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The Honorable Edward Kennedy
Chair
Committee on Health, Education, Labor and Pensions
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Michael Enzi
Ranking Member
Committee on Health, Education, Labor and Pensions
379A Russell Senate Office Building
Washington, DC 20510

Dear Chairman Kennedy and Ranking Member Enzi:

The American Bar Association has had a longstanding commitment to an effective, federally funded legal services program and has frequently expressed its views on related matters to Congressional committees. We write at this time to provide the ABA's evaluation of the qualifications of Laurie Mikva, the most recent nominee to the Legal Services Corporation Board of Directors.

In 1989, the ABA House of Delegates unanimously adopted, as Association policy, criteria that the ABA urges this Committee and the Senate to apply in considering nominees to the Legal Services Corporation Board of Directors. The criteria were derived from the principles and responsibilities set forth in the Legal Services Corporation Act. The criteria are:

1. All persons considered for nomination should be free of all conflict, or the appearance of such conflict, with the existence and function of the Corporation or the representation of poor persons in legal matters, so that they may act and may be perceived to act with objectivity and fairness;
2. All nominees should support and demonstrate a high order of commitment to the continued existence and the effective operation of the Legal Services Corporation;
3. Those nominated should be committed to the freedom of the Legal Services Corporation, its operation and its grantees from political control;
4. Potential board members should provide assurance that they understand and are fully committed to the role of legal services attorneys and support the underlying principle of the Legal Services Corporation Act that it is in the national interest that the poor have full access under law to comprehensive and effective legal services; and

5. The Board of Directors as finally constituted should be adequately representative of the organized bar, legal education, legal services attorneys, the clients to be served, and organizations involved in the development of legal assistance for the poor.

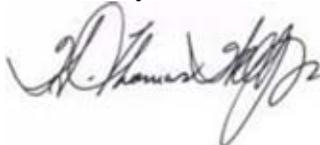
Subsequent to the House of Delegates policy adoption, the ABA Board of Governors authorized the ABA president or designee to express to the U.S. Senate the Association's support or opposition with respect to individuals nominated to the Legal Services Corporation. Such support or opposition is to be based on the evaluation of the individuals by the ABA Standing Committee on Legal Aid and Indigent Defendants (SCLAID) in accordance with the criteria established by the House of Delegates. SCLAID conducted evaluations of nominees to the LSC Board in 1993, 2003, and 2006 and supplied the ABA's recommendation to the appropriate Senate Committee (Committee on Labor and Human Resources in 1993 and the Committee on Health, Education, Labor and Pensions in 2003/2006).

For the current nominee, pursuant to previously established procedures, SCLAID formed a subcommittee to conduct an evaluation. The subcommittee did not include anyone who works for an LSC-funded legal services program, or who has a conflict of interest regarding LSC. The subcommittee did not participate in any efforts to identify or suggest individuals for nomination to the LSC Board. Ms. Mikva was notified that the ABA conducts nominee evaluations and was asked to complete a questionnaire concerning her background, experience, and views. A subcommittee member was then assigned to evaluate the nominee with regard to the ABA criteria. The subcommittee member reviewed available written materials about the nominee, and conducted confidential interviews with people knowledgeable about the nominee, and with the nominee herself. The subcommittee then convened and considered whether the nominee should be supported or opposed by the ABA.

Based upon this investigation, the ABA supports the nomination of Laurie Mikva as a member of the LSC Board of Directors.

The ABA appreciates this Committee's great interest in and support for the legal services program and hopes that the information provided will be helpful to you as you consider Ms. Mikva's nomination.

Yours truly,



H. Thomas Wells, Jr., President
American Bar Association



Deborah G. Hankinson, Chair
Standing Committee on Legal Aid
and Indigent Defendants