

**D.C. ACCESS TO JUSTICE COMMISSION'S FY 2010 PUBLIC FUNDING
REQUEST FOR CIVIL LEGAL SERVICES**

Civil legal services for District of Columbia residents living in poverty are critical to these residents' well-being and to the just operation of the judicial system. Issues involving family stability, safe and affordable housing, fair treatment on the job, and access to health care and other basic human needs are resolved in our courts every day. In many cases, a just result can only be achieved when the litigant has the assistance of counsel.

The District government has recognized this need and for the last three years has provided financial support for civil legal services. The D.C. Access to Justice Commission¹ requests that the District continue this commitment to equal justice by allocating \$3.6 million for civil legal services in its FY 2010 budget. This request is for the same amount that the government allocated in FY 2009.

The Civil Legal Needs of Low-Income Residents are Extensive and Growing

The Commission documented the extensive legal needs of low-income District residents in its 2008 report, *Justice for All?* The report found that the needs exceed available resources in each of the nine subject areas studied: consumer, education, employment, estate planning, family, public benefits, health/disability, housing, and immigration.ⁱⁱ Low-income residents, who were already underserved prior to the economic recession, face even greater legal needs now.

As the economic crisis deepens, civil legal services are needed more than ever. The District's Chief Financial Officer is predicting that unemployment could rise to almost 10% by 2010, the highest level in nearly 30 years.ⁱⁱⁱ This job loss and reduced economic activity will increase poverty in the District.^{iv} With increased unemployment, there is an increased need for legal counsel to assist with the consequences of a loss in income, including unemployment benefits, other government benefits, and child support.

The legal services providers are already seeing the effects of the economic downturn on their client base. For example:

- The number of people seeking legal assistance for unemployment compensation issues at the Employment Justice Center's (EJC) clinics increased from three during September – December 2007 to 28 in the same four month period in 2008. From September - December 2008, EJC has had to turn away 64 workers with legal issues due to a lack of staff and volunteer capacity. Prior to 2008, they rarely had to turn anyone away.
- The DC Superior Court's Family Court Self-Help Center reports a 30% increase in the number of people seeking help between September – December 2007 and September – December 2008.

Other legal issues arising directly out of the economic slowdown are also on the rise. For example, tenants are fighting evictions because of foreclosures against landlords; landlords are delaying repairs or abandoning buildings due to reduced access to credit; and, creditors are increasing collection efforts on consumer debt. Furthermore, as economic stress increases, incidents of domestic violence invariably increase as well.^v WEAVE, one of the District's leading legal services providers, helps run the domestic violence intake centers in Superior Court and in Southeast. WEAVE has seen a marked increase in the number of people seeking assistance. There was over a 10% increase between FY 2007 and FY 2008, and the number of people seeking assistance in the last quarter of FY 2008 was 20% greater than the last quarter of FY 2007.^{vi}

The Public Funding for Legal Services is Assisting Thousands of the Most Vulnerable Residents

The public funding resulted in over 3,000 people receiving legal assistance in just the first year. We expect even more people will benefit this year. Attachment A provides examples of the work done by legal services lawyers hired with the public funds. Attachment B shows the locations of these lawyers. Most of these lawyers are working in the wards with the highest poverty rates and in other underserved locations. They are also co-locating with social service providers who serve low-income residents. Placing lawyers near the client base and in places these clients regularly frequent has made an enormous difference in reaching people who did not even know legal services existed or who were unable to travel to a provider located downtown. For example:

- Legal Counsel for the Elderly (LCE), which hired one lawyer with the public funds to make home visits to senior citizens, reports that the majority of the homebound clients served never had a lawyer before. 86% of these clients had never sought LCE's help before these public funds supported their homebound program.
- The Children's Law Center established a partnership with Children's National Medical Center in which the lawyers are on-site in medical clinics. Pediatricians often approach the lawyers directly to discuss referrals and consult on specific matters. It is not unusual for a lawyer to address legal issues in the examination room immediately after the doctor has provided medical care.
- The Legal Aid Society of the District of Columbia (LAS) has been located downtown for the past 75 years. In just one year with the public funds, LAS reports that one-third of its clients come to one of its three satellite offices that are located east of the Anacostia River. Each of these offices is co-located with another social or legal services provider. In a recent three month period, LAS lawyers hired with the public funds provided legal assistance to over 330 residents and gave legal information to hundreds more. All the residents were from Wards 7 and 8. LAS's downtown office has not seen a drop in requests for assistance, indicating that all the people who LAS serves in their Southeast offices may not have sought help otherwise.

