

from the president

Melvin White

A 2003 District of Columbia Bar Foundation report found that approximately 90 percent of the civil legal needs of the low- and moderate-income residents in the District are not being met.¹ Further, the Bar Foundation found that low- and moderate-income African American, Latino, and Asian Pacific American immigrant communities are especially impacted by a lack of civil legal representation. Imagine if 90 percent of your clients' legal needs were unmet. Imagine if 90 percent of *your family's* legal needs were unmet. You would not stand for such an outcome for your family or your clients.

Although the criminal justice system is far from perfect, carefulness in how we deal with the potential loss of one's liberty is a core concept of our legal system, grounded in the Constitution. While liberty is usually not at stake in civil matters, low- to moderate-income residents often encounter important legal issues involving employment, housing, health, family stability and security. Significant individual, family, and societal consequences occur as a result of the inability of low- and moderate-income citizens to navigate the civil justice system.

To address the unmet needs for civil legal services and other access to justice barriers, the D.C. Court of Appeals created the D.C. Access to Justice Commission in 2005. The commission includes judges from the D.C. Court of Appeals and the Superior Court of the District of Columbia, past presidents of the D.C. Bar, executive directors of leading legal services providers, and other community leaders. It is chaired by Georgetown University Law Center Professor Peter Edelman. The commission's goals are "to increase significantly the resources for civil legal services, improve planning and coordination of legal services delivery, and reduce other barriers preventing equal access to justice." The commission's initiatives include securing public funding for civil legal services; working

Inclusion: Access to Justice ... For All?

with the D.C. Bar Foundation to increase proceeds from Interest on Lawyers' Trust Accounts (IOLTA), which are distributed by the Bar Foundation to legal services providers; creating a shared legal interpreter bank to assist non-English-speaking residents; establishing a support center for legal services providers; and performing a legal needs assessment.

One of the commission's most impressive successes to date was convincing the District to appropriate \$3.2 million in public funding for fiscal year 2007 to support the commission's initiatives to promote legal services in underserved areas of the city, to expand housing legal services, and to create an interpreter bank. Of that amount, \$250,000 is earmarked for the District of Columbia Poverty Lawyer Loan Assistance Repayment Program to encourage lawyers to work in legal services in the District. The funds earmarked to promote legal services in underserved areas were disbursed through a grant process administered by the D.C. Bar Foundation. As a result, 31 new legal services attorneys have been hired.

Our courts have made it clear that increasing access to legal representation in civil matters is critical to improving the administration of justice in the District. During a hearing before the Council of the District of Columbia last year, D.C. Court of Appeals Chief Judge Eric T. Washington stated, "[a]s judges we know how critically important it is for low- and moderate-income residents to have legal representation in many of the matters that come before us and how crucial that representation is to the fair administration of justice in the District of Columbia."

Superior Court Chief Judge Rufus G. King III testified at length about the challenges facing pro se litigants in landlord and tenant court and the problems created for the administration of justice in the District by such a large preponderance of unrepresented litigants. Of the

approximately 50,000 cases filed each year in the landlord and tenant court, nearly 75 percent are closed due to dismissals or default judgments when the defendant does not appear. Of the remaining 25 percent of cases, about two-thirds are closed by confessions of judgment or consent judgment agreements entered without regard to claims and defenses the parties may have been able to raise at trial.

Because we are a mandatory bar, we do not speak out on legislation without the permission of our members. At an March 26, 2007, special meeting the Bar's membership *unanimously* approved a resolution authorizing the Bar to speak in support of the commission's proposals for civil legal services.

The Bar is well aware of the overwhelming need in the community for more access to the civil justice system. Even with our very active D.C. Bar Pro Bono Program—which administers several legal clinics and legal resource centers—the tireless efforts of the District's legal services organizations, and countless members of the private bar and government attorneys who provide pro bono services, *we are still meeting only about 10 percent of the civil legal needs of the District's low and moderate income.* The \$3.2 million provided in the District's fiscal year 2007 budget is providing short-term support. But that allocation is only a beginning. Annual funding is necessary to make a lasting difference in improving access to the civil justice system.

The commission has commenced its work to secure funding in the District's fiscal year 2008 budget and beyond. It is essential that the District reauthorize funding for civil legal services on an ongoing basis. We cannot afford to turn back. The Bar stands ready to support the commission's efforts.

Note

¹ Report, "Civil Legal Services Delivery in the District of Columbia" D.C. Bar Foundation (Sept. 2003).

