



**Performance Oversight Hearing, D.C. Office of Victim Services and Justice Grants
Before the D.C. Council Committee on the Judiciary & Public Safety**

**Testimony of Nancy E. Drane, Executive Director
District of Columbia Access to Justice Commission**

January 27, 2022

Chairman Allen and Members of the Council, thank you for the opportunity to testify today. My name is Nancy Drane, and I am the Executive Director of the District of Columbia Access to Justice Commission (“Commission”). The Commission was created by the District of Columbia 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 Professor Peter B. Edelman of Georgetown University Law Center, and Vice Chaired by James Sandman, President Emeritus of the Legal Services Corporation and Distinguished Lecturer at the University of Pennsylvania Law School. Its members include representatives from the D.C. Court of Appeals, D.C. Superior Court and D.C. Office of Administrative Hearings, past Presidents of the D.C. Bar and other private bar leaders, legal services organizations, law schools, community-based organizations, and other local leaders.

It is my honor to testify today to discuss the impact of the Access to Justice Initiative (“the Initiative”), which is under the purview of the Office of Victim Services and Justice Grants (“OVSJG”). OVSJG, led by Director Michelle Garcia, works with the D.C. Bar Foundation (“DCBF”) to administer these important funds. OVSJG’s support of providers’ responses to the newly intensified problems for residents stemming from the pandemic – including those outside of the Access to Justice Initiative – have been especially important and appreciated by the community. I am also pleased to be testifying today alongside DCBF Chief Executive Officer Kirra Jarrett and thank her for the foundation’s leadership in guiding the development of this program.

The Commission is extremely grateful to the Mayor and to the D.C. Council for their long-standing support of the Initiative, and in particular to this Committee, which has championed its work from the beginning. FY22 marks an historic investment in the program, over \$22.5 million in funding to promote access to justice in our community through the Access to Justice Grants Program (\$14.239M, including \$1.5M for eviction diversion), the District of Columbia Poverty Lawyers Loan Repayment Assistance Program (\$350,000), and the Civil Legal Counsel Projects Program (\$8M). Taken together, these programs represent an integrated and cohesive investment in access to justice.

There is no doubt that the civil justice crisis the District faced before the pandemic has grown over the past nearly two years. As described in our [2019 *Delivering Justice* report](#), the District faced a civil justice crisis before the pandemic, with rates of litigants appearing in court without a lawyer as high as 75-97% in some legal areas.¹ The circumstances experienced by thousands of low-income District residents – poverty, disability, housing instability, and beyond – increase the likelihood of experiencing civil legal problems and impede a person’s ability to address and recover from them. Through the Initiative, tens of thousands of D.C. residents have access to court- and community-based legal services and education in a wide array of civil legal needs, such as domestic violence, education, employment, estate planning and probate, family law, health and disability, consumer law, housing and foreclosure, immigration, and re-entry. These services make it more likely that these residents will remain safely in their home and healthy, avoid being cheated out of wages for time worked, keep their benefits, and resolve family conflicts. When D.C. residents have greater access to justice, this means greater family stability and economic opportunity and a better overall quality of life in the community.

While organizations pivoted throughout the pandemic to provide services in new ways, the mounting legal needs of low-income District residents continue to outpace the resources available, even with the District’s historic FY22 investments in these programs. We also know that District residents who before and during the pandemic managed to keep their families stable will now, many for the first time in their lives, face unfamiliar civil legal needs as moratoria and other protections expire. The important role of the Initiative in the District’s safety net during this time cannot be overstated. The Initiative also supports crucial but resource intensive work by the

District's legal services providers to build new collaborations with community partners that more efficiently and holistically reach those in need of legal assistance, and to design solutions that are innovative, user-informed, and community-based. That is why the Initiative has and will continue to play such a vital role in our community.

Our testimony will focus on the impact of these important programs on the District's low-income community, the need they are addressing, and the complementary role these public funds play in the support for our legal services network.

