**Public Hearing on Mayor Gray’s Fiscal Year 2013 Budget Request**

**Before the Council of the District of Columbia**

**Committee on Public Safety and the Judiciary**

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

**April 20, 2012**

Good afternoon Chairman Mendelson and members of the Committee on Public Safety and the Judiciary. I am Judge Lee Satterfield, Chief Judge of the Superior Court for the District of Columbia, and I am providing this statement on behalf of myself and Judge Eric Washington, Chief Judge of the Court of Appeals of the District of Columbia. I am joined by Peter Edelman, Chair of the District of Columbia Access to Justice Commission and Professor at Georgetown Law Center, and Darrell Mottley, President of the District of Columbia Bar.

I am pleased once again to join the leaders of the Commission, the Bar, the District of Columbia Bar Foundation, and the legal services community to support the Commission’s funding request for civil legal services. As Chief Judges of the District of Columbia Courts, Judge Washington and I are uniquely situated to witness the critical impact of the Access to Justice Program on the lives of the thousands of indigent District residents that seek justice in our Courts each year and on the administration of justice more generally. These funds are making a pivotal difference in the ability of our city’s most vulnerable residents to effectively seek redress in our tribunals. They are also contributing significantly to the Courts’ ability to ensure that all individuals, regardless of economic circumstance, have an equal opportunity to have their grievances fairly addressed.

Like Chief Judges across the nation, we are deeply concerned about the number of unrepresented litigants – many struggling with mental illness, physical disabilities, histories of trauma, and language access challenges – who appear before our Courts without the assistance of counsel. As judges, we keenly understand what is at stake for these litigants, and how greatly they struggle to advocate for themselves, particularly in cases where the law is complex and the stakes are stunningly high. We are also uniquely situated to witness how drastically the recession has harmed communities living in poverty in the District. As the poor sink even deeper into poverty, and as once middle-class residents slide into deep financial hardship and find themselves living at the margins of economic viability, they increasingly find themselves in our Courts and Resource Centers in jeopardy of eviction or foreclosure, buffeted by debt collection actions, seeking to stave off bankruptcy, trying to keep their families from legal disaster. Many of these people are trying to navigate our Courts for the first time; others are re-

treading a well-worn path as they try to secure their most basic human needs.

As Chief Judges we are strongly committed to maximizing the resources available for legal services. It is for this reason that we appear before this Committee each year to support the Access to Justice Program. It also led us to launch the inaugural Capital Pro Bono Honor Roll this year to celebrate the vital pro bono contributions of private and federal government attorneys and to encourage even greater pro bono service.

We are also deeply committed to making the courts as user-friendly as possible for pro se litigants and have worked intently to remove barriers to self-representation. Earlier this year, the Court revised its Code of Judicial Conduct to underscore the ethical obligation of judges to ensure that pro se litigants are fairly heard, and to clarify the steps that judges can take to accommodate a pro se litigant without running afoul of their obligation to be fair and impartial. The Court also worked with the legal services community to launch a new attorney-of-the day project in child support cases. Modeled on the highly successful landlord-tenant project, this initiative provides same day representation to child support respondents. The Court also continues to work in close collaboration with the Commission and legal services community to identify barriers and address them.

However, we all know that even the most comprehensive reforms will not put self-represented litigants on the same footing as those assisted by counsel. Many of the areas of law most germane to indigent litigants are complex. Even the most sophisticated litigants struggle to understand complicated statutory schemes, effectively assert esoteric defenses, and present their cases in the most compelling terms. For the high percentage of litigants managing other challenges, such as mental illness, low literacy, and histories of domestic violence, this task can seem – and effectively be – insurmountable. For these litigants, counsel is indispensable

As judges we strive unwaveringly to reach a just result in every case. But it is immeasurably harder to do that when the facts are not fully presented and the legal issues are not competently aired. For us and for our colleagues on the bench, there is little more distressing than having to adjudicate a case where the litigant is simply not able to fully present all of the relevant facts and arguments. Our Courts are inundated now as much as ever with litigants facing the worst legal crises of their lives. We see the toll it takes on individuals and families. We see how greatly the legal services network is struggling to meet the need, triaging out all but the most urgent matters. And we know that but for these funds, thousands more vulnerable District residents would be navigating our tribunals alone.

While as judges we are focused intensively on the individual matters that come before us, as Chief Judges we are also charged with enhancing the administration of justice more generally. The participation of counsel does far more than improve outcomes in individual cases. Cases are presented more efficiently and effectively by represented parties, reducing litigant wait times and freeing up judicial resources. 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. The presence of attorneys

also greatly enhances confidence in the judicial system generally. Represented individuals are far more likely to feel that they have had the opportunity to be fully and fairly heard by the Court. Public confidence in our civil justice system is inextricably tied to whether all litigants – regardless of income – feel they have had a true opportunity to present their case and have been treated fairly by the tribunal.

The lynchpin of our justice system is the ability of the Courts to treat each supplicant equally. The Courts are committed to meeting this standard but know we cannot do it alone. It is vital to have skilled and dedicated attorneys committed full time to protecting the rights of our most at-risk residents. We are mindful of the challenges faced by the Council in formulating the FY 2013 budget and deeply appreciate this Committee’s strong and steadfast support of the Access to Justice Program. Thank you for allowing me to address this important issue.