

Public Hearing on B-1101 the “Fiscal year 2011 Revised Budget Request Act of 2010” and B18-1100, the “Fiscal Year 2011 Supplemental Budget Support Act of 2010”

**Before the
Council of the District of Columbia Committee of the Whole**

Testimony of Katherine L. Garrett
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November 30, 2010

Good morning, Chairman Gray and members of the Council. My name is Katherine L. Garrett. I am a long-time resident of Ward 1 and I have been the Executive Director at the D.C. Bar Foundation since 2005. The Foundation is the largest private funder of civil legal services for the District. Since 1977, the Foundation has helped lawyers and private firms provide financial support to organizations that assist the people of our city who cannot afford to pay for legal help. We are honored to have these responsibilities.

As one of its functions, the Foundation administers the District’s Access to Justice grant funds, awarding them competitively to non-profit legal services organizations. I am here to address the devastating effect that the Mayor’s proposed cuts would have on our already reeling legal services network and the vulnerable people it serves.

In FY2009, the Foundation awarded fifteen grants through the Access to Justice Program, generally fully funding over 30 lawyers and partially funding 4 more -- who provided services to roughly 10,000 clients – either personally or through pro bono placements. In FY2010, with a 20% cut in funding, the Foundation awarded 12 Access to Justice grants that funded the better part of the cost of roughly 25 attorneys, and part of

the cost of 6 additional lawyers. A full list of projects funded by the FY2010 grants is attached. They include:

- The shared legal interpreter bank, which enables clients and witnesses who have limited English proficiency or who are deaf to communicate with attorneys;
- The Court-Based Legal Services Project through which three organizations provide legal services in landlord-tenant court, including same-day representation, to people at imminent risk of losing their homes;
- Neighborhood-based projects that place attorneys in small local offices east of the Anacostia River and in our most vulnerable neighborhoods, where unemployment and need are the highest but, until these grants, few service providers were located;
- Specialized projects that target hard-to-reach populations, such as Project HELP, through which an attorney makes house calls to homebound elders to help them with urgent legal problems, and the Health Access Project, which links attorneys in National Children's Medical Center clinics to take referrals directly from doctors and help families fix the non-medical barriers to their children's health.

These programs have helped thousands of the most vulnerable in our community avoid legal disaster each year, and connect them with services, programs, and benefits that help them put one foot in front of the other on the path to survival. We are already seeing the impact of the FY2010 cuts in our community. In the first two quarters of the FY2010 grants, over 1,300 fewer clients have been served compared to the same quarters

in FY2009 – a roughly 30% drop. In other words, dollars cut in this program have significantly reduced the service capacity of the provider organizations.

The impact on the community is, of course, exponentially greater than these already sobering numbers suggest. Keeping one client from being unlawfully evicted can directly help every person in that client's immediate family stay in their home; ensuring that one person receives unemployment benefits can put food on the table for an entire family; securing a single protective order for a domestic violence victim can secure the safety of the victim and children, and help make a neighborhood safer.

Supporting the Access to Justice grant program is not just the right thing to do, it is a sound investment for the District. For example, in FY2009 the Court-Based Legal Services "Attorney for the Day" project represented over 400 people to ensure they were not wrongly evicted. When you consider that it costs more than \$25,000 to house a family in an apartment-style shelter for a year, the work of these attorneys conservatively yielded an estimated savings for the District of well over \$5 million in return for a public investment of \$627,600. A legal services attorney doing this work quickly recoups her salary in cost savings to the District when her client is spared eviction and reliance on more costly public systems.

The Mayor's proposal to cut the funding for the Access to Justice Program could not come at a worse time for the District's network of legal services providers. If these cuts pass the Council, their impact will be deep and lasting. I know you are aware of the situation, but let me give you a brief overview of what it looks like for organizations operating on the ground in our communities. The recession has caused unemployment and foreclosure rates in the District to soar, and even those families who still have roofs

over their heads and jobs now find themselves on an economic—and, frankly, emotional—precipice. They are facing the loss of their jobs, their homes, their children, their safety, their income—losses that could often be prevented or mitigated if they were able to access an attorney to educate them about their rights and help them navigate the legal and administrative systems.

Legal services providers estimate that the demand for their help rose by approximately 20% in the course of 2009 alone. At the same time, every key source of funding for legal services decreased dramatically. Revenue from the District's Interest on Lawyers Trust Account (IOLTA) program, which is the largest private source of funding for civil legal services in our community, is down \$2 million – 80% -- since 2008. Record low interest rates show no signs of change and will keep this revenue down

As is documented in *Rationing Justice: the Effect of the Recession on Access to Justice in the District of Columbia*, a joint report of the D.C. Access to Justice Commission and the D.C. Consortium of Legal Services Providers, other funding sources – law firm and individual giving, foundation grants, government support – dropped dramatically as well. The Foundation Center, for example, reports that foundations anticipate no significant increases in grants in 2010 or 2011. The Washington Regional Association of Grantmakers has said that its participating organizations expect to give even fewer grants in 2010 than 2009.

