



# AMERICAN BAR ASSOCIATION

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Statement of

**H. THOMAS WELLS, JR.**  
**Chair of the House of Delegates**

on behalf of the

**AMERICAN BAR ASSOCIATION**

before the

**SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES,  
EDUCATION AND RELATED AGENCIES**

**COMMITTEE ON APPROPRIATIONS**

**UNITED STATES HOUSE OF REPRESENTATIVES**

on the subject of

**FISCAL YEAR 2005 FUNDING FOR THE THURGOOD MARSHALL  
LEGAL EDUCATIONAL OPPORTUNITY PROGRAM**

**March 23, 2005**

Mr. Chairman and Members of the Subcommittee:

My name is H. Thomas Wells, Jr. I am a practicing attorney in Birmingham, Alabama and Chair of the American Bar Association House of Delegates. Thank you for this opportunity to testify on behalf of the American Bar Association in support of fiscal year 2005 funding for the Thurgood Marshall Legal Educational Opportunity Program. The American Bar Association is the largest voluntary professional association in the world. With over 400,000 members, the ABA provides law school accreditation, continuing legal education, programs to assist lawyers and judges in their work, and initiatives to improve the legal system for the public. I appear before you today at the request of ABA President Dennis Archer to urge you to appropriate \$5 million to continue the Marshall Program. The program is of great importance to both our profession and society.

You may question why it is in the interest of the federal government to support a program that helps foster diversity in the legal profession. Our response is that lawyers – including judges, prosecutors, public defenders, and other legal professionals – are charged with the administration of justice. Our success requires public confidence in the justice system and the decisions it produces. Yet, we know from a national study we commissioned in 2000 that half of those polled believed that the system was unfair, treating people differently based on factors such as the color of one's skin.

We believe that one key to addressing this negative perception and restoring the public trust is to ensure that decision makers and others represented in our justice system reflect the growing diversity of our population. To promote this goal, we must continue to encourage young men and women from underserved communities to pursue a legal education.

To advance this goal, the Council on Legal Education Opportunity (CLEO), a non-profit project of the ABA's Fund for Justice and Education, was formed in 1968 and is governed today by representatives from the ABA, the Association of American Law Schools, the Hispanic National Bar Association, the Law School Admissions Council, the National Asian Pacific American Bar Association, the National Bar Association, the Society for American Law Teachers and the private bar. For more than 35 years CLEO has worked with over 100 undergraduate and law schools to identify qualified minority and low income students and provide them with appropriate counseling, placement assistance and training.

Even in light of CLEO's invaluable contributions, no minority group currently comprises more than 4% of the lawyer population. While a number of factors may play a role, the most significant barrier for those seeking a legal education is cost. Like most everything else, the price of a legal education has more than quadrupled since I graduated from the University of Alabama School of Law. The result of this has been a tendency to disproportionately exclude those of limited financial means yet these are often the communities with the most critical legal needs.

Accordingly, it is clear that changing the face of the legal profession would not be possible without resources such as the Thurgood Marshall Legal Educational Opportunity Program. Originally authorized by Congress in the Higher Education Act Amendments of 1998 (P.L. 105-

244), the Marshall Program is administered by CLEO to help motivate and prepare qualifying students for successful law school study and to encourage them in turn to provide services to low-income communities. The Marshall Program offers its fellows structured assistance in preparing for law school, and for qualified students, a stipend of up to \$10,000 to help offset the financial burden of legal study. Currently, over 600 students receive funding through the Marshall program and graduates for whom law school would not otherwise have been possible have already begun taking on valuable roles in their communities.

The ABA believes that public confidence in the administration of justice requires a representative system and that the Thurgood Marshall Legal Educational Opportunity Program has and will continue to have a significant positive impact on society for a modest cost. I therefore strongly urge the Subcommittee to appropriate \$5 million for the program in fiscal year 2005.

ABA President Archer experienced firsthand the challenges that students of color face in gaining access to law school, financing their legal education, and climbing the ladders of success. I am proud to serve as an officer of the Association with President Archer and delighted that he asked me to represent him at today's hearing on this most important matter.

Thank you for allowing me to appear before you today.