



**Testimony of the District of Columbia Access to Justice Commission  
Regarding Mayor Bowser’s Proposed Fiscal Year 2023 Budget**

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

**April 6, 2022**

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 expand funding for the program beyond the \$22.089 million in funding provided in the Mayor’s Budget. 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 and Distinguished Lecturer at the University of Pennsylvania Law School. Its members include D.C. Court of Appeals and Superior Court judges, past Presidents of the D.C. Bar, leaders of legal services provider organizations, members of the private bar, law school professors, representatives of community-based organizations, and other community leaders.<sup>i</sup>

It is the Commission’s honor to testify in support of the ATJ Initiative, a component of the Office of Victim Services and Justice Grants (“OVSJG”) budget. OVSJG, led by Director Michelle Garcia, has worked with the D.C. Bar Foundation (“DCBF”) to administer these important funds skillfully and strategically. We are grateful for their work.

*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 Chad T. Sarchio and D.C. Bar President-Elect Ellen M. Jakovic, co-signed by Past Presidents of the D.C. Bar. Finally, you will find a collection of statements prepared by ATJ Initiative grantee organizations describing the impact and importance of the ATJ Initiative to their work and in responding to increased needs experienced with the COVID-19 pandemic.<sup>ii</sup>*

While the civil legal needs crisis predates the pandemic – with 75-97% of litigants in high-stakes, high volume legal cases already without counsel and providers finding it hard to meet the demand<sup>iii</sup> – the pandemic exposed and exacerbated the scope of this need. Through the Initiative, legal services providers offered critical services throughout the pandemic in a wide array of legal areas such as housing, domestic violence, family law, immigration, probate, public benefits, and consumer protection, helping District residents keep roofs over their heads, able to access benefits and financial supports, and keep their families stable and safe from violence. The pandemic also led District legal services providers to collaborate and take innovative approaches to increase their reach as never before, building upon existing strategies such as medical-legal partnerships and community-led, community-based interventions. **None of this work would have been possible without the ATJ Initiative.**

We must recognize, however, that even as an end (or at least an abatement) of the public health emergency is in sight, the pandemic’s reach will be long-lasting with real life repercussions impacting many District residents’ families, housing stability, and economic status. The pandemic will not truly be ‘over’ anytime soon for these District residents, and they will need consistent, sustained help. **As we turn to the monumental task of an equitable recovery, we must ensure that the ATJ Initiative has sustained, consistent funding to meet the long-term need and provide us with the capacity to pursue initiatives that will transform our civil legal system to strengthen access to justice for District residents.**

We appreciate that the Mayor’s proposed fiscal year 2023 budget provides \$22.089 million in funding for the ATJ Initiative,<sup>iv</sup> extending the Council’s historic FY22 investment. However, this is a reduction of \$2.5 million from FY22 funding.<sup>v</sup> We are asking the D.C. Council to increase the Mayor’s proposed FY23 budget to first recover this loss and, additionally, to further expand resources to support the important and transformative work we must do to best serve District residents. **Specifically, we are seeking to: 1) recover \$2.5 million in one-time FY22 funding lost to be able to continue eviction diversion efforts and raise to \$3M total for FY23; 2) add up to \$3 million to the Civil Legal Counsel Projects Program to continue to expand eviction defense; and 3) enhance the Access to Justice Grants Program up to \$4 million to broaden civil legal services and support transformative efforts like building a coordinated intake system.**<sup>vi</sup>

These investments will allow the ATJ Initiative to more proportionately address critical and growing community need, maintain its role as an essential part of the District’s social safety net, and further the type of effective, proven impact it has demonstrated thus far. Our written testimony today focuses on how the District’s investment in the Initiative will address community need; the critical role of civil legal services in our community; the effectiveness and impact of the public investment in the Initiative; and opportunities to further transform our civil justice system and expand access to justice through expanded public funding.

## **Overview of the Access to Justice Initiative**

For 15 years, the District government has recognized through the ATJ Initiative that it must play a role in providing vital financial support to the network of civil legal service organizations that serve low-income District residents. This valuable public investment has fundamentally increased the capacity and reach of organizations to address District residents' legal needs. The ATJ Initiative is comprised of three programs:

- The *Access to Justice Grants Program* (“ATJ Grants Program”) supports organizations (or their non-profit partners) that deliver civil legal services to low-income and under-served District residents aimed at increasing services in communities and neighborhoods of highly concentrated poverty, expanding representation in housing matters, and maintaining a legal interpreter bank. 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. It 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, providing over 6,000 telephonic interpretations in 2021 – 2,000 more than the year before. FY22 one-time funds also supported the creation of a vital eviction diversion program, funds which we are requesting be restored for FY23.
- The *Civil Legal Counsel Projects Program* (“CLCPP”) is a vital tool to help District families remain in their homes. 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 (including remote services for litigants during the COVID-19 pandemic) 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. Initiative grantees have also expanded their service model to use in-person outreach and offer legal and social services in partnership with other community-based organizations, often able to reach tenants before their first court dates to offer services.
- The *District of Columbia Poverty Lawyer Loan Repayment Assistance Program* (“LRAP”) is 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.

Taken as a whole, the ATJ Initiative has fundamentally changed civil justice in the District by increasing the capacity and reach of organizations to address District residents' legal needs. Increased FY23 funding will allow us to multiply successful interventions and build on the

District’s historic investment in these civil justice programs at a time when the need is more profound than ever before, as well as drastically transform how legal help is accessed by District residents. We will ensure District residents have access to essential legal services while also making investments in systemic civil justice reform to transform the way services are delivered. Increased funding will help grantees deepen community relationships by supporting whole-community solutions alongside non-legal partners whose expertise and connections will strengthen our civil justice network. With increased FY23 funding, we will be able to develop a coordinated intake system in the District – ensuring there is ‘no wrong door’ for District residents seeking legal help. Collectively, this work will transform how we address problems that have persistently burdened District residents, complementing the traditional models the Initiative has long supported.

### **Strategic, Collaborative Approach to Keeping District Families Safe in Their Homes**

We are seeking an increase to support the Initiative’s multi-faceted approach to addressing housing insecurity, which includes eviction defense; eviction diversion; foreclosure prevention; addressing mortgage and tax issues; challenging unlawful rent increases, building code violations and voucher terminations; and safeguarding low-equity housing cooperatives. The need for expanded support in this area is urgent as moratoria and Federal rental assistance expire. It will support the continuation and expansion of novel, multi-sector collaboration with the District government, the courts, community-based organizations, and other community leaders. Over the past year, the resources of the ATJ Initiative have positioned DCBF to play a key, facilitative role in addressing the District’s eviction crisis.

*Eviction defense* is a critical and necessary intervention in addressing this issue, and we are requesting an up to \$3M increase from the Mayor’s proposed budget to support the expansion of the Civil Legal Counsel Projects Program (“CLCPP”) to ensure District tenants facing eviction matters in D.C. Courts have the legal help they need to protect their rights, assert legitimate defenses, and negotiate agreements that allow them to maintain their housing with achievable terms. The importance of this support is demonstrated by the work accomplished during the pandemic, as outlined in greater depth by DCBF and other witnesses, and summarized below:

- During the pandemic, CLCPP providers launched the Landlord Tenant Legal Assistance Network (“LTLAN”), a telephone-based coordinated intake and referral process for low-income litigants to call and talk with an attorney from a CLCPP partner. CLCPP providers ensured that the Court publicized the LTLAN hotline number in mailed documents about upcoming hearings and during remote hearings. LTLAN continues to be an innovative and accessible point of entry for D.C. residents, and CLCPP partners continue to connect with

thousands of tenants via these hotline calls and completed online forms. Since its launch in June 2020, the LTLAN has received more than 5,000 calls, even with the eviction moratorium significantly limiting the number of formal court eviction matters during the majority of that time.

- CLCPP providers also worked with the Court and community partners to affirmatively reach out to tenants who faced the risk of eviction, including sending over 2,000 outreach letters to tenants in 2021 alone. They fought illegal eviction attempts, served those who still faced court hearings, and helped tenants who were confused about what protections were available to them. Evaluation data supports the efficacy of this work – a recent DC Bar Foundation report found that of 212 cases served in 2021 for which outcome data are available, tenants retained possession of their units in 74% of these cases, with many other tenants able to negotiate move-out agreements and only 6% of these cases resulting in an eviction judgment against a tenant.<sup>vii</sup>
- Despite fewer court hearings during the pandemic, CLCPP partners worked together to ensure that they had a presence in the virtual courtroom, both to observe how the remote process worked for low-income tenants and to connect with unrepresented tenants to offer services. The partners established a schedule that ensures that an attorney from one of the CLCPP organizations is present at all initial court hearings in eviction cases to offer services and connect directly with tenants. CLCPP organizations have also been effectively leveraging funds to train pro bono attorneys to represent tenants in eviction matters.
- CLCPP partners also participate in D.C. Superior Court’s Landlord Tenant Working Group to discuss updates and provide recommendations to the Court on process improvements and other topics that impact low-income litigants and those without legal representation. The Court has remarked on how instrumental the role of the CLCPP providers has been in serving court users during this challenging time.
- CLCPP partners continue to play a critical role in advocating for legislative protections for tenants during the pandemic, providing oral testimony and recommendations for needed tenant protections, including testimony before the Council’s Special Committee on COVID-19 Pandemic Recovery.

The District’s historic \$1.5M FY22 investment in *Eviction Diversion* has provided an opportunity to expand these innovative strategies to support District tenants and to more directly involve non-legal organizations who regularly partner with CLCPP providers. DCBF has co-lead the D.C. Working Group of a White House eviction diversion initiative, facilitating regular conversations with all necessary stakeholders to develop a strategy for diverting tenants from the eviction process. This has resulted in dynamic strategic partnering between lawyers, housing counselors, tenant *and* landlord groups, and the government to meet tenants where they are, in

the community, with an aim towards avoiding eviction. The one-time funds dedicated to eviction diversion in FY22 (including another \$1M) are not in the Mayor's proposed FY23 budget, and we seek the restoration of at least \$2.5M in these one-time funds lost to ensure the continuation of these critical efforts where we have proof of concept, with further increases to bring to \$3M total for FY23. Sustained eviction diversion funding will allow for the continuation of work already begun by CLCPP providers:

- CLCPP partners partnered with the District government and community-based organizations to ensure tenants are aware of their rights to avoid eviction, critical as tenants often misunderstand the eviction moratorium and other renter protections that might apply to them. This outreach included sending postcards with tenants' rights information to buildings where tenants may be facing eviction; holding outreach sessions with tenant associations, tenant organizers, and other community service organizations via conference call; and using social media, mail, and community partners to educate the public. When those efforts failed to engage tenants identified to be at risk, CLCPP providers worked with canvassers to knock on doors to ensure they were aware of the availability of services to help.
- CLCPP partners participated in training and outreach events held by other community organizations, including Housing Counseling Services, the District's leading rental assistance provider, the Latino Economic Development Center, D.C. Public Libraries, D.C. Public Schools Early Childhood program, local hospitals, and various school groups.
- CLCPP partners continued to engage in various forms of community education, including partnering with tenant organizers, mutual aid organizations, and other community-based groups to provide general information on eviction protections, what to expect when those protections expire, and available resources. The CLCPP partners educated tenant organizers about the LTLAN so that the organizers could bring this information to tenants as they canvassed neighborhoods; in some instances, canvassers helped the tenants fill out the online LTLAN intake form. CLCPP partners also played a critical role in ensuring D.C. tenants were aware of and had help accessing STAY D.C. benefits.

These efforts have already produced dividends. As will be discussed in other testimony today, CLCPP providers have been able to halt scheduled evictions in a majority of cases involving non-payment of rent. Eviction diversion has facilitated access to legal support, but also in addressing underlying social service and financial support needs that put families at risk of eviction. Diversion also means many tenants can avoid the stress and negative consequences of having a court eviction case filed against them, and the Court is able to reserve docket space for more complex matters that could not be resolved through diversion efforts. Providers are also able to assist tenants with eviction record sealing, allowing families to secure new housing and move beyond the stigma attached to prior evictions or eviction attempts.

Providers anticipate the need for these services growing over the next year as tenants continue to face the long-term economic consequences of the pandemic. These efforts meaningfully increase access to justice, but continued funding in FY23 and beyond is vital to ensuring providers can continue to engage in this valuable but resource-intensive work.

Finally, securing affordable housing goes beyond eviction. *The ATJ Initiative supports numerous other strategies to keep District residents in safe, healthy housing.* Grantees help tenants facing environmental health hazards and negative housing conditions secure health-saving improvements from landlords and property owners. At a time when intergenerational housing and communities are at risk of gentrification, grantees keep families in their historic communities through work in foreclosure and estate administration.<sup>viii</sup> Grantees safeguard low-equity housing cooperatives, tenant organizations, and other groups that keep District residents in their homes. And grantees support fair housing and combat housing-based discrimination. The Initiative also provides services that address some of the root causes of housing instability: unemployment-, barriers to accessing public benefits-, consumer credit, and debt-, health-, and disability-related issues, including both disability rights protection and resources to increase access for disabled residents. The uniquely comprehensive nature of the ATJ Initiative allows for and fosters this multi-pronged approach to housing justice and its connection to the causes and effects of poverty.

