December 17, 2021

The Honorable Muriel Bowser
Mayor of the District of Columbia
1350 Pennsylvania Avenue NW
Washington, D.C. 20004

RE: FY23 Access to Justice Initiative Funding

Dear Mayor Bowser:

We hope that this letter finds you well. We are grateful for the leadership your team has demonstrated during these unprecedented times. Our community's ability to come together and serve our most vulnerable neighbors is inspiring and far greater through your efforts.

The role you play in supporting civil justice in the District cannot be overstated. Civil legal aid is a critical part of the District's safety net and allows us to build a more just, racially equitable community. The District leads the nation in its support of civil justice. Thank you.

There is no doubt that the civil justice crisis the District faced *before* the pandemic, as described in our *Delivering Justice* report, has grown. The District's investment ensured that when the pandemic hit our community, we had a strong network of organizations ready to mobilize to help its residents. While organizations pivoted to provide services in new ways, District residents' mounting legal needs (especially in eviction prevention and diversion) continue to stretch resources. As you said during an event celebrating the work of the DC Bar Foundation, which administers the Access to Justice Initiative: "*We know that [the legal needs of District residents] are greater now even more than ever, as our lowest income residents bear the brunt of this public health crisis. Affording them the legal representation and assistance they need is fundamental to upholding our D.C. values*."

Yet, this is a moment of great opportunity. We are poised to transform our civil justice system for the better. The work of the Initiative, as outlined in the attached budget request, will bring innovative and transformative solutions to problems that have long vexed District residents, complementing the programs the Initiative supports. These new strategies will reimagine how we mete out justice, focusing on meeting District residents where they are and offering a continuum of services that offers them the help they need, when they need it. We will be prevention focused, offering support *before* individuals are facing court to solve problems earlier, and more efficiently. The Initiative is uniquely positioned to help our community recover and rebuild.

**Our FY23 budget request of $31.089M seeks to build on the results of the District's historic FY22 investment in civil justice, offering even greater resources to support the important work we must do to best serve District residents**. We want to support whole-community solutions, bringing in non-legal partners whose expertise and relationships will strengthen our civil justice network. There is a strong desire to embrace change and 'do more' but this work cannot happen without greater resources to support it.

We are anxious to partner with you and work towards a renewed and more equitable District. The District government's partnership with the Commission and the DC Bar Foundation is critical to this effort. Thank you for your support and consideration, and best wishes for a happy and healthy New Year.

Sincerely,

Peter B. Edelman, Chair

James J. Sandman, Vice Chair

cc: Mr. Kevin Donahue, City Administrator
Mr. John Falcicchio, Chief of Staff
Ms. Beverly Perry, Senior Advisor to the Mayor
Ms. Betsy Cavendish, General Counsel, Executive Office of the Mayor
Mr. Chris Geldart, Deputy Mayor for Public Safety & Justice
Mr. Eugene Adams, Director, Mayor's Office of Legal Counsel
Mr. Ronan Gulstone, Director, Mayor's Office of Policy and Legislative Affairs
Ms. Jennifer Reed, Director, Office of Budget and Performance Management
Ms. Michelle Garcia, Director, Office of Victim Services & Justice Grants
Ms. Kirra Jarratt, Chief Executive Officer, DC Bar Foundation
Ms. Nancy Drane, Executive Director, D.C. Access to Justice Commission

**FY23 Public Funding Request for the Access to Justice Initiative:**

**Transforming the Civil Legal Services Network**

**SUMMARY:**

**Civil legal aid is a critical part of the District's safety net and contributes to a more just, equitable community**. As vulnerable, low-income District residents face life-changing challenges such as potential eviction, unemployment, improper termination of benefits, protection from domestic violence, or family concerns, credit impairment, identity theft, and loss of precious bank account funds and wages, civil legal services allow them to avoid unjust outcomes and seek fair treatment. The District government has long recognized the need to make legal help available to those unable to afford it by supporting the Access to Justice Initiative ("ATJ Initiative"). The DC Bar Foundation ("DCBF"), working with the D.C. Office of Victim Services and Justice Grants ("OVSJG"), has thoughtfully administered the ATJ Initiative since its inception in fiscal year 2007.

