

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
PROMOTION AND PROVISION FOR THE
DELIVERY OF LEGAL SERVICES COMMITTEE

OPEN SESSION

Monday, April 16, 2012

9:23 a.m.

Legal Services Corporation
3333 K Street, N.W.
F. McCalpin Conference Center, 3rd Floor
Washington, D.C. 20007

COMMITTEE MEMBERS PRESENT:

Laurie Mikva, Chairperson
Sharon L. Browne
Victor B. Maddox
Father Pius Pietrzyk, O.P.
Julie A. Reiskin
John G. Levi, ex officio

OTHER BOARD MEMBERS PRESENT:

Martha L. Minow
Robert J. Grey Jr.
Charles N.W. Keckler
Harry J.F. Korrell, III (by telephone)
Gloria Valencia-Weber

STAFF AND PUBLIC PRESENT:

James J. Sandman, President

Richard L. Sloane, Special Assistant to the President

Rebecca Fertig, Special Assistant to the President

Kathleen McNamara, Executive Assistant to the President

Victor M. Fortuno, Vice President for Legal Affairs,
General Counsel, and Corporate Secretary

Mattie Cohan, Senior Assistant General Counsel,
Office of Legal Affairs

Jeffrey E. Schanz, Inspector General

David Maddox, Assistant Inspector General for
Management and Evaluation, Office of the
Inspector General

Daniel Sheahan, Program Evaluation Analyst, Office of
the Inspector General

Magali Khalkho, Resource Management Specialist, Office
of the Inspector General

Carol Bergman, Director, Office of Government Relations
and Public Affairs

Carl Rauscher, Director of Media Relations, Office of
Government Relations and Public Affairs

Elizabeth Arledge, Communications Manager, Office of
Government Relations and Public Affairs

Treefa Aziz, Government Affairs Representative, Office
of Government Relations and Public Affairs

Jeffrey Morningstar, Director, Office of Information
Technology

LaVon Smith, Network/System Engineer, Office of
Information Technology

STAFF AND PUBLIC PRESENT (Continued):

Janet LaBella, Director, Office of Program Performance

Jane Ribadeneyra, Program Analyst III, Office of
Program Performance

Frank Strickland, Former LSC Board Chairman and
Non-Director Member of the Institutional
Advancement Committee

Thomas Smegal, Chairman, Friends of LSC and
Non-Director Member of the Institutional
Advancement Committee

Peter B. Edelman, Professor of Law, Georgetown
University Law Center, Chair of the District of
Columbia Access to Justice Commission

Judge Anna Blackburne-Rigsby, District of Columbia
Court of Appeals

Andrew Marks, Partner, Crowell & Moring

Patricia Mullahy-Fugere, Executive Director of the
Washington Legal Clinic for the Homeless

Jessica Rosenbaum, Executive Director, District of
Columbia Access to Justice Commission

Hannah Lieberman, Executive Director, Neighborhood
Legal Services

John Constance, former Director, GRPA, LSC

Chuck Greenfield, National Legal Aid and Defender
Association (NLADA)

Hillary Evans, NLADA

Don Saunders, NLADA

Terry Brooks, American Bar Association

Linda Perle, Center for Law and Social Policy (CLASP)

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1 P R O C E E D I N G S

2 (9:23 a.m.)

3 CHAIR MIKVA: I'm going to call to order the
4 meeting of the Promotion and Provision for the Delivery
5 of Legal Services Committee.

6 The first item would be approval of the
7 agenda.

8 M O T I O N

9 FATHER PIUS: So moved.

10 MS. BROWNE: Second.

11 CHAIR MIKVA: All in favor?

12 (A chorus of ayes.)

13 CHAIR MIKVA: The next would be approval of
14 the minutes from the telephonic meeting of March 9,
15 2012. I would note one correction on the second page.

16 It says "Chair Minow." I'm flattered, but -- so I
17 would change that to Mikva.

18 Any other changes?

19 MS. BROWNE: Just a misspelling of my name at
20 the bottom of the first page. There is an "e" on the
21 end of Browne. It's the technical problem. Thank you.

22 CHAIR MIKVA: With those two changes?

1 MS. REISKIN: I just want to be clear. The
2 suggested topics are not part of the minutes. Right?
3 Because that was not done -- that was done afterwards.
4 It was just a little -- in the electronic book, you
5 couldn't really tell.

6 CHAIR MIKVA: Oh, it's separate. It's a
7 separate tab.

8 MS. REISKIN: Okay.

9 CHAIR MIKVA: So with those changes, could I
10 have a motion to approve?

11 M O T I O N

12 MR. MADDOX: So moved.

13 MS. BROWNE: Second.

14 CHAIR MIKVA: All in favor?

15 (A chorus of ayes.)

16 CHAIR MIKVA: Our No. 4 is consider and act on
17 management's list of suggested topics for future
18 committee meetings. Actually, I think we want to
19 address this by a telephone call, a conference call,
20 after we have heard from the Pro Bono Task Force.
21 However, I think we have a few minutes if anybody has
22 anything they want to say at this point on this.

1 MS. REISKIN: I just had a couple questions.

2 On grantees of technology, I was just
3 wondering, like what kind? What issues? Could you
4 elaborate?

5 PRESIDENT SANDMAN: Well, we were
6 contemplating a discussion about using technology to
7 improve the efficiency and effectiveness of the
8 delivery of legal services, but also things that we
9 might do to improve grantee adoption of technology.

10 The use of technology across programs right
11 now varies significantly. Some are more successful at
12 using it than others. And one topic would be to
13 explore how to get more programs to take advantage of
14 the best practices of those that are leading in the use
15 of technology to deliver legal services.

