

Civil Access to Justice Act of 2009

S. 718, H.R. 3764

As the nation continues to reel from the economic crisis, civil legal aid has never been more important. More low-income families need legal help, but drastic funding cuts have prevented them from getting the help they need.

The Legal Services Corporation (LSC), a non-profit corporation created by Congress in 1974, is the backbone of our nation's civil legal aid system. Each year, Congress funds LSC, which in turn grants money to local legal services programs in every state. Legal services programs assist low-income families by protecting spouses and children from domestic violence, fighting predatory lenders, saving homes from foreclosure, ensuring child support payments, and helping seniors and the disabled obtain necessary benefits.

LSC is in need of revitalization. Severely underfunded, LSC reports that more than half of all eligible clients who seek legal help from LSC-funded programs are turned away due to insufficient resources. Outdated restrictions, imposed in the mid-1990s, hamper LSC-funded programs' ability to help their clients. The *Civil Access to Justice Act* (similar versions were sponsored by Sen. Harkin (D-IA) and Rep. Bobby Scott (D-VA)) would reauthorize LSC for the first time in over 30 years and would expand access to justice to the poor during this time of extraordinary need. The bill would:

- **Expand access to justice by authorizing more funds.** In FY 2010, LSC is funded at \$420 million, of which around 94%, or over \$394 million, will be granted to local programs. This funding level falls short of the high-water mark reached in 1981, when real funding was around \$750 million and the last time federal funding was estimated to provide a minimum level of access to legal aid nationwide. In order to restore minimum access, the bill authorizes a \$750 million funding level.
- **Lift many of the overreaching restrictions that prevent LSC grantees from most efficiently and effectively assisting their clients.** The bill removes restrictions on grantees' non-LSC dollars, thus allowing local programs to determine how best to spend their money, in accordance with all of their funders' wishes, while also reducing duplicative spending and inefficiency. Restrictions currently attached to funding for LSC limit the tools LSC-funded legal aid lawyers can use when representing their clients. These tools – including participating in class action lawsuits and conducting advocacy on behalf of their clients before legislative and administrative bodies – can be essential to best addressing clients' needs. Restrictions in place today also prohibit certain groups of people from qualifying for federally funded legal aid, including categories of legal immigrants and people in prison who have civil legal issues that must be addressed so they may successfully reenter society. The *Civil Access to Justice Act* rolls back the most onerous of the restrictions on federal funds, allowing LSC grantees to once again use these key legal tools and better assist more of those in need. The bill maintains the prohibition on using any funds to support abortion-related litigation. The bill also keeps intact the restrictions prohibiting the use of federal funds to support litigation on behalf of prisoners with some types of claims and undocumented immigrants, with minor but important exceptions for victims of domestic violence, torture, and trafficking (who are eligible under current law) and certain disaster victims.
- **Improve oversight and governance of LSC.** This legislation modernizes corporate practices to address the governance and oversight concerns of the Government Accountability Office (GAO).

Please support the *Civil Access to Justice Act of 2009*. Make the promise of “equal justice for all” ring true.