

Submitted Written Testimony of

Ronald S. Flagg,  
President, Legal Services Corporation  
Before the  
Committee on the Judiciary  
United States Senate

July 9, 2024

Good afternoon. Chairman Durbin, Ranking Member Graham, and members of this distinguished committee, thank you for inviting me here to speak today. My name is Ronald Flagg, President of the Legal Services Corporation (“LSC”), and it is an honor to be speaking to you today.

I would like to thank Chairman Durbin, Ranking Member Graham, and their tremendously supportive staff for making this hearing a reality. At a time when Washington struggles to find consensus, it is encouraging to see that this Committee has come together in a bipartisan fashion to shed light on the access to justice crisis in America. I know that Chairman Durbin and Ranking Member Graham have long careers both on and off Capitol Hill dedicated to expanding legal representation, and I hope that we can use today’s proceedings to illuminate the barriers to access to justice and potential solutions going forward.

I have worked at LSC for over eleven years, initially as General Counsel and as President since 2020. Prior to that, I spent 30 years as a partner at one of the largest law firms in the world handling litigation for corporate clients and over a decade as chair of the firm’s pro bono committee. I also served as President of the DC Bar, and chair of the boards of several legal aid organizations including the National Veterans Legal Services Program and AARP Legal Counsel for the Elderly. Through all of these experiences, I have come to understand what access to justice means, or doesn’t mean, for low-income people in our country. That’s the story I want to share with you today.

**The Legal Services Corporation**

The U.S. Constitution guarantees a right to a lawyer when someone is accused of a crime. But there is no constitutional right to an attorney when someone faces a civil action, even if one faces life-altering problems such as the loss of a home, abuse from a domestic partner, or the devastating effects of a natural disasters. As everyone in this room is keenly aware, the legal system in this country is extremely difficult to navigate. It is a system largely designed by lawyers, for lawyers. Therefore, when someone is forced to represent themselves because they cannot hire a lawyer, they are immediately put at a disadvantage. Legal assistance is critical to protecting the values of liberty and justice on which our Nation was founded.

To protect these fundamental values, Congress created LSC 50 years ago in 1974 to ensure that low-income individuals and families have access to assistance to resolve civil legal problems. Funding for LSC provides access to justice and due process of law for millions of low-income Americans every year. LSC is the country's largest single funder of civil legal aid. As a grant-making organization, LSC distributes more than 94% of our federal appropriation to eligible nonprofits delivering civil legal aid. LSC awards grants through a competitive process and currently funds 130 independent legal aid organizations with more than 900 offices serving every county in every state, the District of Columbia and the territories.

LSC grantees handle the basic civil legal needs of low-income people, addressing matters involving safety, economic subsistence and family stability. Most legal aid practices focus on core constituent services such as family law, including domestic violence, child support and custody, and housing matters, including evictions and foreclosures, and helping people access Veterans, Social Security and disability benefits.

### **Who We Serve**

LSC grantees help constituents who live in households with annual incomes at or below 125% of the federal poverty guidelines. In 2024, that is \$18,225 for an individual and \$37,500 for a family of four – everywhere in the continental U.S.<sup>1</sup> Eligible constituents span every demographic and live in rural, suburban and urban areas. They include veterans, those affected by opioids and other substance use disorders, survivors of natural disasters, domestic violence survivors, families with children, homeowners and renters, people with disabilities and the elderly.

The most recent U.S. Census Bureau data show that nearly 49.8 million Americans or 16.3% of the population, were eligible for LSC-funded services in 2022.<sup>2</sup> This equates to more than one in six people across the United States living below the poverty level, including more than 15 million children and 7.6 million seniors.<sup>3</sup>

While it can be challenging to find common ground in America today, the struggle for access to justice cuts across political lines. It affects the most densely populated urban centers as well as the most sparsely populated rural areas. While more low-income people live in urban and suburban environments, people in rural areas are more likely to have low incomes, and thus qualify for our grantee services. Indeed, a large portion of the constituencies of every Senator qualifies for our grantee services. While their day-to-day lives and the legal issues they face may differ, low-income Americans who live in rural and urban areas face a common struggle – navigating a civil justice system that is inherently tilted against those without a lawyer.

