

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON PUBLIC SAFETY AND THE JUDICIARY
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers
FROM: Councilmember Phil Mendelson,
Chairman, Committee on Public Safety and the Judiciary
DATE: May 13, 2010
SUBJECT: Report on the Support of Civil Legal Services for Low-Income Residents and
Underserved Communities in the District of Columbia

The Committee on Public Safety and the Judiciary presents the following report to the Council regarding the District of Columbia’s support of civil legal services for low and moderate income residents. During its consideration of the Mayor’s Fiscal Year 2011 budget proposal, the Committee received extensive testimony and comments in support of increased funding for civil legal services for the District’s underserved communities. In response, the Committee issues the following report to highlight the importance of the District’s continued commitment to this integral facet of our social safety net.

CONTENTS

I. Introduction	1
II. Access to Justice	2
III. Benefits of Civil Legal Services	4
IV. Historical Funding of Civil Legal Services	5
V. Fiscal Year 2011 Budget Proposal	8
VI. Testimony and Comments	9
VII. Committee Recommendations	10
VIII. Committee Membership and Action	12
IX. Appendices	12

I. INTRODUCTION

Equal access to justice, without regard to income, is fundamental to our system of justice and integral to our democratic society. Access to justice echoes resolutely throughout our nations’ history, and as the seat of the nation’s government, the District of Columbia should ensure equal access to the justice system and serve as a model in the provision of legal services.

The economic downturn has had a very real impact on access to justice in the District. This impact is twofold. First, decreasing revenues across the board have reduced the amount of public and private contributions coming in to fund civil legal services. The District’s reduction in funding in fiscal year 2010 mirrored reductions in contributions from individuals, institutions, and foundations. The impact on the availability and extent of services was correspondingly

universal. Second, the recession has predictably exacerbating the need for legal services as residents are confronted with threats to such basic needs as security, nutrition, healthcare, and shelter. As noted in a letter sent to the Committee from two prominent members of the District's judiciary: "[t]he domino effect of the recession has created new pockets of poverty or threatened poverty in the District".¹ Rising unemployment has increased the number of impoverished in the District and forced many residents to face desperate conditions. The impact on the need for legal assistance was correspondingly increased.

Whether ironic or self-evident: this increased need for civil legal services has been met with reductions in funding from all traditional funding sources. This includes the District government. The Committee believes that the District must commit to providing full funding, as the services these funds support are necessary to many low and moderate income residents. More than just a need, civil legal services are "a critical strand in the safety net for low-income individuals and families."² With economic factors resulting in cuts to government resources that in turn dictate cuts to social services, the availability of help is dwindling. Though budget choices can be difficult, District residents face far more difficult choices. Fully funding legal assistance for the District's underserved communities can, for many residents, make a dramatic difference in their lives.

As the economic climate dictates continued cuts to government programs and social services, fully funding civil legal services to provide low and moderate income residents with access to justice is vital to closing the justice gap and maintaining the District's social safety net.

II. ACCESS TO JUSTICE

It is axiomatic that legal representation can dramatically affect the outcome of a given case. Regardless of a client's income level or education, the help of an attorney can be significant in navigating our complex legal system, offering advice, or even identifying problems. This help can stretch beyond the courtroom, and often does for civil legal services' lawyers. Such attorneys are often called upon to meet more immediate and basic human needs, such as shelter or safety. An individual's ability to meet such needs should not be dependent upon the ability to afford counsel.

The instances of District residents being confronted with similar problems has, unfortunately, increased in the current economic climate. The legal services community has estimated that the demand for help in the District has increased by 20 percent due to the recession.³ A recent report on the increased need for legal services notes that the District's overall unemployment rate, 11.4 percent, does not show the disparate impact the recession has had on certain areas of the District. The unemployment rate in Ward 8, for example, is 28.3

¹ [Letter from Chief Judge Washington and Chief Judge Satterfield]

² Access to Justice Commission Report, *Rationing Justice*, at 1 (2009).

