'" A gentleman attending the Greenville meeting agreed. "I think it all starts right here," he said. "Right here with us. We have to be willing to step out of our comfort zone. You know, be willing to say, 'I had a problem, I had a bankruptcy, I had this or that. I messed up, I did this, but these people helped me.' I think maybe if the average person that struggles to make it, make a living and make it, knows there's help available and they see somebody or they know somebody's been through it, it will help not only make aware of the fact that the help is there but also make them come out of their shells."

One person, perhaps misreading slightly the purpose of our roundtable discussion, said we ourselves could perform an outreach function. “If you have a forum like this,” she said, “you would think you’d have more people here.”

Clinics.

A clinic serves a dual function, as a way of offering legal information without taking the recipients on as clients, and as a method of education and outreach. (Perhaps a third function is advertising for clients by the lawyer giving the clinic.) We didn’t discuss this topic extensively in our focus groups, but enough to warrant a mention. Clinics are popular for some practice area, including wills, expungement of criminal records, immigration, divorce. “I do see ‘em pop up,” said one participant. “I don't think they pop up as often as the community needs them.”

“We did the expungement,” said a Charleston community member. “We had the lawyers come in, they sat down, they talked to the people, we showed a video, went through the whole gamut. Gave them food and all that kind of stuff.”

Immigration was another topic that, we were told, would be suitable for a clinic. “Hey, come here, we'll give you our whole group,” said another Charleston participant. “Come and let's talk about the process of becoming legal. These are things you have to do. You know, question and answer. I think that room would be full. I think a lot of them would go the next step.” He saw much potential in this. “You need to really have events where, hey, if you want to learn about immigration status, because you'll all have questions, come get a free consultation.”

“Well, I went to this lawyer's clinic, and they wanted two thousand dollars at the end to actually do the thing.”

Clinics are useful, but they have limitations. One person suggested that lawyers are concerned to stay far away from the line of giving advice. “There is a reluctance among clinic lawyers to, it's like, you want to keep it very, very limited. And you really don't want to get too far into a case that's gonna keep you in it. And so you try to keep it simple.” And on the other side, some clinic attendees say it only takes them so far, and to go farther is just another big-dollar retainer. “Well, I went to this lawyer's clinic,” said one person, “and they wanted two thousand dollars at the end to actually do the thing.”

They Don’t Speak Spanish.

We have referred from time to time in this report to the difficulties of Spanish-speaking communities in finding lawyers, in finding information about legal matters, and in navigating English-language court and governmental documents and proceedings. We

convened two bilingual roundtable discussions, both in Charleston. There we heard stories and perspectives from members of those communities. Here, we'll examine these issues a little closer.

One person stated the basic problem well, speaking about various actors within the court system. "They don't speak Spanish," he said. "They don't have literature in Spanish. They don't have anything in Spanish. First question is, are you a citizen? You know, what do you care? You're a resident of South Carolina. Believe it or not, even the illegal people here pay taxes. They pay taxes on everything. And they aren't treated the same way when they need legal help."

The issue of education is the same here as in the larger community. Said one person, "A lot of Hispanics don't know that they should be able to get an attorney to buy a home, buy a mobile home, make sure things are done correctly so that they aren't taken on the back end." Said another, "I think the main thing is just information. You know, I mean, people need to be informed. People need to be educated.

"Education. Accessibility. And please, for the love of God, do it in Spanish."

And that's really the main thing." Discrimination is an obstacle to justice. "They don't speak the language," said one person. "They don't know where to get the help, know how to get the help, and when they ask for the help, 'Oh, you're not legal.'"

As we've already mentioned, brochures and official documents often aren't available in Spanish. Speaking about access to lawyers and courts generally, and about brochures and documents in particular, one person we spoke to stressed, "Education. Accessibility. And please, for the love of God, do it in Spanish!" A participant who works for a community-based agency said they've been taking steps. "Some of our fliers, we just came out with about five other brochures that we have, that have been translated into Spanish, because before we started going into these communities, it wasn't prevalent that we needed Hispanic, but now we do."

But when Spanish-speaking people do reach out to lawyers, they encounter the same thing that we've already described other people encountering. "As soon as you arrive to the office, they're asking for three thousand, between three thousand to five thousand. What do you think about it? And they don't sometimes do nothing," said one person. "Just to start talking with them and helping them, asking for three thousand to five thousand dollars, that's ridiculous, and that happen every single day, believe me."

Mediation

We were fortunate to convene a roundtable discussion at a community mediation center in Columbia. As we've mentioned, many of the same topics were addressed in this group as in other groups, but we did also gain a view into the special features, advantages, and limitations of the community mediation model.

Mediation represents an additional way to bring justice to low- and moderate-income families, and it can be a better option than court, according to a participant in the mediation group. "It works better than going to court," she said, "because most people are going to be supportive of a process that they are a part of, right? So, in family mediation, both sides have input. This is a shared consensus, right? This is not something that the judge said, 'You get your kid once a month, for the rest of your life,' right? This is stuff that they both came together and said, 'Oh, I'll take odd years, and you take even years, you get him for spring break.' So they are part of the decision-making process, so they're way more likely to go along with the actual outcome, because they formed the process."

Another advantage, according to another participant, is that community mediation is fairer. Speaking of inequity in the court system, she said, "That is the system, right? And the system is working as the system. And that system was never designed to help people that could not afford it. It was never designed for that. And so mediation becomes – and like I say, not all mediation – community mediation specifically was designed to make sure nobody gets turned away from a process that gets them to a peaceful resolution."

"Most people are going to be supportive of a process that they are a part of, right? So, in family mediation, both sides have input. This is a shared consensus."

Cost of mediation was a key factor in these discussions. "Mediation in the real – in the profitable world is \$350 an hour, \$250 being a lowball. So, imagine a person has to pay \$250 an hour for mediated services, and they have to pay an administrative fee, which the system has decided is one hour of mediation. So when you come to sit at that mediation table, that's \$500 that you're going to pay out toward this mediation. It works good for people to have the income to afford that." Community mediation centers like the one we visited don't charge those fees, but they can only reach so many people, and the further problem, we were told, is that South Carolina mandates mediation in certain family matters. "South Carolina has a law that says if you contest anything in a family

matter, you must go to mediation first. So, if you go to mediation first, you can have a court appointed mediator. That mediator charges \$200 an hour, plus a \$200 administrative fee, plus travel.”

Community mediation endeavors to make this mandated mediation, and mediation more broadly, accessible to people who can't afford those high fees. “The court mandated this,” said one person, “it ain't a luxury, then. It's not an option. I have to. So, when I sit at that table, I got to have four hundred dollars.” She continued, “We work on a sliding scale. Our scale starts at twenty dollars an hour, for people that make less than \$10,000 a year. We pretty much have eliminated that. We just try to get grant money because at the twenty dollars an hour, they still cannot afford mediated services.”

Some of the defects of the court system can also be manifested in the mediation setting. “Part of the issue,” one person said, “is the fact that people don't sometimes understand that they do have a legal need.” As we've noted before in the course of this project, those people often will not try to find legal help. Then when a low-income person does reach the stage of mediation, said one of the participants, citing a contract dispute as an example, they are often unrepresented. “The person that is bringing the contractor in, they have the attorney, but the contractor who can't afford an attorney because he can't even afford contracts, so he has nothing to help him with this right here. And so here he is trying to navigate through this process.” In this situation, the mediator can only watch helplessly. “I'm the mediator. I can't, I can't advocate for this person, because I'm not their advocate,” we were told. “It's so heartbreaking to be in this space, to know that these people are negotiating things that at the end of the day is not going to lead to them coming out of, one, poverty, it's not gonna lead to them having a healthy lifestyle, because they're gonna always be stressed about how they will make these ends meet.”

But when it's working well, it holds great promise. One person told us, “If I was to look at mediation and how success is determined inside of that, it is the peace within the community.”

The Way Forward

We asked all of our groups some version of the question, “What is the solution to the shortfall in legal services? What can South Carolinians do to improve access to justice?” The responses were imaginative and varied, and we recount several of them here.

“Get more lawyers!” said one Columbia attendee, repeating a recommendation that many others have given over the years. The participants in one of the Columbia groups agreed, but with a caveat. “Definitely always need more money,” one said. “But you also got to have some oversight and governance structure in place, right? Because otherwise, people will keep the mindset, won't change the culture, and the same things keep happening, right? You'll just have more money to further reinforce the disparities.” So, more lawyers, more funding, and systems-level change.

“Get more lawyers!”

A man who attended the Conway group took this further, to a kind of right-to-counsel proposal. He said, “The system can be as far as people like us who just don't know everything about the law. They can have some kind of system set up where, once they find out, they ask you, ‘Would you like a lawyer present?’” He continued, “I’m not talking about criminal, just somebody trying to get your children or something like that, they should at least ask you, you know, ‘Do feel more comfortable if you had a lawyer?’” The system, he suggested, “It can be tweaked to where if they see or they know, we’re not lawyers, so they should at least offer ‘Before we go any further, if you want a lawyer, we can have one present.’”

We heard more right-to-counsel proposals from the participants. “I think a public defender would definitely be needed in cases,” said a member of the Barnwell County group (using a misnomer drawn from the criminal law). “You have the constant fighting with landlords and getting things done that are supposed to be done like inside of a house.” A Charleston participant said, “I definitely think for family matters as well, such as, you know, child support.” He continued, “It's kind of hard to get a lawyer when you're fending for yourself and your children.”

Beyond the general proposition that we need more legal services, we heard some more specific ideas. One gentleman told of a “lawyer-of-the-day” approach that he’d benefited from in another state, and thought it would work in South Carolina. “We went to court in Salem,” he said, “and talked to the Magistrate. He said there was a lawyer-of-the-day on call. They had a lawyer present in the courthouse for anybody that needed a lawyer that couldn’t afford one.”

Another Conway participant said legal and other kinds of organizations could do a better job of referring clients to each other. “Why don’t the systems link up?” he asked. “That way if somebody goes into, let’s say, the Medicaid office and the interviewer, here’s the

situation, there's somebody there that's knowledgeable of the legal system that can say, 'Well, come in this office and we can help you,' you know. Same thing about anybody having medical issues, food stamps, housing issues."

A woman at one of the Charleston groups said she would reform the expungement laws in South Carolina. "I think a better use of a law, would be to loosen some of the laws that make it so hard to get those things done," she said. "I mean, you can go to California, and they can do record clearing and sealing and all these things. And South Carolina refuses to again, after people have served that time and did their due diligence and had their justice, to look at any of those things."

"They can have some kind of system set up where, once they find out, they ask you, 'Would you like a lawyer present?'"

Another procedural reform was offered by a participant who said she had seen a high-volume divorce court in Spartanburg. "They had a day in Spartanburg County. They had a child support day and they had a divorce day. All the past cases that's just been waiting for a court date, like a couple of judges sat up in Spartanburg auditorium and they just gave everybody their divorce. And I was like why I can't I be in that number?"

A participant in Columbia recommended that pro bono service should be mandated. "I think that the policy, and reference to lawyers, attorneys, should reflect that they have to give of their time. I think that that should be a policy that could go into effect, because they're not obedient to the ethical principles that comes along with the licensure of the attorneys. I feel like that could be a law."

Our participants brought up the possibility of nonlawyers doing more of the work. They were particularly enamored of law students. "I would utilize the colleges and the kids who are in school, not kids, but people who are in law school," said one. "Those are the people that are hungry, that want to get involved and that have the time to actually look over a case and dissect it. And they, I mean, they all need to make money." A member of another group said something similar. "I will take them nine times out of ten just because of that. They might be a little inexperienced, they might miss a couple of key points and attention to detail, but they definitely probably be passionate and have something to prove."

As a final thought on the subject of solutions, one of our participants offered this. “Somehow there’s got to be accountability. Because that’s what seems to be missing in the legal system.”

Summary of Findings.

Those we interviewed, and those we convened in roundtable discussions, addressed some of the same issues, and some that concerned one group more than the other or that were closer to the experience of one than of the other. Taking them together, they provide us with an accurate and comprehensive understanding of the legal services system from the diverse perspectives of those who are closest to it in their everyday lives. In this section, we offer a summary of the main findings from these two phases of our study. This summary, however, includes only the main highlights but should not be taken as itself a definitive statement of our findings. That will be found in the preceding full reports in this Part II.

The Demand for Legal Services.

To understand the demand for legal services, we asked what kinds of problems and life events happen in people's lives that give rise to the need for legal services in the first place.

Precarious Lives. We learned about particular types of problems, like housing or child custody. But problems don't always come one at a time in the precarious lives of low-income people, but in clusters of related problems or series of problems one after another. This snowball effect was commented on by many of the legal services practitioners we spoke to. Some of these are legal problems and some are just problems of poverty, but it's difficult to address one without somehow addressing all of them. When a client arrives at the legal services office, they may already be in a state of emergency that doesn't lend itself to methodical problem-solving. Someone has to put out the fire, then address what appears to be the main issue, while at the same time diagnosing the underlying pressures that lead people into crisis. This is the challenge faced by lawyers today.

Child Custody and Child Support. Family law matters, including child custody, child support, and divorce, can make up as much as three-quarters of the calls received by legal services agencies. Marital discord is a destabilizing force in families and brings many consequences, including divorce, abuse and neglect of children, custody disputes, responsibility for child support, and violence. So, family law matters are a snowball in and of themselves, but many lawyers told us they simply don't have the resources to handle these types of cases.

These protracted and difficult cases are sometimes complicated even further. The Department of Social Services may intervene, for example, raising the stakes for families and sometimes triggering a right to counsel statute that can result in the court appointment of a lawyer to represent the parents. Violence between the partners can raise the stakes, too, resulting in physical and mental harms and drawing families into the criminal justice system. Some of the most painful stories we heard came from these terrible experiences – of children traumatized and parents separated from their children.

Housing. Family law and housing matters vied for first place in the frequency with which they give rise to legal problems, and in the severity of the legal resources shortfall. Both touch essential human needs and elicit strong feelings. Housing cases have long made up a large part of the legal services caseload. Eviction forms the biggest part of the housing caseload, and that has only grown since the pandemic, first because of the massive job losses that occurred at the beginning, then because of the novel and intricate moratorium and emergency rental assistance programs that followed, and now because of the rapid rent increases that people are reporting across South Carolina.

But South Carolina renters faced an eviction crisis and the threat of rising homelessness even before the pandemic, and without legal help to navigate the dizzying summary court proceedings, their chances of losing possession are high.

Domestic Violence. Domestic violence occurs with alarming frequency, which, again, worsened during the pandemic, and it generates an array of legal problems that require different kinds of legal assistance. “Extremely high” percentages of victims go unrepresented, some of our informants saying half, some suggesting much more. Even after dealing with the police and leaving their homes, some women don’t know they can seek an order of protection. Those who do hear about it, from a friend, a knowledgeable police officer, or a staff member of a women’s shelter, often still don’t know that they can be represented. Still, the shelters can provide a great deal of assistance even when lawyers aren’t involved. Victim advocates can’t provide legal representation, but they can guide their client through the domestic violence order of protection process.

The challenges of the domestic violence practice don’t end with the issuance of a protective order. Violence in the home may put the kids in harm’s way, and protective order proceedings may even raise the risk level. Then when the survivor of domestic violence is forced to leave the home, there’s a housing law problem. When the immediate crisis has passed, the parties are often faced with the prospect of custody battles, and

child support and divorce proceedings in an environment already at a high pitch of conflict. Interaction with police and courts may shine an unwanted light on immigration matters.

Many Other Needs. Access to public benefits was identified in our research as a key area of need. Lawyers can assist with applications for SNAP or TANF benefits or social security disability income, but the most pressing aspect of this practice seems to be the representation of people whose benefits have been cut off. We met many such people, facing the predicament that their income has been terminated, making it impossible to pay rent or buy food or medicine – or to pay a lawyer.

Immigration matters are a great need, one which is underserved in several ways. First, there are few low-cost providers of immigration services; two, legal agencies funded by the Legal Services Corporation are barred from representing those who are not citizens or permanent residents; three, of lawyers not subject to that restriction, few have the needed expertise; and four, even immigration lawyers are frequently unable to handle removal or asylum cases.

Heirs property and other land title cases are also a great need. Few specialized practitioners are available to handle heirs property claims, and most everyday real estate lawyers are seldom able to offer their services free or at discounted rates.

Not Seeking Help.

Many people who have legal problems never seek the help of lawyers. Lawyers could help, and in many cases help is available, but even then, some people don't reach out. This happens for several important reasons.

Recognizing Legal Issues. People know they have a problem, but they don't always know they have a legal problem. Many more affluent people have a lifetime of experience of calling on and consulting with lawyers, but low-income people often don't have that frame of reference, and they're not conversant with legal matters. Or, someone might realize they have a legal problem, for example because they received a summons in an eviction case, but they don't know there might be a defense.

Knowledge of Available Resources. Another reason people sometimes don't seek legal help is that they're not aware that free legal help exists or where to find it. This was a consistent finding throughout the process: many low-income people have inadequate

knowledge of resources. All the outreach efforts of legal services firms and community-based organizations still aren't enough.

Social Barriers to Access. People living in poverty may be hesitant to ask for help, perhaps because they come from a culture where people are expected to solve their own problems or to solve them within their own traditional communities, or because they've been rebuffed or disappointed so many times before, or because they can't find someone who speaks their language. We often heard that people are afraid of the cost, not realizing there might be no cost. Or, they think that if the lawyer doesn't charge anything, they must not be any good.

Fear of lawyers is another factor. Some associate lawyers with bad experiences, and some think the legal system is against them. People whose only idea of lawyers comes from the criminal justice system or from movies or ads on television may have a distorted picture. And, perhaps not many, but some lawyers simply aren't trustworthy. Moreover, the problems of alienation and distrust are even more pronounced in communities of color, where a history of discrimination and violence make it harder to earn back trust.

Finding a Lawyer.

Many people do look for legal help, but the paths they follow are winding and have dead ends. There's some luck involved, when people find their way to free legal services through referrals by friends or co-workers. Others became aware of legal services because of successful outreach and public education efforts. Still others are referred by an organization, a church, another law firm, a social services agency. But others are not as fortunate. They try Google and Facebook. They call various law offices and are told they can't help or are deterred by the type of practice or the high fees. And some never succeed in connecting with a lawyer and have to fight alone.

Hired a Private Lawyer. When someone decides they need a lawyer, and they overcome the initial assumption that it will be too expensive even to attempt, they often turn to lawyers in private practice in their communities. For low-income people, this brings many pitfalls. Some reported paying more than they could afford, with mixed results. Retainers are beyond the means of those on a fixed income. Many have cases that aren't the kinds of lucrative ones that would attract private lawyers.

Hired a Legal Services Lawyer. Those focus group participants who had connected with free legal services lawyers had better experiences. Many expressed gratitude, relief, and amazement. How a client is treated is an essential part of the experience. They felt

welcomed and cared for, and were surprised when someone they didn't have to pay acted like "a hundred thousand dollar attorney" would act – efficient, effective, and responsive. Some said the lawyers became like family.

There were frustrations. Some clients could see the lawyers were overworked, however goodhearted. Some cases lacked merit, a legal conclusion that clients don't want to hear. But victory wasn't a necessary precondition to satisfaction. In our interviews and focus groups, we learned that representation by a legal services lawyer can bring social and emotional benefits regardless of the outcome.

Going it Alone. Importantly, we explored in depth the opposite side of this equation: what it's like to go with no lawyer at all. It's terrifying. The laws and procedures are complex, opaque, and difficult for lay people to understand, especially those with low education or literacy. Adversaries and court personnel are often unhelpful and unsympathetic. Again and again, people told us no one would take them seriously or they felt accused or disrespected, and these situations took on a more sinister tone when a Black pro se litigant was berated by a white lawyer or judge.

Making Contact.

While the prospective clients are struggling to find their way to legal services, legal services are struggling to find the clients. They may be limited by laws and resources in the number of clients they can serve, but they want as many eligible people as possible to receive the benefits they offer.

Information and Outreach. To make communities aware of their presence, legal services lawyers work directly with those who are the first points of encounter with people in need of help: social service providers, housing counselors, victim advocates. They put brochures in courthouses and other places where people go. They do outreach in immigrant communities, and they show up at community meetings whether in-person or virtual. The legal services clients we spoke to, some of whom had struggled to find their way in the first place, expressed strong feelings about outreach. They insisted that people need to know about legal services, and were particularly concerned about the most vulnerable, such as the elderly or survivors of domestic violence.

Clinics offer a way to provide legal information to people without having to take them on as clients, and they are a form of community outreach. Wills, expungement of criminal records, immigration, and divorce are suitable for clinic treatment and have proved quite popular.

Intake. The intake system can either be an effective tool of outreach or it can be a barrier between the person in need and the help they seek. The telephone number and internet links have to be known to the public, the application process has to be smooth and intelligible, and the eligibility criteria have to be fair.

Legal services providers have been successful in these efforts, but not without problems. They are able to process thousands of applications each year, but we heard reports of long waits on the phone, dropped calls, and another wait between acceptance by the system and the first contact by an attorney. The applicants themselves can contribute to the friction, by explaining their circumstances inadequately, by being unreachable, by being impatient.

The intake systems face a further challenge in addressing people in crisis who may have employment, health or other underlying problems that contribute to their legal problems. Legal services agencies are developing holistic intake methods, in partnership with social services agencies, counselors and advocates, and even medical providers, who train each other to recognize and cross-refer for legal problems and other kinds of issues that appear in the course of their respective intake processes.

Eligibility. The client, having at last made their way to the place offering free legal services, must sometimes be turned away. Most firms have strict income limits imposed by law, by funders, or by the capacity of the agency to handle clients. Some firms have geographical limits, and some have status limits such as those relating to immigration. Sometimes, the system simply accepts the cases it deems most urgent or meritorious or most aligned with the agency's practice priorities.

Material Barriers to Access.

Low- and moderate-income people face other barriers to access. One that's related to cost is filing fees, which clients must pay regardless of income eligibility. Inability to take time off from work to see the lawyer or to attend court hearings is another. And for low-income, rural, or elderly people, or people with disabilities, transportation is a barrier. Public transportation resources are limited in South Carolina, especially in rural regions with long distances to travel for even basic services. Some legal services offices are expected to serve five or more counties; an office that's fifty or a hundred miles away is hard to get to, if indeed the client knows of its existence.

Digital literacy and access to internet and cell phone services can be a barrier. The pandemic shone a light on disparities in digital access, but these have persisted for

decades. A substantial amount of law firm and court business is conducted online, and many clients of legal services struggle to keep up. They may not be able to buy a computer, or pay monthly internet charges, or even regularly check an email account. Clients often are called upon to transmit documents and sign papers, requiring technical skills that many lack. Many have smartphones, which can fulfill some functions, but are inadequate for others.

The Geography of Access.

In addition to the long distances often standing between rural people and legal services, two other geographic factors affect access. One is the imbalance of legal services resources between Charleston and the rest of the state. Charleston County has four legal services programs, while many other parts of the state have one, or none. The second is the imbalance between rural and urban parts of the state. Some rural areas simply don't have many attorneys, whether in legal services or in private offices, and there are disparities in pro bono resources and other kinds of financial and social resources.

Leveraging Nonlawyers.

A key research question was how much of the legal services gap can be filled by nonlawyers – a complex and contested subject. Could they do more, and could the rules that prevent them from doing more be relaxed? Some paralegals, social workers, law students, navigators, counselors, and victim advocates have expertise that may be the equal of many lawyers', but they can't give advice, appear in court, or prepare documents. Some say certification programs are needed that would empower these support workers to do more within the scope of their expertise, while others reject reforms that would permit any practice of law that is unauthorized under current rules.

The paralegal workforce is the focus of many of these reform initiatives. They already have some authority in this area, for example to represent clients in front of administrative law judges in public benefits cases. But most of the lawyers we spoke to expressed discomfort with further expansion, and the strict staying within the lines of unauthorized practice are deeply embedded in the paralegal culture.

The role of social workers has expanded, with lawyers relying increasingly on them. As clinical legal education has expanded in recent decades, law students have worked alongside lawyers in the field much more, in housing and benefits cases among others. Domestic violence victim advocates make up another category of nonlawyers that could play a large role. A skilled advocate knows as much about the court proceedings and needed services available to victims as do many lawyers in the field. All these nonlawyers

are strictly limited and must act under lawyer supervision, but some believe the limitations might be relaxed without harm to the clients or to the public.

Support for Unrepresented Litigants.

We heard of many initiatives to provide more support and help to litigants forced to proceed without a lawyer. We need lawyers because of their special expertise in navigating a complex system, and it's a lot to ask a lay person to do it by themselves. Judges and other court personnel could be more supportive and provide more guidance, especially where the party is floundering, but that doesn't always happen. Court clerks, like other nonlawyers, are wary of rules governing the giving of advice, with the result that an obvious source of help and guidance often is not available.

Some lawyers provide limited services, which they deem better than no services. This might consist of brief consultations, example documents, or clinics, which can effectively prepare someone embarking on a pro se proceeding. Self-help desks, kiosks, pamphlets, packets – all these have their advocates. They can't substitute for legal assistance, but they can be invaluable to someone who otherwise is entirely without guidance.

Pro Bono Services.

The people we spoke to agreed that South Carolina faces a "severe" shortfall in bono services, and the resources that are available are allocated unevenly. Generally, lawyers in bigger cities provide more pro bono services than those in smaller towns, but even in the cities, a small number of big firms do most of the work.

The reasons aren't well-understood. It may be that young lawyers aren't encouraged sufficiently by their law firm management, and may even be discouraged in some cases. There aren't many incentives. There are fears of being drawn into protracted litigation. And, often lawyers wishing to provide pro bono services say they don't have the skills for the kinds of matters low-income clients need help with, for example in family law matters. They can be trained, but the resources to support extensive training are not necessarily available.

Effort to increase pro bono commitments center on incentives. Many observers believe that if lawyers received continuing legal education credit, or a tax incentive of some kind, they may do more. More encouragement from law firms might have an effect. Making pro bono service mandatory was not generally supported by those we spoke to, though they were not unanimous in their opposition.

The Effectiveness of Legal Services.

People are better off when given free legal help, but how is that measured, and are there ways the system could perform better or deploy their resources more efficiently? Legal services firms count the number of cases they open, the number of cases they close, the number of clients served, what types of service they provide, and some client characteristics. Some also count certain kinds of outcomes, for example the number of disability claims approved, the amount of child support awarded, the number of evictions prevented. They count victories in court.

Beyond the quantitative metrics, though, the legal services providers pay attention to more intangible, qualitative outcomes, some of which occur even in the absence of a court or administrative win. Just receiving advice is an important outcome for many clients. The sense of being heard, of knowing that someone cares about one's case, having one's hand held, the building of trust, are very important outcomes. There can also be indirect consequences, as when an eviction averted brings the stability needed for kids to thrive in school, or when public benefits obtained lead to better physical and mental health.

~ PART III – SURVEY FINDINGS ~

Introduction.

We conducted two surveys of South Carolina residents. The Community Survey was addressed to low- and moderate-income South Carolinians, including those who had utilized legal services and those who had not. The Practitioner Survey was addressed to members of the South Carolina Bar, including legal services attorneys, solo practitioners, private law firm members, judges, and law professors. They were asked many of the same questions as the interview subjects and roundtable discussion participants, relating to the need for legal services and the resources available to meet the needs, and they were asked their opinions about the legal services system and the legal system as a whole, and about potential reforms and initiatives that could increase access to justice. In this Part III, we present information about the methods used in survey research and a detailed report of our findings.

The Community Survey.

The purpose of the Legal Needs Assessment Community Survey was to help us find out more about legal needs, the different ways people go about addressing legal problems when they have them, and the obstacles they encounter along the way. The survey instrument is shown in Appendix C.

Sampling Strategy. The Community Survey was delivered primarily in an online format and was rendered easily on mobile and desktop browsers. Surveys in paper format, and a Spanish language version, were also available.

We obtained a purposive sample of 1,352. Purposive sampling is a non-probability sampling technique in which individuals are selected because they have characteristics we need in our sampling. Two main characteristics defined our populations of interest. First, we wanted to hear from low- and moderate-income people who had experienced legal problems and had utilized the services of lawyers. Second, we wanted to hear from low- and moderate-income people who had experienced legal problems but had not necessarily connected with lawyers. This approach mirrored in some ways the purposive

composition of our roundtable discussions, with some groups made up of legal services clients, and other groups made up of low- and moderate-income community members who had had fewer encounters with lawyers and the legal system.

To disseminate the survey, we enlisted legal services agencies, organizations represented by members of the Steering Committee, and other community-based organizations. Figure 3 shows the flyer that was used in several phases of the dissemination effort. Each of these agencies and organizations solicited participation in the survey through their social media, email lists, and physical placement of flyers. We believe the sample obtained through these channels

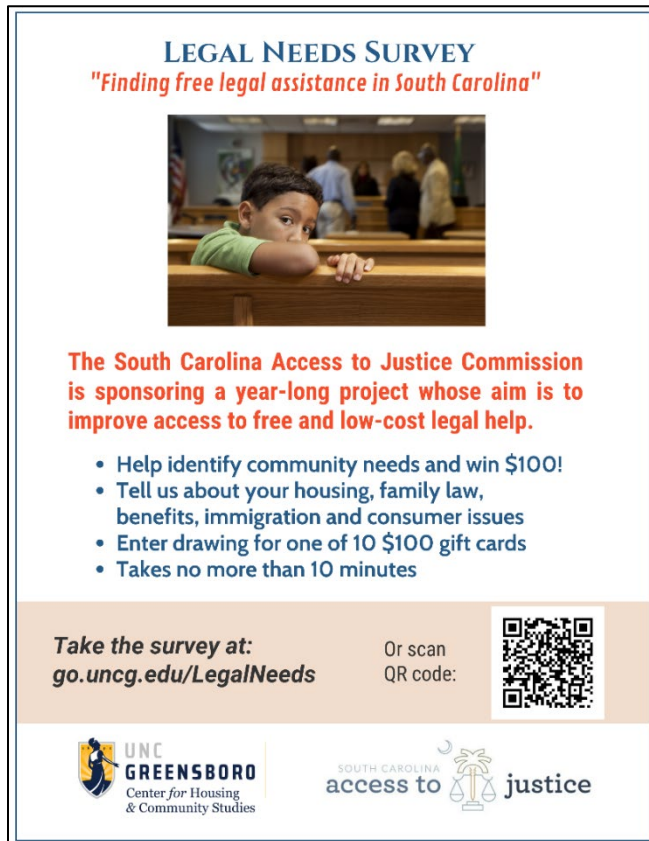


Figure 3 – Community Survey Flyer

overrepresented low-to-moderate-income people who had sought the help of lawyers. We know from many prior legal needs assessments that only about twenty to forty percent of low-income people seek legal help for their civil legal problems.¹¹ As we will see, more than half of our respondents, drawn largely from legal services firms' mailing lists, had done so. A large number had not done so, and in respect of other characteristics, we saw a high level of variation within the sample.

Characteristics of the Respondents. Table 2 shows key characteristics of the survey respondents.

Gender		Caregiver Responsibility	
Female	726 (78%)	Not a caregiver	380 (43%)
Male	187 (20%)	Shared responsibility	159 (18%)
Other/No answer	19 (2%)	Primary caregiver	344 (39%)
Race/Ethnicity		Marital Status	
Black/African American	347 (38%)	Single, never married	269 (30%)
White or Caucasian	456 (50%)	Married or domestic partnership	225 (25%)
Other or not listed	74 (8%)	Widowed	75 (8%)
Hispanic or Latino	34 (4%)	Divorced or separated	327 (37%)
Age		Housing Status	
18 to 29	71 (8%)	Homeowner	71 (8%)
30 to 39	191 (21%)	Private rental	191 (21%)
40 to 49	214 (24%)	Stay with friend/family member	214 (24%)
50 to 64	285 (31%)	Public housing, Section 8	285 (31%)
65 or older	151 (17%)	Homeless and others	151 (17%)
Household Income		Employment	
Less than \$15,000	323 (36%)	Employed (Full & Part Time)	473 (53%)
\$15,000 to \$24,999	223 (25%)	Disabled	244 (27%)
\$25,000 to \$34,999	163 (18%)	Retired	135 (15%)
\$35,000 to \$49,999	87 (10%)	Out of work	120 (14%)
\$50,000 to \$74,999	64 (7%)	Homemaker	48 (5%)
More than \$75,000	39 (4%)	Student	38 (4%)
Education			
8th grade or less	5 (1%)	Trade, technical/voc. training	79 (9%)
Some high school	25 (3%)	Associate degree	140 (15%)
High school/GED	176 (19%)	Bachelor's degree	171 (19%)
Some college credit	234 (26%)	Graduate degree	80 (9%)
<i>Note.</i> All numbers are based on valid responses to each question. Some respondents did not answer all the questions.			

Table 2 - Characteristics of the Community Survey Respondents

38% of the respondents identified as Black or African American, 50% as white, 6% as mixed race, and 4% as Hispanic or Latino, with 2% or less identifying as American Indian or Alaska Native, Asian, or Native Hawaiian or Pacific Islander. This reflects an overrepresentation of Black or African American respondents, when compared to the statewide population that is 69% white, 27% Black or African American, and 6% Hispanic or Latino. We expected this result, having sought to include persons of low- and moderate-income in our sample.

A large majority of the respondents were female. When we break down the gender groups by race, we find a larger proportion of women within the Black respondents group than in the white respondents group. In our reporting on focus groups, we commented on the overrepresentation of Black women. Black women participated in these events in greater numbers than other population groups, suggesting a greater interest in the subject matter, and seemed to take more responsibility for many of the important questions that families and communities encounter. We speculate that at least one reason for this is that Black women are more often single-parent heads of household than white women.¹² The social and economic issues reflected in many of these legal problems often fall to them by default.

The respondents are somewhat older than the statewide population, with 48% of the respondents 50 years of age or older, compared to about 35% for the state as a whole. Nearly 90% of the respondents had household incomes below the statewide median household income of \$55,000, with a little over 60% reporting household incomes under \$25,000, all reflecting the relatively low-income level of legal and social services clients. Disaggregating household income by race revealed the striking fact that nearly twice as many Black as white respondents were in the less than \$15,000 bracket. The respondents are about as well-educated as the general population, with 26% having achieved a bachelor's degree or above, compared to 29% for the state.

Only 33% of the respondents were employed full-time, not unexpected for a low-income group including, as we will see, many whose legal cases concern eviction and public benefits. Fully 27% of the respondents, the second largest category, reported their employment status as "disabled," some of them likely having legal services lawyers helping with disability benefits and disability rights issues. (Note that respondents could select more than one answer.) The third largest category was "retired," at 15%.

Geographic Distribution of Respondents. The map in Figure 4 shows the geographic distribution of respondents. Responses came from every county in the state,

Civil Legal Problems Experienced in Past Five Years

(Based on 2,249 responses)

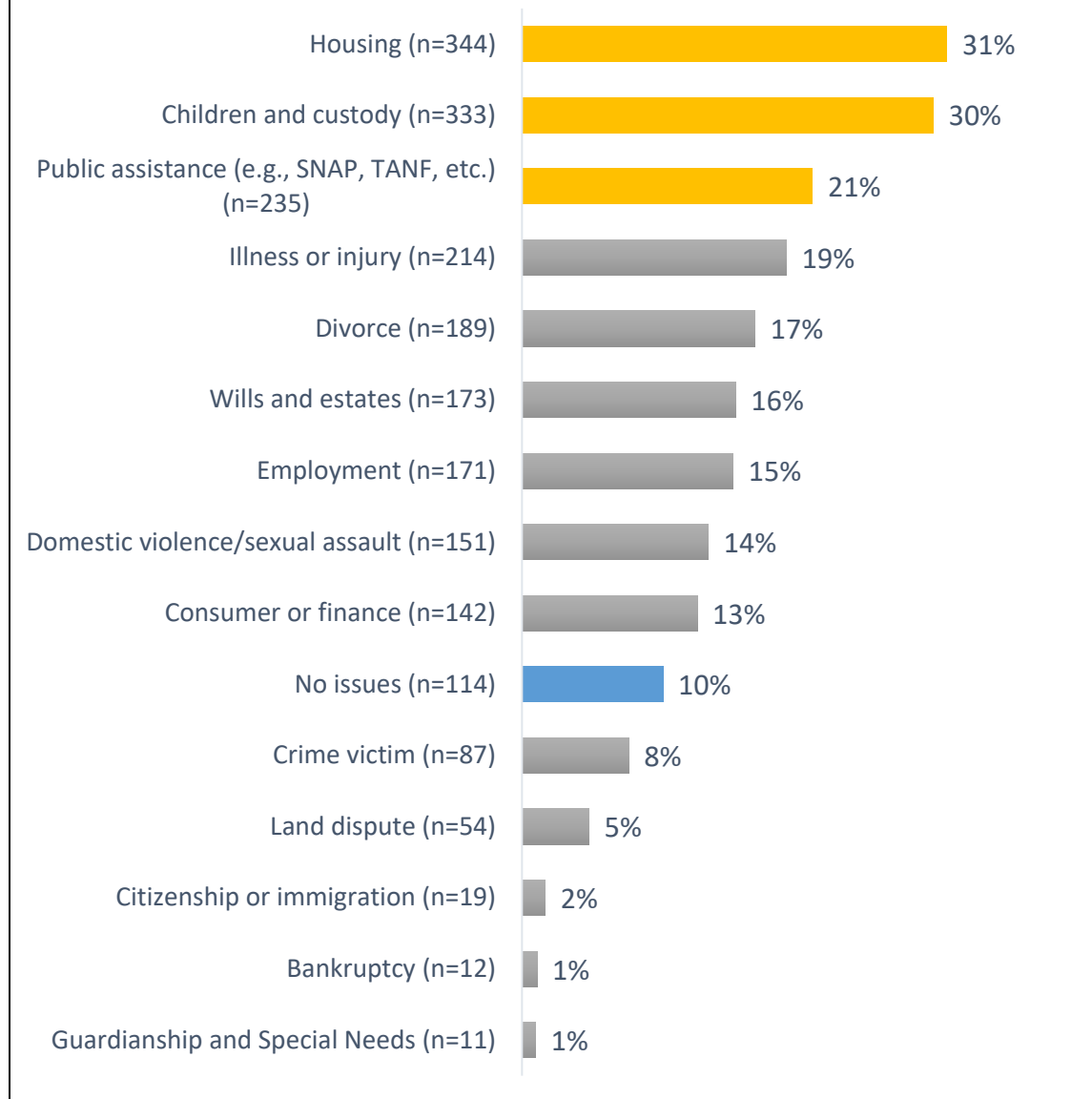


Figure 5 – Civil Legal Problems Experienced in Past Five Years

The fourth category, illness or injury, at 19%, had not been as prominently discussed in those earlier research phases. To the extent injuries came up in the conversations, it was often in reference to the personal injury bar, which can assist low-income claimants by virtue of their contingent fee structures. Respondents who selected that category didn't necessarily turn to legal services firms to resolve their problem. And, the category "illness or injury" includes, in addition to tort claims, claims under insurance or public benefits.

The remaining five categories, ranging from divorce, at 19% to consumer or finance, at 14%, generally mirror the kinds of cases people talked about in our interviews and roundtable discussions.

Ten percent of the respondents said they had experienced no legal problems in the past five years. We expected this to be a small number, as our sample overrepresented clients of legal services firms. Still, it is worth noting that a significant number, whether more or less than ten percent, haven't had legal problems.

The respondents had the opportunity to describe narratively the problem they needed the most help with. These descriptions unveiled some interesting examples of the problems people encounter in their lives. These miscellaneous legal needs introduced a colorful qualitative element to the survey findings. Examples of the problems they told us about:

My husband passed away unexpectedly in November and left no will. I am going through the probate process now and there has been absolutely no guidance or assistance in navigating this system. I am not sure what to do or what not to do.

Legal issues related to out-of-control teen behaviors. Also housing due to lack of credit. Counseling due to incarceration and marriage with verbal abuse.

The biggest problem was property line. Family members tree fell in my yard. It laid there for two weeks, so I thought it would be ok to have it removed since it was laying on my property and I knew they had saw it. So, I did have it cleaned up and paid the cost. I was being threaten, they would call their Lawyer. They didn't but they did call the police on me Easter Sunday. I had no Ideal that this was so important when it was on my property and police did come. A feeling of embarrassment in front of the neighbor.

IRS says my husband owes them a really large amount of money. He passed away two years ago and I knew nothing about it I just signed the taxes that he did and then I found out when we went through some papers in the garage that he owed money to the IRS and I need help trying to get it sorted out. I am 72 years old and my income is very low.

A parcel of land was purchased, paid in full and deeded. An adjacent neighbor was then "sold" the same parcel of land.

Among our respondents, some legal problems were more likely to be experienced by one racial or ethnic group or another. On the whole, these differences were not great, but several points of interest emerged from this comparison.

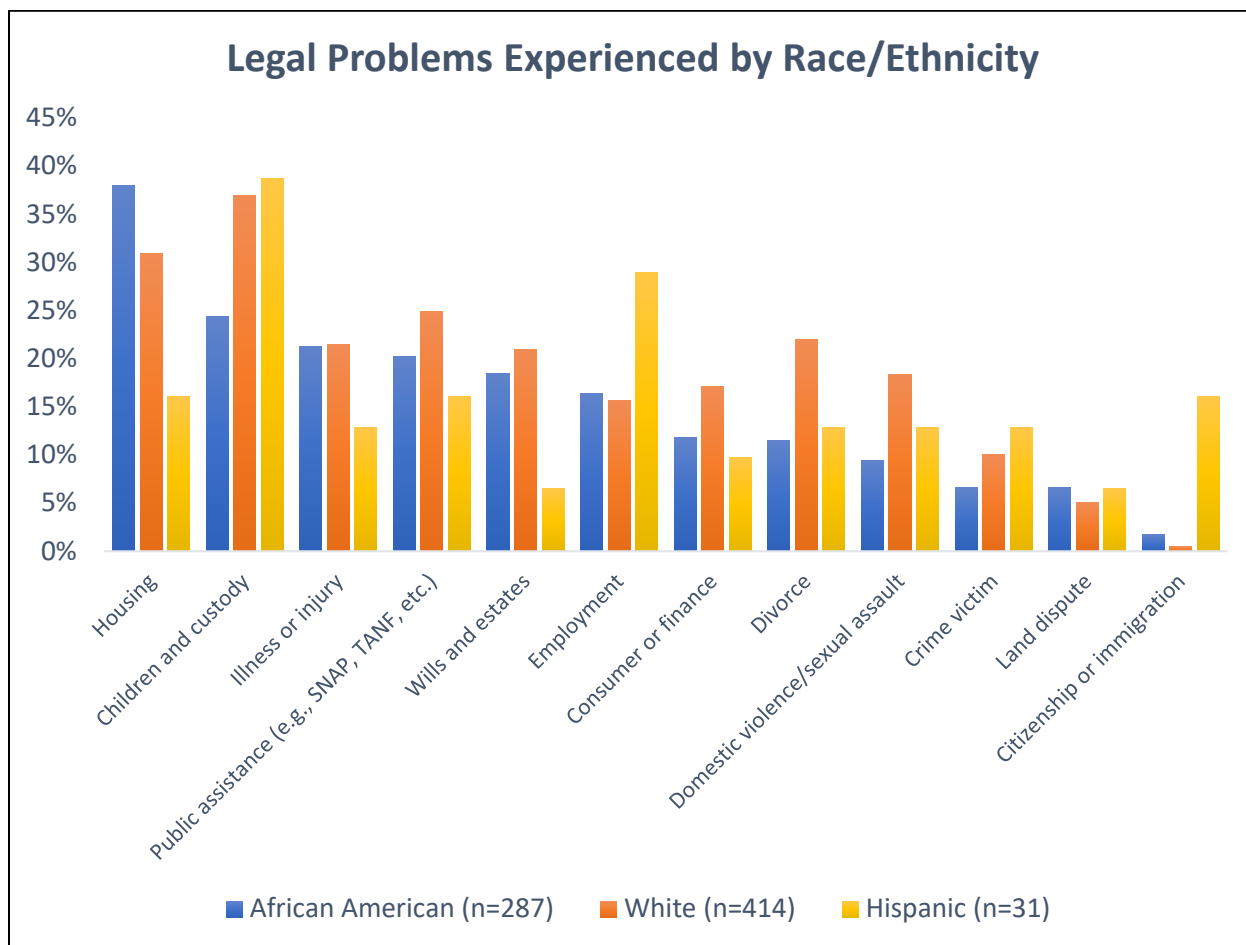


Figure 6 – Legal Problems Experienced by Race/Ethnicity

Among our respondents, some legal problems were more likely to be experienced by one racial or ethnic group or another, as shown in Figure 6. On the whole, these differences were not great, but several points of interest emerged from this comparison. For example, the incidence of housing problems was notably greater among African American respondents than white or Hispanic. Problems involving family matters occurred more frequently among white than African American respondents. Finally, almost all the reported immigration problems fell on Hispanic respondents, a finding not at all surprising, and consistent with other indications from our research.

No Legal Help. We next asked whether, having encountered that problem, they contacted a lawyer for help. This was a branching question. If the respondent answered “yes,” they were taken to one sequence of questions, and if they answered “no,” they were taken to another sequence of questions. Among the 1,094 respondents who answered the branching question, 68% (745) said “yes” and 32% (349) said “no.”

To those who answered no, they did not contact a lawyer for help, we asked, “Why not?” 80% of them, or 284 of 349, gave one or more reasons. Figure 7 shows the reasons they gave.

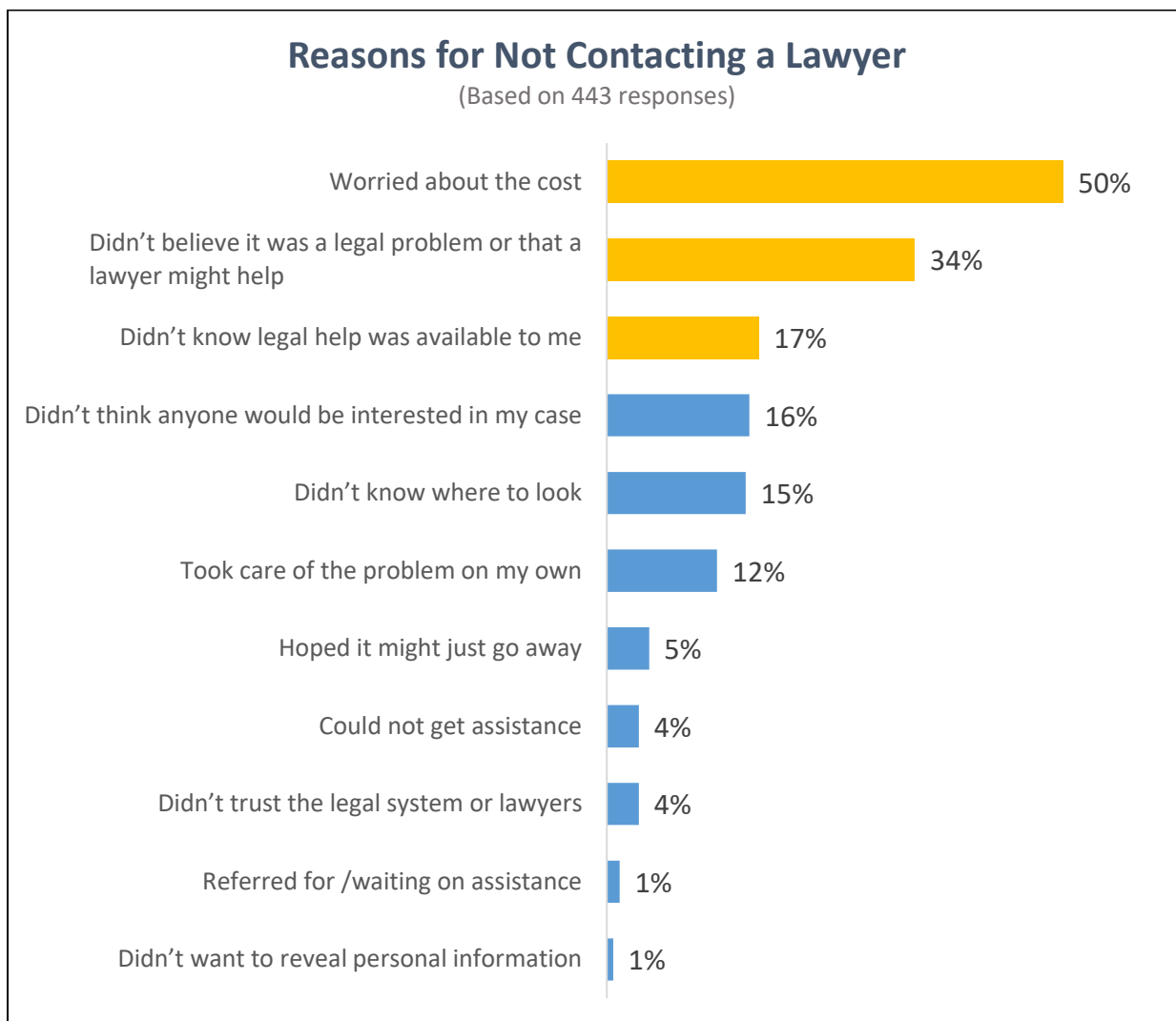


Figure 7 – Reasons for not Contacting a Lawyer

The reasons varied greatly, but the biggest reason, by far, was “Worried about the cost.” This was a key theme throughout our research, as our reports on the interviews and focus groups makes clear. People told us again and again that lawyers were just too expensive,

so much so that, as one person memorably put it, it didn't seem worth even walking into the lawyer's office from the street.

Other reasons reflected a range of what we have sometimes referred to as the "social barriers" to legal help. 34% said they didn't know their problem was a legal problem. We knew from our interviews with lawyers and community leaders that often people experience problems – with their benefits, with their landlord, with the boss – and think, this is just life. They lack the frame of reference that would reveal the problem as a legal problem, and their encounters with lawyers have been few.

Another reason is one that is familiar to all kinds of service providers, not only to legal services lawyers. Seventeen percent said they didn't know legal help was available, and 15% said they didn't know where to look. We commented on these factors not only in our reporting on the reasons people don't seek help but also on the information and outreach deficits our experts see in their communities. Everyone we spoke to said we don't have enough legal services resources, but this is a different problem: people don't know even about the resources that we do have.

