**Public Hearing on Mayor Gray’s Fiscal Year 2015 Budget Request for**

**The Access to Justice Program**

**Before the**

**Council of the District of Columbia**

**Committee on Public Safety and the Judiciary**

Testimony of Andrea Ferster, President

District of Columbia Bar

May 8, 2014

Good morning Chairman Wells and members of the Committee. My name is Andrea Ferster, and I am a lawyer in solo practice here in the District, which is where I live and also where I grew up. I am testifying before you today in my capacity as President of the District of Columbia Bar.

On behalf of the Bar, its leadership, and its members, I would like to express our gratitude to Mayor Gray for including $4.278 million in the proposed FY 2015 budget for the Access to Justice Program. We also thank you, Chairman Wells, the members of this Committee, and the Council as a whole, for your continued support of the program, which provides critical legal assistance for low-income District residents.

We testify today to request that the Council offer its full support and commit to protecting the most vulnerable residents of this city, by funding the program at the Mayor’s proposed FY 2015 budget amount of $4.278 million. This program makes a tremendous difference for District residents, especially for those in our most impoverished neighborhoods and communities. As has been done in past years, these funds would be provided to the D.C. Bar Foundation to administer the grant process for legal services providers and the related loan repayment assistance program for legal services lawyers. Moreover, the funding will increase the capacity of legal service providers to leverage more private sector lawyers to do *pro bono* work.

The D.C. Bar is the second largest mandatory bar in the country, and more than half of our over 100,000 members live and work in the D.C. metropolitan area. Meaningful access to justice for every D.C. resident is one of our core values as a Bar, and we are very proud of the strong commitment of our members in devoting thousands of hours of *pro bono* time to providing legal services for those in need. And, the Bar itself is one of the District’s largest legal services providers and facilitator of *pro bono* legal services through our nationally renowned Pro Bono Program, which is supported entirely by private contributions. Our members also provide hundreds of thousands of dollars in direct financial support for the legal services organizations that serve those in need. These private sector *pro bono* services and contributions multiply the effect of District funding.

The D.C. Bar Pro Bono Program works closely with a strong network of civil legal services organizations in the city. These organizations identify our neighbors who need *pro bono* assistance, facilitate the links between the clients and the *pro bono* lawyers, and provide staff for training and mentoring volunteer lawyers, thereby giving practical, day-to-day meaning to our commitment to access to justice. The D.C. Bar Pro Bono Program also mobilizes lawyers to assist vital, community-based nonprofit organizations, and small businesses operating in economically disadvantaged neighborhoods. We make good use of lawyers who can only be available for a few hours as well as those who are prepared to spend months and years on a *pro bono* matter. Our experienced, dedicated staff provides training, expert mentoring, and ongoing support to make volunteering as easy as possible and ensure that our clients receive high-quality legal representation. This remarkably successful *pro bono* model allows the Pro Bono Program’s small staff to serve 20,000 individuals per year.

However, these substantial *pro bono* and charitable contributions are not enough to close the access to justice gap in our city. In fact, this gap is widening. During the past several years, our Pro Bono Program has continued to experience sharp increases in demand for civil legal services at the same time that the resources and assistance available to District residents remain strained.

Our legal community is working hard to address the increased need. The partnership of a strong legal services provider network, the private bar, and the legal services funding appropriated by the Council are all critical components that keep our legal services provider network running.

The Access to Justice appropriation supports strong and effective providers of legal services, which in turn make *pro bono* possible. This funding leverages both private resources and District funding to provide more desperately needed legal services to District residents and allows more private sector lawyers working with legal services providers to offer their services on a *pro bono* basis.

This funding for legal services will also undoubtedly result in keeping poor families in their homes, reinstating individuals’ unemployment benefits, ensuring that children are protected from domestic violence, and protecting the elderly against predatory lenders. Ultimately, this appropriation saves the District government money that would otherwise have to be spent for social services.

A clear example of how this partnership works and how it saves the District money can be found in D.C.’s Landlord and Tenant Court. The D.C. Bar staffs with volunteer attorneys a resource center that serves over 5,000 clients annually. We identify tenants in jeopardy of imminent eviction and refer them to the Court-Based Legal Representation Project, which is funded by the Council’s appropriation for civil legal services. That project is staffed by legal services providers who provide same-day representation to *pro se* tenants to help them assert their rights in eviction cases and avoid homelessness. Assisting families so that they can remain in their homes means fewer families have to resort to living in the District’s already over-crowded shelter or public housing system.

Due to the recession and low return on IOLTA (Interest on Lawyers Trust Accounts), civil legal services providers are struggling to meet rising need with diminished resources, while requests for assistance remain high. IOLTA revenue, which has traditionally been the greatest source of non-public revenue for legal services, has decreased drastically by more than 80 percent since 2008, costing the legal services network over $1,000,000 annually in lost resources.  With IOLTA revenue remaining very limited, funding for legal services is still significantly below pre-recession levels. Ongoing funding challenges have resulted in the frequent denial of legal services to low-income residents seeking assistance. These residents include those with urgent, and often fully resolvable, legal issues.

For that reason, Chairman Wells, we urge you, the Committee, and the Council to continue your commitment to helping the communities in our city living in poverty. We are so pleased that Mayor Gray has proposed funding of $4.278 million in FY 2015, in recognition of the importance of providing access to equal justice for the citizens of the District of Columbia and urge the Council to fund the program at that level. Thank you.