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Cutting to the bone

Legal aid programs are facing even steeper budget cuts.

BY DAVID INGRAM

Legal programs for the poor are bracing for a new round of potential budget cuts, three months after Congress took its shears to the largest source of their funding.

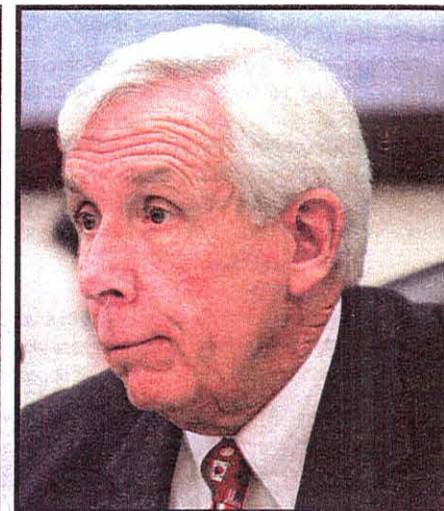
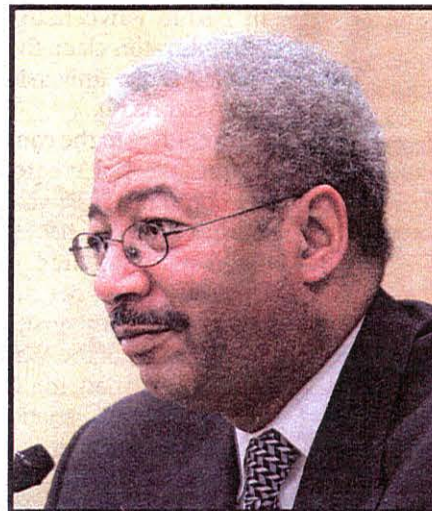
In California, where migrant workers rely on free services to handle housing and employment disputes, the head of California Rural Legal Assistance Inc. said



cuts under consideration in Washington would force him to close offices and take at least 3,000 fewer cases a year.

In central Florida, where unemployment and foreclosure rates are above the national average, the legal services organization faces

SEE LSC, PAGE 9



IN CONGRESS: Rep. Chaka Fattah, left, is fighting big cuts for LSC proposed in Rep. Frank Wolf's subcommittee.

DIEGO M. RODRIGUEZ

Legal aid programs face more budget woes

LSC, FROM PAGE 1

the possibility of losing staff, in addition to the recent elimination of four attorney positions. And in New Jersey, federal cuts would compound the loss of state money announced just two weeks ago, forcing management to reconsider the kinds of cases they accept.

Pressure on the budgets of legal services programs has been building for three years, since the recession began to eat away at their various sources of funding. It began with the drop in interest rates, cutting into the money from lawyer trust accounts known as IOLTA funds, and it continued with state reductions.

The latest federal proposal by U.S. House Republicans is a 26% cut in congressional funding for the Legal Services Corp. (LSC), which with \$404 million in funding makes grants to 136 groups across the country. The proposal follows a 4% midyear cut approved by Congress in April.

Directors of legal services said they're facing painful choices, as they're forced to make plans for scaling back their organizations to levels that existed in the 1990s.

"How do you choose between, for example, somebody who's being evicted and someone who's the victim of domestic violence? And yet those are the kinds of choices we have," said Melville "De" Miller Jr., president of Legal Services of

New Jersey. "None of them are satisfactory. They all deny equal access to justice."

