REQUEST: Chairman Moran, Ranking Member Shaheen, and Subcommittee Members, I am Bob Carlson, President of the American Bar Association (ABA) and a shareholder with the Butte, Montana, law firm of Corette Black Carlson & Mickelson, P.C. I submit this statement today on behalf of approximately 400,000 members of the ABA. The ABA has long been committed to “Equal Justice Under Law” in our country, establishing our Standing Committee on Legal Aid and Indigent Defendants in 1920. U.S. Supreme Court Justice Lewis F. Powell, while serving as ABA President in 1964, understood the need for equal justice and became a key, early supporter of federal legal aid before President Nixon signed the Legal Services Corporation (LSC) Act into law in 1974. The LSC has requested $593 million for FY 2020 funding and the ABA fully supports that request. LSC intends to allocate this increased funding amount entirely to basic field grants so that LSC’s grantees can assist with 55% more civil legal problems than they currently serve.

2017 JUSTICE GAP STUDY: The basis for the $593 million request is the 2017 Justice Gap Report. If approved, this requested budget would put the LSC on a better trajectory to achieve the pledge of justice for all.

In June 2017, the University of Chicago’s NORC provided analysis regarding the unmet civil legal needs of indigent Americans. The survey of more than 2,000 adults living in low-income households (at or below 125% of the Federal Poverty Level) updated two previous reports. The report states, “Eighty-six percent of the civil legal problems faced by low-income Americans in a given year receive inadequate or no legal help.” Specifically, LSC Board Chair John G. Levi pointed out: “Low-income seniors, for example, received inadequate or no professional help for 87% of their civil legal problems. For low-income rural residents, the number was 86%, while for low-income veterans or other military personnel, the number was 88%.”

DISASTER FUNDING REQUEST: The ABA also supports LSC’s supplemental disaster appropriations requests. The $15 million provided in H.R. 268 is much appreciated. LSC has now requested additional funding of $500,000 above the $15 million appropriation due to subsequent disasters. We hope the committee will keep a close eye on 2019 disasters and will provide needed supplemental funds for LSC disaster legal services again this year.

Additionally, we appreciate the subcommittee’s removal of funding restrictions for the disaster money. This removal will enable more direct, immediate aid to those suffering from disasters.

LSC DISASTER TASK FORCE: On March 13, 2018, at a Capitol Hill briefing, LSC Board Chair John Levi announced a Disaster Task Force comprising LSC grantees, business leaders, emergency management experts and other stakeholders to take a more comprehensive approach to its disaster work to increase its impact nationwide. The task force aims to provide a report with recommendations, a grantee’s guide for continuity of operations planning (COOP), and a toolkit for grantees that builds on the disaster preparedness and response work of LSC’s Midwest
Legal Disaster Coordination Project. The toolkit will include: 1. templates for education materials about civil legal aid assisting disaster survivors; 2. training materials specifically for volunteer attorneys that cover the most common legal issues faced by disaster survivors; 3. instructions for creating a disaster relief and response hotline and online application; 4. access to preparedness go-kit checklists for the user to fill out ahead of a disaster; and 5. a guide for developing mobile-optimized disaster websites.

STAFFORD ACT & FEMA’s NATIONAL RESPONSE FRAMEWORK: The federal government is integrally involved in Presidentially-declared disasters and has a crucial role in federal justice for all— which should not be passed on to the states, tribes, and localities as an unfunded mandate.

When the President declares a national disaster, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5143(b), Public Law 93-288, as amended (Stafford Act), creates the mandate to “assist local citizens and public officials in promptly obtaining assistance to which they are entitled.” Furthermore, the Stafford Act, 42 U.S.C. § 5143(b) states:

Whenever the President determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the programs authorized by this Act, the President shall ensure that such programs are conducted with the advice and assistance of appropriate Federal agencies and State and local bar associations.

The Federal Emergency Management Agency (FEMA) organizes disaster response and recovery efforts through the National Response Framework (NRF). The NRF is a guide that describes specific authorities and best practices for managing incidents and outlines several coordinating structures—the most pertinent to legal aid providers are the Emergency Support Functions (ESFs). The federal ESFs are the primary federal coordinating structures for building, sustaining, and delivering the response core capabilities. There are 15 ESFs in total.

Pages 2, 8, 11, and 18 of ESF #6: Mass Care, Emergency Assistance, Temporary Housing, and Human Services ([https://www.fema.gov/media-library-data/1470149820826-7bcf80b5dbabe158953058a6b5108e98/ESF_6_MassCare_20160705_508.pdf](https://www.fema.gov/media-library-data/1470149820826-7bcf80b5dbabe158953058a6b5108e98/ESF_6_MassCare_20160705_508.pdf)) direct the provision of civil legal services.

ABA & LSC IN THE NATIONAL RESPONSE FRAMEWORK: ESF #6 indicates on page 18 that this federal mandate to provide disaster legal services is carried out through the ABA’s Young Lawyers Division (YLD):

American Bar Association (ABA) Through the ABA’s Young Lawyers Program, provides free disaster legal services for low-income individuals who, before or because of the disaster, are unable to secure legal services adequate to meet their disaster-related needs.

To this end, FEMA and the ABA originally executed a memorandum of agreement (MOA) in December 1972 and renewed it in 2007. The YLD’s Disaster Legal Services (DLS) Program
fulfills this MOA during disasters. The DLS Program coordinates the pro-bono legal efforts of multiple state and local bar associations when activated by FEMA following a natural disaster. LSC grantees working in the impacted disaster area typically manage these efforts.

