Correspondence from State Supreme Courts and Conference of Chief Justices

Expressing Support for Legal Services Corporation
April 5, 2017

The Honorable John McCain
United States Senate
2201 East Camelback Road
Suite 115
Phoenix, AZ 85016

Dear Senator McCain,

We urge you to support continued funding for the Legal Services Corporation (LSC). You have no doubt received letters from several court-related associations, a coalition of managing partners from our nation’s largest law firms, and others concerning a proposed elimination of funding. We write separately to explain why funding cuts would severely impact Arizona.

Three legal aid agencies receiving LSC funding now serve Arizona: Community Legal Services, DNA-People’s Legal Services, and Southern Arizona Legal Aid. These legal aid agencies have each worked for more than 50 years to help meet the legal needs of Arizona’s working poor and other vulnerable populations. In 2016, legal aid lawyers concluded more than 13,000 civil matters, providing critical assistance to more than 35,000 Arizonans. These numbers include 6,700 domestic violence victims, 2,800 individuals with disabilities, 500 veterans and active service members, and more than 1,500 cases where the clients were over the age of 65.

Legal aid not only protects the rights of our most vulnerable; independent economic studies (including a soon-to-be released study from the ASU Morrison Institute) demonstrate that every dollar invested in civil legal aid in Arizona returns economic benefits to the community of more than six dollars. These benefits result from individuals being able to stay in their homes, to remain employed, to pay taxes, and to boost the local economy by preserved spending power. Similarly, costs to local and state governments are reduced because these individuals are not forced to seek emergency food, shelter or medical care or other public assistance.

To realize our Nation’s pledge of justice for all, courts and other branches of government need to work together to ensure all citizens have meaningful access to the judicial system. Eliminating or cutting LSC funding – and thus the availability of civil legal aid – would disserve that goal.
Thank you for considering this important issue. We welcome the opportunity to discuss it further with you or your staff members.

Sincerely,

Chief Justice Scott Bales
Arizona Supreme Court

Judge Lawrence F. Winthrop, Chair
Arizona Commission on Access to Justice
The Honorable Gus Bilirakis  
United States House of Representatives  
2112 Rayburn HOB  
Washington, D.C. 20515

Dear Congressman Bilirakis:

I write on behalf of the Florida judicial branch to ask that you do all in your power to prevent the abolition of the Legal Services Corporation (LSC) and ensure that it receives at least the level of funding appropriated in FY 2017 so that critically needed legal services can continue to be provided to low-income and otherwise vulnerable citizens.

LSC enables thousands of Floridians each year to obtain competent legal services in matters involving basic human needs such as relief from hurricanes and other natural disasters, protection from domestic violence, veteran benefits, and habitable housing. Nearly one in five Americans, including 1.7 million military veterans, are eligible for civil legal aid services. Currently, there are insufficient resources to meet the need for legal assistance. Without adequate funding for legal aid, these domestic violence victims, tenants facing wrongful evictions, parents seeking child support, and other vulnerable Americans are forced to try to navigate the judicial system alone and without basic legal tools.

In 2012, the Conference of Chief Justices and the Conference of State Court Administrators published a data-rich policy paper entitled, The Importance of Funding for the Legal Services Corporation. That research makes clear that the large number of unrepresented citizens overwhelming the nation's courts has
negative consequences not only for those persons but also for the effectiveness and efficiency of courts that are striving to serve the families, businesses, and other segments of the community who need their disputes resolved. In the absence of a fair presentation of relevant facts, court procedures are slowed, backlogs of other court cases occur, and judges confront the challenge of maintaining their impartiality while preventing injustice.

In view of these facts, the Florida judicial branch asks that you support adequate LSC funding to fulfill our nation’s promise of “equal justice under law.”

Sincerely,

Jorge Labarga

JL:dgh
March 29, 2017

Congresswoman Tulsi Gabbard
300 Ala Moana Blvd., Rm 5-104
Honolulu, HI 96850

Dear Congresswoman Gabbard:

I write regarding the President’s March 16, 2017 budget proposal that would defund the Legal Services Corporation.

