



Report Urges Better Legal Services for Poor



*Bread for the City staff attorney Phylisa Carter works on a civil case for a client. Bread for the City is one of the organizations that provide free legal assistance for indigent D.C. residents. (Photo courtesy/Bread for the City)*

**By James Wright**

*AFRO Staff Writer*

Low-income District residents need quality civil representation services and it is up to the District government and the city bar association to meet this need. That is the conclusion of a report, "Justice for All? An Examination of the Civil Legal Needs of the District of Columbia's Low Income Community" recently released by the District of Columbia Access to Justice Commission, which was founded by the D.C. Court of Appeals in 2005 to look into the problem of the civil legal needs of low-income Washingtonians.

Peter Edelman, chairman of the 18-member commission, said the report underlies a problem long ignored by the legal community and politicians.

"While the legal services community has made great progress in recent years to increase service delivery, this report illustrates just how much needs to be done," Edelman said. "Moreover, the recent downturn in the economy has made the need for civil legal services more acute than ever."

The report found that low-income residents cannot pay that type of money for what is considered an essential service. Unlike criminal law, there is no right to an attorney for representation in a civil case.

Legal services are considered expensive because attorneys tend hourly. The average cost of an attorney can go as high as \$500 an hour for providing a service such as preparing a will, processing and filing a divorce or filing a lawsuit in the D.C. Superior Court's small claims or landlord-tenant courts.

Edelman said the fact that low-income Washingtonians have problems with access to quality civil representation underlies a bigger problem. "We have vast faces and dimensions of poverty in our city," he said. "It is critical that the poor have legal services available at low or no cost and this is a vehicle to get that done."

The report said that 20 percent of city residents live below the poverty line and 33 percent are low income. Plus, the report noted that the majority of low-income residents are not aware of their legal rights and those who are aware often do not know where to go for assistance.

*"It is critical that the poor have legal services available at low or no cost and this is a vehicle to get that done."*

While the D.C. Superior Court refers clients on criminal matters to attorneys, no such mechanism exists for civil cases. There are options for low-income residents such as law school legal clinics that deal with civil matters, organizations such as Bread for the City and Neighborhood Legal Services that specialize in low-income representation and pro bono services provided by law firms.

Edelman said that with all of the options available to low-income residents, the services should be better. "With nearly 50,000 members of the D.C. bar working in the metropolitan area every day, and a supportive District government, we can and should be doing better," he said. "This report provides a road map of how we can do precisely that."

The District of Columbia Bar Association encourages, but does not require its members to do pro bono work. The Federal Bar Association, an organization of attorneys that work in the federal government, in the past few years, has asked its members to work pro bono for about 20 hours a month, though it is not one of the organization's top priorities.

Bread for the City is a non-profit organization that provides services to low-income Washingtonians such as food assistance, housing and legal representation. Its legal director Vytas Vergeer said that he and his small staff of attorneys work on hundreds of cases a year.

"The thrust of our work is landlord and tenant, but we do represent people in other matters such as family law, employment law, disability and public benefits," Vergeer said. "Landlord-tenant is really taking up a lot of our time because of the foreclosure crisis and the illegal sales of property that is affecting our clients."

Vergeer said that he gets volunteer attorneys from the city's largest law firms but still more is needed. "They are helpful, but it is not enough to keep our bases covered," he said.

The city's major law firms have allowed its attorney to work pro bono. The report cites DLA Piper as an example. DLA Piper is one of the world's largest law firms, with 3,700 lawyers in 25 countries and 65 offices in cities such as Paris, Cairo, Rome, Tokyo and Accra, Ghana. The firm earns hundreds of millions of dollars in revenue as it represents governments, multinational corporations and some of the world's wealthiest people.

Lisa Dewey, an attorney with DLA Piper, said that working pro bono is a part of her law firm's culture. "We do this because it is our obligation as lawyers to see that everyone gets quality legal services regardless of the ability to pay," said Dewey.

D.C. Mayor Adrian Fenty (D) praised the report and said that his administration is on board to address the

problem. "How we care for our low-income residents is how we judge ourselves," Fenty said. "We will work with the D.C. Access Justice Commission to make good legal representation more of a reality."

D.C. City Council Chairman Vincent Gray (D) and Councilman Phil Mendelson (D-At-Large) said that they will work together to have a hearing on the report's findings and see what the city can do to help solve the problem. "You should have to have a whole lot of money in order to get a good lawyer to represent you," Mendelson said.

D.C. Court of Appeals Chief Judge Eric Washington praised the work of the commission in putting the report together. "Ninety percent of the people in the District of Columbia who need a lawyer cannot afford one," Washington said. "This is why the court of appeals created this commission to focus on this need. Lawyers can meet this need by working pro bono and people with low to moderate incomes."

Rawle Andrews Jr., a managing attorney for AARP is the only Black male on the commission. That fact fueled his passion more to help those who are civilly underrepresented. He noted that 90 percent of the people who need civil representation in the city are Black. "We are really putting forth a strong public outreach on this issue," Andrews said. "I felt it was my obligation as an African-American attorney to see that people who look like me get the best representation possible. It is a lot of work and you go to a lot of meetings, but I have to be the voice for those who have no voice."

Edelman said that the District has joined 43 states in seeing that civil legal services are available to indigent residents but "we still have a long way to go to get where we should be."