

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
May 22, 2008

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Chairman, Senate Judiciary Committee
"Closing the Justice Gap: Providing Civil Legal Assistance to Low-Income Americans"
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I thank Senator Cardin for chairing today's hearing. Navigating the judicial system without representation can be a daunting, and sometimes insurmountable challenge. Yet many Americans find themselves in this position due to the inability to afford representation. Today's hearing will highlight the efforts being made by the Legal Services Corporation ("LSC") to close this gap and ensure that more low income Americans have access to adequate legal representation.

When I was in law school, my wife Marcelle and I had the opportunity to have lunch with Justice Hugo Black. It was one of the most memorable experiences during my time in law school, and during a discussion of the Sixth Amendment I recall that Justice Black said it was an obvious truth that anyone who was too poor to be represented by counsel could not be assured a fair trial. Of course, the Supreme Court's unanimous 1963 decision in *Gideon v. Wainwright* protects this fundamental principle in the criminal context. During his confirmation hearings, I asked Chief Justice John Roberts whether he thought that *Gideon's* principle should apply with respect to other constitutional rights. What I was getting at was the idea that the same principle embodied in *Gideon* applies in the civil context as well, and that without legal representation it can be very difficult to secure the rights that the Constitution gives to all Americans. And while there is no civil analog to *Gideon*, the work that the Legal Services Corporation and other organizations do to provide legal assistance to the poor promotes this same basic fairness in the civil judicial process.

The LSC and the many organizations it funds work to ensure that the least fortunate among us are able to have their voices heard in civil court, and, in turn, their rights protected. This is a laudable goal, and when more Americans have legal representation in civil matters, the integrity of the legal system is supported and maintained. It should concern all Americans when justice is not done due to an individual's inability to afford counsel.

In Vermont, LSC has provided legal assistance to many low income people in matters including housing, consumer finance, and family law. Staff with the Legal Services Law Line of Vermont closed over 2,400 cases in 2007. In a State as small as Vermont, this is a significant accomplishment. Due to funding through the LSC, many Vermonters who might otherwise not have been able to afford representation found themselves with able counsel as they sought redress in the courts.

Along with addressing the justice gap, I recognize that today's hearing will raise issues related to the LSC's corporate governance and oversight of its grantees. The Government Accountability Office (GAO), in two reports, identified areas where the Corporation needs to improve. By all accounts, the LSC has taken rapid steps in response to these reports, and openly acknowledges the need to squarely address issues of concern that may undermine its mission. And so I commend the LSC for appearing today, and being prepared to directly address the concerns of some members of the Judiciary Committee. Positive change can emerge much more easily when difficult or embarrassing circumstances are addressed openly and directly. Rather than try to hide or obscure the issues the GAO has identified, the LSC has stepped up and faced these problems with action and with a desire to correct them.

Consistent with the principles in the Supreme Court's *Gideon* decision, I believe it is sound Federal policy to provide Federal funds to help those in need of assistance in the legal process. Doing so promotes integrity in the judicial system, and protects the rights of less fortunate Americans who might otherwise be on their own. The work done by

LSC has helped many Americans access their judicial systems in a meaningful way, and I look forward to hearing about this good work, and the ways in which the LSC is striving to improve and build upon its past successes for the future.

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