March 30, 2017

The Honorable Lamar Alexander
U.S. Senate
455 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Alexander,

Enclosed is a copy of a resolution adopted unanimously by the Board of Directors of the Memphis Bar Association (“MBA”) at its most recent Board Meeting. As reflected in the resolution, the MBA is deeply concerned about the Administration’s call for elimination of funding for the Legal Services Corporation (“LSC”) in its FY2018 budget blueprint and the concomitant loss of funding to our local LSC grant recipient—Memphis Area Legal Services (“MALS”).

MALS provides vital civil legal aid to the economically disadvantaged in our community: securing housing for veterans, freeing seniors from scams, serving rural areas when others won’t, protecting battered women, and helping disaster survivors get back on their feet. MALS stands to lose $1.4 million if LSC is defunded – a financial blow from which it cannot recover.

We know the value of LSC first-hand. Lawyers who are members of our Bar provide countless hours of pro bono legal services to individuals in desperate need of assistance. This volunteer service is dependent on our partnership with MALS, which screens cases for merit and eligibility, and trains and mentors our attorneys. Eliminating LSC will not only imperil the ability of civil legal aid organizations to serve Americans in need, it will also vastly diminish the private bar’s capacity to help these individuals. The pro bono activity facilitated by LSC funding is exactly the kind of public-private partnership the government should encourage, not eliminate.

Moreover, LSC-funded civil legal aid is essential to individuals living in the rural areas surrounding the Memphis metropolitan area where there are few lawyers and small bar associations with limited membership.

While our focus is on the irreversible impact of defunding on MALS, we also understand the national implications. LSC represents an important service to Members’ constituents; House and Senate offices in Tennessee and across the nation routinely refer constituents to the local LSC-funded legal aid organization.
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Our country was founded on the concept of justice for all, and the federal government has a role in seeking to provide justice for all. Funding for equal justice under federal law is a federal duty, not to be transferred as an unfunded mandate to state and local governments. In short, the federal government must pay its fair share.

The late U.S. Supreme Court Justice Antonin Scalia assured us that all of his colleagues on the Supreme Court supported LSC. The Justices of the Tennessee Supreme Court also have consensus support for LSC. In fact, over 80% of Americans believe it is important that everyone has access to civil legal help. Also, over 80% of people are convinced that LSC grantees’ self-help centers and legal services assistance protect the vulnerable.

LSC’s appropriation is quite modest; it accounts for 1/10,000th of the federal budget. Moreover, state studies have shown that the problems solved by legal aid offer a strong return on investment. For instance, a 2011 Pennsylvania Economic Impact Study by the Pennsylvania Finance and Budget Committee and the Pennsylvania IOLTA program estimated that for each dollar spent on legal aid, $11 of quantifiable economic outcomes and savings were realized for all residents of Pennsylvania. The estimate in Tennessee is the same, $11:$1.

When Congress formed LSC in 1974 (in a bi-partisan vote during the Nixon Administration), it found that "there is a need to provide high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel;" and that "providing legal assistance to those who face an economic barrier to adequate legal counsel will serve best the ends of justice and assist in improving opportunities for low-income persons." LSC reflects the highest and best values for which this country stands.

The Memphis Bar Association urges that Congress continue to provide robust funding for LSC.

Sincerely,

Earle J. Schwarz  
President-Elect

Annie T. Christoff  
Secretary/Treasurer
RESOLUTION OF SUPPORT FOR MEMPHIS AREA LEGAL SERVICES, INC.

WHEREAS Memphis Area Legal Services, Inc. ("MALS") was officially chartered in 1970, but traces its beginnings to the Neighborhood Legal Services Project that was established in 1968 in response to the tragic event of Dr. Martin Luther King’s death in Memphis;

WHEREAS MALS, from its inception, has been the only comprehensive civil legal services provider to the poverty level population living in the four counties of Shelby, Fayette, Tipton, and Lauderdale;

WHEREAS the FY 2018 White House budget calls for the elimination of the Legal Services Corporation ("LSC"), the net effect of which would be a loss to MALS of $1.490 million;

WHEREAS such a drastic reduction in funding would have devastating effects on the critical services MALS provides and severely cripple efforts to meet the basic and subsistent needs of the low-income community;

WHEREAS such cuts affect the most vulnerable residents – our veterans who need assistance and representation to secure or maintain their benefits and to avert homelessness; our seniors who are prime targets of financial exploitation; our children who suffer from health-related challenges due to mold in their homes; and women who have been subjected to domestic violence and abuse;

WHEREAS the Memphis Bar Association ("MBA") and MALS have enjoyed a partnership from MALS’s inception, as 50% of MALS’s Board of Directors is appointed by the MBA. In cooperation with MALS, the MBA conducts the Saturday Legal Clinics held monthly at the Benjamin Hooks Library, along with other jointly sponsored or supported events providing pro bono legal services to MALS’s service population;

WHEREAS the elimination of LSC would cause incalculable harm by destroying the MALS bridge that connects other pro bono efforts, including the Thursday Courthouse Counsel and Advice Clinic, the Veterans Clinic, and extended service referrals to private attorneys; and

WHEREAS MALS is part of an irreplaceable national network of legal services providers, funded by LSC, that covers every state, county, parish, and territory in the United States;

Now, therefore, be it

RESOLVED that the MBA calls on the Tennessee Congressional Delegation to oppose the elimination of LSC and any reduction in its appropriation; and

BE IT FURTHER RESOLVED that the MBA supports an appropriation of $502.7 million, the FY 2017

Earle J. Schwarz
MBA President–Elect

Annie T. Christoff
MBA Secretary/Treasurer