



March 1, 2018

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Ms. Jennifer Reed
Director, Office of Budget and Performance Management
John A. Wilson Building, Suite 513
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004
sent via e-mail: Jennifer.Reed@dc.gov

RE: FY19 Access to Justice Initiative and Civil Legal Counsel Projects Program Funding

Dear Jenny:

As you know, civil legal services are a vital resource for District residents living in poverty. The District government has long recognized this critical need and since 2006 has provided vital financial support for civil legal services through the Access to Justice Initiative. In the years that have followed, these funds have advanced access to justice for countless District residents and expanded the geographic and substantive reach of our civil legal services network. Last year, the District appropriated new, additional funding to create the Civil Legal Counsel Projects Program, a landmark program to provide legal services in eviction proceedings, a significant step towards maintaining District families in their homes. Taken together, these complementary programs represent an integrated and cohesive investment in access to justice.

Not only do these initiatives reflect the District's commitment to access to justice, they also place the District at the forefront of a national movement, joining a growing list of jurisdictions that are devoting increased public resources to advance civil justice.

The non-judicial members of the District of Columbia Access to Justice Commission request that the District sustain this important investment in equal justice through the continued funding of the Access to Justice Initiative and the Civil Legal Counsel Projects Program in FY19, with a modest increase in the Access to Justice Initiative from FY18 levels to further support the program and the strong network of poverty lawyers who provide essential legal services. Our request is detailed further in the attached summary.

We will be reaching out soon to set up a time to speak with you in person about these important programs. In the interim, should you have any questions do not hesitate to reach out to the Commission's Executive Director, Nancy Drane, at nancy.drane@dcaccesstojustice.org or 202-736-8334.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter B. Edelman".

Peter B. Edelman, Chair

cc: Nancy Drane, Executive Director

DC Access to Justice Commission's FY 2019 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 twelve years has provided vital financial support for civil legal services. The Access to Justice Initiative appropriation is used to increase services in communities and neighborhoods of highly concentrated poverty, expand representation in housing matters, and maintain a legal interpreter bank (part of the Access to Justice Grants Program) as well as to enable talented lawyers to remain working in District legal services organizations through loan repayment assistance (the District of Columbia Poverty Lawyer Loan Repayment Assistance Program or DC LRAP). Last year, the District government created a new program, the Civil Legal Counsel Projects Program, which targets the provision of legal services in eviction proceedings. The District has designated the DC Bar Foundation to administer all three programs since their inception.

The DC Access to Justice Commissionⁱ requests that the District sustain its commitment to equal justice through the continued funding of the Access to Justice Initiative and the Civil Legal Counsel Projects Program in FY19, with a modest increase in the Access to Justice Initiative from FY18 levels to further support the program and the strong network of poverty lawyers who provide essential legal services, as discussed below.

Breakdown of Funding Request:

The District supports local civil legal services organizations through the Access to Justice Initiative (comprised of the Access to Justice Grants Program and the District of Columbia Poverty Lawyers Loan Repayment Program) and the Civil Legal Counsel Projects Program. The statutes creating these programs require the government to provide a separate allocation for each item. See D.C. Code §§ 4-1703.01(a), 4-1704.01(b), 4-1802(b)(1). Taken together, these complementary programs represent an integrated and cohesive investment in access to justice.

We respectfully suggest the following breakdown:

- **Access to Justice Initiative - \$5,557,000**
 - \$5,175,000 for the Access to Justice Grants Program. This is an increase of \$78,951 from FY18 funding. This modest increase will allow program grants to keep pace with the growing demand for civil legal services, particularly in consumer law, and to address other growing program needs, such as an increased demand for the community legal interpreter bank.
 - \$382,000 for the DC Poverty Lawyers Loan Repayment Program. This increase of \$169,500 from FY18 funding will meet the actual demand for loan repayment assistance from the growing network of District poverty lawyers.

- **Civil Legal Counsel Projects Program - \$4,500,000**
 - \$4,500,000 for the Civil Legal Counsel Projects Program. This is equal to FY18 funding, but note that \$3,900,000 of FY18 funding was secured through recurring funds with the remaining \$600,000 in one-time funds. The Commission requests that the Mayor’s budget include \$4,500,000 in recurring funds to establish consistency and certainty in funding as the program continues to develop.

Description:

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 District legal services organizations and permitting innovations that address emerging needs. The funds support more than 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. A full list of grantees is available at: <https://dcbfoundation.org/grants/our-grantees/>.