### **The Justice Gap**

In 2022, LSC released its fourth Justice Gap Report.<sup>4</sup> The study leveraged data from a nationally representative survey of more than 5,000 adults conducted by NORC at the University of Chicago using its AmeriSpeak Panel and data from the 2021 intake census completed by LSC's grantees. For the first time, the study included survey respondents from higher-income groups for comparison. The findings of this study were staggering.

Nearly three-quarters (74%) of low-income households have experienced at least one civil legal problem that has substantially impacted their lives in the past year. Many households experienced far more problems – 39% experienced five or more problems and 20% experienced more than 10 civil legal problems in 2021. The most common problems experienced were consumer and debt issues, healthcare problems, housing-related challenges and income maintenance issues.

When confronted with these oftentimes life-altering civil legal issues, low-income Americans receive **no or inadequate assistance for a stunning 92%** of their significant civil legal needs.<sup>5</sup>

There are many barriers to accessing legal assistance. The cost of legal help was most frequently reported as a barrier to seeking or receiving legal help. More than one-half (53%) of low-income Americans do not know if they could find and afford a lawyer if they needed one. For nearly 75% of problems, people were unsure if a lawyer could help them resolve their problem. Only 5% reported knowing that a legal professional could help resolve the legal problems they experience.

The justice gap borne out by these data is reflected in individuals' attitudes about the U.S. civil justice system. Only 28% of low-income Americans believe that our civil legal system treats people like them fairly.<sup>6</sup>

Put simply, less and less people have faith that the civil justice system will give them a fair shot. And can we blame them? As challenging as our legal system is, oftentimes convoluted and archaic, low-income people do not even know where to go to ask for legal help let alone get the help that they need.

Civil legal issues do not exist in isolation from one another. Unaddressed or inadequately addressed civil legal problems often metastasize and can force one into a cycle of poverty. For example, domestic violence can create a tragic cycle of abuse for children in an unsafe household. Housing insecurity can lead to worse health, employment and educational outcomes and unpaid medical bills. Someone desperately trying to overcome the grips of opioid use disorder can fall into relapse trying to deal with the challenge of a family, housing or employment legal problem.

While the impact of these issues on people's lives are enormous, we are not even coming close to rising to the challenge created by lack of access to help in their resolution. More than 3.6 million people seek legal assistance from LSC grantees each year. However, due to limited resources, grantees can only fully resolve 29% of eligible legal problems and offer partial assistance for an additional 22% of problems. This means that **roughly half of the eligible individuals who walk through our grantees' doors are turned away** to fend for themselves.<sup>7</sup> Those being turned away, include more than 1 million children, 1.1 million individuals and families facing eviction, 140,000 veterans and 550,000 survivors of domestic violence.<sup>8</sup>

And while the numbers of eligible applicants turned away are enormous, these numbers **understate** the problem. They do not include those who never make it to legal aid's door because

they do not realize they have a legal problem, are unaware of legal aid, or earn just a little more than our financial eligibility guidelines.

### **The Continuing Impact of the Pandemic**

The justice gap has existed for decades in this country, but the COVID-19 pandemic and its continued economic ripple effects have exacerbated the crisis. During the pandemic, programs like the expanded Child Tax Credit and enhanced unemployment benefits providing crucial support to low-income Americans. However, these enhancements were temporary and have since expired, leaving families facing economic challenges without the additional financial assistance. The eviction moratoria and emergency rental assistance allowed millions of low-income families to stay housed, but since their expiration, we have seen a massive spike in housing cases across the country over the past two years. And let me underscore, eviction cases are not only occurring in cities like Los Angeles, Houston and Chicago. We are seeing a huge increase in demand for housing legal services throughout rural America where the limited number of legal aid attorneys only makes the problem worse.

Children continue to be the people hardest hit in the aftermath of the pandemic. The number of children living in poverty more than doubled in 2022, marking the largest increase since the adoption of the current counting method.<sup>9</sup> In 2021, the child poverty rate stood at 5%, but in 2022, it more than doubled to 12%, equating to approximately 9 million children affected. The termination of pandemic relief initiatives, including the expanded Child Tax Credit, played a notable role in this escalation.

Families with children are at a higher risk of experiencing housing instability and eviction.<sup>10</sup> The stress induced by poverty contributes to family breakdowns, giving rise to legal issues like divorce, custody disputes and child support. Child welfare cases are also affected, requiring legal support to navigate the system, address concerns and pursue family reunification or alternative care arrangements. Access to legal assistance is imperative to help families and children in poverty overcome these challenges and have the chance to thrive.

