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A United Way Member Agency

# “...and justice for all”

2005 ANNUAL REPORT

— SOUTHWEST VIRGINIA LEGAL AID SOCIETY —

## Facing the Justice Gap



Inside this annual report we have included an article about the justice gap in America. The report by the Legal Services Corporation (LSC) clearly shows that many poor people still do not have access to true justice in our courts because they do not have access to legal services. LSC projects that the United States must increase its capacity to provide legal aid to low income persons by five times to meet the current need. In spite of this, when our Federal funding is adjusted for inflation it is far less than it was twenty-five years ago.

So, besides complaining, what can we do to meet the need of low-income people for high quality legal services? First of all, we are working to gain more resources so that we can serve more people in Southwest Virginia. Last year, we were awarded two new grants to serve victims of domestic violence. Funds from these grants enabled us to add new attorneys at each of our offices. We now have at least one full time (or FTE) attorney who dedicates her time to the legal challenges facing victims of domestic violence. The grant from the U.S. Department of Justice also enabled us to hire domestic violence paralegals who assist our attorneys and provide increased services to the victims. This grant also supports the work of our local domestic violence agency partners so that they can, on a one-to-one basis, assist our clients with safety planning and in accessing services and resources in their community.

We also seek to maximize the resources in the communities that we serve. We know that there are many private attorneys who are willing to give back to their community by using their professional skills. We continue to seek generous attorneys who are willing to provide pro bono service to people in their own hometown. We already have over fifty attorneys who donate their professional expertise so that poor people can obtain justice.

If each private attorney in our service area accepted the referral of just one pro bono court case per year, we could double the number of families who receive representation from an attorney.

But it is also important to recognize that, at present, our legal aid program cannot completely serve all low-income families. It then becomes crucial that we maintain an effective screening system (a type of triage) that selects the most important cases for our attorneys to handle – those cases that can protect families’ most basic necessities: security, housing, family unity, health care, education, and employment. To make this process most efficient, the Board set up the first centralized phone intake system in Virginia. Trained paralegals based in our Castlewood office handle almost all intake requests from our whole service area. After determining if applicants are eligible, the paralegals refer most critical cases to attorneys. There still remain many eligible clients who need assistance. Our paralegals work hard to give them advice or referrals over the phone so that they can solve their legal problem. Feedback from client surveys show that many are able to solve their own problems. However, we know that the justice gap still exists.

Our United Way agencies and many private attorneys have been faithful partners in our mission to provide civil legal services to low income families. In the upcoming year we hope to join more community partners to help close the justice gap.

*Larry T. Harley*  
Executive Director

# Our Priorities

Each year, our Board of Directors decides which cases are most important for our attorneys to accept for extended service. Because the 90,000 low income persons in Southwest Virginia have more legal problems than our eleven attorneys can resolve, it is important to set priorities. The Board has chosen to first accept those cases that are most likely to affect a family’s basic necessities: safety, housing, family stability, income, public benefits, health care, and children’s education. The priority cases are those that are accepted for extended legal services. More than 90% of our extended cases involve the five following issues:

