



**Performance Oversight Hearing, D.C. Office of Victim Services and Justice Grants
Before the D.C. Council Committee on the Judiciary & Public Safety**

**Testimony of Nancy E. Drane, Executive Director
District of Columbia Access to Justice Commission**

February 10, 2023

Committee Chair Pinto and Members of the Committee, thank you for the opportunity to testify today. My name is Nancy Drane, and I am the Executive Director of the District of Columbia Access to Justice Commission (“Commission”).¹ The Commission was created by the District of Columbia Court of Appeals in 2005 to address the scarcity of civil legal services for low- and moderate-income District residents and to reduce the barriers these litigants face in navigating the civil justice system. The Commission is chaired by Professor Peter B. Edelman of Georgetown University Law Center and Vice Chaired by James Sandman, President Emeritus of the Legal Services Corporation and Distinguished Lecturer at the University of Pennsylvania Law School. Its members include representatives from the D.C. Court of Appeals, D.C. Superior Court and D.C. Office of Administrative Hearings, past Presidents of the D.C. Bar and other private bar leaders, legal services organizations, law schools, community-based organizations, and other local leaders.

It is my honor to testify today to discuss the impact of the Access to Justice Initiative (“the Initiative”) which was created by the D.C. Council in fiscal year 2007 to provide public support to make civil legal services available to District residents. The Initiative is under the purview of the Office of Victim Services and Justice Grants (“OVSJG”). OVSJG works with the D.C. Bar Foundation (“DCBF”) that in turn has the responsibility to administer the program and disburse these important funds. I am pleased to be testifying today alongside DCBF Chief Executive Officer Kirra Jarratt and thank her for the foundation’s leadership in guiding the development of this program.

I am also pleased that the D.C. Bar, D.C. Courts, D.C. Consortium of Legal Services Providers, and Washington Council of Lawyers are here to testify today about the role the program plays in addressing access to justice in our community. You will also have the chance to hear from a series of witnesses from funded programs who will give you a sense of the breadth of the Initiative's impact and why it is so important to District residents. The Commission's testimony today is aimed at providing you with a broad overview of the Initiative and its work.

The Commission is extremely grateful to the Mayor and to the D.C. Council for their long-standing support of the Initiative and in particular to this Committee, that has championed it from the beginning. FY22 and FY23 mark historic investments in the program, over \$22.5 million in FY22 and almost \$31.7 million in FY23. As you know, there is no right to appointed counsel in civil cases, unlike our criminal justice system. Yet, national and local data demonstrate that giving individuals greater access to legal information and opportunities for representation leads to better individual and community outcomes. And access to civil justice is a racial equity imperative in a community like D.C. where communities of color disproportionately experience civil justice challenges. For thousands of District residents who cannot afford legal help, funding the Initiative and the work of its grantee programs at this level offers a lifeline. It is a critical part of the District's safety net.

ABOUT THE INITIATIVE

The Initiative has three components.

The first, the *Access to Justice Grants Program*, funds access to justice grants to meet the growing demand for civil legal services in communities of highly concentrated poverty, promotes language access through support for a community legal interpreter bank, has dedicated funding to support efforts specifically targeted to *prevent* eviction filings, and supports efforts led by the DC Bar Foundation to develop a coordinated intake and referral system to make it easier for District residents to access legal services.

The second, the *Civil Legal Counsel Projects Program* or *CLCPP*, was created to specifically target funding towards access to legal help and representation in eviction-related proceedings.

The third, the *DC Poverty Lawyers Loan Repayment Program* or *LRAP*, assists grantee lawyers with student loan debt to ensure a high quality, diverse pool of legal services professionals, serving as an important retention and recruitment tool for legal services employers.

I will now share some highlights of these essential programs.

