



D I S T R I C T O F C O L U M B I A B A R
Litigation Section

**Summary of Public Statement of the Litigation Section of the District of Columbia Bar
 Opposing the Mayor's Recommendation to Cut \$1.7 Million in Civil Legal Services**

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.

On December 1-3, 2010, the steering committee of the Litigation Section of the District of Columbia Bar¹ voted, without dissent and with four 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 \$1.7 million for fiscal year 2011 for civil legal services for low-income people.

On November 23, 2010, D.C. Mayor Adrian M. Fenty released his proposal to close a \$185 million budget gap for the current fiscal year. The Mayor's gap-closing proposal cuts funding for the Access to Justice Program for fiscal year 2011 by more than fifty percent, to \$1.579 million from \$3.29 million. (Mayor Adrian M. Fenty, *Fiscal Year 2011 Proposed Gap-Closing Plan*, at 7, available at http://voices.washingtonpost.com/dc_politics/GapClosingPlanFY2011.pdf.)

The Access to Justice Program provides legal help to the poorest and most vulnerable District residents. This proposed cut would have far-reaching negative effects for the legal services community and for the indigent individuals served by that community.

The lawyers funded by the Access to Justice Program help residents to secure the most basic of human needs, including

- keeping families in safe and affordable housing,
- helping children get access to health care,
- assisting domestic violence victims and their children to escape violent relationships,
- enabling disabled individuals to secure disability benefits,
- helping low-income workers to maintain employment, and
- helping families to access food and income security programs.

The Section strongly believes that equal access to the courts is a fundamental component of our justice system. Accordingly, the Litigation Section urges the D.C. Council to reject the Mayor's recommendation to cut funding for the Access to Justice Program.

¹ Members of the Steering Committee of the Litigation Section of the D.C. Bar are: Jonathan G. Cedarbaum, Theresa A. Coetzee, David D. Fauvre, Kathleen R. Hartnett, Michael D. Kass, Joshua A. Levy, Lucy E. Newton, David T. Ralston, and Mary L. Smith. Jonathan G. Cedarbaum, Kathleen R. Hartnett, Lucy E. Newton and Mary L. Smith recused themselves from the vote on this matter.

Steering Committee

David D. Fauvre, Cochair
 Lucy E. Newton, Cochair
 Jonathan G. Cedarbaum
 Theresa A. Coetzee
 Kathleen R. Hartnett
 Michael D. Kass
 Joshua A. Levy
 David T. Ralston, Jr.
 Mary L. Smith

Board of Governors Liaison

Amy L. Bess

Committees

Alternative Dispute Resolution
 E-Discovery
 Government Enforcement
 White Collar/Congressional
 Investigations
 Young Lawyers

Ronald S. Flagg

D.C. Bar President

Darrell G. Mottley

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Linda E. Carlisle, Chair
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Chief Executive Officer

Cynthia D. Hill

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Joseph P. Stangl

*Chief Administrative and
 Finance Officer*

Candace Smith-Tucker

Director of Sections



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On November 23, 2010, D.C. Mayor Adrian M. Fenty released his proposal to close a \$185 million budget gap for the current fiscal year. The Mayor's gap-closing proposal cuts funding for the Access to Justice Program for fiscal year 2011 by more than fifty percent, to \$1.579 million from \$3.29 million. (Mayor Adrian M. Fenty, *Fiscal Year 2011 Proposed Gap-Closing Plan*, at 7, available at http://voices.washingtonpost.com/dc_politics/GapClosingPlanFY2011.pdf.)

The Access to Justice Program provides legal help to the poorest and most vulnerable District residents. This proposed cut would have far-reaching negative effects for the legal services community and for the indigent individuals served by that community. The proposed cuts come at a time when unemployment and foreclosures in the District are reaching historic levels and funding options for legal services support have shrunk. Interest on Lawyers' Trust Accounts ("IOLTA") funding fell by nearly 60% in 2009. Further, because of the recession, the need for legal assistance has skyrocketed. The recession has brought unemployment to historic levels, forced thousands of families into foreclosure, increased the severity and incidence of domestic violence, and made more families homeless. It has pushed many middle class families into economic distress while forcing cuts to both private and government safety net programs.

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The recession has also decreased the capacity of the legal services network. 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. This loss of funding 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. (District of Columbia Access to Justice Commission and the D.C. Consortium of Legal Services Providers, *Rationing Justice*, available at <http://www.dcaccesstojustice.org/rationing.html>.)

Further losses have occurred in 2010, fueled by the continuing shortfalls of IOLTA – the largest source of funding for legal services – as well as a cut to the FY2010 public appropriation and continued instability in other funding streams. If effectuated, the Mayor’s proposed cut will mean a loss of 15 - 20 legal services lawyers. As a result, thousands of clients who urgently need legal help will not receive it.

The lawyers funded by the Access to Justice Program help residents to secure the most basic of human needs, including

- keeping families in safe and affordable housing,
- helping children get access to health care,
- assisting domestic violence victims and their children to escape violent relationships,
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The Litigation Section recognizes that the District is facing difficult budget pressures. However, dollars spent on legal services are greatly magnified by pro bono and other contributions. The legal community in the District is deeply committed to equal justice for indigent litigants. Each year lawyers and law firms contribute millions of dollars and hundreds of thousands of hours to ensuring that indigent clients have access to legal assistance. Through their provision of training and mentoring, legal services providers are pivotal to harnessing these pro bono resources.

The Section strongly believes that equal access to the courts is a fundamental component of our justice system. Accordingly, the Litigation Section urges the D.C. Council to reject the Mayor’s recommendation to cut funding for the Access to Justice Program.