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INTRODUCTION OF THE CIVIL ACCESS TO JUSTICE ACT OF 2009

HON. STEVE COHEN

of tennessee

in the house of representatives

Thursday, October 8, 2009

Mr. COHEN. Madam Speaker, today I am pleased to join Representative Bobby Scott and Chairman John Conyers in introducing the Civil Access to Justice Act of 2009. This important legislation will expand civil legal services to low-income families and individuals.

In 1974, Congress established the Legal Services Corporation (``LSC'') to operate as a private, non-profit corporation to promote equal access to justice under the law and to provide grants for high-quality civil legal assistance to low-income persons. LSC distributes more than 95 percent of its total funding to 137 independent nonprofit legal aid programs to represent low-income individuals and families in every congressional district. Programs receiving LSC grants help the most vulnerable, such as families facing unlawful evictions or foreclosures, displaced persons attempting to obtain federal emergency assistance, and women seeking protection from abuse. In fact, many programs have been besieged recently with requests for foreclosure assistance because of the subprime mortgage crisis.

The current economic downturn will likely lead to more families and individuals needing legal assistance. According to a recently released study commissioned by LSC's Board of Directors, Documenting the Justice Gap in America, many recipient programs of LSC funds must turn away half of all individuals who qualify and seek their assistance because of the lack of resources. Unfortunately, state, local, and private funding and pro bono support have been unable to help close the access to justice gap. The underfunding may result in a potential catastrophe for millions of low-income families and individuals throughout the country who need, but are unable to obtain, legal assistance in matters relating to their housing, employment, and access to health care. Currently, LSC is funded at \$390,000,000, which is insufficient to provide legal representation to all of the impoverished in need of legal assistance. This legislation authorizes an increase in funding for LSC of \$750,000,000, which represents an inflation-adjusted funding level from fiscal year 1981. This funding will help close the justice gap and provide civil legal assistance to all potential eligible clients.

Additionally, the Civil Access to Justice Act eliminates certain restrictions that have significantly limited the ability of legal aid attorneys to represent all low-income families and individuals. First, the bill would remove many restrictions on the use of state, local, and private money by LSC-funded programs. Second, it would eliminate restrictions on the ability of LSC-funded attorneys to represent clients in class action cases. Also, the bill would provide

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programs the opportunity to seek court-ordered attorneys' fees, which they are currently prohibited from seeking.

Finally, this legislation codifies recent recommendations from the Government Accountability Office to improve LSC governance and accountability. These recommendations should lead to better management and oversight of LSC-funded programs.

I urge my colleagues to join me, Mr. Scott, Chairman Conyers, and others, and cosponsor this important and timely legislation. I am optimistic that Congress can send a bill to the President for his signature so that the doors of justice will always remain open to those in need.



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