Recent cuts to the Victims of Crime Act (VOCA) funding have also had significant implications for victim services across the United States. For Fiscal Year (FY) 2024, VOCA funding has been reduced by approximately 40%, amounting to a \$700 million decrease compared to the previous year. This reduction threatens the stability and availability of crucial services provided by nearly 6,500 organizations nationwide that support victims of crime, including domestic violence, sexual assault and human trafficking survivors. These cuts have resulted in fewer resources for essential services such as medical care, mental health counseling, legal advocacy and temporary housing. Many organizations are facing the prospect of reducing or eliminating programs, leading to increased wait times and limited access to support for victims. Vulnerable populations, particularly in rural areas and marginalized communities, are at heightened risk of not receiving the help they need.

Put simply, the civil legal problems facing low-income Americans are getting worse, not better. Without intervention, the justice gap will only continue to grow, leading fewer people to have

faith in our system of justice and causing untold ripple effects throughout our economy and overall society.

### **The Impact of Legal Aid**

While the justice gap can be daunting, we know how to close it, we just need the resources to do so. Extensive research consistently demonstrates the positive impact of legal assistance in addressing these challenges. Individuals with low income who receive legal help overwhelmingly achieve better outcomes than those without access to such assistance.<sup>11</sup>

Legal aid is crucial in preventing and resolving legal problems that impact individuals and communities. By addressing these issues early on, legal aid can prevent problems from escalating at greater societal cost. It also helps individuals navigate complex legal processes, such as those related to housing, employment and family matters. Funding civil legal aid promotes stability, reduces justice inequalities and contributes to economic productivity.

Investing in legal aid can yield long-term cost savings. By intervening early, legal aid helps prevent problems from escalating into expensive court cases or legal disputes. It also eases the burden on the justice system by utilizing alternative dispute resolution methods to resolve conflicts reducing court costs.

Research consistently finds that very few people have access to representation in court. In 75% of US civil cases, at least one party is unrepresented, which is all-too-often a dispositive factor. This imbalance of representation creates a significant disadvantage for low-income Americans facing formal litigation in civil courts across the country. Research shows that represented clients are far more likely to be successful in formal court proceedings compared to their unrepresented counterparts. One study shows that people with representation were 6.5 times more likely to have a favorable outcome in their case compared to those without legal representation.<sup>12</sup>

With respect to eviction, research has consistently shown that tenants with full representation win or settle their cases at far higher rates than unrepresented tenants. Generally, 90% of tenants who are unrepresented suffer an unfavorable result, while 90% of tenants who are represented achieve a favorable one. Represented tenants are more than twice as likely to remain housed or receive more time to move, avoid having an eviction on their record, and are four times less likely to use shelters.<sup>13</sup> Research also indicates that represented tenants' cases are less likely to end in a default judgment (8% compared to 26% for unrepresented tenants) against the tenant.<sup>14</sup> These positive court outcomes decrease the likelihood of negative social and economic impacts linked to eviction.<sup>15</sup>

These trends are also evident in domestic violence cases. Individuals who experience domestic violence often require assistance filing protection orders, accessing housing, obtaining custody or visitation orders for their children, and accessing needed services to overcome the trauma they have experienced. Research has shown that 80-97% of survivors are unrepresented.<sup>16</sup> Survivors with representation are more likely to obtain orders of protection granted for themselves and their children, access to increased food and income benefits, and safe housing.<sup>17</sup>

Data also demonstrate that investing in civil legal aid provides a good return on investment for the American taxpayer. The impact of civil legal aid extends beyond individuals and families, benefiting their communities and contributing to local and state economies. Economic benefit studies have examined the outcomes of individual cases and highlighted the direct and indirect advantages of legal aid services. Direct benefits include increased income, improved access to healthcare services, educational opportunities and other tangible improvements from legal aid assistance. Indirect benefits occur when additional income and services lead to increased spending on goods and services, while avoiding costs of government programs and services. Multiple studies have consistently shown that investing in civil legal aid yields a positive return on investment, ranging from \$3 - \$12 for every dollar allocated. For example, in California, the provision of civil legal aid resulted in the recovery of \$134 million for clients and an estimated \$43 million in cost savings.<sup>18</sup> In Ohio, a study found that every dollar invested in legal aid resulted in a direct return of nearly \$3 for every \$1 spent. The study measured increased wages, income maintenance, debt recovery and avoided costs associated with healthcare and domestic violence cases.<sup>19</sup>

