



District of Columbia Courts
500 Indiana Avenue, N.W., Room 1500
Washington, D.C. 20001-2131
202 879-1700 Office 202 879-4829 Fax



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

**Joint Statement of Chief Judge Anna Blackburne-Rigsby, District of Columbia
Court of Appeals, and Chief Judge Robert Morin, Superior Court for the District of
Columbia**

FY 2021 Access to Justice Initiative Funding

We are pleased once again to write in support of the Access to Justice Initiative. As Chief Judges of the District of Columbia Courts, we are confronted every day by the serious civil justice gap that persists in our community. With the effects of the COVID-19 pandemic, we expect to see this gap widen. The DC Courts remain committed to providing equal access to justice for every resident of the District of Columbia, despite the addition of the unprecedented challenges posed by the COVID-19 pandemic. Chief among these challenges is the vast number of litigants who have to navigate their cases in both the DC Superior Court and DC Court of Appeals alone because they cannot afford counsel. The DC Courts are committed to providing equal access to all; and the DC Superior Court has established resource centers in all of its divisions and the DC Court of Appeals has created online forms to assist unrepresented litigants in initiating appeals and has provided a short video explaining the appellate process, and an email address for those who wish to contact the court but are not registered for eFiling. However, it is still extremely difficult to achieve this mission when so many litigants are unable to retain counsel.

The DC Courts are deeply committed to expanding access to justice, even at a time when our financial and judicial resources are constrained. Our strategic plan lists access to justice as its #1 goal and outlines a variety of approaches to further that goal, including enhanced self-help services and the use of technology to facilitate access to court services. The DC Courts have a number of initiatives under way already in these areas, such as a court navigator program and the creation of additional interactive forms. However, we know that drastic changes in normal court operations over the past months

in response to COVID-19 mean that accessing the courts looks different than before. This makes ensuring access to justice even more crucial as judges handle cases where the deadlines have been extended or tolled during the pandemic, litigants adapt to more remote proceedings, and operations remain subject to pandemic-related disruptions.

As we are all keenly aware, even the most comprehensive resources available to unrepresented parties are not a substitute for counsel. The legal issues confronted by many litigants are complex and even the most sophisticated litigants struggle to understand the relevant statutes and rules, effectively raise complicated defenses, and present their evidence and arguments persuasively. For the high percentage of litigants who also struggle with additional obstacles, such as mental illness, physical disabilities, low literacy, and histories of domestic violence or trauma, self-representation can seem – and in practice be – impossible. For these litigants, counsel is indispensable. Unfortunately, the pandemic is likely to increase the number of litigants without the financial ability to retain counsel.

We also know that the temporary suspension of normal court operations does not mean that members of the community are not continuing to experience problems that require legal redress or that they won't have needs in the near future as legislative moratoriums are lifted, such as in areas like debt collection, evictions and foreclosures. The DC Courts have remained open. The DC Court of Appeals has continued to decide motions, decide cases, and issue decisions. The DC Superior Court has continued to hold hearings on emergency matters, and having access to counsel for these litigants is even more crucial as they navigate the changes in court procedures made necessary by the COVID-19 pandemic. Access to counsel ensures that litigants continue to be able to access the courts despite changes in operations. Civil legal services organizations also have and will continue to be valuable partners to the courts in planning and providing feedback on operational changes in response to COVID-19 with an eye towards maximizing access to justice throughout. These same providers are currently working closely with the courts to develop ways to affirmatively reach out to litigants to offer access to civil legal services

before hearings even occur, a substitute (and improvement) on the court-based, same-day projects that existed pre-COVID 19.