Nationally, the LSC has been an advocate for individuals who are in desperate need of assistance with civil legal matters and cannot afford to hire an attorney.

In Hawai‘i, LSC supports the Legal Aid Society of Hawai‘i (LASH) and other initiatives. LASH is the state’s oldest and largest non-profit, public interest law firm with offices statewide. LASH provides civil legal services to those in need at 11 offices statewide.

In addition, LSC, among others, has financially supported the development of the Hawai‘i Legal Services Portal. This central online tool directs people with legal problems in Hawai‘i to the appropriate helpful legal resources as it guides users through a few questions about their circumstances. This will be a critical tool going forward as we in Hawai‘i work to continue to improve access to the civil justice system.

In January 2017, a study concluded that for every dollar invested in Hawai‘i civil legal services and programs, Hawai‘i residents will receive $6.35 of immediate and long-term financial benefits. In other words, in addition to enabling legal services providers to serve the civil legal needs of the most vulnerable, funding for civil legal services strengthens Hawai‘i’s economy. The study was completed by Community Services Analysis, LLC, a nationally-recognized provider of social return on investment analysis.

Under the proposed defunding of LSC, Hawai‘i will desperately miss LSC’s support.
For all these reasons, I respectfully urge you to support continued federal funding of the LSC, at a level sufficient to enable it to carry out its critical mission. Please let me know if I can provide you with any additional information.

Sincerely,

MARK E. RECKTENWALD
Chief Justice

MER/jma
March 29, 2017

Congresswoman Colleen Hanabusa
1132 Bishop Street
Suite 1910
Honolulu, HI 96813

Dear Congresswoman Hanabusa:

I write regarding the President’s March 16, 2017 budget proposal that would defund the Legal Services Corporation.

Nationally, the LSC has been an advocate for individuals who are in desperate need of assistance with civil legal matters and cannot afford to hire an attorney.

In Hawai‘i, LSC supports the Legal Aid Society of Hawai‘i (LASH) and other initiatives. LASH is the state’s oldest and largest non-profit, public interest law firm with offices statewide. LASH provides civil legal services to those in need at 11 offices statewide.

In addition, LSC, among others, has financially supported the development of the Hawai‘i Legal Services Portal. This central online tool directs people with legal problems in Hawai‘i to the appropriate helpful legal resources as it guides users through a few questions about their circumstances. This will be a critical tool going forward as we in Hawai‘i work to continue to improve access to the civil justice system.

In January 2017, a study concluded that for every dollar invested in Hawai‘i civil legal services and programs, Hawai‘i residents will receive $6.35 of immediate and long-term financial benefits. In other words, in addition to enabling legal services providers to serve the civil legal needs of the most vulnerable, funding for civil legal services strengthens Hawaii’s economy. The study was completed by Community Services Analysis, LLC, a nationally-recognized provider of social return on investment analysis.
Congresswoman Colleen Hanabusa  
March 29, 2017

Under the proposed defunding of LSC, Hawai‘i will desperately miss LSC’s support.

For all these reasons, I respectfully urge you to support continued federal funding of the LSC, at a level sufficient to enable it to carry out its critical mission. Please let me know if I can provide you with any additional information.

Sincerely,

MARK E. RECKTENWALD
Chief Justice

MER/jma
March 29, 2017

Senator Mazie Hirono
300 Ala Moana Blvd., Rm 3-106
Honolulu, HI 96850

Dear Senator Hirono:

I write regarding the President’s March 16, 2017 budget proposal that would defund the Legal Services Corporation.

Nationally, the LSC has been an advocate for individuals who are in desperate need of assistance with civil legal matters and cannot afford to hire an attorney.

In Hawai‘i, LSC supports the Legal Aid Society of Hawai‘i (LASH) and other initiatives. LASH is the state’s oldest and largest non-profit, public interest law firm with offices statewide. LASH provides civil legal services to those in need at 11 offices statewide.

