

Pathways to a Healthy Bernalillo County

Legal Services Pathway Return on Investment Analyses

July 2017

Introduction

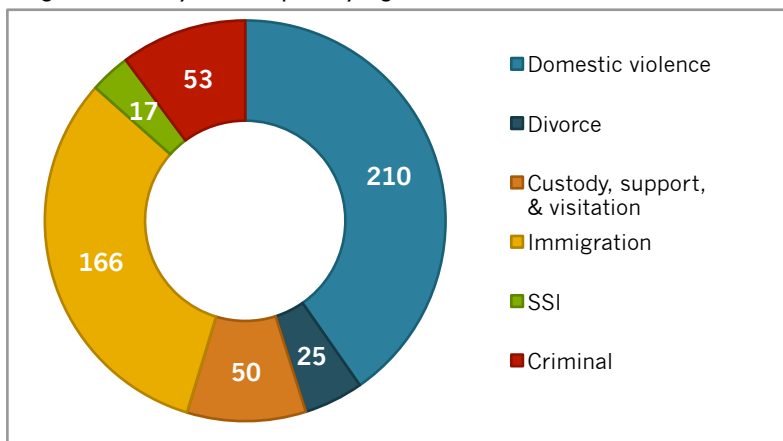
Civil legal needs are social determinants of health. The Legal Services pathway connects clients to affordable legal advice and representation so they can resolve issues that are impeding their ability to lead safe, healthy, and productive lives. Legal aid provided at low or no cost to low-income New Mexicans benefits both the clients and their communities. The 521 Legal pathways completed by Pathways participants have produced over \$3.1 million in individual and societal benefits. Seventy-four percent of benefits were in the form of expected healthcare cost savings. Every \$1 invested by Pathways in the Legal Services pathway is associated with approximately \$1.31 in individual benefits and \$6.12 in societal benefits.

The Legal Services Pathway

Clients who pursue the Legal Services pathway receive the help of a community health navigator (CHN) to identify their legal needs, obtain affordable legal advice, and solve, or making substantial progress toward solving, their legal issues. As with all other pathways, completion of Legal Services requires verification of a positive outcome. The CHN must verify that the client is satisfied with the services they received and that their legal situation has been resolved or significantly improved before the pathway is considered complete.

Disadvantaged people are less likely than members of the general population to know when their rights have been violated, that their problems have legal solutions, or that legal support is available to them. This point is underscored by the fact that one-in-five Legal pathway clients said they had no unmet legal needs on the Pathways pre-entry risk assessment. Helping clients identify which of their problems are legal in nature is therefore a crucial service performed

Figure 1 Pathways Clients primary legal concern



by CHNs. CHNs also help clients apply for free legal aid, waiver of court fees, and other forms of financial assistance with their legal case(s).

Client Characteristics

Pathways clients have a variety of legal needs, but the issues they bring to Pathways are primarily civil. Of the 521 clients who completed the Legal pathway over the past seven years, only about 53 (8%) sought help for a criminal matter. Most Legal pathways focus on domestic matters – divorce, child custody, and intimate partner violence --- often in combination, and frequently complicated by immigration status. The primary legal issues confronting Legal pathway clients are presented in **Figure 1**.

Table 1 Legal Services Clients: Other Completed Pathways

Behavioral Health	147	28%
Health Care Home	142	27%
Employment	111	21%
Education/GED	96	18%
Housing	89	17%

