



**Before the Council of the District of Columbia
Committee on the Judiciary and Public Safety**

**Written Statement of Hon. Anna Blackburne-Rigsby Chief Judge, D.C. Court of Appeals
and Hon. Anita Josey-Herring, Chief Judge, D.C. Superior Court**

The Access to Justice Initiative

The District of Columbia Courts are pleased to once again testify in support of the Access to Justice Initiative (“Initiative”). The D.C. Courts are confronted every day by the significant civil justice gap that persists in our community. One significant obstacle to closing this gap is the vast number of litigants who must navigate their civil cases alone in both the D.C. Court of Appeals and the D.C. Superior Court because they cannot afford counsel. The Initiative is a fundamental and essential part of any effort to provide equal justice for District residents facing significant civil legal challenges because it is a critical tool in securing legal representation for the thousands of litigants who seek redress in our tribunals each year. The Initiative increases the opportunity for residents who are in legal crisis to have an advocate at their side when the things they most value – their children, their livelihood, their safety, their homes – are at risk. That is why it is critical to maintain consistent and adequate funding to support legal services providers that offer free legal help to low-income District residents experiencing these problems in civil cases.

As judges, we see first-hand how important legal services providers are to the administration of justice. The Court partners with local legal services organizations to host court-based projects that make free legal services more readily available to court users. The assistance provided involves a range of legal help – legal information, advice, assistance in preparing legal briefs, limited representation, or full representation – provided at the time the litigant is in court with an opportunity to secure longer-term representation. We and our colleagues are grateful to be able to direct court users with questions and legal needs to these valuable resources. Each year thousands of court litigants are served through these projects.

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Most importantly, the Initiative has provided a greater opportunity for court litigants to have the benefit of full, legal representation. The legal issues confronted by litigants are complex, and many struggle to understand the relevant statutes and rules, effectively raise complicated defenses, and present their evidence and arguments persuasively. For the high percentage of litigants who also struggle with other challenges like physical disabilities, low literacy, lack of internet and technology access, or histories of domestic violence or trauma, navigating the process without counsel can seem – and in practice be – impossible. For these litigants, counsel is indispensable.

We also recognize that a well-funded and stable legal services network helps advance our goal of expanding the level of other *pro bono* representation in our courts. Legal services providers ensure that the cases placed with volunteer lawyers are properly screened, and that these lawyers receive the training, mentoring, and support that they need to take on cases that may be outside their area of expertise. The Courts are pleased to recognize this community of *pro bono* lawyers each year through the *Capital Pro Bono Honor Roll*. Legal service providers are essential to harnessing this resource for the benefit of District residents.

Having access to counsel also advances the efficient operations of our courts. Because of their experience and training, legal counsel presents cases more efficiently, thereby reducing litigant wait times and freeing up judicial resources. They ensure that dispositive issues are raised early in the case, reducing time expended by parties and witnesses while also permitting judges to reach a just result in a timely manner. They also assist clients in settlement negotiations and mediation to potentially resolve matters without the need for lengthy court procedures. Efficiency is now more important to the courts than ever as we continue to reimagine operations with a combination of virtual and in-person hearings. Case volumes are increasing to pre-pandemic levels and self-represented litigants are in dire need of representation to navigate the legal system, as well as understand and affect their rights.

As court leaders, we are also charged with ensuring the fair administration of justice. Public trust and confidence in the courts is essential in our democratic system. However, no matter how much the Courts do institutionally to enhance access to justice for unrepresented litigants by providing user-friendly legal resources and information, litigants feel they are treated more fairly when they have counsel by their side.

Legal services providers have long played an instrumental role in serving court litigants in partnership with the court. Their work during the pandemic is a good example. Legal services providers worked closely with the court to ensure access to justice even during the most acute phases of the crisis.

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Accessing the courts during this time presented new challenges for everyone, particularly litigants without counsel. The courts took numerous steps to ensure access to justice, including modifying operations to allow for remote access to court services and establishing six remote hearing sites throughout the District for litigants who otherwise lacked the ability to participate in virtual hearings. Legal services providers gave important feedback to court leadership on operational changes during this period, highlighting best practices for remote operations, and providing new resources to unrepresented litigants navigating the virtual court experience.

Important innovations that began during the pandemic continue to be offered to court litigants. The Court and the Bar provided remote access to court-based programs and resource centers in landlord-tenant, debt collection, small claims, child support, family law, and domestic violence cases. Legal services staff established centralized hotlines for unrepresented litigants seeking legal advice and representation in high-volume courtrooms. The courts also have partnered with legal services providers to share case information which enables attorneys to proactively reach out to litigants before hearings to offer access to civil legal services. These affirmative outreach efforts – the result of new funding made available to Initiative grantees in FY22 and FY23 – mean court litigants have access to legal support earlier in their cases.

The vision statement of the District of Columbia Courts is “Open To All, Trusted by All, Justice for All.” As judges, we are fully committed to achieving this vision. To do that, we rely on a skilled and adequately resourced legal services network to protect the rights of the District’s most vulnerable residents. The Access to Justice Initiative plays a significant role in providing that support. Thank you for the opportunity to submit our written testimony on behalf of the Access to Justice Initiative.



The Honorable Anna Blackburne-Rigsby
Chief Judge, D.C. Court of Appeals



The Honorable Anita Josey-Herring
Chief Judge, D.C. Superior Court

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