These funds have always strived to support innovation within the legal services network, particularly programs tailored to populations that have traditionally struggled to access services. For example, FY18 funds support new efforts by Neighborhood Legal Services Program and the Washington Lawyers Committee for Civil Rights and Urban Affairs to preserve affordable housing and stabilize communities through legal work with tenants and tenant organizations to address housing code violations, wrongful evictions, and fair housing violations. Similarly, District legal services organizations are expanding their staffs in housing-related matters and providing more comprehensive, holistic services, as well as pursuing innovative collaborations that leverage each organization’s expertise, reduce overhead, and promote greater efficiency in the delivery of services.

These are in addition to the many successful programs that received renewed funding in FY18, such as Children’s Law Center’s medical-legal partnership. This program, which places attorneys alongside staff at some of the District’s most high-volume providers of primary medical care, helps meet young patients’ legal needs in the areas of education and access to health care for urgent medical episodes. In addition, several programs address the growing need for representation in consumer law. For example, Tzedek DC received continued funding to assist low-income District residents in debt-related legal matters helping residents avoid the effects of a negative court judgment and poor credit report, such as losing their driver’s license, seizure of their bank account, impossible payment plans, and the inability to obtain employment. Tzedek DC is also conducting community outreach by partnering with the United Planning Organization in Ward 7, where approximately 9,380 households are headed by a single female. Ayuda also received continued funding to advise, counsel, and represent immigrant victims of fraud in potential immigration, civil, and criminal processes stemming from fraudulent acts by so-called ‘representatives’ (often known as ‘notarios’ or ‘immigration consultants’) purporting to serve the immigrant community.

The funds have also permitted continued collaborations between the court and the legal services community to address unmet needs identified by both the judiciary and legal services providers. Through the Consumer Law Court-Based Legal Services Project, the Legal Aid Society of the District of Columbia received continued funding to provide access to same-day representation in debt collection cases to protect the limited income and assets of low-income District 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. In another court-based project, over an eight-month period DC Law Students in Court served 344 District residents with either full representation, temporary appearances, brief service, or legal advice in landlord-tenant matters through its attorney of the day program.

The funds also support the nationally recognized Community Legal Interpreter Bank, which ensures that the District's large Deaf community and the District's more than 39,000 limited English proficient residents have equal access to justice. The bank provides language access services to 39 District nonprofits that provide legal assistance to low-income residents. The bank now has nearly 90 specially trained interpreters available to provide services in 25 different languages (this includes American Sign Language and Certified Deaf Interpreters), and in calendar year 2017 provided 2,842 telephonic interpretations, 394 in-person interpretations, and 297 document translations. In January 2018 alone, the Bank provided 226 telephonic interpretations, 37 in-person interpretations, and 33 document translations. Over the last year, the Community Legal Interpreter Bank has been an indispensable resource to nonprofits serving and educating limited English proficient immigrants during a time of constant and erratic change in immigration policy.

The DC Poverty Lawyer Loan Repayment Assistance Program, a critical tool for recruiting and maintaining a talented and diverse corps of legal services lawyers, is also supported through these funds. In FY18, for the first time in its 12-year history, the requests for DC LRAP exceeded the amount of public funding available. The DC Bar Foundation received a record number of 46 DC LRAP applications requesting more than \$316,000 in awards. The FY18 appropriation for DC LRAP combined with remaining DC LRAP awards and repayments from prior years totaled \$245,000. The DC Bar Foundation also projects that in FY19 there will be an increase in DC LRAP applications due to the addition of the new Civil Legal Counsel Projects Program. As detailed above, for FY19, we are asking for an additional \$169,500 in funding to address the increased demand for this vital program.

The Commission is particularly pleased that the DC Bar Foundation officially launched the Civil Legal Counsel Projects Program in FY18. In accordance with the legislation establishing the program, the funds support legal services providers that provide free eviction defense legal services to low-income tenants in the District. Through the program, these legal aid providers will serve hundreds of low-income District residents in either full representation, temporary appearances, brief service or legal advice in landlord-tenant matters through attorney of the day programs located at DC Superior Court and other related projects.

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 these appropriations. It is also important to note 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 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. And through their work, they help enforce and strengthen District laws that have been established to protect its residents. Finally, our civil legal services network provides invaluable benefits to the administration of justice by helping our local courts and administrative agencies identify barriers for pro se litigants and identifying systemic issues to examine.

The District's support of these programs 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 The DC Access to Justice Commission was created by the DC Court of Appeals in 2005 to address low- and moderate-income residents' unmet need for civil legal services. The Commissioners include DC Court of Appeals and Superior Court judges, past Presidents of the DC 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.