

February 28, 2017



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via e-mail: matthew.brown3@dc.gov, justin.constantino@dc.gov

RE: Access to Justice Initiative Funding – FY18

Dear Mr. Brown and Mr. Constantino:

Civil legal services are a vital resource for District residents living in poverty. Daily, legal advocates help the most vulnerable members of our community address basic human needs such as housing security, protection from domestic violence, access to health care, protection from illegal employment practices, and crucial income and food security programs. Without these advocates, poor District residents, many of whom struggle with mental illnesses, physical disabilities, literacy issues, or language access challenges, would be forced to face their legal troubles alone.

The District government has long recognized this critical need and for over ten years has provided vital financial support for civil legal services through the Access to Justice Initiative.

The non-judicial members of the District of Columbia Access to Justice Commission request that the District continue this important commitment to equal justice by appropriating level funding to the Access to Justice Initiative for FY 2018, with a modest increase to account for additional administrative responsibilities assumed by the D.C. Bar Foundation in administering the program. This request is detailed further in the attached summary.

Further, the Commission understands that the DC Council intends to move forward with the Expanding Access to Justice Act of 2017 (B22-0024), which would further strengthen the safety-net for low-income D.C. residents at-risk of homelessness through the provision of legal services. The Commission's priority is ensuring that the core Access to Justice Initiative receives necessary funding in FY 2018, but we strongly support an additional budgetary commitment to fund the critical work outlined in that pending legislation. This is not part of our budget request, but we wish to call you attention to this important pending legislation.

We would welcome the opportunity to speak with staff about this request and these important programs at your earliest convenience.

Sincerely,

A handwritten signature in black ink that reads "Peter Edelman".

Peter B. Edelman
Chair

**D.C. Access to Justice Commission's
FY 2018 Public Funding Request for Civil Legal Services and Poverty Lawyers**

Summary: 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 poor District residents are forced to face their legal troubles alone.

The District government has long recognized this critical need and for over ten years has provided vital financial support for civil legal services. This 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 (part of the Access to Justice Grants Program) and to help lawyers working in D.C. legal services organizations pay their law school debt (the District of Columbia Poverty Lawyer Loan Repayment Assistance Program or DC LRAP). The District has designated the D.C. Bar Foundation to administer these programs.

The D.C. Access to Justice Commissionⁱ requests that the District continue this commitment to equal justice by appropriating level funding to the Access to Justice Initiative for FY 2018, with a modest increase to account for additional administrative responsibilities assumed by the D.C. Bar Foundation in administering the program, as discussed below. The total request is \$5,308,549 with the following breakdown: \$5,096,049 for the Access to Justice Grants Program and \$212,500 for DC LRAP.

Background: Since its inception, the District government appropriation has been vital to ensuring that tens of 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 nearly 50 lawyers who represent clients in the most underserved parts of our city. The funds have 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 year alone, several new programs have drawn attention to the need to create more economic security for some of our most vulnerable D.C. residents. For example, through the Legal Aid Society of the District of Columbia's Consumer Law Court-Based Legal Services Project, low-income D.C. residents receive same-day representation in debt collection cases, thus protecting their already limited income and assets. The funds also support the Latina Outreach Project, an initiative of First Shift Justice Project which aims to prevent unlawful job loss among low-income pregnant Latina women and new Latina mothers by proactively reaching out to pregnant women to request pregnancy accommodations at work before they lose their jobs.

As always, the D.C. Bar Foundation has supported several new programs that are bringing services to deeply underserved populations. For example, the funds support Amara Legal Center, a new legal services organization whose mission is to provide legal aid to individuals whose rights have been violated by involvement in commercial sex, regardless of reason for entry. The project's attorney provides legal assistance in the areas of child custody and support, domestic violence, public benefits, crime victims' compensation, and record sealing. As part of the program's priority to draw more

lawyers east of the Anacostia River, Children's Law Center expanded its successful medical-legal partnership to the largest private provider of primary medical care in the District. Partnering with Unity Health Care on Minnesota Avenue in Northeast DC, a staff attorney works alongside clinic staff to identify and address each young patient's legal needs, such as substandard housing conditions, unmet educational needs, and lack of access to health care for urgent medical episodes.

