

Martha Minow  
Remarks at Swearing-In Ceremony  
Board of Directors  
Legal Services Corporation  
Washington, District of Columbia  
April 7, 2010

The chance to serve our nation is an honor in any circumstance, but I am especially honored to join my fellow board members on the Legal Services Corporation Board. For pursuing access to justice for our disadvantaged and vulnerable neighbors holds the promise of direct and immediate relief of suffering and enduring fortification of the laws that make us all free and secure.

It is not just that it feels good to have the chance to help those in need. Nor is it simply the duty to help that comes from knowing it is mainly luck that separates those who can help from those who need help. Connecting indigent people with legal help enables them to find or keep their housing, their jobs, their physical safety, their benefits—and restores all of our faith in law, justice, and the promise of America.

Americans who cannot afford legal representation in court “routinely forfeit basic rights, not due to the facts of their case or the governing law, but due to the absence of counsel.”<sup>1</sup> These are the words of a recent report by the Boston Bar Association Task Force on Expanding the Civil Right to Counsel. Yet multiple studies estimate that less than 20 percent of the legal needs of low-income Americans are being met.<sup>2</sup>

When people forfeit their rights simply due to absence of counsel, we all suffer. The law does not enforce itself; in civil cases, law requires litigants to proceed. And when whole groups of people are systematically deprived opportunities to enforce their rights, law erodes, and so does the legitimacy of the system.

Justice Lewis Powell once observed, "It has been correctly said that respect for the law is at its lowest with underprivileged persons. There is a natural tendency for such persons to think of the courts as symbols of trouble and of lawyers as representatives of creditors and other sources of 'harassment.'"<sup>3</sup>

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<sup>1</sup> “Gideon’s New Trumpet: Expanding the Civil Right to Counsel in Massachusetts,” Boston Bar Association Task Force on Expanding the Civil Right to Counsel (2008).

<sup>2</sup> “The Future of Civil Legal Aid in the United States,” Alan W. Houseman (2005), [www.clasp.org/admin/site/publications\\_archive/files/0188.pdf](http://www.clasp.org/admin/site/publications_archive/files/0188.pdf); see [wonkroom.thinkprogress.org/2009/07/25/legal-services](http://wonkroom.thinkprogress.org/2009/07/25/legal-services).

<sup>3</sup> ABA President Lewis Powell, Speech to American Bar Association House of Delegates, August 14, 1964, quoted in John Calvin Jeffries Jr., “Justice Lewis F. Powell, Jr.: A Biography” 197 (2001).

And Justice Kennedy, you said not long ago: “The Constitution doesn't belong to a bunch of judges and lawyers. It belongs to you.”<sup>4</sup> The same insight applies to all of our laws; they belong to the people and the people deserve their enforcement. That means veterans, single parents, persons with disabilities, Native Americans, immigrants and refugees: all of us. The Legal Services Corporation supports legal representation for impoverished people in all of these groups.

There's much to commend in its work, like the more than 35 medical–legal partnerships funded by LSC. These address the causes of health challenges like malnutrition, homelessness, life-threatening asthma, or the choice between paying for food or medicine. Medical-legal partnership programs help people navigate complex systems that alter the social determinants of health. They secure income supports, get rid of mold in the rental apartment, and involve health care providers in the policy process to tackle patterns that affect many individuals.

Today, there are opportunities for LSC to build on partnerships with private attorneys, state legislation to provide lawyers in critical issues affecting basic human needs, technical assistance to local legal services offices, and inventive ways to redress funding depleted by the economic downturn.

There are also real challenges facing LSC and its mission. We roll up our sleeves and get to work, I think, in about 10 minutes.

We build on the work of the past board and staff that restored bipartisan commitment. As a lawyer and dean of a law school, I think each day of President Richard Nixon's 1962 statement, "I would suggest there is no subject which is more important to the legal profession, that is more important to this nation, than...the realization of the ideal of equal justice under law for all."<sup>5</sup> My old boss, Justice Thurgood Marshall, sought to realize “the authority and the legitimacy of this Court as a protector of the powerless.”<sup>6</sup> He also said, “In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute.”<sup>7</sup>

That is what the rule of law does, that is what the Legal Services Corporation does, and that is the work we new board members are honored today to embrace as our own.

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<sup>4</sup> Justice Anthony M. Kennedy, Interview: “A Love for the Law,” Academy of Achievement, [www.achievement.org/autodoc/page/ken0int-4](http://www.achievement.org/autodoc/page/ken0int-4) (April 16, 2008).

<sup>5</sup> President Richard M. Nixon, Speech to the National Legal Aid and Defender Association, October 1962, available in National Equal Justice Library, [www.equaljusticelibrary.org.cnhost.com/notablequotes.asp?..](http://www.equaljusticelibrary.org.cnhost.com/notablequotes.asp?..)

<sup>6</sup> *Payne v. Tennessee*, 501 U.S. 808, 844, 856 (1991) (Marshall, J., dissenting).

<sup>7</sup> See [www.biography.com/blackhistory/featured-biography./thurgood-marshall.jsp](http://www.biography.com/blackhistory/featured-biography./thurgood-marshall.jsp).