The Role of the Access to Justice Initiative

The Commission is incredibly grateful for the support and leadership of the Council in promoting this annual appropriation, which has helped transform our civil justice system. Through the important work of OVSJG and DCBF, the legal services network has:

- increased the capacity and reach of District legal services organizations and permitted innovations and strategic collaborations between providers and with the courts, community-based organizations, and District agencies that address emerging needs;
- enabled legal services providers to increase the delivery of services where they are most needed, in communities and neighborhoods of highly concentrated poverty;
- supported legal services in a wide variety of substantive legal areas, particularly housing (including eviction prevention and defense, foreclosure defense, fair housing, and housing conditions), and enabled providers to address the unique legal needs of traditionally underserved populations;
- funded a community interpreter bank, which helps low-income limited English proficient and deaf residents access services from more than 40 nonprofit legal services providers; and
- kept experienced legal services lawyers working in our community through the D.C. Poverty Lawyer Loan Repayment Assistance Program, which provides loan repayment assistance that makes it possible for them to remain working in District legal services organizations and serving District residents.

Further, the urgent need for representation in eviction-related cases led to the creation of the *Civil Legal Counsel Projects Program* ("CLCPP") in fiscal year 2018, a program that made a marked difference in our community from the outset, and is now well-established and poised to respond to an expected wave of new eviction matters. The Council's foresight in creating CLCPP has

demonstrably improved civil legal services delivery; its existence continues to be absolutely essential as stakeholders come together to address the evolving (and ever-changing) eviction-related needs of District residents.

The Initiative has also been leveraged to promote innovations in practice, service delivery, and operations including: the growth of existing practice areas and establishment of new organizations and projects such as medical-legal partnerships and community-based services located in the areas of highest need; adoption of diverse and creative practice models; collaboration with partners and engagement of clients; work on systemic advocacy; adaptation to remote legal services delivery; and staffing changes and increases that support sustainability and growth. In response to the pandemic, and supported by the District's FY21 and FY22 funding, providers have reached new levels of collaboration with other legal services providers, District agencies and community-based organizations to expand their reach farther than ever. For example, legal services providers have partnered with the Mayor's Office of Community Affairs, Mayor's Office of Latino Affairs, the Mayor's Office on Fathers, Men, and Boys, the Office of the Deputy Mayor for Planning and Economic Development, the Department of Housing and Community Development, the Department of Human Services, the Office of the Tenant Advocate, and other non-government community stakeholders.

Vulnerable District residents have a fairer shot at civil justice when they have access to legal assistance and representation through the *ATJ Grants Program*. The Initiative funds projects across the full spectrum of civil legal needs, including those that have been most exacerbated by the pandemic, such as housing; domestic violence; family; consumer debt and credit issues; and access to unemployment and public benefits. These services have been provided through innovative collaborations and partnerships that further the impact of this work. Examples of how these funds keep District families in their homes, increase service access for vulnerable District residents, and protect consumers in the marketplace are described below, as well as a sense of the pandemic-related need providers are addressing in the community. *A list of Initiative grants is included in DCBF's testimony.*

Eviction Defense: Civil Legal Counsel Projects Program

CLCPP supports six legal services providers that offer free eviction defense legal services to low-income tenants in the District. The funds increase the presence of free legal services at the courthouse (physically or virtually) to help address inequities in representation in eviction proceedings, where the vast majority of landlords benefit from legal representation while the vast minority of tenants do not. Three of the most notable accomplishments of the program identified through robust evaluation include: (1) the creation of a multi-organization collaboration to create a centralized point of entry (the Landlord Tenant Legal Assistance Network (“LTLAN”)); (2) the sharing of resources and best practices across members of the network; and (3) with additional staff, expanded capacity for eviction defense in the District.

The impact of the program, particularly as the pandemic threatened the stable housing of tens of thousands of District residents, is compelling. As a result of the pandemic, CLCPP providers remotely run the LTLAN to continue to connect low-income tenants with attorneys, receiving 3,877 calls between its launch in June 2020 through November 30, 2021. Providers continue to be a consistent presence during court remote hearings, the virtual equivalent of ‘attorney of the day’ type services.