These are in addition to the many successful programs that received renewed funding, such as Legal Counsel for the Elderly's Homebound Elderly Project (Project HELP), and several 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 permitted continued collaborations between the court and the legal services community to address unmet needs identified by both the judiciary and legal services providers. This includes the successful Landlord-Tenant Court-Based Legal Services Project, which continues to show the economic impact of the greater provision of legal services, with attorneys often the last line of defense in preventing homelessness. The eight publicly funded attorneys staffing the Project provided same day services to clients facing eviction or suing their landlord for critical-needed repairs in over 750 cases in fiscal year 2015 alone – a jump of 150 cases from 2014. The Project obtained over \$1.1 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 leverages substantial pro bono contributions. The publicly funded attorneys placed 75 cases with pro bono counsel in fiscal year 2015 and provided mentoring and support to enable volunteers to handle those cases. They greatly multiplied the impact of each of the public dollars. Through this one project – which is only one of the highly effective and creative programs supported by the appropriation – over 3,000 tenants and their family members were served either by legal services lawyers or by pro bono counsel. And all this assistance was secured by a public investment of only \$587,500.

The funds support the nationally recognized Community Legal Interpreter Bank, which ensures that the District's more than 33,000 limited English proficient residents have equal access to justice. The Bank provides language access services to 37 D.C. nonprofits that provide legal assistance to low-income residents. The Bank now has more than 70 specially trained interpreters available to provide services in 18 different languages (this includes American Sign Language and Certified Deaf Interpreters), and in fiscal year 2015 provided 2,651 telephonic interpretations, 230 in-person interpretations, and 107 document translations. In fiscal year 2016, the Bank has already provided 1,551 telephonic interpretations, 163 in-person interpretations, and 100 document translations.

Further, the DC Poverty Lawyer Loan Repayment Assistance Program, a critical tool for recruiting and maintaining a talented and diverse corps of legal services lawyers, supports 38 attorneys serving 14 legal services organizations.

These numbers and project descriptions focus attention on how the funds change the lives of individual District residents, many of whom have effective access to justice only because of the dollars. It is important to note too 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. 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.

Grant Administration by the D.C. Bar Foundation:

The Access to Justice Initiative includes an administrative allocation to support the work of the D.C. Bar Foundation in managing the grants program and DC LRAP and providing required information to the District’s Office of Victim Services and Justice Grants (OVSJG). In recent years especially, the D.C. Bar Foundation’s actual administrative costs have exceeded the statutory allocationsⁱⁱ and thus, the D.C. Bar Foundation has had to use privately raised funds to support the administration of the Access to Justice Initiative – funds that would otherwise be reserved for the Foundation’s private grants program and LRAP, which are both critical to D.C. legal aid organizations, but unfortunately underfunded. The Foundation also expects the actual administrative costs to increase even more because, over the past fiscal year, OVSJG has increased the Foundation’s audit, financial, and programmatic reporting requirements while the statutory administrative fee has remained flat.

The Commission is thereby requesting a modest increase in the FY18 appropriation to address these additional administrative costs so that the D.C. Bar Foundation no longer has to use its own funds to subsidize the Access to Justice Initiative Program while it meets all of the District’s requirements.ⁱⁱⁱ

Breakdown of Funding Request:

The Access to Justice Initiative supports D.C. civil legal services organizations through the Access to Justice Grants Program and the District of Columbia Poverty Lawyers Loan Repayment Program. The statutes creating those programs require the government to provide a separate allocation for each item. See D.C. Code §§ 4-1703.01(a), 4-1704.01(b). We respectfully suggest the following breakdown:

| | |
|--|---|
| Grants for civil legal services for additional administrative allocation) | \$5,096,049 (level funding of 4,827,835 plus \$268,214 |
| Loan repayment program additional administrative allocation) | \$212,500 (level funding of \$200,000 plus \$12,500 for |
| Total | <u>\$5,308,549</u> (up from \$5,027,835) |

ⁱ The D.C. Access to Justice 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, Nancy Drane, at (202) 736-8334 or nancy.drane@dcaccesstojustice.org.

ii The statute provides that the D.C. Bar Foundation may use no more than 5% of the total Access to Justice Grants Program, D.C. Code § 4-1703.01(b), and no more than 15% of the total District of Columbia Poverty Lawyer Loan Repayment Assistance Program, see § 4-1704.01(c)(3), for reasonable administrative expenses associated with administering the respective programs.

iii The D.C. Bar Foundation, with the Commission's support, will be seeking the Council's support in amending the statutory language to allow for administrative costs "up to 10%" for the Access to Justice Grants Program and "up to 20%" for the District of Columbia Poverty Lawyer Loan Repayment Assistance Program.

