

Legal Aid

by James A. Ferguson



Legal Services of Northern Virginia: Opening Doors to Justice

“Equal justice under law is not merely a caption on the facade of the Supreme Court building, it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists . . . [I]t is fundamental that justice should be the same, in substance and availability, without regard to economic status.” — Lewis F. Powell, Jr.

Carolina is a 35-year-old woman who first sought help from Legal Services of Northern Virginia (LSNV) in May 2014. She was seeking a protective order against her husband. He had been abusive in a variety of ways, including controlling her access to money, manipulating her emotions, and threatening and stalking her when she tried to leave. She eventually fled the house with her young daughter and not much else. Even though most of the evidence in the case was “her word against his,” the LSNV attorney negotiated an agreement that gave Carolina sole custody of her daughter, that let Carolina safely go back to the house to get her belongings, and that limited contact by the husband. Several months later, LSNV helped Carolina obtain a final custody order that gave her sole legal and physical custody and permanently limited contact from the husband. The LSNV attorney also attempted to negotiate a property settlement agreement to resolve all the issues for the divorce, but the husband refused to cooperate. LSNV connected Carolina with a private attorney who took her divorce pro bono and resolved everything quickly.

While all of this was transpiring, Carolina learned that the IRS was

seizing her 2014 tax refund of several thousand dollars and garnishing her paychecks because of unpaid tax liabilities that her ex-husband’s sole proprietorship had incurred several years earlier. Carolina’s LSNV attorney referred her to our Low Income Taxpayer Clinic which stopped the garnishments and obtained “Innocent Spouse” relief from the IRS, absolving Carolina of all responsibility for tax debt related to her ex-husband, and returning her entire 2014 tax refund, plus interest. Carolina and her daughter are now happily rebuilding their lives, away from the cycle of abuse.

Not an Empty Promise

As you walk up the front steps of the United States Supreme Court building in Washington, your eyes are inevitably drawn to the four words engraved right below the pediment: **Equal Justice Under Law**. As Justice Powell so correctly observed, these are more than just words. They are a bold promise about what is supposed to happen in that building and in every courthouse across the country. The dedicated team of professionals at LSNV strives every day to make sure that “equal justice” is not an empty promise.

LSNV is a 37-year-old nonprofit law firm that provides free civil legal services to low-income, elderly, and disabled Northern Virginians. With a staff of sixty-one (including forty lawyers) and seven branch offices throughout the region (in Alexandria, Arlington, Fairfax, Loudoun, Manassas, Route One-Fairfax, and Fredericksburg — plus an outreach office inside the Fairfax Courthouse),



The LSNV team helped Carolina and her daughter.

LSNV is the largest of the nine full-service licensed legal aid societies in Virginia. (If LSNV was a private firm, we would have tied for twenty-sixth on *Virginia Lawyers Weekly’s* most recent list of Virginia’s Largest Law Firms.)

Poverty Amidst Plenty

A challenge in running an organization whose mission is to fight poverty in a region that is known for its relative wealth is that many people are not aware of the scope of the problem. The reality is that there is a significant number of people living in poverty in Northern Virginia who cannot afford a lawyer when faced with legal difficulties. Per the most recent census data, 290,910 people who live in LSNV’s service area have household incomes of 125 percent of the Federal Poverty Guidelines or lower. (For a household with four members, 125 percent is equal to a little more than \$30,000 per year for the entire household. All applicants with household incomes of 125 percent or lower are financially

eligible for LSNV's services, as are most applicants between 125 percent and 200 percent of the guidelines). Northern Virginia is a diverse region, and that diversity certainly includes economic status.

The presence of the significant poverty population in Northern Virginia is reflected in LSNV's high caseload. In our most recent fiscal year, LSNV completed 6,373 cases which benefitted 15,538 people.

Critical and Emerging Needs

LSNV prioritizes cases in which the client is at risk of losing a critical need such as housing, financial self-sufficiency, family stability, or personal safety. LSNV attorneys work in one or more substantive law practice groups. These groups include Family Law (with a focus on domestic violence cases), Housing/Consumer (which includes evictions, foreclosures, subsidized housing, and a wide variety of consumer protection matters), Elder Law, and Public Benefits. There are also units that focus on serving children (for example, with education and special needs matters) and people living with HIV/AIDS, as well attorneys who do employment-related cases.

To complement our full-range of litigation-related service, we recently created a legal-advice-line unit. LSNV's ACT Line (Advice, Counsel & Transfer) is staffed by six experienced LSNV attorneys who focus on quickly providing legal advice over the phone. For many applicants, a chance to have their questions answered promptly by a knowledgeable attorney is all that they need. For those who require more, our ACT Line attorneys may transfer them to one of LSNV's practice groups for extended representation.

