

Legal aid service has rising caseload, dwindling funds

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WINCHESTER- The area's poor could be the big losers if Blue Ridge Legal Services doesn't get a boost in funding.

Since the late 1970s, the nonprofit legal aid organization has offered help in civil cases to lower-income individuals in the area.

But with the lagging economy, funding at the local level - and also from state and federal sources - has dried up, even as the number of cases has increased.

"Right now we're turning away three people for every one person we take," said executive director John Whitfield. "If we lose another attorney, we're not going to be able to handle the increased caseload."

Blue Ridge has offices in Winchester, Roanoke, Lexington and Harrisonburg.

Whitfield said the group has lost attorneys at all its locations. But the Winchester office at 303 S. Loudoun St., which has three attorneys, is also in danger of having to lay off its intake paralegal - a position Whitfield said has been critical.

While Blue Ridge does not become involved in criminal cases, it does work on serious civil cases involving foreclosures, employment benefits problems, landlord and tenant disputes, bankruptcy, domestic violence issues dealing with protective orders, child custody disputes, divorces and will disputes.

Whitfield said Blue Ridge's goal is to provide equal justice for its clients.

"Our justice system is set up so that everyone needs to be represented by an attorney," he said. "When a person is not, it disrupts the balance and there's a 50 percent chance of error for the person not represented."

"For every person we have to turn away, there's a likelihood they are going to lose in court," he said.

Winchester stands to lose its domestic violence attorney if it doesn't receive additional funding.

Nora Mahoney has been handling those cases at the local office. Normally, she has about 35 open cases at a time, but now has 50.

She and her clients have been in limbo, waiting to hear news about the funding.

"I would be the one eliminated," she said Friday. "It's very stressful for my clients not knowing, too. If we're down to only two attorneys, it's the victims and survivors who are going to fall through the cracks."

Because of her status, Mahoney has accepted a position at another legal aid firm.

Blue Ridge's four offices closed 2,734 cases for 2,448 clients from July 1, 2010, to June 30, 2011.



Attorney Nora Mahoney of Blue Ridge Legal Services works Friday in the group's Winchester office.



Attorneys Jennifer Locke (left) and Renae Reed Patrick talk Friday afternoon at Blue Ridge Legal Services.

Frederick County accounted for 205 closed cases for 176 clients in the fiscal year.

In calendar year 2011, 145 cases were closed by the Blue Ridge and volunteer attorneys for Winchester residents.

Blue Ridge has about 28 pro bono attorneys for its city office. In return, they receive tax credits.

"We couldn't do it without our volunteer attorneys," Whitfield said. "Two of them took cases all the way to the Supreme Court of Virginia."

In a good year, Blue Ridge has a budget of about \$1.7 million. This year, it has been reduced to \$1.5 million.

Federal funding pays about \$667,000 and the state about \$534,000. United Way donates about \$125,000, with the rest coming from donations.

The organization will lose about \$180,000 in federal funding this year, and another \$180,000 from the Interest on Lawyer's Trust Accounts (IOLTA).

Established in 1980, IOLTA is a method of raising money for legal aid by taking the interest earned on certain lawyer trust accounts and paying it to legal aid. Passed in 1980 by Congress, the program has changed federal banking laws to allow some checking accounts to bear interest.

"We're getting the double-whammy with both federal funding and IOLTA scaling back," Whitfield said.

Although IOLTA is mandatory in 45 states and the District of Columbia, in Virginia it is voluntary.

"Because it's voluntary, it depends on the way the political winds are blowing and right now they're not blowing in our favor," Whitfield said.

Blue Ridge is also dependent on the General Assembly passing a bill that will increase the courts' filing fees and give a portion of the money to legal aid.

Whitfield said Winchester formerly helped to fund the organization, but no longer does.

Frederick County provides some funding, but has cut back its contribution.

"We used to ask for \$1 per person considered by the Census as at the poverty level," Whitfield said.

In 2000, Blue Ridge asked for \$3,732. This year, it asked for \$5,756.

Because of the across-the-board funding cuts, the county government is now paying \$2,851.

Whitfield made a plea at the Board of Supervisors meeting Wednesday night during the public hearing for the FY 2013 budget to obtain more funding.

It is uncertain, however, if the board will attempt to seek additional monies for the organization.

The next Board of Supervisors meeting is set for April 11.

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