This matters because in the past, grantees could use even partial funding from the Foundation to leverage other funds to fully support attorney positions. At this point, however, there are simply no other funding sources to tap.

The Mayor's proposed \$1.7 million cut to the Access to Justice Program is disproportionate and will have disproportionate impact on our community. The Mayor's proposal mistakenly reports that the cut will maintain FY2010 funding levels – in fact, it represents a forty percent cut from the \$2.6 million in FY2010 Access to Justice grants funding, and a fifty percent cut from the approved FY2011 level of \$3.27 million. It would strip marrow from programs already cut to the bone. We would be forced to determine which neighborhood across the river should lose its lawyer, and whether the District's elders, or battered women, or children with medical needs must now be required to navigate the justice system alone. There will be impossible choices, with unforgiving consequences.

The network cannot sustain another hit like this. The proposed cut in public funding for FY 2011 would have a devastating effect on the legal services provider network, likely eliminating 15 - 20 staff attorneys. The proposed \$22,000 cut to the District's Poverty Lawyer Loan Repayment Assistance Program program – a relatively modest cut in budget terms – will mean that roughly three additional poverty lawyers may not be able to afford to keep their jobs.¹ I fear what our justice system will look like: if the relatively modest loss of lawyers from the network has already produced a 30% drop in services, what will this cut yield? Thousands more District residents will be deprived of assistance and will have no meaningful access to justice.

The ability of organizations to provide essential legal services to our vulnerable communities continues to be at extraordinary and unprecedented risk. The funding streams for these services are broadly diverse, but the economy right now has all but

¹ The 31 poverty lawyers applying for FY11 DC LRAPs are paying on average over \$7,000 annually on law school loans that exceed \$90,000 – while earning public interest salaries that are a fraction of the salaries of lawyers in local and federal government and in the private sector.

dried them up. If we let these organizations die for lack of funding this year, they are not going to just spring back up in two or three years. They will be gone. The network of legal services will be critically hurt. And the most vulnerable people in our neighborhoods -- who are already reeling with the combined effects of poverty and deep recession -- are the ones who will struggle with the consequences. Poverty lawyers make sure that the public safety net reaches the most vulnerable.

The other sources of funding may recover in the coming years; we certainly hope they do. But our most vulnerable communities are at a crisis point now. They need legal services this year. They need the help that poverty lawyers can bring them this year. Without this funding, core parts of the network will crumble and these services will go away. And we will all be worse for it.

I will be pleased to answer any questions you may have.

THE DISTRICT OF COLUMBIA BAR FOUNDATION

FUNDING LEGAL SERVICES FOR THOSE IN NEED

FY 2010 DC ACCESS TO JUSTICE GRANTS

Shared Legal Interpreter Bank

- Interpreter Bank - Ayuda 255,950

Housing Issues

- D.C. Law Students In Court 72,000
- Court Based Legal Services
 - Legal Aid Society 292,625
 - Bread for the City 259,498
- APALRC-Housing and Community Justice Project 36,000

Underserved Communities and Neighborhoods

- Bread for the City - Community Lawyering 52,785
- Children's Law Center - Health Access Project - SE DC 203,505
- Legal Aid Society – Neighborhood Access Project 372,797
- Legal Counsel for the Elderly – Project HELP 73,100
- Neighborhood Legal Services – Expansion (NE, SE) 395,000
- University Legal Services – Jail Access Project 99,790
- WEAVE 249,500
- Whitman-Walker Legal Clinic – Anacostia Clinic 144,500

TOTAL FY2010 PUBLIC GRANTS AWARDS \$2,507,050

TOTAL FY2010 PUBLIC LRAP AWARDS (35 Individuals) \$284,430

FY 2010 Access to Justice Grants

Community Interpreter Bank

1. Ayuda was funded to continue the ongoing development of a legal interpreter bank to provide assistance to legal service providers using community legal interpreters. This establishes a centralized, cost-efficient means makes for DC legal services organizations to serve clients that have limited English proficiency. Ayuda is the lead organization, complemented by an Advisory Board that includes founding members APALRC, La Clínica del Pueblo, and American University, along with newer member Legal Aid Society of D.C. The project serves as a national model for coordinated, point-of-service legal interpreter services.

Housing Related Services

2. Court Based Legal Services Project

A collaborative including the Legal Aid Society of D.C. and Bread for the City received continued funding to maintain lawyers in the Landlord Tenant Court to provide both same-day and extended legal services to low income tenants in DC through an "attorney-of-the-day" project. The project enjoys strong support from the Superior Court judges serving in Landlord-Tenant Court. Tenants receive same-day representation in matters they have in court, and long-term help on housing matters. By increasing representation in Landlord Tenant Court, lawyers help keep families in housing, address code violations, and keep housing affordable. There are currently 7 lawyers working full-time on this project, and two additional lawyers devoting part of their time to the project. The service providers have launched a pro bono component to the project, securing pro bono assistance in selected long-term matters.