In addition, LSC, among others, has financially supported the development of the Hawai‘i Legal Services Portal. This central online tool directs people with legal problems in Hawai‘i to the appropriate helpful legal resources as it guides users through a few questions about their circumstances. This will be a critical tool going forward as we in Hawai‘i work to continue to improve access to the civil justice system.

In January 2017, a study concluded that for every dollar invested in Hawai‘i civil legal services and programs, Hawai‘i residents will receive $6.35 of immediate and long-term financial benefits. In other words, in addition to enabling legal services providers to serve the civil legal needs of the most vulnerable, funding for civil legal services strengthens Hawai‘i’s economy. The study was completed by Community Services Analysis, LLC, a nationally-recognized provider of social return on investment analysis.

Under the proposed defunding of LSC, Hawai‘i will desperately miss LSC’s support.
For all these reasons, I respectfully urge you to support continued federal funding of the LSC, at a level sufficient to enable it to carry out its critical mission. Please let me know if I can provide you with any additional information.

Sincerely,

MARK E. RECKTENWALD
Chief Justice

MER/jma
March 29, 2017

Senator Brian Schatz
300 Ala Moana Blvd., Rm 7-212
Honolulu, HI 96850

Dear Senator Schatz:

I write regarding the President’s March 16, 2017 budget proposal that would defund the Legal Services Corporation.

Nationally, the LSC has been an advocate for individuals who are in desperate need of assistance with civil legal matters and cannot afford to hire an attorney.

In Hawai‘i, LSC supports the Legal Aid Society of Hawai‘i (LASH) and other initiatives. LASH is the state’s oldest and largest non-profit, public interest law firm with offices statewide. LASH provides civil legal services to those in need at 11 offices statewide.

In addition, LSC, among others, has financially supported the development of the Hawai‘i Legal Services Portal. This central online tool directs people with legal problems in Hawai‘i to the appropriate helpful legal resources as it guides users through a few questions about their circumstances. This will be a critical tool going forward as we in Hawai‘i work to continue to improve access to the civil justice system.

In January 2017, a study concluded that for every dollar invested in Hawai‘i civil legal services and programs, Hawai‘i residents will receive $6.35 of immediate and long-term financial benefits. In other words, in addition to enabling legal services providers to serve the civil legal needs of the most vulnerable, funding for civil legal services strengthens Hawai‘i’s economy. The study was completed by Community Services Analysis, LLC, a nationally-recognized provider of social return on investment analysis.

Under the proposed defunding of LSC, Hawai‘i will desperately miss LSC’s support.
For all these reasons, I respectfully urge you to support continued federal funding of the LSC, at a level sufficient to enable it to carry out its critical mission. Please let me know if I can provide you with any additional information.

Sincerely,

MARK E. RECKTENWALD
Chief Justice

MER/jma
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 Grmoljez, 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

Page 2

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 John Warner
(2003-2009)

Ret: Justice Jim Regnier
(1997-2004)

Ret: Justice Terry N. Trieweiler
(1990-2009)

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:


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

Talauega 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
March 30, 2017

Representative Kevin Cramer
1717 Longworth House Office Building
Washington, DC 20515

Dear Congressman Cramer,

I write on behalf of the North Dakota Court System in response to the President’s budget proposal to Congress eliminating funding for the Legal Services Corporation (LSC) in fiscal year 2018. Without a doubt, the elimination or reduction of the LSC’s appropriation would have tragic consequences. The LSC enables thousands of citizens in our state and across our nation to obtain competent legal services in matters involving basic human needs, such as relief from natural disasters, protection from domestic violence, securing veteran benefits, and maintaining habitable housing. I ask that you take reasonable and necessary steps to oppose the defunding of LSC and instead promote stable and adequate funding for it.

