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AMERICAN BAR ASSOCIATION

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June 17, 2008

The Honorable Barbara Mikulski
Chairwoman
Subcommittee on Commerce,
Justice, Science and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Richard Shelby
Ranking Member
Subcommittee on Commerce,
Justice, Science and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Chairwoman Mikulski and Senator Shelby:

On behalf of the American Bar Association (ABA), which represents more than 413,000 individual lawyers nationwide, I commend your commitment to the principal of equal access to the justice system for all Americans. Thank you for meeting with leaders of the ABA, the Maryland State Bar Association and the Alabama State Bar, 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 2009. Thanks to your efforts and strong bipartisan support, the Senate-passed CJS bill last year provided LSC with \$390 million for FY 2008, a much-needed \$41.4 million increase over FY 2007 level of \$348.6 million. However, the end-of-the year FY 2008 consolidated appropriations act reduced LSC's funding to \$350.5 million, a mere \$1.9 million increase. LSC would have needed a \$7.3 million increase (to \$355.9 million) just to keep up with inflation.

On behalf of low-income individuals and families who need but cannot afford legal assistance, the ABA urges the Subcommittee to fund LSC at \$471 million for FY 2009, the amount requested by the bipartisan LSC Board of Directors. A significant funding increase is vital for this critical program as a modest step toward restoring LSC's funding to pre-1996 levels, adjusted for inflation: in FY 1995, LSC was funded at \$415 million, which would be \$576 million in today's dollars.

Every day, new situations arise that continue to stretch the ability of our country to ensure that low income persons can fairly resolve their legal problems through the justice system. Today, consumer fraud matters and the mortgage foreclosure crisis are at the forefront. In addition to affecting low-income homeowners, the foreclosures are also forcing low-income renters from their homes.

The ABA strongly supports the LSC Board's funding request because:

- **A crisis exists for the millions of low-income persons who are unable to access the justice system.** The 2005 study, "*Documenting the Justice Gap in America*," reports 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 1993 ABA study and recent state studies consistently report that despite the combined efforts of LSC-funded programs, state, local and private funding and pro bono efforts, between 70 and 80 percent of the legal needs of the poor are unmet.

- **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 137 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.** September 11th families, flood victims, and hurricane evacuees have received legal assistance ranging from identity verification to family law issues. There are continually new issues that require legal assistance that disproportionately affect low-income families, including consumer fraud and now the mortgage foreclosure crisis; foreclosures are forcing both low-income home owners and renters from their homes.
- **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.
- **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 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, the presidents of every State Bar association (plus the District of Columbia, the Virgin Islands and Puerto Rico) wrote the Subcommittee to request a significant funding increase for LSC. (A copy of the letter is attached.) In addition, more than 55 Senators signed a similar letter requesting at least \$400 million for LSC for FY 2009. (A copy of the letter is attached.) The ABA and individual lawyers nationwide join the State Bar presidents and your Senate colleagues in requesting a significant funding increase. To that end, the ABA urges the Subcommittee to fund LSC at \$471 million.

Sincerely,



William H. Neukom

cc:

Members, Senate CJS Appropriations Subcommittee

NATIONAL CONFERENCE OF BAR PRESIDENTS

The organization of the nation's present, past and future bar leaders

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Contact: Julie M. Strandlie, ABA Governmental Affairs Office,
202-662-1764; jstrandlie@staff.abanet.org

April 15, 2008

The Honorable Barbara Mikulski
Chairwoman Subcommittee on Commerce
Justice and Science
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Richard Shelby
Ranking Member Subcommittee on Commerce
Justice and Science
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Chairwoman Mikulski and Senator Shelby:

As presidents of the 50 State and two Territorial Bar Associations nationwide, the National Conference of Bar Presidents, and the National Association of Bar Executives, we respectfully request that your Subcommittee take an important step forward in closing the current justice gap in America by providing the Legal Services Corporation (LSC) with at least \$400 million in the Fiscal Year 2009 Commerce, Justice, Science, and Related Agencies bill.

