

Public Hearing on Mayor Gray's Fiscal Year 2015 Budget Request

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

Joint Statement of Chief Judge Eric Washington, Court of Appeals for the District of Columbia, and Chief Judge Lee Satterfield, Superior Court for the District of Columbia

May 8, 2014

GOOD MORNING CHAIRMAN WELLS AND MEMBERS OF THE COMMITTEE ON PUBLIC SAFETY AND THE JUDICIARY. MY NAME IS ERIC WASHINGTON AND I AM THE CHIEF JUDGE OF THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA AND CHAIR OF THE JOINT COMMITTEE ON JUDICIAL ADMINISTRATION IN THE DISTRICT OF COLUMBIA. I AM PLEASED TO PROVIDE THIS STATEMENT ON BEHALF OF MYSELF AND CHIEF JUDGE LEE SATTERFIELD OF THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA. WE ARE JOINED BY PETER EDELMAN, CHAIR OF THE DISTRICT OF COLUMBIA ACCESS TO JUSTICE COMMISSION AND PROFESSOR AT GEORGETOWN LAW CENTER, ANDREA FERSTER, PRESIDENT OF THE DISTRICT OF COLUMBIA BAR, AND KIRRA JARRATT, EXECUTIVE DIRECTOR OF THE DISTRICT OF COLUMBIA BAR FOUNDATION.

EACH YEAR WE ARE PLEASED TO JOIN WITH LEADERS OF THE COMMISSION, THE D.C. BAR, THE DISTRICT OF COLUMBIA BAR FOUNDATION, AND THE LEGAL SERVICES COMMUNITY IN SUPPORT OF FUNDING FOR LEGAL SERVICES THROUGH THE ACCESS TO JUSTICE PROGRAM. AS CHIEF JUDGES OF THE DISTRICT OF COLUMBIA COURTS, JUDGE SATTERFIELD AND I ARE UNIQUELY SITUATED TO OBSERVE THE IMPACT THAT THE DISTRICT'S PERSISTENT JUSTICE GAP HAS ON INDIGENT DISTRICT RESIDENTS. THE CHASM BETWEEN THE URGENT NEED OF CLIENTS FOR REPRESENTATION, AND THE CAPACITY OF THE LEGAL SERVICES NETWORK TO MEET THAT NEED, HAS A SERIOUS IMPACT ON THE EXPERIENCE OF LOW-INCOME LITIGANTS ATTEMPTING TO NAVIGATE OUR COURTS, THE OUTCOMES IN INDIVIDUAL CASES, AND THE ADMINISTRATION OF JUSTICE MORE BROADLY. THAT IS WHY WE MAKE IT A PRIORITY TO APPEAR BEFORE THIS COMMITTEE EACH YEAR TO STRESS THE IMPORTANCE OF MAINTAINING A PUBLIC FUNDING STREAM AND EXPRESS FROM OUR UNIQUE PERSPECTIVE THE VITAL IMPACT THAT IT HAS ON THE FAIR ADMINISTRATION OF JUSTICE IN OUR COURTS.

OVER THE PAST FEW YEARS THE COURT HAS ENGAGED IN AN EXTENSIVE STRATEGIC PLANNING PROCESS WHERE IT CLOSELY EXAMINED THE BARRIERS WE FACE IN PROVIDING EQUAL ACCESS TO JUSTICE FOR EVERY DISTRICT RESIDENT. THAT WORK CONFIRMED WHAT WE HAVE WITNESSED IN OUR COURTROOMS FOR FAR TOO LONG. THE PRINCIPAL BARRIER TO ENSURING EQUAL ACCESS TO JUSTICE IN THE COURTS IS THE VAST AND GROWING NUMBER OF LITIGANTS WHO ARE FORCED TO SEEK JUSTICE WITHOUT THE BENEFIT OF COUNSEL. CHIEF JUDGE SATTERFIELD AND I, AND ALL OF OUR COLLEAGUES ON THE BENCH, ARE COMMITTED TO PROVIDING EQUAL ACCESS TO ALL WHO APPEAR IN OUR TRIBUNALS. HOWEVER, WE ARE GRAVELY CHALLENGED IN THIS VITAL MISSION WHEN SO MANY LITIGANTS -- MANY OF WHOM STRUGGLE WITH MENTAL ILLNESS, PHYSICAL DISABILITIES, HISTORIES OF TRAUMA, AND LANGUAGE ACCESS CHALLENGES -- MUST NAVIGATE OUR COURTS ALONE.