LSC maintains regular communication with the American Red Cross and FEMA to coordinate a response, convening regular national Legal Aid Disaster Network calls, and sponsoring the National Disaster Legal Aid website, www.disasterlegalaid.org. LSC grantees thus provide critical resources to manage disaster response efforts effectively and efficiently in accordance with the terms of the FEMA/ABA YLD agreement and the Stafford Act’s federal mandate. Funding for this federal mandate cannot be passed onto states, tribes, and localities.

**DISASTER LEGAL WORK:** Disasters have a severe and disproportionate impact on the poor, resulting in a sharp increase in the need for legal help. The ABA statistic on disaster declarations in each state can be found on the infographics on the ABA website at https://www.americanbar.org/content/dam/aba/uncategorized/GAO/LSC%20Infographic_Senate-1.pdf. LSC describes the disaster work of their grantees in these districts as follows:

In the immediate wake of a disaster or crisis, disaster-related legal issues follow a common pattern. Survivors often need help obtaining copies of important documents such as birth certificates, driver's licenses, and Social Security cards to apply for or restore benefits and supports. The need for adequate housing is generally a major issue for survivors of most disasters. In addition, low-income and other vulnerable people who need housing after an emergency are more susceptible to scams and price gouging. With families experiencing even more stressors than before, there is also an increase in the need for more legal information on core areas of practice for legal aid, such as public benefits, domestic violence prevention, consumer law, and fraud prevention.

**OPIOIDS:** In addition to LSC’s new Disaster Task Force, on April 10, 2018, at LSC’s quarterly board of directors meeting, LSC Chair John Levi announced a new LSC Opioid Task Force, co-chaired by LSC Board Members Victor Maddox and former ABA President Robert Grey, and comprising LSC leaders, grantees, healthcare and social services experts, and stakeholders.

The task force addresses and educates the public about the legal issues raised by the opioid crisis in areas such as healthcare, family law, domestic violence, child and elder abuse, and housing.

In Harrison County, West Virginia, for example, an advocate reports that she primarily sees grandparents raising grandchildren, who are often informally placed in their care due to neglect by the addicted parents. “Grandparents aren’t really aware of the kinds of benefits that can come from establishing formal legal custody in court,” Courtney Crowder told the Exponent Telegram. “Medical treatment and school enrollment are two barriers that come with not having legal custody of a child. As well, grandparents can receive benefits through the Department of Health and Human Resources. That can be really helpful for grandparents, especially those who are living on a fixed income and probably didn’t plan on raising three extra kids,” Crowder said.

The ABA developed a statistic on opioid deaths in each state that can be found on the infographics on the ABA website at
With the opioid crisis placing heavy new burdens on legal aid, a funding increase is critical.

**ADDITIONAL CONSIDERATIONS**: Beyond federal responsibilities regarding the costs that natural disasters and the opioid crisis impose upon LSC grantees, four other points should be considered for LSC funding: 1. The cuts in LSC funding vis-à-vis historic levels; 2. The demonstrated cost-benefit value of legal aid; 3. The role of legal aid referrals from federal constituent services representatives; and 4. The popularity of legal aid in America.

1. **FUNDING FOR LSC IS DOWN 43% SINCE THE 1980s**: I want to thank this subcommittee for the partial restoration of funding for LSC in FY 2019. That money will permit LSC to serve more needy clients. Nevertheless, the FY 2019 LSC appropriation of $415 million is still 18% lower than it was in FY 2010. The FY 2010 appropriation would be $489.5 million in 2019 dollars. The FY 2019 funding is down 43% from LSC’s average appropriation of $728,107,080 in 2019 dollars during the 1980s. At the same time, the number of people qualifying for assistance is over 10% higher than it was in 2007. LSC funding needs restoration in these good economic times when unemployment is low, and the stock market is high. The ABA fully supports LSC’s request to restore its funding to $593 million in FY 2020, although that still will not meet the total need.


   For example, Community Services Analysis LLC published a 2018 report regarding the return on investment of civil legal aid services in the State of Louisiana. The report reveals that, “For every $1 invested in Louisiana Legal Aid during the year 2018, the citizens of Louisiana receive $9.13 of immediate and long-term financial benefits.”

3. **CONSTITUENT SERVICE**: Civil legal aid is a constituent service performed in every state and congressional district in the country, complementary to and often by referral from your own constituent services staff. Key beneficiaries of legal aid services include: 1. Veterans; 2. Older Americans; 3. Rural Americans; 4. Domestic violence survivors; 5. Women, constituting 71.5% of clients; 6. Opioid victims, and 7. Natural-disaster victims.

4. **POLLING**: 82% of those surveyed believe it is important to ensure everyone has access to civil legal help or representation, according to polling by Voices for Civil Justice: [https://voicesforciviljustice.org/wp-content/uploads/Lake-Tarrance-Expanding-civil-legal-aid-2013.pptx3.pdf](https://voicesforciviljustice.org/wp-content/uploads/Lake-Tarrance-Expanding-civil-legal-aid-2013.pptx3.pdf).

**CONCLUSION**: As the economy recovers, LSC funding should also recover. Down 43% from the 1980s average appropriation, down 18% from FY 2010 (in 2019 dollars), and with over 10% more people qualifying for legal aid, the ABA fully supports the LSC funding request for restoration to $593 million. Given LSC’s excellent benefit/cost ratio and that 82% of LSC’s funding supports access to civil legal help, we encourage you to heed constituents’ views and support access to equal justice under law.