**Frequently Asked Questions about LSC Funding**

Below are some of the questions (with brief answers) that may come up during your advocacy outreach about LSC funding for FY 2012. If you are asked for more detail and you do not have the answer, it is perfectly acceptable to tell the staff that you do not know and you will get back to them once you have gotten more information.

**Q: What is LSC?**

The Legal Services Corporation (LSC) is the primary way the federal government helps ensure that low-income Americans have access to critical legal assistance for civil matters like domestic violence, child support, consumer fraud and housing matters. Unlike in criminal cases, there is no right to counsel in civil cases for people who cannot afford it, even in cases where a person’s family, home, personal safety or economic security is at stake.

**Q: What does LSC do?**

LSC provides grants and other support to a network of 136 legal aid programs in each of the 50 states. LSC funding enables these organizations to provide essential legal assistance to thousands of people in Illinois, including military families and veterans, domestic violence victims, the growing number of people facing foreclosures, and many others who depend on civil legal services for their safety and independence.

In Illinois, there are three legal aid organizations funded by LSC: Prairie State Legal Services, which serves the northern and central part of the state outside of Cook County; the Legal Assistance Foundation of Metropolitan Chicago that serves Cook County; and Land of Lincoln Legal Assistance Foundation, which serves southern and central Illinois.

**Q: How many Americans are eligible for LSC services?**

Over 60 million Americans today, many of them children, qualify for legal aid assistance from LSC-funded organizations.

**Q: How much LSC money goes back to Illinois?**

$13.2 was distributed to three LSC organizations in Illinois in FY 2011 ($3 million to Prairie State Legal Services, $7.4 million to Legal Assistance Foundation of Metropolitan Chicago, and $2.7 million to Land of Lincoln Legal Assistance Foundation).

**Q: Why is funding LSC a federal responsibility?**

Ensuring all Americans have equal access to our justice system is a one of the core obligations of the federal government, and providing adequate funding for LSC is an integral part of fulfilling this fundamental government responsibility.

One of our nation’s foremost principles is equal justice under law, reflected by our founding fathers in the beginning of the Preamble to the Constitution as well as in the Pledge of Allegiance’s familiar refrain of “liberty and justice for all.” The promise of justice for all is an empty one without access to legal assistance, and providing adequate funding for LSC is an essential part of making that promise a reality for many thousands of low-income people throughout the country facing serious civil legal problems.

Laws passed by Congress to protect victims of domestic violence, veterans and military families, and elderly victims of predatory lending or consumer fraud, to name just a few examples, are essentially meaningless without the ability for people to enforce them. Funding for LSC gives low-income people in need the means to enforce these protections by enabling them to get access to critical legal assistance.

**Q: You use the term “equal access to justice,” but what does that really mean?**

“Equal justice for all” is one of the United States’ most proudly proclaimed principles, reflected in the preamble to the Constitution, the Pledge of Allegiance and the doorstep to the Supreme Court, among many other places. Practically, the term “equal access to justice,” we mean that all people, regardless of income or circumstance, have access to the information and assistance they need to get fair and equal treatment under the law.

Our democracy is bound by a common commitment from all of our citizens to a set of values set out in the various laws that govern us. This commitment is only as strong as the faith we have in the justice system that oversees the fair administration and equal protection of the laws the state has put in place.

**Q: Where does LSC stand now?**

Last year, LSC was cut from $420 to $404.2 million for FY 2011. Our proposed ask of no less than $396 million is a two percent cut in overall funding from last year recognizes the recent debt ceiling agreement that requires overall cuts to discretionary spending.

**Q: Why should LSC funding be increased or at least cut proportionately when virtually every other program is being considered for cuts?**

We recognize the very real fiscal challenges facing the federal government right now, but we cannot sacrifice our core responsibilities as a nation. LSC already has taken a disproportionate share of cuts over the years, with funding levels today significantly below prior levels in inflation-adjusted terms at the same time a record number of Americans are eligible for these critical services. Any relatively modest short-term savings that further cuts in LSC’s funding would achieve are far outweighed by the increased costs in other parts of the budget and the erosion of confidence in our justice system that would result.

**Q: How does the current funding level compare to what is necessary?**

LSC has been chronically underfunded in recent years, with funding levels falling far short of keeping pace with inflation at the same time that more Americans than ever before are eligible for assistance. As a result, recent studies at the state and national level consistently have found that the majority of low-income Americans in need are unable to obtain legal assistance that is often critical to their safety and independence, and they are left to try and solve complex legal problems on their own.