THE ACCESS TO JUSTICE PROGRAM IS AN INDISPENSABLE TOOL IN OUR EFFORTS TO PROVIDE ALL LITIGANTS A MEANINGFUL OPPORTUNITY TO BE HEARD AND HAVE THEIR CASES THOROUGHLY AND FAIRLY ADJUDICATED. THE

PROGRAM ENSURES THAT THOUSANDS OF VULNERABLE RESIDENTS WHO ARE FACING LEGAL CRISES HAVE AN ADVOCATE BY THEIR SIDE WHEN THEIR MOST BASIC HUMAN NEEDS ARE IN JEOPARDY. AS JUDGES AND AS HUMAN BEINGS IT IS EXTREMELY DISTRESSING TO HAVE TO ADJUDICATE CASES INVOLVING PEOPLE'S CHILDREN, THEIR HOMES AND THEIR SAFETY WHEN THE LACK OF COUNSEL PRECLUDES OPTIMAL PRESENTATION OF EVIDENCE AND AIRING OF LEGAL ARGUMENTS. WHILE THERE IS MUCH WE CAN DO AS JUDGES TO ENSURE THAT PRO SE LITIGANTS HAVE A MEANINGFUL OPPORTUNITY TO PRESENT THEIR CASES, THERE IS SIMPLY NO SUBSTITUTE FOR HAVING AN ATTORNEY. WE KNOW FIRSTHAND HOW DIFFICULT IT IS FOR PEOPLE TO ADVOCATE FOR THEMSELVES WHEN THE STAKES ARE HIGH, THE FORUM INTIMIDATING AND THE LAWS AND PROCEDURES COMPLEX.

THE ACCESS TO JUSTICE PROGRAM SIGNIFICANTLY REDUCES THE NUMBER OF LITIGANTS WHO MUST APPEAR WITHOUT COUNSEL. IT IS INDISPUTABLE THAT THESE ATTORNEYS PROVIDE PIVOTAL INTERVENTIONS THAT CHANGE THE COURSE OF LITIGANTS' LIVES. THE TWO COURT BASED LEGAL SERVICES PROJECTS THAT HAVE

BEEN FUNDED THROUGH THE ACCESS TO JUSTICE PROGRAM ARE EXCELLENT EXAMPLES OF THE DIFFERENCE THIS FUNDING MAKES. THOSE TWO PROJECTS -- WHICH OPERATE IN THE LANDLORD-TENANT AND CHILD SUPPORT ARENAS -- PROVIDE SAME DAY REPRESENTATION TO INDIVIDUALS WHO WOULD OTHERWISE NOT HAVE COUNSEL. WE SEE THE TREMENDOUS BENEFIT OF THOSE PROGRAMS EVERY SINGLE DAY WHEN LITIGANTS RECEIVE THE GUIDANCE AND ADVOCACY THEY NEED AND DESERVE. LITIGANTS WHO CAME TO COURT FILLED WITH TREPIDATION, EXPECTING TO HAVE TO FEND FOR THEMSELVES, ARE INSTEAD MET BY SKILLED AND EXPERIENCED ATTORNEYS WHO ENSURE THAT THE ISSUES ARE FULLY AIRED AND VASTLY ENHANCE THE COURT'S ABILITY TO ENSURE THAT JUSTICE IS SERVED.

AS CHIEF JUDGES, WE ARE ALSO CONCERNED WITH ENSURING THE FAIR ADMINISTRATION OF JUSTICE MORE GENERALLY. THERE IS NO DOUBT THAT THE PRESENCE OF COUNSEL HELPS THE COURTS TO RUN MORE SMOOTHLY. CASES PROCEED MORE EFFICIENTLY, REDUCING LITIGANT WAIT TIMES. DISPOSITIVE ISSUES ARE AIRED EARLY, PRESERVING JUDICIAL RESOURCES AND REDUCING THE BURDEN ON PARTIES AND WITNESSES. THE PRESENCE OF

LEGAL SERVICE PROVIDERS ON HIGH-VOLUME CALENDARS HELPS THE COURT TO IDENTIFY SYSTEMIC CHANGES THAT CAN IMPROVE THE EXPERIENCE OF LITIGANTS. IT ALSO HELPS THE COURT TO IDENTIFY AND ADDRESS SERVICE GAPS WHERE THE PRESENCE OF COUNSEL MAY BE PARTICULARLY URGENT. THIS TYPE OF COLLABORATION LED TO THE COURT BASED LEGAL SERVICES PROJECTS ON THE CHILD SUPPORT AND DEBT COLLECTION CALENDARS WHICH ARE NOW MEETING NEEDS THAT HAVE LONG CONCERNED BOTH THE COURT AND THE LEGAL SERVICES COMMUNITY.

THE AVAILABILITY OF COUNSEL ALSO DRAMATICALLY INCREASES PUBLIC TRUST AND CONFIDENCE IN THE COURTS. THE COURTS CANNOT BE EFFECTIVE WHEN LITIGANTS DO NOT FEEL THEY HAVE AN EQUAL AND MEANINGFUL OPPORTUNITY TO BE HEARD AND HAVE THEIR CASES FAIRLY ADJUDICATED. NO MATTER HOW MUCH WE DO TO EASE THE EXPERIENCE OF PRO SE LITIGANTS, THERE IS SIMPLY NO SUBSTITUTE FOR HAVING COUNSEL. REPRESENTED LITIGANTS ARE FAR MORE LIKELY TO FEEL THEY HAVE BEEN FULLY AND FAIRLY HEARD BY THE COURT AND HAVE HAD THE OPPORTUNITY TO FULLY

PRESENT THEIR CASE. WE CANNOT SUSTAIN PUBLIC CONFIDENCE AND TRUST IN OUR CIVIL JUSTICE SYSTEM IF LITIGANTS FEEL THAT THEIR ECONOMIC CIRCUMSTANCES ADVERSELY IMPACT THE COURT'S CONSIDERATION OF THEIR CASES.