In 2016, Legal Services of North Dakota received 6,791 applications for services. They were able to provide assistance to 4,531 individuals. Last year, Legal Services of North Dakota handled cases in all 53 counties in the state. Forty-eight percent of the cases handled by Legal Services of North Dakota involve either family issues (25%) or employment issues (23%). Thirty-three percent of their clients are age 60 or over. All of their clients earn less than 125% of the poverty level ($15,075 for an individual and $30,750 for a family of four).

In addition to representing individuals, Legal Services of North Dakota has an invaluable role in providing information for consumers through its telephone hotline, website resources, and community outreach. These resources are particularly beneficial to the large swath of citizens who earn too much to qualify for legal services assistance but do not have the income or resources to hire a private attorney.

As a member of the Conference of Chief Justices, I draw your attention to a paper we published in 2012 titled, “The Importance of Funding for the Legal Services Corporation from the Perspective of the Conference of Chief Justices and the Conference of State Court Administrators.” This paper details the negative consequences on the effectiveness and efficiency of courts dealing with large numbers of self-represented litigants. More staff time is required to assist unrepresented parties. In the absence of a fair presentation
of relevant facts, court procedures are slowed, backlogs of other court cases occur, and judges confront the challenge of maintaining their impartiality while preventing injustice. Clearly frontline judges are reporting that the adversarial foundation of our justice system is all too often losing its effectiveness when citizens are deprived of legal counsel.

I understand that Congressmen Steve Cohen (D-TN) and Michael Fitzpatrick (R-PA) are orchestrating a “Dear Colleague” letter that they plan to send to the Chairman and Ranking Member of the House Appropriations Committee on March 31. The letter urges LSC funding at a level “to ensure that critical legal assistance will be provided to those in urgent need.”

Thank you for your consideration.

Sincerely,

[Signature]

Gerald W. VandeWalle
Chief Justice
Given that our state and nation are engulfed in access to justice issues, I cannot think of a worse time for a budget proposal eliminating funding for the Legal Services Corporation (LSC). The work of the LSC is fundamental to our society. Its defunding would be devastating to low-income Ohioans seeking help with their civil legal problems. The effects of such an imprudent policy decision would reverberate throughout our justice system and ensure disparate treatment of our citizens.

Nearly 2.3 million, or 20 percent, of our fellow Ohioans qualify economically for legal aid services. In 2015, LSC provided $12.4 million of the $39.9 million Ohio statewide legal aid budget, or 31.1 percent. In other words, defunding LSC would result in an immediate and irreparable termination of many of the services economically challenged Ohioans have come to rely upon.

Ohio has two statewide non-profit legal aids and six regional partners, covering all 88 counties, each of which depend upon LSC funding. These organizations point out regularly that even with current funding they cannot serve everyone who needs their assistance. In many circumstances they have had to limit their services in such areas as family law, domestic violence, employment and social service referrals. The people who work for these organizations are consummate professionals who have dedicated their careers to providing service to their fellow citizens with little more than the satisfaction that they are helping others.

Especially vulnerable to the impact of eliminating LSC funding would be Ohioans who live in rural areas that often do not have access to other aid sources, such as pro bono help. These counties simply do not have the lawyer population to close the gap with pro bono assistance.

Similarly impacted will be the elderly, who comprise a growing sector of the population in need of legal aid services, and veterans who have their own unique needs. Each of these groups and many others would suffer greatly should the already-stretched resources of Ohio legal aid groups shrink or collapse due to elimination of LSC funding.

Providing access to a fair and impartial justice system is a fundamental obligation of government and a fundamental right of all. The defunding of the LSC would deprive the very people most in need of help in gaining access to our justice system. Equally important, it sends a very dangerous message to the rest of society: That the rule of law is really not all that important, and that you can only get access to the system if you can afford it. Many Ohioans simply cannot.

As a public servant and a lawmaker, you know that we can ill afford to become a nation that says the rule of law is a fundamental value – but only if you can afford it.

I urge you to resist the defunding of LSC, not only in the interests of those people who rely upon it, but in the interests of the rest of us who rely upon a fair and accessible system of justice for all.