The Public Funding is Critical in Order to Continue Service Delivery

The legal services network is facing unprecedented challenges. They must respond to increased client needs due to a rapidly deteriorating economy, while at the same time facing a significant decrease in funding. For instance, the Interest on Lawyers' Trust Accounts Program, which generated over \$2 million last year for legal services providers, will be down at least 50% this year. Two of the other primary funding sources -- foundations and law firms -- are also reducing charitable giving. Legal services providers are extremely lean organizations, so any budget cuts have a direct impact on service delivery.

This impact is already being felt. Due to reduced funding and projected diminished income, some legal services programs have implemented hiring freezes and/or laid off staff. This year, we expect further shrinking of the legal services network and possibly the closing of one or more programs.

The Commission is working aggressively to encourage the private sector to dig deeper and maintain their contributions in these difficult times. However, it will take more than just the private sector to respond to this crisis. The public funding for civil legal services accounts for about 20% of the providers' budgets. We urgently request that the District maintain its financial commitment so that people in need will still have a place to turn.

Funding Civil Legal Services is a Wise Investment

The lawyers hired with the public funds save the District money by reducing social service costs, bring in funds from other sources that clients use in the District, and leverage the pro bono services of the private bar. For instance, WEAVE obtained tens of thousands of dollars for their clients in the form of alimony, damages, and child support in just one quarter. During this quarter, they also received pro bono legal assistance valued at over \$250,000. These figures do not include the intangible benefit that a client gets from feeling protected from a batterer or being awarded custody of one's child.

Studies from other jurisdictions also demonstrate that funding civil legal services is a wise investment.^{vii}

Breakdown of Funding Request

The public funding supports civil legal services organizations and the Poverty Lawyers Loan Repayment Act of 2006. The statutes creating these programs require the government to provide a separate allocation for both items. See D.C. Code §§ 1-301.114(a) and 1-308.22(b). We suggest the following breakdown:

Grants for civil legal services	\$3,285,000 ^{viii}
Loan repayment program	\$315,000 ^{ix}
Total	\$3,600,000

ⁱThe Commission was created by the D.C. Court of Appeals in 2005 to address low and moderate income residents' unmet need for civil legal services. The Commissioners include D.C. Court of Appeals and Superior Court judges, leaders of the D.C. Bar, legal services attorneys, and other community leaders. For additional information, please contact the Commission's Executive Director, Sunil Mansukhani, at (202) 344-4441 or sunil.mansukhani@dcaccesstojustice.org.

ⁱⁱ The report is available at www.dcaccesstojustice.org. We are extremely grateful that Mayor Fenty, Chairman Gray, Councilmember Mendelson, the Chief Judges of the D.C. Court of Appeals and Superior Court, President of the Legal Services Corporation, and President of the D.C. Bar all spoke at the release of the report. In their remarks, each one highlighted the importance of civil legal services.

ⁱⁱⁱ David Nakamura and V. Dion Haynes, "Unemployment Levels in Area Highest Since the Mid-1990s, Economists Say," Washington Post, at B1 (Dec. 20, 2008) available at <http://www.washingtonpost.com/wp-dyn/content/article/2008/12/19/AR2008121903375.html>.

^{iv} Welfare rolls are already increasing. See Amy Goldstein, "Welfare Rolls See First Climb in Years," Washington Post, at A1 (Dec. 17, 2008) available at <http://www.washingtonpost.com/wp-dyn/content/article/2008/12/16/AR2008121602978.html?hpid=artslot>.

^v United States Department of Justice Office of Justice Programs, "When Violence Hits Home: How Economics and Neighborhood Play a Role," at 1 (Sept. 2004) ("For the individuals involved, both objective (being unemployed or not making enough money to meet family needs) and subjective (worrying about finances) forms of economic distress increase the risk of intimate violence against women.").

^{vi} In just the fourth quarter of FY 2008, over 1,000 people sought help.