**The ATJ Initiative is a valuable public investment**. Civil legal services make government systems more effective for residents and are part of the critical safety net for District residents living in poverty. It is hard to imagine attempting the daunting task of navigating the District's complex courts and tribunals without legal help, particularly when the things most precious to you are at stake – your children, your home, your physical safety, your livelihood. Through the Initiative, tens of thousands of D.C. residents have access to court- and community-based legal services and education in a wide array of civil legal needs, such as domestic violence, education, employment, estate planning and probate, family law, health and disability, consumer law, housing and foreclosure, immigration, and re-entry. These services make it more likely that these residents will remain safely in their home and healthy, avoid being cheated out of wages for time worked, keep their benefits, and resolve family conflicts. When D.C. residents have greater access to justice, this means greater family stability and economic opportunity and a better overall quality of life in the community.

**There is no doubt that the civil justice crisis the District faced before the pandemic has grown over the past 20 months**. As described in our *Delivering Justice* report, the District faced a civil justice crisis before the pandemic, with rates of litigants appearing in court without a lawyer as high as 75-97% in some legal areas. While organizations pivoted throughout the pandemic to provide services in new ways, the mounting legal needs of low-income District residents continue to outpace the resources available. This reality comes knowing that District residents who before and during the pandemic managed to keep their families stable will now, many for the first time in their lives, face unfamiliar civil legal needs they will be unprepared to address as moratoria and other protections expire.

**Yet, this is a moment of great opportunity**. We are poised to truly transform our civil justice system for the better. And that spirit informs our FY23 budget request.

**FUNDING REQUEST:**

The ATJ Initiative includes three programs: (1) the *Access to Justice Grants Program* that supports organizations that deliver civil legal services to low-income and under-served District residents or support to their nonprofit organization partners, aimed at increasing services in communities and neighborhoods of highly concentrated poverty, expanding representation in housing matters, and maintaining a legal interpreter bank; (2) the *Civil Legal Counsel Projects Program*, providing representation in eviction-related proceedings; and (3) the *D.C. Poverty Lawyer Loan Repayment Assistance Program* to assist lawyers with student loan debt. DCBF has administered and guided the development of each program from its beginning.

**We[1] request that the District build upon its commitment to equal justice for low-income D.C. residents by increasing[2] funding to the ATJ Initiative in FY23**. The work supported by the Initiative, as outlined in this budget proposal, will transform how we address problems that have persistently burdened District residents, complementing the traditional models it has long supported. Reimagined, these strategies meet District residents where they are and offer a continuum of services to provide the help they need, when they need it. This FY23 budget request will build on the District's historic investment in civil justice, offering even greater resources to support the important work we must do to best serve District residents. It will also help us deepen community relationships by supporting whole-community solutions alongside non-legal partners whose expertise and connections will strengthen our civil justice network. This resource-intensive work cannot happen without greater funding to support it. DCBF is prepared to manage this increase and support areas of need where increased funding would be beneficial.

**We respectfully request $31,089,000 in recurring funds for the ATJ Initiative, broken down as follows:**

- $19,739,000 for the *Access to Justice Grants Program*, including $3,000,000 dedicated to eviction diversion. This is an increase of $5,500,000 million from FY22 funding ($4,000,000 increase for the Access to Justice Grants Program and $1,500,000 increase to eviction diversion efforts.) This increase will allow program grants to meet the demand for current and new civil legal services, including the expansion of successful, existing programs; to evaluate practices and assess community need in more detail; to support the development of coordinated intake and other technological innovations and infrastructure to deliver legal services more efficiently; and to pursue other transformative strategies to better serve District residents.
- $11,000,000 for the *Civil Legal Counsel Projects Program*. This is an increase of $3,000,000 from FY22 funding. This increase will provide for more eviction-related legal services to a higher volume of D.C. residents at a time of unprecedented need, and will support practice improvements identified through an evaluation of the existing program.
- $350,000 for the *DC Poverty Lawyers Loan Repayment Program*. Based on historical and anticipated demand for assistance, we request level funding to FY22. This will help ensure a high quality, diverse pool of legal services professionals.