### **The Transformative Role of the Access to Justice Initiative in Meeting Community Needs**

ATJ Initiative funding also supports the provision of services in a wide range of other critical legal areas. 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. 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, maintaining these expanded services while also transitioning back to offering in-person services. These approaches can continue with FY23 budget support.

While challenging, this also afforded opportunities for innovations to build and improve upon existing practices. This included the unprecedented expansion of coordinated lines that make it easier and quicker for residents to find legal services, remote and in-person delivery of services to reach greater numbers of potential clients, and expanded community-driven partnerships and outreach. 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, providers 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. This work can serve as the base for transforming the civil justice system to ensure all District residents in need are able to access some form of legal assistance. Sustained, consistent public investment in the ATJ Initiative is crucial to realizing this vision. We are requesting an increase in the ATJ Grants program up to \$4M to support these expanded efforts.

### **Advancing Transformative Systems Change and Meeting Other Community Needs**

Innovations that increase access to justice will reimagine legal services delivery to offer District residents the help they need, when and where they need it, including through preventative services. Eviction diversion efforts are one important example where this work has already started, meeting tenants in their communities rather than waiting until they are entering the courthouse to defend an eviction case. Expanded financial support for the ATJ Initiative will not only fund important eviction diversion work, but will also allow providers in other areas of crucial legal need to examine how they might offer more preventative services.

Another prominent manifestation of this work are efforts to build a coordinated intake system. The District desperately needs a coordinated entry system to ensure that those seeking legal services find “no wrong door” to accessing legal 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. This is untenable in a community with more than 35 legal services organizations. The DC Bar Foundation is actively developing a Coordinated Intake and Referral project that would solve this problem using technology and strategic program design, including user feedback and testing when designing and implementing the system. The creation of such a system, however, is resource-intensive given the number of legal services providers in the District and the need for investment in technology, evaluation, and continuous improvements. Support for this project will serve a crucial access to justice need by ensuring District residents know where to turn for legal help and are able to access it quickly and efficiently. The Council’s investment in this work with increased FY23 funding would be a transformative legacy.

Providers are also committed to centering the voices and experiences of District residents in undertaking new strategies and reforms to ensure these programs are effective, impactful, and built from the perspective of community-need. These efforts recognize that access to justice is a racial equity imperative in the District, where communities of color disproportionately experience both economic challenges and the increased need for legal services that accompany these challenges. The disproportionate economic and health outcomes the District’s Black

community has experienced 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 its crucial role in promoting equity, and invests in continuous learning, evaluation, and engagement with community-based partners in furtherance of this goal. With expanded and sustained funding, providers can deepen this community engagement to include more community-driven work to ensure that racial equity and community input drive new strategies and programs.

### **Meeting Other Community Needs**

The valuable work supported by the ATJ Initiative relies on sustained, consistent, and expanded funding to maintain programs and fuel innovations that will further expand access to justice. Legal services providers are invested in sustaining projects, partnerships and collaborations strengthened during the pandemic and being able to provide services both remotely and in-person in the future to reach greater numbers of clients who are better able to access one or the other mode of access. Greater resources will allow legal services providers not just to resume business as usual after the pandemic, but to come back stronger while reaching a greater number of District residents in need. Here are some snapshots of the increased needs and opportunities in other civil justice areas:

**Domestic violence:** Our community continues to experience a startling spike in the volume and lethality of domestic violence incidents compared to pre-pandemic. One domestic violence provider reports that in 2021 it served the largest number of clients in its 14-year history and experienced a 300% increase in calls for support. Economic stress and social isolation have exacerbated what was already an area of high need. Providers file for protection orders and represent parties in these hearings, safety plan with survivors, and help survivors navigate difficult situations like custody exchanges and financial vulnerability. Initiative funding supports a wide range of court- and community-based legal help in this area, with almost double the funding in FY22, however there is a need for sustained funding to allow these crucial services to continue to expand to meet the needs of District residents. A provider noted that last year it was able to assist only 30% of domestic violence survivors seeking representation in family law matters, and only 13% of those seeking representation for a civil protection order.

**Debt and Consumer Protection:** 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. These programs also seek to avert or minimize the extraction of wealth from D.C. residents by debt collectors, which occurs disproportionately against Black and Latinx D.C. residents. The District saw an alarming number of these consumer problems before the pandemic, and providers are now facing more consumer and debt-related legal issues as billing cycles and wage loss create a toxic personal financial environment for

thousands of already vulnerable D.C. residents. Now that related moratoria have lifted, providers are preparing for an onslaught of consumer and collections cases as community members begin to receive medical and collection bills; health care has become the country's largest source of debt in collections. This will add to the already crushing volume of individuals needing legal help. These concerns are particularly acute for the undocumented, who have always been highly susceptible to exploitation and fraud and were not eligible for many pandemic-related assistance programs. One provider reported a 40% increase in fraud cases alone. Providers also expect a marked increase in bankruptcy filings where legal assistance will be needed. 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 D.C. Superior Court provides to litigants facing debt collection lawsuits. Initiative funding has significantly increased in this area in FY22 to meet this growing need, and providers are developing holistic services that not only defend against legal cases, but also offer prevention-based financial counseling to promote economic stability. The need for these services will be long-term given the financial impact of the pandemic.

**Families:** Stable families mean a stable community, but thousands of District residents face a wide range of needs that require legal support. Several providers note an increase in contentious child custody, child support, and domestic violence cases and that these cases are taking longer due to their complexity and changes in court operations, impacting their ability to take on new cases. In FY22, the Initiative dramatically expanded its funding to the Family Law Assistance Network, a coordinated project that supports families with D.C. Superior Court cases. This adds to support for efforts focused on child support and serving children in complex custody disputes, a growing area of need.

**Probate:** The ability to navigate the probate system can, for many families, mean the difference between keeping a multi-generational home in D.C. or losing that asset and being forced to leave the community they call home. Many District residents are 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 recent report issued jointly by the Commission and the Council for Court Excellence noted the need for increased legal support in this area, reflecting a long-standing civil justice gap.<sup>ix</sup> FY22 Initiative funding supported newly expanded legal support in this critical area that will require sustained funding.

**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 as an overwhelming number of new applications are processed. Providers played a critical role in working with government agencies, such as the Department of Human Services and the Department of Health Care Finance, to ensure that processes were and continue to be 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. There is a comparably large gap in services for District residents navigating issues at the D.C. Office of Administrative Hearings, which hears cases relevant to vital public benefits such as unemployment insurance, TANF, SNAP, rental subsidies, shelter services, and health benefits. More than ever, access to these benefits is essential. Additional FY23 resources would allow for greater investment in this work

**Unemployment Insurance and Employment Protections:** The District received over 250,000 claims for unemployment benefits between March 2020 and September 2021 – compared with 37,000 total in 2019. One provider reported receiving 40 times the number of calls for legal help – over 1,000 calls between March 2020 and December 2021 – compared with just 25 in all of 2019. Even 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, particularly in cases involving benefits-related fraud. The Initiative also funds several programs that offer direct representation, systemic litigation, and legal education to meet the employment-related legal needs of District workers, ensuring that low-income workers know their rights, receive the wages they have earned and help them recover stolen wages, and fight discrimination and harassment.

**Immigration:** The Initiative supports D.C.’s large immigrant community, facing years of marginalization and uncertainty with near constant shifts in legal requirements, through immigration legal services, which significantly increased due to FY22 funding.

**Assisting Seniors Aging in Place:** These funds support attorneys who help low-income seniors draft wills and advance directives, review public benefits, fight scams, and deal with housing-related issues. Now, the need for this help has increased among the low-income, Black, and Latinx populations that are most at-risk for COVID-19. Legal help here is essential.

**Individuals with Disabilities:** Throughout the pandemic, legal services providers have monitored conditions and advocated for people with disabilities living in congregate care settings or relying on critical in-home supports to maintain their dignity and quality of life, to ensure individuals are receiving the supports to which they are legally entitled. Providers have also taken cases addressing housing discrimination against people with disabilities and those with mental health disabilities experiencing homelessness. Another provider noted a large increase in

demand for Supported Decision-Making and other alternatives to guardianship and conservatorship as part of a national spotlight on this issue raised by the Britney Spears conservatorship trial in 2021. Another provider, with the increased FY22 funding, was able to launch the District's first project specializing in representation for disabled individuals dealing with debt challenges.

**Language Access:** During the first 11 months of 2021, there were 253 requests placed through the Bank for its interpreters (trained to work with lawyers and their clients in out-of-court settings). The three most requested languages are Spanish, Amharic, and American Sign Language. During those first 11 months, the Bank also translated 231 documents and provided on-demand telephonic interpretation on 6,807 occasions (this is a 2,000 jump from the same time period in 2020).

### **Broader Impacts of Public Funding for Civil Legal Services**

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 (civil protection orders and other protections 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 credit reports).

As highlighted in our 2019 report, [\*Delivering Justice\*](#), studies show that having access to a lawyer improves outcomes in these life-altering cases – for example, represented tenants are more likely to avoid an eviction judgement; non-detained immigrants with legal counsel prevail at a greater rate; and claimants are much more likely to receive benefits when represented by a lawyer.<sup>x</sup> 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.

The Commission's 2019 [\*Delivering Justice\*](#) report also 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.

ATJ Initiative funds play an important role in serving disadvantaged communities and addressing racial disparities. 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.<sup>xi</sup> In a month-long survey of requests for legal assistance made to District providers included in the Commission's [Delivering Justice](#) report, the majority of people seeking services in all case types (with the exception of immigration/asylum) identified as Black or African American.<sup>xii</sup> 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 District's Black community has experienced from COVID-19 only heighten the importance of the availability of civil legal services in promoting racial equity.

The larger community impact of the ATJ Initiative is significant. Legal services providers are also invaluable partners in developing robust community education on legal issues in areas like consumer, employment, housing, and public benefits, and ensure District residents are able to access benefits and secure rights to which they are entitled. Legal services providers also regularly partner with District government agencies, social services organizations, and client communities. 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 the program's 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. This community-based approach to lawyering is crucial for expanding access to justice.

The District government's leadership in committing these public funds has also allowed legal services organizations to maximize a range of other resources. 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.<sup>xiii</sup> 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.<sup>xiv</sup> 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 private bar has been an increasingly important partner in funding District legal services organizations, support that the Commission believes has been greatly incentivized by the District government's long-standing financial support.<sup>xv</sup>

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. 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 builds faith among constituencies in the functioning of the justice system. Through their work, civil legal service providers also help enforce and strengthen District laws that have been established to protect its residents.

Civil legal aid can 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 ensures 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. Access to civil justice is also a racial equity imperative in a community like D.C. where communities of color disproportionately experience these challenges. 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.

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 resident and to build on this moment of opportunity to transform our civil legal justice system so that residents can get the help they need, when and where they need it. 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 expand funding for the FY23 Access to Justice Initiative beyond the level of the Mayor's Budget to: 1) recover \$2.5 million in one-time FY22 funding lost to be able to continue eviction diversion efforts and bring to \$3M total for FY23; 2) add up to \$3 million to the Civil Legal Counsel Projects Program to continue to expand eviction defense; and 3) enhance the Access to Justice Grants Program up to \$4 million to broaden civil legal services and support building a coordinated intake system and other transformative efforts.**

---

<sup>i</sup> A full list of Commissioners is available at [www.dccaccesstojustice.org/commissioners](http://www.dccaccesstojustice.org/commissioners).

<sup>ii</sup> Note: Some grantees have chosen to submit separate written testimony directly to the committee.

<sup>iii</sup> 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 thousands of District residents with legal problems went 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. District of Columbia Access to Justice Commission, *Delivering Justice: Addressing Civil Legal Needs in the District of Columbia* (December 2019), available at [https://www.dccaccesstojustice.org/assets/pdf/Delivering\\_Justice\\_2019.pdf](https://www.dccaccesstojustice.org/assets/pdf/Delivering_Justice_2019.pdf). The COVID-19 pandemic only stretched these limited resources further, while also requiring providers to pivot to providing remote and hybrid services.

<sup>iv</sup> The OVSJG chapter of the Mayor’s budget explicitly includes \$13.089M in local, recurring funds for the ATJ Initiative. Another \$7M are included in the District Recovery Program line of the budget; that allocation for the ATJ Initiative is specifically referenced in the narrative of the budget chapter. While our ARPA funds are not in the FY24 financial plan, we respectfully request that the Council consider that in order to provide consistent support for these critical programs.

<sup>v</sup> Last year, the Council’s historic \$22.589M investment in the ATJ Initiative included \$12.739M for Access to Justice Grant Funding, plus an additional \$1.5M targeted for eviction diversion; \$350,000 for the Poverty Lawyer Loan Repayment Assistance Program; and \$8M for the Civil Legal Counsel Projects Program. \$13.089M of these funds were local, recurring funds, with the remaining \$9.5M being ARPA funds. Of that total FY22 investment, the \$1.5M for eviction diversion and an additional \$1M were one-time ARPA funds and thus not included in the Mayor’s FY23 budget proposal.

