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

**Access to Justice**

**Before the**

**Council of the District of Columbia**

**Committee of the Judiciary**

Testimony of Darrell G. Mottley, President

District of Columbia Bar

April 20, 2012

Good afternoon Chairman Mendelson and members of the Committee. My name is Darrell G. Mottley, and I am a shareholder in the Washington, D.C. office of the Banner and Witcoff, Ltd. law firm. I am testifying before you today in my capacity as President of the District of Columbia Bar.

On behalf of the District of Columbia Bar, its leadership, and members, I would like to express our gratitude to Mayor Gray for including $3.25 million in the proposed FY 2013 budget for the Access to Justice Initiative. We thank you, Chairman Mendelson, the members of this Committee, and the Council as a whole, for your continued support of the program, and for recognizing the difference that this funding will make for District residents, especially those in the most impoverished neighborhoods and communities.

As you know, the sharp increase in the need for legal services among low-income residents has not diminished. These funds are still critical to the District residents who continue to face legal crises. The resources and assistance available to them are becoming more and more limited, and the gap between available services and the need of District residents has grown worse with the recession. Even with the private bar’s efforts and with the current levels of public funding for access to justice, the times continue to be tough for those most in need of our help. The recession resulted in a significant decrease in the public and private resources available to fund civil legal services. And, civil legal services providers are struggling to meet rising need with diminished resources while requests for assistance remain elevated. Foreclosures are climbing still, as are mortgage defaults -- and employment rates, particularly in the poorest parts of our city, have not rebounded.

We understand that the District continues to face significant funding strains and that the Council must make very difficult choices. But, the Access to Justice appropriation is essential to the District’s justice system, saves the District money that would be spent for other social services (such as when one of our neighbors, with the aid of a lawyer, avoids homelessness) and leverages private resources to provide much-needed services to District residents. Legal services are of tremendous importance in averting legal crises for the city’s most vulnerable residents. And, this funding will allow private sector lawyers to address these problems by doing *pro bono* work.

The ability of the legal services providers to meet even the most urgent client needs continues to be undermined by funding strains.  For example, IOLTA (Interest on Lawyers Trust Accounts) income, which has traditionally been the greatest source of non-public revenue for legal services, has decreased by more than 80 percent since 2008. Just this drop alone has cost the network over $1,000,000 in lost resources.  Because of these severe funding challenges, the thinly-stretched legal services providers are forced repeatedly to turn away those for whom the consequences of not having counsel could be dire.  This includes countless low-income litigants struggling with mental illnesses, physical disabilities, histories of family violence, and language access barriers. The District’s financial support is crucial to help these residents with urgent, and often fully resolvable, legal issues.

Your full support means that thousands of District residents will have a lawyer for a case in the Superior Court or before an administrative body. They will be able to receive advice, counsel and other assistance. That means: keeping families in their homes, helping children with access to health care and education, helping domestic violence victims and their children escape dangerous homes, and protecting the elderly against predatory lenders.

The D.C. Bar is the second largest unified bar in the country, and half of our 97,000 members live and work in the D.C. metropolitan area. Our Bar recognizes its obligation to ensure that everyone has meaningful access to justice. The Bar’s commitment to *pro bono* legal services is unsurpassed. The District’s law firms and lawyers have sustained their *pro bono* commitments during these difficult economic times. They continue to give tireless hours of *pro bono* legal services and millions of dollars to legal services annually. As a result, *pro bono* lawyers are an integral component of the delivery of civil legal services in the District – but they cannot do it alone.

The private bar can only be effective if there is a strong core of full-time civil legal services providers who can identify our neighbors who need pro bono assistance, make the links between the clients and the *pro bono* lawyers, and provide training and mentoring to volunteers. Because of this critical partnership, any reduction in the number of staff attorneys working for civil legal services providers will in turn result in an additional loss of *pro bono* legal services to the communities in need.

The D.C. Bar is committed to equal justice. Our Pro Bono Program works to mobilize lawyers to provide legal advice and representation. Our Program offers volunteer opportunities through the Advice and Referral Clinic, the Advocacy & Justice Clinic, four resource centers at D.C. Superior Court, which support pro se litigants, and the Community Economic Development Project. Our Pro Bono Program is experiencing the increased demand for civil legal services firsthand.

Over the many years that I have practiced in D.C., I have made a personal commitment to engage myself in as much *pro bono* work as I can. But, I couldn’t do the *pro bono* work I have done, without the support, triage, training and mentoring that civil legal services providers bring to the system. Your legal community is working diligently to address the challenge of a 20% increase in the need for civil legal services, but we cannot do it alone and we cannot do it without the partnership of a strong legal services provider network, and the financial support of government to preserve this core component of the social safety net.

I can assure you that the leadership and staff of the D.C. Bar have redoubled our efforts to get law firms and individual lawyers to provide financial support for the legal services providers as well as maintain and expand their *pro bono* commitments. *Pro bono* multiplies the effect of District funding. Strong and effective providers make *pro bono* possible and thus leverage District resources to serve many more clients. But the legal services community, funded by the access to justice resources provided by the Council, are the central component.

It is clear that Mayor Gray recognizes the District government’s shared obligation to provide access to equal justice for the citizens of the District of Columbia, along with the private Bar, based on the FY 2013 proposed funding of $3.25 million. Chairman Mendelson, we urge you, the Committee, and the Council also to continue your commitment to helping the communities in our city living in poverty, especially during these challenging economic times. We understand the District’s own financial difficulties; therefore we thank you again for your help last fiscal year. Please be assured that your support of our community’s legal services programs will not only protect vulnerable citizens and ensure equal access to justice, but as you know, it will also play a critical role in the District’s recovery.

We commend the District of Columbia’s commitment to helping communities throughout the city and providing access to civil justice. Unfortunately, the economic downturn continues to challenge District residents living in poverty and the legal services agencies that serve them.  Therefore, we ask you to continue your support.

The D.C. Bar offers its full support for the Access to Justice Commission’s request to fully fund the access to justice program at the level proposed by the Mayor for FY 2013 and we urge you to do the same. Thank you.