

**Testimony of Henry Floyd,
Advocacy Committee Member, Washington Council of Lawyers
to the D.C. Council Committee on the Judiciary & Public Safety
Performance Oversight Hearing: Access to Justice Initiative**

January 27, 2022

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

As we approach the two year mark of the COVID-19 pandemic, the District of Columbia continues to face an access to justice crisis. Prior to the pandemic, in several divisions of D.C. Superior Court, on average, nearly 90% of litigants appeared without a lawyer.¹ Countless district residents continued to handle domestic violence, 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 safety 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. And in the midst of this ongoing access to justice crisis, we continue to struggle with a public health crisis, as COVID-19 has made advancing access to justice more difficult.

Washington Council of Lawyers² submits this testimony to highlight the important work that is being done through the DC Access to Justice Initiative, to express our appreciation for the Council's continued support of civil legal services, and to state clearly that it must continuously increase the public investment in civil justice.

We commend the D.C. Council's efforts to strive for equal justice under the law through its funding of civil legal services. Due to this support, the District's legal services lawyers are able to help more D.C. residents protect their legal rights and secure the basic necessities of food, education, shelter, and safety. The Council's continued support and adequate funding of these programs is vital to enabling District residents to assert their legal defenses and rights as set forth under DC law. 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 goal.

One of the Washington Council of Lawyers most important projects is our facilitation of the eviction cohort meetings of legal services attorneys supported by the Civil Legal Counsel Projects

¹*Delivering Justice: Addressing Civil Legal Needs in the District of Columbia*, p. 17, D.C. Access to Justice Commission. https://dcaccesstojustice.org/assets/pdf/Delivering_Justice_2019.pdf.

² 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 in 1971, 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.

Program. As you know, this 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 as one of the nation's leading legislative bodies 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 continue to see participating legal services providers unite and collaborate during the pandemic to establish a coordinated entry point for litigants to access services, plan together to adjust operations to a remote setting, conduct outreach to residents about available legal assistance, and propose 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 a new budget season, we continue to call for funding to allow civil legal services lawyers to stand on the front lines and meet the legal needs that COVID-19 has unleashed. A well-resourced civil legal aid community is essential to expand legal service through the use of pro bono volunteers, and the Council's funding is leveraged effectively in that regard. As we move into the next phase of the pandemic recovery, the unprecedented legal needs crisis will only increase.

Finally, we share an additional perspective from our unique position as the District's public interest voluntary bar association. One of our most significant annual events is Pro Bono Week. The primary focus of DC Pro Bono Week is the opportunities to serve. This most recent pro bono week saw volunteers help immigrants at the Immigration Consultation Clinic, small businesses at the Small Business Brief Advice Clinic, individuals with criminal records at the Expungement Clinic, parents seeking tax credits at the Parents' Tax Workshop and Clinic, and vets during the Veterans Consortium Legal Muster Pop Up Clinics. Throughout, we discovered ways to get involved, volunteer, and create positive change.³ This robust effort highlighted the strength and vibrancy of our legal services and pro bono community, and demonstrated how it still needs and deserves the Council's fiscal 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. 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.

We appreciate the Council's support of civil legal aid, and call upon you to invest further in civil justice as a means of creating a more equitable city.

³ Pro Bono Week 2021 Profiles: Complete Set. Oct. 31, 2021. <https://wclawyers.org/pbw21-profiles-complete-set>.