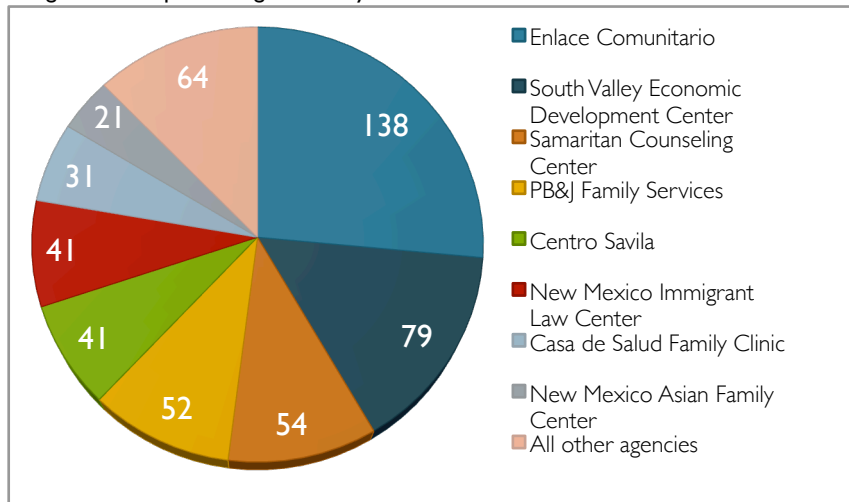
Most Pathways clients pursue three pathways simultaneously. The pathways most frequently pursued in conjunction with Legal Services include Behavioral Health, Health Care Home, and Employment (**Table 1**). Despite the fact that over 40 percent of Legal Services pathways are related in some way to domestic violence, only 7 percent of Legal pathway clients also pursue the Domestic Violence pathway. The community organizations with the most completed Legal pathways are presented in **Figure 2**.

Civil legal aid can range from a one-time consultation about legal options to extensive representation through the complaint process. Community organizations that provide disadvantaged people with access to affordable civil legal aid are of critical importance because, in contrast to criminal law, neither the federal nor state constitution guarantees litigants the right to appointed counsel in most civil proceedings.¹

Civil Legal Needs Are Social Determinants of Health

Unmet need for civil legal representation is a social determinant of health. Legal representation can help people resolve issues that are impeding their ability to lead safe, healthy, and productive lives including tenuous immigration status, violence in the home, poor working conditions, denial of public benefits such as SNAP or Medicaid, and a variety of family issues such as divorce, child support, and child custody.

Figure 2 Completed Legal Pathways



Research indicates that 60 percent of moderate-income American households and 80 percent of low-income households have at least one unmet legal need.² A 2013 study by the UNM Institute for Social Research (ISR) revealed that low-income New Mexicans frequently have multiple housing, health, employment, immigration, and family-related problems that could be resolved with the aid of an attorney. The ISR researchers also found that many low-income New Mexicans with unmet legal needs were unaware of the legal

services available to them.³ Other research has shown that people experiencing problems like discrimination or abuse are often unaware that their legal rights have been violated, or, as is the case for some immigrants, that they have any legal rights at all.⁴ Thus, it is no surprise that Americans living in poverty fail to address their civil justice problems twice as often as their moderate-income counterparts.⁵

Most people don't know that their problem has a legal solution. The majority of low- and moderate-income Americans do not see the issues they encounter as legal problems. White House Legal Aid Interagency Roundtable, November 2016

A growing body of research finds a strong correlation between civil legal representation and improved health outcomes.^{6 7 8} Studies have also demonstrated a significant return on investment for hospitals that embed legal professionals in health care teams to help patients address the non-medical issues that undermine their health.⁹ Medical-legal partnerships are proliferating nationwide.¹⁰ At the University of New Mexico, providers from the School of Medicine partner with clinical law faculty and students from UNM School of Law. The health-harming legal needs most frequently addressed by UNM Medical-Legal Alliance participants include guardianship and family issues, housing, immigration, income supports, personal and family stability, public benefits, and special education.¹¹

Legal Needs of Pathways Clients

Although Pathways clients seek assistance with a broad spectrum of unmet legal needs, two of the most common and profoundly impactful legal concerns, alone or in combination, are domestic violence and immigration status.