16 MS. REISKIN: And is that totally separate
17 from TIG? Because I notice technology and then TIG.

18 PRESIDENT SANDMAN: It would be different.
19 The sixth item on the list would be a staff assessment
20 of the work of the technology initiative grant program
21 over time; it's now been in place for about ten years,
22 and we get an overview by the staff of the ways in

1 which the program has been successful and ways in which
2 it may not have accomplished what we hoped. So that
3 would focus exclusively on the program of technology
4 initiative grants.

5 MS. REISKIN: And then with data, are you
6 looking at how they collect it or what they collect?

7 PRESIDENT SANDMAN: Both, and how they use it.
8 There are programs out there that are leading in the
9 use of data to manage their programs and allocate their
10 resources. They're doing some different things. It's
11 not a uniform approach. But what they are doing on the
12 ground in individual programs could be very useful to
13 this Committee and to the Board in deciding what LSC
14 should do overall.

15 CHAIR MIKVA: Ms. Browne?

16 MS. BROWNE: I found Jim's short summary of a
17 couple of different topics very helpful in looking at
18 the different topics that we might consider in the
19 future. Is it possible to get a little paragraph on
20 each of these different topics just so that we have
21 more full discussion available to us?

22 PRESIDENT SANDMAN: Absolutely. I'd be happy

1 to.

2 MS. BROWNE: I'd find that very helpful
3 because they are very, very broad and they can go in so
4 many different avenues.

5 PRESIDENT SANDMAN: Good point. Yes. We'll
6 do that.

7 MS. BROWNE: Thank you.

8 CHAIR MIKVA: Well, we have a couple more
9 minutes. I wondered -- I'm not sure who would be the
10 best person to give us a two-minute summary of the
11 current PAI rule and perhaps how it came to be.

12 PRESIDENT SANDMAN: I think, in terms of the
13 history of the rule, Vic Fortuno would be the best
14 person to speak to that, but I don't see him in the
15 room.

16 MS. REISKIN: We can come back to that.

17 PRESIDENT SANDMAN: It goes back to the 1980s,
18 so it has some history to it.

19 (Pause)

20 MS. REISKIN: Is there a staff assessment of
21 TIG? Is there an actual report?

22 PRESIDENT SANDMAN: There isn't. That is

1 something that the staff would be prepared to address
2 in response to a request from the Committee. It's on
3 the staff agenda as something to do, but there isn't an
4 existing report yet.

5 CHAIR MIKVA: Are the members of the panel all
6 present? If you'll have seats up here. We'd ask you
7 to come forward. And I would call on President Sandman
8 to introduce our illustrious panel.

9 PRESIDENT SANDMAN: Thank you, Laurie. It's a
10 great honor for me to introduce our panel members.
11 These are all friends of mine, people who are members
12 of the District of Columbia Access to Justice
13 Commission.

14 On my right is Peter Edelman, the chair of the
15 Commission. Peter is a professor of law at the
16 Georgetown University Law Center. Among his many
17 extracurricular activities, he's also chairman of the
18 board of the Public Welfare Foundation, which as you
19 know recently made a grant to the Legal Services
20 Corporation.

21 Next to Peter is Patty Mullahy-Fugere, who is
22 a co-founder and executive director of the Washington

1 Legal Clinic for the Homeless. Patty is an icon in the
2 District of Columbia legal services community.

3 Next to Patty is Judge Anna Blackburne-Rigsby,
4 who's a member of the District of Columbia Court of
5 Appeals. The Court of Appeals is the highest local
6 court in D.C. She was appointed to her position in
7 2006 by President George W. Bush; previously served as
8 a judge of the Superior Court of the District of
9 Columbia, to which she was appointed in 2000 by
10 President Bill Clinton.

11 Next to Judge Blackburne-Rigsby is Andy Marks,
12 who is a partner at Crowell & Moring. Andy is a former
13 president of the District of Columbia Bar, and was
14 instrumental in the formation of the D.C. Access to
15 Justice Commission. This Commission is an example of
16 the difference that an effective, active access to
17 justice commission can make in promoting and improving
18 access to justice in our communities, and I'm very
19 proud of the work of this Commission and thought that a
20 presentation by them would be useful for the board to
21 hear.

22 I'd also like to introduce -- I saw Jess

1 Rosenbaum, who is the executive director of the
2 Commission. And while we're on local D.C. things, I
3 also wanted to acknowledge the presence of Hannah
4 Lieberman. Hannah, could you stand up, please? Hannah
5 is the new executive director of the Neighborhood Legal
6 Services Program in D.C., our local grantee. Welcome,
7 Hannah.

8 Those on the phone, if you could put your
9 phones on mute, please. We're getting noise here in
10 the room. Thank you.

11 MR. EDELMAN: Well, thank you, Jim. Let me
12 say on behalf of all of us and everybody in our legal
13 community and legal services community how pleased we
14 are that you are the President of the Legal Services
15 Corporation.

16 You all know now, but we certainly knew that
17 this was a fabulous choice to lead the Legal Services
18 Corporation at what may have seemed a couple years ago
19 as having one direction, and now a very difficult time.

20 And your leadership is just very, very important.

21 We're just delighted that you asked us to come
22 and tell you a little bit and have a conversation with

1 your questions and comments about our Access to Justice
2 Commission, and to some extent by comparison and
3 looking at the concept of access to justice commissions
4 and how they're working around the country.

5 The three colleagues that I asked to come
6 today represent essentially the way our Commission is
7 structured. They do differ around the country, as you
8 know. Some are larger; we're 17 members. And we
9 represent -- specifically, there are sets of nominees
10 who go to the Chief Judge of the Court of Appeals from
11 the Bar, from our Bar Foundation, from the provider
12 community. And then there are a number of people who
13 are at large, if you will, who are leaders in the
14 community, some not lawyers, to give us better
15 three-dimensionality.

16 One of the things, and you'll hear more, is
17 that it's a table where we can all sit with our
18 official hats partially off, if you will. It's a very
19 comfortable place for people to exchange ideas and
20 think together that they perhaps wouldn't normally have
21 in their day-to-day work. And that's been a major
22 factor.

