



AMERICAN BAR ASSOCIATION

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STATEMENT OF H. THOMAS WELLS, JR.

submitted on behalf of the

AMERICAN BAR ASSOCIATION

to the

Committee on the Judiciary,

Subcommittee on Commercial and Administrative Law

United States House of Representatives

on the subject of

THE LEGAL SERVICES CORPORATION

October 27, 2009

Mr. Chairman and Members of the Committee:

I am Tommy Wells, Immediate Past-President of the [American Bar Association](#) (“ABA”) and a founding member of the law firm of Maynard, Cooper & Gale, PC in Birmingham, Alabama. I submit this testimony at the request of the President of the American Bar Association, Carolyn B. Lamm of Washington, DC, to voice the Association's views with respect to the essential role of the Legal Services Corporation (“LSC” or “Corporation”) in closing the “justice gap.” LSC is essential to ensure access to justice for all, not just those who can afford a lawyer. The ABA believes that this objective must largely be achieved by strengthening the Legal Services Corporation through bipartisan reauthorization and increased funding. The ABA urges the 111th Congress to enact bipartisan legislation to reauthorize, strengthen and improve the LSC.

The American Bar Association, the world's largest, voluntary professional organization with nearly 400,000 members, is the national representative of the legal profession, serving the public and the profession by promoting justice, professional excellence and respect for the law. The ABA is a “big tent” if you will: we consist of Republicans and Democrats, plaintiff and defense lawyers, corporate general counsel and outside lawyers, prosecutors and defenders. The ABA does not endorse candidates or make political contributions. For these reasons, the ABA brings a strong, non-partisan voice to the table. We appreciate the opportunity to discuss the LSC and the justice gap, and offer our ongoing support and assistance to continuing to improve the delivery of legal services to low-income individuals.

I. ABA is a Long-Time Leader in Access to Justice Issues

The American Bar Association has supported the effort to provide legal services to the poor since the establishment of the Standing Committee on Legal Aid and Indigent Defendants in 1920. Supreme Court Justice Lewis F. Powell, while serving as ABA President in 1964, called for a major expansion of the nation’s legal services for the poor, ultimately leading in 1974 to the creation of the LSC.

Long before I became ABA President, I began visiting with my Congressional Delegation, both Republicans and Democrats, to explain how important LSC funding is to Alabama and the most vulnerable citizens in our state. Until recently, the only funding for Alabama legal services was federal funding. Over the years, strong bipartisan support for LSC has energized not just in Alabama but around the country. In addition to their year-round work at home, ABA members and state and local bar presidents, many on their own dime, travel to DC every year to remind Congress how important LSC is to their states and districts. These past two years the Bar Presidents of all 50 States, plus the District of Columbia, the U.S. Virgin Islands and Puerto Rico, jointly urged Congress to increase funding for LSC. This past year, the four major bars of color (the National Bar Association, the Hispanic National Bar Association, the National Asian Pacific American Bar Association and the National Native American Bar Association) [added their voices to](#) this effort.

In addition to the support of the legal community, the American people strongly support a federal legal services program. This past spring, ABA released a newly completed [Harris public opinion poll](#) which demonstrated strong national support for providing free legal services to qualified low-income families.

Promoting meaningful access for all persons regardless of their income or social condition continues to be one of the ABA's primary organizational goals. The ABA has assisted Congress and state and local entities in the development of the LSC, has assisted the Corporation in becoming the cornerstone for delivery of legal aid to the poor in this nation, and has also worked to build broad understanding of the work of LSC and bipartisan support for it in the Congress and throughout the country. We work closely with a coalition of state and local bars that support the work performed by LSC grantees in their communities and that have joined us in urging policymakers at all levels to support the program.

The ABA has also helped by articulating clear standards for the operation of civil legal aid programs. The ABA set forth these standards in 1961, and updated them several times, including as recently as 2006.

A key resource supplementing the LSC is pro bono contributions by private lawyers. The ABA promotes, as a key professional value, generous contributions of pro bono service and money by private lawyers. ABA Model Rule of Professional Conduct 6.1 states that: "Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means." With our support and encouragement, 25 states have adopted a version of this rule to emphasize that the professional responsibility of lawyers includes direct representation of the poor. Other states have rules expressing this same sentiment using language other than that of Model Rule 6.1. The ABA itself seeks to catalyze pro bono contributions through its national support center for pro bono activities – the ABA Center for Pro Bono.

