Should the federal government pay for LSC?

- The federal government has a constitutional role in ensuring “justice for all.”
- Our rule of law breaks down when the indigent is unable to obtain justice.
- Every day legal aid lawyers deal with federal laws.
- The duty of the federal government to secure our rights cannot be sloughed off to the states and localities as an unfunded mandate.
- LSC provides the backbone for America’s legal aid and pro bono system.
- The Conference of (state) Chief Justices strongly supports LSC.
- When courts are clogged with unrepresented litigants, they are hampered in dispensing justice to others.
- The late Justice Antonin Scalia reported in 2014 that the entire U.S. Supreme Court supported LSC.
- Over 94% of LSC’s total budget was awarded in grants to civil legal aid programs across the country.
- As distinguished from other federal programs that commonly require a 50%-50% match with non-federal funds, the federal expenditure through LSC amounts to only about 25% of all legal aid funding in the US.

Why should LSC get an increase?

- The 2017 Justice Gap Report revealed that, due to a lack of resources, 86% of low-income Americans receive inadequate or no legal help for their civil legal problems.
- The number of people qualifying for assistance has climbed about 25% over the past decade.
- Nationally, 28% of Americans—89.3 million people—qualified for LSC-funded services at some point during 2016, the most recent year for which U.S. Census Bureau data are available.
- Only about 0.5% of Americans—1.8 million people—received LSC-funded services during 2016.
- LSC’s FY 2019 appropriation of $415 million was 18% lower than it was in FY 2010 (inflation adjusted).
- LSC’s $415 million in FY 2019 is 43% less than LSC’s 1980s average of $728 million (inflation adjusted).
- LSC’s FY 2020 request is $593 million, representing a 42.9% increase over FY 2019.

Who does LSC actually assist?

- Domestic-violence survivors;
- Veterans;
- Opioid survivors;
- Seniors;
- Rural residents;
- Women (71.5% of clients); and
- Natural-disaster victims.

What type of services do LSC’s legal aid grantees routinely perform?

- Family law matters (custody-oft due to opioids, domestic violence, support, guardianship, adoption)
- Housing matters (subsidized housing, renters, natural-disaster displacement, foreclosures, realty)
- Income maintenance (food stamps, Social Security, disability, unemployment, veterans’ benefits)
- Consumer issues (collections, bankruptcy, debtor relief, contracts, warranties, deceptive practices)
Does LSC get involved in social activist causes?

- Concerns over some of LSC’s past activities were addressed by Congress in 1996. LSC cannot engage in:
  - Political activities, including voter assistance, registration, and redistricting;
  - Criminal cases and cases involving prisoners;
  - Organizing activities, such as political or labor demonstrations or strikes;
  - Abortion issues;
  - Welfare reform;
  - Lobbying government offices (with limited exceptions);
  - Representing non-citizens (except lawful permanent residents, H2A/B workers, and abuse victims); and
  - Class action lawsuits.

- “[T]his organization [LSC] pursues the most fundamental of American ideals and it pursues equal justice in those areas of life most important to the lives of our citizens.” - the late Justice Antonin Scalia in 2014.

Can pro bono ever replace federal funding for LSC?

- Pro bono assistance is critical but insufficient to replace federal LSC funding.
- LSC is the framework through which most pro bono services are delivered.
- Pro bono work totaled 8.6% of cases closed in 2017, up from 6.5% in 2008, due to LSC’s urging firms and lawyers to donate more time.
- LSC increases pro bono efficiency with its Pro Bono Innovation Fund (PBIF), first funded in FY 2014.
- In many rural areas, there are not enough lawyers to provide pro bono assistance. For example, rural “brain drain” leaves many counties with no lawyers at all, such as 11 of Nebraska’s 93 counties (in 2016).

Why hasn’t Congress defunded LSC in the past?

- For three years the Administration has proposed defunding LSC.
- The House voted on defunding LSC 10 times over 13 years, and defunding efforts have failed every time.
- The Hill reported in 2017 that Senator Hatch and longtime House Appropriations Staff Director Jim Dyer said the votes aren’t there to eliminate LSC. Dyer also said that defunding LSC would hurt rural areas.
- Over 30 benefit-cost studies show civil legal aid provides a good return on the investment of taxpayer dollars. For example, the Mississippi Bar Association 2017 report shows $12 of benefit per $1 spent.
  - 18% of the benefits are attributable to preventing foreclosure that lowers property values, damages consumers’ credit, soaks up lenders’ time and resources, and reduces cities’ property tax collections. Preventing domestic violence saves a victim the trauma and costs of “medical treatment, counseling, police protection, and other support,” valued at over ten thousand dollars per victim per year.
  - Also, the well-recognized economic multiplier effect guarantees the value of LSC appropriations.

What resulted from the Government Accountability Office’s 2010 management concerns about LSC?

- In 2014, the GAO closed its 2010 report, determining that LSC fully implemented all recommendations.
- There currently are no outstanding GAO reports critical of LSC.
- LSC boasts several consecutive clean audits.
- LSC conducts regular on-site fiscal and programmatic compliance reviews and investigations.
- LSC provides training & technical assistance to ensure grant requirements are met & finances managed.
- LSC also assesses the quality of legal services.
- In 2011, Jim Sandman, a former Arnold & Porter managing partner, was hired as LSC President; Sandman manages daily operations and added fiscal compliance staff to supplement the oversight staff.