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Promoting Public Interest and Pro Bono Service

June 2, 2014

Via electronic mail to david.richardson@lsc.gov.

Mr. David Richardson

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Re: *Washington Council of Lawyers comments for FY 2016 LSC budget process*

Dear Mr. Richardson:

As the Legal Services Corporation prepares its budget request to the Administration and Congress for the 2016 fiscal year, the Washington Council of Lawyers writes to highlight the need for increased funding to match the increasing demands on overburdened and under-resourced civil legal services.

The Washington Council of Lawyers is a non-profit organization committed to the spirit and practice of law in the public interest. Founded in 1971, the Washington Council of Lawyers is the D.C. area's only voluntary bar association dedicated exclusively to promoting *pro bono* and public interest law. Council members represent every sector of the Washington legal community: lawyers and *pro bono* coordinators from large and small law firms and law schools; lawyers from public interest groups, government agencies and congressional offices; and law students and members of law-related professions. We share a common concern for the well-being of our community and the integrity of our civil and constitutional rights.

In 2012, four years into the recession that began in 2008, WCL devoted substantial effort to a report on legal services delivery in the United States. *See www.washingtoncounciloflawyers.org/FINAL%20Washington%20Council%20of%20Lawyers%20Legal%20Services%20Funding%20Report%20-%20Final.pdf*. Our review spotlighted a dire reality: funding to vital legal aid programs had plummeted, while the demand for their services had climbed to an all-time high. For example, the report notes that: "Despite a projected rise in the number of Americans living below the poverty line between 2010 and 2013, Congress slashed LSC funding by 17% between 2010 and 2012. These and other cuts had immediate negative effects in the District. By way of example, one LSC recipient—Neighborhood Legal Services—was forced to lay off three attorneys after 2010. Given that one attorney can serve as many as 300 clients, these layoffs left nearly a thousand vulnerable D.C. residents without vital legal aid." The situation is no less severe today, after still more years of sustained above-peak demand and diminished funding from all sources. Particularly alarming

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is that, because overall economic activity has slowed and interest rates have been close to zero for years, IOLTA funding for legal services has all but collapsed. See “IOLTA Programs Find New Funding to Support Legal Services,” March 1, 2013, *available at* www.abajournal.com/magazine/article/iolta_programs_find_new_funding_to_support_legal_services/ (“Nationwide, IOLTA funding dropped from \$371 million in 2007 to \$93.2 million in 2011, according to the ABA Commission on IOLTA.”); Memorandum from LSC President Sandman, July 19, 2013 (LSC FY 2015 budget request memorandum), at 3, *available at* [www.lsc.gov/sites/lsc.gov/files/LSC/pdfs/Management_sRevisedFY2015BudgetRequestRecommendation\(7-19-2013\).pdf](http://www.lsc.gov/sites/lsc.gov/files/LSC/pdfs/Management_sRevisedFY2015BudgetRequestRecommendation(7-19-2013).pdf) (“This stunning drop reflects both dwindling IOLTA fund balances and the continuing miniscule federal funds interest rate.”)

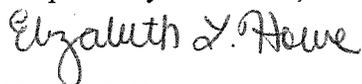
Failure to respond to this crisis with adequate funding increases—even to make up for the severe cuts already suffered, let alone to address the new need—is in effect a policy choice to jeopardize programs that protect low-income families’ access to such basic human needs as safe housing, food, subsistence income, safety, and family stability.

As our 2012 Report stated, we are convinced that the most effective way to ensure that low-income families in this country have equal access to justice in the form of quality civil legal aid is to provide adequate support and funding to LSC. Yet the Administration has requested only bare-bones funding for LSC in each of the past two fiscal years—and Congress has reduced it even further. To reverse this trend, the Administration and Congress must take immediate action to protect legal aid programs and the constituents they serve.

In our judgment, status quo levels of LSC funding are inadequate even to address the needs of easier times. We believe that the FY 2016 LSC budget should be increased from past levels in order to meet the increased demand for legal services, beginning with additional funds for Field Grants—the LSC’s core grant funding mechanism—to enable America’s legal services providers to address the legal needs of an ever larger low-income population. We also support additional increases for Technology Initiative Grants and Pro Bono Initiative Grants, as we believe that funds directed there will encourage creative thinking and the multiplication of available legal services.

As a bar association whose members seek to ensure that our courts provide justice for all Americans, we feel it is imperative to recognize the sorely deficient capacity of LSC grantees to fulfill their critical mission after years of increased demand and decreased funding. We urge that the FY 2016 LSC budget be sufficient to ensure that our nation’s understaffed, overburdened legal services offices are not asked to do more and more with less and less.

Respectfully submitted,



Elizabeth Howe

President

Washington Council of Lawyers

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