

Congress must lift restrictions on legal aid

June 26, 2009

For the first time in more than a decade, Congress has a real chance to lift the crippling restrictions on the federally financed Legal Services Corporation (LSC) that have hampered the agency's efforts to assist poor people seeking redress through the courts. At a time when many people are struggling against the threat of foreclosure, eviction or loss of health and unemployment benefits as a result of the economic downturn, the LSC's services are needed more than ever. Congress should seize this opportunity to make them available as widely as possible.

The LSC was created by Congress in 1974 to help fund state and local legal aid organizations that represent indigent clients in civil cases. But after the Republican takeover of Congress that began in 1994, lawmakers imposed increasingly punishing restrictions on how LSC funds could be used to press poor people's claims in court.

One restriction prohibited plaintiff's lawyers who prevail in civil rights and consumer protection cases from recovering attorney's fees from the opposing side. Legal aid groups often use such fees to help support their operating expenses. Another restriction barred legal aid lawyers from representing clients in class action suits that seek relief for problems affecting large numbers of people.

A third provision, the so-called "poison pill" restriction, proved even more insidious in its effect on the ability of indigent clients to have their day in court. It extended a long-standing ban on the use of federal funds in abortion cases and cases involving prison inmates or undocumented immigrants to any private or state grants a legal aid group might receive. That sweeping prohibition effectively tied up hundreds of millions of dollars in private and non-federal funds that legal aid groups otherwise could have used to litigate cases ranging from voting rights and medical insurance benefits to public housing complaints and labor union disputes.

But this week a Senate appropriations subcommittee led by Sen. Barbara Mikulski stripped that provision from the bill when it approved the LSC's \$400 million budget for next year; the panel's appropriation represented a \$10 million increase over the LSC's 2009 budget. And earlier, House lawmakers had approved an even larger increase, to \$440 million, and also lifted the ban on class action lawsuits.

While the Senate bill provides less than the \$435 million requested by the Obama

administration, which also supports lifting most restrictions on the LSC, its rejection of the "poison pill" provision removes one of the major obstacles to more effective legal representation for the poor.

Senator Mikulski obviously had to make a tough call in deciding whether to give up some of the agency's funding in order to win enough Republican support to lift the bill's most onerous restriction, but we think she made the right choice. The legislation her subcommittee marked up still faces more hurdles before it can become law, but for the first time since 1996 it looks as if the LSC finally may be able to get back to providing the kind of essential legal services its founders envisioned and that poor people desperately need in order to secure their rights under the law.

Copyright © 2009, [The Baltimore Sun](#)