

Performance Oversight Hearing, Office of Victim Services and Justice Grants

**Before the Council of the District of Columbia
Committee on the Judiciary & Public Safety**

**Testimony of Nancy E. Drane, Executive Director
District of Columbia Access to Justice Commission**

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Chairman Allen and Members of the Council, thank you for the opportunity to testify today. My name is Nancy Drane and I am the Executive Director of the District of Columbia Access to Justice Commission. The Commission was created by the District of Columbia Court of Appeals in 2005 to address the scarcity of civil legal services for low- and moderate-income District residents and to reduce the barriers these litigants face in navigating the civil justice system. The Commission is chaired by Professor Peter B. Edelman of Georgetown University Law Center and its members include D.C. Court of Appeals and Superior Court judges, past Presidents of the D.C. Bar, Executive Directors of prominent legal services providers, members of the private bar, corporate counsel, law school professors, and other community leaders.

It is my honor to testify today to discuss the impact of the Access to Justice Initiative, which is under the purview of the Office of Victim Services and Justice Grants. The Office of Victim Services Justice Grants, led by Director Michelle Garcia, has worked with the D.C. Bar Foundation to skillfully and strategically administer these important funds. I am pleased to be testifying today alongside D.C. Bar Foundation Executive Director Kirra Jarrett.

The Commission is extremely grateful to the Mayor and to the D.C. Council for their long-standing support of the Access to Justice Initiative, and to this Committee, that has championed its work for so many years. The District's fiscal year 2019 budget includes over \$10 million in funding to promote access to justice in our community through the Access to Justice Grants program, the District of Columbia Poverty Lawyers Loan Repayment Assistance Program, and the Civil Legal Counsel Projects Program.¹ Our testimony will focus on the impact of these

¹ These FY19 funds are distributed as follows: \$5,175,256 to the Access to Justice Grants Program (including the Community Legal Interpreter Bank); \$382,000 to the District of Columbia Poverty Lawyers Loan Repayment Assistance Program; and \$4,500,000 to the Civil Legal Counsel Projects Program. Taken together, these programs represent an integrated and cohesive investment in access to justice.

important programs on the District's low-income community and the complementary role these public funds play in the support for our legal services network.

Civil legal services are a critical strand in the safety net for District residents living in poverty. Most people would not attempt to navigate our complex court system without a lawyer, particularly when the things most precious to them – their children, their home, their physical safety, their only income stream – are on the line. Yet every day low-income District residents are forced to face their legal troubles alone. The District government has long recognized this critical need and for twelve years has provided vital financial support for civil legal services to tens of thousands of District residents through the Access to Justice Initiative.

Through the important work of the Office of Victim Services and Justice Grants and the D.C. Bar Foundation, the legal services network has been fundamentally transformed through these funds, which have significantly increased the capacity and reach of District legal services organizations and permitted innovations that address emerging needs. The Access to Justice Initiative has enabled legal services providers to increase the delivery of services where they are most needed, in communities and neighborhoods of highly concentrated poverty. The funds have supported legal services in a wide variety of substantive legal areas, particularly housing, and enabled providers to address the unique legal needs of traditionally underserved populations. The funds support a community interpreter bank, an essential resource to enable legal services providers to more ably serve clients. The D.C. Poverty Lawyer Loan Repayment Assistance Program, also supported by these funds, provides loan repayment assistance to dedicated legal services lawyers that makes it possible for them to remain working in District legal services organizations and serving District residents. Simply put, this investment has made a marked and important difference in the District.

Supporting Civil Legal Aid in the District

The work done through the Access to Justice Initiative is life changing. The civil legal aid provided through the use of these funds has provided critical support to vulnerable District residents who have traditionally struggled to access services: keeping children in safe homes and receiving appropriate educational services; safeguarding elders' access to needed services and protections; assisting returning citizens with community reentry; and ensuring that LGBTQ District residents have equal access to healthcare and other essential needs. In the area of housing, legal services providers: keep District families stable in their homes; preserve their access to affordable housing; assist those facing wrongful evictions or foreclosures; and help those living in unsafe housing address those conditions. In addition, work done in the areas of employment, health and disability, and consumer law, protect and safeguard District residents

otherwise vulnerable to discrimination, fraud, and other unlawful practices. Here are just a few examples of the important work being done because of this funding:

- Low-income District workers recover stolen wages, fight discrimination, and ensure they receive their lawful wages through an employment justice project that hosts clinics, conducts outreach, provides rights training, and represents individual clients.
- Homebound elders in need of wills, advance directives, and public benefits audits, as well as those affected by consumer scams and housing-related issues, receive necessary legal assistance.
- A specialized program assists the District's large transgender population on a variety of legal issues including discrimination in the workplace, at school, in housing, and in health care; public benefits; immigration; private health insurance; and obtaining accurate identity documents, in part through a name and gender change clinic.
- Low-income District residents in foreclosure cases have access to representation through a project where attorneys are present in court every week for the call of the judicial foreclosure calendar to provide information and assistance to homeowners facing foreclosure.
- The significant housing barriers faced by people with disabilities, especially people with mental illness, are addressed through a program that uses systemic and individual advocacy to obtain reasonable accommodations by housing and service providers.
- Through a housing and community development project, low-income and limited-English proficient District Asian-Americans receive legal assistance regarding evictions, threats, illegal rent increases, and bad housing conditions, as well as illegal relocation, denial of access to housing applications, and lack of language access in Section 8 housing developments.
- A project advises, counsels, and represents immigrant victims of fraud in potential immigration, civil, and criminal processes stemming from fraudulent acts by representatives purporting to serve the immigrant community often known as 'notarios' or 'immigration consultants.'

Notably, the Access to Justice Initiative has supported important collaborations between the court and the legal services community to address unmet needs identified by both the judiciary and legal services providers. For example, a consumer law project places legal aid attorneys at D.C. Superior Court to provide same-day representation in debt collection matters to protect the limited income and assets of low-income District residents. Similarly, several legal services providers maintain a court-based legal services office at the Paternity & Support Branch of D.C. Superior Court. The attorneys improve individual outcomes for custodial and

noncustodial parents in their child support cases, enhance the fairness of the court process, and increase the efficiency of the Paternity & Support Branch. Several other comparable court-based programs also are supported by these funds.

The Commission is particularly pleased with the successful launch of the Civil Legal Counsel Projects Program, which was created in fiscal year 2018 through the support and leadership of this Committee, the Council, and the District Government. The D.C. Bar Foundation has skillfully facilitated the program's development and brought together District legal services providers experienced in providing eviction defense to low-income tenants. It has promoted innovative collaborations among these providers that leverage each organization's expertise and promote greater efficiency in the delivery of services. For example, one organization that provides limited, same-day services on-site at D.C. Superior Court has partnered with another organization to accept referrals for longer term services for those same clients. As the organizations have expanded their staffs in housing-related matters, the D.C. Bar Foundation has supported a series of ongoing trainings that not only bring new attorneys from all the organizations together in one setting, but promote relationship building and ongoing collaboration.

Through the program, legal aid providers have been able to expand service to low-income District residents facing eviction, absolutely critical in light of the over 30,000 new landlord and tenant matters that are filed each year in D.C. Superior Court. Attorneys provide either full representation, temporary appearances, brief service, or legal advice in landlord-tenant matters through attorney of the day programs located at D.C. Superior Court and other related community-based projects. In a practical example of the program's impact, one provider has dramatically expanded services, including those offered on-site at D.C. Superior Court, to include evenings and Saturdays. The program has several projects focused on housing preservation for the elderly and those with subsidized housing. The Commission is particularly pleased that the Council incorporated a robust evaluation component to the program, which will enable the D.C. Bar Foundation to measure both the reach and impact of the program and the District's investment.

In addition, the Access to Justice Initiative supports the nationally recognized Community Legal Interpreter Bank, which ensures that the District's large deaf community and more than 39,000 limited English proficient residents have equal access to justice. The bank provides language access services to nearly 40 District nonprofits that provide legal assistance to low-income residents. The bank now has over 120 specially trained interpreters available to provide services in 26 different languages (including American Sign Language and Certified Deaf Interpreters), and in 2018 provided 2,513 telephonic interpretations, 301 in-person

interpretations, and 274 document translations. At a time of constant and erratic change in immigration policy, the Community Legal Interpreter Bank has been an indispensable resource to nonprofits serving and educating limited English proficient immigrants.

Finally, the D.C. Poverty Lawyer Loan Repayment Assistance Program, a critical tool for recruiting and maintaining a talented and diverse corps of legal services lawyers who live and work in the District, also is supported through these funds. In fiscal year 2019 the D.C. Bar Foundation was able to fund every legal aid attorney who sought its help in paying their educational debt. This support ensures that the District's civil legal aid community is stronger and more diverse, has greater continuity, and provides the highest quality services to District residents. As one legal services leader remarked: "The DC Bar Foundation's LRAP program has been critically important to our ability to recruit and retain diverse, well-qualified attorneys."