Thanks to your efforts and strong bipartisan support, the Senate-passed CJS bill provided LSC with \$390 million for FY 2008, a much-needed \$41.4 million increase over FY 2007 level of \$348.6 million. However, the end-of-the year FY 2008 consolidated appropriations act reduced LSC's funding back to \$350.5 million, a mere \$1.9 million increase. LSC would have needed a \$7.3 million increase (to \$355.9 million) just to keep up with inflation.

A significant funding increase is vital for this critical program as a step toward restoring LSC's funding to pre-1996 levels, adjusted for inflation. In FY 1995, LSC was funded at \$415 million, which would be \$576 million in today's dollars.

Today, 50 million Americans qualify for federally funded legal assistance. However, the 2005 study by LSC, "*Documenting the Justice Gap in America*," reported that one in every two individuals who qualify for and actually seek assistance from LSC-funded programs is denied help because of lack of resources. Similar state studies in recent years consistently report that despite the combined efforts of LSC-funded programs, state, local and private funding and pro bono efforts, the majority of low-income Americans are unable to obtain legal assistance that is often critical to their safety and independence.

Every day, new situations arise that continue to stretch the ability of our country to ensure that low income persons can fairly resolve their legal problems through the justice system. Today, consumer fraud matters and the mortgage foreclosure crisis are at the forefront. In addition to affecting low-income homeowners, the foreclosures are also forcing low-income renters from their homes.

LSC currently funds 137 local programs serving every county, state and Congressional District in the United States and its territories. These local programs provide direct services to approximately one million constituents who struggle to get by on incomes below or near the poverty line. The failure to resolve their basic legal issues causes even greater hardship for them, and often leads to their reliance on other government programs.

For the above reasons, we request that you support increasing LSC funding to at least \$400 million to help meet this urgent need. Thank you for your consideration of this request.