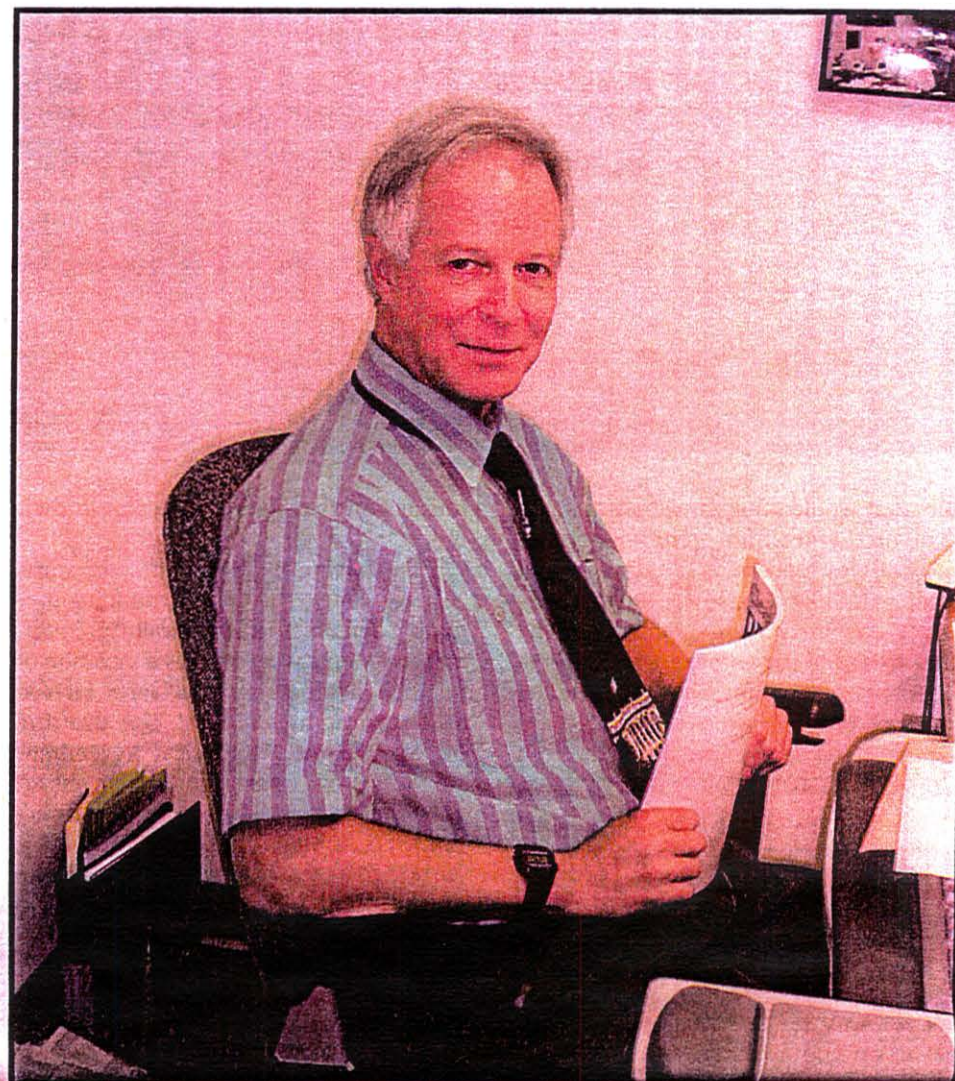
Miller said his state had 720 legal services workers at the beginning of 2008, but the number has since dropped to 490 and will likely continue to fall. An array of other cuts are under consideration, he said: closing offices, restricting the types of cases handled and lowering the income ceiling to be eligible for services.

William Abbuehl, executive director of Community Legal Services of Mid-Florida Inc., said he's already eliminated four attorney positions this year through layoffs and attrition and is planning to close an unstaffed outreach office next month. If Congress follows through with its threat to cut additional funding, he said he would be forced to make additional layoffs and consider closing more offices.

Resources are falling as the economy's stagnation has increased demand in certain areas, Abbuehl said. "We're finding a lot of people are being incorrectly denied unemployment compensation," he said, "and we're having to cut back on those, simply because of cutbacks in staff."

CORE FUNCTIONS

The latest threat to funding is happening without much public debate over the merits of legal services programs. Criticisms that have been lobbed for decades—for example, that they pursue politically motivated cases or economi-



WILLIAM ABBUEHL: The executive director of Community Legal Services of Mid-Florida Inc. said he's already cut four attorney positions and may cut deeper if Congress trims funding again for legal aid programs.

cally damaging class actions—are mostly absent this year, in part because Congress in 1996 imposed restrictions on the kinds of work they can do.

Rep. Frank Wolf (R-Va.), the chairman of the House Appropriations subcommittee with jurisdiction over the LSC, describes himself as a supporter of its work. At a July 13 hearing, Wolf didn't directly address the LSC, instead speaking generally about the need to reduce the federal budget deficit. "In this austere budget climate, we have had to make some tough choices in order to preserve at a freeze level the funding for core federal law enforcement functions," Wolf said.

Still, the proposed 26% cut to LSC is much deeper than the 6% cut to all programs that fall within Wolf's subcommittee. Those programs include such popular initiatives as the National Science Foundation, the National Aeronautics and Space Administration and Commerce Department trade promotion. Wolf and his office did not respond to four interview requests about the budget plan.

Supporters of legal services hope to fare better in the Democrat-controlled Senate, which has yet to act. "Where we begin is not where we're going to end up," said Rep. Chaka Fattah (D-Pa.), the ranking Democrat on the House

Appropriations subcommittee with Wolf. Fattah called the House plan "very severe" while still an "opening salvo."

Sidley Austin Chicago partner John Levi, chairman of the LSC board of directors, urged lawmakers in a July 12 letter to consider the savings from legal services. "Funds provided to LSC programs are a smart investment and help communities avert more costly interventions," he wrote. "When a family escapes domestic violence, we save on the cost of medical care for injured victims and follow-up counseling for children."

Some members of the House, especially Republicans, would like deeper cuts. In February, 171 of them voted for a proposal to eliminate LSC funding entirely. In April, Wolf urged firm lawyers to volunteer more time and money to the poor, an idea that strikes many who work on the issue as unrealistic because of the scope of the work.

"In a city like Baltimore or a city like Washington, you're talking about thousands of people. You can't expect that entire burden to fall on the private bar," said Benjamin Rosenberg, a partner at Baltimore's Rosenberg Martin Greenberg and co-chairman of the fundraising arm of Maryland Legal Aid Bureau Inc.

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