

FY10
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September 10, 2009

Hon. Alan B. Mollohan, Chairman
Subcommittee on Commerce, Justice, Science,
and Related Agencies
Appropriations Committee
2302 Rayburn House Office Building
Washington DC 20515

Re: Legal Services Corporation
Funding Bill

Dear Chairman Mollohan:

I am writing to add my support for and to encourage you to support the repealing of the provisions in the FY10 CJS bill that currently restrict the use of non-LSC funds as related to restrictions on legal service lawyers representing certain classes of individuals. These restrictions, placed in the law in 1996, result in large numbers of needy prospective legal services clients from having any legal representation. And, it has resulted in our legal service lawyers, in a way, becoming second class professionals – by preventing them from using tools that are available to other private lawyers.

You may recall that from the late 1960's through most of the 1970's I was a legal service lawyer. During those years we had only modest restrictions on the work we were allowed to do in serving our clients. Then, the axe was dropped. And it has been painful for me to watch the following three decades as the authority to provide full, and often even minimal, representation to a needy clientele has been stripped from legal service lawyers.

This should be the opportune time to begin restoring earlier stripped authority to our legal services lawyers. Because of a sagging economy, the need for service is far greater today, yet the ability to serve is severely restricted. The restoration of some of that authority – that which was taken by Congress in 1996 by restricting the uses of non-LSC funds for representing significant groups of potential clients – could be a small start.

I continue to be passionate with my anger at relegating legal services lawyers to what I sometimes consider to be little more than “legal eunuchs;” yet I remain thankful for the dedicated lawyers who work daily serving the less advantaged among us within the limited authority parsed out by Congress.

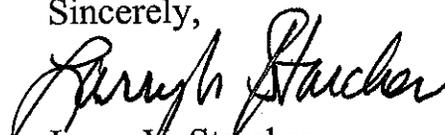
The Code of Hammurabi said that the purpose of the law was to protect the weak from the powerful. And Justice Hugo Black often spoke of the courts as havens of refuge for those who are weak, outnumbered, or unpopular. Sadly, it seems that more often just the reverse is the function of our courts – they are used by the strong to keep the weak “in their place.”

The author Alan Paton, in *Cry the Beloved Country*, wrote these words:
Lord, open my eyes that I may see the needs of others;
open my ears that I may hear their cries; open my heart
so that they need not be without succor; let me not be
afraid to defend the weak because of the anger of the
strong, nor afraid to defend the poor because of the anger
of the rich.

Now is the time to restore authority to legal services lawyers, now is the time to give them proper tools to work with, and now is the time to increase funding, so that those who will otherwise go without legal representation will have some chance at a more level playing field in our legal system.

Thanks for hearing me out.

Sincerely,


Larry V. Starcher