

Resolution 9 In Support of the Federal Funding Legal Services Corporation

WHEREAS, WHEREAS, equal justice and the fair administration of justice are cornerstones of our democracy and core functions of our national and state governments and 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 democratic rule of law, equal justice and the fair administration of justice are functions that have long transcended partisan difference with all Americans standing together in common commitment to these ideals; and

WHEREAS, the promise of equal justice and our commitment to the democratic 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 to help fund effective judicial systems that include meaningful legal aid systems in new and emerging democracies throughout the world; and

WHEREAS, for more than four decades a succession of United States Congresses and Presidents has looked to the federal Legal Services Corporation (LSC) as 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 of an enduring national consensus regarding the focus and value of the work underwritten by the federal 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 of entitlement; 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 federal 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 skyrocketed during this period of economic crisis with study after study objectively documenting that between 50% and 75% of low income households experience one or more civil legal problems that affect basic human needs each and 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;

WHEREAS, when entire populations are denied effective access to the justice system and are unable to assert and to defend effectively important civil legal rights and prerogatives, public trust and confidence in the justice system itself is placed in jeopardy and those denied access lose the incentive to adhere to legal norms and expectations voluntarily; and

WHEREAS, the civil legal aid system in every state is a model public-private partnership and

that investments in programs funded through the federal Legal Services Corporation effectively leverage complimentary 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 unable otherwise to assert and defend important rights meaningfully within the justice system furthers these ends; and

WHEREAS, the Conferences have repeatedly affirmed the importance of the federal Legal Services Corporation, most recently declaring "continued operation of the Legal Services Corporation [as] essential to the guarantee of equal justice and to the efficient operation of the courts" (Res. No. 9; Jan. 24, 2002) and calling for "increased federal funding on a continuing basis for LSC to better meet the demand for legal services and to ensure access to justice for all" (Res. No. 11, August 2009); and

WHEREAS the Appropriations Committee of the U.S. House of Representatives proposes to cut the Legal Services Corporation budget by 26% (\$104 million) for fiscal year 2012 and thereby roll back the Corporation's funding to a level not seen since 1999;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators reaffirm the importance of the federal Legal Services Corporation and call upon all members of Congress to live up to our nation's promise of "Equal Justice Under Law," to oppose any proposal to cut funding for the federal Legal Services Corporation, and to support increased funding of the Corporation to the level necessary to provide critically needed services to low-income Americans.

Adopted as proposed by the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2011 Annual Meeting on August 3, 2011.