**Statement of Lee F. Satterfield, Chief Judge of the**

**Superior Court of the District of Columbia**

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

**Committee on Public Safety and the Judiciary**

**Public Hearing on Mayor Fenty’s Fiscal Year 2011 Budget Request for the Office of the Attorney General**

April 30, 2010

Good morning Chairman Mendelson and members of the Committee on Public Safety and the Judiciary. I am Judge Lee Satterfield, Chief Judge of the Superior Court of the District of Columbia. I am joined by Judge Inez Smith Reid, Associate Judge of the District of Columbia Court of Appeals and Vice-Chair of the D.C. Access to Justice Commission, and Peter Edelman, Chair of the Commission and Professor at Georgetown University Law Center.

I am pleased to join the leaders of the Access to Justice Commission, the District of Columbia Bar, the District of Columbia Bar Foundation and the legal services community to support the Commission’s funding request for civil legal services. As Chief Judge Washington and I said in the letter we sent to all members of the Council on April 6, 2010, we encourage you to restore funding at a level of $3.2 million. As the Chief Judge of D.C. Superior Court, the tribunal of first resort for many of the litigants who receive assistance through the Access to Justice Program, I have a unique vantage point on the tremendous impact these funds have on District residents and on the administration of justice in our courts.

The Court has long been concerned by the number of unrepresented litigants who must navigate our justice system. At Superior Court we see litigants every day who are in legal crisis and whose appeal to the courts is of the greatest possible consequence. As judges we strive to reach a just result in every case; but we all know how much more difficult it is to achieve this goal when litigants do not have counsel to educate them about their legal rights and choices, and to help them present evidence and make legal arguments. For the many litigants we see who struggle with mental illnesses, physical disabilities, histories of family violence, language access challenges and literacy issues, it is all the more difficult.

The participation of counsel improves the efficiency of the judicial process, but of greater significance it improves the quality of justice. We have taken numerous steps during my tenure to make it easier for litigants to proceed without lawyers. The Court has standardized the in forma pauperis procedure and application, simplified court forms, worked with the D.C. Bar Pro Bono Program to expand resource centers, enhanced the provision of interpreters, improved our website, and continuously trained judges and staff about working with pro se litigants. These efforts have been important to making the Court meaningfully accessible to all, but for many, it is not a substitute for having counsel.

The law and judicial procedures are often complex, and necessarily so. Consider, for example, a dispute over the custody of a child. In such matters, the Court must reach findings of facts against the backdrop of a highly charged and emotional environment and apply those facts to the statutes and case law to resolve the dispute. Procedural and evidentiary rules assist the Court to get to the truth in an orderly and reliable manner. The statutes and cases, while technical, are carefully calibrated to protect the interests of all parties – the child, the custodial parent and the non-custodial parent. Without advocates trained in the law the rules and the law are hard to apply, but where the rules and the law are abandoned, justice cannot be reliably done. No litigant who can afford counsel proceeds on their own, nor should they. Those without means require counsel as well.

One must look no further than the Court-Based Legal Services Project to see the impact of the Access to Justice funds. That program provides same day representation to litigants in landlord-tenant court who are at risk of losing their homes. Because of that project, each year hundreds of unrepresented litigants in critical stages in their cases can get immediate help. This almost always changes the outcome and increases the quality of justice. The program has vastly increased the number of litigants with counsel and greatly assisted the court to make well-informed decisions in cases where the stakes are all too high.

One example of the success of this effort is the attorneys’ work on behalf of tenants who are being forced out because of a foreclosure against the landlord. The Project identified these litigants from the Court’s docket and litigated the right of tenants to stay and pay rent to the bank. As a result of effective advocacy, the frequency of these cases has diminished significantly. Without counsel, most of the tenants would have been forced to move.

In addition to assuring greater access to justice for individual litigants, the program greatly enhances the administration of justice in our courts. Attorneys ensure that cases are presented efficiently. As a result, dockets move more quickly and litigants spend less precious time waiting to be heard. Attorneys ensure that defenses and legal issues are raised in a timely fashion so that dispositive issues are resolved early and proceedings are not extended unnecessarily. Furthermore, attorneys ensure that litigants have – and feel that they have – an opportunity to be heard. This is pivotal to instilling faith in our judicial system.

While Justice is blind, it is not ignorant of the consequences of its decisions. As judges we are acutely aware of the impact on the lives of litigants of the way we resolve cases. It is of heightened concern where a litigant is engaged in a complex dispute and does not have a lawyer. The recession has increased the number of individuals with legal problems while decreasing the capacity of the legal services network to meet those needs. At the Superior Court, we see the evidence of this – and the consequences – first hand. Court users appear with serious problems often entangled with a lack of adequate income and fewer options.

A foundational proposition of our justice system is that all individuals are treated equally. As judges we strive every day to meet this standard but we cannot do it alone. Having dedicated and committed attorneys, who work full time to protect the rights of our poorest and most underserved residents, is essential. We deeply appreciate your support for the civil legal services funding and hope that the Council will make every effort to ensure that the programs that rely on this critical funds receive the greatest possible support. Thank you for allowing me to address this important issue.