3. DC Law Students In Court

DC Law Students in Court (DC LSIC) received continued public funding to support an attorney to work at the Landlord Tenant Court in collaboration with the Court Based Legal Services Program. This grant leverages additional legal assistance from law students on matters residents bring to Landlord-Tenant Court.

4. Asian Pacific American Legal Resource Center --- Housing and Community Justice Project

The Asian Pacific American Legal Resource Center is the region's legal advocate for the legal and civil rights of Asian Americans in the Washington metropolitan area. APALRC's Housing and Community Justice Project provides a critical bridge between

low income and LEP Asian immigrant families and communities in the District, and will provide both housing and community development legal services. The project as a whole will focus on the provision of legal services, education materials, activities to protect affordable housing, and language access for Asian immigrants, largely clustered in Ward 1 neighborhoods. Public funding will provide reduced partial support for a staff lawyer.

Neighborhood and Underserved Community Grants

5. Bread for the City --- Community Lawyering Project

Bread for the City has received continued funding for its innovative community lawyering work, which has added legal services to the other services it provides at its facility on Good Hope Road, SE (border of Wards 7 and 8). Community lawyering in civil legal services is based on the same successful premise implemented by the Community Prosecution model of the DC US Attorney's Office: lawyers who engage the community in problem-solving, using tools including but not limited to traditional direct representation, develop long-term solutions to otherwise chronic problems. The public grant continues to fund one of the lawyers on this project, who works directly with the community, helps identify options to address concerns, and provides substantial direct representation to individuals in the community, including significant numbers of public housing residents.

6. Children's Law Center ---- Southeast Health Access Project

Children's Law Center (CLC) receives continued funding to support the expansion of the Health Access Project (HAP) into Southeast DC. In this innovative medical-legal collaboration, the 2 and 1/3 lawyers funded in the HAP SE project provide services through the three SE Clinic offices of the Children's National Medical Center (CNMC). The lawyers work with families of CNMC patients to identify and resolve non-medical solutions to children's health issues.

7. Legal Aid Society --- Southeast Neighborhood Access Project

Legal Aid Society has received continued public funding for the equivalent of 4 lawyers to work with clients from offices co-located with other service organizations in Wards 7 and 8. Lawyers work out of the Domestic Violence Intake Center in Southeast, the Children's Health Project located at THEARC, and near Advocates for Justice and Education in Anacostia, and provide a range of civil legal services.

8. Legal Counsel for the Elderly --- Project HELP

Legal Counsel for the Elderly (LCE) was awarded continued public funding for an attorney to assist low income homebound elders in need of wills, advance directives, and public benefits audits, as well as those affected by consumer scams, and experiencing housing related issues. The attorney brings legal services directly to those low-income seniors who cannot get out to meet with an attorney. The Project HELP lawyer also draws on and support a growing pool of pro bono lawyers and other volunteer professionals to provide increased legal services to homebound seniors.

9. Neighborhood Legal Services Program --- Community Expansion

NLSP received continued funding to provide neighborhood based legal services in housing, family law, public benefits, consumer, employment, education, guardianship, and wills/estates with 5 attorneys in satellite offices opened in Wards 5 and 8, including one on Nannie Helen Burroughs Ave., NE.

10. University Legal Services --- Jail Advocacy Project

University Legal Services (ULS) serves as DC's federally mandated protection and advocacy organization --- charged with working for the rights of people with disabilities. ULS received continued funding to support a staff attorney to provide legal services and direct advocacy for inmates in the DC Jail and other DC correctional facilities with mental disabilities. The staff attorney has established good relationships, and works closely, with DC Department of Corrections and DC Department of Mental Health to secure the successful return of former inmates to our community.

11. WEAVE --- Lighthouse Center for Healing

Women Empowered Against Violence (WEAVE) received continued funding to provide legal services to low income victims of domestic violence through co-located services in Fort Totten at the Lighthouse Center for Healing, which opened in the spring of 2008, on the border of Wards 4 and 5. This funding supports the work of 2.5 lawyers and portion of the time of a paralegal who coordinates pro bono legal services. The Center provides "one-stop" services for victims of sexual assault and domestic violence, and survivors of homicide, by co-locating an office of the MPD, US Attorney, Victim Services, and counseling and relevant legal services.

12. Whitman Walker ---- Max Robinson Center, Southeast DC

Whitman Walker Legal Clinic received continued funding to provide legal representation, counseling and outreach to people living with HIV/AIDS through two lawyers based at its Max Robinson Clinic to individuals living in Wards 7 and 8. This grant has added legal services to the medical services provided at the Max Robinson Clinic.