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Testimony of Nancy Lopez, Executive Director, Washington Council of Lawyers to the D.C. Council Committee on the Judiciary & Public Safety

Performance Oversight Hearing: Access to Justice Initiative

Pivoting during COVID-19
Civil Legal Services in the District of Columbia

Submitted on March 4, 2021

One year ago, before COVID-19 had fully hit us, the District of Columbia was facing an access to justice crisis. In several divisions of D.C. Superior Court, over 90% of litigants appeared without a lawyer. People handled domestic violence, paternity & child support, divorce, custody and probate cases on their own. They could not afford legal help and could not find free legal assistance. Their ability to protect their rights, secure their housing, or ensure their family's safety and stability was diminished because there was no lawyer who would advise and represent them.

Studies show that litigants with legal representation can better protect their rights than those appearing pro se. Access to a lawyer is an important component of access to justice. The lack of legal representation has real-world, real-life impacts for our neighbors. Often those who are most vulnerable face the greatest risks with the least assistance.

In the midst of this ongoing access to justice crisis, we were hit with a public-health crisis. COVID-19 has made advancing access to justice – along with just about everything else – more difficult.

Washington Council of Lawyers submits this testimony to express our appreciation for the Council's past support of civil legal services, highlight the important work that is being done through the DC Access to Justice Initiative, and to clearly state that now is the time to double-down on our public investment in civil justice.

Washington Council of Lawyers is a voluntary bar association whose mission is to ensure that our legal system treats everyone fairly, regardless of money, position, or power. Founded nearly 50 years ago, our members represent both the private and non-profit sectors. We bring together small and large law firms, local and federal government offices,

corporate counsel offices, legal service providers, law schools, and policy organizations. Our organization includes over 500 dues-paying members and we reach over 5,000 public-interest-minded lawyers, legal professionals and law school students through our programs and communications. We train, advocate, mentor and build community among public-interest-minded lawyers and law students to promote pro bono service and public-interest law.

We recognize and appreciate the Council's past support for civil legal services. Because of this support, the district's legal services lawyers have been able to help more D.C. residents protect their legal rights and secure the basic necessities of food, education, shelter, and safety. One of government's most important missions is to protect society's most vulnerable citizens. The Council's support of legal services has helped to meet this mission.

One of the roles Washington Council of Lawyers plays is facilitating cohort meetings of eviction defense lawyers supported by the Civil Legal Counsel Projects Program. As you know, this leading-edge program, established in 2018, moves the District a step closer to a civil right to counsel for low-income tenants facing eviction. We applaud the Council for its leadership in creating this innovative program. Through our coordination of the eviction defense cohort, we have seen how this unified program focused on eviction defense has resulted in positive, structural changes for the betterment of the clients served. Our work has focused on promoting communication, collaboration, training, and professional development among these eviction defense lawyers. Beyond that, we've seen the participating legal services providers come together during COVID-19 to establish a coordinated entry point for litigants to access services, plan together to adjust operations to a virtual setting, do affirmative outreach to litigants about available legal supports, and collaborate on policy and systemic advocacy. The support the District provides through the Civil Legal Counsel Projects Program has been an essential frame for this positive work together.

Despite the progress that has been made through the Access to Justice Initiative, the needs in the community are great. As we quickly move into fiscal year 2022 budget season, we call for expanded funding to allow civil legal services lawyers to stand on the front lines and meet the legal needs that COVID-19 has unleashed. These funds will support well-established programs that have been in existence for decades, and innovative programs to tackle the new challenges of COVID-19. Civil legal aid groups are collaborating to tackle the new legal demands and to serve as clearinghouses for COVID-19 related information and resources. But they need increased financial support to continue to do this important work. We thank you for your current support of the Access to Justice Grants Program and the Civil Legal Counsel Projects Program, and ask that you consider expanding that support with increased funds in fiscal year 2022.

We'd also like to address the DC Poverty Lawyer Repayment Assistance Program (DC LRAP). Legal services lawyers don't grow on trees. They need to be educated, trained, and gain experience to be effective. That is why it is important to continue to develop the pipeline of newer legal services lawyers who will help us tackle our future legal challenges. One program that does this is DC LRAP. DC LRAP provides interest-free, forgivable loans up to \$12,000 per year to increase the number of skilled lawyers working

on behalf of low-income underserved D.C. residents. These loans help lawyers accept positions whose salaries would not allow them to meet their living expenses and educational debt. We support DC LRAP lawyers and other newer legal services and pro bono lawyers through our mentoring program. Each year, we connect 30 new public-interest-minded lawyers with senior lawyer mentors, host trainings, volunteer together, and offer networking events that connect all the different parts of our multi-faceted community.

Finally, we'd like to share an additional perspective from our unique position as the District's pro bono voluntary bar association. Having a strong and well-resourced civil legal services community is essential in order to leverage pro bono support. Our city is fortunate to have a vibrant and dedicated public-interest legal community. It is the result of a stable core of professional full-time civil legal service providers who work alongside our partners in the District's law firms and corporations. Our pro bono community is ready to step up and serve their neighbors, but they need the support and infrastructure that is provided by our legal services providers. All parties in this partnership are passionate in their desire to provide equal justice to the District's residents. As the District moves towards a post-COVID-19 recovery, we will continue to draw upon the support of pro bono lawyers who amplify the impact of our legal services lawyers. The pandemic has brought the public-interest community together and demanded that we pivot to new ways of representing clients, and better ways of working together. With additional public support of the Access to Justice Initiative, we can bring greater access to justice to more people even under these more difficult circumstances.

Thank you for the opportunity to testify today. We appreciate your support of civil legal aid, and call upon you to invest further in civil justice as a means of creating a more equitable city.