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Promoting Public-Interest Law and Pro Bono Service

April 6, 2022

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Via Email

judiciary@dccouncil.us

Councilmember Charles Allen, Chairperson
Committee on the Judiciary and Public Safety
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Re: D.C. Committee on the Judiciary and Public Safety
on FY23 Public Funding for The Access to Justice Initiative

Dear Chairperson Allen and members of the Committee on the Judiciary and Public Safety:

Washington Council of Lawyers is pleased to submit the following testimony in support of the Access to Justice Initiative. Continued strong funding for civil legal services in the District of Columbia is essential to being a justice-focused city.

Thank you for the opportunity to address this important issue.

With kind regards,

Christina H. Jackson

**Testimony of Christina Jackson
Executive Director, Washington Council of Lawyers**

**Before the D.C. Committee on the Judiciary and Public Safety
on FY23 Public Funding for The Access to Justice Initiative**

April 6, 2022

Washington Council of Lawyers,¹ the public-interest bar association for the District of Columbia, submits the following testimony in support of FY23 public funding for the Access to Justice Initiative. Funding for these legal services in the District of Columbia is an essential component of emerging equitably from the COVID-19 public health crisis and continuing to advance access to justice in our city.

We bring a unique perspective to today's hearing. Washington Council of Lawyers does not provide direct legal services. We support, train, mentor, and foster community among the legal services, government, and private-sector lawyers who serve our community. From our distinct vantage point, we have an overview of how our network of legal and social service providers collaborate to advance justice and support our neighbors.

We begin by thanking the Council for its past strong support for civil legal services in the District of Columbia. Tremendous strides have been made in the legal services community in recent years with the assistance of this public funding. Below we highlight some of the ways public funding for civil legal services has been used, and the reasons why increased funding is needed this year.

Meeting the Increased Demand for Legal Services

During the COVID-19 public health crisis, the demand for legal services in some practice areas has increased dramatically. The pandemic exacerbated civil legal issues that were present long before the pandemic, and while there is hope that we are slowly emerging from the pandemic, we expect those needs to manifest long after the public health emergency has ended. There has been a spike in the number and lethality of domestic violence incidents, with one provider reporting a 300% increase in calls for support over the last year and case circumstances that are often complex and protracted. While the torrent of unemployment claims and appeals has waned somewhat, District residents still face barriers that lawyers can help resolve. While

¹ Washington Council of Lawyers was founded in 1971 and today remains the only voluntary bar association in the District of Columbia solely dedicated to promoting pro bono service and public-interest law. We have over 550 dues-paying members and connect with nearly 5,000 other public-interest-minded legal professionals and law students through our communications, events, and trainings. Our members work at small and large law firms, corporate legal offices, local and federal government agencies, law schools, legal services providers, and policy organizations. Together we strive to ensure that our legal system treats everyone fairly, regardless of money, position, or power. You can learn more about Washington Council of Lawyers on our website, www.wclawyers.org.

moratoria protected District consumers during the public health emergency from collection actions, with the lifting of those protections and continued economic stress in the community legal needs in this area are expected to come a rise in collections cases increase. Housing remains one of the most critical and fundamental civil justice needs. Even during the eviction moratoria, District tenants faced legal concerns with rent, housing conditions, and attempts at 'constructive' evictions. With tens of thousands of D.C. residents being behind on rent and Federal rental assistance mostly expended, we expect eviction filings to dramatically increase. Our public funding for civil legal services needs to match the increased demands being placed on our legal services providers to assist people with safety, income stability, and eviction prevention.

Many of our legal services providers have developed programs to serve the needs of residents in Wards 5, 7, and 9, where nearly two-thirds of District Black families reside. Support for legal services promotes racial equity in our city.

Increased Collaboration Among Legal Services Providers

The District has more than thirty Access to Justice Initiative grantee organizations that serve clients in a wide variety of issue areas. Our city's legal assistance organizations provide advice and representation in areas as varied as housing, immigration, employment, domestic violence, consumer protection, and probate. Many organizations specialize in particular practice areas, but they also often collaborate with their partners to better serve District residents. Public funding for the Access to Justice Initiative has allowed legal services providers to develop more collaborative ways of serving their clients. Over the past two years, these organizations have increased their coordination and collaboration to better serve the client community. Organizations have come together to create partnerships such as the Landlord-Tenant Legal Assistance Network, the Family Law Assistance Network, the D.C. Debt Collection Hotline, the Victim Legal Network of DC, and the Eviction Defense Cohort that Washington Council of Lawyers coordinates. Collaboration is key when the network of providers is so vast, and public funding has greatly facilitated these cooperative efforts.

Development of Improved Court Procedures & Services in a Post-COVID World

Legal services attorneys provide an essential voice when determining how our Courts can best meet their mission of being open to all, trusted by all, and providing justice for all. As the courts pivoted to virtual proceedings during COVID, the community learned a great deal about how virtual operations helped some litigants and burdened others. As the District of Columbia courts are now starting to increase in-person proceedings, legal services lawyers provide insight into how the adjustments to court policies and procedures adopted during COVID-19 have impacted their client community. For example, a recently published report highlights the results of a survey conducted by NPC Research in collaboration with the D.C. Bar Foundation, the Family

Law Learning Network (a group including the Amara Legal Network, Bread for the City, the D.C. Affordable Law Firm, the D.C. Volunteer Lawyers Project, the Legal Aid Society for the District of Columbia, and the Safe Sisters Circle) and the D.C. Bar Pro Bono Center.² This report provides essential information about how our courts can operate most effectively going forward. This type of collective action and evaluative approach has been strengthened and facilitated by the presence of the Access to Justice Initiative.

