

Colorado Legal Services

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September 7, 2011

Mark Freedman
Senior Assistant General Counsel
Legal Services Corporation
3333 K Street NW
Washington, D.C. 20007

Re: Comments on Poverty Data
and LSC Funding Distribution


Dear Mr. Freedman:

Colorado Legal Services (CLS) submits the following comments on the Legal Services Corporation proposed revisions to the Congressional Statute and Appropriations Rider specifying the distribution of its appropriated funds to basic field programs for LSC defined geographic areas so as to provide an equal figure per individual in poverty for each such geographic area.

Colorado Legal Services supports LSC management's proposal to make recommendations to the President of the United States and the Congress that the determination of the number of individuals in poverty in each geographic area be made by the Bureau of the Census, without any reference to the decennial census as the basis for the determination. While CLS may prefer that LSC retain final decision making authority in this regard, the Census, in the past, has been completed and determined by the Census Bureau, and if it is LSC's preference that the Census Bureau be responsible for the final determination, CLS believes that LSC's position in this regard certainly is reasonable and is to be respected.

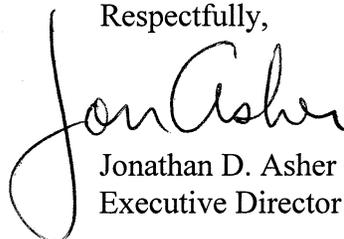
While most data indicates that Colorado Legal Services would benefit by full and complete implementation of the reallocation of LSC funds based on the number of individuals in poverty in the State of Colorado in the 2013 grant year, CLS, nonetheless, strongly supports the proposal that the reallocation of funds be phased in over two years in grant years 2013 and 2014. Even though the reallocation in a single year might well benefit CLS, it would not wish to benefit at the expense of those programs that would need to adjust to a dramatic reduction in funding in a single year. CLS, therefore, strongly supports LSC management's proposal that the first reallocation be phased in over two years.

CLS believes that LSC funding should be reallocated among geographic areas every five years, not every three years, as recommended by LSC management. While CLS might benefit in the short run from a more frequent reallocation of LSC funds, it, nonetheless, believes that greater stability and predictability in funding outweighs the desirability of a shorter and more frequent reallocation of LSC funds to more accurately reflect shifts in poverty populations among service areas. Given the great uncertainty of LSC's annual Congressional appropriation and programs' need to respond to fluctuating LSC funding as late as three and a half months into a given grant year, as was true this year, CLS believes that managing frequent reallocations in LSC funding based on poverty population fluctuations every three years adds to the difficulty in administering a program and predicting staffing and fiscal needs. It is enough for programs to respond to uncertain LSC funding from year to year. To frequently adjust to changes in poverty population as well, rather than benefiting low income clients, would make the management of programs, staffing, hiring, then possibly retrenching if the poverty population declines, all the more difficult and should be limited to once every five years, not every three years as proposed. CLS believes that stability and what level of predictability may be possible in this ever changing Congressional environment outweighs the benefit of more frequent changes to reflect the movement of poor people within the country.

Furthermore, while it has been asserted by LSC management and others in legal services programs that a shorter time frame would necessarily result in less dramatic fluctuations and changes in funding due to the relative movement of low income people throughout the country, it is not yet clear that this is true over time. At least LSC should demonstrate over the past many years that such an assertion is accurate and valid and not merely a mathematical assumption, not yet demonstrated and documented over a relatively lengthy period of time. Even if the fluctuations in funding reflecting poverty populations shifts would be somewhat less if made every three years, the changes in funding to reflect poverty populations still are best made every five years, not every three years as proposed.

CLS appreciates the opportunity to comment on the proposed revision to the Statute and Congressional Appropriations Rider controlling LSC funding distribution based on poverty data. If you have any questions concerning these comments, or if CLS or I may be of any further assistance in your consideration of this important matter, please let me know at your convenience.

Respectfully,



Jonathan D. Asher
Executive Director