



# AMERICAN BAR ASSOCIATION

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Statement of

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**President**

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 SENATE**

on the subject of

**FISCAL YEAR 2007 FUNDING FOR THE THURGOOD MARSHALL  
LEGAL EDUCATIONAL OPPORTUNITY PROGRAM**

**May 30, 2006**

Mr. Chairman and Members of the Subcommittee:

I am Michael Greco, President of the American Bar Association, and I appreciate this opportunity to submit a statement for the Subcommittee's record. On behalf of the 400,000 members of the ABA, I urge you to support the Thurgood Marshall Legal Educational Opportunity Program with an appropriation of \$4 million for Fiscal Year 2007. While we appreciate the difficult funding decisions that Congress must make throughout the appropriations process, we believe that the Marshall Program represents an excellent investment of federal tax dollars -- a private-public partnership that leverages far more for our nation than it costs.

The Thurgood Marshall Legal Educational Opportunity Program, originally authorized through the Higher Education Act Amendments of 1998 (Pub.L.No. 105-244), was created to provide educational assistance and counseling to prospective law students who face financial or other obstacles. Currently, leading legislation in both the House (H.R. 609) and Senate (S.1614) would reauthorize the program for six years at \$5 million per year with the Council on Legal Education Opportunity (CLEO) as administrator. CLEO is a project of the ABA Fund for Justice and Education founded in 1968 by seven partner organizations whose mission mirrors that of the Marshall Program. To date, CLEO has helped more than 7,000 students overcome challenges to enter and successfully complete law school, after which many of whom return to their communities to help others. The Marshall Program provides critical funding to support more than 800 minority and non-minority students in 40 states with technical and financial assistance, including stipends for qualifying fellows based on need.

While the Marshall Program benefits aspiring law students regardless of race, it is also sensitive to 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. The answer is that the fair administration of justice and the public trust in the decisions the system renders requires it. Prosecutors, judges, public defenders and other legal professionals are the very faces of the system and should reflect the diversity of the people they serve. 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. Persons of color comprise more than 30% of the general population yet represent less than 10% of the legal profession and the numbers are worsening. Recent data indicates that applications for law school among some minority groups are in decline; financial disadvantage is cited as a primary reason. Adequate funding for the Marshall Program will help counter this disturbing backward trend. For the last two years, the Marshall

program has received an appropriation of just under \$3 million. CLEO has been able to successfully conserve resources to ensure core services to its fellows, but it has slowed planned efforts to support similar state-based programs in Georgia, Indiana and Kentucky. CLEO has requested an appropriation of \$4 million to further leverage its ability to reach the widest audience possible including assistance to the state programs and a new cooperative initiative among CLEO and its founding partners, including the Native American Bar Association, National Bar Association, Hispanic American Bar Association, and others, to reach promising pre-college students.

We do not propose that Congress alone should support this work. In 1999, under the leadership of former ABA President William Paul, the American Bar 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 advancing the administration of justice and respect for the law is not possible without this commitment.

Of course, the beneficiaries of these programs also are willing to assume the considerable responsibilities, including 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 approximately 20% of those students carrying over \$100,000. While there is much discussion over the reasons for the high cost of a law and other graduate education programs, the reality is that basic access to an education in law surpasses most people's financial resources, 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 needs, and through its assistance, removes some financial and other obstacles, permitting them, in turn, to serve their communities in capacities that often offer little material reward.

It is more than local communities that benefit from program graduates. Many participants and fellows have gone on to make indelible contributions to our nation as well, including three members of the current Congress. 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 accomplished individuals 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.

Since its inception, the ABA has been committed to promoting access to justice and respect for the rule of law. Vital to that mission is our belief that this is only possible when the members of the legal profession reflect the diversity of the people whom we serve. We also have a commitment to removing barriers for all students who seek laudable public service. Unfortunately, we know that the people who are most underrepresented in the legal profession are those who can least afford to pay for an education in the law. It is therefore important that successful visionary projects like CLEO have the support of programs like the Marshall Program to help identify committed students from these communities and assist them in their pursuit of a law degree. 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 million for the Marshall Program for Fiscal Year 2007.

Thank you.