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Legal service says poor turned away

Nonprofit raising cash to add resources

Sarah Ovaska, Staff Writer

RALEIGH - Some of the clients that turn to Legal Aid of North Carolina have been repeatedly beaten and abused by their partners. Others don't know how to fill out the paperwork for protective orders requiring their attackers to stay away. Or they're homeowners who have fallen behind on mortgages with high interest rates and face the loss of their homes through foreclosure.

But lawyers with Legal Aid of North Carolina, a nonprofit law firm that gets less than half its funding from the federal government, say they don't have enough resources to help the poor who turn to them.

The nonprofit organization launched a campaign Monday to seek donations from private corporations and large law firms. It hopes wallets will open, raising \$1 million for the group over the next three years.

"We in North Carolina have a lot of folks that need the assistance," said Willis Whichard, a Durham-based attorney, former Supreme Court justice and former dean of Campbell University's law school.

Whichard, along with Alfred P. Carlton, Jr., a Raleigh lawyer and former American Bar Association president, are leading the campaign on behalf of Legal Aid. They also hope that more lawyers in private practice will agree to represent needy clients for free.

Legal Aid of North Carolina's 120 lawyers in two dozen offices across the state took on civil cases for 25,000 North Carolinians living at or below the federal poverty level last year.

But for every client the group takes on, eight are turned away -- not because it considers the cases frivolous, but because it lacks resources -- said **George Hausen Jr., executive director of the state's Legal Aid.**

"This is to keep people off the bottom," Hausen said. "We're the safety net."

Congress established funding to pay legal services for poor people in 1974, but the programs experienced major cuts in the 1980s and mid-1990s, said Carol Spruill, an associate dean at Duke University Law School. The nonprofit law firms cannot, in most cases, represent criminals, illegal immigrants, or file class-action lawsuits because of restrictions put in place by Congress, Hausen said. State and local governments often chip in, but many legal services organizations across the country are turning to the private sector to supplement their budgets.

In North Carolina, 53 percent of the group's \$18.6 million budget comes from sources other than federal taxpayer dollars, including state and local governments, private organizations and interest earned on trust accounts that private attorneys manage for clients, according to Legal Service Corp., a national umbrella organization that manages the federal money. Legal services offices in other states, such as Maryland and New Jersey, get more than three-quarters of their funding from sources other than the federal government.

Congress, in both House and Senate versions of the 2008 budget, has included

funding increases for the nonprofit law firms, but the 8 percent to 12 percent increase will provide little relief as the needs of the poor increase, Spruill said.

"It is nowhere near enough money," she said.

Many people don't realize that they are not guaranteed an attorney for civil matters, confusing it with a constitutional right people have to legal representation in criminal cases, Spruill said. That means that many have to maneuver a confusing legal system on their own, and people often don't pursue a case even if they're in the right.

"People simply don't get served," Spruill said.

The help Kelly Harris received from Legal Aid of North Carolina over the past two years enabled her to escape a marriage in which she felt intimidated and controlled, she said.

A Legal Aid lawyer in Raleigh helped Harris get a restraining order against her husband after she said he repeatedly came into her house in the middle of the night. She also received advice on how to get custody of her three children, and plans on representing herself this week during a hearing in the Wake County court.

She's still nervous but is thankful for the help and legal advice she's received.

"You feel like you're armed with something instead of just going in completely blind," Harris said.

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