Sincerely,

Kay H. Hodge
National Conference of Bar
Presidents

Evelyn Sullivan
National Association of Bar
Executives

Samuel N. Crosby
Alabama State Bar

Matthew W. Claman
Alaska Bar Association

Daniel J. McAuliffe
State Bar of Arizona

Richard L. Ramsay
Arkansas Bar Association

Jeffrey L. Bleich
The State Bar of California

Wm. David Lytle
Colorado Bar Association

William H. Prout, Jr.
Connecticut Bar Association

Paulette E. Chapman
The Bar Association of the
District of Columbia

Elizabeth M. McGeever
Delaware State Bar
Association

Francisco R. Angones
The Florida Bar

Gerald Edenfield
State Bar of Georgia

Jeffrey H.K. Sia
Hawaii State Bar Association

Terrence R. White
Idaho State Bar

Joseph G. Bisceglia
Illinois State Bar Association

Douglas Denton Church
Indiana State Bar Association

Joel T.S. Greer
The Iowa State Bar
Association

Linda S. Parks
Kansas Bar Association

Jane Winkler Dyche
Kentucky Bar Association

S. Guy deLaup
Louisiana State Bar
Association

Brett D. Baber
Maine State Bar Association

Alison L. Asti
Maryland State Bar
Association

David W. White, Jr
Massachusetts Bar
Association

Ronald D. Keefe
State Bar of Michigan

Brian Melendez
Minnesota State Bar
Association

Robert Russel Bailess
The Mississippi Bar

Charlie J. Harris
The Missouri Bar

John C. Schulte
State Bar of Montana

Wayne J. Mark
Nebraska State Bar
Association

Nancy L. Allf
State Bar of Nevada

Eleanor Dahar
New Hampshire Bar
Association

Lynn Fontaine Newsome
New Jersey State Bar
Association

Craig Allen Orraj
State Bar of New Mexico

Kathryn Grant Madigan
New York State Bar
Association

Janet Ward Black
North Carolina Bar
Association

David L. Petersen
State Bar Association of
North Dakota

Robert F. Ware
Ohio State Bar Association

J. William Conger
Oklahoma Bar Association

Richard S. Yugler
Oregon State Bar

Andrew F. Susko
Pennsylvania Bar Association

Marcia McGair Ippolito
Rhode Island Bar Association

Lanneau Wm. Lambert, Jr
South Carolina Bar

Richard Travis
State Bar of South Dakota

Marcia Eason
Tennessee Bar Association

D. Gibson Walton
State Bar of Texas

V. Lowry Snow
Utah State Bar

Samuel Hoar, Jr.
Vermont Bar Association

Howard W. Martin Jr.
Virginia State Bar

Stan Bastian
Washington State Bar
Association

Thomas Basting, Sr
State Bar of Wisconsin

Steven Johnston Knopp
West Virginia State Bar
Association

Gay Woodhouse
Wyoming State Bar

Celina Romany
Puerto Rico Bar Association

Mark D. Hodge
Virgin Islands Bar
Association

United States Senate

WASHINGTON, DC 20510

May 21, 2008

The Honorable Barbara Mikulski
Chairwoman Subcommittee on Commerce
Commerce
Justice and Science
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Richard Shelby
Ranking Member Subcommittee on
Justice and Science
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Chairwoman Mikulski and Senator Shelby:

We write in support of an increase in Legal Services Corporation funding to at least \$400 million in the Fiscal Year 2009 Commerce, Justice, Science, and Related Agencies Appropriations Act. The Corporation has suffered through a decade of drastic funding cuts, small increases and financial erosion due to flat funding, government-wide rescissions and inflation. In FY 1995, it was funded at \$415 million, which would be \$576 million in today's dollars; in fact, however, its appropriation for the current fiscal year is \$350.5 million.

Thanks to your efforts and strong bipartisan support, the Senate-passed CJS bill provided the Corporation with \$390 million for FY 2008, a much-needed \$41.4 million increase over FY 2007 level of \$348.6 million. However, the end-of-the year FY 2008 consolidated appropriations act reduced the funding to \$350.5 million, a mere \$1.9 million increase. The Corporation would have needed a \$7.3 million increase (to \$355.9 million) just to keep up with inflation.

We ask that you again provide a significant increase for this vital program as a step in restoring the Corporation's funding to the 1995 level, adjusted for inflation. The Corporation's bipartisan Board has requested \$471.7 million for FY 2009 in its attempt to close the "justice gap" in coming years.

Today, 50 million Americans qualify for federally funded legal assistance. However, a 2005 study by the Corporation's Board of Directors, "*Documenting the Justice Gap in America*," reported that half of all individuals who qualify for and actually seek assistance from Corporation-funded programs are denied help because of the lack of resources. A 1993 American Bar Association study and recent state studies consistently report that, despite the combined efforts of the federal program, state, local and private funding, and pro bono support, between 70 and 80 percent of the legal needs of the poor are unmet. Each year, tens of thousands of low-income individuals and families are denied access to justice because of the lack of resources.

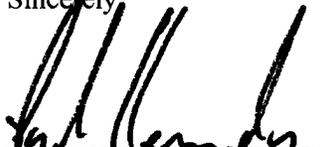
The result is a continuing crisis in the ability of millions of low-income individuals and families to have access to our legal system. The most severe challenges they face involve natural disasters such as hurricanes, tornadoes, floods; national disasters such as 9/11; and family disasters such as job loss, divorce, health crises, and housing loss. **Other issues that disproportionately affect low-income families also require legal assistance, such as,** consumer fraud, turbulent weather conditions, and the current mortgage foreclosure crisis. In addition to affecting low-income home owners, the foreclosures are also forcing low-income renters from their homes.

The Corporation's grantees focus on providing basic legal services, in response to the intent of Congress that these federal funds should be spent on resolving day-to-day legal problems of individual poor clients. The Corporation currently funds 138 local programs serving every county, state and Congressional District in the United States and its territories. These local programs provide direct services to approximately one million constituents who struggle to get by on incomes below or near the poverty line. Those served include women and their children, survivors of local and national disasters, the working poor, veterans, family farmers and people with disabilities. Their legal problems involve family relationships (including domestic violence and child custody), housing, health care, employment, and many other basic needs. Our failure to resolve these issues causes even greater hardship for these persons, and often leads to their reliance on other government programs.