It is important that the impact of court policies on people of limited means is considered when formulating new policies. Our legal services providers offer that important perspective and work to ensure that new and amended court policies protect our most vulnerable citizens.

Fostering Career Longevity and Combating Burnout

Veteran legal services lawyers have been at the forefront of designing innovative solutions to systemic legal problems. For example, the Civil Legal Counsel Projects Program has fostered important collaborations and innovations in housing law practice. By working together, our legal services housing law attorneys have been proactive in reaching out to tenants before their court dates and connecting them with a range of supportive services. In fact, 100% of tenants with evictions scheduled since October 2021 were contacted by grantees and their partners, not only ensuring actual awareness of the eviction but connecting those at-risk tenants with rental assistance and housing counseling to hopefully prevent the eviction from going forward. These efforts have resulted in a high percentage of scheduled evictions being halted.

These types of creative solutions would be difficult for newer legal services lawyers to design and implement. Lawyers need years of experience to gain the knowledge and perspective needed to create these types of inventive programs. They need to fully understand the current system before they can identify ways to undertake systemic change to improve it. Consistent and stable public funding for civil legal services supports career legal services lawyers and minimizes turnover.

Many in the legal services world are combating burnout, fatigue, and frustration. The Great Resignation has hit the public-interest legal community like many other communities, with staff turnover and challenges in hiring to fill open positions. The existence of the DC Poverty Lawyer Loan Repayment Assistance Program (LRAP) helps to both recruit new staff and retain existing staff, and is thus an essential component of the Access to Justice Initiative. At a time when legal services lawyers are working harder than ever under more challenging conditions than could have been imagined prior to March of 2020, this type of assistance helps.

Support for the District's Vibrant Pro Bono Community

²See [Litigant Perspectives on Remote Hearings in Family Law Cases: A Survey Study Conducted with the DC Family Law Learning Network](#), (2022).

In addition to an energetic and dedicated public-interest legal community, DC benefits from a robust pro bono culture among law firms, corporations, and local and federal government lawyers. 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. We are especially excited about the growing focus and ability of DC government lawyers to take on pro bono cases.³ 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. Pro bono lawyers rely on legal services lawyers to connect them with clients, conduct intake interviews, provide mentoring, and identify system problems and solutions. Public funding for civil legal services is leveraged to expand the ability of pro bono lawyers to serve clients in need. Access to Justice Initiative spending supports a strong public-private partnership to deliver more legal services to District residents.

World-Class Language Access

The District of Columbia has one of the strongest language access programs in the country. In 2021, the Community Legal Interpreter Bank provided over 6,000 telephonic interpretations to support linguistically appropriate legal services. Additionally, the Bank offers translation of documents, evidence, court orders, and other materials for litigants who have limited English proficiency. In a community like ours, that welcomes immigrants from all over the world and supports hearing-impaired individuals, the Bank is essential. Access to Justice Initiative funding supports this stellar program.

Conclusion: A Justice-Focused City

We recognize and appreciate the leadership the Council has provided by funding the Access to Justice Initiative. This support of the District's legal services community has helped District residents protect their legal rights and secure the basic necessities of food, shelter, education, and safety. Without legal representation, there can be no meaningful access to justice for the most vulnerable Washingtonians. That is why civil legal services are so important. We urge your continued support of public funding for the Access to Justice Initiative in the District of Columbia.

Thank you for the opportunity to testify today. I welcome the opportunity to answer any questions that you may have at this time.

³We are proud to have supported B24-0298, the Pro Bono Legal Representation Expansion Amendment Act of 2021 and hope it will be enacted so that DC government lawyers can be empowered to do even more pro bono work.

Additionally, we support budget funding for a 0.5 or 1.0 FTE DC government pro bono coordinator position to support DC government lawyers in identifying and taking on appropriate pro bono cases.

Appendix

PART I D.C. PERSONNEL REGULATIONS CHAPTER 18: EMPLOYEE CONDUCT

1807: OUTSIDE EMPLOYMENT AND PRIVATE REPRESENTATIONS

1807.1 A District government employee shall not engage in any outside employment or other activity incompatible with the full and proper discharge of his or her duties and responsibilities. Activities or actions that are not compatible with government employment include, but are not limited to the following:

(h) Serving in a representative capacity or as an agent or attorney for any outside entity involving any matter before the District of Columbia, except as permitted by Subsection 1807.6 or 1807.7; or

1807.6: Nothing in this section shall prevent an employee from acting without compensation as agent or attorney for another District employee who is the subject of any personnel action, if not inconsistent with his or her duties.

1807.7 Nothing in this chapter shall prevent an employee from acting, with or without compensation, as agent or attorney for his or her parent(s), spouse, domestic partner, child, or any person for whom, or for any estate for which, he or she is serving as guardian, executor, administrator, trustee, or other personal fiduciary except in those matters in which he or she has participated personally and substantially as a government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of the employee's official responsibility, provided that the government official responsible for appointment to the employee's position approves. This provision shall not abridge a government attorney's responsibilities under the District of Columbia Rules of Professional Conduct.

Rule 6.1 of DC Rules of Professional Conduct.

A lawyer should participate in serving those persons, or groups of persons, who are unable to pay all or a portion of reasonable attorney's fees or who are otherwise unable to obtain counsel. A lawyer may discharge this responsibility by providing professional services at no fee, or at a substantially reduced fee, to persons and groups who are unable to afford or obtain counsel, or by active participation in the work of organizations that provide legal services to them. When personal representation is not feasible, a lawyer may discharge this responsibility by providing financial support for organizations that provide legal representation to those unable to obtain counsel.

