July 20, 2010

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

The Honorable Richard Shelby
Ranking Member
Subcommittee on Commerce,
Justice, Science and Related Agencies
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.
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,

Carolyn B. Lamm

cc: Members, Senate Appropriations Committee
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

DICK DURBIN

TIM JOHNSON

MARY L. LANDRIEU

JACK REED

FRANK LAUTENBERG
JEANNE SHAHEEN
KAY HAGAN
JEFF MERKLEY
MARK BEGICH
ROLAND BURRIS
MICHAEL BENNET
KIRSTEN GILLIBRAND
JIM WEBB
MARK WARNER
AL FRANKEN
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

April 20, 2010

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.
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

Benjamin Strauss
Delaware State Bar Association

John G. O'Brien
Illinois State Bar Association

Sidney K. Billingslea
Alaska Bar Association

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

Roderick H. Morgan
Indiana State Bar Association

Carolyn B. Lamm
American Bar Association

Jesse H. Diner
The Florida Bar

Jane V. Lorentzen
The Iowa State Bar Association

Raymond A. Hanna
State Bar of Arizona

Bryan Cavan
State Bar of Georgia

Thomas E. Wright
Kansas Bar Association

Donna C. Pettus
Arkansas Bar Association

Hugh R. Jones
Hawaii State Bar Association

Charles E. English, Jr
Kentucky Bar Association

Howard B. Miller
The State Bar of California

Román D. Hernández
Hispanic National Bar Association

Kim M. Boyle
Louisiana State Bar Association

David M. Johnson
Colorado Bar Association

Douglas L. Mushlitz
Idaho State Bar

Geraldine G. Sanchez
Maine State Bar Association

Francis J. Brady
Connecticut 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
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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
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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