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**U.S. SUPREME COURT DECLINES TO REVIEW
RESTRICTIONS ON FUNDING FOR LAWYERS FOR THE POOR**

New York, NY – The United States Supreme Court today declined to review a case concerning the constitutionality of a federal rule that severely restricts access to lawyers for low-income people. The case now returns to the District Court.

At issue in the case, *Legal Services for New York City v. Legal Services Corporation*, is whether legal service providers may be allowed to spend their non-federal dollars on services such as representing clients in class action lawsuits, claiming court-ordered attorneys' fee awards, or providing assistance to certain categories of legal immigrants. Under the rule, the only way for a legal aid office to use its own money to do the restricted types of work for its clients is to establish a physically separate facility, with separate staff.

Complying with this "physical separation requirement" is so expensive that virtually none of the 138 LSC grantees around the country – which are already so under-funded that they can only represent a small fraction of eligible clients – have been able to comply. For example, plaintiff South Brooklyn Legal Services would have to turn away 500 more people each year if it set up a separate office. Most LSC-funded offices decide to forego handling the restricted categories of cases entirely, rather than turn away even more needy clients.

The case was brought Legal Services for New York City, South Brooklyn Legal Services, and Farmworker Legal Services of New York – and by their clients and private funders. A federal district court in Brooklyn issued a preliminary injunction against the physical separation requirement in December 2004. After an appeal by the government defendants, the U.S. Court of Appeals for the Second Circuit held in December 2006 that the district court had used the wrong legal standard, and lifted the preliminary injunction. It is that decision that the Supreme Court today declined to review. The case now returns to the District Court for the court to apply the new legal standard described by the Court of Appeals.

The plaintiffs are represented by the Brennan Center for Justice at NYU School of Law and by Kaye Scholer LLP.

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