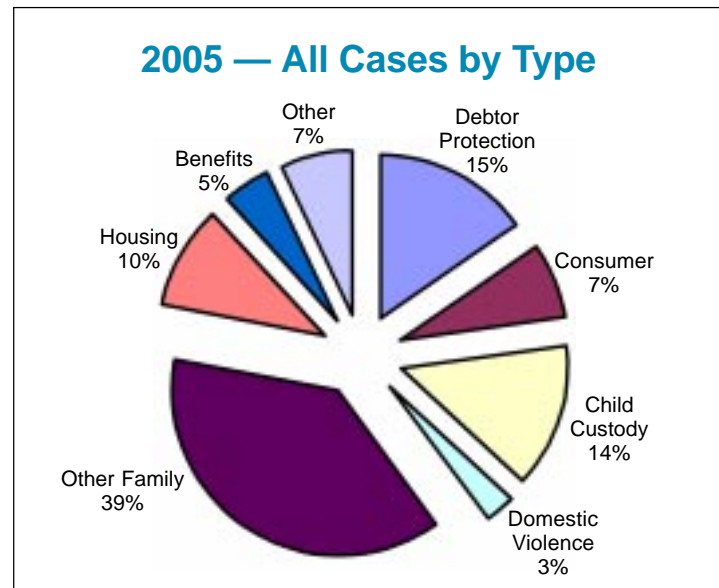
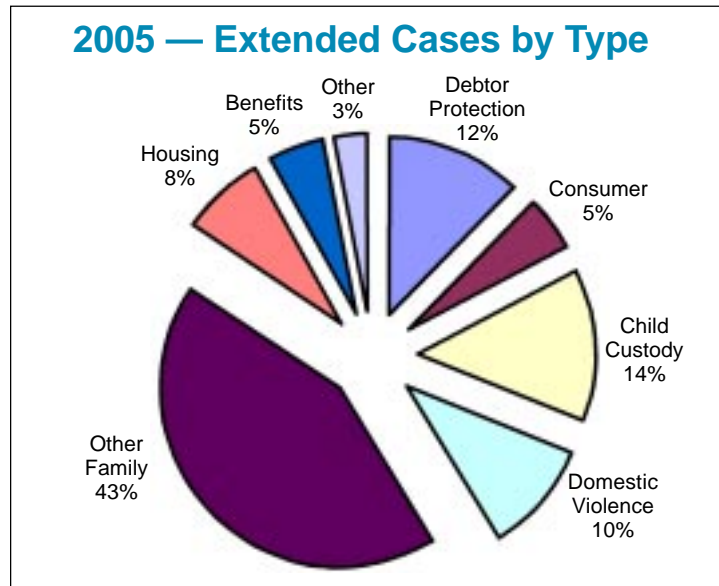
**Family Stability:** When families are in crisis they often need legal help to deal with issues of child custody, support or other settlement.

**Protective Orders:** We help many victims of domestic violence to obtain orders of protection from the court. We also make it a priority to assist these victims with other legal problems that are the fallout of the violence.

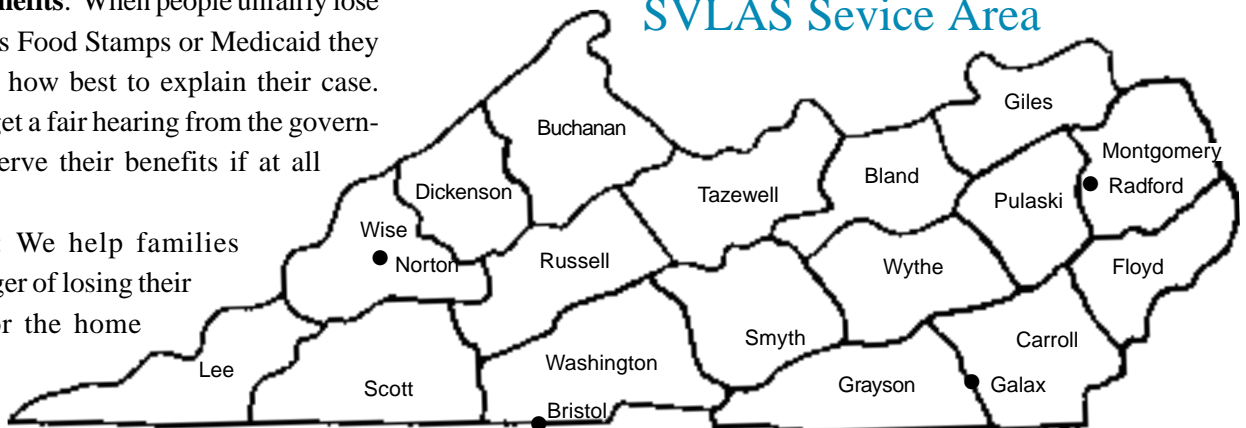
**Debt and Consumer Problems:** Debt problems can threaten a family’s home, car or income. We help people plan the best way to deal with overwhelming debts.

**Public Benefits:** When people unfairly lose benefits such as Food Stamps or Medicaid they may not know how best to explain their case. We help them get a fair hearing from the government and preserve their benefits if at all possible.

