**Public Hearing on Mayor Gray’s Fiscal Year 2012 Budget Request**

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

**Committee on Public Safety and the Judiciary**

**Testimony of Katherine L. Garrett**

**District of Columbia Bar Foundation**

April 20, 2012

Good afternoon Chairman Mendelson and members of the Committee. My name is Katia Garrett, and I am the Executive Director of the D.C. Bar Foundation. The Bar Foundation is the largest private funder of civil legal services for the District, and administers the District’s Access to Justice funds, awarding grants competitively to non-profit legal services organizations, and loans to help qualified DC-resident poverty lawyers repay their educational debt. I am honored to testify today along with a client of the Legal Aid Society, leaders of the Bar, the Access to Justice Commission, and the Chief Judges of our courts. The panels truly reflect the access to justice network in our city: individuals who have the courage to seek assistance and lift their voices for justice; lawyers who devote their careers to justice; volunteers and law firms that give generously of time and resources to support the most vulnerable; leaders who work to identify and address inequities in our community; and officials who are committed to a justice system that truly works for all. The Bar Foundation funds this network, and the Council’s Access to Justice Program is a critical piece of this effort.

Since 1977, the DC Bar Foundation has been the largest private funder of non-profit civil legal services in the District. DCBF effectively and professionally stewards both private and public funds, including the roughly $3 million annual Access to Justice grant from the District, to award grants that support and strengthen the provision of legal services to the city's most vulnerable residents. DCBF runs two competitive grant programs for legal services organizations, and has a 35+ year track record of integrity, transparency, and intelligence in grantmaking. DCBF staff are deeply familiar with the network of legal services in the city, so grants are made to secure the strongest and most sustainable impact. DCBF maintains a robust program of site visits, meetings, and evaluation, of its grantees, and amplifies its grants with training and technical assistance, further strengthening capacity of the legal services provider network. We are pleased, this fiscal year, to work with the Deputy Mayor for Public Safety and Justice, and his Justice Grants Administration and Office of Victim Services in administering the Access to Justice Initiative.

 In March, the Bar Foundation Board approved a total of 17 Access to Justice grants. A list of the awards is attached. Many of the programs funded are now funded for their sixth year. These programs have, overall, gained important footholds in the community. Neighborhoods that once had little to no access to legal assistance are now able to seek legal help at offices located in or near transportation hubs or other services. Programs have built relationships in the community at large, and many have leveraged other funding to allow them to grow and expand their services. Legal services organizations are refining innovative service models to maximize their reach, or to reliably reach hard-to-serve populations. Examples include:

● The shared legal interpreter bank, which enables clients and witnesses who have limited English proficiency or who are deaf to communicate with attorneys.

● Two court-based projects, through which lawyers from two different providers provide an “attorney of the day”, ensuring representation in landlord tenant and child support matters at critical junctures in cases.

● Neighborhood-based projects that place attorneys in small local offices east of the Anacostia River and in our most vulnerable neighborhoods, where unemployment and need are the highest but, until these grants, few service providers were located.

● Specialized projects that target hard-to-reach populations, such as Project HELP, through which an attorney makes house calls to homebound elders to help them with urgent legal problems; the Health Access Project, which links attorneys in National Children’s Medical Center clinics to take referrals directly from doctors and help families fix the non-medical barriers to their children’s health; and the School Discipline Project, that provides a lawyer to public school children facing suspension or expulsion.

Many of the lawyers working on these projects, or alongside their publicly funded colleagues are able to afford to work in public interest only because they benefit from the educational loan repayment awards they receive through the District’s Poverty Lawyer LRAP (Loan Repayment Assistance Program).

 From the Bar Foundation’s unique vantage point within the community, I can report that the investment the Access to Justice Initiative is making in the District was the catalyst for expansion of and innovation in the legal services network. And because of profound changes in the economy, it remains, overall, the central source of support for the expanded network. Before the ATJ Initiative began, funds from the Interest on Lawyers Trust Accounts (known as IOLTA) were the largest stream of funding for the legal services network. With interest rates at near zero for over two years, however, IOLTA revenue in DC has tumbled to roughly half a million dollars annually, down from a high of over $2 million. The private sector has stepped up to help try to make up the difference, and the Bar Foundation’s private support continues to grow. Yet these increases in private contributions simply can’t keep pace with the need.

