



**Testimony of the District of Columbia Access to Justice Commission
Regarding Mayor Bowser's Fiscal Year 2022 Budget Request**

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

June 11, 2021

The D.C. Access to Justice Commission appreciates the opportunity to submit this written testimony today in support of the Access to Justice Initiative (“the ATJ Initiative”) and to respectfully request that the D.C. Council fund the program at \$20M. As you know, the Commission was created by the D.C. Court of Appeals in 2005 to address the scarcity of civil legal services for low- and moderate-income District residents and to reduce the barriers these litigants face in navigating the civil justice system. The Commission is chaired by Prof. Peter B. Edelman of Georgetown University Law Center and vice-chaired by James Sandman, President-Emeritus of the Legal Services Corporation. Its members include D.C. Court of Appeals and Superior Court judges, past Presidents of the D.C. Bar, Executive Directors of legal services provider organizations, members of the private bar, law school professors, representatives of community-based organizations, and other local leaders.ⁱ

It is the Commission's honor to testify in support of the ATJ Initiative, which is under the purview of the Office of Victim Services and Justice Grants (“OVSJG”). OVSJG, led by Director Michelle Garcia, has worked with the D.C. Bar Foundation (“DCBF”) to administer these important funds skillfully and strategically. As Committee on the Judiciary and Public Safety Chair Charles Allen has noted quite compellingly, the provision of civil legal aid to low-income and otherwise vulnerable District residents is an essential part of the District's recovery from the COVID-19 public health emergency and will promote principles of equity and justice in the District.

Attached to this testimony you will find a joint written statement from Chief Judge Anna Blackburne-Rigsby of the D.C. Court of Appeals and Chief Judge Anita Josey-Herring of the D.C. Superior Court. Also attached is a letter from D.C. Bar President Geoffrey Klineberg, co-signed by Past Presidents of the D.C. Bar. Finally, you will find a collection of statements prepared by ATJ Initiative grantees describing their service to District residents in response to the COVID-

19 public health emergency and the importance of the ATJ Initiative to their work. (Note: Some grantees have chosen to submit separate written testimony directly to the committee.)

The District faced a civil justice crisis before the pandemic,ⁱⁱ and the unmet legal needs District residents will face during post-pandemic recovery will make that crisis all the more urgent. Pre-pandemic, 75-97% of litigants in high-stakes, high volume legal cases lacked counsel and providers found it hard to meet the demand. COVID-19 has worsened this crisis and multiplied the number of District residents who are facing civil legal problems, some for the first time. Attached to our testimony are statements by current ATJ Initiative grantees that detail the urgent needs they are seeing in the community. Here is a snapshot:

- One provider reported a 300% increase in calls to its now virtual domestic violence clinic and a case volume in just 3 months that was the equivalent of one year's worth of clients in a normal year. Cases are more urgent with higher levels of violence and lethality.
- Despite the existence of an eviction moratorium, a legal help line staffed by eviction defense programs fielded calls from 2,305 tenants and small landlords with eviction related concerns like housing code violations and attempts at illegal evictions. These needs will surely grow as the moratorium is lifted and tenants need legal help to negotiate settlements with landlords or defend against the torrent of eviction filings. The need is especially critical because the vast majority of landlords will have lawyers pursuing those evictions.
- There have been four times the number of unemployment appeals filed in cases where District residents claim they've been denied sustaining unemployment insurance compensation to which they are entitled. This increase should be understood in the context of the 206,000+ unemployment casesⁱⁱⁱ that have been filed during the pandemic, when a normal year would see just over 37,000. This is a 500% increase from a normal year's volume.
- Debt collection attorneys reportedly plan to file at least a thousand cases per month once debt moratoria expire, and lawyers will be needed to represent defendants, including advising residents, litigating cases, negotiating payment plans, and working with residents to minimize the harm to their credit from the debt collection. District residents are also falling prey to incidences of financial scams and frauds at a rate 40% higher than a normal year.
- A coordinated family law helpline answered close to 1,000 calls from unrepresented litigants seeking help in family law cases. Families are facing tense disputes about custody, medical decisions, access to child support, and pandemic-parenting choices that require legal intervention to help resolve.

These big needs require a comparably big investment in civil legal aid. That is why we are asking for the D.C. Council's support in increasing the ATJ Initiative to \$20 million.

As we turn to the monumental task of an equitable recovery, it will be critical that we use all the "tools in our toolbox" to advance access to justice – and the ATJ Initiative is a program that works. Legal services providers are on the front lines now providing critical services and are

well positioned to do more as we emerge from the pandemic. Our recovery will depend on the availability of civil legal services to help District residents navigate complicated legal issues and secure vital protections. Without this, the problems we will face as a community will certainly be greater and a disproportionate amount of hardship will fall on the low-income and vulnerable District residents least able to afford the spiraling consequences of their unmet legal needs.

The Commission is grateful to the Mayor and to the D.C. Council for their long-standing support of the ATJ Initiative. We appreciate that the Mayor's proposed fiscal year 2022 budget provides \$12.089 million in funding for the ATJ Initiative. However, this is the same amount of funding the ATJ Initiative received in FY21,^{iv} while the need has only continued to grow due to the pandemic and looming end of pandemic-era legal protections for low-income and vulnerable District residents. Without increased funding, legal services providers will simply not be able to do more to meet these urgent needs. That is why we are asking for a significant increase to the program.

This increase will allow the ATJ Initiative to both expand programs in areas of growing need and pursue innovative access-to-justice solutions that will help District residents receive help more quickly and efficiently, as described in more depth in the D.C. Bar Foundation's testimony. With the District now in an unexpectedly strong financial position,^v there is an opportunity to make crucial investments in the ATJ Initiative that will allow for a bold expansion in the availability of civil legal services and the pursuit of innovative, new solutions. We implore the Committee to consider whether there are opportunities to provide additional support for the ATJ Initiative to better and more proportionately serve District residents' fundamental civil legal needs.

Our written testimony today focuses on the role these public funds play in the efforts of the civil legal services network to meet the needs of the District's low-income community, the increased needs the civil legal services network has been confronting throughout the COVID-19 public health emergency, and how public funding will ensure civil legal services fill their crucial role in ensuring a fair and equitable recovery for all District residents.

The Role of Public Funds in Addressing Access to Justice in the District

Civil legal aid is a critical part of the District's safety net. Civil legal needs touch the fundamentals of everyday life - the roof over your head (evictions and foreclosures); the stability of your family (child custody, child support, guardianships); personal safety (protection against abuse); and financial sustenance (access to public benefits and unemployment benefits, protection from financial abuse, fraud, scams, and unscrupulous debt collectors, the ability to file for bankruptcy, and the ability to protect your credit report). Adequate legal representation for low-income District residents is integral to shaping a fair and equitable society for our city,

something that cannot be taken lightly knowing the pandemic's disproportionate impact on the District's low-income Black and Latinx populations.

Since fiscal year 2007, the District government has recognized that it should play a role in providing vital financial support to the network of civil legal service organizations that serve low-income District residents. That support has been provided through the ATJ Initiative, which is comprised of three programs:

- The *Access to Justice Grants Program* ("ATJ Grants Program") gives vulnerable District residents a fairer shot at civil justice through access to legal assistance and representation. The program keeps District families in their homes, protects consumers in the marketplace, and increases service access for vulnerable District residents, including the elderly, children, and people with disabilities. This program also funds the one-of-a-kind Community Legal interpreter Bank, which ensures limited-English proficient and Deaf/Hard-of-Hearing clients are able to access legal information and representation.
- The *Civil Legal Counsel Projects Program* ("CLCPP") is a vital tool to help District families remain in their homes. The Program preserves units of affordable housing that might otherwise be lost upon eviction, and by keeping families in their homes, is a cost-effective way to avoid homelessness.
- The funds also support the *District of Columbia Poverty Lawyer Loan Repayment Assistance Program* ("LRAP"), a critical tool for recruiting and maintaining a talented, passionate, and diverse corps of legal services lawyers who work and live in the District, through loan repayment assistance.

In December 2019, the Commission released a report titled [Delivering Justice](#) examining how providers had leveraged ATJ Initiative funds in the past decade.^{vi} The Commission found that providers leveraged ATJ Initiative funding and other supports through innovations in practice, service delivery, and operations including: the growth of existing practice areas and establishment of new organizations and projects; adoption of diverse and creative practice models; collaboration with partners and engagement of clients; work on systemic advocacy; and staffing changes for sustainability and growth.

Having access to a lawyer makes a significant difference in District residents reaching fair and favorable outcomes in their legal cases. Studies highlighted in [Delivering Justice](#) show that represented tenants are more likely to avoid an eviction judgment; non-detained immigrants with legal counsel prevail at a far greater rate; and claimants are much more likely to receive benefits when represented by a lawyer. ATJ Initiative funding has also allowed legal services organizations to multiply the impact of every public dollar invested through the recruitment, training, and support of, and collaborations with, private lawyers performing *pro bono* service in the District.

In addition, [Delivering Justice](#) profiles systemic advocacy efforts that resulted in improvements more broadly benefiting the District’s low-income community, from addressing building-wide housing code violations, to promoting justice-related policy changes, to decreasing the load on medical institutions by combatting health-harming legal barriers through medical-legal partnerships, to increasing language access to legal information and services for low-income limited English proficient and Deaf residents, to identifying other systemic obstacles to justice. Civil legal services providers have partnered with the District and Council on numerous efforts, contributing thoughtful insights based on their daily experiences to inform legislation and programs that will benefit District residents.

For the thousands of D.C. residents who currently struggle to address civil justice problems without access to legal representation, the District’s continued public investment in the ATJ Initiative means the difference between getting help or going it alone:

- In 2020, the ATJ Grants Program served about 54,780 District residents, accepted almost 8,981 cases, placed 847 cases with *pro bono* lawyers, and conducted 173 community legal education sessions. The ATJ Grants Program funds programs focused on a wide array of civil legal needs, such as consumer law, domestic violence, education, employment, estate planning and probate, family law, health and disability, housing and foreclosure, immigration, and re-entry.
- Through CLCPP, six legal services providers offer free eviction defense services to low-income District tenants. The funds have increased the presence of free legal services at D.C. Superior Court to help address inequities in representation in eviction proceedings, where the vast majority of landlords (95%) benefit from legal representation, as opposed to the 88% of tenants who go without representation. In 2020, even with the eviction moratorium and D.C. Court’s limited operations,^{vii} CLCPP served 1,733 low-income clients (873 tenants between January and March 15; 241 between March 16 and June 30; and 619 between July and December 30).^{viii} Across the 283 cases with outcome data that were closed before the public health emergency period, 82% of tenants retained possession of the unit—50% retained possession outright and 32% had to comply with certain terms in order to stay.

Even with the effective use of public funds, District legal service providers faced a greater demand for services than they could meet due to lack of resources, even before the pandemic. Organizations were forced to regularly turn away clients with urgent, meritorious cases simply due to inadequate resources. As detailed in [Delivering Justice](#), despite the current investment in funding civil legal services, pre-pandemic we saw thousands of District residents with legal problems go unrepresented in civil justice matters – percentages like 83-93% of those dealing with child custody or other family law issues; 75% of those trying to address housing conditions; and 88% of those facing eviction. At the D.C. Office of Administrative Hearings, we see even higher percentages. For example, no party was represented in 88% of student discipline appeals,

86% of appeals related to public benefits determinations, and 91% of disputes concerning unemployment compensation benefits. The COVID-19 pandemic has only stretched these limited resources further.

Access to Justice funds play an important role in serving disadvantaged communities and addressing racial disparities. As highlighted in [Delivering Justice](#), even before COVID-19, the burden of civil justice problems disproportionately affected Black residents, with rates of poverty, unemployment, and wealth gaps that lead to and exacerbate civil justice concerns.^{ix} In a month-long survey of requests for legal assistance made to District providers, the majority of people seeking services in all case types (with the exception of immigration/asylum) identified as Black or African American.^x Given the racial disparities in poverty in the District as well as the intrinsic link between poverty and the need for civil legal services, this should not be surprising. The disproportionate economic and health outcomes the Black community has seen in the District from COVID-19 only heighten the importance of the availability of civil legal services in promoting racial equity.

Finally, the larger community impact of the ATJ Initiative is significant. Funded programs help form the safety net in many District communities, such as those East of the Anacostia River, where the number of attorneys has doubled since program inception. This not only eases the transportation burden for low-income residents needing legal help, but it also has resulted in these organizations becoming known and trusted parts of the community. The funds promote creative community alliances such as medical-legal partnerships, which place attorneys alongside medical staff at some of the District's most high-volume providers of primary medical care. Legal services providers have developed numerous partnerships with trusted community partners to deliver legal information and better connect District residents to legal services. One grantee organization, for example, conducts community outreach (now remote) on debt-related matters by partnering with a community organization in Ward 7. Another organization partners with and supports tenant groups' work on the preservation of affordable housing. There are countless other examples of this important community work.

Civil Legal Aid Has Been A Critical Service Throughout the COVID-19 Public Health Emergency

The critical importance of civil legal help has always been profound, but the emergence of the COVID-19 pandemic has made addressing the need all the more urgent – and obvious. Access to civil legal aid has been and will continue to be an essential part of the District's COVID-19 response and recovery effort. Already-vulnerable District residents have faced a spike in new and unanticipated civil legal problems that are expected to grow as we enter the recovery phase, especially as debt collections and evictions resume in some form. The crucial role of legal services was identified early in the pandemic, including in the Mayor's ReOpen DC Advisory Group Report from May 2020^{xi} and the Mayor's recent Rental Strike Force report.^{xii}

Due to the District's long-standing investment in civil legal aid, we have a strong network of civil legal services providers that mobilized to serve low-income District residents during the COVID-19 crisis. These providers, who could not have anticipated so many of these operational changes would still be in place over a year later, have continued their core work while also incorporating pandemic-era innovations that increase access to justice as another component of their work. Over the past year, providers have been fielding requests for legal information and assistance regarding a host of legal issues, reaching out to District residents to assess their legal needs, connected their clients with legal and non-legal supports, and ensured that rapidly changing legal information is available. Legal services providers have partnered with District agencies and non-government stakeholders to offer support and launched networks and coordinated phone lines that have eased community access to legal services during a critical time. They continue to offer legal help through remote services created in the wake of the crisis. Court-based services like resource and self-help centers were quickly converted to dedicated phone lines, and walk-in clinics transformed into virtual clinics offering one-on-one advice. To carry these innovations forward, they will need more resources to sustain these efforts while also responding effectively and efficiently to the flood of anticipated cases and legal needs that emerge as the public health emergency eases.

We provide some more specific analysis of civil legal aid services below:

Domestic Violence - Increasing domestic violence has been a concern since the beginning of the pandemic, with economic stresses and social isolation due to pandemic restrictions placing survivors at greater risk. Domestic violence legal services providers continue to report an increase in the number and severity of episodes of violence. Throughout the pandemic, providers filed protection orders, represented parties on both sides in remote hearings, safety planned with survivors, and helped to navigate difficult situations like custody exchanges with fewer options for safe exchange locations. One provider noted that over three months of the summer of 2020, they served the equivalent of a typical year's worth of clients. This demand has only increased as people are more able to emerge from their homes and have greater contacts within the community with the lifting of social-distancing restrictions.

Consumer - Debt and consumer legal services providers have continued to report a high need for their services during the pandemic, despite the debt collection moratorium. At the Court's request, debt collection defense providers developed a consolidated debt collection hotline. One provider reported that its docket of financial scams and frauds perpetrated against DC residents has risen 40% in the past 12 months since the pandemic hit. These concerns are particularly acute for the undocumented, who have always been highly susceptible to exploitation and fraud and are not eligible for many pandemic-related assistance programs.

Housing - Housing legal services providers have also continued to serve a large number of District residents in need, despite the eviction moratorium. Even with the moratorium and D.C.

Courts' limited operations, the CLCPP served thousands of low-income tenants this past year. CLCPP attorneys also partnered with D.C. Superior Court to send outreach letters to thousands of tenants with open cases and recently produced and distributed a mailer providing guidance on accessing STAY DC rental assistance – outreach work for which they received no additional funding. It is worth highlighting here that eviction defense services are still needed despite the existence of a moratorium, with providers reporting illegal evictions and other attempts to circumvent legal protections. In less than a year of operation, the Landlord-Tenant Legal Assistance Network has served 2,305 tenants and small landlords. A high number of these calls were from tenants seeking assistance with deteriorating and unsafe housing conditions.

