MALS Celebrates 40 Years of Legal Service

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NICKY ROBERTSHAW HITCHING | Special to The Daily News

Memphis Area Legal Services has plenty to celebrate: namely, 40 years of providing legal representation to thousands of Memphis-area residents who otherwise would have been unable to exercise their legal rights effectively.

“If we provide people legal rights but we don’t give them the tools to exercise them, that’s a big tear in the fabric of our society,” said Vic Fortuno, executive director of the Legal Services Corp., Washington, D.C. A special guest at this week’s 40th anniversary celebration, Fortuno praised MALS for its proud history of providing those tools to individuals who live at or below the poverty line.

MALS, one of 136 independent nonprofit legal aid programs funded by Legal Services Corp., today has an annual budget of $3.8 million, a staff of 19 full-time lawyers and a roster of committed local lawyers who work pro bono. Last year, it completed 4,261 cases.

However, the group’s first director, retired circuit court judge George H. Brown, remembers 1970 when the nonprofit law firm was just him and an empty office. “I was literally the first employee, and I had the responsibility of putting together the staff,” Brown recalled.

The story actually begins two years before that, when a group of 30 local lawyers, led by Michael Cody, organized and dedicated their own money and time to providing legal services to those who otherwise could not afford a lawyer.

This was parlayed into Memphis and Shelby County Legal Services, which Brown built into a viable organization with three offices, 10 to 15 lawyers and recognition from the local bar association. He handed the reins over to A C Wharton Jr. after three years, and in 1974, the Legal Services Corp. was established in Washington, bringing additional funding to the Memphis group.

A few years later, LSC decided to extend its reach into rural areas and U. S. territories. As a result, Memphis and Shelby County Legal Services became Memphis Area Legal Services, expanding to include Fayette, Tipton and Lauderdale counties. MALS has operated continuously, with Harrison D. McIver coming on board as executive director in 1998.

MALS handles civil cases, many of them involving unemployment, mortgage foreclosures, wrongful denial of food stamps and other assistance, and consumer fraud.

Throughout MALS’ history, meeting the enormous need for its services has been challenging. Last year, MALS was able to serve just 37 percent of those who applied for legal assistance. That means turning away nearly two-thirds of applicants, compared with the LSC national average of turning away half.

“It’s not something we do happily,” said McIver, who estimates there are 200,000 people in the Memphis area whose income is low enough to qualify for MALS services.

That number is growing, he said, as high unemployment increases the ranks of the newly poor.

This so-called “justice gap” is worsened by reduced charitable giving and other funding sources due
to current economic conditions.

On the positive side, Congress is on track to fund $440 million to LSC for the current fiscal year, a healthy increase over the record $420 million the group received for fiscal 2010.

As a LSC grantee, MALS receives 42 percent of its annual budget from that group. In contrast, it is not unusual for a grantee to get more than 90 percent of its funding from LSC. The rest of the funding comes from the state, local and federal grants, and foundations.

Importantly, 9 percent of the budget comes from charitable contributions, a figure MALS leaders would like to grow.

As for the immediate future, McIver’s other goals include working to reach a greater percentage of unmet needs, while improving attorney salaries to attract and retain talent. MALS attorneys have a 72 percent success rate on cases that go to trial, and in 2008 were able to increase their productivity by 40 percent, McIver noted.

Despite the challenges, MALS is committed to continuing to represent those who otherwise would be disenfranchised.

“I think, like most good ideas, if you have good people driving them, the organization thrives,” Brown said. “I believe Memphis Area Legal Services has thrived under its various leaders, and it continues to thrive under the leadership of Harrison McIver.

“I think you are always going to have the challenge of funding, the challenge of the ‘haves’ not being sufficiently sensitive to the needs of the ‘have-nots.’ So we have to keep telling the story. We can’t assume the story doesn’t have to be told and retold.”