1 Patty, as an original member, was actually one
2 of the conspirators who created the Access to Justice
3 Commission, and is a leading, leading member of our
4 wonderful providers that we have.

5 Judge Blackburne-Rigsby has come more recently
6 to the Commission, but is one of the four judges who
7 are on the Commission, and is a major person on the
8 Commission.

9 And Andy Marks is a former president of the
10 Bar and is just remarkable in how much he cares about
11 legal services and how much time -- I don't know how he
12 does it -- how much time he devotes to the Commission.

13 So let me just start, maybe, by asking you,
14 Patty, since you were present at the creation, as Andy
15 was as well, but what have you found that the Access to
16 Justice Commission adds to, after all, many different
17 ways which people had of being involved in legal
18 services issues?

19 MS. MULLAHY-FUGERE: Good morning, and thanks
20 for the tune to be here.

21 We have a very different landscape now than we
22 did before the Commission was created. D.C. has been

1 blessed to have a very rich tradition of pro bono, and
2 we have a very strong legal services network. But we
3 never came together in the same kind of strategic way
4 that we're able to do now around the table of the
5 Commission.

6 I think for a long time the provider community
7 saw itself, in a sense, as in supplicant mode when
8 dealing with the law firm community. And the
9 Commission provides a table where we come together as
10 equal partners, where we can talk about not just
11 resources that we need in the community, but steps that
12 can be taken to break down institutional barriers to
13 access to justice, which is something that, as a
14 provider sector, we really didn't have -- I guess maybe
15 you could say didn't have the stature to be weighing in
16 in the same kind of manner that we can now, as
17 participants in the Access to Justice Commission.

18 MR. EDELMAN: Judge, essentially the same
19 question to you, but looking at it from the point of
20 view of the bench. It's a little bit complicated for
21 you to be in the role of the objective person deciding
22 disputes, and also to work on court reform within the

1 court; and then we are, and you and your three
2 colleagues are in this body where we're all sitting at
3 the same table.

4 How has that worked out from the court's point
5 of view?

6 JUDGE BLACKBURNE-RIGSBY: Thank you, Peter,
7 and good morning. It's a pleasure to be here. And
8 Jim, thank you for inviting us.

9 I think it's worked out extremely well. I
10 served on our trial court for 11 years before joining
11 our court of appeals in 2006, and the judges, from a
12 very unique perspective, have witnessed the impact of
13 these very difficult economic times on our entire
14 community. And it is across the spectrum.

15 Those people in our community who are living
16 marginally at or near the poverty line are suffering
17 more, and those people who are or were fortunate enough
18 to be in the middle class are sliding. And we're
19 seeing that in many different kinds of cases in the
20 context of the court system.

21 And so this unique partnership has been
22 phenomenal. I chair our court's internal standing

1 committee on fairness and access, which since 1996 had
2 been looking internally at different court reforms to
3 help increase access for pro se or self-represented
4 litigants.

5 But that wasn't enough, and that's what
6 prompted the Court of Appeals, in conjunction with
7 leaders of the Bar and the legal services community, to
8 form our Access to Justice Commission. And I think
9 there's been a synergy that has been very unique in
10 focusing and increasing the legal services available
11 the civil matters for people who are unable to afford
12 their lawyers.

13 We think of this as a given in the criminal
14 context. But I think sometimes we don't fully
15 appreciate the significant impact on people's lives in
16 civil matters -- child support, domestic violence,
17 landlord/tenant cases, foreclosure matters, small
18 claims cases, where people are facing a loss of their
19 housing, loss of their children, violence if they are
20 not protected.

21 The numbers of people who represent
22 themselves, or attempt to, in these types of cases is

1 staggering and frightening. And judges walk a
2 tightrope in trying to make the process fair and open
3 but not overstepping our judicial bounds, particularly
4 where one or both of the parties are representing
5 themselves. And it is a benefit to the litigants and
6 to the court to have a matter fully heard, and lawyers
7 help the court do that.

8 I think the other important impact has been
9 the building of awareness that we are all in this
10 together working with partners in the legal services
11 community, the Bar and the counsel. And judges are not
12 able to do a certain kind of advocating, but our chief
13 judge, Eric Washington, of our Court of Appeals and Lee
14 Satterfield of our trial court, our superior court,
15 along with Judge Inez Reed, who preceded me and served
16 as vice chair along with Peter, have been strong
17 advocates in speaking out and blowing the horn about
18 why this need is so great and growing.

19 And so we appreciate your opportunity. We've
20 worked together with the Bar and the legal services on
21 a number of unique in-court or courthouse types of
22 programs, like the resource centers, which we are

1 especially proud of -- the landlord/tenant resource
2 center. There is a family court resource center.

3 Another program I'd just like to give a shout
4 out to, as my teen son would say, is the Pro Bono Honor
5 Roll, which our chief judge announced in conjunction
6 with the Access to Justice Commission, where we feature
7 and recognize by listing the names of attorneys in the
8 legal community who have committed at least 50 hours of
9 pro bono service.

10 And the numbers are impressively large.
11 People are proud of doing this. And as Patty
12 mentioned, there's a strong tradition of pro bono
13 service in the D.C. bar.

14 I'll stop there, and I'm happy to answer
15 questions later. Thank you.

16 MR. EDELMAN: Thanks, Judge. We'll come back
17 to some of the specifics and get into more detail with
18 you in a couple minutes.

19 But Andy, just for openers, I think it would
20 be very important to get the perspective of the Bar in
21 how this got started and what it's turned out to be,
22 what in effect the Commission has added to the panoply

1 of efforts in the community.