The Access to Justice Initiative is a fundamental and necessary part of any effort to provide equal justice for District residents facing significant civil legal challenges because it is a critical tool in securing legal representation for thousands of vulnerable District residents who seek redress in our tribunals each year. The funds ensure that countless residents who are in legal crisis have an advocate at their side when the things they most value – their children, their livelihood, their safety, their homes – are at risk. The funds also support a number of essential court-based programs and/or resource centers in areas such as landlord-tenant, debt collection, small claims, child support, family law, and domestic violence. These programs, which have continued to provide remote services during the pandemic, ensure that litigants can access legal information and services either at the time of their hearing or in advance of that hearing. These programs may also assist in obtaining counsel or limited scope representation which has allowed these programs to serve more litigants. Further, we know that the Access to Justice Initiative supports scores of legal services attorneys who every day represent individual litigants in numerous areas of our courts, including some of our most high-volume branches.

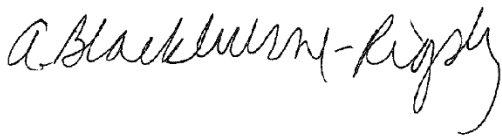
As judges, we understand what is at stake for unrepresented litigants, and how difficult it is for them to advocate for themselves, particularly when they find the forum intimidating and the law complex. As a judge, it is deeply distressing to have to adjudicate cases where the lack of counsel inhibits the full presentation of evidence and/or the persuasive presentation of legal arguments. We expect to see even more litigants facing these challenges for the first time as more District residents face financial and legal challenges they could not have imagined a few months ago. The funds provided through the Access to Justice Initiative provide thousands of litigants with pressing legal issues the representation that they need and deserve. We and our colleagues on the bench witness each day the pivotal interventions that occur when legal representation is available to help those most in need.

As Chief Judges, we are also charged with ensuring the fair administration of justice more generally. Public trust and confidence in the courts is absolutely essential to our ability to do our jobs. When those who come to us to enforce their rights and liberties feel that economic disadvantage affects their fair treatment by our courts, it strains the fabric of our justice system and our rule of law-based society. It is crucial that all litigants have – and perceive themselves to have – an equal opportunity to have their cases fairly presented. No matter how much we do institutionally and individually to enhance the experience of unrepresented litigants, the reality is that represented litigants are far more likely to feel that they have been fully and fairly heard by the Court. We simply cannot sustain public confidence in our civil justice system unless all litigants – regardless of income – feel they have this opportunity. As Chief Judges we are also charged with improving the efficiency and operations of our courts. Counsel present cases more efficiently thereby reducing litigant wait times and freeing up judicial resources. They ensure that dispositive issues are raised early in the case, reducing time expended by parties and witnesses while also permitting judges to reach a just result in a timely manner. As the DC Courts continue with adjusted operations due to the pandemic, this efficiency will be even more beneficial to the courts.

The DC Courts are also committed to expanding the level of *pro bono* representation in our courts. The Courts, in partnership with the Commission and the D.C. Bar Pro Bono Center, are pleased to recognize the community of pro bono lawyers who are already serving through the Capital Pro Bono Honor Roll, which honors the crucial *pro bono* contributions of local attorneys. We also want our vast community of private lawyers in the District to do more, and recognize that their efforts will be essential in meeting increased demands as a result of COVID-19. We recognize that any *pro bono* effort depends on a well-funded and stable legal services network to ensure that the cases placed with volunteer lawyers are properly screened, and that these lawyers receive the training, mentoring, and support that they need to take on cases that may be outside their area of expertise. The District enjoys a robust and collegial *pro bono* community, and the legal services community is an essential part of its success.

The vision statement of the District of Columbia Courts is “Open to all, trusted by all, justice for all.” Along with our colleagues on the bench, we are fully committed to achieving this vision. To do that, we need a skilled and resourced legal services network, working full-time to protect the rights of the District’s most vulnerable residents. We are mindful of the many needs the D.C. Council must consider in formulating the FY 2021 budget and deeply appreciate this Committee’s strong and steadfast support of the Access to Justice Initiative. We hope that the Committee will support the highest possible funding level for this vital program.

Thank you for considering our views on this important issue.



The Honorable Anna Blackburne-Rigsby
Chief Judge
District of Columbia Court of Appeals
Columbia



The Honorable Robert E. Morin
Chief Judge
Superior Court for the District of

June 16, 2020