This societal benefit is especially acute when examining the long-term benefits that access to legal services provide to domestic violence survivors, their families and their surrounding communities.<sup>20</sup> These benefits extend beyond the immediate legal assistance and can include decreased rates of homelessness, increased employment opportunities, and reduced likelihood of physical, mental and behavioral health problems for children exposed to domestic violence. Studies have shown that access to legal representation leads to decreased domestic violence rates within communities,<sup>21</sup> higher family income<sup>22</sup> and reduced mental health issues such as depression and post-traumatic stress disorder.<sup>23</sup> These benefits result in significant cost savings for communities. For example, in a Pennsylvania study, the estimated benefits of providing legal services for a 12-month period amounted to nearly \$17 million.<sup>24</sup> Another study in Wisconsin calculated the return on investment of state funding for legal representation of domestic violence survivors to be over 300%.<sup>25</sup>

### **Solving LSC's Chronic Underfunding**

While I am aware that this is not the Appropriations Committee, I would be remiss not to note the link between LSC's chronic underfunding and the growing justice gap. In FY 1994, Congress appropriated \$400 million to LSC. Three decades later, in FY 2024, LSC's annual appropriation has only inched up to \$560 million — not nearly enough to keep up with inflation, multiple recessions, the pandemic, and increases in the poverty population. If LSC's FY 1980 appropriation of \$300 million had been adjusted simply to reflect inflation, LSC's appropriation today would be over a billion dollars. Indeed, the current federal appropriation for legal aid is far less than the \$700 million a year that Americans annually spend on Halloween costumes — for their pets.

We must have the political will to address this glaring inequity. In recent years, LSC's bipartisan board has voted unanimously to submit budget requests to Congress seeking the minimum funding required to fully serve all eligible problems for which LSC grantees receive requests for assistance — **instead of turning away half of them**. For FY 2025, this amounts to \$1.76 billion

— three times the size of LSC’s current appropriation. I am aware that this is a large request particularly at a time when tough decisions are being made before the end of the fiscal year. However, as I have discussed, we simply cannot ignore this problem any longer and it will only get more expensive to deal with as the justice gap continues to widen.

### **Additional Changes Needed to Solve the Justice Gap**

Even if Congress substantially increases funding for civil legal aid, we will need to make other fundamental changes to close the justice gap. Along with increased investments in civil legal aid, we need to better leverage limited staff resources with the assistance of technology, pro bono volunteers, and data; we need changes in legal services delivery models; and we need changes in the means for resolving civil disputes and accessing government programs, services and benefits.

#### ***Optimizing Scarce Resources with Technology, Pro Bono, and Data***

The enormous size of the justice gap evidences that we do not have nearly enough civil legal aid attorneys to address the legal needs of low-income Americans. Therefore, we must efficiently use the scarce resources we do have by leveraging technology, pro bono services and data.

#### ***Technology***

In terms of technology, we have seen firsthand how the reach of our grantees can be expanded by means of technology. Such innovations include online intake, automation of legal documentation and functions, smart and safe uses of artificial intelligence (AI), e-filing systems, comprehensive access to justice portals, and digital outreach initiatives. User-friendly tools increase accessibility, especially for those in geographically isolated areas. Automated legal document generation software reduces the time and effort required by legal aid staff, allowing them to focus on more complex tasks, while smart and well-curated uses of AI, like chatbots, can provide basic legal information, answer frequently asked questions and help individuals navigate the legal system.

In response to the growing recognition that technology could significantly enhance the delivery of legal services to low-income individuals and communities, LSC started the Technology Initiative Grant (TIG) program in 2000. The TIG program is designed to fund projects that create, develop, and implement innovative technologies to help legal aid organizations improve their efficiency and provide broader and more effective assistance to clients. Through TIG, LSC has funded more than 892 projects totaling over \$86 million. With these grants, LSC-funded organizations have built a foundation for better service delivery that includes statewide websites, instructional videos, enhanced capacity for intake, improved case management systems and automated forms to support clients, staff and pro bono efforts.

