

**Public Hearing on Mayor Fenty's FY 2009 Budget Request 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

April 4, 2008

My name is Peter Edelman. I am a Ward 3 resident and a Professor of Law at Georgetown University Law Center. I am submitting this written testimony 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. I would have preferred to appear in person to provide this testimony. However, I have an out-of-town commitment on April 4<sup>th</sup>. Please accept this written submission on the Commission's behalf.

**Funding for Civil Legal Services in Fiscal Years 2007 and 2008**

The Commission, and indeed the District's entire legal community, have been extremely grateful for the Mayor's and the City Council's support for civil legal services over the past few years. As you know, the Council provided \$3.2 million in funding for these services in both fiscal years 2007 and 2008. These funds have been included in the budget of the Office of the Attorney General, which then provides a grant to the D.C. Bar Foundation to administer this funding. I, along with representatives of legal services providers and clients of those providers, appeared before this Committee back in February to discuss the excellent work going on throughout the District due to this new funding.

While I will not repeat what was said at that time, I would like to provide a few updates. First, the Bar Foundation has recently awarded its grants for fiscal year 2008. I am attaching a list of the grantees to my testimony. While fiscal year 2007 was a start-up year for these grantees, every organization is now up and running at full speed so we expect even greater results this fiscal year. Many are actively pursuing or have established partnerships with pro bono lawyers, which have increased the impact of the public funds. Furthermore, as the loan repayment program illustrates, the District's investment has also generated additional private dollars. In fiscal year 2008, the District allocated \$250,000 for the loan repayment program for legal services lawyers living and working in the District. The need outstripped the funds available. The District's funding was supplemented by the Bar Foundation with \$165,000 in other funds to cover the

additional demand for loan repayment for DC resident legal services lawyers, and in addition, for loan repayments for poverty lawyers working in the District, but living in Maryland or Virginia. We expect demand for the program to grow in fiscal year 2009.

I would also like to take a minute to describe in practical terms what this funding has done for people in need. Just recently, I was told of two such stories:

- An adult daughter of an elderly homebound resident obtained a power of attorney over her mother's affairs, forced her mother to live in a nursing home, moved into the mother's apartment, and began withholding payments for the mother's needs. As a result, the nursing home began seeking to discharge the resident. The Legal Counsel for the Elderly (LCE) found out about this situation because of its homebound program. LCE has been taking the needed steps to revoke the power of attorney and work with the nursing home to ensure the resident can remain.
- The Children's Law Center (CLC) represents a mother with five children who live in an apartment complex in a low-income neighborhood. Like many of their neighborhoods, they receive Section 8 vouchers. Last year, a unit downstairs from them experienced major plumbing problems, and a sewage back-up caused sewage to stream into the apartment through the sink, toilet, and bathtub. The tenant moved out, but the problem was never fixed. The other tenants, including this family, complained to the landlord about sewage water flooding the now-vacant apartment, seeping onto the common stairwell, and causing a horrible odor to spread throughout the complex. The client's back bathroom, which was directly above the flooded apartment, contained a smell so foul that the family had stopped using it entirely. No clean-up, maintenance, or repair work was done for nearly two months. The family was referred to the CLC by a pediatrician who worked with CLC through its collaboration with Children's Hospital. The pediatrician was concerned that the environment was particularly harmful to one of the children, who is medically fragile. CLC educated the family about their rights under D.C. housing law and helped them write a letter to the landlord that demonstrated their knowledge of their rights. The letter demanded that immediate action be taken. Within twenty-four hours of delivering the letter to the landlord, a maintenance crew was sent to the apartment complex to fix the deficient plumbing, clean out all the sewage, and eliminate the offensive smells that had plagued the family and their neighbors for weeks.

But for the legal services projects established with the public funds, these cases probably would not have been called to the attention of legal services providers.

### **Fiscal Year 2009 Budget Request**

The Commission requested that Mayor Fenty provide \$4.031 million for civil legal services in his fiscal year 2009 budget. The Mayor allocated \$3.6 million. While we certainly would have liked civil legal services to receive the full \$4.031 million, we are well aware this is a tight budget year. We are very grateful for the Mayor's proposal of \$3.6 million, but we do want to stress to the Committee that this represents the minimum needed to continue operating the current level of programming, while allowing

for inflation and modest growth in the loan repayment program. It will not permit any expansion of services, and we still lack the funds that will be required to meet the full measure of need. For example, in fiscal year 2008, the Bar Foundation received nearly \$4 million in meritorious funding requests, not including the funds requested for the loan repayment program.

Sections 3031 – 3033 of the fiscal year 2008 Budget Support Act established an on-going authorization for the civil legal services and loan repayment funding, subject to the City Council providing a separate appropriation for both. Of the \$3.6 million, we suggest that \$315,000 be allocated for the loan repayment program and the remainder, or \$3,285,000, be allocated for the civil legal services funding.

Thank you for allowing me to submit this testimony. I would be happy to answer any questions. I can be reached at (202) 662-9074 or [Edelman@law.georgetown.edu](mailto:Edelman@law.georgetown.edu).