

**Statement of Eric T. Washington
Chief Judge, D.C. Court of Appeals**

**Before the Committee on Public Safety and the Judiciary
March 26, 2009**

**Public Hearing on Mayor Fenty's Fiscal Year 2010 Budget Request for the Office of
the Attorney General**

Good Morning, Chairman Mendelson and members of the Committee on Public Safety and the Judiciary. I am Inez Smith Reid, Associate Judge of the District of Columbia Court of Appeals. Although I am also the Vice Chair of the District of Columbia Access to Justice Commission, I am here to present the testimony of Eric T. Washington, the Chief Judge of the District of Columbia Court of Appeals, who very much wanted to be here but who is out of town with his family. Also with me today is Professor Peter Edelman, Chair of the D.C. Access to Justice Commission and Robert Spagnoletti, the President of the District of Columbia Bar. Thank you for allowing me to testify first this morning so that I can return to the courthouse to attend to judicial obligations.

I am pleased to sit with the leaders of the Access to Justice Commission and the District of Columbia Bar to urge my full support for the Commission's funding request for civil legal services. These services are vital to unrepresented litigants who appear in the DC Courts everyday.

It was the increasing number of unrepresented litigants in our Courts that led the Court of Appeals to create the Commission in December 2004. We charged the Commission with the task of, "assuring high quality access for low- and moderate-income residents and others in the District of Columbia, who suffer disparate access barriers to the civil justice system." As judges, our goal is to reach a just result in each case. Achieving this goal is much more difficult when litigants come before us who are not trained in the law, and who may have other difficulties in explaining the merits of their case. Lawyers frame the issues for these litigants so that it is much easier to understand each side's position. But that is just part of the story. The real benefit is to the litigants themselves, who feel they have had an opportunity to be heard. As a result, they walk away having faith in our judicial system and the rule of law.

The DC Courts have taken numerous steps during my tenure so that more litigants can proceed without lawyers. We have simplified court forms, expanded resource centers in conjunction with the DC Bar, improved our website, and are continuously training judges and staff about working with pro se litigants. These steps are important and we are committed to expanding them. But these steps are not sufficient. There are some people and some legal issues for which these measures are band-aids when what they really need is surgery. In those cases, only a well-trained lawyer will suffice if justice is

to be served. We have encouraged the private bar to increase pro bono work to help meet these needs, and members of the bar have responded admirably.

Unfortunately, as the Commission's legal needs report that was issued last year shows, even with these efforts, far too few District residents have access to legal representation in their time of need:

- 97% of tenants who have to appear in Landlord/Tenant Court do not have an attorney.
- 98% of respondents in paternity and child support cases are unrepresented.
- About 98% of both petitioners and respondents in domestic violence cases are unrepresented.

These are situations that if you or I had the misfortune of being involved in, we would certainly have legal representation. But that is not the case for thousands of District residents annually.

Chairman Mendelson, the D.C. Courts' vision statement is "Open to all, trusted by all, justice for all." At the Courts, we strive every day to live up to that standard. But we cannot do it alone. The lawyers who work full-time on behalf of the most vulnerable people in the District play a critical role in helping to make our vision a reality. We deeply appreciate your support for the civil legal services funding and hope that the Council will make every effort to ensure that the programs established by the public funds can continue operating at full capacity during this time of great need. Thank you for permitting me to address this important issue.