

December 18, 2020

The Honorable Lindsey Graham
Chairman
Senate Committee on the Judiciary
U.S. Senate
Washington, DC 20510

The Honorable Diane Feinstein
Ranking Member
Senate Committee on the Judiciary
U.S. Senate
Washington, DC 20510

The Honorable Jerrold Nadler
Chairman
House Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable Jim Jordan
Ranking Member
House Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

**Re: Letter in Support of H.R. 9018/S. 5060,
the “Office for Access to Justice Establishment Act of 2020”**

Dear Chairman Graham, Ranking Member Feinstein, Chairman Nadler, and Ranking Member Jordan,

We write to ask you to support H.R. 9018/S. 5060, the “Office for Access to Justice Establishment Act of 2020.” The office’s proven track record advocating for the constitutional right to counsel and civil legal help for low-income communities demonstrates its need and effectiveness and prompts us to recommend that it should be established by statute.

The U.S. Department of Justice’s (DOJ) Office for Access to Justice (ATJ) – an initiative of the Obama Administration launched in 2010 – had an ambitious mission to help the justice system more effectively and efficiently deliver outcomes that are fair and accessible to all, irrespective of wealth, race, or status. As the voice for access to justice in the Executive Branch, ATJ’s many accomplishments included: a robust statement of interest and amicus brief practice, weighing in on cases implicating the Sixth Amendment right to counsel and criminalization of poverty; providing expertise on the right to counsel to Tribes and Tribal Public Defender Offices implementing special domestic violence criminal jurisdiction recognized in the Violence Against Women Reauthorization Act of 2013; and ensuring the United States served as a leader in the global access to justice movement. Most notably, ATJ launched and staffed the White House Legal Aid Interagency Roundtable to raise federal agencies’ awareness of how civil legal aid helps advance a wide range of federal objectives including improved access to health care and housing, education and employment, family stability and public safety.

The current Administration’s decision to close the office in early 2018 as an independent element of DOJ, transferring its functions to the Office for Legal Policy, significantly limited the Department’s work and has allowed crucial functions of ATJ to fall to the wayside. This includes many of the former office’s activities such as serving as a liaison between DOJ and the public defense community and has limited the breadth of efforts undertaken by the current administration to respond to the civil legal needs of crime victims, such as elder abuse and domestic violence victims, and homeless veterans and servicemembers’ families. The absence of an independent office has resulted in vanished guidance to states that federal formula funds should support public defense and courts, not just police and prosecutors, and to state and local courts encouraging them to eliminate excessive fees and fines.

Federal leadership is needed now more than ever:

- We need a coordinated Executive Branch federal response to the tsunami of pandemic-related civil and criminal justice issues. The reestablished office could resurrect its interagency work within DOJ and across federal agencies to address pandemic-related civil justice problems for millions of Americans, such as escalating domestic and elder abuse, housing instability from evictions and foreclosures, debt collection, and access to health care, unemployment insurance, and other government benefits and social services. These efforts could also be directed to help individuals in our prison and jail populations — incarceration must not be a death sentence.
- Overall trust in the justice system is at an all-time low, especially among low-income people and people of color.
- We need government programs to work as effectively as possible, which often means including legal help alongside other supportive services.

That is why we write in support of the these bills that would legislatively authorize the U.S. Department of Justice Office for Access to Justice to reassume its functions as the Executive Branch's expert on civil and criminal legal services for people who are low-income and otherwise underserved.

Thank you for your consideration.

Sincerely,

Access to Justice Technology Fellows Program

Alliance for Justice

American Bar Foundation

American Civil Liberties Union

American Immigration Lawyers Association

Association of Pro Bono Counsel

Bet Tzedek Legal Services

Brennan Center for Justice at NYU School of Law

Center for American Progress

Christian Legal Society

The Constitution Project at the
Project On Government Oversight

Fair and Just Prosecution

Fines and Fees Justice Center

Freedom Network USA

Georgetown Law Justice Lab

Gideon's Promise

Innovation for Justice Program, University of
Arizona James E. Rogers College of Law

The International Legal Foundation

Juvenile Law Center

Kids in Need of Defense (KIND)

Lawyers Committee for Civil Rights Under Law

The Legal Aid Society of New York

Maryland Access to Justice Commission

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National Association of Counsel for Children
National Association of Criminal Defense Lawyers
National Association for Public Defense
National Center for Access to Justice at Fordham Law School
National Coalition for a Civil Right to
Counsel
National Homelessness Law Center
National Juvenile Defender Center
National Legal Aid & Defender
Association
New York County Defender Services
Policy Advocacy Clinic, UC Berkeley
School of Law
Pro Bono Institute
Pro Bono Net
R Street Institute
Public Rights Project
Self-Represented Litigation Network
University of Miami School of Law,
Human Rights Clinic
University of Pennsylvania Carey Law School
Future of the Profession Initiative
Vera Institute of Justice
Voices for Civil Justice
World Justice Project

cc: The Honorable Chris Murphy, U.S. Senator