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February 10, 2011

The Honorable Frank R. Wolf
Chairman, Committee on Appropriations
Subcommittee on Commerce, Justice, Science
241 Cannon House Office Building
United States House of Representatives
Washington, DC 20515-4610

Dear Mr. Chairman:

Thank you for reaching out to the American Bar Association, and the organized bar generally, to describe the challenges ahead with respect to providing civil legal services for the poor. We are delighted that you took the initiative to contact us. Thank you for your long and enthusiastic support for programs providing legal services for the poor.

The ABA shares your desire to buttress and expand efforts by private lawyers in the national effort to bridge the chasm that stretches between the needs of citizens for access to justice and the ability of our system to respond to those needs. As you well know, our profession is proud of its unique and strong aspirational value for donation, without charge, of *pro bono* professional services to those in need. This *pro bono* ethic is at the heart of the American public-private partnership in serving the legal needs of the poor.

You may be aware that both the ABA, and state and local bar associations, have developed numerous *pro bono* programs to address evolving needs. A few examples include:

- Local *pro bono* programs that match needy clients and volunteer lawyers have grown so that there are approximately 2,000 such local offices across the nation, most sponsored or operated by local bar associations. They place hundreds of cases every day with volunteer lawyers who work to provide effective representation to those in need.
- Specialty *pro bono* programs have sprung up to address specific, emerging, needs. Despite losses in the ranks of employed lawyers, a number of state and local bar associations have established and many lawyers have volunteered at new *pro bono* programs representing homeowners and renters at risk of losing their homes. Similarly, bar associations in a number of states have created new *pro bono* initiatives responding to the legal needs of active-duty military personnel and/or returning military veterans. Law

- firms and corporate law departments are providing *pro bono* legal services through medical-legal partnership projects, which bring doctors and lawyers together to address the legal/life issues that underlie persistent health problems.
- Law school accreditation standards have been amended to require all ABA-approved law schools to offer substantial opportunities for student participation in *pro bono* activities. Approximately 40 law schools have established mandatory *pro bono* programs requiring students to complete a quota of *pro bono* or public service hours as a condition of graduation. Another 100+ law schools have developed voluntary *pro bono* programs. Students also provide service through clinical and externship programs.
- Associates who have had their start dates in large law firms deferred have, by the hundreds, spent a year, or more, in service at local legal services programs.
- Private lawyers are the most active members of society in charitable giving to support local legal aid programs. In 2009, direct monetary contributions to legal aid via lawyer fund drives, attorney registration fees, bar association funds and voluntary “check off” contributions by lawyers on their bar dues invoices totaled over \$77 million as a national aggregate for that year.

Many lawyers contribute *pro bono* service on their own, and without participating in any organized program. Many other lawyers, particularly those in large law firms, choose to channel their *pro bono* work to provide support to important local or national causes, and volunteer opportunities extend far beyond the direct delivery of service to individual clients in civil matters.

Bar leaders have been working to determine how to improve and expand the network of *pro bono* programs so that efforts are balanced between meeting the multiplicity of needs. For that reason, the ABA will sponsor, in late October 2011, a National Pro Bono Summit in Washington, DC. This event will bring together bar leaders, major law firm partners and corporate counsel, judges, law school deans, leaders within the legal services community, and policy makers. It will focus on ways to enhance *pro bono* cultures within legal services offices, bar associations, law schools, courts and law practices across the profession. We would like you to participate in this event, and we welcome your thoughts about new avenues and directions that might be explored to improve the provision of *pro bono*. We would be happy to provide additional details on the Summit closer to the October event date.

As you observed in your letter, all that we have described above occurs against a very difficult background. While the ABA actively seeks to stimulate further *pro bono* service by private lawyers, the need for legal services continues to increase. After several years of an economic recession, an unprecedented 50+ million Americans are now eligible for services from the Legal Services Corporation.

LSC is the core of the nation’s system for providing legal services to the poor. *Pro bono* efforts cannot replace government support for civil legal services. In fact, LSC also constitutes the foundation and essential catalyst for the national *pro bono* network. LSC grantees devote 12.5%

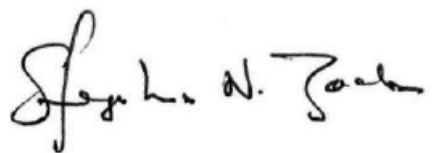
of their funding to private attorney involvement, with most of that funding going to support *pro bono* programs. For *pro bono* to thrive and increase, the financial resources which the LSC provides to support the infrastructure for *pro bono* delivery systems must not be reduced. Any reduction in funding for the LSC will seriously impede efforts to expand *pro bono* contributions.

The ABA has been a leader in advocating growth in alternate or supplementary sources of funding for civil legal aid efforts. In this economic climate, however, other sources of revenue to support legal services programs are in decline. Funding provided to legal aid and *pro bono* programs from state and local sources has diminished markedly over the last two years, and is unlikely to rebound for several years. Interest on Lawyers Trust Account programs have been created in every state, through the organized bar, to provide supplemental legal aid funding. But with interest rates at historic lows, and with fewer funds on deposit during an economic downturn, those IOLTA programs are producing 57% less revenues nationally than in prior years. With the loss of this revenue, local legal aid programs have laid off staff and cut to the bone staffing for *pro bono* programs.

We understand that federal funding must be carefully apportioned among many worthwhile programs. At the same time, we believe that the responsibility for providing access to justice for all Americans is a fundamental promise of government. The ABA, and the organized bar as a whole, will continue vigorous efforts to stimulate an even greater outpouring of generosity by private lawyers in donating service to address the legal needs of the poor. At the same time, holding the line against cuts in funding for the Legal Services Corporation is paramount. We hope your committee will reconsider the recently announced reductions in funding for the vital services provided through LSC grantees.

We look forward to continuing to work with you, both on efforts to increase *pro bono* activity in the legal profession, and to ensure that LSC funding remains strong. We are happy to discuss this matter with you further at your convenience. Thank you very much for your attention and outreach on these issues.

Sincerely,

A handwritten signature in black ink, reading "Stephen N. Zack". The signature is written in a cursive style with a large initial 'S' and a stylized 'Z'.

Stephen N. Zack