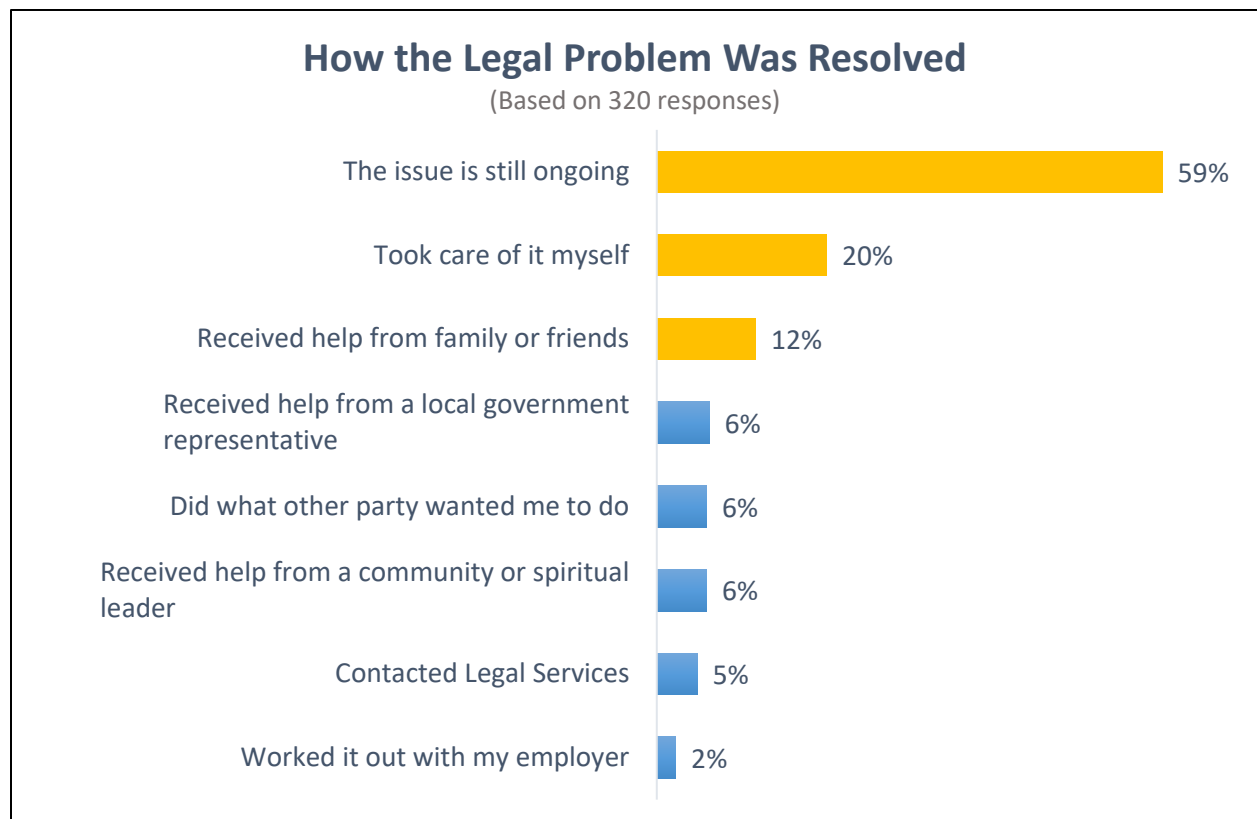


Figure 8 – How the Legal Problem was Resolved

Another cluster of reasons why people don't seek the help of a lawyer relates to the perceptions and feelings people have toward lawyers and the legal system. 16% said they didn't think anyone would be interested in their problem, 12% said they took care of the problem on their own, 5% said they hoped it might just go away, and 4% said they don't trust lawyers or the legal system. As with the participants in our focus groups, lack of trust wasn't the biggest issue; but taken together these responses suggest that well over a third of these respondents feel estranged from the legal system or place no reliance on it.

We asked these respondents who didn't turn to lawyers, what did they do instead? How did they resolve the problem? Their responses are shown in Figure 8. Twenty percent of the respondents said they took care of it themselves, and smaller numbers said they received help from someone other than lawyers. 6% said they simply acquiesced in the demands of the opposing party in the dispute.

Self-help and help from others in the community are important considerations in any system of conflict resolution, but for this group of respondents, the efficacy of these approaches was apparently small. On the other hand, the biggest category of responses was the 59% who selected "the issue is still ongoing." In other words, they didn't resolve the problem. We are cautious in drawing the inference that without lawyers, problems usually don't get solved, but that is one possible explanation.

Seeking Free Legal Help. As we noted above, 68% of all respondents answered in the affirmative the branching question whether they sought the help of a lawyer. If they tried to find *free* legal services, we wanted to know about what difficulties, if any, they encountered. As shown in Figure 9, they reported a number of difficulties – enough so that only two-thirds of them succeeded in finding the help they sought.

The largest number, 49%, said they encountered no difficulties. As we've said, current or former legal services clients made up a large proportion of our survey respondents, so this was not surprising. Those difficulties that our respondents did select all related to the availability of services or the criteria for accepting clients for service. 20% said they could find no free legal services. Others, in percentages ranging from 7 to 17, said they or their cases didn't meet income eligibility, staffing, or practice area criteria, or they were deterred by the intake procedures. Only 1% cited a language barrier as the difficulty.

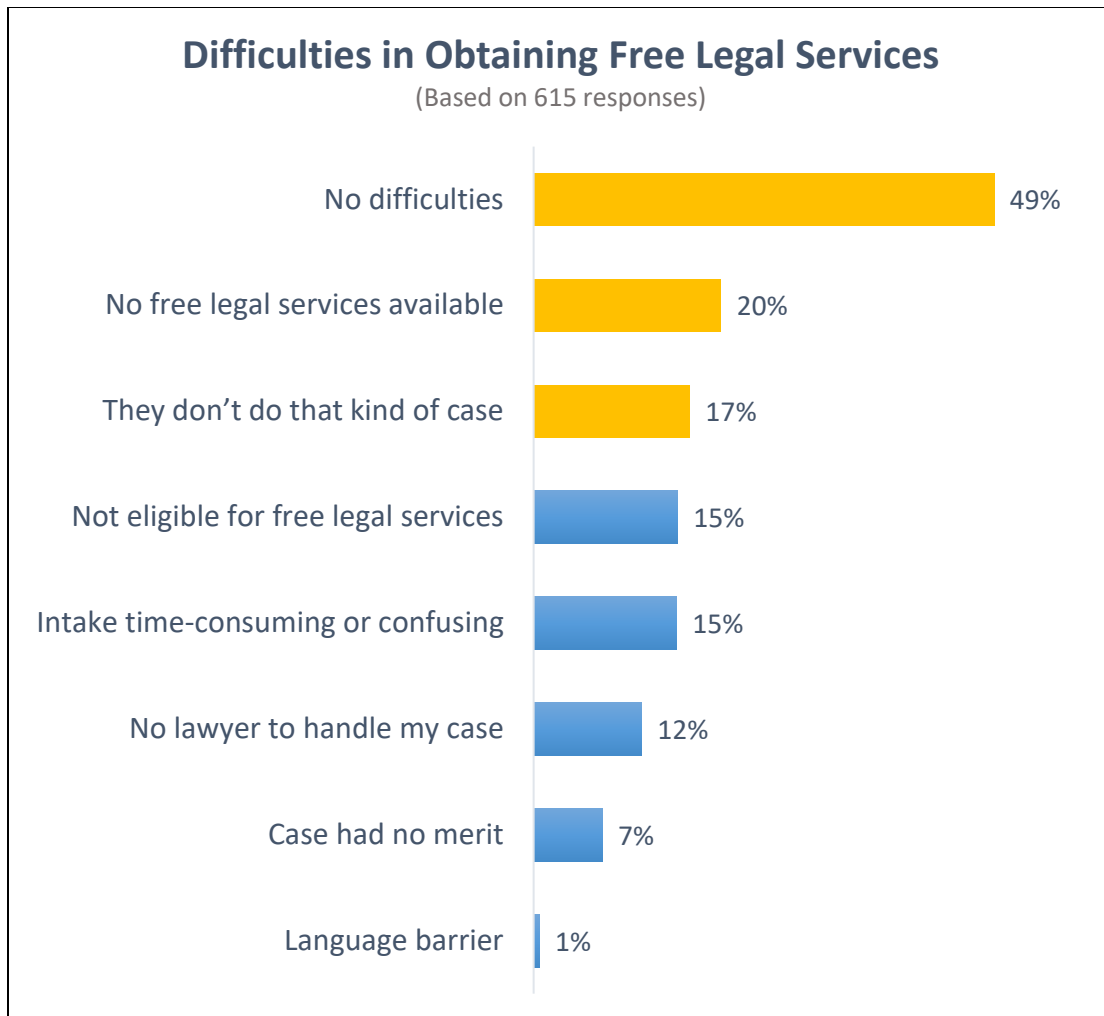


Figure 9 – Difficulties in Obtaining Free Legal Services

Those who did get help specified the category in which their cases fell. They covered a wide range of case types, similar to but not exactly the same as the list of legal problems discussed above.

Again, as shown in Figure 10 on the following page (665 total responses from the 451 respondents who answered this question), family law and housing topped the list, with wills and estates, domestic violence, and consumers rights accounting for percentages in the teens. And again, few of our respondents, only 2%, reported immigration problems, and virtually none of this group of respondents received help in that area – not surprisingly considering the limited availability of help in that area.

But while as much as 21% had cited public benefits as the legal problem they'd experienced in the past five years, only 2% of these respondents said that was the area where they received assistance. While 15% percent had said they faced employment

problems, only 2% said they received assistance for that kind of case. These disparities may suggest some areas that are underserved by the legal services agencies, a question we will explore in greater depth in our discussion of the Practitioner Survey in the next section of this report.

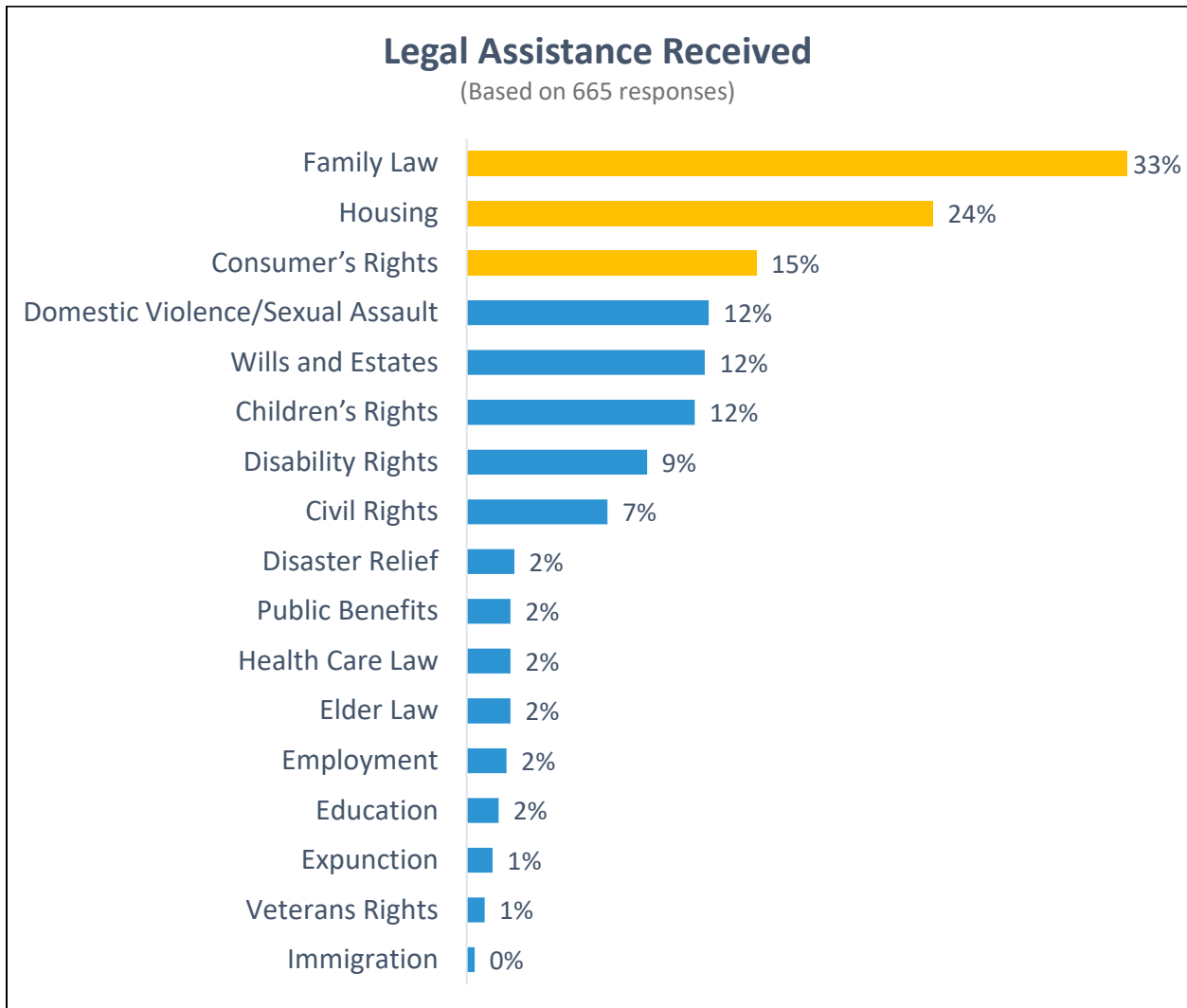


Figure 10 – Legal Assistance Received

Paying for Legal Services. Of the 482 respondents who answered the branching question described above, 82% (395) said the services were free, 13% (64) said they had to pay the lawyer’s regular rate, and 5% (23) said they received a discounted rate. We asked those who paid, how they paid. Their responses are shown in Figure 11.

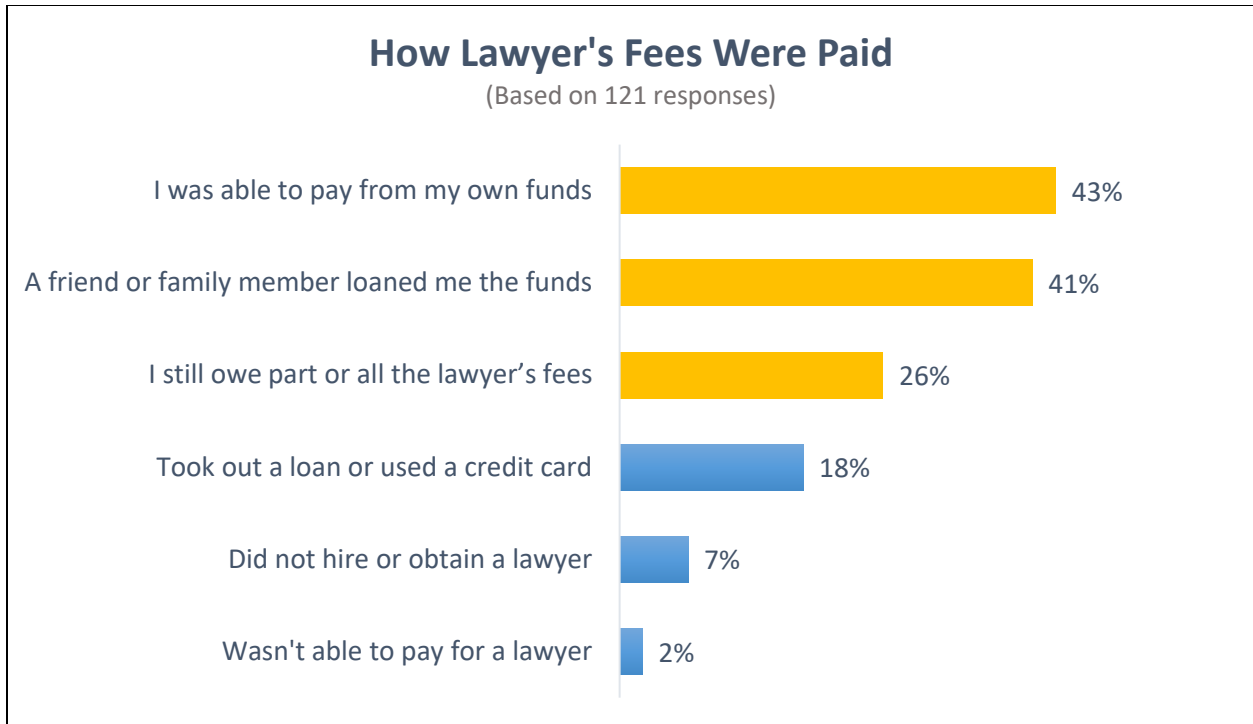


Figure 11 – How Lawyer's Fees Were Paid

They were a small number, about 121 responses from 88 respondents, but nonetheless an interesting glimpse into the struggles people have in paying for such an extraordinary expense as a legal fee. Forty-three percent said they paid from their own funds. 41% turned to a friend or family for assistance. Twenty-six percent said they still owed all or part of the fee. Eighteen percent said they went into debt.

Quality of the Experience. Getting connected to a lawyer was by no means the end of our respondents' difficulties. As shown in Figure 12, they reported obstacles encountered along the way to resolving their cases.

These obstacles took several forms, some not unlike what any litigant would encounter: things happen in the litigants' lives and, sometimes, things happen in lawyers' lives, that cause delays and interruptions in the handling of cases. The papers and filings are complex; court procedures are cumbersome and sometimes cause delays. But some of the obstacles are those which low-income people are more likely to encounter: 11% said they couldn't take time off work, 11% said they lacked transportation to the lawyer's office or to court, and 12% said child care issues got in the way. 26% said they encountered no problems getting their cases resolved.

Major Barriers In Resolving Legal Problems

(Based on 373 responses)

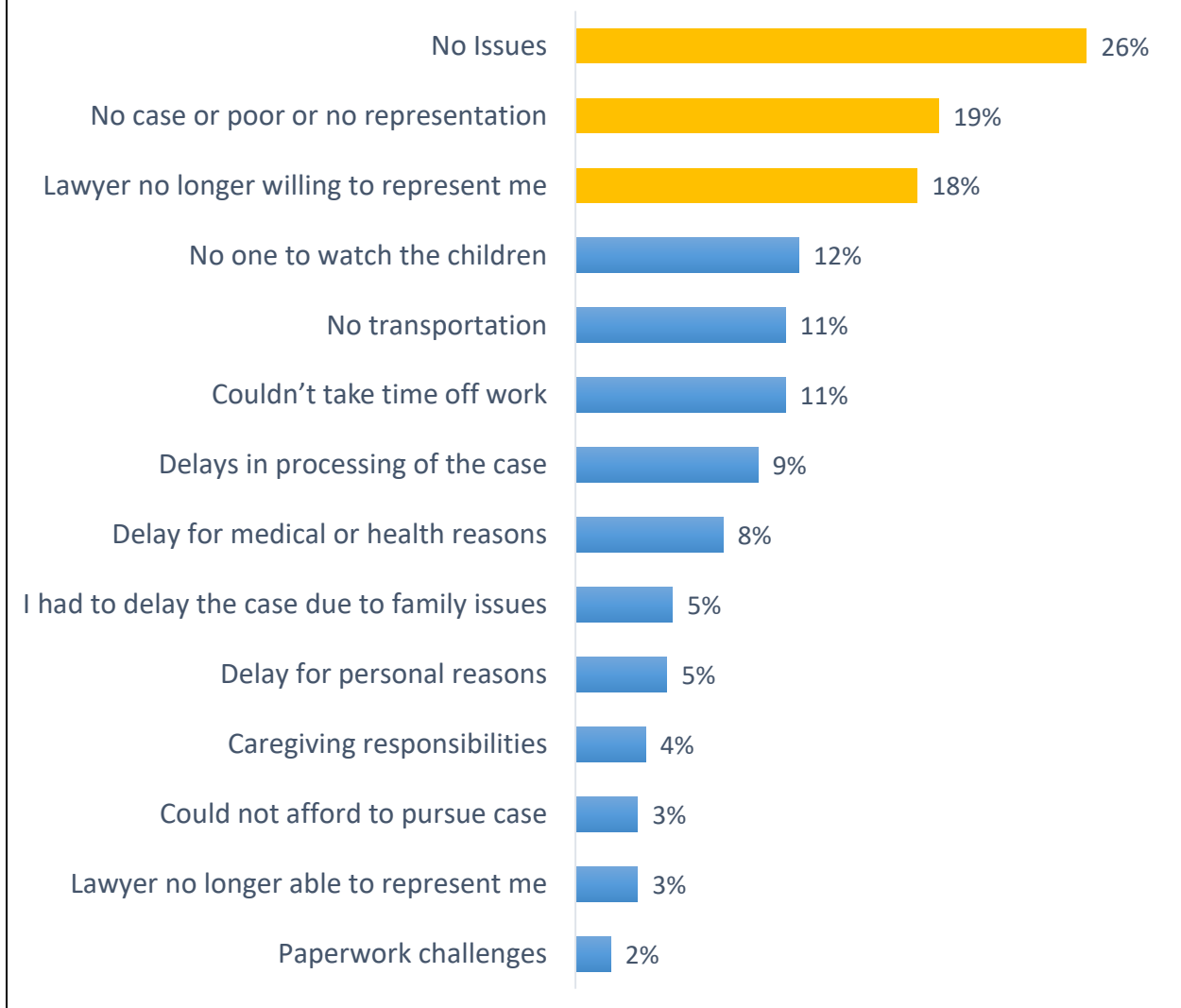


Figure 12 – Major Barriers in Resolving Legal Problems

Just as we had asked those who did not seek legal help how they had resolved their problem, these respondents who had lawyers were given an opportunity to describe in their own words how their legal problem was resolved, or not resolved. These narrative responses illuminated the full range of experience with legal troubles. Some were satisfied with the outcome. Some had seen a partial resolution. Some were ongoing. Quite a few were disappointed in the outcome and, of these, some expressed anger toward the opposing party, toward the court, or, not uncommonly, toward their own attorney. Here is a selection of these responses.

Case was taken to court in front of judge, and I was awarded primary custody and the father got visitation. I was also awarded child support and my divorce.

All of the tax years were filed and I paid off my tax debt.

At first we had 50 50 schedule then he got arrested and I took him back to court and I got full custody.

Delayed due to other party but case was handled efficiently and diligently.

A lawyer was chosen for me. He did not listen nor fight for this baby to remain where he was safer. Favorite line was “he is the biological father.”

Bankruptcy filed for and approved.

I had to go to court by myself and face a possible eviction. I won.

I received my divorce and had no problems. My lawyer was great.

It hasn't been. My lawyer hasn't responded to my calls for the past year, and is never in his office when I go by. He took the money the state paid him for these services, and has not rendered them.

It was proven that we were the rightful owners of the land.

I was told that what the landlord and judge was doing was illegal but there wasn't much they could do. I would have to get a paid attorney.

My lawyer is Awesome!!!

Not resolved. Lawyer did as little as she could to help us and dropped us as soon as denial came.

My lawyer did an amazing job.

Over four hundred respondents wrote a narrative description, some cursory but others telling a story. Survey experts often warn that surveys shouldn't take too long and that the quality of response declines as the number of questions and the time commitment increase.¹³ But some respondents do take the time to provide detailed answers, suggesting that a survey can offer to a respondent the opportunity to say something they need to say. That is the impression we gained from reading these answers.

These questions of satisfaction and dissatisfaction were well-aired in the course of our interview and focus group research, and these narrative responses provided another qualitative expression of these feelings. Finally, the survey captured these issues a third time, through a Likert Scale question which asked, “To what extent do you agree with the following statements about the outcome of the legal assistance you received?”

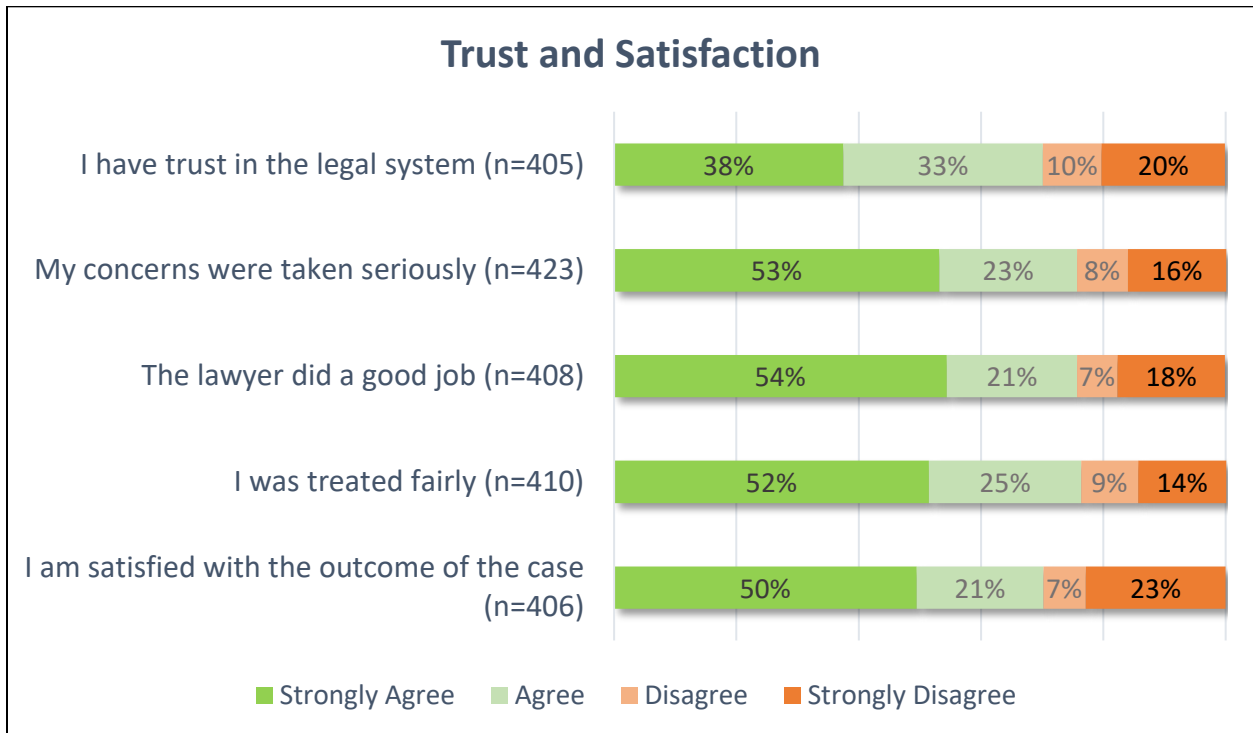


Figure 13 – Trust and Satisfaction

The responses are shown in Figure 13. Substantial majorities of those who answered this question said they had trust in the legal system, their concerns were taken seriously, the lawyer did a good job, they were treated fairly, and they were satisfied with the outcome of the case.

These responses resonated with the discussions about outcomes that we had with the legal services lawyers we interviewed. They told us that while they do count the number of cases opened, cases closed, clients served, the number of resolutions, and so on, they also placed great importance on qualitative outcomes that aren’t easy to measure in numbers. A client who hasn’t been helped often in their lives now feels that they’ve been helped. They feel that someone cares. It builds trust, even if the outcome isn’t a victory in court. The lawyers we spoke to consider these emotional and subjective assessments of great importance, and they were reflected in this survey question.

Legal Services in South Carolina. In the third section of the Community Survey, we turned away from questions about the respondents' own experience, and turned to a series of questions which elicited their opinions about legal services in the community as a whole. These questions were addressed to all respondents.

We asked about the biggest legal problems that people in the respondents' community have, a counterpoint to our earlier question about the respondents' own individual experience. There were some key differences between these two sets of responses, as shown in Figure 14. In general, many of our respondents thought these problems were very serious in their communities, even if they themselves hadn't experienced the same kind of problem. For example, 31% had experienced a housing problem, but 53% of the respondents said housing is the biggest legal problem in their community. Similarly, 30% had experienced a problem concerning children and custody, but 43% of the respondents said this is one of the biggest legal problems in their community. 14% had experienced a domestic violence or sexual assault issue in their own lives, but 34% said it is a big problem in the community. This relationship held for most of the problem types, suggesting a civic awareness of our respondents that extends beyond their own experience.

To the question, why don't people seek legal help for the legal problems they have, this larger group of respondents cited the same reasons, in roughly the same proportions, as cited by that smaller group who themselves had not sought legal help for their own problems. Worry about the cost was reason number one. Didn't know free legal help was available, didn't know where to look, didn't know it was a legal problem, were again among the most-cited reasons. Interestingly, while many agreed that often people aren't aware of available help, only 1% of respondents said the reason people don't seek legal help is that no help is actually available.

Legal Problems Experienced vs. Biggest Legal Problems in Community

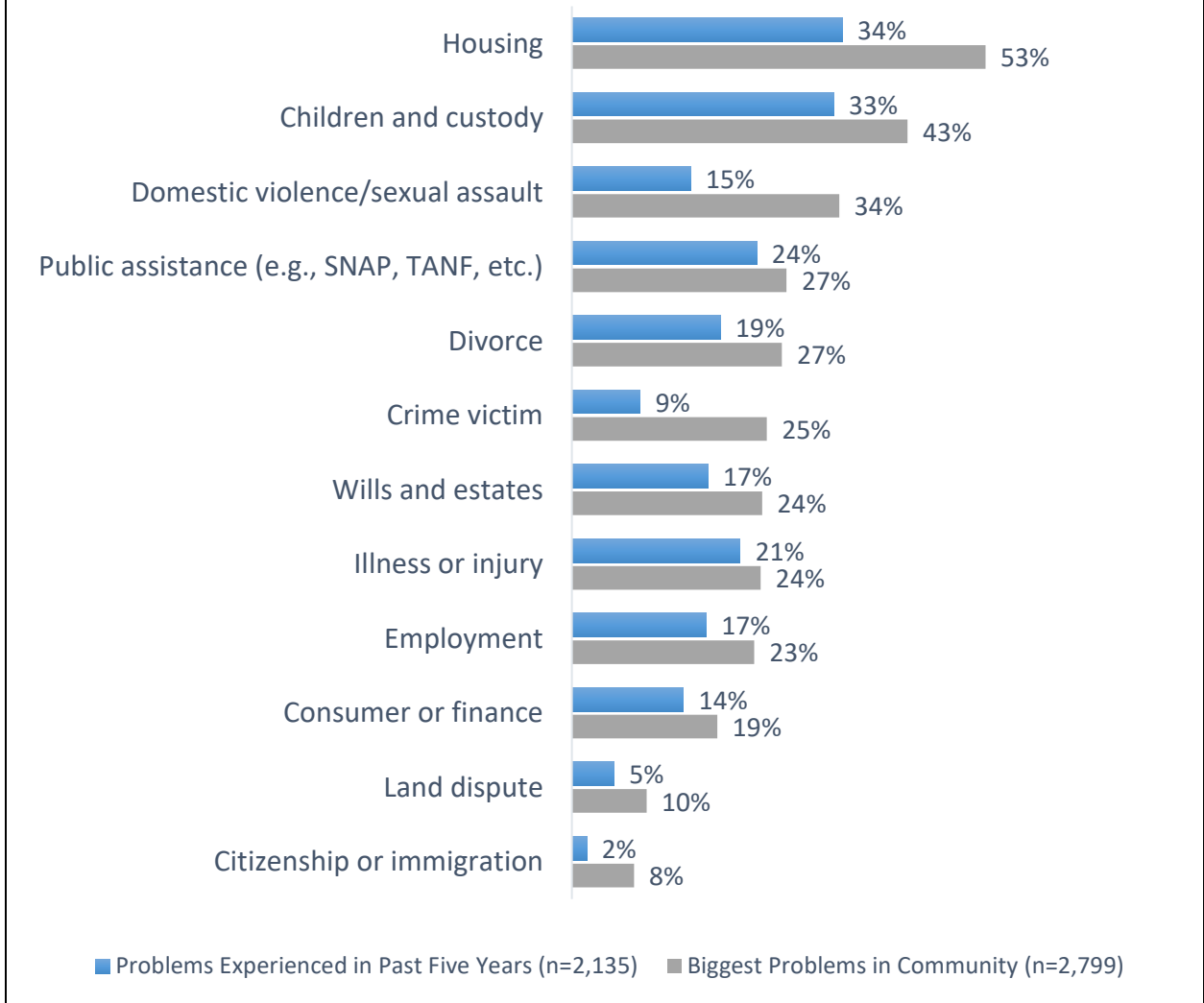


Figure 14 – Legal Problems Experienced vs. Biggest Legal Problems in Community

In the same vein, most people strongly agreed or agreed that free legal services are available to low-income people in their communities, as part of a series of questions about legal services in South Carolina.

Opinions about free legal services were broadly supportive, as shown in Figure 15 on the following page. A combined 73% strongly agreed or agreed that they would be willing to pay more in taxes to support more free legal services. Almost all – 99% – of those who answered this question strongly agreed or agreed that everyone deserves to be represented by a lawyer. 78%, a somewhat smaller majority, strongly agreed or agreed

that free lawyers are as skillful as paid lawyers, and 62%, an even small majority, strongly agreed or agreed that there is a free legal services office in their community.

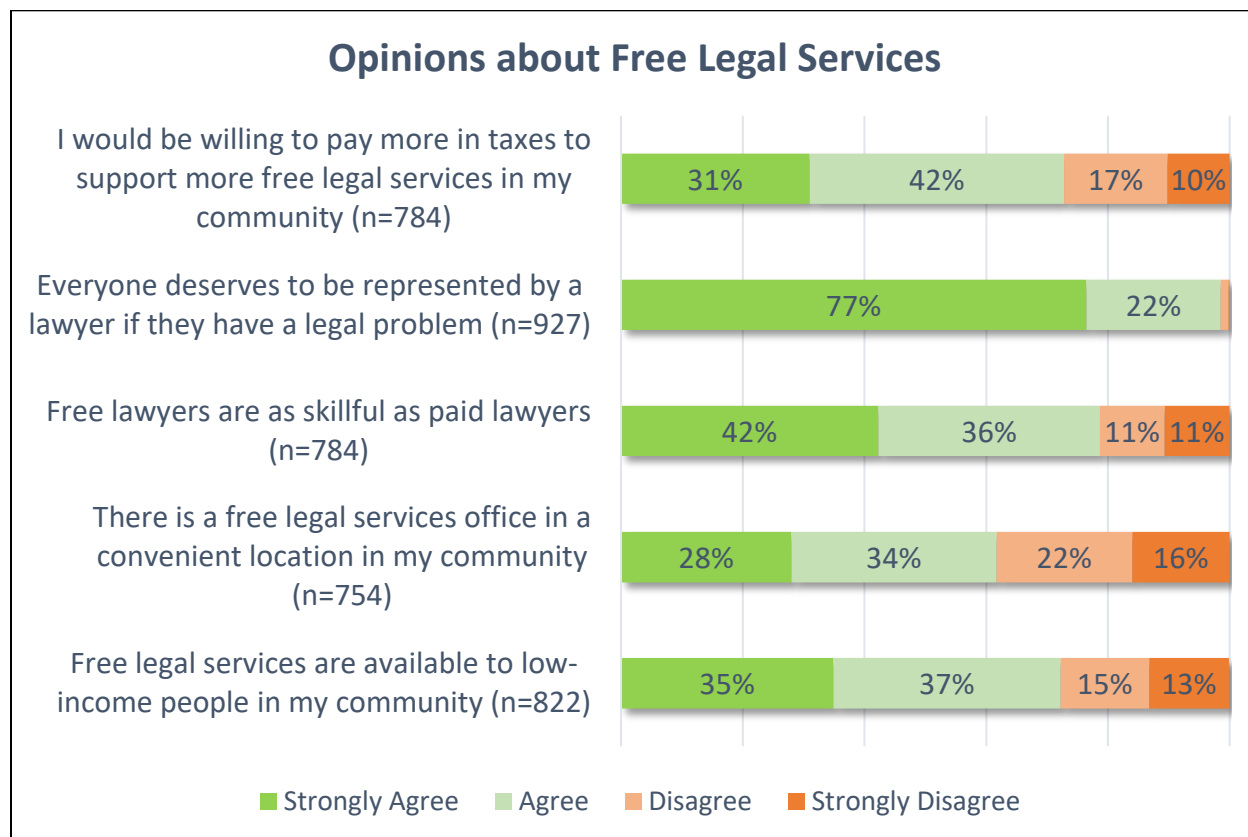


Figure 15 – Opinions About Free Legal Services

A second set of opinion questions concerned the legal system as a whole. These responses are shown in Figure 16 on the following page. Only around half of the respondents who answered this question said they strongly agreed or agreed they know someone to ask a question about the legal system, reflecting the lack of awareness of resources that has been a constant theme in this research. 67% strongly agreed or agreed that a person needs special knowledge to participate in the legal system. This has been another recurring theme throughout this project: the helplessness of parties forced to proceed without lawyers, the need for plain language resources for pro se litigants, and the alienation many feel from a legal system conducted in an opaque, technical language that ordinary people can't understand. And the largest majority, 87%, strongly agreed or agreed that the legal system treats some people better than others depending on income or social status. A large proportion of the respondents are people who have felt the sting of unfair treatment in their lives.

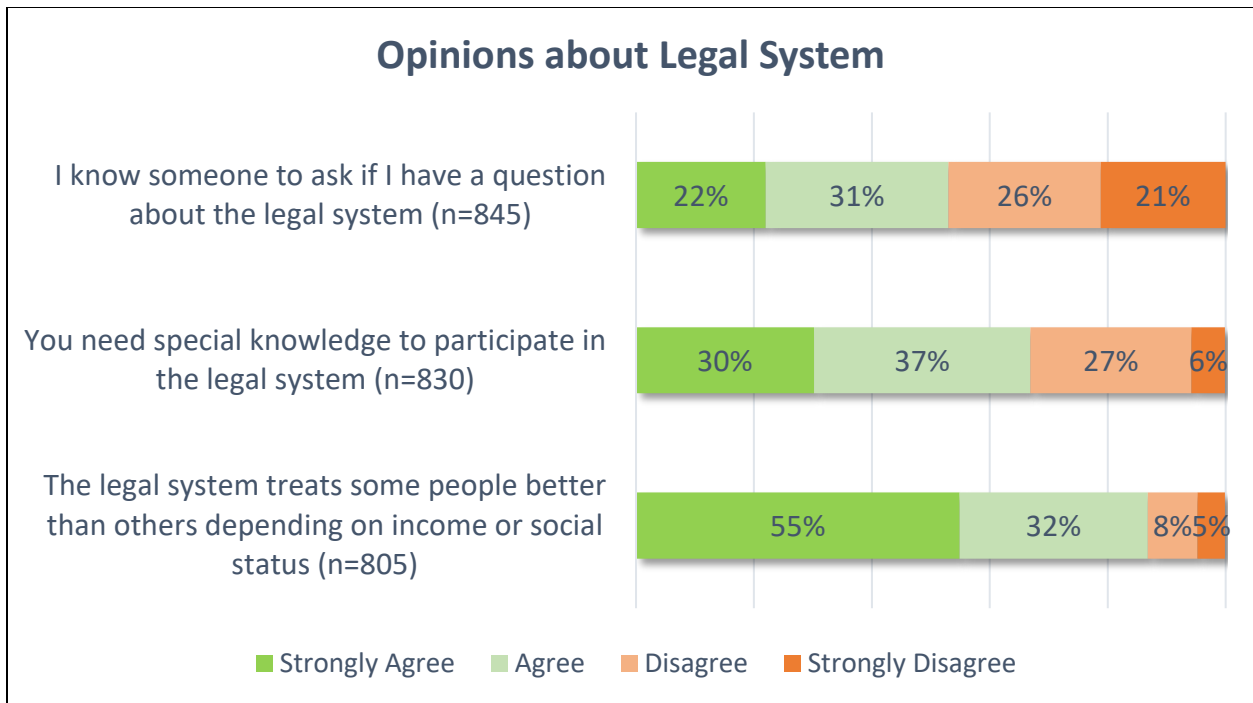


Figure 16 – Opinions About the Legal System

The Community Survey concluded with two future-looking questions about the respondents’ own lives. Having asked at the beginning of the survey what legal problems they’d experienced in the past five years, we now asked what legal services they anticipate needing in the next few years. The similarities and the differences in the two sets of responses, shown side-by-side in Figure 17 on the following page, are instructive.

The respondents anticipated having much fewer of some kinds of problems than they had experienced in the past. For example, while 33% said they’d had a legal issue involving children or custody in the past, only 15% expect to have that kind of issue in the future, perhaps because such cases are often extraordinary events rather than regularly-occurring ones. 24% had had problems involving public benefits in the past, but only 13% expected to have that sort of problem in the future. We speculate this may be because with a benefit eligibility established with the help of a lawyer, there usually won’t be a need to re-establish it again and again in future years (although we spoke to many legal services clients who were contending with an unexplained or unjustified cutoff of benefits). 34% had experienced a housing problem in the past, the largest category of past problems, while somewhat fewer, 28%, expected to have that legal need in the future.

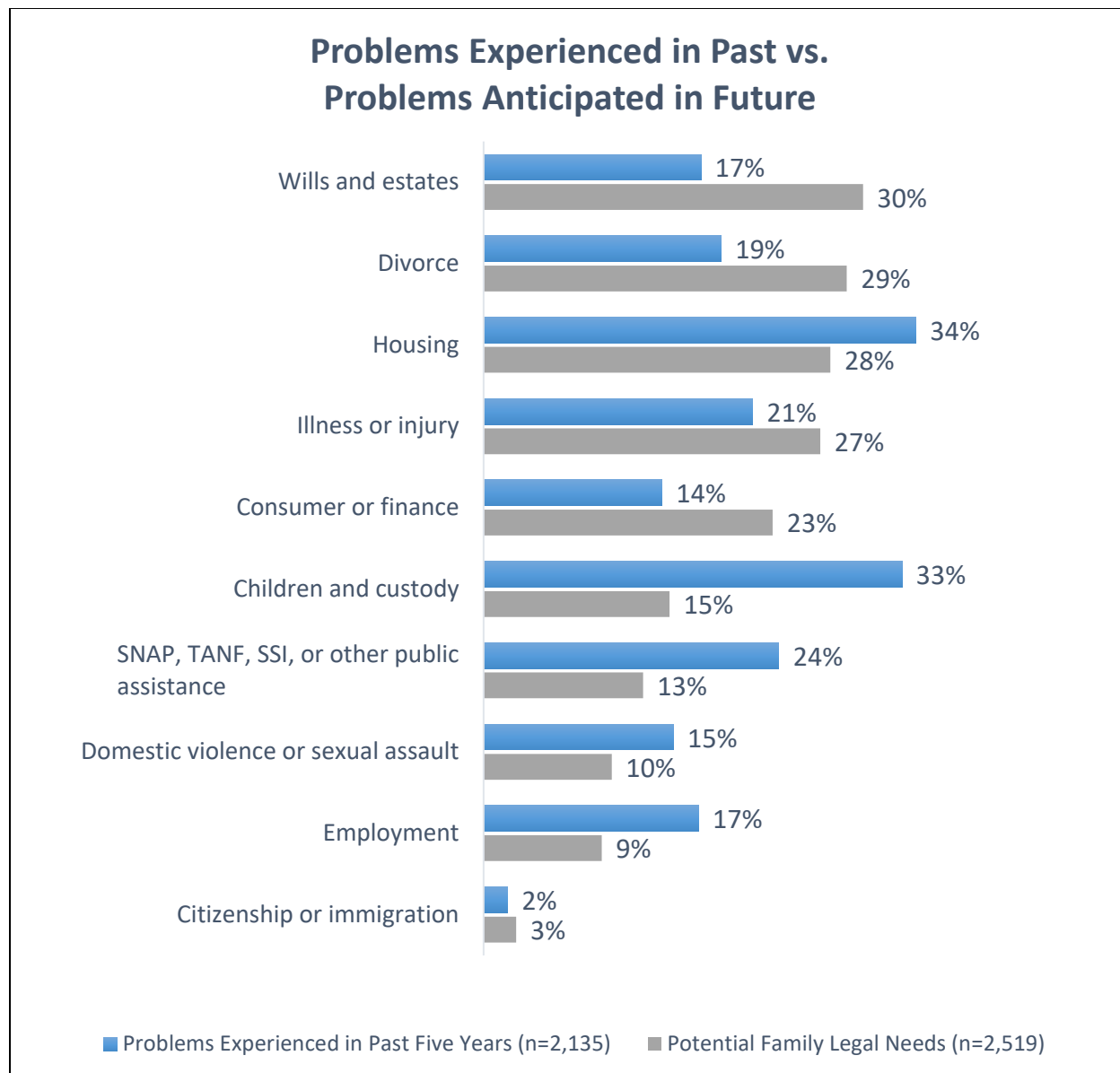


Figure 17 - Problems Experienced in Past vs. Problems Anticipated in Future

In contrast, respondents anticipated having more of some kinds of legal needs than in the past. While 17% had had a wills and estates problem in the past, 30% anticipated they would have that legal need in the future. Nineteen percent had experienced a divorce issue in the past, but 29% expected to do so in the future. Twenty-one percent had had a consumer or finance issue in the past, but 23% expected to need help with that kind of issue in the future. We can speculate about the reasons for these increases. First, respondents may feel they need help but haven't gotten around to it yet. In this scenario, for example, the case of the wills and estates may be one of procrastination. Divorce may fall into the category of procrastination, or efforts to save a marriage may be failing.

Second, some may have tried unsuccessfully to obtain assistance and plan to try again. Third, respondents may in general have more fears for the future than are necessarily warranted by past experiences. And finally, the survey itself may prompt some respondents who haven't thought about it before to consider utilizing legal services.

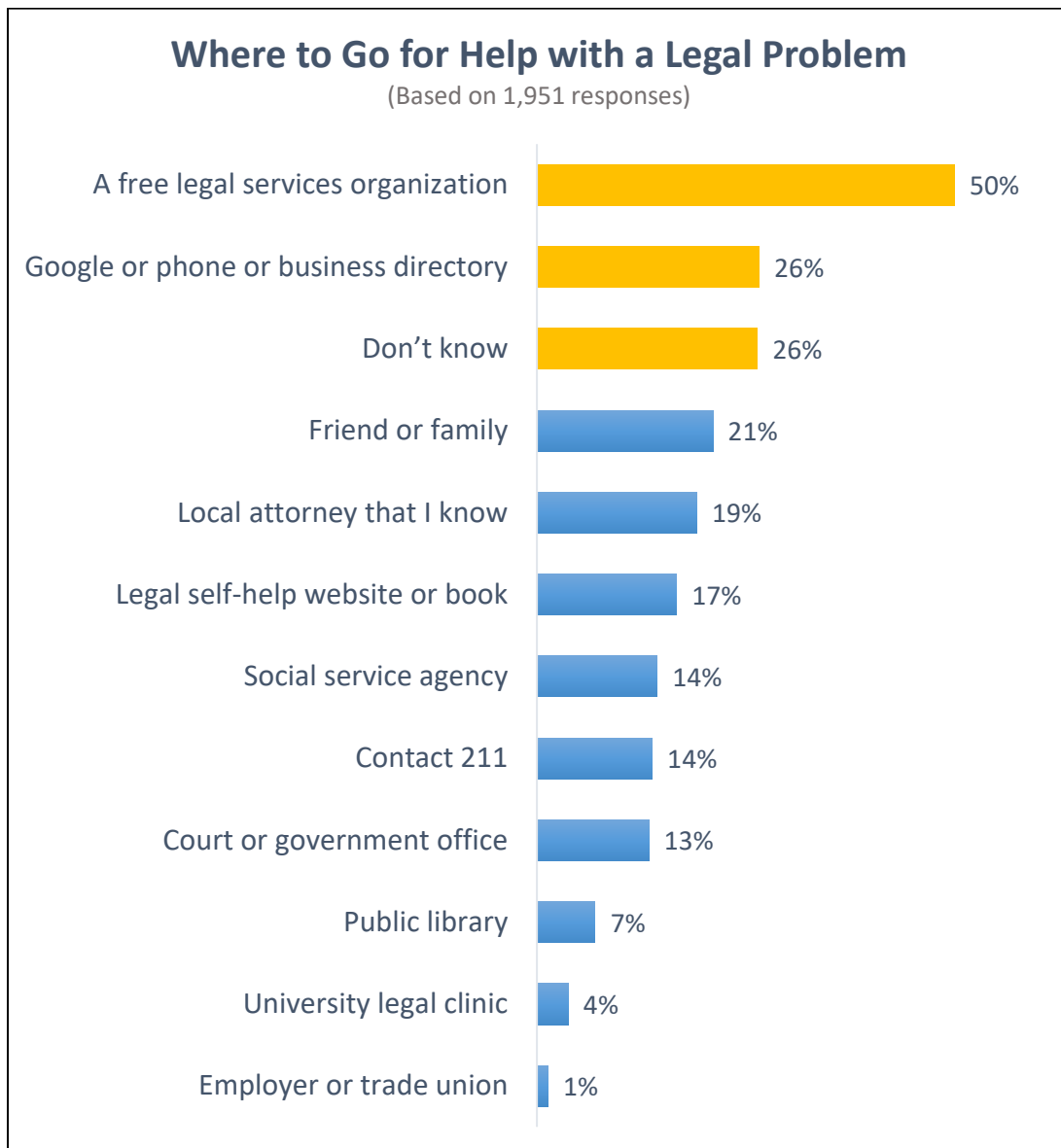


Figure 18 – Where to Go for Help with a Legal Problem

One difference is harder to explain. Ten percent of the respondents said they expected to need legal help with domestic violence or sexual assault in the next few years. It's surprising that so many respondents anticipate such a thing in the future. Nine percent of the respondents reported being crime victims in the past, but no one anticipated needing legal help for that in the future. The fact that some did expect this particular kind of crime

to occur in the future suggests the respondent might currently feel unsafe in their relationship.

As to three kinds of problems that respondents said had been experienced in the past, no one anticipated having those types of legal needs in the future: guardianship, crime victim, and land dispute.

The final question asked where the respondent would turn for help for a civil legal problem in the future. The responses to this question are shown in Figure 18. With this question, we obtained another perspective on the question why people don't seek the help of a lawyer. 69% said they would reach out either to a legal services agency or to a private lawyer. But many other options were selected, echoing some of the explanations we'd heard in earlier phases of our research. Some just didn't know where to turn. Some said they would look on a search engine or in the phone book. Some said they would call on a friend or family member, and some would reach out to someone at a social service agency or the library. We know from our research that at least some of these avenues of inquiry may result in a connection to a lawyer.

The Practitioner Survey.

We followed the Community Survey with a second survey, this time seeking information and opinions from members of the South Carolina Bar. These include law practitioners of all kinds, from legal services attorneys to private law firm members to judges and law professors. We asked them about their own practice, the services they provide to low- and moderate-income South Carolinians, and their opinions about some of the pressing policy issues of concern to legal services practitioners. The survey instrument is shown in Appendix D.

Sampling Strategy. The Practitioner Survey was delivered in an online format and was rendered easily on mobile and desktop browsers. We obtained a purposive sample of 1,415, out of a total of 13,754 active Bar members,¹⁴ for a response rate of over ten percent.

The survey was disseminated by the South Carolina Access to Justice Commission, by way of email requests sent by the Chair of the Commission to a list of practitioners provided by the South Carolina Bar. A reminder email was subsequently sent by the Chair to the same list, and requests were sent to selected additional organizations of practitioners in South Carolina.

Characteristics of the Respondents. As shown in Figure 19, the lawyers who responded to the survey came from a wide variety of practice settings, with the two largest categories being small firm (2-5 lawyers) at 23%, and solo practice at 22%. Next were medium-sized law firm (6-50 lawyers) at 19%, government at 11%, large law firm (50 or more lawyers) at 9%. Members of the judiciary accounted for 5% of the respondents, public defenders 4%, business organizations 2%, and education 1%. Legal aid lawyers accounted for 3% of the total.

