



May 20, 2020

Dear Chairman Mendelson and Members of the D.C. Council:

We hope that you and your families are staying healthy and adapting to the many changes that the coronavirus pandemic has brought to our daily lives. We realize that the pandemic presents daily challenges for you as D.C. Council members and appreciate your steady and thoughtful leadership in making difficult decisions.

The District of Columbia Bar and its past Presidents are writing to express their ardent support for the Access to Justice Initiative budget and the advocacy of the D.C. Access to Justice Commission: <https://dcaccesstojustice.org/access-public-funding>. On behalf of the Bar, its leadership, and its members, we would like to express our gratitude to the District government in supporting the Access to Justice Initiative. The D.C. Council deserves special thanks for its leadership in creating and continuing to support this program, which provides critical legal assistance to low-income District residents.

From the moment the pandemic struck this community, our legal services providers have mobilized to pursue courageous and innovative approaches to meet the unmet need for legal services among the District's low-income and most vulnerable communities. They are ensuring that tenants know their rights, helping workers apply for and secure unemployment benefits, keeping survivors of domestic violence safe, ensuring that health-related services remain available despite the shut down, and so much more. None of this work would be possible without the Access to Justice Initiative.

With the expected surge in those falling into poverty as a result of the pandemic and resulting economic downturn, the need for legal services and funding for those services will be even greater as we move into the recovery phase. As courts reopen, we will see more District residents facing eviction and foreclosure, subject to debt collection lawsuits and attempts to garnish their wages and attach their bank accounts, and other civil legal challenges. Once the stay-at-home order is lifted, domestic violence survivors will need help seeking protection, the sheer number of unemployment claims filed will lead to increased need for legal help, and District residents who are worried about public exposure like the disabled, elderly, and children will need legal help more than ever before.

This increased need will be on top of the staggering civil legal need we experienced before the pandemic. According to "[\*Delivering Justice: Addressing Civil Legal Needs in the District of Columbia\*](#)," a report recently published by the D.C. Access to Justice Commission, "Despite dramatic changes in the economy over the past 10 years, poverty post-recession remains largely the same as it was pre-recession. Nearly 1 in 6 D.C. residents, about 110,000 individuals, live below the Federal poverty line; 32,000 of these residents are children — 26% of D.C. children live in poverty. Even though providers have significantly increased their reach and the volume of clients served, this unrelenting poverty perpetuates the need for civil legal services." The Report further notes the staggeringly high rate of litigants appearing in our courts without a lawyer, which is as high as 97% in some divisions. Significantly, in landlord tenant court in which a judicial determination can mean the difference between maintaining secure housing and becoming homeless, roughly 88% of tenants are unrepresented.

Civil legal services are an integral part of the safety net that government funding provides, particularly in the areas of homelessness prevention and promoting safe families. In addition to funding the dedicated work of civil legal services providers, the funds provided under the Initiative offer loan repayment assistance to those D.C. Bar members who provide these free legal services and who live and work in the District, and through the Community Legal Interpreter Bank, ensure that services are delivered in the client's native language.

This funding also increases the capacity of legal services providers to leverage our members to do *pro bono* work. The D.C. Bar is the largest mandatory bar in the country with more than 110,000 members nationwide and 65,000 members in the D.C. metropolitan area. Meaningful access to justice for every D.C. resident is a core value of the Bar, and providing *pro bono* services is an ethical obligation under our Rules of Professional Responsibility as well as a moral commitment for many members. The D.C. Bar has one of the strongest *pro bono* commitments of any Bar in the country. Indeed, last year, *pro bono* attorneys provided almost 1 million hours of service to *pro bono* clients. Even with this effort, we are falling short of meeting the need for legal services for low-income residents; therefore, the assistance that the Access to Justice Initiative provides is crucial to narrowing the justice gap that exists in our city.

