Guest Column: Providing everyone with access to justice

As Memphis Area Legal Services celebrates its 40th year of service, its lawyers are determined to carry out the vision of its founders.

By Harrison D. McIver III, Special to Viewpoint

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He was an elderly man and needed repair work on his old car. He went to a repair shop where a part-time employee sold him a refurbished engine for $1,500. This seemed like a good deal until he discovered the engine wasn't compatible with his car.

The repair shop wouldn't replace the engine and refused to refund his money. He couldn't afford a lawyer, so he turned to Memphis Area Legal Services. A lawyer from MALS contacted the shop's manager who initially refused to cooperate. MALS' attorney aggressively pursued the shop manager on the old man's behalf, questioning his business practices and preparing for a day in court. The shop manager relented and the elderly man received a $1,500 refund.

Just like this 83-year-old man, people who come to Memphis Area Legal Services are the most vulnerable among us. Most of them live in poverty, with little education and no means to afford a lawyer -- the same kind of people MALS was created to serve 40 years ago. And what's the difference between MALS' clients then and MALS' clients now? Simply put, there are more of them today.

On Oct. 14, MALS will observe its 40th anniversary. For those of us dedicated to providing people with access to justice, it seems like yesterday when 30 Memphis lawyers together decided that, to be true to their profession, they should help advance the dream of equal justice for all people, not just the well-connected and well-to-do.

Equal justice meant the same then as it does now. It means equal access to the law. And that includes access to a lawyer regardless of one's ability to pay.

The U.S. Census Bureau released its 2009 statistics on poverty last month, and the numbers are grim. Nearly 57 million Americans qualify for civil legal assistance -- 3 million more than the year before. To bring that statistic closer to home, MALS' staff of 52 people -- lawyers, paralegals and support staff enhanced by volunteer pro bono lawyers -- are available to serve nearly 200,000 people, mostly the poorest citizens of Memphis and Shelby County and those living in Tipton, Fayette, and Lauderdale counties.
MALS' clients are low-income people with pressing civil legal problems. They are women in need of protection from abuse, disabled people in need of Social Security benefits, and sick people facing health care issues. They are people trying to deal with consumer fraud and predatory lending practices, or those facing divorce problems, landlord and tenant disputes, or discrimination. The most dramatic rise in calls to MALS in recent years has come from people who are facing imminent foreclosures and evictions. And we've seen a sharp rise in requests for assistance in unemployment and other public benefits cases.

MALS' mission is to provide quality legal representation to its clients through its offices in Downtown Memphis and in Covington, Tenn. While MALS serves as many clients as its team can manage, the truth is that MALS never will have enough staff and volunteers to assist everyone who needs us.

In terms of numbers, the situation is worse today than ever before because low-income people are among the first to lose their jobs and homes during an economic downturn like the one we're suffering through now. Sadly, however, MALS is forced to turn away nearly half of all those who seek our service because of budget restraints.

Maintaining MALS' goal of equal justice for everyone will continue to be a challenge, just as its creation was in the wake of the death of Dr. Martin Luther King Jr. That challenge can only be met if our entire community understands the importance of MALS' mission and the legal community continues to support it financially, as well as through the efforts of volunteer attorneys. Anyone who ever has spoken the Pledge of Allegiance has made the promise of "liberty and justice for all" to his fellow countrymen and women. It's a promise that is critical to our freedoms and our cherished way of life.

Perhaps former U.S. Supreme Court Justice Lewis F. Powell Jr. said it best: "It is fundamental that justice should be the same, in substance and availability, without regard to economic status."

As MALS enters its fifth decade, we are determined to carry out the dedication and vision of its founders and to help the people of West Tennessee fulfill the promise of equal justice for all.

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