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CONTACT:

Nancy Drane, Executive Director
D.C. Access to Justice Commission
(202) 736-8334

District of Columbia Expands Right to Counsel for Residents Facing Eviction, Joining National Movement

District appropriates \$4.5 million in additional access to justice funding to support the creation of a civil legal counsel program for eviction defense.

Washington, D.C. – The District of Columbia is taking a significant step towards greater access to justice with the passage of the fiscal year 2018 budget, which includes \$4.5 million in new funding to support a landmark program to support the legal representation of low-income tenants facing eviction.

This important moment builds on the leadership of the Mayor and the D.C. Council in advancing access to justice, and is the culmination of an effort championed by then-chair of the D.C. Council’s Judiciary and Public Safety Committee Kenyan McDuffie, who last year called on District leaders to create a ‘Civil Gideon’ program for low-income residents seeking representation in civil matters. The Council’s current Judiciary and Public Safety Committee, now chaired by Councilmember Charles Allen, has continued to champion the effort, joined by DC Council Chairman Phil Mendelson and all members of the DC Council.

The program aims to address a significant disparity in our justice system, where in the roughly 33,000 eviction cases filed each year in D.C. Superior Court, only 5 to 10 percent of tenants had lawyers – this in contrast to the 90 percent of landlords who have legal advocates at their side. This power imbalance puts tenants at a stark disadvantage and too often leads to unjust outcomes. Tenants with legal representation are six times more likely to contest the case against them and raise legitimate defenses, like housing code violations, and six times less likely to face a writ, which starts the eviction process.

While no one solution alone will address the District’s affordable housing crisis, this is a significant step towards maintaining District families in their homes. Eviction prevention saves resources by reducing homelessness, shelter costs, and other strains on the District’s social safety net. In contrast, eviction leads to high employment instability for adults; lower school

performance and sense of self-worth for children; and poorer health outcomes for the entire family, including psychological instability, depression, and even suicide.

The program, to be administered by the District of Columbia Bar Foundation, will support both limited and extended representation in eviction matters, brief advice and other legal services, and enable legal services providers to leverage their resources to support the efforts of pro bono lawyers in private practice assisting in these cases. The program will build on the Housing Initiative, an effort launched by the Commission and the D.C. Bar Pro Bono Center in 2015 to bring together legal services organizations and the private bar in addressing the growing housing crisis in our District.

This investment in our city is reflective of the District's commitment to access to justice. The District's Access to Justice Initiative, which devotes public funds to support legal programs that serve the District's most vulnerable, low-income citizens, has helped countless District residents secure the legal assistance they need to maintain vital human needs, like housing, family stability, and public benefits. It also places the District at the forefront of a national movement, joining a growing list of jurisdictions across the nation that are devoting increased public resources to advance civil justice.

The District of Columbia Access to Justice Commission, which seeks to reduce barriers that prevent equal access to justice to low- and moderate-income residents, applauds the District government's efforts to make the District a more just, stable community.