From the President

Small Income Equals Little Access
By Robert J. Spagnoletti

Where are you—right now—as you read this? Perhaps you are sipping coffee in your climate-controlled office. Maybe you are at home, having eaten a nice meal with your family. Or are you on the Metro reading this on the way to work?

If you are like me with a climate-controlled office, a comfortable home, and a job that enables you to support your family, then consider yourself lucky. Many in our community are not similarly blessed. A shocking number of District of Columbia residents struggle each day to keep their families together, put food on their tables, keep a roof over their heads, and maintain a job that makes all of these tasks possible.

Approximately 20 percent of District residents live in poverty, and more than 30 percent are considered low-income. The District of Columbia, with a severe shortage of affordable housing, can be a tough place to live if you are a low-wage earner. Of course, we already knew this.

Until recently, what we didn’t know is to what extent the District’s legal system and the lack of civil legal services contribute to the problems of the poorest members of our community. Now we know this, too.

The District of Columbia Access to Justice Commission, with the assistance of DLA Piper LLP, recently released its report, Justice for All? An Examination of the Civil Legal Needs of the District of Columbia’s Low-Income Community, culminating a two-year examination of the District’s low-income residents. Unlike other such studies which rely on “best guesses” about unmet civil legal needs, this report was generated from hard data gathered from legal services providers, court records, constituent surveys, and numerous interviews and listening groups. At more than 100 pages, the full report (available at www.dcaccesstojustice.org) pointedly describes the scope and effect of the lack of available representation for the District’s low-income community.

The report is eye-opening. For example, did you know that:

- 97 percent of tenants who appeared in landlord and tenant court did so without an attorney.
- More than 98 percent of respondents in paternity and child support cases were unrepresented.
- 90 percent of persons appealing decisions in unemployment insurance cases were without a lawyer.

This is just a sampling. The commission’s report describes a stunning lack of legal resources to help those with critical consumer, education, employment, family, housing, immigration, or public benefit needs. Our neighbors are losing their homes, jobs, families, and freedom when, with the assistance of a lawyer, their situations might have a different outcome.

A recent case highlights the problem as well as the solution. Mr. F nearly lost the home he had lived in for decades after his wife died because he did not know how to transfer the title to his name. Even though the mortgage was paid off, Mr. F was unaware that he owed back taxes on his property. When he received a notice that his home was about to be sold in a tax sale, volunteer attorneys working at the D.C. Bar Pro Bono Program’s Tax Sale Resource Center helped him negotiate a plan to repay the back taxes. What’s more, attorneys with the Pro Bono Program’s Probate Resource Center worked with Mr. F to transfer the title to his own name. With the help of these lawyers, Mr. F was able to save his home.

As you might imagine, and as reported by the commission,
We expand pro bono support by tapping into the resources of private bars and matching them with organizations such as the AARP Legal Counsel for the Elderly, Neighborhood Legal Services Program, D.C. Bar Pro Bono Program, Washington Lawyers’ Committee for Civil Rights and Urban Affairs, and many others. As the second-largest unified bar in the country, with more than 89,000 members, we can and must do more to make pro bono service a priority.

We participate in education and outreach efforts, and work with other community organizations helping inform residents about their legal rights.

We improve our efforts to serve community members who are disabled, have limited English proficiency or poor literacy skills, or with limited mobility because they are infirm, elderly, or incarcerated.

We enhance training, invest in technology, and improve data collection to ensure we are reaching those who need us most.

I urge each of you to read the commission’s report, or at least the executive summary, and then do something to address the unmet legal needs of District residents. The report’s findings are interesting, but ultimately meaningless unless we take affirmative steps to put into action the commission’s plan. Only you and I can do that. It is time to put down our coffee, get up from our chairs, and work to make life better for all the Mr. Fs in our community.