



## Legal Aid: Hard Questions and Difficult Answers

CONSIDER THIS IMPOSSIBLE choice. On one hand, a single mother with two young children faces an unwarranted eviction from public housing. Without legal representation, they will almost certainly end up on the street. On the other hand, an elderly woman in declining health will be put out of her assisted living facility if her Medicaid denial is not successfully appealed. Unfortunately, you only have the resources to help one of these two. How do you choose?

There are a thousand questions you could ask, but there is no easy answer. How much time will each case take? What's ultimately at stake? How likely is each client to prevail? And how should you weigh the answers to these questions as you decide which to help and which to turn away with a referral or a bit of advice? Nationally, data shows that civil legal services programs are funded to fill about 20 percent of the need that low-income people have.

With demand for legal services far outstripping our capacity to help, every legal aid organization across the country faces these questions every day. We must each decide how to prioritize between clients and between categories of legal problems. Which kinds of cases should we accept? How do we prioritize between them? What's the best way to have the greatest impact?

Some organizations, including Legal Aid Justice Center (LAJC), face an additional level of prioritization. How should we balance individual services with efforts that might reform

the systems hurting low-income people when those latter efforts take substantial time? We know that if we can fix the systems that are hurting people, we can help far more people than simply taking cases one at a time. We also know there is a lot of need right now. In the late 1990s, LAJC gave up federal Legal Services Corporation (LSC) funding and with it the restrictions that that funding imposes on its grantees to ensure that low-income clients have access to the full range of legal services. Giving up that funding meant that LAJC was faced with a whole new set of difficult questions.

How much of our newly unrestricted capacity should we spend on individuals' legal problems versus community and systemic level problems? What's the right balance of individual cases versus larger impact litigation to fix the systems that are causing our clients' problems? Inevitably, the answers to those questions and the ones above shift as the environment around our clients changes. And so we are constantly reevaluating our strategic choices, but one thing is certain and constant.

### Pro-Bono Gives Us More Options

At LAJC, we are convinced that in order to meet our obligations to the communities we serve, both to solve clients' legal problems and to root out the inequities that keep them in poverty, we must have significant pro bono support. And we do.

Pro bono support from law students and local bar members bolster

our capacity to take on a broad range of individual cases including evictions, special education advocacy, consumer issues, wage theft, immigration and many others. Special projects of the bars in Charlottesville and Richmond in particular help us handle dozens more housing cases than we could otherwise. A network of pro bono attorneys all over the state helps us to assist abused and neglected immigrant children to apply for a special legal status that prevents them being deported.

Fellows also have a huge impact on our capacity. We had had full-time attorneys' fellows through, among others, the University of Virginia Powell Fellowship in Legal Services, Equal Justice Works, the Skadden Fellowship Foundation, and Equal Justice America. We also currently have a two-year consumer law fellow funded through a generous allocation of attorneys' fees by the law firm Kelly and Crandall PLC.

And individual law firms have stepped up to partner with us on some of our most important legal cases. Two Virginia firms in particular stand out for their dedication in the last year. The law firm of MichieHamlett has been an incredible partner with us on *Crawford et. al. v. Senex Law. P.C.*, a Fair Debt Collection Practices Act class action lawsuit challenging deceptive debt collection practices by a law firm on behalf of landlord clients.

MichieHamlett attorneys Bryan Slaughter, Kyle McNew, and David Thomas have worked hand in hand with LAJC attorneys throughout the

case to date. Thanks to their incredible work, the case has survived two attempts to dismiss — one motion to dismiss and another motion for judgment on the pleadings. Their advocacy has been essential to moving this cutting-edge consumer protection case forward — garnering interest across the nation in landlord attorney abuses and illegal activities.

McGuireWoods LLP attorneys have spent hundreds of hours on our class action lawsuit *Stinnie v. Holcomb*, which seeks relief for the nearly one million Virginians whose driver’s licenses are suspended due to unpaid court debt. The suit asks the federal court to strike down Virginia’s self-defeating license-for-payment law as unconstitutional, order the Defendant DMV Commissioner to stop suspending li-

censes, and to reinstate the licenses of all drivers who were penalized for inability to pay.

In particular McGuireWoods partners Jonathan T. Blank<sup>1</sup> and Tennille Checkovitch<sup>2</sup> have provided tremendous leadership, strategic advice, and lots of hard work on the case. In October of 2017, McGuireWoods received the Virginia State Bar’s inaugural Frankie Muse Freeman Organizational Pro Bono Award based in part on the firm’s work on this case.

There are still far too many injustices small and large, and far more injustices than the legal aid community has capacity to address. We will continue to face difficult choices and hard questions about where to put our resources and how best to serve our client communities. But champions like those

at MichieHamlett and McGuireWoods give us more options as well as better answers to those questions.

**Mary Bauer** is the executive director of the Legal Aid Justice Center that has been providing legal representation for low-income individuals in Virginia since 1967. Prior to this, Bauer was legal director of the Southern Poverty Law Center in Montgomery, Alabama.

Endnotes:

- 1 Jonathan T. Blank also serves as chair of Legal Aid Justice Center’s Board of Directors
- 2 Tennille Checkovitch serves as a member of Legal Aid Justice Center’s Richmond Advisory Council.

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