Domestic Violence

Domestic violence is a serious public health problem that can result in injuries, trauma, and sometimes death. Forty-five percent of intimate partner physical assaults in the U.S. cause injury and 19 percent of injured victims obtain medical attention in a hospital or doctor's office.¹² Nine percent of incidents therefore result in immediate medical costs.

The health consequences of domestic violence can persist long after the actual abuse has ceased.¹³ Abused women experience more physical and behavioral health problems and use more health care services than do women who are not abused.¹⁴ The societal costs of domestic violence include expenditures on physical and mental health care, lost productivity at work and at home; costs to the criminal justice system in apprehending, prosecuting, and incarcerating perpetrators, expenses related to social services, transitional housing, and battered women’s shelters, and the loss of lifetime earnings when domestic violence results in death.¹⁵ ¹⁶ **Table 2** presents annual costs per incident of domestic violence in the U.S., based on CDC estimates.¹⁷

Table 2 Annual Cost per Incident of Intimate Partner Violence (\$ 2017)	
Health care	\$1,450
Lost productivity	\$307
Paid work	\$260
Household work	\$47
Present value of lifetime earnings	\$320
TOTAL COSTS	\$2,076
Estimates are based on those presented in National Center for Injury Prevention and Control. Costs of Intimate Partner Violence Against Women in the United States. Atlanta (GA): Centers for Disease Control and Prevention; 2003. Inflated to 2017 by the Consumer Price Index (CPI-U)	

Temporary restraining orders can deter further violence and increase victim safety.¹⁸ ¹⁹ ²⁰ Access to legal services has been shown to increase the likelihood that a victim will obtain a protective order against her assailant.²¹ Evidence suggests that protective orders are at least as effective as shelters and counseling in reducing rates of domestic violence.²² Civil responses to domestic violence, including court-ordered protective orders, are also less expensive and sometimes more expedient than criminal justice interventions.²³

Women living in poverty are much more likely than non-poor women to be in abusive relationships.²⁴ Factors like food insecurity and unstable housing are associated with elevated risk for intimate partner violence.²⁵ Over 90 percent of Legal pathways clients said they had difficulty providing food for their families and 83 percent felt at risk of homelessness. Nevertheless, because they lack income and/or knowledge of the legal system, the abused women most in need of legal support have the fewest resources available to them.

Fear of being deported or denied residency or citizenship prevents some immigrant victims of domestic violence from leaving their abuser or seeking help. U.S. immigration law helps to counteract this by providing two visas that enable victims of domestic violence to stay in the country. Both the “U” visa for victims of serious crimes and the Violence Against Women Act (VAWA) self-petition for abused spouses provide a path to U.S. permanent residence.²⁶ Pathways CHNs help screen immigrants experiencing domestic violence for both types of relief and connect them to appropriate legal resources. U visas are mentioned in CHN notes for 29 clients and VAWA is mentioned as a possible option for 11 clients.

Immigration

Fifty percent of Legal pathways are pursued by immigrants; but only 28 percent of client notes mention immigration status as the specific legal concern being addressed. Immigration-related legal needs include applications for green cards, citizenship, and asylum, green card renewal, and deportation defense for individuals in removal proceedings. CHNs refer clients with these concerns to the New Mexico Immigrant Law Center and Catholic Charities, some of the few New Mexico organizations offering low cost legal support for immigrants. These organizations are critically important because many immigrants cannot afford to hire an attorney. Lack of English proficiency and knowledge of the American legal system puts them at an even greater disadvantage in legal proceedings. Seventy-eight percent of Legal pathway clients have difficulty understanding or speaking English and 80 percent have difficulty with basic reading. Recent research found that immigrants with legal representation were fifteen times more likely to seek relief and five times more likely to obtain it than those without representation.²⁷

Tenuous immigration status puts immigrants at a disadvantage in many situations including employment, health care, and social services. Pathways clients dealing with employment disputes, denial of benefits, and medical debt often don’t know that legal recourse exists for them.

