June 22, 2011

The Honorable Barbara Mikulski
Chairwoman, Subcommittee on
Commerce Justice and Science
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Kay Bailey Hutchison
Ranking Member, Subcommittee on
Commerce Justice and Science
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Chairwoman Mikulski and Senator Hutchison:

We write in support of an increase in Legal Services Corporation (LSC) funding to at least $450 million in the Fiscal Year 2012 Commerce, Justice, Science, and Related Agencies Appropriations Act.

Thanks to your efforts, the FY 2011 Consolidated Appropriations Act provided LSC with $404.2 million. Though this figure represented a $15.8 million cut in funding from the previous year, this amount avoided the disastrous impact of the House Continuing Resolution, which would have cut $70 million from LSC at a time when there is a staggering unmet need for critical legal assistance. The current outlook in the House for LSC funding for FY 2012 suggests a similar deep cut. As a result, your continued support for LSC is particularly critical.

An appropriation of $450 million is consistent with the President’s FY 2012 request. While we recognize the difficult budget environment, this is a vital increase over the FY 2011 level. As you know, this is still far less than the amount appropriated in FY 1995, which would be about $605 million in today’s dollars, and even farther below the amount appropriated in FY 1981 – about $794 million in today’s dollars.

We request this figure due to the rapidly growing “justice gap” in the United States and the great need that exists for legal services due to this country’s continuing economic situation. According to LSC, there are currently 63 million Americans who qualify for legal aid, an increase of 17% from 2008. Last year, there was an increase of 20% in just one type of matter – foreclosure assistance.

In fact, even before the economic downturn, in many parts of the country, more than 80 percent of those who needed legal representation were unable to obtain it. Nationally, 50 percent of eligible applicants who requested legal assistance from LSC funded programs were turned away because such programs lacked adequate funding. These numbers are certainly worse today. This is unacceptable in a nation committed to equal justice under the law.

Unfortunately, in addition to the increased demand for services, a combination of state and local budget cuts, decreased private giving and a decline in Interest on Lawyer Trust Account
(IOLTA) revenue has exacerbated the strain on LSC problems. As a result, programs across the country report having to lay off staff, reduce hours and turn away even more clients in need.

As you know, LSC funds 136 local programs in every congressional district in the country. These programs make a crucial difference to millions of low-income Americans. Recipients of LSC funding help clients secure basic human needs, such as wrongly denied Social Security pensions and health care. Low-income Americans receive aid with consumer, housing and employment issues. LSC-funded attorneys help parents obtain and keep custody of their children, assist parents in enforcing child support payments and help women who are victims of domestic violence. In addition, LSC has greatly expanded its capacity to meet the legal needs of veterans, active duty service members, and their families.

Further, in this season of unprecedented natural disasters, legal aid programs have been critical in providing legal assistance to low-income residents impacted by deadly tornadoes and floods. LSC programs help disaster victims obtain FEMA and other government disaster-related benefits, assist with life, medical and property insurance claims, replace wills and other important legal documents, and provide counsel on mortgage-foreclosure and other housing matters.

An increase in federal funding to support legal services is essential. Therefore, we request that the Subcommittee increase LSC funding by at least $45.8 million, to $450 million, the amount requested by the President.

Thank you for your consideration of our request. Without continued increases in federal funding, many more of our most vulnerable citizens will be denied critical legal assistance.

Sincerely,

TOM HARKIN

PATRICK J. LEAHY

PATTY MURRAY

RICHARD J. DURBIN

TIM JOHNSON

MARY L. LANDRIEU