<sup>vi</sup> This would total \$31.089M - \$19.739M for ATJ Grants (including \$3M for eviction diversion); \$11M for CLCPP; \$350,000 for LRAP.

<sup>vii</sup> NPC Research, *Civil Legal Counsel Projects Program (CLCPP) Evaluation Annual Evaluation Report, FY 2021 (Revised)* (October 2021), at 33, available at [https://www.dccbarfoundation.org/files/ugd/3ddb49\\_6a7353fce5cc4266945f743354c70a19.pdf](https://www.dccbarfoundation.org/files/ugd/3ddb49_6a7353fce5cc4266945f743354c70a19.pdf).

<sup>viii</sup> The Commission applauds the Mayor for creating a new \$1M Heirs Property Legal Services program within DCHD to support District residents with these issues.

<sup>ix</sup> Council for Court Excellence and D.C. Access to Justice Commission, *Strengthening Estate Administration in the District of Columbia* (February 2022) available at <https://dccaccesstojustice.org/reports>.

<sup>x</sup> For a detailed exploration of the District’s civil justice crisis, need for greater legal representation, and effectiveness of representation, see District of Columbia Access to Justice Commission, *Delivering Justice: Addressing Civil Legal Needs in the District of Columbia*, *supra* note iii.

<sup>xi</sup> *Id.* at 18.

<sup>xii</sup> *Id.* at 26.

<sup>xiii</sup> 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.

<sup>xiv</sup> During the pandemic and through the [D.C. REPRESENTS](#) 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.*

<sup>xv</sup> The Commission helps quantify private law firm giving through the Raising the Bar in D.C. Campaign, which establishes revenue-based benchmarks for law firm donations to local legal services organizations. The Campaign works hard to persuade more firms to support local legal services and to convince those already giving to do more, and recognizes firms for their contributions. In addition to the giving recognized through the Campaign, millions of additional dollars in individual philanthropy are provided by private law firm attorneys annually.



**Testimony of the District of Columbia Access to Justice Commission  
Regarding Mayor Bowser's Fiscal Year 2023 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 Chad T. Sarchio, President-Elect Ellen M. Jakovic and Past Presidents of the D.C. Bar*)
3. **Advocates for Justice and Education, Inc.** (*Stacy K. Eunnae, Senior Staff Attorney*)
4. **Amara Legal Center** (*Carole Bernard, Chief Executive Officer*)
5. **Ayuda** (*Paula Fitzgerald, Executive Director*)
6. **Bread for the City** (*George A. Jones, Chief Executive Officer*)
7. **CARECEN** (*Genevieve Augustin, Legal Director*)
8. **Children's Law Center** (*Judith Sandalow, Executive Director*)
9. **D.C. Affordable Law Firm** (*Gabrielle Mulnick Majewski, Executive Director*)
10. **D.C. Volunteer Lawyers Project** (*Sara Tennen, Executive Director*)
11. **Disability Rights at University Legal Services** (*Sandy Bernstein, Legal Director*)
12. **First Shift Justice Project** (*Laura Brown, Executive Director*)
13. **Legal Aid Society of the District of Columbia** (*Rachel A. Rintelmann, Interim Co-Executive Director*)
14. **Neighborhood Legal Services Program** (*Karen Newton Cole, Executive Director*)
15. **Quality Trust** (*Sam Crane, Legal Director*)
16. **Rising for Justice** (*Grace M. Lopes, Executive Director*)
17. **School Justice Project** (*Sarah Comeau, Director of Programs & Co-Founder*)
18. **Tzedek DC** (*Ariel Levinson-Waldman, Founding President and Director-Counsel*)
19. **Washington Lawyers' Committee for Civil Rights and Urban Affairs** (*Jonathan Smith, Executive Director*)



**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 2023 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. One significant obstacle 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 remained open throughout the pandemic, operating largely remotely while resuming in-person services and hearings in phases. 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 six remote hearing sites throughout the District for litigants who may otherwise lack the ability to participate in virtual hearings. The DC Court of Appeals continues to conduct remote oral arguments and appellate mediation via Zoom, deciding motions, and issuing decisions. To make filing more accessible, the

## D.C. Courts Statement on the Access to Justice Initiative, page 2

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. In addition to remote filings, all clerks' offices and public counters for the Court of Appeals and Superior Court are again open for in-person services. The DC Superior Court has continued to hold hearings on emergency and many other matters, most of them remotely, and resumed jury trials. The Courts are also actively engaged in planning efforts for the resumption of in-person operations following the end of the public health emergency. Nevertheless, navigating remote proceedings and managing the procedural and legal changes necessitated by the pandemic can be overwhelming to an unrepresented party.

The Court partners with local legal services organizations to facilitate court-based projects that make free or low-cost legal services more readily accessible to court users. These organizations provide legal information, and in some instances legal representation, to litigants without attorneys in civil cases. The assistance provided involved a range of legal help – legal information, advice, brief service, limited representation, or full representation – provided at the time the litigant was at court or after that initial meeting at court. In some cases, a civil legal services organization might provide support through partnerships with volunteer *pro bono* attorneys. Together, these resource centers serve thousands of District residents annually.

Legal services providers funded through the Access to Justice Initiative have provided invaluable support to the DC Courts since the beginning of the COVID-19 pandemic. They provide vital feedback to DC Courts' leadership on operational changes, have highlighted best practices for remote operations, and provide resources to unrepresented litigants with an eye towards maximizing access to justice. Legal services providers have adjusted the operation of their services to remotely staff essential court-based programs and resource centers in areas such as landlord-tenant, debt collection, small claims, child support, family law, and domestic violence, which are made possible through Access to Justice Initiative funds. Providers continue to work closely with the courts to affirmatively reach litigants and offer access to civil legal services before hearings, and staff 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, which helps legal services providers increase their impact and use resources efficiently and effectively.

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 two years due to the extraordinary disruptions in normal court operations due to the pandemic. At the same time, litigants faced new challenges as emergency legislation, fast-moving legal and procedural changes due to the public health emergency, and the phasing out of legislative moratoria in the areas of eviction, debt collection, and residential foreclosure made cases more difficult to navigate for unrepresented litigants who might not understand how these changes impacted their cases. Even without these additional elements, the legal issues confronted by many litigants are complex and even the most sophisticated litigants struggle to understand the relevant statutes and rules, effectively raise complicated defenses, and present their evidence and arguments persuasively. For the high percentage of litigants who also struggle with additional obstacles, such as mental illness, physical disabilities, low literacy, 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 continued impact of 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 emerge from the COVID-19 pandemic, 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 before the pandemic. 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.

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 its 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 remote operations, with a focus on maintaining promising practices that expand access to justice as the Courts move towards fully resumed operations. Legal services providers offered key feedback regarding access to justice considerations during the development of plans for "Re-Imagining the Courts" for onsite courtroom operations after the end of the COVID-19 public health emergency. Divisions of the Superior Court held virtual public forums to discuss these plans in March 2022, and will continue to rely on engagement with stakeholders, including legal services providers, as the Court finalizes and implements these plans. 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. The Joint Committee on Judicial Administration has also 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.

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. They also assist their clients in settlement negotiations and mediations to potentially resolve matters without the need for lengthy court procedures. As the DC Courts resume operations, efficiency becomes even more important. There is a significant backlog in cases due to pandemic disruptions and judicial vacancies that require resolution. We also anticipate large increases in new cases as we move past legislative moratoria and assistance

programs that have limited filings in many of our high-volume calendars. Much of this new volume is anticipated to fall on the Landlord-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. The DC Courts expect to recognize over 4,000 attorneys for their *pro bono* contributions in 2021. 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.

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 2023 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

April 4, 2022



April 6, 2022

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

On behalf of the District of Columbia Bar and its past Presidents, we write to express our ardent support for the Access to Justice Initiative and the D.C. Access to Justice Commission's advocacy in favor of increased funding for the program. On behalf of the Bar, its leadership, and its members, we also would like to express our gratitude for the District government's support of the 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.

The Initiative has proven critical to the District's COVID-19 pandemic response and recovery. From the moment the pandemic struck our community, local legal services providers mobilized to pursue innovative approaches to address unmet demand for legal services among the District's low-income and most vulnerable communities. Through a transformative investment in civil justice, providers are and will continue to be well-positioned to confront the heightened needs in our community and support pandemic recovery through innovative and effective models that make life-transforming differences for District residents.

The pandemic forced legal services providers to adopt remote operations while continuing to provide a high level of key services to help residents through pandemic-related challenges in areas such as housing, family matters, employment protections, unemployment health insurance, public benefits, domestic violence, and so much more. Providers also delivered specialized services and outreach to the elderly, children, immigrants, those with disabilities, and other vulnerable populations. To meet these challenges, legal services providers used funds efficiently to expand their impact through new coordination efforts among providers, building relationships with critical community partners, conducting affirmative outreach to unrepresented litigants, and providing vital mentorship and support for private *pro bono* attorneys. Providers have sustained and expanded this work throughout the past two years as they strive to reach more District residents. None of this work would be possible without the Access to Justice Initiative.

The need for these legal services remains above pre-pandemic levels. As courts resume more normal operations and moratoria and other assistance programs end, we expect to see more District residents facing eviction and foreclosure, subject to debt collection lawsuits, and other civil legal challenges. Families facing economic pressures and changes to family structures due to COVID-19 need help with custody and probate matters, and the need for legal services to protect domestic violence survivors remains elevated. Other District residents will continue to need assistance with disability claims, and to secure unemployment insurance and other public benefits based upon economic hardship. As residents work to recover, protection from fraud and the sealing

of criminal and eviction records will be other areas where civil legal services providers can facilitate economic mobility.

These heightened needs surpass the staggering demand for civil legal services 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 approaches 97% in some areas. 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 lacked representation, according to *Delivering Justice*. Studies highlighted therein reveal that having access to a lawyer makes a significant difference for litigants in such cases.

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

The Initiative’s funding also increases the capacity of legal services providers to leverage our members to do *pro bono* work. The D.C. Bar is the largest mandatory bar in the country, with more than 110,000 members nationwide and 65,000 members in the D.C. metropolitan area. Meaningful access to justice for every D.C. resident is one of the Bar’s core values, and providing *pro bono* services is both an ethical obligation under our Rules of Professional Responsibility as well as a moral commitment for many members. The D.C. Bar has one of the strongest *pro bono* commitments of any Bar in the country. Indeed, last year, D.C. *pro bono* attorneys provided hundreds of thousands of hours of service to *pro bono* clients.

As Bar leaders, we persistently exhort our D.C. Bar members to devote more time to *pro bono* work through volunteering with the D.C. Bar Pro Bono Center and other non-profit organizations. The D.C. Bar also promotes *pro bono* service through its Pro Bono Task Force 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 help to close the justice gap without engagement and mentoring from legal services providers. Providing this support requires significant resources and time. Well-resourced civil legal service providers are thus a crucial component of *pro bono* service.

The District faces a long pandemic recovery, and ensuring that the recovery is equitable for all residents poses a monumental task. The Council will undoubtedly consider 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 any program or benefit for which they qualify and realize every legal protection they are due. We know that access to legal assistance makes a meaningful difference. Without the civil legal aid necessary to help District residents navigate these complicated issues and secure these protections, our community's problems almost certainly will proliferate. The pandemic showed us that civil legal services are a vital part of our safety net and positioned our civil legal services community to expand the impact and effectiveness of their work.

A strong partnership among our legal services provider network, the private bar, and the District's legal services funding is the engine that keeps 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, and understands that legal services are a critical ingredient for successful outcomes. All of it starts with the Access to Justice Initiative.

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

Sincerely,

A handwritten signature in black ink that reads "Chad Sarchio". The signature is written in a cursive style and is placed on a light yellow rectangular background.

Chad T. Sarchio  
President, 2021-2022

A handwritten signature in blue ink that reads "Ellen M. Jakovic". The signature is written in a cursive style and is placed on a light blue rectangular background.

Ellen M. Jakovic  
President-Elect, 2021-2022

**Past Presidents in Support of the Access to Justice Initiative**  
**April 6, 2022**

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
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
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
Geoffrey M. Klineberg	2020-21



# Advocates for Justice and Education, Inc.

## The Parent Training and Information Center for the District of Columbia

**Testimony of Stacey K. Eunnae, Esq.**  
Senior Staff Attorney  
Advocates for Justice and Education, Inc.  
District of Columbia Council  
Committee on the Judiciary  
April 1, 2022

My name is Stacey Eunnae 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 nine 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 six cumulative years I have worked at AJE, I have assisted approximately five-hundred 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.

Since D.C. schools returned to in-person learning D.C.P.S. schools began to ramp up its use of suspensions when responding to student behavior issues. AJE advised and represented several families this school year whose students were suspended from D.C.P.S. schools without due process or in violation of the Student Fair Access to School Act of 2018 which raises questions as to whether returning and new school staff are aware of the changes made to the law and are in compliance with the law. Several families this school year have reported to AJE that D.C.P.S. staff suspended their students without providing any written notice of the suspension or summaries of facts to describe the student's alleged behavior violation(s). We have also seen that schools will suspend students before their school discipline hearing can take place although there are no "emergency circumstances"<sup>1</sup> to justify it. Improper emergency suspensions

---

<sup>1</sup> "DCPS regulations provide that a student may be immediately suspended if s/he is contributing to an "emergency situation" in a school. 5 DCMR B2504.4. Pursuant to the Student Fair Access to School Amendment Act of 2018, an emergency removal means



# Advocates for Justice and Education, Inc.

## The Parent Training and Information Center for the District of Columbia

are usually violations of a student’s due process rights that are often never remedied even if it is later determined that D.C.P.S. did not have authority to suspend.