[1] Created by the D.C. Court of Appeals in 2005, the Commission addresses District residents' unmet need for civil legal services. Commissioners include judges & staff from local courts and tribunals, private bar leaders, representatives of legal services organizations, law school faculty, business & community leaders, and other District stakeholders.

[2] The FY22 Local Budget Act reads, "… provided, that $22,589,000 shall be made available to award a grant to the District of Columbia Bar Foundation for the purpose of administering the Access to Justice Initiative and the Civil Legal Counsel Projects Program, of which not less than $350,000 shall be available to fund the District of Columbia Poverty Lawyer Loan Repayment Assistance Program, and of which not less than $8,000,000 shall be available to fund the Civil Legal Counsel Projects Program, and of which not less than $1,500,000 shall be available to support activities that attempt to reduce eviction filings; provided further, that the funds authorized for expenditure for the District of Columbia Poverty Lawyer Loan Repayment Assistance Program and the Civil Legal Counsel Projects Program shall remain available for expenditure, without regard to fiscal year, until September 30, 2022." Fiscal Year 2022 Local Budget Act of 2021, Bill 24-274 (Signed by the mayor on 9/14/21)

**THE TRANSFORMATIVE ROLE OF THE ACCESS TO JUSTICE INITIATIVE:**

The ATJ Initiative has fundamentally changed civil justice in the District by increasing the capacity and reach of organizations to address District residents' legal needs.[3] As described below, increased FY23 funding will allow us to multiply successful interventions at a time when the need is more profound than ever before, as well as drastically transform how legal help is accessed by District residents. DCBF is committed to ensuring that the funded programs and services continue to effectively serve District residents. Fulfilling this request will ensure District residents receive essential legal services while also making investments in systemic civil justice reform that will transform the way services are delivered.

**Strategic, Collaborative Approach to Keeping District Families Safe in their Homes**

A significant portion of Initiative funds supports a continuum of strategies that keep District families safe in their homes. The need for expanded support in this area is more urgent than ever as moratoria and Federal rental assistance expire. It will support novel, multi-sector collaboration. The District government is a partner in this unprecedented work, as are legal services providers, the courts, community-based organizations, and other community leaders. Over the past year, the resources of the ATJ Initiative have positioned DCBF to play a key, facilitative role in addressing the District's eviction crisis.

Eviction defense is a critical and necessary intervention in addressing this issue, and our FY23 budget request seeks an increase in the *Civil Legal Counsel Projects Program* ("CLCPP") to ensure 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 importance of this support is demonstrated by the work accomplished during the pandemic, as outlined in greater depth in a recent DCBF report, available HERE, and summarized below:

- During the pandemic, CLCPP providers launched the Landlord Tenant Legal Assistance Network ("LTLAN"), a telephone-based coordinated intake and referral process for low-income litigants to call and be connected with an attorney from a CLCPP partner. CLCPP providers ensured that the court publicized the LTLAN hotline number in mailed documents about upcoming hearings and during remote hearings. LTLAN continues to be an innovative and accessible point of entry for D.C. residents, and CLCPP partners continue to connect with thousands of tenants via these hotline calls and completed online forms. Since its launch in June 2020, and through November 30, 2021, the LTLAN has received 3,877 calls.

- During the pandemic, CLCPP providers worked with the court and community partners to affirmatively reach out to tenants who – despite the existence of a moratoria – faced the risk of eviction. They fought illegal attempts at eviction, served those who still faced court hearings, and helped tenants who were confused about what protections were available to them.