Pro bono service is an indispensable element for closing the justice gap. Yet it can never alone meet the legal needs of the poor. Therefore, to supplement the foundation provided by federal resources through the LSC and the pro bono contributions by the private bar, the ABA has also provided support and leadership for charitable giving by lawyers and the profession. Through the "ABA Resource Center for Access to Justice Initiatives," we assist state legal aid systems in identifying and pursuing additional revenue sources to support civil legal aid. The ABA has long advocated Interest on Lawyers' Trust Account (IOLTA) programs as an effective way to raise additional resources for the legal aid system. We provide a clearinghouse of information and operational expertise for those programs, including promulgation of techniques for enhancing revenues which can then be used to supplement federal resources provided through the Corporation.

Last year, the ABA worked with Congress to encourage the FDIC to include IOLTA in the Temporary Liquidity Guarantee Program to ensure that this vital program continued through the economic crisis. My own Congressman, Spencer Bachus, spearheaded the House bipartisan effort and we again thank everyone, including many members of this Committee, who signed letters to the FDIC to express their support.

II. The Poor In America Have Very Limited Access to the Justice System

The Preamble to the U.S. Constitution states that the first enumerated function of government is to "establish justice." President Washington wrote that "the due administration of justice is the firmest pillar of good government." Our system of government cannot retain the respect and popular support so essential to its functioning if it is apparent that access to justice is dependent

upon one's wealth or place of residence. A comprehensive, national system is necessary to assure that all persons have access to the justice system. Yet every indicator shows that the efforts described above have proven to be inadequate; access to justice is largely denied to the poor.

We are heartened that there has been increased discussion during the last several years of the "justice gap." But to me this seems to be a misnomer; it is more like a "chasm" than a "gap." Every effort to assess the number of life-altering legal issues that confront poor people in this country, and the capacity of our legal aid system to respond to those problems, leads to the conclusion that much work lies ahead.

ABA 1993 Comprehensive Legal Needs Study & Results

In 1993, a Temple University report commissioned by the ABA reported that, despite the combined effort of legal services programs and the private bar, only 20 % of the civil legal needs of the poor were being met. The ABA Legal Needs study found that, on average, low-income households experience approximately one serious legal problem each year. This study revealed that 79% of these legal needs go unaddressed. An executive summary of this seminal report is located on the ABA website at:

<http://www.abalegalservices.org/downloads/sclaid/legalneedstudy.pdf>. Unfortunately, for a variety of reasons including an increase in the number of people living in poverty, these statistics have changed little in the last 16 years.

Recent State-Based Legal Needs Studies Find a Large Proportion of the Legal Needs of the Poor Remain Unmet

Since the year 2000, sixteen states have conducted large-scale legal needs studies. These studies were conducted by a variety of respected research and academic institutions, using standard empirical research techniques. They have revealed in every case that only a small fraction, about 20%, of the legal problems experienced by low-income people is addressed with the assistance of a private or legal aid lawyer.

At least one state study suggested that there are likely to be economic returns from providing prophylactic legal aid. The University of Wisconsin LaFollette School of Public Affairs estimated that every dollar spent toward increasing representation for victims of domestic violence will yield about \$9 in net benefits to victims or reduction in costs that would otherwise have to be borne by government.

Some observers might say that the legal needs research is too abstract because it depends upon surveys of the quantity of legal problems presenting significant life challenges that are not resolved through the justice system. But in 2005 and 2009, the LSC examined something far less abstract – the demand for its services and the capacity of its grantee programs to respond to this demand. It learned that, due to limited resources, grantees are able to respond to less than half the applications for legal assistance by eligible individuals. LSC-funded programs must turn away one-half the eligible people who seek assistance in resolving legal problems that affect their health, housing, employment or other critical areas of life – problems that keep them mired in poverty. Furthermore, it is clear that the actual level of need is much larger than the current demand for such services would suggest. Many poor people with life-altering legal problems simply do not seek assistance because they are well aware that they have at best a 50-50 chance of getting such help.

