



WASHINGTON COUNCIL OF LAWYERS

Promoting Public Interest Law and Pro Bono Service

Testimony before the DC Council Committee on the Judiciary and Public Safety on FY 2019 Public Funding for

Access to Justice Initiatives and Civil Legal Counsel Projects Program

Striving Toward Meaningful Access to Justice in the District of Columbia

Presented by Nancy A. Lopez
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April 13, 2018

Good morning Chairman Allen and members of the Committee. My name is Nancy Lopez and I am the Executive Director of the Washington Council of Lawyers, the public-interest bar association for the District of Columbia. I am here today to express our appreciation for the Council's past support of civil legal services in the District of Columbia and to emphasize the importance of continued consistent funding to protect the legal rights of our most vulnerable residents. We also want to highlight the stewardship the members of the civil legal services community take with regard to these public funds.

Since its founding in 1971, Washington Council of Lawyers has been the only voluntary bar association in the District of Columbia solely dedicated to promoting *pro bono* and public-interest law. We have over 400 dues-paying members and connect with nearly 3,000 other public-interest-minded lawyers, legal professionals and law students through our communications and programs. Our members work at small and large law firms, corporate counsel offices, local and federal government agencies, law schools, legal services providers and policy organizations. They represent the private sector, including the participation of individuals from dozens of law firms, as well as the non-profit sector, including representatives from most of the legal services providers who benefit from the Access to Justice Initiatives and Civil Legal Counsel Projects Program funding.

What our members share is a commitment to our mission: We strive to create a justice system that serves everyone, especially those who are poor or marginalized. We promote *pro bono* and public-interest law—by training and mentoring public-interest advocates; connecting legal volunteers with meaningful ways to serve the poor; developing leaders in the public-interest community; and supporting policies that expand access to justice.

First, I want to commend the Council for maintaining a consistent and significant focus on support for civil legal services. Anna Blackburne-Rigsby, Chief Judge of the D.C. Court of Appeals has said, "In the criminal context, a defendant facing the risk of incarceration is, at the very least, entitled to an

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attorney as a constitutional right. There is, however, no such corresponding right in the vast majority of civil cases. Yet, civil cases deal with many matters that we hold perhaps just as dear as our own personal freedom, including custody of our children, our physical safety, our ability to work, and our need for shelter."

Many of the District's most vulnerable residents navigate the civil legal process alone, even when their most fundamental human needs, such as shelter, protection from violence, health care, and income are at stake. There are not sufficient *pro bono* or civil legal aid attorneys to help every poor litigant in our city who has a meritorious case or simply needs legal advice.

Public funding of access to justice programs in the District of Columbia is essential to providing legal services to people in poverty. The funds provided support large, well-established programs such as The Legal Aid Society of the District of Columbia, Children's Law Center, Legal Counsel for the Elderly, Law Students in Court, Bread for the City and Washington Legal Clinic for the Homeless. These providers have been in existence for decades, have well-established programs, are leaders in the community, and make a difference in the lives of thousands of clients each year.

The public funds also support newer innovative programs such as Tzedek DC, Network for Victim Recovery of DC, Torture Abolition and Survivors Support Coalition, First Shift Justice Project, Christian Legal Aid, DC Volunteer Lawyers Project, and Amara Legal Center. These programs, all created within the last 10 years, address specific legal needs, filling gaps in the safety net of civil legal services. The Amara Legal Center, for example, assists victims of sex trafficking. It trains police officers to recognize the warning signs that a woman is in danger and represent women in expunging their criminal records so that they can obtain employment, housing and a fresh start in life.

The funds also support the Community Legal Interpreter Bank, managed by the nonprofit Ayuda. The Bank is a nationally-recognized model that supports the work of attorneys from 39 legal services organizations. It provides in-person interpretation, telephonic interpretation, and document translation to attorneys so that they may serve individuals with limited English proficiency. Over the past year the demand for the Bank's services has grown as clients have needed legal assistance on child custody orders, and wills so that their minor US citizen children will be cared for if their parents are deported. Additionally, in the past year there has been an increase in the number of consultation clinics and know-your-rights seminars conducted to educate people on the dramatic changes in immigration policy and how such changes impact them, often requiring multiple translators. Over the past year alone, the Bank has provided in-person interpreters on 400 occasions in more than a dozen languages.

