

AGENDA ITEM

DATE: March 21, 2011

TO: Members, Board Committee on Operations

FROM: Hon. Ronald B. Robie, Chair, California Commission on Access to Justice; Mary Lavery Flynn, Director, Office of Legal Services

SUBJECT: Consideration of ABA's Request for Approval by the State Bar of a Joint Letter by State Bars to Members of Congress in Support of Continued Funding for Legal Services Corporation

EXECUTIVE SUMMARY

SUMMARY

This agenda item requests that the Board Operations Committee, on behalf of the full Board of Governors, authorize the State Bar President to join with representatives from at least 34 other state bar associations and the American Bar Association to seek continued stable funding for the federal Legal Services Corporation (LSC). The current year's LSC grant allocations are threatened with a proposed midyear reduction of 18%, the impact of which would be increased because it would occur part-way through the fiscal year. Eleven legal services programs in California receive LSC funding, all of which are also recipients of the State Bar's Legal Services Trust Fund Program.

BACKGROUND

Grants from the federal Legal Services Corporation (LSC) represent approximately 22% of the total funding available for California legal services programs. LSC is a federal nonprofit agency that accepts Congressional appropriations and disseminates the funds to local legal services programs across the country according to a statutory formula based on the number of indigent people in each state. LSC's recipient programs provide free civil legal services to the poor, and their California recipients are also funded by the Bar's Legal Services Trust Fund Program.

The U.S. House of Representatives on Feb. 19, 2011, passed a \$70 million cut in Legal Services Corporation funding from the current level, reducing grants to 136 local legal aid nonprofit programs by an average of 18 percent. The proposed \$70 million cut would have an immediate impact since it is proposed to be a reduction from the current Fiscal Year. A similar reduction has not been approved by the Senate, but no final action has yet been taken in the Senate on proposed current year reductions.

According to the Legal Services Corporation,

“...under the House proposal, about 160,000 fewer low-income people would receive civil legal assistance and 80,000 fewer cases would be handled by the LSC-funded programs. The proposed funding cut would force layoffs of about 370 staff attorneys and shut down some offices in rural areas.”

Legal services programs in California continue to face difficulties filling the critical legal needs of their clients because of a lack of resources, particularly having faced a 50% reduction in IOLTA funding over the past three years. The legal needs being addressed by legal services programs include helping battered spouses with restraining orders; protecting elderly victims of fraud and abuse; assisting veterans attempting to qualify for veterans' health benefits; and helping families avoid homelessness.

The American Bar Association and at least 34 other state bar associations have already agreed to join in this letter, in the form attached as Attachment A. The California Commission on Access to Justice has endorsed this position, and requests that the Board of Governors also go on record supporting this funding.

This position by the Board of Governors would further Goal 3 of the State Bar's Strategic Plan – “All people have access to high quality legal services regardless of financial or other circumstances.” Specifically, Strategy 3.2 calls for advocating for increased funding and other resources for no and low cost legal service providers. No mandatory dues were expended in the review and support of this letter.

RECOMMENDATION:

The Access to Justice Commission and staff recommend that the Board Operations Committee authorize the State Bar President to join in this letter of support for stable funding for the Legal Services Corporation.

FISCAL AND PERSONNEL IMPACT:

There will be no fiscal or personnel impact as a result of this resolution.

BOARD BOOK IMPACT AND RULE AMENDMENTS:

None.

RECOMMENDED RESOLUTION

If members of the Board Operations Committee agree, the following resolution would be appropriate:

RESOLVED that the Board Operations Committee, on behalf of the Board of Governors, authorizes its President to join with the American Bar Association and other state bar associations to support funding for the Legal Services Corporation.

FURTHER RESOLVED, that no mandatory dues shall be used for the review and support of this letter.