**Housing:** We help families who are in danger of losing their rental home or the home they own. 🏠



## SVLAS Sevice Area



## Our Mission

The mission of Southwest Virginia Legal Aid Society is to ensure that low-income persons have equal access to, and receive fair treatment from, the legal system in civil matters. Our legal aid program provides free legal information, advice and advocacy to those who could not otherwise afford it; thereby helping move our communities closer to providing “justice for all.”

## Services Provided By Legal Aid

Southwest Virginia Legal Aid Society is committed to provide the highest quality legal services to our clients. To use our resources most effectively we try to offer each client the service component that most efficiently meets that client's needs. Below are the main components of our legal aid program.

**Intake:** When a person first calls about a legal problem, that person talks to an intake paralegal who determines eligibility. If the person is eligible, the paralegal then decides whether she can help them with information and advice or, if they need more extensive service, she refers the client to one of our three field offices for an attorney to begin working on the case. Most people apply for services by telephone using our toll-free number which is 1-866-534-5243.

**Information and Advice:** Most often the intake paralegal is able to provide information and advice that helps clients deal

with the problem on their own. This may be information about how to complete a document or where to go for other assistance.

**Brief Service:** Sometimes we are able to help a client with one brief service such as a letter to a landlord or completion of a legal document.

**Extended Service:** Our attorneys represent clients in court and in legal negotiations and provide legal counsel to them about issues of importance. These include protective order hearings, custody hearings, bankruptcy hearings, public benefit appeals, and other civil hearings.

**Education:** Our attorneys present workshops to clients and to community groups about key legal issues. For example, the managing attorney in Marion schedules a workshop on bankruptcy on a monthly basis. 🌟

## What Does Equal Justice Look Like to Our Clients?

### *Four Stories*

#### **Security for Your Child:**

"Susan Smith" has been caring for her grandson, Steven, since he was two years old and he's now 12. Her daughter (Steven's mom) has mental health issues that prevent her from being a consistent parent and Steven's dad is frequently incarcerated. Susan wants to continue to raise Steven but she has recently become disabled and is worried about how she'll manage financially. Maria Timoney represented Susan in petitioning to adopt Steven. By adopting him, she is now able to assure him of the permanence of their family unit. And the legal adoption makes him eligible to draw social security benefits as her dependent; thus, giving their household the additional monthly income needed to provide for his needs.

#### **Protecting Your Home:**

"Fred Conner" is in his 70's and lives on a small retirement income with his wife in a doublewide on a small piece of land in Wythe County. They bought the land in 1989 and have lived there ever since. In May 2005, Mr. Conner was served with an eviction notice. He then discovered that his property had been sold for unpaid taxes the previous January and the new owner was trying to evict him. He later learned that property tax notices had been going to the wrong address so he had never even seen them!

Our attorney appealed the eviction and filed a motion to rehear and a motion to set aside the sale. The Circuit

Court ruled that the property had been improperly sold; the property has since been reconveyed to the Connors and the eviction overturned. We advised the Connors to apply for the tax relief available to elderly and disabled landowners which should make their annual tax bill more affordable.

#### **Protection from Fraud:**

"Ms. Arthur" had just received a small insurance settlement after her old car had been totaled. So, she expected to be able to make a down payment on the purchase of a used car. At a local dealer she found a car she liked at a price she could afford: a '97 Ford Taurus priced at \$3,495. She and the dealer came to an agreement and she gave him her insurance check of nearly \$1,400 and was told that her payments would include an 8% interest. At the time, she asked for the purchase paperwork and the dealer said that he would get that to her later. She took the car home and waited for the paperwork to arrive.

Although she had her car, Ms. Arthur never received the paperwork for the purchase. Becoming suspicious, she refused to make payments on the car until the dealer provided the paperwork that showed the price and payment plan. When she didn't pay, the dealer repossessed her car. Then Ms. Arthur went to the dealer to negotiate the return of her car. She found that they now expected her to pay \$4,200 for the car and were going to charge a 21% interest rate.

