



**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**

January 24, 2024

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”).ⁱ 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 (“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 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, which has championed it from the beginning – especially last year when the program faced significant cuts. FY23 and FY24 mark historic investments in the program (\$31,689,347 in FY23 and \$31,667,840 in FY24) and I am pleased to share more about the important work being done through these funds.

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 President of the D.C. Bar, Co-Chair of the D.C. Consortium of Legal Services Providers, the Washington Council of Lawyers, grantee organizations, and most importantly, clients served by the program are here to testify today about the ways the program offers concrete solutions to address community priorities like housing, public safety, and economic opportunity. You will 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 how it helps build stronger neighborhoods where District residents can live, thrive, and maintain a good life for themselves and their families. The Commission’s written testimony today is aimed at providing you with a broad overview of the Initiative and its work to complement that testimony.

The Initiative is a uniquely essential community resource. 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. The District’s vision in creating the Initiative recognizes that 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 in preventing wrongful evictions, obtaining protection orders for victims of domestic violence, resolving conflict over child custody and child support, and so much more. And as a highly effective program with a long track record of success – the Initiative works. There is no other program in the District that promotes such a comprehensive strategy for addressing District residents’ legal needs.

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 DCBF to develop and launch 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 *D.C. 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.

By the numbers, 43,150 clients were served by the Initiative in FY22 and another 18,010 in the first half of FY23. Grantee organizations handled 15,648 cases in FY22 and another 9,455 in the first half of FY23. Clients served across both years were from all eight wards: Ward 8 (22%); Ward 7 (18%); Ward 6 (9%); Ward 5 (12%); Ward 4 (14%); Ward 3 (3%); Ward 2 (6%); Ward 1 (15%).ⁱⁱ

What does this mean in practical terms? Every day, Initiative-funded staff at over 30 non-profit organizations are in the community, across all eight Wards, helping D.C. residents face problems that without resolution, can be devastating to them personally and to the health and vibrancy of District neighborhoods. They:

- host phone helplines to offer immediate legal information or advice;
- staff recurring virtual and in-person clinics, some in partnership with vital community organizations like libraries, schools, and churches;
- offer community education programs to ensure District residents and the professionals that serve them understand their legal rights;
- partner with District agencies to advance common goals around housing, public safety, and economic opportunity;
- operate courthouse-based programs that offer on-site help to litigants and partner with the court on other access to justice programs;
- are embedded in District medical facilities helping victims of crime, children, and individuals with disabilities;
- represent thousands of District residents in their individual cases in a wide range of legal issues;

- identify and promote systemic solutions to civil justice problems, including testimony and partnerships here at the Council;
- facilitate pro bono representation of low-income clients by law firm, government and in-house corporate attorneys through providing training, screening, mentoring, and other support for pro bono counsel; and
- promote fairness and procedural justice in our courts and tribunals and a fairer, more equitable justice experience through their work in the District.

I will now share some highlights of these essential programs.

Keeping District Families Stably Housed

The Initiative helps maintain the District's unique character through a continuum of strategies that keep District neighbors safely and stably housed in their community. The Initiative plays a facilitative role in addressing the District's eviction crisis and fostering multi-sector collaboration between legal services providers, the courts, community-based organizations, other community leaders, and the District government. Efforts include those targeted at preserving inter-generational homes, preventing foreclosure and eviction, and providing legal help that keeps District residents housed in affordable, healthy, safe, and discrimination-free environments.

Our *Appendix A* provides more detail on the context and quality of this work, as will other testimony you'll hear today, but here are a few highlights:

- 81% of tenants facing eviction represented by *Civil Legal Counsel Projects Program* grantees retained possession of their unit; those that did not still largely had favorable outcomes.ⁱⁱⁱ A coordinated phone line launched by CLCPP grantees in June 2020 has conducted over 12,000 intakes since inception.^{iv} Since program data has been collected, CLCPP grantees have closed 9,670 cases, providing legal assistance to 7,665 low-income D.C. residents.^v
- The *Access to Justice Grants Program* funds eviction prevention strategies aimed at curtailing evictions and preventing eviction filings from occurring, including over 5,570 knocks on doors to offer help to those on the brink of eviction, over 5,650 outreach letters sent, and 360 community education sessions (with over 8,300 attendees).^{vi}
- 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, such as foreclosure-related work and 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.

Promoting Public Safety and Community Resilience

The Initiative is a critical component of a holistic approach to public safety. Left unaddressed, civil legal needs make our community vulnerable to crisis and less safe. Through Initiative interventions funded through the *Access to Justice Grants Program*, communities are stronger and more resilient. Initiative programs nourish the District's safety net and promote community well-being by addressing family instability, supporting youth, giving voice to survivors of crime, serving returning citizens, and addressing core areas individuals need to thrive.

Our *Appendix B* provides more detail on the context and quality of this work, as will other testimony you'll hear today, but here are a few highlights:

- *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.
- *Re-entry support for returning citizens* to help them transition back to the community after incarceration and navigate legal challenges, including expungement services.
- *Promoting education opportunities for youth* including legal support to students and parents to prevent school exclusion and ensure access to a free and appropriate education, including court-involved youth.
- *Promoting family stability* through early intervention legal services for children and families at risk of entering foster care and other court-involved families.
- *Managing health crises* by helping District residents secure public benefits, gain access to housing, food, and medications, identify legal remedies to health problems like asthma, and by providing specialized services through medical-legal partnerships with District health systems.
- *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 safekeeping intergenerational transfer of property.
- *Supporting the District's growing immigrant population* with legal help in combatting notario fraud, protecting unaccompanied minors, offering culturally specific legal services to targeted populations within the immigrant community, and helping the District respond to the nearly 11,500 migrants who have arrived in the District on buses sent from southern border states since April 2022.

