

Jury Still Out On Legal Aid Blue Ridge Faces \$180K Shortfall In Federal Funds

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HARRISONBURG — Unless the General Assembly intervenes, a second round of federal funding cuts could further limit the availability of free legal services to low-income residents of the central Valley.

Blue Ridge Legal Services, a nonprofit charitable law firm that provides legal advice and representation to clients throughout the Shenandoah Valley, and similar services nationwide are again the target of federal belt-tightening in Washington. In November, Congress voted to cut legal aid funding by 15 percent. That move came on the heels of a 4 percent cut in April and has left BRLS with a \$180,000 shortfall for next year, according to executive director John Whitfield.

BLRC operates in Harrisonburg, Winchester, Lexington and Roanoke on a \$1.75 million budget. About \$667,000 comes from the federal government through the Legal Services Corp., an agency that funds and oversees free legal aid services in the U.S.

The state provides about \$534,000 through a general appropriation and case filing fee. Nine different United Way agencies also contribute, collectively donating about \$120,000, and 40 local governments and private donors make up the rest.

Bill To The Rescue?

To make up the difference for BRLS and other like-minded organizations, legislation introduced by Del. David Albo, R-Fairfax, and state Sen. Thomas Norment, R-Williamsburg, would raise the minimum civil case filing fee from \$6 to \$10.

If approved, Whitfield said, the fee increase would generate an estimated \$3.2 million statewide. Blue Ridge's share would be enough to close its funding shortfall. The funds are disbursed based on population and demographics by another independent nonprofit organization.

But the fees wouldn't take effect until the state's upcoming fiscal year, which starts in July. Whitfield said that means staff might have to be laid off for several months in the meantime, even if the legislation passes.

Whitfield, who joined BRLS in 1980 as a law student and became executive director in 1989, described the situation as discouraging for everyone involved, including clients.

This year, BRLS has assisted 2,100 clients, down from 3,000 last year. It usually has to turn away twice as many people as it's able to help. Whitfield said he plans to contact the central Valley's legislators to air his concerns.

Del. Tony Wilt, R-Broadway, was noncommittal when asked about the bill's chances in the upcoming General Assembly session.

"I certainly do appreciate the job that they do there and the folks that they represent and all the hard work that they represent," he said. "But what we're going to be able to do at the state level I don't know right now. It's going to be a pretty aggressive fiscal year."

Funding Cut Fallout

If the measure doesn't pass, Whitfield said the nonprofit will be left with little choice but to cut additional staff. In Winchester, the staff will decrease from five to three. In Lexington, one of the two attorneys there will move from full-time to part-time hours and in Roanoke, two support staff will be let go. Nine people, including three attorneys, work in the Harrisonburg office, which also serves as the organization's headquarters. That office once had six attorneys. Most of the cases handled by BRLS involve landlord-tenant disputes, debts and collections.

Although there's a strong pro bono legal program in the Harrisonburg area, Whitfield said many people don't take advantage of the services because it often takes too long to go through the screening process. That's in part because the pro bono program doesn't have enough staff to screen cases and make referrals.

Without guidance, he said, people who are unfamiliar with the legal system often decide to go it alone — a decision most end up regretting.

"When people are in court, and they don't know what the rules of evidence are, they don't know how to use witnesses [or] how to draft a pleading, the odds are probably twice as high that they're going to be unsuccessful."

Andrew Harding, president of the local bar association, worked for BRLS and a similar organization in eastern Virginia. He also served as a prosecutor with the Rockingham Commonwealth Attorney's office and currently practices law in Harrisonburg. He equated good legal services with health care — most people just don't appreciate how important it is until they need it. With basic guidance, he said, many cases can be resolved quickly and easily without ever going into a courtroom.

"In the absence of that," he said, "it's amazing how not having [an attorney] can set people up for failure."

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