Family - Family law legal services providers have also continued to see an increase in COVID-19 related concerns. The Family Law Assistance Network, a new partnership among three providers, launched a remote legal advice hotline where eligible individuals can call for legal help with questions about custody, child support, parentage, or divorce. Since its launch in March 2020, the network has received requests from 896 unrepresented litigants. The network also partnered with the D.C. Superior court to notify over 400 unrepresented litigants about upcoming remote hearings and connect them to legal service providers. Providers have also noted increased requests for guardians *ad litem* in custody matters to represent children's best interests, a reflection of complex family dynamics related to the pandemic.

Employment - Employment legal services providers have provided support for low-wage workers in navigating changes in their workplaces, fielding questions about terminations and layoffs due to the pandemic, and failures to pay wages or other benefits using the pandemic as an excuse. Providers have also worked through virtual clinics and outreach to ensure that workers understand their rights under the District's Unemployment Assistance, Sick Leave, and Family and Medical Leave laws. Although workers continue to bring a wide range of employment-related issues to now virtual clinics, requests for assistance have clustered around difficulties accessing, and questions about, unemployment insurance, terminations, and layoffs due to the pandemic, and failures to pay wages or other benefits. Over 206,000 people have applied for unemployment insurance in the District since the pandemic began on March 13, 2020 (compared with about 37,000 *total* claims filed in 2019).^{xiii} Before the pandemic, litigants in unemployment-related matters at the D.C. Office of Administrative Hearings were unrepresented by counsel the vast majority of the time. Now, that tribunal is experiencing four times the typical number of unemployment appeals, expected to grow as additional claims are processed. This remains a continued, and growing, need. Unemployment in the District has always had a disproportionate impact on people of color, adding a racial equity element to this need.

Individuals with disabilities - Legal service providers who serve people with disabilities have spent the past year monitoring conditions and advocating for people with disabilities who live in congregate care settings or rely on in-home supports to lessen their chances of contracting COVID-19 and ensuring they are otherwise receiving supports to which they are legally entitled.

For children with disabilities, providers have been working to advocate for safe, adequate, and timely special education services, while ensuring through advocacy work that the needs of these students,

and the specific concerns of their families, are contemplated in school reopening planning.

Public benefits - Public benefits legal services providers report an unprecedented number of individuals seeking information on eligibility for benefits since the start of the pandemic. For these clients, assistance helped them maintain medical insurance and crucial financial supports such as SSI. Many clients report difficulty filling out forms because they do not have access to computers, and thus providers are identifying ways to help facilitate submission. Providers have also worked with government agencies, such as the Department of Human Services and the Department of Health Care Finance, to ensure that the client community (for example, those who do not have access to a computer and the internet) can access new application and recertification processes. Several providers have prepared dynamic, regularly updated COVID-19 community resources guides, which include instructions on applying for/keeping benefits in a post COVID-19 world.

District elders - Other providers who serve elderly residents have focused on providing probate and estate planning services, in addition to preserving housing and income and protection from fraud for their clients. Changes in applying for and securing benefits, navigating remote hearings and meetings, and other pandemic-related developments have been particularly challenging for District elders, and legal services support has been critical.

Language access - Language access has also been a key resource stretched throughout the pandemic. Through the Community Legal Interpreter Bank, funded by the ATJ Initiative, residents continue to receive interpretation over the phone and video. The Bank has provided special training to providers on holding interpreted meetings remotely, and the Bank has pivoted to holding interpreter trainings online. In 2020, there were 247 requests placed through the Bank for its interpreters, specially trained to work with lawyers and their clients in out-of-court settings. The Bank translated 489 documents, and provided on-demand telephonic interpretation on 4,999 instances. One provider said that the Bank has been “indispensable” during the COVID-19 pandemic, including allowing it to conduct ‘Know Your Rights’ trainings over Zoom using simultaneous interpretation. The Bank also translated outreach documents providing information on COVID-19, stimulus checks, changes in operations in immigration and family court matters, and other crucial information that might not have otherwise reached residents with limited English proficiency.

Other Supports - Because civil legal service providers work with some of the most vulnerable District populations who may be isolated from other services, providers have also continued to take on non-legal tasks such as helping families access telemedicine and getting prescriptions delivered, developing tools to link clients to mental health resources, and helping

clients locate material resources such as food, diapers, internet, and dehumidifiers and air purifiers for tenants who live in unsafe rental units and can't get repairs done immediately in the pandemic. Legal service providers have also worked with the D.C. Bar Pro Bono Center to ensure that legal information is available online to serve all District residents. District residents with legal questions about COVID-19 can find up-to-date information on the [LawHelp.org/DC Coronavirus page](https://www.lawhelp.org/dc/coronavirus). LawHelp also hosts a database of District legal services providers and their [operating status](#). The D.C. Bar Pro Bono Center also maintains a 24/7 Legal Information Help Line providing information in Spanish, Amharic, and French, in addition to English, and its Nonprofit and Small Business Legal Assistance Programs are providing extensive assistance to area nonprofits and small businesses.

Strategic partnerships - Legal service providers have also been serving as valuable partners to the D.C. Courts and D.C. Office of Administrative Hearings in ensuring the effective administration of justice throughout the pandemic. Providers assisted the courts during their COVID-19 closures and are engaging with court leadership in planning for reopening. This partnership will be extremely valuable in helping the courts manage the significant backlog of existing cases^{xiv} due to COVID-19 restricted operations for over a year as well as the influx of new filings as courts resume operations.

Civil Legal Services Are Critical for an Equitable COVID-19 Recovery

As we prepare to emerge from the COVID-19 pandemic, we must pursue thoughtful and deliberate strategies that will enable District residents to truly “come back better.” As the District contemplates recovery and shores up its safety net as we emerge from the COVID-19 pandemic, it should rely on its high-performing legal services network to be part of the solution. Legal services organizations are well-positioned to work alongside the District government and community partners to help the District emerge from the pandemic better, but can only do so with additional financial support.

This makes our call for greater resources – a call we would have made with or without the pandemic – all that more urgent. Greater resources will allow legal service providers to not just resume business as usual after the pandemic, but to come back stronger, bringing forward the innovations and lessons learned in the pandemic while also being able to reach a greater number of District residents in need. Given the overwhelming impacts of COVID-19 on individuals, providers, and government operations, the ability of providers to plan, innovate, reach existing and new clients, respond to emerging legal needs, and collaborate with the courts and administrative agencies are as crucial as ever to ensuring access to justice and public faith in the functioning of the justice system.

Additional funding for civil legal services providers would allow for the expansion of existing projects to provide representation for more District residents. Our community, including

our courts, is relying on a well-resourced legal services network to deal with the onslaught of eviction and debt matters that will come as we emerge from the crisis, both previously-filed cases and new cases that are brought against individuals whose financial circumstances have been impacted by the economic consequences of the pandemic. In an environment where the vast majority of low-income defendants are unrepresented (with the other side almost always with a lawyer), civil legal aid will be critical to ensuring that defendants have the ability to present defenses, navigate available assistance programs, and negotiate terms that might avoid a devastating and health-altering eviction or falling off a financial cliff. The fear of a tsunami of eviction filings is well-documented, but the same concern lies with debt, where collection attorneys have shared that they plan to file at least a thousand cases per month in the D.C. Courts once current moratoria expire. This expected onslaught of consumer and collections cases as community members begin to receive medical bills, collection bills, and lose temporary debt collection protections will add to the already crushing volume of individuals needing legal help and experiencing the spiraling consequences of debt. Providers also expect a marked increase in bankruptcy filings where legal assistance will be needed. Legal services will be essential to help indebted District residents navigate their cases, negotiate terms with creditors, and protect their credit histories.

Increased funding would also support other access to justice innovations, including centralizing coordinated helplines that make it easier for people without the ability to afford a lawyer to get legal information and help. Presently there are several coordinated lines available to District residents, but there is no single point of entry. So, an individual needing help in multiple civil legal areas – something that is quite common – would have to call multiple numbers and organizations to seek help. The DC Bar Foundation is actively developing a Coordinated Intake and Referral project that would solve this problem through the use of technology and strategic program design, but funding is required in order to ensure its full development. Support for a project like this will help DC residents get the right type of help, and more quickly.

The pandemic also highlighted the potential for remote services to increase access to justice for District residents. Even when normal office operations resume, it is clear that remote access is a valuable route for some District residents to get aid that might otherwise be out of reach. Remote access resources need to remain readily available throughout the community. Through ATJ Initiative funding, legal services providers can maintain remote services, with the related necessary technology, alongside their in-person services to broaden their impact and reach.

Legal services providers can also be invaluable partners in the development of robust community education in areas like consumer issues, employment, housing, and public benefits, including in-person training, videos, apps, social media campaigns, and other tools to help District residents understand the benefits they are entitled to and to ease access to these programs. Training and outreach materials could be made available to DC government

agencies, social service organizations, client communities, and other partners to help them counsel District residents about addressing civil legal needs. Resources to support enhanced case management, outreach, and other strategies will be critical. Many legal services and community organizations are already involved in the development of such materials and outreach, without receiving additional funding to sustain these efforts.^{xv} With funding, these efforts could be even more far-reaching and sustainable.

Civil legal services providers also serve as a key partner to the District in ensuring that District residents receive the maximum benefits to which they are entitled, and as soon as possible. These providers have demonstrated skill in helping individuals access and navigate public benefit systems, and can provide even more direct support to District residents to help them resolve individual and systemic problems they identify if equipped with the resources they need. Providers can also use their existing community outreach networks to educate clients about accessing critical benefits like STAY DC. Managing recertifications for public benefits will likely be a post-pandemic challenge given volume and operational changes, and legal services providers will help applicants be successful when they have meritorious claims that might otherwise be denied or lost in the system.

Language access has always been a priority due to the District's diversity, but equity in accessing legal services is more critical during the pandemic and recovery when information is vital, services are more difficult to access, and so much is constantly changing. The work of an appropriately-resourced Community Legal Interpreter Bank in translating new legal information, supporting new coordinated hotlines, and serving providers with individual representation is another element in ensuring an equitable recovery.

The Crucial Role of Public Funding for Civil Legal Services

The District government's leadership in committing these public funds has also allowed legal services organizations to maximize a range of other resources. For example, legal services providers magnify the impact of every public dollar invested through the recruitment, training, and support of private lawyers performing *pro bono* service in the District. Pro bono contributions are indispensable to meeting client needs but are only possible when there is a stable legal services network to identify cases, develop resources, and provide training and mentorship.^{xvi} Without these public funds and the stable legal services infrastructure they assure, many of these important law firm resources would go untapped, and thousands more clients would be denied the assistance of counsel. Funding for the ATJ Initiative helps support the capacity of legal services providers to utilize these generous *pro bono* volunteers.^{xvii}

The District's commitment to civil justice also serves as a model to all segments of the community. The increase in funding from both the public and private spheres, commensurate with their joint commitment to equal access for all, is crucial. The Commission is grateful that the

private bar has increasingly become a partner in funding access to justice work and that its contributions to direct legal services organizations also have increased. Each year, the Commission recognizes the contributions of the legal community through the Raising the Bar in D.C. Campaign.^{xviii} The Commission believes that this robust private-public partnership has been greatly incentivized by the District government's long-standing support.

It is also important to recognize the significant effect the funds have on the broader administration of justice, the well-being of the community, and the public fisc. Civil legal aid will keep those on the brink of homelessness in their homes by defending against evictions or working out reasonable rent payment plans with landlords. Access to legal help will ensure that District residents eligible for local and federally expanded benefit programs can 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 the 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 and more expensive for government services to have to address.

Through their work, civil legal service providers also help enforce and strengthen District laws that have been established to protect its residents. Our civil legal services network provides invaluable benefits to the administration of justice by helping our local courts and administrative agencies identify and eliminate systemic barriers that deny unrepresented litigants access to justice and build faith among constituencies in the functioning of the justice system. Protecting program funding will preserve critical resources needed to address the growing need for civil legal help post-COVID among District residents.

Thank you for the opportunity to submit this written testimony about these vital programs. The District's support has helped countless District residents secure the legal assistance they must have to meet vital human needs, like housing, family stability, and public benefits, and in doing so, helps make the District a more just, stable community. These services are more crucial than ever to ensure a fair and equitable post-pandemic recovery for the District's most vulnerable residents. The Commission believes strongly that the District's continued public investment in these sound, effective programs is more important than ever. We are extraordinarily grateful for the Council's – and in particular, this Committee's – leadership in advancing access to justice in the District. **We urge the D.C. Council to fully fund the FY22 Access to Justice Initiative budget request at \$20M in order to adequately address the civil justice crisis that pre-dated the emergence of the COVID-19 pandemic and seize this opportunity to have our community come back better from it.**

ⁱ A full list of Commissioners is available at www.dccourts.gov.

ⁱⁱ For a detailed exploration of the District’s civil justice crisis and the need for greater legal representation, see District of Columbia Access to Justice Commission, *Delivering Justice: Addressing Civil Legal Needs in the District of Columbia* (December 2019), available at https://www.dccourts.gov/assets/pdf/Delivering_Justice_2019.pdf.

ⁱⁱⁱ D.C. Department of Employment Services, *Unemployment Compensation Claims Data* (through June 9, 2021) available at <https://does.dc.gov/publication/unemployment-compensation-claims-data>.

^{iv} Last year, despite significant fiscal constraints, the Council acknowledged the scope of the need faced by the ATJ Initiative, adding an additional \$1.7 million to the Mayor’s proposed budget, in addition to converting \$1.8 million back from one-time to recurring funds, for a total FY21 level of \$12 million.

^v Other jurisdictions have used Federal stimulus funds to support access-to-justice projects. For a detailed review of these opportunities, see D.C. Access to Justice Commission Testimony, Council of the District of Columbia Special Committee on COVID-19 Pandemic Recovery Public Oversight Hearing, *An Equitable End to Safety Net Protections Put in Place During the COVID-19 Pandemic* (Friday, May 21, 2021) available at <https://dcaaccessstojustice.org/wp-content/uploads/2021/05/DC-ATJC-COVID-Subcommittee-Testimony-WRITTEN-May-2021.pdf>.

^{vi} *Supra* note ii.

^{vii} This is significantly curtailed from past years. For example, CLCPP providers served 619 tenants from July to December 2020, but more than twice this number (1,372) from August to December 2019 (one month less).

^{viii} These CLCPP numbers are in addition to those cited above regarding the Access to Justice Grants program.

^{ix} *Supra* note ii at 18.

^x *Id.* at 26.

^{xi} ReOpen DC Advisory Group, *Recommendations to the Mayor* (May 21, 2020) at 39-41, available at <https://coronavirus.dc.gov/reopendc>.

^{xii} Mayor Bowser’s Strike Force to Save DC’s Rental Housing Market, *Saving DC’s Rental Housing Market* (May 2021) at 13, available at https://dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/SRH%20Strike%20Force%20Report%205-21-2021%20Final_0.pdf (“Funds for legal assistance should be increased and the rules about program eligibility updated in conjunction with the change in the eviction moratorium to ensure tenants can easily get assistance to correct or dispute the issue”).

^{xiii} *Supra* note iii.

^{xiv} To give an idea of the scope of this challenge, in D.C. Superior Court in 2019, there were over 65,000 new filings in civil, domestic violence (non-criminal), family court (non-abuse and neglect and juvenile), probate division, and tax division, along with a pending caseload of over 27,000 cases. District of Columbia Courts 2019 Annual Report – Statistical Summary, at p.5, 7, available https://www.dccourts.gov/sites/default/files/2019_Statistical_Summary.pdf.

^{xv} See, e.g., <https://www.lawhelp.org/dc/classroom/dc-covid-19-resource-links> (D.C. Bar Pro Bono Center);

<https://www.legalaiddc.org/covid-19-resources/> (Legal Aid Society of the District of Columbia);

<https://www.childrenslawcenter.org/covid19resources> (Children’s Law Center); <https://www.tzedekdc.org/covid-faq> (Tzedek DC);

<https://www.aarp.org/legal-counsel-for-elderly/covid-19-information/> (Legal Counsel for the Elderly).