2016 Access to Justice Grants Program Overview

Updated 10/1/2016

The 2016 Access to Justice Grants Program are awarded to civil legal aid providers for projects that fall in one of these three categories: (1) a shared legal services interpreter bank; (2) underserved areas in DC; and (3) housing-related matters. The projects described received new or continued public funding.

(1) Shared Legal Services Interpreter Bank

Community Legal Interpreter Bank

\$300,000

Ayuda received continued funding for its shared legal services interpreter bank, which provides assistance to legal aid providers using trained community legal interpreters. The project serves as a national model for coordinated, point-of-service legal interpreter services.

(2) Underserved Areas

Generations Project

\$25,000

Children's Law Center received continued funding for its medical-legal partnership with the Children's National Medical Center's Generations program that focuses on teen parents and their children. The project provides legal representation on a wide range of issues and health outcomes for children born to teen parents.

*Homeless Legal Connect**

\$25,000

Christian Legal Aid of the District of Columbia received new funding to staff and manage its monthly intake center based at Central Union Mission, a men's homeless shelter and social service agency located in Ward 6. Staff attorneys and volunteer attorneys staff the clinic, providing legal assistance in various matters such as housing, public benefits, expungements, estate planning, and family law. About 50 percent of the clinic's clients are homeless, while the remainder are low-income residents of Wards 6, 7, and 8.

Workers' Rights Clinic SE Collaboration Project

\$36,000

The DC Employment Justice Center (EJC) received continued funding for its Workers' Rights Clinic SE Collaboration Project that provides assistance to low-income DC workers in the areas of wage theft, discrimination, workers' compensation, unemployment, and wage and hour matters. The Workers' Rights Clinic is physically located at Neighborhood Legal Services Program's offices (NLSP) in Ward 7, enabling EJC's attorneys to directly serve DC resident workers located in Wards 7 and 8. EJC's collaboration with NLSP also expands NLSP's capacity to litigate employment cases on behalf of low-income workers residing in DC.

*New funding

*Empowerment Project**

\$40,000

The Amara Legal Center received new funding to provide free legal aid to individuals whose rights have been violated by involvement in commercial sex, regardless of reason for entry into commercial sex. The project's attorney provides legal assistance in the areas of child custody and support, civil protection orders, public benefits, crime victims' compensation, and record sealing.

Jenny Hatch Justice Project

\$40,000

Quality Trust for Individuals with Disabilities received funding to provide representation for District residents with disabilities who are facing or suffering overbroad or undue guardianships. The project's attorneys help those in this situation by teaching them about alternatives such as supported decision-making, powers of attorney, advance directives, and other supports and services designed to protect and increase individual independence and self-determination.

*Latina Outreach Project**

\$40,000

First Shift Justice Project (FSJP) received new funding for its Latina Outreach Project to prevent unlawful job loss among low-income pregnant Latina women and new Latina mothers. FSJP works with Latina women and aims to *prevent* job loss rather than *regain* employment. FSJP proactively reaches out to pregnant women to request pregnancy accommodations at work before they lose their jobs.

Pro Bono Asylum Program

\$45,000

Torture Abolition and Survivors Support Coalition received continued funding for its Pro Bono Asylum Program (PBAB), which provides free legal aid to survivors of torture who reside in DC and are seeking political asylum. PBAB's attorneys help survivors prepare their applications, affidavits, and evidence for asylum, as well as represent them in their asylum interviews.

*Wage Theft Enforcement Project**

\$55,550

The DC Employment Justice Center (EJC) received new funding to provide community education and legal aid to low-income workers in DC who are victims of wage theft. EJC attorneys and pro bono attorneys assist low-income workers by helping them recover stolen wages. EJC works with unions, community centers, and community coalitions to educate low-income workers about their rights when they have experienced wage theft.

*Consumer Law Court-Based Legal Services Project**

\$50,000

Legal Aid Society of the District of Columbia received new funding to provide access to same-day representation in debt collection cases in an effort to protect the limited income and assets of low-income DC residents. The project places legal aid attorneys at DC Superior Court to serve pro se litigants in debt collection matters before the Small Claims Court and the civil collections calendar.