Sincerely,

Maureen O’Connor
Chief Justice
April 4, 2017

The Honorable Kristi Noem
United State Representative
2422 Rayburn House Office Building
Washington, DC 20515

Dear Congresswomen Noem:

I am writing on behalf of the Justices of the South Dakota Supreme Court to share our concern over the FY Budget Blueprint of the President in regards to the Legal Services Corporation. My understanding is that this proposal would cease providing Federal Government funding for the Legal Services Corporation.

South Dakota has three fine programs that provide legal services to those most in need of them: Dakota Plains Legal Services, East River Legal Services and Access to Justice. About three years ago I convened a study group consisting of those organizations and other members of the Bar to see if we were providing the most efficient program of legal services for South Dakota. From chairing this group, it is obvious to me that should Federal funding be zeroed out, these organizations would cease to function in short order with no alternatives available.

I am sure you will receive many letters setting forth the specific numbers involved, and thus I will not do the same here. South Dakota’s rural areas must maintain an infrastructure if we as a state are going to survive and move forward. It is more than roads, bridges and public buildings. It also includes essential programs such as effective schools, local government, law enforcement and civic organizations. Having practiced law in Sisseton for ten years and then served there for another ten years as a Circuit Judge gave me a first-hand education on the needs of those who live in South Dakota’s rural areas. The need is broad-based without regards to race, gender, nationality or occupation. It includes an increasing number of seniors and veterans. It does precious little good to have the doors of the courthouse open and a judge on the bench if there are no attorneys to guide these citizens of South Dakota through the maze of a legal process. A courthouse without attorneys faces the same grim future as a hospital without nurses, or schools without teachers.

I do not see this as a political issue. Rather, as we have talked about on prior occasions, I see this as an issue essential to preserving and improving the South Dakota way of life. On behalf of the
Justices of the Supreme Court, I would respectfully ask you to continue to support funding for the Legal Services Corporation. Please feel free to contact me if you desire further information or wish to discuss the matter further.

Thank you.

Sincerely,

[Signature]

David Gilbertson
Chief Justice

DG:lg
March 29, 2017

Honorable Patty Murray
Honorable Maria Cantwell
Honorable Suzan DelBene
Honorable Rick Larsen
Honorable Jaime Herrera Beutler
Honorable Dan Newhouse
Honorable Cathy McMorris Rodgers
Honorable Derek Kilmer
Honorable Pramila Jayapal
Honorable Dave Reichert
Honorable Adam Smith
Honorable Denny Heck

Re: Legal Services Corporation

Dear Members of the Washington State Congressional Delegation:

As chief justice of the nine member Washington State Supreme Court and as the co-chair of the Washington State Board for Judicial Administration representing all levels of the Washington judiciary, I write on our behalf to ask that you protect funding for the Legal Services Corporation (LSC) at or as close to current levels as possible and that you reject the administration’s proposal to eliminate the LSC.

The first purpose of our federal constitution is “to establish justice.” For 43 years, LSC has been the vehicle through which Congress has worked to ensure justice and fairness for low-income individuals and families faced with civil legal problems that affect their physical safety, housing, access to critically needed services, economic security, health care, and other basic human needs. As required by statute, LSC underwrites the provision of effective and economical services that respond to the most important day-to-day legal problems experienced by low-income Americans.

Over the past three decades, Supreme Court justices and the court itself have recognized the central importance of civil legal aid and the need to ensure access to the justice system for those who cannot afford to get legal help. Highlights of our involvement include the establishment of the Washington State Access to Justice Board in 1994, the very first access to justice commission in the country; appointment in 2001 of a Task Force on Civil Equal Justice Funding which published the
very first comprehensive Civil Legal Needs Study in our state in 2003; passage of numerous resolutions in support of civil legal aid by our Board for Judicial Administration; regular support for efforts to expand state funding for civil legal aid; and, most recently in 2015, publication of a comprehensive update to our first Civil Legal Needs Study. This latter study, a copy of which is enclosed with this letter, documents how very deep the justice gap is in our state and the troubling consequences it presents. The findings tell us that now is not the time to walk away from our investment in civil legal aid; it is the time to increase it.