The Critical Role of Public Funds in Meeting the Need

While the Access to Justice Initiative funds are being used effectively to serve thousands of District residents, as described above, we continue to hear from legal services providers that the demand for services, and the urgency of the problems faced by their clients, have not ebbed. Organizations are still forced to turn away clients with urgent, meritorious cases due to a lack of resources. As a result, the legal services network remains underfunded at a time when low-income residents, particularly those who reside in Wards 7 and 8, continue to struggle with poverty-related legal problems. This underscores how absolutely essential these public funds are to our civil justice system.

The Broader Impact of these Funds

The larger community impact of the Access to Justice Initiative is significant. Programs funded through the Access to Justice Initiative help form the safety net in many District communities. For example, since its inception the number of attorneys working east of the Anacostia River has doubled. This not only eases the transportation burden for low-income residents needing legal help, but it also has resulted in these organizations becoming known and trusted parts of the community. The funds promote creative community alliances such as medical-legal partnerships, which place attorneys alongside medical staff at some of the District's most high-volume providers of primary medical care. Through these programs, attorneys meet young patients' legal needs in the areas of education, housing, and access to health care when facing urgent medical episodes. Legal services providers have developed numerous partnerships with trusted community partners to deliver legal information and better connect District residents to legal services. One grantee organization, for example,

conducts community outreach on debt-related matters by partnering with a community organization in Ward 7. Another organization partners with and supports tenant groups' work on the preservation of affordable housing. There are countless other examples of this important community work.

The District Government's leadership in supplying these public funds has also allowed legal services organizations to maximize a range of other resources. For example, legal services providers magnify the impact of every public dollar invested through the recruitment, training, and support of private lawyers performing pro bono service in the District. Pro bono contributions are indispensable to meeting client needs but are only possible when there is a stable legal services network to identify cases, develop resources, and provide training and supervision. Each year, the D.C. Courts, in partnership with the Commission and the D.C. Bar Pro Bono Center, recognize pro bono attorneys who provide 50 hours or more of pro bono service – or 100 hours of service or more for a higher recognition category – to help those who cannot afford counsel. In 2017, over 4,800 attorneys registered for the Honor Roll, with over 60% qualifying for the higher recognition category of 100 plus hours. The Honor Roll includes attorneys from all segments of the bar, including more than 150 law firms and scores of solo practices, local and federal government agencies, and non-profit organizations. Without these public funds and the stable legal services infrastructure they assure, many of these important law firm resources would go untapped, and thousands more clients would be denied the assistance of counsel.

The District's commitment to civil justice also serves as a model to all segments of the community. The increase in funding from both the public and private spheres, commensurate with their joint commitment to equal access for all, is crucial. The Commission is grateful that the private bar has increasingly become an equal partner in funding access to justice work and that its contributions to direct legal services organizations also have increased. Each year, the Commission recognizes the contributions of the legal community through the Raising the Bar in D.C. Campaign. As the Committee may recall, the campaign establishes revenue-based benchmarks for law firm donations to legal services organizations. While the District is fortunate to have a generous legal community both in terms of financial and pro bono support, with many firms having given generously for years, the community can always do more. The campaign works hard to persuade more firms to support local legal services and to convince those already giving to do more. In 2017, the forty-eight firms that met benchmark levels collectively donated over \$5.5 million to organizations that serve low-income District residents with urgent legal issues, which represents a \$2.6 million dollar increase in giving by these same firms since they joined the Campaign. Significantly, these figures do not include the millions of

additional dollars in individual philanthropy provided by private law firm attorneys annually to the legal services network. The Commission believes that this robust private-public partnership has been greatly incentivized by the District government's long-standing support. As a matter of principle, our legal community recognizes that the burden of ensuring equal access to justice is a shared responsibility and not one that can or should be borne by public dollars alone.

At their core, the numbers and project descriptions described in our testimony demonstrate how the District's commitment to these programs changes the lives of individual District residents, many of whom have effective access to justice only because of these appropriations. However, it is also important to recognize the significant effect the funds have on the broader administration of justice, the well-being of the community, and the public fisc. By keeping families economically stable, legal services attorneys reduce reliance on costlier public benefits systems. Keeping clients housed lessens the need for homeless services. By moving clients from local to federally funded public benefits programs, they reduce the burden of these programs on the local budget. And through their work, they help enforce and strengthen District law that has been established to protect its residents. Our civil legal services network also provides invaluable benefits to the administration of justice by helping our local courts and administrative agencies identify and eliminate systemic barriers that deny unrepresented litigants access to justice and build faith among constituencies in the functioning of the justice system.

Thank you for the opportunity to testify today about these vital programs. The District's support of the Access to Justice Initiative has helped countless District residents secure the legal assistance they need to maintain vital human needs, like housing, family stability, and public benefits, and in doing so, helps make the District a more just, stable community.

I look forward to answering any questions you may have.