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. 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, without AJE’s support, one Pre-K age child would have been removed from their aftercare program because of her disability, which also would have jeopardized the parent’s employment and undermined the Mayor’s vision of a Fair Shot for all D.C. residents. In another example, a District of Columbia Public Schools (DCPS) assistant principal kept calling a D.C. parent and telling her that her middle-schooler was suspended but never provided her any documentation. Through AJE’s direct legal representation and empowerment, this parent learned that her child’s absences from school on these occasions were marked as “unexcused,” and no formal suspension was recorded.<sup>2</sup> Undocumented suspensions and inaccurate attendance records can impact a family significantly by making them vulnerable to unnecessary court involvement, entry into probation-like court diversion programs or arrest due to government mechanisms that exist to detect truancy and educational neglect. The need for AJE’s legal representation to address gaps in services and government dysfunction is most apparent when AJE receives referrals from agencies like the ACE Court Diversion Program and Child Family Services Agency after they determine that the issue is not parental abuse or neglect but rather the public school system’s failure to provide appropriate support consistent with their legal obligations to students with special needs and their families.

This school year was the first year of youth transitioning from distance learning back to schools for in-person learning and it has been a challenge for all. AJE saw and testified to the D.C. Council about what

---

“the immediate out-of-school suspension or disciplinary unenrollment of a student based on the school’s reasonable belief that the student’s presence poses an immediate and continuing danger to other students or school staff.” 65 D.C. Reg. 7499 (July 29, 2018).

<sup>2</sup> The practice of issuing undocumented suspensions and inaccurate attendance record-keeping has been a problem in D.C.P.S. schools for years. See for example, “Undocumented Suspensions Persisted in DC Schools Despite Repeated Alerts,” Washington Post (July 24, 2017) available at [https://www.washingtonpost.com/local/education/undocumented-suspensions-persisted-in-dc-schools-despite-repeated-alerts/2017/07/24/4a88ebc2-707f-11e7-8839-ec48ec4cae25\\_story.html](https://www.washingtonpost.com/local/education/undocumented-suspensions-persisted-in-dc-schools-despite-repeated-alerts/2017/07/24/4a88ebc2-707f-11e7-8839-ec48ec4cae25_story.html)



# Advocates for Justice and Education, Inc.

## The Parent Training and Information Center for the District of Columbia

we saw in terms of an increase of school suspensions, involuntary transfers and attendance-related concerns we expect will continue in the upcoming school year. Legal advocacy in public education is not only important but necessary to prevent further segregation by race, income-level and disability (i.e. an increase in the achievement gap) and to ensure that all students have equal access to educational opportunities.

This school year we have seen a 35% increase in the number of families seeking assistance about issues with their children's access to education since last year. Thus, increasing access to AJE staff to provide advice, direct educational support, legal assistance, advocacy and know your rights 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.



**To: Chairman Allen, Committee On the Judiciary & Public Safety Budget Hearings**  
**From: Carole Bernard, Chief Executive Director**  
**Re: Access to Justice Initiative Funding**  
**Date: March 31, 2022**

As the Chief Executive Officer for the Amara Legal Center, I am writing to express our support for the Access to Justice Initiative (ATJ) and the advocacy efforts of the DC Access to Justice Commission in securing increased funding for the program. On behalf of Amara, its leadership, staff, and clients, I would like to thank Chairperson Allen and the Judiciary Committee for its leadership, the District government for supporting the ATJ Initiative, and the DC Council for creating this important program. The ATJ Initiative provides critical legal assistance to low-income District residents, and supporting and expanding this program will only increase opportunities for individuals, particularly those from vulnerable populations like the majority of Amara's clients, to have access to our trauma-informed legal services.

The ATJ Initiative is one of Amara's largest funding streams - currently providing close to 25% of our budget. Thanks to this generous funding, Amara is able to provide free, high-quality, trauma-informed holistic legal services in the DC-metropolitan area to anyone involved in commercial sex work - whether that involvement is by choice, fraud, coercion, circumstance or necessity. Our clients are sex trafficking survivors and sex workers who are marginalized in society and face complex legal issues. Amara is the only legal service provider in DC whose sole mission is to serve this population. Since its founding in 2013, Amara has provided free legal services to over 500 clients with over 800 legal case matters in the DC-metro area.



We employ a culturally-specific, trauma-informed, multidisciplinary approach to legal advocacy. We provide full representation, limited scope representation and legal advice in the following matters: criminal defense, civil protection orders, divorce and child custody, child support, victim-witness advocacy, criminal record sealing, name and gender marker changes, expungement and vacatur of criminal records.

Amara's clients present with histories that include physical and mental neglect and devaluation that has negatively impacted every facet of their lives. In the best of situations, navigating the legal system can be challenging but this is especially true for individuals who have experienced trauma. Without access to the free legal assistance that Amara and other stakeholders provide, our clients would be further marginalized by barriers to employment, housing, higher education, job training and the opportunity to strengthen and reunify their families. These are systemic issues that can only be addressed through trauma-informed legal assistance.

Expanding funding for the ATJ Initiative is increasingly important to the work that Amara does, especially knowing that DC is a magnet for sex trafficking because of its unique geographic location on the I-95 corridor and close proximity to a number of casinos and professional sports venues. We estimate that roughly 500 individuals seek services annually due to the victimization and harm caused by sex trafficking and the commercial sex industry. Since most individuals in our client population do not self-identify as victims and may not seek legal, social service or mental health assistance, we can conclude that the actual number of individuals



who are in need of our assistance is significantly higher.

The FBI identified DC as one of 14 cities in the United States with the highest incidents of commercial sexual exploitation of children. According to the FBI, “Black girls, compared to their racial counterparts, are more likely to be trafficked at a younger age and 57.5% of all juvenile prostitution arrests are Black children.”<sup>1</sup> The vast majority of Amara’s DC clients are Black Americans who reside in Wards 6, 7 and 8— U.S. citizens who were born and raised in the DC-metropolitan area.

The COVID-19 pandemic created economic circumstances that resulted in an increased need for Amara’s services, as we almost doubled the number of legal cases we managed in 2021 from the previous year. The economic impact of business closures and lack of work created more opportunities for harm. Financial need is a common motivator in familial trafficking. Also, online home schooling dramatically increased the amount of time children spent online and resulted in increased risk of harm and exploitation, as children are being recruited into pornography and other sexual acts for money. As a result of the ATJ Initiative funding, Amara was able to create a new position in 2022 that is focused on building a pro bono attorney program to assist in increasing our capacity to serve more people. The need for our services and expanding funding for the ATJ Initiative continue to be increasingly significant.

This vital funding allows us, and other legal service providers, to reach and provide services to individuals who previously had zero information about, or access, to legal services. It

---

<sup>1</sup> <https://www.cbfcinc.org/wp-content/uploads/2020/05/SexTraffickingReport3.pdf>



also makes it possible for Amara to address the multitude of legal barriers that our clients face by educating and empowering them to make informed choices that are often unique to their individual circumstances, histories and legal issues. ATJ Initiative funding also has allowed Amara to reach and provide services to more youth in DC through our partnerships with Courtney’s House, Sasha Bruce, DC Doors, and the Neighborhood Legal Services Program at DC Public Schools—including Roosevelt Senior High School and the Anacostia High School—as well as our partnerships with other youth-serving community-based organizations in DC. We have been able to provide numerous trauma-informed trainings to social service providers and other professionals to help them identify survivors of sex trafficking and to create a pipeline for referrals to ensure victims receive the continuum of care.

In addition to funding the dedicated work of legal services providers, ATJ Initiative funding provides loan repayment assistance to those DC-barred members who provide these free legal services and who live and work in the District. ATJ Initiative funding of the Community Legal Interpreter Bank also ensures that services are delivered in the client’s native language.

Amara looks at its work through a racial and social justice lens, and the ATJ Initiative’s emphasis on equitable justice helps communities of color, and culturally-specific, marginalized and underrepresented populations have access to legal service providers that can work to prevent, address and eliminate disparate barriers that can deny them the right and fair chance to heal from their victimization and rebuild their lives. Amara strongly encourages the Committee and Mayor Bowser to invest in the ATJ Initiative by increasing its funding to \$31.089 million, which will



dramatically support legal service providers in meeting the increased legal needs of DC residents that have only been exacerbated by the pandemic. An investment in the ATJ Initiative is an investment in the diverse DC community itself and a demonstration of a commitment to equity and civil justice.

As always, we are pleased to work with Chairperson Allen and his staff on this effort and we are available to answer any questions that the committee may have.

A handwritten signature in black ink that reads "Carole Bernard". The signature is written in a cursive, flowing style.

Carole Bernard  
Chief Executive Officer



*Transforming Lives.  
Strengthening Communities.*

4/1/2022

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

**Board of Directors**

Veronica Nannis (*Chair*)  
Joseph Greenwald & Laake LLP

Lori Faeth (*Vice Chair*)  
Land Trust Alliance

Kate Ambler (*Secretary*)  
Int'l Food Policy Research Institute

Kevin Metz (*Treasurer*)  
Latham & Watkins LLP

Tara Castillo  
Alston & Bird LLP

Jill Flack  
Exelon (Pepco Holdings)

Paul Lee  
Stephoe & Johnson

Miguel Martinez  
PwC

Jayesh Rathod  
American University  
Washington College of Law

Michael Sklaire  
Greenberg Traurig LLP

Marie Talwar  
General Electric Company

Samir Varma  
Thompson and Line LLP

Michael Woods  
Verizon

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 the 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 44 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 two years have proven to be challenging for legal service providers. Though the spread of COVID-19 has become more controlled through social distancing and growing access to vaccines, there have still been barriers for LEP/NEP and Deaf/Hard-of-Hearing individuals seeking services. For those who do get access to services, there is a lot of work involved to overcome obstacles of meeting and communicating with their attorney through remote channels. Ayuda has continued to work hard to provide as much support as possible to both our partner organizations and contracted interpreters as they adjust to hybrid work, serving clients both remotely and in-person. Their resilience and ability to adapt to the many changes over the last two years have been integral to the successful delivery of language access services for LEP/NEP and Deaf/Hard-of-Hearing clients.

**Executive Director**

Paula Fitzgerald, Esq.

**Administrative Headquarters**

1413 K Street, NW, STE 500  
Washington, DC 20005  
(202) 387-4848

**Washington Office**

6925B Willow Street, NW  
Washington, DC 20012  
(202) 387-4848

**Virginia Office**

2701 Prosperity Avenue, Suite 300  
Fairfax, VA 22031  
(703) 444-7009

**Maryland Office**

8757 Georgia Ave, Suite 800  
Silver Spring, MD 20910  
(240) 594-0600

[www.ayuda.com](http://www.ayuda.com)

Our program has forged ahead on several important projects since transitioning into remote and hybrid work, including the translation of outreach documents that provide important information regarding changes with COVID-19 and accessing immigration, family/divorce court, and other legal services remotely throughout the pandemic; remote simultaneous interpretation (RSI) 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” and RSI interpreter trainings; and the fulfillment of countless attorney-client meetings and document translations.

The pandemic and its aftermath have 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-ofHearing clients.

*Project END: Protecting Immigrants from Consumer Fraud*

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 2021, Project END collaborated with 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 2022, 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, Project END has received an increasing number of requests for assistance by individuals who applied for asylum using the services of a non-attorney. If an asylum application is denied, the non-citizen is automatically placed in deportation proceedings. Project END is helping these individuals to amend their asylum applications to correct errors made by non-attorneys and, where appropriate, report the non-attorneys for the unauthorized practice of law. Project END will continue serving these families through 2022 and beyond.

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](mailto:Paula.Fitzgerald@ayuda.com) or 202-243-7318.

Sincerely,

A handwritten signature in black ink, appearing to read "Paula", written in a cursive style.

Paula Fitzgerald Executive Director



Fiscal Year 2023 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 (CLCPP) funding currently give a combined \$1.4 million 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 matters concerning critical basic human needs, including maintaining safe, affordable housing and getting protection from domestic violence.