Keeping District Families Stably Housed

You will hear today about the Initiative's efforts to keep District families stably housed. Through the *Civil Legal Counsel Projects Program*, Initiative grantees provide legal help and representation to tenants facing eviction in DC Courts and in other eviction-related proceedings. The program works. Between July 2021 and June 2022, 70% of tenants served by CLCPP grantees with an active writ of eviction at the time of intake remained housed.ⁱⁱ CLCPP grantees launched a coordinated phone line in June 2020 that has conducted 7,294 intakes for tenants and small landlords seeking help from its inception through December 2022.ⁱⁱⁱ Between August 2019 and through June 2022, CLCPP grantees have closed 6,098 eviction and voucher termination cases, providing legal assistance to 5,101 low-income DC residents.^{iv} While CLCPP serves a range of residents in all eight Wards, it has most benefitted female (61%) and Black (76%) residents; those aged 60 or older (22%); and residents of Wards 7 and 8 (42%). Three-quarters (74%) live below poverty; half are eligible for and receive subsidized housing (49%) and significant portions are households with a minor child (39%) or a tenant or household member with a disability (41%).^v

New FY22 and FY23 funding for the *Access to Justice Grants Program* supports additional prevention-based strategies and partnerships aimed at curtailing evictions and preventing eviction filings from occurring. You'll hear more today from other witnesses about how through these efforts, in the last quarter of 2022 alone, there were 818 knocks on doors to offer help to those on the brink of eviction, 382 outreach letters sent, and 16 'know your rights' presentations delivered (with 255 attendees) – all aimed at eviction prevention.^{vi}

Finally, the *Access to Justice Grants Program* also supports other housing-related projects focused on keeping District residents stably housed in affordable, healthy, safe, and discrimination-free environments. You'll hear today about legal work done in partnership with District medical

providers that addresses environmental hazards and negative housing conditions that exacerbate childhood asthma and other chronic health conditions, as well as foreclosure related work.

Helping District Residents Address Community Problems

The *Access to Justice Grants Program* also supports a wide range of other legal services to support District residents beyond housing. In FY21 and the first half of FY22, Initiative grantees helped more than 38,000 District residents^{vii} in life-changing areas such as:

- *Keeping individuals and families safe* through legal services and crisis safety planning for survivors of domestic violence, gender-based violence, and sex trafficking and exploitation.
- *Promoting family stability* through early intervention legal services for children and families at-risk of entering foster care, representation of District parents and caregivers trying to resolve family conflict or child support issues, and specialized support for custody-involved children.
- *Managing health crises* by helping DC residents secure public benefits, gain access to housing, food, and medications, identify legal remedies to conditions like asthma, and by providing specialized services through medical-legal partnerships with DC health systems.
- *Offering specialized support for individuals with disabilities*, including ensuring safe and healthy environments and combatting discrimination.
- *Assisting seniors aging in place* with estate planning, public benefits support, combatting fraud and abuse, and safe-keeping inter-generational transfer of property.
- *Stabilizing credit for low-income residents* and helping protect critically needed funds by helping residents fight predatory lending and illegal debt collection schemes and avert negative court judgments and credit reports.
- *Protecting wages and jobs* by helping District residents recover stolen wages, fight discrimination and harassment, and seek assistance from employment-related programs.
- *Promoting economic security* by ensuring District residents secure benefits to which they are entitled through advocacy and legal representation involving unemployment insurance, TANF, SNAP, SSI and SSDI, rental subsidies, shelter services, and health benefits.

- *Promoting education opportunities* for youth at risk including legal support to students and parents to prevent school exclusion and ensure access to a free and appropriate education.
- *Providing re-entry support for returning citizens* to help them transition back to the community after incarceration and navigate legal challenges in education, custody, employment, consumer protection, and expungement matters.
- *Supporting the District's growing immigrant population* with legal help in combatting notario fraud, protecting unaccompanied minors, and offering culturally specific legal services to targeted populations within the immigrant community.

The Access to Justice Grants Program also funds the *Community Legal Interpreter Bank* which you will hear more about today. The Bank is a one-of-a-kind model operated by Ayuda that enables low-income residents who are limited English proficient or Deaf to access services from dozens of nonprofit legal services providers through the District.

Meeting the Growing Community Need for Legal Help

Additional funding appropriated in FY22 and FY23 has allowed Initiative grantees to expand support to District residents for proven projects and create new programs in areas of unmet civil legal need. While this isn't a budget hearing, we must note that maintaining these increases will be critical to ensure these important supports to District residents may continue. District residents benefitting from these expanded and new services include:

- District residents at risk of eviction and experiencing housing instability;
- Survivors of domestic- and gender based- violence, particularly those in Wards 7 and 8;
- District families and children, including court-involved families, low-income mothers (with targeted support to Black mothers), children at the center of child custody disputes, and pregnant and post-partum individuals;
- District residents experiencing economic insecurity or consumer debt issues, including targeted community efforts in Wards 1, 4, 5, 7, and 8 and for those of modest means;
- Older District residents;
- Returning citizens; and
- The District's immigrant population.