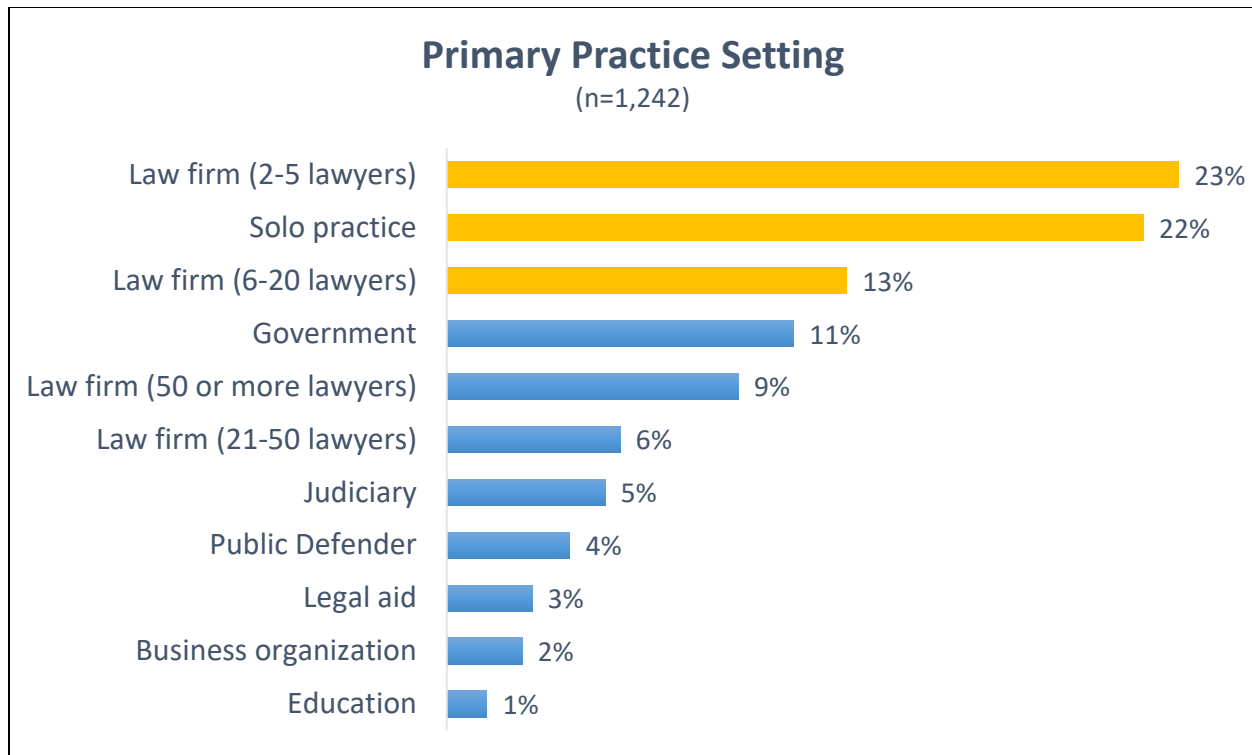


Figure 19 – Primary Practice Setting

The racial makeup of the respondents, shown in Table 3, reflected fairly closely the racial makeup of the South Carolina Bar membership as a whole, adding to our confidence in the representativeness of our sample. (It’s important to note that for the SC Bar’s 2020 survey, and our Practitioner Survey, not all survey respondents answered this question about race. As noted in the table, 72% and 65% of the SC Bar survey and Practitioner Survey respondents, respectively, agreed to provide this information.)

Race/Ethnicity	South Carolina Population	SC Bar Members (n=9,907)	Survey Respondents (n=920)
Black/African American	26.7%	7.4%	5.7%
Hispanic/Latino	6.4%	.8%	1.3%
White	63.4%	89.7%	90.5%
Other	4.7%	2.1%	2.5%

Table 3 – Racial Makeup of the Practitioner Survey Respondents

Our respondents, and the SC Bar membership as a whole, are much whiter than the South Carolina population, as shown in the table above. Around 90% of lawyers identify as white, around 6 or 7% identify as Black or African American, and more or less than 1%

identify as Hispanic or Latino. A little over 2% are in the “other” category, including American Indian, Alaska Native, Asian, Pacific Islander, or mixed race.

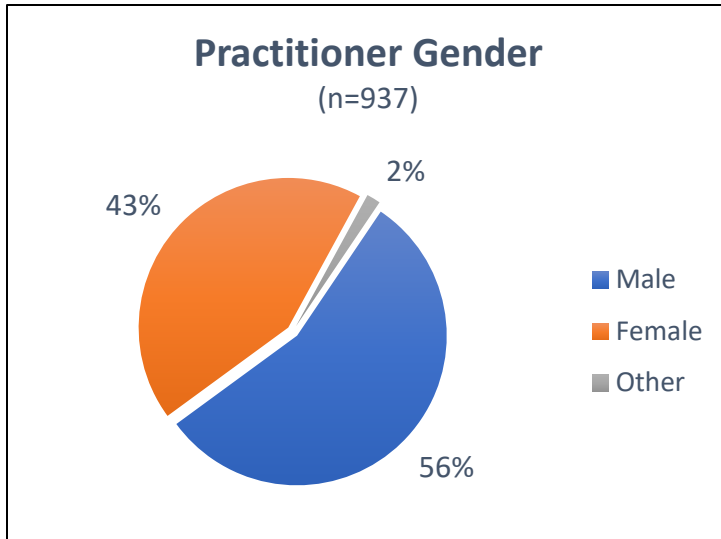


Figure 20 – Practitioner Gender

As Figure 20 shows, 55.5% of our respondents were male and 43% female, compared to the statewide bar membership of 65% male and 35% female. As the South Carolina population is 51.4% female, men are overrepresented in both our survey respondents and in the bar membership as a whole. The “other” category in the table includes those checking nonbinary, transgender, and “other.” The “other” option, which allowed the

respondent to fill in a blank with any other gender identification, accounted for most of the 2.5%, and consisted mainly of comments critical of our including gender options other than male and female.

Geographic Distribution of Respondents. Rather than ask for the county in which the respondent is located, we asked for the counties served by the respondent’s organization. The responses to this question are indicated in the map in Figure 21 on the following page. Many respondents named more than one county, with the result that all counties have over 200 lawyers claiming to serve them. The accompanying map shows this effect. This way of measuring the number of attorneys adds an additional perspective to our research and that of others. As expected, according to our respondents the largest population centers have the most lawyers serving them, including Greenville, Spartanburg, Richland, Lexington, Beaufort, Charleston, Berkeley, and Horry, and even the least-served counties, such as Abbeville, McCormick, and Edgefield in the west, and Chesterfield, Marlboro, Dillon, and Marion in the east, have as we mentioned quite a few lawyers serving them. However, while we know from our focus groups that some people do travel to see lawyers located in neighboring counties, still we have reason to doubt that some underserved counties in practice really have access to two hundred or more lawyers. For example, Abbeville County, which is served by 216 of our respondents, has only six private practitioners located there, or one attorney per thousand people with

incomes below 125% of the poverty line.¹⁵ A 2016 survey showed South Carolina with the second-lowest lawyers per capita of any state.¹⁶

Free or Low-Cost Service. As noted above, 3% of the respondents identified themselves as “legal aid” practitioners. Yet 38% of respondents reported that they provide free or low-cost services to low- and moderate-income people. This response aligns with what we learned in our interview and focus group research, namely that many private practitioners work on a pro bono basis or at a discounted rate. This may be done out of a sense of civic obligation, or it may be a way of generating additional revenue, or it may be a favor to a fellow townsman. Whatever the reason, we know that the category “legal services”

providers includes not only legal aid firms but also a larger network of solo practitioners and private firms. This informal legal services network may be most important in small towns where (though they may be “served” by a legal services firm in a distant county) it may be the only option for some clients. When we examine the fee structures of some of these practitioners, we’ll see more into the workings of this network.

The survey branched at this point, with the next seven questions only for those answering “yes” to the question “do you provide free or low-cost services to low- and moderate-income people?” As shown in Figure 22, we learned that these providers practice in a remarkably wide variety of subject matters areas.

Some of these practice areas are in the typical legal services purview, for example family law, debt collections, domestic violence, and housing. Wills and estates, however, selected by 50% of the respondents, was first on this list. Legal services agencies do provide some wills and estate services but our research has not placed it near the top of legal needs. Perhaps it was the top area of practice for this group because local private practitioners are more likely to offer help to a low- or medium-income client in an area they know. They’re not as familiar with housing, domestic violence, or public benefits;

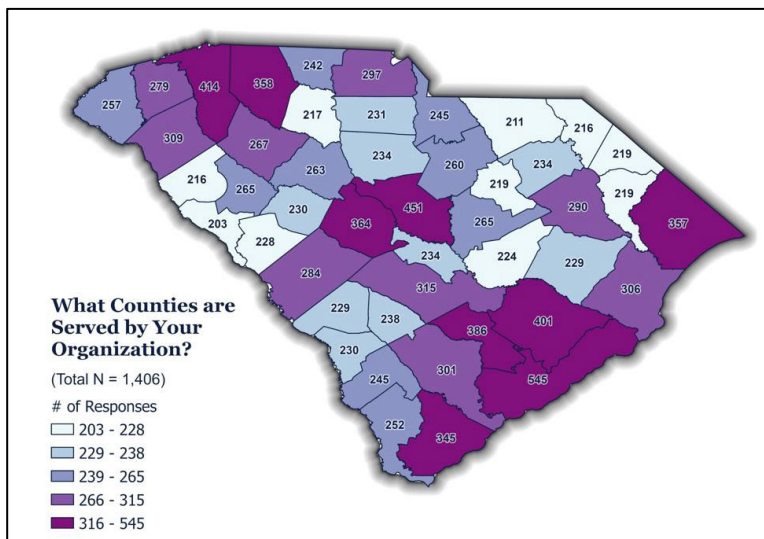


Figure 21 – Counties Served by Practitioner Survey Respondents

we’ve already reported that lack of training is an obstacle for private lawyers seeking to provide pro bono or low-cost legal assistance. But wills and estates, and family law, the second biggest area of practice for this group of respondents, are more familiar to many private lawyers.



Figure 22 – Practitioners’ Areas of Practice

This group of respondents also told us which practice areas were the most underserved in the counties where they offer their services. The respondents’ selections, shown in Figure 23, aligned in some respects with our earlier findings regarding legal needs. Housing and family law topped the list again. The next items reflected a somewhat different order of severity from those mentioned by the users of legal services, who placed public benefits issues higher on the list, for example, but there was not substantial disagreement as to the areas of need.

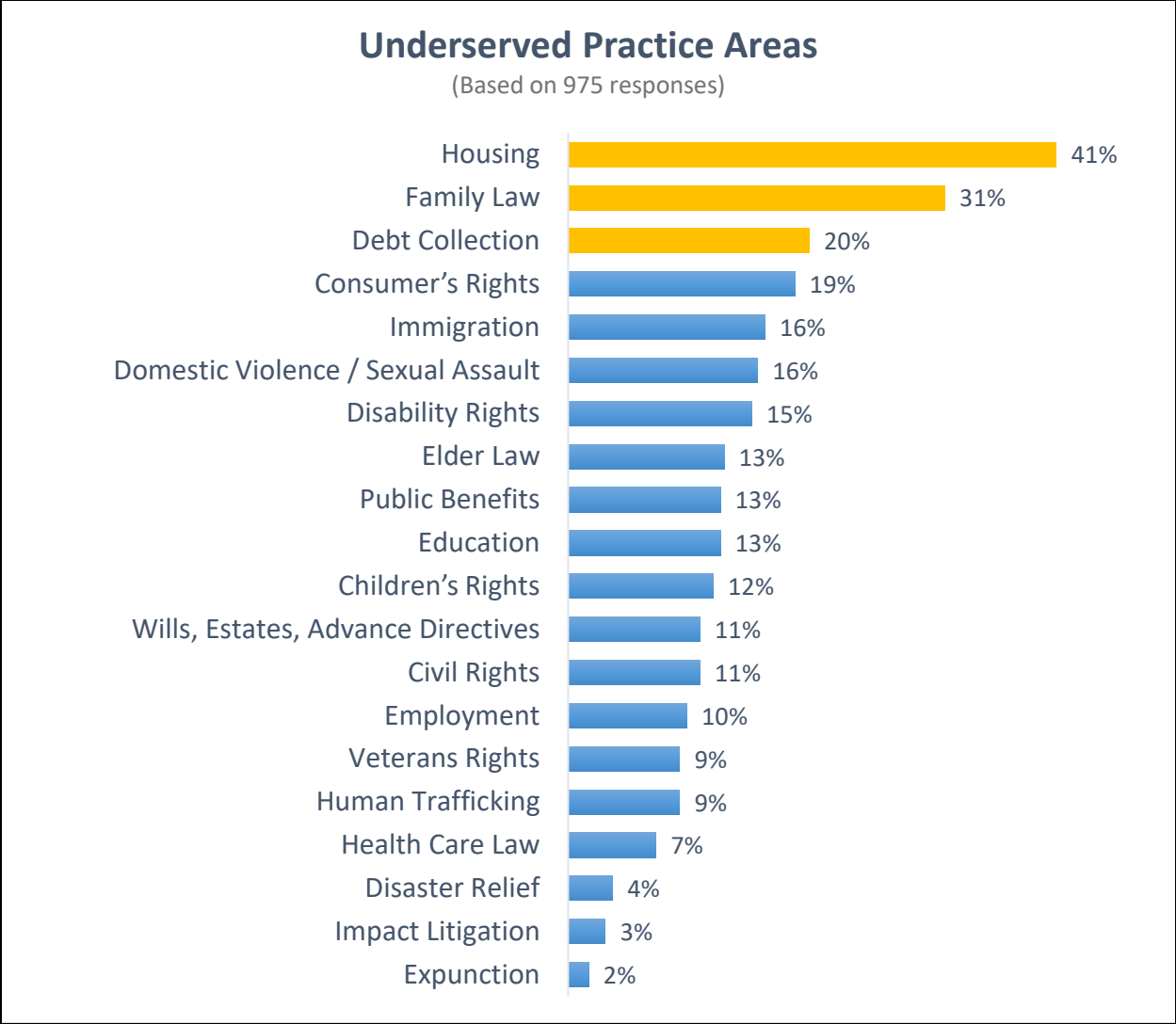


Figure 23 – Underserved Practice Areas

As shown in Figure 24, we compared the underserved areas mentioned by these respondents with the areas of service provided by them, and found something of a mismatch. With regard to many practice areas, we see that more respondents say they provide service in this area than say the area is underserved. This may be a result of the methodology, with the respondents able to select all practice areas they themselves serve, but only the top three underserved areas in their counties. In any case, the implication from the next graph, that some areas are overserved in the opinion of these respondents, may not be justified by the data. The wills and estates area probably is overserved, based on our earlier findings. But family law, while having many lawyers able to provide some services, remains significantly an area of need, and similarly civil rights, children's rights, elder law, and some others are underserved, though some services are

available. The situation of housing and immigration, on the other hand, is more in line with our expectations, with fewer respondents able to provide these services than what they believe are needed.

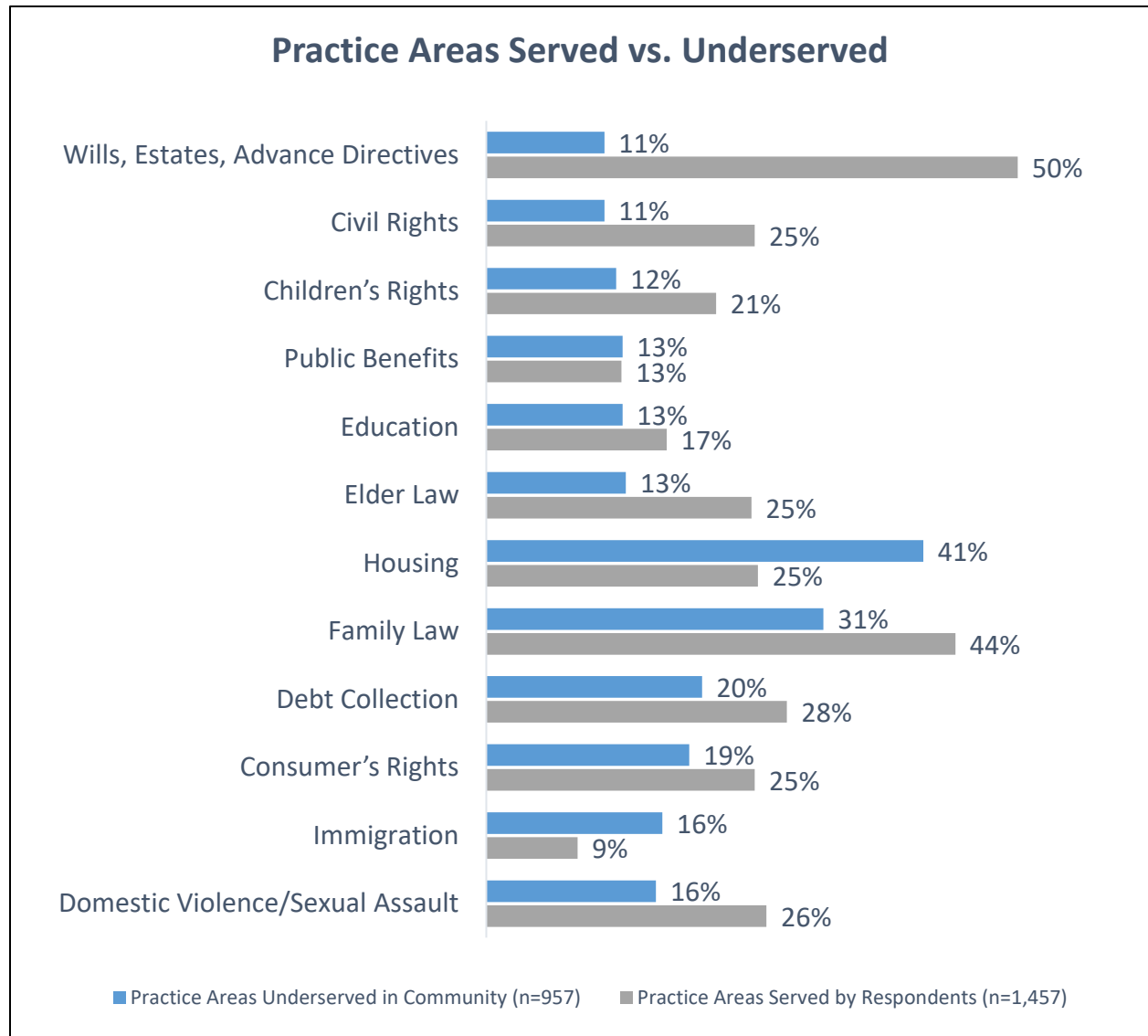


Figure 24 – Practice Areas Served vs. Underserved

Some of the services offered by these respondents are free of charge, either through legal services firms that provide free legal assistance to low- and moderate-income clients or through pro bono service, but as noted above, some charge a fee for service. The respondents who answered this question (about four hundred) described a variety of fee structures, as shown in Figure 25. The largest portion, 39%, said they charged on a sliding scale. We know of one legal services firm that works on that basis, but there are many more private lawyers who use an informal sliding scale, charging a client in need according

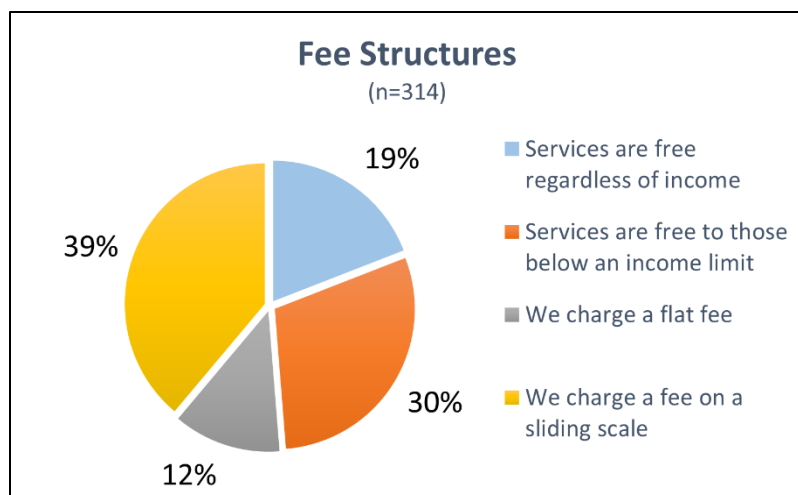


Figure 25 – Fee Structures

to the circumstances of both the lawyer – it may represent needed extra revenue for them – and the client who may be unable to pay the lawyer’s normal rate. Thirty percent said their services were free to clients below an income limit, 19% said their services were free to all, and 12% said they charged a flat fee.

Education and Outreach. In light of the extensive discussions on the topic throughout this process, we wanted to know what kinds of education and outreach activities these respondents’ organizations conduct. The responses are shown in Figure 26. They mentioned “ask-a-lawyer” sessions most often, as 44%.

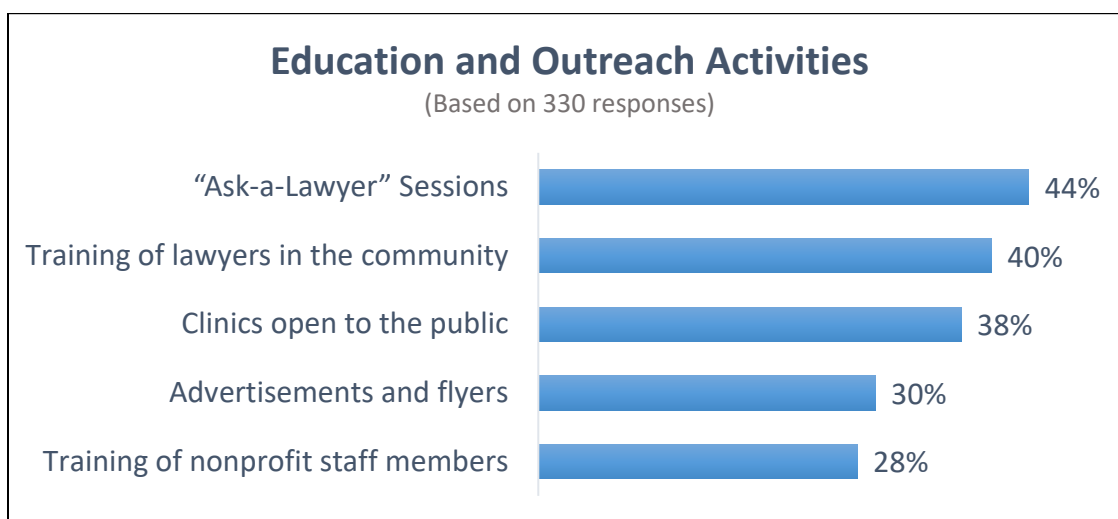


Figure 26 – Education and Outreach Activities

We knew of the popularity and effectiveness of these programs, but we were surprised by the number of lawyers who reported having them. Legal services lawyers we spoke to explained it’s an efficient and low-cost way to provide that first level of assistance to people who are otherwise on their own, and users of legal services expressed to us their approval of this kind of assistance. “Training of lawyers in the community” and “training of nonprofit staff members” were mentioned by 40% and 28%, respectively, of the respondents answering this question, echoing what we’d heard mainly from legal services

lawyers in interviews. Training of lawyers is needed so that those wishing to volunteer their time can provide services outside their normal areas of competency, and training of nonprofit staff members helps legal services and community partner organizations build effective cross-referral and service-delivery relationships.

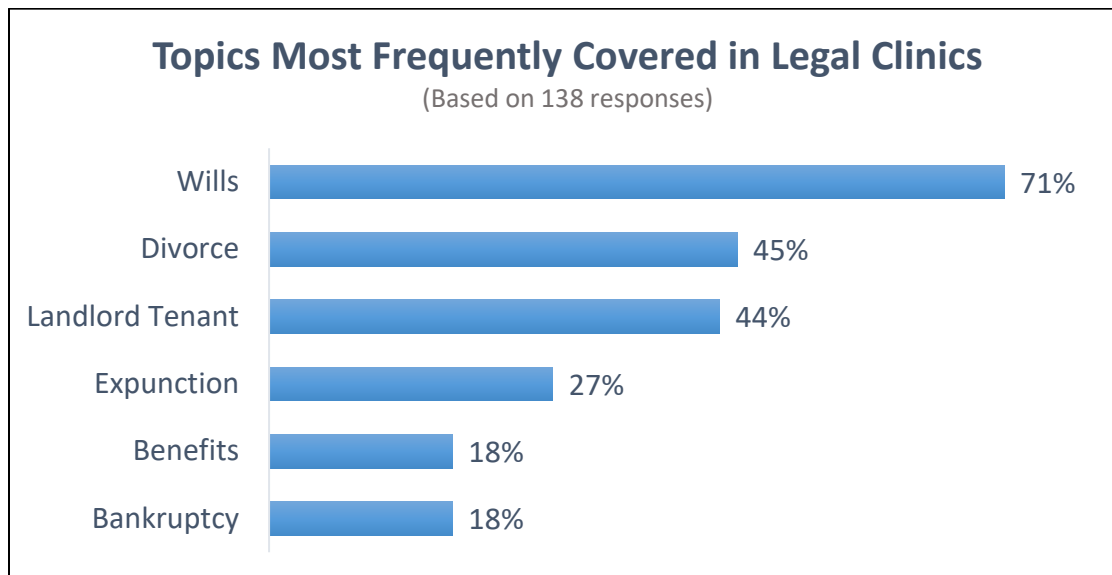


Figure 27 – Topics Most Frequently Covered in Legal Clinics

“Clinics open to the public” were mentioned by 38%, putting it, too, near the top of the list. Those responding that they provide such clinics were asked what subject matter they covered. As shown in Figure 27, wills, divorce, landlord-tenant, expunction,¹⁷ benefits, and bankruptcy were the clinic categories, as we would expect from our understanding of the greatest legal needs. We saw the clinics in action on a day when we conducted a focus group at a venue where a clinic was being held. (Both events were well-attended that day.)

“Advertisements and flyers” were selected by 30% of the respondents. Both lawyers and clients had told us they thought more of these were needed, though some expressed frustration at their apparent lack of effectiveness.

Using Non-Lawyers. We asked these providers of free and low-cost legal services what personnel they utilize in their practice. The responses are shown in Figure 28. For each personnel category, they could respond that they have them on staff, they utilize volunteers or staff members of other organizations, or they don’t utilize them at all. Paralegals were, naturally, the biggest category, but other personnel categories seem to have important roles.

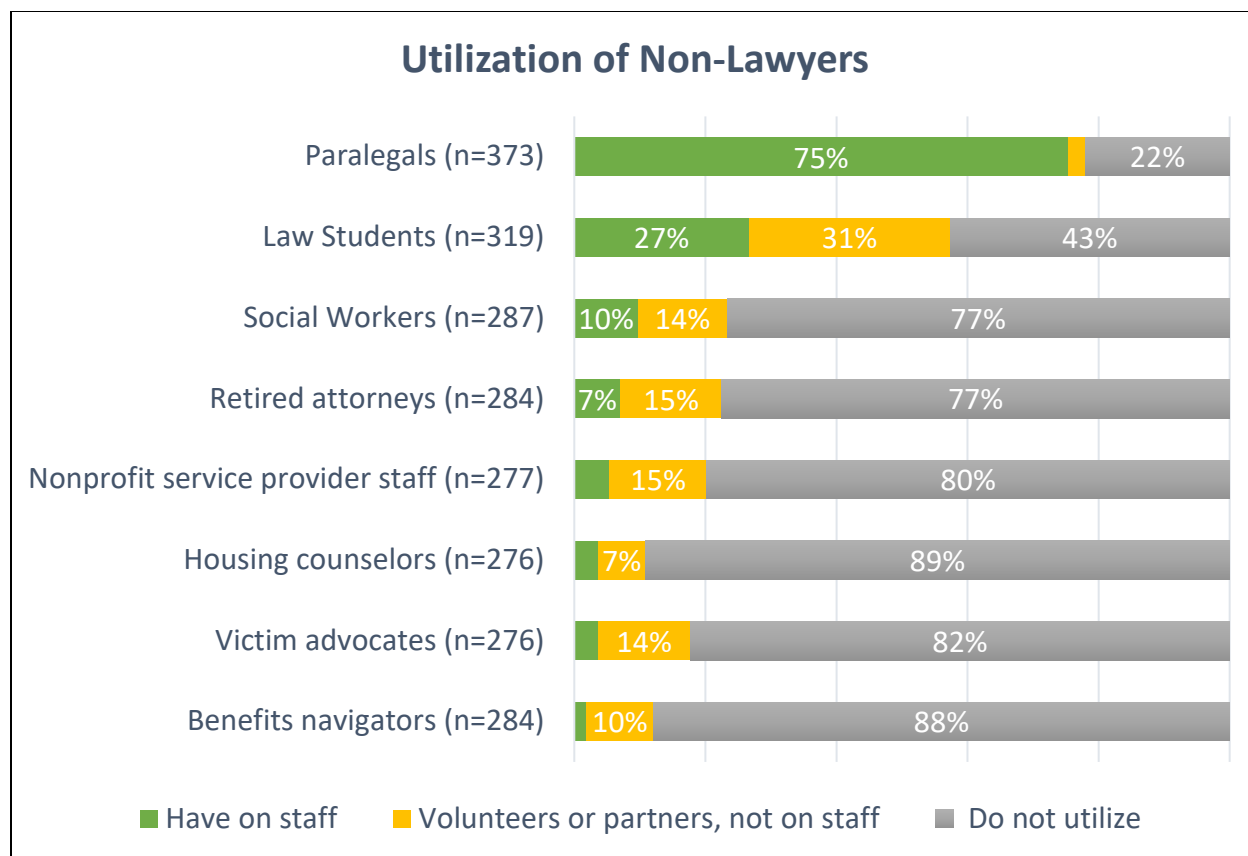


Figure 28 - Utilization of Non-Lawyers

Paralegals make up the single category which, aside from being the most utilized, is the most likely to be in the employ of the lawyers responding. All other categories are more “borrowed” from outside the organization than part of the staff.

Law students made up the next important category. This aligns with our previous findings. They are an obvious, potentially useful resource, never more so than in the housing practice, where they’ve been key participants in Housing Court and other programs. They are sometimes hired as temporary staff but more often borrowed from law schools and law school clinics. Social workers, the next biggest category, increasingly work side-by-side with legal services lawyers as part of the holistic intake and referral model we have reported on in the course of this project. Retired attorneys were mentioned by 22% of these respondents. Retired attorneys do volunteer work, and at least one South Carolina legal services firm relies on them almost exclusively. Housing counselors, victim advocates, and benefits navigators also play significant roles.

Later in this section, we will report on the degree to which the lawyers responding to the survey support increased utilization of and broader licensing rules covering non-lawyers.

Obstacles to Legal Services. In the Community Survey, and throughout the earlier phases of our research, we paid much attention to the question of obstacles encountered by low- and moderate-income people seeking free or low-cost legal services. The answers to these questions have remained consistent through the interviews, focus groups, and the Community Survey, and when the practitioners also had an opportunity to describe these obstacles, they also named the same obstacles we’ve unfortunately become familiar with. Their responses are shown in Figure 29.

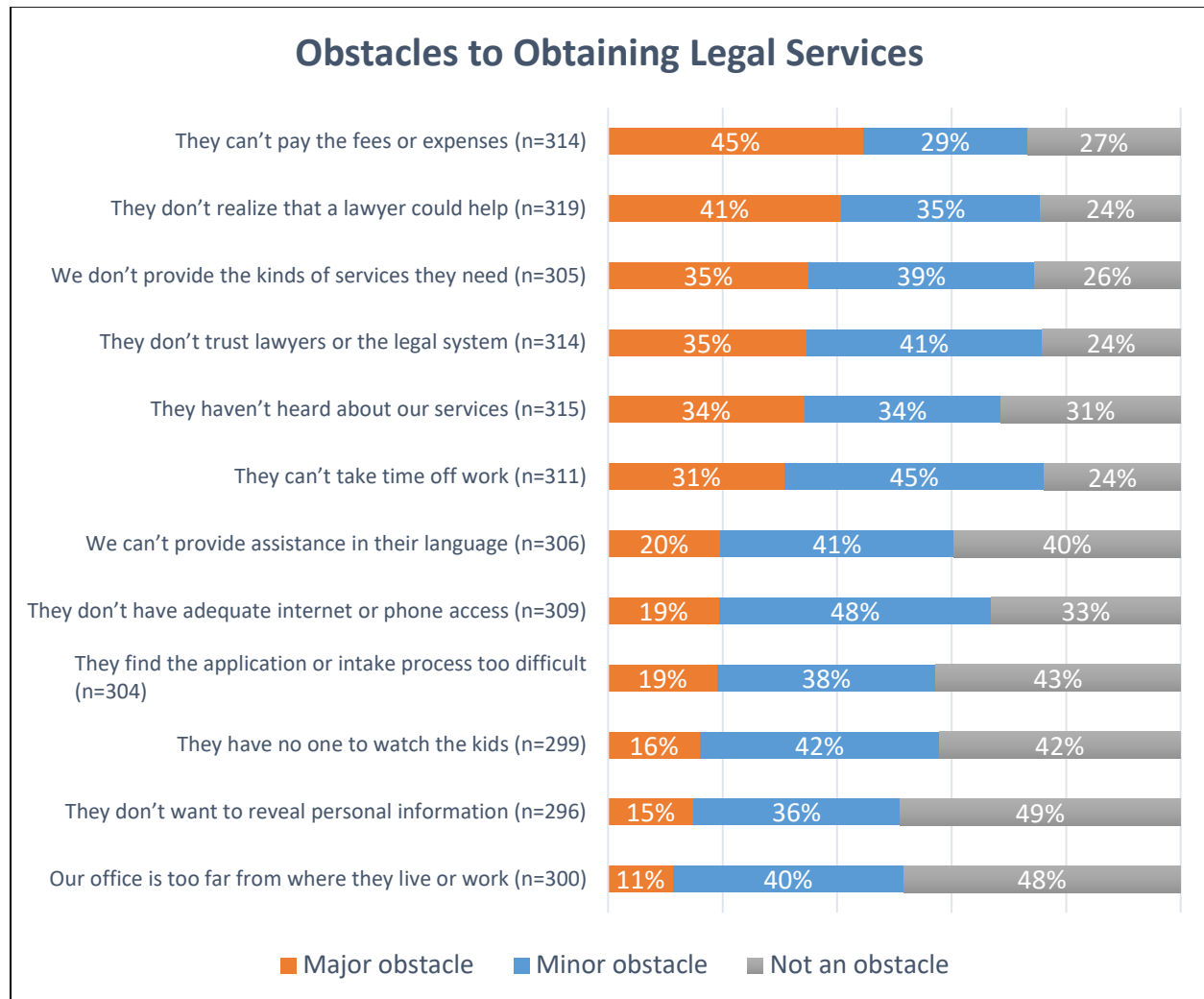


Figure 29 - Obstacles to Obtaining Legal Services

Cost was again named first on the list – this despite the fact that legal services are free to those meeting the eligibility criteria. What we’ve learned is that many don’t meet the criteria, or for reasons of geography or other reasons don’t have access to free legal services. They have to hope that the practitioners answering this part of the survey can cut them a deal. But, as indicated by the third item on the list, “We don’t provide the

kinds of services they need” is an important obstacle to those who turn to their local lawyer for help. They may be willing to cut the fee, but they don’t practice in the area needed; this has been a recurring theme.

The practitioners believe “lack of trust” is a big obstacle – perhaps bigger than it really is. Certainly, it’s been mentioned in a number of contexts and is a concern among some populations we studied, but as we’ve noted, it hasn’t necessarily been a key factor.

Measuring Success. In the previous section entitled “Court and Agency Data,” we presented information about, among other things, the ways in which legal services agencies measure and report on the outcomes and dispositions of cases. In the previous section entitled “Interview and Focus Group Findings,” we recounted our interview subjects’ views and insights on success metrics, and our focus group participants’ expectations of the legal services system. As part of the Practitioner Survey, we asked a question on the same subject, “How does your organization measure its performance?” The answers, shown in Figure 30, reflected similar issues to those illuminated in the earlier research phases.

The largest group, 54% of the respondents, selected “Intangible factors such as building trust, being a support for someone, social change.” The legal services lawyers we interviewed had spoken at length about these factors. Even in the absence of a court victory (which was selected by 25% of those responding to this question), these intangible factors are of great importance to both lawyer and client.

Unlike the intangible factors, the other choices were susceptible to quantitative measurement, and are used singly or in combination by most legal services firms. “Number of clients served” was selected by 42% of the respondents. “Cases opened” and “cases closed” were selected by 24% and 31%, respectively. Two other metrics require lawyers to track and quantify outcomes of cases: “Substantive outcomes such as evictions prevented and public benefits awarded” was selected by 37%, and “dollars obtained for clients” by 16%. All of the quantitative measures were used to some extent by the firms which reported their internal data to us.

Opinions Regarding Access to Justice. The remaining nine questions were asked of all respondents, not only those providing free or low-cost legal services. Participation in this part of the survey was excellent, with numbers of respondents generally around a thousand. Thus, we were able to obtain a fairly representative sample of the opinion of South Carolina law practitioners on some of the key legal reform issues of the day.

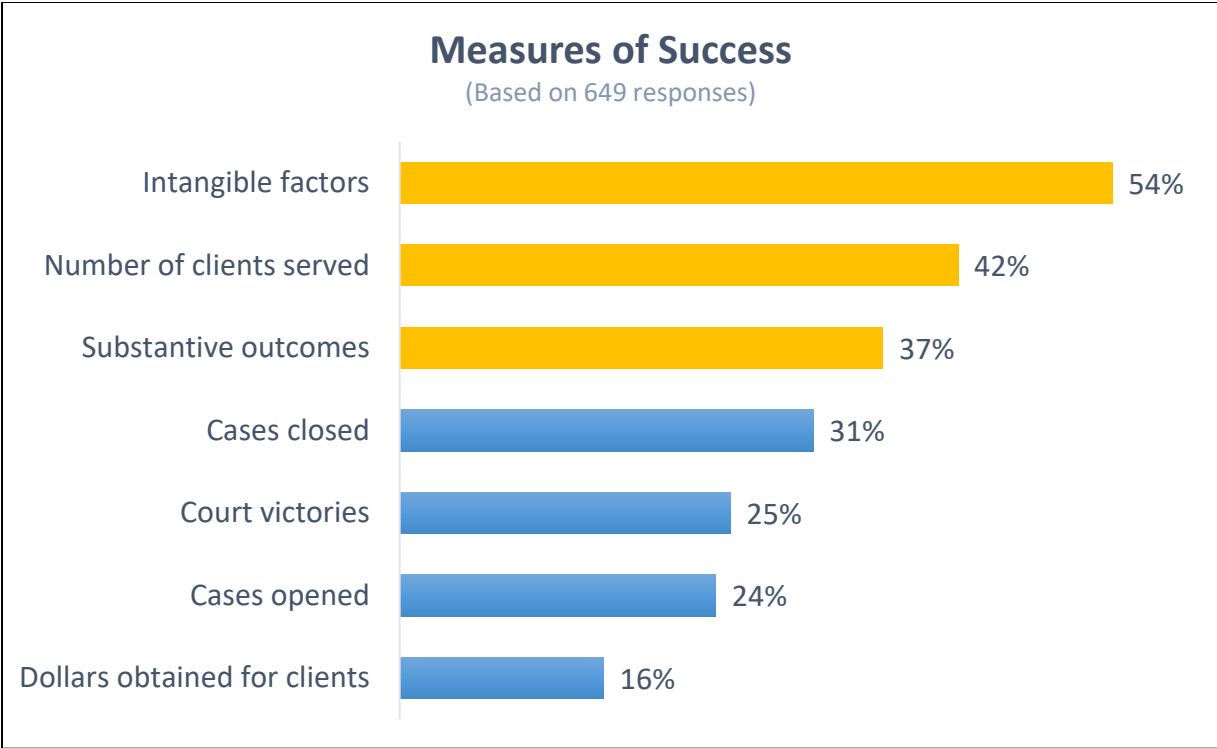


Figure 30 – Measures of Success

The first series of questions surveyed the respondents' general attitudes about civil legal services and access to justice. The answers, shown in Figure 31 on the following page, reflect broad support for the goals of the Access to Justice Commission and for the importance of free or low-cost legal services. Only 25% agreed or strongly agreed that legal services are widely available. Corresponding majorities of around 75% agreed or strongly agreed that governments should do more to ensure universal access to justice and that representation is vital in civil dispute resolution. But the largest majorities, above 90% in each case, agreed or strongly agreed that many South Carolinians don't know how to find legal assistance for civil matters, that access to justice is not equitable in South Carolina, and that free or low-cost legal services is needed to help achieve the goal of equal representation and equity in the justice system.

Access to Justice in South Carolina

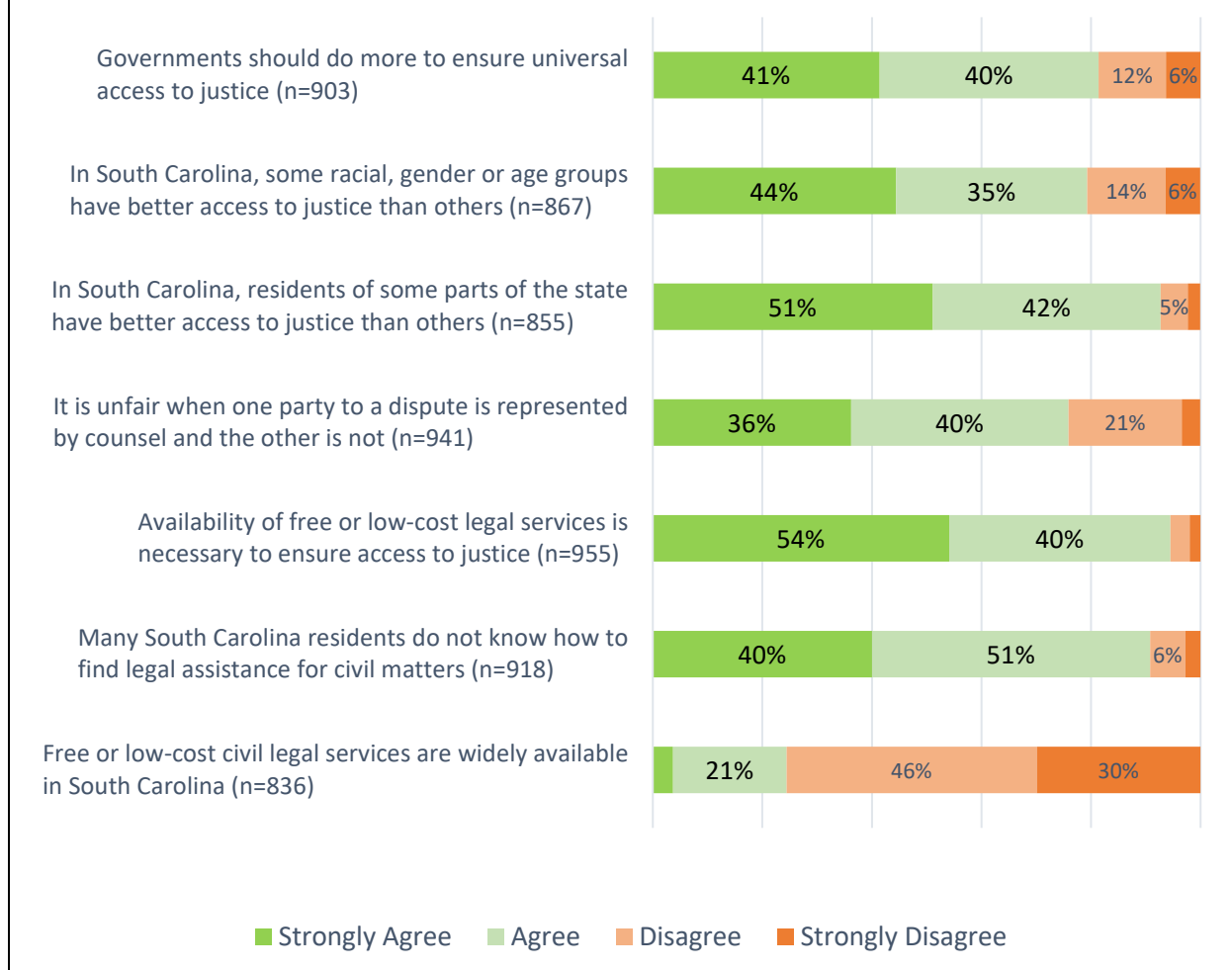


Figure 31 – Access to Justice in South Carolina

As noted, nearly all the respondents support legal services in principle. We then followed up with a question about what methods the respondents would support to help pay for more legal services. Their responses are shown in Figure 32.

Fully 92% of the respondents selected “Appropriation of funds by the South Carolina legislature.” We’d heard in the course of our interviews at least some views to the effect that funding by the legislature is unlikely to be forthcoming, and this might well be the case, but this magnitude of support by members of the Bar is a counterpoint, to be sure. Less firm support was expressed for other funding

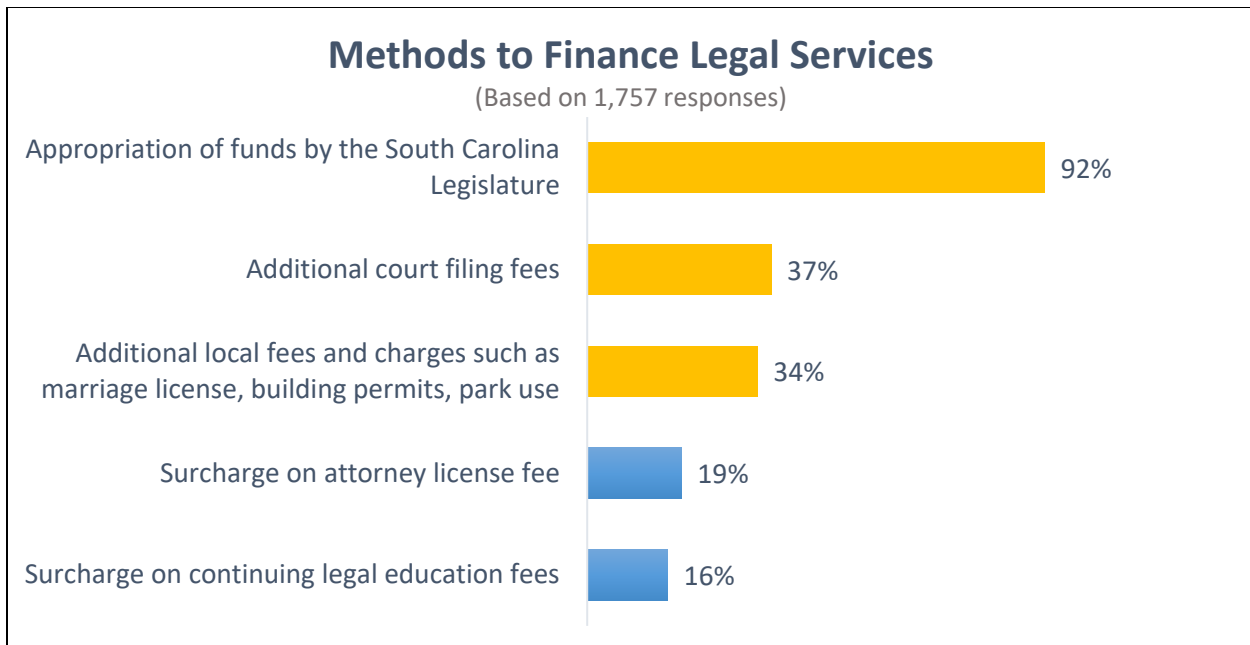


Figure 32 – Methods to Finance Legal Services

mechanisms, including additional court filing fees, additional local fees and charges, a surcharge on attorney license fees, and a surcharge on continuing legal education fees. Perhaps these other impositions seemed to affect the respondents more directly, but legislative funding could presumably be reflected in higher taxes. (73% of the Community Survey respondents agreed or strongly agreed that they would pay more in taxes to support more legal services. We did not ask the same question in the Practitioner Survey.)

As shown in Figure 33, the respondents chose what they thought would be the best ideas for encouraging South Carolina lawyers to provide more pro bono services. A large majority of 81% said Continuing Legal Education credit would encourage lawyers. The next most popular method was tax incentives, at 69%.

Other choices offered in our survey were based on suggestions we’d heard in the course of our interviews, and these were supported by substantial minorities of the respondents answering this question: more training, 43%, a reform of the Bar rule restricting the ways lawyers can provide “limited representation” to clients, 40%, and more support from law firms and other organizations employing lawyers, 36%.

Incentives to Encourage Lawyers to Provide More Pro Bono Services

(Based on 2,472 responses)

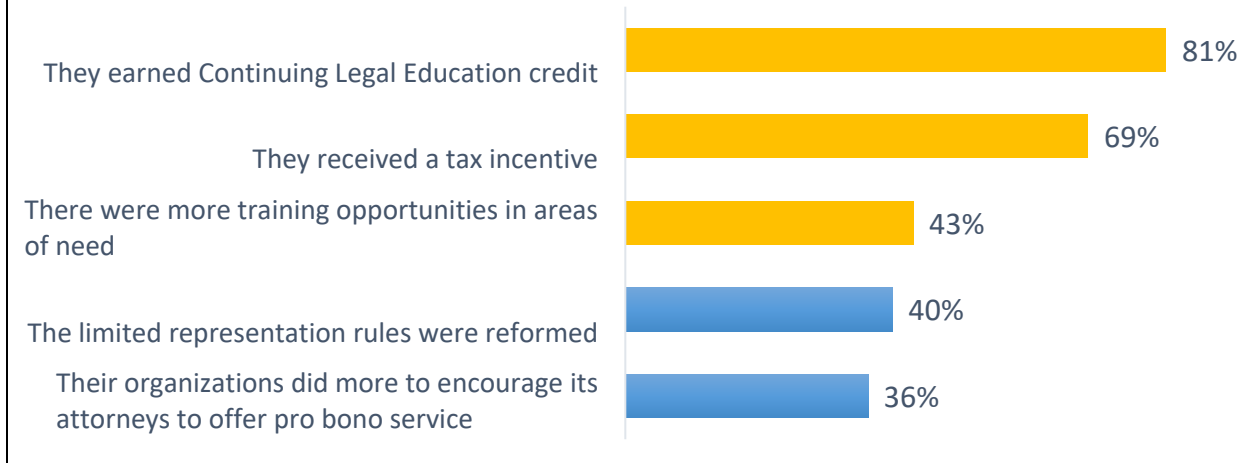


Figure 33 - Incentives to Encourage Lawyers to Provide More Pro Bono Services

As a follow-up question, we asked whether the respondents were familiar with the Private Lawyer Involvement program of South Carolina Legal Services (PAI). Their responses are shown in Figure 34. The PAI program allows private lawyers to participate in SCLS cases, get paid \$85.00 an hour, and be credited with pro bono hours by the South Carolina Bar Pro Bono Program.