The Number of People in Poverty Continues to Grow

Today, more than 51 million Americans (including 18 million children) qualify for federally funded legal assistance through the Legal Services Corporation. The Census Bureau reported in September of this year that the poverty rate rose in 2008 to 13.2 %. This is the highest rise in the poverty rate since 1997. The total number of people in poverty climbed to the highest level since 1960. This is a marked increase in the number of people eligible for legal aid from just ten years ago, when 45 million Americans were eligible for LSC-funded representation.

III. The Legal Services Corporation Provides the Foundation for a System Providing Equal Justice

LSC Provides a Strong Organizational Infrastructure and Foundation for the Legal Aid System; LSC Should Be Reauthorized, and Given Adequate Resources to Close the Justice Gap

It is important that this Congress examine the current situation regarding access to justice in America and enact bipartisan legislation to reauthorize the Legal Services Corporation – which represents the principal federal mechanism through which government seeks to provide some assurance that justice is available to all, regardless of their financial condition. Our nation should be proud of the structure that it has created, but should allocate the resources needed to fully address the needs. LSC is important to your constituents because:

LSC-funded programs provide basic legal services for low-income persons in every Congressional district in the country. LSC disburses 95 % of its annual federal appropriation to 137 local legal aid programs nationwide. Boards consisting of leaders in the local business and legal communities set the priorities for and oversee these programs, which provide basic civil legal services to the poor.

LSC-funded programs help those who suddenly qualify for and need legal assistance, including during times of recession and after natural disasters strike. There are continually new issues that require legal assistance that disproportionately affect low-income families, including consumer fraud and now the mortgage foreclosure crisis; foreclosures are forcing both low-income homeowners and renters from their homes.

LSC-funded legal aid lawyers preserve and protect American families; many low-income military families qualify for legal aid. Local legal aid programs make a real difference in the lives of millions of low-income American families by helping them resolve everyday legal matters; these include family law, housing, and consumer issues, and obtaining wrongly denied benefits such as Social Security and veterans' pensions. Soldiers and their families most often seek help with estate planning, consumer and landlord/tenant problems and family law.

LSC-funded programs prevent a long-term reliance on other government programs, many of which have also suffered funding cuts. People who are unable to resolve basic legal problems are more likely to experience greater hardships and require assistance from public social services programs.

LSC-funded programs are the nation's primary source of legal assistance for women who are victims of domestic violence. Legal aid programs identify domestic violence as one of the top priorities in their caseloads. While domestic violence occurs at all income levels, low-income women are significantly more likely to experience violence than other women, according to the U.S. Bureau of Justice Statistics. Recent studies also show that the only public service that reduces domestic abuse in the long term is a woman's access to legal aid.

The LSC is the central foundation for the legal aid system; other components – state and local funding and pro bono contributions by private lawyers – are catalyzed by LSC seed funding and serve to supplement the LSC resources. The Corporation is a model private-public partnership. The core federal funding provides for client intake and screening, referral of cases, responding to emergency matters, training *pro bono* lawyers, and handling cases when no private lawyer can do so. LSC leverages and facilitates the utilization of private resources – both in-kind, pro bono services and private funding.

However, federal resources to support LSC are grossly inadequate. They do not come close to addressing the level of need and have not even kept pace with inflation. In 1981, LSC for the first and only time achieved sufficient funding to reach the longstanding goal of providing 2 lawyers for every 10,000 poor people. If the \$321 million 1981 appropriation for LSC had kept pace with inflation, LSC would now be funded at close to \$800 million. LSC's FY 2009 appropriation is only \$390 million.

The resources that are provided to LSC are not able to be used to maximum effect. Impediments have been created by restrictions that have proven to be overreaching. The ABA supports a re-examination and adjustment of these restrictions, as is contemplated in reauthorization legislation in both chambers of Congress.