It was at this point that Ms. Arthur sought help from SVLAS. After reviewing the case, her attorney, Ben Plummer, filed suit in state court charging that the

dealership had violated the Virginia Consumer Protection Act, the Virginia Consumer Finance Act as well as the Federal Truth in Lending Act. After seeing the court documents, the dealership agreed to negotiate with our attorney. They eventually agreed to pay Ms. Arthur \$3,000, twice what she had given as down payment. Ms. Arthur was able to use these funds to buy a used car...from another dealer.

### Protecting Your Health:

“Ms. Johnson” was notified that her Medicaid was going to be terminated. This was especially terrifying for her because she receives community based care (CBC) since she has multiple sclerosis and is confined to a wheelchair. In addition, the multiple sclerosis has severely affected her speech and only her long-term aides could understand her severely deteriorated speech.

According to the local Department of Social Services, Ms. Johnson’s Medicaid was being terminated because Social Security had deposited a lump sum into her savings account, which put her over the resource limit. Social Security had determined that she was entitled to a lump sum payment from her deceased

husband’s record. The matter was further complicated because Ms. Johnson had not immediately reported the lump sum payment and had given away a lot of the money so she did not have receipts showing how she spent all of the money. When Ms. Johnson applied for legal aid her case was assigned to Tammy White, our benefits paralegal.

Once Tammy discovered that the Social Security payment was a one-time lump sum payment, she asked the Medicaid eligibility worker to re-evaluate Ms. Johnson’s situation under the lump sum payment rule and reinstate her Medicaid eligibility. The eligibility worker initially said the rule only applied to a person who had just been awarded disability and, as a result, a retroactive lump sum payment did not apply to that rule. Our paralegal argued that the lump sum payment was a retroactive one-time lump sum payment. The eligibility worker conferred with her supervisor and agreed that the lump payment rule applied and that the money would not be counted as a resource for six months. Later, the eligibility supervisor even thanked our paralegal for pointing out the correct rule to their office.

## Legal Aid Honors Pro Bono Attorneys

More than 100 attorneys, judges, clerks, and law office staff gathered in Blacksburg on November 15<sup>th</sup> to honor the pro bono contributions of southwestern Virginia attorneys. Hosted by Southwest Virginia Legal Aid Society, the gathering celebrated the partnership of legal aid and the private bar in providing essential legal services to low-income Virginians.

Prior to an evening of entertainment (provided by magician and attorney Robert M. Lilly, Jr.), SVLAS executive director, Larry Harley, applauded the work of pro bono attorneys. “In two of the last three fiscal years our legal aid has closed the greatest number of cases of any legal aid in Virginia. You, the pro bono attorneys working with us, have handled 20% of our cases that have resulted in court orders.” Pro bono attorneys in the SVLAS region have served over 500 clients in the past two years. Most of the cases have been divorces, custody cases, or bankruptcies.

The Honorable Ray W. Grubbs, of the Twenty-Seventh Judicial Circuit, was the event’s keynote

speaker. Long a supporter of equal access to justice, Judge Grubbs thanked the pro bono attorneys for their efforts in serving the poor and challenged them to enlist the support of other attorneys. “Imagine the impact that would result if each of southwestern Virginia’s 650 attorneys would accept one pro bono case each year. It would have a tremendous impact upon our community, the profession, and upon the attorneys individually. It feels good to be able to provide pro bono services to someone in need.”



*The Honorable Ray W. Grubbs,  
27th Judicial Circuit*

Sharon Sowers, the SVLAS Community Resources Coordinator, personally makes the referrals of cases to pro bono attorneys in the New River Valley. SVLAS provides services to low income residents over a wide variety of civil legal issues, but refers to pro bono attorneys only those types of cases that each has agreed to accept. “Our goal is to be of service to our pro bono attorneys,” explained Sowers, “so that it is as easy as possible for them to be of service to our clients.”

“It’s not about numbers,” Harley told the group, “it’s about valuing all Virginians.” Harley, who serves as the secretary of the Virginia Bar Association’s Community Service Program, has helped legal aid coordinate pro bono work with the private bar for more than 20 years. “I don’t think the private bar appreciates the power for change it has in its possession,” Harley stated. “If just half of Virginia’s attorneys would handle just ONE pre-screened pro bono court case each year it would DOUBLE the number of low-income Virginians receiving extended services through our legal aid programs.”