^{xvi} Each year, the D.C. Courts, in partnership with the Commission and the D.C. Bar Pro Bono Center, recognize pro bono attorneys who provide 50 hours or more of pro bono service (or 100 hours of service or more for a higher recognition category). The Honor Roll includes attorneys from all segments of the bar, including law firms and individual practices, as well as federal and local government agencies, corporations, associations, law schools and public interest organizations. These pro bono attorneys rely on legal services organizations for necessary guidance and support.

^{xvii} During the pandemic and through the [D.C. REPRESENTS](https://www.dccourts.gov/campaign) campaign, a coalition of representatives from D.C.’s legal service providers, law schools, law firms, and the D.C. Access to Justice Commission is challenging our legal community to expand its commitment to helping District residents manage civil legal problems made much harder due to COVID-19. Since launching in the fall of 2020, the campaign has secured commitments from 33 law firms, law schools, organizations and agencies (including the District of Columbia Government) to increase the amount of *pro bono* services they provide as institutions. For example, participants have committed to taking a higher number of cases, staff additional landlord-tenant and domestic violence clinics, and launch new efforts to provide assistance to small businesses, those in need of wills and estate planning, and unemployment insurance claims. *These commitments are invaluable but ultimately rely on legal services providers to be successful.*

^{xviii} As the Committee may recall, the campaign establishes revenue-based benchmarks for law firm donations to legal services organizations. While the District is fortunate to have a generous legal community both in terms of financial and pro bono support, with many firms having given generously for years, the community can always do more. The campaign works hard to persuade more firms to support local legal services and to convince those already giving to do more. In 2019, the 44 firms that met benchmark levels collectively donated \$6.3 million to organizations that serve low-income District residents with urgent legal issues, which represents a \$3.2 million dollar increase in giving by these same firms since they joined the Campaign. Significantly, these figures do not include the millions of additional dollars in individual philanthropy provided by private law firm attorneys annually to the legal services network.



**Testimony of the District of Columbia Access to Justice Commission
Regarding Mayor Bowser's Fiscal Year 2022 Budget Request**

ATTACHED STATEMENTS

1. **D.C. Courts** (*Joint Statement from Chief Judge Anna Blackburne-Rigsby and Chief Judge Anita Josey-Herring*)
2. **D.C. Bar** (*Letter from President Geoffrey Klineberg and Past Presidents of the D.C. Bar*)
3. **Advocates for Justice and Education, Inc.** (*Stacy Eunnae, Senior Staff Attorney*)
4. **Ayuda** (*Paula Fitzgerald, Executive Director*)
5. **Bread for the City** (*George A. Jones, Chief Executive Officer*)
6. **Children's Law Center** (*Judith Sandalow, Executive Director*)
7. **Christian Legal Aid** (*Whitney King, Executive Director*)
8. **D.C. Affordable Law Firm** (*Gabby Mulnick Majewski, Executive Director*)
9. **D.C. Bar Pro Bono Center** (*Rebecca Troth, Executive Director*)
10. **D.C. Volunteer Lawyers Project** (*Sara Tennen, Executive Director*)
11. **Disability Rights at University Legal Services** (*Sandy Bernstein, Legal Director*)
12. **Legal Aid Society of the District of Columbia** (*Eric Angel, Executive Director*)
13. **Legal Counsel for the Elderly** (*Rhonda Cunningham Holmes, Executive Director*)
14. **Neighborhood Legal Services Program** (*Karen Newton Cole, Executive Director*)
15. **Quality Trust** (*Morgan Whitlach, Legal Director*)
16. **Rising for Justice** (*Grace Lopes, Executive Director*)
17. **The Safe Sisters Circle** (*Alana C. Brown, Executive Director*)
18. **School Justice Project** (*Claire N. Blumenson, Executive Director & Co-Founder*)
19. **Tzedek DC** (*Ariel Levinson-Waldman, Founding President and Director-Counsel*)
20. **Washington Lawyers' Committee for Civil Rights and Urban Affairs** (*Jonathan Smith, Executive Director*)
21. **Whitman Walker Health** (*Amy Nelson, Director of Legal Services*)



Before the Council of the District of Columbia

**Joint Statement of Chief Judge Anna Blackburne-Rigsby, District of Columbia Court of Appeals,
and Chief Judge Anita Josey-Herring, Superior Court for the District of Columbia**

FY 2022 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 significant civil justice gap that persists in our community. Chief among the obstacles to confronting this gap is the vast number of litigants who must navigate their cases in both the DC Superior Court and DC Court of Appeals alone because they cannot afford counsel. 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 Access to Justice Initiative ensures 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 DC Courts have remained open throughout the pandemic. Accessing the courts during this time has presented new challenges for everyone, particularly litigants without counsel. The DC Courts have taken numerous steps to ensure access to justice during this time, including modifying operations to allow for remote access to court services and establishing five remote hearing sites throughout the District for litigants who may otherwise lack the ability to participate in virtual hearings. The DC Court of Appeals is conducting remote oral arguments and appellate mediation via Zoom, deciding motions, and issuing decisions. To make filing more accessible, the DC Court of Appeals has also established an email address for *pro se* litigants

who are not registered with the Court's electronic filing system to submit filings and suspended the requirement for the filing of paper copies of electronically filed documents and the requirement that requires additional paper copies. The DC Superior Court has continued to hold hearings on emergency and an increasing number of other matters. Nevertheless, navigating remote proceedings and managing the procedural and legal changes necessitated by the pandemic can be overwhelming to an unrepresented party.

Legal services providers funded through the Access to Justice Initiative have provided invaluable support to the DC Courts during the COVID-19 pandemic. They've provided feedback to DC Courts' leadership on operational changes throughout, and have highlighted best practices for remote operations, all with an eye towards maximizing access to justice. Access to Justice Initiative funds also support essential court-based programs and resource centers in areas such as landlord-tenant, debt collection, small claims, child support, family law, and domestic violence – all of which have continued to provide remote services during the pandemic.

Legal services providers have also worked closely with the courts to develop ways to affirmatively reach out to litigants to offer access to civil legal services before hearings even occur, such as through letters and phone calls. Some have created and staffed new, centralized hotlines for unrepresented litigants seeking legal advice and representation in areas that are both high volume and high risk, such as eviction, debt, domestic violence, and more. These efforts ensure that litigants have access to legal information, and are a way to screen for the opportunity to secure counsel or limited scope representation.

As we are all keenly aware, however, even the most comprehensive resources available to unrepresented parties are not a substitute for counsel. This has been even more true over the past year due to the extraordinary disruptions in normal court operations due to the pandemic. Even with legislative moratoria in areas of eviction, debt collection, and residential foreclosure, people have continued to face needs during the pandemic that require legal redress. 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. Emergency

legislation and fast-moving legal and procedural changes throughout the public health emergency have complicated matters for unrepresented litigants who may not understand how these changes impact their cases. For the high percentage of litigants who also struggle with additional obstacles, such as mental illness, physical disabilities, low literacy, lack of internet and technology access, 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 both increase the number of litigants without the financial ability to retain counsel and the number of litigants facing life-altering legal cases. As we continue to grapple with the challenges of the COVID-19 pandemic and prepare for its aftermath, we expect to see the civil justice gap widen. 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 year ago. In this way, the Initiative is more important than ever before, as the funds 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.

Having access to counsel is crucial not only for litigants but for the efficient 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 begin hearing more non-emergency matters and resuming normal operations, efficiency becomes even more important. There is not only a significant backlog in cases from the past year that require resolution, but there are also likely to be large increases in new cases filed once legislative moratoria on eviction and debt collection expire. Much of this new volume is anticipated to fall on the Landlord and Tenant

Branch, which was already a high-volume calendar with a very high percentage of unrepresented litigants before the pandemic. As the DC Courts works through these cases, counsel will provide invaluable assistance in helping streamline and move cases and ensuring meritorious claims are concisely raised and presented.

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.

The DC Courts are also committed to expanding the level of *pro bono* representation in our courts. 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 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. For 2020, the DC Courts were pleased to recognize over 5,000 attorneys for their *pro bono* contributions, a new participation record. The District enjoys a robust and collegial *pro bono* community, and legal service providers are essential to harnessing this resource for the benefit of District residents.

Finally, legal services providers funded by the Access to Justice Initiative also provide invaluable support to the DC Courts' own strategic planning efforts. Even before the pandemic, the DC Courts identified access to justice as the number one goal in its strategic plan and launched initiatives in this area. The Court is actively engaged in examining lessons learned

from the pandemic and past year of remote operations, with a focus on maintaining promising practices that expand access to justice as the Courts move towards fully resumed operations. DC Superior Court is also conducting a reform project to examine some of its most high-volume calendars, and we will rely on our network of legal services providers to offer feedback to enhance our court operations for the better. And last month, following the review of a comprehensive racial equity proposal submitted by the D.C. Courts' Standing Committee on Fairness and Access, the Joint Committee on Judicial Administration launched a Racial Equity Initiative to establish a comprehensive strategy and next steps to assess DC Courts processes, policies and procedures through a racial equity lens. The Court knows that it can rely on legal services providers to again provide valuable feedback and support for these efforts as another avenue to increase access to justice.

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 2022 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



The Honorable Anita Josey-Herring
Chief Judge
Superior Court for the District of Columbia

June 9, 2021



June 10, 2021

Dear Chairman Mendelson, Judiciary Committee Chair Allen, and Members of the D.C. Council:

The District of Columbia Bar and its past Presidents are writing to express their ardent support for the Access to Justice Initiative and the advocacy of the D.C. Access to Justice Commission in securing increased funding for the program. 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 this program, which provides critical legal assistance to low-income District residents. Supporting and expanding this program will be critical to the District's recovery from the COVID-19 pandemic and its aftermath.

From the moment the pandemic struck this community, our legal services providers mobilized to pursue innovative approaches to address the unmet need for legal services among the District's low-income communities. Over the past year, legal services providers were tasked with switching to remote operations while providing key services to help residents through pandemic-related challenges. This included ensuring tenants knew their rights, helping workers understand their legal protections on the job and apply for and secure unemployment benefits, keeping survivors of domestic violence safe, ensuring that health-related services remained available, and so much more. They also provided specialized services and outreach to serve the elderly, those that have disabilities, children, immigrants, and other at-risk populations. None of this work would be possible without the Access to Justice Initiative.

The need for legal services and funding for those services will be even greater as we move into the recovery phase of the pandemic. As courts resume more normal operations and moratoria are phased out, we will see more District residents subjected to eviction and foreclosure, debt collection lawsuits, garnishment of wages and attachments of bank accounts, and other civil legal challenges. Other District residents will continue to need assistance securing unemployment insurance and other public benefits due to economic hardship. Providers are already seeing an increase in consumer fraud and scams directed at low-income populations. At the same time, domestic violence survivors will continue to need help seeking protection, and families will be seeking assistance with custody matters. As residents work to recover, civil legal services providers will be critically important to help ensure continued access to unemployment benefits, protection from fraud, the sealing of criminal and eviction records, and other matters essential for economic mobility.

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 published by the D.C. Access to Justice Commission in December 2019,

“Despite dramatic changes in the economy over the past 10 years, poverty post-recession remains largely the same as it was pre-recession. 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 branches of D.C. Superior Court. Significantly, in landlord and tenant court, where a judicial determination can mean the difference between maintaining secure housing and becoming homeless, roughly 88% of tenants were unrepresented in data highlighted in *Delivering Justice*.

In addition to funding the dedicated work of civil legal services providers, the Access to Justice Initiative funding provides loan repayment assistance to those D.C. Bar members who provide these free legal services and who live and work in the District. Access to Justice Initiative funding of the Community Legal Interpreter Bank ensures that services are delivered in the client’s native language.

Funding for the Access to Justice Initiative 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 111,000 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* cultures of any Bar in the country. Indeed, last year, members of the D.C. Bar provided hundreds of thousands of hours of service to *pro bono* clients.

As Bar leaders, we persistently exhort our members to devote more time to *pro bono* work through volunteering with the D.C. Bar Pro Bono Center and other nonprofit organizations. Before the pandemic, the D.C. Bar created a Pro Bono Task Force to promote *pro bono* service among members and is now redoubling those efforts in response to the growing pandemic-related need in our community. Even with these efforts, *pro bono* alone cannot fill the need for legal services for low-income residents. Private attorneys cannot effectively serve *pro bono* clients without the help of the legal services organizations who screen clients, provide trainings, mentor, and otherwise support the *pro bono* lawyers. Civil legal service providers are thus a crucial component of *pro bono* service, and their mentoring and engagement require significant resources.

The District is facing a long economic recovery, and ensuring that the recovery is equitable for all District residents will be a monumental task. The Council will undoubtedly be considering appropriations for other important benefits for residents dealing with economic insecurity, including mental health services, housing, unemployment compensation, and other necessities. We appreciate the need for and support these direct benefit programs. However, availability of civil legal services is critical to ensuring that District residents can fully access the programs and benefits for which they qualify and benefit from pandemic and recovery-related legal protections.

Without the 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 multiply. An equitable recovery will require using every tool at our disposal, including funding for civil legal services as part of the safety net.

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 D.C. Bar is committed to helping the pandemic recovery process and supporting residents as they rebuild their lives, with the 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. We current, future and past Presidents of the D.C. Bar thank you for considering this letter and our request for robust support of the Access to Justice Initiative.

Sincerely,

A handwritten signature in black ink that reads "Geoffrey M. Klineberg". The signature is written in a cursive style with a large initial 'G' and a long, sweeping tail.

Geoffrey M. Klineberg
President, 2020-2021

A handwritten signature in black ink that reads "Chad T. Sarchio". The signature is written in a cursive style with a large initial 'C' and a long, sweeping tail.

Chad T. Sarchio
President-Elect, 2020-2021

**Past Presidents in Support of the Access to Justice Initiative
June 10, 2021**

Charles R. Work	1976-77
Stephen J. Pollak	1980-81
Marna S. Tucker	1984-85
Philip A. Lacovara	1988-89
Sara-Ann Determan	1990-91
Jamie S. Gorelick	1992-93
Mark H. Tuohey III	1993-94
Pauline A. Schneider	1994-95
Robert N. Weiner	1995-96
Myles V. Lynk	1996-97
Carolyn B. Lamm	1997-98
Andrew H. Marks	1998-99
Joan H. Strand	1999-2000
John W. Nields Jr.	2000-01
George W. Jones Jr.	2002-03
Shirley Ann Higuchi	2003-04
John (Jack) C. Keeney	2004-05
John C. Cruden	2005-06
James J. Sandman	2006-07
Melvin White	2007-08
Robert J. Spagnoletti	2008-09
Kim Michele Keenan	2009-10
Ronald S. Flagg	2010-11
Darrell G. Mottley	2011-12
Andrea Ferster	2013-14
Brigida Benitez	2014-15
Timothy K. Webster	2015-16
Annamaria Steward	2016-17
Patrick McGlone	2017-18
Esther H. Lim	2018-19
Susan M. Hoffman	2019-20



Advocates for Justice and Education, Inc.

The Parent Training and Information Center for the District of Columbia

Testimony of Stacey K. Eunnæ, Esq.
Senior Staff Attorney
Advocates for Justice and Education, Inc.
District of Columbia Council
Committee on the Judiciary
June 3, 2021

My name is Stacey Eunnæ and I am a Senior Staff Attorney at Advocates for Justice and Education, Inc. (AJE) and also a D.C. resident. AJE is the federally designated Parent Training and Information Center (PTI) for the District of Columbia. Parents, caregivers, and adult students contact us for advice, guidance, and support in understanding and protecting their rights to ensure children have access to an appropriate education. At AJE, we are a small but mighty staff of eight people. Each year, we respond to hundreds of calls from families in the District to give them critical information, resources and direct assistance to support their children, D.C. students. In the five cumulative years I have worked at AJE, I have directly assisted hundreds of D.C. families advocating for their children's education by providing services ranging from advice to direct representation in suspension, expulsion and special education proceedings. Without the Access to Justice Initiative funding, it would not be possible to serve as many of the D.C. families as we have; however, we need additional support to continue this important work and address the compounding inequities that exist in our public school system across race, class, and disability.

When all residents have access to justice through legal services, we can identify and address dysfunction in a system and gaps in services. For example, in the early stages of the Pandemic (March, 2020) AJE provided critical assistance to a limited English proficient mother and primary caregiver of a non-verbal, autistic adult child with cognitive disabilities who were essentially trapped in their home without access to food or necessary supplies. Although this mother qualified to receive free meals DCPS was distributing at different sites around the city, she had no way to travel safely and access those meals and she was unable to get assistance on her own despite calling the relevant government agencies. AJE helped to identify the problem and inform D.C.P.S. administrators of the need to resolve this gap in services for other families in the same position while positioned to provide direct assistance to meet the time-sensitive needs of this particular family.