Promoting Economic Opportunity for Individuals and the Community

Initiative programs funded through the *Access to Justice Grants Program* also lessen economic risk and inopportunity for District residents, promote economic security and community well-being, and lessen government burdens that would occur if these issues remained unaddressed.

Our *Appendix C* provides more detail on the context and quality of this work, as will other testimony you'll hear today, but here are a few highlights:

- *Stabilizing credit for low-income residents and protecting critically needed funds* by fighting predatory lending and illegal debt collection schemes.
- *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 and lessening government burdens* by ensuring D.C. residents secure benefits to which they are entitled.
- *Preserving intergenerational homes* though heirs property and other probate related work.
- *Offering services to individuals experiencing homelessness* to gain access to housing, employment, and other benefits.
- *Reducing health-related costs* by addressing health-harming problems that can be resolved through legal solutions.

Supporting Language Access

The *Access to Justice Grants Program* also funds the Community Legal Interpreter Bank, a one-of-a-kind, nationally recognized model operated by Ayuda that enables low-income residents who are limited English proficient or Deaf to access services from dozens of District nonprofit legal services providers. This is imperative to promote equity and procedural justice where significant percentages of Initiative clients have limited or no English proficiency.^{vii} Providers describe the Bank as an “indispensable” partner in their outreach and community engagement efforts, allowing them to conduct “Know Your Rights” trainings over Zoom using simultaneous interpretation. Ensuring that these virtual meetings and presentations go smoothly requires training of the interpreters and the legal services providers. The Community Legal Interpreter Bank^{viii} offers:

- Dedicated support to funded organizations to ensure legal services are provided in the client’s native language, with the most common languages being Spanish, Amharic, and French. 72 organizations were served in FY22; 39 thus far in FY23.
- Interpretation services offered by professionals specially trained in legal language interpretation, with 9,096 telephone interpretations offered in FY22 and 4,055 in the first half of FY23.
- Community education and other documents offered in multiple languages to promote client use and understanding, with 435 documents translated in FY22 and 105 in the first half of FY23.

Meeting the Growing Community Need for Legal Help

Despite the District’s significant investment in the Initiative over time, the community need for these critical, free legal services continues to outpace available resources. Our *Appendix D* provides more detail on pressing community needs, including:

- *The need for representation in civil cases in our courts and tribunals is great*, where those appearing in court *without* a lawyer are as high as 75-97%.
- *Eviction remains at crisis level*, with 2023 eviction case filings greater than the prior year, grantee organizations facing a 50% increase in calls for assistance, and U.S. Census data suggesting an affordability crisis among District tenants.
- *Domestic violence remains a chronic, growing area of need*, with case filings rising and grantee organizations and their partners seeing record number requests for help.
- *Economic stressors persist*. Consumer defaults are at their highest levels since the 2009 economic depression, with increases in calls for help and debt pressures among District residents who lack a financial safety net to withstand the crisis.
- *Family conflict often requires legal intervention*, with an increasing number of District families, in the thousands, seeking legal help.
- *Protecting intergenerational wealth in D.C. families* is a priority where we see more and more District families at risk and ill-equipped to navigate related legal processes alone.

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 *D.C. 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 \$100,000 and the average salary of enrolled participants at \$72,545,^{ix} 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.

Making the Civil Justice System More Accessible

The unifying nature of the Initiative and DCBF's role in administering it also provides 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 DCBF plans 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.

Maximizing Other Resources

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.

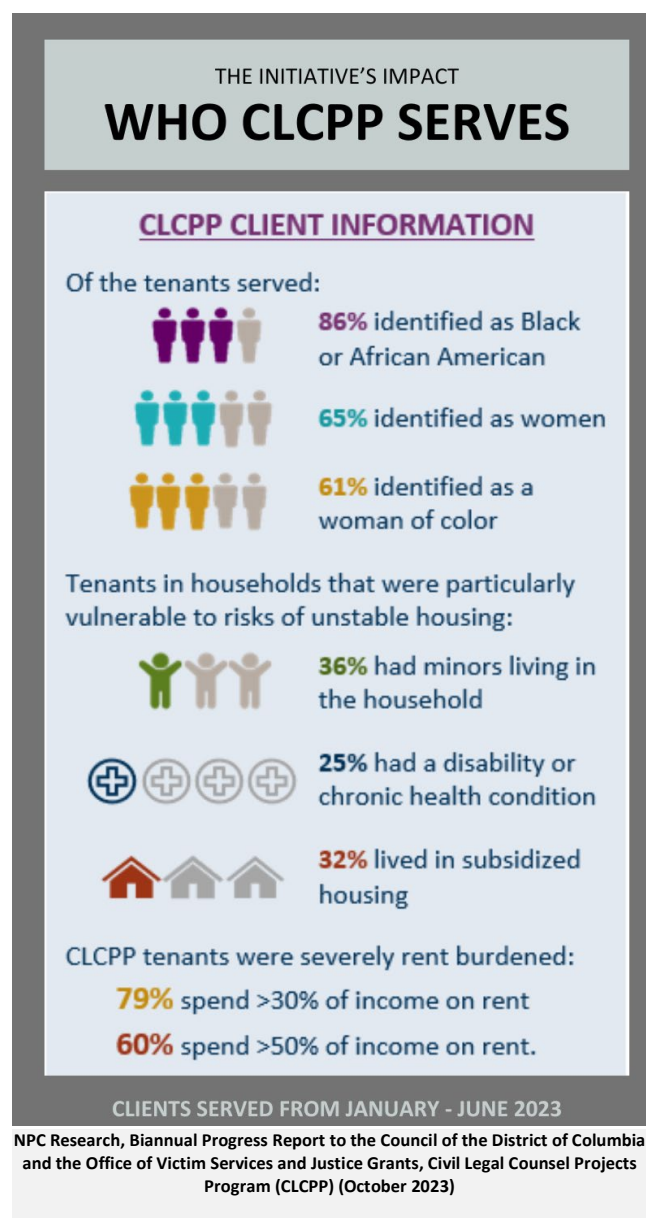
The District's commitment to civil justice also serves as a model to all segments of the community. The increase in funding from both the public and private spheres, commensurate with their joint commitment to equal access for all, is crucial. The Commission is grateful that the private bar has increasingly 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.