Direct Legal Representation & Advocacy Project

\$50,000

The School Justice Project (SJP) received continued funding to protect and advocate for the special education rights of court-involved students, ages 17 to 22, during incarceration and throughout reintegration. SJP attorneys work to increase access to appropriate special education in order to improve educational, employment, and life outcomes for this traditionally excluded student population.

Extended Representation to Domestic Violence Victims in Custody, Child Support, and Divorce

\$50,000

DC Volunteer Lawyers Project (DCVLP) received continued funding to represent domestic violence survivors in civil protection orders, custody, child support, and divorce matters. DCVLP utilizes a network of volunteer attorneys to address the severe shortage of free legal assistance for low-income people in the District who have urgent family law needs.

*Healthy Together Medical-Legal Partnership in Northeast DC**

\$55,000

Children's Law Center received new funding to expand its successful medical-legal partnerships with the Children's National Medical Center to Unity Healthcare's Minnesota Avenue clinic in Northeast DC. Attorneys work with the clinic's doctors to identify and address each young patient's legal needs, such as substandard housing conditions, unmet educational needs, and lack of access to health care for urgent medical episodes.

Project Eradicating Notario Deceit (Project END)

\$63,500

Ayuda received continued funding to advise, counsel, and represent immigrant victims of fraud in potential immigration, civil, and criminal processes stemming from fraudulent acts by "representatives" purporting to serve the immigrant community. These representatives are often known as "notarios" or "immigration consultants." The intended beneficiaries of Project END are low-income immigrants residing in the District who have been defrauded by a notario.

Community Lawyering Project

\$65,000

Bread for the City received continued funding for its community lawyering work located at its site on Good Hope Road SE. The project's attorneys work directly with the community to help identify options to tackle issues affecting its residents and, when needed, provide substantial direct representation to the residents. The project focuses on affordable housing, workforce development, and returning citizens.

*Expungement Clinic**

\$70,000

DC Law Students in Court (DC LSIC) received new funding to provide legal assistance to low-income District residents who have a criminal arrest, charge, or conviction that they wish to seal. Even if they were never charged for or convicted of a crime, individuals may have a criminal record, making it more difficult to secure a job or housing, pursue education, and receive public assistance. The Expungement Clinic attorneys works closely with eligible low-income District residents to seal their record and increase their chance at securing the basic components of a prosperous life.

Transgender Legal Service Project

\$75,000

Whitman-Walker Health received continued funding to assist DC'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. The grant also increases Whitman-Walker Health's capacity to serve transgender clients seeking assistance at its name and gender change clinic, which started in June 2012.

*Access to Identifying Documents (AID) Project**

\$95,000

Bread for the City received new funding to focus intensively on eliminating the unnecessarily restrictive requirements of obtaining a government-issued ID, which is required for employment, housing, public resources, and many other opportunities available to low-income individuals. The project's attorney not only provides legal assistance to low-income DC residents who are struggling to obtain identifying documents, but also supports efforts to expand accepted proofs to better reflect the circumstances of low-income DC residents.

Brief Services Unit Project

\$95,000

Neighborhood Legal Services Program received continued funding to maintain a staff attorney in its Brief Services Unit. The attorney performs an initial diagnosis of legal problems and provides advice or brief service when such limited assistance may be sufficient to enable the individual to resolve the problem. The beneficiaries of the project are low-income DC residents living in Wards 5, 7, and 8.

Homebound Elderly Project (Project HELP)

\$100,000

Legal Counsel for the Elderly received continued funding for an attorney to assist low-income, homebound elders in need of wills, advance directives, and public benefits audits, as well as those affected by consumer scams and housing-related issues. The Project HELP attorney also draws support from a pool of pro bono attorneys and other volunteer professionals to provide increased legal aid to homebound seniors.

School Discipline/Office of Administrative Hearings Extended Project

\$57,500

Advocates for Justice and Education received continued funding to address the increasing demand for legal representation and support in suspension and expulsion proceedings. The project provides on-site free legal assistance (information, advice and counsel, and/or brief services) to parents, guardians, or students at student disciplinary hearings before the Office of Administrative Hearings.

DC Jail & Prison Advocacy Project

\$146,500

Disability Rights DC at University Legal Services (ULS) serves as DC's federally mandated protection and advocacy organization charged with working for the rights of people with disabilities. ULS received continued funding to support attorneys who provide legal aid and direct advocacy for inmates in the DC Jail and other DC correctional facilities with mental disabilities. The staff attorneys work closely with the DC Department of Corrections, the DC Department of Mental Health, and the Federal Bureau of Prisons regarding DC prisoners.