The ABA strongly urges the Subcommittee to address in reauthorization legislation three measures that have been included in appropriations riders since 1995 that have impeded LSC in fulfilling its mission of providing basic legal services to qualified persons. Specifically, we request that the Subcommittee eliminate (1) the restriction that prevents recipients of LSC funding from freely utilizing – without being subject to federally imposed restrictions – state, local, private and other non-LSC funds to provide needed legal assistance to poor clients; (2) the restriction that prevents LSC recipient programs from obtaining statutorily permitted attorneys' fees, as the House did in its version of the CJS bill; and (3) the restriction on class actions. These changes are sure to expand access to justice for low-income families without imposing unjustifiable costs on defendants.

The restriction on the use of other non-LSC funds by local legal aid recipients of LSC funding greatly diminishes the ability of LSC-funded programs to raise other funds from state and local governments, charitable foundations and private individuals. The restriction prevents these other funders from giving money to LSC-funded programs because the funds often cannot be used as the donor intends. The restriction has created great inefficiency in the legal aid system across the nation; entirely new and separate local legal aid programs had to be created to accept non-LSC funds in order to facilitate the donor's intent. The result has created a situation where hundreds of thousands of dollars in limited resources are squandered on needless duplication.

The restriction barring recovery of statutorily authorized attorneys' fees further diminishes the scarce resources available to support civil legal aid programs. Perhaps more important, it

eliminates a critical source of leverage in many cases, putting legal aid lawyers at a grave disadvantage in attempting to negotiate settlements for their clients.

Both restrictions offend basic principles of federalism. They require independent legal aid programs to act in ways that are contrary to the expressed desires of state and local governments, local individuals and charities and state fee-recovery statutes. While it is understandable that the federal government may wish to dictate what can be done with federal funds, it is unacceptable for the federal government to tell local public service programs what they can do with other funds. Furthermore, states have, in their own sovereign wisdom, chosen to permit fee-shifting in certain situations and have therefore structured an appropriate balance between parties operating within their justice systems. Federal interference denies states the right to determine how their justice systems should operate.

The ABA also recommends lifting the restriction on LSC-funded programs using federal funds to file class actions. The ABA strongly believes that class actions should be available to low income victims of unscrupulous practices. Should eliminating this restriction prove controversial, we urge the Subcommittee to consider compromise language that would enable groups of similarly targeted poor people to effectively and efficiently obtain justice in the courts.

The ABA has longstanding policy favoring a legal aid system that does not interfere with poor persons' full access to the courts or deny advocacy that is available to others in our society. Removal of these restrictions will be a modest step toward adjusting the legal aid system so that it once again can approach the promise of ensuring equal access to justice for all.

States and Other Sources Provide Supplemental Resources for Access to Justice – But Resource Levels Vary Greatly by State and Over Time

Most, but not all, state governments are now partners in the efforts to provide legal aid to the poor. Forty-eight states provide public funding in varying amounts that supplement federal funding provided through LSC. However, the amounts contributed by the states vary widely. States with more limited resources, like my own state of Alabama, can contribute very little. We are able to supplement the LSC grant by only \$200,000 in state funding to support legal aid.

During the past year to 18 months, several states have sharply reduced state appropriations to support legal aid. A small handful of others have rallied to provide additional funding. We estimate that the system as a whole continues to receive approximately the same amount as in the past from state governmental funding sources, but that is only because of large increases in a small number of states. Access to justice in many states has been dramatically impaired by the current economic downturn.

All states now operate Interest on Lawyer Trust Account (IOLTA) programs that harness the earning power of money that would otherwise lie fallow by aggregating small quantities of funds that would otherwise not be able to earn interest for anyone. However, IOLTA resources are market-driven and therefore are not a stable form of support; they rise and fall quickly with interest rates and the level of deposits to IOLTA accounts. ABA research shows that in the aggregate, IOLTA programs experienced a 23% decline in income in 2008, the most recent year for which full data is available. Thirty-seven jurisdictions saw an actual decrease between 2007 and 2008 income; decreases ranged from 1.4% to 60%. A recent informal poll of IOLTA programs requesting their projections of income for 2009 indicates that, in the aggregate, IOLTA

programs expect to see an additional decrease in income from 2008 to 2009 of about 67%. As a result, the amount of supplemental funding available from state IOLTA programs is expected to continue to shrink in the short term.

