

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.

At the beginning of the recession in 2008, more than 54 million Americans, including 18.5 million children, qualified for federally funded legal assistance. According to the LSC, the client-eligible population today may be closer to 65.5 million, a 21 percent increase over 2008.

For FY 2010, Congress provided a much-needed \$30 million increase, ultimately raising LSC’s funding level to \$420 million. The House of Representatives, however, had approved \$440 million -- a \$50 million increase. The President’s FY 2011 budget freezes most domestic program funding, but asks Congress to increase LSC’s budget by \$15 million to \$435 million. The bipartisan LSC Board recommends \$516.5 million for FY 2011 in its attempt to close the justice gap over the next several years. Without continued incremental increases in federal funding, vulnerable Americans will continue to be denied critical legal assistance.

The ABA urges Congress to increase LSC’s FY 2011 funding to *at least* \$440 million because:

- **A crisis exists for the millions of low-income persons who are unable to access the justice system.** The 2009 update of LSC’s report, “*Documenting the Justice Gap in America*,” confirms 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; even worse, in foreclosure cases, LSC-funded programs must turn away two eligible clients for every client served. Housing and family courts also reported an increase in unrepresented litigants – areas where legal representation is critical.
- **The LSC is the central foundation for the legal aid system; adequate federal funding is necessary to ensure equal justice for all.** Other components – state and local funding, private donations and pro bono contributions by private lawyers – are catalyzed by LSC seed funding and serve to supplement the LSC resources. However, federal resources to support LSC are grossly inadequate. At the same time, other major sources of funding for legal aid, including state appropriations, private giving and Interest on Lawyers’ Trust Accounts (IOLTA) revenues are declining or are unstable due to the recession and close-to-zero interest rates.
- **LSC-funded programs help those who suddenly qualify for and need legal assistance, including during times of recession and after natural disasters strike.** Many have significant legal needs and may suddenly be poor because of the recession, unemployment, foreclosure or eviction, natural disaster, the break-up of their family or uninsured medical care. There are continually new issues that require legal assistance that disproportionately affect low-income families.
- **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; these include family law, housing, and consumer issues, and obtainment of wrongly denied benefits such as Social Security and veterans’ pensions. Soldiers and their families most often seek help with estate planning, family law, consumer issues and landlord/tenant problems.
- **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.