

The Justice Gap: The Case for Expanded Legal Aid Services

By: Dallas Hayden

A few weeks after I moved out of my Washington Avenue apartment, I received a cryptic email demand from my landlord, “bath trash out: \$50.” I could not understand what the message meant or why I had received it. I had mopped my apartment twice before moving out and had double-checked to make sure I had removed my stuff. Confused, I called the front desk and asked the receptionist to explain the issue.

The front desk receptionist recommended I object to the charge via the apartment’s complaint email address and request a picture of the issue. A month later, I finally received a picture of one drawer of toiletries I had forgotten to remove. I paid the fee as I realized where my lost cologne went. Move-outs are often a far worse process for people with limited access to legal assistance, despite [new rules](#) and guidance.

Horror stories of contested pre-existing damages and large move-out fees lined the review pages for my old apartment. As a condition to stay in the student housing complex, my roommates and I had to provide personal guarantees. Our credit scores were thus on the hook for any move-out expenses or damage to the apartment. Unfortunately, many non-law students likely do not understand the implications of a personal guarantee. Many probably do not understand that move-out payments are [often reported](#) to credit agencies and can hurt one’s chances of securing a new apartment.

That minor ordeal represents a much larger problem disadvantaged people encounter today, the justice gap. Real property law, like many practice areas, is frequently complex and riddled with archaic rules. Unfortunately, these rules disproportionately disfavor low and lower middle-income homeowners. Legal aid services often maintain low income cutoff thresholds, making it difficult for people further up the income ladder to [qualify](#). The average cost of paid legal services has also exploded over the last 3 decades. Involved legal help is now often [unaffordable](#) for the average middle-class American.

Lower-income first-time home buyers are particularly disadvantaged. To qualify for most legal aid, Minnesotans generally must not make more than [125 percent](#) of the federal poverty level. As of October 2025, that income cutoff point is about [\\$19,562](#). Home prices have [increased 56%](#) since the pandemic. The average home in Minnesota is currently worth about \$293,000 and requires a purchaser to have an average income of [approximately \\$70,000](#). That is over 400% above the poverty level. Even a \$200,000 home would require a purchaser to make about \$50,000

a year, which is still about 300% above the poverty level. As of 2023, over 47 percent of households in the lowest income bracket own their [homes](#). Much of this group is still not covered by legal aid services because the upper end of this bracket is [still below 125%](#) of the federal poverty level.

At the same time, consider that the average cost of private legal services has grown to [\\$271 per hour](#) in Minnesota as of last year. The average Minneapolis starter home purchaser may only be able to afford a dozen hours of legal work at that rate. Services for any legal problems that stretch beyond the purchase itself would likely be unaffordable. [Unbundled legal services](#) are one discount option, however unbundling does not solve the rate gap. When legal services are unaffordable or unavailable, [justice is unavailable](#). The growing gap between the legal aid cut-off and private legal services is a major problem in Minnesota today.

Two solutions could help address this issue. First, law schools or bar associations could launch a new set of non-profit assisted legal aid clinics to serve lower middle-income clients. Assisted clinics would have higher or no income caps and clients would only need to pay to cover overhead. Where traditional private law firms might charge \$300 per hour, assisted non-profit clinics may only need to charge \$60 per hour to close the justice gap. Discounted fees could be adjusted so that they are just high enough to cover expenses.

Assisted clinics could offer law students and volunteer practitioners great “hands-on” experience to build their knowledgebases. At the same time, assisted clinics would not burden busy [law school clinic programs](#) because they could be mostly or entirely client-funded. While 2nd and 3rd year law students would perform much of the legal research and writing work, supervising attorneys would review all work and ensure compliance with legal and ethical requirements under [Minnesota’s supervised practice rules](#).

Second, states could increase the supply of attorneys in undersupplied practice areas like [rural law](#). While there is an oversupply of general practitioners in cities, there is a serious undersupply of lawyers in rural areas and many specialty practice areas. Law schools have made great strides in promoting specialty practice areas, but there is still a limited supply of many specialty attorneys. Some states are exploring [alternative pathways](#) to legal licensure, such as apprenticeships. States and law schools could focus on alternative pathways for undersupplied specialty practice areas and rural law.

The law affects all of us, regardless of our ability to pay. People in the justice gap should not be disadvantaged by today’s lack of affordable comprehensive legal options. States and law schools may have the amiable power to address some of these issues. Assisted legal aid clinics would open legal services to a large swathe of underserved people while alternative pathways could encourage more attorneys to serve critical underserved practice areas. With a few fixes, the future availability of legal services for disadvantaged people is bright.