^{vii} See, e.g., Timothy K. Kelso et al, "The Economic Impact of Legal Aid of Nebraska 2003 (June 2004) (\$1 invested in legal services generates \$4 in benefits); New York State Department of Social Services, "The Homelessness Prevention Program Outcome and Effectiveness," at 3 (1990) (New York's assessment of legal services provided by its Homelessness Program reported that the Program "returns four dollars for every dollar of public funds invested" but noted that the amount understated the "total benefit" of the Program).

^{viii} The Commission's request is a modest one compared to the need. For example, the D.C. Bar Foundation, which administers both programs, received nearly \$4.5 million in meritorious grant applications for civil legal services when it issued its FY 2008 request for proposals, but was only able to fund \$2.79 million.

^{ix} The amounts listed for the civil legal services and loan repayment funding includes an administrative allocation, which can be no more than 5% of the total grant pursuant to D.C. Code §§ 1-301.114(b) and 1-308.22(d)(4). The administrative allocation pays for the Bar Foundation's monitoring and support of the grant program. The Bar Foundation also uses its private funds to supplement areas that the public funding does not cover. For instance, it uses private funds to provide loan repayment assistance to attorneys living in Maryland and Virginia who work in the District for legal services providers.

ATTACHMENT A

CLIENT STORIES

Ms. Lee

Ms. Lee came to Neighborhood Legal Services Program (NLSP) through the Landlord/Tenant Attorney for the Day Project. She was facing imminent eviction because she had fallen behind in her rent. The property had housing code violations. NLSP attorneys succeeded in getting a protective order allowing Ms. Lee to pay reduced rent while she defended herself in the eviction action. The attorneys then negotiated a settlement whereby all outstanding housing code violations were repaired and Ms. Lee was given time to pay the back rent. Without NLSP's assistance, Ms. Lee would probably have lost her housing.

Mr. Rodriguez

A concerned citizen called the Legal Counsel for the Elderly (LCE) about the legal and social service needs of her elderly, disabled neighbor, Mr. Rodriguez. When LCE first met Mr. Rodriguez, he was living in an infested, soiled apartment. He had received several notices from the management in his subsidized housing complex about the stench in his apartment, and he had been fined because his motorized wheelchair had damaged an apartment wall. Mr. Rodriguez's only means of transportation, his motorized wheelchair, had broken. His hearing aids no longer worked, which rendered him almost completely deaf and unable to use the telephone.

With the help of LCE attorneys and volunteers, Mr. Rodriguez's apartment was thoroughly cleaned and all infested clothing and furniture discarded. LCE attorneys negotiated with management in the apartment complex about the fine and placed Mr. Rodriguez on the waiting list for a handicapped accessible apartment. His wheelchair was repaired by the seller free of charge. Mr. Rodriguez also signed two financial powers of attorney with the assistance of LCE attorneys. The two people designated by Mr. Rodriguez in the powers of attorney have purchased food for him, taken care of his bills, and helped protect his bank account from possible predators. They also obtained new hearing aids for him, so he is finally able to use the telephone.

Mr. Janzig

A Whitman Walker Clinic (WWC) staff attorney assisted Mr. Janzig, who was referred for legal services by a WWC nurse after she learned that he was unable to get his HIV medication at the pharmacy. The staff attorney discovered that Mr. Janzig's health insurance plan had been changed from Medicaid to Medicare Part D without prior notice. His new drug coverage plan under Medicare Part D posed numerous problems including:

- The plan failed to timely enroll him, leaving him with a several week gap in coverage.
- The plan failed to qualify Mr. Janzig for the low-income assistance program, causing a \$1,500 bill at the pharmacy when he tried to fill his medication.
- The plan did not cover all of his medications.

The WWC attorney expedited Mr. Janzig's enrollment with a new medical provider, while the WWC nurse arranged for a local pharmacy to provide emergency medication. The attorney also enrolled the client in the low-income assistance program and filed a complaint with Medicare to speed the process. After resolving the emergency, the attorney counseled Mr. Janzig on his plan options and gave him information about changing to another Part D plan that would provide him better prescription coverage.

ATTACHMENT B

Civil Legal Services Offices in DC 2007