Southwest Virginia Legal Aid appreciates all members of the private bar who currently participate in the pro bono program and encourages all other members of the private bar to join their colleagues in this important effort. For more information, please contact Sharon Sowers in Christiansburg at (540) 382-6157; Maria Timoney in Marion at (276) 783-8300; or Margaret Schenck in Castlewood at (276) 762-9354. 🌟

## 2005 Private Bar Involvement Program Panel of Attorneys:

Adams, Roger	Dean, Kristen	Jackson, Joel	Nagel, Dennis E.
Albright, Taylor Mead	deCourcy, Felicia H.	Jenkins, Max	Neyhart, Tracy
Anderson, C. Barry	Desimone, Christopher	Jenkins, Robert M.	Nimmo, Penny E.
Anderson, Mark Q.	Devilbiss, Gail Cook	Jessee, Charlie	Oglebay, Susan
Antenucci, Tom	DeVries, Adam	Johnson, Sage	Parks, G. Marty
Arey, Stephen E.	Dorsey, Harriett D.	Kalista, Stephen J.	Pease, Staphanie A.
Aust, Myron R.	Doyle, Loretto T.	Kallen, Gregory	Phillips, Carolyn
Barnett, Paul M.	Dull, Paul A.	Kegley, Robin	Proctor, Barry
Bedsaul, Michael R.	Durrell, Piper L.	Kellerman, Fred	Profitt, S. Dale
Bibb, Diane L.	Fancher, Scott	Kendrick, Craig	Rakes, Elizabeth
Bieger, Dan	Fleming, J. Brent	Knack, Katherine	Rhue, Chris
Bledsoe, Charles L.	Forster, Richard	Lamie, John	Robertson, John
Bowen, Suzanne	Frank, Marshall J.	Largen, Ginger	Scheid, Brian
Bradford, Nancyjean	Frank, Peggy	Layman, T. Rodman	Schroeder, W. Harrison
Brammer, Ann-Margaret	Gifford, John	LeBlanc, Marc	Shaheen, Arthur V.
Brinckman, Douglas	Graham, John	Lilly, Robert M.	Shankman, Byron R.
Caldwell III, Mark M.	Graham, Patton	Lowman, Robert A.	Shockley, Everett P.
Campbell, H. Gregory	Groseclose, Alan D.	Mabe, Gerald	Shortt, James W.
Campbell, Robert	Hancock, Gary C.	Mackey, G. Nelson	Smith, Patty
Carmody, James P.	Harrell, Lee	Manor, Dean	Snodgrass, Brandon
Carroll, Vincent J.	Harris, J. Thadieu	Marks, Gerard	Spencer, Larry
Chidester, Richard L.	Harrison, Clifford L.	McCarthy, Thomas J.	Stone, Margaret E.
Chidester, Ann Marie	Hartley, James A.	McConnell, Lisa Ann	Stout, Ed
Chittum, Kenneth	Hartley III, Raphael B.	Montgomery, James R.	Sullivan, Kevin
Cody Jr., Matthew J.	Henderson, James	Moore, Patrick K.	Tuck, Christopher A.
Collins, R. Stuart	Hill, Lena	Moore, Rickey	Tuckwiller, Janet
Compton, Dwight	Hinshelwood, Mary Ann	Morris, Angi	Turk, James C.
Cox, Stephanie	Howard, Heather	Mullins, David T.	Warburton, R. David
Curcio, Peter	Huber, Melvyn Jay	MunIQUE, Chris	White, Adrian
Davis Jr., Richard W.	Huntington, John S.	Murray Short, Stephanie	Wilson, Sherry Lee