³ *Office of the Attorney General: Budget Oversight Hearing Before Council of the District of Columbia Committee on Public Safety and the Judiciary*, at 4 (Apr. 30, 2010) (written testimony of Claudia A. Withers, Director of Programs, District of Columbia Bar Foundation).

percent, almost a 150 percent above that of the District as a whole. Ward 7 is second highest at 19.5 percent, and Ward 5, at 15.5 percent, ranks third.⁴ While civil legal services are provided throughout the city, these communities appear to be the hardest hit.

The needs of those with low, moderate, or no income can be vast: from the need to preserve or obtain shelter, to accessing certain benefits for sustenance, to escaping from domestic violence. A lawyer can not only help navigate the system, but help an individual to identify his or her rights and guide them to other programs or services they might not have known existed. The complexity of many matters can make it difficult to proceed alone, and can affect the ultimate outcome.

The unmet legal needs of low and moderate income individuals being readily observable to the District's judicial branch, the DC Court of Appeals established the District of Columbia Access to Justice Commission ("Commission") to address barriers to justice. In creating the Commission the court noted the growing complexity of civil legal services delivery and the corresponding need for leadership and effective coordination of civil equal justice efforts. The Commission was charged with the responsibility of "assuring high quality access for low and moderate income residents and others [...] who suffer disparate access barriers to the civil justice system, and with raising the profile in our community of the need for equal access to justice."⁵ To accomplish this mission the seventeen member Commission works with the court, legal services providers, bar members, and other community leaders.

Since its establishment the Commission has brought about great progress in terms of increased funding, coordination, and identifying the barriers to justice and potential solutions. In a 2008 report, for example, the Commission provided the District with its first comprehensive look at the civil legal service needs facing low-income residents and the capacity of legal service providers to respond to those needs.⁶ As was evident even then, prior to larger funding challenges, the capacity falls far short of the need. More recently the Commission has helped raise awareness of the effects of the recession on civil legal needs, and the importance of continued funding of civil legal services. In its report, *Rationing Justice: the Effect of the Recession on Access to Justice in the District of Columbia* ("Rationing Justice"),⁷ the Commission illustrates the detrimental impact of continued cuts to these services will have, not

⁴ Rationing Justice, *supra* note 2, at 2.

⁵ [DC Court of Appeals Resolution]. More specifically the Commission is charged with working to:

1. Establish a coordinated planning process that involves all members of the community who are affected by the crisis in equal access to justice in an effort to develop strategies to improve access and reduce barriers;
2. Facilitate efforts to create improved coordination and support of civil legal services programs;
3. Work with the courts, administrative agencies and lawmaking bodies to propose and promote rules and systemic changes that will open greater access to the justice system; and
4. Propose and promote strategies to generate adequate levels of public, private, and volunteer resources and funding for the District's civil justice network and the access to justice initiatives identified by the Commission

⁶ See Justice for All? An Examination of the Civil Legal Needs of the District of Columbia's Low-Income Community, A Report of the District of Columbia Access to Justice Commission (2008).

⁷ Joint Report of the District of Columbia Access to Justice Commission and the D.C. Consortium of Legal Services Providers (November 2009 Available at: _____)

only impact the number of attorneys and support staff, but also seriously hamper to the ability of remaining attorneys to serve. The unmet legal needs of the District's underserved suffer the brunt of this impact.

The work of the Commission has translated into vital benefits and services making their way to the underserved. As discussed in more detail in section [REDACTED] below, the lawyers funded by civil legal services dollars help bring meaningful change to the lives of District residents. As touched on in many of comments and testimony received by the Committee, another important program that should be adequately funded enables civil legal service lawyers to continue to serve by helping alleviate burdensome law school debt. Established by the Council in 2006, in recognition of the enormous sacrifices made by poverty lawyers so that they can do their job, the Poverty Lawyer Loan Repayment Program (LRAP) is a loan assistance repayment program administered through the Office of the Attorney General that is limited to attorneys providing direct legal services to the District's low-income population.

