

Supreme Court Leadership on State Legislative Funding for Civil Legal Aid

A Few Best Practices:

- ◆ **Provide leadership.** In many states, the active and visible support of the state's highest court and its individual members has determined the success or failure of initiating and increasing this very important funding source.
- ◆ **Build the leadership and support into the court's culture.** Success at the state legislature requires long-term, consistent support. In the most successful states, supportive justices have worked to ensure that the court as a whole sees access to justice and state funding for legal aid as a priority.
- ◆ **Create a high-powered ATJ commission.** Access to justice commissions are blue-ribbon entities comprised of leaders representing, at minimum, the state courts, the organized bar, and legal aid providers, but often including legislators and representatives of corporations, foundations, the medical community, and human services organizations. ATJ commissions have been instrumental in obtaining or increasing state funding.
- ◆ **Speak and write publicly on behalf of the funding.** Justices have testified on behalf of state funding for legal aid and chief justices have included a message of support in their annual state of the judiciary speeches to their legislatures. Justices have authored op-ed pieces on the importance of state funding for legal aid.
- ◆ **Call for and/or host hearings** or other public meetings and gatherings around the state to give representatives of the courts; the legal, business and faith based communities; human services organizations; and low income people the opportunity to share information about the value of legal aid and problems created by the lack of services.
- ◆ **Visit with legislators.** A personal visit is almost always a good strategy for educating a legislator about how important an issue is. When a supreme court justice makes the effort to do this, it can have a powerful impact.
- ◆ **Find funding sources.** Helping campaign leadership and legislators identify the most appropriate sources of state funding for legal aid.
- ◆ **Resolve conflicts.** When concerns are raised about a funding mechanism or other issues, initiate discussions that might resolve conflicts and/or negotiate solutions.
- ◆ **Administer the funds.** Where appropriate, agreeing that the administrative office of the court or other court entity will serve as administrator of the funds and/or include them in the courts' budget.

Examples:

Here are very brief summaries of the work done by just a few state supreme courts and their individual justices. Please see the ***State Legislative Funding*** chapter from the ABA's Fundraising Manual, included in your packet for today's meeting, for more complete information.

TEXAS

The Role of the Supreme Court: Funding for basic civil legal services is included in the supreme court's budget, and the court actively advocates for additional funding. There is a bipartisan consensus on this key principle: that providing assistance for those who cannot afford a lawyer is a critical part of the justice system and essential to the integrity of the rule of law. The chief justice and individual members of the court play a public role, making the case for legal aid funding by giving speeches, visiting with individual legislators, meeting with newspaper editorial boards and authoring op-ed pieces.

The Result: In 2013, Texas legal aid programs received approximately \$20.8 million in funds through appropriations and court fees and fines, almost 300 percent more than the \$5.4 million received 10 years ago.

NEW YORK

The Role of the Chief Judge: The current chief judge, when he was appointed in 2009, made increasing funding for civil legal aid a priority. He created the Task Force to Expand Access to Civil Legal Services, which includes leaders from the bench, bar, law schools, and legal aid, as well as legislators and representatives of unions, corporations, foundations and the medical community. He conducts annual public hearings to assess the unmet civil legal aid needs throughout the state. The task force prepares an annual report, based on the hearings and other research, which the chief judge then uses to make his case to the legislature and the governor.

The Result: New York's state funding has increased more than any other state over the past 12 years, going from \$4.6 million in 2003 to \$85 million for 2015.

WYOMING

The Role of the Supreme Court: An ATJ commission was established by the court in 2008. The chief justice designated an associate justice to chair the commission, and he worked tirelessly to lead the effort to document the need for civil legal aid and then find additional funding. Community meetings were held throughout the state, gathering documentation of the unmet need. The commission took responsibility for both leading the campaign and doing the hard day-to-day work to get the legislation passed and signed by the governor.

The result: Wyoming obtained its first-ever state funding, through a filing fee surcharge, in 2010. It generates about \$1,250,000 annually, making Wyoming fifth in the country in terms of state dollars per poor person, and more than doubling the total amount of funding available for civil legal aid in the state.

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The American Bar Association's Resource Center for Access to Justice Initiatives is a project of the Standing Committee on Legal Aid and Indigent Defendants. For more information about this document, contact Meredith McBurney, ABA Resource Development Consultant, 303/329-8091, meredithmcburney@msn.com.