CLCPP funds support innovative efforts, some piloted during the pandemic, that go beyond the traditional legal representation model to further expand their reach and prevent evictions. Providers work with the DC Courts to publicize the LTLAN hotline number; conduct affirmative outreach to tenants with open cases; develop and lead trainings to ensure tenants are not confused about their legal protections during the pandemic; engage in canvassing and partnerships with tenant organizer and community-based groups to reach hundreds of tenants where they are located; and partner with the District government and community-based organizations to provide information through libraries, school groups, hospitals, and other community-based locations.

On a systemic level, CLCPP providers also work to prevent evictions by advocating for legislative protections for tenants (especially during the pandemic); participating in the D.C. Superior Court’s Landlord Tenant Working Group to provide recommendations to the Court on process improvements and serving court users during remote operations; observe remote hearings

in order to connect with unrepresented tenants and to observe tenants' ability to navigate the remote process; and train pro bono attorneys to handle eviction matters.

One example is the critical role CLCPP partners played in ensuring DC tenants were aware of and able to access STAY DC benefits. Their invaluable feedback and on-the-ground support in locating tenants in need and helping them complete applications, as well as feedback provided to the DC Council and District agencies to improve the application process, contributed to the District's efforts to successfully disperse \$352 million in rental and utility assistance and make STAY DC ultimately one of the nation's most successful rental and utility assistance programs, ensuring another \$17.7 million in additional redirected funding for the District from unsuccessful jurisdictions.

This community-based approach to lawyering is crucial for expanding access to justice. Historic data also demonstrates the program's reach in the courthouse, where we traditionally think of legal services delivery. While reduced court operations and the eviction moratorium limited the number of cases heard between January and August of 2021, CLCPP still served 766 tenants across 852 cases during that time. Of the 212 of these cases for which outcome data is available, outcomes generally favored tenants - with 157 (74%) resolving with tenants retaining possession of the unit – 124 (58%) outright and 33 (16%) as part of the terms of an agreement allowing the tenant to remain. In 16 cases (8%), the tenant moved prior to the hearing and in 27 (12%), the parties reached a move out agreement or otherwise resolved the dispute. Only 12 (6%) of the 212 cases with a complaint and outcome data resulted in an adverse eviction judgment against the tenant. Looking at more historic data from just before the pandemic, between January and March 15, 2020, CLCPP served 873 tenants. While this gives some sense of the volume of cases providers are expecting as the impact of the lifting of the moratorium on evictions for non-payment of rent is still evolving, it is expected that the number of evictions filed will surge given the unique financial distress caused by the pandemic.

We know that steep challenges remain for our civil justice system to prevent it from being overwhelmed as the eviction moratorium and rental assistance programs expire. Despite the success of STAY DC, 12% of District families recently reported not being current on their rent.ⁱⁱ The latest Census Pulse Survey data (for December 1, 2021 through December 13, 2021) estimate that

over 33,000 District adults report they are behind in rent, with over 34,000 District adults estimated to have little or no confidence in their ability to pay next month's rent, with approximately 25% of Black adults reporting not being caught up on rent as opposed to only 3% of White adults reporting the same.ⁱⁱⁱ These households are overwhelmingly and disproportionately headed by a person of color. While we hope that rental assistance programs will address some of these needs, there will surely be thousands of District residents who will still face the threat of eviction.

These efforts are more vital than ever. We've previously highlighted work by researchers like Matthew Desmond who captured the devastating consequences of civil justice problems like eviction, noting eviction can mean "[l]osing your home and possessions and often your job; being stamped with an eviction record and denied government housing assistance; relocating to degrading housing in poor and dangerous neighborhoods; and suffering increased material hardship, homelessness, depression, and illness."^{iv} Our community, including our courts, is relying on a well-resourced legal services network to continue to deal with the eviction crisis. In an environment [where historically, landlords are represented 95% of the time and tenants only about 12% of the time](#), civil legal aid is critical to ensuring that tenants understand their legal protections and can present defenses and negotiate terms with their landlords that might avoid a devastating and health-altering eviction.^v

Keeping District Families in Their Homes.

The *Access to Justice Grants Program* also supports a wide variety of non-eviction, housing-related programs. This has been one of the most exciting areas for the expansion of civil legal services in the past year, reflecting both that housing has been particularly impacted by the pandemic, as well as the Council's investment in ensuring the District's families have access to legal help to ensure they are able to maintain housing that is both safe, stable, and affordable.