The DC Poverty Lawyer Loan Repayment Assistance Program (DC LRAP), administered by the DC Bar Foundation, provides loan repayment assistance to lawyers working for nonprofit civil legal services organizations. The program is designed to increase the number of experienced, skilled lawyers working on behalf of low-income

underserved DC residents by providing lawyers with one-year, interest-free, forgivable loans, of up to \$12,000 per year. It allows these lawyers to work as passionate advocates for low-income DC residents despite low salaries and high educational debt. The DC LRAP program benefits many civil legal aid organizations throughout the District by allowing qualified lawyers to accept positions whose salaries would not otherwise be sufficient for them to meet their student loan obligations and living expenses.

Washington Council of Lawyers runs a mentoring program each year for approximately 30 new public-interest-minded lawyers. We connect them with experienced lawyer mentors; host panels, trainings, and networking events; and help orient these new members to the larger community. We see the impact that the DC LRAP program has; it allows many of these young lawyers to do the work they love, serve the poor in our community, and manage their challenging financial situations. Without this program, many of them would be forced to choose different career paths.

DC is fortunate to have a vibrant and dedicated public-interest legal community. Our legal services providers do an excellent job of stewarding the funds they receive and leveraging that money to reach more clients through vibrant pro bono partnerships with law firms and corporations. The law firms in the District dedicate significant amounts of money and many hours to providing pro bono legal services to our neighbors in need. However, pro bono service is not a substitute for a network of well-funded, stable and professional full-time civil legal services providers who are experts in their fields.

Legal services lawyers, because of the volume of cases they handle, are best-positioned to notice trends and patterns in the administration of justice. For example, a legal services provider who handles multiple landlord-tenant cases might notice that a particular service provider claims to have effectuated service of process on several tenants in three different wards of the city, within a 10-minute window. Identifying systemic problems, like this type of “sewer service”, is something that legal services providers are uniquely situated to do. Additionally, the pro bono community relies upon the civil legal services community to educate the city’s residents about the services available, to screen potential client cases and to train and mentor pro bono attorneys.

We are particularly appreciative of the Council’s leadership in establishing the Civil Legal Counsel Projects Program in FY18. This Program, which funds legal services providers who provide free eviction defense legal services to low-income tenants in the District, has infused much-needed resources in an area of practice where lawyers are making a substantial difference in keeping families in safe, stable housing. As you undoubtedly know, only about 10% of individuals appearing in the Landlord & Tenant Branch of Superior Court appear with the assistance of counsel. Without the assistance of a lawyer, eviction is more likely. Experiencing an eviction is traumatic, and often brings economic consequences in the form of lost possessions, the loss of employment, educational disruption and emotional trauma for children, displacement and possibly homelessness. The lack of affordable housing in the District of Columbia is a real

problem. We applaud the Council for establishing such a bold and cutting-edge program to respond to this pressing issue.

Washington Council of Lawyers has participated in the community planning meetings surrounding the implementation of the Civil Legal Counsel Projects Program. The D.C. Bar Foundation has done an exemplary job of building community, gathering ideas, and ensuring the systems created for this new initiative will have adequate and appropriate metrics for measuring the effectiveness of the program. It is not a small task to administer these funds, but the D.C. Bar Foundation, with its talented staff and substantial experience in administering these public funds, has done an extraordinary job.

The Civil Right to Counsel movement is growing across the country. Through small pilot projects and individual state legislation, more jurisdictions are guaranteeing individuals the right to counsel in cases involving fundamental human needs, like housing, health care, and safety. In establishing and funding this program, the District of Columbia is now a national leader among jurisdictions with respect to Civil Right to Counsel initiatives. Washington Council of Lawyers strongly supports continued, consistent funding for the Civil Legal Counsel Projects Program as it develops to ensure its stability and continued success.

Washington Council of Lawyers is grateful for the DC Council's work in providing vital support for the civil legal services community. The work of civil legal aid lawyers helps to secure the basic necessities of food, shelter, clothing, education, security and family stability. It is a critical function of the government to protect its most vulnerable citizens. The commitment to ensuring meaningful access to the courts for vulnerable District residents is a noble and worthwhile endeavor. It is essential to ensuring that the District's prosperity continues to reach all residents. In these times when so many seem to think that self-interest is all that matters and that concern for the poor, for the immigrant, and for those who are different is a sign of weakness, support for equal justice for all, more than ever, bespeaks greatness.

Thank you for the opportunity to testify today. I am happy to answer any questions.