- Despite fewer court hearings during the pandemic, CLCPP partners worked together to ensure that they had a presence in the virtual courtroom, both to observe how the remote process worked for low-income tenants and, more importantly, to connect with unrepresented tenants to offer services. The partners established a schedule that ensures that an attorney from one of the CLCPP organizations is present at all initial court hearings in eviction cases to offer services and connect directly with tenants.

[3] The Commission's December 2019 report, *Delivering Justice*, documents the important work being done by the District's civil legal services community to address documented legal needs - efforts impossible without the ATJ Initiative. It is available at www.dcaccesstojustice/reports.

- CLCPP organizations collaborated to train pro bono attorneys, referring cases for representation whenever possible. Anticipating an increase of eviction filings after the moratorium expired, the partners hosted a five-part eviction law and defense training series attended by 145 pro bono attorneys. CLCPP partners are working to reconnect with previously trained pro bono attorneys and their law firms. This is an example of how CLCPP funds are leveraged effectively.

- CLCPP partners continued to participate in D.C. Superior Court's Landlord Tenant Working Group to discuss updates and provide recommendations to the Court on process improvements and other topics. Court-related advocacy also involved participation in pending cases addressing the constitutionality of the District's emergency law prohibiting the filing of new eviction cases. The Court has remarked on how instrumental the role of the CLCPP providers has been in serving court users during this challenging time.

- CLCPP partners continue to play a critical role in advocating for legislative protections for tenants during the pandemic, providing oral testimony and recommendations for needed tenant protections, including testimony before the Council's Special Committee on COVID-19 Pandemic Recovery.

The unique circumstances of the pandemic have also spurred innovative solutions to address the eviction crisis earlier and more often. Additional FY23 funds will allow for further expansion of efforts CLCPP providers have already piloted that go beyond the legal representation model traditionally supported by CLCPP funds in order to prevent future eviction activities:

- CLCPP partners partnered with the District government and community-based organizations to ensure tenants are aware of their rights to avoid eviction, critical when tenants often misunderstood rules about the eviction moratorium and other renter protections that might apply to them. This outreach included 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 via conference call; and using social media, mail, and community partners to educate the public. When those efforts failed to engage tenants identified to be at risk, CLCPP providers worked with canvassers to knock on doors to ensure they were aware of the availability of services to help.

- CLCPP partners participated in training and outreach events held by other community organizations, including Housing Counseling Services, the District's leading rental assistance provider, the Latino Economic Development Center, DC Public Libraries, DC Public Schools Early Childhood program, local hospitals, and various school groups.

- CLCPP partners continued to engage in various forms of community education, including partnering with tenant organizers, mutual aid organizations, and other community-based groups to provide general information on eviction protections, what to expect when those protections expire, and available resources. The CLCPP partners educated tenant organizers about the LTLAN so that the organizers could bring this information to tenants as they canvassed neighborhoods; in some instances, canvassers helped the tenants fill out the online LTLAN intake form. CLCPP partners also played a critical role in ensuring DC tenants were aware of and had help accessing STAY DC benefits.

All told, the impact of the program is compelling. From August 2019 to August 2021, the CLCPP network served a total of 3,731 low-income tenants across a total of 4,232 cases. Because D.C. Courts operations were reduced in March of 2020 and eviction-related moratoria were in place, the number of tenants served between January and August of 2021 was curtailed: CLCPP served 766 tenants across 852 cases between January and August 2021. Of these 852 cases served in 2021, 212 had complaints filed and outcome data available. Possession in these 212 cases generally favored the tenants with 157 (74%) resolving with tenants retaining possession of the unit – 124 (58%) outright and 33 (16%) as part of the terms of an agreement which allowed the tenant to remain in the unit provided that they comply with certain conditions. Landlords retained possession in 55 (26% ) of these cases – 16 (8%) because the tenant moved prior to the hearing and 27 (12%) because the parties agreed to a move out settlement or otherwise resolved the dispute. Only 12 (6%) of the 212 cases with a complaint and outcome data resulted in an adverse eviction judgment against the tenant. It is still unclear what impact the lifting of the moratorium on evictions for non-payment of rent will have going forward, but because of financial distress caused by the pandemic, it is expected that the number of evictions filed will begin to surge in the next calendar year.