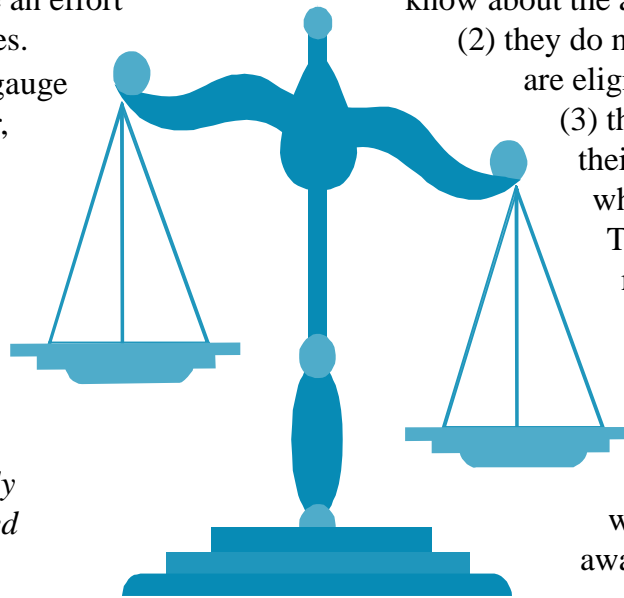
## The Justice Gap In America

*LSC Documents the Unmet Need for Legal Aid*

Is there really “justice for all” in America? Every legal aid program in the nation can tell you that, with their present staffing and funding, they cannot serve everyone in their community who needs legal aid. But there has not, until now, been any good estimate of what percent of the need for legal aid remains unfilled. This year, the Legal Services Corporation (LSC) made an effort to measure the gap in legal services.

LSC chose three methods to gauge the gap in legal services. Together, these three measures give a good picture of the need throughout the United States.

- First, LSC asked legal aid programs throughout the country to record, over a two month period, the number of people who were denied services *simply because the program lacked sufficient resources*. This survey found that half of those who seek legal services, and who are otherwise eligible, receive no assistance. But this survey only looked at those people who reached a legal aid program and actually asked for services.
- Second, LSC reviewed nine separate state-wide surveys that interviewed randomly selected low-income persons and asked about their legal problems. These studies found that, on average, low income households experience three legal problems per year that could benefit from the assistance of an attorney. All nine of the studies found that a very small percentage of problems—fewer than one in five—were addressed with the assistance of a private or legal aid lawyer. These surveys discovered a



much larger gap than the earlier survey but also pointed to the reason for that larger gap. The surveys discovered that most people who need an attorney never seek help from legal aid programs and they discovered why: a majority of poor people lack sufficient information about legal aid. (1) They do not know about the availability of legal aid;

(2) they do not understand that they are eligible for services; and/or (3) they do not realize that their problem is one with which legal aid can help.

These three bits of misunderstanding prevent a majority of those eligible from even asking for help. Of course, if they did, legal aid programs would be forced to turn away even more persons.

- Lastly, LSC compared the number of attorneys in the United States who are available for private civil legal representation for the general population and compared that to the number of legal aid attorneys available for low income persons. The study found that, nation-wide, there is one legal aid attorney for every 6,861 low-income persons. In contrast, there is one private attorney available for every 525 persons in the general population.

Taking the figure from the “mid-range” study, LSC projects that our nation must increase its capacity to provide legal aid to low income persons *by five times* to meet the current need. Anyway you look at it, we have not yet reached the dream of “justice for all.” 🌟



Larry Harley with Kathy Roark, Director of Bristol-Washington County Child Advocacy Center, a sponsor of the Bristol Conference

## Domestic Violence Conferences Focus on the Children

In 2005 Legal Aid again hosted two fall conferences for those who work with victims of domestic violence. The conferences had a special focus on the silent victims of domestic violence, the children. The conferences included nationally known speakers, local experts, and staff from some of Virginia's state-wide organizations: the Virginia Poverty Law Center, Virginia Action Alliance, and the Office of the Chief Medical Examiner.

Betsy McAlister-Groves, founding director of one of the first programs in the nation that treats children who are witnesses to violence, gave participants suggestions on ways to support children in violent homes. Jennifer Long, of the American Prosecutors Research Institute, spoke on the connection between domestic violence and child abuse and described how to prepare children to be witnesses in court.

Local speakers in workshops included staff from the Crisis Center, Women's Resource Center, Johnston Memorial Hospital, the Washington County Sheriff's Office as well as our own staff attorney, Debbie Sifford.

About 150 persons attended each day-long conference and participants gave both conferences high marks on their evaluations. One participant commented that the "presenters were well informed about their topics as well as actually knowing 'hands on', not just all theory and statistics." Another participant added, "The speakers were organized and well prepared. This was my first time, but it won't be my last."

