DC BAR
DISTRICT OF COLUMBIA BAR
Litigation Section

Summary of Public Statement of the Litigation Section of the District of Columbia Bar Opposing the Mayor's Recommendation to Cut $1 Million in Civil Legal Services and Loan Forgiveness Funding

Note: *The views expressed herein represent only those of the Litigation Section of the District of Columbia Bar and not those of the D.C. Bar or of its Board of Governors.*

The Steering Committee of the Litigation Section[1] of the District of Columbia Bar voted on April 13, 2010, to issue a public statement opposing District of Columbia Mayor Adrian Fenty's April 1, 2010 recommendation to cut $1 million in civil legal services and loan forgiveness. The statement was adopted without dissent. Two Steering Committee members recused themselves.

On April 1, 2010, Mayor Fenty released his proposed budget for fiscal year 2011, which cuts funding for the Access to Justice Program to $1.8 million, from $2.86 million in fiscal year 2010 and from $3.6 million in fiscal year 2009.[2] The Access to Justice Program provides legal services for indigent D.C. residents, a community legal interpreter bank, and a loan repayment assistance program for lawyers serving people living in poverty.

This proposed cut would have far-reaching negative effects for the legal services community and for the indigent individuals it serves.

In addition to assisting District residents in dire need, legal services save the District money. Studies from other jurisdictions found that for every dollar spent on legal assistance, the government saves between $4 and $7. The full Public Statement cites both examples from the lives of DC residents and the results of these more comprehensive studies.

Steering Committee
David D. Fauvre, Co-chair
Moxila A.Upadhyaya, Co-chair
Theresa A. Coetzee
Charles C. Lemley
Joshua A. Levy
Lucy E. Newton
David T. Ralston, Jr.
Mary L. Smith
Bruce V. Spiva

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Kim Michele Keenan
D.C. Bar President

Ronald S. Flagg
D.C. Bar President-Elect

Sections Council
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Linda E. Carlisle, Vice Chair

Katherine A. Mazzaferri
Executive Director

Cynthia D. Hill
Assistant Executive Director, Programs

Joseph P. Stangl
Assistant Executive Director, Administration and Finance

Candace Smith-Tucker
Director, Sections

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1 Members of the Steering Committee of the Litigation Section of the D.C. Bar are: Theresa A. Coetzee, David D. Fauvre, Charles C. Lemley, Joshua A. Levy, Lucy Newton, David T. Ralston, Mary L. Smith, Bruce V. Spiva, and Moxila A. Upadhyaya. Lucy Newton and Mary L. Smith recused themselves from the vote on this matter.

2 Mayor Adrian M. Fenty, Government of the District of Columbia FY 2011 Proposed Budget and Financial Plan, at A-187 (available at http://cfo.dc.gov/cfo/frames.asp?doc=/cfo/lib/cfo/budget/fy2011/volume_2_agency_chapters_part_i.pdf).

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On April 13, 2010, the Steering Committee of the Litigation Section[1] of the District of Columbia Bar voted, without dissent and with two recusals, to issue the following Public Statement, on behalf of the Section, opposing District of Columbia Mayor Adrian M. Fenty's recommendation to cut more than $1 million for fiscal year 2011 for civil legal services for low-income people and loan forgiveness for legal services lawyers.

This statement is joined by the Administrative Law and Agency Practice; Antitrust and Consumer Law, Corporation, Finance and Securities; Courts Lawyers and the Administration of Justice; Criminal Law and Individual Rights; Family Law; Government Contracts and Litigation, Health Law; Labor and Employment Law; and Tort Law Sections of the D.C. Bar.

On April 1, 2010, Mayor Fenty released his proposed budget for fiscal year 2011, which cuts funding for the Access to Justice Program to $1.8 million, from $2.86 million in fiscal year 2010 and from $3.6 million in fiscal year 2009.[2] The Access to Justice Program provides legal services for indigent D.C. residents, a community legal interpreter bank, and a loan repayment assistance program for lawyers serving people living in poverty.

This proposed cut would have far-reaching negative effects for the legal services community and for the indigent individuals it serves. The proposed cuts come at a time when unemployment and foreclosures in the District are

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[1] Members of the Steering Committee of the Litigation Section of the D.C. Bar are: Theresa A. Coetzee, David D. Fauvre, Charles C. Lemley, Joshua A. Levy, Lucy Newton, David T. Ralston, Mary L. Smith, Bruce V. Spiva, and Moxila A. Upadhyaya. Lucy Newton and Mary L. Smith recused themselves from the vote on this matter.

[2] Mayor Adrian M. Fenty, Government of the District of Columbia FY 2011 Proposed Budget and Financial Plan, at A-187 (available at http://cfo.dc.gov/cfo/frames.asp?doc=/cfo/lib/cfo/budget/fy2011/volume_2_agency_chapters_part_i.pdf).

reaching historic levels and options for legal services support have shrunk. Interest on Lawyers' Trust Accounts ("IOLTA") funding fell by nearly 60% in 2009.

According to a joint report of the D.C. Access to Justice Commission and the D.C. Consortium of Legal Services Providers, *Rationing Justice: the Effect of the Recession on Access to Justice in the District of Columbia*, the D.C. legal services network lost $4.5 million – or more than 25% of its total funding – in 2009 alone.[3] This loss of funding has already led to the loss of 12% of legal staff and nearly 40% of non-legal staff. The 2009 funding losses translate into a thousand fewer cases being handled before a court or administrative agency and over two thousand fewer clients receiving counseling, advice or brief services. The Mayor's FY2011 proposed cuts, combined with the FY2010 cuts, would result in the loss of 18-20 additional legal services lawyers.

In addition to assisting District residents in dire need, legal services save the District money. Studies from other jurisdictions found that for every dollar spent on legal assistance, the government saves between $4 and $7. The following are a few examples of why this is the case:

- Access to counsel in domestic violence cases improves safety. As a result, domestic violence survivors are less likely to be victimized, saving costs for public safety, medical treatment, job loss, and interruption of education for minor children in the home.
- Preventing avoidable evictions reduces homelessness, shelter and other costs.
- Legal Services providers often assist children who are receiving medical treatment through the Alliance (a 100% DC funded program) enroll in Medicaid (a 70% federally funded program). Each time someone switches from the Alliance to Medicaid, the District saves money.

Accordingly, the Litigation Section urges the D.C. Council to reject the Mayor's recommendation to cut funding for civil legal services and loan forgiveness programs.

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[3] District of Columbia Access to Justice Commission and DC Consortium of Legal Services Providers, *Rationing Justice: the Effect of the Recession on Access to Justice in the District of Columbia* (available at http://www.dcaccesstojustice.org/files/Rationing_Justice_Report_final_PDF_.pdf).