LSC recently convened a Tech Summit with representatives from legal aid, courts, government, business, technology providers and academia to explore the role of technology in expanding access to justice. Tech Summit participants will continue to gather input from a wide range of stakeholders and LSC will release a report in 2025 with recommendations of transformative technology solutions to improve access to justice.

## ***Pro Bono***

Even with increased technology, legal aid staff alone cannot address the civil legal needs of low-income Americans. They need support from pro bono attorneys and other volunteers. To promote collaboration, LSC requires grant recipients to allocate at least 12.5% of their Basic Field grant funds towards ensuring private attorney involvement in their work.

In 2011, LSC established a Pro Bono Task Force to explore and recommend ways to increase pro bono services to address the legal needs of low-income Americans. The task force included judges, legal aid attorneys, volunteers, private lawyers and others involved in the delivery of legal services. The Task Force Report recommended that LSC seed effective innovation through a pro bono innovation or incubation fund. This recommendation led to the creation of the Pro Bono Innovation Fund (PBIF) in 2014 with a line item included in LSC's annual appropriation.

Through PBIF, LSC has funded 139 grants totaling more than \$40 million. These grants have allowed LSC-funded organizations and their partners to develop creative solutions to persistent challenges in pro bono delivery systems and explore new ways to bring pro bono services to low-income Americans. New pro bono projects allow grant recipients to increase the number of clients served, handle new types of cases, recruit additional pro bono legal professionals and improve the quality of pro bono representation.

Thanks in part to the PBIF grant program, over the last ten years pro bono engagement within legal aid organizations has undergone a significant transformation. What began as a period devoid of dedicated pro bono professionals has matured into an era where such positions are plentiful and integral to high-impact client services, signifying a strategic and sustained commitment to pro bono endeavors. Law firms have introduced or expanded their pro bono programs, setting targets for pro bono hours and, acknowledging significant pro bono contributions which not only support those in need but also enrich attorneys' professional experiences.

Legal aid organizations provide specialized training and resources to volunteer lawyers to ensure high-quality legal assistance and leverage technology to facilitate volunteer relationships with advocates, clients and community stakeholders. By raising awareness about the significance of pro bono work and offering incentives such as continuing legal education credits, the legal profession motivates a greater number of legal professionals to participate in pro bono activities. With increased buy-in from the pro bono community, we provide immediate legal relief to those who need it while improving the skills of our legal workforce.

## ***Data***

The strategic employment of data can also help close the justice gap, by allowing legal aid organizations to optimally use their finite resources. LSC is at the forefront of this innovation, embarking on research and data collection aimed at comprehensively and timely understanding the landscape of civil legal needs and services across the U.S. LSC excels in gathering, managing, analyzing and visualizing data to enhance the planning, outreach and service delivery capabilities of our grantees.

In 2022, LSC launched the Civil Court Data Initiative (CCDI) as a pilot project to evaluate how access to real-time civil court data can inform responses to evolving legal needs. Funded by private contributions, this initiative has successfully standardized civil court records from over 1,200 counties across more than 30 states and territories. This groundbreaking project not only aids in the immediate response to legal challenges but also supports long-term strategic planning by identifying trends in eviction, domestic violence, consumer debt and family law cases.

LSC has also begun constructing automatic reporting systems for civil legal aid organizations to identify distinct changes in filing patterns, aiding in individual case advocacy and strategic planning. Organizations use this data to inform resource distribution, particularly in rural areas. For instance, LSC sends automated weekly alerts to legal aid organizations, notifying them of spikes in eviction filings.

The application of data analytics extends beyond immediate legal challenges, offering legal aid organizations predictive insights that enable a shift from reactive to proactive service delivery. By analyzing patterns in legal filings and outcomes, organizations can better anticipate the needs of their communities, tailoring services to areas of greatest need and potential impact. This forward-looking perspective is instrumental in enhancing the quality and efficiency of legal aid, from client services to advocacy efforts. Predictive analytics, coupled with digital tools like online legal help portals and AI-driven advice applications, are breaking down barriers to justice, informed by a comprehensive understanding of user needs and behavior. Through collaborative efforts and the strategic deployment of resources, LSC and legal aid organizations together can leverage data to drive a more equitable legal system.

### ***Changing Legal Service Delivery Models***

In a society where 92% of the significant civil legal problems faced by low-income Americans receive no or inadequate assistance, the status quo in legal services delivery or the administration of justice — or of the delivery of services and benefits provided by the federal, state and local governments — should not be deemed acceptable. The civil dispute resolution system was built largely by lawyers working on the premise that the users of the system will be represented by lawyers. That assumption is frequently false.

