

July 30, 2008

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

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

**Re: American Bar Association support for adoption of the Conference Report to H.R.4137,
the Higher Education Reauthorization and College Opportunity Act of 2008**

Dear Chairman Kennedy and Ranking Member Enzi:

I write to you on behalf of the more than 400,000 members of the American Bar Association to express our support for the Conference Report to H.R. 4137, the Higher Education Reauthorization and College Opportunity Act of 2008. We commend you on your tireless efforts on this first reauthorization of the Higher Education Act since 1998, and on topics subject to debate and negotiation over multiple Congresses. We believe that the final Conference Report to H.R. 4137 contains programs that respond to new and long-standing national needs in both our educational system and our workforce, including the administration of justice. Accordingly, we look forward to its prompt consideration and passage.

Among other provisions, this legislation includes programs to help our nation's prosecutor and public defender offices. Currently, many of these offices are understaffed, unable to effectively recruit new lawyers in light of the crushing student loan debt law students must assume and the comparatively low pay the positions offer. Without filling these positions, however, the lawyers serving in understaffed offices may be shouldered with untenable caseloads, jeopardizing the quality of representation they are able to provide. The John R. Justice Prosecutors and Defenders Incentive Act assists prosecutor and defender offices by providing student loan assistance to their new lawyers, ensuring not just that the offices are more fully-staffed, but that they are better able to continue attracting the best and the brightest.

Another program would offer similar relief for those recruiting for legal assistance offices. Civil legal assistance lawyers provide critical aid to our nation's poor and disabled, among others, and for a fraction of the compensation they would receive in the private sector. Currently, 80% of the legal needs of the poor go unmet, with about half of those eligible for legal assistance turned

away for lack of sufficient resources to assist them. Recent events such as the mortgage foreclosure crisis, natural disasters, and the needs of returning military servicemembers and their families all add to the demands on local legal assistance offices. This legislation provides a modest student loan repayment benefit to help attract into understaffed offices new lawyers who are otherwise unable to consider or afford to remain for long in these positions.

The Conference Report to H.R.4137 does more than help law graduates. It also helps disadvantaged but committed students overcome barriers to pursuing an education in law. We know from a study we conducted that roughly half of the population believes that justice is administered differently based on factors such as race, and we also know that no one minority group represents more than 4% of the legal profession. We believe that public confidence in the justice system requires that it reflects the diversity of the community it serves. This Conference Report would reauthorize the Thurgood Marshall Legal Educational Opportunity Program, administered by the Council on Legal Education Opportunity. This program provides coaching, mentoring, as well as technical and need-based financial assistance to promising students of all racial and ethnic backgrounds in light of challenges they may face. Graduates of the program are encouraged to, and do, return to help improve their communities. Further, this legislation would allow this program to work in collaboration with emerging state-based programs that share the same mission -- leveraging federal dollars to amplify existing efforts and investment by state governments, law schools and the organized bar.

We also would like to commend you and other lawmakers responsible for the final agreements concerning the process of federal recognition of accrediting agencies. The final conference language preserves a balance among stakeholders of divergent views while enhancing transparency, accountability and fairness among the government, accrediting agencies, and the educational institutions themselves.

For these reasons, we believe that this legislation provides for the American public a lasting legacy that will serve not just those who pursue higher education, but the millions whom they in turn will serve. Accordingly, we look forward to the final passage of this vital legislation.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a long horizontal flourish extending to the right.

Thomas M. Susman
Director