June 14, 2017

The Honorable Steve Daines
United States Senate
320 Hart Senate Office Building
Washington, DC 20510-2604

The Honorable Jon Tester
United States Senate
311 Hart Senate Office Building
Washington, DC 20510-2604

The Honorable Greg Gianforte
United States Representative-Elect
910 N. Last Chance Gulch
Helena, MT 59601

Re: Funding for Legal Services Corporation and AmeriCorps

Dear Senators Tester and Daines, and Representative-Elect Gianforte:

Two months ago, fifteen current and former Justices of the Montana Supreme Court wrote to Senators Tester and Daines to encourage strong support for current-level funding of the Legal Services Corporation (LSC) and the Corporation for National and Community Service. After that letter was written, the Administration released its full budget proposal, which would eliminate both programs. In a May 22, 2017 letter, Montana Attorney General Tim Fox joined other State Attorneys General to oppose elimination of LSC funding. A copy of both letters is included here for your reference and for the benefit of Representative-Elect Gianforte. As members of the Montana Access to Justice Commission, which includes representatives of all three branches of government, tribal government, and Montana’s legal and business communities, we write to add the Commission’s voice to those of many around the country who are raising alarm about the potential elimination of these important programs.

The Access to Justice Commission, established by the Montana Supreme Court in 2010, exists in part to assess the legal needs of low- and moderate-income Montanans and to coordinate efforts and seek solutions to better meet those needs. The significant data we have gathered over the last six years, and the numerous stories we have heard from people all over Montana, prove that—contrary to the budget proposal’s assumption—LSC is not a “one-size-fits-all model of providing legal services through a single Federal grant program.” The stated justification for its proposed elimination is that doing away with LSC funding “will encourage nonprofit organizations, business, law firms, and
religious institutions to develop new models for providing legal aid, such as pro bono work, law school clinic, and innovative technologies.” But the truth is that the federal funding our Montana Legal Services Association (MLSA) receives is what has spawned and facilitated, for decades, many innovative public-private partnerships and technological advances that leverage each dollar and make each sector’s contribution more effective.

MLSA receives 42% of its annual budget from LSC grants. Standing alone, the federal government’s contribution could not begin to meet the needs of Montanans in our legal system. Instead, in addition to helping Montanans with critical legal services, MLSA provides a central level of infrastructure to coordinate and support volunteer attorneys, law school clinics, training, and online resources for our state’s citizens. Montana lawyers do their part; last year, Montana attorneys provided more than 120,000 hours of pro bono service to their fellow Montanans—a value approaching $18 million. MLSA pro bono programs help make this possible: screening eligible clients, matching them with qualified lawyers, helping with support services and malpractice insurance, and recruiting participation from additional lawyers. And MLSA’s award-winning innovative technologies, including automated legal forms and information, help bring needed information to rural and native communities that otherwise have little or no access to legal help.

MLSA also has facilitated Montana’s unique and powerful partnership with the AmeriCorps service program, which receives its funding from the Corporation for National and Community Service. Through the Justice for Montanans program, MLSA and the Montana Judicial Branch place nearly 20 service members in legal aid offices, the Montana Justice Department’s Office of Consumer Protection and Victim Services, the State Bar of Montana to help with its “modest means” program, and—of critical importance to all Montana courts and court users—in the Court Help Program, a self-help law program that provides resources and information for Montanans facing non-criminal legal problems. Most of these problems involve basic issues of family security, like child support, protection from domestic violence, housing, and consumer debt. Montana’s Court Help program had more than 16,000 customer contacts last year alone. Without the AmeriCorps program, Court Help’s ability to assist rural Montanans would virtually evaporate.

Approximately 20% of Montanans have household incomes that qualify them for civil legal aid—125% of the federal poverty level. (In 2017, 125% of the federal poverty guideline is $15,075 for an individual and $30,750 for a family of four.) Access to Justice Commission studies show that more than half of those families have at least one civil legal problem every year that they cannot address. **Current funding from all sources for civil legal aid can help only one in ten Montanans with incomes under 200% of federal poverty levels.** But when people do get legal assistance, the benefits ripple throughout our communities. The recent Montana economic impact study sponsored by our Commission found a 215% return on investment in civil legal aid.
Meanwhile, Montana courts are bursting at the seams with increased case filings, setting records each year. Many cases involve people without lawyers. When a person shows up in court unfamiliar with the process and unprepared to present their problem to the judge, the court and court staff must take additional time to sort out the issues, making other litigants wait longer for their day in court, and the justice system works less effectively for everyone. The United States Government is not now, and is not expected to be, the solution to the demands on our court system. But, like every other sector of society—public and private—and in keeping with our Constitution’s promise to “establish Justice,” the federal government needs to be a strong partner.