In addition, the District's historic $1.5M FY22 investment in *Eviction Diversion* has provided an opportunity to expand these innovative strategies to support District tenants and to more directly involve non-legal organizations who regularly partner with CLCPP providers. DCBF has co-led the DC Working Group of a White House eviction diversion initiative, facilitating regular conversations with all necessary stakeholders to develop a strategy for diverting tenants from the eviction process. This has resulted in dynamic strategic partnering between lawyers, housing counselors, tenant *and* landlord groups, and the government to meet tenants where they are, in the community, with an aim towards avoiding eviction. CLCPP partners are leading efforts to develop a sophisticated, multi-tiered framework for a continuum of eviction-related supports offered in the community and the courts. While not yet fully realized, these efforts have already produced dividends. For example, during a recent two month period (September 13 – November 19, 2021) of the 391 evictions scheduled with redeemable judgments, 234 (or 60%) were halted through these eviction diversion partnerships. Our FY23 budget request seeks to increase funding to support eviction diversion to $3M to ensure we do more of this impactful work where we have proof of concept, and that we can support the components of the eviction diversion framework being developed.

Finally, securing affordable housing goes beyond eviction. *The ATJ Initiative supports numerous other strategies to keep District residents in safe, healthy housing*. Grantees help tenants facing environmental health hazards and negative housing conditions secure health-saving improvements from landlords and property owners. At a time when intergenerational housing and communities are at risk of gentrification, grantees keep families in their historic communities through work in foreclosure and estate administration. Grantees safeguard low-equity housing cooperatives, tenant organizations, and other groups that seek to keep District residents in their homes. And grantees support fair housing and combat housing-based discrimination. Of course, the Initiative also provides services that address some of the root causes of housing instability: unemployment-, barriers to accessing public benefits-, consumer credit, and debt-, health-, and disability-related issues, including both disability rights protection and resources to increase access for disabled residents. The uniquely comprehensive nature of the ATJ Initiative allows for and fosters this multi-pronged approach to housing justice and its connection to the causes and effects of poverty.

**Advancing Transformative Systems Change with a Racial Equity Lens**

The ATJ Initiative is well-positioned to advance transformative change in our civil justice system, recognizing that access to civil justice is a racial equity imperative in a community like D.C. where communities of color disproportionately experience these challenges. Across the country, access to justice leaders are talking about this great moment of opportunity, where the pandemic has forced us to seek new solutions and embrace innovations that pre-pandemic seemed impossible. This type of change – while exciting – is resource intensive. There is an unprecedented interest in collaboration, coordination, and innovation, and a fully funded ATJ Initiative can ensure that interest is realized. Our FY23 budget request will allow new initiatives like coordinated intake, investment in technology, and continuous improvement through evaluation to occur. These innovations are long needed investments.

*Coordinated intake* is a perfect example. For fifteen plus years, our legal community has talked about developing a system that would make it easier for District residents to access help. From a user perspective, solutions to problems – even if they are recognized as legal problems (and often they are not) – are not easy to find. There are countless phone calls, online or in-person intakes, shuffling from organization to organization to get help, and often those efforts are ultimately unsuccessful. With the vast array of organizations that offer help in the District, this quest can be even more daunting. For District residents to have a justice experience that meets them where they are and provides them the help they need, when and where they need it, we need a more coordinated, strategic approach.

DCBF is now leading an effort to do just that, with deep involvement in the design phase by many grantees. The vision is that for District residents, there will be "no wrong door" to accessing help. In this vision, a District resident seeking help will have a single point of entry, where they'll be connected with someone who will listen to their problems and connect them with curated resources that will address those problems and facilitate a connection with a legal services provider that may have the capacity to help. No other jurisdiction has attempted an approach at a scale contemplated in the District. Our FY23 budget request will allow that vision to be actualized.