The need for legal services expands, rather than contract, during times of economic hardship. Just one concrete example of this is in the number of DC residents seeking emergency help for domestic violence through our city’s intake centers. Until 2009, the number of people seeking this kind of help in DC was growing on average 6 – 7% a year. In 2010, there was a 24% increase in the number of people seeking help, and the number has increased by 12% per year since. Yet the number of providers handling domestic violence cases in the city has not grown.

Similarly, we have seen explosive growth in the need that poverty lawyers have for help with their educational debt. While the funds appropriated by the District have been sufficient to meet the need for LRAP awards under the DC-LRAP program, the same is not true for the parallel program run by the Bar Foundation. The DCBF program reaches the same pool of poverty lawyers working in DC, but also sweeps in those who live outside the District. Historically, roughly two-thirds of the LRAP participants have lived in the District and participated in the DC LRAP program. As living costs increase sharply in the District and public interest salaries remain fairly flat, more poverty lawyers applying for LRAP awards are living in either Maryland or Virginia. This year, nearly half the LRAP participants (carrying over half the eligible debt) live outside the District. DCBF has aggressively grown contributions to the LRAP program – with the result that contributions to the program have more than doubled. Demand skyrocketed, however, outstripping the resources available.[[1]](#footnote-1)

The Council amended the LRAP Act last year to allow greater flexibility in the program to accommodate the economic realities of the public interest sector. Participants who lose eligibility because their job has been cut now are eligible for partial forgiveness of the LRAP award up through the last date of employment. In addition, recognizing that participants may lose eligibility for other reasons, yet not be in a position to repay their loans, DCBF is issuing awards quarterly rather than semi-annually. That minimizes the funds that are at risk if a participant falls out of eligibility for a reason other than a layoff.

When the Bar Foundation reviews grant application packages, it conducts a thorough review of the financial and programmatic picture at each organization. Overall, the Bar Foundation is seeing increased fragility in the legal services network, as organizations work harder to raise more funds from fewer sources in an effort to meet both rising costs and rising need in the client community. The Access to Justice grants have helped to keep lawyers in place, and have been used effectively by grantees to leverage other funding to support and grow the work being done. This could not happen without the Access to Justice funding.

The investment made by Access to Justice funds is not only essential to the network’s survival, it is a sound and positive one. Thousands of District residents are served each year by lawyers funded with Access to Justice subgrants. Funds awarded in FY10 served nearly 10,000 District residents, and have, in the first half of the FY11 grant year, supported legal services to roughly 5,600 residents. To translate these numbers into impact: nearly 900 of the people helped in the first half of FY11 were served through the Attorney of the Day project in Landlord-Tenant Court. This project has, according to a recent study, a success rate of nearly 100%. So for these 900 District residents, the Access to Justice funds mean that they were not forced to leave their homes, either because conditions in their homes were made livable again, or because disputes about rent and the right to stay were resolved. They remain in their communities, their children remain in their schools, and they are not forced into homelessness.

Grants made with Access to Justice funds intentionally have a broad impact on the community: they are used to build safe and secure families, to keep residents from being thrown into homelessness, to give residents a chance at returning to the community after incarceration, and to ensure that residents have access to benefits that will provide necessities such as food and medical care. At a time when difficult choices need to be made in funding, continued investment in Access to Justice provides a broad spectrum of services to the most vulnerable residents in every Ward in the city.

In short, the Access to Justice funds are at the core of a changed legal services landscape in the District. The programs they support, which serve underserved residents in every Ward in the city, remain uniquely needed and uniquely vulnerable as the economy seeks to right itself. The Bar Foundation greatly values the Council’s commitment to access to justice, and its leadership in this area. Thank you for the opportunity to testify today about this important initiative, and the continued need for the programs it funds. I look forward to answering any questions you may have.

1. The DCBF Board approved LRAP awards to fully cover the $195,160 in eligible debt presented by the 25 applicants for DC LRAP awards for Fiscal Year 2012. At the same time, DCBF had available less than $100,000 to meet the roughly $200,000 in eligible debt presented by 23 applicants for DCBF LRAP awards. While participants in the DC LRAP program received awards covering 100% of their eligible debt, awards to participants in the DCBF LRAP program covered between 66 – 69% of their eligible debt. [↑](#footnote-ref-1)