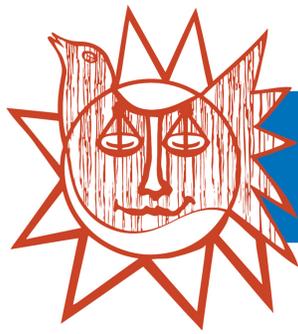
CLCPP funds supported Bread for the City in helping a District resident, Ms. Taylor (name changed to protect confidentiality), stay housed after the end of the local eviction moratorium. Due to her husband's serious illness and subsequent loss of a job and Ms. Taylor's own loss of income in the food service industry during the pandemic, the family fell behind on rent. In September 2021, after the end of the moratorium on the executions of evictions, Ms. Taylor received a notice that her eviction was scheduled to occur the next month. Until then, she did not even know that a judgment for possession had been entered in court against her before the public health emergency. Through a collaborative outreach effort implemented by Bread for the City, other legal aid organizations, and local community groups, Ms. Taylor got a knock at her door and was asked if she was interested in legal assistance regarding the impending eviction. In October 2021, two weeks before her scheduled eviction, Ms. Taylor was connected with a Bread for the City attorney who filed emergency paperwork to both cancel the eviction and undo the 2020 judgment based on the argument that it was entered wrongfully without proper notice to her. A magistrate judge denied the initial request to cancel the eviction, but the Bread for the City attorney successfully won an emergency appeal that then allowed for the scheduling of a hearing to determine whether the underlying judgment against Ms. Taylor should be vacated. In the end, a hearing was not needed because the Bread for the City attorney negotiated a settlement with Ms. Taylor's landlord, who agreed to dismiss the case if her rental debt was fully covered by emergency rental assistance. The rent was paid, and Ms. Taylor's tenancy was saved.

With the support of Access to Justice funds, Bread for the City helped another District resident, Ms. Ford (name changed to protect confidentiality), a mother of three children who for many years had gone without any child support. When she came to Bread for the City, Ms. Ford did not know what was happening with her child support case. The Bread for the City attorney learned that the child support order was suspended because the children's father had been incarcerated and was unable to pay during that time. However, even though the father was no longer in jail, the child support order had not been reinstated because he could not be located. With the help of the Bread for the City attorney, Ms. Ford was able to find the father and reinstate the suspended child support order, ultimately helping Ms. Ford secure a child support order of close to \$500 per month. A Bread for the City attorney also helped Ms. Ford obtain retroactive child support, which had not been initially sought when the child support had first been put in place.

In addition to providing direct legal help, Bread for the City has been able to continually innovate and adapt our legal services with the support of Access to Justice Initiative grants. During the pandemic, we established remote phone intake and conducted virtual outreach trainings. Collaboratively with our partner legal services organizations, we created and still 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.

Most recently, with the additional infusion of local funds, Bread for the City has collaborated with other legal services providers and local community groups to devise an eviction diversion pilot project to meet the ever-growing need of tenants in the District to stabilize their housing and avoid eviction. Bread for the City and other legal services providers are now presented with the opportunity to have the capacity to engage in intensive pre-court outreach and services to ensure that tenants most at risk of eviction are connected to free legal help, social services, and other supports, with the goal of resolving matters before litigation is pursued or preventing self-evictions by tenants who are not aware of their rights. The additional funds allocated by the District government will also offer the chance for legal aid groups like Bread for the City to support staff who can help tenants remain stably housed by accessing such help as applying for rental assistance and maintaining housing subsidies; maximizing participation in public benefits programs; and getting connected to workforce development, childcare, and mental health services.

Bread for the City thanks the DC Council for its longstanding support of the Access to Justice Initiative, and we urge the Council to maintain and even increase funding so we and our colleague organizations can continue to support District residents living with low income, particularly residents of color who have been bearing disproportionately the financial burden and emotional toll of the pandemic and the impact of many years of systemic racism.



# CARECEN

LATINO RESOURCE AND JUSTICE CENTER

*Strengthening the Latino Community in the Washington, D.C. Area*

## BOARD OF DIRECTORS

Melecio Rivera  
*President*  
World Bank

Rosemarie Salguero  
*Vice President*  
Lerch, Early & Brewer

Gabriela Colacho  
*Treasurer*

Kirsten Keating  
*Secretary*  
Freddie Mac

Milly Rodriguez  
*Executive Committee At-Large*  
American Federation of  
Government Employees

*Members*  
Ernesto Campos  
Hugo Carballo  
Alicia Criado Hampshire  
Jorge Granados  
Flavia Jimenez  
Ana Patricia Rodriguez  
Rexanah P. Wyse, Esq.  
Alberto Zegada

Organizations listed for  
identification purposes only.

## IN MEMORIAM

Dr. Segundo Montes, SJ (1933-  
1989)  
The Central American  
University (UCA) "Simeón  
Cañas",  
El Salvador

Congressman  
Joe Moakley (D-MA)  
(1927-2001)

Saúl Solórzano  
CARECEN President  
(1961 - 2011)

April 1, 2022

FY23 Budget Oversight Hearing  
D.C. Access to Justice Initiative funding

Dear Madam Mayor and Members of the DC Council,

We are writing to express our support for the D.C. Access to Justice (ATJ) Initiative, which has been a critical source of support for our operations.

Since 1981, CARECEN's mission has been to foster the comprehensive development of the Latino community by providing direct services while promoting grassroots empowerment, civic engagement, and human rights advocacy. For the past several years, we have received ATJ funds to provide Citizenship preparation and direct legal immigration services.

The ongoing pandemic continues to cause uncertainty, challenges and changes in the structure of our operations, but thanks to the continued financial support and partnership stemming from the ATJ funds, CARECEN continues serving the immigrant community during these unstable times. The support we received from ATJ was particularly important last year as it allowed us to continue operating at full capacity despite the challenges of the pandemic which led to a significant reduction in outside assistance and increased reliance on ATJ funds.

With ATJ funds, CARECEN's clients continue to overcome the physical and economic challenges of COVID and restrictive immigration policies to achieve their dream of US citizenship. CARECEN's impact on DC naturalization is tangible. Our program consistently accounts for 6% of all DC naturalizations, an impressive feat for a small program that serves some of the most difficult-to-naturalize individuals. Among Latinos, CARECEN is directly responsible for 30-50% of the District's naturalization. With elections on the horizon, CARECEN also plans to participate in in-person voter registration events, all to ensure that our newest citizens are represented in our democracy.

The ATJ funding also helped our legal department increase its capacity to serve our clients even as the pandemic and the continuing effects of the policies of the Trump administration made it more difficult for immigrants to traverse the immigration system. The funding has been particularly crucial as it has also allowed CARECEN to participate in impact litigation since we are uniquely positioned to address the current threat to TPS beneficiaries and the harmful policies that are negatively impacting Special Immigrant Juveniles. As the organizational plaintiff in the case CARECEN v. Cuccinelli, filed in the U.S. District Court for the District of Columbia, CARECEN successfully attained a settlement from USCIS as we challenged unlawful federal policies that adversely affected TPS holders seeking green cards. Just yesterday, a Somalian immigrant made an emotional call to our office thanking us for this win and explaining how it will change his life. And as an organizational plaintiff and Of Counsel in the ongoing case Casa Libre v. Mayorkas, filed in the U.S. District Court for the Central District of California, we challenge unlawful federal policies that adversely affect

CARECEN

1460 Columbia Road, N.W. Suite C-1, Washington, D.C. 20009  
Tel (202)328-9799 • Fax (202)328-7894 • [www.carecencdc.org](http://www.carecencdc.org)

our very vulnerable Special Immigrant Juveniles from timely obtaining work authorization, which can have the very drastic effects of homelessness, trafficking, poverty, and the inability to continue their education among other things. As a low cost, non-profit legal services provider not fully funded by grants, CARECEN would not be able to dedicate the time necessary to participate in these policy changing lawsuits that directly impact the immigrant community in very important areas.

ATJ support is critical to the ongoing success of CARECEN's ability to serve the community. For every client that CARECEN accepts, there are many more that we have to turn away due to the lack of capacity. As we look forward, CARECEN is looking expand its abilities to serve more immigrants who are forced to navigate their immigration cases without the proper assistance. Particularly alarming is the number of juveniles who are eligible for immigration benefits that they cannot pursue, and the number of immigrants forced to attend removal proceedings without counsel. We are therefore hopeful that ATJ funds will be able to help close some of these gaps in the near future. We look forward to the continued financial support necessary to support our community, and to provide immigrants with accurate information, and high quality – low-cost services. We thank the Judiciary Committee and DC Council for its leadership.

Sincerely,

Genevieve Augustin  
Legal Director

April 4, 2022

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. With schools open this year, our attorneys are working with families whose children should have been evaluated last year, who are experiencing serious mental health issues being back in school, where there is bullying, or where schools are resorting to suspensions because they do not have the capacity to utilize other interventions. We are also

working with families whose housing conditions are endangering their children's health. Healthy housing has become even more important as children spend more time at home due to the pandemic.

Access to Justice funding has been a key component of racial justice and ensuring that all residents of DC can meaningfully protect their rights. While we are aware that the \$2.5 million last year was one time funding, we are asking that it be restored in this year's budget as recurring funding as it is very much needed funding for the legal services community to ensure ongoing, vital services for DC residents. 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



## COMMITTED TO ACCESSIBLE CIVIL JUSTICE

March 29, 2022

**The Committee on the Judiciary and Public Safety, Office of Victim Services and Justice Grants  
Testimony by Gabrielle Mulnick Majewski, Executive Director of DC Affordable Law Firm  
In Support of The Access to Justice Commission**

My name is Gabrielle Mulnick Majewski, and it is my privilege to serve as Executive Director of DC Affordable Law Firm (“DCALF”). Every day, we help District residents from low- and modest-income households facing potentially life-changing civil legal problems. We are incredibly grateful for the Mayor and Council’s long-standing support of civil access to justice in the District.

The Access to Justice (ATJ) funding DCALF received for FY2022 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. Additionally, new funding DCALF received through the ATJ grants program for FY2022 has enabled us to provide fully subsidized, free family law, probate, and estate planning services to hardworking, modest-income DC members. This transformative funding has been the catalyst for a radical shift in our programmatic model, and been a lifeline to the hardworking clients we are privileged to serve. We thank the Council and Mayor for their historical commitment to the Access to Justice grants program, and support the additional funding increase sought by the Access to Justice Commission for FY2023. We support this request on behalf of our clients, our organization, and the thousands of DC residents who rely on the essential legal services organizations supported by the ATJ Initiative.

At DC Affordable Law Firm, we believe all people deserve access to justice, and income should never be a barrier to an individual’s or a family’s receipt of high-quality legal representation. DCALF’s mission is to provide high-quality, affordable, and accessible legal services to hardworking DC residents who do not qualify for many traditional sources of free legal services, but earn incomes too modest to afford representation by private attorneys. In the District of Columbia, one out of five Washingtonians falls into this “forgotten middle” when it comes to legal services. DCALF was founded to help bridge this gap by providing hardworking Washingtonians with affordable, and in many cases, free, pro bono legal services in their hour of need. DCALF is a unique organization in which DCALF Fellows, recent graduates from the University of the District of Columbia David A. Clarke School of Law (“UDC Law”) and Georgetown University Law Center, represent low- and modest-income DC residents in family, immigration, and probate matters while earning an LL.M. in Advocacy from Georgetown. DCALF’s vision is twofold – to eliminate inequities in DC’s civil justice system while launching the careers of the next generation of public interest attorneys committed to closing the access to justice gap. Since our 2015 founding, DCALF has served more than 1,000 clients in over 1,400 family law, immigration, and probate matters, with our organization handling more than 400 individual client matters in 2021 alone.

In 2020, DCALF was fortunate to receive ATJ funding to embark on what was then a novel project to provide rapid-response family law assistance to unrepresented parties. In March 2020, DCALF – together with the Legal Aid Society of DC and the D.C. Bar Pro Bono Center – launched the Family Law Assistance Network (“FLAN”), a network offering

[WWW.DCAFFORDABLELAW.ORG](http://WWW.DCAFFORDABLELAW.ORG)



## COMMITTED TO ACCESSIBLE CIVIL JUSTICE

limited-scope legal assistance and representation to residents from lower-income households navigating family law matters in DC Superior Court. 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 and pour energy into tackling these problems by providing short-term legal assistance to community members without counsel.

Since March 2020, the demand for FLAN’s services been steady and consistent. In two years, FLAN has received requests for assistance from more than 1,500 unrepresented litigants, with attorneys from FLAN’s three partner organizations serving more than 90% of those eligible for service. With Access to Justice Funding, FLAN has been able to deliver critical legal services and identify upstream approaches to better cater to the presenting needs of litigants accessing our city’s family court. For instance, in fall 2021, DCALF and its sister FLAN organizations played a central role in orchestrating a compensated survey of family law litigants so legal service providers and the Court could seek to understand litigants’ experiences with remote hearings.<sup>1</sup> At times, FLAN staff assumed the role of proactively notifying pro se litigants of their upcoming hearings, facilitating their connection to FLAN or other civil legal service providers. Most notably, FLAN attorneys ensure unrepresented community members tackling complex child custody and contested divorce issues have expedient access to an attorney and an array of empowerment-based supports.

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 served 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 poverty, food insecurity, unemployment, health challenges, and an array of toxic stressors.

Thanks to the Access to Justice funding all three FLAN organizations received in FY2022, FLAN is now a sustainable and engrained institution within the DC Courts and family law community. Judicial officers, representatives of the court’s self-help centers, and community-based organizations now routinely refer litigants to FLAN in equal measure. With the

---

<sup>1</sup> *Litigant Perspectives on Remote Hearings in Family Law Cases*, DC Bar Foundation and NPC Research, December 2021. Available at: [https://www.dccbarfoundation.org/files/ugd/3ddb49\\_2c2da451535e4f9f8de6ab2baf575a54.pdf](https://www.dccbarfoundation.org/files/ugd/3ddb49_2c2da451535e4f9f8de6ab2baf575a54.pdf).



