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COLUMN ONE

## Powerful Foes of Legal Aid

■ State money for a Virginia justice center for migrants is slashed after business protests. Dispute focuses on who needs government-funded attorneys.

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CHARLOTTESVILLE, Va.—After a year of living with congressional restrictions on his legal services program, veteran poverty lawyer Alex Gulotta had had it.

"We were sick and tired of telling our clients, 'We can't do that,'" Gulotta said.

The ban on political lobbying and filing class-action lawsuits was odious, but Gulotta was most upset that the 1996 law barred him from helping the state's 41,000 migrants, many of whom weren't citizens, didn't speak English and had little awareness of their rights.

So in the spring of 1997, Gulotta went to his bosses at the Legal Services Corporation of Virginia with a creative way to get around limits Congress had imposed at the urging of groups such as the American Farm Bureau Federation: Establish a program free of federal funds.

Legal Services signed on, using \$120,000 in state money to launch the Virginia Justice Center for Farm and Immigrant Workers. Headed by a tenacious young civil rights attorney named Mary Bauer, the fledging center quickly made an impact. In its first three years, the project recovered \$500,000 in back pay and overtime. It filed class-action lawsuits on behalf of migrants who harvest apples, plant trees, shuck oysters and paint homes. Bauer went as far as to fly to Sinaloa, Mexico, with her colleague Tim Freilich to ensure safe delivery of \$110,000 to 60 workers collecting back wages from a seafood processor who settled a federal lawsuit.

Just as quickly, the program made some powerful enemies.

In February, Legal Services halted funding—faced with the stark alternative of a move by the Virginia Legislature to effectively hamstring all facets of Legal Services' overall \$6.5-million operation.

"If you are in the wilderness and your leg gets caught in a bear trap and you have a chance of dying with your leg in the trap or cutting off your leg and possibly living, what would you do?" said Jack Harris, executive director of the Virginia Trial Lawyer Assn. and a Legal Services board member.

The situation has cast a sharp focus on a long-running debate about what government-funded legal aid lawyers ought to be doing and who they should be able to represent. The controversy may also be a harbinger of similar disputes in other states.

In this case, the center's parent organization pulled the plug after legislation—instigated by the Virginia Farm Bureau and the Virginia Seafood Council—was introduced that would have barred any state-funded Legal Services program from filing class actions, lobbying on poverty-related legislation, collecting court-awarded attorney fees or representing migrants.

Rep. Terry G. Kilgore (R-Gate City), who introduced the bill, said

Please see LAW, A14