Lawyers receiving repayment assistance through LRAP must work at an organization that is eligible to receive funds from the District of Columbia Bar Foundation. Eligible recipients must be residents of the District of Columbia, meet certain income restrictions, and, to ensure commitment to public interest law, loans would not be completely forgiven until the recipient has worked for four years in poverty law. In addressing one of the financial barriers to public interest work -- by assisting with the burden of educational debt -- this loan repayment program an important and cost effective way for the District to expand access to justice for its citizens who are poor and indigent. The LRAP program not only helps those attorneys who provide civil legal services to continue to provide such services to indigent clients, it also attracts more attorneys into the realm of public interest law.⁸

Without the aid that civil legal services funding and the LRAP program supports, many District residents would be at a disadvantage as they face legal issues related to housing, health care, family relations, employments, safety, and other fundamental matters. For many, these losses could be avoided with the aid of counsel.

III. BENEFITS FROM CIVIL LEGAL SERVICES

Civil legal services lawyers provide assistance on an array of issues, from the simple to the complex, from accessing benefits to protecting an individual's dignity or safety. Judges, civil legal services providers, and private practitioners have testified or contacted the Committee highlighting the examples of just what a dramatic impact these lawyers can have on the lives of District residents. Just a few examples of the important areas that civil legal service attorney's provide representation are described below.⁹

⁸ See Bill 16-660, the "District of Columbia Poverty Lawyers Loan Assistance Repayment Program Act of 2006" Report of the Committee on Judiciary, 2 (July 6, 2006).

⁹ For a more thorough list of issues that civil legal services lawyers provide representation for, see *Justice for All?* Report, *supra* note 6, 5-8.

Foreclosures: At the end of last year, nearly 3,000 homes in the District were in foreclosure with another 8 percent in default.¹⁰ For many of these, access to legal counsel could result in defenses being raised, or settlements being negotiated, that could result in a family being able to stay in their home. Even after a foreclosure, an individual has the right to stay in their home and become a tenant of the bank. Without legal counsel this is difficult to enforce, but effective advocacy has helped diminish the number of these cases.¹¹

Domestic Violence: The increasing economic pressures that low-income families face has a converse relationship to the options available to victims of domestic violence. A family member in poverty, without economic independence, has limited options for escaping an abusive relationship. Likewise, as the economy hits programs and charitable organizations, the availability of other sources of aid have diminished as well. Legal counsel, in such instances, is vital to a person escaping an abusive relationship as the legal issues are specialized and so require knowledge of a range of issues.¹²

Accessing Benefits: Particularly in the current economic climate, accessing government benefits can have a dramatic benefit on the lives of low-income families. One such benefit is unemployment insurance, but navigating complex legal issues before the Office of Administrative Hearings can require the help of legal counsel. Other government benefit programs provide access to housing, food, and healthcare. All such services are vital to continued sustenance. Getting access to these services is made easier with the aid of legal counsel.

Even beyond accessing benefits, civil legal service lawyers can help individuals maintain their own income, ensuring continued self-sufficiency and, thus, alleviating the strain on diminishing governmental support and programs. The increase in demand for services such as these, however, is putting a strain on civil legal service lawyers' ability to meet the need, and resulting in less indigent clients being served at the same time there is a greater need for service.

IV. HISTORICAL FUNDING OF CIVIL LEGAL SERVICES

Funding for civil legal services historically stems from a diversity of public and private sources. All of these traditional sources have, unfortunately, decreased dramatically for fiscal year 2010, with declining support projected in the upcoming fiscal year. According to the Commission's *Rationing Justice* report, funding for civil legal services includes contributions from the following:

¹⁰ Kennan at 3 (citing the Neighborhood DC (a partnership of the Urban Institute and the Washington, DC Local Initiatives Support Coalition)).

¹¹ Satterfield at 2.