2 MR. MARKS: Thanks, Peter. Before answering
3 your question, I want to say that among the most
4 important elements for a successful access to justice
5 commission is to find someone like Peter who is so
6 well-respected throughout the community and is
7 unrelenting in his focus on access to justice. So he
8 is a great leader for us, and if you can clone Peter
9 and put him all around the country, you're going to
10 have lots of flowers blooming.

11 Actually, launching this was -- it wasn't a
12 self-evident proposition. We have a terrific bar. We
13 have a bar foundation that's a grant-maker. We have
14 lots of different players who are champions of legal
15 services.

16 But we recognize that, as you've heard,
17 bringing together leaders of the courts, of legal
18 services, and of the private bar, and bringing them
19 together in one place to be focused solely on the
20 access to justice issue, was likely, we hoped, to
21 enable us to be a more effective advocate for breaking
22 down barriers, for increasing funding, for all the

1 things that are necessary to really make a difference.

2 One of the particular impediments that we had
3 in D.C. before we had the Access to Justice Commission
4 is our bar is constrained by a referendum that was
5 passed by its members many years ago from advocating on
6 issues without the support of the members. And this
7 goes way back to the late '70s.

8 So effectively, our bar could not lobby for
9 increased public funding without going to its members
10 and getting a vote. So while our bar president could
11 speak about the importance of public funding and could
12 be an important public speaker on the issues, really
13 could not focus politically, if you will, in what
14 needed to be done to focus on increased -- or actually,
15 I wouldn't say increased; there was really no effective
16 public funding for legal services until the Access to
17 Justice Commission was founded.

18 And as a result of creating this body and
19 getting the buy-in from all the constituents and
20 getting a champion like Peter to lead us, we've
21 succeeded -- in tough economic times in a city that,
22 while very much committed to helping those most in

1 need, is not endowed with terrific resources, we've
2 succeeded in getting an average of about \$3.5 million a
3 year over the past four or five years -- what is it,
4 Peter, five years, I think? Yes -- which is
5 remarkable.

6 And it's required not only good advocacy up
7 front, but relentless and intensive effort as the
8 budget cuts have come, and everyone has been hit with
9 budget cuts. But because the Access to Justice
10 Commission has been there to be that advocate, to be
11 the voice for legal services, to give credibility as an
12 official body that is populated by people who are
13 recognized as leaders in all the different groupings in
14 our legal community, it has proved very effective and,
15 I think, indispensable.

16 You can do the math, but while -- \$3.5 million
17 we're talking about, 30, 40 legal services attorneys,
18 at least, and thousands and thousands of people being
19 helped as a result of that.

20 We also recognize that while our private bar
21 is very generous -- I think they are by all measures in
22 terms of pro bono hours; we have a tremendous record

1 here in this community -- but also in terms of
2 financial contributions. But being a partner in a
3 large firm and having lobbied within the firm for
4 contributions for -- when I walk down the hall, the
5 doors start shutting, you know. They know I'm coming
6 for money.

7 But recognize that I go to our management
8 committee and they say, well, we give a lot. And then
9 they sort of go, how do we know we're not giving too
10 much, or how do we know we're not -- that maybe we
11 should be giving more? How do we know? Because
12 everyone wants to have some kind of a measure. They
13 want to do the right thing, but they want to know what
14 the metrics are.

15 So we conceptualized an initiative that would
16 set some benchmarks and to see if we could establish
17 some benchmarks for law firm giving, and this process
18 is one that we started very early on when the
19 Commission was formed. And I won't -- we'd be
20 happy -- we'd love to share with any of you the details
21 of how we got to where we got. It was a lot of work
22 because there were a lot of issues to try and sort

1 through.

2 But the good news is that we came up with some
3 benchmarks, and last year launched -- and we were ready
4 to launch this initiative that would ask law firms to
5 sign up and pledge to give at one of three benchmark
6 levels -- silver, gold, platinum.

7 And our view was that it would Raise the Bar.

8 And just to say one thing: We'd set the
9 benchmarks -- we were able to collect data that allowed
10 us to figure out what the most generous firms were
11 giving because we didn't want to set benchmarks that
12 were abstract, that were not realistic.

13 We really wanted to choose benchmarks where
14 firms were already giving. And we were able to get
15 that data, and again, we can talk another time, if
16 you'd like, about how we got that data and what we did
17 with it.

18 But we got realistic data, and then convened
19 the partners. Peter and I went to the partners of some
20 of the major firms and said, now, we're thinking about
21 this initiative; what do you think?

22 And what delighted and, frankly, surprised us:

1 Every single one said, this is a great idea. We want
2 to know. We want to know where our giving fits, and we
3 like that benchmark. And we thought it was empowering
4 within the law firms, those who advocate greater
5 contributions, to give them a tool to work with when
6 they go to the management of the firm and said, we
7 should be giving more.

8 Anyway, the long and the short is that we
9 launched last year. Twenty-three firms signed up the
10 first year. And, by the way, it is designed not just
11 for big firms. It's measured on -- the benchmarks are
12 linked to revenues in D.C., so a solo practitioner can
13 make the benchmark, a two-person firm can make the
14 benchmark, and Wilmer Hale can make the benchmark. All
15 can make the benchmarks, and all did.

16 We had 23 firms. Those 23 firms gave a gross
17 of \$3 million to legal services in D.C., D.C. legal
18 services. It does not include many of the great
19 organizations that all these firms support outside of
20 D.C., but D.C.-based legal services, \$3 million. And
21 the better news was, that was a half a million dollars
22 more than the prior year.

1 So we did Raise the Bar, and we've pledged to
2 try and double that 23 and get us to 46 or 60 next
3 year. But we're very proud of that. It took a lot of
4 work, but it could not have happened without an access
5 to justice commission to be the advocate, to have the
6 credibility to go to the law firm leaders.

7 Everyone will meet with us. Everyone will
8 listen to us. They may not do what we want them to do,
9 but we have that credibility, and so I think having the
10 Commission has been instrumental.