Thank you for the opportunity to testify today. The services offered through the Initiative help build stronger, more stable District neighborhoods where its residents can thrive. The District government's vision in creating the Initiative recognizes its obligation to ensure its residents have access to civil justice and the role of such support in a comprehensive, public safety strategy. Thank you for your support, and I'm so pleased that you'll be able to learn more today about the Initiative and its community impact.

I look forward to answering any questions you may have.

APPENDIX A: KEEPING DISTRICT FAMILIES STABLY HOUSED

Initiative funds support a continuum of strategies that aim to keep District families safely housed. The *Civil Legal Counsel Projects Program* provides legal help and representation to tenants facing eviction matters in D.C. Courts and in other eviction-related proceedings; the *Access to Justice Grants Program* supports additional prevention-based strategies and partnerships aimed at stopping eviction filings from occurring; and the *Access to Justice Grants Program* supports other housing-related projects aimed at keeping District residents stably housed in affordable, healthy, safe, and discrimination-free environments.



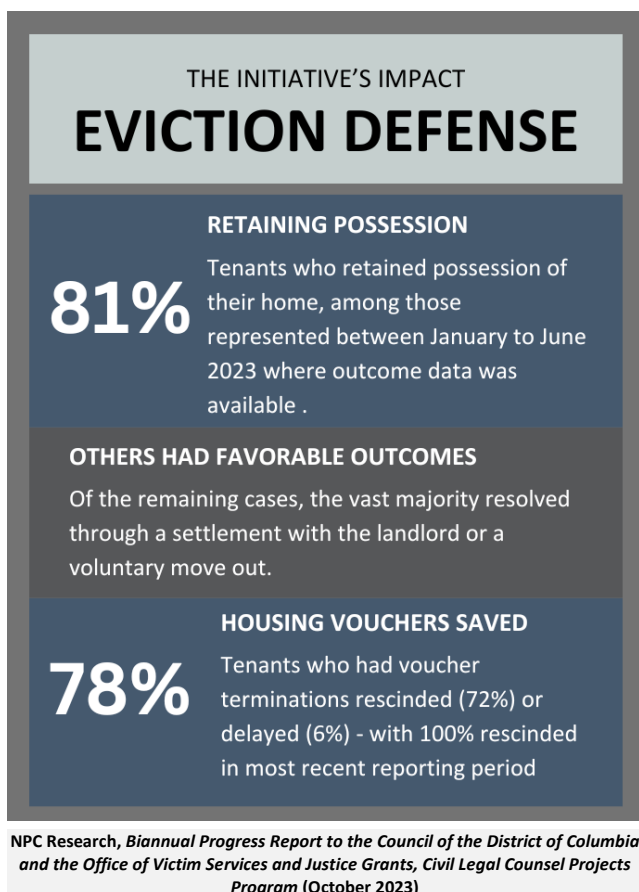
The need for expanded support in this area is urgent as ever. An increasing number of District residents, more than 44,000 in 2022, are “severely housing cost burdened,” meaning that they spent half or more of their income on rent.^{xiii} Twelve percent of District residents (or 82,452) are experiencing housing insecurity, meaning housing unaffordability, inadequate housing, or frequent and unwanted moves – with that burden largely falling on families, children, and youth; Black and Hispanic residents; and Ward 7 and 8 residents.^{xiv} In its 2023 publication of the annual *Out of Reach* report, the National Low Income Housing Coalition ranked the District as the sixth most expensive jurisdiction in the nation regarding rental housing, with the fair market rent for a 2-bedroom apartment in D.C. at \$1,838, and monthly income necessary to afford this rent without experiencing rental cost burden at \$6,126.^{xv} In contrast, the median household income among CLCPP clients served is \$1,200 per month, with the median monthly income among all clients served since 2019 at \$1,054.^{xvi}

The Initiative’s resources have positioned DCBF and Initiative grantees to play a facilitative role in addressing the District’s eviction crisis and fostering multi-sector collaboration between legal services providers, the courts, community-based organizations, other community leaders, and the District government.