¹² Smith at 2.

IOLTA: The Interest on Lawyers Trust Accounts (IOLTA) program, created by the DC Court of Appeals in 1985, serves as an important source of funding for civil legal services. An IOLTA account is a trust account made up of client funds that are either small in amount or held for a short period of time. Interest earned on these accounts is administered by the DC Bar Foundation, which distributes funds to legal aid offices in the District.¹³

Private Bar: Both lawyers and law firms have given generously to legal services in the past. However, with business for these contributors affected by the recession, contributions have recently fallen by as much as 20 percent, or \$1 million.¹⁴

Private Foundations: Similarly situated to other contributors, charitable organizations have seen their assets diminish due to the recession. As a result, private foundations have limited their grant programs with continued cuts expected in the coming fiscal year.¹⁵

The District: Undoubtedly concerned about the preservation of the social safety net for District residents, the District of Columbia government has been forced to make difficult choice in funding for programs and services. In the current fiscal year funding was decreased by \$900,000, with the Mayor proposing an additional \$1.2 million cut in fiscal year 2011.

As established by D.C. Code § 1-301-114, District funding to support the Commission flows through, not to, the Office of the Attorney General to the DC Bar Foundation. Even where the Council has dedicated funding for this purpose in the past, issues surrounding actual transfer of the funds have been hampered by efforts to redirect funding or place limitations or requirements on their use.

¹³ DC Bar Foundation website, IOLTA Info, *available at* <http://www.dcbarfoundation.org/iolta.html>

¹⁴ Rationing Justice at 5.

¹⁵ *Id.*

Table 1: Funding for Poverty Lawyer Loan Assistance Program & Civil Legal Services Appropriated by Budget Request Act

	Fiscal Year 2007 ¹⁶	Fiscal Year 2008 ¹⁷	Fiscal Year 2009 ¹⁸	Fiscal Year 2010 ¹⁹	Fiscal Year 2010 (2 nd) ²⁰	Mayor FY 2011 ²¹
LRAP	N/A	250,000	315,000	275,000	221,000	N/A
Civil Legal Services	3,200,000	2,700,000	2,970,000	3,010,000	2,418,000	N/A
Total Funds	3,200,000	2,950,000	3,285,000	3,285,000	2,639,000	1,800,000

Prior to the recession, the funding for District civil legal services was approximately \$18 million. To date, funding has decreased by more than \$4.5 million, or approximately 25 percent.²² At the start of fiscal year 2010, civil legal services organization lost 12 percent of their lawyers and nearly 40 percent of their non-legal staff. These cuts occurred even before taking into account the additional \$900,000 reduction in Access to Justice Program funding from the District.²³

The Commission has identified several effects of these cuts, among them that fewer clients are being served, support services have largely been eliminated, and other programs -- such as those for domestic violence victims -- have had to be eliminated. Providers have also had to limit the number of access points due to budget constraints, making it less likely that an attorney will be available in an area where the client in need of services is located.²⁴

Pro bono representation from the District's countless attorneys can help to deal with the large scale increase of need, and, indeed, they have stepped up to help meet the increased need. However, their aid can only be effective if there is a "strong core of civil legal service providers who can develop cases and projects, train volunteers, and mentor lawyers throughout the *pro bono* representation."²⁵ The decreased funding being directed to civil legal services, however, has led to staff and resource cutbacks. As such, the District loses the unique skills and institutional knowledge civil legal services attorneys have gained working in complex and highly specialized areas. Without their presence, the District also loses the ability to coordinate private practice attorneys to provide services to indigent clients.