11 MR. LEVI: Who holds the funds?

12 MR. MARKS: Oh, a good question. So we have
13 here in the District of Columbia the D.C. Bar
14 Foundation, which is a grant-maker that gets the IOLTA
15 funds and also gets some direct money from law firms.
16 All the money comes into the Bar Foundation, and the
17 Bar Foundation -- I'm sorry. Back up. Okay. I
18 misspoke.

19 The funds, okay, the funds go directly -- the
20 funds are the funds that are being given directly to
21 the legal services organization. There is no holding
22 of the funds. I was thinking you were asking a

1 different question. I was thinking you were asking
2 about the public funding.

3 The funding from the Raising the Bar are the
4 funds that people are giving, whether it's to the Legal
5 Clinical for the Homeless, or Children's Legal Defense
6 Fund, or the Neighborhood Legal Services, or whatever.

7 So we've got -- Jess will correct me -- about
8 30 legal services providers who provide legal services
9 here in the District, and the firms give the money as
10 they always would. They choose who they want to give
11 their money to. And they can spread it out or then can
12 give it all to one; it doesn't matter, as long as
13 they're given to one of the organizations on our list,
14 it's credited toward the Raising the Bar campaign.
15 Sorry.

16 MR. EDELMAN: Thank you, Andy. Andy said a
17 nice thing about me earlier. We couldn't have done
18 this without Andy and also without Jess, who's
19 absolutely phenomenal. The three of us went with our
20 little tin cups to the chairs and managing partners,
21 and as Andy said, we, I must say, surprised ourselves
22 as well as a lot other people.

1 I want to turn the discussion to -- we've sort
2 of been saying it already, but the catalyst and
3 partnership role that we've played. And just another
4 word about the public money as an indication of that,
5 and then I want to turn to each of my colleagues in
6 this area of the role we've played.

7 Because we really have, as what we've already
8 told you indicates, really situated ourselves as an
9 actor in the community that gets other people and gets
10 partnerships and gets involved and makes things happen
11 in a kind of leveraged and multiplier way.

12 So the public funding is a very good story of
13 that, as Andy said. We now have been at it for a
14 number of years. There were 43 states; many of you in
15 your states have public money going one way or another
16 into legal services. D.C. was not one of them when we
17 started the Access to Justice Commission.

18 And when we sort of had the bright idea and
19 asked around, people said, oh, we never tried that. So
20 right there, the fact that we had arrived on the scene.

21 But -- and Judge, I'm going to ask you to speak to
22 this in a minute as well -- we were able to get the Bar

1 involved as the Bar. The did vote, have a special
2 meeting, which they do every few years, to renew this;
3 just did it the other week.

4 So all of the ex-Bar presidents wrote letters.

5 The current Bar president in the name of the Bar wrote
6 and has testified, the current president, every year
7 before the City Council.

8 The judges, and I'll ask Judge
9 Blackburne-Rigsby to say another word about this in a
10 minute, have testified every year within the boundaries
11 of their role, but nonetheless have come personally to
12 the City Council to appeal for the money.

13 And during the two or three years where there
14 were some political difficulties about it that partly
15 were because of the recession but also a little bit of
16 local color that we can have an in offline
17 conversation, we had letters coming in from
18 organizations, all the people that were on the boards
19 of the legal services providers, people who aren't
20 lawyers who deliver other kinds of human social
21 services in the community -- it was a really catalytic
22 partnership kind of effort.

1 And it would get to the point where we would
2 go -- I mean, this is marvelous, those of you who work
3 state legislatures. We're a 13-person unicameral
4 legislature, so all we need is seven votes to pass a
5 law -- if Congress will agree to it. That's another
6 problem.

7 (Laughter.)

8 MR. EDELMAN: So we would go into an office
9 where they weren't particularly involved, and we'd say,
10 we're here about the access to justice funding. Oh, we
11 know all about that. You don't have to tell us. We've
12 had more letters on that than we've had on anything.
13 So it really has been a fabulous process.

14 So Patty, let me turn to you. And what does
15 that look like from your -- actually, she won't take
16 the money. I don't know what this is about. But the
17 Bar Foundation has -- the money goes to the Bar
18 Foundation, as you were asking, John, and so the Bar
19 Foundation puts out a request for proposals.

20 The priorities are: more lawyers east of the
21 river, where the lowest income people live, and more
22 lawyers in landlord/tenant court, which is a

1 particularly underserved area, but then any other
2 creative stuff.

3 The Children's Law Center has a medical/legal
4 partnership with Children's Hospital. The Legal
5 Counsel for the Elderly sends a lawyer to your House to
6 help you do a will if you're a homebound elderly
7 person. So there are a lot of very innovative things.

8 But from your point of view, how has that
9 been?

10 MS. MULLAHY-FUGERE: Well, I spend quite a bit
11 of time down at our City Council advocating on issues
12 beyond legal services, and I have to say I am extremely
13 envious of the machine that has been assembled to
14 assure continued funding of the access to justice
15 resources. I mean, it really is a remarkable model,
16 and it does show how well the community can work
17 together towards a particular end.

18 One of the great benefits of that
19 funding -- and Peter's right; my organization actually
20 takes no public funding at all, for a variety of
21 reasons, one, because in addition to the legal services
22 work we do, we do a lot of significant advocacy with

1 District of Columbia agencies, and it feels right not
2 to be taking that public funding.

3 But for the organizations that do, adding
4 those line attorneys out in the community, adding the
5 line attorneys who have a focus on really important
6 cases like the landlord/tenant cases, has in some of
7 those organizations freed up other resources to get
8 engaged in some of the broader advocacy.

9 So not only has it had the impact of adding
10 more line lawyers at a time when the private funds were
11 drying up and the IOLTA funds were on the decline,
12 having those additional 30 attorneys come on board into
13 our community was really a particular gift a few years
14 ago.