Advocates for Justice and Education, Inc.

The Parent Training and Information Center for the District of Columbia

In October 2020, AJE filed a legal complaint against a school who abruptly removed a child with a disability from her virtual 6th grade classroom after the school year had started and enrolled her into a new and different D.C.P.S. school during distance learning. Although the child had been educated for eight years at the same “bilingual school,” from 2012-2020 D.C.P.S. never provided her Spanish-only-speaking parents with translated copies of her daughter’s Individualized Education Program (I.E.P.) documents or a certified interpreter to assist them with understanding annual I.E.P. meetings about their child’s special education needs and services. The parent was shocked to learn how her daughter’s educational services and program hours had changed more than eleven times over eight years in meetings she showed up in person to attend but was effectively prevented from meaningfully participating in it. The parent informed AJE that she had previously not known about her language access, privacy and other education rights, and had only just begun using e-mail in 2020 because of growing concerns about their child’s educational program. Since the parents were novice technology users and Spanish-only speakers, AJE had to provide substantial support, much of it in person, to ensure the family could access and fully participate in a six-day virtual hearing during a time of political and civil unrest in the District. Access to civil justice in a community means that no one is left behind or unheard, and therefore we serve as both a check and a balance to ensure that the government is working for everyone both in the short-term and the long-term.

This upcoming school year’s reopening of D.C.’s traditional public and public charter schools after a year of distance learning is unprecedented and many students and parents do not know what to expect. The rules and scenarios of how things may play out in D.C.’s schools are rapidly changing, including the rules and guidelines for expected student behavior (e.g. wearing masks, social distancing) and the school district’s response to addressing learning loss, increased need for mental health (and thus behavioral) supports and requests for virtual arrangements. In particular, legal advocacy in public education is important to prevent further segregation by race and disability (i.e. an increase in the achievement gap) and to ensure that students have equal access to educational opportunities such as technology and extracurriculars. During this past school year, AJE adapted to meet current needs by developing new online trainings and expanding virtual resources for parents and students, including English and Spanish trainings on telehealth services and a video on How to Prepare for IEP meetings with a guided note-taking template. AJE’s Executive Director, Rochanda Hiligh-Thomas testified



Advocates for Justice and Education, Inc.

The Parent Training and Information Center for the District of Columbia

before the D.C. Council’s Committee of the Whole that “[t]he reality is that parents have been required to take on more of a teaching role with teachers” and in order “[t]o help children with disabilities not fall further behind and through the cracks, parent need adequate support to work collaboratively with schools during this time,” including but not limited to “Individualized Parent Counseling and Training that would help parents understand their child’s special needs.” Although parent counseling and training is recognized in the written law of the Individuals with Disabilities Education Act (I.D.E.A.), in AJE’s experience this has been under-utilized by schools and is generally denied when parents request it, in part because there is not much precedent for what it would look like and how to implement it. As the federally designated Parent Training and Information Center, AJE is particularly well-suited to support families in advocating for this service and in their collaboration and engagement with schools as students return to in-person learning after a year at home.

Increasing access to AJE staff to provide advice, extended representation and parent trainings will be more important than ever for D.C.’s families searching for reliable information and support related to their child’s education. Without question, the ATJ Initiative funds enable AJE and AJE’s staff to continue our mission to empower parents and advance the educational outcomes of all D.C.’s students. Our hope is that the Committee and Mayor Bowser will view investments in AJE and in all the District’s legal services as an investment in the community itself and a progressive future for all. In summary, we ask you to fully fund the Access to Justice Initiative to demonstrate your commitment to equity and civil justice for all.



4/2/2021

Nancy Drane
Executive Director
DC Access to Justice Commission
c/o Sidley Austin LLP
1501 K Street NW, Room 4.112
Washington, DC 20005

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www.ayuda.com

Dear Ms. Drane:

I am writing on behalf of Ayuda regarding the importance of Access to Justice Initiative support for Ayuda's services. Ayuda's mission is to advocate for low-income immigrants through direct legal, social and language services, training and outreach in the Washington DC metropolitan area. We envision a community where all immigrants succeed and thrive in the United States.

Please find enclosed information about the importance of Access to Justice Initiative for two programs that offer critical services to DC residents, the Community Legal Interpreter Bank and Project END.

Community Legal Interpreter Bank

With funding from the Access to Justice Initiative, Ayuda's Community Legal Interpreter Bank provides free, professional interpretation and document translation services to 43 nonprofits that provide civil legal services to D.C. residents. The language access services provided by this project have proven to be essential for our partnered nonprofit organizations serving limited English proficient/non-English proficient (LEP/NEP) and Deaf/Hard-of-Hearing individuals.

The last year has been difficult for legal service providers and their clients. Challenges posed by the pandemic have created barriers for LEP/NEP and Deaf/Hard-of-Hearing individuals seeking services, and those who do get access to services must work with their attorneys to overcome obstacles of meeting and communicating through remote channels. Ayuda worked hard to provide as much support as possible to both our partner organizations and contracted interpreters throughout the last year. This work has required an abundance of flexibility and learning to pivot to a completely remote system.

Important projects during this teleworking period include: the translation of outreach documents that provide important information regarding COVID-19, stimulus support, immigration, and family and divorce court matters during the pandemic; remote simultaneous interpretation for Know Your Rights presentations on virtual platforms; training legal service providers on how to access both consecutive and simultaneous interpretation remotely; remote, multi-day "Language of Justice" interpreter trainings for working in a legal setting; and the fulfillment of countless attorney-client meetings and document translations.



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Miguel Martinez
PwC

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Washington College of Law

Michael Sklaire
Greenberg Traurig LLP

Marie Talwar
General Electric Company

Samir Varma
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Christina Wilkes
Wilkes Legal LLC

Michael Woods
Verizon

Executive Director

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Maryland Office

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The pandemic has taxed the resources of the Community Legal Interpreter Bank. Often, remote assignments are more costly, in time and money, to arrange. Remote assignments may require a team of interpreters, interpreters with special training or skills, and training for the involved legal services staff. Although reliance on remote work may lessen with any recovery from the pandemic, there will likely be a greater volume of remote work going forward than there was before the pandemic.

Additionally, the demand for services continues to increase following the recent change in administration. Under the prior administration, in the face of extreme anti-immigrant rhetoric and policies, immigrants were afraid to assert their rights or collect benefits that were due to them. This impacted the whole of legal services (housing, public benefits, domestic violence, etc.). Many of the immigrants now coming forward for legal services are LEP/NEP.

Finally, the legal services community continues to grow and to find new ways to serve clients. There are new hotlines available, new attorneys being hired, new pro bono partnerships with law firms, and new organizations emerging. This growth does not include proportionate increases in attorneys who are able to use languages other than English to communicate. The only way for the growth to be equitable, and to avoid leaving behind large portions of the population most in need of legal services, is for increased funding to be devoted to language access.

The DC Code establishes that one of the purposes of the Access to Justice Initiative is to provide a shared legal interpreter bank, an innovative and essential project. As a result of the project, legal service providers can turn to a shared resource to meet all their language access needs. They should be able to rely on that service. When the Bank is underfunded, requests go unfilled and legal services clients suffer. Legal services nonprofits are faced with untenable options, such as using a client's family member as an interpreter (in violation of ethical and professional standards) or using a volunteer interpreter (who may be untrained and do damage to the client's case).

The Access to Justice Initiative grants have been imperative for our program in our pursuit of language justice, and we are confident that an increase in the budget could go a long way for D.C. legal service providers and their LEP/NEP and Deaf/Hard-of-Hearing clients.

Project END: Protecting Immigrants from Consumer Fraud

In May 2013, with the support of the DC Bar Foundation, Ayuda launched Project END to address the legal and financial damages of immigrants defrauded by unscrupulous non-attorneys, often referred to as notario fraud. The consequences of immigration legal services fraud range from loss of money to irreparable harm to an individual's eligibility for immigration relief, which can result in deportation and family separation. When it launched, Project END was the first direct services project of its kind in the country, and it now serves as a model for similar initiatives in Pennsylvania, Washington, Texas, and California.



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According to Ayuda's 2012 survey, 9% of immigrants surveyed had been victims of immigration services fraud. There are currently at least 100 businesses and non-attorneys offering immigration legal services in the DC metro area without a licensed attorney on staff. Immigrants are uniquely vulnerable to consumer fraud due to limited English Proficiency and/or lack of familiarity with US laws and customs. Proposed or actual changes in immigration law or policy increase consumer fraud, as individuals seek out the assistance of non-attorneys in response. Similarly, we've seen an increase in COVID-related scams since the start of the pandemic, preying both on immigrants' unique vulnerabilities and general public health fears.

Project END seeks to prevent and address consumer fraud affecting immigrants through four methods: 1) Direct representation of victims: To address consumer fraud in the District, staff represent and advocate for clients by liaising with law enforcement; assisting with filing complaints; and applying for forms of immigration relief. 2) Community education and technical trainings: Project END distributes videos and memes via social media and to a list of area partners, as well as provide Know Your Rights presentations and trainings. In 2020, Project END collaborated with Mary's Center and the Latin American Youth Center to provide virtual KYRs. 3) Pro bono screenings: To address the confusion around changes in immigration law and the high need for consults, pro bono attorneys provide individual immigration consultations under Ayuda's mentorship. Pro Bono attorneys screen for immigration legal services fraud and Project END follows up with potential clients for in-house legal representation. 4) Client-centered advocacy: Project END liaises with DC and Federal agencies to advocate for policies that assist victims. Project END has collaborated with the DC Office of the Attorney General on several cases.

In 2021, we anticipate continued confusion over changes in immigration law and policy, likely resulting in increased consumer fraud by unscrupulous nonattorneys, government imposters, as well as fraud against immigrants seeking a driver's license, immigration bail bonds, English language courses, or other related services. Even though there are proposed changes to immigration law that may benefit non-citizens, the uncertainty and changes always create opportunities for unscrupulous actors to commit fraud. Anecdotally, Ayuda began receiving calls early into the current administration inquiring about eligibility under the "new law," even though legislation had yet to be introduced into the House. We anticipate the need for Project END's services will increase in 2021.

If we can provide additional information about the importance of Access to Justice Initiative support for Ayuda's services for DC residents, please don't hesitate to contact me at Paula.Fitzgerald@ayuda.com or 202-243-7318.

Sincerely,

Paula Fitzgerald
Executive Director



Fiscal Year 2022 OVSJG Budget Hearing

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

Testimony of George A. Jones
Chief Executive Officer, Bread for the City

My name is George A. Jones, and I am the Chief Executive Officer at Bread for the City. Bread for the City is a private non-profit agency that works on behalf of and alongside DC residents living with low-income, predominantly people of color, as they fight for the opportunity to continue to live, survive, and even thrive in the nation's capital. Bread for the City provides food, clothing, social services, medical care, and civil legal services to reduce the burden of poverty. Bread for the City also supports District residents by helping them create an advocacy platform that fosters their ability to use their voices to demand a DC that eliminates disparities in housing, healthcare, justice, and the host of other socioeconomic disparities that people of color experience disproportionately in the District.

The Access to Justice Initiative grants have been an invaluable source of support for Bread for the City's Legal Clinic. Access to Justice and the Civil Legal Counsel Projects Program funding give a combined \$1 million plus in grants to Bread for the City, one of our largest single sources of funding and the largest source of funding for our Legal Clinic. Over the years, with this funding, Bread for the City has been able to improve access to justice by, among other things, increasing the number of attorneys available to help District residents who cannot afford an attorney in their civil legal matters and increasing our ability to take on complex, long-term cases like those involving family law and immigration matters of domestic violence survivors and those involving the representation of tenant associations to ensure the safety and affordability of the buildings in which they live.

During the COVID-19 public health emergency, Bread for the City has been hard at work continuing to represent residents during this time -- residents who, without the resources we can provide with District funding, may very well have gone without the support they needed.

A District resident reached out to a Bread for the City housing attorney after his landlord locked him out of his apartment and, as a result, forced him to resort to living in his car. Although the resident had a lease, his landlord told him that it was voided because he missed some rental payments due to losing his job. The Bread for the City attorney filed a wrongful eviction case on his behalf and appeared for a virtual emergency hearing within 24 hours of first speaking with the tenant. Thanks to the immediate action of the Bread for the City attorney, the tenant gained access to his apartment by court order and has been secure in his home throughout the pandemic.

Access to Justice funding also supported Bread for the City attorneys who provided legal help to tenants at Forest Ridge and the Vistas, a federally subsidized housing complex in SE DC where, for far too long, tenants endured terrible housing conditions and dangerous crime. Working collaboratively with other legal and community partners and the tenants themselves, Bread for the City lawyers helped 98 families file claims to secure monetary damages in the bankruptcy

sale of the property and represented tenants in the bankruptcy case that ultimately resulted in a global settlement agreement allowing all 98 families to resolve those claims for \$20,000 each.

In another case, with the support of Access to Justice funds, a Bread for the City attorney has provided free family law and immigration legal help to an Amharic only-speaking immigrant, Ms. Hailu (name changed to protect confidentiality). After Ms. Hailu came to DC from Ethiopia, she suffered much emotional and physical abuse at the hands of her husband. He refused to provide her with a key to their apartment, cut off her phone service, and restricted her access to food. One time he hit her so hard he caused her permanent hearing damage. He withheld from her the fact that she had obtained lawful permanent residence (a “green card”), and, by the time she learned about it, her husband refused to complete the process to lift the restrictions on her permanent residency so that it had expired by the time she sought help at Bread for the City. After a contested trial, the Bread for the City attorney obtained a divorce that included a monetary judgment against Ms. Hailu’s husband, requiring him to support her financially on a monthly basis. The Bread for the City attorney also submitted a VAWA self-petition on Ms. Hailu’s behalf, and she has received a prima facie determination on that pending application. Despite struggling to make her own way in a new country with limited resources, Bread for the City’s Legal Clinic has supported her, with the help of Access to Justice grants, in not only obtaining a measure of financial security, but also in securing permanent immigration status.

During this pandemic, Bread for the City, with support from the Access to Justice Initiative grants, has been able to continually innovate and adapt our legal services. We have established remote phone intake and conducted virtual outreach trainings. Collaboratively with our partner legal services organizations, we created and staff city-wide phone helplines, including one for tenants (Landlord Tenant Legal Assistance Network), for parents with child support matters (Child Support Resource Center Hotline), and for public benefits recipients with cases at the Office of Administrative Hearing (OAH Legal Assistance Network). We meet regularly with our partners to monitor and evaluate the hotlines’ operation and effectiveness.

In addition to continuing to provide legal help to District residents who cannot afford an attorney and to increase ways we can connect with them remotely, we have been keeping track of an ever changing landscape due to the public health emergency within the judicial system and safety net programs and regarding the rights of residents under emergency legislation passed by this Council. Bread for the City attorneys are making sure District residents have correct information and know their rights so they are not taken advantage of and know how to access needed services and the court system. We are in regular meetings with the court and local government agencies to voice concerns and seek changes that need to be made. With continued funding, Bread for the City will have the resources to continue to work with the court and government agencies to take this moment in history to assess what the community has experienced during remote operations and be part of an effort to reconstruct judicial and safety net systems so they are more accessible and more racially equitable.

Bread for the City and our client community are bracing ourselves for the time when the public health emergency will end and the anticipated dramatic increase in the need for free legal help occurs. Bread for the City will be here to help our community through all of this, but we cannot do it without continued funding from Access to Justice and Civil Legal Counsel Projects Program grants. We thank the DC Council for its longstanding support of the Access to Justice Initiative, and we urge the Council to maintain and even increase funding in recognition of the battles ahead that will be confronting District residents, particularly residents of color who have been bearing disproportionately the financial burden and emotional toll of this pandemic.

