

## **D.C. Access to Justice Commission's FY 2017 Public Funding Request for Civil Legal Services**

**Summary:** Civil legal services are a critical strand in the safety net for District residents living in poverty. Advocates help the most vulnerable members of our community to address basic human needs including housing security, protection from domestic violence, access to health care, protection from illegal employment practices, and access to vital income and food security programs. 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 poor District residents, many of whom struggle with mental illnesses, physical disabilities, literacy issues, or language access challenges, are forced to face their legal troubles alone.

The District government has long recognized the critical needs of its low-income residents and for over ten years has provided vital financial support for civil legal services. The appropriation is used to increase services in communities and neighborhoods of highly concentrated poverty, expand representation on housing matters and maintain a legal interpreter bank (Access to Justice Grants Program) and to help lawyers working in D.C. legal services organizations pay their law school debt (Poverty Lawyer Loan Assistance Repayment Program (LRAP)).

The D.C. Access to Justice Commission<sup>1</sup> requests that the District continue its commitment to equal justice by appropriating level funding for FY 2017 in the amount of \$5,027,835 (with the following breakdown: \$4,800,000 for Legal Services Grants and \$227,835 for LRAP).

**Background:** Since its inception, the District government appropriation has been vital to ensuring that thousands of District residents have legal assistance. These funds have fundamentally transformed the legal services network by significantly increasing the capacity and reach of D.C. legal services organizations and permitting innovations that address emerging needs. The funds support approximately thirty lawyers who represent clients in the most underserved parts of our city. The funds have also doubled the number of attorneys working east of the Anacostia River, easing the transportation burden for indigent residents and helping those organizations to become known and trusted parts of the safety net in those communities. In addition, the funds have yielded innovative new programs tailored to populations that have traditionally struggled to access services.

In the last two years alone, the D.C. Bar Foundation has funded several new programs that are bringing services to deeply underserved populations. These include Ayuda's Project END (Eradicate Notario Fraud), a groundbreaking initiative to end fraudulent practices by notaries who prey on vulnerable immigrant communities. The funds support a staff attorney who helps clients with immigration and civil fraud issues and also works with law enforcement to bring perpetrators to justice. The funds also support a new collaboration between the D.C. Employment Justice Center and the Neighborhood Legal

Services Program to develop a Workers' Rights Clinic to serve D.C. resident workers in Wards 5 and 7. In addition, Quality Trust received new funding to provide representation for District residents with disabilities who are facing or suffering overbroad or undue guardianships. These are in addition to the many successful programs that received renewed funding, such as the Children's Law Center's two medical-legal partnerships, Legal Counsel for the Elderly's homebound elders project, and a number of projects designed to locate lawyers in underserved communities, often partnering or co-locating with other legal or social services organizations. A full list of programs is attached.

The funds have also permitted close collaborations between the court and the legal services community to address unmet needs identified by both the judiciary and the legal services providers. This includes two extraordinary Court Based Legal Services Projects funded at the D.C. Superior Court. The tremendously successful Landlord-Tenant Court-Based Legal Services Project is a powerful example of the value created by each dollar of this appropriation. This highly effective program provides same day representation to tenants who are in imminent danger of losing their homes. These attorneys are often the last line of defense in preventing homelessness.

The eight publicly-funded attorneys staffing the Project provided emergency, same day services to clients facing eviction in over 600 cases in fiscal year 2014 alone. The Project obtained nearly \$1 million in measurable financial benefits for tenants, and that does not include the substantial economic and social benefits of helping tenants to avoid homelessness and family displacement. Two thirds of the tenants served by this Project are from wards 5, 7 and 8 which include some of the most impoverished parts of the District.

In addition to the extraordinary work performed by the publicly-funded attorneys, the project also leverages substantial pro bono contributions. Those publicly funded attorneys placed 80 cases with pro bono counsel in fiscal year 2014 and provided mentoring and support to enable volunteers to handle those cases. In doing so, they greatly multiplied the impact of each of those public dollars.

Through this one project – which is only one of the highly effective and creative programs supported by the appropriation – nearly 4,000 tenants and their family members were served either by legal services lawyers or by pro bono counsel in fiscal year 2014. And all of this assistance was secured by a public investment of only \$589,500.

In fiscal year 2012, the public funding permitted replication of this model in the Paternity and Support Branch to provide same day services in child support cases. In 2014, that project benefitted over 1700 D.C. residents. When we include the Project's extensive outreach and training efforts, that number jumps to more than 2000 individuals. Over 80 percent of those assisted reside in the District's four poorest wards. Both of these projects address needs that the legal services community has long struggled to meet and which the Court itself identified as damaging service gaps.

The funds also support the nationally recognized Community Legal Interpreter Bank which ensures that non- or limited-English proficient residents can communicate effectively with their attorneys. The Bank now has 130 interpreters available to provide services in 42 different languages (this includes American Sign Language and Certified Deaf Interpreters) and in fiscal year 2013 has already provided 1762 telephonic interpretations, more than 200 live interpretations, and 60 translations. Further, the Loan Repayment Assistance Program, a critical tool for recruiting and maintaining a talented and diverse corps of legal services lawyers, supported twenty-five attorneys serving ten legal services organizations.

These numbers and project descriptions rightly focus attention on how these funds change the lives of individual District residents, many of whom have true access to justice only because of these dollars. It is important to also note, however, the significant effect these 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 more costly public benefits systems. By keeping clients housed, they ease the burden on our tattered homeless services network. By moving clients from local to federally-funded public benefits programs, they reduce the burden of these programs on the local budget. Publicly funded attorneys also provide other invaluable benefits to the community by enforcing the city's building codes, preserving safe and affordable housing, and uncovering predatory lending schemes. Their presence in courtrooms helps the court to identify barriers for pro se litigants, deters institutional litigants from "cutting corners" or unduly pressuring pro se litigants, and helps the court to identify systemic issues to examine.

**Breakdown of Funding Request:** The Access to Justice funds support civil legal services organizations and the Poverty Lawyers Loan Repayment Act of 2006. The statutes creating those programs require the government to provide a separate allocation for each item. See D.C. Code §§ 1-301.114(a) and 11-308.22(b). We respectfully suggest the following breakdown:

Grants for civil legal services	\$4,800,000
Loan repayment program	\$227,835
<b>Total</b>	<b>\$5,027,835<sup>ii</sup></b>

---

<sup>i</sup> The Commission was created by the D.C. Court of Appeals in 2005 to address low and moderate income residents' unmet need for civil legal services. The Commissioners include D.C. 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. For additional information, please contact the Commission's Executive Director, Jess Rosenbaum, at (202) 344-4441 or [jess.rosenbaum@dcaccesstojustice.org](mailto:jess.rosenbaum@dcaccesstojustice.org).

---

<sup>ii</sup> The amounts listed for the civil legal services and loan repayment funding includes an administrative allocation, which can be no more than 5% of the total grant pursuant to D.C. Code §§ 1-301.114(b) and 1-308.22(d)(4). The administrative allocation pays a portion of the Bar Foundation's monitoring and support of the grant and LRAP programs. The Bar Foundation also uses its private funds to supplement areas that the public funding does not cover. For instance, it uses private funds to provide loan repayment assistance to attorneys living in Maryland and Virginia who work in the District for legal services providers.