We offer our assistance to you and your staffs to help you become familiar with the good work and the tremendous value that our Montana Legal Services Association and Justice for Montanans AmeriCorps programs provide to all Montanans. And we ask for your committed support to keep these programs funded at the same dollar amount provided now, in order to make Montana’s justice system bring “justice for all.”

Sincerely,

Hon. Beth Baker, Montana Supreme Court Justice
Ed Bartlett, Private Attorney and Business Representative
Georgette Boggio, Private Attorney, Elk River Law Firm
Hon. David A. Carter, Yellowstone County Justice of the Peace
Rick Cook, Chouteau County Clerk of District Court
Matthew Dale, Montana Department of Justice, Office of Consumer Affairs and Victim Services Representative Kim Dudik, Montana House of Representatives
Aimee Grmoljcz, Crowley Fleck Law Firm, and Business Representative
Paul F. Kirgis, Dean, Alexander Blewett III School of Law at the University of Montana
Hon. Kurt Krueger, Silver Bow County District Court Judge
Kyle Nelson, Private Attorney and Representative of the Montana Justice Foundation
Hon. Greg Pinski, Cascade County District Court Judge
Charlie Rehbein, Chief, Aging Services Bureau, Montana Dept. of Public Health and Human Services
Melanie Reynolds, Public Health Officer for Lewis and Clark County, Montana
Randy Snyder, Private Attorney and State Bar of Montana Representative
Hon. Winona Tanner, Confederated Salish and Kootenai Tribal Judge and Representative of the Montana-Wyoming Tribal Judges Association

Encs. (2)
April 1, 2017

The Honorable Steve Daines  
United States Senate  
320 Hart Senate Office Building  
Washington, DC  20510-2604

The Honorable Jon Tester  
United States Senate  
311 Hart Senate Office Building  
Washington, DC  20510-2604

Re:  Funding for Legal Services Corporation and AmeriCorps

Dear Senators Tester and Daines:

As current and former Justices of the Montana Supreme Court, we write to express our deep concern with the proposal to eliminate funding for the Legal Services Corporation and the Corporation for National and Community Service. These programs are critical partners in ensuring that the Montana justice system meets the Constitution’s command to “establish Justice . . . and secure the Blessings of Liberty” to all Montanans.

For fifty years, the Montana Legal Services Association (MLSA) has provided civil legal aid to Montanans with basic human needs. MLSA helps protect domestic violence victims and obtain support for their children; secure housing for veterans; relieve seniors from consumer scams; and obtain access to justice in rural Montana where few, if any, other legal services are available.

And for nearly a decade, dozens of AmeriCorps members have devoted a year or two years of service to Montana’s Court Help Program, giving tens of thousands of Montanans legal information to help understand and navigate the court system to resolve their own legal issues when they cannot afford an attorney.

Together, these programs help meet a vital need in a Montana court system that is simply overwhelmed with record-setting caseloads, self-represented litigants, and alarming increases in time-intensive cases involving abused and neglected children. When people show up in court unprepared and with their lives in crisis, the system becomes inefficient and hurts all court users. Because children and families in crisis take the courts’ priority, other cases move to the back of the line, and justice waits.
April 1, 2017
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The plain truth is that MLSA and AmeriCorps’ Justice For Montanans Program are an incredibly effective use of a small amount of federal dollars that deliver results to Montana every day. Our justice system depends on them, as partners with the courts, the private bar, and non-profit community organizations to address the demands on Montana courts and to achieve our Nation’s promise of Justice for All.

We encourage your leadership and strong support for current-level funding of the Legal Services Corporation and the Corporation for National and Community Service.