¹⁶ Title III, D.C. Act 16-389, "Fiscal Year 2007 Budget Request Act" (enrolled original).
¹⁷ Title III, D.C. Act 17-51, "Fiscal Year 2008 Budget Request Act" (enrolled original).
¹⁸ Title III(23), D.C. Act 17-409, "Fiscal Year 2009 Budget Request Act" (enrolled original).
¹⁹ Title III(24), D.C. Act 18-119, "Fiscal Year 2010 Budget Request Act" (enrolled original).
²⁰ Title III(24), D.C. Act 18-188, "Second Fiscal Year Budget Request Act" (enrolled original).
²¹ Title III(25), Bill 18-728, "Fiscal Year 2011 Budget Request Act of 2010" (introduced version).
²² Rationing Justice report.
²³ Keenan testimony. (Apr. 30, 2010).
²⁴ Rationing Justice at 7/
²⁵ Keenan testimony, at 2 (Apr. 30, 2010).

According to Commission Chair, Peter Edelman, funds supporting civil legal services have a multiplier effect: each dollar lost in funding often requires \$4 to \$7 in government spending to resolve an individual's need through other programs and services. For example, an attorney's help in preventing a family from being evicted from their home prevents the estimated \$25,000 the District would spend to house that same family in a shelter for a year.²⁶ An attorney might also help keep a District resident employed, allowing that individual to maintain their own income stream and prevent strain on limited benefits programs. In addition, in echoing the sentiment above that a core of legal service lawyers is necessary to help train and supervise *pro bono* assistance, Edelman notes that the publicly funded organizations are able to leverage additional amounts in services from lawyers willing to donate their time.²⁷

V. FISCAL YEAR 2011 BUDGET PROPOSAL

The Mayors' proposed Fiscal Year 2011 budget includes just \$1.8 million in one-time funding to support both the civil legal services program and the LRAP (of this amount, \$1,579,000 is to support civil legal services and \$221,000 funds the LRAP program). While the Council had directed that this funding be available in a separately-established agency, the Mayor's proposal continues to locate funding in the Office of the Attorney General and continues to propose fewer and fewer funds dedicated to this purpose.

The Fiscal Year 2011 Budget Request Act of 2010²⁸ also omits any funding for either civil legal services or the LRAP program. While this language has been included year after year with modifications only being made to the amount, language referencing civil legal services was omitted in the proposal and only the FY 2010 funding level for LRAP appears with no mention of FY 2011 dollars. The Committee has been assured that the budget books, which include the \$1.8 million in Object Class 41 (Contractual Services - Other) of the OAG's budget, are indeed correct.

Commission Chair, Peter Edelman, called the Mayor's current proposed cut crippling. Not only would the cut affect the provision of civil legal services, but it would also lessen the effectiveness and efficiency of our system of justice.²⁹ This sentiment was shared by those who testified, as well as the 60 plus organizations that wrote the Committee. The Committee agrees, and believes the District should commit to fully funding these all-important programs. Cutting funding prevents those who cannot afford a lawyer from obtaining justice. Since many of these are direct service providers, this will have an immediate and tangible negative impact.

²⁶ Edelman testimony, 4.

²⁷ *Id.*

²⁸

²⁹ Edelman testimony at 2.

VI. TESTIMONY AND COMMENTS

A number of individuals testified at the Committee on Public Safety and the Judiciary's April 30, 2010 public budget oversight hearing regarding the Mayor's proposed fiscal year 2011 budget for civil legal services and the Poverty Lawyer Loan Repayment Program. The testimony received at that hearing is briefly summarized below; copies of written statements are attached to this report (*see* Appendix B).

Peter Edelman, Chair, District of Columbia Access to Justice Commission: Mr. Edelman urged the Council to fully fund the civil legal services program to address the scarcity of services available to low and moderate income District residents. His testimony focused not only on the importance of these funds for underserved communities, but also how these funds increase efficiencies to make the entire system of justice work better.

Lee F. Satterfield, Chief Judge, Superior Court of the District of Columbia: Chief Judge Satterfield testified regarding his unique perspective on the benefits of civil legal services as the Superior Court is the tribunal of first resort for many of the litigants who receive such assistance. Chief Judge Satterfield stated the court is daily witness to the tremendous impact of civil legal services for the unrepresented litigants who appeal to courts in a legal crisis of the greatest possible consequence.