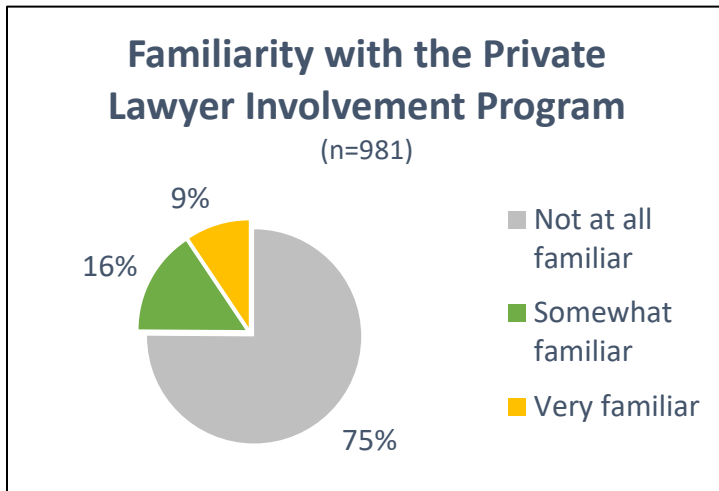


Figure 34 - Familiarity with the Private Lawyer Involvement Program

As the chart shows, three-quarters of lawyers were not at all familiar with the PAI program, and only 9% were very familiar with it. (As a side note, this finding underscores the fact that only 3% of respondents were “Legal Aid” lawyers, who might be expected to have more familiarity with the PAI program.)

Another issue arising from our interviews was the extent to which the legal system should provide

more support for unrepresented litigants. As noted above in the section on interview findings, some had argued there was a variety of methods that could make life easier for

unrepresented litigants, while others argued that resources would be better spent simply providing more lawyers. The survey respondents leaned in that direction, as shown in Figure 35, with by far the biggest proportion, 80%, saying more free and low-cost legal services should be provided.

At the same time, ways of supporting litigants who nonetheless remain unrepresented, most of which were discussed in our report on interviews, attracted varying levels of support from the respondents. 62% said courtroom navigators should be available to help people. 53% said more translation and interpreter services should be provided. 47% said judges and other court personnel should learn to be more accommodating. 39% said more laws and procedural rules should be written in “plain English,” and 37% said that education and training should be made available to litigants.

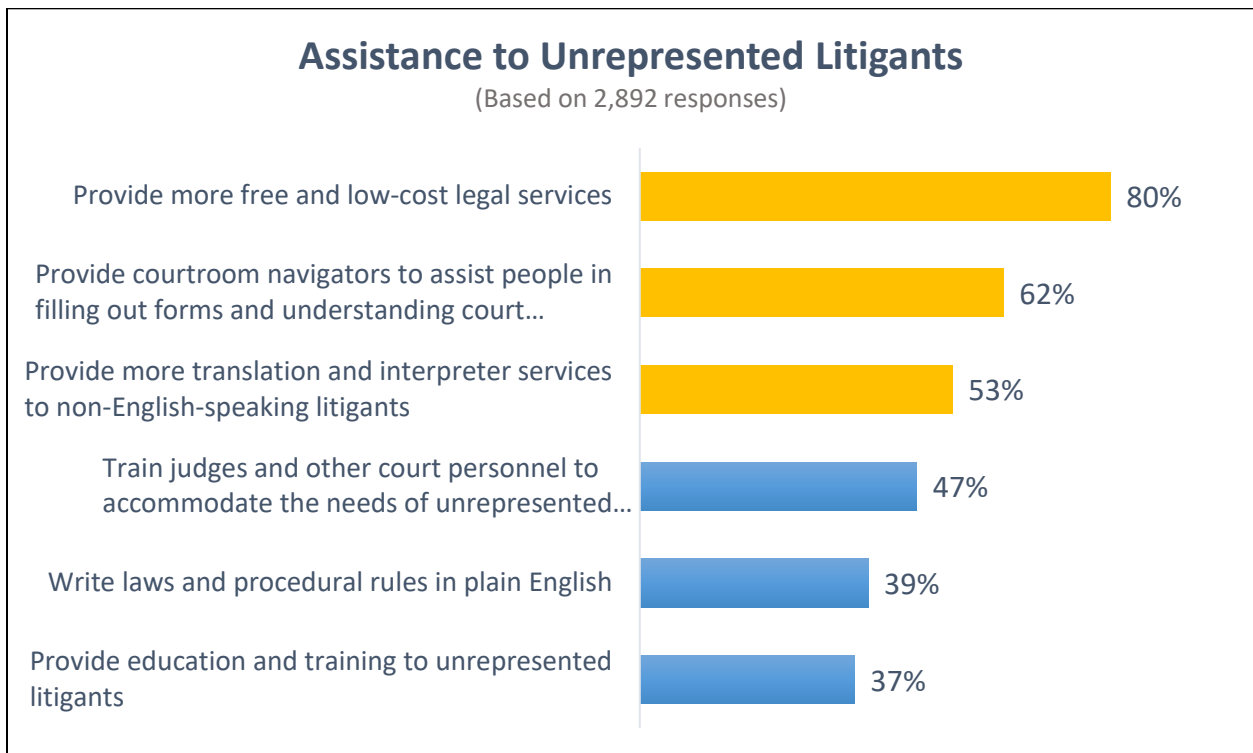


Figure 35 – Assistance to Unrepresented Litigants

The survey addressed two statutory reform initiatives, one relaxing the unauthorized practice of law rules, and one providing a right to counsel in eviction cases. Each of the two topics was given a two-part question. First, the respondents were asked how familiar they were with the reform initiative in other states, and second, how likely would they be to support such an initiative in South Carolina.

The respondents were asked how familiar they were with initiatives in several states authorizing experienced paralegals to provide specific types of legal assistance without lawyer supervision. Their responses are shown in Figure 36. 70% said they were not at all familiar, and only 6% said they were very familiar with these initiatives. Seventeen percent then said they would very likely support a similar program in South Carolina, and 40% said they were somewhat likely to support it, making a 57% majority offering at least some support. This is notable, because in interviews, expansion of paralegal practice didn't appear to have substantial support among the lawyers. In those conversations, unlike in the survey question, the issue was sometimes framed as "the relaxation of unauthorized practice rules," which could have had given it a more negative connotation. In any case, the interview process did not entail a methodical testing of support for these initiatives.

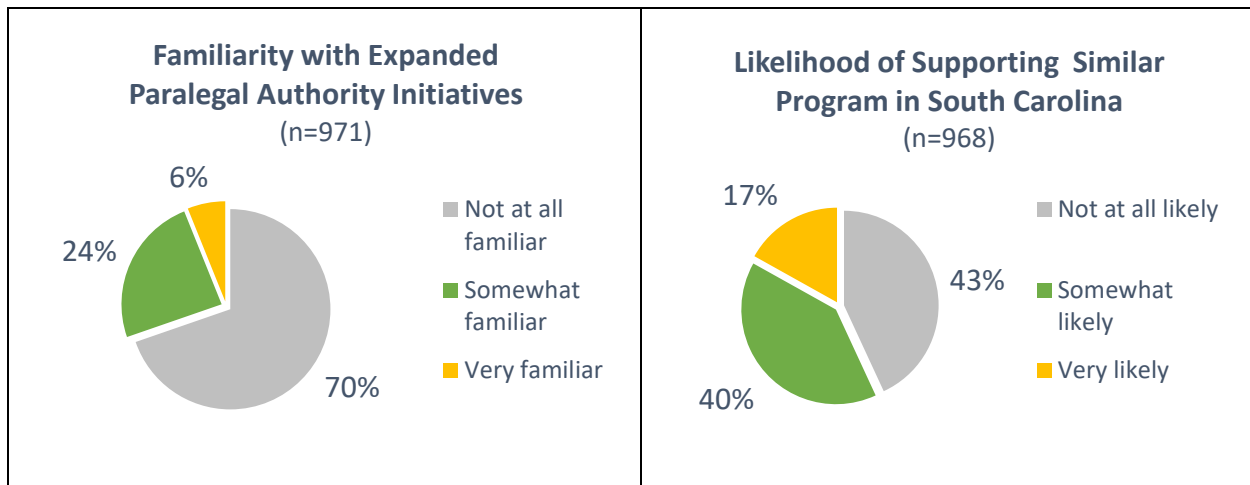


Figure 36 – Paralegal Authority Initiatives

The respondents were then asked how familiar they were with legislation in fifteen cities and three states providing a right to counsel for tenants facing eviction, and legislation being considered in other states providing a right to counsel in other civil matters. Their responses to this question are shown in Figure 37. Sixty percent said they were not at all familiar, and only 6% said they were very familiar, underscoring what we'd learned in interviews – that this issue had so far very little traction in South Carolina compared to several other states.

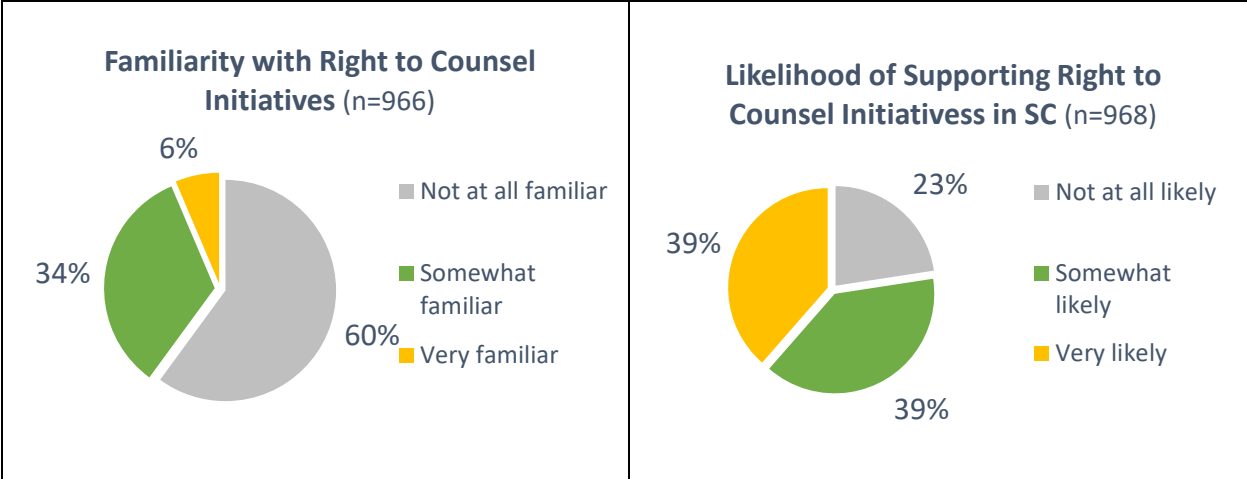


Figure 37 – Right to Counsel Initiatives

The respondents were then asked how likely they would be to support such an initiative, specifically for the right to counsel for tenants in eviction cases. Despite the relatively low familiarity they said they had with the issue, a full 78% of these respondents expressed support, 39% very likely to support and 39% somewhat likely to support this initiative. This will be taken into account by advocates wishing to push forward a proposal of this kind.

Summary of Survey Findings.

The Community Survey and Practitioner Survey offer two sightlines into the opinions and perspectives of those who have dealt with legal problems and experienced the civil legal system from the inside.

We asked some of the same questions and some different ones to the two groups. Their responses overlapped in some areas and provided useful contrasts in others. Together they give us an appreciation of the legal system in all its complexity – and public attitudes toward it. In this section, we offer a summary of the main findings from these two surveys and how each relates to and enriches the other. This summary, however, includes only the main highlights but should not be taken as itself a definitive statement of our findings. That will be found in the preceding full reports in this Part III.

Legal Problems and Practice Areas.

The two surveys addressed the overarching issue of legal needs from a range of vantage points. This approach underscored what we'd learned from the previous phases of our research, that legal needs lie in the gap between the kinds of problems people have and the kinds of legal expertise that are needed to address those problems.

We began by simply asking all Community Survey respondents what kind of legal problems they had experienced in the last five years. The biggest categories were housing, children and custody, and public benefits. The subset of respondents who had succeeded in finding legal assistance said they got help in the areas of family law, housing, and consumer's rights, with domestic violence, wills and estates, and children's rights close behind. In other words, they found help in the areas where most people had problems – except in the area of public benefits.

Those respondents to the Practitioners Survey who said they provide free or low-cost legal services told us about their practice areas. The category of wills, estates, and advance directives was mentioned by half the respondents, and family law by 44% of the respondents. Housing was a practice area for only a quarter of the respondents. Seeing family law as a top category of practice would seem to offer encouragement to those facing legal problems involving children, but we know from our interviews and focus groups that while many lawyers practice in family law, there aren't enough to meet the demand for low or no cost services. As if to confirm this mismatch, the practitioners cited

housing and family law as by far the most underserved practice areas. Debt collection, consumer's rights, immigration, domestic violence, disability rights, and public benefits were cited as significantly underserved practice areas, confirming what we'd learned from our qualitative research.

Comparing the practitioners' own practice areas with their assessments of underserved practice areas reveals some notable gaps. Housing law is the most clearly underserved, with far fewer lawyers saying they practice in the area than say it is an underserved area. Immigration law shows a similar gap. But in the case of family law, debt collection, wills, estates, and advance directives, and several other practice areas, more lawyers say they practice in those areas than say it is underserved, suggesting perhaps that they think services in those areas are adequate to meet the need. But we know that while many lawyers may provide a service – again, the leading example is in family law – they still won't meet the need unless they are able to provide it for no or low cost.

The Community Survey respondents added two future-looking perceptions to this cluster of responses concerning the areas of need. First, they projected what kinds of legal problems are likely to be the most important to the members of their communities generally. Housing and children and custody were again the two biggest problems, mirroring those they themselves had suffered, but in each case more respondents cited those problems than had those problems themselves. The same is true of domestic violence, by a wide margin, and divorce, public assistance, and other categories.

Second, they identified the legal problems they themselves expect to have in the future. Here again they mentioned issues that they might not have experienced personally, including wills and estates, divorce, and illness or injury. Conversely, in several categories, including housing and children and custody, fewer respondents expect to experience problems in the future than had experienced them in the past. In our full report we speculate on the reasons for these mismatches.

No Legal Help.

After establishing these basic indicators of need, the Community Survey asked the respondents whether or not, having encountered the problem, they sought the help of a lawyer. Those who did not were asked several questions addressed only to them. Why had they not looked for legal help? Concern about the cost was the biggest reason, but inability to recognize that the problem was a legal problem, and lack of awareness of the availability of legal services, were important reasons, too. Some didn't think anyone

would be interested in their case, and some said they took care of the problem on their own. In all this, their answers aligned well with our interview and focus group findings. When we asked how the problem was resolved if not by a lawyer, by far the biggest group said the problem was still ongoing, that is, it wasn't resolved, and much smaller numbers said they did indeed take care of it themselves, or received help other than from lawyers.

Barriers to Access.

The other group, those who had set out to find legal help, were asked a series of questions addressed only to them. If they were looking in particular for free or low-cost legal services, what difficulties did they encounter in their search? Nearly half of this group, many of whom were clients or former clients of legal services lawyers, said they'd encountered no difficulties. The other half cited the scarcity of free or low-cost legal services; or the scarcity of lawyers handling their particular kind of case; their own lack of eligibility for free legal services; or difficulty navigating the intake system.

Those who succeeded in connecting with lawyers faced further barriers. What difficulties did they encounter in pursuing their cases and working with their legal teams? Some were told they had no case, some cited poor performance by the lawyer, and some said the lawyer didn't stay with the case. Other barriers had nothing to do with the lawyers but rather with their own life problems: no one to watch the children, no transportation, couldn't take time off work, medical delays, and family issues.

The practitioners also identified the main obstacles clients face in obtaining legal services. Their answers echoed the Community Survey respondents who said they hadn't tried to get help and those who faced obstacles while seeking help. Again, cost was the biggest factor. Again, inability to recognize that the problem was a legal problem was the second biggest factor. Other barriers include lack of trust, lack of awareness of available resources, and the familiar issues of struggling clients: inadequate internet service, language barriers, no one to watch the children, and inability to take time off work.

Paying the Fees.

Each of the two surveys looked at an aspect of legal fees. The Community Survey asked those who had obtained the services of a paid lawyer, how did they pay? Most said either that they paid from their own funds or that they borrowed from family or friends. Others said they used a credit card, or that they still owed all or part of the lawyer's fee.

We asked the practitioners providing free or low-cost legal services to describe their fee structures. The largest group said they charge on a sliding scale. Next were those whose services are free to clients who meet an income limit, and those whose services are free to all regardless of income. A smaller number said they charge a flat fee.

Trust and Satisfaction.

Despite encountering some obstacles along the way, the Community Survey respondents who received legal assistance had generally positive experiences. Majorities of those who responded to questions about trust and satisfaction said they have trust in the legal system, that their concerns were taken seriously, that the lawyer did a good job, that they were treated fairly, and that they were satisfied with the outcome of their case.

The Practitioner Survey elaborated on these findings when answering questions about how legal services lawyers measure success. They mentioned the quantitative measures that count the number of cases they handle and the number of individuals they serve, but they – like many of the lawyers we’d interviewed in an earlier phase of our research – said “intangible factors” were the most important measures of success. Those included building trust, being a support for someone, and effecting social change. Thus, from the perspectives of both client and lawyer, trust and satisfaction are at the heart of the legal services experience.

Improving the System.

Following up on discussions of these topics in our interviews and focus groups, the Practitioner Survey addressed several ways of improving the legal services system. One series of questions concerned outreach to communities, to let people know about legal services and to provide some legal information to them. “Ask-a-Lawyer” sessions were the most popular among practitioners who responded, followed by training of lawyers, clinics open to the public, and advertisements and flyers. Legal clinics were the subject of a second question, inquiring about the most common subject matter of clinics. Wills was the most common, with divorce, landlord-tenant law, and expunction of criminal records also popular.

In interviews, we had explored whether more reliance on non-legal personnel could make limited legal resources go further. In the survey, we asked the practitioners about the extent of their use of non-legal personnel. Most said they have paralegals on their staff, but many also employ law students. Less common but also factors are social workers,

retired attorneys, nonprofit service provider staff, housing counselors, victim advocates, and benefits navigators. We then asked whether the practitioners were familiar with reforms in other states that expanded the authority of paralegals to act without lawyer supervision. Most weren't, but nevertheless a majority said they were very likely or somewhat likely to support similar initiatives in South Carolina.

Pro bono services, a key topic throughout this project, was the subject of a question to the practitioners. What kinds of incentives could encourage lawyers to provide more pro bono services? Continuing Legal Education credit attracted the most support, followed by tax incentives, training opportunities, reform of the limited representation rules, and more support from the organizations lawyers work for.

We also asked what measures should be used to provide more assistance to unrepresented litigants. More legal services came first, but after that, courtroom navigators, translation and interpreter services, court personnel training, plain English laws and rules, and education and training of litigants were mentioned.

Finally, we asked about right to counsel initiatives. Most were not familiar with reforms considered in other states that provide a right to counsel in civil cases, but a large majority said they would be very likely or somewhat likely to support a right to counsel for tenants in eviction cases.

Public Support for Legal Services.

Both surveys asked all respondents for their opinions and attitudes toward legal services and the legal system. Substantial majorities of the Community Survey respondents either strongly agreed or agreed that they'd be willing to pay more in taxes to support free legal services; that everyone deserves to be represented by a lawyer; and that free lawyers are as skillful as paid lawyers. A majority said a legal services office is located in their community, and a larger majority said free legal services are available to low-income people in their community. Another series of questions brought out the importance of legal services. Most respondents agreed that specialized knowledge is needed to participate in the legal system, and that the legal system treats some people better than others based on income or social status.

The Practitioner Survey also elicited opinions and attitudes about legal services, and revealed strong support among lawyers for strengthening legal services. Large majorities said governments should do more to ensure universal access to justice; in South Carolina, some racial, gender or age groups have better access to justice than others; residents of

some parts of the state have better access to justice than others; it is unfair when one party to a dispute is represented by counsel and the other is not; availability of free or low-cost legal services is necessary to ensure access to justice; and many South Carolina residents do not know how to find legal assistance for civil matters; and most said they thought free or low-cost civil legal services are not widely available in South Carolina.

Significantly, to remedy these widely-perceived shortfalls in access to justice, the practitioners by a majority of 92% said the South Carolina legislature should appropriate funds to finance the expansion of legal services.

~ PART IV – COURT AND AGENCY DATA ~

Introduction.

The interview, focus group, and survey findings, which have formed Parts I, II, and III of this report, together comprise the original data we acquired in the course of our primary research. In Parts IV and V, we report on several categories of secondary data that we compiled. In Part V, we will present a summary of various geographic, demographic, and socioeconomic data about South Carolina derived from publicly available sources. In this Part IV, we present summaries of data compiled at our request by legal services providers and by the Court Administration, about the cases they handle and the people those cases involve. Together, these data compilations add to our understanding of the legal services system in South Carolina.

Statewide Civil Caseload.

In this section, we present a state level profile of civil cases filed in the Magistrate Courts, Family Courts, and the Courts of Common Pleas, shown in the chart of the South Carolina Judicial System structure set forth as Figure 38.¹⁸

The civil cases data were provided to us by the South Carolina Court Administration for the six years 2016 to 2021, in response to our request, for dozens of case types. Our Rule 610 Request for Bulk Distribution of and Compiled Information from Judicial Records, showing the case types included in our request, is attached as Appendix E. The data provided by the Court Administration allowed us to select the case types we deemed the most important and relevant to the purposes of this project, and to display the data at a county and a census tract level.

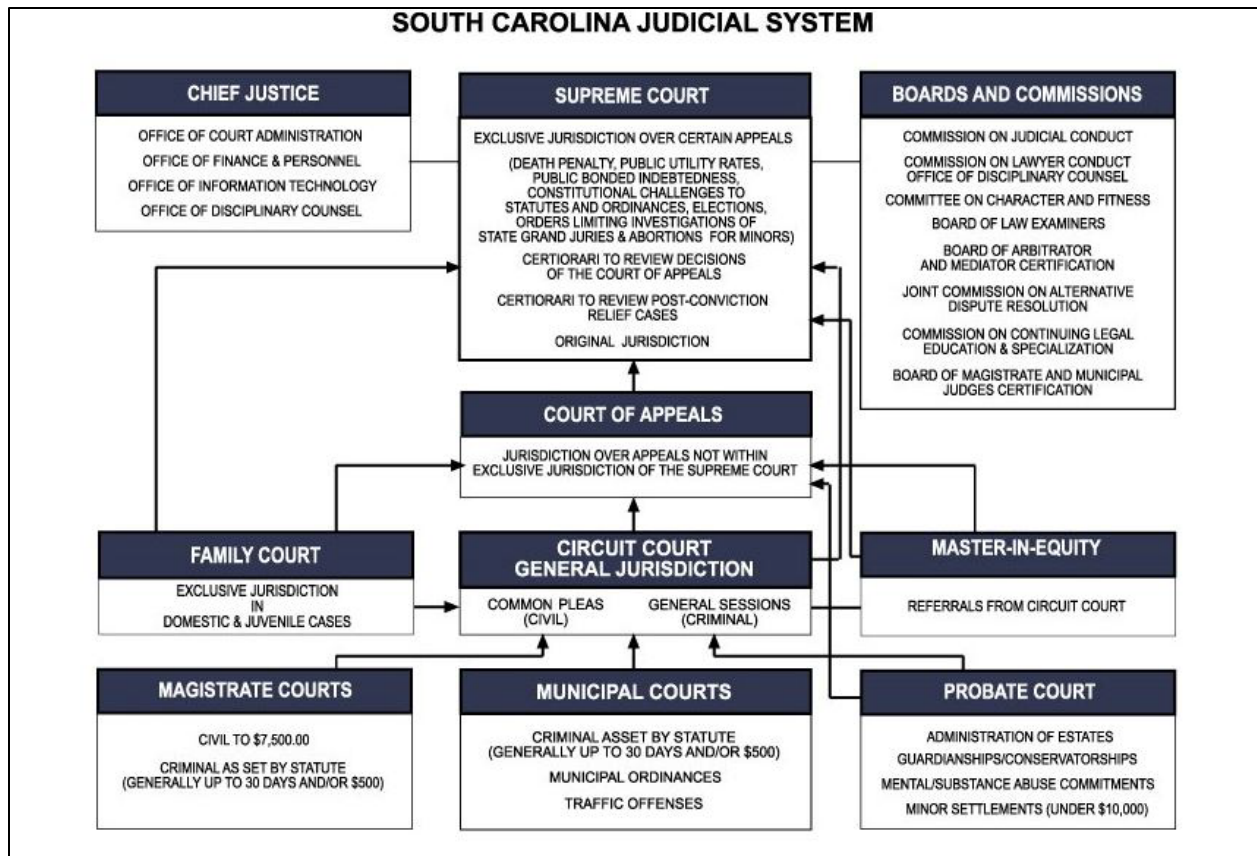


Figure 38 – South Carolina Judicial System

In the following pages, we present a series of maps. For each case category, the main map in color shows the “case rate” for each county, that is, the average number of cases, per one thousand population, filed in that county under that category. The smaller map in black and white shows the “case count” for each county, that is, the average annual number of cases filed in that county under that category. The case count is informative in indicating how busy the courthouse and the lawyers and courtroom personnel are; some county courthouses are busier than others, and a high number of cases in a particular category tells us something about the legal climate in that county. But the case rate is the superior indicator, allowing us to measure more accurately the relative intensity of litigation activity from one county to another. The tract level data supplies another measure of intensity, this time not indicating courthouse activity – census tract cases are all filed in the same courthouse in the county seat – but indicating the addresses of at least one of the litigants and therefore where within the county more cases are originating.

The SC Civil Legal Needs Dashboard described in Appendix F, and the spreadsheets that can be downloaded from the Dashboard, show county level and tract level cases and case

rates. The maps in this section will show case rates at the county level. The categories we have selected for presentation here are civil court cases (the total of civil cases in all three courts), and six sub-categories: child support, custody, debt collection, divorce and separation, eviction, and domestic violence.

The case numbers for these categories should be understood in the context of the Court Administration's system of categorizing case types and the codes they use to identify cases in the system. The numbers shown generally equate to the numbers of separate cases, but required some interpretive work. For example, child custody contains a number of subcategories, with codes such as "Child custody/visitation" and several variations of "child custody/termination of parental rights." The data also included several subcategories for eviction, including cases with codes such as "notice to quit," "ejectment of trespasser," and several categories of "rule to vacate" broken out by filing fee categories. These codes can seem arcane to outside observers, but with the guidance of Court Administration personnel and some educated guesswork, we compiled them into categories that provide close approximations to the categories of interest.

Figure 39 shows the total number of civil court cases per thousand people by county (on the larger map) and the annual number of cases by county (on the smaller map). The annual number is the average of the six years total provided by the Court Administration.

South Carolina

Annual rate of SC civil court cases per 1,000 population by county.

Data Source: SC Courts, 2016-2021

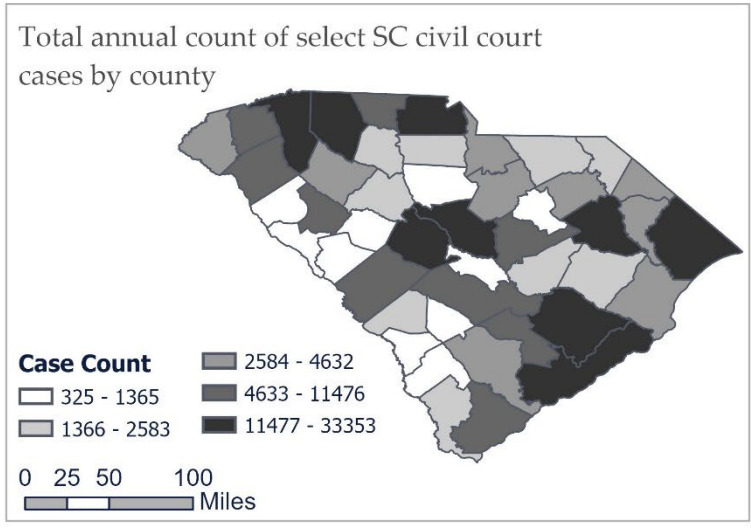
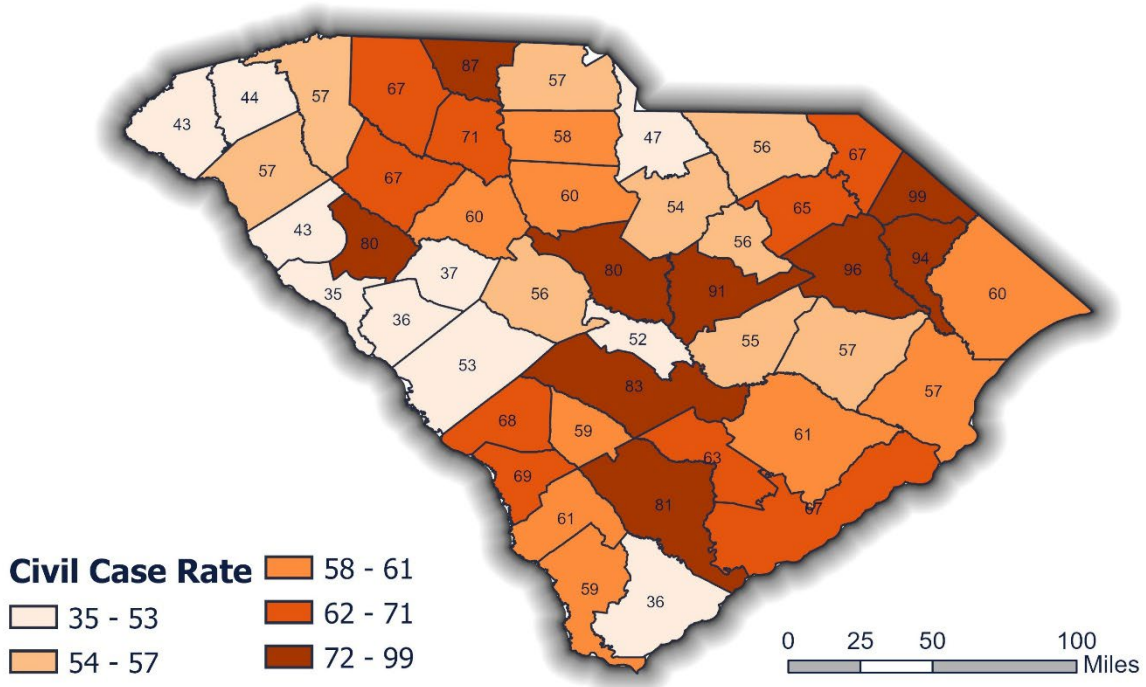


Figure 39 – Annual Rate of Civil Court Cases per 1,000 Population

The difference between the case rate and the annual count is plain to see: the counties with the most cases are not necessarily those with the most cases per population. The ten counties with the largest numbers of cases are generally those with the largest population. This is illustrated in Table 4.

Largest Population		Most Civil Cases	
Greenville	522,731	Richland	200,115
Richland	418,287	Greenville	179,118
Charleston	415,791	Charleston	165,965
Horry	352,237	Horry	127,627
Spartanburg	314,891	Spartanburg	125,871
Lexington	298,595	Lexington	101,050
York	278,223	York	94,392
Berkeley	225,425	Berkeley	82,847
Anderson	201,225	Florence	79,830
Beaufort	193,641	Anderson	68,853

Table 4 – Ten Largest Counties by Population and by Number of Cases

But when we measure the cases per unit of population, we isolate those counties that experience more or less than the amount of litigation that would be predicted by total population. The counties with the highest case rates are, with one exception, not the same as the counties with the largest population and most cases, as illustrated in Table 5.

County Name	Civil Case Rate	Household Income	Rank	Unemployment Rate	Rank	Percent Black Population	Rank
Dillon	99	\$31,042.71	45	3.89	13	48.76	10
Florence	96	\$47,141.43	19	2.99	22	42.77	16
Marion	94	\$33,028.34	42	4.06	11	56.45	7
Sumter	91	\$45,515.52	22	4.84	5	46.51	13
Cherokee	87	\$36,628.85	37	2.55	38	19.96	38
Orangeburg	83	\$37,738.63	35	4.40	8	61.09	4
Colleton	81	\$37,076.61	36	4.37	9	38.02	20
Richland	80	\$55,501.39	9	3.63	16	46.97	12
Greenwood	80	\$42,697.24	29	3.18	19	32.56	25
Union	71	\$42,121.82	30	2.96	23	20.67	27

Table 5 – Ten Counties with the Highest Annual Civil Case Rate per 1,000 Population

For the ten counties with the highest total civil case rate per thousand, we compared their rank among all forty-six South Carolina counties in household income, unemployment, and percent of Black population, to see whether one of these factors would be associated

with a disproportionately high intensity of litigation. Indeed, while not exact or consistent, there is an indication that poorer, higher-unemployment, and higher percent Black population counties have disproportionate amounts of civil litigation. Seven of the ten counties are in the poorest third by median household income. One that is in the richest ten, Richland, is an outlier, we speculate because as the state capital it attracts a disproportionate amount of litigation involving the government. These ten counties are among the highest unemployment counties, with six in the top third and all but one in the top half in unemployment. Finally, as we have found in other comparisons, the same counties that are poorer and have higher rates of unemployment, also have larger proportions of Black residents. Three of the ten counties are in the top ten by this measure, and six are in the top third. The outlier, Cherokee, has one of the lowest proportions of Black residents and a low unemployment rate, while being one of the poorest counties in the state in median household income.

The maps beginning on page 198 show the case rates and case counts for child support, child custody, debt collection, divorce and separation, eviction, and domestic violence cases. Table 6 shows the counties with the top ten case rates in each of the six categories.

Child Support	Child Custody	Debt Collection	Divorce & Separation	Eviction	Domestic Violence
Marion	Chesterfield	Marlboro	Sumter	Florence	Sumter
Allendale	Cherokee	Florence	Bamberg	Dillon	Anderson
Barnwell	Colleton	Chesterfield	Aiken	Cherokee	Dillon
Dillon	Sumter	Marion	Marion	Richland	Clarendon
Colleton	Marion	Lee	Greenwood	Marion	Colleton
Lee	Darlington	Darlington	Florence	Sumter	Florence
Williamsburg	Anderson	Lexington	Horry	Greenwood	Greenwood
Darlington	Kershaw	Williamsburg	Dillon	Spartanburg	Union
Orangeburg	York	Georgetown	Chesterfield	Charleston	Lee
Marlboro	Spartanburg	Laurens	Barnwell	Orangeburg	Orangeburg

Table 6 – Counties with the Greatest Case Rates in Six Categories

This table reveals several informative patterns. Most importantly, the ten counties with the highest case rates vary depending on the case type. Each case type seems to have its own geography. Thirty different counties appear in at least one of these lists. At the same time, some counties have higher case rates in more than one category.

Marion County stands out as the county with the highest case rates almost across the board, appearing on the total civil cases top ten and five of the remaining six subcategory

top ten lists. We noted in the discussion above that Marion is one of the poorest counties, ranking 42nd in median household income, has the 11th highest unemployment rate, and ranks seventh in percent Black population at over 56%. It has the sixth highest percentage of families living at or below 125% of the federal poverty line and the eleventh highest percentage of families living at or below 100% of the federal poverty line. Information about Marion County, from the Dashboard described in Appendix F, is highlighted in Figure 40.

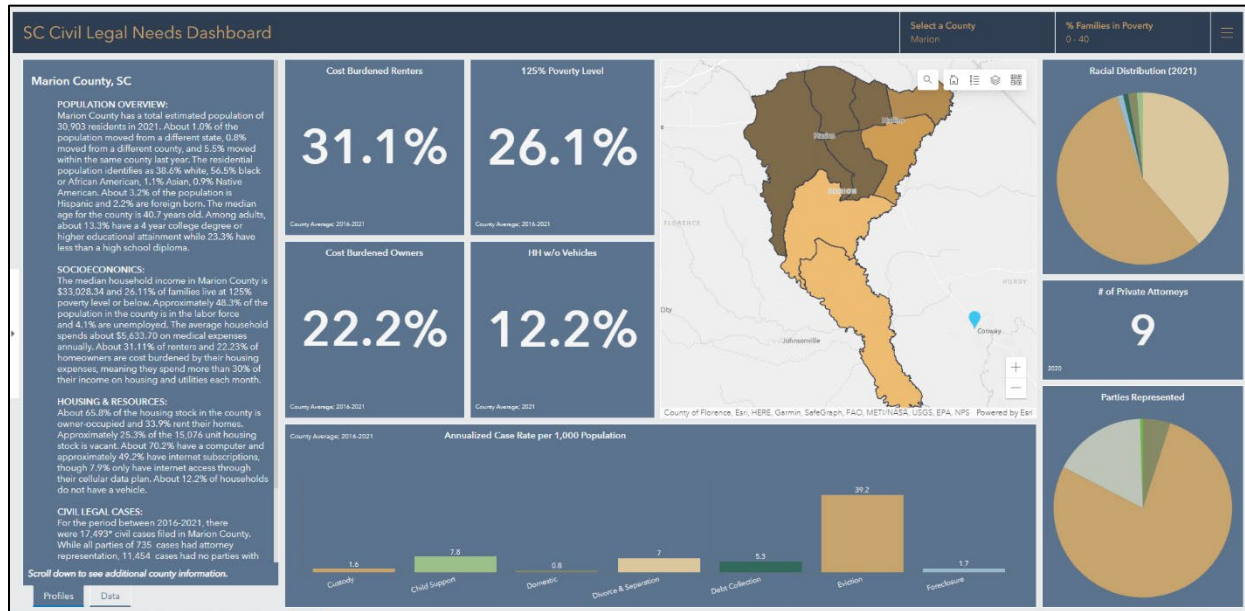


Figure 40 – Marion County Data

But other low-income counties appear on more than one list; Marion has no unique characteristic that would explain the uniquely high case rates in so many categories. While Marion is the only county on six of the lists, Dillon, Florence, and Sumter Counties are on five; Colleton is on four; Cherokee, Chesterfield, Darlington, Greenwood, Lee, and Orangeburg are on three; and Anderson, Barnwell, Horry, Marlboro, Richland, and Spartanburg are on two. Thirteen other counties appear on one list. In summary, there are some patterns, in which the poorest counties with the largest Black populations see disproportionately high numbers of cases, but other factors related to the particular case type limit the extent of this pattern, with more of each case type in one place than in another.

Of the case categories, eviction stands out for the sheer size of the case load. Table 7 shows the ten counties with the highest eviction case rates. Statewide, the average annual eviction case rate is 20.8 cases per thousand people, compared to 4.4 divorce

cases per thousand, 3.4 debt collection cases per thousand, and 2.8 child support cases per thousand.

County Name	Eviction Case Rate	Household Income	Rank	% Renter-Occupied	Rank	% Cost-Burdened Renters	Rank	% Vacant	Rank
Florence	47.8	\$47,141	19	34.6	7	38.2	32	15.2	29
Dillon	43.9	\$31,043	45	40.9	1	37.0	38	23.1	14
Cherokee	41.7	\$36,629	37	30.7	15	37.0	37	17.2	26
Richland	40.0	\$55,501	9	40.9	2	49.6	4	12.7	36
Marion	39.2	\$33,028	42	33.9	8	31.1	44	25.3	9
Sumter	38.2	\$45,516	22	35.6	6	39.6	29	14.2	33
Greenwood	35.6	\$42,697	29	36.2	5	45.3	12	12.3	37
Spartanburg	30.3	\$52,939	10	28.8	21	41.0	24	10.1	40
Charleston	29.8	\$64,635	3	38.2	3	48.5	6	15.5	28
Orangeburg	29.8	\$37,739	35	33.4	11	38.7	31	24.5	12

Table 7 – Ten Counties with the Highest Eviction Case Rates

For the ten counties, we compared their rank among all forty-six counties in household income, percent of households renter-occupied, percent of households cost-burdened, and vacancy rates, to see whether one of these factors would be correlated with a disproportionately high number of eviction cases per thousand of population.

The counties with the highest eviction case rates don't easily fall within definite geographic or socioeconomic characteristics. They include some of the biggest population counties, including Charleston, Richland, and Spartanburg, but counties in the middle ranks of population also have high eviction case rates, including Cherokee, Greenwood, Marion, and Sumter. The indicator that appears to have the most predictive value for high eviction case rates is, not surprisingly, a high percentage of renter households. Of the ten counties in the list, seven are in the top ten with the highest percentage of renter households.

Neither household income nor percent of cost-burdened renter households is a reliable predictor of high eviction case rates. Some of the richest counties, measured by median household income, and some of the poorest ones, are on the list, and we see a similar range in percent of cost-burdened renter households.

However, counties with low rates of vacant housing units do tend to have higher eviction case rates: Spartanburg ranks 40th in vacancy rate at 10.11%, Greenwood 37th at 12.31%, Richland 36th at 12.67%, and Sumter 33rd at 14.19%. Low vacancy rates suggest high demand and upward pressure on rents, which in turn may lead owners to resort to

eviction more often. The interesting case of Spartanburg lends strength to the hypothesis that vacancy rates drive eviction rates. Spartanburg otherwise doesn't seem to fit on the list, having a relatively high median household income and the lowest percentage of renter-occupied households on the list. Yet, as noted, it has the lowest vacancy rate of the counties on the list. (A countervailing effect of vacancy may be seen in poorer counties such as Marion, one of the counties with the highest vacancy rates, at over 25%, yet a high eviction case rate.)

Maps showing case rates and case counts for child support, child custody, debt collection, divorce and separation, eviction, and domestic violence appear in Figure 41 through Figure 46 on the following pages.

One other indicator of interest is the percentage of parties unrepresented by counsel in each county court. This indicator is displayed graphically for each county on the Civil Legal Needs Dashboard. Statewide, over 70% of parties who appear in civil court are unrepresented and both sides have lawyers in less than 8% of cases, in the case types covered by the study.

The data for this indicator are illuminating, but subject to limitations. The Court Administration reported the percentage of cases in which the plaintiff is unrepresented, in which the defendant is unrepresented, and in which both parties are unrepresented. From the standpoint of the legal services system, the plaintiff is the disadvantaged party – that is, most in need of legal assistance – in some types of cases, for example domestic violence protective order proceedings. The defendant is the disadvantaged party in some other types of cases, for example in eviction proceedings. In many types of family disputes, both parties may be in need of legal services. The data are not disaggregated by case types, so they can't tell us which types of parties are unrepresented, but because eviction cases make up such a large percentage of the total, as a shorthand we'll examine unrepresented defendants briefly.

The counties with the largest percentages of those, including Horry, Beaufort, Colleton, Berkeley, and Dorchester, have 80 to 90 percent or more of defendants not represented by counsel. If we speculate that defendants in eviction cases are disproportionately in this category relative to other kinds of civil litigation, then their percentages could be even higher. We know from our interviews and focus groups (and other secondary data sources) that very high numbers of tenants are unrepresented in eviction cases.

South Carolina

Annual rate of child support related court cases per 1,000 population by county.

Data Source: SC Courts, 2016-2021

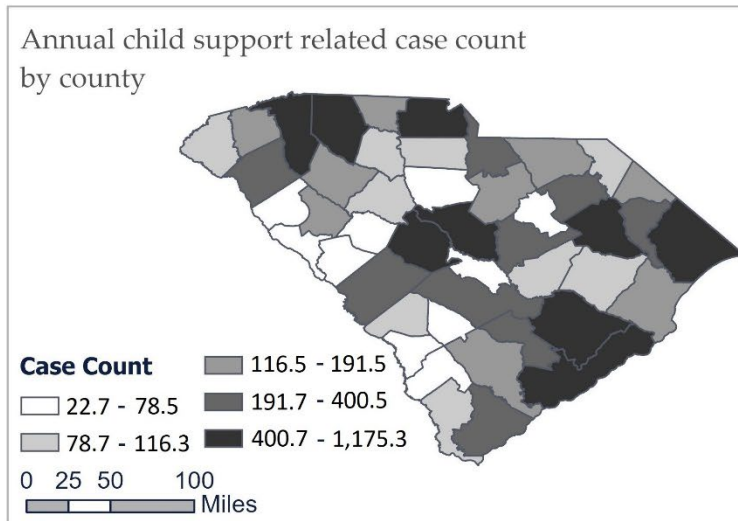
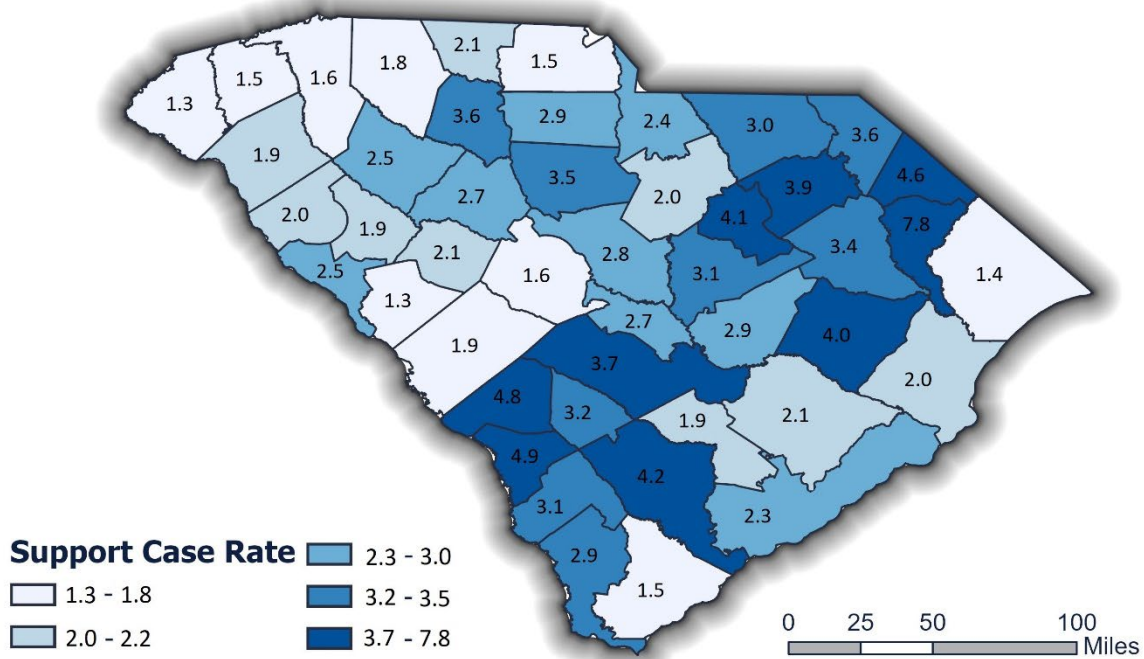


Figure 41 – Annual Rate of Child Support-Related Cases per 1,000 Population

South Carolina

Annual rate of custody related court cases per 1,000 population by county.

Data Source: SC Courts, 2016-2021

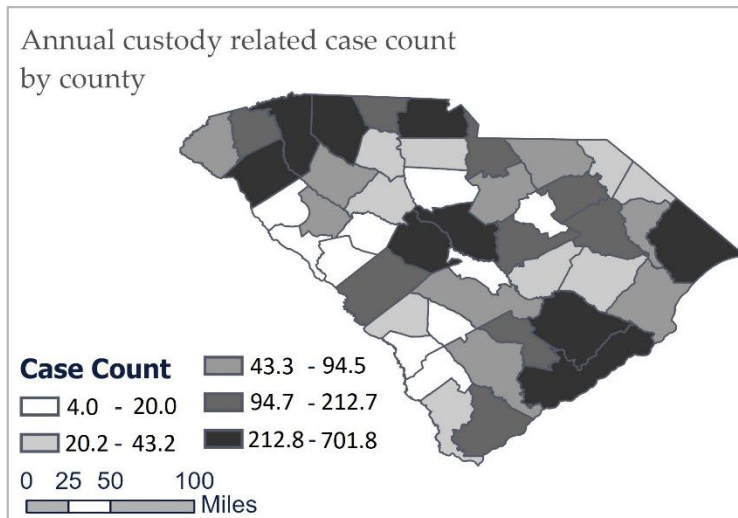
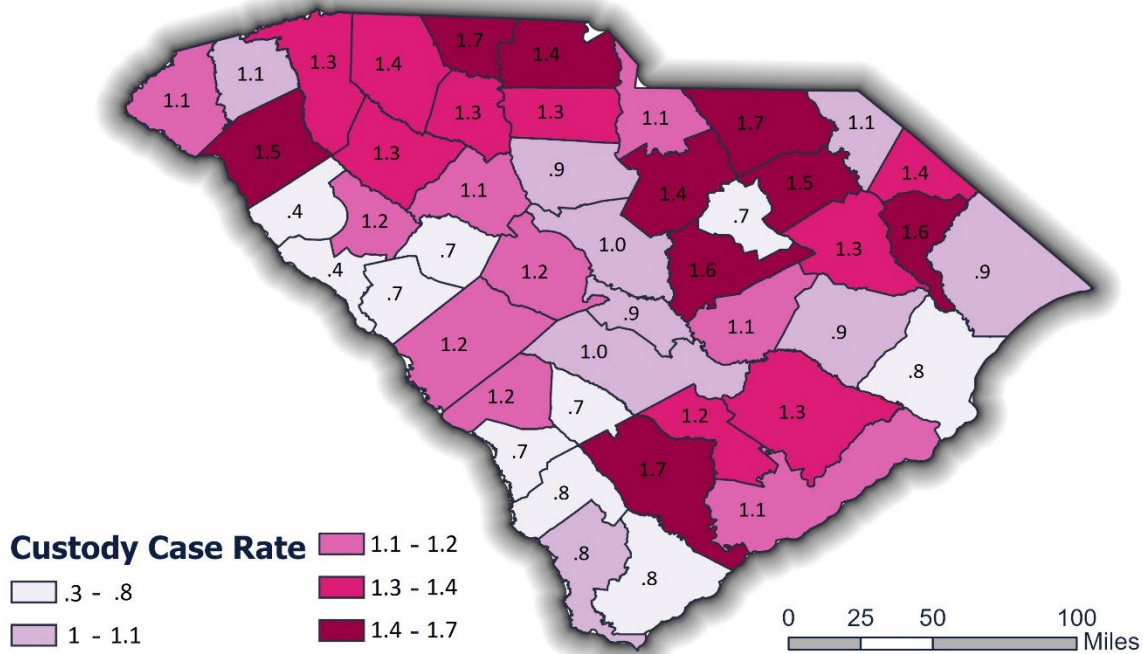


Figure 42 - Annual Rate of Custody-Related Cases per 1,000 Population

South Carolina

Annual rate of debt collection related court cases per 1,000 population by county.

