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June 6, 2006

The Honorable Ralph Regula, Chair
House Appropriations Committee
Subcommittee on Labor, Health and Human Services,
Education and Related Agencies
2358 Rayburn House Office Building
Washington, DC 20515

The Honorable David R. Obey, Ranking Member
House Appropriations Committee
Subcommittee on Labor, Health and Human Services,
Education and Related Agencies
1016 Longworth House Office Building
Washington, DC 20515

Re: FY 2007 Funding for the Thurgood Marshall Legal Educational Opportunity Program

Dear Chairman Regula and Ranking Member Obey:

On behalf of the American Bar Association, I urge you to support access to legal education for low-income and minority students by funding the Thurgood Marshall Legal Educational Opportunity Program at \$4 million for fiscal year 2007. Authorized under the Higher Education Act of 1965, as amended, and administered by the Council on Legal Education Opportunity, the Marshall Program provides qualified students with comprehensive counseling, placement assistance, training and scholarships to facilitate a successful legal education and career. Since 1998, the program has helped over 7,500 minority and non-minority students enter the legal profession, and it currently supports more than 800 students in 40 states through critical financial aid and technical assistance.

Importance of Investing in the Marshall Program

Representing over 400,000 members in all fields of law, the American Bar Association strongly believes that the Marshall Program is an excellent investment of federal tax dollars – part of a public-private partnership that leverages far more for our nation than it costs. Among other things, adequate funding for the program will enhance access to, and diversity within, the legal profession at a time when it is particularly important to counter declining enrollment among minorities.

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Minority groups comprise more than 30 percent of the general population yet represent less than 10 percent of the legal profession, no one minority representing more than four percent. Based on a 2000 study we conducted, more than half of those responding believed that the system treated people differently based on the color of their skin. In a multicultural society such as ours, the appearance of fairness is as important as the reality, and the faces people see in the justice system the most are of the lawyers representing each aspect of the system – prosecutors, public defenders, judges, and others. We are not advocating that persons be placed into such positions of responsibility undeservedly; we believe that government has a vested interest in ensuring both the presence and appearance of fairness, and should take steps to mitigate obstacles whenever possible.

Working Together to Reduce Barriers for All

Of all obstacles to law school enrollment, the most substantial is cost. Law school tuition has as much as quadrupled in a generation. More than 80% of all students pursuing such higher education must borrow money, on average accumulating \$84,000 of debt in the process. What is a crushing debt burden for some becomes an impossible obstacle for others, particularly minority students -- those already underrepresented in the system.

The Marshall Program targets committed students who are unable to overcome these barriers and provides them with assistance at a crucial stage in their academic careers. Even modest financial aid can make a difference in bringing basic access to legal education to a wider range of the population.

While the Marshall Program helps bridge gaps in funding nationally for prospective students, the dividends are reaped by local communities. According to the 2005 study, "*Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*," 70 to 80 percent of the legal needs of the poor are unmet and one in every two eligible clients who seeks assistance from a federally funded legal aid program is turned away because of lack of resources. Despite the small material reward public service positions offer, many Marshall Program alumni return to their local communities to provide low-income and disadvantaged individuals the guidance and support necessary to access our justice system. Participants and fellows have gone on to make indelible contributions to our nation as Members of Congress, judges (including those of native tribes), clergy, higher education administration officials, law professors, prosecutors and public defenders.

Benefits of the CLEO Public-Private Partnership

We do not propose that Congress alone should support this work. In addition to federal funding, law firms, businesses, and other contributors have donated more than \$1.7 million to support the Legal Education Opportunity Fund, a program created in 1999 to complement the Marshall

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Program with private contributions. Each year for the past five years the fund has made twenty \$5,000 awards to minority law students. The recipients have attended 35 law schools, with the largest percentage at Harvard, Yale, and the University of California, Los Angeles. Also with private funds, the Council on Legal Education and Opportunity (CLEO) administers an intensive six-week law school preparatory summer institute course that emphasizes the value of a legal career in public service.

Of the \$4 million requested from Congress, \$3 million will be combined with other donations and fees collected by CLEO to support the existing program, including outreach initiatives, law school preparation, summer institutes, program support and financial awards to qualifying students. The additional \$1 million requested will permit state and local outreach to established state programs. Through state programs similar to CLEO, such as those in Georgia, Indiana and Kentucky, emphasis may be placed where it is needed most based on local circumstances. The funds would also allow CLEO to reach promising students more proactively and sooner through additional pre-law and undergraduate outreach.

In recognition of the financial constraints Congress faces, we are seeking an appropriation that is less than the program's authorization of \$5 million. While we appreciate the difficult funding decisions you face, we believe that the Marshall Program is a valuable investment in our justice system, leveraging federal dollars into a larger partnership that benefits everyone. Accordingly, we urge the Committee to fund the Thurgood Marshall Legal Educational Opportunity Program at the requested amount of \$4 million.

For further information, please contact Kenneth J. Goldsmith, ABA Legislative Counsel for legal education, at (202) 662-1789.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Evans".

Robert D. Evans