May 26, 2021

Dear Chairman Mendelson and Members of the Council of the District of Columbia,

I am the Executive Director of Children's Law Center, and I write to support the continued funding for the Access to Justice Initiative. As Children's Law Center completes its twenty-fifth year, I am struck by the difference in the legal landscape that the Access to Justice funds have made. The Access to Justice Initiative has long been a critical source of funding to ensure that DC residents have healthy housing, access to a quality education, can fight against evictions, keep their public benefits, obtain civil protection orders, and protect many more of their civil legal rights by ensuring that low-income DC residents have access to lawyers. The Access to Justice Initiative helps mostly Black and Brown residents of DC access lawyers, and without these funds, they would likely be unable to fight the structural racism that remains a constant barrier to exerting their legal rights.

At Children's Law Center, we have been fortunate to be the beneficiaries of Access to Justice funding for part of our medical legal partnership, Healthy Together. As you know, with almost 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. Healthy Together places attorneys at community pediatric primary care locations run by Children's National Hospital, Unity, and Mary's Center. In addition to being present, during non-COVID times, at five community health center locations located in wards 5, 7, and 8, we are also partnered with Children's National's Generations program, which works to prevent repeat teen pregnancies, and the IMPACT DC program, which helps families who go to Children's Emergency Department for asthma learn to better control the asthma. Our attorneys work to address the health harming legal needs identified by medical partners and parents in their medical visits, including educational issues, housing conditions, access to healthcare and mental healthcare issues, and social security.

The COVID-19 pandemic has only exacerbated the needs of the families we work with. Some of our clients and their children have contracted COVID, some have lost family members and friends. Parents have lost their jobs or had hours reduced due to the pandemic, or they have been unable to work due to the demands of virtual school. Families continue to call us with very serious housing conditions that are impacting their children's health, but with repairs being even more complicated due to the pandemic. Our education cases have been complicated as we try to ensure that children with disabilities can access their education safely in a time when providing education has been challenging. We helped children obtain devices and internet access, to get a virtual education schedule that worked for them, and to obtain evaluations even when schools said they would not do them. And, our attorneys continue to train clinic staff and build relationships remotely.

As the world reopens fully, we are helping clients navigate returning to the school building, some who are thrilled to have their children return and some who are not. We are helping clients navigate unsafe and unhealthy housing while they try to understand if their Rapid Rehousing subsidy may be coming to an end soon, if the eviction moratorium is ending, or how to apply for STAY DC.

Access to Justice funding has been a key component of racial justice and ensuring that all residents of DC can meaningfully protect their rights. Now, Civil legal services is an important component of the recovery efforts from the pandemic. We urge the Council to provide this funding as an important investment in a just DC.

Sincerely,



Judith Sandalow
Executive Director



CHRISTIAN
— LEGAL AID
OF THE DISTRICT OF COLUMBIA

My name is Whitney King and I serve as the executive director of Christian Legal Aid of the District of Columbia (CLADC). We believe that everyone deserves access to justice, and thank the Mayor and the City Council for investing in needed civil legal services for the District's most vulnerable residents.

Due in large part to the Access to Justice Initiative funding we received through the D.C. Bar Foundation, CLADC has remained fully operational, serving critical legal needs throughout the pandemic. Alongside legal services providers across the city, CLADC has provided legal advice and representation to hundreds of homeless and low-income residents with life-changing results. Legal aid services provided by CLADC and others are a necessary part of the safety net struggling D.C. residents rely upon to prevent crises with lasting effects.

Two of CLADC's core practice areas in particular, housing law and criminal record sealing, have a deep impact on the safety, security, and overall well-being of individuals and families in D.C.

Through our criminal record sealing work, CLADC helps remove a significant barrier to viable employment for the 1 in 7 D.C. residents who have a publicly available criminal record.¹ Though the law allows for criminal records to be sealed under certain circumstances, it is exceedingly difficult for those in poverty to secure this right on their own. Without legal aid, thousands of residents continue to experience the collateral consequences of arrest, even if they were never convicted of a crime, in employment, housing, and other aspects of life.

At CLADC, we have seen a significant increase in the number of D.C. residents referred to us to seal their record. Without Access to Justice funding, our capacity to serve this need would be nearly halved.

With Access to Justice funding, we have also increased our capacity to meet the swell of housing law needs that are sure to come once the eviction moratorium is lifted. The District needs more civil legal aid providers ready to ensure low-income residents have sound legal advice as we navigate this next phase of the pandemic and recovery. Legal representation not only promotes justice regardless of income but can also improve the efficiency and effectiveness of court processes, engagement with administrative agencies, and negotiations with opposing parties.

These are just two areas in which civil legal aid fundamentally supports low-income District residents to not only survive, but to thrive. We also serve clients with needs in elder care, estate planning and probate, and securing Social Security benefits. The demand for legal services is growing and will continue in the coming year.

¹ Duane, M., Reimal, E., and Lynch, M. Urban Institute. (July 2017). *Criminal Background Checks and Access to Jobs: A Case Study of Washington, DC*. http://www.urban.org/sites/default/files/publication/91456/2001377-criminal-background-checks-and-access-to-jobs_2.pdf

Investment in the Access to Justice Initiative also equips CLADC and others to leverage the vast private legal resources in the District. As we mobilize, support, and connect pro bono attorneys and other volunteers to D.C. residents in need, we multiply the funding we receive three-fold in free legal services provided to our clients.

Providing civil legal services to low-income D.C. residents is not only good for those we represent, but for the public. Last year, the American Academy of Arts and Sciences reported that “over the last decade, many states, bar associations, and legal services organizations have documented the social, economic, and community dividends of providing legal services such as direct representation and access to legal advice. States saved costs, communities became safer, and courts and agencies did their work more effectively.”² Investing in the Access to Justice Initiative will be a vital part of recovery for all District residents.

Every Washingtonian deserves a fair chance to secure livelihoods, safe housing and stability for their family, but without civil legal services, many residents simply will not have that fair chance. Without adequate investment in legal services, they will not have access to justice.

I thank the Mayor and City Council for their investments in the Access to Justice Initiative to date. This has already led to life-changing results for many of DC’s low-income residents, but the need is still great, and it is growing. We join the Access to Justice Commission in asking the Council to ensure that civil legal aid providers are able to meet this need head-on.

² American Academy of Arts and Sciences. (2020). *Civil Justice for All*. <https://www.amacad.org/publication/civil-justice-for-all>.



COMMITTED TO ACCESSIBLE CIVIL JUSTICE

May 6, 2021

My name is Gabrielle Mulnick Majewski, and it my privilege to serve as Executive Director of DC Affordable Law Firm (DCALF). We are incredibly grateful for the Mayor and Council’s long-standing support of civil access to justice in the District. Every day, we help low- and modest-means income District residents facing potentially life-changing civil legal problems. At DCALF, the critical Access to Justice funding we received this year has enabled us to build out and institutionalize the Family Law Assistance Network (FLAN), an incredibly important, cross-organization initiative that has been a lifeline to *pro se* family law litigants since the start of this pandemic. We could not do this work without the funding we have received through the Access to Justice (ATJ) Initiative. We thank the Council and Mayor for their historical commitment to ATJ funding, and support the additional funding increase sought by the Access to Justice Commission. We support this request on behalf of our clients, our organization, and the thousands of DC residents whose access to critical civil legal services hinges on those essential legal services organizations supported by the ATJ Initiative.

DCALF was founded in 2015 as the only organization focused on providing high-quality, accessible legal services to the more than 125,000 hardworking, modest-means DC residents who earn too much to qualify for the wide-range of free legal services available in DC, but cannot afford representation by private attorneys. To date, DCALF remains the District’s only nonprofit legal services organization catering to the civil legal needs of hardworking, modest-means individuals and families through the provision of affordable, accessible legal services. DCALF represents clients in immigration, family law, and probate matters, with one-third of our clients paying modest-fees for services and the remainder receiving grant-funded *pro bono* representation when they are unable to pay out of pocket. Our clients live at or just above poverty levels, and without DCALF’s representation, access to justice in these critical realms would largely evade them.

In 2020, DCALF was fortunate to receive ATJ funding to embark on what was then a novel project to provide family law assistance to unrepresented parties. In March 2020, DCALF – together with Legal Aid and the D.C. Bar Pro Bono Center – officially launched the Family Law Assistance Network (“FLAN”), an initiative designed to link low-income DC residents with rapid response, limited-scope legal representation in DC Superior Court family law matters. According to 2017 statistics, in the District of Columbia 83-93% of litigants were unrepresented in domestic relations proceedings, left to navigate legally- and emotionally-complex child custody, support, and divorce hearings without the benefit of an attorney or easy access to timely legal advice. Before the pandemic, nearly 28% of District residents fell into low-income brackets, and many lacked the financial means to hire counsel or the bandwidth to pursue representation through established legal service providers. Without access to counsel, *pro se* litigants are forced to “go-it-alone” and self-advocate in difficult, emotionally-fraught hearings involving multifaceted, confusing legal issues. As a result, litigants frequently experience frustration and distrust in the fairness and equity of the judicial system. DCALF was fortunate to receive ATJ Initiative Funding to create FLAN to pour energy into tackling these problems by providing short-term legal assistance to community members without counsel.

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COMMITTED TO ACCESSIBLE CIVIL JUSTICE

Immediately after the pandemic hit, we adapted our model to fit the court's and litigants' needs in light of hindered court operations. Initially, we collaborated with the court and played a central role in drafting and filing emergency family law pleadings for the city's pro se litigants while the court was largely closed. Since March of last year, the demand for FLAN's services has continued to grow exponentially. As of today's date, FLAN has received requests for assistance from 896 unrepresented litigants since its inception, receiving upwards of twenty referrals in any given week and a consistent and steady number of requests coming through each week since March 2020. As DC Superior Court expanded its operations to conduct more virtual Domestic Relations hearings, FLAN responded by further expanding our cadre of services in response to the presenting needs of litigants and the court. In addition to the 896 litigants who have proactively sought FLAN's counsel, FLAN has also served as a conduit of information by proactively calling and notify unrepresented, pro se litigants of their upcoming hearings, facilitating their connection to FLAN or other civil legal service providers. This proactive outreach has resulted in more than 400 additional litigants receiving notice of their hearings and representation options since June 2020.

When we launched FLAN last year, court-based referrals were the primary vehicle for community members to learn of and access FLAN. However, since late 2020, the majority of litigants have come to FLAN through word-of-mouth and referrals from other legal service providers and community-based organizations. We have accomplished this heightened visibility through intentional outreach and community engagement alongside trusted constituent-serving agencies, including the Mayor's Office on Fathers, Men, and Boys and the Mayor's Office of Latino Affairs. We are on track to far exceed the number of litigants served in 2020, and expect 2022 numbers to mirror or exceed the unprecedented demand we have already seen in 2021. As we accept this new normal, we have started to contemplate additional investments in the technology and pro bono partnerships we will need to meet the demand and guard against the undesirable prospect of having to turn away litigants clamoring for support.

Through FLAN, we have represented non-custodial parents who have been denied access to their children for months, and advocated in emergency hearings on behalf of desperate, frantic parents after their children were taken hundreds of miles out of the jurisdiction in violation of court orders. We have represented domestic violence survivors seeking to extricate themselves and their children from toxic marriages made worse throughout the pandemic. And we have represented extended family members eager to prevent children from entering CFSA's custody. FLAN's services have been a trusted, reliable lifeline for families navigating harrowing, overwhelming, intimate struggles – families who, at the same time, are confronting unprecedented odds as they struggle with deep poverty, food insecurity, unemployment, lack of child care, health challenges, and an array of toxic stressors.

As we contemplate the next chapter in the city's recovery, there is little question that that, as the eviction moratorium is lifted, debt collections resume, and unemployment resources dry up, the hardships our lowest-income community members face will be catastrophically worse than in pre-pandemic times, and the demand for vital legal services across all practices will continue to mount. More than ever before in our city's history, broad and sweeping access to civil legal services will be critical to the proliferation of justice, equity, and fairness for our city's most vulnerable, underrepresented persons.

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COMMITTED TO ACCESSIBLE CIVIL JUSTICE

The legal services community has exuded the utmost creativity over the past year, developing new initiatives and collaborative innovations to tackle big issues facing our residents. The District's continued and increased investment in Access to Justice funding will enable DCALF, FLAN, and other vital legal services providers to meet the unprecedented needs of our most marginalized neighbors. DCALF remains committed to working alongside low- and modest-means DC residents as they navigate their struggles independent of and related to the aftermath of this pandemic. We appreciate the city's investment in Access to Justice funding, and thank the Mayor and Council for supporting civil legal services.

Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'G. Majewski', with a long horizontal flourish extending to the right.

Gabrielle Mulnick Majewski
Executive Director and Ward 5 Resident

May 20, 2021

My name is Rebecca Troth and I am the Executive Director of the D.C. Bar Pro Bono Center. The D.C. Bar Pro Bono Center serves more than 20,000 individuals, community-based nonprofit organizations, and small businesses every year, making it the largest provider of pro bono legal services in the District of Columbia. We support our clients through clinics, resource centers, and other programs that mobilize the power of pro bono attorneys throughout the District. With the start of the pandemic, the Pro Bono Center quickly adapted our programs to provide virtual services, with all staff working remotely.

The Pro Bono Center thanks the Mayor and the Council for continuing to invest in civil legal services for low-income D.C. residents and their support for the Access to Justice Initiative. The proposed budget pledges more than \$12 million to legal services. We are hoping for an even larger commitment as District residents feel the effects of the health crisis more acutely. This next year will prove critical to the long-term stability of those living on low incomes.

The Access to Justice Initiative funds eviction defense for tenants living on low incomes. In the case of the D.C. Bar Pro Bono Center, this funding supports the operations of our Landlord Tenant Resource Center (LTRC), our Attorney of the Day Program, and the Landlord Tenant Legal Assistance Network (LTLAN), which is a collaborative effort with five other legal services providers. All three programs provide vital legal services to D.C. residents involved in residential housing disputes. The LTRC, which operated in Superior Court before the pandemic, offers legal information and assistance to pro se tenants and small landlords, typically on the same day they must appear in Landlord Tenant Court. Pro bono attorneys from 19 D.C. law firms help customers understand Landlord Tenant Court proceedings, help them prepare pro se pleadings, and refer eligible low-income litigants to legal services organizations (including our own staff attorneys) for representation. Last year, 84% of the customers our staff and volunteers served were tenants.

In 2018, with Access to Justice funding, the Pro Bono Center hired two attorneys to serve as Housing Attorneys of the Day to augment the services of our pro bono lawyers and the LTRC staff. Our Attorney of the Day provides same-day representation to income-eligible tenants who contact the LTRC facing eviction and/or housing code violations. The Attorney of the Day also provides short-term representation to clients who are waiting for full representation by a pro bono attorney volunteering with our Advocacy & Justice Clinic. The Pro Bono Center's Housing Attorneys of the Day represented 304 tenants last year.

Access to Justice Initiative funding also helped the Pro Bono Center test innovative approaches to mobilize more volunteer lawyers to participate in the Attorney of the Day Program. Until the pandemic, volunteer attorneys from one of our partner law firms provided immediate, limited representation to help tenants avoid unfavorable settlement agreements, receive rent abatements, and avoid homelessness. We anticipate the return of these volunteers once the LTRC is operating again in person at court.

In June 2020, the Pro Bono Center and five partner organizations, with Access to Justice funding, launched the Landlord Tenant Legal Assistance Network (LTLAN) to streamline housing legal assistance. LTLAN is a central intake line for tenants and small landlords. Clients no longer must repeat their story to multiple legal services providers or make multiple calls for help. During the pandemic, both the LTRC and LTLAN are providing free legal information to unrepresented tenants and small landlords using one dedicated phone line. We refer income-eligible individuals who call the hotline with urgent housing needs to one of the LTLAN lawyers, including the Pro Bono Center's Housing Attorneys of the Day, for representation. In less than a year of operation, LTLAN has served 2,305 tenants and small landlords.

What the next few months will bring is uncertain as we await decisions on—and the consequences of—the end of the eviction moratorium. We know that many of the almost 20,000 D.C. residents who have been unable to pay their rent during the pandemic will need legal services either to help negotiate settlements or appear on their behalf in court, or both. Continued robust funding from the Access to Justice Initiative will be crucial to ensuring that the District's lowest-income residents do not lose their homes.

DC VOLUNTEER LAWYERS PROJECT

EST. 2008

My name is Sara Tennen and I am the Executive Director of the DC Volunteer Lawyers Project. I would like to thank the Mayor and the D.C. Council for their continued investment in civil legal services for low-income victims in Washington, DC, and specifically thank the Mayor for her proposed budget, which included funding to support the Access to Justice Initiative. I would like to share with you a bit about why this funding is so critical from our perspective, as a legal services organization that is on the front lines helping victims in the city achieve safety and stability, and why we support the requested funding by the Access to Justice Commission.

