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Levi & Pietrzyk: All Americans deserve equal access to justice

By JOHN G. LEVI, THE REV. PIUS PIETRYZ, O.P.

The mission of the Legal Services Corporation (LSC) goes to the heart of a fundamental American value: equal access to justice.

This value is not just a lofty abstraction. Every day, legal aid attorneys across the nation assist low-income Americans who are confronting critical civil legal problems. They help women escape domestic violence, ensure military veterans receive fair treatment, protect the elderly from scam artists, respond to the needs of disabled citizens, and handle an array of requests for help in other civil matters.

For the past 36 years, Congress, with bipartisan support, has appropriated funds for these purposes. But in April, Congress cut LSC funding by \$15.8 million in the middle of the current fiscal year, immediately impacting 136 legal aid programs, including six LSC programs in Virginia. The LSC budget cut follows other funding reductions, particularly in state funds and short-term interest rates on lawyers' trust accounts (both down a total of \$4.2 million in Virginia since 2007).

This is not the time to reduce funding for civil legal assistance. If anything, funding needs to go up, and fairly dramatically, and not just from government but from other sources as well.

LSC estimates that the number of people who qualify for civil legal assistance has increased by 17 percent since 2008. These Americans live at or below 125 percent of the federal poverty guideline — an income of \$27,938 for a family of four. More than one million Virginians are eligible for LSC-funded services — almost 14 percent of the state's population.

Local LSC programs leverage their grants to enhance capacity to serve low-income clients. The LSC Board recently met in Richmond and heard remarkable presentations from Firms in Service, a group of eight law firms that donate significant and valuable legal assistance to low-income citizens in Richmond, Charlottesville, and other communities. In addition, a nationally known bank is using its technological savvy to build a Web-based system for Central Virginia Legal Aid Society, based in Richmond, to allow local pro bono attorneys to receive referrals on their desktops rather than lose time in commuting to legal aid offices.

The LSC network of 136 legal aid programs is one of the nation's most successful public-private partnerships, bringing together the courts, the private bar, state access to justice commissions, law schools, and business and religious groups to help the most vulnerable in our society. These nonprofit programs strive to be efficient, effective, good stewards of public funds, and increasingly use technology to expand access to legal information and to the courts, through statewide websites and Web-based forms.

Legal aid often averts more costly interventions by state and local agencies. When a family escapes domestic violence, we save on the costs of medical care for injured victims and follow-up counseling for affected children. When LSC programs resolve landlord-tenant disputes, we keep families together and avoid homelessness and emergency shelter costs.

Legal aid programs do not handle criminal matters, do not litigate personal injury cases, and do not pursue class actions or frivolous lawsuits. Only 13 percent of our matters involve going to court, and that includes uncontested court decisions.

In Virginia and elsewhere in the nation, the federal LSC grants are the bedrock that assures legal aid programs are able to operate year after year. Most of these programs, however, are stretched thin and are overwhelmed with requests for assistance. Congress will soon turn to funding for fiscal year 2012, and we are urging Congress, as well as states and localities, and even citizens and foundations, to increase funding support to help those who only seek fair treatment and a level playing field in our civil justice system.

The Constitution calls for establishing justice in its very first line. The Pledge of Allegiance proclaims our national commitment to "justice for all." As written by James Madison, a son of Virginia and the father of the U.S. Constitution, "Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit."

We all share a responsibility as Americans to support the values of the Constitution and to keep the flame of equal justice alive.

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