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Editorial: A lifeline for Legal Aid

Legislators must ensure the proper administration of the justice system and guarantee access for everyone.

A laid-off worker facing foreclosure. An indigent mother seeking child support. A father facing termination of parental rights.

When low-income people must represent themselves in court, the judicial system slows to a crawl. When those who cannot afford an attorney abandon their efforts and give up their legal rights, society as a whole is diminished.

Legal Aid has long played a vital role in assisting with the smooth administration of the courts and in guaranteeing that all citizens have access to the judicial system.

In Virginia, 125 attorneys closed nearly 40,000 cases last year, ranging from evictions to bankruptcies to jobless benefit claims. In the district covering the Roanoke and Shenandoah valleys, more than 4,000 cases were closed with a staff of 12 lawyers. Their clients cannot afford to pay for legal representation. The income cap on eligibility is \$13,600 for individuals and \$27,900 for a family of four.

But Legal Services Corp., the nonprofit that oversees those offices, faces a familiar crisis. The number of requests for assistance with foreclosures has tripled in the past three years while two rounds of federal budget cuts and declines in other support have stripped nearly \$6 million from its budget.

In this region, about 4,500 people have been turned away. The situation may worsen. Without new support, layoffs could reduce the number of attorneys in the district to eight or nine.

State lawmakers have proposed two lifelines for Legal Aid. Budget requests filed by senior Republican legislators would increase civil filing fees earmarked for indigent services from \$9 to \$13, generating an extra \$3.2 million annually. An additional \$1 fee to cover court clerk operations would not change.

A second initiative, H.B. 100, would give the Virginia Supreme Court authority to make interest-bearing trust accounts mandatory. About 5,200 such accounts exist. At 0.1 percent interest, they generated \$680,000 last year for Legal Aid.

It's a common practice across the country, but some lawyers in Virginia opt for non-interest-bearing accounts. The Virginia Bar Association supports the bill, noting that there is no cost to attorneys or their clients and banks handle the paperwork. Forty-four states already require interest-bearing accounts.

In a perfect world, all Virginians would share in the cost of supporting a service that benefits us all. But Legal Aid's clients live in the real world and the problems they bring to the courthouse door are painfully real. Legislators should make sure the door stays open.