

**Oversight Hearing on the Fiscal Year 2007 and 2008 Budgets for the Office of the
Attorney General**

**Before the
Council of the District of Columbia Committee on Public Safety and the Judiciary**

Testimony of Peter B. Edelman

District of Columbia Access to Justice Commission

February 21, 2008

Good morning, Chairman Mendelson, and members of the Committee on Public Safety and the Judiciary. My name is Peter Edelman. I am a Ward 3 resident and a Professor of Law at Georgetown University Law Center. I am here today in my capacity as Chair of the District of Columbia Access to Justice Commission. The D.C. Court of Appeals created the Commission in 2005 to address the scarcity of civil legal services available to low and moderate income District residents. The Commission includes Court of Appeals and Superior Court judges, past Presidents of the D.C. Bar, representatives of the D.C. Bar Foundation, Executive Directors of leading legal services providers, and other community leaders. Thank you for the opportunity to testify at this oversight hearing for the Office of the Attorney General (OAG).

I am here with representatives from several legal services providers to tell the Committee about the excellent work that is being done throughout the District with the public funding for civil legal services. Thanks to your support, the support of your colleagues on the Council, and the leadership exhibited in the Executive Branch through two mayoral administrations, the District government has provided \$3.2 million in both FY 2007 and 2008 for civil legal services. The funding provides for additional legal services in underserved neighborhoods and for underserved groups, adds lawyers to do more housing work, establishes a shared legal interpreter bank, and funds the District of Columbia Poverty Lawyer Loan Repayment Program Act of 2006. As you know, the line item for civil legal services is included in the OAG's budget, which is why we are here today. The OAG grants the money to the D.C. Bar Foundation, which is responsible for administering these funds.

Before I talk about how these funds are being used, I would like to say a few words about the OAG's role. From the time we first conceived of this program, the OAG has been a supportive partner. They agreed to have the program included as part of their agency's responsibilities, and have exercised appropriate oversight. In addition, the Bar Foundation and the OAG's staff have enjoyed a productive working relationship. We are truly grateful for OAG's efforts.

It is critical that public funding for civil legal services be increased over time so that we can sustain current programs and establish new ones to meet emerging needs. We have discussed with the Executive Branch our FY 2009 request for \$4.031 million,

and will be back before your Committee during the FY 2009 budget hearings to urge the Committee's adoption of this figure. For today, however, we would like to celebrate what is being done with these funds everyday in the District.

The FY 2007 public funding led to the hiring of more than 30 legal services lawyers, most of whom are stationed in underserved parts of the District. I have attached a map to my testimony showing the location of legal services offices both before and after the infusion of public money. You will see that many sites are located east of the Anacostia River. In fact, this funding more than doubled the number of lawyers working east of the River. The FY 2007 grant cycle ends in April. The Bar Foundation has received the applications for the FY 2008 funds, and will announce the grant recipients in April. They received about \$4.4 million in grant requests, which does not include the funds already paid out in FY 2008 for the loan repayment program. As you can see, the need far outstrips the funds allocated for civil legal services funding.

The lawyers hired with the public money are helping low-income residents at locations throughout the city, including Greater Southeast Community Hospital, THEARC, Children's Hospital clinics, Whitman Walker Clinic's Max Robinson Center, Bread for the City's Southeast office, Landlord/Tenant Court, and at the victim services center in Fort Totten when it opens. You will soon hear from a few of the lawyers on the ground who are doing this work. Homebound elderly residents, immigrants, victims of domestic violence, at-risk families, tenants facing eviction, and people with HIV/AIDS are just some of the underrepresented groups who are being served more adequately. In addition, several programs have established pro bono partnerships with D.C. law firms, bringing downtown lawyers across the River to clients who need them. The investment the city has made in serving its neediest residents is being multiplied by pro bono assistance.

A separate portion of the funds supports the District of Columbia Poverty Lawyers Loan Repayment Act of 2006, which was passed by the Council under your leadership. The program has grown significantly in just two years. It has allowed many legal services lawyers to remain in this type of work, and has allowed others to consider it as a career option in the first place. As detailed in the attached front-page Washington Post story from last year, law students' high debt levels are pushing them away from public interest work, where salaries can be just 25% of what they make in the private sector. The loan repayment program gives lawyers who aspire to enter or remain in public service a chance to pursue their passion and serve those residents most in need.

In FY 2007, 27 District residents received about \$150,000 in loan repayment. In FY 2008, 37 District residents will receive a total of \$255,000 in loan repayment, an increase of 70% over FY 2007. The District's passage of the loan repayment bill encouraged the Bar Foundation to establish a similar program to serve non-District residents who work for legal services providers in the District. Sixteen of these lawyers, whose loan repayment is paid with private funds, received about \$120,000 in FY 2007, and 24 will receive about \$165,000 in FY 2008. Once again, District funds are being used to leverage additional resources from the private sector.

Chairman Mendelson, thank you for permitting me to testify today. I would be happy to answer any questions.