

June 20, 2005

The Honorable Richard C. Shelby
Chairman
Senate Appropriations Committee
Subcommittee on Commerce, Justice
and Science
S-146A, the Capitol
Washington, D.C. 20510

The Honorable Barbara A. Mikulski
Ranking Member
Senate Appropriations Committee
Subcommittee on Commerce, Justice
and Science
SD-144 Dirksen Senate Office Building
Washington, D.C. 20510

Re: FY 2006 Funding for the Legal Services Corporation

Dear Mr. Chairman and Ranking Member Mikulski:

Thank you for taking time out of your busy schedules to meet with me and other constituents during our recent ABA Day in Washington program. As president of the ABA, which represents more than 400,000 lawyers nationwide, I want you to know that the organized bar is extremely grateful for your commitment to ensure access to the justice system for all Americans through funding for the Legal Services Corporation (LSC).

Soon your Subcommittee will mark up the Commerce, Justice and Science (CJS) appropriations bill for FY 2006. As we discussed in our meetings, the ABA respectfully recommends that your Subcommittee fund LSC at \$363.8 million, the level unanimously requested by the LSC Board of Directors. The Board has stated that this request, while taking into account the budgetary pressures facing the federal government, represents the minimum amount necessary for LSC to effectively undertake its mission of delivering quality civil legal assistance to eligible low-income Americans.

Today, despite the combined efforts of LSC-funded programs, private attorneys and bar associations, up to 80 percent of the basic civil legal needs of the poor are not being met. Each year, tens of thousands of low-income individuals and families are denied access to justice because of inadequate funding. In addition, from 1990 to 2000, the number of people living in poverty increased by 5.74 percent, and today more than 43 million people are eligible for federally funded legal assistance. In FY 2003, LSC was funded at \$338.8 million, but the annual appropriation has decreased since then as a result of government-wide rescissions. As you know, LSC's FY 2005 appropriation was \$335.3 million; that amount was subsequently reduced to \$330.8 million by two across-the-board rescissions.

For FY 2006, the Administration has proposed a five percent cut, bringing LSC's funding down to \$318.2 million – *an amount less than LSC received in 1980*. In recognition of federal budget

Letter to Chairman Shelby and Ranking Member Mikulski
June 20, 2005
Page 2

constraints, the LSC's bipartisan Board of Directors unanimously voted to request only \$363.8 million, an amount necessary to account for the inflationary increases over the past three years. Forty-seven Senators, including seven CJS Subcommittee members, wrote on June 15, 2005 in support of the LSC Board of Directors' budget request. In addition, we understand that other Senators may have written individual letters urging the Subcommittee to fund LSC at \$363.8 million.

The ABA, state, local, and specialty bar associations and individual lawyers nationwide join your colleagues in urging the Subcommittee to provide necessary funding for LSC. We urge the Subcommittee to do all possible to fund LSC at the requested amount of \$363.8 million.
Sincerely,



Robert J. Grey, Jr.
Richmond, Virginia

Attachment: ABA LSC Summary

cc:
Members, CJS Subcommittee

H. Thomas Wells, Immediate Past Chair, ABA House of Delegates, Birmingham, Alabama
Wade H. Baxley, Member, ABA Board of Governors, Dothan, Alabama
Sam H. Franklin, Member, Alabama Law Foundation, Birmingham, Alabama
Paul V. Carlin, Executive Director, Maryland State Bar Association
Herbert S. Garten, Member, LSC Board of Directors, Baltimore, Maryland
Larry Houchins, Executive Director, The Mississippi Bar
James B. Reynolds, III, Director, Government Relations, The Mississippi Bar
Thomas R. Tinder, Executive Director, The West Virginia State Bar

The first enumerated function of government in the U.S. Constitution's preamble is to "establish justice." For millions of poor Americans, the Legal Services Corporation (LSC) provides access to legal assistance so they can peacefully resolve disputes and obtain justice. Without an adequately funded national legal services program, those denied access to our justice system will inevitably lose respect for and confidence in the rule of law.

Today, despite the combined efforts of LSC-funded programs, private attorneys and bar associations, up to 80 percent of the basic civil legal needs of the poor are not being met. Each year, tens of thousands of low-income individuals and families are denied access to justice because of inadequate federal funding. In addition, from 1990 to 2000, the number of people living in poverty increased by 5.74 percent and today, more than 43 million people are eligible for federally funded legal assistance. LSC's funding was cut by more than one third in 1996, from \$415 million to \$278 million. By FY 2003, the appropriation increased to \$338.8 million, but annual funding has steadily decreased in recent years as a result of government-wide rescissions. For example, LSC's FY 2005 appropriation was \$335.3 million; that amount was subsequently reduced to \$330.8 million by two across-the-board rescissions.

For FY 2006, the Administration has proposed a five percent cut, bringing LSC's funding down to \$318.2 million – *an amount less than LSC received in 1980*. In recognition of federal budget constraints, the LSC's bipartisan Board of Directors unanimously voted to request only \$363.8 million, an amount necessary to account for the inflationary increases over the past three years. **The ABA, therefore, urges Congress to fund LSC at no less than \$363.8 million.** The national legal aid program merits strong Congressional support because:

- **LSC-funded programs provide basic legal services for poor Americans in every Congressional District in the country.** LSC disburses 96 percent of its annual federal appropriation to 140 local legal aid programs serving low-income individuals and families in every county and Congressional District in the country. Boards consisting of leaders in the local business and legal communities set the priorities for and oversee these programs, which are required by law to provide basic civil legal services to the poor.
- **Newly released LSC Case Service Reporting (CSR) statistics show that as funding has declined over the three years, the number of cases closed by LSC-funded programs has also declined from 978,000 in 2002 to 901,067 in 2004.** A low-income individual's inability to resolve their family's basic legal problems can cause even greater hardship and often leads to reliance on other government programs, many of which are also slated for funding cuts.
- **LSC-funded legal aid lawyers save and protect American families.** Local legal aid programs make a real difference in the lives of millions of low-income American families by helping them resolve everyday legal matters, including family law, housing, and consumer issues, and by helping them obtain wrongly denied benefits such as social security and veterans' pensions. LSC-funded programs often provide assistance to those who suddenly qualify and need legal assistance, such as when natural or national disaster strikes; LSC-funded programs were instrumental in assisting September 11 victims and families. Many low-income military families qualify for legal aid, and seek help with such matters as estate planning, consumer and landlord/tenant problems and family law.
- **LSC-funded programs are the nation's primary source of legal assistance for women who are victims of domestic violence.** Legal aid programs identify domestic violence as one of the top priorities in their caseloads. While domestic violence occurs at all income levels, low-income women are significantly more likely to experience violence than other women, according to the U.S. Bureau of Justice Statistics. Recent studies also show that the only public service that reduces domestic abuse in the long term is women's access to legal aid.
- **The White House, the Congress and the American people support the LSC.** President Bush supports the LSC, recognizing that "[f]or millions of Americans, LSC-funded legal services is the only resource available to access the justice system." A bipartisan majority in Congress supports LSC; the Harkin-Smith-Domenici amendment ultimately added \$9.5 million to LSC's FY 2003 budget when other domestic programs were cut or flat-funded. A national poll in 2000 reported that 82 percent of the American public supported government-funded legal aid.