Clearly, large numbers of low-income individuals and families do not have access to the justice system to resolve their basic legal problems. Without continued incremental increases in federal funding, many more of our fellow citizens will be denied assistance in the future. **We urge you, therefore, to fund the Legal Services Corporation at no less than \$400 million for the coming fiscal year to help meet this urgent need.**

Thank you for your consideration of our request.

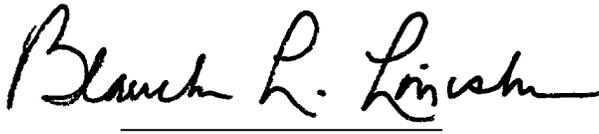
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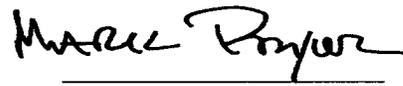

EDWARD M. KENNEDY

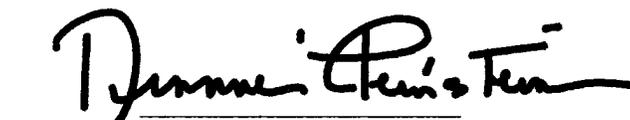

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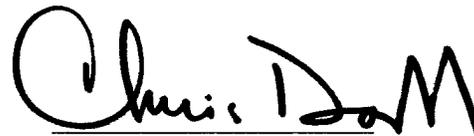

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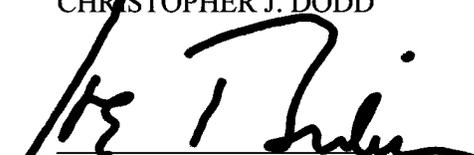

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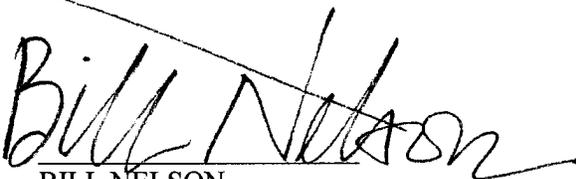

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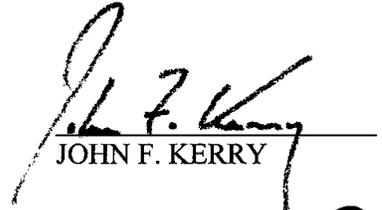

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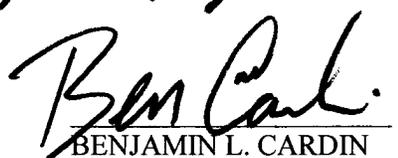

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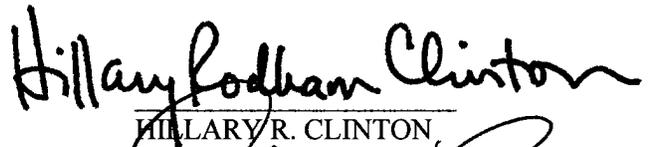

KIT BOND


CLAIRE McCASKILL

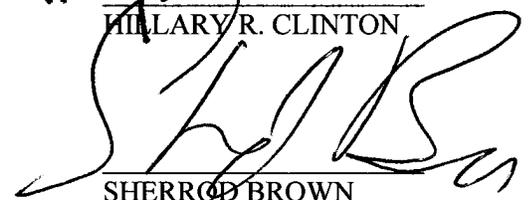

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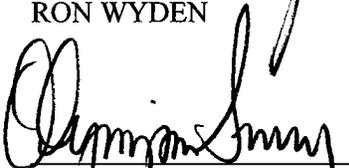

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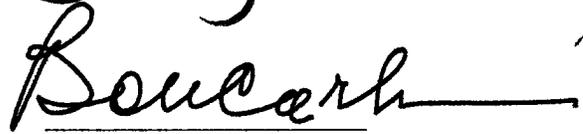
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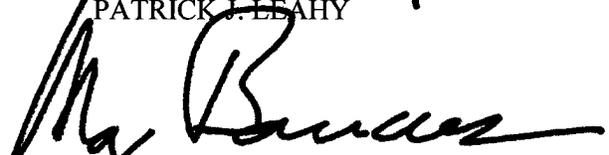
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