FY23 and FY24 funding of the *Civil Legal Counsel Projects Program* (“CLCPP”) ensures District tenants facing eviction matters in D.C. Courts have the legal help they need to protect their rights, assert legitimate defenses, and negotiate agreements

that allow them to maintain their housing with achievable terms. The critical nature of this support is demonstrated by the work accomplished through CLCPP, as outlined in greater depth in DCBF's comprehensive evaluation reports.^{xvii}

CLCPP grantees jointly maintain the Landlord Tenant Legal Assistance Network ("LTLAN"), a coordinated and accessible telephone-based intake and referral system for low-income litigants to be connected with an attorney from a CLCPP grantee organization. Grantees ensure LTLAN information is widely available, including through partnerships with community organizations, in mailed court documents about upcoming hearings, and through announcements during court hearings themselves. Since its launch in June 2020, LTLAN has fielded calls from over 12,000 tenants and small landlords seeking help.^{xviii} In the first half of 2023, 93% of clients reached CLCPP grantee organizations through LTLAN (69%) or called a funded organization directly (24%).^{xix}



CLCPP grantees have a regular presence in court hearings to connect with unrepresented tenants to offer services. This includes remote hearings, where CLCPP grantees observe how the remote process is working for low-income tenants and offer suggestions for improvement. Judicial officers have found the CLCPP's role instrumental in serving court users during this challenging time. Robust data collection for the CLCPP program began in August 2019. Since that time and through June 2023, CLCPP grantees have closed 9,670 eviction, voucher termination, and other eviction-related cases, providing legal assistance to 7,665 low-income D.C. residents.^{xx}

CLCPP grantees participate in D.C. Superior Court's Landlord Tenant Working Group, its Landlord Tenant Rules Committee, and its Eviction Diversion Stakeholders Group to provide recommendations to the Court on process improvements. CLCPP grantees also continue to play a critical role in advocating for legislative protections for tenants.

In order to leverage funds effectively, CLCPP organizations collaborate to train pro bono attorneys, referring cases for representation whenever possible. Each year, CLCPP organizations host a five-part eviction law training series attended by pro bono attorneys and offer a series of courthouse tours.^{xxi}

The *Access to Justice Grants Program's* additional investment in eviction prevention allows DCBF and Initiative grantees to also pursue *prevention*-based strategies to halt evictions, including more directly involving non-legal, community-based organizations as partners. FY23 and FY24 funding specifically supports eviction prevention efforts that allow Initiative grantees to continue to work

with canvassers to knock on doors and offer other support to ensure tenants at risk of eviction are aware of the availability of services to help.

Grantee organizations work to identify those tenants at risk of eviction by requesting and tracking data on pre-court notices served on tenants, new case filings, upcoming hearings, new judgments, and new writs, and then using this data to inform coordinated outreach with tenant canvassers, housing counselors, and relevant government agencies, including the Office of the Tenant Advocate.



Grantees ensure tenants are aware of their rights that may allow them to avoid eviction, critical when tenants often misunderstand relevant rules and renter protections that apply to them. This outreach includes sending postcards with tenants' rights information to buildings where tenants may be facing eviction; holding outreach sessions with tenant associations, tenant organizers, and other community service organizations; holding pop up events on-site at buildings; and using social media, mail, and community partners to educate the public. They also educate tenant organizers about the coordinated intake line they maintain so that this information is shared with tenants. Grantees participate in training and outreach events held by other community organizations, including Housing Counseling Services, the Latino Economic Development Center, D.C. Public Libraries, D.C. Public Schools Early Childhood program, local hospitals, and various school groups.

Initiative grantees approach this work holistically, also working to connect District residents with related supports that could help them become stably housed, such as disability, unemployment, and financial planning if facing long term financial issues; and help with issues that may affect housing stability, such as deep cleaning and therapy intervention for hoarding. With additional funding, Initiative grantees have been able to hire staff whose duties include connecting tenants to services that will help them remain stably housed.

DCBF co-leads the D.C. Eviction Prevention Working Group with the Greater Washington Community Foundation and with support from the Urban Institute, a group set up after the White House's Eviction Prevention Summit. Here, Initiative grantees help lead strategic partnering between lawyers, housing providers and landlords, the District government, housing counselors and organizers, and the Court to reach tenants in the community with a goal of avoiding eviction. The Working Group has developed a multi-faceted collaborative framework that calls for increased community outreach and education, more partnering between Initiative grantees and community-based canvassers, and more engagement with housing providers and tenants alike before landlords file eviction actions.

Finally, securing affordable housing goes beyond eviction prevention. FY23 and FY24 support for the *Access to Justice Grants Program* supports numerous other housing strategies grantees employ to keep District residents in safe, healthy housing, including:

THE INITIATIVE'S IMPACT

HEALTHIER HOMES

ATTACKING HEALTH DISPARITIES

Children with asthma in Wards 7 and 8 are 20 times more likely to end up in the ER for asthma than a child growing up in Ward 3

LEGAL INTERVENTIONS MEAN HEALTHIER CHILDREN

Children's health improves – sometimes within days – after the conditions are addressed.

COMBATTING HOUSING CODE VIOLATIONS

Mold, lead, and vermin exacerbate asthma and lead to emergency room visits and hospitalizations.

ECONOMIC BENEFITS ARE CLEAR

A legal intervention, alongside medical treatment, keeps children out of the hospital and emergency room and results in significant Medicaid cost avoidance – on average \$10,000 in the first 18 months alone for housing conditions cases

Children's Law Center

- helping tenants facing environmental health hazards and unsafe and unhealthy housing conditions secure health-saving improvements from landlords and property owners through individual and building-wide advocacy;
- keeping families in their historic communities through work in foreclosure and estate administration at a time when intergenerational housing and communities are at risk of gentrification;
- promoting housing preservation by safeguarding low-equity housing cooperatives, tenant organizations, and other groups that keep District residents in their homes;
- supporting fair housing and combatting housing-based discrimination;
- keeping tenants in their housing by combatting illegal rent increases and unlawful voucher terminations; and
- working with individuals experiencing homelessness to provide holistic, legal support to address access to public benefits, estate planning/probate, housing, and record sealing.