Data Source: SC Courts, 2016-2021

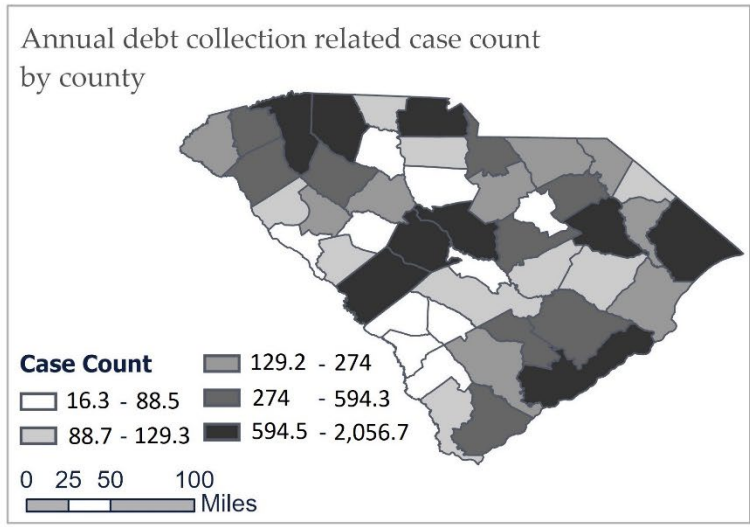
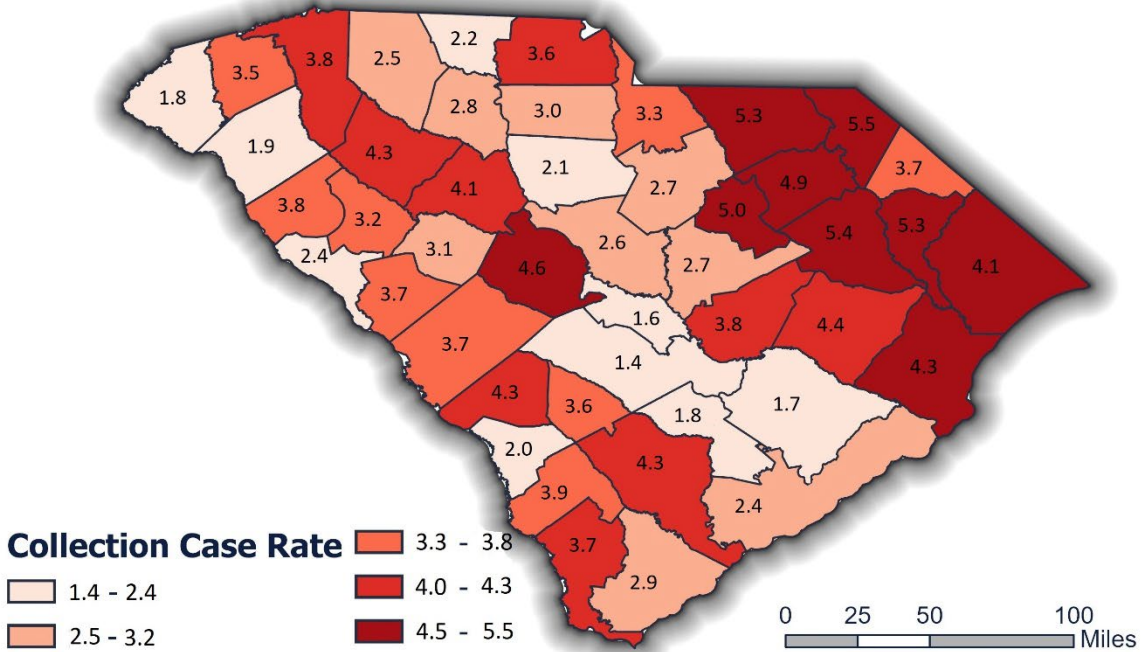


Figure 43 - Annual Rate of Debt Collection-Related Cases per 1,000 Population

South Carolina

Annual rate of divorce and separation related court cases per 1,000 population by county.

Data Source: SC Courts, 2016-2021

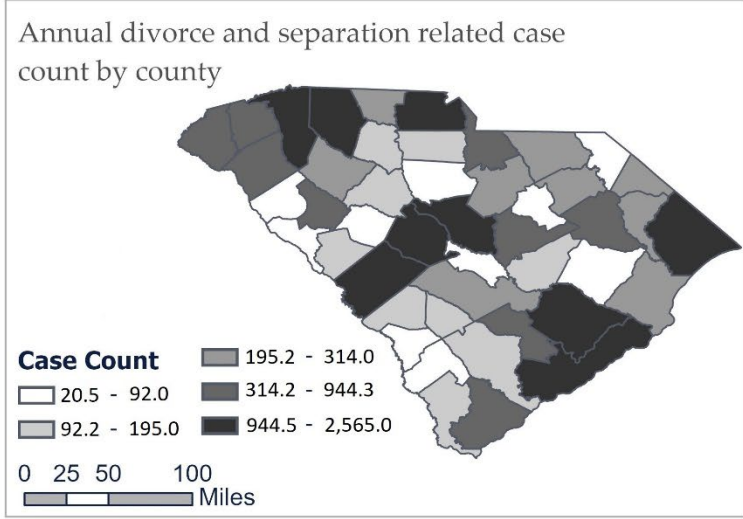
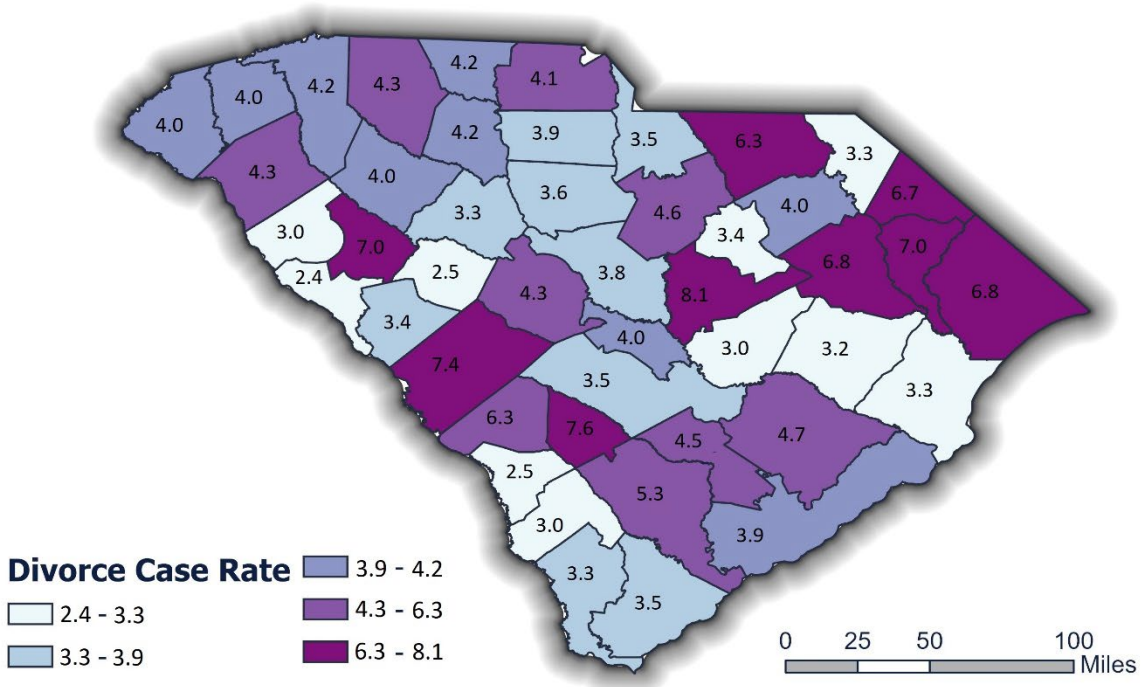


Figure 44 - Annual Rate of Divorce and Separation--Related Cases per 1,000 Population

South Carolina

Annual rate of eviction related court cases per 1,000 population by county.

Data Source: SC Courts, 2016-2021

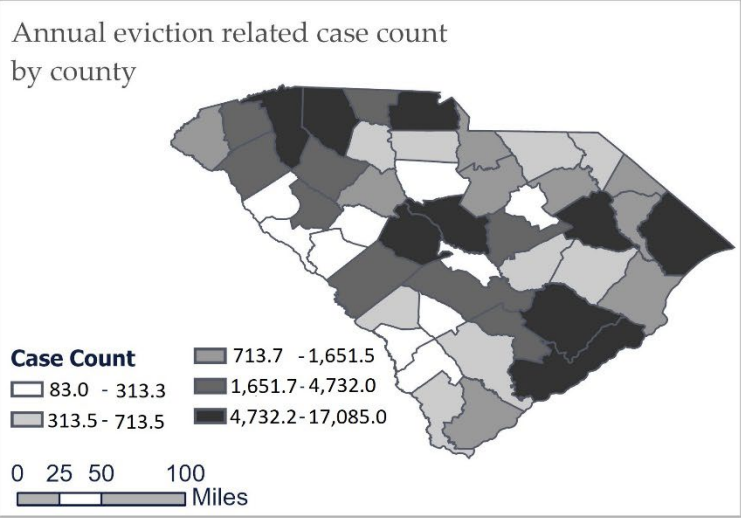
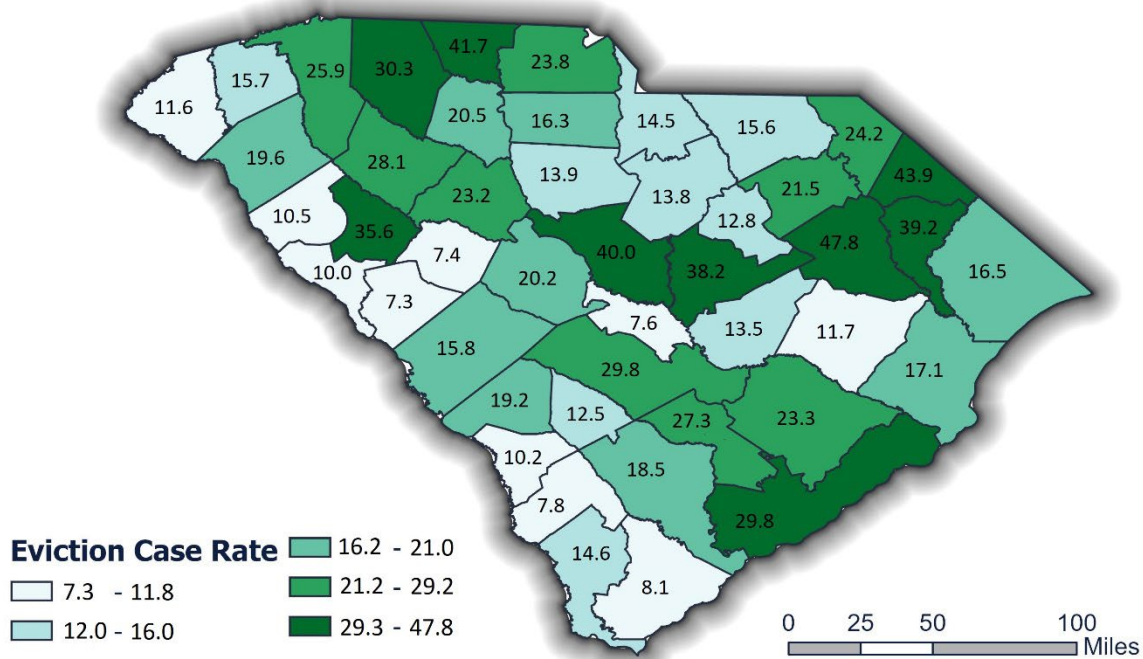


Figure 45 - Annual Rate of Eviction-Related Cases per 1,000 Population

South Carolina

Annual rate of domestic intimate partner protective order related court cases per 1,000 population by county.

Data Source: SC Courts, 2016-2021

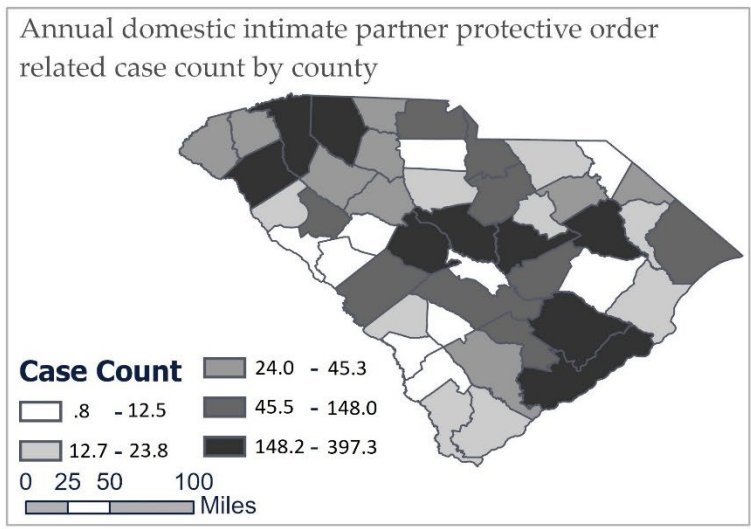
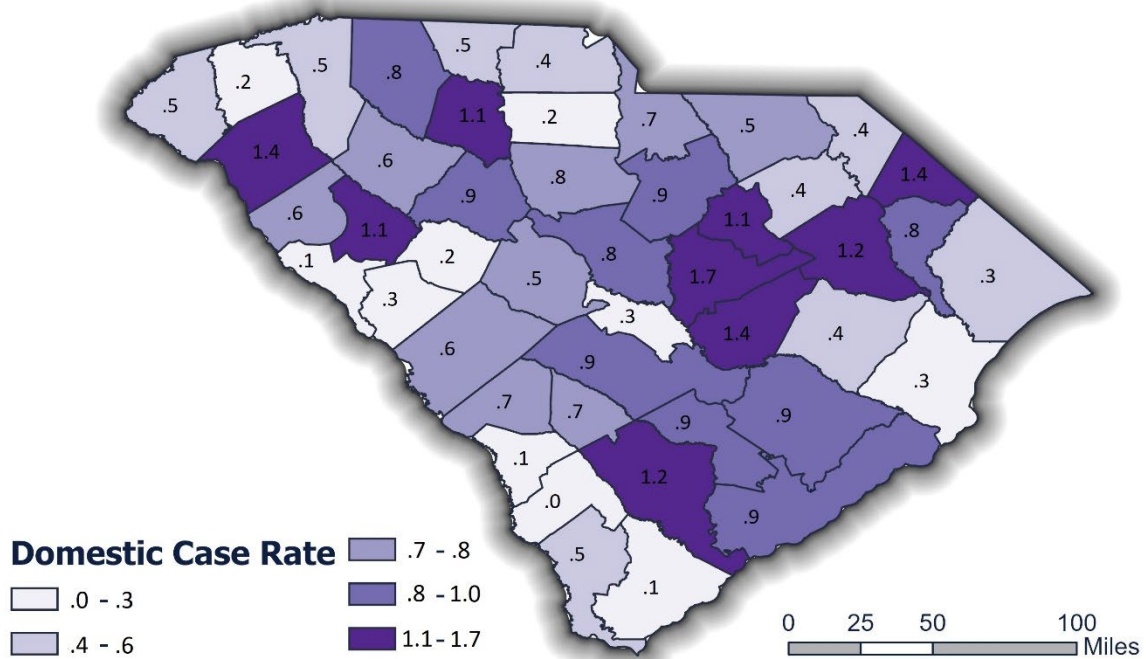


Figure 46 - Annual Rate of Domestic Intimate Partner-Related Cases per 1,000 Population

Legal Services Agencies Internal Data.

Along with the court caseloads that we’ve described in the preceding pages, we also looked at the caseloads of legal services providers in South Carolina. We solicited this information from legal services firms and from nonprofit organizations that include free legal services among their offerings. Six key legal services firms responded with information from their records, which we present in summary here. The responding firms were South Carolina Legal Services, Charleston Legal Access, Charleston Pro Bono, Lowcountry Legal Volunteers, One80 Place, and Root & Rebound.

The information includes the number of intakes, which gives an indication of the magnitude of the demand for these services, and the number of people served, which are shown in Table 8 and give an indication of the workload of these agencies. We provide additional information about the gender and race and ethnicity of those served, about facilities and personnel of the agencies, and about the practice areas in which most of their work is carried out. Finally, we explore their outcomes and successes, and how they measure them.

Agency/Branch	Case Intakes	Persons Served
SCLS Central Office	9,959	-
SCLS Charleston	396	1,770
SCLS Columbia	388	2,224
SCLS Conway	275	1,045
SCLS Florence	113	741
SCLS Greenville	585	1,940
SCLS Greenwood	127	629
SCLS Orangewood	77	582
SCLS Rock Hill	491	974
SCLS Spartanburg	135	891
Charleston Legal Access	1,009	176
Charleston Pro Bono	2,400	1,000
One80 Place	536	536
Root & Rebound	210	207
Lowcountry Legal Volunteers	2,000	1,000
Total	18,701	13,715

Table 8 – Estimated Workloads of Legal Services Firms

Note that when an agency “serves” a person, it may do so through various types of representation. The person may become a client and be given “full representation,” or the representation may be limited in some way; or a person may not become a client but might receive limited counsel or advice. Within these broad categories, there are numerous types of service, including settlements with or without litigation, administrative agency representation, appeals, and extended court trials. The data provided to us don’t allow us to break “persons served” into such subcategories as “full” or “partial” or “limited” representation.

Of the six agencies, South Carolina Legal Services (referred to in this section as SCLS) is by far the biggest. Rather than report information for SCLS as a whole, we break it down by branch office, including, where appropriate, a line for the central office where the administration and main intake processes are carried out. The numbers in Table 8 are for 2021 (calendar year or fiscal year), except the numbers for Charleston Pro Bono, Root & Rebound, and Lowcountry Legal Volunteers, which are annualized estimates. In the tables displayed in this section, we left a blank for any indicator where an agency did not report data for that indicator. Note that SCLS processes most intakes through a centralized telephone and online application system; local offices conduct intakes onsite as well.

We learned from our interviews with experts that one way to measure the demand for free or low-cost legal services is by the sheer number of applications these agencies receive from people who want to be accepted into their programs. We know the agencies’ resources are strained by the magnitude of the intake need, and there are some issues with system-overload. But the agencies were nonetheless able to process, according to the numbers supplied to us, 18,701 intakes in 2021.

The number of persons served, according to the numbers supplied to us, was 13,715 in 2021, including clients represented and individuals receiving various types of limited services. That means that approximately three-quarters of the intakes achieved income-eligibility and met other intake criteria.

The gender and racial and ethnic makeup of the persons served by the agencies reporting are shown in Table 9. The pattern that we observed throughout the various phases of our research was also noticeable in these numbers: the users of legal services are more female and more Black than the general population. The exception here is the gender makeup of Root & Rebound’s clients, many of whom are people reentering society after serving prison sentences and, hence, more likely male than some other legal services constituencies.

The theme of adequacy of resources continued through our discussion of facilities and personnel. Many of the agencies reported they considered their physical spaces adequate to their needs, but others said they were not, with phrases such as “stretched to capacity” and “we have outgrown our needs.”

Agency/Branch	% Male	% Female	% Black/ African American	% White	% Hispanic	% All Others
SCLS Charleston	26	74	59	35	5	2
SCLS Columbia	26	74	64	31	3	2
SCLS Conway	30	70	35	60	2	2
SCLS Florence	30	70	67	31	1	2
SCLS Greenville	26	74	43	53	3	1
SCLS Greenwood	20	80	49	48	2	1
SCLS Orangewood	21	79	59	37	3	-
SCLS Rock Hill	25	75	46	50	3	2
SCLS Spartanburg	27	73	46	48	4	2
Charleston Legal Access	23	84	42	55	4	2
Charleston Pro Bono	32	77	60	33	6	1
One80 Place	-	-	-	-	-	-
Root & Rebound	66	36	55	42	2	1
Lowcountry Legal Volunteers	10	90	39	29	35	8

Table 9 – Gender and Racial Makeup of Persons Served by Legal Services Firms

The agencies also reported to us in detail the number of staff of various categories they utilize to carry out their work. This was an area of interest throughout our research, with much attention paid to the too-small numbers of lawyers supported by legal services budgets, and the need for more reliance on non-lawyers to take up some of the work. To underscore this point, these numbers reveal that the agencies together field fewer than 140 people – including fewer than 67 lawyers – to handle the over 13,000 persons served in a year. The staff numbers are shown in Table 10. The numbers are “full-time equivalents.”

The cases handled by these lawyers and staff cover a range of practice areas and subject matters, which we have described in our interviews, focus groups, and surveys. The cases handled by each agency are shown for each category in Table 11. Blanks indicate where an agency did not report cases in that category. Charleston Legal Access reported all case types other than housing in an aggregate number.

Agency / Branch	Attorneys	Paralegals	Social Workers	Administrators	Support Staff	Webmaster	Communications	Accountant	Fellow	Other	TOTAL
SCLS Central Office	3.0	-	-	4	2	1	1	2	-	4	17.0
SCLS Charleston	9.5	4	-	-	3	-	-	-	-	-	16.5
SCLS Columbia	7.5	3	-	-	3	-	-	-	-	-	13.5
SCLS Conway	4.5	1	-	-	2	-	-	-	-	-	7.5
SCLS Florence	4.5	1	-	-	2	-	-	-	-	-	7.5
SCLS Greenville	8.0	4	-	-	3	-	-	-	-	-	15.0
SCLS Greenwood	1.0	3	-	-	6	-	-	-	-	-	10.0
SCLS Orangeburg	3.0	4	-	-	1	-	-	-	-	-	8.0
SCLS Rock Hill	4.0	1	-	-	1	-	-	-	-	-	6.0
SCLS Spartanburg	5.0	2	-	-	3	-	-	-	-	-	10.0
Charleston Legal Access	3.5	1	-	-	1	-	-	-	-	-	5.5
Charleston Pro Bono	6.0	1	-	-	1	-	-	-	1	-	9.0
One80 Place	2.0	1	-	-	-	-	-	-	-	-	3.0
Root & Rebound	4.0	1	-	-	1	-	-	-	-	-	6.0
Lowcountry Legal Volunteers	1.0	2	-	-	-	-	-	-	-	-	3.0
TOTAL	66.5	29	-	4	29	1	1	2	1	4	137.5

Table 10 - Number of Staff (in full-time equivalents) of Legal Services Firms

Of the 12,816 cases handled in 2021, housing and family law were the two biggest categories, with 4,099 and 4,072 cases in 2021, respectively. Wills and estates and income maintenance were next, with 999 cases each in 2021, followed by consumer, with 741, and advance directives, with 576 cases. These numbers were largely consistent with the information about the important case types compiled throughout the course of our research.

Agency / Branch	Consumer	Education	Employment	Family	Housing	Income Maintenance	Individual Rights	Wills and Estates	Advance Directives	Juvenile	Health	Immigration	Identification	Other	TOTAL
SCLS Charleston	128	10	39	531	599	154	98	119	73	2	4	-	-	14	1,771
SCLS Columbia	159	18	44	604	892	207	92	133	54	-	10	-	-	11	2,224
SCLS Conway	42	4	11	397	325	78	9	87	82	-	7	-	-	3	1,045
SCLS Florence	54	7	19	275	239	51	14	52	23	-	-	-	-	7	741
SCLS Greenville	133	16	123	614	536	109	27	216	141	3	11	-	-	11	1,940
SCLS Greenwood	44	4	3	188	201	57	1	68	54	1	3	-	-	5	629
SCLS Orangeburg	45	4	10	236	134	33	9	65	45	-	-	-	-	1	582
SCLS Rock Hill	56	7	12	362	302	73	9	79	64	-	8	-	-	2	974
SCLS Spartanburg	54	4	18	343	293	71	9	57	40	-	2	-	-	-	891
Charleston Legal Access	-	-	-	-	48	-	-	-	-	-	-	-	-	244	292
Charleston Pro Bono	16	2	7	322	336	-	-	103	-	-	-	-	-	36	821
One80 Place	6	1	5	35	152	161	-	-	-	-	4	2	94	39	499
Root & Rebound	4	1	4	15	12	5	97	-	-	-	-	1	8	60	207
Lowcountry Legal Volunteers	-	-	-	150	30	-	-	20	-	-	-	-	-	-	200
TOTAL	741	78	295	4,072	4,099	999	365	999	576	6	49	3	102	189	12,816

Table 11 – Cases Handled by Legal Services Firms by Case Type

Finally, the agencies shared with us some information about substantive outcomes of some of the cases they handled. SCLS and several other agencies reported at least some numerical outcome data in three categories: evictions prevented, foreclosures prevented, and expungements obtained, shown in Table 12. In addition, as shown in the table, SCLS and Lowcountry Legal Volunteers reported child support obtained in dollars, and SCLS reported child support and SSDI benefits obtained in dollars. Several others reported outcomes in dollar amounts for SNAP benefits obtained, damages awarded, client funds preserved, debts extinguished, and several others.

Agency / Branch	Evictions Prevented	Foreclosures Prevented	Expungements Obtained	Child Support	SSDI Benefits Obtained
SCLS Charleston	112	19	24	\$65,864	-
SCLS Columbia	86	4	61	\$42,980	\$26,134
SCLS Conway	59	15	4	\$15,539	\$40,344
SCLS Florence	11	5	12	-	\$31,752
SCLS Greenville	40	23	5	\$79,711	-
SCLS Greenwood	42	4	-	\$64,028	\$2,594
SCLS Orangeburg	18	1	3	-	-
SCLS Rock Hill	30	3	5	\$27,820	-
SCLS Spartanburg	20	2	4	\$23,532	\$7,505
Charleston Legal Access	33	-	-	-	-
Charleston Pro Bono	90	-	-	-	-
One80 Place	91	-	-	-	-
Root & Rebound	-	-	15	-	-
Lowcountry Legal Volunteers	60	-	-	\$60,000	-

Table 12 – Case Outcomes by Legal Services Firms

~ PART V – SOUTH CAROLINA BACKGROUND AND CONTEXT ~

Introduction.

South Carolina, with 2020 population of 5,124,712, is the twenty-third largest of the U.S. states and territories by population. Bounded on the north by North Carolina, on the southeast by the Atlantic Ocean, and on the southwest by Georgia across the Savannah River, South Carolina is the fortieth in land area, at 30,061 square miles, and at 170 population per square mile it ranks nineteenth in population density. Figure 47 is a typical road map of South Carolina.

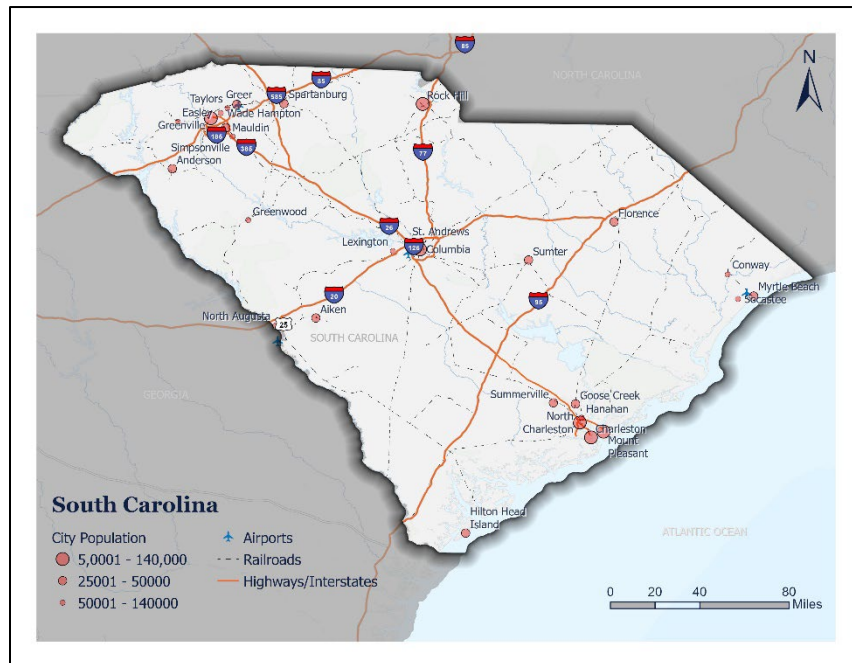


Figure 47 – South Carolina Overview

South Carolina is a coastal state of the southeastern United States. It rises from a lowland coastal plain in the southeast, to a plateau in the northwest, from sea level at the coast to a high elevation of 3,560 feet above sea level at Sassafras Mountain in Pickens County near the town of Rosman. Major rivers in South Carolina are the Pee Dee, Savannah, Ashley, Combahee, and Edisto.

South Carolina's gross domestic product in current dollars is \$292,932,000, placing it again in the middle of U.S. states with a ranking of twenty-fifth. In GDP per capita, however, South Carolina falls to 47th in the nation, with \$56,441.

In this Part V, we will describe some of the important geographic, demographic, and socioeconomic characteristics of South Carolina. As a supplement and aid to readers, we introduce here an important additional resource. This is the "SC Civil Legal Needs Dashboard," a web-based dashboard displaying in an accessible and user-friendly manner a wealth of information about the study area and each of its constituent counties. Information about this resource and instructions for its use are set forth in Appendix F to this report.

Regional Subdivisions.

South Carolina is geographically diverse and includes several dense urban centers in the upstate plateau, the center around Columbia and the coast; suburban enclaves and commuter catchment areas around Charlotte, Greenville and Spartanburg, Charleston, and Savannah and Augusta in the southwest; extensive rural sections of the state; and distinctive island communities along the coast. The state defies easy division into subregions, as key characteristics are seldom concentrated in any one area. We considered several subregional definitions, as shown in the following maps.

As the maps reveal, each of the regional groupings illuminates a different, and useful, definitional characteristic, but none is definitive. Each of them in some way guided our thinking or helped us to structure our research efforts, but none stood out as the better than the others.

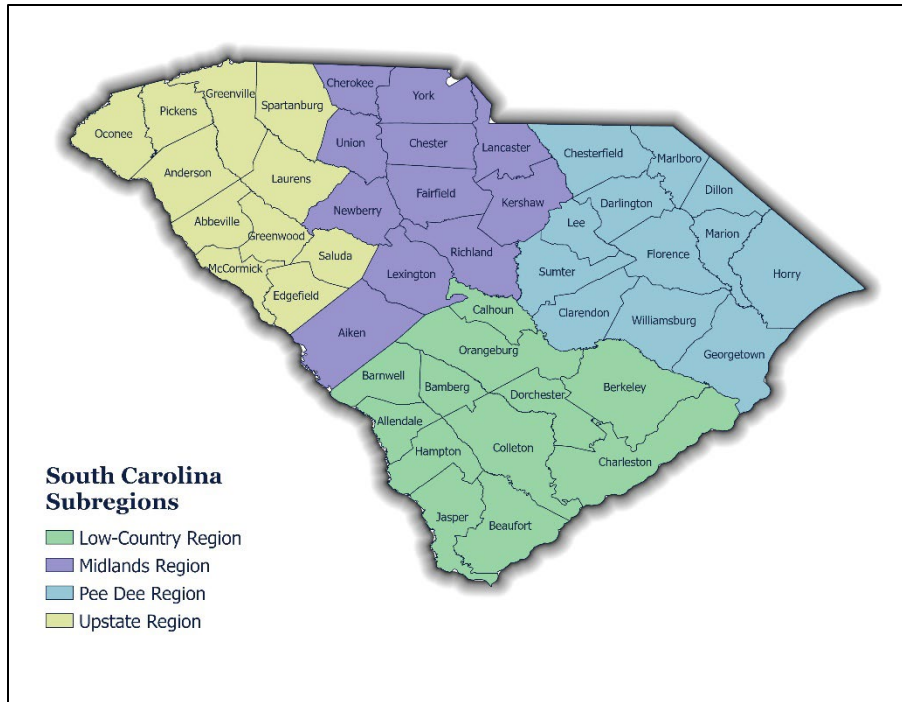


Figure 48 – South Carolina Subregions

The map in Figure 48 places South Carolina’s 46 counties in four regional groupings. This subregional scheme is used widely for administrative purposes, and we found that many people in South Carolina refer loosely to these subregions. They embody a broadly informative geographic division, somewhat reflecting the geological transitions, noted above, from coastal plain to piedmont hills. There are perhaps also cultural characteristics to each region. “Upstate” is known for its industry. “Mid-Carolina,” or the “Midlands” as this area is often known, is the seat of government. The “Pee Dee” name gestures toward the Pee Dee River watershed and the Native American heritage of the region. The “Low Country” name has geological and touristic implications. We talked to experts and convened roundtable discussions in all three regions. But these regions, as such, and their geological and cultural characteristics, were not highlighted in our research.

The map in Figure 49 shows South Carolina divided by judicial circuits of the South Carolina Judicial Department. Our work required an understanding of the court system and its methods of organization, and we did compile some court data by circuit. But this is an administrative division of convenience rather than a grouping of like with like, and in developing our themes and findings, this approach to regional subdivision had limited application.

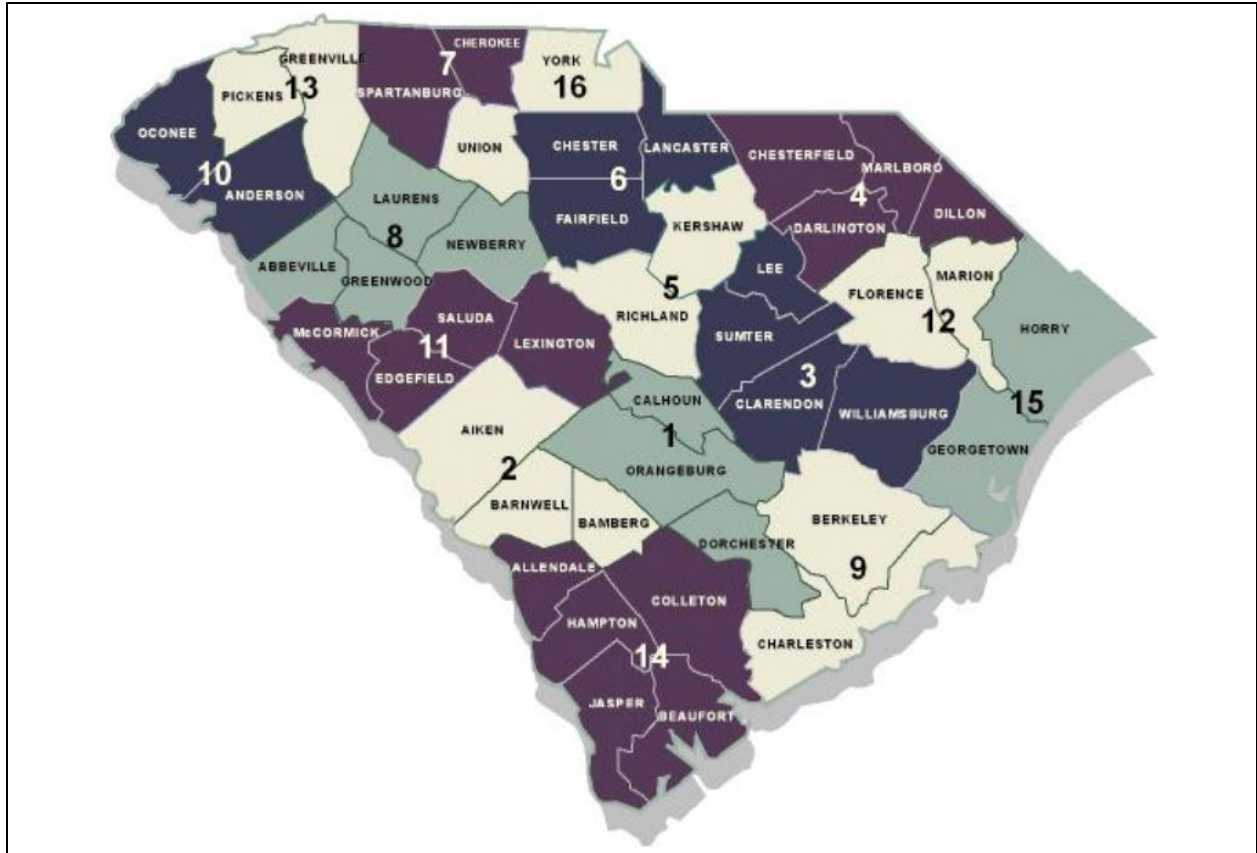


Figure 49 – South Carolina Judicial Circuits

We considered one other administrative or political subdivision – the grouping of metropolitan statistical areas, as shown in Figure 50. This was of interest insofar as it revealed the conceptual limits of state boundaries themselves. For many purposes – commuting to work and access to services among them – South Carolina residents often move freely between their state and North Carolina or Georgia. Some of the people we talked to considered themselves residents of greater Charlotte or Augusta. But this identification had its limits, especially as legal services are concerned. Free or low-cost legal assistance might be available in Charlotte or Augusta, but for someone in need of a lawyer licensed to practice in South Carolina, that availed little.

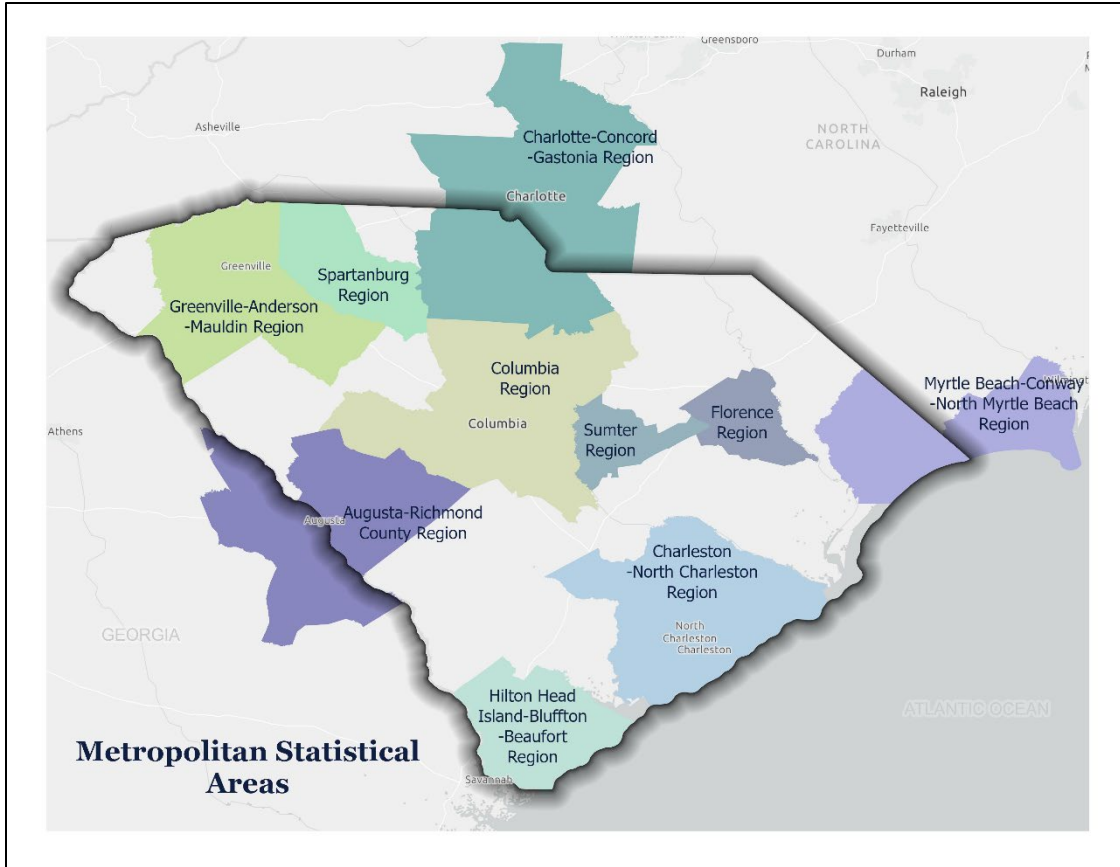


Figure 50 – Metropolitan Statistical Areas

We came to think of the counties of South Carolina in terms of characteristics shared in common, regardless of geographical proximity. One of the most important characteristics for the purposes of this project is the concentration of poverty. As an example of the explanatory power of this approach to grouping, consider the characteristics of two multi-county clusters. One cluster shaded in darker blues on the map in Figure 51, along the southwestern boundary of the state, consists of Allendale, Bamberg, and Barnwell Counties. The second cluster, in the central coastal area, is shaded in lighter blue on the map and consists of Beaufort, Berkeley, Charleston, and Dorchester. We visited both areas in the course of our research.

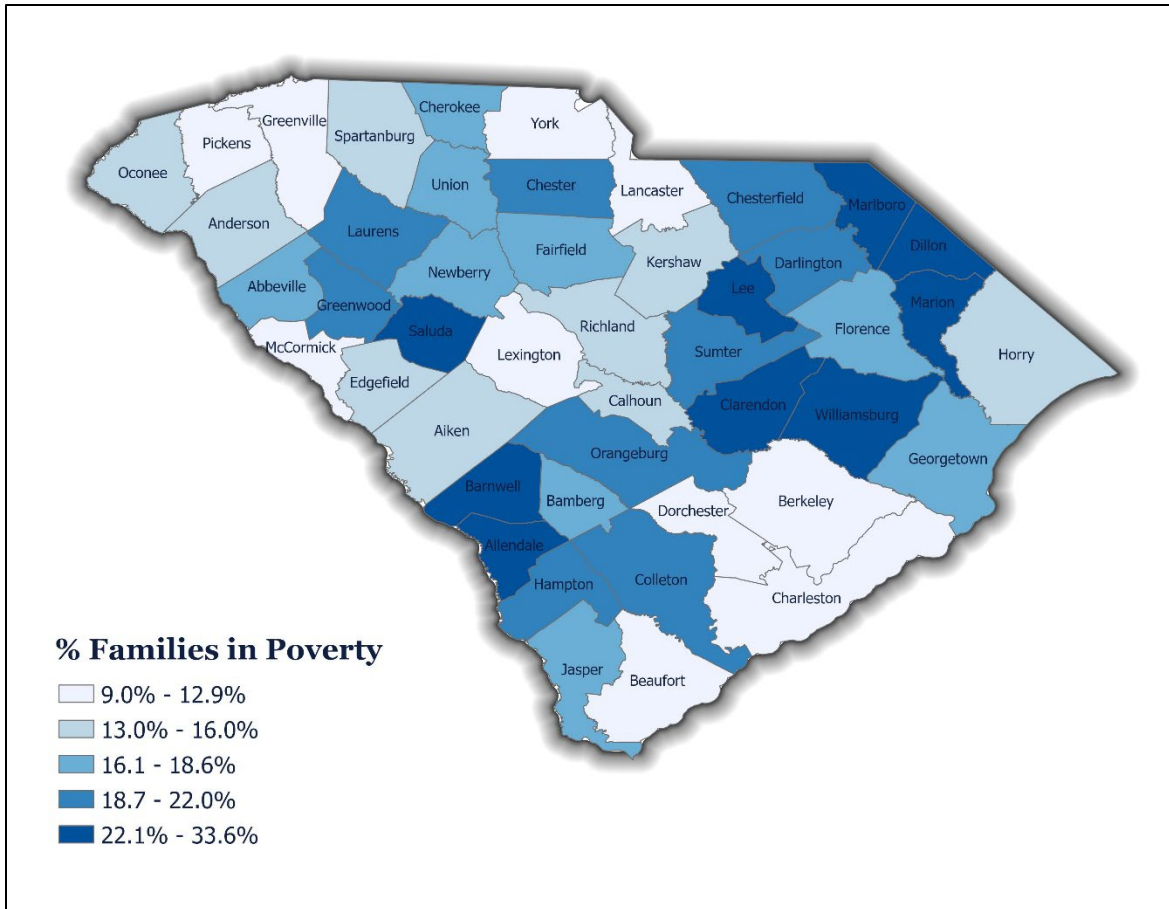


Figure 51 – Percent Families in Poverty

25.9% of the households of the first cluster live at or below 125% of the federal poverty level. 14.9% of these households have no vehicle, a very high percentage. 39.8% of renters in this cluster are “cost-burdened,” meaning that they have to pay more than 30% of their household income for rent and utilities. Their respective per capita incomes are among the lowest in the state: Allendale is the lowest, at \$16,771; Bamberg is the sixth lowest, at \$19,031; and Barnwell is the eighth lowest, at \$19,032. The population of this cluster is 56.16% Black. There are twenty-five private attorneys resident in this three-county cluster.

The second cluster tells a different story. The proportion of households at or below 125% of the federal poverty line is 10.9%. 4.6% of households have no vehicle. Per capita incomes are among the highest in South Carolina: Charleston County has the highest, at \$40,409; Beaufort County is the second highest, at \$38,940; Dorchester County is ninth highest, at \$30,201; and Berkeley County is the eleventh highest, at \$26,967. The Black population of this cluster is 23%. There are approximately 2,500 attorneys in this four-

county cluster. (The only metric for which the comparison is inconsistent is percent of rent-burdened households. 46.2% of the renter households of the four “rich” counties are cost-burdened, perhaps a function of Charleston County’s high percentage of renter-occupied households, at 38.3% the third highest in the state.)

As can be seen on the map, there appears to be a concentrated band of higher-poverty counties stretching across the middle part of the state. We’ll have occasion to refer to this band again, but overall, these counties of greater poverty are scattered throughout the state without a definite pattern. A single region, for example the “Upstate” region as shown on the map above, contains counties along the entire range of wealth. Greenville is one of most affluent counties, with \$60,436 median household income, the seventh highest in the state; Oconee County has the eighteenth highest among the counties, with \$49,158; and Abbeville is one of the poorest by this measure, at \$38,424 median household income the 32nd highest in the state. These are all within a single notional region.

We also situated the counties on an urban-to-rural continuum, a characteristic with very high salience for our project. The map in Figure 52 on the following page uses the definitional structure developed by the Economic Research Service of the U.S. Department of Agriculture.¹⁹ They incorporate population size and adjacency to metropolitan areas as key factors making up nine codes, from Code 1 – “Metro - Counties in metro areas of 1 million population or more” to Code 9 – “Nonmetro - Completely rural or less than 2,500 urban population, not adjacent to a metro area.”

The continuum of urban to rural also takes into account quantitative measures such as proximity to services, housing prices, and population density. The map in Figure 53 suggests that population density is roughly congruent with rurality on the map above.

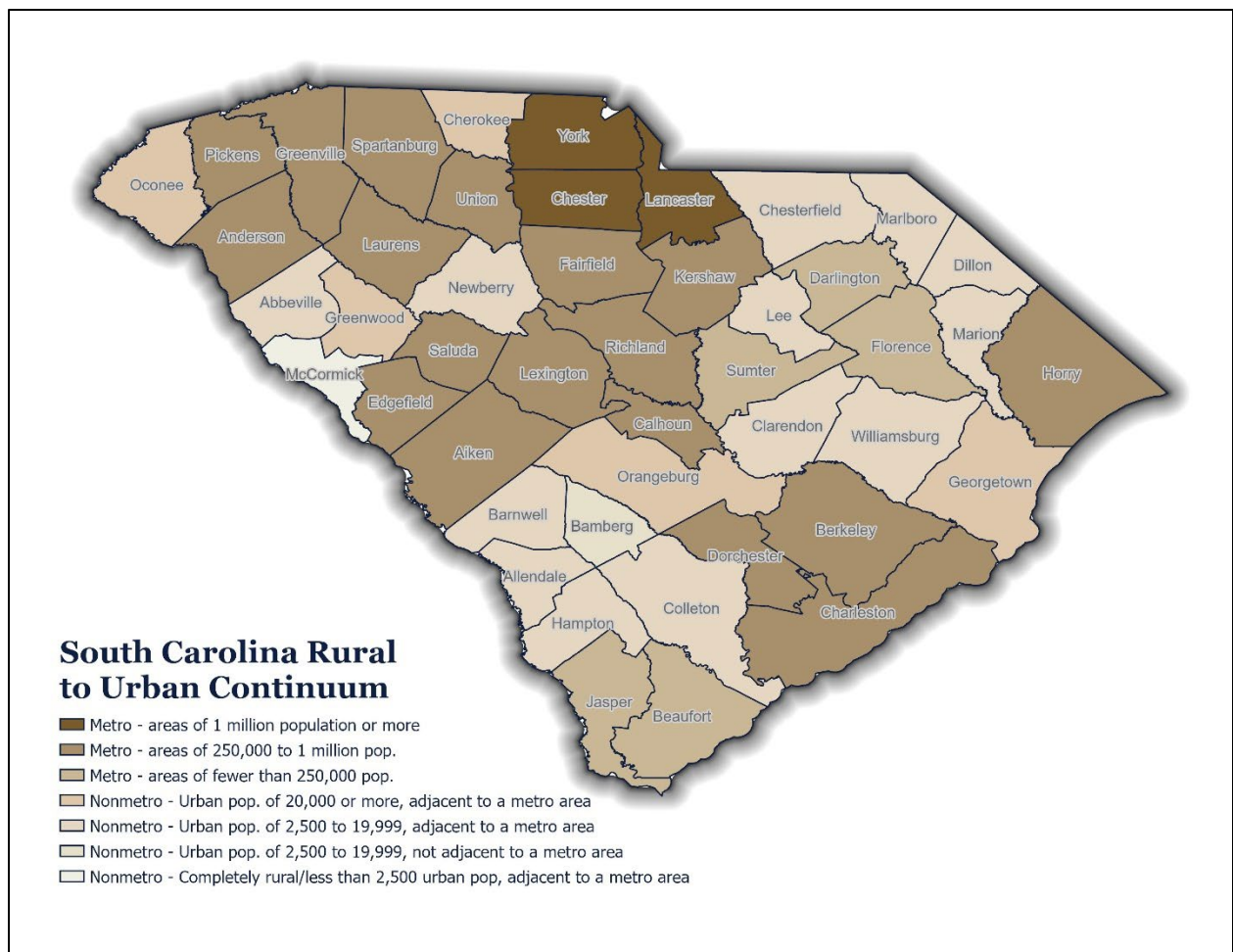


Figure 52 – South Carolina Rural to Urban Continuum

It can also take into account qualitative factors that are difficult to show on a map, for example, adherence to traditions, and ways of thinking. By most accounts, South Carolina is a very rural state, and in the course of our research, we encountered the effect of rurality at every turn. An important effect is access to legal services, as our reporting on interviews and focus groups reveals. Legal services offices are in larger cities. Each office must serve the five to ten counties in its radius, but as a practical matter, it’s more difficult to serve a client a hundred miles away than it is to serve one in the neighborhood. We know that rural areas have fewer lawyers of any kind, and fewer lawyers able to provide pro bono service. And, we have sometimes heard that some rural people are more self-reliant and less apt to ask for help or to be familiar with legal and other available services.