Immigrants participating in Pathways also seek help applying for the Deferred Action for Childhood Arrivals program (DACA). DACA, created by an Obama Administration executive action in 2012, provides qualifying young people brought to the United States as children with a work permit and temporary protection from deportation. It is estimated that 15,000 New Mexico youth are eligible for DACA.²⁸ President Trump has vowed to rescind DACA, but, as of March 1, 2017, the federal government was still accepting and approving initial and renewal DACA applications. DACA is mentioned in navigator notes for 21 Legal pathway clients.

Return on Investment in Legal Aid

A number of recent studies, including two in New Mexico, have documented high rates of return for public investments in legal aid.²⁹ In addition to directly benefitting clients, access to legal aid saves the public sector money by helping to avert negative and costly outcomes like violence, unemployment, and homelessness. Independent consultants, Community Service Analysis (CSACO), were retained by New Mexico Legal Aid and the Corinne Wolfe Children's Law Center at the UNM School of Law to calculate the direct and community benefits of services provided by New Mexico legal aid organizations in 2014. The CSACO analysis concluded that New Mexico legal aid providers generated \$42.5 million in total net value in 2014. Every \$1 invested in legal aid services generated \$3.56 in direct and community benefits for New Mexicans. Direct benefits were calculated as the fair market value of the services plus the value of legal settlements and court awards achieved as a result of the aid. The community benefits of legal aid services included cost savings for social programs, reductions in community medical care expenses, additional income and tax revenues, savings in housing and support costs for homeless families, and savings to law enforcement and the justice system.^{30 31}

Researchers in Tennessee estimated the economic impact of immigration services provided by the state's civil legal aid organizations by multiplying the number of program clients who received work authorization with the help of legal aid providers by the difference in average annual wages earned by unauthorized and authorized immigrant workers.³² The Tennessee researchers assumed that workers with green cards earned an average of 9.5 percent more than undocumented workers.³³ Other research suggests that the wage differential may be closer to 20 percent, particularly for male immigrants.³⁴ ³⁵ **Table 3** shows per capita direct and community benefits derived from the CSACO and Tennessee studies expressed in 2017 dollars.

Type of case	Direct benefit per capita	Community benefits per capita
Domestic violence ¹	\$1,146	\$1,045
Divorce ¹	\$722	\$538
Custody and visitation ¹	\$816	\$5,021
Immigration ²	\$1,370	\$1,099
SSI ¹	\$999	\$7,321
Criminal	N/A	N/A

¹ Direct and community benefits for domestic violence, divorce, SSI, and custody, visitation & child support were adapted from Byrne, J. New Mexico Civil Legal Services Programs Social Return on Investment Summary. 2013 and The Economic Impact and Social Return on Investment of New Mexico Civil Legal Services Activities for Low Income Children and Their Families Summary Report For the Year Ended June 30, 2014

² Direct and community benefits of immigration-related legal services not related to domestic violence or family law were estimated, following Smith, K. and Thayer, K. Economic Impact of Civil Legal Aid Organizations in Tennessee Civil Justice for Low Income People Produces Ripple Effects That Benefit Every Segment of the Community, as the increase in wages from obtaining work authorization.

Assuming that undocumented workers are paid the Bernalillo County minimum wage of \$8.60/hour, that workers with green cards are paid \$9.42/hour, and that both groups work 1,750 hours per year, the annual wage differential and direct benefit is \$1,370 per client. Assuming that the pay differential persists over a ten-year time horizon and applying a 3 percent annual discount rate to future earnings, yields a present value of \$10,669. The community benefit is calculated as the average effective state and local tax rate (10.3%)^{a 36} on the additional earnings over ten years.