No system is valuable without connecting it to the people who need it. This effort to develop a Coordinated Intake, Triage, and Referral system is deeply connected to DCBF's efforts to *broaden our civil legal aid network* to involve other community partners who serve District residents. The success of the Coordinated Intake, Triage, and Referral system will be fully realized only if District residents and the non-legal professionals who serve them know how to access it. While ATJ Initiative grantees often partner with non-legal community organizations in the District to serve DC residents more directly – medical-legal partnerships being a perfect example – this work needs to be expanded and appropriately resourced to be effective. FY22 and FY23 funding will support dedicated staff to support this network development and other work at the DC Bar Foundation.

Finally, the District's leadership and support allow the Initiative to incorporate *strategic investments in learning, professional development, and evaluation* that ensure continuous improvement of the work. Through its partnership with NPC Research, DCBF continues to evaluate the impact of ATJ Initiative programs. This work includes tracking outcomes through client interviews, the impact of various forms of representation, the effectiveness of services, and how the work can make the District a more just, and racially equitable community.

**Facilitate Collaborative, Community-Informed Solutions to Persistent Legal Problems**

The ATJ Initiative, through the leadership of the DC Bar Foundation, uniquely promotes collaborative planning and service delivery. Resources can be used more efficiently when organizations are well-positioned to partner. Partnerships also lead to collective learning, the adoption of consistent and effective best practices, and economy of scale. The benefits of this coordination are described above in the context of eviction prevention and are being replicated elsewhere. With DCBF's support, providers have launched a network that has eased community access to legal services during a critical time. For example, the Initiative supports a Family Law Learning Network ("FLLN"). FLLN providers have received training and technical assistance on collecting, analyzing and using data, and members are now able to bring a data-informed perspective to their work and planning. Some of these same providers also created the Family Law Assistance Network during the pandemic to allow for more efficient service delivery and more seamless connection to court users needing legal help.

These existing networks also enable outreach beyond the legal community. Grantee organizations have reached out to District residents to assess their legal needs, set up virtual clinics and accessible phone lines to provide help (sometimes through partnerships with non-legal community partners), connected their clients with legal and non-legal supports, and ensured that rapidly changing information is available to D.C. residents. Legal services providers have partnered with the Mayor's Office of Community Affairs, Mayor's Office of Latino Affairs, the Mayor's Office on Fathers, Men, and Boys, the Office of the Deputy Mayor for Planning and Economic Development, the Department of Housing and Community Development, the Department of Human Services, the Office of the Tenant Advocate, and other non-government community stakeholders to offer this support. Grantee organizations are anxious to do more to incorporate community education, community lawyering, and community-based supports, but cannot do so without greater resources. Hand-in-hand with this effort must be more intentional investment in legal information, using technology to more effectively reach D.C. residents, and other innovations. With greater FY23 support, DCBF hopes to promote this type of innovation.

DCBF is also committed to support programs that deliver legal services that are community-informed. Efforts like participatory grant making (where D.C. residents with lived experience decide where funds should be directed) and client listening sessions have deepened DCBF's approach to grantmaking and richened its work. These efforts will benefit its FY23 grant-making strategy.

**Continued Support to High Quality, Proven Interventions to Meet the Legal Needs of District Residents**

Finally, meeting our FY23 budget request will allow the ATJ Initiative, including the *Access to Justice Grants Program*, to expand proven solutions that work. Since its inception, the Initiative has allowed highly qualified organizations to address some of the most urgent and profound challenges District residents face: keeping families safe; managing health crises; assisting seniors aging in place; stabilizing credit for low-income residents and avoiding the harmful wage garnishments, bank account attachments, and stress that often accompany debt collection; protecting wages and jobs; and ensuring access to benefits. The critical importance of civil legal help has always been profound, but the pandemic has made the need all that more acute. Providers report increased requests for help, with vulnerable populations like District elders, those living with disabilities, and the immigrant population particularly susceptible to legal risk. This is borne out by what we are seeing in our courts, with increases in areas like domestic violence and probate, and an anticipated surge in cases that have been tolled due to the pandemic, like evictions, debt collection and mortgage foreclosures. 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.

