**Public Hearing on Mayor Fenty’s Fiscal Year 2011 Budget Gap-Closing Plan**

**Before the**

**Council of the District of Columbia Committee of the Whole**

Testimony of Ronald S. Flagg, President

District of Columbia Bar

November 30, 2010

Good morning Chairman Gray and members of the Council. My name is Ronald S. Flagg, and I am a partner in the Washington, D.C. office of the Sidley Austin 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, I urge you to fully fund the FY 2011 budget for Access to Justice grants at the level appropriated by the Council for FY 2011. These funds provide critical legal assistance to communities across the District that have been hit hardest by the recession. We recognize that the District is facing a severe budget shortfall and that the Council must make very difficult choices. However, the Access to Justice appropriation is essential to the District’s justice system, saves the District money and leverages private resources to provide much-needed services to District residents.

The Mayor has proposed cutting the appropriation from $3.279 million to $1.579 million dollars for fiscal year 2011. This cut of $1.7 million dollars from FY 2011 funding -- a more than 50 percent reduction -- means that thousands of District residents will not get a lawyer for a case in the Superior Court or before an administrative body and thousands of others will be denied advice, counsel and other assistance.

 The Mayor has also proposed to cut the Loan Repayment Assistance Program (LRAP). That program provides crucial assistance to legal services attorneys with crushing educational debt. It is an important tool for civil legal services providers to enable them to attract and retain highly qualified lawyers who otherwise would not be able to afford to work in a public service position. We urge the Council to fully restore the combined civil legal services funding for grants and the LRAP Program for FY 2011 to the $3.5 million level appropriated by the Council.

A disproportionate funding cut of the magnitude proposed by the Mayor would have a devastating impact on the ability of civil legal services providers to serve the District’s low-income residents -- to keep families in their homes, to help children access health care and education, to help domestic violence victims and their children escape dangerous homes, and to protect the elderly against predatory lenders. This funding cut will also impair the ability of private sector lawyers to address these problems by doing *pro bono* work.

The D.C. Bar is the second largest unified bar association in the country, and more than half of our 94,000 members live and work in the D.C. metropolitan area every day. Our Bar recognizes its obligation to strive to ensure that everyone has meaningful access to justice. One of the hallmarks of our Bar is our strong *pro bono* culture, and the District’s law firms and lawyers have sustained their *pro bono* commitments during these difficult economic times. For example, District of Columbia lawyers and law firms continue to give over a million 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.

*Pro bono* and charitable contributions, however, cannot do it alone. The District’s financial support is critical. The private bar can only provide effective assistance if there is a strong core of civil legal services providers who can identify our neighbors who need *pro bono* assistance, make the links between the clients and *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 less service by *pro bono* lawyers.

Even with the private bar’s efforts, and with the current levels of public funding for access to justice, there is a large gap between available services and need. That gap has grown worse with the recession. Requests for assistance have risen dramatically as the number of foreclosures and mortgage defaults have climbed and jobs have disappeared. The unemployment rate in Ward 8 is nearly 30%, and nearly 20% in Ward 7. At the same time, the recession has resulted in a significant decrease in the public and private contributions that fund civil legal services. At the start of the 2010 fiscal year, civil legal services organizations had lost 12 percent of their lawyers and nearly 40 percent of their non-legal staff. Civil legal services providers are struggling to meet rising need with shrinking resources, even before the Mayor’s proposed cut for FY 2011.

As part of the D.C. Bar’s commitment to equal justice, we have created the Pro Bono Program which strives to mobilize lawyers to become involved and offers volunteer opportunities including the Advice and Referral Clinic, the Advocacy & Justice Clinic, four resource centers at D.C. Superior Court, and the Community Economic Development Project. Our Pro Bono Program is experiencing the increased demand for civil legal services firsthand. Our Landlord Tenant Resource Center at Superior Court served 5,600 litigants last year, a marked increase over the previous year, and is on track to serve even more individuals this year. Our Advocacy & Justice Clinic placed 30% more cases this past year.

I have been an active volunteer with the Pro Bono Program for 17 years, taking custody and housing cases from the Advocacy & Justice Clinic and regularly serving at the Bar’s Landlord Tenant Resource Center, along with other Sidley lawyers. I know what a difference having counsel makes. For a low-income tenant in an eviction case, it can be the difference between preserving a home or being on the street.

I can also tell you that even as a seasoned lawyer who has practiced as long as I have, 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. With the D.C. Access to Justice Commission and eleven participating law firms, we have launched the SAILS Project – Senior Attorneys Initiative for Legal Services – to harness the vast experience of the many talented senior lawyers nearing retirement to infuse much-needed *pro bono* resources into civil legal services. *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 providers are the central component.

The access to justice funding has widespread support in the community. Last spring, when the Council first considered the FY 2011 budget, there was an outpouring of support for increased access to justice funding from dozens of community groups, the judiciary, members of the private bar, civil legal services providers, and voluntary bar associations. Those proponents underscored for the Council the impact of civil legal services on the lives of the District’s most vulnerable residents – helping families keep their homes, secure access to health care, and maintain income streams. The Bar and the District government share the obligation to provide access to equal justice for the citizens of the District of Columbia.

Chairman Gray, we urge you, Mayor Fenty, and the Council to continue your commitment to helping the communities in our city living in poverty, especially during these challenging economic times. We understand that the proposed cuts stem from the District’s own financial difficulties, but this is an investment that will pay dividends. Your support of our community’s legal services programs will not only protect vulnerable citizens and ensure equal access to justice, but it will also play a critical role in the District’s recovery.

The D.C. Bar offers its full support for the Access to Justice Commission’s request to fully fund the access to justice grants and the LRAP program at the level appropriated by the Council for fiscal year 2011.

DC1 1868811v.2