This expanded support is critical at a time when civil legal needs continue to outpace available resources. The need for representation in our courts and tribunals has long been an access to justice crisis. In our *Delivering Justice* report,^{viii} we found that rates of litigants appearing without a lawyer were as high as 75-97% in DC Courts and at the DC Office of Administrative Hearings. This trend has continued, with case filings rising. For example, domestic relations matters increased by 42% in 2021, suggesting a growing need for legal services to help litigants address both new and ongoing, unresolved family law matters.

You will hear today that evictions continue to rise, with the most recent U.S. Census data reporting that 42,496 of those DC adults in rental housing surveyed are behind in rent and 9,729 reported it was “very” or “somewhat” likely that they’ll have to leave their house within 2 months due to eviction.^{ix} Witnesses today will also convey that domestic violence remains a chronic, growing area of need, with one grantee handling 53% more legal matters during the first 6 months of 2022 than the same period in 2019. DC SAFE experienced 86,549 calls to their Crisis Response Line between March 2020 and April 2022, the source of Initiative grantee referrals for assistance.

Finally, changes in the law and new protections available to District residents require legal support. District residents navigating new legal terrain will need help in understanding and vindicating new rights from legislation like the Intrafamily Offenses and Anti-Stalking Orders Amendment Act, the Protecting Consumers from Unjust Debt Collection Practices Amendment Act, the local Earned Income Tax Credit Expansion Act, and the Student Fair Access to School Act.

These are just a few examples of growing community need.

Retaining Highly Qualified, Experienced Lawyers to Serve District Residents

The Initiative also provides additional support to keep the civil legal aid network in the District of the highest quality. The *DC Poverty Lawyer Loan Repayment Assistance Program* is a critical tool for maintaining a talented, passionate, and diverse corps of legal services lawyers. With an average indebtedness of approximately \$200,000 and average salary of enrolled participants at \$69,800, this program incentivizes attorneys to devote their skills to helping the District’s vulnerable population and helps legal services employers recruit and retain high-quality, experienced staff.

THE BROADER IMPACT OF THE INITIATIVE

The unifying nature of the Initiative and DCBF's role in administering it also provide opportunities to leverage resources to maximize impact. You'll hear today about DCBF's efforts to make our system more accessible through coordinated intake and referral – promoting the vision that for District residents, there will be 'no wrong door' to accessing legal help. No other jurisdiction has attempted an approach at a scale the DC Bar Foundation contemplates for the District.

Through DCBF's leadership, the Initiative also promotes formal and informal network building among grantees. Organizations have launched networks where they come together to collaborate, learn, and improve.^x Resources are used more efficiently when organizations are well-positioned to partner, and networks promote collective learning, the adoption of consistent and effective best practices, and economy of scale. Together with program evaluation, DCBF is promoting continuous improvement towards matching community need with impact.

The larger community impact of the Initiative is significant. Funded programs help form the safety net in many District communities, such as those East of the Anacostia River, where the number of attorneys has doubled since program inception. This not only eases the transportation burden for low-income residents needing legal help, but it also has resulted in these organizations becoming known and trusted parts of the community. The funds promote creative community alliances such as medical-legal partnerships, which place attorneys alongside medical staff at some of the District's most high-volume providers of primary medical care. Legal services providers have developed numerous partnerships with trusted community partners to deliver legal information and better connect District residents to legal services.

At its core, the Initiative impacts the lives of individual District residents, many of whom have effective access to justice only because of this public funding. However, it is also important to recognize the significant effect the funds have on the broader administration of justice, the well-being of the community, and the public fisc. By keeping families economically stable, legal services attorneys reduce reliance on costlier public benefits systems. Keeping clients housed lessens the need for homeless services. By moving clients from local to federally funded public benefits programs, they reduce burdens on the local budget. And through their work, they help enforce and

strengthen District law that has been established to protect its residents. As you'll hear today, our civil legal services network also provides invaluable benefits to the administration of justice by helping our local courts and administrative agencies identify and eliminate systemic barriers that deny unrepresented litigants access to justice and builds faith among constituencies in the functioning of the justice system.

