

Resolution 1 In Support of Continued Federal Funding for the Legal Services Corporation

WHEREAS, equal justice and the fair administration of justice are cornerstones of our democracy and core functions of our national and state governments; and

WHEREAS, the Preamble to our national Constitution declares it to be an express purpose of the federal government "to establish justice" and we are a nation dedicated to "liberty and justice for all"; and

WHEREAS, as a nation grounded in the rule of law, equal justice and the fair administration of justice, these functions have long transcended partisan differences with all Americans standing together in common commitment to these ideals; and

WHEREAS, the promise of equal justice and our commitment to the rule of law are so fundamental to our way of life, that it has long been the policy of the United States of America to promote these ideals beyond our national borders; and

WHEREAS, for more than four decades, the Legal Services Corporation has been the vehicle through which the federal interest in civil equal justice is realized; and

WHEREAS, bipartisan congressional action in the late 1990s formed the foundation for an enduring national consensus regarding the focus and value of the work underwritten by the Legal Services Corporation and ensured that the work of federally funded legal aid providers is focused on the individual needs of low income people facing the most significant civil legal problems that affect basic human needs such as: family preservation; safety and economic security; protection of housing and other essential property rights; and ensuring governmental accountability in disputes involving essential benefits and services to which low income people have a legal claim; and

WHEREAS, ensuring equal justice is a joint federal and state responsibility, and in recent years many states have invested substantially in the core civil legal aid infrastructure funded through the Legal Services Corporation, and reduction and/or withdrawal of federal funding would fundamentally undermine the vitality and effectiveness of state-based legal aid delivery systems and adversely affect civil judicial operations; and

WHEREAS, there are now more than 44 million Americans living at or near the poverty level and the legal problems faced by low income and vulnerable people have dramatically increased during this period of economic crisis with conclusive, objective documentation that between 50% and 75% of low income households experience one or more civil legal problems that affect basic human needs every year, and according to the same studies, less than 50% of such households are able to secure the legal assistance that they need; and

WHEREAS, equal access to justice contributes to healthy communities and a vibrant economy; and

WHEREAS, when large segments of the American population are denied effective access to the justice system and are unable to assert and defend effectively important civil legal rights and prerogatives, public trust and confidence in the justice system itself is placed in jeopardy; and

WHEREAS, the civil legal aid system in every state is a model public-private partnership and that investments in programs funded through the Legal Services Corporation effectively leverage complementary legal assistance through the efforts of volunteer attorneys; and

WHEREAS, during times of fiscal crisis, it is necessary that government focus on core functions with the establishment and administration of justice being a core function of the federal government and this core function is furthered by ensuring the availability of civil legal aid for those otherwise unable to assert and defend important rights meaningfully within the justice system; and

WHEREAS, the Conference of Chief Justices and State Court Administrators have repeatedly affirmed the importance of and the need for continued federal funding for the Legal Services Corporation to meet the demand for critically needed services by low-income and vulnerable Americans and ensure access to justice for all in prior resolutions (Res. No. 9, January 24, 2002; Res. No. 11, August 2009; Res. No. 9; August 3, 2011; and Res.1, February 1, 2012); and

WHEREAS, the Legal Services Corporation suffered a \$56 million (14%) cut to its budget for FY 2012 which has caused additional cuts to legal aid staff and, as a consequence, the reduction of legal services to low income persons facing mortgage foreclosures, domestic violence, income security reductions and other effects from the deep economic recession; and

WHEREAS, in March, 2012, the Conferences prepared a position paper, *The Importance of Funding for the Legal Services Corporation from the Perspective of the Conference of Chief Justices and the Conference of State Court Administrators*, documenting the impact of the recent reductions in funding for the Legal Services Corporation and shared it with members of Congress; and

WHEREAS, the Conferences appreciate the attention that Congress has given to the findings of the position paper and its request for increased funding as demonstrated by the recommendations of the Senate and House Appropriations Committees for FY 2013 funding for the Legal Services Corporation;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators reaffirm the importance of the Legal Services Corporation and call upon all members of Congress to fulfill our nation's promise of "Equal Justice Under Law," by restoring funding for the federal Legal Services Corporation to at least \$404 million for Fiscal Year 2013, which would return Legal Services Corporation to the funding level it was at in Fiscal Year 2011 and establish an essential funding base that can be built upon as the nation's economy improves.

Adopted as proposed by the Access, Fairness and Public Trust Committee at the 2012 Annual Meeting on July 25, 2012.