Some examples of the life-changing work the Initiative supports include:

- *Keeping Families Safe*. These funds support services to domestic violence survivors, the vast majority of whom access the courts without legal representation. These individuals are particularly at risk now due to a confluence of pandemic-related factors. Providers have mobilized to offer support in the form of emergency legal services and crisis safety planning. Some providers report a 300% increase in calls for assistance – a circumstance that has not abated.

- *Managing Health Crises*. Medical-legal partnerships that place lawyers alongside staff at some of the District's highest-volume primary care providers are supported through these funds. The District was already facing significant public health challenges before the pandemic, but health-related concerns have taken on a heightened sense of urgency. Legal services providers will continue to help low-income DC 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, such as uncontrolled asthma due to mold-infested homes.

- *Assisting Seniors Aging in Place.* These funds support attorneys who help low-income seniors draft wills and advance directives, review public benefits and fight scams, and deal with housing-related issues. This is a long-standing gap in our civil legal services network, with only one legal services provider able to serve low-income D.C. elders in estate administration, for example. Now, the need for this help has increased among the low-income, Black, and Latinx populations that are most at-risk for COVID-19. These communities were already 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. A forthcoming report issued jointly by the Council for Court Excellence and the Commission calls on the legal and philanthropic community to expand support for legal services in estate administration among other reforms.

- *Stabilizing Credit for Low-Income Residents and Helping Residents 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 – and also seek to avert or minimize the extraction of wealth from D.C. residents by debt collectors, which occurs disproportionately against African-American and Latino D.C. residents. The District saw an alarming number of these consumer problems before the pandemic, and providers are now facing 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. Now that related moratoria have lifted, providers are preparing for an onslaught of 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. This will add to the already crushing volume of individuals needing legal help. These concerns are particularly acute for the undocumented, who have always been highly susceptible to exploitation and fraud and were not eligible for many pandemic-related assistance programs. Providers also expect a marked increase in bankruptcy filings where legal assistance will be needed. During the pandemic, six providers partnered to establish the D.C. Debt Collection Hotline, which has already served thousands of residents, and, as the new cases spike, is the phone number provided by D.C. Superior Court to litigants facing debt collection lawsuits.

- *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. Although workers continue to bring a wide range of employment-related issues to now-virtual clinics, requests have clustered around difficulties accessing and questions about unemployment insurance, terminations, and layoffs due to the pandemic, and failures to pay wages or other benefits. Over 250,000 people have applied for unemployment insurance in the District since March 13, 2020, compared with about 37,000 *total* claims filed in 2019. Even before the pandemic, litigants in unemployment-related matters at the D.C. Office of Administrative Hearings were unrepresented by counsel the vast majority of the time. At the height of the pandemic, that tribunal experienced four times the typical number of unemployment appeals. With this has slowed somewhat, there remains a high volume of appeals, particularly of cases involving benefits-related fraud.

- *Ensuring Access to Benefits*. Helping District resident secure benefits for which they are entitled has always been an important part of this program. Even before the pandemic, lawyers provided essential, on the ground support to District residents to ensure they had access to crucial benefit programs. While this system was already challenging to navigate, with the pandemic, many qualified applicants for crucial safety net programs lack the ability to complete online benefits applications or recertifications and are more likely to face improper benefits terminations or denials due to unfamiliarity or system errors as an overwhelming number of new applications are processed. Providers played a critical role in working with government agencies, such as the Department of Human Services and the Department of Health Care Finance, to ensure that processes were and continue to be accessible to the client community. Several providers have also created dynamic, regularly updated resource guides to assist clients and the larger District community. Yet, we continue to need lawyers on the ground to help District residents in this area. There is a comparably large gap in services for District residents navigating issues at the D.C. Office of Administrative Hearings, which hears cases relevant to vital public benefits such as unemployment insurance, TANF, SNAP, rental subsidies, shelter services, and health benefits. More than ever, access to these benefits is essential. Additional FY23 resources would allow for greater investment in this work

The scope of the outreach and impact of these civil legal services is impressive. For example, in 2020, the ATJ Grants Program served about 54,780 District residents, accepted almost 8,981 cases, placed 847 cases with pro bono lawyers, and conducted 173 community legal education sessions among a wide array of civil legal needs, such as consumer law, domestic violence, education, employment, estate planning and probate, family law, health and disability, housing and foreclosure, immigration, and re-entry.

