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COUNCIL FOR COURT EXCELLENCE FALL 2005



D.C. Access to Justice Commission

BY CCE BOARD MEMBER ARABELLA W. TEAL

The District of Columbia Access to Justice Commission was established by the District of Columbia Court of Appeals in February 2005. The Commission's seventeen members, chaired by Professor Peter B. Edelman of Georgetown University Law Center, include judges, bar leaders, lawyers who serve low-income people, and other leaders of the community. The Commission's purpose is to make lawyers and access to civil justice more available to poor people in the District. In doing so, the Commission will work with all interested parties in the District, not just judges and lawyers.

In announcing the formation of the Commission, then-Chief Judge of the Court of Appeals Annice Wagner spoke of the growing gap between legal representation of the poor and the crisis level of need. "Legal service providers work endless hours; many D.C. lawyers give time and money; and the D.C. Courts have created self-help centers, modified rules and procedures, established a Committee on Fairness and Access, and taken many other important steps to improve access. Nevertheless, the gap continues to grow. We need to broaden our efforts beyond the legal community. All branches of government, businesses, law schools, foundations, and every segment of our community must join in this effort if we are to solve this problem."

The Court formed the Commission by Order following an in-depth study by the D.C. Bar Foundation, which concluded that only a small percentage of District citizens living in poverty get legal representation in civil matters when they need it. The Court's Order specifically requires the Commission to: 1) Establish a coordinated plan-



Peter B. Edelman

ning process that involves all members of the community who are affected by the crisis in equal access to justice in an effort to develop strategies to improve access and reduce *continued on page 3*

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barriers; 2) Facilitate efforts to create improved coordination and support of civil legal services programs; 3) Work with the courts, administrative agencies and lawmaking bodies to propose and promote rules and systemic changes that will open greater access to the justice system; and 4) Propose and promote strategies to generate adequate levels of public, private, and volunteer resources and funding for the District's civil justice network and the access to justice initiatives identified by the Commission.

In accepting leadership of the Commission, Professor Edelman stated, "When people are already at the edge, a lawyer can make all the difference. The help of a lawyer can enable poor people to keep their families together, hold onto their home or apartment, fight back against an unscrupulous lender or merchant, protect themselves and their children against an abusive spouse or partner, or gain redress against a dishonest employer. The stakes are often at the level of basic survival."

Recently, CCE Board member Arabella W. Teal asked Prof. Edelman about the Commission and its work.

Arabella Teal: The Commission's mission, as defined in the Court of Appeals Order that established it, is broad, complex, and involves multiple stakeholders. Some would find the task daunting. Can you tell me the reasons you and the other members of the Commission are devoting your time to this effort?

Peter Edelman: Everyone on the Commission believes strongly that the dearth of lawyers for low-income people in the District is a serious problem, and that we can make a difference in reducing the gap.

Arabella Teal: The D.C. Bar Foundation study that inspired the Court of Appeals to establish the Commission identified civil cases as an area where poor people in the District of Columbia are particularly underserved. Why should citizens of the District be concerned about access to civil justice?

Peter Edelman: The lack of lawyers for lower-income people is costing the taxpayer money. For example, every time a fam-

ily is evicted when the eviction could have been prevented, taxpayer money is spent to pick up the pieces, often in ways that do not help as much as they should, but are costly nevertheless.

Arabella Teal: Does the Commission have any idea right now what the gap in civil legal services is in terms of numbers?

Peter Edelman: The D.C. Bar Foundation study in 2003 estimated that the current availability of lawyers is meeting just 10% of the need. There are about 100 full-time lawyers to represent low-income people in civil matters now, plus the pro bono assistance of private practitioners. So the gap is very large.

Arabella Teal: Is there a particular portion of the District of Columbia civil justice system that has been identified for scrutiny by the Commission? What criteria led to the selection of this area of the justice system?

Peter Edelman: We are looking at a number of issues. Getting lawyers into Landlord and Tenant Court is a priority, because it has a caseload of almost 50,000 cases annually, with something like 97% of tenants unrepresented by lawyers. Getting more lawyers located accessibly in underserved neighborhoods (and adding to the overall supply of lawyers in the course of doing so) is another priority. We're also working on language access for residents whose first language isn't English. We'll identify other targets as time passes.

Arabella Teal: How has the Commission organized itself to carry out the tasks assigned to it?

Peter Edelman: We have a number of committees and project groups, many of which involve people who are not members of the Commission, and we are receiving extensive pro bono research assistance from the law firm of DLA Piper Rudnick, as well as help from other firms in the city.

Arabella Teal: Has the Commission determined what methodologies to use in accomplishing its mission?

Peter Edelman: The methodology depends on the particular task. We are reaching out to affected communities to get their thoughts and participation. We

are reaching out to the private bar for help and support in a variety of ways. We are getting others to join with us in reaching out to our elected officials as necessary to accomplish our goals.

Arabella Teal: What challenges does the Commission anticipate in being able to perform its mandate, and how will it overcome those challenges?

Peter Edelman: There is a big challenge in making this problem broadly visible in the city, and over a period of time we hope to have a campaign that reaches civic leaders and the people of the community to tell them of the need, and what we think should be done to meet it.

Arabella Teal: Is part of the Commission's task to determine the financial cost of increasing access to civil justice? Will the Commission's study identify possible financing sources for any cost increases associated with its recommendations?

Peter Edelman: We will look for investments from both the public and the private sector in improving the quantity and quality of representation, and will join with the bar in encouraging more pro bono representation as well.

Arabella Teal: How could someone reading this article help the Commission with its work?

Peter Edelman: We would be happy to have people communicate their interest to our Executive Director, Sunil Mansukhani. His e-mail address is sunil.mansukhani@dcaccesstojustice.org. His telephone number is 202-344-4441. •



Arabella W. Teal is a CCE Board member. She currently serves as an Administrative Law Judge with the District of Columbia Office of Administrative Hearings. She left the District of Columbia Office of the Corporation Counsel in 2003 after serving that Office in various staff and supervisory positions, including Interim Corporation Counsel.