One way to address this problem is to expand the universe of people who can lawfully render assistance to people seeking to access the system. Legal aid providers for years have used paralegals to represent clients in certain types of administrative law matters such as Social Security Disability Insurance or Supplemental Security Income matters. The dimensions of the justice gap should compel us to identify other areas in which trained non-lawyers can provide competent assistance to people who would otherwise have to muddle through on their own.

LSC has invested in a promising innovation that has already shown tangible success — community justice workers. Community justice workers can provide assistance, especially in areas where legal professionals are sparse, such as remote or rural locales. These workers, often deeply integrated within their communities, can be trained to assist in designated areas of need and can provide effective assistance where attorneys are scarce or non-existent. Just as tiered

healthcare providers, such as nurse practitioners and physicians' assistants, have revolutionized healthcare accessibility, the legal field needs to adopt similar models.

LSC has provided grants to Alaska Legal Services Corporation (ALSC) to help launch its Community Justice Workers (CJWs) program. With endorsement from its state court and bar, as well as both Senators, ALSC trains and supervises CJWs in remote and underserved communities. The results to date are impressive. In 18 months, ALSC has trained over 400 CJWs in 42 different communities. By comparison, aside from its CJW resources, ALSC employs 45 staff members in just 12 offices. Faced with a 2022 backlog in processing Supplemental Nutrition Assistance Program (SNAP) applications that exacerbated Alaska's hunger crisis, these Community Justice Workers efficiently handled over 400 cases by July 2023, securing approximately \$5.5 million in SNAP benefits for clients. These data from a state in which the geographic barriers to accessing legal assistance are perhaps greater than anywhere else, suggest that the CJW model should be replicated in other jurisdictions.

***Changing the means of civil dispute resolution and distribution of public services and benefits.***

Finally, the dimensions of the justice gap should compel us to reexamine the mechanisms for resolving civil disputes in court and the administrative systems for distributing public services and benefits. And the perspective of non-lawyer users of the system must be central to this strategic reset.

While innovations in civil dispute resolution need to take many different forms, I highlight here just one such broad initiative – making court processes and forms simpler, easier to use and more uniform across jurisdictions. For nearly twenty years, LSC has invested millions of dollars via our TIG awards into document assembly solutions, which could be used by legal aid staff, pro bono volunteers or self-represented litigants to respond to prompts and thereby fill out forms such as pleadings in civil disputes. While these forms have been used millions of times, their use has fallen far short of making a significant dent in the justice gap. Simply put, the plethora of complicated and non-uniform processes and forms across the country has inhibited the development of widely available, easily assembled and filed forms in scalable numbers.

Contrast this to the success of document assembly platforms such as TurboTax, which have taken advantage of standardization in data collection by federal and state taxing authorities to greatly ease federal and state tax filing. The broad application and success of these platforms illustrate the potential of similar approaches in the context of civil law. However, the effectiveness of document assembly is contingent upon the existence of uniform procedures and forms across jurisdictions. The lack of such standardization significantly impedes the ability to replicate the success of document assembly in areas beyond tax preparation, underscoring the necessity for a more standardized legal framework.

In pursuit of this goal, our TIG program looks to partner with state courts committed to developing standardized forms in high-volume dockets such as housing and family dockets that can be reasonably filled out and easily filed by self-represented litigants, legal aid staff or pro bono volunteers.

In a similar vein, Stanford Law School's Center on the Legal Profession's Filing Fairness Project, which has partnered with state and local court systems and officials in Alaska, California, Colorado, Kansas, Michigan, Texas and Virginia, has helped establish the conditions necessary for the development of sustainable, multistate solutions to filing problems. Simplifying the processes and forms through which the law operates makes the legal system more accessible and holds the potential to empower both lawyers and non-lawyers to engage with it more effectively.

The imperative for reform in the realms of civil dispute resolution and public benefits distribution is clear. By simplifying the collection and filing of information and integrating technology solutions, significant strides can be made towards improving access to justice. These efforts, while undoubtedly complex, are essential for moving towards a legal system where access to justice is not contingent upon one's ability to afford legal representation.

