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A NEW KIND OF JUSTICE DEPARTMENT: This Indiana City Runs its own Legal Aid Agency

By Molly McDonough

Not since the creation of the Legal Services Corp. 30 years ago has government embraced legal aid for the poor as it has in Northwest Indiana's industrial corridor.

There, along the shores of Lake Michigan in the midsize city of Hammond, Mayor Thomas McDermott Jr. has elevated legal aid to an unprecedented level. He did it by making the clinic an actual city department on par with other municipal offices like Parks and Recreation or Streets and Sanitation.

The Hammond Legal Aid Clinic, housed in an old detectives bureau at City Hall, opened its doors in October. It offers free legal services to elderly and low-income Hammond residents who need help in such areas as bankruptcy, wills, child support collection, visitation, contractor disputes and real estate taxes.

Response has been overwhelming. The clinic already has opened nearly 200 new case files, a heavy load for a staff of only two full-time lawyers and a single bilingual paralegal. Luckily, director Kris Costa-Sakelaris, a former family court judge, has been able to build a strong base of support within the local legal community, leveraging her reputation to attract an impressive roster of volunteer lawyers. Assistance also comes from McDermott's requirement that all law firms doing business with the city devote pro bono hours to support the clinic. And externs from nearby Valparaiso School of Law pitch in, too, in exchange for class credit.

At the operational level, the department runs in many ways like a traditional legal aid clinic, although Costa-Sakelaris tries to make the application process fast and easy. She accepts applications Monday through Friday, and usually responds to an applicant within two to five days. She has referred many applicants who don't quite meet financial guidelines to lawyers in the community who will take cases for reduced fees.

"To build a viable, vibrant community, you have to make sure everyone's taken care of," Costa-Sakelaris says.

Indeed, that's the logic espoused by Mayor McDermott, who practiced law before his election in 2002. The inspiration for the clinic came from McDermott's days as a law student at Notre Dame, when he worked at the legal aid clinic there.

“Legal services are just as important, there’s just as much need, as when [a resident] is sick and has no insurance,” says McDermott, who included free legal services as part of his 10-point campaign platform.

The clinic, however, didn’t escape controversy. While Hammond’s city council unanimously approved creating the legal aid clinic, it balked at funding the effort. So McDermott dipped into his discretionary spending coffers. He earmarks \$200,000 a year for the clinic from the fund, which comes from casino tax revenues.

The big question is, what happens if McDermott loses the next time around? A new administration could ax the program entirely. Costa-Sakelaridis hopes that by then, the clinic will have proved its worth. “I’m pretty hopeful [the community] will see the benefit of it,” she says.

Meanwhile, city governments and legal service providers across the country will be watching the Hammond experiment. The clinic already has come to the attention of the U.S. Conference of Mayors, which selected Hammond as one of 15 finalists for its 2005 City Livability Awards. Also, the city is likely to receive recognition from the bar because of its innovative pro bono strategies.

“Very few cities put their resources into legal services,” says Don Saunders, civil legal services director at the Washington, D.C.-based National Legal Aid and Defenders Association. “It’s an interesting model that we need to pay attention to and think about before we replicate.”

But Saunders cautions that establishing a legal aid clinic as a city department could have political pitfalls. “It’s one of the reasons the Legal Services Corp. was set up as independent rather than as part of the Justice Department or state attorney general,” Saunders says. “You’re going to have, from time to time, opportunity for political interference.”

To keep a wall between legal services and politics, Saunders suggests an alternative would be for municipalities to direct funds to independent local legal aid clinics.

But some observers in Indiana hope that Hammond’s model will gain momentum. “The mayor has shown some real leadership in this area,” says Randall T. Shepard, chief justice of the Indiana Supreme Court. “We support the work he has done to improve access to justice in Hammond, and I hope this model spreads to other cities.”

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