LSNV goes through a new strategic planning process every three years. The primary purpose is to analyze the unmet and most pressing legal needs of the low-income client population. As a result of these triennial reviews, we have added important new programs, including a Veterans Law Project, a Low Income Taxpayer Clinic (to assist clients like Carolina who have disputes with the IRS), and a "Second Chances" Initiative (to assist clients recently released from

incarceration with various needs including expungements and employment-related matters).

A Culture of Pro Bono

We work to foster a "culture of pro bono"—an environment in our service area in which private attorneys taking one or more pro bono cases per year for legal aid clients is the norm. (Of the 6,373 cases that the organization completed last year, 558 of them were handled by pro bono attorneys.) For such a culture to thrive, it is essential to have ample opportunities to do interesting and rewarding cases, as well as adequate training and ongoing mentoring for those volunteers who do not have sufficient experience in the kinds of cases for which they are volunteering. LSNV's full-time staff regularly provides such training and support.

We have long-standing pro bono projects with local bar associations, private firms, and a number of corporate counsel offices. The projects focus on a variety of areas, including wills and other personal documents, uncontested divorces, consumer protection, housing, and employment. The most prominent area in which we work with pro bono volunteers is domestic violence.

Domestic Violence Attorney of the Day

Prior to June 2007, LSNV referred Family Abuse Protective Orders that could not be handled by staff to local attorneys who had expressed a willingness to take these cases on a pro bono basis. However, the statutorily-mandated fifteen-day turnaround from the date of filing to the date of the hearing made placing cases difficult. Most willing volunteers' calendars were already filled fifteen days out. In response to this inherent difficulty, we created a new program ten years ago that greatly increased the representation of domestic violence survivors in Fairfax County. LSNV provides a yearly free CLE on protective orders and the dynamics of domestic violence. Participating attorneys then agree to volunteer as the "attorney of the day," which means that they commit to one or two specific dates—usually several months out—to represent up to three LSNV-eligible clients in protective order hearings. LSNV attorneys and

staff provide mentorship and support to the volunteers. This program has been incredibly successful. Virtually every eligible protective order petitioner with a meritorious case now gets representation, and many firms and even some solo practitioners now have ongoing commitments to cover specific dates on a monthly or bi-monthly basis.

Rule 6.1 Society

A key ingredient for a thriving culture of pro bono is recognition for the volunteers. One way that LSNV does this is through the Rule 6.1 Society. Rule 6.1 of the Virginia State Bar's Rules of Professional Conduct says that "a lawyer should render at least two percent per year of the lawyer's professional time to pro bono publico legal services." That 2 percent works out to about forty hours per year. We created the Rule 6.1 Society to recognize and thank attorneys who perform at least forty hours of pro bono work annually. Members of the Society receive an attractive lapel pin, a certificate of appreciation, and recognition on our website (www.lsnv.org).

Technology

An additional way in which LSNV enhances access to legal services is by using cutting-edge technology. The Legal Services Corporation in Washington, DC, has a Technology Initiative Grant (TIG) program to encourage legal aid organizations to maximize their use of innovative technology. In recent years, LSNV has been awarded funding for five TIG grant projects: (1) an online application that uses guided interviews (similar to software like Turbo Tax) to help the user apply for legal services; (2) an Appointment Reminder System that sends text or voice messages to clients reminding them of their appointments (LSNV was one of the first legal aids in the country to offer this technology); (3) a program called *VA Law Help 2 Go* that enables people with a smart phone or other mobile devices to view brief, informational videos (in English or Spanish) on various consumer, housing, and family law topics; (4) a *Legal Case Navigator* that will help residents interacting with Fairfax County courts to better navigate their legal case through the use of a mobile app; and (5) a



The Legal Services of Northern Virginia Team

Spanish-language version of our online application and Appointment Reminder System.

Improving Access to Justice

Equal Justice Under Law: Those four words engraved on the façade of the Supreme Court building do not come with an asterisk that says “if you can

afford it.” The doors to the courthouse should be open for everybody, and that access must include a meaningful opportunity to understand and protect one’s rights. Studies have repeatedly shown that represented parties are far more likely to succeed than unrepresented litigants. The talented and idealistic advocates who work for and with LSNV

Legal services corporations are chronically understaffed and underfunded. If you are wondering how legal services societies work and where a busy lawyer can make a difference, the answer is in any way, shape, or form that works for you. We are happy to use your donations, your hours, your mind, and your law degree in whatever capacity you are able. Please contact Legal Services of Northern Virginia at www.lsnv.org and we will help you start helping others.

provide the help necessary to open the courthouse doors and to keep them open. Because justice isn’t really justice unless it’s accessible to all.

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