



AMERICAN BAR ASSOCIATION

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WRITTEN STATEMENT OF

**Stephen N. Zack, President
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**to the
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED
AGENCIES
of the
UNITED STATES HOUSE OF REPRESENTATIVES**

on the subject of

The Legal Services Corporation

March 11, 2011

I am Stephen Zack, President of the American Bar Association and a partner in the law firm of Boies, Schiller & Flexner LLP in Miami, Florida. I submit this testimony on behalf of the American Bar Association to voice the Association's views with respect to the essential role of the Legal Services Corporation (LSC) in assuring equal justice in America. The ABA urges that LSC receive a FY2012 appropriation of at least \$450 million, the amount requested in the Administration's budget proposal.

Appropriations for the Legal Services Corporation is not just about funding another federal agency. This is about providing legal services for the 57 million Americans at or below the poverty line, including 19 million children, who are eligible for assistance. The most important issues on the minds of every American are jobs and the economic climate. In the midst of economic uncertainty and turmoil, all Americans should have somewhere to turn for assistance on their most basic civil legal needs. The need for increased funding for the Legal Services Corporation is paramount. Programs like LSC that keep working class and poor people from falling into a legal and financial tailspin are essential. Every cent spent helping families deal with crises such as eviction, child support and custody, or a domestic violence restraining order ultimately saves taxpayer money. We urge the House Committee on Appropriations and the Subcommittee on Commerce, Justice, Science and Related Agencies to fund the Legal Services Corporation at \$450 million, the level requested by the Administration.

The Poor In America Have Very Limited Access to the Justice System, Yet the Legal Needs of the Poor are Expanding During These Difficult Economic Times.

The tough economy has made demand for the local legal aid funded by LSC grants skyrocket. At this time when LSC cannot respond to existing demand for services, the number of people in poverty and needing LSC help continues to grow. The Census Bureau reports that the poverty rate continues to rise and now is at levels not seen since the early 1960s. Foreclosure and homelessness rates continue to rise, resulting in increased numbers of people seeking legal help with housing issues. Layoffs are still occurring, and the unemployment rate remains high, resulting in more Americans than ever qualifying for and seeking legal assistance.

Rich or poor, all Americans deserve to have access to justice. The Preamble to the U.S. Constitution states that the first enumerated function of government is to “establish justice.” President Washington wrote that “The due administration of justice is the firmest pillar of good government.” However, many different indicators show that poor and working class Americans are not getting the legal aid they need.

Surveys conducted by the Legal Services Corporation confirm the situation is already dire. Due to limited resources, LSC-funded programs must turn away one-half the eligible people who seek assistance in resolving legal problems affecting their health, housing, employment, or other critical areas of life. The actual level of need is even larger, as many do not seek legal aid because they know it is unlikely that they can secure assistance. The need for adequate funding for LSC is more critical than ever.

Now More Than Ever, the Legal Services Corporation is the Foundation of a System That Helps Americans in Crisis.

LSC-funded programs provide services for low-income persons in every congressional district in the country, assisting constituents with many different basic legal needs. LSC disburses 95% of its annual federal appropriation to 136 legal aid programs, with over 900 total offices, nationwide. People who are unable to resolve basic legal problems are more likely to require assistance from public social services programs; LSC programs prevent a long-term reliance on other government programs.

LSC grantees provide a wide range of civil legal assistance to their clients. Overall, those benefiting from legal services are the most vulnerable Americans, including the working poor, veterans, homeowners and renters facing foreclosure or evictions, families with children, farmers, people with disabilities, victims of domestic violence, the elderly, and victims of natural disasters.

Many times, the need for help is sudden and urgent. Housing and foreclosure cases account for over 25% of legal aid cases. The many different issues addressed include resolution of landlord-tenant disputes, prevention of foreclosure, renegotiation of home loans and mortgages, and assistance to renters with eviction notices whose landlords are being foreclosed on, among others.

LSC grantees also assist returning military veterans and their families. Veterans who served in combat zones often face serious legal problems upon returning to civilian life. Issues such as child custody, employment, and homelessness commonly arise. LSC-funded programs help those who serve our country with many different types of legal matters once they return. More than a third of all cases closed by local LSC grantees deal with some type of family law matter. LSC grantees assist victims of domestic violence with protective and restraining orders, help parents obtain and retain custody of their children, assist family members in acquiring guardianship for children without parents, and provide other family law legal counseling.

Another area in which LSC programs provide assistance is disaster relief. When natural or national disasters occur, LSC grantees assist with many different issues, including identity verification, housing matters, and family law issues. September 11th families, flood victims, and hurricane evacuees are all examples of those who have received assistance from LSC-funded programs.

While LSC grantees can assist Americans struggling with these and other civil legal issues, the need for legal services far outstrips funding for LSC; particularly in this economic climate, more Americans than ever qualify for legal assistance. One in two eligible clients seeking help from a federally funded legal aid program is turned away due to lack of resources. Further, other sources of funding for legal aid programs are also experiencing difficulty in providing support due to current economic conditions; legal aid revenue from Interest on Lawyers' Trust Accounts has decreased due to low interest rates, and states and private contributors are also struggling with budget issues in the current recession. Federal funding through LSC provides the foundation and catalyst for the development of other funding and must be maintained.

LSC funding also provides the framework for pro bono efforts, and reducing funding for LSC could not only harm the LSC programs themselves, but also diminish pro bono efforts due to lack of resources. In fact, LSC 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. Private bar pro bono efforts are important, but they cannot replace government support for civil legal services. For pro bono to thrive and increase, the financial resources that the LSC provides to support the infrastructure for pro bono delivery systems must not be reduced. Any reduction in funding for the LSC will impede efforts to expand pro bono contributions, and therefore the Administration's budget request of \$450 million for Fiscal Year 2012 should be granted.

The ABA is a Long-Time Leader in Access to Justice Issues, and the Organized Bar and the American Public Support a Vibrant Legal Aid System.

The American Bar Association has supported legal services for the poor since the establishment of the Standing Committee on Legal Aid and Indigent Defendants in 1920. Supreme Court Justice Lewis F. Powell, while serving as ABA President in 1964, called for an assurance of access to justice for poor and working class Americans, and the ABA worked closely with many others meet the need through the creation of the Legal Services Corporation ten years later. We have consistently advocated for funding for this vital institution. Bar Presidents of all 50 States, plus the District of Columbia, the US Virgin Islands and Puerto Rico, have joined to urge

Congress to increase funding for LSC. The four major bars of color (the National Bar Association, the Hispanic National Bar Association, the National Asian Pacific American Bar Association and the National Native American Bar Association) have also added their voices.

The American Bar Association, the world's largest, voluntary professional organization with nearly 400,000 members, is the national representative of the legal profession, serving the public and the profession by promoting justice, professional excellence, and respect for the law. The ABA is nonpartisan; it includes Republicans and Democrats, plaintiff and defense lawyers, corporate general counsel and private lawyers, prosecutors and defenders. The ABA does not endorse candidates or make political contributions. We appreciate the opportunity to address funding for the LSC, encourage the Committee to support the Administration's request of \$450 million, and offer our ongoing assistance to continuing to improve the delivery of legal services to low-income individuals.