

**Carolyn B. Lamm**  
President

**AMERICAN BAR ASSOCIATION**

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July 20, 2010

The Honorable Barbara Mikulski  
Chairwoman  
Subcommittee on Commerce,  
Justice, Science and Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Richard Shelby  
Ranking Member  
Subcommittee on Commerce,  
Justice, Science and Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Re: FY 2011 Funding for the Legal Services Corporation

Dear Chairwoman Mikulski and Senator Shelby:

On behalf of the American Bar Association (ABA), which has nearly 400,000 members nationwide, I thank you both for your long-standing commitment to the principle of equal access to the justice system for all Americans.

Thanks to your efforts and strong bipartisan support, Congress provided a much-needed \$30 million increase for FY 2010 bringing the annual appropriation up to \$420 million. This increase will help thousands of the most vulnerable Americans access critical legal assistance in matters where their home, their safety and their independence are at stake. We also want to commend Congress's bipartisan agreement to lift the restriction on LSC-funded programs from collecting statutorily authorized attorneys' fees.

This year, we are asking Congress to provide another increase of at least \$20 million to \$440 million as the next step toward closing the justice gap and meeting the critical need that exists today because of the rise in foreclosures, unemployment and related issues resulting from the economic downturn. More than 50 of your fellow Senators have written, either jointly or individually, to urge the Subcommittee to provide at least \$440 million for LSC. (See attached letter dated May 5, 2010.) In addition, as ABA President, I joined all 50 state and two territorial bar association presidents, plus the presidents of the four major bars of color, in signing the attached letter dated April 20, 2010 to urge Congress to increase LSC funding.

The ABA also urges the Subcommittee to take another important step to increase access to justice: lift the restriction on LSC-funded programs that prevents federally funded legal aid programs from filing class actions on behalf of multiple clients aggrieved by the same person or entity. The ABA supports and firmly agrees with House Subcommittee Chairman Mollohan's statement that "lifting this restriction will allow grantees to more efficiently address systemic issues such as predatory lending or wrongful eviction." The ABA strongly believes that class actions should be available to low-income victims of unscrupulous practices.

Letter to Senators Mikulski and Shelby  
July 20, 2010  
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We appreciate your support for the Legal Services Corporation, and we look forward to working with you to increase access to justice for all. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn B. Lamm". The signature is written in black ink and has a fluid, connected style.

Carolyn B. Lamm

cc: Members, Senate Appropriations Committee

# United States Senate

WASHINGTON, DC 20510

May 4, 2010

The Honorable Barbara Mikulski  
Chairwoman, Subcommittee on  
Commerce Justice and Science  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

The Honorable Richard Shelby  
Ranking Member, Subcommittee on  
Commerce Justice and Science  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

Dear Chairwoman Mikulski and Senator Shelby:

**We write in support of an increase in Legal Services Corporation (LSC) funding to at least \$440 million in the Fiscal Year 2011 Commerce, Justice, Science, and Related Agencies Appropriations Act.**

Thanks to your efforts and strong bipartisan support, the FY 2010 Consolidated Appropriations Act provided LSC with \$420 million, a much needed \$30 million increase over the FY 2009 level of \$390 million. Yet, this is still far less than the amount appropriated in FY 1995, which would be about \$578 million in today's dollars, and even farther below the amount appropriated in FY 1981 -- about \$765 million in today's dollars.

This year, we request that the Subcommittee provide a further increase of at least \$20 million as an additional step toward closing the "justice gap" and meeting the greater need that exists because of the economic crisis, which has increased foreclosures, unemployment and the number of families who now qualify for federally funded legal aid. We understand that the bipartisan Board of the Corporation has recommended \$516.5 million for FY 2011.

As you know, LSC funds 136 local programs in every congressional district in the country. These programs make a crucial difference to millions of low-income Americans. Recipients of LSC funding help clients secure basic human needs, such as wrongly denied Social Security, pensions and health care. Low-income Americans receive help with estate planning, consumer, housing and employment issues. LSC-funded attorneys help parents obtain and keep custody of their children, assist parents in enforcing child support payments and help women who are victims of domestic violence.

With unemployment near 10 percent, and with many Americans struggling to keep their jobs, homes, cars and basic necessities, the need for legal aid attorneys has never been greater. In fact, in 2008, more than 54 million Americans, including 18.5 million children, were eligible for federally funded financial assistance. LSC estimates that an additional 11.5 million people are eligible today.

In many parts of the country, more than 80 percent of those who need legal representation are unable to obtain it. Nationally, 50 percent of eligible applicants who request legal assistance from LSC funded programs are turned away largely because such programs lack adequate funding. For those facing foreclosure, the problem is even starker -- two qualified persons are

turned away for every one served. This is unacceptable in a nation committed to equal justice under the law.

