

July 6, 2006

The Honorable Richard C. Shelby, Chairman
Senate Appropriations Committee
Subcommittee on Commerce, Justice and Science
S-146A, the Capitol
Washington, DC 20510

The Honorable Barbara A. Mikulski, Ranking Member
Senate Appropriations Committee
Subcommittee on Commerce, Justice and Science
144 Dirksen Senate Office Building
Washington, DC 20510

Re: FY 2007 Funding for the Legal Services Corporation

Dear Mr. Chairman and Ranking Member Mikulski:

As president of the American Bar Association, which represents more than 400,000 lawyers, judges and law students nationwide, I write to thank you for your commitment to ensuring access to the justice system for all Americans through adequate funding for the Legal Services Corporation (LSC).

Soon your Subcommittee will mark up H.R. 5672, the Science, State, Justice and Commerce and Related Agencies (SSJC) appropriations bill for FY 2007. Low-income individuals and families, and hundreds of thousands of Americans who are suddenly poor as the result of Hurricane Katrina, desperately need your help. On their behalf, the ABA urges you to fund LSC at \$411 million for FY 07, the amount requested by the bipartisan LSC Board of Directors.

If the Committee cannot provide full funding this year due to budget constraints, the ABA strongly urges you to fund LSC at \$358 million, the amount requested by 54 Senators in the bipartisan Smith/Kennedy letter. A bipartisan majority of the Appropriations Committee signed this letter and additional committee members sent personal letters in support of increased funding.

The Preamble of the U.S. Constitution states that the first enumerated function of government is to "establish justice." In 1974 a bipartisan Congress and the Nixon Administration created the Legal Services Corporation (LSC) to provide low-income persons access to civil legal services. Today, 50 million Americans qualify for federally funded legal assistance. However, a 2005 study approved by the bipartisan LSC Board of Directors, "*Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*," reports that between 70 and 80 percent of the legal needs of the poor are unmet each year. The *Justice Gap* report also

confirms that one in every two eligible clients who seeks assistance from a federally funded legal aid program is turned away because of lack of resources.

A real crisis exists for the millions of low-income persons who are unable to access the justice system; many of these individuals have expanded legal needs or are suddenly poor because of natural or other disaster. While the need for legal services has increased, LSC's annual funding has decreased in recent years as a result of government-wide rescissions. For FY 2006, LSC's annual appropriation was \$330.8 million; that amount was reduced to \$326.5 million by two across-the-board rescissions. Most regrettably, the \$8 million designated in the Senate-passed FY 2006 appropriations bill for hurricane assistance was deleted in conference. LSC also did not receive any of the requested \$34 million in emergency supplemental funding to assist legal aid programs around the country to address the needs of the newly poor, displaced former residents of the Gulf Coast states. This lack of funding has further increased LSC funded programs' inability to provide much-needed legal assistance, not just along the Gulf Coast, but nationwide.

For FY 2007, the Administration proposed a \$20 million funding cut, reducing LSC's funding to \$310.2 million – *an amount less than LSC received in FY 1981*. The House-passed H.R. 5672 includes a funding increase for LSC. After the House Appropriations Committee cut LSC funding to \$313 million, the full House increased LSC funding by \$25 million to \$338 million, the same amount LSC received in FY 2003. The LSC Board, appointed by President Bush and led by Frank Strickland of Georgia and Lillian BeVier of Virginia, believes that a substantial increase in funding is essential to improve access to justice for low-income persons; the Board asked Congress for an \$81 million increase, to \$411 million. The ABA urges Congress to fund LSC at no less than \$411 million for these additional reasons:

- **LSC-funded programs provide basic legal services for low-income persons in every Congressional District in the country.** LSC disburses 95 percent of its annual federal appropriation to 138 local legal aid programs nationwide. 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.
- **LSC-funded programs provide assistance to those who suddenly qualify for and need legal assistance, such as when natural or national disaster strikes.** September 11 families, flood victims, and hurricane evacuees have received legal assistance ranging from identity verification to family law issues. Most recently, legal aid programs across the country have struggled to provide assistance to the victims of Hurricanes Katrina, Rita, and Wilma.
- **LSC-funded legal aid lawyers preserve and protect American families; many low-income military families qualify for legal aid.** 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. Soldiers and their families most often seek help with estate planning, consumer and landlord/tenant problems and family law matters.

- **LSC-funded programs prevent a long-term reliance on other government programs, many of which are also slated for funding cuts.** People who are unable to resolve basic legal problems are more likely to experience greater hardships and require public social services programs. LSC-funded programs, for example, assist parents by enforcing child support payments, reducing reliance on public assistance programs while waiting to receive support payments.
- **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 Administration, the Congress and the American people support the LSC.** President Bush recognizes that "[f]or millions of Americans, LSC-funded legal services is the only resource available to access the justice system." Attorney General Alberto Gonzales is a strong supporter of the program. More than 160 Representatives and 54 Senators signed letters this month requesting higher funding for LSC; the Senate letter specifically asked for the \$358 million approved by the Senate in FY 2006. A national poll in 2000 reported that 82 percent of the American public supported government-funded legal aid.

The American Bar Association, state, local, and specialty bar associations and lawyers, judges and law students throughout the nation join your House colleagues in urging the Subcommittee to provide necessary funding for LSC.

We urge strongly that the Subcommittee approve funding of the Legal Services Corporation in the amount of \$411 million.

Thank you for your consideration.

Sincerely,



Michael S. Greco

cc: Members, Senate Appropriations Subcommittee on Commerce, Justice and Science
The Honorable Gordon H. Smith
The Honorable Edward M. Kennedy
Paul Carlin, Executive Director, Maryland Bar Association
H. Thomas Wells, Maynard, Cooper & Gale