CHIEF JUDGE SATTERFIELD AND I ARE DEEPLY COMMITTED TO INCREASING THE RESOURCES AVAILABLE FOR LEGAL SERVICES. WE KNOW THAT BOTH FUNDING AND PRO BONO RESOURCES ARE CRITICAL ELEMENTS OF CLOSING THE JUSTICE GAP. FOR THAT REASON EACH YEAR WE PUBLISH THE CAPITAL PRO BONO HONOR ROLL WHICH CELEBRATES THE CRITICAL SERVICE OF PRIVATE AND FEDERAL GOVERNMENT ATTORNEYS AND ENCOURAGES INCREASED PRO BONO SERVICE. WE ARE ALSO WORKING CONTINUOUSLY TO MITIGATE BARRIERS TO SELF-REPRESENTATION. WE ARE WELL AWARE THAT THERE WILL ALWAYS BE LITIGANTS WHO MUST PROCEED PRO SE AND WE ARE DEEPLY COMMITTED TO ENSURING THAT THOSE LITIGANTS FIND THE COURT TO BE AS USER-FRIENDLY AS POSSIBLE. RECENTLY, THE COURT DEVELOPED AND IMPLEMENTED A NEW LANGUAGE ACCESS PLAN WHICH WILL ENHANCE THE EXPERIENCE OF LIMITED-

ENGLISH PROFICIENT LITIGANTS AND HAVE PLACED BILINGUAL STAFF IN EVERY OPERATING DIVISION OF THE COURT. FOLLOWING LAST YEAR'S REVISION OF THE CODE OF JUDICIAL CONDUCT, WHICH STRESSED THE ETHICAL OBLIGATION OF JUDGES TO ENSURE THAT PRO SE LITIGANTS ARE FAIRLY HEARD, THE COURT CONDUCTED JUDICIAL TRAINING ON WORKING WITH PRO SE LITIGANTS, REVIEWING WITH SPECIFICITY WHAT JUDGES CAN DO TO ENHANCE THE EXPERIENCE OF THESE INDIVIDUALS. CONSISTENT WITH THE COURT'S STRATEGIC PLAN, THE SUPERIOR COURT IS ALSO EXAMINING A PROPOSAL FOR EXPANDING THE USE OF LIMITED SCOPE REPRESENTATION IN CIVIL MATTERS. THIS INNOVATION HAS THE POTENTIAL TO GREATLY EXPAND THE AVAILABILITY OF COUNSEL FOR INDIGENT AND MODEST-MEANS LITIGANTS. IN ADDITION, THE COURT IS COMMITTED TO EMPLOYING TECHNOLOGY THAT FACILITATES ACCESS TO COURT SERVICES.

CHIEF JUDGE SATTERFIELD AND I, AND ALL OF OUR COLLEAGUES ON THE BENCH, ARE DEEPLY COMMITTED TO FULFILLING THE VISION STATEMENT OF THE DISTRICT OF COLUMBIA COURTS: "OPEN TO ALL, TRUSTED BY ALL, JUSTICE FOR ALL." WE ARE COMMITTED IN ALL OF OUR

ENDEAVORS TO ENSURING THAT EVERY SINGLE INDIVIDUAL WHO WALKS THROUGH THE DOORS OF OUR COURTHOUSES CAN SEEK AND RECEIVE JUSTICE, REGARDLESS OF THEIR ECONOMIC CIRCUMSTANCES. A FOUNDATIONAL PART OF ACHIEVING THAT VISION IS THE EXISTENCE OF SKILLED AND COMMITTED ATTORNEYS TO ASSIST THOSE LITIGANTS. A WELL-RESOURCED LEGAL SERVICES NETWORK IS THE LYNCHPIN FOR PROTECTING THE RIGHTS OF THE DISTRICT'S MOST VULNERABLE RESIDENTS AND ENABLING THE COURT TO FULFILL ITS VITAL MISSION. WE DEEPLY APPRECIATE THIS COMMITTEE'S STRONG AND STEADFAST SUPPORT FOR THE ACCESS TO JUSTICE PROGRAM AND WE HOPE THE COMMITTEE AND THE COUNCIL WILL SUPPORT THE HIGHEST POSSIBLE FUNDING LEVEL FOR THIS INDISPENSABLE PROGRAM.

THANK YOU FOR ALLOWING US TO ADDRESS THIS IMPORTANT ISSUE.