Unfortunately, with an increased demand for services, a combination of state and local budget cuts, decreased private giving and a decline in Interest on Lawyer Trust Account (IOLTA) revenue has exasperated the problem.


**As a result, an increase in federal assistance to legal services is essential. Therefore, we request that the Subcommittee increase LSC funding by at least \$20 million, to \$440 million – the amount contained in the FY 2010 Commerce, Justice, Science, and Related Agencies appropriations bill which passed the House of Representatives.**

Thank you for your consideration of our request. Without continued increases in federal funding, many more of our most vulnerable citizens will be denied critical legal assistance.

Sincerely,

  
TOM HARKIN

  
PATRICK LEAHY

  
CHRISTOPHER BOND


  
HERB KOHL

  
PATTY MURRAY

  
RICHARD DURBIN

  
TIM JOHNSON


  
MARY LANDRIEU

  
JACK REED

  
FRANK LAUTENBERG



JON TESTER



MAX BAUCUS



CARL LEVIN



CHRISTOPHER DODD



JEFF BINGAMAN



JOHN KERRY



JOHN D. ROCKEFELLER IV



JOE LIEBERMAN



DANIEL AKAKA



BARBARA BOXER



RUSSELL FEINGOLD



OLYMPIA SNOWE



RON WYDEN




CHARLES SCHUMER

  
BLANCHE LINCOLN

  
BILL NELSON

  
DEBBIE STABENOW

  
MARIA CANTWELL

  
JOHN CORNYN

  
BEN CARDIN

  
BERNIE SANDERS

  
SHERROD BROWN


  
ROBERT CASEY

  
AMY KLOBUCHAR

  
SHELDON WHITEHOUSE

  
TOM UDALL

  
JEANNE SHAHEEN

  
KAY HAGAN

  
JEFF MERKLEY

  
MARK BEGICH

  
ROLAND BURRIS

  
MICHAEL BENNET

  
KIRSTEN GILLIBRAND

  
JIM WEBB

  
MARK WARNER

  
AL FRANKEN

# NATIONAL CONFERENCE OF BAR PRESIDENTS

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Contact: Julie M. Strandlie, ABA Governmental Affairs Office  
[jstrandlie@staff.abanet.org](mailto:jstrandlie@staff.abanet.org), 202-662-1764

April 20, 2010

The Honorable Barbara A. Mikulski  
Chairwoman, Subcommittee on  
Commerce, Justice and Science  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Richard C. Shelby  
Ranking Member, Subcommittee on  
Commerce, Justice and Science  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Chairwoman Mikulski and Senator Shelby:

As Presidents of State and Territorial Bar Associations and national Bars of Color, we urge Congress to work together to strengthen and improve the Legal Services Corporation (LSC) by providing at least \$435 million in funding and by enacting bipartisan legislation to reauthorize the program for the first time since 1981.

Thanks to your efforts and strong bipartisan support, for FY 2010 Congress provided a much-needed \$30 million increase bringing the annual appropriation up to \$420 million. This increase will help thousands of the most vulnerable Americans access critical legal assistance in matters where their home, their safety and their independence are at stake.

This year, we are asking Congress to provide another increase of at least \$15 million as the next step toward closing the justice gap and meeting the critical need that exists today because of the rise in foreclosures, unemployment and related issues resulting from the economic downturn. The President has requested \$435 million; the House of Representatives last year approved \$440 million.

At the beginning of the recession in 2008, 54 million Americans (including 18.5 million children) qualified for federally funded legal assistance. The 2009 LSC Justice Gap study reaffirms that one in every two individuals who qualified for and actually *sought* assistance from LSC-funded programs was denied help because of a lack of resources; even worse, in foreclosure cases, LSC-funded programs must turn away two eligible clients for every client served. The justice gap has grown and is likely to continue to grow this year as our country struggles to emerge from the current economic crisis. At the same time demand for help has increased, other major sources of funding for legal aid (including state appropriations, private giving and Interest on Lawyers' Trust Accounts revenue) are declining or are under severe stress.

The low-income and disadvantaged Americans who depend on LSC-funded legal aid organizations include: people facing wrongful foreclosure of their homes due to predatory lending and other consumer fraud; women and children victimized by domestic violence; veterans denied the benefits our country promised them; and many other vulnerable members of our communities. Whether these people have access to the legal help they need could mean the difference between shelter and homelessness; medical assistance and unnecessary physical suffering; food on a family's table and hunger; economic stability and bankruptcy; productive work and unemployment. The failure to resolve their basic legal issues causes even greater hardship for them and often leads to their reliance on other government programs.