States are expanding their efforts to improve the legal aid infrastructure by another mechanism – creation of broad-based access to justice commissions. The commissions involve leaders of the bar, the judiciary and other community leaders who are designing and finding resources for more effective civil legal services systems. Approximately 25 states have created such commissions, or similar entities, including my home state of Alabama. These efforts hold promise for the future, as they seek to improve the infrastructure and resources available for legal aid. This is, however, a nascent effort which has not yet begun to bear fruit or to generate significant new resources for the system. The ABA is providing support for these efforts through an ABA Resource Center for Access to Justice Initiatives, established in 2006. The Resource Center provides assistance in the development of the commissions, offers technical assistance in developing effective strategic plans, and sponsors annual national meetings/educational sessions for commission members.

Pro bono service by the private bar provides an invaluable supplemental source of in-kind contributions to the total resources for legal aid. It is difficult to accurately quantify the total amount of pro bono contributions, as much service occurs outside of any organized program; in many cases, lawyers are contacted directly by individuals in their communities who are in need, and the lawyers respond generously and without seeking credit. The ABA began to conduct periodic random surveys of lawyers in 2005 to assess the amount of pro bono service provided both within and outside of organized programs. Our surveys in 2005 and 2008 showed that approximately 70% of members of the private bar report providing at least one hour of pro bono service to persons of limited means during the year preceding their report. Of the lawyers who performed pro bono work, the average amount contributed was about 40 hours of service during the reporting year. Between 2005 and 2008, our surveys showed a slight increase in the number of lawyers who reported providing pro bono service.

We are pleased that the trend appears to be toward increased pro bono participation. Law firms are now hiring pro bono partners and according both associates and partners credit for billable hours for pro bono work; law schools are developing more pro bono projects and clinics per the ABA accreditation standards requiring pro bono efforts; bar associations are supporting their members' participation in pro bono activities; judges are taking a more active role in promoting pro bono work to lawyers in their communities; and government attorneys are doing more pro bono work. Currently, 26 state bar associations have staff dedicated to coordinate statewide pro bono activities. In addition, there are over 1,400 organized pro bono programs in the country, many of which are specialized to focus on certain needs and types of cases (like domestic violence victims, children involved in custody cases, or people living with HIV/AIDS).

Even with these heartening statistics, the ABA, and the organized bar in general, continues efforts to enlist more lawyers in providing pro bono service. For example, the ABA Standing Committee on Legal Assistance for Military Personnel has launched a program, "Operation Enduring LAMP," which is a consortium of state and local bar associations that have made a commitment to recruit volunteer attorneys, and in many cases offer training and facilities to volunteers, in order to assist military legal assistance providers with civil law matters affecting service members. The Committee also has launched the ABA Military Pro Bono Project to connect active-duty military personnel to free legal assistance for civil legal issues that are

beyond the scope of services provided available to such personnel through a military legal assistance office.

During my term as President of the ABA, the ABA established a new and innovative project to coordinate an ABA-based national medical-legal partnership pro bono support initiative. Medical-legal partnerships (MLPs) now serve almost 200 sites in the United States, including hospitals, community clinics and other health care facilities. MLPs represent an exciting and unprecedented opportunity for lawyers to join the national health care community in working with key stakeholder organizations to develop partnerships to help identify and resolve diverse legal issues that affect patients' health and well-being and to educate physicians on the impact of unmet legal needs on the health of patients, provide physicians with information on screening for such unmet legal needs in their patients, and provide physicians, hospitals and health-centers with information on establishing a medical-legal partnership.

We know that many low-income families and individuals who receive legal assistance from legal aid or pro bono attorneys have multiple needs well beyond the discreet legal issues we lawyers handle. These patients confront illness that interferes with their ability to meet their basic needs. But, not every illness has a biological remedy. A family forced to choose between food and heat in the winter months cannot be treated with a prescription or a vaccination. Similarly, a child with asthma will never breathe symptom free – no matter how much medication is administered – if he or she returns from the doctor's office to mold-infested housing, as thousands do.

