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AMERICAN BAR ASSOCIATION

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September 7, 2005

The Honorable Kay Bailey Hutchison
United States Senate
Washington, D.C. 20510

Re: Senator Harkin's Floor Amendment to H.R. 2862
FY 2006 Funding for the Legal Services Corporation

Dear Senator Hutchison:

As President of the American Bar Association, which represents more than 400,000 individual lawyers nationwide, I thank you for signing the June 15, 2005 bipartisan letter in support for the Legal Services Corporation (LSC) Board of Directors' FY 06 budget request of \$363.8 million.

Unfortunately, despite the endorsement of more than half of the members of the Senate, including 11 Members of the Appropriations Committee, the Subcommittee on Commerce, Justice and Science (CJS) cut LSC's FY 06 funding by \$6 million, to \$324.6 million.

On Thursday, September 8, 2005, the Senate is scheduled to consider the Science, State, Justice and Commerce (SSJC) appropriations bill, H.R. 2862. At that time, a bipartisan group of Senators led by Tom Harkin will offer an amendment to increase the Corporation's funding by \$39 million, to \$363.8 million.

Low-income individuals and families, and hundreds of thousands of Americans who are suddenly poor as the result of Hurricane Katrina, need your help. On their behalf, the ABA urges you to actively support the Harkin Amendment as a cosponsor, by speaking on the Senate floor during the debate, and by voting for the amendment.

Today, despite the combined efforts of LSC-funded programs, private attorneys and bar associations, up to 80 percent of the basic civil legal needs of the poor are not being met. Each year, tens of thousands of low-income individuals and families are denied access to justice because of inadequate funding. A recent LSC survey reports that at least half of all eligible persons who seek legal services from LSC-funded programs are turned away for lack of resources. The new LSC survey also reports that women, most of whom have dependent children, represent up to 74 percent of LSC-funded programs' client base. Many of these women are victims of domestic violence.

To make matters worse, just last week, the Census Bureau announced that since 2003 an additional 1.1 million people are now living in poverty. In addition to being unable to meet the legal needs of the pre-existing low-income population, LSC-funded programs provide assistance to those who suddenly qualify and need legal assistance, such as when a natural or national

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disaster strikes. LSC-funded programs were instrumental in assisting September 11 victims and their families. Now, LSC-funded programs will be called upon to assist the victims of Hurricane Katrina; these individuals and families will require legal aid in a variety of circumstances. Local legal aid programs beyond the Gulf Coast will also experience increased demands for services as victims are relocated throughout the country. Alabama, itself a victim of the hurricane, has already absorbed more than 35,000 evacuees from Louisiana and Mississippi.

In the aftermath of the disaster, Americans have rallied to provide assistance to those whose lives have been shattered. The ABA joins in this effort. The ABA has organized *pro bono* assistance for storm victims since 1978, and we are already engaged in helping the victims of Katrina. For more information on Hurricane Katrina *pro bono* efforts, please refer to the ABA website at <http://www.abanet.org/katrina/>. In addition, I have appointed an *ABA Task Force on Hurricane Katrina* comprised of representatives of the many key constituencies necessary to address the massive effort that lies ahead. Former ABA President N. Lee Cooper of Birmingham, Alabama will serve as chair. The Task Force will devise plans to help individual victims of the hurricane, small businesses, lawyers, law schools, students, military personnel and others as we cope with this unprecedented natural disaster in our country.

Thank you again for your continued support for legal aid for the poor. The ABA, state, local, and specialty bar associations and individual lawyers nationwide urge you to actively support the Harkin Amendment to provide more adequate funding for LSC. Should you have any questions or need additional information, please contact Julie M. Strandlie in the ABA's Washington office at 202/662-1764.

Sincerely,



Michael S. Greco

Attachment:
ABA LSC Fact Sheet

cc: Individual letters were sent to the 47 Senators who signed the June 15, 2005 LSC funding letter which can be found at:
<http://www.abanet.org/poladv/priorities/06152005senateletter.pdf>

The first enumerated function of government in the U.S. Constitution's preamble is to "establish justice." For millions of poor Americans, the Legal Services Corporation (LSC) provides access to legal assistance so they can peacefully resolve disputes and obtain justice. Without an adequately funded national legal services program, those denied access to our justice system will inevitably lose respect for and confidence in the rule of law.

Today, despite the combined efforts of LSC-funded programs, private attorneys and bar associations, up to 80 percent of the basic civil legal needs of the poor are not being met. Each year, tens of thousands of low-income individuals and families are denied access to justice because of inadequate federal funding. In addition, from 1990 to 2000, the number of people living in poverty increased by 5.74 percent and today, more than 43 million people are eligible for federally funded legal assistance. LSC's funding was cut by more than one third in 1996, from \$415 million to \$278 million. By FY 2003, the appropriation increased to \$338.8 million, but annual funding has steadily decreased in recent years as a result of government-wide rescissions. For example, LSC's FY 2005 appropriation was \$335.3 million; that amount was subsequently reduced to \$330.8 million by two across-the-board rescissions.

For FY 2006, the Administration has proposed a five percent cut, bringing LSC's funding down to \$318.2 million – *an amount less than LSC received in 1980*. In recognition of federal budget constraints, the LSC's bipartisan Board of Directors unanimously voted to request only \$363.8 million, an amount necessary to account for the inflationary increases over the past three years. **The ABA, therefore, urges Congress to fund LSC at no less than \$363.8 million.** The national legal aid program merits strong Congressional support because:

- **LSC-funded programs provide basic legal services for poor Americans in every Congressional District in the country.** LSC disburses 96 percent of its annual federal appropriation to 140 local legal aid programs serving low-income individuals and families in every county and Congressional District in the country. Boards consisting of leaders in the local business and legal communities set the priorities for and oversee these programs, which are required by law to provide basic civil legal services to the poor.
- **Newly released LSC Case Service Reporting (CSR) statistics show that as funding has declined over the three years, the number of cases closed by LSC-funded programs has also declined from 978,000 in 2002 to 901,067 in 2004.** A low-income individual's inability to resolve their family's basic legal problems can cause even greater hardship and often leads to reliance on other government programs, many of which are also slated for funding cuts.
- **LSC-funded legal aid lawyers save and protect American families.** Local legal aid programs make a real difference in the lives of millions of low-income American families by helping them resolve everyday legal matters, including family law, housing, and consumer issues, and by helping them obtain wrongly denied benefits such as social security and veterans' pensions. LSC-funded programs often provide assistance to those who suddenly qualify and need legal assistance, such as when natural or national disaster strikes; LSC-funded programs were instrumental in assisting September 11 victims and families. Many low-income military families qualify for legal aid, and seek help with such matters as estate planning, consumer and landlord/tenant problems and family law.
- **LSC-funded programs are the nation's primary source of legal assistance for women who are victims of domestic violence.** Legal aid programs identify domestic violence as one of the top priorities in their caseloads. While domestic violence occurs at all income levels, low-income women are significantly more likely to experience violence than other women, according to the U.S. Bureau of Justice Statistics. Recent studies also show that the only public service that reduces domestic abuse in the long term is women's access to legal aid.
- **The White House, the Congress and the American people support the LSC.** President Bush supports the LSC, recognizing that "[f]or millions of Americans, LSC-funded legal services is the only resource available to access the justice system." A bipartisan majority in Congress supports LSC; the Harkin-Smith-Domenici amendment ultimately added \$9.5 million to LSC's FY 2003 budget when other domestic programs were cut or flat-funded. A national poll in 2000 reported that 82 percent of the American public supported government-funded legal aid.