Bar Presidents' Letter  
April 20, 2010

LSC currently funds 136 local programs serving every county, state and Congressional District in the United States and its territories. These local programs provide direct services to approximately one million constituents who struggle to get by on incomes below or near the poverty line.

The bipartisan LSC Board requested \$516.5 million for FY 2011 in its attempt to close the justice gap over the next several years. Without continued incremental increases in federal funding, many more will be denied assistance in the future. We request your support to increase LSC funding to at least \$435 million to help meet this urgent need.

Finally, LSC has not been reauthorized since 1981. Over those almost 30 years, many things have changed in the delivery of legal services and in corporate governance. For the first time in almost 20 years, legislation has been introduced in both the House and the Senate to reauthorize the program. We urge Congress to work together this year to come to an agreement on a reauthorization bill that will not only improve the efficiency and the delivery of legal services to low-income persons, but strengthen governance and accountability.

Thank you for your consideration of these requests.

Sincerely,

Mary T. Torres  
National Conference of Bar Presidents

Thomas J. Methvin  
Alabama State Bar

Sidney K. Billingslea  
Alaska Bar Association

Carolyn B. Lamm  
American Bar Association

Raymond A. Hanna  
State Bar of Arizona

Donna C. Pettus  
Arkansas Bar Association

Howard B. Miller  
The State Bar of California

David M. Johnson  
Colorado Bar Association

Francis J. Brady  
Connecticut Bar Association

Benjamin Strauss  
Delaware State Bar  
Association

James G. Flood  
The Bar Association of the  
District of Columbia

Jesse H. Diner  
The Florida Bar

Bryan Cavan  
State Bar of Georgia

Hugh R. Jones  
Hawaii State Bar Association

Román D. Hernández  
Hispanic National Bar  
Association

Douglas L. Mushlitz  
Idaho State Bar

John G. O'Brien  
Illinois State Bar Association

Roderick H. Morgan  
Indiana State Bar Association

Jane V. Lorentzen  
The Iowa State Bar  
Association

Thomas E. Wright  
Kansas Bar Association

Charles E. English, Jr  
Kentucky Bar Association

Kim M. Boyle  
Louisiana State Bar  
Association

Geraldine G. Sanchez  
Maine State Bar Association

Bar Presidents' Letter  
April 20, 2010

Thomas C. Cardaro  
Maryland State Bar  
Association

Valerie A. Yarashus  
Massachusetts Bar  
Association

Charles R. Toy  
State Bar of Michigan

Leo I. Brisbois  
Minnesota State Bar  
Association

George R. Fair  
The Mississippi Bar

H. A. "Skip" Walther  
The Missouri Bar

Cynthia K. Smith  
State Bar of Montana

Joseph J. Centeno  
National Asian Pacific  
American Bar Association

Mavis T. Thompson  
National Bar Association

Lael R. Echo-Hawk  
National Native American  
Bar Association

Michael F. Kinney  
Nebraska State Bar  
Association

Kathleen J. England  
State Bar of Nevada

James J. Tenn, Jr.  
New Hampshire Bar  
Association

Allen A. Etish  
New Jersey State Bar  
Association

Stephen S. Shanor  
State Bar of New Mexico

Michael E. Getnick  
New York State Bar  
Association

John R. Wester  
North Carolina Bar  
Association

Barbara B. Weyher  
North Carolina State Bar

Jane L. Dynes  
State Bar Association of  
North Dakota

Barbara J. Howard  
Ohio State Bar Association

Allen M. Smallwood  
Oklahoma Bar Association

Kathleen A. Evans  
Oregon State Bar

Clifford E. Haines  
Pennsylvania Bar Association

Arturo L. Hernández  
Puerto Rico Bar Association

Victoria M. Almeida  
Rhode Island Bar Association

Fred W. Suggs, Jr.  
South Carolina Bar

Bob L. Morris  
State Bar of South Dakota

Gail Vaughn Ashworth  
Tennessee Bar Association

Roland K. Johnson  
State Bar of Texas

Stephen W. Owens  
Utah State Bar

Eileen Morris Blackwood  
Vermont Bar Association

Ruth Miller  
Virgin Islands Bar  
Association

Jon D. Huddleston  
Virginia State Bar

Stephen D. Busch  
Virginia Bar Association

Salvador A. Mungia  
Washington State Bar  
Association

Stephen R. Crislip  
West Virginia Bar  
Association

Sandra M. Chapman  
West Virginia State Bar

Douglas W. Kammer  
State Bar of Wisconsin

William Hiser  
Wyoming State Bar