

FUNDING LEGAL AID PROGRAMS TO MEET CROSS-AGENCY PROGRAMMATIC GOALS WHILE REDUCING ADMINISTRATIVE BURDENS

The provision of legal assistance to individuals, children and families is essential to ensuring equal access to justice in this country. The network of legal aid programs across the U.S. is the backbone that enables people, regardless of income, to be able to obtain high-quality, respectful, supportive legal advice and assistance to ensure such basic human rights as housing and food, and to be free from abuse and violence in their home.

The Legal Services Corporation (LSC) provides core funding to a number of non-profit organizations covering every part of the United States. In addition to the LSC grantee network, a large number of other legal aid programs not receiving LSC funds provide critical services to low-income people across the country. While increased funding for LSC remains an essential need, agencies within the Obama Administration can benefit greatly from maximizing grants both to LSC and non-LSC funded programs aimed at attacking poverty and the problems that arise as a result of poverty. There are a number of such critical programs within the Departments of Justice, Housing and Urban Development and Health and Human Services (**Attachment A to appended document lists many of these key initiatives**).

While these federal grant programs are valuable and help many thousands of people throughout the country obtain critical legal services, the programs are known today for being extremely bureaucratic and often inconsistently administered from agency to agency. This deters many good legal aid programs from applying for the funding and requires those that do receive the funding to unnecessarily expend unduly large amounts on grant administration.

The Obama Administration should institute a cross-agency review to address some of the recurring problems that have plagued these programs in the past. These problems include:

1. **Seed Funding Grants.** The categorization of grants as "seed" programs makes it difficult to sustain projects when funding is by definition term limited. When combined with an inability to extend or carry over funds this can lead to severe disruptions in service. Where appropriate, grant terms should be increased so funding is granted for multiyear cycles;
2. **Confidentiality.** Issues regarding disclosure of client data contrary to the attorney/client privilege and state ethical rules regarding confidentiality is an issue that arises in almost every grant for legal services and there is no uniform policy from one program to another;
3. **Case management systems and program policies.** There are a number of federal poverty programs that provide similar services to the same target population but their policies, case management systems, performance and evaluation standards are often inconsistent and not compatible;
4. **Caps and Limits.** Funding category limits inhibit local ability to respond to locally based challenges. A prime example is the 15% limitation on "social services" set forth in the Community Development Block Grant program; and
5. **Problems with statutory requirements for matching funds in certain grant programs.** The matching requirements of many programs do not reflect the current reality of the necessity of raising diverse funding for the basic provision of legal services. LSC funds should be considered non-federal funds for matching purposes.

An inter-agency mechanism for addressing these and other funding and administrative issues in a consistent fashion should be developed within the administration.

