

Attorneys Seek Justice for Low Income Residents

By Lisa V. Gillespie

In a sleek, high-ceilinged room stocked with shrimp cocktail and an open bar, 100 people, including high-profile members of every branch of the District government gathered one recent evening. The topic of discussion was a ground-breaking and long-awaited report examining the unmet legal needs of one third of the city's residents, its poor.

In criminal courts, defendants are entitled to lawyers, but the same right does not extend to civil cases. Within the civil court system low income District residents may face devastating consequences without a lawyer. Yet often, in

spite of the high stakes, they attempt to represent themselves.

"Many people sign their rights away without knowing that doing so is a critical move in their futures," said Su She Ju, member of the District of Columbia Access to Justice Commission and NW Legal Clinic Supervisor at Bread for the City.

"Everyone should have a right to representation, especially if the decisions that are made will directly impact their life," Ju added.

Low-income residents are likely to be unaware of their legal rights and lack trust in the

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(From left to right.) Chief Judge of the U.S. District Court of Appeals Eric T. Washington, D.C. Mayor Adrian Fenty, and Councilmember Vincent C. Gray showed united support for the report.



Partner at DLA Piper Frank M. Conner III and commission member Jonathan Smith talk about the collaboration between private firms and local government.

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legal system. They have become used to accepting adversity and unfairness, according to the report.

The report, three and a half years in the making, was drawn up to help define the legal problems of the poor and define ways they might be addressed, according to Jonathan M. Smith, executive director of the Legal Aid Society of the District of Columbia. "We needed to see what was going on with the community's poverty and place that in context of what difference a lawyer can make."

The nation's current housing crisis brings new urgency to the issue. In 2003, homebuyers in Wards 5 (Trinidad), 7 (Capitol View) and 8 (Anacostia) were ten times more likely to receive a home purchase loan from a subprime lender than those living in Ward 3 (Tenleytown, American University). Wards 5, 7 and 8 had the highest unemployment rates of all the wards consistently in 2007 and

2008, according to the District of Columbia Department of Employment Services.

"The difference that representation makes is whether or not someone would lose their home," said commission chairman Peter B. Edelman. "There are too many poor people in our city."

And they often go to court without a lawyer. Within the domestic violence unit of the D.C. Superior Court, 98% of both petitioners and respondents represented themselves. In landlord-tenant cases, 98% of defendants represented themselves, the study found. In child support cases, 98% of respondents represented themselves, the study found.

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involved in the community, but to make big change we needed a heavy hitter to come on board to attack systematic problems," said Patricia Mullahy Fugere, executive director of the Washington Legal Clinic for the Homeless.

"Getting a representative is the most common way to address problems, whether legally or otherwise. Some of these institutions are created in the way to shut the lower income community out."

Without representation, the poor are more vulnerable to devastating losses, because their finances are so precarious. Over 37% of Dis-

trict residents spend over 30% of their income on housing costs, and over 18% of residents spend over 50% of their income on housing costs.

"People that come across the legal system are usually in the situation of being at high stakes of losing something, but the system is not set up for a people that are not trained," said Sunil H. Mansukhani, executive director of

the commission.

"We needed to get the stake holders together and take the effort up two or three notches and take a hard look at the mechanisms that provide justice and also deny justice."

The commission encountered some resistance to their findings from the business community, according to Smith.

"The fear is that we will take the initiative too far, and they want to be able to give organizations the power to make their own decisions and not have to go by a handbook," Smith said.

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