The conferences had six co-sponsors: In Radford, the Women's Resource Center of the New River Valley, the Children's Advocacy Center of the New River Valley as well as Radford University School of Social Work; and in Bristol, People, Incorporated, the Children's Advocacy Center of Bristol/ Washington Co., and Radio Shack. The conference was also financially supported by the Virginia Law Foundation. 🌟

## Legal Services to Victims of Domestic Violence

In the Fall of 2005 the US Department of Justice awarded SVLAS a major two-year grant to serve victims of domestic violence and assault. This award has enabled us to hire or assign one attorney (as well as additional support staff) in each of our three offices to serve victims with a broad range of the civil legal needs. In our Castlewood office, additional funding from the Virginia Department of Criminal Justice Services and the Attorney Generals office mean that we now have two full-time attorneys working for domestic violence victims plus paralegal staff who provide special

outreach and early intervention for victims.

SVLAS is also using funding from the Department of Justice grant to provide support to our local domestic violence partners. Subcontracts totaling \$149,000 have been signed with seven partner agencies: Women's Resource Center, Family Resource Center, Abuse Alternatives, Hope House of Scott County, Crisis Center, People Incorporated, and Clinch Valley Community Action. With these contracts the agencies will assign staff to provide one-on-one support to SVLAS clients. We expect this additional support will enable more

victims to follow through on their plans to make their family violence-free.

Another major component of this domestic violence project is the partnership with private attorneys who are willing to assist victims. We hope to find attorneys in our service area who can help one or two victims per year obtain a protective order or file for an uncontested divorce. Volunteer attorneys can expand our capacity to serve victims. With more than 4,500 spousal-abuse cases per year in southwest Virginia there will always be plenty of work to go around for those willing to assist victims of domestic violence. 🌟

## New Staff Bring Added Legal Services to the Region

Funding from the US Department of Justice enabled us to add new staff to each of our three offices in 2005. Pictured below are the new attorneys and support staff who have begun work for us since the start of 2005.

At the Christiansburg Field Office, Lara Finch joined us as a staff attorney with a major focus in family law. Lara previously worked for our sister agency, the Legal Aid Society of the Roanoke Valley. Tracy Newton, a paralegal, works to provide supportive services to our clients who are victims of domestic violence. Rebecca Brown, a new staff attorney, works on consumer and benefits cases as well as family cases. Rebecca comes from a private practice in the New River Valley.



*Lara Finch, Tracy Newton and Rebecca Brown*



*Mona Raza, Billie Jo Farmer and Renae Alderman-Mitchell*

Two new attorneys have also begun serving clients in our Marion office. Mona Raza and Renae Alderman-Mitchell are both recent graduates of law school. Mona, a native of Bluefield, Virginia comes to us from Washington and Lee with two judicial clerkships in Roanoke and Lee and Renae, a native of Galax, graduated from our own Appalachian School of Law. Billie Jo Farmer, who works as a paralegal with victims of domestic violence, also has roots in our region, coming from the Sugar Grove community.

We have also been happy to find highly qualified staff from the region to work in our Castlewood Office. Nancy Coulling who also graduated from Appalachian School of Law hails from Tazewell. She provides legal services to victims of domestic violence, mostly in the western end of the service area.

Yvette Goode, a graduate of the University of Kentucky School of Law, focuses her practice in housing and consumer law. She knows the issues of the community well, having grown up right in Castlewood. Gina Gullett, also from the community, provides assistance to our clients who are victims of domestic violence. We hope to hire two new attorneys in this office in the very near future. ☺



*Yvette Goode, Nancy Coulling and Gina Gullett*

## 2005 Financial Statement

**REVENUE:**

<b>Legal Services Corporation of Virginia (LSCV):</b>	<b>\$ 896,163</b>
<b>Legal Services Corporation (LSC):</b>	<b>\$ 747,173</b>
<b>VA Domestic Violence Grants</b>	<b>\$ 39,425</b>