The District government's leadership in committing these public funds has also allowed legal services organizations to maximize a range of other resources. For example, legal services providers magnify the impact of every public dollar invested through the recruitment, training, and support of private lawyers performing pro bono service in the District. Pro bono contributions are indispensable to meeting client needs but are only possible when there is a stable legal services network to identify cases, develop resources, and provide training and supervision.^{xi} Without these public funds and the stable legal services infrastructure they assure, these important law firm resources might go untapped, and thousands more clients denied the assistance of counsel.

The District's commitment to civil justice also serves as a model to all segments of the community. The increase in funding from both the public and private spheres, commensurate with their joint commitment to equal access for all, is crucial. The Commission is grateful that the private bar has increasingly become a partner in funding access to justice work and that its direct contributions to legal services organizations also have increased. Each year, the Commission recognizes the contributions of the legal community through the *Raising the Bar in D.C.* campaign.^{xii} The Commission believes that this robust private-public partnership has been greatly incentivized by the District government's long-standing support.

CONCLUSION

Thank you for the opportunity to testify today. The Initiative has fundamentally changed civil justice in the District by increasing the capacity and reach of organizations to address District residents' legal needs with a continuum of services that provide the legal help they need, when and where they need it. The Initiative has brought and will continue to bring innovative and transformative solutions to problems that have long challenged District residents through proven

and new strategies. Civil legal services make government systems more effective for residents. When DC residents have greater access to justice, this means greater family stability and economic opportunity and a better overall quality of life in the community.

You and the District government have embraced this most fundamental of obligations through your support of the Initiative. Thank you for your support, and I'm so pleased that you'll be able to learn more today about the Initiative and its impact.

I look forward to answering any questions you may have.

ⁱ To learn more about the Commission and our work, see www.dcccesstojustice.org.

ⁱⁱ See NPC Research, [Civil Legal Counsel Projects Program \(CLCPP\) Annual Evaluation Report, FY2021](#) (October 2021) and NPC Research, [Biannual Progress Report to the Council of the District of Columbia and the Office of Victim Services and Justice Grants, Civil Legal Counsel Projects Program \(CLCPP\)](#) (October 2022). Another good exploration of these efforts is available at Annemarie Cuccia, [We're Trying to Make it a Level Playing Field: How a New Hotline Helped Stop Two-Thirds of Evictions in DC, The DC Line](#) (August 22, 2022, updated December 9, 2022).

ⁱⁱⁱ Data on file with the D.C. Bar Pro Bono Center.

^{iv} See *supra* note ii.

^v *Id.*

^{vi} Data on file with the Civil Legal Counsel Projects Program grantees.

^{vii} Data on file with the D.C. Bar Foundation.

^{viii} D.C. Access to Justice Commission, [Delivering Justice: Addressing Civil Legal Needs in the District of Columbia](#) (December 2019).

^{ix} U.S. Census Bureau, Household Pulse Survey (Week 52: December 9 to December 19), Table 1b: Last Month's Payment Status for Renter Occupied Housing Units (published January 5, 2023) available at <https://www.census.gov/data/tables/2023/demo/hhp/hhp52.html> and Table 3b: Likelihood of Having to Leave this House in Next 2 Months Due to Eviction (published January 5, 2023) available at <https://www.census.gov/data/tables/2023/demo/hhp/hhp52.html>.

^x Examples include NPC Research, [DC Bar Foundation's Family Law Learning Network: Summary Report](#) (October 2022) and NPC Research, [DC Bar Foundation's Family Law Learning Network: Litigant Perspectives on Remote Hearings in Family Law Cases](#) (December 2021).

^{xi} Each year, the D.C. Courts, in partnership with the Commission and the D.C. Bar Pro Bono Center, recognize pro bono attorneys who provide 50 or 100 plus hours of pro bono service to help those who cannot afford counsel. <https://www.dccourts.gov/about/pro-bono-honor-roll>