15 But beyond that, I think it has turned up the
16 volume of the advocacy voice of the legal services
17 community as an indirect benefit of that. So I think
18 that's been one of the most critical pieces in terms of
19 where the legal services has benefitted.

20 But beyond that, in talking about the catalyst
21 role, having the Commission and having the public
22 funding in particular have really challenged us to,

1 amongst ourselves, work more strategically and work
2 more collaboratively.

3 Some of the initiatives that have been
4 mentioned that have come out of the public funding have
5 required legal services providers to think about how we
6 can best leverage our resources one with another in
7 ways that we hadn't been doing previously.

8 The attorney-of-the-day project, I think, is a
9 really good example of that, where several of the
10 provider organizations have come together to provide a
11 brief representation and -- or limited, rather, limited
12 representation in landlord/tenant cases so that we're
13 not seeing pro se litigants being put in jeopardy of
14 losing their homes because they don't have someone who
15 could advise them on and take to the bench a request
16 that might otherwise have gone unstated.

17 So having that ability to see organizations
18 come together through the attorney-of-the-day program
19 has allowed folks in our community who otherwise would
20 be out on the street to retain their homes. I think
21 when we're talking about catalyst effect, we think
22 about the systems. We think about the impact on the

1 legal community. We think about the impact on legal
2 services and law firms and on the court. And we don't
3 enough talk about the real-life impact on the clients.

4 And I think that's so important to remember,
5 that because of the public funding, because of
6 initiatives like Raise the Bar, we have been able as a
7 community to have a presence to people whom otherwise
8 we would not be able to stand with.

9 And as a result, we've kept people in their
10 homes at a time when there are so few affordable
11 housing resources and such limitations for folks to be
12 able to get assistance in something as important as
13 housing.

14 We've kept families together when otherwise
15 they might have been pulled apart. We've allowed
16 people to escape violence. We've helped communities to
17 improve a range of resources available to the
18 community.

19 And I think it's important, as we consider
20 what kind of an impact an access to justice commission
21 could have in other jurisdictions around the country,
22 we think not only about the impact on the delivery

1 system, but really think about the impact on the people
2 who are the beneficiaries of that system. And there's
3 been a huge impact from that perspective here in the
4 District.

5 MR. EDELMAN: Patty, did you want to -- you
6 also had a comment with regard to what Andy said on
7 Raising the Bar?

8 MS. MULLAHY-FUGERE: Yes. I think one of the
9 great things that has come out of that is a challenge
10 to each of us individually as legal service providers
11 to be better at what we do.

12 The Commission, in a sense, has tilled the
13 soil for us, but we all have to plant the seed. We see
14 a community of law firms that is now more willing to
15 provide financial resources, and it's a challenge to
16 each of us who run a legal service program to figure
17 out how best to tap those resources and how we can tell
18 the stories of our own organizations and bring the
19 needs of our clients into the conversations with those
20 firms.

21 So I think it's had an impact that makes us
22 better as legal service providers at what we do.

1 MR. EDELMAN: I want to do a testimony check.

2 We have a total till 10:15?

3 MR. LEVI: You've got till 10:30.

4 MR. EDELMAN: Oh, 10:30? Okay. Well, we've
5 got a little bit more we'd like to say, and you may
6 have questions.

7 Judge, one thing specifically, and then I know
8 you have some more thoughts just on the role of the
9 court in all of this. But on the role that the judges,
10 the chief judges, have been willing to play which has
11 not only been the testimony, but writing a letter to
12 the Mayor when he's making the budget each year to say,
13 don't forget access to justice funding, how is that
14 from the point of view of the court?

15 JUDGE BLACKBURNE-RIGSBY: Thank you, Peter. I
16 think from the point of view of the court, this is
17 perhaps one of the most unique and powerful aspects of
18 this Commission. And it works both ways.

19 When I talked earlier about the synergy, it is
20 important that the court has been focused internally on
21 issues of fairness and access for people in the
22 community so that there is both a perception that they

1 are being treated fairly and that there is increased
2 access.

3 And in many ways, as Andy said, this
4 partnership has allowed the Bar and the legal services
5 providers to provide a certain advocacy to the courts
6 to support the work that the courts are doing.

7 But I think, more to Peter's question right
8 now, is that it works the opposite way, too. And I
9 think it's been very powerful that the chief judges,
10 since the incorporation of the Access to Justice
11 Commission, have personally gone to the City Council
12 and said, give money to this Commission -- not give
13 money to the courts, not that we would go to the
14 Council for our budget, but that's another
15 conversation.

16 MR. EDELMAN: To the Bar Foundation.

17 JUDGE BLACKBURNE-RIGSBY: To the Bar
18 Foundation, not to the Commission. I'm sorry. But
19 from the perspective of the Council, I think it was
20 very powerful, the chief judges, talking with Council
21 members and testifying before the Council, saying, we
22 see that this is important. This will make a

1 difference. It needs to happen. The need is very
2 great.

3 And giving money to the Bar Foundation to
4 increase legal services for the poor or those with
5 limited access matters for the administration of
6 justice in these kinds of cases.

7 And to have the chief judges talk about the
8 impact in specifics by talking about the numbers of
9 domestic violence cases, and the fact that when you put
10 dollars and resources for attorneys east of the river
11 in some of the poorest areas of our city, so that
12 litigants can have some recourse before they get to
13 court -- I mean, we think about things that to us may
14 not sound very daunting.

15 But to have someone who doesn't know the court
16 system, to navigate without their own transportation
17 down to the courthouse, to get to the courthouse, to
18 not understand the legal process, and then to find out
19 that they're missing a form or they're missing a
20 document, or if they had just brought this information
21 from home, the outcome of their case may have been
22 different. And when you have resources in the

1 community closer to where they are that they can access
2 before coming to court, it makes the process work
3 better.