Initiative funds also include specific funding for eviction diversion programs. Our own Chief Judge Anna Blackburne-Rigsby of the District of Columbia Court of Appeals recently co-authored a guest essay in the *New York Times* highlighting the crucial role of eviction diversion programs in the administration of justice in the District, noting that "[t]he prevention and diversion programs

developed during the pandemic made possible the once-unimaginable: affording appropriate respect to the time and dignity of each litigant.”^{vi} Well-resourced legal services providers who can provide representation and other assistance to tenants as well as assist with the implementation of these diversion programs are essential to their success. DCBF and CLCPP providers have been instrumental in the robust eviction diversion planning occurring in the District.

Examples of these funded programs include:

- **Eviction Diversion:** Preventing eviction matters from ever needing to reach court and to be resolved earlier protects families by ensuring they receive rental assistance earlier, are able to avoid the stress and negative consequences of having an eviction case filed against them, and allow the courts to reserve docket space for more complex matters that cannot be resolved through diversion. Providers are also assisting tenants with sealing eviction records, allowing families to find and maintain housing and move beyond the stigma attached to prior evictions.
- **Preserving Affordable Housing.** These funds also help low-income residents challenge unlawful rent increases, building condition violations, and voucher terminations – preserving existing affordable housing stock. While this is a long-standing problem, legal services providers are fielding more calls during the pandemic from tenants whose landlords are failing to take reasonable steps to protect tenant health and safety during the pandemic and expect to continue to see this increase in requests for assistance regarding housing conditions as the pandemic continues.
- **Preventing Foreclosures.** These funds help low-income homeowners who are unfamiliar with the court process defend against foreclosures, including those related to the economic consequences of the pandemic, as well as those that are based on deed theft, mortgage fraud, equity stripping scams, or tax sales as moratoria expire.
- **Safeguarding Low-Equity Housing Cooperatives.** These funds also provide legal services and asset-management support to help tenant groups develop and maintain the administrative infrastructure, governance, and regulatory compliance of tenant-owned limited equity cooperatives in order to prevent problems that cause these affordable housing cooperatives to convert to market rate housing.

Increasing Service Access for the Most Vulnerable District Residents.

The *Access to Justice Grants Program* continues to ensure services are available to some of the District’s most vulnerable, underserved communities in a wide range of other legal areas. While DCBF will provide detail in its testimony on its support, the Commission is pleased to see significant increases in housing, domestic violence, family law, immigration, and consumer issues; investments

in innovative programs like new medical-legal partnerships; and support for services offered in communities of concentrated need, such as Wards 7 and 8:

- **Keeping Families Safe.** These funds have long supported services to domestic violence survivors, the vast majority of whom access the courts without legal representation. These individuals were and continue to be particularly at risk now due to the social isolation and quarantine required by the pandemic. Providers have mobilized to offer support in the form of emergency legal services and crisis safety planning. Busy before the pandemic, some providers report a 300% increase in calls for assistance, with an increase in episodes of violence, harassment, stalking and lethality – a circumstance that has continued since the beginning of the pandemic. During the first six months of 2021, one provider assisted with 47% more legal matters than they did in the same period in 2020.
- **Promoting Stability and Education for the District’s Children.** Funds support the appointment of attorneys to represent children’s best interests in custody matters, as well as representation for families in child support and custody matters, all areas of increased need as the pandemic has placed unprecedented financial stresses and altered childcare and other circumstances for families. Other programs focus on supporting students with special education needs or court-involved students, another area of increased need given the pandemic’s unprecedented disruption of education.
- **Managing Health Crises and Disability.** Medical-legal partnerships that place lawyers alongside staff at some of the District’s highest-volume primary care providers are also supported through these funds. The District was already facing significant public health challenges before the pandemic, but health-related concerns have taken on a heightened state of urgency due to the vulnerabilities brought on and exposed by COVID-19. Legal services providers continue to help low-income D.C. residents stay stable and healthy by pursuing and maintaining local and Federal benefits, gaining access to housing, food, and medications, and identifying legal remedies for health problems, such as uncontrolled asthma due to mold-infested homes. The funds also robustly support other services for adults, children, and students with disabilities. In FY22, DCBF is able to, for the first time, fund a provider project with a focus specifically on serving disabled DC residents facing debt collection, credit report, fraud, and related consumer issues.
- **Assisting Seniors Aging in Place.** These funds support attorneys who help low-income seniors draft wills and advance directives, review public benefits and fight scams, and deal with housing-related issues. This is a long-standing gap in our civil legal services network – while Initiative funding allowed for an expansion, there are still only limited legal services available to serve low- and moderate- income D.C. residents in estate administration. Now, the need for this help has increased among the low-income, Black, and Latinx populations that are most at-risk for COVID-19. These communities were already less likely to have wills and estate plans, leading to complex probate proceedings after a death in the family and threatening intergenerational transfer of property. A forthcoming report issued jointly by the Council for Court Excellence and the Commission calls for expanded support for legal