### **Conclusion**

Closing the justice gap will require political will, commitment and innovation. However, as I have laid out here today, the status quo is simply unsustainable. The harsh truth is that fewer and fewer Americans have effective access to civil justice. The effects of this disfunction go beyond the gross economic and moral implications and undermine the very guiding principle of our democracy. As the late Supreme Court Justice Antonin Scalia stated, "Can there be justice if it is not equal? Can there be a just society when some do not have justice? Equality, equal treatment, is perhaps the most fundamental element of justice."

Etched above the Supreme Court are the immortal words "Equal Justice Under Law." This short but profound phrase is meant to illustrate that no matter where you come from or how little means you have, you will be given a fair shake in our justice system. Mr. Chairman, Mr. Ranking Member, we are not meeting this standard. We can do better. We must do better. The path forward requires a concerted effort from all of us to ensure that the ideals of justice for all become a lived reality for every American. I thank you for inviting me here today and I look forward to discussing how we can improve access to justice in this country. Thank you.

- 
- <sup>1</sup> U.S. Census Bureau, Current Population Survey, 1960 to 2021 Annual Social and Economic Supplements (CPS ASEC), Table 6. People Below 125 Percent of Poverty Level and the Near Poor: 1959 to 2020.
- <sup>2</sup> U.S. Census Bureau, 2022 American Community Survey 1-year estimates, Tables S1701 and S1703.
- <sup>3</sup> Ibid.
- <sup>4</sup> U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC), POV46: Poverty Status by State: 2020, Below 125% and 138% of Poverty -- All People (1, 5).
- <sup>5</sup> Legal Services Corporation. 2022. The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans. Prepared by Mary Slosar, Slosar Research.
- <sup>6</sup> Ibid.
- <sup>7</sup> Ibid.
- <sup>8</sup> Legal Services Corporation. 2022. The Justice Gap: The Unmet Legal Needs of Low-Income Americans. Prepared by Slosar Research.
- <sup>9</sup> U.S. Census Bureau. (2023). Income, Poverty and Health Insurance Coverage in the United States: 2022. Available here: <https://www.census.gov/newsroom/press-releases/2023/income-poverty-health-insurance-coverage.html>.
- <sup>10</sup> Demond, M., An, W., Winkler, R., Ferriss, T. (2023). Evicting Children. *Social Forces* 92(1):303-327.
- <sup>11</sup> Sandefur, R. 2010. Meta-analysis. *Seattle Journal for Social Justice*, 9(1).
- <sup>12</sup> Ibid.
- <sup>13</sup> Stout Risius Ross, LLC, *The Economic Impact of an Eviction Right to Counsel in Baltimore City* (May 8, 2020), available at <http://bmorerentersunited.org/rtc/stoutreport/>; Stout, *Cost-Benefit Analysis of Providing a Right to Counsel to [Los Angeles] Tenants in Eviction Proceedings* (Dec. 10, 2019), available at [https://info.stout.com/hubfs/PDF/Eviction-Reports-Articles-Cities-States/Los%20Angeles%20Eviction%20RTC%20Report\\_12-10-19.pdf](https://info.stout.com/hubfs/PDF/Eviction-Reports-Articles-Cities-States/Los%20Angeles%20Eviction%20RTC%20Report_12-10-19.pdf); Grundman, L. and Kruger, M. 2018. *Legal Representation in Evictions – Comparative Study* (1).
- <sup>14</sup> Stout Risius Ross, LLC, *The Economic Impact of an Eviction Right to Counsel in Baltimore City* (May 8, 2020), available at <http://bmorerentersunited.org/rtc/stoutreport/>; Stout, *Cost-Benefit Analysis of Providing a Right to Counsel to [Los Angeles] Tenants in Eviction Proceedings* (Dec. 10, 2019), available at [https://info.stout.com/hubfs/PDF/Eviction-Reports-Articles-Cities-States/Los%20Angeles%20Eviction%20RTC%20Report\\_12-10-19.pdf](https://info.stout.com/hubfs/PDF/Eviction-Reports-Articles-Cities-States/Los%20Angeles%20Eviction%20RTC%20Report_12-10-19.pdf); Grundman, L. and Kruger, M. 2018. *Legal Representation in Evictions – Comparative Study* (1); Stout. 2022. *Cleveland Eviction Right to Counsel Annual Independent Evaluation: January 1 – December 31, 2021*. Available here: [https://freeevictionhelpresults.org/wp-content/uploads/2022/01/Stouts-2021-Independent-Evaluation-of-RTC-C\\_FINAL\\_1.31.22.pdf](https://freeevictionhelpresults.org/wp-content/uploads/2022/01/Stouts-2021-Independent-Evaluation-of-RTC-C_FINAL_1.31.22.pdf).
- <sup>15</sup> Himmelsstein, G. and Desmond, M. 2021. *Eviction and Health: A Vicious Cycle Exacerbated by the Pandemic*. Health Policy Brief. Available here: <https://www.healthaffairs.org/doi/10.1377/hpb20210315.747908/full/>.
- <sup>16</sup> Carolyn Copps Hartley, Ph.D., Lynette M. Renner, Ph.D. *The Longer-Term Influence of Civil Legal Services on Battered Women* (2016), Technical Report for the National Institute of Justice Office of Justice Programs, U.S. Department of Justice, available at <https://www.ncjrs.gov/pdffiles1/nij/grants/249879.pdf>; Institute for Policy Integrity, *Supporting Survivors: The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence* (July 2015), available at <http://policyintegrity.org/documents/SupportingSurvivors.pdf>.
- <sup>17</sup> Ellen Degnan, Thomas Ferriss, D. James Greiner, & Roseanna Sommers, *Trapped in Marriage* (2019), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3277900](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3277900); National Network to End Domestic Violence, *11th Annual Domestic Violence Counts Report* (2017), available at <https://nnedv.org/content/domestic-violence-counts-11th-annual-censusreport/>; Carolyn Copps Hartley, Ph.D., Lynette M. Renner, Ph.D. *The Longer-Term Influence of Civil Legal Services on Battered Women* (2016), Technical Report for the National Institute of Justice Office of Justice Programs, U.S. Department of Justice, available at <https://www.ncjrs.gov/pdffiles1/nij/grants/249879.pdf>; Institute for Policy Integrity, *Supporting Survivors: The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence* (July 2015), available at <http://policyintegrity.org/documents/SupportingSurvivors.pdf>.