4 Patty talked a lot about landlord/tenant
5 issues, which has been a major focus where we've seen
6 such tangible results with the resource center, which
7 is located in the landlord/tenant courthouse, where
8 there are attorneys for the day, and these attorneys
9 come from the legal services community or volunteer
10 their time, where before, a tenant typically -- or
11 individual landlords, who maybe own one home or rent a
12 unit, can get legal advice, it matters for the judges.

13 And I think the dialogue and the synergy
14 between the legal service providers and the court has
15 made it easier to talk about. I mean, we talk about
16 many of our judges being of a different view at one
17 point, that judges don't enter into the fray. You're
18 supposed to be the neutral arbiter, simply calling
19 balls and strikes.

20 And I think this work of the Commission has
21 changed that dialogue for the betterment of the
22 administration of justice, that the issues are fairly

1 heard when there is legal representation or access to
2 it.

3 The attorney-for-the-day project is another
4 thing where we've worked with the Commission on
5 limited-scope representation, where a lawyer doesn't
6 necessarily have to stay in it for the duration. And
7 that required a lot of collaboration.

8 I should mention, Peter, and I hope I'm not
9 jumping the gun, about the courts committee --

10 MR. EDELMAN: Yes.

11 JUDGE BLACKBURNE-RIGSBY: -- of the Access to
12 Justice Commission is one of the committees that's very
13 active. And it includes all the judges of the
14 Commission -- myself, Judge Ruiz -- and, very
15 importantly, the judges from superior court who are the
16 presiding judges of the civil division of the court and
17 the domestic violence unit. I believe that's Judge
18 Lopez.

19 These were areas where we typically see very
20 large numbers of self-represented litigants. And when
21 you have the presiding judge of that division of the
22 court present at the table to discuss how we make these

1 things work, what the litigants are experiencing, when
2 you have the legal service providers at the table and
3 we are dialoguing with each other, it works better.

4 I could also say from an appellate perspective
5 that when cases come up on appeal that have been fully
6 litigated with the help of legal representation, it
7 just matters for the overall administration of justice.
8 And I can't stress that enough.

9 I guess I just want to add by saying that the
10 whole level of the dialogue has changed, expanded, and
11 improved so that one of the projects that we are
12 particularly pleased with is when our courts committee
13 on judicial conduct recently revised the Rules of
14 Judicial Conduct for our jurisdiction, the Commission
15 very strongly advocated in favor of some of those
16 reforms, in particular related to how judges can deal
17 with pro se or self-represented litigants.

18 Many judges felt restrained or constrained by
19 the canons of judicial conduct which they felt limited
20 their ability to ask questions of self-represented
21 litigants and to do certain things that now the rule
22 change makes clear they can and indeed should do to

1 make sure that the facts come out and that the process
2 is clearly understood, whether you are represented or
3 not.

4 MR. EDELMAN: Maybe just -- Martha, did you
5 want to ask a question?

6 DEAN MINOW: If I could.

7 Judge, thank you for that very helpful
8 presentation and for the time you're devoting to this.

9 I have a question about the resource centers and the
10 lawyer-for-the-day program, as I'm sure that these are
11 crucial, and we are trying to figure out how to
12 document what difference they make. So I wonder a
13 couple of things.

14 One, do you know what degree of training is
15 required or backup for the lawyers who participate in
16 that? And when they're volunteer lawyers, is there
17 someone to help them when they are not expert?

18 And another question would be, from the
19 judge's point of view or from the resource centers
20 themselves, is there a way to keep track of which
21 unrepresented individuals actually had a chance to talk
22 with American and whether that makes a difference in

1 what happens later?

2 JUDGE BLACKBURNE-RIGSBY: I'll take the second
3 part of your question first. It absolutely makes a
4 difference, particularly in landlord/tenant court. And
5 I mentioned I was a trial judge for many yours, and I
6 can tell you that the trial judges struggle in the
7 landlord/tenant assignment because oftentimes -- most
8 of the time -- the tenants are not represented and the
9 landlords are.

10 Prior to some of these reforms that have taken
11 place in recent years, typically a tenant would come
12 into a courtroom in the morning where there were
13 hundreds of tenants. They would go off and have some
14 private negotiations with the attorneys for the
15 landlords, enter into consent decrees.

16 The decree or consent judgments would be
17 presented to the court, and as the judge, you're
18 sitting there and you ask, do you understand? And the
19 tenants say, yes. We've talked.

20 And the level of this whole exchange has
21 completely changed now. When they come in, they're
22 informed that there is a resource center. The

1 attorneys are trained with the help of the Bar, which
2 is a big help from the court's perspective.

3 The court had to develop an administrative
4 order that would make clear the parameters of the
5 limited scope representation, whether it was just for
6 the initial appearance, whether it was through a
7 subsequent status hearing, and educate the lawyers
8 about what this limited scope representation would
9 mean.

10 But the training of the lawyers who assist and
11 answer questions, even if they don't go on to represent
12 the tenant or the landlord before the court, is done
13 largely through the assistance of the Bar. And by
14 working with the presiding judges of the court, I think
15 that collaboration has been extremely effective.

16 In terms of measuring it, that's a little
17 harder. We could probably easily tell the number of
18 people who've appeared with limited representation and
19 for what proceedings, and anecdotally we can say that
20 the level of what happens before the court is very
21 different. I hope that answers your question.

22 DEAN MINOW: Thank you very much.

1 CHAIR MIKVA: Are you ready to take questions?

2 MR. EDELMAN: Well, I think that yes, there
3 are probably questions on what's being discussed. So
4 we should do that.

5 CHAIR MIKVA: Father Pius?

6 FATHER PIUS: It's an interesting question I'm
7 not sure I've heard before. Do we keep records
8 of -- or do we even in the, I'll say, pro se filings,
9 to track what's been the change over the past, since
10 the recession, anyway, to see what that is?