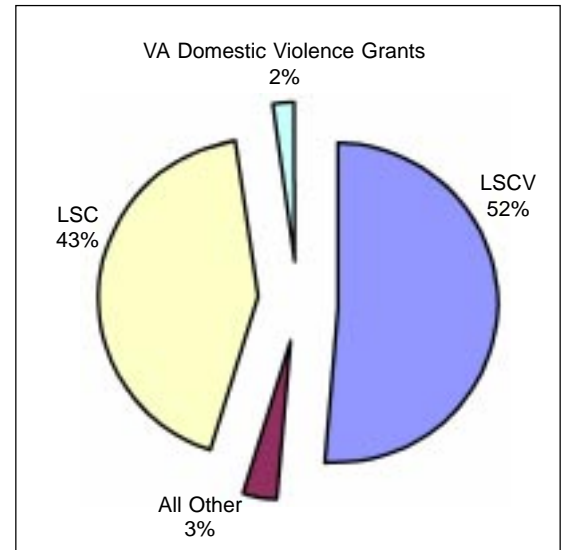
<b>Other Sources:</b>	<b>\$ 57,478</b>
United Ways:	\$ 15,506
Interest Income:	\$ 15,100
Donations and Miscellaneous:	\$ 9,873
Area Agencies on Aging:	\$ 7,180
Virginia Law Foundation	\$ 5,000
Virginia Dept. On Aging:	\$ 4,819

**TOTAL REVENUE** **\$ 1,740,239**

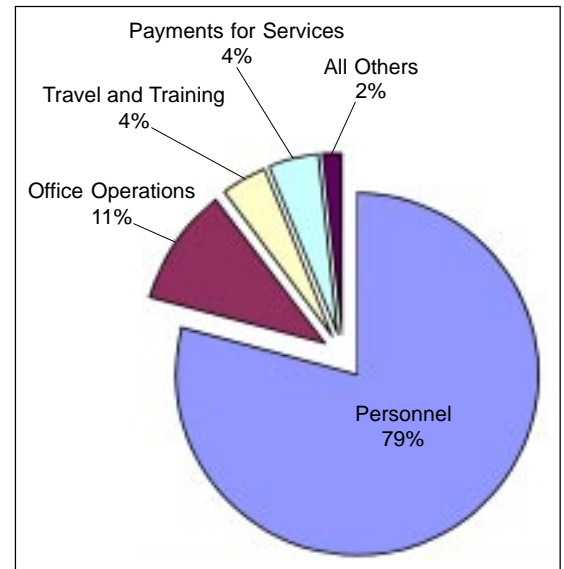
**EXPENSES:**

<b>Personnel:</b>	<b>\$ 1,395,195</b>
Salaries:	\$ 1,069,337
Benefits and Taxes:	\$ 325,858
<b>Office Operations:</b>	<b>\$ 187,199</b>
Rent and Utilities:	\$ 72,389
Telephone:	\$ 33,906
Supplies:	\$ 25,878
Equipment Rental and Maintenance:	\$ 20,918
Postage:	\$ 10,679
Library:	\$ 17,807
Publications:	\$ 683
<b>Payments for Services:</b>	<b>\$ 78,566</b>
Judicare:	\$ 55,192
Audit:	\$ 4,500
Domestic Violence Partners:	\$ 1,200
Insurance:	\$ 9,391
Dues and Fees:	\$ 8,283
<b>Travel and Training:</b>	<b>\$ 70,789</b>
Travel:	\$ 43,032
Training:	\$ 27,757
<b>Other Expenses:</b>	<b>\$ 30,545</b>
Litigation Expenses:	\$ 745
Capital Additions:	\$ 29,085
Other:	\$ 715

**TOTAL EXPENSES:** **\$ 1,762,294**



2005 Revenue



2005 Expenditures



SOUTHWEST VIRGINIA LEGAL AID SOCIETY, INC.



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MARION, VA 24354

NON-PROFIT ORG.  
U.S. Postage  
**PAID**  
Marion, VA  
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*If we are to keep our democracy,  
there must be one commandment:*

*“Thou shalt not ration justice.”*

— The Honorable Learned Hand

## SOUTHWEST VIRGINIA LEGAL AID SOCIETY, INC.

227 West Cherry Street      Voice: (276) 783-8300

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