



Legal Services Corporation

ABA Urges FY 2009 Funding Increase

The Preamble to the U.S. Constitution states that the first enumerated function of government is to “establish justice.” A bipartisan Congress and the Nixon Administration in 1974 created the Legal Services Corporation (LSC) to provide low-income persons access to the justice system through civil legal services. Today, 50 million Americans qualify for federally funded legal assistance. Many of these individuals have significant legal needs and may suddenly be poor because of natural disaster, loss of a job, the break-up of their family, housing loss or uninsured medical care. While the need for civil legal services has increased, LSC funding and our ability to ensure access to the justice system falls far short.

For FY 2008, the Senate approved \$390 million, while the House approved \$377 million. However, the end-of-the-year consolidated appropriations act included only \$350.5 million for LSC, a mere \$1.9 million increase over the FY 2007 appropriation of \$348.6. For FY 2009, the Administration proposed a \$39.5 million funding cut, reducing LSC’s funding to \$311 million – *an amount less than LSC received in 1981*. The bipartisan LSC Board of Directors recommends that Congress fund LSC at \$471 million, an \$121.2 million increase over FY 2008, as an essential step toward improving access to justice for low-income persons. **The ABA urges Congress to fund LSC at no less than \$471.7 million because:**

- **A crisis exists for the millions of low-income persons who are unable to access the justice system.** The 2005 study, “*Documenting the Justice Gap in America*”, reports that one in every two eligible clients who seeks assistance from a federally funded legal aid program is turned away because of lack of resources. A 1993 ABA study and recent state studies consistently report that despite the combined efforts of LSC-funded programs, state, local and private funding and pro bono efforts, between 70 and 80 percent of the legal needs of the poor are unmet.
- **LSC-funded programs provide basic legal services for low-income persons in every Congressional district in the country.** LSC disburses 94 percent of its annual federal appropriation to 137 local legal aid programs nationwide. Boards consisting of leaders in the local business and legal communities set the priorities for and oversee these programs, which provide basic civil legal services to the poor.
- **LSC-funded programs provide assistance to those who suddenly qualify for and need legal assistance, such as when natural or national disaster strikes.** September 11th families, flood victims, and hurricane evacuees have received legal assistance ranging from identity verification to family law issues. There are continually new issues that require legal assistance that disproportionately affect low-income families, including consumer fraud and now the mortgage foreclosure crisis; foreclosures are forcing both low-income home owners and renters from their homes.
- **LSC-funded legal aid lawyers preserve and protect American families; many low-income military families qualify for legal aid.** Local legal aid programs make a real difference in the lives of millions of low-income American families by helping them resolve everyday legal matters, including family law, housing, and consumer issues, and by helping them obtain wrongly denied benefits such as social security and veterans’ pensions. Soldiers and their families most often seek help with estate planning, consumer and landlord/tenant problems and family law.
- **LSC-funded programs prevent a long-term reliance on other government programs, many of which have also suffered funding cuts.** People who are unable to resolve basic legal problems are more likely to experience greater hardships and require assistance from public social services programs.
- **LSC-funded programs are the nation’s primary source of legal assistance for women who are victims of domestic violence.** Legal aid programs identify domestic violence as one of the top priorities in their caseloads. While domestic violence occurs at all income levels, low-income women are significantly more likely to experience violence than other women, according to the U.S. Bureau of Justice Statistics. Recent studies also show that the only public service that reduces domestic abuse in the long term is a woman’s access to legal aid.