Inez Smith Reid, Associate Judge, on behalf of Eric T. Washington, Jr., Chief Judge, District of Columbia Court of Appeals: Judge Reid testified in support of the full funding request of the Access to Justice Commission. Judge Reid remarked that the courts have done much to forge a fair and accessible judicial system for residents, but that meaningful justice is inevitably impacted by such forces as economic status and language barriers. The impact of these funds, she noted, produces dividends in overcoming the barriers to justice.

Kim Michele Keenan, President, District of Columbia Bar: Ms. Keenan testified regarding the impact of the proposed funding cut on the ability of private sector lawyers to do effective *pro bono* work. Ms. Keenan noted that while the District's law firms have sustained their *pro bono* commitments during the economic downturn, the District's financial supplement to these efforts is critical. She also stated that the legal community is working diligently to address the challenge of a large increase in civil legal service needs with shrinking resources.

Claudia A. Withers, Director of Programs, District of Columbia Bar Foundation: Ms. Withers testified that supporting civil legal services programs through funding is not only the right thing to do, but is a sound investment in District. Ms. Withers provided real examples of such savings, noting the expediency with which a legal services attorney recoups their value in cost savings to the District. She also remarked on the value provided by the District's Poverty Lawyer Loan Repayment Program.

Jonathan M. Smith, Executive Director, Legal Aid Society of the District of Columbia: Mr. Smith testified to the increasing need for civil legal services, not only to battle chronic poverty but to handle cases stemming from the rise of poverty in the District. In addition to

calling attention to a number of cases where civil legal service lawyers have made a difference in people's lives, Mr. Smith also commented on the need to fund the LRAP Program to ensure that poverty lawyers can continue to do their noble work.

Comments and Letters of Support:

In addition, the Committee received an extensive outpouring of support for increased funding for these programs both prior and subsequent to the hearing. Letters from members of the judiciary, civil legal service providers, community groups, the D.C. Bar and a number of discretionary bars, show a broad range of support for increased funding. Copies of these letters and comments are attached to this report (*see* appendix C).

VII. COMMITTEE RECOMMENDATIONS

As the Committee has already stated, it believes that the District must commit to providing full funding for civil legal services and the LRAP program. The services these funds support are vital to many low and moderate income residents. In addition, the Committee makes the following recommendations regarding the District's support for civil legal service funding for low-income residents and underserved communities in the District of Columbia. As these recommendations, in-part, are executed in the Committee's Fiscal Year 2011 budget report, this report should be read in conjunction with the recommendations and findings of that document.

(1) Divest District Civil Legal Services Funding from OAG's Budget:

The Committee has long been concerned that housing the funding for these critical services within OAG leaves the funding subject to redirection or reprogramming in the formulation of the budget. In addition, the OAG has sought, in the past, to place limitations or restrictions on the funds even though the agency does not have authority to do so. The funding for this program currently passes *through* the OAG, not to it. To protect the funding for these services the program must be housed separately – both conceptually and physically – from OAG.

In Resolution 18-337, the Fiscal Year 2011 Budget Submission Requirement Resolution of 2009, the Council directed that the "Poverty Lawyer Assistance Program and Civil Legal Services, which are managed through the D.C. Bar Foundation, shall be listed as separate programs (Organizational Level 2) in a single paper agency (Organizational Level 1), called Access to Justice, that is separate from the Office of the Attorney General."³⁰ The Mayor's FY 2011 proposed budget ignored the Council's directive, drastically cutting funding and retaining what was left in a line-item of the OAG budget.

³⁰ Section 3(3)(G) of R18-337.

The Committee's FY 2011 budget report realizes this recommendation by creating a separate paper agency to house funding for civil legal services (LRAP continues to be housed in OAG). Recommended changes to both the Budget Request Act and the Budget Support Act bring this change under the law. Specifically, the Committee recommends creating a line item in the Budget Request Act for civil legal services funding (separate from OAG) and recommends the following subtitle for the Budget Support Act:

SUBTITLE --. ACCESS TO JUSTICE INITIATIVE ESTABLISHMENT ACT
OF 2010.