services in estate administration among other reforms. Legal help to navigate these complicated systems is essential.

- **Modeling Language Access.** These funds help low-income residents who are limited English proficient and Deaf/Hard of Hearing to access services from 42 nonprofit legal services providers through the District’s one-of-a-kind Community Legal Interpreter Bank (“Bank”). 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 when information is vital, services are more difficult to access, and so much is constantly changing. 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. During the first 11 months of 2021, there were 253 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 231 documents, and provided on-demand telephonic interpretation on 6,087 instances (more than 2,000 additional times than for the same period in 2020). 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. Funding for this crucial service was able to be increased due to the FY22 investments in the Initiative.

Protecting District Consumers in the Marketplace and Workplace.

The *Access to Justice Grants Program* also supports projects that promote economic justice in our community. Historic funding allowed for increasing the amount of funding directed to programs that address consumer law issues, including debt collection defense, credit protection, identify theft, combatting fraud targeting immigrants, student loan relief, and debt and consumer protection specifically for individuals with disabilities. This work includes:

- **Stabilizing Credit for Low-Income Residents.** Funded programs help residents fight predatory lending and illegal debt collection schemes and avert negative court judgments and credit reports, which can affect housing and employment opportunities. The District saw an alarming number of these consumer problems before the pandemic. During the pandemic, six providers partnered to establish the D.C. Debt Collection Hotline, which has already served thousands of residents, and, as the new cases spike, is the phone number provided by D.C. Superior Court to litigants facing debt collection lawsuits. Providers have prepared for the onslaught of consumer and collections cases as community members begin to receive medical bills, collection bills, and lose temporary debt collection protections, adding to the already crushing volume of individuals needing legal help. These concerns are particularly acute for undocumented immigrants, who have always been highly susceptible to exploitation and fraud and are not eligible for many pandemic-related assistance programs. Providers also expect a marked increase in bankruptcy filings where legal assistance will be needed.

- **Protecting Wages and Jobs.** These funds help inform low-income workers of their rights, ensure they receive the wages they have earned and help them recover stolen wages, and fight discrimination and harassment. Unemployment in the District has always been high, with a disproportionate impact on people of color. Although workers continue to bring a wide range of employment-related issues to now virtual clinics, requests have clustered around difficulties accessing, delayed or missed payments, and questions about, unemployment insurance, terminations, and layoffs due to the pandemic, and failures to pay wages or other benefits. Over 250,000 people applied for unemployment insurance in the District between March 13, 2020 and September 27, 2021, compared with about 37,000 *total* claims filed in 2019.^{vii} 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. At the height of the pandemic, that tribunal experienced four times the typical number of unemployment appeals. While this has slowed somewhat, there remains a high volume of appeals related to unemployment insurance decisions. One legal services provider noted that it had interviewed at least 1,000 people seeking help with unemployment matters between March 2020 and December 2021; in contrast, that same organization interviewed just 25 people about the same issues in all of 2019.^{viii} Recent litigation also outlines a series of systemic challenges faced by unemployment claimants that often require legal help to resolve.^{ix}
- **Ensuring Access to Benefits.** Helping District resident secure benefits for which they are entitled has always been an important part of this program. Even before the pandemic, lawyers provided essential, on the ground support to District residents to ensure they had access to crucial benefit programs. While this system was already challenging to navigate, with the pandemic, many qualified applicants for crucial safety net programs lack the ability to complete online benefits applications or recertifications and are more likely to face improper benefits terminations or denials due to unfamiliarity or system errors. Providers have worked with government agencies, such as the Department of Human Services and the Department of Health Care Finance, to ensure that they create new processes that are accessible to the client community. Several providers have also created dynamic, regularly updated resource guides to assist clients and the larger District community. Yet, we continue to need lawyers on the ground to help District residents in this area – litigants in public benefits-related matters at the D.C. Office of Administrative Hearings are unrepresented by counsel the vast majority of the time.

