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Testimony of Keeshea Turner Roberts
Co-Chair of the Advocacy Committee, Washington Council of Lawyers

To the D.C. Committee on the Judiciary and Public Safety
on FY22 Public Funding for Access to Justice Initiatives

Friday, June 11, 2021

Good afternoon Council members. My name is Keeshea Turner Roberts, and I am a board member and co-chair of the Advocacy Committee of the Washington Council of Lawyers. It is my honor to testify today to support the expansion of funding for the Access to Justice Initiative, which is under the purview of the Office of Victim Services and Justice Grants (“OVSJG”). I will testify only on behalf of Washington Council of Lawyers. My testimony does not reflect opinions from other organizations or institutions.

Since 1971, Washington Council of Lawyers has worked to ensure that our legal system treats everyone fairly, regardless of money, position, or power. Our members represent the District’s diverse legal community: they come from law firms, law schools, private and nonprofit organizations, and the government. Our mission is to promote pro bono and public interest law – by building partnerships between the public, private, and nonprofit sectors; volunteering to provide legal services to those who need them; training and mentoring the next generation of public interest advocates; and supporting policies that expand access to justice. It is in this spirit that we draw on our substantial legacy to inform my testimony here – testimony that focuses on the continuing need for funding to meet the increased demand for civil legal assistance for many low-income residents of the District of Columbia.

Prior to the start of the COVID-19 pandemic, Washington Council of Lawyers, together with many legal services providers and other organizations, worked tirelessly to support efforts to make access to justice a reality for all citizens of the District of Columbia. We strive to stay true to our mission by supporting these efforts by offering trainings and mentoring for legal services providers and legal volunteers. We support those who need legal help and the attorneys who work alongside them to resolve those legal problems. We also amplify the voices of many Washingtonians through our advocacy work. We continue to work towards furthering access to justice for all District residents.

First, we would like to thank the Council for its past support for civil legal services. We recognize the Council's work in providing critical funding to the District's legal services community. Due to this financial support, legal services providers have been able to help District residents protect their legal rights and secure the basic necessities of food, shelter, education, and safety.

We continue to see the benefits of the Civil Legal Counsel Projects Program. We convene a cohort of eviction defense legal services lawyers whose positions are funded through these grants. The lawyers are thinking systemically about how to improve our landlord-tenant court system and the safety net for our residents so that we can reduce the number of evictions and prevent homelessness.

Since the advent of the COVID-19 pandemic, the District's most vulnerable communities have been greatly impacted. Joblessness remains high; the filing of unemployment claims has increased dramatically. Some residents do not get enough to eat or are falling behind on their rental payments. Further, people of color are getting ill and dying at a disproportionately high rate because of the pandemic. Limited English proficient and Deaf residents have not had equal access to vital information, services, and relief efforts in their languages. Many Washingtonians worry about what will happen when the District returns to "normal." Some think about whether they will have a job to return to. Others think about whether they have enough money to continue to feed their children and provide a roof over their heads. Still others wonder where they are going to live if they are evicted by their landlords.

With so much uncertainty throughout our community, the need to fund civil legal services is greater than ever. Without legal representation, there can be no meaningful access to justice for the most vulnerable Washingtonians. Solutions created by the court to provide access to justice during the COVID-19 pandemic such as remote hearings, virtual hearings and trials, and new policies and procedures – while aimed at ensuring access to the courts during the public health emergency – have created new challenges that some pro se litigants need help in navigating. Funding civil legal services ensures that even through a global pandemic, all pro se litigants have equal access to justice. It is imperative that the Council continue funding civil legal services providers.

National and local data shows that giving individuals greater access to legal information and opportunities for legal representation result in better outcomes not only for the individual but also for the community. The *2019 DC Access to Justice Commission's Delivering Justice* report referenced studies finding that represented tenants were more likely to avoid a judgment and eviction; non-detained immigrants with attorneys prevail at a greater rate than those without representation; and individuals applying for public benefits were much more likely to succeed with representation than without assistance. Not only did the report discuss the improvement of outcomes for litigants, but it also illustrated systemic advocacy efforts such as building-wide advocacy in enforcing the D.C. Housing Code, and innovative advocacy models such as medical-legal partnerships. These types of systemic advocacy efforts positively impact many residents of the District of Columbia. See D.C. Access to Justice

Commission, *Delivering Justice* (December 2019) at 58-63, available at <https://dcaccesstojustice.org/reports>.

Legal representation of vulnerable residents truly makes a difference. One example that demonstrates the impact of legal representation was highlighted in a recent Reuters article. See Joshua Schneyer, *The Sheltering of Rochelle and Omari*, Reuters (January 12, 2021) available at <https://www.reuters.com/investigates/special-report/health-coronavirus-eviction-grandmother/>. Rochelle, 71, and her grandson, Omari, 16, have resided in an apartment complex managed by the District of Columbia Housing Authority (“DCHA”) since 2010. Rochelle is retired after many years working governmental jobs and is an individual with a disability. Rochelle’s main source of income is her monthly Social Security check. Prior to COVID-19, Rochelle also drove her car for a ride-share service to supplement her income. However, since the beginning of the pandemic, she stopped driving for the ride share service and, as a result, fell behind on her rental payments. DCHA filed a nonpayment of rent complaint in the Landlord and Tenant Court against Rochelle. DCHA is required by law to serve Rochelle the complaint and the summons to come to court. However, Rochelle never received any notices or summons regarding the court date from DCHA. She failed to appear, and the court granted DCHA judgment of possession of the apartment. The U.S. Marshals office scheduled Rochelle’s eviction for April 2020, but it was cancelled because of COVID-19 and later the moratorium on eviction in the District of Columbia. Rochelle sought and received assistance with her case from Sebastien Monzón Rueda, a staff attorney at Legal Counsel for the Elderly. Mr. Monzón Rueda investigated the matter and discovered that Rochelle had entered into an agreement with DCHA. In that agreement, DCHA agreed to allow her to move into a new DCHA apartment. However, Rochelle was required to enter a payment plan that required her to pay all the outstanding rent for her former residence. Further, the terms of the agreement meant that Rochelle could be evicted from her new home if she missed a rental payment and/or a repayment under the agreement. If she misses either or both, then Rochelle can be evicted from her new home (even though she entered into the agreement concerning a different address and residence. Mr. Monzón Rueda filed a motion with the court seeking a dismissal of the eviction case against Rochelle. The Court recently denied that motion; Mr. Monzón Rueda and Rochelle are exploring next steps. Even when the outcome is not what was desired, having a lawyer present your arguments and advocate on your behalf is important. People need to feel that the process is fair and that they have been heard.

The funding the Council provides for the Loan Repayment Assistance Program (LRAP) enables legal services lawyers to do the important work they do. This funding is critical, not only to support legal services lawyers, but because legal services lawyers provide the infrastructure, client intakes, mentoring, and support for our city’s vibrant pro bono legal community.

In conclusion, thank you for the opportunity to testify today about the continued need for funding the Access to Justice Initiative. To continue to meet the civil legal needs of all District’s residents, we need to adequately fund legal services.

I look forward to answering any questions that you may have at this time.