Sec. --. Short title.

This subtitle may be cited as the "Access to Justice Initiative Establishment Act of 2010".

Sec. --. Establishment of Access to Justice Initiative.

(a) Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)), the Council establishes the Access to Justice Initiative, as a single paper agency. The Office of the Chief Financial Officer shall submit payment to the District of Columbia Bar Foundation ("Bar Foundation") for the purpose of the Bar Foundation providing support to nonprofit organizations that deliver civil legal services to low-income and underserved District residents, including funds for a shared legal interpreter bank. Payment shall be submitted on October 1st of each fiscal year in the amount specified by an act of the Council.

(b) The Office of the Chief Financial Officer shall permit the Bar Foundation to use up to 5% of the grant awarded in each fiscal year for reasonable administrative expenses associated with the provision of support to the nonprofit organizations.

Sec. --. Conforming Amendment.

Title III, Subtitle D of the Fiscal Year 2008 Budget Support Act of 2007 (D.C. Law 17-20; D.C. Official Code § 1-301.114) is repealed.

(2) Provide Long-term Commitment to Civil Legal Services in the District Budget and Financial Plan:

As evident from testimony and comments received by the Committee, the District's cuts have spanning effects on the delivery of civil legal services in the District. This funding has historically been treated as a one-time fund that, as proposed by the Mayor, appears to get smaller and smaller in amount each year. As such, civil legal service providers find it difficult to adequately on services they can provide due to uncertainty of any funding at all.

The Council has repeatedly restored cuts to civil legal service funding to the extent it

could. As this is clearly a policy priority for the District – and rightly so – future budget proposals should include greater commitment to these services. While the District is forced to make cuts to other services and programs because of budget constraints, the unmet need for legal services among the most poverty stricken and underserved communities cannot be reduced as well. As these attorneys can help District residents to meet the most basic of human needs, the District must be cognizant of the need to maintain their services.

Further, and as testified to by many during the Committee’s budget hearing, the District’s funding helps avoid costlier expenses in District services and helps, through the retention of well trained attorneys, to organize the use of other attorneys to provide *pro bono* assistance to meet the continually growing need. Surely this is an investment that pays dividends.

As the Committee has stated repeatedly in this report, funding for civil legal services is integral to the District’s social safety net.

VIII. COMMITTEE MEMBERSHIP AND ACTION

The Council of the District of Columbia Committee on Public Safety and the Judiciary is comprised of the following members for Council Period 18:

Phil Mendelson, Chairperson	At-Large
Yvette M. Alexander	Ward 7
Muriel Bowser	Ward 4
Mary M. Cheh	Ward 3
Jack Evans	Ward 2

On Thursday, May 13, 2010, the Committee met to consider [REDACTED].

IX. APPENDICES

Appendix A: “Rationing Justice: the Effect of the Recession on Access to Justice in the District of Columbia,” Joint Report of the District of Columbia Access to Justice Commission and the D.C. Consortium of Legal Services Providers (November 2009)

Appendix B: Office of the Attorney General: Budget Oversight Hearing before the DC Council Committee on Public Safety and the Judiciary, Testimony Regarding Funding for Civil Legal Services and Poverty Lawyer Loan Repayment Programs (April 30, 2010)

Appendix C: Letters Regarding Funding for Civil Legal Services and Poverty Lawyer Loan Repayment Programs

APPENDIX A: "RATIONING JUSTICE" REPORT

"Rationing Justice: the Effect of the Recession on Access to Justice in the District of Columbia," Joint Report of the District of Columbia Access to Justice Commission and the D.C. Consortium of Legal Services Providers (November 2009)

