

Legal Aid needs assistance

Attorneys serving low-income people could lose jobs without more money

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WINCHESTER — Denise isn't sure what she would have done without Nora Mahoney, domestic violence attorney for the Winchester branch of Blue Ridge Legal Services Inc.

Denise, who wants to keep her last name anonymous for safety reasons, doesn't believe she would have won her case against her abusive husband, who she said wanted joint legal custody of their 13-year-old daughter for tax purposes, without Mahoney's help.

But Mahoney might lose her job if the General Assembly doesn't pass legislation to send more money toward legal aid. She would be one of two staff members who would be cut, leaving the city office 40 percent smaller.

"We already turn away at least half as many cases as we take," Mahoney said. "We turn people down in droves. It's horrible."

With nine direct-service programs in 38 offices across the state and the Virginia Poverty Law Center, the umbrella agency, Legal Services Corp. of Virginia, oversees the state's legal aid system.

Representatives of the agency want the General Assembly to bring back some funding lost in the fall when Congress reduced grants by 15 percent. According to John Whitfield, executive director of Blue Ridge Legal Services, Inc., which covers the Northern Shenandoah Valley, the organization cut three of its 26 staff members in early 2011 when Congress reduced funding by 4 percent.

Blue Ridge Legal Services Inc. lost roughly \$60,000 in congressional funding in April 2011, and about \$116,000 this month.

"Each of our support staff easily does the work of two people," Mahoney said, noting that attorneys have had to revert to more over-the-phone aid to keep up.

The organization takes clients who call a lawyer referral service and indicate that they have a low income, she said. Some also are

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Nora Mahoney, an attorney for Blue Ridge Legal Services in Winchester, speaks with her client, "Denise," inside Denise's Strasburg home. Mahoney's job could be in jeopardy if the agency that provides free civil legal assistance to low-income residents doesn't get enough funding from the General Assembly this year.

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referred from domestic violence shelters. But soon, they might have to fend for themselves.

The office handles everything from denial of unemployment and illegal eviction to unlawful suing, divorce and custody battles. But divorce and custody cases are not top priority, and many of them would be refused if the office staff shrinks, Mahoney said.

Mahoney calculated that she spent about 320 hours on Denise's case in more than a year, which would have cost \$60,000 to \$80,000 for a private attorney.

"I would have had to represent myself for sure," Denise said. "I've gone into court without a lawyer. If the other person has an attorney, you're in a much worse situation. I don't think it would have turned out this way."

Denise said her husband beat her and her daughter for 11 years, breaking multiple restraining orders to do so. He was convicted six times in two states for domestic violence, she added. He assaulted a police officer in front of their daughter, she said, and still owes her about \$7,000 in child support.

Denise, who said she used to own two businesses and was the superintendent of an apartment complex, is leaving the marriage with many unhealed broken bones, broken teeth and ruined credit.

Because states' legal systems differ, Denise was confused when she tried to escape to Virginia with her daughter. She spent about \$3,000 on two short court appearances with a private attorney before searching out legal aid, and she wasn't disappointed.

"Financially, this was our worst time, and they all came through with everything," she said of the Winchester personnel. "Everybody in her office helped me with cat food ... toilet paper, toothpaste. They gave me Christmas presents. ... These are things that normal lawyers don't do, even when you're paying them \$250 an hour."

Future clients may not have the help of the agency, however. In the past year, Mahoney has handled at least a dozen custody and divorce cases, she said.

"There just would be no resources for us to deal with them anymore," she said, noting that there aren't enough private attorneys to go around in the Winchester area as it is. And no private attorney would put that much time and money into one pro bono case, she said.

There are two bills pending in the state legislature that would help ease the situation, she said. One would call for a hike in civil filing fees by \$4, and the other would allow the requirement for attorneys to pay into legal aid. While that practice is voluntary in Virginia, 44 other states require it. However, years would pass before money could accrue for the legal aid system in that case.