APPENDIX B: PROMOTING PUBLIC SAFETY AND RESILIENCE

FY23 and FY24 Initiative funding supports a wide range of programs that are specifically targeted to promote public safety, address family instability, and improve community well-being through the *Access to Justice Grants Program*. Left unaddressed, these issues make our community vulnerable to crisis. Through successful intervention, they promote community resiliency and stability. Some examples of the ways the program promotes public safety and resilience include:

- *Keeping individuals and families safe.* Grantees offer trauma-informed services to survivors of domestic and gender-based violence in all eight wards. Grantees have mobilized to offer support in the form of emergency legal services and crisis safety planning and have launched new and expanded virtual and in-person clinics to meet the growing need. Court-based services are essential when the most recently available data^{xxii} show that 88% of petitioners in domestic violence matters seeking civil protection orders lack counsel. Specialized services also support survivors of sex trafficking, sexual exploitation, and victims of crime.
- *Re-entry support for returning citizens.* Several projects provide support to individuals transitioning back to the community after being detained in local or Federal juvenile, residential, or adult facilities through legal support in education, custody, employment, consumer, and post-incarceration issues. Specialized support for women returning from incarceration in issues like expungement, name change, probation issues, child support, child custody, consumer issues, and more is also offered. Programs also offer support in expungement and record sealing. A 2020 study found that there is a significantly lower recidivism rate among those who have their criminal records expunged. The study also found “sharp upturns” in wage and employment trajectories for those who obtained expungement relief, finding that “on average, within one year of expungement wages go up by over 22% versus the pre-expungement trajectory.”^{xxiii}
- *Promoting education opportunities for youth.* Initiative funds support legal services to parents and students to ensure that they are free from school exclusion and have access to a free and appropriate education, including special education and related services, language access, and other required supports to promote successful educational and life outcomes. Other services specifically target court-involved youth or youth at risk of court involvement.
- *Promoting family stability.* The Initiative supports a wide range of programs that promote family stability. At least three programs aim to prevent children from entering the foster care system through early intervention legal services at key points of instability, legal support for relative caregivers seeking to step in to care for children whose parents are unable to care for them, and support to parents whose families are at risk of entering the foster care system. A network of providers also provides representation to District residents trying to resolve family conflict in the D.C. Superior Court, with a separate program aimed at providing specialized, trauma-informed support to children involved in custody disputes who are identified as being in critical need of representation. Representation of parents and primary caregivers with child support issues is also provided, notable where 80-97% of litigants traditionally pursue these cases without legal help.^{xxiv} In 2023, the Family Law Assistance Network (FLAN) expanded beyond remote services to meet the demand for legal assistance. In addition to operating a Hotline and email referral system four days per week, FLAN now operates an in-person walk-

in center within D.C. Superior Court, with plans to staff this in-person on site additional days per week in 2024.

- *Managing health crises.* Funds support medical-legal partnerships that place lawyers alongside medical staff at some of the District's highest-volume primary care providers, including projects that offer specialized services to children, pregnant and postpartum individuals, and the transgender community. Legal services providers continue to help low-income D.C. residents stay stable and healthy by pursuing and maintaining local and Federal benefits and gaining access to housing, food, and medications as they continue to identify legal remedies for health problems like uncontrolled asthma due to mold-infested homes.
- *Specialized support for individuals with disabilities.* The Initiative supports a wide range of projects aimed at serving individuals with disabilities, including ensuring the least-restrictive options for those facing undue adult guardianship, assisting those facing housing challenges due to mental illness or behavioral challenges, and combatting discrimination based on disability or medical status.
- *Assisting seniors aging in place.* Low-income seniors get support in drafting wills and advance directives, renewing public benefits, fighting scams, and dealing with housing-related issues. Probate is a long-standing gap in our civil legal services network. While for years there was only one legal services provider offering services in probate matters, expanded Initiative funds have allowed more legal services providers to develop a practice in this area. Low-income, Black, and Latinx populations are less likely to have wills and estate plans, leading to complex probate proceedings after a death in the family and threatening intergenerational transfer of property. Legal help to navigate these complicated systems is essential.
- *Support to the District's growing immigrant population.* Initiative funds support legal help to combat notario fraud, protect unaccompanied minors, offer culturally specific legal services to targeted populations within the immigrant community, and help the District respond to the nearly 11,500 migrants who have arrived in the District on buses sent from southern border states since April 2022. The work not only navigates the complexities of immigration challenges but also prioritizes the safety, security, and holistic well-being of migrants. By providing essential legal services, fostering cultural competence, and building community networks, this work contributes significantly to the successful integration of recently arrived migrants into the community.

APPENDIX C: PROMOTING ECONOMIC SECURITY FOR INDIVIDUALS AND THE COMMUNITY

Initiative programs supported through FY23 and FY24 *Access to Justice Grants Program* funding also lessen economic risk and inopportunity and promote community well-being and stability:

THE INITIATIVE'S IMPACT

ECONOMIC IMPACT

PROMOTING INDIVIDUAL SECURITY

One program kept \$1.4 million in the pockets of 767 families facing debt and consumer cases last year.

BENEFITS SECURED

Another program reports that the equivalent of just under 2.5 lawyers secured over \$850,000 in vital public benefits for their clients.