With strong bipartisan support over many years, the Washington State Legislature has built upon the LSC-funded foundation, appropriating nearly twice as much ($12 million) as we receive in funding from LSC ($6.5 million) each year. This federal-state partnership helps ensure access to justice and fundamental fairness for the more than 2 million Washingtonians (more than 20 percent of our state) living at or below 200 percent of the federal poverty level.

LSC funding supports the core legal aid delivery infrastructure into which the state of Washington invests and on which it expands. Without this funding, our state legal aid will suffer crippling cuts to the services it provides. Specifically, our statewide legal aid provider, Northwest Justice Project, will be forced to close offices in many rural and remote parts of the state, significantly curtail access to the statewide legal aid call center (CLEAR) which serves thousands of people from all over the state each year, and reduce its financial and professional support for the 17 stand-alone local volunteer legal aid programs throughout Washington who, together, leverage more than 60,000 hours of volunteer legal services valued at $16.5 million per year (at $275/hour). And, most importantly, if LSC is eliminated, thousands of Washingtonians will be unable to access services to help them address their critical—and often life changing—civil legal issues.

Alexander Hamilton advised that “the first duty of society is justice.” LSC funds ensure that justice is available for the homeless veteran denied VA benefits, for the victim of domestic violence needing shelter and legal protection for herself and her children, for the disabled senior being denied necessary home health care services, for vulnerable people who fall victim to predatory consumer scams, and for so many others for whom the law offers protection but who lack a legal voice to enforce the same. In a society committed to fairness and the just rule of law, all must have access to and the ability to enforce our rights within the civil justice system.

Thank you for your consideration of these thoughts and for your support for the LSC.

Very truly yours,

Mary E. Fairhurst

MARY E. FAIRHURST
Chief Justice and Co-Chair for
the Board for Judicial Administration
April 10, 2017

The Honorable Michael Enzi
United States Senate
379A Senate Russell Office Building
Washington, DC 20510

The Honorable John Barrasso
United States Senate
307 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Liz Cheney
416 Cannon House Office Building
Washington, DC 20515

Re: Legal Services Funding

Dear Senator Enzi, Senator Barrasso, and Representative Cheney:

I hope this letter finds you well. I know that you all have a lot on your plate, but I wanted to take a brief moment to discuss a federal budget issue that is of critical importance to the citizens of Wyoming and our system of justice. The issue is adequate funding for the Legal Services Corporation. Funding provided by that program is the lynchpin for all of our access efforts in Wyoming.

As Senators Enzi and Barrasso may recall, we discussed this issue at some length in meetings here at the Wyoming Supreme Court in 2012. Representative Lummis also attended. For me, in many respects, it was another of those moments that sets Wyoming apart. We would welcome the opportunity for another conversation and frank exchange on this topic. Once again, funding for this crucial program is in jeopardy.

As you are probably aware, the FY18 “Budget Blueprint” that the President recently submitted to Congress eliminates funding for the Legal Services Corporation. We understand that this is merely an initial proposal in what will be a long and complicated process. No doubt
adjustments will be made and we are hopeful that funding will be restored as the budget process moves forward. We believe that there is bi-partisan support for continued funding of this long-standing and important program.

We are also aware, however, that when viewed in the context of the entire federal budget, LSC funding is “pretty small potatoes.” As time and energy are expended on larger budget items, it is possible that the LSC funding issue could be overlooked. We are counting on you to make sure that does not happen.

We have made great strides in Wyoming on access to justice issues since our meeting in 2012. We are leveraging the federal support with a funding stream provided by our legislature to provide more civil legal assistance to those in financial need than ever before in our state. We are proud of our efforts but the need still far outstrips the current financial resources available to tackle the problem. If the promise of “justice for all” is to remain a vibrant guiding principle of our country, we should be talking about increased funding for LSC, not elimination of the program.