At the DC Volunteer Lawyers Project, we believe that a life free of violence and abuse is a basic human right. The mission of the DC Volunteer Lawyers Project is to advocate for domestic violence victims, at-risk children, and other vulnerable individuals through comprehensive *pro bono* legal services; to empower victims with knowledge, resources and on-going support; and to broaden our impact by engaging, training, and supporting a strong and diverse network of volunteer lawyers and community volunteers.

Before the COVID-19 pandemic, our resources were stretched. We receive funding from the Access to Justice funding for both our program supporting domestic violence victims and our work with at-risk children. Before COVID-19, we had multiple weekly community-based clinics throughout the District and one at the courthouse. All of those clinics were converted, initially to a Call In Clinic and then a Virtual Clinic as a result of the pandemic. Calls to our call in clinic increased at significant rates into the early summer of 2020 reaching truly unprecedented levels in the summer of 2020. During the three months of the summer of 2020, we served the equivalent of a year's worth of clients. The high demand for our services has not ceased. As adult and child victims continue to emerge from homes where they have been quarantined and in homes filled with increased tension and stress, we are seeing the level of need remain at tragic and unprecedented levels.

DC VOLUNTEER LAWYERS PROJECT

EST. 2008

We rely on Access to Justice Funding to provide critical, life-changing services to victims of domestic violence and at-risk children. This funding is more important now than ever before.

Also of note, many of our attorneys receive support from the Loan Repayment Assistance Program through the DC Bar Foundation to cover their law school loans. This program is critical to our ability to continue to recruit and retain a diverse group of highly qualified attorneys to provide representation to victims.

The Mayor eloquently offered a vision for Washington, DC – one that gives “every Washingtonian a fair shot and a pathway to the middle class.” Washingtonians without access to legal representation are missing a critical tool in being able to share in this vision for the District. So that every Washingtonian can have a pathway to safety, stability, and long-term self-sufficiency, it is critical that civil legal services receive adequate funding. I would like to thank Mayor Bowser and City Council for their commitment to civil legal services here in DC.



**Testimony of Sandy Bernstein, Legal Director
Disability Rights DC at University Legal Services
District of Columbia City Council
Committee on Judiciary and Public Safety
June 11, 2021**

My name is Sandy Bernstein and I am the Legal Director at Disability Rights DC (DRDC) at University Legal Services. I provide this testimony to urge the DC City Council to secure funding for the Access to Justice Initiative in the District of Columbia's Fiscal Year 2022 budget. DRDC receives this funding, which has allowed DRDC to provide legal representation and advocacy to District residents with mental illness and behavioral challenges who have housing-related legal issues.

The Access to Justice Initiative provides critical funding to legal service agencies, including DRDC, to represent low income District residents who are in danger of losing their housing and community-based residential services. Quality housing and the supports necessary to live in the community are essential for all District residents, but especially to people with disabilities, a very vulnerable population. With the funding we receive from the Access to Justice Initiative for our Housing Advocacy for People with Mental Illness and Behavioral Challenges Project, DRDC has been able to represent people with disabilities who are homeless, stuck in nursing homes and psychiatric facilities because they lack appropriate housing and community supports, individuals in jeopardy of losing their housing because they lack supports and individuals subjected to rights violations in their District-funded residential placements. For example, DRDC represents a woman diagnosed with serious mental illness who contacted

DRDC to request help identifying housing when she was homeless and seven months pregnant. She had been rebuffed by multiple housing programs in the District of Columbia and told she did not qualify. DRDC worked with her to find a mental health provider and coordinated with the provider to advocate for a stable housing placement. As a result of DRDC's advocacy, she was placed in a short-term housing program, two weeks before the birth of her child, operated by the Virginia Williams Family Resource Center. DRDC is continuing to work with her to secure behavioral health treatment and independent living for her and her child.

DRDC also continues to address rights violations and discrimination in housing against people with disabilities with the assistance of the Access to Justice Initiative funding. For example, DRDC represented a woman with a mental illness who has a housing voucher and was subjected to discrimination when the Department of Behavioral Health's Community Response Team collaborated with her property manager to enter her apartment without her permission when she was not having an acute behavioral health crisis. After DRDC filed a complaint, the Department of Behavioral Health investigated and substantiated that the Community Response Team did violate the law and issued corrective recommendations, including systemic changes to their standard operating procedure. DRDC also assisted this client in transferring her housing voucher to another apartment building so she could live in a place where she felt safe.

The Access to Justice Initiative funding is essential to DRDC, especially now during the COVID-19 pandemic. People with disabilities have been disproportionately impacted by COVID-19, due to the fact that many have underlying medical conditions, live in congregate settings and often rely on staff to care for their personal care needs. With the Access to Justice Initiative funding, DRDC advocated for individuals with mental illness in psychiatric facilities and nursing homes to be discharged to the community with supports to lessen the chance they would contract COVID-19. DRDC has used the Access to Justice Initiative funding to monitor

and connect with people in community residential facilities (group homes) and other District-funded residential placements and take action to ensure that providers of such facilities had proactive plans in place to stop the spread of COVID-19 and now have plans to vaccinate residents. This advocacy included investigating a death from COVID-19 of someone with a mental illness in a community residential facility when we learned that the facility was not requiring staff to be tested after an individual in a home tested positive.

DRDC will very much still need the Access to Justice Initiative funding in Fiscal Year 2022 to continue representing our clients with disabilities with housing-related legal issues. Without this funding, DRDC would not be able to provide the advocacy needed to this vulnerable population. More and more homeless individuals are contacting DRDC because they and are not getting the support required from District providers to identify and secure housing. DRDC continues to represent individuals with intellectual disabilities and mental illness who are denied services from the Department on Disability Services, some of whom are aging out of child-serving agencies, who have nowhere to turn for community-based supports and housing and are at risk of institutionalization as a result. And advocacy will continue to be needed to ensure residents of community residential facilities and their staff are vaccinated, necessary precautions are taken to keep people safe and that their rights of District residents are not restricted beyond the restrictions placed on other District residents during a pandemic.

The funding provided to DRDC by the Access to Justice Initiative is essential so DRDC can continue to advocate for District residents with disabilities to be provided with community housing, have their rights protected and receive quality services and supports in their homes. DRDC appreciates the Council's past support for legal services to the District's low income residents and requests the Council secure the funding for the Access to Justice Initiative in the District's FY22 budget



May 6, 2021

Chairman Phil Mendelson and D.C. Councilmembers
City Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Chairman Mendelson and D.C. Councilmembers:

I am writing on behalf of the Legal Aid Society of the District of Columbia to highlight the critical role that Access to Justice Initiative funds play in supporting Legal Aid's mission of *making justice real* – in individual and systemic ways – for persons living in poverty in the District. Our clients are individuals and families, predominantly of color, in need of legal assistance in areas ranging from housing and domestic violence to public benefits and consumer law. As District residents struggle to emerge from the economic devastation and mounting inequities caused by the pandemic and systemic racism, funding for the program will be more important than ever.

As you know from your continued support for our work, Legal Aid is the oldest and largest civil services provider in the District. The largest part of our work is composed of direct representation in housing, domestic violence/family law, public benefits and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. Our attorneys employ a range of strategies to address the legal needs of District residents, including direct client service, client outreach, and education. With non-public funds, we also participate in impact litigation and advocacy – informed by the experiences of our clients – before the D.C. Council, administrative agencies, and local courts. We also handle appeals on matters of importance to people living in poverty through our nationally recognized Barbara McDowell Appellate Advocacy Project.

We appreciate the longstanding financial commitment to the Access to Justice Initiative by Mayor Muriel Bowser and members of the D.C. City Council. This public funding program is vitally important to low-income District residents, allowing them an entrance to legal assistance and representation in a broad range of civil legal areas; providing much needed loan repayment assistance to the legal services lawyers who assist them; and funding a community legal interpreter bank that serves our community members who have limited English proficiency.

The burdens of the past year have profoundly and disproportionately impacted members of our client community, especially low-income District residents and residents of color. Three-

fourths of District residents who have died due to COVID are Black.¹ At the same time, the District faced unemployment disparities that were higher than any state in the nation: in the last two quarters of 2020, Black District residents were more than four times as likely to be unemployed as white residents.² These health and economic crises created significant legal needs. Legal Aid responded to the needs of our client community, devoting significant resources to help individuals with legal issues related to unemployment, health insurance, domestic violence, and more.

Funds from the Access to Justice Initiative have been instrumental in allowing Legal Aid to respond to the emerging crises over the last year. We trained our attorneys and legal assistants outside their practice areas so that we had the flexibility to shift resources to the areas of greatest need. These funds have allowed us to substantially increase our capacity to assist clients with the surge in cases for those whose unemployment benefits were wrongfully denied or terminated. In addition to our direct representation, our staff has been active in virtually training community members and service providers (including those representing immigrant communities and labor union members) on pandemic-related protections, including the expanded unemployment insurance program, tenants' rights, and how to obtain and protect stimulus checks. We also collaborated with partner legal services organizations to create dedicated hotlines providing a single point of entry for people seeking help with public benefit matters at the Office of Administrative Hearings, child support, family law, debt collection, and landlord and tenant matters.

In the upcoming year, we anticipate that the hardships of the last year will lead to significant new legal needs. As the eviction, debt collection, and foreclosure moratoria expire, we expect a significant number of new cases to be filed: cases where the overwhelming majority of defendants are likely to be low-income individuals who cannot afford to pay for an attorney. Although Legal Aid provides services to over 3,000 individuals each year, Legal Aid also has to turn away a significant number of applicants because we do not have capacity to serve all of those who ask for our help. Without more funding to increase capacity throughout the District's legal services community, we will likely have to turn away even more applicants as these moratoria are lifted.

With increased funding for the Access to Justice Initiative, we will work to ensure that District residents are not displaced from their homes, workers obtain the unemployment benefits to which they are entitled, families can access public benefits that serve as a critical safety net, and economically vulnerable individuals are not subject to illegal debt collection practices. We expect that many individuals facing foreclosure or eviction will have meritorious legal claims, be eligible for assistance programs, or both. Lawyers play a vital role in empowering these

¹ These data are from the Mayor's Office and are available at <https://coronavirus.dc.gov/data>.

² Economic Policy Institute, *State Unemployment by Race and Ethnicity* (March 2021), <https://www.epi.org/indicators/state-unemployment-race-ethnicity/>.

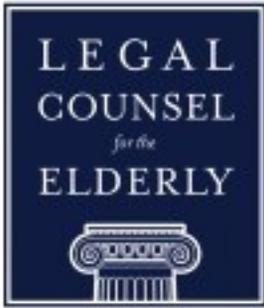
individuals and families, because they cannot get connected with services or protect their rights if they do not know about them. As the courts reopen to hear cases in greater numbers, funding for civil legal services will be more vital than ever.

Since the program's inception, funding from the Access to Justice Initiative has supported Legal Aid's mission to make justice real for persons living in poverty in the communities we serve. After this past year, this mission is more urgent than ever. We ask the Council to provide this funding because it is a wise investment that will help District residents to recover from the tragedies and inequities that the pandemic has deepened.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Angel". The signature is fluid and cursive, with the first letter "E" being particularly large and stylized.

Eric Angel
Executive Director



601 E Street, NW
Washington, DC 20049
202-434-2120
202-434-6464 fax
lce@aarpp.org
www.aarp.org/lce

April 28, 2021

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

I write in support of increasing the funding for the Access to Justice Initiative. We at Legal Counsel for the Elderly (LCE), are incredibly grateful for the long-standing support of civil access to justice in the District. On a daily basis, we help low-income DC seniors facing potentially life-altering civil legal problems. Our ability to do this work is dependent, in no small measure, upon the funding provided through the Access to Justice Initiative (AJI).

For more than 45 years, Legal Counsel for the Elderly has championed the dignity and rights of Washington, D.C. seniors by providing free legal and social work services to those in need. The need for our work is significant. Approximately 120,000 District residents are age 60+ (17% of DC's population), with 11,000 age 85+. DC has among the highest percentage of seniors living below the poverty level – more than 16% – of all states. The COVID-19 crisis – especially given its unique impact on vulnerable seniors – has drastically increased challenges facing older adults.

As the District's only legal service provider dedicated to servicing the needs of residents 60 years-of-age and older, we have served this population by addressing legal needs to prevent foreclosure, address unsafe living environments because of landlord neglect or malfeasance, stop eviction and homelessness, and respond to financial exploitation. LCE also helps seniors who need public benefits and veterans benefits to pay for food, housing and medicine.

Specifically, the Access to Justice Initiative makes the following work possible:

- Making legal house calls to homebound DC seniors who are at risk of losing the personal care aid services they receive at home under DC's Elderly and Persons with Physical Disabilities Waiver program; who have been defrauded and taken advantage of by consumer or mortgage scams; who need help defending claims brought by creditors; who are at risk of home loss through foreclosure; who are involved in guardianship proceedings; who need to file applications for public benefits; who need to execute wills, financial and health care powers of attorney; and much more.
- Preventing displacement and preserving safe and affordable housing for DC older adults and their families who are experiencing poverty by representing tenants facing eviction and/or subsidy terminations.

- Assisting DC seniors who are living in homes titled in their parents, grandparents, and even great-grandparents' names in probating estates and transferring title of their homes into their names so they can take advantage of numerous homeowner benefits, stay in their homes, and pass down what is in many cases their family's primary source of wealth.

We expect to experience unprecedented demand for civil legal assistance as we emerge from the COVID-19 crisis. We anticipate meeting new seniors unexpectedly thrust into poverty who have never before faced these types of civil legal problems. Following the moratorium, we expect to see an avalanche of eviction filings against many of those who never needed our services previously.

Given the essential nature of these funds and the growing need in our community as we recover from the COVID-19 pandemic, LCE strongly supports increasing the appropriation for this funding to \$20 million.

Sincerely yours,

A handwritten signature in cursive script that reads "Rhonda Cunningham Holmes". The signature is written in black ink and is positioned above the printed name and title.

Rhonda Cunningham Holmes
Executive Director



My name is Karen Newton Cole. I am the Executive Director of Neighborhood Legal Services Program of the District of Columbia (NLSP) and a native Washingtonian, residing in the District of Columbia.

For over 55 years, NLSP has provided free civil legal services to low-income residents of the District of Columbia. Our assistance preserves safe and affordable shelter, stabilizes family relationships, protects victims of domestic violence, secures access to healthcare and public benefits and reduces barriers to employment for our clients. As a pioneer of the neighborhood-based legal services model, we strive to be an integral part of the communities we serve. Our three community law offices are located in the most underserved areas of the District, including two east of the Anacostia River.

The core of NLSP's services is the direct legal assistance we provide our clients—from brief services to extended representation in various tribunals. We focus our practice on areas where our limited resources are likely to have the most impact and there is clear unmet need. NLSP has three main practice areas – Housing, Family, and Economic Security – and a Brief Service Unit (BSU), which serves as the initial point of contact.

Access to Justice Initiative funds (ATJI) are critical to the delivery of our services throughout the community. Programs in every NLSP practice area (including the BSU) depend on this support to stretch our scarce resources to cover the legal needs of DC low-income families. This has been particularly important as we have faced a myriad challenges and uncertainties during the last year and, indeed is more critical, as we transition to a post COVID – 19 era.

These are tumultuous times for many DC families. As they try to manage the new norm, they will have to grapple with issues around returning to work, obtaining gainful employment and settling kids in school. New legal challenges will emerge as well.

Over the last year, NLSP was able to address fundamental necessities with ATJI support. From representing families with new or renewed custody matters exasperated by the pandemic to assisting with economic insecurities and housing lockouts. NLSP has seen increased need with cases relating unemployment, social security and other supports designed to ensure financial stability. With ATJI grants, NLSP was able to add to its cadre of attorneys and expand its capacity to help more DC low-income people.

The funds appropriated by the Council during the last year, also supported legal service provider partnerships to ensure that DC residents have necessary legal resources to meet their most immediate legal needs. For example, six organizations funded by the Civil Legal Counsel Projects Program (CLCPP), launched a dedicated phone line to serve as single point of contact for residents experiencing landlord and tenant problems, with each organization taking turns “manning” the lines and responding to those reaching out for help. As a part of this collaborative effort, these organizations meet weekly to identify emerging and strategies to ensure that the low-income families experiencing housing insecurity are protected.