## COMMITTED TO ACCESSIBLE CIVIL JUSTICE

critical support offered through the ATJ grants program, we are able to employ the staff needed to sustain FLAN's programmatic successes and meet the high level of community demand for support.

2022 ATJ Funding was also indispensable in expanding DCALF's provision of free family law, probate, and estate planning legal services to hardworking residents from modest-income households. Our clients are individuals working in essential, low paying industries as retail employees, housekeepers, professional caregivers, and public school staff. For many, the volatility of the past two years has further strained their already-precarious economic status. The majority of our clients across all of our practice areas are working single parent who are the head of their households, and hardworking individuals disproportionately harmed by the pandemic whose households run on fixed and finite budgets.

Ninety-seven percent of community members are unrepresented when probating small estates, and in the family law arena, more than 80% of community members routinely appear for family law court hearings without representation. The need for high-quality legal representation in these two practice areas is significant. The 2022 Access to Justice funding our organization received enabled us to embrace a new approach that honors and acknowledges the fixed and finite economic realities experienced by those in our client base. Through ATJ funding, we are able to better center the humanity and lived experiences of our clients, delivering the same high-quality legal services, but doing so for free. In sum, Access to Justice funding represents an investment in the hardworking DC residents who make our city great, putting them on better footing to secure justice for themselves and their families.

As we contemplate the next chapter in the city's recovery, there is little question that that the demand for vital legal services across all practices will continue. Broad and sweeping access to civil legal services will be critical to the proliferation of justice, equity, and fairness for our city's most underrepresented persons. Moreover, enhanced Access to Justice funding will enable legal services organizations to envision new ways of delivering preventive services, build collaborative partnerships, and adopt new approaches to build an anti-racist DC and help our community members thrive.

The legal services community has exuded the utmost creativity over the past two years, developing new initiatives and innovations to tackle big issues facing our residents. The District's continued and increased investment in ATJ funding will enable DCALF and other legal services providers to meet the unprecedented needs of those who have endured many systemic oppressions. We deeply appreciate the city's investment in Access to Justice funding, and thank the Mayor and Council for prioritizing the critical legal services that enable families to thrive in the District of Columbia. Thank you for your consideration of this request.

Respectfully submitted,

Gabrielle Mulnick Majewski  
Executive Director and Ward 5 Resident

[WWW.DCAFFORDABLELAW.ORG](http://WWW.DCAFFORDABLELAW.ORG)

# 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 and the Council for the significant investment in victim services as our community emerges from the COVID-19 pandemic. I would like to share with you a bit about why the funding to support the Access to Justice Initiative is so critical. We offer these views from the perspective of a legal services organization that is on the front lines helping victims in the city achieve safety and stability.

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.

In 2021, we served the largest number of clients in our organization's 14 year history: 2,137 individuals.

We could not do this work without the tremendous support of Access to Justice Funding.

At DCVLP, we receive ATJ funding through the DC Bar Foundation to support our Domestic Violence Program, our Child Advocacy Program, and for the first time in FY22, to support our Immigration Program.

Before the COVID-19 pandemic, we had multiple weekly community-based clinics throughout the District and one at the courthouse. When the pandemic started, all of those clinics were immediately converted, initially to a Call In Clinic and then a Virtual Clinic as a result of the pandemic. We are incredibly proud of the fact that our clinics never closed and always remained an open access point for those in need of our services.

In September of 2021, recognizing the importance of having the in-person services accessible to clients in the community and the ability to provide those services safely, four of our weekly clinics returned to in-person

5335 Wisconsin Avenue NW, Ste. 440 Washington, DC 20015  
Tel. (202) 885-5542 | Fax (202) 885-5529 | [www.dcvlp.org](http://www.dcvlp.org)

# DC VOLUNTEER LAWYERS PROJECT

EST. 2008

operations. Acknowledging the need for some individuals to continue accessing services remotely, with increased funding through the Access to Justice Initiative and from the DC Bar Foundation along with ARPA funding from OVSJG, we have been able to maintain a virtual clinic option for clients best served virtually.

We are currently operating 4 weekly in person walk in clinics and 3 weekly virtual clinics in addition to staffing the Domestic Violence Intake Center one day a week. The demand for services in each of our clinics remains consistently high. We are only able to maintain all of these in person and virtual access points because of the support we receive from the DC Bar Foundation and OVSJG. This funding is essential to our ability to deliver services in the community.

The main point I want to impress through my testimony relates to the compounding needs our clients are facing. More people need our help; the help they need is greater and more complicated; and the process is taking longer. The convergence of those three factors means that it takes more resources to do the same amount of work, and still significantly more resources to tackle the additional need.

To better understand the duration of our cases... for our clients seeking relief through the CPO process, in the 2019 calendar year, our average CPO case lasted 14 days. From March 2020- September 2021, the average CPO case lasted 90 days. There are significant implications of a number like that. Our capacity to take new cases is impacted. Our clients are struggling and navigating the trauma of a court process for longer, especially because the cases are not sitting quietly for that longer period of time. There are often more violations.

Our clients' needs are generally more complicated. In 2021, nearly one out of every three clients served at DCVLP received assistance with two or more legal needs, indicative of the increased complexity in our clients' needs.

5335 Wisconsin Avenue NW, Ste. 440 Washington, DC 20015  
Tel. (202) 885-5542 | Fax (202) 885-5529 | [www.dcvlp.org](http://www.dcvlp.org)

# DC VOLUNTEER LAWYERS PROJECT

EST. 2008

And lastly, I want to speak about the unmet need. Despite the fact that we are helping more clients than ever before, we have unmet need in every one of our practice areas.

Specifically thinking about unmet need in our domestic violence program:

In 2021, we were able to assist 13% of the domestic violence victims who sought representation from DCVLP for help with a Civil Protection Order case.

In 2021, we were able to assist 30% of the domestic violence victims who sought representation from DCVLP for help in a family law case.

We rely on Access to Justice Funding to provide critical, life-changing services to victims of domestic violence, at-risk children, and vulnerable immigrants. 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.



## **DISABILITYRIGHTSDC**

**Testimony of Sandy Bernstein, Legal Director  
Disability Rights DC at University Legal Services  
District of Columbia City Council  
Committee on Judiciary and Public Safety  
April 6, 2022**

As the Legal Director at Disability Rights DC (DRDC) at University Legal Services, I submit this testimony to urge the DC City Council to ensure there is adequate funding for the Access to Justice Initiative in the District of Columbia's Fiscal Year 2023 budget. DRDC receives this critical funding, administered by the DC Bar Foundation, which has allowed us to provide legal representation and advocacy to District residents with mental illness and behavioral challenges who have housing-related legal needs.

With the funding DRDC receives 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 have mental health providers who are not addressing their homelessness, individuals who are 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.

DRDC has represented individuals with serious mental illness hospitalized at St. Elizabeths Hospital in need of housing and supports to be safely discharged. For example, DRDC represented a woman who was institutionalized at St. Elizabeths Hospital even though she was placed on an outpatient order for months. She faced discrimination from community residential facility (group home) providers, who denied her housing even though they had

vacancies. DRDC urged the DC Department of Behavioral Health to override the discriminatory denials and she was then accepted to into a community residential facility and is now living in the community.

DRDC also addressed rights violations in housing against people with disabilities with the assistance of the Access to Justice Initiative funding. DRDC represents a young man with a serious mental illness who was terminated improperly from his housing with the Department of Human Services, in violation of his rights. DRDC is representing him to challenge the eviction, which has left him without stable housing. DRDC has also represented individuals who are experiencing homelessness in grievance procedures when their mental health providers are not taking the necessary action to obtain housing for them.

DRDC has advocated for community-based clinical and behavioral services for individuals living in community housing when these services were necessary for them to maintain their housing. For example, DRDC is representing a man with cognitive and physical disabilities who received a discharge notice from his home health aide provider. This client will not survive without these services which aid him with activities of daily living. Without this assistance he faces institutionalization. This client is one of several that DRDC has represented in hearings before the Office of Administrative Hearings to restore their home health aide hours so they can remain in their community housing.

The Access to Justice Initiative funding has been especially essential to DRDC 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, monitored and connected with people in community residential facilities and other District-funded residential placements to take action to ensure that providers of such facilities had proactive plans in place to stop the spread of COVID-19 and educated community residential facility residents on the need for vaccinations and how best to access them, including advising individuals about the availability of in-home vaccinations.

DRDC will very much still need the Access to Justice Initiative funding in Fiscal Year 2023 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. DRDC receives numerous calls every month from individuals with serious mental illness who are experiencing homelessness 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, 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. DRDC is also expecting more individuals to receive notices reducing their home health aide hours when the public health emergency comes to an end, which can jeopardize the lives and safety of people with physical disabilities and medical needs. In addition, DRDC is expecting more advocacy will be needed with the passage of the Developmental Disability Eligibility Reform Amendment Act, which for the first time makes people with developmental disabilities, who do not have the IQ required for an intellectual disability diagnosis, eligible for services from the Developmental Disabilities Administration.

DRDC appreciates the Council's leadership and support for legal services to the District's low income residents and requests the Council secure adequate funding for the Access to Justice Initiative in the District's FY23 budget.



April 4, 2022

Dear Councilmember Allen and Members of the Committee on Public Safety and the Judiciary,

As the Executive Director of First Shift Justice Project, I write to express my gratitude for the funding made available to D.C.-based legal services nonprofits through the Access to Justice Initiative and to express my support for continued funding. The Access to Justice Initiative provides funding for almost every legal services program in the District of Columbia that serves D.C.'s low-income residents, regarding legal matters from housing to education to family to consumer to employment. Access to Justice funding increases the possibility that our legal and administrative processes in the District will yield more just outcomes by contributing to leveling the playing field among the parties involved.

First Shift Justice Project was founded in 2014 with a mission to support D.C. working mothers and other family caregivers in the exercise of their workplace rights, with a goal of helping our clients maintain employment. With funding through the Access to Justice Initiative, First Shift hired its first part-time staff attorney in 2016 to staff its Latina Outreach Project, allowing us to expand our outreach efforts to serve more Spanish-speaking residents with Know Your Rights education and legal services ranging from advice to representation. First Shift now receives funding from the Access to Justice Initiative for an additional project, to inform and assist D.C. workers who need to access paid leave from work when they or a family member experience a serious health condition or they need time to bond with a new child in their household. Access to Justice funding has been sustained funding which is critical to First Shift's growth as an organization and supported us in delivering essential services to D.C.'s working mothers.

As a measure of racial equity and the economic health of the community, the job security of working mothers cannot be overestimated. D.C. is the jurisdiction in the U.S. with the highest percentage of breadwinning mothers: 81.4 % of the mothers in D.C. are primary or exclusive breadwinners for their families; among Black mothers, the percentage of breadwinner moms in DC increases to 88%. (See Glynn, Sarah Jane, "Breadwinning Mothers Continue to be the U.S. Norm," Center for American Progress (May 10, 2019).) Yet, despite the importance of the employment of women of color in low-wage jobs to their families and the overall wellness of the community, they are the workers most vulnerable to job loss.

The work of First Shift Justice Project has had particular relevance and significance in ensuring an equitable recovery from the pandemic. Workers are being called back to work and kids have been called back to school since the fall, but this period of time is anything but a return to normalcy. School safety protocols continue to create unpredictability in scheduling for families. Pregnant employees; employees with young

children who are unvaccinated; employees who are immunocompromised; and employees who live with vulnerable family members are struggling to report to workplaces where mask mandates and other safety protocols are being relaxed and there is an increased risk of contracting COVID. These variables undermine the return to work and exacerbate low-wage workers' need for legal protections and access to job-protected leave. Access to Justice funding allows First Shift to step into the chaos to work with clients to isolate the legal issues; identify the legal protections available; and devise strategies for exercising those rights, with the goal of maintaining employment whenever possible.

This work helps to ensure an equitable recovery because most low-wage workers of color cannot work from home and many work in service-related, public facing jobs where the risk of COVID in the workplace is higher. It is also well-documented that communities of color have suffered more significantly from severe cases of COVID; thus, they are more likely to have sick family members at home who have not fully recovered from the effects of COVID and/or who are at greater risk of contracting a severe case of COVID if it is brought home from work. And although all working parents have to deal with the uncertain landscape of school and childcare - for all children, but especially unvaccinated ones - parents who have resources to purchase rapid COVID tests, work from home, and/or hire alternative childcare are in a much better position than low-wage workers to reduce the impact of that uncertainty on their daily lives, including their jobs. In 2021, the number of clients served by First Shift increased by almost 30%; 90% of our clients are people of color and the majority reside in Wards 4,5, 7, and 8.

For First Shift and for legal services providers all over the District, the Access to Justice Initiative is an essential source of funding, just as our services are essential to our community's ongoing recovery from the pandemic.

Sincerely,

A handwritten signature in black ink that reads "Laura A. Brown". The signature is fluid and cursive, with the first name "Laura" and the last name "Brown" clearly legible.

