

# President's Message

by Edward L. Weiner



## Holding Out for a Hero

**Hero:** One who, in the face of danger and adversity or from a position of weakness, displays courage, bravery or self-sacrifice for some greater good.

LIKE MOST KIDS, I had quite a few heroes when I was growing up. As a practicing attorney, I have learned a great deal about a different type of heroism — the fight for access to justice — and the heroes who fight that fight every day.

Supreme Court Justice Lewis Powell, Jr. said:

Equal justice under law is not merely a caption on the facade of the Supreme Court building, it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists...**it is fundamental that justice should be the same, in substance and availability, without regard to economic status.**

Access to justice is in the first line of our Constitution and the last line of our Pledge of Allegiance. Unfortunately, too many Americans — too many Virginians — are, as ABA President Paulette Brown says, “Outside of the umbrella of our justice system.”

The Supreme Court’s 1963 unanimous ruling in *Gideon v. Wainwright* affirmed that those accused of a crime have a constitutional right to a lawyer whether or not they can afford one. Despite what is widely considered one of the most significant judicial declarations of equality under law, many say that the promise inherent in the *Gideon* ruling remains unfulfilled because so many legal needs still go unmet. There is no right to counsel for civil matters. The chasm between the promise of “equal justice under the law” and the reality of America’s working poor is often called the “Justice Gap,” and it’s growing.

Legal Services Corporation of Virginia helps to bridge the Justice Gap. LSCV provides grants to a statewide network of non-profit organizations that enable low-income Virginians to address critical legal issues affecting their families, homes, income, jobs, and access to vital services such as education and health care.<sup>1</sup>

Legal Services assists clients who live in households with annual incomes at or below 125 percent of the federal poverty guidelines:<sup>2</sup>

Family Size	12 Month Income	
	100% Poverty Guideline	125% Poverty Guideline
1	\$11,770	\$14,713
2	\$15,930	\$19,913
3	\$20,090	\$25,113
4	\$24,250	\$30,313

**Today, more than one million Virginians (one in eight) are eligible for Legal Aid.<sup>3</sup> Nationwide, sixty-three million Americans (one in five) are eligible.**

While the number of those eligible for and in need of Legal Aid assistance grew sharply during the recession, funding dropped for three consecutive years beginning in FY 2010–11. This was due to tight federal and state budgets, as well as minimal interest income from IOLTAs. Even with a slight increase in funding last year, Legal Aid organizations in Virginia operated with thirty-seven fewer attorneys and forty-two fewer support staff than in 2009.

Last year, LSCV Legal Aid Advocates:

- Closed 28,688 civil cases, providing direct measurable benefits to 68,857 Virginians. (Of these cases, 2,674 [9.3 percent] were handled by private attorneys pro bono or for a minimal fee.)
- Helped 553,990 Virginians to understand and act upon their legal rights and responsibilities as tenants, parents, employees, spouses, and consumers via:
  - telephone legal “hotlines,”
  - pro se (self-help) assistance, and
  - community legal education.

But the Justice Gap is huge. Legal Services estimates that 80 percent of the legal needs of the poor go unmet — all while huge numbers of new lawyers remain unemployed or underemployed.

At the 2011 National Pro Bono Summit, then Attorney General Eric Holder said:

We are bound by a responsibility to use our unique skills and training — not just to advance cases, but to serve a cause; and to help our nation fulfill its founding promise of equal justice under law...The obligation of pro bono service must become a part of the DNA of both the legal profession and of every lawyer.

Here’s what we can do:

### Get the Facts:

1. Review *Legal Services Corporation of Virginia Report to the Commonwealth and the General Assembly FY 2013–2014*. It’s brief and lays out the issue clearly. ([http://leg2.state.va.us/dls/h&sdocs.nsf/By+Year/RD552015/\\$file/RD55.pdf](http://leg2.state.va.us/dls/h&sdocs.nsf/By+Year/RD552015/$file/RD55.pdf))
2. Learn about the Virginia Access to Justice Commission, one of thirty-eight in the United States. (<http://www.courts.state.va.us/programs/vajc/home.html>)

3. Visit the Access to Legal Services page on the VSB website ([http://www.vsb.org/site/pro\\_bono](http://www.vsb.org/site/pro_bono)) to learn more about the Access to Legal Services Committee.
4. Like the "VSB Access to Legal Services" page on Facebook to get access to articles and events.

#### Volunteer:

5. Contact Legal Aid to volunteer:
  - Blue Ridge Legal Services ([www.brlls.org/](http://www.brlls.org/))
  - Central Virginia Legal Aid Society (<http://cvlas.org>)
  - Legal Aid Justice Center ([www.justice4all.org](http://www.justice4all.org))
  - Legal Aid Society of Eastern Virginia (<http://sites.lawhelp.org/Program/1647>)
  - Legal Aid Society of Roanoke Valley (<http://lasrv.org/>)
  - Legal Services of Northern Virginia ([www.lsnv.org/](http://www.lsnv.org/))
  - Rappahannock Legal Services ([www.rapplelegal.com](http://www.rapplelegal.com))

- Southwest Virginia Legal Aid Society ([www.svlas.org](http://www.svlas.org))
  - Virginia Legal Aid Society (<http://vlas.org>)
  - Virginia Poverty Law Center ([www.vplc.org](http://www.vplc.org))
6. Attorneys in Central Virginia can access JusticeServer™ ([www.justiceserver.org](http://www.justiceserver.org)), a collaboration of the Richmond Bar Foundation and local legal aid organizations. JusticeServer is an online, pro bono case management/referral system. Private attorneys can accept and work on pro bono cases right from their own computers. Areas of the law include consumer, education, elder, employment, family, and housing law. Most cases take five to fifteen hours to complete. Online training and resources are available in each of these substantive areas. The Legal Aid Justice Center and Central Virginia Legal Aid Society, collaborators on JusticeServer, are available to provide technical assistance.

#### Donate:

7. Donate to your local Legal Aid or other non-profit legal services organizations.
8. Provide "Low Bono" services to clients.
9. Attend your local Jazz4Justice concert, which benefits your local Legal Aid and pro bono programs. ([www.facebook.com/Jazz4Justice](http://www.facebook.com/Jazz4Justice).) Let's all be someone's hero!

#### Endnotes:

- 1 LSCV is funded in part by Legal Services Corporation, an independent nonprofit established during the Nixon Administration to provide state-level financial support for civil legal aid to low-income Americans.
- 2 US Department of Health and Human Services (<http://aspe.hhs.gov/2015-poverty-guidelines>).
- 3 According to the US Department of Agriculture's Economic Research Service, approximately 940,000 Virginians live at or below US Poverty Level. ([www.ers.usda.gov/data-products/county-level-data-sets/poverty.aspx](http://www.ers.usda.gov/data-products/county-level-data-sets/poverty.aspx)). When Legal Aid's additional constituencies are factored in, the total tops one million Virginians.

## Do you know a Virginia high school student with an interest in the law?

The VSB is sponsoring an essay competition for high school students that offers an excellent college resume builder and almost \$7,000 in prize money.

## Do High School Students Have a Right to Privacy?

For details on the Law in Society contest, please visit [www.vsb.org/site/public/law-in-society](http://www.vsb.org/site/public/law-in-society) and enter before February 12, 2016. For more information, please contact Dee Norman at [dnorman@vsb.org](mailto:dnorman@vsb.org) or 804-775-0594