We envision that similar partnerships will be required to assist in the post-pandemic effort and to address the almost certain deluge of cases once the moratoria are lifted. While there will be a great reliance on the pro bono community, this resource will not be sufficient without more support from the legal services community. All of our collective efforts will be necessary to stem the tide.

In closing, I would like to thank the Mayor and the City Council for their continuing investment in Access to Justice Initiatives and request a funding increase to ensure that we are equipped to meet the needs in the upcoming year.

May 21, 2021

District of Columbia Access to Justice Commission
c/o Sidley Austin LLP
1501 K Street, NW, Room 4.112
Washington, DC 20005

Re: FY 2022 Access to Justice Initiative Funding

To Whom It May Concern:

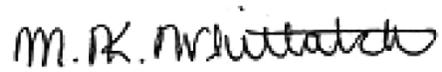
Quality Trust for Individuals with Disabilities (QT) is a non-profit organization that has been advancing the interests of DC residents with developmental disabilities since 2001. QT monitors the quality of the services provided and advocates for whatever changes or improvements are needed to enable people to live full, healthy, and meaningful lives. Since our founding, QT has supported thousands of people with disabilities through our legal, lay advocacy, and monitoring programs, as well as systemic initiatives

Access to Justice Initiative funds have played a critical role in the success of QT's Jenny Hatch Justice Project (www.JennyHatchJusticeProject.org). This project focuses on protecting and advancing people with disabilities' "Right to Make Choices" – the principal prerogative of all people to make their own decisions and direct their own lives to the maximum of their capabilities. Research has repeatedly shown that, when people with disabilities are self-determined and have more control over their own lives, they have better life outcomes, including improved health and safety. Thanks to Access to Justice Initiative funding, JHJP provides legal representation, advocacy, and education to low-income DC residents are in or at risk of undue or overbroad adult guardianship, who want to explore less-restrictive legal options, or who are facing unlawful discrimination that impacts their decision-making rights.

During the COVID-19 pandemic, QT has been actively monitoring the way in which DC residents with developmental disabilities are impacted and advocating for change where needed. We know that this population has been disproportionately and negatively impacted during these challenging times. For example, the COVID-19 pandemic brought to the fore discriminatory hospital visitor bans that fail to allow for required reasonable accommodations for patients with disabilities who need in-person supporters while hospitalized in order to ensure the equal access to health care to which they are entitled under federal law. A patient with a disability may require an in-person supporter to ensure effective communication, informed consent through supported decision-making, and/or physical and behavioral support while in the hospital. Thanks to the support of the Access of Justice Initiative, QT has been able to advance the rights of people with developmental disabilities to ensure they are accommodated and their medical needs are met.

QT anticipates that these kinds of legal issues will continue during the District's stages of reopening and beyond. Access to Justice Initiative funds will prove critical in providing us with the resources necessary to promptly address the increased need for our legal services, so that DC residents with disabilities are not unlawfully discriminated against in their efforts to timely accessing quality medical care, with the decision-making supports they need and want.

Thank you,

A handwritten signature in black ink that reads "M. K. Whitlatch". The signature is written in a cursive style with a large, looped initial "M".

Morgan K. Whitlatch
Legal Director
Quality Trust for Individuals with Disabilities
mwhitlatch@dcqualitytrust.org
202-459-4004

Executive Director

Grace M. Lopes

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Brian Stekloff
Wilkinson Walsh

Adam Stochak
Marigold Builders

My name is Grace M. Lopes and I am the Executive Director of Rising for Justice. I would like to thank the Council and the Mayor for their long-standing investment in funding civil legal services for low-income District residents. For the reasons outlined below, I urge the Council to increase Access to Justice funding consistent with the Twenty Million Dollar funding level sought by the Access to Justice Commission.

For over five decades, Rising for Justice (formerly D.C. Law Students in Court) has served the District of Columbia as a non-profit legal services organization. Our mission is to leverage the collective forces of law students, social work students and experienced advocates to achieve justice for all. Every year, we provide direct legal representation and social work support to thousands of D.C. residents who cannot afford counsel while training law students and social work students to represent indigent and low-income clients in our clinical education programs. We represent tenants, mostly from Wards 5, 7 and 8, who are at risk of eviction, as well as clients who are confronted with civil protection orders, which in many instances could seriously affect their ability to live in their homes and see their children. We also assist clients through the record-clearing process, removing the barriers to securing education, training, employment and housing stability that are associated with criminal records. Many of our attorneys are able to perform this important work because they participate in the Loan Repayment Assistance Program.

The enormous impact of the public health crisis caused by COVID-19 on our clients and their families has been overwhelming and persistent. In recent months, we have seen landlords doing an end-run around the Superior Court's Landlord and Tenant Branch to seek evictions in the Superior Court's Domestic

Violence Division. And we have witnessed prolonged periods in which respondents in Civil Protection Order matters are subject to the demonstrable constraints imposed by Temporary Restraining Orders issued *ex parte*, without any opportunity to be heard.

Our clients are among the most vulnerable to the financial hardship and trauma that the pandemic is inflicting on our community. Access to Justice funding has enabled us to help District residents who are experiencing sudden homelessness due to illegal evictions or who are being threatened with eviction during this public health crisis. For example, we recently represented a client who missed a rent payment required by a court-ordered payment plan because her rent money was stolen. She lost her job during the pandemic and ended up falling very far behind in her rent. We were able to facilitate her application for emergency rental assistance and help her access private funds to pay the back rent and resolve her court case, ultimately keeping her in her home. We were also able to provide social work support to help her address some significant related issues and manage her own money more proactively in the future. In another recent eviction case, in which a court entered judgment against an unrepresented tenant, we were able to intervene on behalf of the tenant in the D.C. Court of Appeals, ultimately winning a remand which allowed our client to enforce his right to a trial and keep him living safely in his home while doing so.

These examples are illustrative of the enormous challenges that confront our clients. We are preparing for an unprecedented demand for civil legal assistance as we emerge from the COVID-19 crisis. We anticipate new clients unexpectedly living in poverty who have never before been one step away from homelessness. We know that there will be a huge influx of people who have lost their jobs, are hobbled with debt and at serious risk of eviction. They need our help now more than ever.

Thank you for your consideration of the D.C. Access to Justice Commission's budget request, which is intended to ensure that District residents have access to the legal help they will need to participate fully in the District's recovery from this unprecedented crisis.



**FY 2022 OVSJG Budget Hearing
Before the Council for the District of Columbia
Committee on the Judiciary and Public Safety**

**Testimony of Alana C. Brown
Executive Director, The Safe Sisters Circle**

Re: DC's Access to Justice Initiative

My name is Alana C. Brown, and I am the Executive Director for The Safe Sisters Circle. The Safe Sisters Circle was founded in 2018 with the mission to provide free culturally specific, holistic, and trauma-based services to Black women survivors of domestic violence and/or sexual assault primarily living in Washington, DC's Wards 7 and 8. Our clients come from DC's most underserved and disenfranchised neighborhoods and face many racial and socio-economic barriers to safely and successfully leaving their abusive circumstances. Our programming is not only meant to address their legal needs, but to provide referrals to wrap-around care that helps our clients create a healthy, independent, and successful life path for themselves.

Our dynamic legal team provides holistic intervention tailored to meet the needs of our Black women survivor clients. We represent clients experiencing domestic violence, dating abuse, sexual assault and stalking in their Civil Protection Order, custody, visitation, child support and crime witness advocacy matters. Our legal team also provides case management service and makes warm referrals to culturally competent and supportive partner organizations to address housing, counseling, childcare, employment, life skills, and other legal needs. We have also been working to expand our clients' access to services directly in their own communities. We are based in DC's Ward 8 and have been partnering with service providers based in the



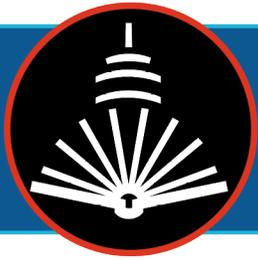
community that address different and unique needs to build a stronger network of support for our clients.

The Access to Justice Initiative's grants have been an invaluable source of support for The Safe Sisters Circle's East of the River Women's Legal Services Project (WLSP), our program that provides the legal services described above. Although WLSP started out strong and mighty with one attorney, it was not until the The Safe Sisters Circle's received Access to Justice Initiative's funding that it was able to hire two more attorneys and truly increase its capacity to serve more Black women survivors of domestic and sexual violence- specifically focusing on Wards 7 and 8, again the most underprivileged and unfortunately majority Black neighborhoods in Washington DC. The Access to Justice Initiative truly encourage diversity and commitment to communities of color. As such, The Safe Sisters Circle was able to hire with a racial equity lens and continue its commitment to diversity and its vision that there is value in having Black women attorneys to serve a majority Black women client base, and thus, The Safe Sisters Circle was able to hire diverse, qualified, and DC area native attorneys to fill the newly opened attorney positions.

The Access to Justice Initiative is The Safe Sister's Circle largest funder and it would not have been able to grow and develop its legal services without it and provide more direct representation, legal advice, and brief representation in Civil Protection Order hearings, family law related cases, and crime witness advocacy matters to Black women survivors of domestic and sexual violence living primarily within Washington DC's Wards 7 and 8. It has truly given



The Safe Sisters Circle the ability to center Black women survivors' legal and holistic needs and provide them greater access to justice within Washington, DC.



SCHOOL JUSTICE PROJECT

Access to Justice. Access to Education.

**Testimony in Support of the Access to Justice Initiative
District of Columbia Council
Committee on Judiciary and Public Safety
Claire N. Blumenson
Executive Director & Co-Founder
School Justice Project (SJP)**

Thank you for the opportunity to provide testimony on behalf of [School Justice Project](#) (SJP) in support of the Access to Justice Initiative. My name is Claire Blumenson, and I am the Executive Director & Co-Founder of SJP, as well as a Ward 1 resident. SJP is a DC-based legal services and advocacy organization that works to ensure that older court-involved students with disabilities receive a quality education, both during incarceration and throughout reentry. We launched School Justice Project in 2013 to address the gap in special education legal services for court-involved students ages 17-22, during incarceration and throughout reentry. By integrating special education law into the court context, SJP aims to increase access to education, decrease future court contact, and reshape the education and justice landscapes for older students with disabilities. An investment in the Access to Justice Initiative is an investment in a more equitable and just community.

The Problem

Court-involved students with disabilities often have histories of academic failure, school pushout, and repeated periods of unenrollment. The majority of court-involved students struggle with trauma, have special education needs, and have one or more mental health diagnoses. The quality of education in facilities is inferior, and often appropriate education and transition services are not available. Given factors such as age, disability, school requirements, and timing in the school year, these students have difficulty re-enrolling in traditional public schools upon their return. As a result, this population of older students with disabilities remains largely unaccounted for and under-resourced.

Students in the justice systems have limited access to education, let alone quality or relevant special education programming. This access gap means that students are unable to achieve educational milestones, find employment, and participate fully in society. When students attend school in facilities, they often receive little more than work packets of material that is not tailored to their academic levels or curriculum. Far too often, students in facilities complete coursework that does not match the graduation requirements. Beyond the damage caused to the individual students' academic and employment opportunities, the existing systemic barriers only further the inequities that currently define our education and justice systems. It is vital that our city continue investing in closing the justice gap. And, thanks to the Access to Justice Grants, we know that this kind of investment matters. It makes all the difference.

SJP's Solution: Special Education Legal Services

The intersecting crises of educational inequity and mass incarceration, both of which create and perpetuate racial injustice, require multifaceted solutions. We know that having access to special education legal services can be one part of the solution. Since the robust federal and local special education legal protections remain in place, we can focus our attention on making sure those who need them can access them.

The Access to Justice Initiative helps increase access to special education legal services so that all students can receive a quality education. Education attorneys represent young people by assisting in re-engaging with education, securing critical special education supports, and advocating for appropriate social services. Young people become informed of their rights and empowered with the tools necessary to later advocate without assistance from attorneys. Moreover, the individual young people who have experienced the problems firsthand are well-positioned to advocate for change at the systemic level. Legal services organizations can provide platforms for individual clients to advocate for system-wide solutions.

Education attorneys enforce clients' rights, increasing access to appropriate educational services and meaningful reentry. Special education attorneys do this by advocating with young people at school meetings, arguing for better court outcomes in hearings, filing lawsuits, identifying community resources, working with community partners, and assisting clients with accessing

services for reentry. The need for special education legal representation has only been amplified during the pandemic, with incarcerated students receiving no special education for the entire year (for more information on this issue and our current class action lawsuit, see <http://www.sjpd.org/news/2021/4/12/district-government-sued-for-not-providing-education-to-incarcerated-young-people-with-disabilities>).

Special education attorneys do more than open access to education. They can also contribute to a fairer court process and reduce the use of detention and incarceration. Special education attorneys can provide the court with a more comprehensive understanding of both the impact of the disability on the young person as well as the availability of community-based resources that can be accessed through the education system. This contributes to judicial efficiency by providing student-specific information to assist judges and other judicial officers in reaching a more informed decision. Education and workforce development can become part of a cohesive plan that the judge can turn to as an alternative to incarceration. This is critical during reentry planning and proposing community-based alternatives and terms of probation to the court. This leads to better outcomes for young people while incarcerated and throughout reentry.

How the ATJ Initiative Funds Fill a Critical Gap

Like our peer organizations in DC, SJP works to ensure that DC residents have access to free critical civil legal services. One of the primary ways we are able to meet the significant need for special education legal services for court-involved students with disabilities is through Access to Justice grant funding each year. That funding has allowed us to continue to expand the number of students who can access free special education lawyers, and we have seen that make an extraordinary difference in both their education and court outcomes. For example:

- *Education:* On average, approximately 90% of SJP clients enroll in an education program, and 85% of clients released from incarceration re-enrolled in school within 60 days of release.
- *Empowerment:* On average, 92% of SJP clients demonstrated increased knowledge or understanding of education rights, and 84% of SJP clients reported increased empowerment.
- *Justice and Court Outcomes:* On average, SJP's education advocacy during sentencing and disposition hearings resulted in mitigation in 95% of cases.

Special education law, with its federal legal hook, civil rights basis, and relatively uncontroversial purpose, has power to affect the lives of so many young people in both the juvenile and criminal system. Additionally, demographic breakdowns show how important ATJ funds are to building a more equitable community. For example, 100% of SJP's clients are students of color (98% Black, 2% Latinx); 100% are students with disabilities, and 100% are eligible for free legal representation. Ward 8 has the largest SJP client representation (31%), followed by clients experiencing homelessness (17%). About 25% of clients are from Wards 7 and 5. Data from DC's juvenile justice agency reflect a similar breakdown, with 100% of committed young people identifying as students of color and over 80% as students with disabilities. This is a racial justice issue, and we must invest in solutions that place equity at the center.

We know that access to critical, civil, special education legal services can increase educational equity while simultaneously decreasing incarceration. And with court-involved students with disabilities experiencing disproportionate harm from the pandemic, we are anticipating an influx of need for special education legal services over the coming years. Given the pandemic's effect on special education services in both secure facilities and in the community, access to special education legal services is especially critical now. This unprecedented time has shown us how crucial compensatory education will be for so many young people—and for the vast majority of court-involved students. We know that when schools and courts resume full operations, we will have an increased need for free special education legal services for students involved in the justice systems.

The Access to Justice Initiative plays a critical role in building a more equitable community. While we are only one of the many organizations serving DC residents thanks to Access to Justice funds, we are keenly aware of how vital this funding is to the entire DC community. We ask that the Council invest in our community by addressing the access to justice gap. Prioritizing the Access to Justice Initiative will move our city towards a just and equitable COVID recovery.



TZEDEK DC

Legal Help for People in Debt

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April 5, 2021

The Hon. Charles Allen, Chairperson
Committee on the Judiciary & Public Safety Budget Hearings
Council of the District of Columbia

Re: Office of Victim Services and Justice Grants (OVSJG) Budget

Dear Chairman Allen and Committee Members,

On behalf of Tzedek DC, thank you to the Council and the Committee on the Judiciary & Public Safety for your leadership.