MEDICAID SAVINGS FOR THE COMMUNITY

One grantee tracked its impact and found that community savings include \$14 million in Medicaid costs avoided over three years by keeping children out of hospitals and emergency rooms. A legal intervention, alongside medical treatment, keeps children out of the hospital and emergency room and results in significant Medicaid cost avoidance – on average \$10,000 in the first 18 months alone for housing conditions cases

- *Stabilizing credit for low-income residents and helping protect critically needed funds.* Funded programs help residents fight predatory lending and illegal debt collection schemes and avert negative court judgments and credit reports, which can affect housing and employment opportunities – included focused community efforts in Wards 1, 4, 5, 7, and 8. They also seek to avert or minimize the extraction of wealth from D.C. residents by debt collectors, which occurs disproportionately against Black and Latinx D.C. residents. The District saw an alarming number of these consumer problems before the pandemic, and providers have since faced more consumer and debt-related legal issues as billing cycles and wage loss create a toxic personal financial environment for thousands of already vulnerable D.C. residents. With pandemic-related moratoria lifted, providers are addressing increased consumer and collections cases as community members begin to receive medical and collection bills; health

care has become the country's largest source of debt in collections. These concerns are particularly acute for the undocumented, who have always been highly susceptible to exploitation and fraud. Six Initiative grantees partnered to establish the D.C. Debt Collection Hotline, which has already served thousands of residents, and, as cases continue to spike, is the phone number provided by D.C. Superior Court to litigants facing debt collection lawsuits. One program kept \$1.4 million in the pockets of 767 families facing debt and consumer cases last year.

- *Protecting wages and jobs.* These funds help teach low-income workers their rights, ensure they receive the wages they have earned and help them recover stolen wages, and fight discrimination and harassment. Unemployment in the District has always been high, with a disproportionate impact on people of color. Requests for legal assistance have clustered around unemployment insurance, terminations, and failures to pay wages or other benefits. Even before the pandemic, litigants in unemployment-related matters at the D.C. Office of Administrative Hearings were unrepresented by counsel 91% of the time.^{xxv} Specialized employment programs support working mothers within the District's immigrant community and those seeking assistance in applying for paid family leave benefits, and address discriminatory practices in the workplace in order to reduce income inequality and the racial income gap.

- *Preserving intergenerational homes through heirs property and other probate-related work.* The District has prioritized maintaining and growing Black homeownership. The ability to navigate the probate system can mean the difference between a family keeping a multigenerational home in D.C. or losing it and being forced to leave the community. A lack of legal support in probate matters (as high as 97% in some cases) has been a long-standing civil justice gap, but a growing number of Initiative projects offer support in this area.
- *Promoting economic security.* Helping District residents secure benefits to which they are entitled has always been an important part of this program. Providers play a critical role in working with government agencies like DHS and DHCF to ensure that benefit programs are accessible to the client community. This work is effective – the equivalent of just under 2.5 lawyers at one program secured more than \$850,000 in vital public benefits for their clients. There is a large gap in services for District residents navigating issues at OAH, which hears public benefits cases such as unemployment insurance, TANF, SNAP, rental subsidies, shelter services, and health benefits – a gap that providers struggle to fill.^{xxvi} There also is funding to support services to those experiencing homelessness to provide holistic, legal support to address issues ranging from public benefits, estate planning, probate, housing, and record sealing.
- *Reducing health-related costs* by addressing health-harming problems that can be resolved through legal solutions. For example, grantee programs help District families address housing code violations or other environmental health hazards that exacerbate medical conditions like asthma. One grantee tracked its impact and found that community savings include \$14 million in Medicaid costs avoided over three years by keeping children out of hospitals and emergency rooms.

APPENDIX D: ADDRESSING COMMUNITY NEED

Despite the District’s significant investment in the Initiative over time, the community need for these critical, free legal services continues to outpace available resources. While FY23 and FY24 funding have remained stable, these funds are still inadequate to meet the community need presented.

The Commission’s *Delivering Justice* report^{xxvii} described the civil justice crisis facing the District before the pandemic. Now, Initiative grantees report that requests for help continue to increase, with vulnerable populations like District elders, those living with disabilities, and the immigrant population particularly susceptible to legal risk. Even cases that have not grown in number have demanded greater capacity to service them, with hearing preparation and participation taking longer in the virtual context. Our post-pandemic world has created a new ‘normal’ whereby legal services providers are serving clients simultaneously in both remote and in-person environments.

Here are some snapshots of needs identified by Initiative grantees:

- *The need for representation in our courts and tribunals is great.* The most recently available data shows that rates of litigants in civil proceedings appearing in court without a lawyer are as high as 75-97% in D.C. Courts and at the D.C. Office of Administrative Hearings.^{xxviii}
- *Eviction remains at crisis level.* Eviction case filings in 2023 seem certain to exceed the year prior; the average monthly rate of filings has on average risen by a third from 2022 to 2023.
 - According to U.S. Census data, 26,000 of those D.C. adults in rental housing surveyed reported being behind in rent and 11,000 reported it was “very” or “somewhat” likely that they’ll have to leave their house within 2 months due to eviction – the vast majority of whom are District residents of color.^{xxix} This comes as the initial funding for the Emergency Rental Assistance Program (ERAP) was fully depleted halfway through FY23 and FY24 fund application periods have closed within days.^{xxx}
 - According to the D.C. Fiscal Policy Institute, nearly two-thirds of extremely low-income D.C. families pay half or more of their limited cash income towards rent.^{xxxi} An increasing number of District residents, more than 44,000 in 2022, are “severely housing cost burdened,” meaning that they spent half their income on rent.^{xxxii} Twelve percent of District residents (or 82,452) are experiencing housing insecurity, meaning housing unaffordability, inadequate housing, or frequent and unwanted moves – with that burden largely falling on families, children and youth; Black and Hispanic residents, and Ward 7 and 8 residents.^{xxxiii}
 - In its 2023 publication of the annual *Out of Reach* report, the National Low Income Housing Coalition ranked the District of Columbia as the sixth most expensive jurisdiction in the nation regarding rental housing wages, with the fair market rent for a 2-bedroom apartment in D.C. at \$1,838, and monthly income necessary to afford this rent without experiencing rental cost burden at \$6,126.^{xxxiv} In contrast, the median household income among CLCPP clients served is \$1,200 per month, with the median monthly income among all clients served since 2019 at \$1,054.^{xxxv}

- Across Wards 7 and 8, 78% of low-income residents are paying more than 30% of their income on housing costs. Half of these residents have delinquent debt, with only 42% having at least \$2,000 in emergency savings.^{xxxvi}
- Funded organizations have seen a 50% increase in calls for assistance; there have been over 2,000 calls to the Landlord Tenant Legal Assistance Network in 2023.
- *Domestic violence remains a chronic, growing area of need.*
 - One in four women in the District have experienced domestic violence, and cases have continued to rise in 2023, not letting up on the surge providers saw during the height of the COVID-19 pandemic as households faced increased economic strain and stay-at-home orders.
 - One domestic violence provider handled 40-50% more clients in 2023 than the same period in 2022. The average monthly rate of domestic violence filings was up 65% at the beginning of 2023 compared with 2022.
 - D.C. SAFE experienced 42,480 calls to their Crisis Response Line – the source of a majority of Initiative grantee referrals for Civil Protection Orders – in fiscal year 2023.^{xxxvii}
 - One organization is on track to co-counsel with 450+ volunteer attorneys (for an equivalent of over 35,000 donated hours of legal services) to better meet client needs.
- *Economic stressors persist.*
 - Some providers reported a 10% increase in requests for consumer debt legal help over the previous year. In Wards 7 and 8, 50% of people have some form of delinquent debt.^{xxxviii}
 - Consumer defaults are at their highest levels since the 2009 economic depression.^{xxxix}
 - More than 100 foreclosures were filed in the District in June 2023 alone, with the District placing between the 9th and 10th states with the highest rates of foreclosure in the country.^{xl}
- *Family conflict often requires legal intervention.*
 - Providers report a range of 50 to 100% more calls for help as compared to 2022.
 - In D.C.'s Family Court, 83-93% of litigants lack counsel.
 - The Initiative-funded Family Law Assistance Network has fielded close to 3,000 calls from D.C. residents seeking this type of assistance since its inception in March 2020, with a 38% increase thus far this year. The FLAN hotline receives an average of 25-40 calls per day.
- *Probate-Related Needs Continue.*
 - A report issued jointly by the Council for Court Excellence and the D.C. Access to Justice Commission calls on the legal and philanthropic community to expand support for legal services in probate and estate administration among other reforms.^{xli}

- One organization’s “Legal Information Help Line” received 1,619 calls regarding probate or life-planning issues over a two-year period. In 2022, 4 of every 10 resources accessed on LawHelp.org/DC were related to probate.
- *District residents require help navigating critical government programs and benefits.*
 - More clients with disabilities are seeking help with supported decision making and recovering stolen benefits.
 - With Medicaid recertification and Medicaid-funded services under renewed scrutiny, District residents with health needs require help addressing errors and litigating factual disputes on the necessity of services. Litigants appealing public benefits decisions at the D.C. Office of Administrative Hearings are unrepresented 86% of the time.

These are just a few reasons that Initiative grantees report an increasing and more complex level of community need for civil legal help.

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

ⁱⁱ Data provided by the D.C. Bar Foundation.

ⁱⁱⁱ See 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 2023). 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 D.C.](#), The D.C. Line (August 22, 2022, updated December 9, 2022).

^{iv} Data provided by the D.C. Bar Pro Bono Center.

^v See *supra* note iii.

^{vi} Data provided by the D.C. Bar Foundation.

^{vii} In FY22, 29% of those served through the *Access to Justice Grants program* (or 11,731 of 40,836) (including those served by the Bank) and 14% of those served excluding the Bank (or 4,641 of 33,746) were low-income District residents with limited or no English proficiency. In the first half of FY23, that percentage was 30% (or 5,823 of 19,543) (including those served by the Bank) and 16% of those served excluding the Bank (or 2,633 of 16,353). Data provided by the D.C. Bar Foundation.

^{viii} Data provided by the D.C. Bar Foundation.

^{ix} Data provided by the D.C. Bar Foundation.

^x Examples include NPC Research, [D.C. Bar Foundation’s Family Law Learning Network: Summary Report](#) (October 2022) and NPC Research, [D.C. 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> <https://www.dccourts.gov/about/pro-bono-honor-roll>

^{xii} The campaign establishes revenue-based benchmarks for law firm donations to legal services organizations.

<https://dccccestojustice.org/raising-the-bar/>

^{xiii} United Planning Organization, [D.C. is Not Making Progress on Affordable Housing for Those Who Need it Most](#) (September 2023).