Access to Justice Grants Program funds also support other important efforts, such as reentry services for those navigating the civil consequences of past criminal involvement, securing the rights of those in our considerable District immigrant community, and beyond.

Legal Representation Improves Individual Outcomes and Promotes Racial Equity

National and local data demonstrate that giving individuals greater access to legal information and opportunities for representation leads to better individual and community outcomes. Studies highlighted in our *Delivering Justice* report show that represented tenants were more likely to avoid an eviction judgment; non-detained immigrants with legal counsel prevailed at a far greater rate; and benefits claimants were much more likely to succeed when represented by a lawyer.^x 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 identifying other systemic obstacles to justice.^{xi} DCBF's efforts to infuse evaluation into its grant-making has produced comparable positive outcomes, especially in the eviction area.

Access to civil justice is also racial equity imperative in a community like D.C. where communities of color disproportionately experience both economic challenges, and the increased need for legal services that accompanies those challenges. Disabled people of color are even more likely to be disproportionately impacted. 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. Our civil legal services network is well aware of their crucial role in promoting equity, and invests in continuous learning, evaluation, and engagement with community-based partners in furtherance of this goal. This type of work, further spurred by innovations and new solutions that pre-pandemic seemed impossible, is exciting but resource intensive, and another area where Initiative funding has a large impact.

Loan Repayment

The third component of the Initiative, the *DC Poverty Lawyer Loan Repayment Assistance Program* ("DC LRAP"), is also a critical tool for recruiting and maintaining a talented, passionate, and diverse corps of legal services lawyers. These poverty lawyers work at nonprofit legal services providers and have a salary range from \$45,000 to \$88,000, with an average debt of \$139,000. DC

LRAP provides each eligible attorney a one-year, interest-free, forgivable loan, of up to \$12,000 per year. The District's LRAP continues to be one of the most generous publicly-funded LRAPs in the country, supporting these attorneys' commitment to provide free, high-quality legal assistance to the D.C. community.

The Broader Impact of these Funds

Finally, the larger community impact of the 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. 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. Attorneys meet young patients' legal needs in the areas of education, housing, and access to health care when facing urgent medical episodes. Legal services providers have developed numerous partnerships with trusted community partners to deliver legal information and better connect District residents to legal services. There are countless other examples of this important community work.

In addition to these existing collaborations, there is unprecedented interest among legal services providers in collaboration, coordination, and innovation to improve services and broaden our civil legal aid network to involve other community partners who serve District residents. The Initiative provides crucial resources for this work, along with the necessary accompanying investment in technology and continuous improvement of these services through evaluation.

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 supervision.^{xii} 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.

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 direct contributions to 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*.^{xiii} The Commission believes that this robust private-public partnership has been greatly incentivized by the District government's long-standing support.

At their core, the numbers and project descriptions described in our testimony demonstrate how the District's commitment to these programs changes the lives of individual District residents, many of whom have effective access to justice only because of these appropriations. However, 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. By keeping families economically stable, legal services attorneys reduce reliance on costlier public benefits systems. Keeping clients housed lessens the need for homeless services. By moving clients from local to federally funded public benefits programs, they reduce burdens on the local budget. And through their work, they help enforce and strengthen District law that has been established to protect its residents. Our civil legal services network also 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 builds faith among constituencies in the functioning of the justice system.