APPENDIX B: TESTIMONY

*The Committee on Public Safety and the Judiciary's heard from the following individuals at its April 30, 2010 public budget oversight hearing regarding the Mayor's proposed fiscal year 2011 budget for civil legal services and the Poverty Lawyer Loan Repayment Program. The testimony received is summarized briefly in section VI of this report; copies of written statements are attached.*³¹

Peter Edelman, Chair, District of Columbia Access to Justice Commission

Lee F. Satterfield, Chief Judge, Superior Court of the District of Columbia

Inez Smith Reid, Associate Judge, on behalf of Eric T. Washington, Jr., Chief Judge, District of Columbia Court of Appeals

Kim Michele Keenan, President, District of Columbia Bar

Claudia A. Withers, Director of Programs, District of Columbia Bar Foundation

Jonathan M. Smith, Executive Director, Legal Aid Society of the District of Columbia

³¹ *Office of the Attorney General: Budget Oversight Hearing before the DC Council Committee on Public Safety and the Judiciary, Testimony Regarding Proposed Funding for Civil Legal Services and Poverty Lawyer Loan Repayment Programs (Apr. 30, 2010).*

APPENDIX C: COMMENTS & LETTERS

The Committee on Public Safety and the Judiciary received extensive comments regarding the Mayor's proposed fiscal year 2011 budget for civil legal services and the Poverty Lawyer Loan Repayment Program, stemming from a range of organizations. The comments -- from nearly 60 different organizations -- universally call for the District to fully fund civil legal services. These organizations are listed below; copies of their letters and comments are attached.

*In addition to the groups listed below, the Committee notes that two prominent members of the District's judiciary, **Eric T. Washington, Chief Judge of the DC Court of Appeals and Chair of the Joint Committee on Judicial Administration**, and **Lee F. Satterfield, Chief Judge of the DC Superior Court**, took the initiative to urge the Committee to restore the Mayor's funding cuts to civil legal services (both were also represented at the Committee's April 30th hearing). The Committee also received a letter urging increased support of civil legal services funding from **25 former Presidents of the District of Columbia Bar**.*

AARP

Adoptions Together

Advocates for Justice and Education

Alliance for Justice

Asian Pacific American Bar Association of the Greater Washington, DC Area

Asian Pacific American Legal Resource Center

Ayuda

Bread for the City

Break the Cycle

CAIR Coalition

Carecen

Carlos Rosario International Public Charter School

Center for Responsible Lending

Children's Law Center

Columbus Community Legal Services

Community Council for the Homeless at Friendship Place

Council for Court Excellence

DC Behavioral Health Association
DC Catholic Conference
DC Coalition Against Domestic Violence
DC Crime Victims Resource Center
DC Employment Justice Center
DC Language Access Coalition
DC Law Students in Court
DC Rape Crisis Center
DC Volunteer Lawyers Project
District Alliance for Safe Housing (DASH)
District of Columbia Access to Justice Commission
District of Columbia Bar
District of Columbia Bar Foundation
DV LEAP
The Equal Rights Center
Fair Budget Coalition
Foster and Adoptive Parent Advocacy Center
Hispanic Bar Association of the District of Columbia
Kids in Need of Defense (KIND)
Legal Aid Society of DC
Latino Economic Development Corporation
Legal Counsel for the Elderly
Martha's Table
Mary's Center
Mil Mujeres
Miriam's Kitchen
My Sister's Place
Nonprofit Roundtable of Greater Washington
ONE DC
Our Place
Quality Trust for Individuals with Disabilities
Sasha Bruce

Shared Horizons, Inc.
South Asian Bar Association of the District of Columbia
Trial Lawyers Association of Metropolitan Washington, DC
University Legal Services
University of the District of Columbia David A. Clarke School of Law
Washington Council of Lawyers
Washington Lawyers' Committee for Civil Rights
Washington Legal Clinic for the Homeless
Whitman-Walker Clinic Legal Services
Women Empowered Against Violence (WEAVE)
Woman's Bar Association of the District of Columbia