March 12, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Re: Preserving Access to Justice Mission and Funding in the Department of Justice

Dear Attorney General Sessions:

On behalf of the American Bar Association and its more than 400,000 members from across the United States, I write to urge that the Department of Justice continue to prioritize access to justice under the law for all Americans as part of its core mission. We appreciate the Department’s need to bring greater efficiencies to its work. At the same time, we are concerned about the Department’s apparent intent to close its Office for Access to Justice as part of a larger reorganization plan.

The access to justice crisis in the United States criminal and civil justice systems that led to the establishment of a separate Office for Access to Justice eight years ago still exists. Americans need the Department’s leadership in helping to eliminate barriers that prevent them from exercising their rights and to deliver fair and just outcomes for all parties involved, including those facing financial or other disadvantages. For criminal justice systems over the past 25 years, report after report have shown that most public criminal defense programs are burdened with very high caseloads and lack adequate support personnel such as investigators, social workers, paralegals, and secretaries. Consequently, the defense representation provided is often woefully inadequate and the goal in providing competent representation to everyone constitutionally entitled to a defense attorney is jeopardized. On the civil side, the 2017 Justice Gap Report published by the Legal Services Corporation found that 86% of civil legal problems reported by low-income Americans received inadequate or no legal help. While more than a million low-income Americans were expected to seek help from a legal aid office last year, about half were or would have been turned away because of a lack of resources.

Through the Office for Access to Justice, the Justice Department has already had a huge impact in successfully combatting these inequities by forging collective approaches with other federal agencies through the Legal Aid Interagency Roundtable to improve access
to health, housing, education, employment, family and other services. The Department has also improved systems to assure that those charged with a crime are accorded constitutionally-mandated counsel, has advanced research to improve understanding about impediments to fair and impartial justice, and has provided state and local officials with strategies and resources to improve their justice systems. The Department is uniquely qualified to continue these critical efforts on behalf of all Americans and must do so to fulfill its sacred duty to ensure “equal and impartial justice to all its citizens.”

We urge you to make reorganization decisions that assign responsibility and provide adequate funding for the critical programs that preserve access to justice for all Americans – both rich and poor -- and demonstrate the Department’s unwavering commitment to this core value and the rule of law.

Sincerely,

Hilarie Bass