

The Washington Post

Printed using recycled fiber

SATURDAY, MARCH 14, 2009

Unshackling Legal Aid

An easy way for Congress to help poor people

NEVER HAS the Legal Services Corp. been more essential. With unemployment on the rise and foreclosures surging, the group provides wide-ranging civil legal assistance to the growing ranks of those in need: representation in eviction or foreclosure proceedings, assistance in securing food stamps or unemployment benefits, guidance on insurance or medical services.

But as demand for the group's services grows, its funding sources are dwindling. Law firms, which have traditionally provided a good chunk of Legal Services' money, have been hard hit by the economic downturn and have scaled back their giving. Legal Services had been the beneficiary of interest generated by escrow accounts held by law firms; because interest rates are historically low, that revenue also has shrunk dramatically. State governments are less able to contribute. According to the Legal Services' officials, the group routinely turns away roughly half of all low-income people who seek its help.

So it was welcome news that the federal government, which remains the most important backer of the nonprofit corporation, is stepping up its assistance. The omnibus appropriations bill signed this week by President Obama

set aside \$390 million for the group — up \$40 million, or 11 percent, over last year's funding level. This will not cover the shortfall from other funding sources or make up for years when the group's budget was slashed, but it's a start.

Lawmakers should go a step further and unshackle Legal Services from congressionally imposed restrictions that have kept it from working more efficiently and broadly. For example, unlike most others who represent plaintiffs, Legal Services lawyers who prevail in a civil case are prohibited from seeking legal fees from an opponent. This makes no sense, especially because any recovery of fees could supplement the group's funding.

Legal Services is also barred from using public or private funds to engage in a range of activities, including all class-action lawsuits, any representation of immigrants who are in the country illegally and all litigation involving abortion-related matters. While some limits on the use of taxpayer dollars may be appropriate, none should limit what local legal-aid clinics can do with money they raise privately. Sen. Tom Harkin (D-Iowa) is spearheading an effort to address many of these issues and may unveil legislation as soon as next week. Such reforms are long overdue.