^{xiv} Claudia D. Solari, Lydia Lo, Alavi Rashid, Lynden Bond, Urban Institute, [Housing Insecurity in the District of Columbia](#) (November 16, 2023).

^{xv} *Supra* note iii at 8.

^{xvi} *Id.*

^{xvii} See [NPC Research, Civil Legal Counsel Projects Program \(CLCPP\) Annual Evaluation Report, FY2021 \(October 2021\)](#); [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 \(CLCPP\) \(October 2022\)](#); 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 2023). See also Annemarie Cuccia, “We’re Trying to Make it a Level Playing Field: How a New Hotline Helped Stop Two-Thirds of Evictions in D.C.,” *The D.C. Line* (August 22, 2022, updated December 9, 2022).

^{xviii} Information provided by the D.C. Bar Pro Bono Center.

^{xix} *Supra* note iii at 10.

^{xx} *Id.* at 5. The case volume and rate of closure was impacted by various stages of the pandemic.

^{xxi} *Id.* at 18.

^{xxii} *D.C. Access to Justice Commission, Delivering Justice: Addressing Civil Legal Needs in the District of Columbia (December 2019) at 204.* A summary of representation rates in D.C. Courts and the D.C. Office of Administrative Hearings is available at https://dcaccessstojustice.org/reports_extra.html.

^{xxiii} Prescott, J., Starr, S., *Expungement of Criminal Convictions: An Empirical Study*, Harvard Law Review, 133, no. 8 (2020) at 2460-2555.

^{xxiv} *Supra* note xxii at 204.

^{xxv} *Id.* at 210.

^{xxvi} *Id.*

^{xxvii} *Id.*

^{xxviii} *Id.*

^{xxix} U.S. Census Bureau, Household Pulse Survey (Week 63: October 1-30), *Table 1b: Last Month’s Payment Status for Renter Occupied Housing Units*, available at <https://www.census.gov/data/tables/2023/demo/hhp/hhp63.html>.

^{xxx} See Annemarie Cuccia, *Overwhelmed By People Seeking Help, D.C. Cuts Off Rental Assistance After 10 Days*, WAMU/DCist (October 18, 2023); Annemarie Cuccia, *After Months Long Fight between Mayor and Council, Emergency Rental Assistance Gets More Funding*, WAMU/DCist (January 22, 2024).

^{xxxi} D.C. Fiscal Policy Institute, *D.C. Affordable Housing Toolbox* (April 2019).

^{xxxii} *Supra* note xiii.

^{xxxiii} *Supra* note xiv.

^{xxxiv} *Supra* note iii at 8.

^{xxxv} *Id.*

^{xxxvi} Miranda Santillo, Mingli Zhong, Oriya Cohen, Urban Institute, *Washington, D.C., Has Glaring Financial Health Inequities. So Do Most American Cities* (October 6, 2022).

^{xxxvii} D.C. Safe, *D.C. Safe FY23 By the Numbers*.

^{xxxviii} *Supra* note xxxvi.

^{xxxix} See, e.g., Federal Reserve Bank of New York, Liberty Street Economics, *Credit Card Delinquency Continues to Rise* (November 7, 2023).

^{xl} <https://www.sofi.com/learn/content/foreclosure-rates-for-50-states/>

^{xli} Council for Court Excellence and D.C. Access to Justice Commission, *Strengthening Probate Administration in the District of Columbia* (February 2022).

THE ACCESS TO JUSTICE INITIATIVE



The Access to Justice Initiative works.

The Initiative offers concrete solutions to address community priorities like housing, public safety, and economic opportunity. It helps build stronger neighborhoods where District residents can live, thrive, and maintain a good life for themselves and their families. The District government's vision in creating the Initiative recognizes that legal support leads to a fairer, more accessible justice experience, better individual outcomes, and promotes community equity.

The Access to Justice Initiative is a uniquely essential community resource.

There is no other program that offers District residents the opportunity to address such a wide range of problems that often cannot be solved without legal help. Staff at 30+ nonprofit organizations serve DC residents in areas like housing, domestic violence, consumer debt, education, estate planning, family issues, expungement, disability, immigration, public benefits, discrimination, employment and jobs.

The Initiative promotes housing stability.

The Initiative helps maintain the District's unique character through a continuum of strategies that keep District neighbors safely and stably housed in their community. These include efforts targeted at preserving inter-generational homes, preventing foreclosure and eviction, and legal help that keeps District residents housed in affordable, healthy, safe, and discrimination-free environments.

The Initiative promotes public safety and community resilience.

Left unaddressed, civil legal needs make our community vulnerable to crisis and less safe. Through Initiative interventions, communities are stronger and more resilient. Initiative programs nourish the District's safety net and promote community well-being by addressing family instability, supporting youth, giving voice to survivors of crime, serving returning citizens, and addressing core areas individuals need to thrive.

The Initiative promotes economic opportunity for individuals and the community.

Initiative programs lessen economic risk and inopportunity for District residents by protecting workers, addressing debt-related legal crises, and promoting financial literacy. Investment in the Initiative not only promotes economic security and community well-being, but also lessens government burdens that would be experienced if these issues remained unaddressed, reduces community health costs, and leverages existing resources.

The Initiative helps keep highly qualified, experienced lawyers serving District residents.

The Initiative supports loan repayment for full-time legal services attorneys who offer free legal services to District residents, a key recruitment and retention tool for legal employers.

To learn more:

<https://dcaccesstojustice.org/access-public-funding/>
and <https://www.dcbfoundation.org/grant-programs>

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