Dear Committee Member:

On behalf of the American Bar Association, which has nearly 400,000 members, I write to strongly urge the Joint Select Committee on Deficit Reduction to maintain adequate funding for civil legal services and our federal court system, even during this most difficult economic time.

While the American Bar Association shares your goal of reducing the deficit and ensuring economic recovery for the country, we urge the Committee to recognize that access to justice is essential for preserving our freedom and the rule of law. The entire justice system is diminished when funding cuts threaten the ability of individuals—particularly low-income and vulnerable populations—to gain access to legal services and the courts.

Demand for legal services is at all-time high

The Legal Services Corporation is the largest single funder of civil legal services in the United States. More than 63 million low-income residents, including 22 million children, are eligible for assistance through LSC-supported offices located in every state, the District of Columbia and U.S. territories. As they struggle to keep their jobs, their homes and basic necessities for their families, low-income families may seek assistance with foreclosures, unemployment, bankruptcy and domestic violence. Natural disasters have strengthened the urgency for help from the LSC.

The LSC, now funded at $398.5 million, has endured over a $20 million reduction in funding over the past two fiscal years. At the same time, other sources of legal services funding—including state appropriations, private giving and Interest on Lawyer Trust Accounts—also have declined. Further LSC budget cuts at this critical time would gravely undermine the ability of those Americans who are most in need—including many veterans, individuals with disabilities and the elderly—to access legal assistance to help resolve major challenges. Therefore, we urge the Committee to take a stand in support of legal services for the poor and reject any proposals for major reductions in LSC funding.

The nation’s fair, impartial and independent judiciary also is at risk

Congress has an obligation to assure that the courts have sufficient resources to function effectively. If Congress makes deep cuts in funding for the federal courts, which already are struggling with
rising caseloads and too few judges, we jeopardize our core constitutional values and risk forfeiting our claim to be a nation dedicated to equal justice under law.

While committed to containing costs and streamlining procedures, the courts are facing increasing workloads and do not have the ability to decline or defer cases that come to them. Over the last 30 years, hundreds of new laws have expanded the jurisdiction of the federal courts, and the workload has doubled. In addition, bankruptcy filings have quadrupled. The Defender Services program, authorized by the Criminal Justice Act, will likely support more than 200,000 indigent or low-income defendants in the next year alone—five times the number represented in 1980.

The Judicial Conference of the United States stated that the $150 million funding cut proposed by the House for FY2012 means that the equivalent of 5,000 support personnel—clerks, security personnel, probation officers and staff—would need to be cut from federal courts across the country. This would result in substantial delays in case processing, reduced levels of probation supervision for felons released from prison, and a scaling back of many essential services to the public.

Our Federal Judiciary comprises one of the three co-equal branches of government and is essential to preserving constitutional democracy and freedom. We urge the Committee to retain funding for the federal courts at or close to current levels to enable them to fulfill their role, as envisioned by our Constitution.

By maintaining adequate funding for civil legal services and our federal court system, Congress can continue to protect equal access to justice for all Americans and preserve the capacity of our judicial institutions to deliver timely and effective justice for all.

Thank you for considering the American Bar Association’s views on these critical issues. If you have any questions or need more information regarding the ABA’s position on these or any other issues, please contact me at (312) 988-5109 or ABA Governmental Affairs Director Thomas Susman at (202) 662-1765.

Sincerely,

Wm. T. (Bill) Robinson III