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## Pro Bono Programs Bring Civil Support

New Center Provides Free Aid in Non-Criminal Cases

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The summons to appear in D.C. Superior Court turned up last month on the door of a home on Martin Luther King Avenue SW, and the owner, Steve Williams, didn't know what to make of it.

Everything seemed to be in order with his old house. He'd been renting it out for years since he moved to Fort Washington. And despite some financial ups and downs over the years, he had kept up on the payments, he said.

So the 68-year-old retiree was more than a little surprised when he showed up at Superior Court Hearing Room 205 a few weeks ago and found that he had been called to court because the property taxes had supposedly not been paid and the house could be sold by the District.

He was overheard complaining to no one in particular about how the little man always gets a raw deal. "We didn't even know what this was about," his wife, Denise, added.

Angry and confused, they were in for an even bigger surprise: lawyers waiting and willing -- at no charge -- to help make sense of "tax sales" and to begin sorting out what, in the couple's case, appears to have been a clerical error that could have cost them a home he lived in for half his life.

A couple of months ago, the Williamses wouldn't have found anyone at the courthouse to assist them. Instead they would have been on their own, as many people are when they run into legal troubles that don't involve being arrested.

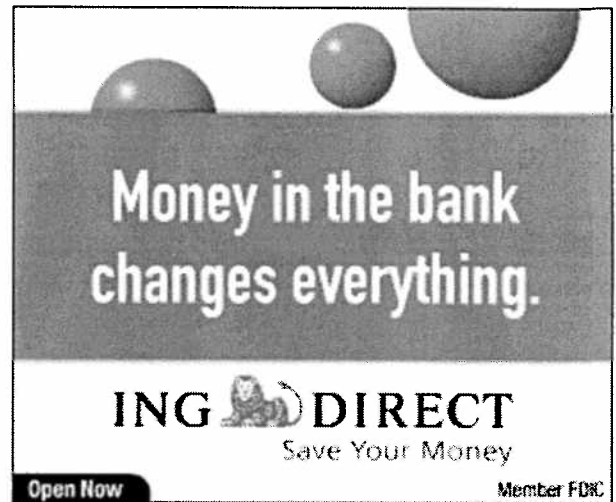
The lack of civil legal representation is a problem that plagues the poor in particular and even those who aren't poor, and as gentrification and other social changes have squeezed people on the margins, the need for legal assistance has mounted, advocates say.

The D.C. Bar and the Access to Justice Commission, created in 2005 by the D.C. Court of Appeals, have been spearheading the local effort to provide civil legal representation. But with no constitutional guarantee to such assistance, the effort has been directed largely to the private sector, in particular to the pro bono programs of the many law firms with offices in the District.

At Superior Court, the first recent initiative was a resource center in landlord-tenant court providing legal advice to people not represented by attorneys. Next came a similar center for small-claims court.

This summer, Superior Court in conjunction with the D.C. Bar and the law firm Morgan, Lewis & Bockius, set up a weekly resource center for tax-sale cases such as the one that brought Williams and his wife to court a few weeks ago.

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Unlike landlord-tenant and small claims cases, the tax sale calendar is relatively low volume, being called only twice a week. On Wednesdays, it is convened in Hearing Room 205, which seats only a dozen or so people.

But small as the calendar is, the stakes in civil law could hardly be higher. Every case involving a homeowner carries with it the possibility that the owner will lose that property, which is why the tax sale calendar was chosen for the next resource center, said Judge Stephanie Duncan-Peters, second in command of the court's civil division. "We want to try to get any civil litigant that is eligible to be represented, and this was a good next step," said Duncan-Peters, who is a member of D.C. Access to Justice Commission.

AARP Legal Counsel for the Elderly has been providing advice on tax sales for years, but it's not on-site, unlike the new resource center, and in keeping with AARP's mission, the assistance is limited to people 60 and older.

Rawle Andrews Jr., managing attorney for Legal Counsel for the Elderly, said the need for advice is broader than what his organization can provide, particularly to younger people who may inherit property and end up in trouble simply because they didn't understand the obligations they inherited with the home.

"Any help to make sure people have the information they need is welcome," Andrews said.

Property taxes are a crucial source of revenue for the District, and tax sales are one of the ways the city ensures it collects all the money owed. In auctions, investors bid on properties, often for little more than the total outstanding tax bill, and that, in turn, initiates a court case.

More often than not, the houses are not actually sold. Instead, the taxes are paid off during the six-month window that owners have to "redeem" their property, with the investors serving as a collection agency of sorts, usually allowed to keep interest on the back taxes and legal fees for the court cases.

All of that can add up, especially for people who are retired or are otherwise on fixed incomes. The sooner a homeowner acts to redeem the property, the less it is likely to cost him or her. Where there's been an error, as was apparently the case with Williams, a property may not actually owe any interest or have to pay any attorney fees.

And there are other options, particularly if the homeowner is a senior citizen or has a low income. In such instances, District law may allow for a reduction or deferral in property taxes.

But sorting out everything isn't simple, which is where Michael J. Wilson of Morgan Lewis comes in. A general commercial litigator who specializes in representing policyholders in disputes with insurance companies, Wilson had no experience in tax sales until the D.C. Bar approached Morgan Lewis about staffing the resource center. "I had never heard about it," he said.

Once he understood what it was all about and what was at stake for the people who are called to court, Wilson realized it was a great opportunity for the firm to help.

Unlike many of the mortgage foreclosures playing out across the country today, many people caught up in tax sales have substantial equity in their homes. Some have even paid off their mortgages, which ironically is how some end up delinquent in their taxes, having forgotten to start paying the taxes once they were no longer being paid out of escrow by the mortgage company.

The idea that someone could so easily lose a home that they owned outright was eye-opening, Wilson said. "It seemed to me a real injustice, and it was something we thought we could bring our legal skills to bear on," he said.

So Wilson and his firm's pro bono committee chairman, Mark A. Srere, began working with Daniel M. Clark, who supervises pro bono projects for the D.C. Bar, to set up the resource center at the court.

Last month, the center opened inside the windowless waiting room outside Hearing Room 205.

It is not much to see. Some of the overhead lights are burned out and the only seats are two benches facing each other. A computer linked to the court's computer system and to the city's Office of Tax and Revenue sits at the end of the room. With little room for a chair, the lawyers are usually down on knees as they try to track down electronic records.

In the case of Williams, a record was discovered showing that he in fact was paid up on the property taxes for the house on Martin Luther King Avenue. After finding the information, the lawyers suggested Williams go to the Office of Tax and Revenue and ask for an official written record of his account. Once that was in hand, the attorneys said, they expected they would be able to end the case and at no cost to Williams and his wife.

Williams, who had been frowning an hour earlier, was smiling as he left the little room. "It's a pleasant surprise. It's like Santa Claus came in August," he said.

*The Tax Sale Resource Center is available from 10 a.m. to noon each Wednesday outside Hearing Room 205 at D.C. Superior Court, 500 Indiana Ave. NW.*

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