Laura Brown, Executive Director  
705 8<sup>th</sup> St. SE, #300  
Washington, D.C. 20003  
(202) 644-9043  
lbrown@firstshift.org



March 30, 2022

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. As District residents struggle to emerge from the economic devastation and mounting inequities caused (and/or worsened) by the ongoing pandemic and the wide-ranging effects of systemic racism, these funds are more important than ever.

As you know from your continued support for our work, Legal Aid is the oldest and largest civil legal 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 overcome the collateral consequences of their involvement with the criminal legal system. Our attorneys employ a range of strategies to address the legal needs of District residents, including direct client service, client outreach, and community legal education. Supported by non-public funds, our Systemic Advocacy and Law Reform program focuses on impact litigation and advocacy centered in racial justice and informed by the lived experiences of our clients. 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. Council. This public funding program is vitally important to low-income District residents, allowing them access to critical 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 last two years have profoundly and disproportionately been borne by members of our client community, especially low-income District residents and residents of color. Eighty-eight percent of District residents who have died due to COVID are Black or Latino.<sup>1</sup> At the same time, the District is still facing higher unemployment disparities than any state in the nation and continues to hold the highest rate of Black unemployment.<sup>2</sup> The health and economic implications of the current crisis, on top of existing economic, social and racial disparities have led to compounding and expanding legal needs.

Funds from the Access to Justice Initiative have been instrumental in helping Legal Aid to respond to that legal need, including by increasing our capacity to assist clients whose unemployment benefits were wrongfully denied or terminated. In addition to our direct representation, our staff have trained community members and service providers on pandemic-related protections, including unemployment insurance, tenants' rights, and how to obtain and protect tax credits and stimulus checks. We have also collaborated with partner legal services organizations to create dedicated hotlines providing a single point of entry for people seeking help relating to public benefits, child support, family law, debt collection, and housing.

We have already begun to see an increase in new cases in the areas of eviction and debt collection, and we expect to see a similar increase in foreclosure when the moratorium expires in June. With increased Access to Justice funding, we will work to ensure that low-income 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 are also working to ensure that our services do more than assist our client community in responding to crisis. Through Access to Justice funding, we are investing in strategies that can help our clients achieve greater economic and housing security, including forming partnerships with community-based organizations to expand our reach and connect with clients earlier in their legal matters for the best outcomes.

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. This mission is more urgent than ever. Although Legal Aid provides services to over 3,000 individuals each year, Legal Aid also turns away a significant number of applicants because we do not have the capacity to serve all of those who ask for our help. We ask the Council to provide this funding as a means of helping District residents to recover from the tragedies and systemic inequities that the pandemic has both exposed and exacerbated.

Sincerely,



Rachel A. Rintelmann  
Interim Co-Executive Director

---

<sup>1</sup> 78% as of 3/25/2022; These data are from the Mayor's Office and are available at <https://coronavirus.dc.gov/data>.

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



March 30, 2022

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

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

My name is Karen A. Newton Cole. I am the Executive Director of Neighborhood Legal Services Program of the District of Columbia (NLSP). I am writing to express our great appreciation for the Council's history of supporting civil legal services in the District of Columbia. More than ever, it is critical that civil legal services receive funding to protect the legal rights of our most vulnerable residents during the public health crisis and post pandemic. The Access to Justice Initiative funds play a critical role in supporting NLSP's mission of eliminating barriers for low-income residents of the District of Columbia and addressing their unmet civil legal needs.

NLSP is the only legal service provider in the District of Columbia that has community law offices strategically located in the most underserved areas of the District, including two east of the Anacostia River. As a pioneer of the neighborhood-based legal services model, we strive to be an integral part of the communities we serve. For over 58 years, NLSP has provided free civil legal services to low-income residents of the District. Our legal 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.

Access to Justice Initiative funds are instrumental in providing NLSP with resources to respond to the emerging needs of low-income residents of the District. Access to Justice Initiative funding makes the following work at NLSP possible:

**Brief Services Unit (BSU)**

NLSP's BSU attorneys provide prompt triaging of the client's legal issue(s), high quality advice and brief services, address emergency situations, and, if appropriate, refer clients to attorneys in specific practice areas for extended representation. This process is an integral part of NLSP's holistic approach to legal services.

**Economic Security Unit (ESU)**

NLSP's ESU attorneys zealously advocate for low-income D.C. residents facing economic insecurities resultant from the denial of public benefits, barriers to unemployment, violations of consumer rights, withholding of security deposits, and unaffordable or defaulted student loans.

Our ESU attorneys also assist veteran's with discharge upgrades to ensure some of our most vulnerable veterans (suffering from PTSD and other ailments) can qualify for veteran benefits including critical health care.

### **Housing Law Practice**

#### *Stabilizing Communities through Affordable Housing*

NLSP believes that every D.C. resident should have safe and affordable housing regardless of economic status. NLSP attorneys in partnership with Rising For Justice work to preserve affordable housing and eliminate barriers to tenants accessing affordable housing. With the Access to Justice Initiative funding, our attorneys represent tenants and tenant organizations in building-wide condition cases, illegal threats of eviction, illegal housing lockouts, illegal rent increases, housing discrimination, unlawful voucher terminations, and more. Additionally, "Know Your Rights" trainings are offered to tenants and we train other service providers that support our clients.

#### *Housing Cooperative Preservation Initiative*

As gentrification and displacement advance at breakneck speed across D.C., Limited-equity housing cooperatives without legal support are more likely to fall prey to unscrupulous developers and management companies or simply fail on their own. NLSP's attorneys provide Limited-equity housing cooperatives with the technical and legal assistance to thrive. We provide necessary legal assistance to allow the Limited-equity housing cooperatives to achieve safe buildings, good governance, and stable financial management.

#### *CLCPP (Eviction Prevention) – Eviction Diversion*

NLSP attorneys in partnership with five other legal service organizations have enhanced coordination and collaboration during the public health emergency. For example, the Landlord Tenant Legal Assistance Network (LTLAN) was launched, and a Coordinated Intake Referral System was established. The funds appropriated by the Council last year also supported legal service provider partnerships to ensure that low-income D.C. residents have necessary legal resources to meet their most immediate legal needs. Specifically, NLSP partnered with five other legal service organizations funded by the Civil Legal Counsel Projects Program (CLCPP), and recently launched an Eviction Diversion Pilot Project to prevent evictions by reaching tenants at risk of displacement as early as possible and connecting them with the supports and services they need to stabilize their housing situation. NLSP in partnership with the other legal service providers will work with tenant empowerment specialists to assess the needs of the tenant and quickly connect the tenant with the appropriate non-legal supports and legal service provider.

### **Family Law Practice**

With the Access to Justice Initiative funds, NLSP's Family Law Practice has assisted low-income D.C. residents with legal services in contentious child custody, child support, and domestic violence cases. Additionally, our attorneys zealously advocate for protecting, preserving, and stabilizing families.

In addition, our attorneys promote racial equity by listening to community needs, amplifying our client's voices in Courts and administrative forums, strengthening the network of service

providers for underserved and marginalized residents, and challenge systems that contribute to racial injustices and the cycle of poverty.

Due to the public health emergency, we anticipate seeing an emergence in civil legal assistance. In June 2020, the Legal Services Corporation conducted a survey studying the COVID-19 pandemic's effects on legal aid organizations and low-income Americans seeking legal help. The data was collected from June 15-23 from 129 legal services organizations that receive funding from LSC. The survey found that the need for civil legal aid is immense and that the vast majority (97%) of LSC grantees anticipate a sharp increase in legal needs arising from COVID-19 in the areas of eviction, foreclosures, unemployment assistance and appeals, consumer debt and income maintenance.<sup>1</sup>

The pandemic unequivocally has caused low-income residents to experience displacement, economic insecurities, unemployment, serious medical conditions, familial abuse, and stress at a disproportionately rate. A 2020 survey revealed that low-income families with a household income of \$34,999 or less have disproportionately been impacted by the pandemic and struggle to meet basic needs.<sup>2</sup> The impact of the pandemic and its attendant economic crisis has repercussions for all NLSP's practice areas. To date, our Economic Security Unit has already seen an increase in the need for services in the areas of unemployment, barriers to unemployment, and public benefits. Our Family Law Practice has seen an increase in contentious child custody, child support and domestic violence cases. Our Housing Practice has seen an increase in the illegal lock-out of tenants who have fallen behind in their rent due to job loss in the pandemic.

To continue providing low-income D.C. residents with superior legal services, pathways to justice, and find innovative solutions to combat poverty, racial, economic, and institutional discrimination, we ask for the Council's continued financial support.

We thank Mayor Muriel Bowser, the Judiciary Committee, and the members of the District of Columbia Council your continued commitment and investment in the Access to Justice Initiatives. We ask the Council to provide this funding to ensure we are equipped to meet the unmet needs of low-income D.C. families in the upcoming year.

Sincerely,

*Karen Newton Cole*

Karen A. Newton Cole  
Executive Director

---

<sup>1</sup> Legal Services Corporation. (2020, July 24). *LSC survey finds major impact of COVID-19 pandemic on legal aid* [Press release]. <https://www.lsc.gov/press-release/lsc-survey-finds-major-impact-covid-19-pandemic-legal-aid>.

<sup>2</sup> Human Rights Watch analysis of U.S. Census Bureau, 2020 Household Pulse Survey [Press release]. <https://www.hrw.org/news/2021/03/02/united-states-pandemic-impact-people-poverty#>

March 25, 2022

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

Re: Access to Justice Initiative

To Whom It May Concern:

Quality Trust for Individuals with Disabilities (QT) is a nonprofit organization that has been advancing the interests of DC residents with developmental disabilities since 2001. Since our founding, QT has supported thousands of people with disabilities through our legal, lay advocacy, and monitoring programs. QT monitors the quality of services provided to individuals with disabilities and advocates for changes and improvements that enable people to live full, healthy, and meaningful lives. Our work is deeply rooted in promoting rights protection and advancing decision-making supports that maximize people's self-determination.

Access to Justice Initiative funds have played a *critical* role in the success of QT's Jenny Hatch Justice Project ([www.JennyHatchJusticeProject.org](http://www.JennyHatchJusticeProject.org)). JHJP focuses on protecting and advancing people with disabilities' "Right to Make Choices" - the basic right that all people have to direct their own lives to the greatest extent possible. Research has repeatedly shown that, when people with disabilities have control over their own lives, they have better life outcomes, including improved health and safety.

Thanks to the Access to Justice Initiative funding, JHJP provides legal representation, advocacy, and education to low-income DC residents who are in or are 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. We design and implement practical tools to support clients' decision-making rights; help clients access alternatives to guardianship, such as Supported Decision-Making Agreements, Powers of Attorney, Advance Directives, Advance Instructions, and other options; and go to court to prevent, limit, or end overly restrictive guardianships.

Supported Decision-Making Agreements refer to an arrangement in which the person with a disability can make their own decisions with the support they choose and want. They can get help by using friends, family members, professionals, and other people they trust to help understand the issues and choices, ask questions, receive explanations in language they understand, and then communicate those decisions to others. It is the person with a disability – not his or her supporter – that makes the final decision when they are using Supported Decision-Making.

The COVID-19 pandemic motivated many DC residents with developmental disabilities to have difficult conversations with their loved ones about how they want to be cared for and treated in an emergency and at their end of their life. This has resulted in a surge of clients requesting QT assistance with advance planning documents, such as an advance directive (also known as a living will, which specifies the type of end of life care and treatment a person would like to receive if they are unable to express their wishes) and a medical durable power of attorney (which allows an

individual to appoint someone to make medical decisions for them, if in the future they become incapacitated and cannot make those decisions themselves).

QT also actively monitors the ways in which the COVID-19 pandemic affects DC residents with developmental disabilities and advocates for change where needed. We know that this population has been disproportionately and negatively impacted during these challenging times. For example, hospitals have implemented discriminatory visitor bans that failed to accommodate patients who needed in-person supporters due to their disability. Federal law requires that hospitals allow individuals with disabilities to have an in-person supporter while receiving medical care. For example, 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.

Furthermore, the Britney Spears conservatorship trial in 2021 resulted in additional community interest in alternatives to guardianship, along with increased demand for our services. Ms. Spears shined a national spotlight on the problems that can arise out of guardianship and conservatorship systems. We now often receive calls from DC families expressing a deep-seated fear that their adult child may end up in a guardianship “like Britney” with their decision-making rights and autonomy stripped from them. These families are contacting QT to learn more about how their adult child can experience independence and self-determination through alternatives to guardianship, like Supported Decision-Making.

Thanks to the support of the Access to Justice Initiative, QT has been able to advance the rights of people with developmental disabilities to ensure that they are accommodated, their medical needs are met, and they can access the decision-making supports they need and want. Nevertheless, there is still a significant need for these services in the community. Increasing Access to Justice funding will help us promptly address the growing legal services QT provides.

