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Poor hurt by funding decline in legal aid

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Ruben is the founder and executive director of Equal Justice America. Virginia Forum

"Over a number of years," says attorney Larry T. Harley, "my client had been threatened at gunpoint, had been held at knifepoint literally all night long."

The client's life was defined by terror and abuse until she gained the help of the Southwest Virginia Legal Aid Society (SVLAS). She secured a protective order that guaranteed her safety and allowed her to stay in her house. The woman's husband left her alone -- probably because she had Harley's help.

"When victims of domestic violence have lawyers," Harley says, "it makes a big difference in their future." The victim feels empowered, and the abuser knows he's going to have to deal with an attorney if he tries anything.

Legal aid organizations like SVLAS serve the poorest of the poor, those who have no other options for representation in the justice system. Legal help from an attorney is critically important, especially for those in dire need. Virginia's legal aid organizations provide help in civil matters, protecting battered women and abused and neglected children, and assisting low-income clients on issues related to custody, debt and eviction.

Tragically, most low-income people in need of legal assistance are unable to receive it. An American Bar Association survey found that 80 percent of those eligible for legal aid never get it. Often, people are not aware they need a lawyer or know what services are available to them.

People who are lucky enough to find legal aid organizations

are often turned away because there's no one available to take on their case. The bleak reality is that Virginia's legal aid organizations are vastly underfunded, and the situation is only getting worse.

The number of lawyers available to serve low-income clients is appallingly low. The SVLAS provides services to more than 100,000 low-income people in a primarily rural area about the size of New Jersey. Ten attorneys work for the society, which means each one is responsible for all the legal crises of 10,000 people. In central Virginia the ratio of attorneys to potential low-income clients is about 6,558 per lawyer. How can Virginia's legal aid system meet the needs of so many?

More money is an obvious answer, but legal aid attorneys know that state and federal governments are unlikely to hand their organizations more cash. In fact, in June 2006, the proviso that dedicated \$1 of every \$4 in filing fees to legal aid will end, diminishing the state's contribution. And federal funding has failed to keep pace. If funding had stayed level since 1980 and simply been adjusted for inflation, SVLAS would have received \$1.9 million this year. Instead, it received just \$752,000.

Without new funding, the real answer is getting more attorneys to contribute their time and expertise on a pro bono basis to assist the state's legal aid programs. A large law firm can loan some of its younger staff attorneys to a legal aid organization. The young attorneys will gain experience in courtroom tactics and trial preparation while providing a valuable public service.

Law firms and individual lawyers can donate to nonprofits such as Equal Justice America, which awards fellowships to law students to allow them to spend a summer or semester working for legal aid organizations. More experienced attorneys can make themselves available to give advice on technical issues that legal aid lawyers may be less familiar with.

It is critical that lawyers gain awareness of the importance of legal aid work. In order to motivate volunteerism, the Virginia Bar Association launched a program in 2004 that publicly recognizes attorneys who pledge to perform 50 hours or more per year of pro bono or nonlegal community service.

But lawyers, whether working in small legal aid offices or big firms, shouldn't be the only people worried about providing access to legal assistance for those who otherwise cannot afford it. This is a problem for everyone in our society who values equal treatment of all citizens.

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