- 
- <sup>18</sup> The State Bar of California (2019). Making a Difference: California Legal Aid. [https://www.calbar.ca.gov/Portals/0/documents/accessJustice/Final\\_ImpactReport\\_1.17.19.pdf](https://www.calbar.ca.gov/Portals/0/documents/accessJustice/Final_ImpactReport_1.17.19.pdf).
- <sup>19</sup> Ohio Access to Justice Foundation. 2020. 2019 Community Economic Impact Study. <https://www.ohiojusticefoundation.org/about-us/publications/economicimpactreport/>.
- <sup>20</sup> Lee, J.G., and Backes, B.L. 2018. Civil Legal Aid and Domestic Violence: A Review of the Literature and Promising Directions. *Journal of Family Violence*, 33(6:421-433).
- <sup>21</sup> Amy Farmer & Jill Tiefenthaler, Explaining the Recent Decline in Domestic Violence, 21 *Contemporary Economic Policy* 158 (2003), available at <https://doi.org/10.1093/cep/byg002>; Institute for Policy Integrity, 2015. See also Murphy J.C., Engaging with the State: The Growing Reliance on Lawyers and Judges to Protect Battered Women. *American University Journal of Gender and Social Policy and Law* 11(2):512.
- <sup>22</sup> Harlley, C.C. and Rnner, L.M. 2018. Economic self-sufficiency among women who experienced intimate partner violence and received civil legal services. *Journal of Family Violence*, 33, 435-445.
- <sup>23</sup> Ibid.
- <sup>24</sup> Flaherty, Meyer, Yost. 2020. Economic Impact of Civil Legal Aid in Pennsylvania. [https://www.paiolta.org/wp-content/uploads/2020/02/Economic-Impact-of-Civil-Legal-Aid-in-Pennsylvania\\_2020.pdf](https://www.paiolta.org/wp-content/uploads/2020/02/Economic-Impact-of-Civil-Legal-Aid-in-Pennsylvania_2020.pdf).
- <sup>25</sup> Elwart, L. Increasing Access to Restraining Orders for Low-Income Victims of Domestic Violence: A Cost-Benefit Analysis of the Proposed Domestic Abuse Grant Program," L. Elwart, et. al., (December 2006), page 13.