

from the president

By James J. Sandman

On March 26 the membership of our bar voted at a special meeting to authorize the Board of Governors and officers to lobby for District of Columbia funding for civil legal services as proposed by the D.C. Access to Justice Commission. The D.C. Bar may now lobby in support of the commission's efforts to secure public funding for legal services, and thereby to improve access to justice for those who cannot afford to pay for a lawyer.

Our bar's ability to lobby is strictly limited. In 1976, four years after the founding of the District of Columbia Bar, our members voted by referendum to permit the Board of Governors to make legislative recommendations on behalf of the Bar "(1) only on matters closely and directly related to the administration of justice, and (2) only after a referendum or meeting of the Bar is held at which a majority of votes cast is in favor of the position or positions." Since then the board has sought, and our members have granted, permission to lobby on only a few occasions. Until the vote of our members in March, the only subject on which the Bar was currently authorized to make legislative recommendations was for adequate funding of the District of Columbia courts.

The Board of Governors sought permission to lobby in support of public funding for legal services as recommended by the Access to Justice Commission because the commission's initiatives are critical to the effective administration of justice in our city. Access to the civil justice system for low- and moderate-income D.C. residents is nowhere near adequate today, and sustained annual appropriations from the government are necessary to make significant progress in improving access.

The District of Columbia Court of Appeals established the Access to Justice Commission on February 25, 2005. The court's order creating the commission noted "the crisis in equal access to jus-

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stice" and directed the commission to "promote strategies to generate adequate levels of public, private, and volunteer resources and funding for the District's civil justice network." The court appointed the commission's 17 members, including two judges of the D.C. Court of Appeals, two judges of the Superior Court, three past presidents of the D.C. Bar, executive directors of three legal services providers, and other community leaders.

The commission is chaired by Peter Edelman of the Georgetown University Law Center. Professor Edelman has devoted his professional life to public service and to addressing the legal needs of the poor. He combines a sophisticated understanding of public policy with an uncommon ability to implement pragmatic solutions to social problems. The commission's astute executive director, Sunil Mansukhani, has been critical to the commission's successes to date.

Promptly after its establishment, the commission led an unprecedented effort to obtain public funding from the D.C. government for civil legal services for the poor. In doing so the commission was trying to bring the District into line with the 43 states that provide funding for civil legal services. The commission had the strong support of Chief Judge Eric Washington of the D.C. Court of Appeals and Chief Judge Rufus King III of the Superior Court, both of whom submitted testimony to the D.C. Council in support of the commission's funding request.

The commission's effort succeeded last July, when the D.C. Council voted to appropriate \$3.2 million to fund grants to civil legal services providers and to support a loan repayment assistance program for lawyers working in qualifying poverty legal services programs. The council specified that the funds should be used to provide legal services in underserved areas of the District, to provide more legal services in housing-related matters, and to create a shared

legal interpreter bank so that residents who are not proficient in English can communicate with their lawyers.

The significance of the commission's accomplishment in obtaining public funding for legal services cannot be overstated. To put the \$3.2 million the commission has obtained in context, the D.C. Bar Foundation, which has been the principal institutional funder of legal services and has made great strides in increasing its revenue, awarded \$1.4 million to legal services providers in its last fiscal year. But the need for funding is far greater than what the commission was able to obtain. The commission had sought \$6.2 million, and even that amount would not come close to meeting the need for legal services for the poor. The Consortium of Legal Services Providers estimated in 2003 that only 10 percent of the legal needs of the poor in Washington were being met, and I have no reason to believe that number has changed materially since then.

The appropriation that the D.C. Council provided is only for the current fiscal year. Public funding for legal services will need to be renewed annually. Now, with the approval of our members, the D.C. Bar will be working side by side with the Access to Justice Commission to make the case for ongoing public funding for civil legal services.

I commend and thank all of the members of the Access to Justice Commission—Jane Golden Belford, Gloria Wilder Braithwaite, Marisa Demeo, Judge Stephanie Duncan-Peters, Peter Edelman, Patty Mullahy Fugere, Andrew Marks, Shirley Massey, Jayne Park, Stephen Pollak, Judge Hiram Puig-Lugo, Judge Inez Smith Reid, Judge Vanessa Ruiz, Paula Scott, Jonathan Smith, Joan Strand, and Robert Wilkins, as well as Sunil Mansukhani—for their hard work and success in improving access to justice for the poor. And I thank our members for authorizing our bar to join the commission in its efforts.

