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June 7, 2007

The Honorable Alan B. Mollohan
Chairman
House Appropriations Committee
Subcommittee on Commerce,
Justice, Science
H-309, the Capitol
Washington, DC 20515

The Honorable Rodney Frelinghuysen
Ranking Member
House Appropriations Committee
Subcommittee on Commerce, Justice
Science and Related Agencies
1016 Longworth House Office Building
Washington, DC 20515

Re: FY 2008 Funding for the Legal Services Corporation

Dear Mr. Chairman and Ranking Member Frelinghuysen:

On behalf of the American Bar Association (ABA), which represents more than 413,000 individual lawyers nationwide, we commend your commitment to the principal of equal access to the justice system for all Americans, and thank you for your work last year to increase funding for the Legal Services Corporation (LSC). Thank you also for meeting with leaders of the ABA, The West Virginia State Bar and the New Jersey State Bar Association, respectively, during our recent "ABA Day in Washington" program.

Soon your Subcommittee will mark up the Commerce, Justice, Science and Related Agencies (CJS) appropriations bill for FY 2008. On behalf of low-income individuals and families who need but cannot afford legal assistance, the ABA urges the Subcommittee to fund LSC at \$430.6 million for FY 08, the amount requested by the bipartisan LSC Board of Directors.

The Preamble of the U.S. Constitution states that the first enumerated function of government is to "establish justice." A bipartisan Congress and the Nixon Administration in 1974 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, the recent report, "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. 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 crisis exists for the millions of low-income persons who are unable to access the justice system.

For FY 2007, LSC is funded at \$348.6 million, the highest level since LSC's funding was severely slashed in 1996 from \$415 million to \$278 million. For FY 2008, the Administration proposed a \$37 million funding cut, reducing LSC's funding to \$310.2 million – an amount less than LSC received in 1981. The LSC Board of Directors recommends that Congress fund LSC at \$430.6 million, an \$82 million increase over FY 2007, as an essential step toward improving access to justice for low-income persons. The ABA strongly supports the LSC Board's funding request because:

- 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 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. Families impacted by September 11th, flood victims, and hurricane evacuees have received legal assistance addressing a wide-range of issues, from identity verification and housing needs to family law matters.
- LSC-funded legal aid lawyers preserve and protect American families, including the many low-income military families who 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.
- LSC-funded programs prevent a long-term reliance on other government programs, many of which have also suffered funding cuts. People who are unable to resolve basic legal problems are more likely to experience greater hardships and require assistance from public social services programs. LSC-funded programs, for example, assist parents by enforcing child support payments, which reduces 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 a woman's access to legal aid.

Recently, more than 160 House members wrote the Subcommittee to request a significant funding increase for LSC. (A copy of the letter is attached.) The ABA, state, local, and specialty bar associations and individual lawyers nationwide join your House colleagues

in requesting a significant funding increase. To that end, the ABA urges the Subcommittee to do all possible to fund LSC at \$430.6 million. Thank you for your consideration.

Cordially,



Karen J. Mathis

cc: Members, House Appropriations Subcommittee on Commerce, Justice,
Science & Related Agencies
Thomas R. Tinder, Executive Director, The West Virginia State Bar
Robert Fisher, President, The West Virginia State Bar
Steven Knopp, President-Elect, The West Virginia State Bar
Dwane Tinsley, Vice President, The West Virginia State Bar
G. Nicholas Casey, Member, American Bar Association Standing Committee
on Government Affairs (Charleston, WV)
Wayne Positan, President, New Jersey State Bar Association, American Bar
Association Board of Governors
Lynn Newsome, President-Elect, New Jersey State Bar Association
Valerie Brown, Legislative Counsel, New Jersey State Bar Association
Dennis Drasco, New Jersey Delegate, American Bar Association House of
Delegates
Christine Grant, Secretary, American Bar Association Section of Science and
Technology Law (Princeton, NJ)