At the same time that a record 60 million people are eligible to receive services from LSC-funded organizations, LSC funding of $404.2 million today is more than 45% below 1981 in inflation-adjusted terms, which would be $771 million today. LSC funding is almost 30% below 1994 in inflation-adjusted terms, which would be $590 million today.

**Q: What about other funding sources for legal aid?**

Two of the other primary sources of government funding for legal aid, state funding for legal aid and IOLTA (Interest on Lawyers Trust Accounts) programs, have been under great stress. With declining interest rates, IOLTA funding nationally has gone down from $380 million in 2008 to $124 million today. Most state budgets remain under severe stress as well. In Illinois, for example, funding for the Illinois Equal Justice Foundation (which is the primarily state vehicle for civil legal aid funding) was cut by 50% two years ago. These stresses on other major funding sources have caused great strain for legal aid programs across the country.

**Q: What are lawyers doing about this problem?**

Lawyers in Illinois are doing their part, providing 2,197,041 of hours of pro bono service and donating more than $11.5 million to legal aid organizations. (Note: this is only about $1.7 million less than the total LSC FY 2010 contribution that Illinois legal aid organizations received.) We will continue to push to do more, but we can’t do it without the federal government doing its share to uphold our nation’s fundamental principle of equal justice for all.

**Q: How do you propose we maintain this funding for LSC at a time when we need to tighten our belts and make significant cuts in the overall budget. In other words, what programs would you suggest that we cut?**

We understand the very real budget challenges facing the federal government right now, but we can’t balance the budget by sacrificing our nation’s core responsibilities like ensuring equal access to justice. While we are not in a position to suggest specific cuts, there have been a number of bipartisan proposals that could solve our longer-term budget challenges without sacrificing core obligations like LSC. One good example is the report of the President’s Deficit Commission last year.

To the extent we need to look at discretionary spending programs, the March, 2011 GAO report on duplication and savings in government programs would be a good place to start that conversation.

**Q: What happens when people don’t have access to legal aid?**

An inability to resolve legal matters has significant, far reaching consequences not just on individuals and families, but on our communities. When important issues are left unresolved, it jeopardizes people’s ability to secure safe, affordable housing, to overcome barriers to employment, and to obtain protections from domestic violence and elder abuse, among other things. It also has far reaching societal impacts, such as family instability and resultant increases in numbers of children involved in the juvenile dependency and delinquency system; increased challenges for law enforcement officers; and a general lack of public trust in the judicial system. Put another way, whether people have access to needed legal help often means the difference between shelter and homelessness; medical assistance and unnecessary physical suffering; food on the table and hunger; economic stability and bankruptcy; or productive work and unemployment.

**Q: Won’t funding LSC just encourage more litigation?**

No. In fact, there is a good argument that more funding for LSC can actually reduce the overall level of litigation. About 2/3 of the cases handled by LSC organizations are resolved with advice or brief services, with just a small percentage of these cases involving extended representation in litigation.

For those cases handled by LSC-funded organizations that involve litigation, most are defensive, with these organizations representing someone who has been sued in cases like foreclosure, evictions, consumer debt and other cases. In these types of cases, having access to this legal help levels the playing field and often leads to speedier resolution of these cases. Those cases involving affirmative litigation by LSC-funded organizations most often involve matters like domestic violence, child support, consumer fraud and denial of veterans benefits, where litigation is a last and necessary resort for protecting critical rights and holding those committing wrongdoing to account.

As long as there is a valid legal basis for bringing a case, LSC grantees and their clients should be treated like all other people and entities in our country as far as the conditions for filing these cases. If there is a concern about frivolous or unnecessary cases being filed, the appropriate check and balance is Rule 11 of the Federal Rules of Civil Procedure, which allows courts to sanction lawyers and organizations that file frivolous cases.

**Q: Haven’t there been some criticisms of LSC management recently?**

Yes, the Government Affairs Office (GAO) issued some criticisms and recommendations about LSC’s governance and grant administration several years ago. These criticisms concerned practices during the prior LSC administration, and the new LSC Board and leadership have already accepted these recommendations and have made strong and concrete commitments to transparency and accountability going forward.

For example, one of the first actions by the LSC Board in 2010 was to establish a fiscal oversight taskforce to examine the methodology and results and performance in that arena. The taskforce includes individuals with outstanding experience in grants administration, audits and internal controls, executive leadership and the best practices of foundations and charitable organizations.