Upon entry to the Pathways program, 41 percent of clients who went on to complete the Legal pathway said that they had visited the ER or been hospitalized *at least* three times in the past twelve months. Thirty percent of Legal pathway clients who completed the exit interview said they had been to the ER or admitted to the hospital since beginning Pathways. Clients typically complete the exit interview about three months after program completion and 9 to 12 months after

^a For non-elderly adults in the second income quintile

beginning the program. Therefore, although the hospitalization questions asked at program entry and exit are not identical, they do suggest a significant decline in hospital visits during and immediately after participating in Pathways. Similarly, 12 percent of clients who completed the Legal pathway rated their overall health as “good,” “very good,” or “excellent” upon entry to the program and 70 percent rated their health as “good” or better on the exit survey. Self-rated health status is a powerful predictor of healthcare costs.^{37 38} Data from the Medical Expenditure Panel Survey shows that impoverished Hispanic adults who rate their health as “fair or poor” have average annual healthcare expenditures that are 2.9 times higher than those who rate their health as “good” or better.³⁹ Assuming that individuals with “good” or better health have annual healthcare costs of \$3,094 and those who consider their health to be “fair or poor” have average annual healthcare costs of \$8,862⁴⁰ the shift of 302 legal pathway participants from “fair or poor” to “good” or better health reduces expected annual healthcare expenditures by \$1.7 million. Because most Pathways clients are Medicaid eligible or medically indigent, the healthcare cost savings are assumed to accrue to the community rather than the individual client. For purposes of the cost estimate, the shift in health status from “fair” or “poor” to “good” or better is assumed to last for 12 months after beginning Pathways.

Results

The Pathways program connects the most at-risk and difficult-to-reach clients with the services they need to improve the circumstances of their lives and thus their health. As noted earlier, disadvantaged people are less likely than members of the general population to know which of their problems could be solved with the aid of a lawyer. The present analysis therefore assumes that Legal pathway clients would not have received legal services without the assistance of Pathways CHNs. **Table 5** presents the primary legal problems addressed by Legal pathway clients and the estimated benefits of their resolution. Clients with multiple problems are assigned to only one category to prevent double counting. Completion of 521 legal pathways produced approximately \$544,000 in direct benefits and \$2.5 million in community benefits over the life of the Pathways program.

Table 4 Legal Pathway Benefits				
Cost category	Clients	Total direct benefits	Total community benefits	Total benefits
Domestic violence ¹	210	\$240,660	\$219,450	\$460,110
Divorce ¹	25	\$18,050	\$13,450	\$31,500
Custody, support, & visitation ¹	50	\$40,800	\$251,050	\$291,850
Immigration ²	166	\$227,420	\$182,434	\$409,854
SSI ¹	17	\$16,983	\$124,457	\$141,440
Criminal	53	Not calculated		
Health status and costs	302		\$1.7 million	\$1.7 million
Total		\$543,913	\$2.5 million	\$3.1 million

¹ Byrne, J. New Mexico Civil Legal Services Programs Social Return on Investment Summary. 2013. Community Services Analysis LLC and author calculations
² Smith, K. and Thayer, K. Economic Impact of Civil Legal Aid Organizations in Tennessee Civil Justice for Low Income People Produces Ripple Effects That Benefit Every Segment of the Community. Prepared for: The Tennessee Bar Association’s Access to Justice Committee and the Corporate Counsel Pro Bono Initiative. March, 2015 and author calculations

Based on legal service agency expenditures, we assume an average cost of \$669/case or \$348,549 for 521 cases.⁴¹ Subtracting the cost of providing legal services from \$3.1 million in total benefits yields net benefits of \$2.8 million. Pathways costs are estimated as \$575 per completed pathway and \$275 per unfinished legal pathway, for a total of \$369,975 (**Table 5**). The ratio of net benefits to pathways costs is 7.4 – for every \$1 spent on the legal pathway, \$7.40 in benefits is generated for individual clients and their communities.

Table 5 Pathways Clients and Costs			
	Pathways clients	Cost per client	Total
Incomplete legal pathways	256	\$275	\$70,400
Complete pathways	521	\$575	\$299,575
Total Cost			\$369,975

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