ATJ Initiative funds also allow low-income residents who are limited English proficient or Deaf to access services from 42 nonprofit legal services providers through the District's one-of-a-kind *Community Legal Interpreter Bank* ("Bank"), operated by Ayuda. Language access has always been a priority due to the District's diversity, but equity in accessing legal services is more critical during the pandemic when information is vital, services are more difficult to access, and so much is constantly changing. Residents continue to receive interpretation over the phone and video, the Bank has provided special training to providers on holding interpreted meetings remotely, and the Bank has pivoted to holding interpreter trainings online. During the first 11 months of 2021, there were 253 requests placed through the Bank for its interpreters (trained to work with lawyers and their clients in out-of-court settings). The three most requested languages are Spanish, Amharic, and American Sign Language. During those first 11 months, the Bank also translated 231 documents and provided on-demand telephonic interpretation on 6,807 occasions (this is a 2,000 jump from the same time period in 2020). One provider said that the

Bank has been "indispensable" in its outreach and community engagement during the COVID-19 pandemic, including allowing it to conduct 'Know Your Rights' trainings over Zoom using simultaneous interpretation. Interpretation over virtual platforms is more demanding and resource intensive. Ensuring that these virtual meetings and presentations go smoothly requires training of the interpreters and the legal services providers. In some instances, such as when an interpreted know your rights session will be recorded, interpreters are paid at a higher rate. We expect this to remain the case as these virtual practices continue.

Finally, the high quality of these services is dependent on the professionals who deliver these services. Since its inception, the *DC Poverty Lawyer Loan Repayment Assistance Program* ("DC LRAP") has been a critical tool for recruiting and maintaining a talented, passionate, and diverse corps of legal services lawyers. These poverty lawyers work at nonprofit legal services providers and have a salary range from $45,000 to $88,000, with an average debt of $176,000. DC LRAP provides each eligible attorney a one-year, interest-free, forgivable loan of up to $12,000 per year. The District's LRAP continues to be one of the most generous publicly-funded LRAPs in the country. This year, it will provide at least 40 attorneys living in the District the opportunity to pay their monthly student loan debt, thereby supporting their commitment to provide free, high-quality legal assistance to the D.C. community.

Despite these efforts, these critical services continue to be outpaced by the growing need for free legal services in the District. The District's historic FY22 investment will allow us to expand these necessary interventions, and with additional FY23 support, we can bring these to scale to not only meet the demand for legal help but address persistent gaps in legal services delivery.

**CONCLUSION:**

There is a national movement to re-envision and transform access to civil justice. Designing solutions that are collaborative, user-informed, and efficient is paramount as never before. The District would not be as well-positioned to seize this opportunity without the ATJ Initiative. The historic investments made by the District government since the Initiative's inception have been and will continue to be absolutely essential.

There is no higher function of government than to ensure that all of its residents, no matter their economic status, have equal access to justice. As Thomas Jefferson said, "The most sacred of the duties of a government is to do equal and impartial justice to all its citizens." You and the District government have embraced this most fundamental of obligations through the funding of the ATJ Initiative.

**We respectfully request that you and your team strongly consider our FY23 request of $31,089,000 to ensure that the District's network of civil legal services providers have the resources they need to not only serve the District's most vulnerable residents and enable them to participate fully in the District's recovery from this unprecedented crisis, but transform the civil justice system in ways that will be a model for the nation.**