We recently opened a judicial learning center. We would encourage you to stop by for a visit when you get the chance. It is designed to give students and other visitors insight to the “rule of law.” Materials developed for that program are available in classrooms throughout the state via the web. The goal, of course, is to provide an opportunity for a better understanding and appreciation of our system of justice. With better understanding, we believe, comes greater trust and confidence. The success of our judicial branch, ultimately, is tied to public trust and confidence. Nothing impacts trust and confidence more than access. The rule of law means little if you can’t get into court or have access to an attorney. LSC funding goes a long way towards removing or, at least, lowering the access barrier.

We would welcome the opportunity for another conversation with you. In the meantime, we urge your support of LSC funding and would encourage you to take a leadership role on this issue. If you have any questions, or need additional information, do not hesitate to contact me. We wish you all the best and thank you for your service to the citizens of this great state.

Very truly yours,

E. James Burke
Chief Justice

EJB:llg

cc: Justice Fox, Chair, Access to Justice Commission
Ray Macchio, Executive Director, Legal Aid of Wyoming, Inc.
Patrick Day, President, Equal Justice Wyoming Board of Commissioners
Angie Dorsch, Executive Director, Equal Justice Wyoming
February 24, 2017

Mr. John Michael "Mick" Mulvaney
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Mulvaney:

We write on behalf of the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) in response to a recent report that the Office of Management and Budget is considering recommending to Congress the elimination of funding for the Legal Services Corporation (LSC) in fiscal year 2018. Without a doubt, the elimination or reduction of the LSC’s appropriation would have tragic consequences. The LSC enables thousands of citizens across our land to obtain competent legal services in matters involving basic human needs, such as relief from natural disasters, protection from domestic violence, securing veteran benefits, and maintaining habitable housing. For reasons stated below, the Conferences urge OMB to promote stable and adequate funding of the LSC rather than a defunding.

The CCJ was founded in 1949 to provide an opportunity for the highest judicial officers of the states to meet and discuss matters of importance in improving the administration of justice, rules and methods of procedure, and the organization and operation of state courts and judicial systems. For decades the Conference has made recommendations to bring about improvements in such matters. The CCJ membership consists of the highest judicial officers of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories of American Samoa, Guam and the Virgin Islands.

The COSCA was founded in 1955 to assist state court administrators in the development of more just, effective, and efficient system of justice by providing a strong network for the exchange of information and methods to improve the operations of state courts. Like the CCJ, the COSCA has made many recommendations to bring about improvements in court organization and operations. Its membership consists of the top state court administrator in the states and territories noted above.

Since the great recession in 2008, the Conferences have unanimously adopted several resolutions documenting the shortfall in civil legal aid and reaffirming the importance of the Legal Services Corporation. For example,
Census Bureau data show that nearly one in five Americans – 61.8 million people – are eligible for legal aid, a 21% increase since 2007. In 2012, we called upon all members of Congress “to fulfill our nation’s promise of ‘Equal Justice Under Law’, by restoring funding for the federal Legal Services Corporation to the level necessary to provide critically needed services to low-income and vulnerable Americans.” We have reason to believe these efforts have contributed to a stabilization and occasional modest increase in Congressional appropriations to LSC in recent fiscal years.

The Conference of Chief Justices in 2013 released a data-rich policy paper entitled, “The Importance of Funding for the Legal Services Corporation from the Perspective of the Conference of Chief Justices and the Conference of State Court Administrators”. Our research makes clear that the large number of unrepresented citizens overwhelming the nation's courts has negative consequences not only for them but also for the effectiveness and efficiency of courts striving to serve these and other segments of the community who need their disputes resolved. More staff time is required to assist unrepresented parties. In the absence of a fair presentation of relevant facts, court procedures are slowed, backlogs of other court cases occur, and judges confront the challenge of maintaining their impartiality while preventing injustice. Clearly frontline judges are telling us that the adversarial foundation of our justice system is all too often losing its effectiveness when citizens are deprived of legal counsel.

