Public Hearing on Mayor's FY 2007 Budget Request

Before the

Council of the District of Columbia Committee of the Whole

Testimony of Peter B. Edelman

District of Columbia Access to Justice Commission

April 11, 2006

Good morning Chairman Cropp and members of the Council. My name is Peter Edelman. I am a Ward 3 resident and a Professor of Law at Georgetown University Law Center. I am here today in my capacity as Chair of the District of Columbia Access to Justice Commission. The D.C. Court of Appeals created the Commission in 2005 to address the scarcity of civil legal services available to low and moderate income District residents. The Commission includes Court of Appeals and Superior Court Judges, past Presidents of the D.C. Bar, Executive Directors of leading legal services providers, and other community leaders. Thank you for the opportunity to testify today about the Mayor's fiscal year 2007 budget request for civil legal services.

Let me provide some background about the crises in civil legal services before addressing the substance of the Mayor's budget request. Civil legal problems often affect basic human needs, such as shelter and family stability. People charged with a crime that may result in jail time have a right to a lawyer if they cannot afford one. There is no similar guarantee for people who need civil legal assistance even though they may also face serious consequences, such as the loss of their home. The lack of civil legal assistance is a problem across the country, but particularly in the District, where only about 10% of low-income residents' legal needs are met.

Very few lawyers work full-time on behalf of the poor. Thirty thousand D.C. Bar members work in the District, yet only about 100 do legal services work. Twelve are in offices east of the Anacostia River. Although lawyers in private practice provide extensive *pro bono* services, it is not nearly enough to meet the need. Federal funding of civil legal services has fallen dramatically in inflation-adjusted dollars over the past twenty-five years, so states have come forward with additional funding.

Forty-three states fund civil legal services through a direct appropriation and/or court fees and fines. A number of states, including Maryland and Virginia, use both approaches. The District gives only limited support, for emergency domestic violence related matters and for the elderly. The newly created Office of the Chief Tenant Advocate may soon provide small grants for housing-related legal services. However, this funding has not yet been distributed. Even if we include this money, however, the District still lags far behind Virginia and Maryland in the public dollars spent per person in poverty for civil legal services.

The Commission consulted extensively with legal services providers, Bar leaders, and others throughout the District to determine where public funding would have the greatest impact. We recommended that Mayor Williams provide $6.2 million in his fiscal year 2007 budget in three program areas:

1. $3.1 million would be used to hire about 30 lawyers to work in underserved parts of the District;

2. $2.6 million would be allocated to provide about 25 lawyers for housing-related matters, such as eviction proceedings and supporting tenant ownership;

3. $500,000 would be used to create a shared legal interpreter bank so that legal services providers could use trained interpreters to communicate with their clients who do not speak English well.

I have attached a summary of the Commission's recommendation to my written testimony. Please include it in the record.

The Mayor provided $1 million in his proposed fiscal year 2007 budget for civil legal services, which is contingent on the certification of additional revenue.[1] As we requested, the funding would be given to a non-profit organization -- we suggest the D.C. Bar Foundation -- to distribute through a competitive grant process. While we appreciate the Mayor's efforts, $1 million falls far short of what is needed. Numerous other organizations recognize the critical role of civil legal assistance. Our funding recommendation was supported by the D.C. Courts, twenty-five past Presidents of the D.C. Bar, the D.C. Catholic Conference, and community groups and coalitions representing over 100 organizations. Copies of these letters of support are attached to my written testimony for the record. In addition, Attorney General Robert Spagnoletti expressed his support for public funding of civil legal services during his March 27, 2006 testimony before the Committee on the Judiciary.

In addition to helping people in poverty, funding civil legal services will generate additional *pro bono* support, save the District money by reducing social service costs, and stimulate the local economy.

A portion of this funding will foster additional *pro bono* partnerships between legal services groups and private attorneys. Virtually every legal services organization in the District relies on *pro bono* help to supplement service delivery. For instance, one provider with a $640,000 budget used three full-time equivalent positions to coordinate $4.2 million worth of donated legal services. These providers do not have sufficient staff to train and mentor more private sector attorneys. District funding will help these organizations expand their *pro bono* initiatives so that far more low-income residents receive help.

---

[1] See Proposed Fiscal Year 2007 Budget Support Act of 2006 at § 1042(28).

Funding legal services will also save the District money. A 1996 study in New York City, for instance, concluded that the City's expenditure of $3 million to provide lawyers for families facing eviction (which leveraged an additional $9 million in state and federal funds) saved the City more than $27 million that would otherwise been spent to house families in homeless shelters.[2] It is easy to see why eviction prevention saves money. The average per diem cost for a family shelter in the District is over $25,000/year. An attorney who prevents the unjust eviction of four families per year more than pays for his or her salary and overhead expenses.

Investing in legal services also benefits the local economy. A recent Nebraska study concluded that every dollar Nebraska invests in civil legal services generates five dollars for the state's economy.[3]

In short, funding civil legal services is good for District residents, good for the treasury, and good for the economy. Mayor Williams' budget laid the foundation for this sound investment. We ask the Council to build upon this foundation by fully funding the Commission's recommendation so that low-income District residents get the legal assistance they need. Thank you for your consideration. I am happy to answer any questions.

---

[2] H.R. Windels, "Memorandum to the Committee on Pro Bono and Legal Services, Association of the Bar of the City of New York," at 3 (Apr. 9, 2002) (on file with Commission).

[3] Jerome A. Deichert, Center for Public Affairs Research, University of Nebraska at Omaha, "The Economic Impact of Legal Aid of Nebraska," at 8 (2005) (on file with Commission).