

**Remarks for Congressman Robert C. “Bobby” Scott
Subcommittee on Commercial and Administrative Law
Hearing on H.R. 3764, the “Civil Access to Justice Act of 2009”
Tuesday, April 27, 2010**

Thank you, Chairman Cohen, for holding this hearing today on H.R. 3764, the Civil Access to Justice Act. As the chief sponsor of this legislation, I am honored to be here today to testify on behalf of legislation to reauthorize the Legal Services Corporation. I am also pleased that Chairman Harkin could join us today to testify on behalf of the effort in the Senate to pass similar legislation. I look forward to his testimony and the testimony of those on the second panel.

The Legal Services Corporation was established by Congress in 1974 to provide legal assistance to people in civil matters who otherwise could not afford a lawyer. LSC directs and supervises federal grants to local legal service programs which provide such assistance. The importance of this program has not diminished with time. As President Richard Nixon, who was President when

this program was established, said “...legal assistance for the poor, when properly provided, is one of the most constructive ways to help them help themselves.”

I have a special connection to LSC; I was the original board Chairman of the Peninsula Legal Aid Center located in the Newport News – Hampton, Virginia area. Given this experience, I know firsthand the benefit and needs of legal aid programs around the country as well as the benefit they provide to those they serve.

H.R. 3764 accomplishes several goals. It increases the authorized funding level for LSC to \$750 million. This is approximately the amount appropriated in 1981, adjusted for inflation. LSC is currently funded at \$420 million which is well below the amount needed to meet the recognized need for legal services. Currently, more than 80 percent of individuals who need civil legal representation do not have the means to obtain it.

Families who need this assistance the most make less than 125

percent of the poverty line or approximately \$27,500 per year for a family of four. Nationally, 50 percent of the eligible applicants for legal assistance from federally funded programs are turned away because these programs lack ample funding. Moreover, given the state of the economy, the number of individuals who qualify for legal representation is likely to increase. We need to ensure that resources are available to provide legal services to those who cannot afford adequate legal representation. The \$750 million authorized in the bill will enable each LSC program to begin to address the legal need of those in low income residents in their community.

The bill also lifts most of the restrictions placed on the program through appropriations bills over the years, including the restriction on collecting attorneys' fees, the prohibition on legal aid attorneys bringing class action suits and prohibitions on what programs can do with non-federal funds. The bill does maintain the prohibition on abortion related litigation and incorporates some

limits on whom LSC-funded programs can represent, including prisoners challenging prison conditions and people convicted of illegal drug possession in public housing eviction proceedings.

Additionally, the legislation provides for more effective administration of LSC. Government Accountability Office reports emphasize the need for better corporate oversight and management, so this bill seeks to improve the corporate practices of LSC.

I am pleased that we have a companion bill in the Senate. Overall, the bills are similar, but they do have some differences. One example is the issue of class actions lawsuits. The House bill allows class action suits with the approval of the project director, which is what the original Legal Services Act allowed. The Senate bill permits class actions if suit arises “under established State or Federal statutory law or judicial case law.”

Even with the differences, it is my hope that both bills can be passed this Congress, reconciled and sent to the President for his signature. And I am not the only one. Currently, the House bill has 42 co-sponsors. The bill also has the support of over 150 national, state and local organizations including the American Bar Association, the Brennan Center for Justice at New York University School of Law, the National Legal Aid & Defender Association and the Virginia State Bar. Mr. Chairman, I would like to submit for the record a letter signed by all of the groups supporting the bill.

I'd like to end with a quote by former Supreme Court Justice Lewis Powell, Jr. during his tenure as President of American Bar Association who said "Equal justice under law is not merely a caption on the facade of the Supreme Court building, it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists...it is fundamental that justice

should be the same, in substance and availability, without regard to economic status." This is the goal that H.R. 3764 seeks to achieve.

Thank you, Mr. Chairman, for the opportunity to speak on behalf of the Civil Access to Justice Act. I hope that we can mark up this bill in the near future.