

Remarks Prepared for Delivery
by
Legal Services Corporation Board Chairman John G. Levi
ABA Board of Governors Meeting
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Chicago

Thanks for inviting me today.

And thank you Bill for that generous introduction and for your remarkable tenure as president of the ABA and your personal commitment to LSC.

I know you rearranged your schedule to be with us at our White House forum in April, and your presence there met so much to us.

Thank you , Bob, for your introduction and for all of your work in leading the SCLAID committee. We are a good team.

It is a special privilege to speak to the Board of Governors because the ABA has played such an instrumental role in the history of the Legal Services Corporation since its founding in 1974.

In fact, LSC might not even exist without the Herculean efforts of the ABA, under the leadership of then-ABA president Lewis Powell, to prepare the way by encouraging federal funding of civil legal assistance in the 1960s.

And when LSC funding was in jeopardy in the mid-1990s, the ABA stepped up to help save the Corporation.

Every year at ABA Days you bring lawyers from around the country to Washington to seek adequate funding of LSC, and your SCLAID committee has been LSC's continuing champion.

So as LSC's invaluable partner and ally, I say thank you.

I also am here not just to express LSC's tremendous gratitude, but also want to discuss two significant issues.

The first is the need to sound the alarm about the growing crisis in our country's civil legal assistance network.

Although legal aid lawyers know in heart-breaking detail that the justice gap has grown into a justice chasm, that sobering development and its consequences have not been fully appreciated by many in our profession.

At our national LSC board meetings, bar meetings, and other gatherings of the legal community, I have been frankly surprised by how little many lawyers know about LSC or the growing crisis in civil legal assistance.

I will be speaking in more detail about this on Monday at the House of Delegates, but the depth of the crisis is clear even in a brief outline:

- The number of Americans eligible for civil legal assistance – those with incomes at or below 125 percent of the federal poverty line – is projected to be 65.6 million this year – an all-time high.
- Current LSC funding is \$348 million – an all-time low in inflation-adjusted dollars, and a decrease of over \$70 million from just 2 years ago.
- Combined funding for these programs from federal, IOLTA, state, local and all other sources also dropped from \$960 million in 2010 to \$878 million in 2012.
- The results have been sadly predictable – program offices closed, staff laid off, more people in need turned away. LSC-funded programs were forced to eliminate 696 full time positions in just one year from 2010 to 2011, a nearly 8 percent reduction. And recent studies have shown that legal service programs are having to turn away over 50 percent of those seeking help because of inadequate resources.

But numbers alone don't tell the story. LSC recently completed a survey of the 134 programs we fund, and here is some of what we are hearing from the field:

One executive director said:

“Clients are already becoming more frustrated as they attempt to access our services. They can't understand why, when they qualify based on income, we are not taking their case. They can't understand why it takes us over a week to return a phone call. Staff are very demoralized as they face increased client demand with no resources ... and that they are being forced to make decisions on cases that are not in the client's best interest, such as either turning away a case with merit or providing telephone advice only when extended representation would clearly be the better choice.”

Another said:

“The unmet needs for core services in the areas of housing, domestic violence, economic security, and access to health care are huge. Because these core services are hard to fund from other sources, the loss of general LSC funding is devastating”.

Cutbacks in legal services affect more than the low-income people as civil legal assistance supports the orderly functioning of the civil justice system as a whole.

This is where the call to adequately fund civil legal assistance harmonizes with the important, two-year effort by an ABA task force to call attention to the chronic underfunding of our state court systems.

As the civil legal assistance network is forced to turn away even more people, pro se litigants seeking help flood the already overburdened civil state courts, further clogging the system.

Inevitably, if this trend continues unchecked, it will undermine the confidence of tens of millions of low-income Americans in the fairness and accessibility of our justice system. And once that happens, where are we?

We need your help to spread this message through the profession and to the public beyond.

There is a more practical reason for educating lawyers about this crisis – civil legal assistance has been an example of a great public/private partnership and the bar can help alleviate the growing crisis by increasing pro bono – the second issue I want to discuss.

Through SCLAID, The Standing Committee on Pro Bono and Public Service, and other ABA entities, we know that many lawyers are already devoting countless hours to pro bono.

Given the growing unmet need, however, we need to do even more, and that is why the LSC Board created last year a Pro Bono Task Force of nearly 60 outstanding members of the profession to examine ways we could increase pro bono commitment to civil legal assistance.

That Task Force is in the process of completing its work and presented its draft wide-ranging exciting and innovative proposals at our Board meeting last week in Ann Arbor.

Among those recommendations are:

- Enhancing state and country wide coordination of pro bono
- Creating training materials and templates that can be disseminated for pro bono
- Harnessing new technologies to create more interactive sites and mobile apps
- Expanding the use of para-professionals and other non-lawyer professionals
- Establishing new fellowships for retiring lawyers
- Proposing that some CLE credit be offered for pro bono
- Permitting appropriate unbundling of services and creating more courthouse help desks

- Modifying aspects of LSC's own pro bono rule
- Developing an incubation fund to pilot new ideas in pro bono

The general thrust of these recommendations is to attempt to reshape pro bono into a more targeted, organized system that will effectively deploy increased and consistent pro bono to support the core areas affecting the greatest number of low-income Americans.

We will implement these recommendations in the coming months, standing shoulder-to-shoulder with the ABA.

In closing, I believe it is vital that the legal profession understands the mission and work of the Legal Services Corporation.

Plain and simple, the abiding mission of LSC is the preservation of a core American value – equal access to justice.

As Justice Lewis Powell so eloquently stated: "Equal justice under law is not merely a caption on the facade of the Supreme Court building – it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists...it is fundamental that justice should be the same, in substance and availability, without regard to economic status."

LSC's programs across the country are pursuing this ideal every day, but its grantees, caught in a perfect storm of dwindling resources and skyrocketing demand, need your help.

It is incumbent upon us as leaders of the legal profession to educate our fellow lawyers and the public at large about this crisis.

If we do not do what we need to do now, the freedoms that we take for granted, that were fought for by our ancestors, will be lost to future generations. Together we cannot let that happen.

Thank you.