Medical-legal partnerships integrate lawyers in the healthcare setting to help patients navigate the complex legal system that often holds solutions to many social determinants of health – income supports for food-insecure families, utility shut-off protection during cold winter months, and mold removal from the home of asthmatic children.

Bar associations and private lawyers have redoubled their efforts during the current time of economic uncertainty, to try to raise additional funding for legal aid, or to expand pro bono services. Examples include:

Arizona: The state bar association and bar foundation created the “Lawyers Helping Homeowners” program, calling upon volunteer lawyers to assist homeowners in working with their lenders to find appropriate financial arrangements to avoid foreclosure.

California: Among a wide variety of pro bono contributions, notable is the Holocaust Survivors Initiative, a network of over 2,600 lawyers who provide service to survivors, coordinated by the joint efforts of Bet Tzedek Legal Services and the firm of Manatt, Phelps & Phillips.

Iowa: The director of our ABA Young Lawyers Division Disaster Legal Services Project is Craig Cannon, a North Carolina lawyer and Iowa native and graduate of the University of Iowa. His project provided an incredible amount of pro bono service to victims in the aftermath of the recent Iowa floods. Craig is a recipient of the University of Iowa Distinguished Alumnus Award for his work in pro bono and, particularly, for legal assistance to low income disaster survivors.

North Carolina: The North Carolina Bar Association in 2008 launched an innovative “[Justice4ALL](#)” campaign to increase access to legal services for the poor through a five-prong approach: educate, legislate, donate, participate and provide loan repayment assistance. The education campaign focused on informing North Carolina lawyers about the great unmet need

for legal services by the poor in the state. The legislative campaign developed a grassroots advocacy network to seek increased public funding for legal services. Through its private bar fundraising efforts, the campaign raised close to \$900,000 for Legal Aid of North Carolina. The “4ALL” campaign has also led to increased pro bono participation through its annual statewide “Service Day.”

Ohio: The Ohio State Bar Association worked closely with state government and other key institutions to launch the “Save the Dream” foreclosure assistance program: a new initiative that connects qualified homeowners with legal aid lawyers and nearly 1,100 attorneys statewide who have volunteered to provide legal services free of charge. Ohio State Bar President Robert F. Ware, Jr. stated at the program’s launch: “Nearly 1,100 Ohio lawyers have volunteered to assist Ohio homeowners facing the potential loss of their homes. These 1,100 lawyers – and more will join their ranks – are being assigned to local legal services providers to be matched with qualified clients and will work with lower income Ohioans who could not otherwise afford legal counsel. These pro bono attorneys will supplement the resources available in the legal services community which alone are inadequate to address the current need. We are committed to helping Ohioans stay in their homes – to save their dreams – wherever possible.”

Virginia: The Fairfax Law Foundation and the Fairfax Bar Association support a vibrant and expanding civil pro bono program. Volunteer lawyers, law students, and paralegals give their time to staff diverse projects including: Housing, Consumer, and Employment Pro Bono Law Panels, a Family Legal Assistance Project, a Nonprofit Legal Support Program, and a Wills on Wheels Pro Bono Project. Lawyers contribute a full day’s work at any given time when they serve as “lawyer for the day” helping victims of domestic violence obtain protective orders. The Fairfax Law Foundation also hosts an innovative annual fundraiser “[Jazz 4 Justice](#).” This year’s event, to be held November 13 at George Mason University, is a terrific example of a great community partnership as proceeds go to both the Law Foundation and GMU Jazz Ensemble.

To draw the bar’s and the public’s attention to the pro bono contributions of lawyers, and to encourage even more lawyers to participate, the ABA is this week sponsoring a National Celebration of Pro Bono. This consists of over 500 events nationwide recognizing the important contributions lawyers make to communities all over America.

Despite the wonderful work demonstrated by lawyers as described above, we again must caution that even with an ongoing strong commitment from the private bar, at best pro bono provides a supplementary resource. Some have suggested over the years that the private bar or state funding alone can ensure access to justice for the poor. Such suggestions would only result in further rationing of justice. The level of need is too overwhelming.