Domestic Violence Underserved Communities Representation Project

\$147,000

Legal Aid Society of the District of Columbia received continued funding to provide focused outreach and legal aid to domestic violence survivors in poor and underserved communities in DC. The project attorneys have also established an office at the Domestic Violence Intake Center located in DC Superior Court.

Domestic Violence Community Legal Services Project

\$150,000

Bread for the City received continued funding for its Domestic Violence Community Legal Services Project, which provides legal aid, including civil protection orders, divorce, child custody, and public benefits, to low-income District residents who are experiencing violence within the household. The project's target populations are domestic violence survivors living in Wards 5, 6, 7, and 8.

Max Robinson Center Legal Services

\$175,000

Whitman-Walker Health (WWH) received continued funding to provide legal representation, counseling, and outreach to people living with HIV/AIDS and other low-income residents in Wards 7 and 8 through lawyers based at its Max Robinson Center in Southeast DC. WWH offers its free legal aid to lesbian, gay, bisexual, and transgender individuals in DC regardless of HIV status, and to health care patients at WWH regardless of sexual orientation, HIV status, and gender identity.

Healthy Together Medical-Legal Partnership in Southeast DC

\$275,000

Children's Law Center received continued funding for its Healthy Together Project in Southeast DC. In this medical-legal collaboration, the lawyers provide services through the two Southeast clinics of the Children's National Medical Center (CNMC). The lawyers work with families of CNMC patients to identify and resolve non-medical solutions to children's health issues.

Child Support Community Legal Services Project

\$305,000

Bread for the City and Legal Aid Society of the District of Columbia received continued funding for their Child Support Community Legal Services Project. The project's partners maintain a court-based legal services office at the Paternity & Support Branch of the DC Superior Court. The public funding supports staff attorney positions to 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.

Polk Street Office – Ward 7

\$350,000

Neighborhood Legal Services Program (NLSP) received continued funding to provide neighborhood-based legal aid in the areas of housing, family law, and public benefits. Staff attorneys are physically located at NLSP's office on Polk Street NE to provide low-income residents of this underserved community with free and accessible legal assistance.

Southeast Neighborhood Access Project

\$410,000

Legal Aid Society of the District of Columbia received continued public funding to support lawyers who work with clients from offices co-located with other legal and non-legal service organizations in Wards 7 and 8. Lawyers work out of two neighborhood offices located in Southeast and provide a range of civil legal aid.

(3) Housing-related Matters

Housing and Community Development Project

\$45,000

The Asian Pacific American Legal Resource Center (APALRC) is the region's legal advocate for the legal and civil rights of Asian Americans in the Washington metropolitan area. Through the Housing and Community Development Project, APALRC received continued funding to provide legal assistance to the District's low-income Asian immigrants with limited-English proficiency regarding evictions, threats, illegal rent increase, 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.

Attorney-of-the Day

\$100,000

DC Law Students in Court (DCLSIC) received continued public funding to support attorneys to work at the DC Superior Court's Landlord and Tenant Branch in collaboration with the Landlord-Tenant Court-Based Legal Services Project, run by Legal Aid Society of the District of Columbia and Bread for the City. DCLSIC provides low-income tenants with free same-day representation on housing matters.

Housing Right to Counsel Pilot Project

\$403,500

The Housing Right to Counsel Pilot Project received continued funding and is a joint project between Legal Aid Society of the District of Columbia, Bread for the City, and Legal Counsel for the Elderly. The project grows out of the DC Right to Housing Initiative, which is a collaborative effort among legal aid providers, the DC Bar Pro Bono Program, and the DC Access to Justice Commission and addresses the lack of safe, affordable, accessible, and stable housing for DC's low-income residents. The project's goal is to reduce eviction by significantly expanding representation for tenants facing eviction who live in subsidized housing.

Landlord-Tenant Court-Based Legal Services Project

\$615,000

Bread for the City and Legal Aid Society of the District of Columbia received continued funding to maintain attorneys in the Landlord-Tenant Court-Based Legal Services Project to provide legal aid to low-income tenants in DC through an "attorney-of-the-day" project. Tenants receive same-day representation in matters they have in court and long-term help on housing matters. By increasing representation of low-income tenants, attorneys help keep families in housing, address code violations, and keep housing affordable.