Chief Justice Mike McGrath
Justice Beth Baker
Justice Laurie McKinnon
Justice Michael E. Wheat
Justice Dirk Sandefur
Justice James Jeremiah Shea
Justice Jim Rice
Ret. Justice Patricia Cotter
(2001-2016)
Ret. Justice James C. Nelson
(1993-2012)
Ret. Justice W. William Leaphart
(1994-2010)
Ret. Justice John Warner
(2003-2009)

Ret. Justice Jim Regnier
(1997-2004)

Ret. Justice Terry N. Trieweiler
(1990-2003)

Ret. Justice Russell C. McDonough
(1987-1993)

Ret. Justice John C. Sheehy
(1978-1990)
State Attorneys General

A Communication from the Chief Legal Officers of the Following States and Territories:

Alaska * American Samoa * California * Colorado * Connecticut * Delaware
District of Columbia * Hawaii * Idaho * Illinois * Iowa * Kentucky * Maine
Maryland * Massachusetts * Minnesota * Mississippi * Montana * Nebraska * Nevada
New Hampshire * New Mexico * New York * North Carolina * Northern Mariana Islands
Oregon * Pennsylvania * Rhode Island * South Dakota * Vermont * Virginia * Washington

May 22, 2017

The Honorable Rodney P. Frelinghuysen
Chairman
U.S. House Committee on Appropriations
2306 Rayburn House Office Building
Washington, D.C. 20515

The Honorable John Culberson
Chairman
U.S. House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, & Related Agencies
2161 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Nita Lowey
Ranking Member
U.S. House Committee on Appropriations
2365 Rayburn House Office Building
Washington, DC 20515

The Honorable José Serrano
Ranking Member
U.S. House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, & Related Agencies
2354 Rayburn House Office Building
Washington, DC 20515

Re: Support for the Legal Services Corporation

Dear Chairman Frelinghuysen, Ranking Member Lowey, Chairman Culberson and Ranking Member Serrano,

As state attorneys general, we write in united, bipartisan opposition to the Trump Administration’s proposal to eliminate all federal funding for the Legal Services Corporation (LSC) and legal services for rural and low-income Americans.

For more than 40 years, under Republican and Democratic administrations, the Legal Services Corporation has helped our residents to access justice. LSC funding helps veterans and military families secure important benefits, it supports survivors of domestic violence seeking safety, and it assists families facing foreclosure and victims of natural disasters.

LSC funding also fosters longstanding and useful public-private partnerships between legal aid organizations and private firms and attorneys nationwide who donate their time and skills to assist low-income residents in our states.
At a time of constrained state budgetary resources, federal funding plays an increasingly critical role in the provision of these services. We urge the administration to reconsider its proposal and maintain the federal government’s longstanding commitment to legal services for families and communities in need.

Sincerely,

Maura Healey
Massachusetts Attorney General

George Jepsen
Connecticut Attorney General

Talaega Eleasalo V. Ale
American Samoa Attorney General

Matthew P. Denn
Delaware Attorney General

Doug Chin
Hawaii Attorney General

Lisa Madigan
Illinois Attorney General

Andy Beshear
Kentucky Attorney General

Brian Frosh
Maryland Attorney General

Cynthia Coffman
Colorado Attorney General

Jahna Lindemuth
Alaska Attorney General

Xavier Becerra
California Attorney General

Karl Racine
District of Columbia Attorney General

Lawrence Wasden
Idaho Attorney General

Tom Miller
Iowa Attorney General

Janet T. Mills
Maine Attorney General

Lori Swanson
Minnesota Attorney General
Jim Hood
Mississippi Attorney General

Doug Peterson
Nebraska Attorney General

Gordon J. MacDonald
New Hampshire Attorney General

Eric T. Schneiderman
New York Attorney General

Edward Manibusan
Northern Mariana Islands Attorney General

Josh Shapiro
Pennsylvania Attorney General

Marty Jackley
South Dakota Attorney General

Mark Herring
Virginia Attorney General

Tim Fox
Montana Attorney General

Adam Paul Laxalt
Nevada Attorney General

Hector Balderas
New Mexico Attorney General

Josh Stein
North Carolina Attorney General

Ellen F. Rosenblum
Oregon Attorney General

Peter F. Kilmartin
Rhode Island Attorney General

T. J. Donovan
Vermont Attorney General

Bob Ferguson
Washington Attorney General

Copy: The Honorable Mick Mulvaney, Director, White House Office of Management & Budget