CONCLUSION

Thank you for the opportunity to testify today about these vital programs. The District government's leadership in establishing and supporting the Initiative has helped countless District residents secure the legal assistance they need 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. That said, we know that the scope of unmet civil legal needs in our community is vast, even with historic District investments in FY22. We depend on our continued collaboration with the District government to adequately fund legal services and promote strategies for change. Designing solutions that are innovative, collaborative, user-informed, community-based and efficient is paramount as never before, but we are also at a moment of opportunity to do more. The District would not be as well-positioned to seize this opportunity without the Initiative.

There is no higher function of government than to ensure that all of its residents, no matter their economic status, have equal access to justice. You and the District government have embraced this most fundamental of obligations through the funding of the Initiative.

I look forward to answering any questions you may have.

ⁱ D.C. Access to Justice Commission, *Delivering Justice: Addressing Civil Legal Needs in the District of Columbia* (December 2019) available at https://dcaccessstojustice.org/assets/pdf/Delivering_Justice_2019.pdf.

ⁱⁱ Kyle Swenson, *D.C. set to receive an additional \$17 million in rent relief funds*, The Washington Post (January 10, 2022), available at <https://www.washingtonpost.com/dc-md-va/2022/01/10/dc-rent-relief-erap/>.

ⁱⁱⁱ U.S. Census Bureau, Household Pulse Survey (Week 40: December 1-13, 2021) available at <https://www.census.gov/data/tables/2021/demo/hhp/hhp40.html>.

^{iv} Desmond, Matthew, *Evicted: Poverty and Profit in the American City* (Crown Books, 2016), available at <https://www.evictedbook.com/>.

^v A recent National study shows the direct relationship between eviction and subsequent COVID infection, arguing that eviction prevention is a critical intervention to address racial health inequity. Benfer, Emily and Vlahov, David and Long, Marissa and Walker-Wells, Evan and Pottenger, J.L. and Gonsalves, Gregg and Keene, Danya, *Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy* (November 1, 2020), *Journal of Urban Health* (2020), available at <https://ssrn.com/abstract=3736457> or <http://dx.doi.org/10.2139/ssrn.3736457> <https://www.evictedbook.com/>

^{vi} Anna Blackburne-Rigsby and Nathan Hecht, *Guest Essay: It Should Take More Than 10 Minutes to Evict Someone*, The New York Times (January 13, 2022), available at <https://www.nytimes.com/2022/01/13/opinion/housing-eviction.html>.

^{vii} D.C. Department of Employment Services, *Unemployment Compensation Claims Data* (through September 28, 2021) available at <https://does.dc.gov/publication/unemployment-compensation-claims-data>.

^{viii} Michael Brice-Saddler, *Lawsuit alleges D.C. government denied or withheld unemployment benefits from workers without explanation*, The Washington Post (January 5, 2022), available at <https://www.washingtonpost.com/dc-md-va/2022/01/05/dc-unemployment-lawsuit/> (citing Nicole Dooley, a supervising attorney at the D.C. Legal Aid Society). According to a declaration signed by Legal Aid, prior to COVID-19, in the entire year of 2019, Legal Aid interviewed 25 individuals seeking help with an unemployment matter. After the declaration of the public health emergency, from March to December 2020, Legal Aid

interviewed 495 individuals seeking unemployment help – nearly 20 times the number of unemployment interviews in 2019. In 2021, the number increased even more to 556 individuals interviewed through December 20, 2021. Available at: <https://www.legalaiddc.org/wp-content/uploads/2022/01/Dkt.-2-8-Mezey-Decl -optimized-1.pdf>

^{ix} *Id.*

^x *Delivering Justice*, *supra* note iii at 14-15.

^{xi} *Id.* at 58-63.

^{xii} 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 – to help those who cannot afford counsel. In 2020, 5,223 attorneys registered for the Honor Roll, with 3,161 qualifying for the higher recognition category of 100 plus hours. The Honor Roll includes attorneys from all segments of the bar, including more than 168 law firms and individual practices, as well as federal and local government agencies, corporations, associations, law schools and public interest organizations.

^{xiii} 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 2020, the 37 firms that met benchmark levels collectively donated over \$5.6 million to organizations that serve low-income District residents with urgent legal issues, which represents a \$2.9 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, or giving that was deferred to 2021 due to the uncertainties of the early stages of the pandemic.