**Public Hearing on Mayor Fenty’s Fiscal Year 2010 Budget Request for the Office of the Attorney General**

**Before the**

**Council of the District of Columbia Committee on Public Safety**

**and the Judiciary**

Testimony of Kim Michele Keenan, President

District of Columbia Bar

April 30, 2010

Good morning Chairman Mendelson and members of the Committee. My name is Kim Michele Keenan, and I am the principal of The Keenan Firm and practice with The McCammon Group. 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 support funding for Access to Justice grants in the amount of at least $3.2 million. These funds provide critical legal assistance to communities across the District that have been hardest hit by the recession. We recognize that the District is facing a revenue shortfall and that the Council must make tough choices. However, the Access to Justice appropriation is essential to the District justice system, saves the District money and leverages private resources to provide services to District residents. A cut to the program now would be counterproductive as the District begins to recover from the financial crisis.

The mayor has proposed an appropriation of $1.8 million dollars for fiscal year 2011. This is a cut of over a million dollars from FY 2010 funding, and a cut of fifty percent from the level of funding just two years ago. The reduction in funding between 2009 and the proposal for 2011 means that more than 2000 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 brief assistance.

You will hear other witnesses today eloquently describe the severe impact that this funding cut would have 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 to escape dangerous homes, to protect the elderly against predatory lenders. I will focus on the impact of this funding cut on the ability of private sector lawyers to do effective *pro bono* work.

The D.C. Bar is the second largest unified bar association in the country, and more than half of our 93,000 members live and work in the D.C. metropolitan area every day. The local bar recognizes its obligation to ensure that everyone has meaningful access to justice. District of Columbia lawyers and law firms give thousands of hours and millions of dollars to legal services every year. There is a strong *pro bono* culture among members of the D.C. Bar, and the District’s law firms have sustained their *pro bono* commitments during these difficult economic times.  *Pro bono* lawyers are an important 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 be effective if there is a strong core of civil legal services providers who can develop cases and projects, train volunteers, and mentor lawyers throughout the pro bono representation.

Despite the private bar’s efforts, 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. According to Neighborhood D.C., a partnership of the Urban Institute and the Washington D.C. Local Initiatives Support Corporation (LISC), at the end of last year nearly 3,000 homes in the District were in foreclosure, and another 8% -- one in twelve -- were in default. The unemployment rate in Ward 8 was nearly 30%, and nearly 20% in Ward 7.

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, Advocacy & Justice Clinic, Bankruptcy Clinic and the Community Economic Development Project. I am proud to volunteer at the Pro Bono Program’s Saturday morning walk-in clinics at Bread for the City in both Northwest and Southeast. These clinics have seen a dramatic increase in demand. On a recent sunny Saturday when I volunteered, more than a hundred District residents began lining up well before these two clinics open for the opportunity to meet with a Pro Bono lawyer. I can tell you that for even a seasoned lawyer such as myself, there is a need for the infrastructure, triage, staging, and training that civil legal service providers bring to the system. Even with twenty volunteer lawyers, the bare bones staff of legal service providers is barely able to manage. Further cuts will directly result in the need for more money for police officers to resolve disputes better left to protective orders, more social workers to deal with abuse, and more shelters to address those left homeless by foreclosure or the loss of benefits. 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.

Civil legal service providers are struggling to meet this rising need with shrinking resources. According to a joint report of the D.C. Access to Justice Commission and the D.C. Consortium of Legal Services Providers -- *Rationing Justice: the Effect of the Recession on Access to Justice in the District of Columbia --* last year the District’s legal services network saw all of its traditional sources of funding decline dramatically. In one year, these organizations lost 12% of their lawyers and nearly 40% of their non-legal staff. And that was before the cut of $700,000 in the FY 2010 Access to Justice Program grant hit the system. We will see the impact of those FY 2010 cuts in the coming months.

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 providers are the central component.

Legal service providers identify needs for *pro bono* assistance, make the links between the clients and the *pro bono* lawyers, and provide training and mentoring to volunteers. Because of this important 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.

The members of the private bar stand ready to do their part to help meet the legal needs of people living in poverty in the District, but without a strong network of legal services providers to partner with, the potential resources in the private bar simply will not be tapped nor will they be used most effectively. The impact on the clients and community will be enormous. Our goal has been and continues to be providing citizens with quality legal service.

The Bar accepts our obligation to assist individuals living in poverty who need our assistance. Right now, we have the opportunity to make a difference for those who must overcome obstacles to obtain even the most basic of human necessities, a safe place to live, a basic education, and gainful employment; without an adequate civil legal network we can add justice to the list. The Bar and the District government share the obligation to provide access to equal justice for the citizens of the District of Columbia.

Chairman Mendelson, we urge you, Mayor Fenty, the Committee, 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.

We offer our full support for the Commission’s request for at least $3.2 million in funding for civil legal services for fiscal year 2011.