Tzedek DC is an independent public interest center headquartered at the UDC David A. Clarke School of Law with the mission to safeguard the legal rights and financial health of DC residents with low incomes dealing with the often devastating consequences of abusive debt collection practices and other consumer related issues. Tzedek DC pursues this mission as anti-racism work, for two main reasons. First, building on centuries of structural racism, wealth in DC closely tracks racial lines: typical white households in DC have net assets that are 8,100% those of typical African American families, with similarly distressing gaps for Latinx communities. Second, while 43 percent of DC community members of color have a debt in collections, only 10 percent of white DC households do; unpaid debt reporting to the credit reporting agencies has a dramatically disproportionate impact on community members of color, causing harm to residents' abilities to rent an apartment, secure a mortgage, get a loan, or, in many cases, get a job. Tzedek DC relies on the ATJ initiative funds to assist DC residents struggling with debt legal issues including victims of financial crimes, sees as an emerging trend the need of the disabled community and the increase of debt collection against DC residents post-pandemic which will be reflected in the expanding need in 2022.

These ATJ initiative funds play a critical role in allowing Tzedek DC to serve this mission. With grant support from the Office of Victims Services and Justice Grants, in support of our mission, Tzedek DC provides free legal help, pursues court rule and administrative agency reforms, and co-leads community outreach and education efforts. Tzedek DC serves households in DC that are among the 300,000 residents living at or under four times the federal poverty line —families in poverty or teetering on the brink. OVSJG funds two of our most substantial projects: “Debt-Related Legal Services” through the ATJ Initiative, and the “Economic Exploitation and Fraud Project.” Through this project, we are able to represent residents struggling with consumer legal issues like credit report misreporting, predatory lending, harassing debt collectors, and provide community legal education to residents in coordination with community partners. Through the EEFPP, we are able to represent victims who have been scammed out of much needed household funds, whose identities have been stolen, or whose abusive partners have opened credit cards in their name since financial abuse almost always accompanies intimate partner violence. Tzedek DC has directly aided over 1,000 since 2017 in large part through the support of OVSJG programs. Including these three residents:

Brandy, 77, lives on Social Security retirement and federal disability payments. During the twelve years after her doctor said to stop working due to her medical issues, she accumulated \$3,600 of credit card debt. When she saw a TV ad promising to help people pay off their debts, she signed up and began sending the company \$200 a month, believing the money would be forwarded on to the creditors. Her payments eventually totaled over \$4,500—more than she had owed in the first place. It appears the company was simply pocketing Brandy’s money, because In November 2019 she received court paperwork for a debt of \$3,600. Distraught, she was referred to us by DC’s Department of Aging. We got a continuance for Brandy’s case and were then able to wipe the slate clean for her, by filing a hardship declaration on her behalf that was accepted by the creditor.

Ethyl is an elderly DC resident who lives in subsidized housing on her monthly Social Security income of \$700 and uses a wheelchair to get around. Her debit card statement had multiple charges plus overdraft fees for the ride service Lyft. However, she never used Lyft because it doesn’t have a ready fleet of accessible vehicles. Even after she canceled the debit card and got a new one, Lyft charges and overdraft fees continued to appear on her monthly statement. Absent a subpoena, however, Lyft would not reveal who was making the charges. We promptly filed a case with the DC Attorney General (OAG)’s Office Elder Abuse Unit, and the OAG quickly issued a subpoena. Once Lyft revealed that the culprit was one of Ethyl’s home health aides, she was able to fire her aide and the

fraudulent charges stopped. We convinced both Lyft and Ethyl's bank to cancel all charges on Ethyl's account, which amounted to thousands of dollars.

John is a 36-year-old Ward 5 resident working full time for a food delivery company to support his seven children. He was sued by a major bank in the D.C. Superior Court's Small Claims and Conciliation Branch for over \$3,500 for an alleged credit card debt. When he met us in court, however, he informed us that he was the victim of identity theft and had been scammed. We were able to help John get a continuance so that he could submit a fraud affidavit showing that this was not his credit card debt. Meanwhile, after our advocacy, the bank conducted its own investigation into the underlying facts and, happily, decided to dismiss its lawsuit against him.

We see as an emerging need, of course, the fallout from the COVID-19 pandemic, but also an increased need for our services from the disabilities community. The pandemic has impacted every aspect of life for DC residents with low incomes. Thankfully, due to protections passed by the DC Council, for most debt collection and call from collectors has not been an added stressor during this time. However, when the temporary, emergency protections end, debt collection will explode as a difficulty for residents. There will be a flood of cases when the dam of COVID-19 protections bursts; attorneys for the debt collection companies have told us that they plan to file at least a thousand cases per month in the DC Courts. Pandemic related negative history on credit reports will remain after the pandemic ends. The economic fallout of the pandemic will be long lasting even after we move into the recovery phase of the public health emergency. A second trend we have noticed, especially in the pandemic, is the need of specialized representation for disabled individuals dealing with debt.

The disabled community is disproportionately affected by debt, and those in poverty are more likely to have a disability. Health care costs continue to rise, leaving individuals with disabilities in debt and without the ability to pay for needed medications and treatments. Businesses often coerce susceptible individuals into entering predatory contracts. Federally, subminimum wage remains a reality for disabled workers, and Social Security remains inadequate to cover the expenses of daily living. Against this backdrop, Tzedek DC's disabled clients face the steady erosion of their legal rights 1) as disabled people striving for autonomy and the normalization of interdependence, 2) to remain free from coercion and harassment in debt-related matters, and 3) to defend themselves in cases in which debt is improper or illegal to collect, beyond statutes of limitations, or cannot be garnished. Despite a clear need, no other D.C. organizations (and very few nationally to our knowledge) allocate staff or resources specifically dedicated to representing residents with disabilities facing debt-related problems. We are committed to working to fill that gap.

The need will explode in 2022 and the pandemic winds down, emergency prohibits on collections are removed, and DC residents return to work. ATJ funds will allow Tzedek DC to both keep up with this need and continue Tzedek DC's Disabilities Community Project. Continued and increased funds will allow Tzedek DC to maintain its work to support the increased needs of an increased client base as residents dig out of the financial hole of the pandemic. Access to an attorney can mean the difference between having to pay back thousands of dollars to a debt collector and having to pay nothing at all. It can mean having the option to set up a more manageable payment plan. It can mean escaping a predatory contract. Centering clients, understanding their needs, engaging them in their own cases and systemic advocacy, and reaching out to their communities in ways that are accessible to them are critical for achieving positive outcomes. Increased funds will also allow Tzedek DC to continue the Disabilities Community Project which has already had an impact for over 1,000 DC residents since inception in 2020 and provides clients with access and nuanced representation that acknowledges the way disability affects possible guidance and circumstances. For example, understanding of garnishment rules for Social Security Administration benefits, the nature of medical debt, and how to draft an effective hardship are all vital. The Project provides community education and outreach, conducting know your rights trainings, collecting feedback and gauging priorities for our advocacy work, and maintaining partnerships.

Sincerely,



Ariel Levinson-Waldman

Founding President & Director-Counsel, Tzedek DC

**Statement in Support of Access to Justice Funding
To the
District of Columbia Council**

May 20, 2021

There is a profound crisis in equal justice, driven far too often by the unavailability of an attorney to protect rights embedded in the law. The District of Columbia, through its Access to Justice funding, is a leader in the national movement to close the justice gap. The Washington Lawyers' Committee receives funding through the Access to Justice program to support our work to address housing discrimination and segregation, assist low-wage workers, and to fight for the rights of prisoners and persons with a disability. Through these grants, we are able to assist thousands of low-income District residents.

Despite the extraordinary commitment of the District to equal justice, the needs of low-income communities have not been fully met. This is true across the broad range of civil legal issues – housing, employment, education, disability rights, prisoners' rights, family law, and others. The shortage of lawyers remains an obstacle to basic fairness, racial equity, and economic justice.

The District of Columbia is a city characterized by racial inequity. Even prior to the COVID-19 pandemic, by every measure, there are profound racial disparities that disadvantage people of color. Income and wealth disparities between white and African American residents are substantial and growing. In 2016, median white family income grew to more than \$120,000 per year, while Black income fell to below \$40,000.¹ Whites have 81 times the accumulated wealth as African Americans. The average white family's net worth is \$284,000 and the average African American family has assets worth just \$3500.² Significantly, there are dramatic racial disparities in homeownership, a primary driver of wealth creation. A white family is nearly twice as likely to own a home in the District as an African American family. Eighty percent of whites and fewer than 45% of African Americans are homeowners and the average value of an African American owned home is one-third the average value of a home owned by whites.³

Similarly, there are disparities in educational achievement. African American students are, on average, 4.9 grades behind their white counterparts and 15.2 times as

¹ M. Naveed, Income Inequality in DC Highest in the Country, <https://www.dcfpi.org/all/income-inequality-dc-highest-country/>

² K. Kijakazi, R. Brooks Atkins, M Paul, A. Price, D.k Hamilton, W. Darity, The Color of Wealth in the Nation's Capital; <https://www.urban.org/research/publication/color-wealth-nations-capital>; see also, Discriminatory Housing Practices in the District: A Brief History, D.C. Policy Center, <https://www.dcpolicycenter.org/publications/discriminatory-housing-practices-in-the-district-a-brief-history/>.

³ Id.

likely to be subject to discipline.⁴ Whites graduate from high school in the District within four years of matriculation at a rate of 90%. African Americans have a four-year graduation rate of 68% and only 61% of Latinx students graduate within four years.

These inequities have grown worse in the last year with the COVID-19 pandemic and resulting economic crisis. Workers of color and women are more likely to be unemployed by the crisis or to be front line workers at greater risk for the virus. People of color are being sickened and dying at rates much higher than whites. Inadequate federal response to protect front line workers and to create an adequate and sustained safety net have driven many families into deep poverty while the wealthiest in the nation have grown richer. Current income and wealth disparities rival the Gilded Age and the burden of poverty falls greatest on people of color, women and children.

The District has made its greatest commitment to provide civil legal aid in housing. A majority of District funding goes to eviction prevention programs, which will be critically important as we face the end of the eviction moratorium. The cost of evictions to individuals, families, and the health of the community is enormous that the funds invested by the District return benefits that far exceed the cost. Moreover, displacement, segregation, and gentrification all go through the Landlord and Tenant Branch of the Superior Court. Each case facilitates the weakening of community.

Development, rising housing costs have driven 30,000 Black residents from the District. In particular, there is a crisis for low-income families. Rapidly gentrifying neighborhoods targeted for development have replaced family sized rental housing with smaller units and created housing cost pressures that drive working and poor families out while richer and mostly white singles and young couples move in.⁵ Families are forced to more remote and segregated parts of the District. Wards 5, 7 and 8 are home to some of the only affordable four- and five- bedroom apartments in the D.C. area.⁶

Displacement interferes with economic opportunity. Workers who are forced out of neighborhoods with access to transportation or near a metro stop to a more remote corner of the City have a harder and more costly time getting to work. Low-wage work can often have unpredictable hours and reliable and efficient transportation is essential. Access to opportunities for employment is among the most effective strategy to lift families out of poverty and to create opportunity for social mobility.⁷

⁴ Pro Publica, *Miseducation of the District of Columbia*, <https://projects.propublica.org/miseducation/district/1100030>

⁵ Taking Stock of the District's Housing Stock, D.C. Policy Center, https://www.dcpolicycenter.org/wp-content/uploads/2018/03/DC-Policy-Center-Housing-Report.final_March25.pdf.

⁶ U.S. Census Bureau, *Census 2000 Summary File 3*. Issued 2001. Available at <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>; U.S. Census Bureau, *2010-2014 American Community Survey 5-Year Estimates*. Issued 2015. Available at

⁷ Urban Institute, *Maintaining Economic Diversity and Affordability: A strategy for Preservation of Affordable Rental Housing in the District of Columbia* (Dec. 2014); Available at <http://www.neighborhoodinfodc.org/dcpreservationcatalog/Preservation%20Strategy%20Dec2014.pdf>

The remedy for this growing inequity is beyond what can be accomplished in the handling of individual eviction cases. There must be greater capacity for legal services programs to seek systemic solutions – to address systemic racism root and branch.

The need for increased systemic advocacy goes beyond housing. A similar case can be made about the inequality and discrimination in employment, schools, prisons and jails, and throughout the community.

We are immensely grateful for the support and commitment of the Council, but urge that additional funds be available in this moment of social transformation to use the law to create racial and economic justice. The District can be the City that it aspires to be that provides opportunity to all.

Respectfully Submitted:

Jonathan M. Smith
Executive Director



WHITMAN-WALKER HEALTH

Mailing Address:

Whitman-Walker Health

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Washington, DC 20009

BEFORE THE COUNCIL OF THE DISTRICT OF COLUMBIA COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY

BUDGET OVERSIGHT HEARING FY22 Office of Victims Services and Justice Grants Friday, June 11, 2021

Testimony of Amy Nelson, Director of Legal Services, Whitman-Walker Health

My name is Amy Nelson and I am the Director of Legal Services at Whitman-Walker Health (WWH or Whitman-Walker) where funding from the Office of Victim Services and Justice Grants budget, and specifically, the Access to Justice Initiative support life-saving legal care to thousands of DC residents every year.

WWH provides high quality, holistic health care and related services to more than 20,000 individuals, including over 13,000 DC residents – approximately 3,500 of whom are living with HIV. In 2020, nearly half of our patients earned less than \$15,000 a year, and like so many other service providers, our client/patient population was disproportionately impacted by the pandemic. So many folks lost their jobs, struggled to pay rent and pay for food, and faced the daily threat of infection in frontline jobs paying low wages. Whitman-Walker pivoted to offering onsite COVID testing and treatment in March of 2020, as well as transitioning our medical, dental and behavioral health services to online platforms. As a result, in some of our departments, we reached more patients and provided more care than we did in 2019.

Through our integrated model of care, we serve patients and clients from every Ward in the City at our four sites – LIZ (formerly the Elizabeth Taylor Medical Center) in Ward 2; our

Northwest clinical site at 1525 14th Street NW, in Ward 2; our Youth Services site in Ward 6; and the Max Robinson Center in Ward 8.

WWH Legal Services is the nation's oldest medical-legal partnership. Established in 1986 to provide pro bono legal assistance on matters related to HIV/AIDS, the legal program has expanded to serve not only individuals living with HIV, but also LGBTQ individuals and families, and patients of WWH regardless of their LGBTQ or HIV status. WWH Legal Services now provides advice and representation to nearly 3,000 clients annually on a range of issues including immigration; discrimination in employment, healthcare, education, and housing; federal and local public benefits; private health and disability insurance; preparation of wills and advance directives; medical confidentiality; debtors' rights; and name and gender marker changes in legal records for transgender individuals. WWH also partners with an extensive network of volunteer attorneys to provide pro bono placement on these matters. We are proud to be on the front lines of the District of Columbia's health care and access to justice support systems.

The Access to Justice Initiative money funds WWH's Legal Services Program in Ward 8 at the Max Robinson Center (MRC) – serving DC residents East of River and connecting them to resources they need to survive: assistance accessing prescription medications, medical care, food, and income support for housing and transportation. During the current pandemic emergency, our legal services are particularly important to DC residents seeking to access unemployment insurance, effectuate renter protections, and enroll in health insurance. We respond to the shocking income and health disparities in our SE clients compared to their NW counterparts by partnering with our medical and behavioral teams and other social service providers East of the River to provide holistic care to our clients.

Access to Justice funds also support our legal services for low and no-income DC transgender residents who make up 20% of all our legal clients annually. DC's transgender and nonbinary communities face daily harassment, violence, and discrimination and our legal team fights for their rights in all settings – most notably in the workplace and public accommodations. Our legal team works diligently to overcome these health-harming legal needs and other social determinants of health that disproportionately harm our trans and nonbinary neighbors.

We appreciate the city's ongoing efforts to address the vast economic divide in this city and to address the racial health disparities we see every day. We urge the Council to continue supporting the Access to Justice Initiative funding and to work to close the gap in funding caused by recent pandemic related revenue shortfall. Legal services are a key tool in the city's promotion of equity as these services increase the capacity of the District's residents to flourish and participate fully in the recovery of our vibrant city. Access to Justice Initiative funding is a reliable, proven, and efficient tool in this work.

Thank you for the opportunity to share our experience. Please let me know if we can provide any additional information or be of assistance to the Council in any other way.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Amy Nelson', with a long horizontal flourish extending to the right.

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