The ABA agrees that pro bono service is an indispensable partner in closing the justice gap. Some have suggested that the lawyers can and should be required to provide pro bono service or even to bear the entire burden of closing the justice gap alone. Such a suggestion is misguided. First, ensuring access to the legal system for all and not just the wealthy is fundamentally a governmental responsibility; one profession cannot be conscripted to fulfill a government obligation without compensation. Second, lawyers as a profession already do more public service than any other profession. As ABA President, I had the wonderful opportunity to travel the country to see firsthand the outstanding pro bono work that I described above which is being done by state and local bar associations and individual lawyers. Many who would place additional responsibility on individual lawyers for closing the justice gap do not realize that

America's lawyers are mostly solo or small firm practitioners; they are your constituents who are small business owners trying to make ends meet themselves, including paying off student loan debt and providing for their own families.

Pro bono remains an important part of the delivery system, and we can and should do more to encourage private lawyers to assist in closing the justice gap. The ABA, and state, local, specialty and territorial bar associations will remain tireless in urging members of the profession to voluntarily contribute pro bono legal services to the poor, to build upon the foundation and central infrastructure that is provided through the Legal Services Corporation. This is why the ABA strongly supports the language in H.R. 3467 that encourages LSC to continue its Private Attorney Involvement program.

IV. Conclusion

The ABA strongly supports the Legal Services Corporation as essential in helping secure access to justice for all Americans. The ABA urges the Subcommittee (and Congress) to work together to approve bipartisan reauthorization legislation before the 111th Congress adjourns. Despite some dissenters, LSC is not going away – the program enjoys strong bipartisan support in Congress and among the American people. There are many improvements, however, that can be made – LSC has not been reauthorized since 1977 and many things have changed since then. The ABA was indeed part of the compromise in 1995 that imposed the “restrictions” that saved LSC. But it's time to take a hard look at those restrictions, learn from how these restrictions have been in many cases overreaching, and work together to improve the delivery of legal services to the poor. The ABA, our members, and state and local bars nationwide stand ready to help get this important job done.

It is in the interest of all of us to see that these legal needs are resolved in a peaceful manner and that respect for the rule of law is strengthened. “Liberty and justice for all” is our proud national credo, but it is empty rhetoric without a significant increase in resources devoted to the Legal Services Corporation.

**H. Thomas Wells Jr.,
Immediate Past President, American Bar Association**

H. Thomas Wells Jr., a partner and founding member at Maynard, Cooper & Gale, P.C., in Birmingham, Alabama, concluded his term as President of the American Bar Association at its annual meeting in Chicago in August 2009.

Wells has a litigation practice with emphasis on complex environmental, toxic tort law and products liability cases.

He has served on numerous committees and in leadership roles in the Alabama State Bar, the Birmingham Bar Association and the American Bar Association.

Wells has served in the ABA's policy-making House of Delegates since 1991 and was chair of the ABA House of Delegates, the second highest office in the American Bar Association, from 2002 to 2004. He is a former chair of the ABA Section of Litigation, the largest section in the ABA with more than 75,000 members.

In addition, Wells is co-chair of the ABA's Special Committee on Disaster Response, which was commissioned after the devastation of Hurricane Katrina. He also has been a member of the ABA's Commission on the American Jury and the ABA Commission on the Future of the Legal Profession.

Wells is a frequent speaker and participant in state and national programs dealing with trial and litigation issues. He is also listed in the Best Lawyers in America in the areas of Environmental Law, Mass Tort Litigation, Energy Law, Natural Resources Law, and Product Liability Litigation. Wells is a Fellow of the International Academy of Trial Lawyers and was named as one of the Top Ten Lawyers in Alabama for 2008 and 2009 by *Super Lawyers*.

Wells earned his B.A. degree with honors from the University of Alabama, where he was president of the Student Government Association and was elected to *Phi Beta Kappa*. He earned his J.D. degree, Order of the Coif, from the University of Alabama. He also was a member of the *Alabama Law Review* and Hugo Black Scholar while in law school. He was awarded an honorary Doctor of Laws degree in May 2008 from Suffolk University School of Law.

Wells lives in Birmingham with his wife Jan. The couple's two children, Lynlee Wells Palmer and H. Thomas "Trey" Wells III, are also lawyers in Birmingham.