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September 10, 2009

The Honorable Alan B. Mollohan  
Chairman, Subcommittee on Commerce, Justice,  
Science, and Related Agencies  
Appropriations Committee  
2302 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Mollohan:

We, the undersigned members of the West Virginia State Bar, write to express our thanks for the support for civil legal services you have shown over the years and the dedication to the issue reflected in your mark of the FY 2010 Commerce-Justice-Science (“CJS”) appropriations bill. We urge you to work toward further expanding access to justice by agreeing to roll back the most onerous of the Legal Services Corporation (“LSC”) restrictions when the CJS bill is considered in conference committee.

The restrictions imposed in 1996 on local, independent providers of civil legal services unjustly prevent legal aid lawyers from using the tools available to private attorneys when representing their clients and severely limit the ability of certain groups of people to receive meaningful access to the courts. The extension of the set of restrictions to LSC grantees’ non-LSC funds is the most burdensome and harmful of the restrictions, creating waste and inefficiency in the delivery of legal aid and doing unprecedented damage to the public-private partnership model. Repeal of the non-LSC funds restriction is necessary to putting legal aid lawyers on more equal footing with their private counterparts and would go a long way to ensuring that programs provide civil legal assistance to their clients in the most effective and efficient way possible.

While enactment of your language in the House-passed CJS bill – language that would repeal the prohibition on LSC-funded legal services providers seeking attorneys’ fees – would surely benefit programs and their clients, there is a real opportunity to go further with this year’s bill. We urge you to seize this unique moment and support the language passed by the Senate Appropriations Committee that would remove much of the onerous restriction on non-federal funds. The Senate language leaves in place all restrictions on federal funds and also leaves intact the current restrictions prohibiting representation in abortion-related litigation and litigation on behalf of people in prison for all cases, even those financed with non-LSC dollars.

Your support for repealing the non-LSC funds restriction when the FY2010 CJS bill goes to conference – while maintaining the House’s \$440 million LSC funding appropriation and your language removing the attorneys’ fee restriction – would mark a great stride toward closing West Virginia and the nation’s justice gap at this time of extraordinary need.

Sincerely,  
*Members of the West Virginia State Bar*

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