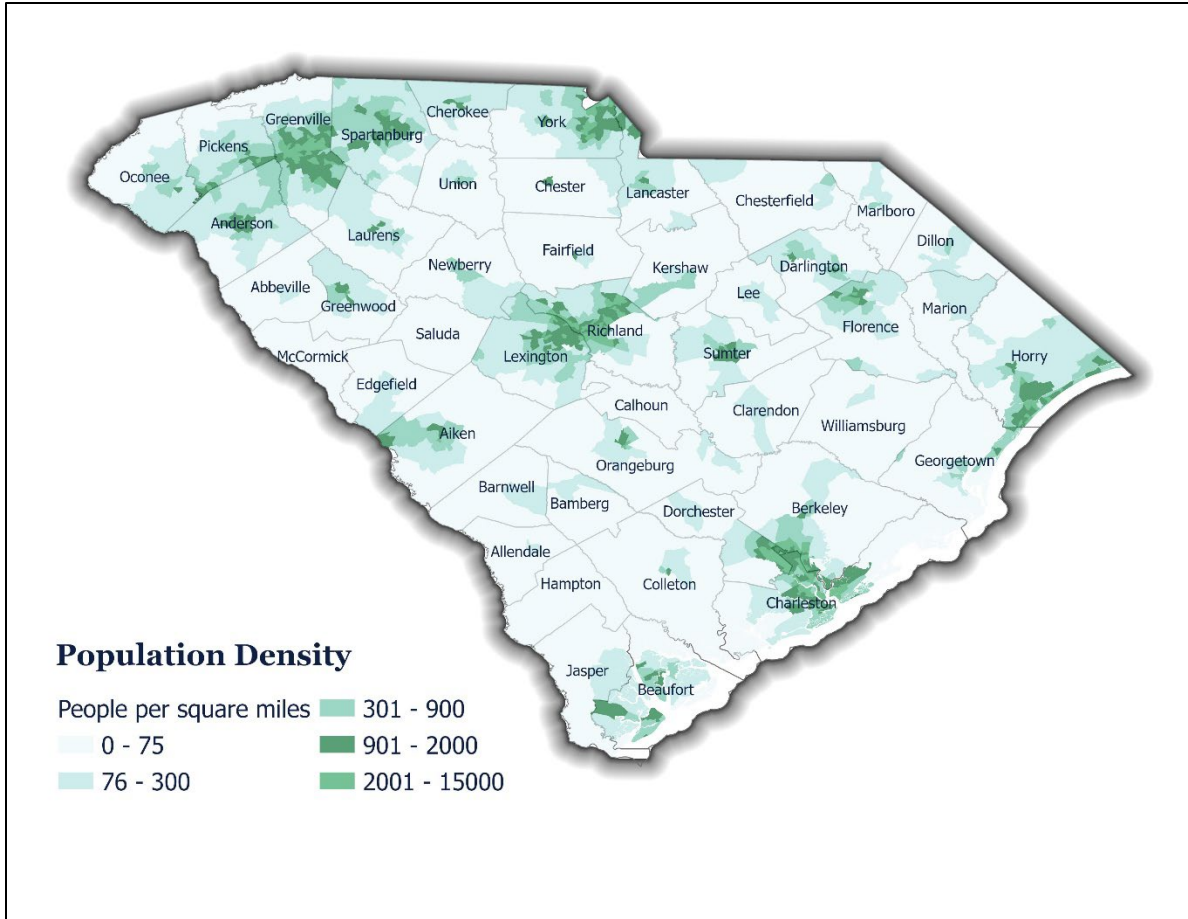


Figure 53 – South Carolina Population Density

The Size of SC.

South Carolina’s nominal seasonally-adjusted annual gross domestic product in the 2022 third quarter was around \$270 billion, placing it squarely in the middle of U.S. state GDP rankings.²⁰ The state saw modest GDP growth from the second to third quarter of 2.3%, compared to an 2.6% increase in the southeastern states overall and a 3.2% increase in the U.S. as a whole. Real estate, health care, retail, information, and the military were the biggest industry contributors to GDP growth. Except for the military sector, these industry contributions were in line with national trends.

South Carolina Counties	Real GDP (with Rank)	Percent Change (with Rank)	Population (with Rank)	Land Area in square miles (with Rank)
Abbeville	561,959 (35)	1.2 (04)	24,299 (37)	490.48 (35)
Aiken	6,171,065 (12)	-2.4 (35)	170,776 (11)	1071.03 (04)
Allendale	241,494 (45)	-0.6 (16)	7,858 (46)	408.09 (41)
Anderson	6,438,961 (10)	-0.6 (18)	206,908 (09)	715.43 (15)
Bamberg	307,948 (44)	1.3 (02)	13,189 (44)	393.37 (43)
Barnwell	428,339 (40)	-6.3 (44)	20,580 (39)	548.39 (31)
Beaufort	7,165,794 (09)	-1.0 (23)	191,748 (10)	576.28 (26)
Berkeley	7,636,688 (08)	-0.7 (20)	236,701 (08)	1098.86 (03)
Calhoun	550,583 (37)	-1.5 (27)	14,165 (43)	381.15 (45)
Charleston	27,712,434 (02)	-3.9 (43)	413,024 (03)	916.09 (07)
Cherokee	1,581,424 (24)	-2.1 (34)	56,052 (24)	392.66 (44)
Chester	1,038,313 (28)	-1.4 (26)	32,209 (28)	580.66 (25)
Chesterfield	1,372,890 (25)	-6.5 (45)	43,268 (25)	799.07 (11)
Clarendon	551,367 (36)	-0.4 (13)	31,024 (29)	606.94 (24)
Colleton	840,543 (30)	-0.6 (19)	38,462 (26)	1056.49 (05)
Darlington	2,439,294 (20)	-1.0 (22)	62,755 (23)	561.15 (28)
Dillon	690,522 (31)	-3.3 (40)	28,087 (33)	404.87 (42)
Dorchester	3,499,327 (16)	-0.6 (17)	163,327 (12)	573.23 (27)
Edgefield	544,576 (38)	-0.8 (21)	26,153 (36)	500.41 (33)
Fairfield	927,519 (29)	-0.4 (12)	20,690 (38)	686.28 (18)
Florence	6,267,693 (11)	-2.9 (37)	136,504 (13)	799.96 (10)
Georgetown	2,255,834 (21)	1.2 (03)	63,921 (22)	813.55 (08)
Greenville	28,647,312 (01)	-2.4 (36)	533,834 (01)	785.12 (12)
Greenwood	2,649,505 (18)	-1.1 (24)	69,241 (19)	454.73 (38)
Hampton	423,261 (42)	0.8 (07)	18,180 (41)	559.90 (29)
Horry	11,725,261 (06)	-3.3 (39)	365,579 (04)	1133.90 (01)
Jasper	1,089,550 (27)	1.8 (01)	30,324 (31)	655.32 (21)
Kershaw	1,707,215 (23)	-1.7 (30)	66,130 (21)	726.56 (14)
Lancaster	3,704,550 (14)	-1.9 (31)	100,336 (16)	549.16 (30)
Laurens	1,943,066 (22)	-2.1 (32)	67,803 (20)	713.80 (16)
Lee	312,305 (43)	-0.3 (10)	16,280 (42)	410.18 (40)
Lexington	11,819,550 (05)	-0.5 (15)	300,137 (06)	698.91 (17)
Marion	538,719 (39)	-0.3 (11)	26,382 (35)	479.67 (37)
Marlboro	652,472 (34)	-6.5 (46)	9,760 (45)	359.13 (46)
McCormick	199,255 (46)	1.0 (05)	28,784 (32)	489.23 (36)
Newberry	1,297,680 (26)	0.5 (08)	37,996 (27)	630.04 (22)
Oconee	3,405,936 (17)	-1.2 (25)	79,203 (18)	626.33 (23)
Orangeburg	2,469,815 (19)	-3.0 (38)	82,962 (17)	1106.10 (02)
Pickens	3,558,134 (15)	-2.1 (33)	132,229 (14)	496.41 (34)
Richland	22,407,290 (03)	-1.6 (28)	418,307 (02)	757.07 (13)
Saluda	427,234 (41)	-0.2 (09)	18,821 (40)	452.78 (39)
Spartanburg	14,020,209 (04)	-1.7 (29)	335,864 (05)	807.93 (09)
Sumter	3,737,952 (13)	-0.5 (14)	104,758 (15)	665.07 (20)
Union	676,653 (32)	-3.4 (41)	27,016 (34)	514.17 (32)
Williamsburg	668,639 (33)	-3.9 (42)	30,484 (30)	934.16 (06)
York	11,234,835 (07)	0.9 (06)	288,595 (07)	680.59 (19)
South Carolina	208,480,455	1.2	5,124,712	30,061

Table 13 – South Carolina Counties GDP, Population, and Land Area

Table 13 shows several indicators of the size of the state and of the counties making it up. The table includes the gross domestic product of each county, GDP rank among the

counties in the state, percent change in GDP from 2019 to 2020, 2020 population, population rank among the counties in the study area, percent population change 2010 to 202, land area, and land area ranked from largest to smallest in the state.

As the table illustrates, the counties range dramatically in size, from Greenville County, with a \$28 billion GDP ranking first in the state, to McCormick County on the Georgia border, with its \$199 million GDP ranking last in the state. The counties vary in population and land area as well. Greenville again ranks number one, with a population of 534,000, but it is only twelfth in land area. The largest county by land area is Horry, with 1,133 square miles, and its population is fourth in the state, and by GDP it's in the higher ranks at number six. But by change in GDP, it appears to be slipping, and ranks 39th in the state by that measure with a 3.3% drop over the last ten years. Some of the biggest drops in GDP over that period occurred in Marlboro and Barnwell Counties, two counties occupying opposite ends of the state but both already among the poorest in terms of both median household income and percent of families below the federal poverty line. Figure 55, a screenshot from the Dashboard described in Appendix F, illustrates some of the indicators of poverty of the two counties.

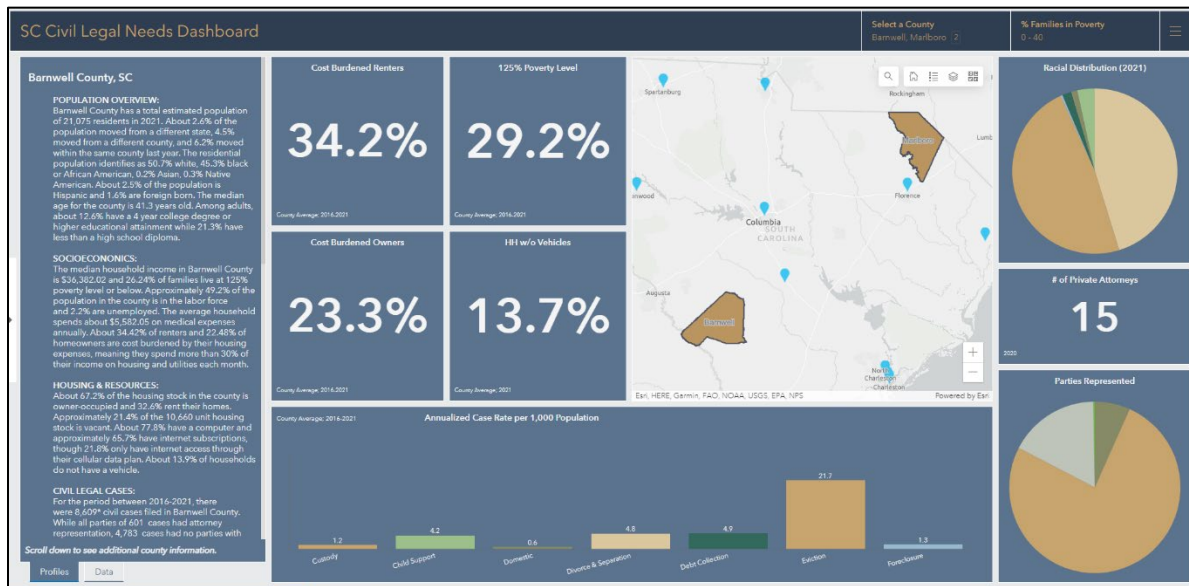


Figure 55 – Marlboro and Barnwell County Data

The ten smallest counties in the state by population, shown in Figure 56, account for about 16% of the land area of the state. Together they have a population of 163,822 – a combined population that is much less than half the population of any one of the three largest – Greenville, Richland, and Charleston. The combined GDP of those ten counties is just over \$4.8 billion, just a fifth of the GDP of Greenville, Richland, or Charleston alone. The median household income of most of the ten counties is in the bottom third by this measure, making this a relatively poor group as well.

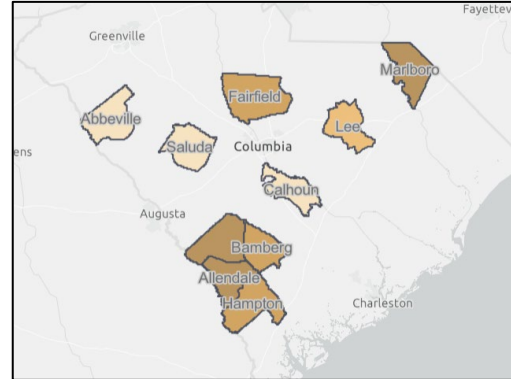


Figure 56 – Ten Smallest Population Counties

These comparisons reveal the variations among the counties of the state, reflecting a concentration of wealth in a few counties, typical of the economic system as a whole, and pockets of economic activity that defy easy regional designations. In the sections that follow, we will examine these contrasts in more detail.

Population Characteristics.

In this subsection, we will examine several population characteristics of South Carolina. Total population is 5,142,712. Using the U.S. Census Bureau’s 2021 estimate of “Race and Hispanic Origin,” that population is composed of the racial and ethnic groups shown in Table 14.²¹

Race and Hispanic Origin	Percent
White alone	68.6
Black or African American alone	26.7
American Indian and Alaska Native alone	.6
Asian alone	1.9
Native Hawaiian and Other Pacific Islander alone	.1
Two or more Races	2.1
Hispanic or Latino	6.4
White alone, non-Hispanic or Latino	63.4

Table 14 – Racial Makeup of South Carolina

The geography of race is shown in two maps below. The first map, in Figure 57, highlights counties having larger proportions of Black residents in darker shading and counties with smaller proportion of Black residents in lighter shading.²² Again, the racial distributions vary across the state with no definite pattern, except that, notably, the darker-shaded counties roughly match the “band of poverty” we pointed out above.

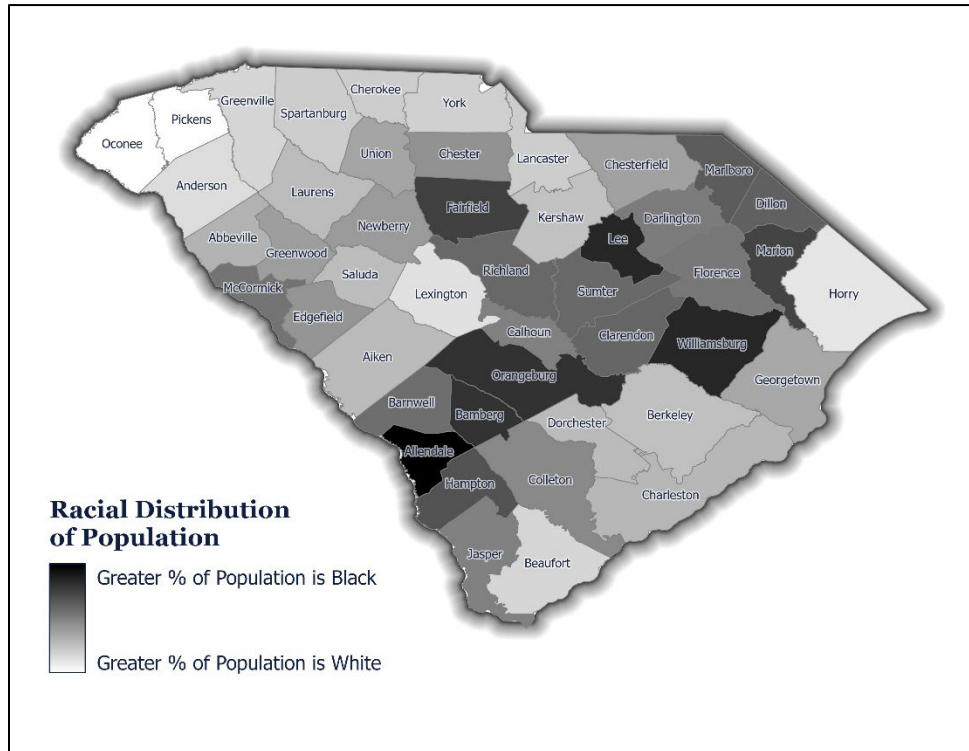


Figure 57 – Racial Distribution of Population

Figure 58 shows the “Diversity Index” created by the U.S. Census Bureau.²³ The statewide Diversity Index is 54.6%, making South Carolina a moderately diverse place. The two most diverse counties are, interestingly, a very rural one and a very urban one. Jasper County is number one, at 65.2% DI, and Richland County is number two, at 61.8% DI. Two of the three least diverse counties are located on opposite ends of the state. Oconee County is the least diverse, with a DI of 31.3%, and Horry County is the third least diverse, with a DI of 40.8%, both shaded the darkest blue in the map above to indicate 80-90% non-Hispanic white.

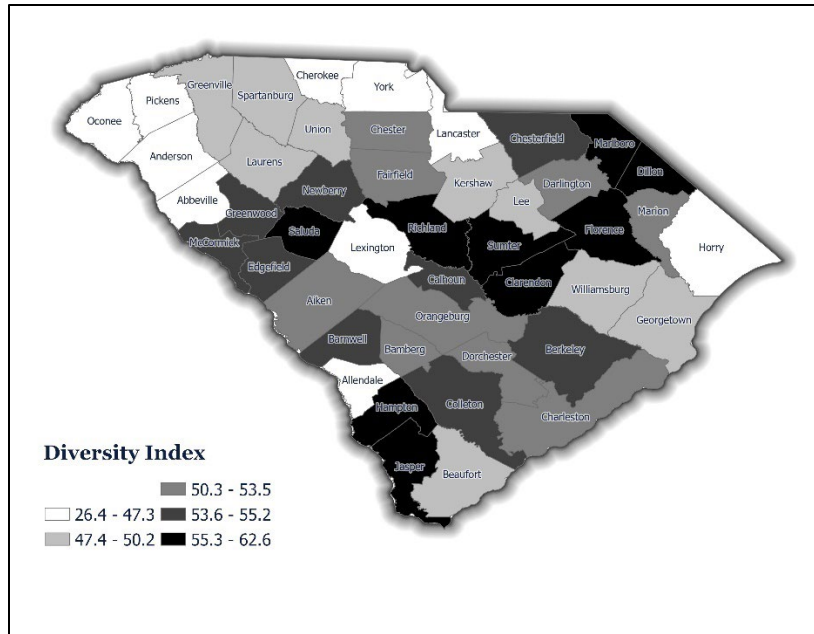


Figure 58 – South Carolina Diversity Index

The Hispanic population of South Carolina numbers about 328,000, of which about 87,000 are undocumented. Most Hispanic immigrants are from Mexico, with Guatemala and Honduras the next two most significant countries of origin. Hispanics live in all counties of South Carolina, with places of concentration scattered throughout the state, as shown in Figure 59. The counties with the largest proportions of Hispanic residents don't necessarily have the highest Diversity Index scores. Saluda County, with the largest at 16%, has a DI score of 61.9%, still above average, but Jasper County, with the second-largest Hispanic population at 13.2%, has a below-average DI score of 47.9%.²⁴

The location of Hispanic populations in South Carolina is not entirely explained by the industry or business sectors that are most significant in those areas of the state. The top five counties referred to in the map are quite diverse in that respect, as the following table illustrates. Table 15 shows, for the year 2020, the GDP attributed to the sector categories tourism (arts, entertainment, recreation, accommodation, and food services), manufacturing, agriculture, FIRE (finance, insurance, and real estate), and constructions, in thousands.²⁵

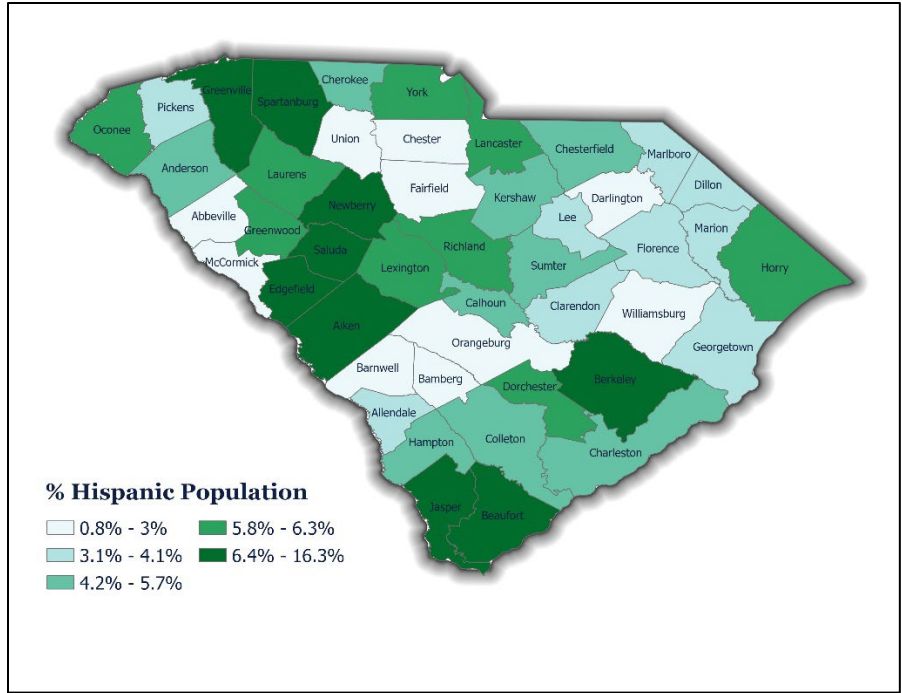


Figure 59 – Distribution of Hispanic Population

The economies of these five counties differ greatly from each other. Each county has a different major industry sector that could exert a gravitational force upon Hispanic working families, whether in construction, manufacturing, or tourism. What doesn't appear separately in the table is an industry sector that is likely very important: Saluda, Jasper, and Greenville Counties are home to some of the biggest poultry packing facilities in South Carolina.²⁶

County	Tourism	Manufacturing	Agriculture	Fire	Construction
Saluda	6,744	166,143	10,719	125,499	14,435
Jasper	32,104	55,287	18,989	263,883	164,041
Beaufort	704,358	114,181	11,680	2,621,304	500,200
Greenville	33,546	4,991,921	19,894	5,792,101	1,796,344
Spartanburg	378,649	3,715,044	35,433	1,508,614	549,844

Table 15 – GDP of Five Major Industries in Counties with Largest Hispanic Populations

The median age of the residents of South Carolina is 39.7 years, just slightly younger than the U.S. median age of 38.6 years. As is typically the case, the urban counties tend to be younger.²⁷ Richland is the youngest, at 33.4 years, and Charleston, Spartanburg, and Greenville are also in the youth top ten among South Carolina counties. Also in the top

ten are counties adjacent to those big-city counties, including Berkeley and Dorchester, near Charleston, Pickens, near Greenville, and Sumter, near Columbia.

At the other end of the spectrum is a case in which the most rural counties are the oldest. The county with by far the oldest median age is McCormick in the east-central Midlands, with a median age of 55.2 years. While firmly in the middle in factors such as household income and diversity, McCormick is the second smallest county by population and is in the most-rural of the nine categories in the urban-rural continuum discussed above. But none of the next three oldest counties, Georgetown, Fairfield, and Horry, is among the most-rural counties, and they vary greatly in such indicators as racial composition, percent of households below the poverty line, and educational attainment. Nor, as we will see in the subsection on Health and Well-Being, do these oldest counties have particularly poor health rankings, Fairfield being the only one of the four oldest counties to fall in the lowest health ranking quartile.

Population growth is a marker of the economic health of a region, and in this respect, the diagnosis for South Carolina as a whole is moderately positive. Over the period 2010 to 2020, South Carolina has been a destination for businesses, retirees, and migrants attracted to beaches and mountains. The population grew at a 1.02% compound annual growth rate, placing it well above the 50-state median growth rate of 0.55% but slower-growing than powerhouse growth states such as Texas, Florida, and Idaho.²⁸ But within South Carolina, the counties showed great variation in population growth since 2010. Table 16 shows the five counties that gained the most and the five that lost the most.²⁹

Top Five Population Loss Counties		Top Five Population Growth Counties	
Allendale	-27.4%	Horry	36.4%
Bamberg	-20.1%	Berkeley	35.1%
Lee	-16.8%	Lancaster	30.3%
Fairfield	-15.1%	York	29.7%
Hampton	-14.4%	Dorchester	22.0%

Table 16 – Counties with Most Population Loss and Most Population Gain Since 2010

The maps in Figure 60 below illustrates what has been a theme of this discussion of South Carolina indicators, that characteristics and trends tend to be scattered throughout the state and not confined to a particular region, though three of the population-losing counties, Allendale, Bamberg, and Hampton, are clustered together in the southwest part of the state. Clearly, the five counties in this category are among the poorest, with a

combined percentage of families at or below 125% of the poverty line of 22.6%. Four of the counties are in the bottom five of GDP. Their combined population is 60% Black. They have fifty-five attorneys among them, and the map shows that none of the five counties has a legal services agency, indicated by blue markers, within their borders.

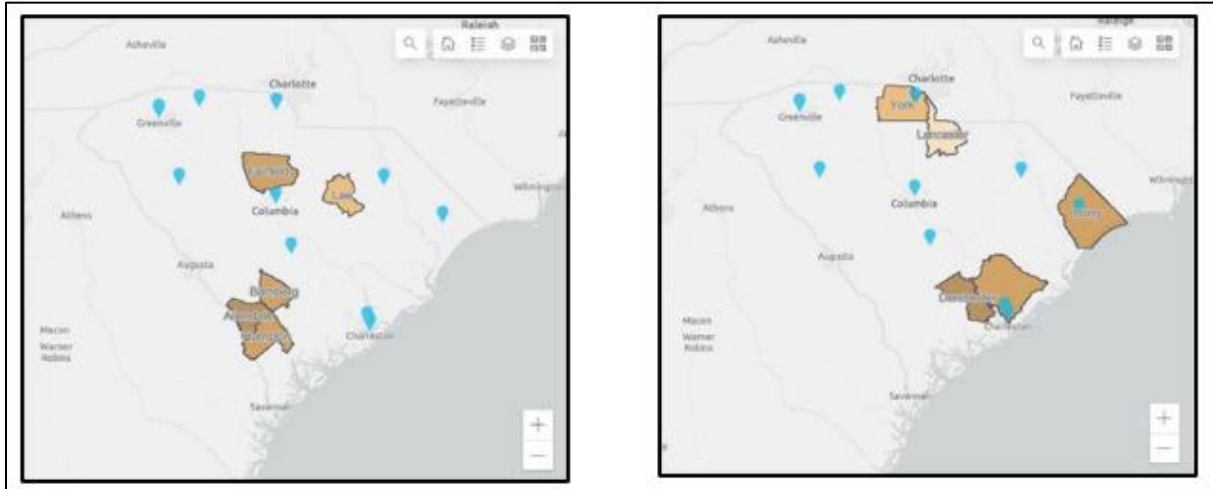


Figure 60 – Counties with Most Population Loss and Most Population Gain

By contrast, the five fastest growing counties have a combined percentage of families at or below 125% of the poverty line of 11.8%. They are among the highest-GDP counties. Their combined population is 74% white. They have 846 attorneys located there, and three of the five counties have legal services agencies located there.

Housing.

The nationwide shortage of affordable housing is affecting South Carolina no less than other states. Housing needs and high rates of evictions featured prominently in all aspects of our research. Housing law remains among the top legal services practice areas and one of the greatest areas of need.

We have several ways to measure housing precarity. The National Low Income Housing Coalition’s 2022 Out of Reach Report calculates for each state the hourly wage a household must earn to be able to afford a two-bedroom home at prevailing fair market rents – known as the “housing wage.” As shown in Figure 61, South Carolina’s housing wage is \$19.30 per hour, placing South Carolina in the middle of U.S. states at number twenty-eight, more affordable than top-ranked California and Massachusetts and less so than West Virginia and Mississippi.³⁰ With a housing wage of \$19.30, a South Carolina

minimum wage worker would have to work 106 hours per week in order to afford a two-bedroom home.



Figure 61 – South Carolina Affordable Rent for Low-Income Households

In some urban and coastal resort areas, the housing wage is much higher. The Charleston-North Charleston Metropolitan Statistical Area is the most expensive, with a housing wage of \$26.38, Beaufort County’s is \$24.10, York County’s is \$22.21, and in the Myrtle Beach area the housing wage is \$20.42.

The minimum wage is a useful benchmark but, since the pandemic, a less accurate measure of many workers’ hourly wages. The Out of Reach Report calculates for each South Carolina County the estimated mean renter wage, the monthly rent affordable at that mean renter wage, and the number of full-time jobs at the mean renter wage needed to afford a two-bedroom home at prevailing rents. A selection of South Carolina counties with the largest wage gaps is shown in the Table 17.

County	2022 Housing Wage	Estimated Hourly Mean Wage	Wage Gap (Housing Wage minus Mean Hourly Wage)	Monthly Rent Affordable at Mean Wage	Number of Full-Time Jobs Needed to Afford 2-BR Home
Edgefield	\$17.42	\$6.72	\$10.70	\$349	2.6
Calhoun	\$19.04	\$9.26	\$9.78	\$481	2.1
Beaufort	\$24.10	\$14.78	\$9.32	\$768	1.6
Pickens	\$19.08	\$12.06	\$7.02	\$627	1.6
Horry	\$20.42	\$13.57	\$6.85	\$706	1.5
Saluda	\$19.04	\$12.83	\$6.21	\$667	1.5
Fairfield	\$19.04	\$13.02	\$6.02	\$677	1.5
Barnwell	\$13.69	\$8.79	\$4.90	\$457	1.6

Table 17 – Counties with Largest Wage Gaps

As can be seen from the table, affordability as measured by the number of full-time jobs needed can be determined by diverse factors. The most expensive county by this measure, Edgefield, has lower rents, indicated by the relatively affordable housing wage compared to the state average, but very low prevailing wages makes rents more out of reach. Beaufort, an affluent coastal county, has very high rents and, while it also has the highest prevailing wages among these eight counties, still ranks as one of the most expensive counties by this measure.

Alternatively, housing precarity is sometimes expressed in terms of “cost burden.” A household is cost-burdened, according to the U.S. Department of Housing and Urban Development’s definition, if it must pay more than 30% of its income on rent or mortgage and utilities. (This is a useful and widely-cited measure, though not without its critics).³¹ South Carolina renters face high levels of cost-burden. South Carolina counties have percentages of cost-burdened renter households ranging from around 27% to more than 51%. Table 18 shows the ten counties with the highest percentage of cost-burdened renters. We compared their rank among all forty-six South Carolina counties in household income, percent owner-occupied, households below the poverty line, and percent less than a high school diploma, to see whether one of these factors would be associated with a disproportionately high percentage of cost-burdened renters.

County	% Cost-Burdened Renters	Household Income (with rank)	% Renter-Occupied (with rank)	% Households Below 100% Poverty Line (with rank)	% Less Than High School Diploma (with rank)
Calhoun	51.3	\$46,057 (21)	18.3 (45)	20.8 (15)	15.2 (29)
Jasper	50.5	\$45,370 (23)	29.3 (19)	17.7 (26)	19.0 (18)
Lee	50.1	\$32,425 (43)	26.0 (34)	25.0 (5)	19.6 (13)
Richland	49.6	\$55,501 (9)	40.9 (2)	16.2 (30)	9.4 (44)
Oconee	48.6	\$49,158 (18)	28.4 (23)	17.5 (28)	16.5 (24)
Charleston	48.5	\$64,635 (3)	38.2 (3)	13.7 (39)	8.8 (45)
Beaufort	48.1	\$67,948 (1)	26.0 (32)	10.2 (46)	8.3 (46)
Pickens	47.2	\$49,987 (15)	33.9 (9)	16.6 (29)	15.7 (26)
Dorchester	46.9	\$64,020 (4)	27.3 (27)	12.1 (42)	11.6 (40)
Horry	46.6	\$60,986 (14)	27.2 (28)	15.0 (34)	10.9 (42)

Table 18 – Counties with Highest Percentages of Cost-Burdened Renters

One way of interpreting this table is to conclude that high levels of cost burden can occur in any county, regardless of its other demographic or socioeconomic characteristics. The counties range from the highest to nearly the lowest median household income in the state. They range from among the highest to the lowest in percentage of housing units that are renter-occupied. They vary in percentage of households below the poverty line. They vary in percentage of adults with educational attainment of less than a high school diploma, although by this measure the ten counties are more clustered in the lower-attainment ranks.

The only predictive pattern we see is that large urban counties, which tend to have high proportions of renters, are more likely to have high proportions of cost-burdened renters. Richland and Charleston, ranked fourth and sixth on this top-ten list, rank second and third in percentage of renter-occupied housing – this despite the fact that they rank high, ninth and third, respectively, in median household income.

But beyond that, the patterns are not obvious. Beaufort, the richest county by both median household income and percentage of households with incomes below the poverty line, is sixth on the list of highest cost-burdened renter counties, yet has a relatively low percentage of renter-occupied housing, ranking thirty-second by that measure. At the same time, Lee County, one of the poorest counties by median household income and percentage of households with incomes below the poverty line, has a

relatively low rate of renter occupancy, yet ranks third in percentage of cost-burdened renter counties.

Figure 62 shows that these ten counties' combined population has 48.7% cost-burdened renters. The map is set to display the distribution of Black, indigenous and people of color, with darker green indicating larger non-white populations. Clearly these ten counties vary widely in this respect as in others. Lee and Horry, for example, are on opposite ends of this spectrum of racial makeup. Thus, race is another poor predictor of cost burden.

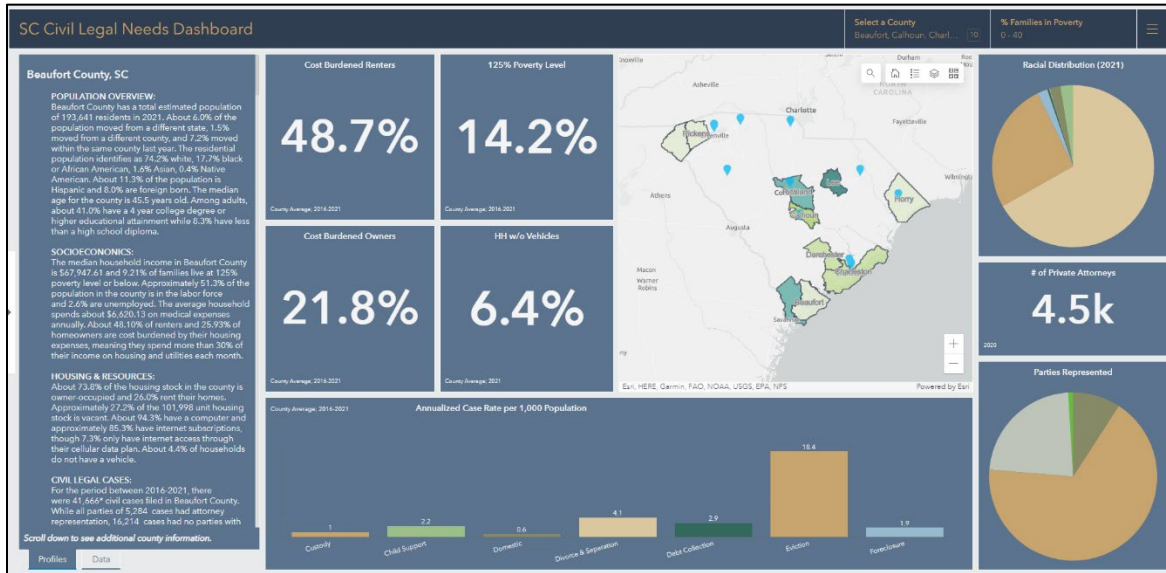


Figure 62 - Counties with Highest Percentages of Cost-Burdened Renters

The 2021 South Carolina Housing Needs Assessment issued by SC Housing focuses on households that experience “severe renter cost burden,” defined as having to spend at least 50% of their income on rent and utilities. The map in Figure 63 shows the distribution of severe renter cost burden by county.³²

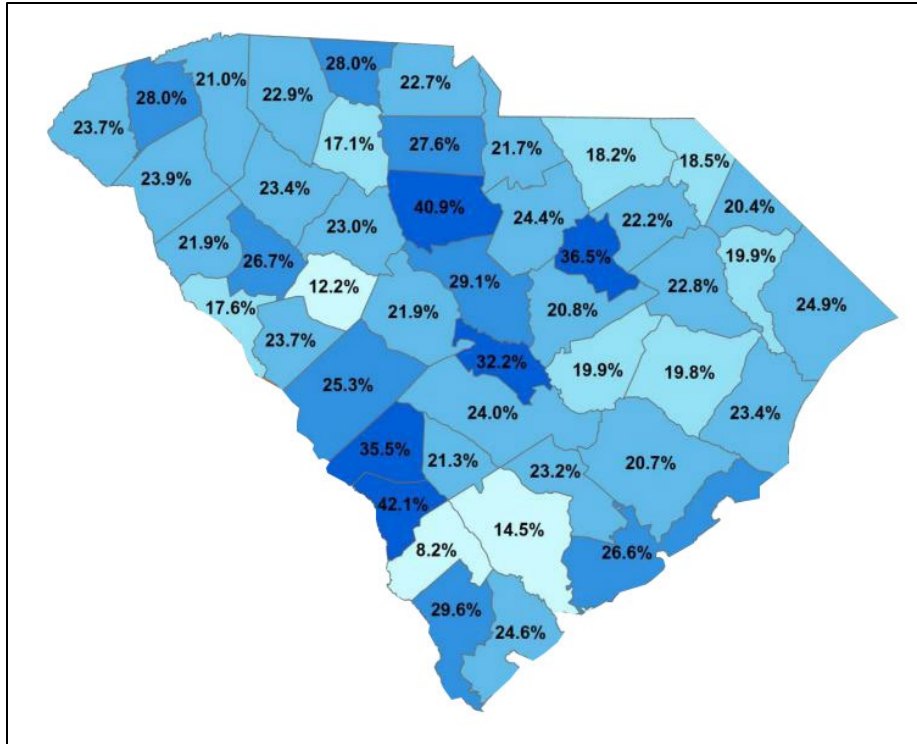


Figure 63 – Severe Cost Burden by County

The distribution is similar but not identical to that of “cost-burden” (the 30% measure), with counties varying widely in wealth and other measures. Table 19 shows the top ten counties by severe renter cost burden.

County	% Severely Cost-Burdened Renters
Allendale	42.1
Fairfield	40.9
Lee	36.5
Barnwell	35.5
Calhoun	32.2
Jasper	29.6
Richland	29.1
Cherokee	28.0
Pickens	28.0
Beaufort	24.6

Table 19 – Counties with Most Severely Cost-Burdened Renters

We examined one other indicator in our brief survey of housing in South Carolina. The Housing Choice Voucher program of the U.S. Department of Housing and Urban Development provides a rent subsidy to low-income families, offering an alternative to public housing by making privately-owned rental units more affordable. If rent subsidies were widely available, they could address the shortage of affordable housing and reduce housing precarity and cost burden, but the HCV program is chronically underfunded and beset with other implementation challenges. In South Carolina, as elsewhere, eligible families wait years to receive a voucher, and the waiting lists are closed in most places. SC Housing’s HCV Program advises that at present, only seven counties are “eligible” to receive vouchers.³³

Health.

Housing and health are closely related, both because poor housing conditions can cause health problems and because households facing steep housing costs have fewer resources to devote to healthy living and health care.

South Carolina was ranked number 43 among the U.S. states in children’s health by the Annie E. Casey Foundation 2022 Kids Count Data Profile. This ranking was based on four children’s health indicators: low birth-weight babies, children without health insurance, child and teen deaths per 100,000, and children and teens (ages 10 to 17) who are overweight or obese.³⁴ Figure 64 below shows the four indicators for the years 2010 and 2020, with an arrow signifying the trend, whether the condition is better or worse in 2020 than a decade earlier.

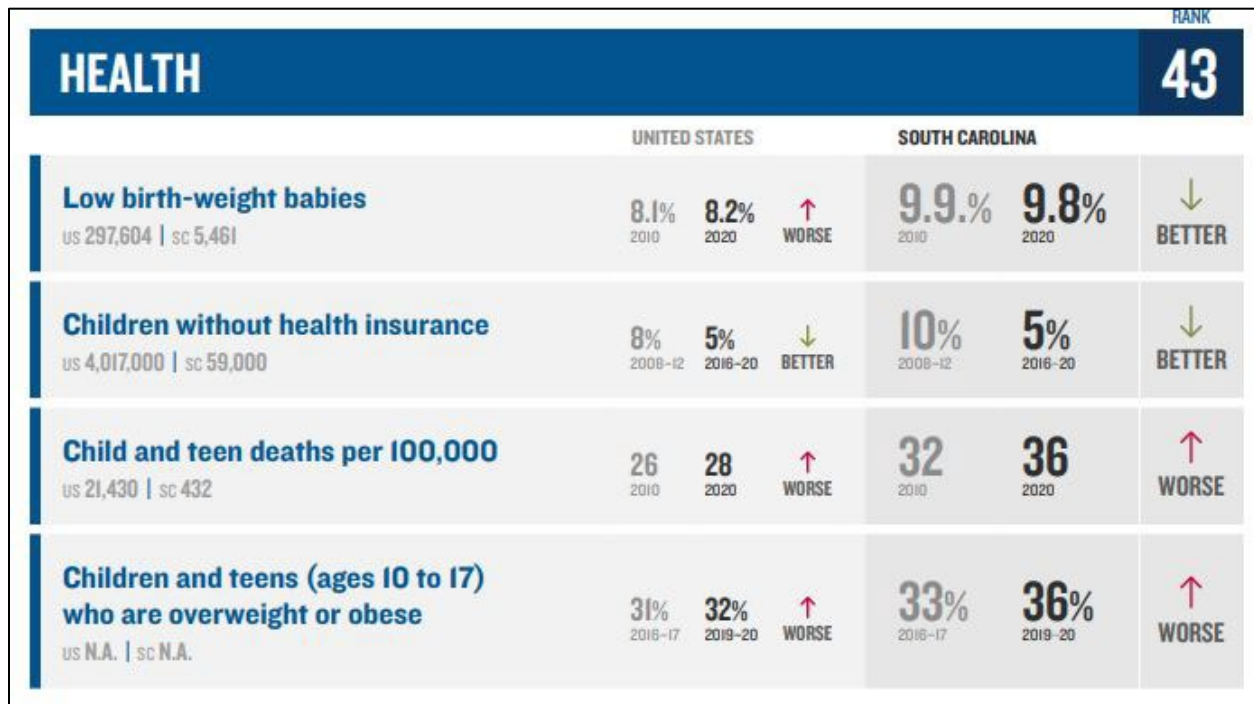


Figure 64 – South Carolina Children’s Health Indicators

The same metrics are displayed for the United States as a whole. This state-level portrait illustrates some of the areas where South Carolina lags behind the nation in children’s health. (An exception is children without health insurance, which saw dramatic declines in South Carolina and nationwide, perhaps as a result of the 2009 expansion of the federal Children’s Health Insurance Program.)

A wealth of data on community health are available across dozens of subject areas. We looked at several of these indicators and found that some of the most severe health-related problems are concentrated in some South Carolina counties more than others.

Ten Lowest Life Expectancy Counties	Life Expectancy in years	Median Household Income Rank	% Black Population
Lee	70.4	43	64.2
Dillon	70.6	45	48.8
Colleton	70.7	36	38.0
Marion	70.7	42	56.5
Chester	70.8	26	35.8
Williamsburg	71.2	40	64.2
Allendale	71.2	46	74.5
Marlboro	71.4	39	50.0
Hampton	71.5	41	52.8
Barnwell	72.0	38	45.3
Ten Highest Life Expectancy Counties	Life Expectancy in years	Median Household Income Rank	% Black Population
Beaufort	82.6	1	17.7
Edgefield	79.0	17	35.0
Charleston	78.8	3	26.1
Berkeley	78.3	5	25.6
Greenville	78.0	8	17.6
York	77.9	2	19.3
Dorchester	77.8	4	24.9
Lexington	77.7	6	14.8
Jasper	77.2	23	40.2
Saluda	77.2	20	24.3
South Carolina	76.4		26.5

Table 20 – Counties with Highest and Counties with Lowest Life Expectancy

Life expectancy, for example, is a measure often used to gauge the overall health of a community. Offering an important clue to the level of a community’s development, it can point to underlying issues of rising or falling living standards, the quality of nutrition, lifestyle, or education, and access to quality health care services. Table 20 shows the ten South Carolina counties with the lowest life expectancy at birth and the ten with the highest.³⁵ We have also included each county’s median household income rank among all forty-six counties and the percentage of the county’s population that is Black.

The table reveals an almost direct correlation between household income and life expectancy. The poorest counties by this measure are also those with the lowest life expectancy, and with a few exceptions people in the richest counties live the longest. The range within the state between the lowest and highest life expectancy is also striking: 12.2 years separate Lee and Beaufort Counties. The correlation between race and life expectancy is almost as strong – not surprising because we know the lowest income counties also tend to have the largest Black populations.

Statewide, the disparity in life expectancy between white and Black South Carolinians is notable. White life expectancy is 77.1 years and Black life expectancy at 73.4 years, with nearly four years separating them.

The number physicians per unit of population is one way of measuring access to health care within a community. In 2019, South Carolina had 234 physicians in patient care per 100,000 of population, somewhat less than the 278 in the United States as a whole.³⁶

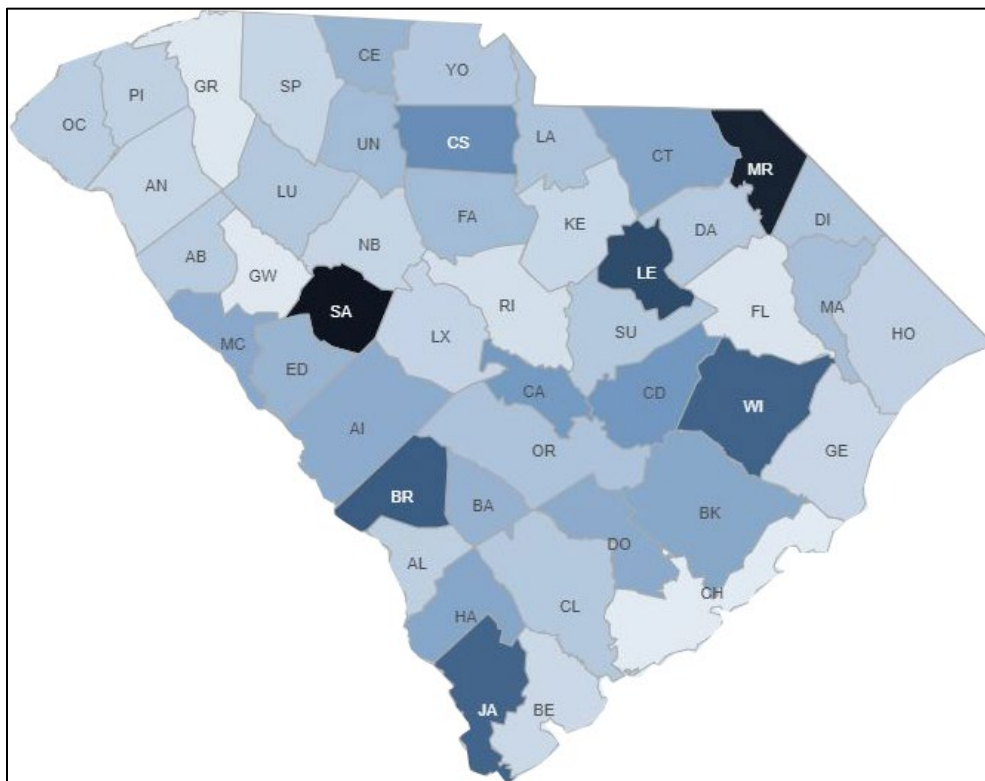


Figure 65 – Number of Primary Care Physicians per Unit of Population

The number of primary care physicians is an even more direct indicator of access for everyday South Carolinians. The state as a whole has one primary care physician per 1,480 people. But the distribution of these primary physicians within the state is unequal. In the

map shown below as Figure 65, counties shaded darker have fewer physicians, and counties shaded lighter have more.³⁷ The counties range widely from one primary care physician per 800 people to one per 6,820 people.

The map reveals that counties with the largest urban centers, including Charleston, Florence, Greenwood, Greenville, and Richland, have the best access to health care by this measure. The worst counties by this measure are Barnwell, Lee, Marlboro, Saluda and Williamsburg, which include some of the poorest counties as we have noted. This list of the worst also includes Saluda, an outlier because it is one of the top ten counties in life expectancy, and ranks in the middle overall in health indicators. Saluda ranks in the middle in median household income but, as we will see in the next section, is indeed one of the poorest counties in terms of percentage of families living in poverty.

The pattern of poorer health factors and health outcomes in poorer counties with higher Black populations continues across various types of indicators. The worst counties for diabetes prevalence, for example, are Allendale, Marlboro, and Williamsburg. The counties with the largest percentage of their populations identified as food insecure are Dillon, Barnwell, and Marlboro.³⁸

Table 21 shows the overall rankings of each South Carolina in the County Health Rankings and Roadmaps, based on their index scores taking into account all indicators of health outcomes and health factors.³⁹ The patterns we have noted throughout is seen here, with urban and coastal tourist centers better off than rural and poor counties and ones with larger Black populations.

2022 County Health Rankings for the 46 Ranked Counties in South Carolina

County	Health Outcomes	Health Factors	County	Health Outcomes	Health Factors	County	Health Outcomes	Health Factors	County	Health Outcomes	Health Factors
Abbeville	23	22	Chesterfield	29	29	Hampton	41	33	Oconee	11	8
Aiken	16	12	Clarendon	27	32	Horry	14	25	Orangeburg	35	37
Allendale	45	45	Colleton	39	35	Jasper	19	34	Pickens	8	7
Anderson	17	15	Darlington	32	28	Kershaw	15	11	Richland	9	6
Bamberg	34	38	Dillon	46	41	Lancaster	13	14	Saluda	18	23
Barnwell	38	40	Dorchester	6	10	Laurens	26	27	Spartanburg	12	13
Beaufort	1	2	Edgefield	10	19	Lee	43	42	Sumter	24	24
Berkeley	7	9	Fairfield	36	36	Lexington	5	4	Union	33	31
Calhoun	25	21	Florence	28	18	Marion	44	43	Williamsburg	42	44
Charleston	4	3	Georgetown	21	16	Marlboro	40	46	York	2	5
Cherokee	31	30	Greenville	3	1	McCormick	30	26			
Chester	37	39	Greenwood	20	17	Newberry	22	20			

Table 21 – South Carolina County Health Rankings

In learning more about the need for free and low-cost legal services in South Carolina, we have seen again and again that people facing legal crises often also are facing crises, or chronic deficits, in health care as well as in housing and other social and economic indicators. Our understanding of legal needs is deepened when we discover the racial, economic and geographic disparities in access not only to legal services but to other basic human needs.

Education.

Along with housing and health, deficits in education quality contribute to people’s social and economic vulnerability. Those who are poorly-educated have less access to economic opportunity and have lower levels of literacy, including legal literacy. As a result, they may be more susceptible to the kind of cascading legal crises we have discussed in this report. Recent assessments of South Carolina education suggest that the state is struggling to provide a quality education.

A widely-followed journalistic analysis ranked South Carolina forty-fourth in the nation in education.⁴⁰ This study used a two-part index, with half the points attributed to pre-K to grade 12 school systems and measuring such factors as college readiness, high school graduation rate, math and reading test scores, and preschool enrollment; and the other half attributed to higher education and measuring the two- and four-year college graduation rates, amount of debt at graduation, and educational attainment of the state’s adult population. A second study conducted by a leading personal finance website ranked South Carolina forty-sixth in the nation in education.⁴¹ Their index attributed 80% of the points to public education factors including number of high-ranked schools, increase in graduation rates, dropout rates, test scores, and pupil-teacher ratios; and attributed 20% of the points to safety factors such as access to illegal drugs, students threatened or injured, bullying and disciplinary incidence, and youth incarceration rates.⁴²

A further important education assessment ranked U.S. states in by “educational disparity.”⁴³ This wasn’t an educational quality assessment; scores were assigned according to the likelihood of each racial group to finish high school and the likelihood of each group to graduate with a bachelor’s degree or higher. In this study, South Carolina ranked third in the nation in educational disparity, that is, the racial gap in educational attainment was the third greatest. Whites are 15.7% more likely than people of color to graduate with a bachelor’s degree or higher, and 6.4% more likely than people of color to finish high school.

