

The Virgin Islands Consortium

LSVI Calls for More Pro Bono Attorneys Amidst Rising Elder Abuse Cases

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Legal Services of the Virgin Islands (LSVI) recently made a call for more local attorneys to participate in its Pro Bono Program during its budget appropriation hearing on July 6.

In her address to the Senate Committee on Budget, Appropriations, and Finance, LSVI Executive Director Shelby King Gaddy detailed the organization's effective use of funds and ongoing dedication to meeting the territory's low-income and disadvantaged communities' legal needs. Gaddy called for the continued financial support of \$2,007,700 for the fiscal year 2024, the same figure approved for the previous fiscal year.

"This sum will allow us to simply maintain the status quo at our present level of service delivery," Ms. Gaddy noted, detailing how Legal Services had been in a rebuilding phase following the loss of experienced attorneys after the 2017 hurricanes. She outlined their recent staffing changes, including the filling of attorney vacancies and the ongoing search for additional support staff.

Efforts to secure alternative sources of funding, including grants, are paying off, Ms. Gaddy testified. One such award was for a five-year project which began last month, focusing on preventing, detecting, and reporting healthcare fraud, errors, and abuse among the territory's senior population. The exploitation of elderly Virgin Islanders, especially by younger relatives, is a growing concern. Responding to a question from Senator Novelle Francis about what could theoretically be done if the organization received more funding, Ms. Gaddy said, "Seniors are coming to us letting us know that they have not only been financially abused... They just didn't know. So we would like to provide more education to our seniors."

LSVI revealed that its primary clients are senior citizens, according to Managing Attorney for St. Croix Dawn Dyer. The majority of these clients seek help with estate planning – which takes up 38 percent of the organization's caseload – or are victims of elder abuse, she said, recounting one example of the assistance the organization provides to older residents.

"We had an elderly client come in to LSVI seeking assistance after her water and power was shut off," she told lawmakers. "She went to the WAPA office and discovered that her stepchildren had taken a copy of their deed and requested that the power and water be turned off at her home. The client's husband had recently died. But prior to this time, the elderly client had no knowledge of the deed that had transferred the property from her late husband to her stepchildren upon his death," she continued. Ms. Dyer said that after more than 10 years residing in the home, LSVI's client received notice from the stepchildren that she was being evicted. Through the intervention of Legal Services, the elderly woman was able to have utilities restored to the property, and negotiate a sufficient timeframe within which she could comfortably move residences and vacate the property now owned by her late husband's children.

Apart from estate planning, family law represented another large chunk of LSVI's cases – 39 percent, according to Ms. Dyer. Executive Director Gaddy pointed out the recent rise in evictions and domestic violence cases, affirming that these issues are, among others, the most common for those living in poverty. Housing issues made up 15 percent of their cases, up from 11 percent in 2021, Dyer noted. "These cases include foreclosures, evictions, and addressing substandard rental conditions," she specified.

In response to the 30 percent rise in caseload thus far in 2023 over last year, which was attributed to enhanced attorney recruitment and a streamlined intake process. Ms. Gaddy mentioned Legal Services' efforts to create a strategic plan outlining their intended course of action for the next three to five years and identifying key community needs.

Furthermore, Gaddy shared that Legal Services recently obtained funding to develop a pro bono program engaging private attorneys, which will further augment resources to meet the community's legal needs. Currently, there are 17 attorneys operating under the program, either volunteering their time completely, or accepting greatly reduced fees for

their work. However, LSVI's executive director expressed the need for more of her colleagues in the legal fraternity to get involved. Senator Donna Frett-Gregory, Budget Committee chair, urged legal practitioners in the territory to heed the call. "I really think they should step up, even if they commit to a certain amount of hours, or a certain number of cases per year or something."

Apart from the challenge of tackling an increased caseload with insufficient human resources, LSVI also has to contend with delayed payments from the central government. In response to prompting from Senator Carla Joseph, who urged the LSVI executive director to "tell the truth and shame the devil," Ms. Gaddy disclosed that the Office of Management and Budget had not yet remitted \$375,000 that was due to the organization several months ago. Lawmakers urged the representative to follow up with OMB. "It might have been an oversight," mused Senator Frett-Gregory.

As she concluded her testimony on LSVI's proposed budget allocation for fiscal year 2024, Ms. Gaddy reiterated the organization's commitment to the territory. "Legal services will continue to seek ways to maximize our efficiency, our effectiveness and the quality of service while serving as many clients as possible," she said. "The requested funding in the sum of \$2,007,700 will help legal services meet the critical needs of our client community."