As Bar leaders, we persistently exhort our D.C. Bar members to devote more time to *pro bono* work. In the months ahead, we will press for an even greater *pro bono* commitment in response to the growing need in our community that has accompanied the pandemic. However, in order to fully leverage the potential that *pro bono* services hold, it is essential to have the client screening, training, and mentoring that legal services organizations provide. While I am serving as Bar President this year, in my "day job," I am the fulltime *pro bono* partner at Crowell & Moring, where I have coordinated and overseen the *pro bono* work of our firm's attorneys for more than 30 years. I can attest from first-hand experience that private attorneys cannot effectively help to close the justice gap without the engagement and mentoring from legal services providers which requires significant resources and time on their part. Local firms do provide financial support to the legal services providers to support these efforts, but it is anticipated that declining revenue at firms may result in decreased contributions to providers. Thus, any cuts to the Access to Justice Initiative funding would be devastating given this likely decrease in private philanthropy from law firms and declining revenue from the District's Interest on Lawyers Trust Accounts (IOLTA) Program as banks respond to Federal Interest Rate cuts.

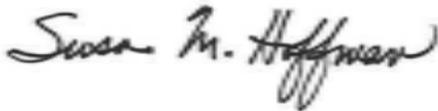
The Council will undoubtedly be considering appropriations for other benefits to assist residents in this time of economic insecurity and job loss such as programs addressing mental health services, housing, unemployment compensation and other necessities. We appreciate the need for and support these direct benefit programs. However, in order to ensure that District residents can fully access these programs and benefits, availability of civil legal services is critical. Legal services attorneys can ensure that those eligible for local and federally expanded benefit programs will be able to access them fully and avoid mistakes or unnecessary denials. Those vulnerable to consumer and other debt-related concerns, particularly elders and the immigrant population, will need to be protected through legal advocacy. Without civil legal aid necessary to help District residents navigate these complicated issues and secure these protections, the problems we will face as a community will almost certainly be greater.

The partnership of a strong legal services provider network, the private bar, and the legal services funding appropriated by the District are all critical components that keep our legal services provider network running. The Access to Justice Initiative funding that the District provides enables full-time legal services attorneys and *pro bono* attorneys to keep families in their homes, to help protect children and families who experience domestic violence, to redress harms suffered by the elderly and other vulnerable populations from predatory lenders and to obtain public benefits for individuals under a range of government programs.

The D.C. Bar is committed to help in the recovery process from the impact of the pandemic on our community and to support residents as they rebuild their lives, understanding that legal services are a necessary component of this process. The Access to Justice Initiative funding will be key to these efforts.

The D.C. Bar thanks the District government for its commitment to helping the communities in our city living in poverty, in recognition of the importance of providing access to justice for the residents of the District of Columbia. I, along with the President-Elect and listed Past Presidents of the D.C. Bar, thank you for your consideration of this letter and our request for support of the Access to Justice Initiative.

Sincerely,



Susan M. Hoffman  
President, 2019-2020

Geoffrey M. Klineberg  
President-Elect, 2019-2020

Charles R. Work, 1976-1977  
Robert L. Weinberg, 1978-1979  
Stephen J. Pollak, 1980-1981  
Marna S. Tucker, 1984-1985  
Philip A. Lacovara, 1988-1989  
Sara-Ann Determan, 1990-1991  
Jamie S. Gorelick, 1992-1993  
Mark H. Tuohey III, 1993-1994  
Robert N. Weiner, 1995-1996  
Myles V. Link, 1996-1997  
Carolyn B. Lamm, 1997-1998  
Andrew H. Marks, 1998, 1999  
Joan H. Strand, 1999-2000  
John W. Nields Jr., 2000-2001  
George W. Jones Jr., 2002-2003

John (Jack) C. Keeney, 2004-2005  
John C. Cruden, 2005-2006  
James J. Sandman, 2006-2007  
Melvin White, 2007-2008  
Robert J. Spagnoletti, 2008-2009  
Kim Michele Keenan, 2009-2010  
Ronald S. Flagg, 2010-2011  
Darrell G. Mottley, 2011-2012  
Andrea C. Ferster, 2013-2014  
Brigida Benitez, 2014-2015  
Timothy K. Webster, 2015-2016  
Annamaria Steward, 2016-2017  
Patrick McGlone, 2017-2018  
Esther H. Lim, 2018-2019