We examined the data on educational attainment in South Carolina at the county level. Table 22 shows 2021 estimates for two attainment indicators: percentage of the adult population having less than a high school diploma, and percentage of the adult population having a four-year college degree or higher. For each of the two indicators, the table lists the ten counties with the lowest and the ten counties with the highest attainment levels. (For adults with less than a high school diploma, a higher number signifies lower

educational attainment, while for adults with a four-year college degree or higher, a higher number signifies higher educational attainment. Again, counties with larger urban centers and affluent coastal counties score highest, while poorer counties score lowest.)

Highest Percentage of Adults Having Less Than High School Diploma		Lowest Percent of Adults Having 4-Year College Degree or Higher	
Dillon	26.5	Allendale	8.6
Chesterfield	24.7	Chesterfield	9.8
Saluda	23.4	Marlboro	10.1
Marion	23.3	Union	11.6
Marlboro	23.2	Dillon	11.6
Clarendon	22.8	Hampton	12.1
Allendale	21.6	Williamsburg	12.5
Cherokee	21.5	Barnwell	12.6
Barnwell	21.3	Chester	12.9
Williamsburg	21.3	Cherokee	13.2
Lowest Percent of Adults Having Less Than High School Diploma		Highest Percent of Adults Having 4-Year College Degree or Higher	
Beaufort	8.3	Charleston	43.8
Charleston	8.8	Beaufort	41.0
Richland	9.4	Richland	38.8
York	10.0	Greenville	35.3
Horry	10.9	York	34.1
Lexington	11.3	Lexington	30.4
Dorchester	11.6	Lancaster	29.6
Berkeley	11.7	Dorchester	29.1
Aiken	13.0	Georgetown	28.0
Kershaw	13.1	Pickens	26.7
South Carolina	11.7		29.0

Table 22 – Educational Attainment

Table 22 illustrates shows the 2019 percentage of the adult population with a bachelor’s degree or higher for all counties.⁴⁴

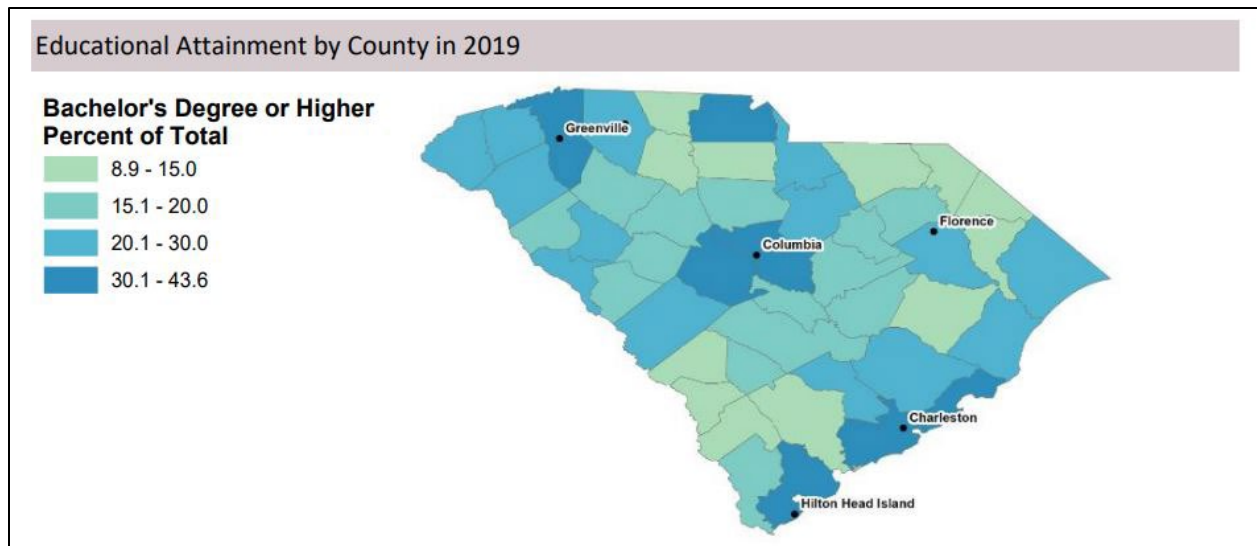


Figure 66 – Educational Attainment by County

School funding per student is an important indicator of educational quality and it, too, is distributed unevenly across the counties of South Carolina. Local property taxes and sales tax revenue are the main sources of funding in South Carolina as elsewhere, with the result that wealthier districts can generate more resources for schools. The state tries to address the shortfalls, and the formula for determining the amount of funding has been the subject of continued discussion and reform.⁴⁵

We reviewed the amounts of revenue school districts generate locally per student, and their total revenue per student after taking into account state and federal support. Table 23 shows the fifteen school districts with the smallest 2022 local revenues per student, and the fifteen with the largest local revenues per student, and those districts' total revenue.⁴⁶

The patterns are not entirely clear. As expected, the first column includes some of the poorest counties, including Dillon, Marion, and Barnwell, which we have associated with low median incomes, high poverty rates, and shortfalls in housing and health. The column with the highest local revenue school districts, also as expected, includes well-resourced counties such as Beaufort and Charleston, but contrary to expectations it also includes Allendale, a higher-poverty county, underscoring the multiplicity of factors going into school funding.

School Districts with Smallest Revenue Per Student			School Districts with Largest Revenue Per Student		
School District	Local revenue per student	Total Revenue per student	School District	Local revenue per student	Total Revenue per student
Dillon 4	\$2,212	\$12,328	Spartanburg 3	\$8,098	\$18,804
Dillon 3	\$2,255	\$13,046	Spartanburg 5	\$8,167	\$15,666
Florence 4	\$2,792	\$13,518	Oconee	\$8,182	\$16,911
Marion	\$3,238	\$15,080	Allendale	\$8,308	\$25,324
Union	\$3,542	\$12,955	Calhoun	\$8,448	\$19,666
Florence 2	\$3,567	\$15,139	Darlington	\$8,481	\$18,628
Florence 3	\$3,625	\$16,662	Lexington 2	\$8,581	\$18,499
Barnwell 45	\$3,831	\$15,464	Anderson 4	\$8,760	\$17,583
Sumter	\$3,936	\$14,384	Georgetown	\$8,849	\$18,092
Greenwood 51	\$4,158	\$15,017	Dorchester 4	\$9,377	\$20,555
Spartanburg 4	\$4,188	\$12,637	Jasper	\$10,853	\$19,675
Saluda	\$4,190	\$14,152	Spartanburg 7	\$11,169	\$21,576
Chesterfield	\$4,444	\$14,509	McCormick	\$11,530	\$26,469
Greenwood 50	\$4,612	\$15,739	Beaufort	\$12,730	\$19,874
Dorchester 2	\$4,614	\$13,381	Charleston	\$15,411	\$22,998

Table 23 – Revenues per Student

Education spending per pupil is an equally important indicator of school quality. Statewide in 2020 South Carolina spent \$11,532 per pupil, compared to the national average that year of \$13,494.⁴⁷ We examined total spending per pupil at the even more granular level of schools within school districts, from data available from the U.S. Department of Education.⁴⁸ Table 24 lists the fifteen schools with the highest per pupil expenditure in May, 2020, and the fifteen schools with the lowest per pupil expenditure.

Again, the comparison underscores that many factors that affect spending per pupil. For example, schools in Charleston District 01 and Florence District 01 appear on both lists, suggesting that location and characteristics of different schools within the district may explain spending per pupil. Still, it is notable that schools in three of the poorest counties, Williamsburg, Barnwell, and Dillon, appear on the list of lowest per pupil expenditure, while York and Greenville, among the richest counties in the state by household income and percentage of households at or below the poverty line, are on the list of highest per pupil expenditure.

Schools with the Lowest Total Expenditure Per Student		School with the Highest Total Expenditure Per Student	
Williamsburg 1	\$3,447	York 3	\$22,062
Richland 1	\$4,890	Georgetown 1	\$22,183
Richland 1	\$4,890	Florence 1	\$22,199
Barnwell 45	\$5,204	Florence 1	\$22,614
Florence 1	\$5,244	Florence 1	\$22,840
Barnwell 45	\$6,084	Richland 1	\$22,843
Barnwell 45	\$6,211	Florence 1	\$22,961
Barnwell 45	\$6,531	Charleston 1	\$23,706
Barnwell 45	\$6,876	Charleston 1	\$23,790
Anderson 1	\$6,983	Charleston 1	\$25,248
Anderson 1	\$7,023	Charleston 1	\$29,133
Dillon 3	\$7,394	Charleston 1	\$30,009
Anderson 1	\$7,399	Florence 1	\$32,619
Charleston 1	\$7,418	Greenville 1	\$39,102
Spartanburg 2	\$7,505	Richland 1	\$55,230

Table 24 – Expenditures per Student

ENDNOTES.

¹ <https://www.lsc.gov/i-am-grantee/model-practices-innovations/plan-strategically/comprehensive-needs-assessment-priority-setting#:~:text=encourage%20resource%20development-.Completing%20a%20comprehensive%20legal%20needs%20assessment%3A,stakeholders%2C%20including%20aplicants%20and%20clients>

² <https://www.oecd-ilibrary.org/sites/274440ef-en/index.html?itemId=/content/component/274440ef-en>

³ <https://www.scaccesstojustice.org/>

⁴ <https://www.scaccesstojustice.org/the-sc-justice-gap>

⁵ This needs assessment is limited to legal needs in civil cases. The criminal justice system presents some similar, and some very different, challenges to low-income people facing criminal charges. They are, for most purposes, entirely separate systems with very different kinds of needs. Accordingly, our study will be concerned only with the civil system.

⁶ When used in this report, the term “legal services” means, unless the context indicates otherwise, free legal services in civil cases provided to low-income residents by nonprofit law firms and other nonprofit organizations. This includes not only South Carolina Legal Services but many other organizations, though we acknowledge that on occasion the people quoted in this report use the term “legal services” to refer to South Carolina Legal Services. The term “pro bono” services means free services provided by attorneys, other than those employed by legal services firms, to low-income people on a voluntary basis in the manner contemplated by Rule 6.1 of the South Carolina Rules of Professional Conduct. The terms “low bono” or “low cost” mean services provided by attorneys, other than those employed by legal services firms, to low-income people at a reduced cost or sliding scale.

⁷ The Office on Violence Against Women of the U.S. Department of Justice defines domestic violence generally as “a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain control over another intimate partner,” and includes in the definition descriptions of types of abuse and types of victims. Source: https://sc.edu/about/offices_and_divisions/law_enforcement_and_safety/victim-services/orders-of-protection/index.php.

⁸ The Legal Services corporation, created by the U.S. Congress under the Legal Services Corporation Act, is, according to its website, “the single largest funder of civil legal aid for low-income Americans in the nation. Established in 1974, LSC operates as an independent 501(c)(3) nonprofit corporation that promotes equal access to justice and provides grants for high-quality civil legal assistance to low-income Americans. LSC distributes more than 90 percent of its total funding to 132 independent nonprofit legal aid programs with more than 800 offices.” Source: <https://www.lsc.gov/about-lsc/who-we-are>.

⁹ See, for example, The Justice Gap: Measuring the Unmet Civil Legal Need of Low-income Americans. <https://www.lsc.gov/our-impact/publications/other-publications-and-reports/justice-gap-report>.

¹⁰ American Bar Association Model Rule of Professional Conduct Rule 6.1: Voluntary Pro Bono Publico Service. https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_6_1_voluntary_pro_bono_publico_service/

¹¹ See, e.g., the Justice Gap Report of the Legal Services Corporation. <https://justicegap.lsc.gov/>

¹² See The Annie E. Casey Foundation Kids Count Data Center.

<https://datacenter.kidscount.org/data#SC/2/0/char/0>

¹³ See, for example, How much time are respondents willing to spend on your survey?

https://www.surveymonkey.com/curiosity/survey_completion_times/

¹⁴ As of July 15, 2020. <https://www.sbar.org/about-us/>

¹⁵ See, e.g., The South Carolina Justice Gap Report. <https://www.scaccesstojustice.org/the-sc-justice-gap>

¹⁶ “S.C. next to bottom in state ranking of lawyers per capita.” <https://gsabusiness.com/news/law/70023/>

¹⁷ Referred to properly as “expungement” in South Carolina.

¹⁸ Chart source: South Carolina Judicial Branch, Overview of SC Judicial System.

<https://www.sccourts.org/OverviewofSCJudicialSystem.cfm>.

¹⁹ <https://www.ers.usda.gov/data-products/rural-urban-continuum-codes.aspx>.

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- ²⁰ Gross domestic product, personal income, and contribution by industry source: United States Bureau of Economic Analysis. GDP by State. <https://www.bea.gov/data/gdp/gdp-state>.
- ²¹ Table source: United States Census Bureau, Quick Facts South Carolina. <https://www.census.gov/quickfacts/SC/>
- ²² Racial and ethnic map source: Wikimedia Commons. Licensed the Creative Commons Attribution-Share Alike 3.0 Unported license. https://commons.wikimedia.org/wiki/File:South_Carolina_racial_and_ethnic_map.svg.
- ²³ The Diversity Index is a measure of diversity in a place, using Blau's Index of Heterogeneity, with the equation one minus the sum of the squares of the proportions of each race or ethnicity making up the population of the place. [https://www.census.gov/library/stories/state-by-state/south-carolina-population-change-between-census-decade.html#:~:text=Diversity%20Index%20\(61.1%25%2C%20up,vacancies%20\(down%20to%209.7%25\)](https://www.census.gov/library/stories/state-by-state/south-carolina-population-change-between-census-decade.html#:~:text=Diversity%20Index%20(61.1%25%2C%20up,vacancies%20(down%20to%209.7%25)).
- ²⁴ Map source: South Carolina Commission for Minority Affairs, "State of Hispanics in South Carolina." https://dc.statelibrary.sc.gov/bitstream/handle/10827/32121/CMA_State_of_Hispanics_SC_2019.pdf?sequence=1&isAllowed=y.
- ²⁵ <https://south-carolina.reaproject.org/data-tables/gsp-a200n/>.
- ²⁶ <https://projects.propublica.org/chicken/states/SC/>.
- ²⁷ Pew Research Center. <https://www.pewresearch.org/social-trends/2018/05/22/demographic-and-economic-trends-in-urban-suburban-and-rural-communities/>.
- ²⁸ Pew. "A Third of States Lost Population in 2021. <https://www.pewtrusts.org/en/research-and-analysis/articles/2022/04/25/a-third-of-states-lost-population-in-2021>.
- ²⁹ World Population Review. <https://worldpopulationreview.com/us-counties/states/sc>.
- ³⁰ National Low Income Housing Coalition, "Out of Reach: The High Cost of Housing." <https://nlihc.org/oor>.
- ³¹ See, e.g., "Rental Burdens: Rethinking Affordability Measures." HUD User, Edge, An Online Magazine. https://www.huduser.gov/portal/pdredge/pdr_edge_featd_article_092214.html.
- ³² Map source: South Carolina Housing Needs Assessment. <https://www.schomeless.org/media/1183/sc-needs-assessment-report.pdf>.
- ³³ SC Housing. Housing Choice Voucher Program (HCVP). <https://www.schousing.com/home/RentersHousingChoiceVoucher>.
- ³⁴ The Annie E. Casey Foundation 2022 Kids Count Data Profile. <https://assets.aecf.org/m/databook/2022KCDB-profile-SC.pdf>.
- ³⁵ Life expectancy data source: University of Wisconsin Population Health Institute. County Health Rankings & Roadmaps. <https://www.countyhealthrankings.org/explore-health-rankings/south-carolina?year=2022>.
- ³⁶ Data source: Centers for Disease Control and Prevention, National Center for Health Statistics. <https://www.cdc.gov/nchs/hus/data-finder.htm?year=2019&table=Figure%20016>.
- ³⁷ Map source: University of Wisconsin Population Health Institute. County Health Rankings & Roadmaps. <https://www.countyhealthrankings.org/explore-health-rankings/south-carolina?year=2022&tab=0&measure=Primary+Care+Physicians>.
- ³⁸ Data source: University of Wisconsin Population Health Institute. County Health Rankings & Roadmaps. <https://www.countyhealthrankings.org/explore-health-rankings/south-carolina?year=2022>.
- ³⁹ Table source and information about methodology are at University of Wisconsin Population Health Institute. County Health Rankings & Roadmaps. <https://www.countyhealthrankings.org/explore-health-rankings/south-carolina?year=2022>.
- ⁴⁰ U.S. News & World Report. Education Rankings. <https://www.usnews.com/news/best-states/rankings/education>.
- ⁴¹ WalletHub. States with the Best & Worst School Systems. <https://wallethub.com/edu/e/states-with-the-best-schools/5335>.
- ⁴² A third study, conducted by a conservative think tank, gave South Carolina the grade of C+ overall but ranked it at number twelve in the nation on the strength of regulatory factors they said were favorable to school choice, home schooling, and the flourishing of charter schools. American Legislative Exchange Council. Report Card on American Education. <https://www.alecreportcard.org/state/sc/>.
- ⁴³ Stacker. States with the worst education disparity. <https://stacker.com/education/states-worst-education-disparity/>
- ⁴⁴ Map source: Federal Reserve Bank of Richmond. Educational Attainment in South Carolina – 2019. <https://www.richmondfed.org/>

[/media/RichmondFedOrg/research/regional_economy/reports/special_reports/pdf/educational_attainment_sc.pdf](#).

⁴⁵ Associated Press. 2022. SC Governor Proposes Overhaul to School Funding Formula.

[https://www.usnews.com/news/best-states/south-carolina/articles/2022-01-08/sc-governor-proposes-overhaul-to-school-funding-](https://www.usnews.com/news/best-states/south-carolina/articles/2022-01-08/sc-governor-proposes-overhaul-to-school-funding-formula#:~:text=The%20formula%20sends%20money%20to,children%20in%20special%20education%20programs)

[formula#:~:text=The%20formula%20sends%20money%20to,children%20in%20special%20education%20programs](https://www.usnews.com/news/best-states/south-carolina/articles/2022-01-08/sc-governor-proposes-overhaul-to-school-funding-formula#:~:text=The%20formula%20sends%20money%20to,children%20in%20special%20education%20programs).

⁴⁶ South Carolina Department of Education. Revenue Per Pupil Report by School District For FY 2022-23 Excluding Bond Revenue. <https://ed.sc.gov/finance/financial-services/student-data/revenue-per-pupil-reported-by-school-district-fiscal-year-2022-2023/fiscal-year-2022-23-revenue-per-pupil-report-by-district/>.

⁴⁷ United States Census Bureau. U.S. School System Spending Per Pupil by Region: Fiscal Year 2020.

<https://www.census.gov/library/visualizations/2022/comm/spending-per-pupil.html>.

⁴⁸ U.S. Department of Education. Office of Elementary & Secondary Education. Per Pupil Expenditure: South Carolina. <https://oese.ed.gov/ppe/south-carolina/>.



South Carolina Statewide Legal Needs Assessment

Key Informant Interview Script

Date: _____

Person Interviewed: _____

Organization: _____

TURN ON RECORDING

Good Afternoon. My name is _____. I'm a _____ with the Center for Housing and Community Studies at UNC Greensboro. This interview is part of a year-long South Carolina Statewide Legal Needs Assessment sponsored by the South Carolina Access to Justice Commission. We are speaking with lawyers, including legal services providers and members of the private bar, as well as jurists, educators, and community leaders, and others with knowledge of the obstacles faced by residents of South Carolina seeking access to legal help. We'll be talking about the civil legal needs of low-income people, what resources and services are available to meet those needs, and, if there are gaps between needs and resources, who gets left out, and why.

Thank you for taking the time to answer our questions. Just a few preliminary comments. We are recording this interview, but only for internal transcription purposes. What we say will be kept confidential. We will report on what we learned today, and we will use quoted excerpts in our reporting, but we will not attribute any statement to you by name or affiliation. We'll ask about a variety of topics; if in any instance you aren't familiar with the topic and don't have an answer, feel free to say so, and we'll move on to the next question.

1. To begin, how would you describe your role in the delivery of legal services to low-income residents of South Carolina?

2. What are the most important legal problems that low-income people need help with?

- **Unable to pay bills**
- **Fired from a job**
- **Evicted**
- **Dispute over benefits**
- **Immigration**
- **Family problems**

3. When legal needs aren't being met, what factors determine where the gaps are?

- **Cost**
- **Awareness**
- **Race, gender, ethnicity**
- **Age**
- **Disability**
- **Geography**
- **Practice area**
- **Government regulation**

4. When people try to get help, what are the main obstacles preventing them from reaching the services that are available?

- **It's too much waiting or too much effort**
- **Can't get transportation, child care, time off work**
- **Don't have good internet access**
- **Language or culture barrier**
- **Lack of literacy or legal literacy**
- **Lack of trust**

5. Often people don't try to get help. Why don't they?

- **They don't know help is available**
- **They don't trust the legal system**
- **They represent themselves**
- **They don't usually think of seeking the help of lawyers**
- **They have alternative ways of resolving disputes**
- **They just let it go**

6. Overall, which are the most underserved groups?

- **People of color**
- **Immigrants**
- **Native people**
- **Children**
- **People with disabilities**
- **Victims of domestic violence and sexual assault**
- **Seniors**
- **Rural dwellers**
- **Homeless people**
- **Veterans**

7. Can paralegals and other non-lawyers take on more of the legal services work?

- **Non-lawyers**
 - **Social service agency staff**
 - **Social workers**
 - **Navigators**
 - **Advocates**
 - **Housing counselors**
 - **Land tenure specialists**
 - **Agricultural mediators**
 - **Victim witness assistants**
 - **Law students**
 - **Lay volunteers**
- **Loosen unauthorized practice rules**

8. Can more be done to assist *pro se* litigants?

- **By your organization**
- **By court clerks**
- **Best practices developed by judges, magistrates, court administrators**
- **Provide Q&A and workshop sessions**
- **Make the legal system less complicated**

9. Can pro bono legal services take on more of the legal services work?

- **Do the skills of private lawyers match the skills needed?**
- **What steps could be taken to encourage greater participation?**
 - **Appointment by judges**
 - **Better training**
 - **Stronger law firm support**
 - **CLE credit**
 - **Forgiveness of law school loans**
 - **Mandatory pro bono service**

10. Who are the legal services agencies' most important community partners?

- **Who are they**
 - **Health care providers**
 - **SA/DV service providers**
 - **Veterans organizations**
 - **Church groups**
 - **Rescue groups**
- **Do nonprofit and governmental agency staff know enough about legal matters to be able to guide and refer clients?**

11. Describe the relationship between South Carolina Legal Services and other providers of low- or no-cost legal services.

- **How do they interact**
- **What distinct roles do they play**
- **How do clients tell them apart**
- **How does each fit into the whole**

12. How does your or other legal services organizations that you know about decide what clients or cases to take on?

- **Income eligibility**
- **First-come-first-served**
- **Preferred case types or outcomes**
- **Likelihood of success**
- **Severity of the problem**
- **Evaluating client's ability to represent themselves**

13. How do legal services agencies measure the effectiveness of legal services?

- **A win in court**
- **A settlement out of court**
- **The client gains a better understanding of the legal system**
- **The client feels respected and understood**
- **The client feels fairly treated by the system, win or lose**
- **The organization advances its litigation goals**
- **The organization provides training opportunities to its staff**
- **The community is mobilized**
- **Injustices are illuminated**
- **Society is changed**

14. What policy change, new program or internal procedure would you implement to improve the legal services system?

- **Right to counsel**
- **Other**



South Carolina Statewide Legal Needs Assessment

Focus Group Guide

START RECORDING

Date: _____

Start Time: _____

Focus Group Facilitator: _____

Recorder: _____

Group Participants (first names only):

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____

Pre-Discussion Activities:

- 1. Greet participants.
- 2. Place name cards / distribute name tags.
- 3. Set up recording device and test.

Moderator Instructions

These questions should be modified as needed to maintain the natural flow of the conversation and to explore topics which arise in the course of the focus group. The script below is a general guide to direct the conversation. Probes should be revised as needed to encourage elaboration of answers. If a participant goes off topic, but is providing useful content, continue probing as

needed, then redirect to the original script. If off topic conversation does not appear relevant, a casual redirect to the original script should be made. Notes of the most salient points should be made by the recorder during interviews. Notes will be used to help PIs in reviewing the focus group while awaiting transcriptions.

Statement of Purpose and Introductions

Good afternoon, everyone, and thank you for joining our discussion. My name is _____. I'm a _____ with the Center for Housing and Community Studies at UNC Greensboro. This roundtable discussion is part of a year-long South Carolina Statewide Legal Needs Assessment sponsored by the South Carolina Access to Justice Commission. We are speaking with groups of people who may have had legal problems at some time in their lives. The people we're speaking with may have had lawyers to help them, or they may not; their lawyers may have been free, or they may have had to pay them. We want to know about the legal problems people have and the obstacles and successes experienced by people seeking the assistance of lawyers.

Just a few preliminary comments. We are recording this interview. We won't share the recording or the transcript to anyone outside our study team. We will report to our sponsor the things we learn, and we might even include quotations, but we won't attribute any statement or quotation to you by name. So, we encourage you to speak freely.

We'll ask about a variety of topics. Anyone my jump in and answer any of our questions, just making sure that the previous speaker has finished what they have to say.

1. To begin, can we go around the table and have each participant introduce themselves by first name and say where they're from?

2. Tell us about a time recently when you had a legal problem and needed a lawyer.

- **What kind of dispute or problem was it?**
- **Did you find a lawyer to handle it?**
- **Was it a no-cost legal services lawyer, or a private lawyer or a clinic?**
- **Did you have to pay the lawyer?**
- **Did you achieve a satisfactory resolution of the case?**

3. If you did have a lawyer, how did you find them?

- **Did someone refer you to the lawyer?**
- **Did you use a phone or online intake system?**
- **What were the criteria for whether or not they would take your case?**

4. Have you had a time when you needed a lawyer but couldn't afford one?

- **What did you do?**

5. Have you ever had to represent yourself in court? Tell us about that experience.

- **Were you prepared ahead of time?**
- **Did anyone help you get ready?**
- **Were the judge and other court personnel helpful?**

6. Overall, do you trust lawyers to look out for your interests and seek the best possible outcome for you?

7. What do you think is a measure of success for someone who goes to a lawyer for help?

- **A win in court?**
- **A settlement out of court?**
- **The client gains a better understanding of the legal system?**
- **The client feels respected and understood?**
- **The client feels fairly treated by the system, win or lose?**
- **Injustices are brought to light?**

8. What would you like to see happen to improve legal services for civil issues like the ones you or others you know have experienced?



South Carolina Statewide Legal Needs Assessment

Community Survey

This community survey is part of a Statewide Legal Needs Assessment sponsored by the South Carolina Access to Justice Commission, the South Carolina Bar, and the NMRS Center on Professionalism. Our objective is to learn about the legal needs of low- and moderate-income residents of South Carolina, as well as any obstacles they encounter when seeking legal help. Our focus is on civil legal matters like those having to do with housing, finances, domestic relations, public benefits, and property (not criminal law matters). We want to learn about the kinds of legal problems residents need help with and what free and low-cost legal resources and services they are using.

To do this we want to hear about the legal problems that you and your friends and family members have had and how you have handled them.

Your answers will be confidential. Only the survey evaluation team at the University of North Carolina - Greensboro will see the individual results. Answers will then be combined and reported without disclosing anything about you individually. The survey should take less than fifteen minutes to complete.

After completing the survey, you will be asked if you'd like to be included in a sweepstakes drawing for one of ten \$100 gift cards. If so, you will be taken to a separate survey to enter your contact information.

If you have any questions, you may contact the UNCG survey team at chcs@uncg.edu.

Please mark your survey like this:

Correct: ● Incorrect: ✓ ✗ ⌘

If you have access to the internet, please complete the survey at:

<https://go.uncg.edu/legalneeds>

Section 1: Basic Information.

Q1: Where do you live?

- | | | |
|---|---|--|
| <input type="radio"/> Abbeville County, SC | <input type="radio"/> Dillon County, SC | <input type="radio"/> Marion County, SC |
| <input type="radio"/> Aiken County, SC | <input type="radio"/> Dorchester County, SC | <input type="radio"/> Marlboro County, SC |
| <input type="radio"/> Allendale County, SC | <input type="radio"/> Edgefield County, SC | <input type="radio"/> McCormick County, SC |
| <input type="radio"/> Anderson County, SC | <input type="radio"/> Fairfield County, SC | <input type="radio"/> Newberry County, SC |
| <input type="radio"/> Bamberg County, SC | <input type="radio"/> Florence County, SC | <input type="radio"/> Oconee County, SC |
| <input type="radio"/> Barnwell County, SC | <input type="radio"/> Georgetown County, SC | <input type="radio"/> Orangeburg County, SC |
| <input type="radio"/> Beaufort County, SC | <input type="radio"/> Greenville County, SC | <input type="radio"/> Pickens County, SC |
| <input type="radio"/> Berkeley County, SC | <input type="radio"/> Greenwood County, SC | <input type="radio"/> Richland County, SC |
| <input type="radio"/> Calhoun County, SC | <input type="radio"/> Hampton County, SC | <input type="radio"/> Saluda County, SC |
| <input type="radio"/> Charleston County, SC | <input type="radio"/> Horry County, SC | <input type="radio"/> Spartanburg County, SC |
| <input type="radio"/> Cherokee County, SC | <input type="radio"/> Jasper County, SC | <input type="radio"/> Sumter County, SC |
| <input type="radio"/> Chester County, SC | <input type="radio"/> Kershaw County, SC | <input type="radio"/> Union County, SC |
| <input type="radio"/> Chesterfield County, SC | <input type="radio"/> Lancaster County, SC | <input type="radio"/> Williamsburg County, SC |
| <input type="radio"/> Clarendon County, SC | <input type="radio"/> Laurens County, SC | <input type="radio"/> York County, SC |
| <input type="radio"/> Colleton County, SC | <input type="radio"/> Lee County, SC | <input type="radio"/> <u>I DO NOT LIVE IN SOUTH CAROLINA</u> |
| <input type="radio"/> Darlington County, SC | <input type="radio"/> Lexington County, SC | |

Q2: What area of the county do you live in?

- In or near a city
- In or near a small town
- In a rural area

Q3: How long have you lived in your community?

- Less than one year
- 1 to 5 years
- 6 to 10 years
- More than 10 years

Section 2: Questions about personal legal experience.

Q4: In the last five years, have you or a member of your household experienced a problem in any of the following categories that you needed some help resolving? (Select all that apply.)

- Illness or injury
 - Citizenship or immigration
 - Employment
 - Consumer or finance
 - Housing
 - Land dispute
 - Divorce
 - Children and custody
 - Wills and estates
 - SNAP, TANF, SSI, or other public assistance
 - Crime victim
 - Domestic violence or sexual assault
 - None*
 - Other (Please describe)
-

[If you selected more than one issue in the preceding question, please answer Q5.]

Q5: Please tell us about the problem that you needed the most help with?

Q6: For this problem did you contact a lawyer for help?

- Yes
- No

[If your answer to Question 6 is " No" that you did not contact a lawyer for legal assistance, please answer Q7 & Q8.]

Q7: If not, why not? (Select all that apply.)

- Didn't believe it was a legal problem or that a lawyer might help
 - Didn't know where to look
 - Didn't know legal help was available to me
 - Took care of the problem on my own
 - Didn't trust the legal system or lawyers
 - Didn't think anyone would be interested in my case
 - Didn't want to reveal personal information
 - Worried about the cost
 - Hoped it might just go away
 - Other (Please describe)
-

Q8: What did you do to resolve the problem? (Select all that apply.)

- Received help from family or friends
 - Received help from a community or spiritual leader
 - Worked it out with my employer
 - Receive help from my trade union
 - Received help from a local government representative
 - Did what other party wanted me to do
 - Took care of it myself
 - The issue is still ongoing
 - Other (Please describe)
-

[If your answer to Question 6 is “Yes” that you did contact a lawyer for legal assistance, please answer Q9 & Q10.]

Q9: Did you obtain the services of a lawyer (free or otherwise)?

- Yes
- No

Q10: If you tried to get free legal services, what difficulties, if any, did you encounter? (Select all that apply.)

- There were no free legal services available
- The application or intake process was time-consuming or confusing
- I wasn't eligible for free legal services
- They said they don't do that kind of case
- They said my case had no merit
- They didn't have a lawyer to handle my case
- No one there could speak my language
- None

Q11: **If you obtained a lawyer** did you have to pay for their services?

- Yes, regular rate
- Yes, reduced rate
- No, the services were free

Q12: How did you pay the lawyer's fees? (Select all that apply.)

- Services were free to me**
 - I was able to pay from my own funds
 - A friend or family member loaned me the funds
 - Took out a loan or used a credit card
 - I still owe part or all the lawyer's fees
 - Other (Please describe)
-

[If you obtained the services of a lawyer, please answer Q13 thru Q16]

Q13: As you tried to get the problem resolved, did you encounter any of the following barriers or difficulties? (Select all that apply.)

- I couldn't take time off work
- I had no transportation to get to the law office or court
- I didn't have anyone to watch my children
- I didn't have anyone to watch others I look after (e.g., elderly relatives, persons with disabilities)
- I had to delay the case due to family issues
- I had to delay the case due to medical or health issues
- I had to delay the case due to having to be away from the area for personal reasons (e.g., job, military, family concerns)
- My lawyer was no longer willing to represent me
- My lawyer was no longer able to represent me (e.g., due to illness, death family issues)
- Other (Please describe)

Q14: Please give us a brief description of how the legal problem was resolved.

Q15: To what extent do you agree with the following statements about the outcome of the legal assistance you received?

	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know
I am satisfied with the outcome of the case.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was treated fairly.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The lawyer did a good job.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My concerns were taken seriously.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have trust in the legal system.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q16: Regarding the legal assistance you received, indicate which categories they were in. (Select all the apply).

- Children's Rights (rights of children in family disputes, abuse and neglect cases, access to education)
- Civil Rights (discrimination in employment, housing or public services based on race, gender, age, disability, familial status)
- Consumer's Rights (debt collection, repossessions, bankruptcy, credit issues, payday loans)
- Disability Rights (Social Security Disability Insurance, Americans with Disabilities Act issues, or lost job due to disability)
- Disaster Relief (FEMA and unemployment claims, eviction prevention due to disaster, home repairs, denial of insurance)
- Domestic Violence / Sexual Assault (secure and enforce protective orders)
- Education (discrimination at school, unfair suspension, or access to special education programs)
- Elder Law (abuse of the elderly, living will or medical power of attorney, nursing home)
- Employment (sexual harassment, unfair termination, discrimination, labor trafficking, working conditions, wage theft)
- Expunction (removing criminal charges from the record)
- Family Law (divorce, child custody, alimony, child support)
- Health Care Law (Medicaid issues, non-payment of covered expense by insurance, or denied coverage)
- Housing (foreclosure, evictions, property taxes, discrimination, denied housing, repairs and code violations)
- Human Trafficking (forced labor or sexual exploitation)

- Immigration (naturalization application, visa for relative, deportation, human trafficking, issues with ICE)
 - Public Benefits (applying for food stamps, receiving welfare benefits, or denied job training programs)
 - Veterans Rights (disability compensation, discharge upgrades, VA overpayments, post-discharge employment, denial of benefits)
 - Wills and Estates (distribution of property after death, probate, living wills, powers of attorney, health care powers of attorney)
 - Other (Please describe)
-

- I have never needed any of these legal services.
- I have needed legal assistance (criminal or civil) but have not contacted someone to help me.

Section 3: Questions about whole legal system.

Q17: What are the biggest problems that people in your community have that might require legal assistance? (Select all that apply.)

- Illness or injury
 - Citizenship or immigration
 - Employment
 - Consumer or finance
 - Housing
 - Land dispute
 - Divorce
 - Children and custody
 - Wills and estates
 - SNAP, TANF, SSI, or other public assistance
 - Crime victim
 - Domestic violence or sexual assault
 - Other (Please describe)
-

Q18: What are the reasons why people sometimes don't seek legal help when they have a civil legal problem? (Select all that apply.)

- They don't believe that their problem is a legal problem or that a lawyer might help
 - They don't know where to look
 - They aren't aware that free legal services are available
 - The application or intake process is time-consuming or confusing
 - They'd rather handle it themselves
 - They don't trust the legal system or lawyers
 - They don't want to reveal personal information
 - They worry about the cost
 - They hope it might just go away
 - Other (Please describe)
-

Q19: To what extent do you agree with the following statements about free legal services?

	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know
Free legal services are available to low-income people in my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is a free legal services office in a convenient location in my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Free lawyers are as skillful as paid lawyers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Everyone deserves to be represented by a lawyer if they have a legal problem.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I would be willing to pay more in taxes to support more free legal services in my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q20: To what extent do you agree with the following statements about the legal system?

Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know
----------------	-------	----------	-------------------	------------

- The legal system treats some people better than others depending on income or social status.
- You need special knowledge to participate in the legal system.
- I know someone to ask if I have a question about the legal system.

Q21: Which of the following legal services do you anticipate that you or your family will need in the next few years? (Select all that apply.)

- Children’s Rights (rights of children in family disputes, abuse and neglect cases, access to education)
- Civil Rights (discrimination in employment, housing or public services based on race, gender, age, disability, familial status)
- Consumer’s Rights (debt collection, repossessions, bankruptcy, credit issues, payday loans)
- Disability Rights (Social Security Disability Insurance, Americans with Disabilities Act issues, or lost job due to disability)
- Disaster Relief (FEMA and unemployment claims, eviction prevention due to disaster, home repairs, denial of insurance)
- Domestic Violence / Sexual Assault (secure and enforce protective orders)
- Education (discrimination at school, unfair suspension, or access to special education programs)
- Elder Law (abuse of the elderly, living will or medical power of attorney, nursing home)
- Employment (sexual harassment, unfair termination, discrimination, labor trafficking, working conditions, wage theft)
- Expunction (removing criminal charges from the record)
- Family Law (divorce, child custody, alimony, child support)
- Health Care Law (Medicaid issues, non-payment of covered expense by insurance, or denied coverage)
- Housing (foreclosure, evictions, property taxes, discrimination, denied housing, repairs and code violations)
- Human Trafficking (forced labor or sexual exploitation)
- Immigration (naturalization application, visa for relative, deportation, human trafficking, issues with ICE)
- Public Benefits (applying for food stamps, receiving welfare benefits, or denied job training programs)

- Veterans Rights (disability compensation, discharge upgrades, VA overpayments, post-discharge employment, denial of benefits)
 - Wills and Estates (distribution of property after death, probate, living wills, powers of attorney, health care powers of attorney)
 - Other (Please describe)
-

- I don't expect to need any of these legal services.

Q22: In the future, if you or someone in your household had a civil legal problem that might require legal assistance where would you go for help? (Select all that apply.)

- Friend or family
 - Call 211 or go online to contact 211 for assistance
 - Google or phone or business directory
 - Local attorney that I know
 - An organization that provides free legal services
 - Social service agency
 - University legal clinic
 - Public library
 - Court or government office
 - Employer or trade union
 - Legal self-help website or book
 - Don't know
 - Other (Please describe)
-

Section 4: Demographics

Q23: How do you identify your gender?

- Male
 - Female
 - Nonbinary
 - Transgender
 - Other (Please describe)
-

Q24: How do you identify your race or ethnicity? (Select all that apply.)

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- Hispanic or Latino
- White
- Mixed race

Q25: What is your household income?

- Less than \$15,000
- \$15,000 to \$24,999
- \$25,000 to \$34,999
- \$35,000 to \$49,999
- \$50,000 to \$74,999
- More than \$75,000

Q26: What is your age?

- Under 18
- 18 to 29
- 30 to 39
- 40 to 49
- 50 to 64
- 65 or older

Q27: What is the highest level of education you have completed?

- 8th grade or less
- Some high school
- High school graduate, diploma, or GED
- Some college credit
- Trade, technical or vocational training
- Associate degree
- Bachelor's degree
- Graduate degree

Q28: Are you currently – (Select all that apply.)

- Employed full time
 - Employed part time
 - Employed occasionally
 - Self-employed
 - Out of work and looking
 - Out of work and not looking
 - A homemaker
 - A student
 - Retired
 - Disabled
 - Active military
 - Other (Please describe)
-

Q29: What is your marital status?

- Single, never married
- Married or domestic partnership
- Widowed
- Divorced or separated

Q30: Are you responsible for the care of one or more children, elderly family members or persons with disabilities?

- Not a caregiver
- Share responsibility with one or more others
- Primary caregiver

Q31: What is your housing status?

- Own my home
 - Public housing
 - Section 8 voucher
 - Private rental
 - Staying with friend or family member
 - Homeless (no fixed, regular, and adequate nighttime residence)
 - Other (Please describe)
-

We thank you for your time spent taking this survey!

Are you interested in being included in random drawing for a \$100 gift card?

(Note: If you select "Yes", please fill out your contact information below for drawing purposes only. Your contact information is confidential and will not be linked to the responses you submitted on this survey. We will use this information to get in touch with you in case you are a winner of a gift card. Please stop here if you are not interested in this drawing and we appreciate your time and opinions once again!)

- No, thanks
- Yes

If you selected "Yes", please provide the following contact information.

- Name _____
- Address _____
- Address 2 _____
- City _____
- Postal Code _____
- Telephone Number _____
- Email _____



SOUTH CAROLINA STATEWIDE LEGAL NEEDS ASSESSMENT

Practitioner Survey

This survey is part of a Statewide Legal Needs Assessment sponsored by the South Carolina Access to Justice Commission, the South Carolina Bar, and the NMRS Center on Professionalism at the University of South Carolina School of Law. Our objective is to learn about the civil legal needs of low- and moderate-income residents of South Carolina, the types of legal assistance available to them, the obstacles they encounter when seeking legal help, and possible strategies for improving access to civil legal assistance in South Carolina.

As part of this effort, we are seeking the perspectives of legal practitioners in a wide variety of settings, including but not limited to those who directly serve low- and moderate-income people. Please take a few minutes to tell us about your experiences with the civil justice system, what services if any you provide to low- and moderate-income people, and what solutions you think might help to improve access to legal assistance.

Your answers will be confidential. Only the survey evaluation team at the University of North Carolina Greensboro will see the individual results. Answers will then be combined and reported without disclosing anything about you individually. The survey should take less than fifteen minutes to complete. Thank you very much for your assistance!

If you have any questions, you may contact the UNCG survey team at chcs@uncg.edu.

1. What is your primary practice setting?

- Solo practice
- Law firm (2-5 lawyers)
- Law firm (6-20 lawyers)
- Law firm (21-50 lawyers)
- Law firm (50 or more lawyers)
- Business organization
- Government
- Legal aid
- Public Defender

- Judiciary
- Education
- Other [Click or tap here to enter text.](#)

2. What counties are served by your organization (or your branch or office of a larger organization)? (Select all that apply.)¹

- Statewide
- Abbeville
- Aiken
- Allendale
- Anderson
- Etc.

3. Do you provide direct free or low-cost legal services to low- and moderate-income people?

- Yes
- No

Next series of questions only for respondents answering “Yes” to the previous question.

4. Please indicate the areas in which you provide services: (Select all that apply.)

- Children’s Rights
- Civil Rights
- Consumer’s Rights
- Debt Collection
- Disability Rights
- Disaster Relief
- Domestic Violence / Sexual Assault
- Education
- Elder Law
- Employment
- Expunction
- Family Law
- Health Care Law
- Housing

¹ **Some will serve multiple counties, so the drop-down menu won’t work.**

- Human Trafficking
- Immigration
- Impact Litigation
- Public Benefits
- Veterans Rights
- Wills, Estates, Advance Directives
- Other [Click or tap here to enter text.](#)

5. Please indicate the three areas that are the most underserved in the counties where you work: (Select three.)

- Children's Rights
- Civil Rights
- Consumer's Rights
- Debt Collection
- Disability Rights
- Disaster Relief
- Domestic Violence / Sexual Assault
- Education
- Elder Law
- Employment
- Expunction
- Family Law
- Health Care Law
- Housing
- Human Trafficking
- Immigration
- Impact Litigation
- Public Benefits
- Veterans Rights
- Wills, Estates, Advance Directives
- Other [Click or tap here to enter text.](#)

6. How would you describe the fees you charge to low- and moderate-income clients?

- Services are free regardless of income
- Services are free to those below an income limit
- We charge a flat fee
- We charge a fee on a sliding scale
- Other [Click or tap here to enter text.](#)

7. What kinds of education and outreach activities does your organization provide?

- Training of nonprofit staff members
- Training of lawyers in the community
- Advertisements and flyers
- "Ask-a-Lawyer" Sessions
- Clinics open to the public (If yes indicate subject matter)
 - Divorce
 - Bankruptcy
 - Wills
 - Expunction
 - Benefits
 - Landlord Tenant
 - Other [Click or tap here to enter text.](#)
- Other [Click or tap here to enter text.](#)

8. Please indicate whether you utilize the following in your practice: (Select all that apply.)

	Have on staff	Volunteers or partners, not on staff	Do not utilize
Paralegals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Law Students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social Workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nonprofit service provider staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victim advocates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing counselors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Benefits navigators	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Retired attorneys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. Obtaining legal services can be challenging for people with limited resources or knowledge. Indicate how much of an obstacle each of the following is to those you serve: (Select all that apply.)

	Major obstacle	Minor obstacle	Not an obstacle
They haven't heard about our services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They don't realize that a lawyer could help	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They don't trust lawyers or the legal system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They find the application or intake process too difficult	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They don't want to reveal personal information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
We don't provide the kinds of services they need	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
We can't provide assistance in their language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They can't pay the fees or expenses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our office is too far from where they live or work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They have no one to watch the kids	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They don't have adequate internet or phone access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They can't take time off work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They're in crisis and have too many other things to think about	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. Regarding the free or low-cost services your organization provides to low- and moderate-income clients, how does your organization measure its performance? (Select all that apply.)

- Cases opened
- Cases closed
- Number of clients served
- Substantive outcomes such as evictions prevented, public benefits awarded
- Court victories
- Dollars obtained for clients
- Intangible factors such as building trust, being a support for someone, social change
- Other [Click or tap here to enter text.](#)

Next series of questions for all respondents.

11. To what extent do you agree with each of the following statements:

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
Free or low-cost civil legal services are widely available in the area we serve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Residents do not know how to seek civil legal services in our service area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Availability of free or low-cost legal services is necessary to ensure access to justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It is unfair when one party to a dispute is represented by counsel and the other is not	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In South Carolina, residents of some parts of the state have better access to justice than others	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In South Carolina, some racial, gender or age groups have better access to justice than others	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Governments should do more to ensure universal access to justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. Would members of the South Carolina Bar provide more pro bono services if: (Select all that apply.)

- They earned Continuing Legal Education credit
- They received a tax incentive
- Their organizations did more to encourage its attorneys to offer pro bono service
- There were more training opportunities in areas of need
- The limited representation rules were reformed
- Other [Click or tap here to enter text.](#)

13. How familiar are you with the Private Attorney Involvement (PAI) program of South Carolina Legal Services:

- Not at all familiar
- Somewhat familiar
- Very familiar

14. What actions should be taken to provide better assistance to unrepresented litigants?
(Select all that apply.)

- Provide education and training to unrepresented litigants
- Train judges and other court personnel to accommodate the needs of unrepresented litigants
- Write laws and procedural rules in plain English
- Provide more translation and interpreter services to non-English-speaking litigants
- Provide courtroom navigators to assist people in filling out forms and understanding court procedures
- Provide more free and low-cost legal services
- Other [Click or tap here to enter text.](#)

15. Recently, several states have authorized experienced paralegals to provide specific types of legal assistance without lawyer supervision, and several other states are actively considering doing so. How familiar are you with these programs?

- Not at all familiar
- Somewhat familiar
- Very familiar

16. How likely would you be to support a similar program in South Carolina?

- Not at all likely
- Somewhat likely
- Very likely

17. In the past four years, fifteen cities and three states have adopted legislation providing a right to counsel for tenants facing eviction, and some states are considering a right to counsel in other civil matters. How familiar are you with these programs?

- Not at all familiar
- Somewhat familiar
- Very familiar

18. How likely would you be to support the right to counsel for tenants facing eviction in South Carolina?

- Not at all likely
- Somewhat likely
- Very likely

19. Indicate which if any of the following methods you would support to finance more free or low-cost legal services in South Carolina: (Select all that apply.)

- Appropriation of funds by the South Carolina Legislature
- Additional court filing fees
- Additional local fees and charges such as marriage license, building permits, park use
- Surcharge on attorney license fee
- Surcharge on continuing legal education fees
- Other [Click or tap here to enter text.](#)



South Carolina Court Administration

South Carolina Supreme Court
Columbia, South Carolina

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1800
FAX: (803) 734-0269
EMAIL: RULE610@sccourts.org

INSTRUCTIONS FOR FORM 610 REQUEST FOR BULK DISTRIBUTION OF AND COMPILED INFORMATION FROM JUDICIAL RECORDS [RULE 610, SCACR](#)

The following practices and procedures are pursuant to the December 20, 2017, amendment of Rule 610, SCACR, which gave the Office of Court Administration the discretion to authorize bulk distribution of or compiled information from judicial records, if not sought for commercial purposes:

I. Submitting a Request under Rule 610, SCACR

- All requestors for bulk distribution of and compiled information from judicial records must use form SCCA 610.
- The fully completed form should, preferably, be emailed to: RULE610@sccourts.org. This allows the request to be processed as efficiently as possible.
- If email is unavailable, mail to:

South Carolina Court Administration
Attn: Rule 610 Request
1220 Senate Street, Suite 200
Columbia, South Carolina 29201

II. Criteria for Determination pursuant to Rule 610, SCACR

- If sought for any commercial purpose, the request must be denied.
- For all other requests, the factors to be considered include:
 1. The resources available to compile the information.
 2. Whether a substantial public interest will be served through significant scholarly, governmental, journalistic, research, evaluation, or statistical purposes.
 3. The identity of specific individuals is ancillary to the request.

- A request may be denied on the basis that:
 1. The requestor may obtain the information using the search functions available to the public on websites maintained by the South Carolina Judicial Department or any court of this state.
 2. Fulfilling the request may interfere with normal Judicial Department operations (e.g., requests may be denied if the South Carolina Judicial Department does not routinely collect the requested information).
 3. The requested information contains confidential data or financial information that may not be provided.

I. Notification

- Once a determination has been reached, the Action on Request contained in form SCCA 610 will be emailed or, if requestor's email address is unknown, mailed to the requestor.
- The Action on Request page will state whether the request has been Approved, Partially Approved, or Denied. If Partially Approved or Denied, a reason will be provided.

