



AMERICAN BAR ASSOCIATION

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Statement of

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on behalf of the

AMERICAN BAR ASSOCIATION

submitted to the

**SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES,
EDUCATION AND RELATED AGENCIES**

COMMITTEE ON APPROPRIATIONS

UNITED STATES HOUSE OF REPRESENTATIVES

on the subject of

**FISCAL YEAR 2006 FUNDING FOR THE THURGOOD MARSHALL
LEGAL EDUCATIONAL OPPORTUNITY PROGRAM**

April 15, 2005

Mr. Chairman and Members of the Subcommittee:

I am Robert J. Grey, Jr., President of the American Bar Association. With over 400,000 members, the ABA strives to promote justice and respect for the law through service to the legal profession and the public. We appreciate this opportunity to address the distinguished members of this subcommittee concerning a program that is very much in keeping with our mission -- the Thurgood Marshall Legal Educational Opportunity Program. To maintain the success of this program, and the success of the 816 students in 40 states currently receiving critical assistance under it, we respectfully request that you appropriate \$4.5 million to fund the Marshall Program for fiscal year 2006. While we appreciate the considerable financial decisions facing the Congress this year, we believe that this private-public partnership is a worthy and efficient use of taxpayer funds in light of its track record and the substantive contribution it makes toward promoting the public confidence in our justice system. This level of funding will also allow us to support new and existing state-based endeavors in Georgia, Indiana, Kentucky, and potentially other states, as well.

The Marshall Program was first authorized by Congress through the Higher Education Act Amendments of 1998 (P.L. 105-244) to provide technical assistance, training, coaching, and financial assistance to prospective law students who experience certain disadvantages, whether financial, cultural or others. The Program is administered by the Council on Legal Education Opportunity (CLEO), a non-profit project of the ABA Fund for Justice and Education established as a partnership among seven founding organizations in 1968. CLEO's mission is to help disadvantaged students enter and successfully complete law school, with the aim that graduates will return to their communities to, among other things, mitigate and remove those same barriers for others. Since its inception, CLEO has assisted over 7,000 students to receive their law degrees and begin the mutually rewarding work of giving back. The Marshall Program plays a vital role in support of this shared mission, primarily through the provision of critically-needed financial assistance to program fellows.

The Marshall Program benefits persons regardless of race, but it also considers the particular challenges facing Native Americans, African Americans, Hispanic Americans, and other racial or ethnic minority groups. You may question why it is in the interest of the federal government to support a program that helps foster diversity in the legal profession. We know that prosecutors, judges, public defenders, and other legal professionals give the justice system a face to the public. The successful administration of justice requires public confidence in the decisions and results it produces. Yet, we know from a national study we commissioned in 2000 that half of those polled believed that the system was unfair, treating people differently based on

factors such as the color of one's skin. We believe that one key to addressing this negative perception and restoring the public trust is to ensure that decision makers and others represented in our justice system reflect the growing diversity of our population. With persons of color comprising more than 30% of the population, lawyers such as myself constitute less than 10% of the profession, with no one minority group comprising more than 4%. And the latest data indicates that applications for law school among some minority groups are in decline -- financial disadvantage is cited as a primary reason.

We do not propose that Congress alone should support this work to assure diversity in the justice system. In 1999, under the leadership of former ABA President William Paul, the Association created the Legal Education Opportunity Fund. Law firms, businesses and other contributors have donated more than \$1.7 million to the fund. The recipients have attended 35 law schools, with the largest percentage at Harvard, Yale, and the University of California at Los Angeles. Each year for the past five years the fund has made twenty \$5,000 awards to incoming minority law students. The ABA has also formed a new Diversity Center to coordinate our Association's work in this critical area. Our members, representing every walk of life and political view, know that our mission towards the improvement of justice and respect of the law is not possible without this commitment.

Of course, the students are also willing to assume the considerable responsibilities of intensive study, a demanding career, and substantial financial obligations. As this Subcommittee is all too aware, one of the most significant barriers to higher education is cost. According to the federal government, the average total accumulated debt burden of a student graduating law school is \$84,000, with some 20% of those students carrying over \$100,000. While there is much discussion over the reasons for the cost of a legal education, the reality is that basic access to an education in law has been priced out of most person's immediate ability, emphasizing the need for front-end financing, scholarships and repayment assistance programs. The Marshall Program is special in that it targets promising students with critical financial need, and through its assistance, removes some financial and other obstacles, permitting them to in turn serve their communities – an endeavor that often has little material reward.

But it is more than local communities who benefit from program graduates. Many participants and fellows have gone on to make indelible contributions to our nation, as well. Three members of the current Congress, Rep. Sanford Bishop, Rep. William Jefferson, and Rep. Ed Pastor are CLEO program alumni. Other distinguished graduates include Ulysses Gene Thibodeaux, Chief Judge of the Louisiana Third Circuit Court of Appeal; Douglas W. Luna, Tribal Judge for the Tlingit and Haida Indian Tribes

of Alaska; and Judge Betty W. Sanders, Fourth Circuit Court of Mississippi. And true to the spirit of CLEO, several members have come back to serve on its governing council, including Prof. Daniel Hall, Vice President of External Affairs, University of Louisville, Harvard Law alumnus, and currently studying to become a minister; Prof. Alice Gresham Bullock, former dean for the Howard University School of Law, and successful tax law attorney, author and lecturer; and Mr. Robert Ruiz, Chief of the Public Interest Bureau of the Cook County State's Attorney's Office in Illinois, formerly of the Illinois Attorney General's office, formerly Illinois State Solicitor General, and currently a member of the State Board of Higher Education. These are just a few examples of the kind and character of people who needed a brief period of assistance at a critical stage in their careers and have subsequently returned far more than they received. These are the kinds of stories that CLEO and the expanded assistance available under the Thurgood Marshall Legal Educational Opportunity Program make possible.

As I mentioned at the beginning of my remarks, CLEO has now also begun to form relationships with state CLEO-like programs that share the same mission. These partnerships have formed in Georgia, Kentucky and Indiana, and we are working towards yet others. This latest strategy will help those closest to the issues best determine how the Marshall Program can most effectively address the regional needs of the country.

Since its inception, the American Bar Association has been formally committed to promoting access to justice and respect for the rule of law. Vital to that mission is our belief, embodied in our Goal IX, that this is only possible when the members of the legal profession reflect the diversity of the people whom we serve. It is unfortunately true that the people who are most underrepresented in the legal profession are these who can least afford to pay for an education in the law. Accordingly, identifying committed students from these communities, and assisting them in their pursuit of a law degree requires appropriate financial assistance. The Thurgood Marshall Legal Educational Opportunity Program is an appropriate and proven answer to these challenges. Accordingly, we respectfully urge this Subcommittee to appropriate \$4.5 million for the Marshall program for fiscal year 2006.

Thank you.