



D I S T R I C T O F C O L U M B I A B A R
S e c t i o n s

Summary of Public Statement of the Litigation Section of the District of Columbia Bar Opposing the Mayor's Recommendation to Cut \$1.8 Million in Civil Legal Services and Loan Forgiveness

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 members of the Steering Committee of the Litigation Section¹ of the District of Columbia Bar voted unanimously on July 24, 2009 to issue the following Public Statement on behalf of the Section opposing District of Columbia Mayor Adrian Fenty's July 17, 2009 recommendation to cut \$1.8 million in civil legal services and loan forgiveness.

Request for Expedited Review and Approval, under Rule VII.A.4

The members of the Steering Committee of the Litigation Section of the District of Columbia Bar ("the Litigation Section") voted unanimously to seek expedited consideration of this proposed statement to assure its timely dissemination. See *Section Guidelines*, VII.A.4., pp. 47-8 (governing expedited review of public statements proposed by individual sections).

Expedited consideration is necessary to assure timely dissemination of the statement because the D.C. Council's vote to approve, reject, or modify the Mayor's recommendation is scheduled for July 31, 2009, and the eight-day period otherwise required for approval of a proposed statement, under the Section Guidelines, would not permit the Litigation Section to issue the proposed statement by July 31, 2009. Just last Friday, July 17, 2009, the Mayor released his budget, which if approved would cut \$1.8 million from critical civil legal services and loan forgiveness programs for the District's poor. Only days later, on July 23, 2009, the Litigation Section held a meeting. On the very next day, July 24, 2009, the Litigation Section submitted this proposed statement for approval. The Litigation Section acted with dispatch to submit this statement to the D.C. Bar Sections Office and the D.C. Bar Board of Governors for approval, and we respectfully request that expedited review be granted.

The following individuals participated in drafting this statement: Joshua A. Levy and David D. Fauvre.

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 recused herself from this matter.



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Opposing the Mayor's Recommendation to Cut \$1.8 Million in Civil Legal Services
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Last Friday, July 17, 2009, Mayor Fenty released his budget, which "reduces noncompetitive grant funding for civil legal services and poverty lawyer loan repayment by \$1,800,000."² Mayor Fenty's proposal is a 50% cut from the funding approved by the D.C. Council this spring.

This proposed cut would have far-reaching negative effects for the legal services community and for the indigent individuals it serves. Legal service providers estimate that the cut will cost the legal services network between 18 and 20 lawyers.

This proposed cut comes at a time when the current economic climate has dramatically increased the demand for civil legal services. For example, in 2008, the Legal Aid Society of the District of Columbia took on 44% more cases than the year prior and is on pace to for similar numbers this year.

At the same time demand is increasing, legal services providers report that the legal services network is shrinking. Interest on Lawyers Trust Accounts ("IOLTA") funding is down \$1 million this year, and revenue from foundations and law firms is also lower than previous years. The Consortium of Legal Services Providers polled its members, and initial results show that providers have lost 17 lawyers and eight other line staff

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² Mayor Adrian M. Fenty, Government of the District of Columbia FY 2010 Proposed Budget and Financial Plan, at A-190 (available at: http://cfo.dc.gov/cfo/frames.asp?doc=/cfo/lib/cfo/budget/2010/revised_071709/dc_gov_vol_2_fy_2010_budget_-_agency_budget_chapters_part_i.pdf).

(paralegals/social workers) over the last year. Several programs have dipped deeply into reserves.

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, and there will be reduced costs for public safety, medical treatment, job loss, and interruption of education for minor children in the home.
- Preventing avoidable evictions reduces homelessness and 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.