Given these facts on the ground, we hope you will support our struggle to increase the availability of legal assistance to the most-needy members of our communities lest we further compromise our nation's promise of "equal justice under law."

Thank you for your consideration.

Sincerely yours,

Honorable John D. Minton, Jr.
President
Conference of Chief Justices

Arthur W. Pepin
President
Conference of State Court Administrators
June 8, 2015

Mr. David Richardson
Treasurer, Legal Services Corporation
3333 K Street, NW 3rd Floor
Washington, DC 20007-3522

Dear Mr. Richardson:

We write on behalf of the Conference of Chief Justices and the Conference of State Court Administrators in response to a recent notice that the LSC Board will be meeting this month to determine the fiscal year 2017 LSC budget request to Congress.

The CCJ was founded in 1949 to provide an opportunity for the highest judicial officers of the states to meet and discuss matters of importance in improving the administration of justice, rules and methods of procedure, and the organization and operation of state courts and judicial systems. For decades the Conference has made recommendations to bring about improvements in such matters. The CCJ membership consists of the highest judicial officers of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories of American Samoa, Guam and the Virgin Islands.

The COSCA was founded in 1955 to assist state court administrators in the development of more just, effective, and efficient system of justice by providing a strong network for the exchange of information and methods to improve the operations of state courts. Like the CCJ, the COSCA has made many recommendations to bring about improvements in court organization and operations. Its membership consists of the top state court administrator in the states and territories noted above.

As you know, in 2013, the Conferences released a data-rich policy paper entitled, “The Importance of Funding for the Legal Services Corporation from the Perspective of the Conference of Chief Justices and the Conference of State Court Administrators.” Our research makes clear that the large number of unrepresented citizens overwhelming the nation’s courts has negative consequences not only for them, but also for the effectiveness and efficiency of courts striving to serve these and other segments of the community who need their disputes resolved. More staff time is required to assist unrepresented parties. In the absence of a fair presentation of relevant facts, court procedures are slowed, backlogs of other court cases occur, and judges confront the challenge of maintaining their impartiality while preventing injustice. Clearly frontline judges are telling us that the adversarial foundation of our justice system is all too often losing its effectiveness when citizens are deprived of legal counsel.

In addition to these facts on the ground, we are mindful of the severe cuts to LSC’s budget being contemplated in the Congress. If these dire actions come to fruition, the justice gap suffered by LSC grantees and their clients will get even wider.

Consequently we ask that you support a significant increase in LSC funding lest we further compromise our nation’s promise of “equal justice under law.”

I thank you for your anticipated cooperation.

Sincerely yours,

[Signature]
Honorable Jim Hannah
President
Conference of Chief Justices

[Signature]
David K. Boyd
President
Conference of State Court Administrators
CONFERECE OF CHIEF JUSTICES  
CONFERENCE OF STATE COURT ADMINISTRATORS  

RESOLUTION 7

Reaffirming the Critical Importance of Adequate Funding of the Legal Services Corporation

WHEREAS, in 2002, 2009, 2011, and 2012, the Conference of Chief Justices and the Conference of State Court Administrators, by resolution, reaffirmed the importance of the federal Legal Services Corporation and, as recently as 2012, called upon all members of Congress “to fulfill our nation’s promise of 'Equal Justice Under Law,' by restoring funding for the federal Legal Services Corporation to the level necessary to provide critically needed services to low-income and vulnerable Americans”; and

WHEREAS, under the current level of funding of the Legal Services Corporation, legal services providers throughout the United States are struggling to furnish critically-needed legal assistance and advice to low-income and vulnerable Americans;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators again call upon all members of Congress to provide funding to the Legal Services Corporation at the level necessary to enable legal services providers to furnish critically-needed legal assistance and advice to low-income and vulnerable Americans.

Adopted as proposed by the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2015 Annual Meeting.