We are incredibly grateful to the Mayor and City Council for their investments in the Access to Justice Initiatives. The ATJ funding enables QT staff to continue our mission of providing legal representation, advocacy, and education to low-income DC residents who are in or at risk of undue or overbroad adult guardianship. We join the Access to Justice Commission in requesting that the Council increase this funding in order to ensure that DC legal services organizations can expand their services in areas of growing need and help DC residents receive help more quickly. Increased ATJ funding will expand QT services to protect more DC residents with disabilities against discrimination and protect their rights to self-determination and independence.

Thank you for your consideration on this request.

Respectfully submitted,



Sam Crane  
Legal Director  
Quality Trust for Individuals with Disabilities  
[scrane@dcqualitytrust.org](mailto:scrane@dcqualitytrust.org)  
(202) 459-4004

## Executive Director

Grace M. Lopes

## Board of Directors

**Helen Dooley, President**  
Tandem Sports + Entertainment

**Curtis Lu, Vice President**  
FTI Consulting

**Heather Pinckney, Secretary**  
Harden & Pinckney, PLLC

**Brian Stekloff, Treasurer**  
Wilkinson Stekloff

**Theodore A. Howard**  
Wiley Rein LLP

**Jonathan S. Jeffress**  
KaiserDillon PLLC

**Phyllis A. Jones**  
Covington & Burling LLP

**Darrell G. Mottley**  
Banner Witcoff

**Margarita K. O'Donnell**  
Zuckerman Spaeder LLP

**Barry Pollack**  
Robbins, Russell, Englert, Orseck,  
& Untereiner LLP

**Donald J. Ridings, Jr.**  
Covington & Burling LLP

**Donald P. Salzman**  
Skadden, Arps, Slate, Meaghan &  
Flom LLP

**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. This funding has made a tremendous difference in the lives of our clients. For the reasons outlined below, I urge the Council to increase Access to Justice funding consistent with the 31 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. We operate a clinical teaching program for law students from local law schools and serve as a field placement for graduate students who are enrolled in advanced social work degree programs. Our mission is to leverage the collective forces of law students, social work students and experienced advocates to achieve justice for all. As a direct result of the funding we receive through the Access to Justice grant program, we have been able to more effectively implement our mission by expanding the services we offer to the community.

Access to Justice funding enables us to provide direct legal representation and social work support to thousands of D.C. residents annually who cannot afford counsel and train 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 and anti-stalking 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. This work is funded, in large part, by Access to Justice grants. Moreover, many of our attorneys are only able to perform this important work because they participate in the Loan Repayment Assistance Program – a key part of Access to Justice funding.

Our clients are among the most vulnerable to the financial hardship and trauma that the pandemic has inflicted on our community. In addition to our expungement and record sealing program, which empowers our clients with criminal records to pursue employment, educational and other opportunities, Access to Justice funding has enabled us to help District residents successfully challenge illegal conduct on the part of landlords and others that threatens their housing and family stability. For example, we recently represented a client who lived in the family home for 15 years. A dispute between our client and an out-of-town family member led to the Superior Court issuing a temporary protective order (“TPO”) that resulted in leaving our client homeless. At this point we intervened, challenging the issuance of the TPO, which in effect constituted an illegal eviction, on jurisdictional grounds. We ultimately prevailed on a motion to dismiss, restoring our client’s access to the family home and ending his experience with homelessness. In another recent case, after our client complained to her landlord about being overcharged for utilities, the landlord sent her a letter terminating her lease. The landlord also harassed our client by entering her apartment at odd hours and going through her mail. The administrative agency responsible for issuance of our client’s housing voucher supported the landlord and told our client that it would stop payments on her voucher and that she would have to move. At that point, the client contacted us. Through our intervention, the administrative agency changed its position, the landlord’s harassment ceased, and our client was able to remain with her family in her home.

The increase in funding that the Access to Justice Commission has requested will not only ensure we continue this critically needed work as we confront the extraordinary challenges imposed by the pandemic, but it will further promote the innovative approach

that we expect to undertake through the Eviction Diversion Pilot Project – a pivotal initiative intended to prevent evictions by reaching tenants at risk of displacement as early as possible and connecting them with the services they need to stabilize their housing situation in a sustainable way. By expanding our outreach capacity through partnerships with community-based organizations with deep roots in our tenant community, and by providing much more intensive legal and social work support to our clients, we expect to maximize the effectiveness of our efforts to dismantle the barriers that have prevented our clients from enjoying housing stability

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 supports and services they will need to participate fully in the District’s recovery from the unprecedented challenges they have experienced because of the pandemic.



# 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  
Sarah Comeau  
Director of Programs & 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 Sarah Comeau, and I am the Director of Programs & 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 SJP 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.

SJP seeks to curtail the dual crises of mass incarceration and education inequity through ensuring that young people can access education. Through the enforcement of the special education rights of young people, we aim to promote community alternatives to incarceration and increase education levels and sustained employment opportunities. SJP achieves its mission through three main strategies (each discussed in turn). Through direct representation, SJP provides special education attorneys to court-involved young people with disabilities. Through individual representation, SJP attorneys work with their clients to achieve their education goals

while also identifying larger systemic issues. Through our systemic advocacy and policy program, SJP guides local legislation and advocates (formally and informally) for policy changes that improve education and access to education for court-involved young people with disabilities. We lead coalitions, sit on local working groups and governmental task forces, and conduct strategic budget and legislative advocacy. Through Community Outreach and Legal Training, we conduct trainings for defense attorneys who represent court-involved young people as well as judges, social workers, and other stakeholders.

Since founding SJP, we have served over 100 clients individually and effectuated systems reforms that effect 1,000s of young people involved in DC's juvenile and adult criminal legal systems. 100% of our clients are young people of color (97% are Black and 3% are Latinx). We have brought four systemic cases (including one federal class action) that resulted in changes in law and policy regarding education access for court-involved students during periods of incarceration. We are currently a team of six attorneys and we just opened a new staff attorney position. This would not be possible without the critical role that the Access to Justice Initiative funds have played in allowing us to serve District residents. Because of these funds, we are able to continue growing and hiring additional staff attorneys dedicated to serving the District's court-involved young people with disabilities. Over the years, we have doubled the number of attorneys on staff to implement our programming and provide direct representation.

Education disruption throughout the COVID-19 pandemic particularly affected young people incarcerated in DC's juvenile and adult detention facilities. For example, these young people lost months of schooling throughout the duration of the pandemic. They lost months of tailored special education and related services such as behavioral supports or therapies. While young people in the community could access laptops and are now in school, students in facilities

were handed tablets with preloaded content that barely worked and are still not back in school full time. With access to special education attorneys, we can ensure that these young people receive services and supports to make up for the deprivation throughout the past two years. We also know that education attorney can play a pivotal role increasing access to critical, civil, special education legal services. Given the systemic deprivation of education throughout the past two years of the pandemic, we are anticipating an increase in need for special education attorneys, especially for those young people incarcerated in DC's local jails. While young people in DC's juvenile system have access to court appointed attorneys, the same is not true for young people in DC's adult criminal legal system. An increase in the Access to Justice Initiative funds would work to ensure that all young people can access education attorneys. If we were to receive additional funding from the Access to Justice Initiative we would be able to serve more young people with disabilities.

The Access to Justice Initiative plays a critical role in building a more equitable community. Not only are these funds critical to ensuring that young people can access legal representation in special education matters, they open ensure that myriad critical, civil, legal needs are met throughout the District. This Council is aware of the inequities within our City, it is imperative that we invest in legal services through the Access to Justice Initiative to prioritize the needs of District residents.



# TZEDEK DC

Legal Help for People in Debt

## Board of Directors

Irvin Nathan, *Chair*  
Courtney Weiner, *Vice Chair*  
A. Robert Bloom, *Treasurer*  
Rahsaan Bernard, *Member*  
Rachel Kronowitz, *Member*  
Willard Tom, *Member*  
Peter Edelman, *Honorary Director*  
Paul Berger, *Honorary Director*  
Ariel Levinson-Waldman, *Founding  
President & Director-Counsel*  
Ronald Glancz, z"l, *Permanent Member*

## Advisory Council

Anthony Alexis  
Roy Austin, Jr.  
Nicole Austin-Hillery  
Claude Bailey  
Allyson Baker  
Michael Baratz  
Vivian Bass  
Mathew Bruckner  
Jonathan Cedarbaum  
Barry Coburn  
Stephen Danzansky  
Daniel Edelman  
Andrew Eskin  
Vicki Fishman  
Marc Fleischaker  
John Freedman  
Sally Greenberg  
Andrew Herman  
Mark Kahan  
June Kress  
Karen Ann Lash  
Richard Lawch  
Joshua Levy  
Susan Liss  
Stephen Marcus  
Lorelie Masters  
Carol Mates  
Christopher McCannell  
Dan Neustadt  
Michael Nilsson  
Kathryn Oberly  
Ellen Oberwetter  
BB Otero  
Thorn Pozen  
Harvey Reiter  
Thomas Riesenberg  
Seth Rosenthal  
Robert Rozen  
James Sandman  
Nina Simon  
John Sturc  
Kenneth Trombly  
Rebecca Vallas  
Roger Zuckerman

March 30, 2022

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

## Re: Access to Justice Initiative Funding

Dear Chairman Allen and Committee Members,

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 racial justice 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 81 times those of typical African American families, with similarly distressing gaps for DC's Latino community. 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 2023.

These ATJ initiative funds play a critical role in allowing Tzedek DC to serve this mission. With grant support from the DC Bar Foundation, 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 often teetering on the brink. The Access to Justice initiative funds two, critical Tzedek DC projects: 1) the Debt-Related Legal

Services project, and 2) the Disabilities Community Project. Through these projects, 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, and additionally. Tzedek DC has directly aided over 2,500 residents since 2017, in large part through the support of ATJ programs. Our recent clients include:

*Ms. Silver is a 36-year-old African American resident of Ward 7. As a single mother of three, Ms. Silver works hard to provide for her children. Thankfully, Ms. Silver received a job offer from a government contractor for a position in which she would be making significantly more money. However, that offer was contingent on her passing a background check, and during her background check, an alleged debt to a prior landlord was flagged for review. Ms. Silver reached out to Tzedek DC to help her sort things out. After reviewing the credit report that had been generated for her background check, Tzedek DC determined that the credit report was falsely listing a monetary judgment that had never been awarded to that prior landlord. Ms. Silver retained Tzedek DC to help her dispute the credit report under the Fair Credit Reporting Act. Although the FCRA dispute has not yet been resolved, Ms. Silver informed Tzedek DC that she had passed her background check and would be starting her new job. Ms. Silver thanked Tzedek DC dearly for its time and for working with her, saying she really appreciates how Tzedek DC is “available for low-income people, especially the ones who wants to change their circumstances.”*

*Mr. Whittaker is an African American Ward 8 resident whose only income is Social Security Disability Insurance. Because it was all he could afford, Mr. Whittaker received silicon injections through unofficial sources to assist with his transition as a transgender person. The silicon caused issues and had to be removed, requiring surgery. During his recovery, Mr. Whittaker began to receive bills for the surgery, even though he was informed that it would be fully covered by Medicare and Medicaid. The bill was sent to collections and appeared on his credit report. His Tzedek DC attorney advocated to the doctor office reminding the office that as a Medicare beneficiary Mr. Whittaker could not legally be held responsible, and the bill for over \$35,000 was dropped. Tzedek DC also worked with Mr. Whittaker to ensure that this previous medical debt claim is no longer reflected on his credit reports.*

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 disability community. The pandemic has impacted every aspect of life for DC residents with lower incomes. Thankfully, due to protections passed by the DC Council, for most debt collection and calls from collectors has not been an added stressor during this time. However, when the temporary, emergency protections end, debt collection will increase as a difficulty for residents. There will be a flood of cases when the dam of COVID-19 protections bursts (currently anticipated on April 15, 2022); debt collection companies may file at least a thousand 1000+ cases per month in the DC Courts against residents and also to debt collect outside the courts, causing ongoing harms to residents' credit reports. 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, especially in the pandemic, is the need of specialized representation for disabled individuals dealing with debt. The disability 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 DC organizations (and very few nationally to our knowledge) allocate staff or resources specifically dedicated to representing residents with disabilities facing debt-related problems. Similarly, the Disabilities Community Project 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.

Continued and increased funds will allow Tzedek DC through these projects, and also in partnership with allied providers, 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 for DC residents and their pathways to future economic stability, a key indicator of overall health and quality of life.

Sincerely,



Ariel Levinson-Waldman  
*Founding President & Director-Counsel, Tzedek DC*

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

March 1, 2022

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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

---

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

<sup>2</sup> 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-briefhistory/>.

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 likely to be subject to discipline.<sup>1</sup> 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.<sup>23</sup> 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.<sup>6</sup>

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

---

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

<sup>5</sup> Taking Stock of the District's Housing Stock, D.C. Policy Center, [https://www.dcpolicycenter.org/wpcontent/uploads/2018/03/DC-Policy-Center-Housing-Report.final\\_March25.pdf](https://www.dcpolicycenter.org/wpcontent/uploads/2018/03/DC-Policy-Center-Housing-Report.final_March25.pdf).

<sup>6</sup> 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

<sup>7</sup>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>

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.<sup>1</sup>

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 aspires to be that provides opportunity to all.

Respectfully Submitted:



Jonathan M. Smith  
Executive Director