II. Disclaimer

- SCJD is not by law the custodian of court records. Because SCJD receives information as a third party, SCJD cannot guarantee the accuracy of the information contained in Rule 610 reports. While SCJD strives to keep the reports as accurate as possible, the data contained in Rule 610 reports are reliant on information maintained at the local level. Any clarification of data contained in Rule 610 reports should be directed to the pertinent local official.

RULE 610
BULK DISTRIBUTION OF AND COMPILED
INFORMATION FROM JUDICIAL RECORDS

(a) For the purpose of this rule:

(1) Bulk distribution is defined as a distribution of all, or a significant subset, of the information in judicial records, as is and without modification or compilation.

(2) Compiled information is defined as information that is derived from the selection, aggregation or reformulation of the information from more than one individual judicial record.

(3) Judicial records shall include all records maintained by any court, commission, board, committee, office or other entity within the South Carolina Judicial Department, regardless of whether that entity is funded in whole or part by state or local funds.

(b) The South Carolina Judicial Department shall not provide bulk distribution of or compiled information from judicial records where those records are sought for any commercial purpose.

(c) Unless authorized by the Office of Court Administration, a bulk distribution of judicial records will not be made.

(d) Unless authorized by the Office of Court Administration, compiled information from judicial records will not be provided. This restriction shall not apply to:

(1) Compiled information that may be contained in statistical or other reports that have been previously released to the general public.

(2) Compiled information that can be obtained by a person using the search functions available to the public on websites maintained by the South Carolina Judicial Department or any court of this state.

(e) The Office of Court Administration may authorize bulk distribution of or compiled information from judicial records if it determines, in its discretion, that the resources are available to compile the information; the substantial public interest will be served through significant scholarly, governmental, journalistic, research, evaluation, or statistical purposes; and the identity of specific individuals is ancillary to the request. The Office of Court Administration shall determine whether to provide the information as follows:

(1) All requests shall be made to the Office of Court Administration. The requestor must:

(i) identify the specific bulk records or compiled information sought, and identify the court or courts from which the records are sought;

(ii) set forth the substantial public interest the requestor has for the scholarly, governmental, journalistic, research, evaluation, or statistical purposes as it relates to the requested information;

(iii) describe how fulfilling the request is an appropriate use of public resources;

(iv) indicate whether the requestor is willing to pay a fee for the search, retrieval, or redaction of records should redaction be required;

(v) explain how the bulk records or compiled information will be stored and secured and agree the bulk records or the compiled information will not be sold and will not be used for any commercial purpose or for the purpose of solicitation.

(2) A request may be denied on the basis that:

(i) the requestor may obtain the information using the search functions available to the public on websites maintained by the South Carolina Judicial Department or any court of this state;

(ii) fulfilling the request may interfere with normal Judicial Department operations;

(iii) the requested information contains confidential data or financial information that may not be provided.

(3) If providing the data will require the expenditure of more than one hour of personnel time, including that of any vendor or contractor, the Office of Court Administration may charge the requestor the actual cost of that personnel time. If the estimate costs exceed \$100, the requestor may be required to pay that fee in advance.

(4) Information may be provided without charge or at a reduced charge if it is determined that a waiver or reduction of fees primarily benefits the general public.

Amended by Order dated December 20, 2017.



South Carolina Court Administration

South Carolina Supreme Court
Columbia, South Carolina

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1800
FAX: (803) 734-0269
EMAIL: RULE610@sccourts.org

FORM 610
REQUEST FOR BULK DISTRIBUTION OF AND COMPILED
INFORMATION FROM JUDICIAL RECORDS
RULE 610, SCACR
(SHALL NOT BE USED FOR ANY COMMERCIAL PURPOSE)
EMAIL COMPLETED FORM TO RULE610@SCCOURTS.ORG

- I. Requestor is: an individual an organization
Requestor's name: SOUTH CAROLINA ACCESS TO JUSTICE COMMISSION
Address: PO Box 608, Columbia, SC 29202-0608
Contact person:
Title:
Telephone:
Email:
- II. List all known business, nonprofit, governmental, or other organizations' names which will have access to, participate in the use of, or will be disseminated the requested information:

UNIVERSITY OF NORTH CAROLINA AT GREENSBORO, CENTER FOR HOUSING AND COMMUNITY STUDIES
- III. Identify the Court, including location, which maintains the Record (e.g. Court of Common Pleas Statewide or Court of Common Pleas in Abbeville County):

SC JUDICIAL BRANCH, STATEWIDE (ALL COUNTIES) FOR THE CIRCUIT COURT, FAMILY COURT, MAGISTRATE COURT, AND PROBATE COURT.
- IV. Identify the bulk or compiled information sought, including specific data points within the bulk or compiled information (e.g. Case Number, File Date, Nature of Action Code, Disposition Date):

Please see Form 610 addendum, attached.
- V. Date range requested? (e.g., 7/1/16 - 6/30/17)

2016 - 2021

- VI. **What is the purpose of the request? (Explain in detail, to clarify all necessary data points)**

SOUTH CAROLINA ACCESS TO JUSTICE COMMISSION'S CIVIL LEGAL NEEDS ASSESSMENT

- VII. **What substantial public interest will be served through the scholarly, governmental, journalistic, research, evaluation, or statistical purposes use of the requested information? (Explain in detail)**

THIS DATA WILL BE USED IN THE RESEARCH EVALUATION AS PART OF THE SC LEGAL NEEDS ASSESSMENT. THE PROJECT AIMS TO AID THE LEGAL ORGANIZATIONS IN SC TO DETERMINE PRIORITIES, MAKE IMPROVEMENTS, OR ALLOCATE RESOURCES AS WELL AS DETERMINE GAPS BETWEEN LEGAL NEEDS AND PRO-BONO LEGAL ASSETS ACROSS THE STATE WITH PARTICULAR INTEREST TO THOSE WHO FACE BARRIERS DUE TO INCOME, RACE, DISABILITY, GENDER, AGE, EDUCATION, NATIONALITY, OR LANGUAGE.

- VIII. **Describe how fulfilling the request is an appropriate use of public resources:**

THIS REQUEST IS AN APPROPRIATE USE OF PUBLIC RESOURCES AS IT AIMS TO IMPROVE EQUITY AND REDUCE BARRIERS TO COMMUNITY MEMBERS IN SC SEEKING CIVIL LEGAL SERVICES.

- IX. **Requestor is is NOT**
willing to pay an amount determined to be the actual cost of personnel time, including that of any vendor or contractor, if providing the data will require more than one hour of personnel time. If not, why?

WILLING TO PAY, HOWEVER WE DO NOT HAVE A BUDGET FOR THIS WRITTEN INTO THE PROJECT

- X. **Explain how the bulk or compiled information will be stored and secured:**

INFORMATION WILL BE STORED AND SECURED ON UNCG'S BOX DRIVE WITH RESTRICTED ACCESS TO ONLY STAFF WORKING ON THIS EVALUATION.

- XI. **Requestor agrees**
the bulk records or the compiled information will not be sold and will not be used for any commercial purpose or used for the purpose of solicitation.

By signing this request, I represent that I am the requestor or authorized to do so on behalf of requestor, and affirm under the penalties for perjury, contempt, or

any other actions or penalties as provided by law that the requested information will not be sold, used for any commercial purposes, or for the purpose of solicitation.

Signature: _____
Printed Name: _____
Title: _____
Organization: _____
Date: _____

EMAIL COMPLETED FORM TO RULE610@SCCOURTS.ORG

**REQUEST FOR BULK DISTRIBUTION OF AND COMPILED
INFORMATION FROM JUDICIAL RECORDS
RULE 610, SCACR**

ACTION ON REQUEST

TO BE COMPLETED BY SOUTH CAROLINA COURT ADMINISTRATION

Request Received by South Carolina Court Administration on: _____

Request is: Approved Partially Approved Denied

Denial Reason:

- The requestor may obtain the information using the search functions available to the public on websites maintained by the South Carolina Judicial Department or any court of this state.
- Fulfilling the request will interfere with normal Judicial Department operations.
- The requested information contains confidential data or financial information that may not be provided.
- _____

If Approved or Partially Approved, the requested information will be provided within ten (10) business days, unless otherwise stated.

Request Processed on: _____
Request Processed by: _____
Title: _____

Addendum to Form 610

IV. Identify the complied information sought, including specific data points within the bulk or complied information (e.g. Case Number, File Date, Nature of Action Code, Disposition Date):

For the purposes of the SC Legal Needs Assessment, the SC Access to Justice Commission is requesting record-level data for each civil case of the following types to be provided to the contact listed at UNCG:

- Summary Ejectment/Eviction
- Divorce
- Collection on Account
- Debt collection
- Domestic Violence
- Foreclosure
- Custody
- Findings and Order of Foreclosure
- Permanent Civil No-Contact Order
- Incompetency
- Guardianship of the Person
- Name Change
- Temporary Restraining Order
- Domestic Violence Temporary Custody
- Claim/Designate Exempt Property
- Domestic Violence Temp Child Support
- Renew Permanent Restraining Order
- General Guardianship - Incompetent
- Estate Guardianship - Incompetent
- Limited Driving Privilege
- Protective Services - Adult
- Power of Attorney
- Permanent Restraining Order
- Renewal of Permanent Civil No-Contact
- General Guardianship - Minor
- Objection to Exemptions Claimed
- Unlawful Discriminatory Housing Practice
- Heir property/property disputes
- family law (all other)
- elder law (all other types)
- housing issues (all other types)

For each case, we are requesting the following data points be provided:

- Case number
- File date
- Disposition date
- Disposition method
- Court type (circuit, family, magistrate, or probate)
- Case issue/nature type
- County where the case is heard
- *Full address of party (please note party role as defendant or plaintiff- no names needed)
- Whether the parties have attorney present, if possible
- Whether the parties used an interpreter, if possible
- Judgement/outcome of the case (such as evictions, fees & fines, etc) if possible

*** The SC Legal Needs Assessment steering committee and the Legal Needs Assessment Team from the University of North Carolina at Greensboro (UNCG) would like to ask that the SC Judicial Branch consider making available for this project address level data for South Carolina residents receiving legal services for the past 6 years. The data will play a significant role in developing a more complete understanding of the needs for utilization of legal services for the residents of South Carolina.**

Reason for Location Data Request

The reason for our request for the data at the record level is so we can describe the types of cases that have received legal services to produce a full picture of the demand for the needs served by legal services providers across the state. The inclusion of individual administrative record information (identified in the list above) would provide us the opportunity to use the location information from the records to characterize utilization of legal need services by geographic location across the state. Our intent is to aggregate record information at the census tract level for comparison and analysis by geographic regions of the state. An additional advantage of this approach is that it would allow us to use existing census tract data, i.e., income levels, race and ethnic composition, and other variables to explore possible determining factors accounting for patterns and trends that relate to the demand for and utilization of South Carolina legal services.

How Address Data Will be Used

Addresses for the parties will be geocoded (i.e., converted into points on a map). These points will then be aggregated up to the census tract level for comparison with other available census tract data characterizing the population in each tract.

By aggregating to a census tract level, the UNCG team will be able to apply inferences from the socioeconomic demographics and other population and locational characteristics such as level of rurality, distance from metropolitan areas, or proximity to legal services providers of a single or a group of census tracts to develop an understanding for the demand and need for legal services and the types of services residents of SC have received. For example, this approach would make it possible to compare locations with high concentrations of custody legal needs with the population characteristics in those locations to assess possible connections between demand for different types of legal services.

At no point will address level data be shared in any way beyond the specific individuals on the project team who will be involved in the geocoding and aggregation process.

Why Location Matters

Comparison at only a county level will obscure the distributions and gaps in legal services by representing a mean value for the area, which neither represents the characteristics of the population in a location nor where a phenomenon is concentrated. For a needs assessment, the granular census tract level is ideal for drawing out correlations and trends

Consider the following example of Lexington County, compared at both the State and census tract. One would note that the county is more densely populated than the average county in SC but not necessarily

that a large metropolitan area may account for a major part of the county’s population and resident characteristics. Similarly, without the tract level data showing otherwise, it would be easy to assume there is low racial diversity and low to moderate poverty.

METRIC	STATE	COUNTY	TRACT RANGE
POPULATION DENSITY (PEOPLE PER SQ MILE)	167.02	415.33	65.18 - 3,951.65
PERCENT NON WHITE	36.34%	25.15%	4.81% - 84.82%
PERCENT IN POVERTY	15.2%	12.54%	1.09% - 29.6%
SOCIAL VULNERABILITY INDEX (0 = LOWEST, 1 = HIGHEST)	N/A	0.35	0.03 - 0.97

Now consider the distribution of each of these metrics depicted in the maps below. The population is concentrated closer to Colombia, yet this is not where the highest levels of poverty are located. It is the southern half of the county that experiences the highest degree of social vulnerability regarding income, disability, transportation, housing, and language metrics. As such, it is incorrect to assume all populations in this county are equally vulnerable or vulnerability is distributed evenly. Being able to identify similar concentrations of cases at the tract level will allow the evaluation team to identify the locations and populations experiencing the greatest needs and potential barriers to service.

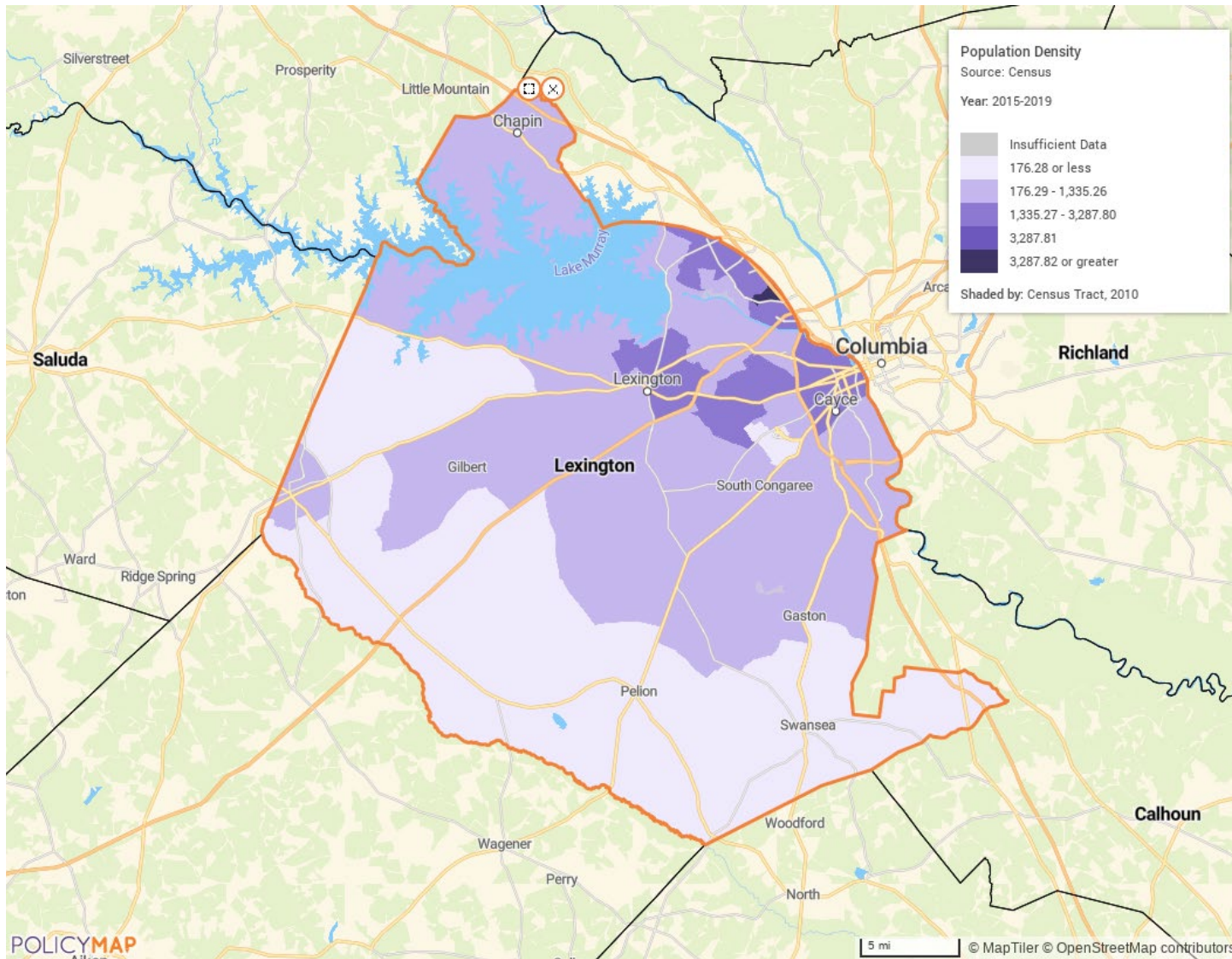


Figure 1. Population Density in Lexington County, SC (Census 2015-2019)

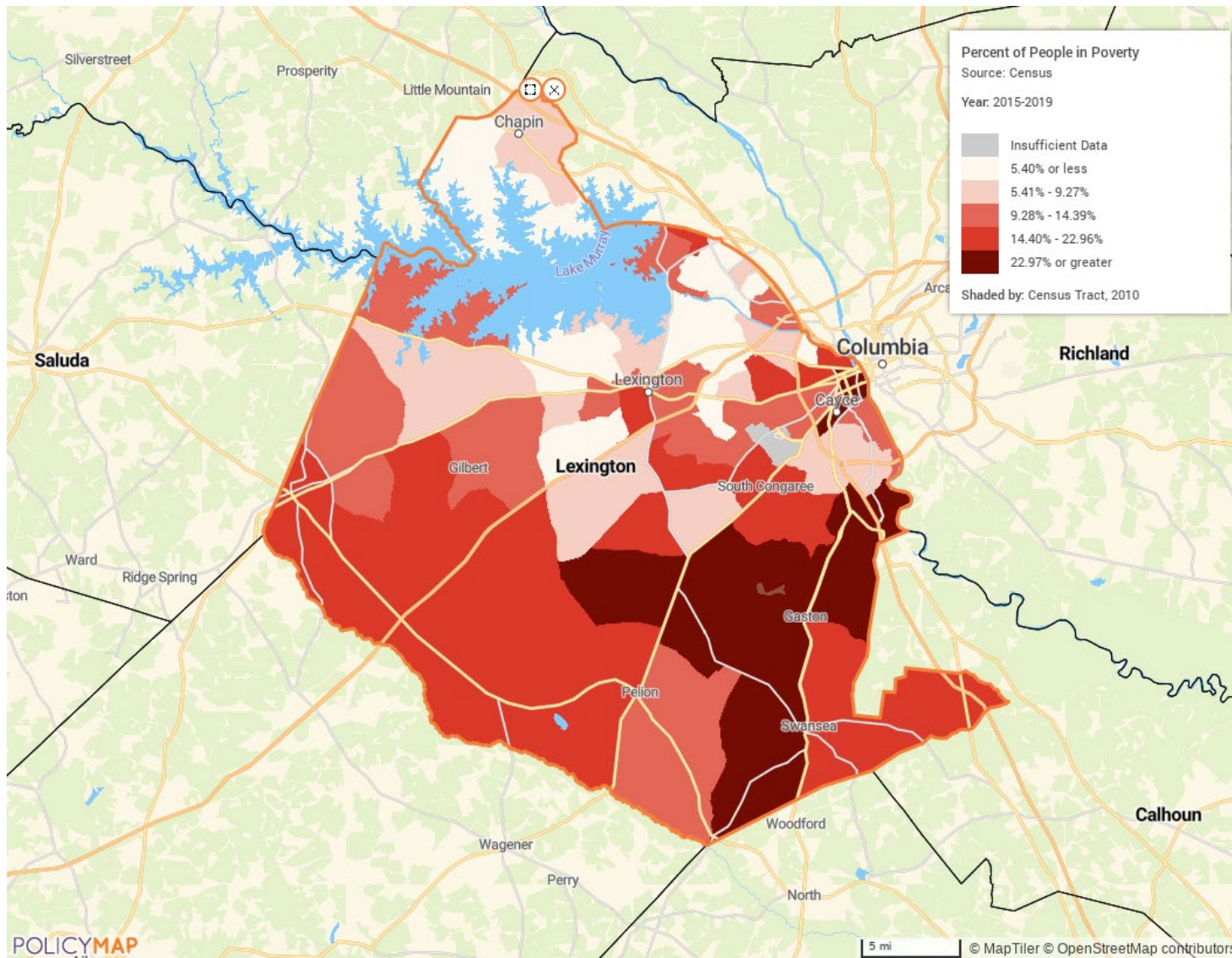


Figure 2. Population in Poverty in Lexington County, SC (Census 2015-2019)

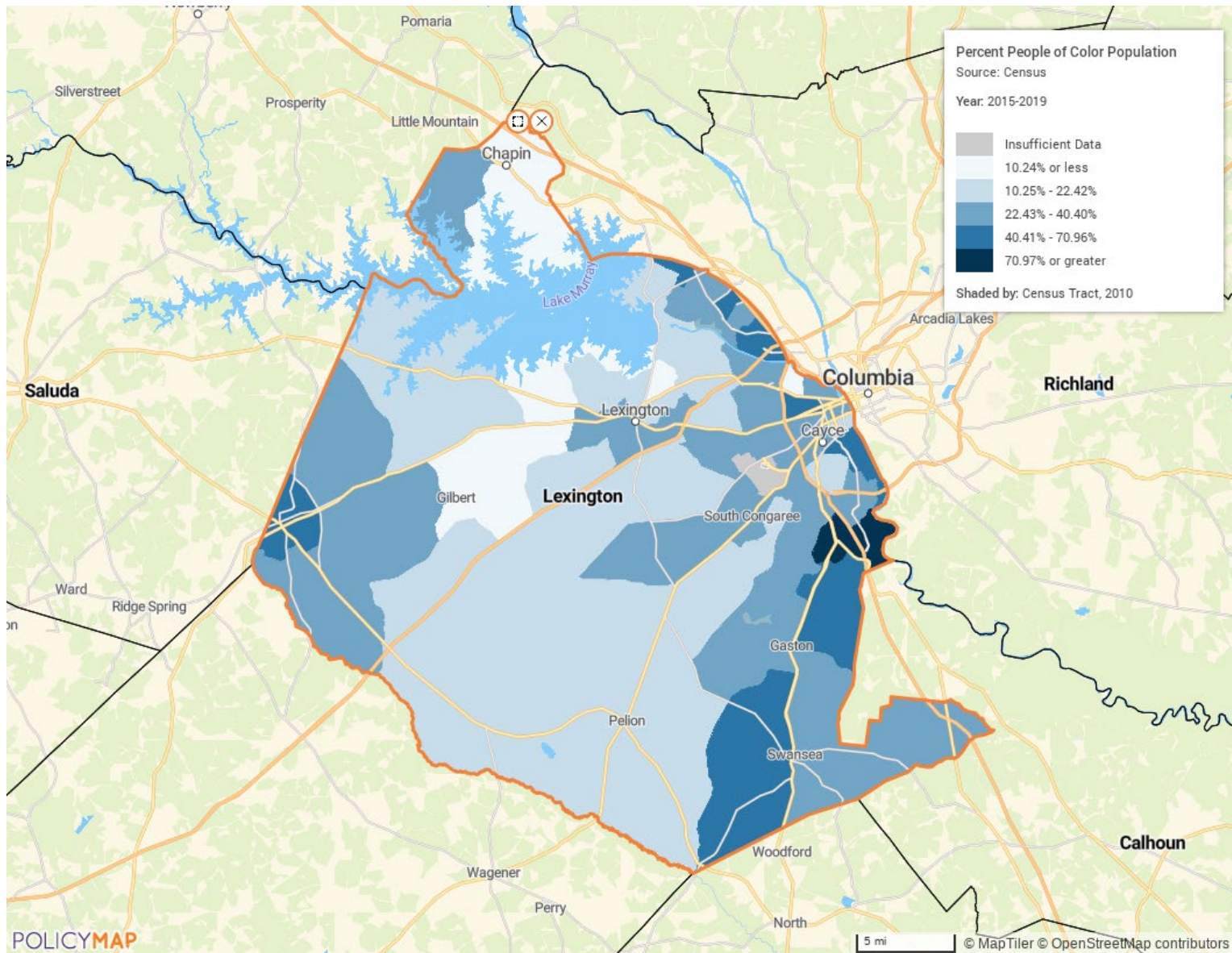


Figure 3. Non-white Population in Lexington County, SC (Census 2015-2019)

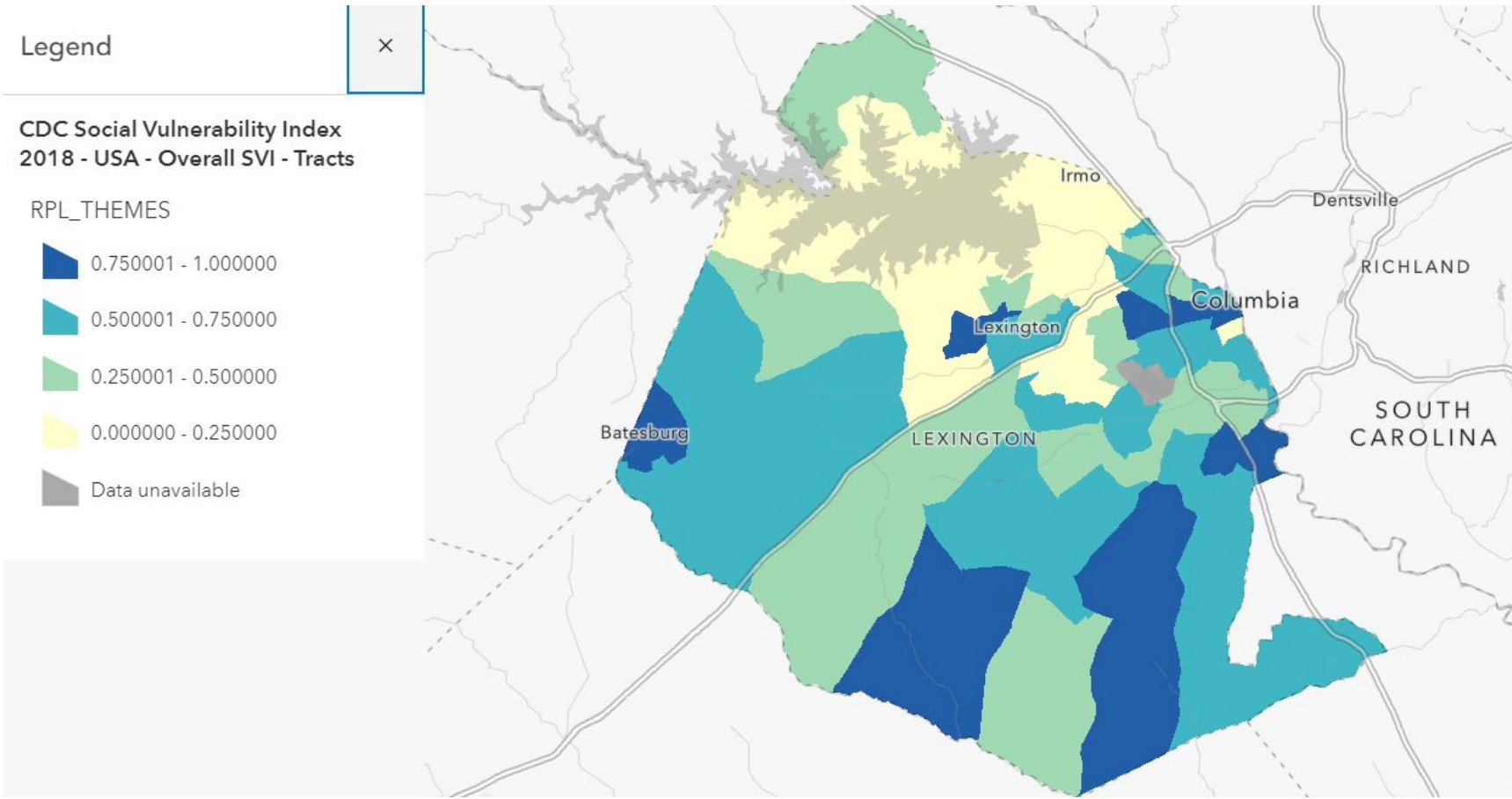


Figure 4. Social Vulnerability Index in Lexington County, SC (CDC 2018)

Amendment of the Data Request to S.C. Court Administration

All data requests are for cases filed in 2016 – 2021 (January - December)

Data Request Structure

Please **exclude** the following codes from each portion of the request:

- Notice/ File Med Mal (230)
- Inmate Petitions
- PCR (500)
- Mandamus (520)
- Habeas Corpus (530)
- Other (599)
- Sexual Predator (510)
- Out-of State Depositions (650)
- Motion to Quash Subpoena in an Out-of-County Action (660)
- Pre-Suit Discovery (670)
- Foreign Judgment (710)
- Magistrate's Judgment (720)
- Transcript Judgment (740)
- Lis Pendens (750)
- Transfer of Structured Settlement Payment Rights Application (760)
- Confession of Judgment (770)
- Other (799)
- Reinstate Drv. License (800)
- Magistrate-Criminal (920)

For each court request, please include 2 sheets of data. Sheet 1 will be the same for all requests.

- **Sheet 1: (all NOA codes)** Summary statistics for all cases/case types/NOA codes in the Circuit Court Data.

For all court types, please include the following fields on Sheet 1:

- County Code
- County
- Total Cases
- Both have attorneys (cases where both first listed plaintiff and first listed defendant have attorneys)
- Only plaintiff has Attorney (cases where first listed plaintiff has attorney)
- Only defendant has Attorney (cases where first listed defendant has attorney)
- Neither has Attorney (cases where neither first listed plaintiff nor first listed defendant has an attorney)
- Total Plaintiffs (count of all- first + additional)
- Total Defendants (count of all- first + additional)
- Interpreter present (if possible, note how many cases required an interpreter)

Sheet 2 (specific NOA Codes): Individual record-level data for specifically listed NOA codes in the Circuit Court Data as listed in the following pages of this request.

For all court types, please include the following fields on Sheet 2:

- County Code
- County Name
- Court, Case #
- NOA Code
- NOA Name
- Status
- Disposition
- Plaintiff address (first listed plaintiff's address)
- Plaintiff has Attorney (note if first listed plaintiff had representation)
- Defendant address (first listed defendant's address)
- Defendant has Attorney (note if first listed defendant had representation)
- Total plaintiffs (count of all- first + additional)
- Total defendants (count of all- first + additional)
- Interpreter present (if possible, note if the case required an interpreter)

NOA Codes for each Court

NOA codes for Circuit Court Data – Civil

- | | |
|---|----------------------------------|
| ○ Debt Collection (110) | ○ Foreclosure (420) |
| ○ Employment Discrim (170) | ○ Mechanic's Lien (430) |
| ○ Employment (180) | ○ Worker's Comp (960) |
| ○ Automobile Arb. (610) | ○ Employment Security Comm (991) |
| ○ Medical (610) | ○ Jud/Child Support |
| ○ Permanent Restraining Order (680) | ○ Jud/DSS Child Sup |
| ○ Reinstate Drv. License (800) | ○ Jud/Term Par Rights |
| ○ Petition for Workers Compensation Settlement Approval (780) | ○ Judgement/Ch Support |
| ○ Incapacitated Adult Settlement (790) | ○ Judgement/Custody |
| | ○ Judgement/Divorce |
| | ○ Judgement/DSS Ch Supp |
| | ○ Judgement/Separation |

NOA codes for Magistrate Court Data – Civil

- Distress for rent
- Eject of trespasser

NOA codes for Family Court Data – Civil

- Divorce (110)
- Annulment (120)
- Separate Support and Maintenance (130)
- Registration of Foreign Divorce Decree – without support/custody (190)
- Registration of Foreign Divorce Decree – with support/custody (191)
- Abuse and Neglect – Child (210)
- Abuse and Neglect – Adult (220)
- Abuse and Neglect – Other (299)
- Domestic Abuse – Intimate Partner (410)
- of Parental Rights – DSS (772)
- Domestic Abuse – Minor (420)
- Domestic Abuse – Other (499)
- Child Support – Private (501)
- Modification of Child Support – Private (507)
- Modification of Child Support – DSS (508)
- Modification of Alimony (525)
- Child Custody/Visitation (610)
- Modification of Custody/Visitation (615)
- Custody/Visitation – Other (699)
- Termination of Parental Rights – Private (771)
- Termination

Codes for Probate Court Data – Civil

As copied from the SC Courts website, please include the following case types-

- estates of deceased persons
- guardianships of incompetents
- conservatorships of estates of minors and incompetents

The SC Civil Legal Needs Dashboard.

In Part V of the report, we described some of the important geographic, demographic, and socioeconomic characteristics of South Carolina. In this connection, we introduce here an important resource that we have created for readers of this report. This is the “SC Civil Legal Needs Dashboard,” a web-based dashboard displaying in an accessible and user-friendly manner a wealth of information about the study area and each of its constituent counties. The dashboard is linked here:

[Click Here for Civil Legal Needs Dashboard](#)

The dashboard allows the user to view data across many indicators relevant to the project. Data may be shown for the state as a whole, or for one county, or for any combination of two or more counties.

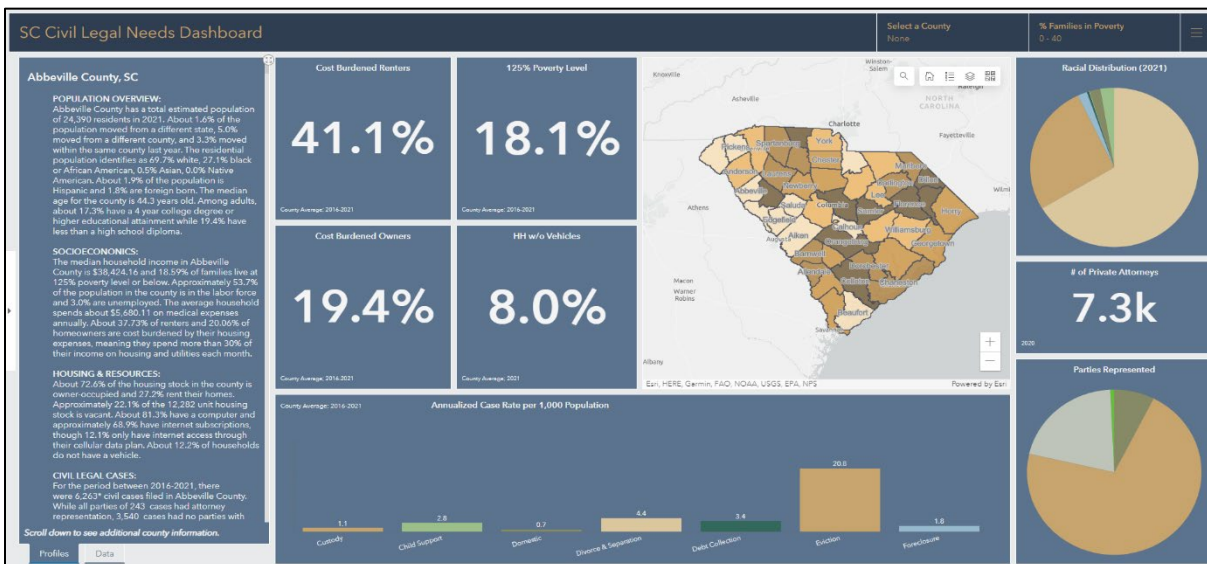
The interactive map in the center of the screen shows the entire state by default. One or more counties may be selected from the “Select a County” dropdown menu. Clicking on the “Layers” icon within the map area allows the selection from several available indicators that will be displayed on the map: location of Legal Aid agencies; social vulnerability index scores; percentage of families at or below 125% of the poverty line; the number of civil court cases per 1,000 population; the distribution of Black, Indigenous and people of color; and number of attorneys. The scale for each indicator can be seen by clicking the “Legend” icon within the map area. The “% Percent Families in Poverty” at the top allows the user to engage a slider to filter the poverty layer to a specific poverty level range. Most of the layer indicators are presented at the census tract level. The “+/-” button within the map area zooms in and out as necessary to resolve county-level and census tract level displays. A button at the upper right corner of the map allows a full-screen display of the map.

For the state as a whole by default, or for the counties selected, the dashboard display shows eight key indicators: percent of cost-burdened renter households; percent of cost-burdened owner households; percent of households at or below 125% of the poverty line;

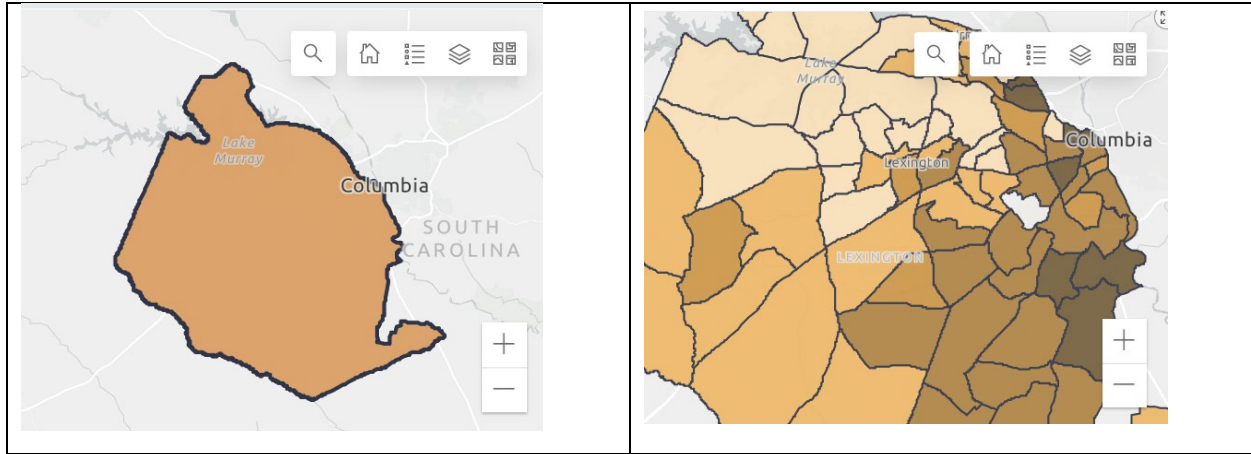
percent of households without vehicles; the racial makeup of the selected area; the number of attorneys; the number of civil cases per 1,000 population, by seven case types; and percent of parties represented by counsel. The racial makeup, case rate, and parties represented indicators are displayed graphically. Each of the eight indicator boxes has a button allowing a full-screen display of that indicator.

Along the left side of the screen, an expanded description of each selected county is offered. Selecting the “Profiles” tab at the bottom of the panel presents a narrative description of population characteristics, basic socioeconomic data, information about housing, and summary civil court case numbers. Selecting the “Data” tab at the bottom of the panel presents in tabular format all 91 indicators for the selected county.

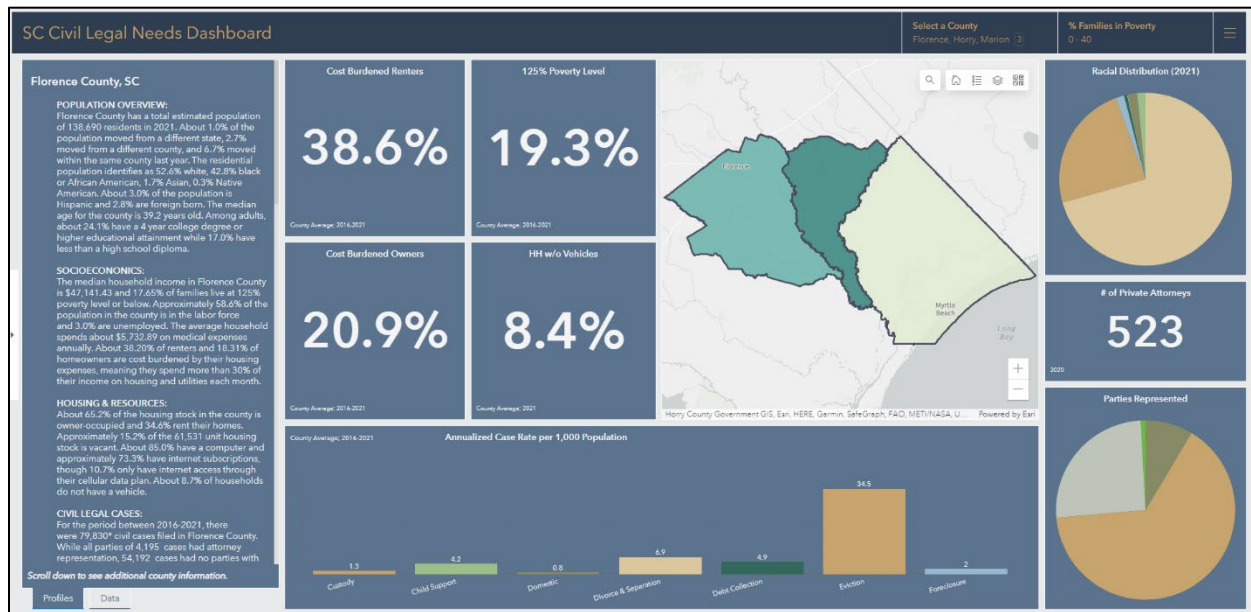
Finally, clicking a bar at the extreme left of the screen opens a panel containing two important features. First, it contains instructions for use of the dashboard. Second, a link at the lower portion of the panel causes the download of an Excel spreadsheet containing all 91 data indicators we have compiled. This spreadsheet will be an invaluable resource for users interested in more in-depth research into the geography, demography, and socioeconomic characteristics of the study area.

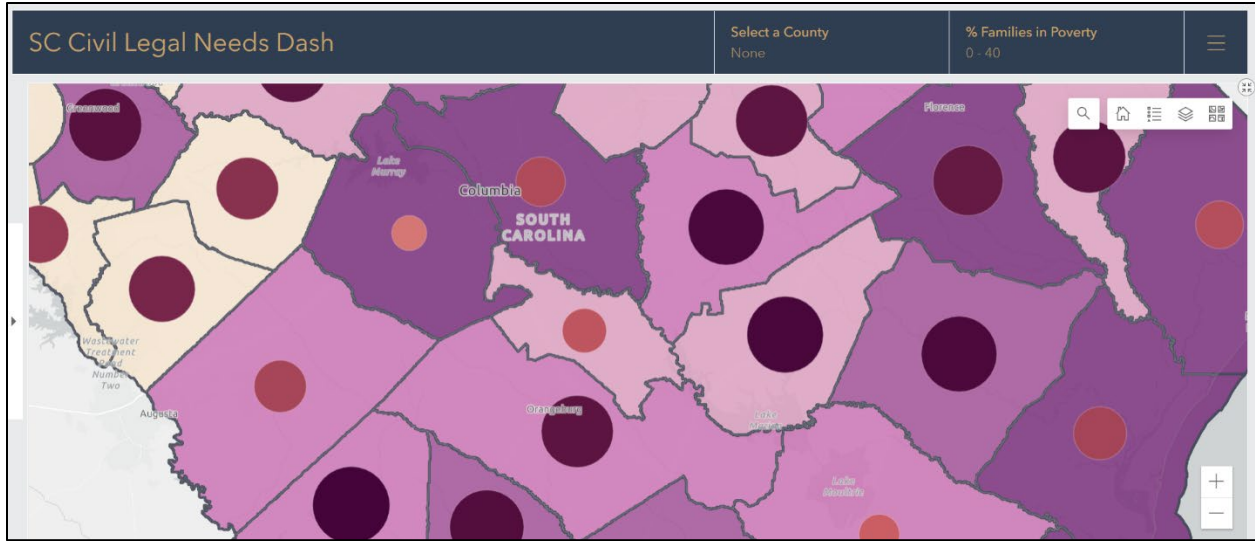


The example above shows the default screen, with all counties selected. The various shades of light to dark brown on the map indicate the number of civil court cases per 1,000 population at the county level. The two details shown below display that same indicator for Lexington County as an example; the map on the left is zoomed into the county level display, the light color indicating a moderate case rate; while the map on the right is zoomed in further, to the census tract level, showing variations within the county.



The dashboard screen example below shows three counties selected as an example, in this case Florence, Marion, and Horry, and the BIPOC distribution layer selected, revealing a notable variation in the proportion of people of color between the three counties.





The map above is a full-screen map zoomed in to the central part of the state with circles representing for each county the social vulnerability index score¹ for that county, the larger, darker circles indicating higher percentiles of social vulnerability; and the shaded colors for each county representing number of lawyers per capita, the lighter shadings indicating fewer lawyers. Generally, we see the poorer, more vulnerable counties have fewer lawyers.

These examples only hint at the options available to the user of the dashboard. In addition, as described above, researchers have access to the expanded dataset which can be downloaded from the left panel of the dashboard display.

#	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
2	Abbeville	Abbeville County, SC	45001	24,390	47.93%	51.98%	1,315	1,264	1,538	892	758	1,677	2,498	2,501	2,911	3,487	3,205	1,561	5,209	
3	Aiken	Aiken County, SC	45003	170,224	48.26%	51.69%	9,867	10,211	10,015	6,706	4,093	10,327	21,442	19,439	20,177	23,975	19,282	8,725	32,249	
4	Allendale	Allendale County, SC	45005	8,612	53.47%	46.45%	402	364	465	276	427	567	844	1,016	1,176	1,252	1,086	504	1,695	
5	Anderson	Anderson County, SC	45007	201,223	48.21%	51.74%	11,689	12,169	13,790	8,347	5,235	12,581	24,240	23,537	25,274	26,375	21,161	11,201	35,947	
6	Bamberg	Bamberg County, SC	45009	13,834	48.73%	51.16%	640	1,126	647	518	571	1,041	1,488	1,496	1,398	1,934	1,492	865	2,759	
7	Barnwell	Barnwell County, SC	45011	21,075	49.23%	50.70%	1,349	1,482	1,251	876	770	1,255	2,272	2,216	2,521	2,948	2,372	953	3,863	
8	Beaufort	Beaufort County, SC	45013	193,641	49.13%	50.82%	10,160	10,041	10,454	6,271	5,319	13,573	21,533	18,572	19,895	25,088	30,836	15,473	51,073	
9	Berkeley	Berkeley County, SC	45015	225,425	49.67%	50.29%	13,945	16,173	14,374	8,867	6,371	15,460	32,180	29,250	27,815	27,277	20,394	8,787	31,947	
10	Calhoun	Calhoun County, SC	45017	14,500	47.26%	52.68%	673	734	861	488	275	942	1,426	1,826	1,599	2,215	2,073	1,048	3,261	
11	Charleston	Charleston County, SC	45019	415,791	48.41%	51.54%	24,100	22,072	22,727	13,206	10,583	26,211	70,094	52,786	48,133	54,285	42,572	17,330	67,812	
12	Cherokee	Cherokee County, SC	45021	57,459	48.38%	51.56%	3,244	3,621	4,018	2,394	1,704	3,629	7,257	6,325	7,334	7,267	5,741	2,775	9,533	
13	Chester	Chester County, SC	45023	32,171	48.44%	51.47%	1,821	1,966	2,329	1,270	848	1,918	3,733	3,553	4,067	4,203	3,479	1,699	5,952	
14	Chesterfield	Chesterfield County, SC	45025	45,861	49.38%	50.56%	2,546	2,287	3,486	1,882	968	2,921	5,339	5,252	6,152	6,232	5,266	2,376	8,246	
15	Clarendon	Clarendon County, SC	45027	33,880	49.38%	50.55%	1,560	2,074	1,577	1,162	734	2,544	3,788	3,279	3,933	4,779	4,770	2,528	7,968	
16	Colleton	Colleton County, SC	45029	37,263	47.80%	52.13%	2,140	2,316	2,605	1,609	784	2,488	4,356	4,304	4,160	4,954	4,324	2,031	7,050	
17	Darlington	Darlington County, SC	45031	66,602	47.23%	52.70%	4,017	3,958	4,261	2,845	1,702	4,482	7,955	7,114	7,970	8,923	7,399	3,668	12,317	
18	Dillon	Dillon County, SC	45033	30,311	47.21%	52.71%	2,024	2,264	2,098	1,368	708	1,991	3,869	3,276	3,448	3,999	2,786	1,489	4,831	
19	Dorchester	Dorchester County, SC	45035	164,794	48.47%	51.29%	9,562	11,482	11,602	7,231	4,045	9,981	22,107	21,879	21,385	20,282	15,293	6,505	23,991	
20	Edgefield	Edgefield County, SC	45037	27,155	53.15%	46.78%	1,021	1,371	1,426	981	878	1,805	3,197	3,488	3,634	3,785	3,143	1,575	5,216	
21	Fairfield	Fairfield County, SC	45039	22,645	46.91%	53.02%	1,063	901	1,645	1,018	677	1,445	2,349	2,232	2,759	3,728	2,805	1,263	4,556	
22	Florence	Florence County, SC	45041	138,690	46.66%	53.28%	8,343	9,496	9,329	5,701	3,368	9,238	17,190	16,468	17,265	17,498	14,112	6,884	23,055	
23	Georgetown	Georgetown County, SC	45043	62,624	47.07%	52.87%	2,943	3,038	3,202	2,359	1,559	3,990	5,908	5,991	7,054	9,458	10,739	5,257	17,192	
24	Greenville	Greenville County, SC	45045	522,731	48.47%	51.45%	32,439	33,937	32,999	20,278	13,137	35,351	71,700	64,351	66,393	64,795	49,395	24,974	82,616	
25	Greenwood	Greenwood County, SC	45047	70,727	46.30%	53.64%	4,214	4,640	4,428	2,808	2,184	4,768	8,643	7,964	8,419	9,038	7,244	4,043	12,842	
26	Hampton	Hampton County, SC	45049	19,118	51.99%	47.96%	1,046	1,152	1,016	728	494	1,024	2,506	2,407	2,252	2,990	2,188	945	3,645	
27	Horry	Horry County, SC	45051	352,237	48.09%	51.88%	16,146	17,438	18,493	11,423	8,351	18,437	41,044	37,993	42,455	53,721	55,614	21,920	84,039	
28	Jasper	Jasper County, SC	45053	29,523	50.15%	49.84%	1,648	1,789	1,680	700	1,237	1,498	3,797	3,623	3,345	4,192	3,960	1,303	5,786	
29	Kershaw	Kershaw County, SC	45055	66,224	48.31%	51.64%	3,619	4,084	4,984	2,741	1,411	3,622	7,997	7,818	8,183	9,134	7,554	3,443	12,319	
30	Lancaster	Lancaster County, SC	45057	97,902	48.00%	51.96%	5,910	6,723	5,338	3,265	1,686	5,099	11,534	13,208	11,909	11,920	12,698	5,558	20,578	
31	Laurens	Laurens County, SC	45059	67,052	48.80%	51.12%	3,985	3,749	4,601	2,626	1,784	4,579	8,061	7,097	8,449	9,167	7,133	3,326	12,021	
32	Lee	Lee County, SC	45061	16,794	50.80%	49.09%	852	725	1,156	575	488	1,421	2,057	1,983	1,959	2,269	1,790	977	3,052	

¹ The “Social Vulnerability Index” is an index calculated by the Centers for Disease Control Agency for Toxic Substances and Disease Registry, taking into account sixteen social factors, including poverty, lack of vehicle access, and crowded housing. See https://www.atsdr.cdc.gov/placeandhealth/svi/fact_sheet/fact_sheet.html.