



SEYMOUR W. JAMES, JR.

President, New York State Bar Association

The Legal Aid Society
199 Water Street, 6th Floor
New York, NY 10038
212/577-3646
FAX 646/616-4646
swjames@legal-aid.org

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Several weeks ago, as President of the New York State Bar Association, I wrote urging you to prevent the devastating impact that sequestration would have on access to justice in New York. With Congress back in session, it is time to act to avoid the looming crisis. Bar leaders from throughout New York State now join with me in expressing our concern as to what these cuts would mean to those who use the federal courts and to those who receive services from legal services providers. Thus, we address these two critical access to justice issues - - court funding and the funding of the Legal Services Corporation (LSC).

Impact of Sequestration on the Federal Judiciary

Based on the September 14, 2012 report of the Office of Management and Budget (OMB), sequestration would cut 8.2% from the Judiciary budget. Hon. Julia Gibbons, Chair of the Committee on the Budget of the Judicial Conference of the United States, has stated that sequestration “would cut the Judiciary’s budget by more than \$500 million below the 2012 funding level. Quite simply, a reduction of this magnitude would cripple the operation of the federal Judiciary and our constitutional mission would be compromised due to these sudden, arbitrary budget cuts.”

Judge Gibbons has alerted us to some of the possible system-wide results of the cuts, including downsizing and/or furloughing of court staff, suspension of the Defense Services program, reduction of courthouse security officers, and suspension of civil trials for up to six weeks.

If Congress fails to act, the Judicial Conference will either determine the cuts for each court or leave it to each court to determine how the cuts will be implemented. Either way, there will be enormous disruption in all of our federal courts. As it now stands, all four of New York’s district courts are categorized as “congested courts”, meaning that they exceed the average caseload numbers for the entire federal system. Therefore the impact of the cuts would fall disproportionately on New York.

Disruption to New York’s federal courts is likely to involve delays in issuing opinions, delays in issuing checks for jurors’ service and for restitution to successful litigants, the possible complete closure of some courts for periods of time, and restrictions in the use of PACER (the Public Access to Court Electronic Records). In addition, the disruption of probation services would result in those released to probation being unsupervised for periods of time.

In sum, New York’s federal courts and those using the courts -- both businesses and individuals -- would be subject to delays, inconvenience, scheduling difficulties and, in some cases, the inability to obtain basic justice.

Impact of Sequestration on the Legal Services Corporation

The LSC is the single largest source of funding for providers of civil legal aid in the nation. It helps to provide direct services to approximately one million constituents who struggle to get by on incomes below or near the poverty line.

The clients of LSC-funded programs are among the most vulnerable people in our society, including veterans returning from combat, domestic violence victims, those coping with the after-effects of natural disasters, families involved in child custody disputes, people with disabilities, and individuals undergoing foreclosures or other housing issues.

Funding for LSC has dramatically eroded since its peak at \$420 million in 2010. Currently, LSC is funded at \$348 million for FY2012, a significant reduction from the FY2011 level of \$404.2 million. As a result, LSC-funded programs in New York State have decreased from \$27,485,709 in 2011 to \$23,456,366 in 2012, with the most recent reduction alone being \$4,029,343 or 17%.

Moreover, New York's legal-services organizations face an additional cut in LSC funding -- by some accounts as much as an additional 20% -- as a result of a redistribution of money based on the 2010 census.

If sequestration were to be implemented, the OMB report predicts an additional cut of 8.2%, or \$29 million, from LSC's budget. This would result in the further contraction of programs critical to those most in need. At a time when more people are seeking the help they desperately need and more people are being turned away, it would be devastating to further cut funding to an entity that works to protect those who have nowhere else to turn.

Request from Bar Association Leaders throughout New York State

Access to justice is fundamental to our society, and we are eager to work with you to protect one of our country's fundamental principles. The risk is real if Congress does not act before January 2. We urge you to do whatever you can to protect our courts and the Legal Services Corporation from the so-called "Fiscal Cliff."

Respectfully,



Seymour W. James, Jr.



Robert T. Schofield, IV
President
Albany County Bar Association



Michael A. Marinaccio
President
Bronx County Bar Association

Domenick Napoletano

Domenick Napoletano
President
Brooklyn Bar Association

Carman M. Garufi

Carman M. Garufi
President
Broome County Bar Association

Kathleen Marie Sweet

Kathleen Marie Sweet
President
Bar Association of Erie County

Connie O. Walker

Connie O. Walker
President
Monroe County Bar Association

Marian C. Rice

Marian C. Rice
President
Nassau County Bar Association

Carey R. Dunne


Carey R. Dunne
President
New York City Bar Association

Stewart D. Aaron

Stewart D. Aaron
President
New York County Lawyers' Association



Elizabeth Snyder Fortino
President
Oneida County Bar Association



Mary C. John
President
Onondaga County Bar Association



Joseph J. Risi
President
Queens County Bar Association



Thomas A. Sipp
President
Richmond County Bar Association



Arthur E. Shulman
President
Suffolk County Bar Association



Jerold R. Ruderman
President
Westchester County Bar Association