11 And especially if we can narrow it down to
12 those practice areas that our people do to show that
13 especially in these areas, the pro se filings have seen
14 a significant increase, I think that's something that
15 might be useful to us in making our case and telling
16 our story.

17 PRESIDENT SANDMAN: I've asked the National
18 Center on State Courts for exactly that information
19 nationally, and there is not national information on
20 it. It's very scattershot across the country what the
21 quality of the data on pro se litigants is.

22 MR. EDELMAN: We don't have data locally.

1 Impressionistically, there has been a significant
2 increase in the high-volume courts where there are
3 low-income people, most low-income people. So I think
4 we're typical of, would you say, Judge, around the
5 country? We have a strong impression that the
6 recession has worsened it.

7 You know, these courts, and it's true around
8 the country, landlord and tenant, over 95 percent are
9 unrepresented. The small claims, same kind of thing.
10 Child support defendants, same thing. Probate.

11 JUDGE BLACKBURNE-RIGSBY: Domestic violence.
12 When people are seeking civil protection orders, about
13 95 percent of them are unrepresented by counsel.

14 MR. EDELMAN: I think it's
15 important -- before, Mr. Keckler, I know you have a
16 question -- to say that on the resource center type of
17 question, our experience is, to the maximum extent
18 possible, it's important to be strategic, to have
19 multiple initiatives in the courts.

20 We have about five resource centers in the
21 superior court, five or six. But in landlord/tenant,
22 where we put a lot of energy, we had the resource

1 center and it was a little bit about like saying -- I
2 mean, it was helpful, but you're about to have brain
3 surgery. You're not a physician; in fact, you don't
4 have one. You're going to operate on yourself.

5 So adding in -- doubling the number of lawyers
6 in landlord/tenant court because of the public money,
7 and I think the additional private money from Raising
8 the Bar will help in that regard, too, and creating
9 attorney for the day so that we could deploy the
10 lawyers that are there in a strategic way with full
11 representation.

12 There's a triaging point there, with full
13 representation from the Legal Aid Society lawyers and
14 the Bread for the City lawyers and the Neighborhood
15 Legal Services lawyers, and being able to turn to
16 essentially their colleagues who are there, or
17 sometimes it's the same lawyer, for a limited
18 representation, so that you're stretching the lawyer
19 resources further in a thoughtful way, in a way that's
20 getting representation to the people who need it the
21 most.

22 You had a question?

1 PROFESSOR KECKLER: Thank you. And I should
2 also, as a member of the D.C. Bar, say thank you for
3 your work.

4 But I was going to build on the last couple of
5 questions to point out some of the things that we as a
6 board have been struggling, and how crucial D.C., in a
7 way, is for us, and the data that hasn't been collected
8 but is there, which is, it's the case that I was just
9 looking at the last reports on there.

10 In terms of -- maybe you can have more precise
11 figures -- in terms of per person in poverty, the
12 overall expenditure for legal service in the District
13 is, what, about \$100, something like that?

14 MR. EDELMAN: I haven't done that calculation.

15 PROFESSOR KECKLER: I saw 18 million, and then
16 it had gone down to 13 million in terms of overall
17 expenditure. Is that about right?

18 MR. EDELMAN: It's the ballpark. I would have
19 said it was never quite that high, but it certainly
20 went down.

21 PROFESSOR KECKLER: All right. And of course,
22 in the rest of the country, it's more like \$10 per

1 person in poverty. These again are ballpark figures.

2 So the kind of thing that we're struggling
3 with in terms of making budget requests and so forth is
4 the managerial effect of greater funding for legal
5 service. And so although I know that you constantly
6 struggle and work hard to increase funding, it's just a
7 fact that D.C. has had an opportunity to spend more on
8 legal service than lots of other municipalities in the
9 country and jurisdictions.

10 The data is in there that talks about the
11 overall effects on justice, the rule of law, overall
12 benefits to people in private, all of those things from
13 your hard work and from the position of D.C. in terms
14 of funding. And to understand that managerial effect
15 is something that would be very, very valuable. So
16 that's just a comment building on previous comments.

17 MR. EDELMAN: We would certainly share that.
18 It would be valuable. There are some studies, as you
19 probably know. There's a New York study about lawyers
20 in housing court and the difference that it makes, for
21 example.

22 MS. REISKIN: I have two questions, one for

1 Patty and one for the judge.

2 I was really interested in the process where
3 they -- we were talking last night about only in
4 nonprofits are you expected to collaborate and compete
5 with the same people at the same time, often on the
6 same issues.

7 And so I was wondering how it's worked where
8 you all work together, and then they choose who they
9 give to -- that process, how that's worked. Has it
10 caused problems? That's just an interesting dynamic.
11 And then -- well, go ahead, and then I'll ask the judge
12 her question.

13 MS. MULLAHY-FUGERE: It has been an
14 interesting dynamic. I think that we have worked hard
15 here in D.C.'s legal service community to develop
16 relationships with one another. And I think because so
17 many of us have been at it for such a long time and we
18 have longstanding relationships, it's really minimized
19 the competitive edge piece even when we are competing,
20 both for financial resources as well as pro bono
21 resources.

22 So I think a lot of it has been made less

1 onerous, in a sense, because of those relationships.
2 And because of the time that we have had together over
3 the years and having a sense of what each other's
4 programs do, it has given us the opportunity to be able
5 to identify areas where collaborations really can
6 happen in a very effective way.

7 And it goes beyond even collaborating on
8 specific service delivery models, but to identify areas
9 where we might be able to collaborate on other sorts of
10 advocacy that would benefit the client populations.

11 So when we have the folks who are homeless who
12 are also being impacted by child welfare issues, for
13 example, we know that we can call the Children's Law
14 Center because we've been sitting at the table with
15 them. We understand the work that they're doing.

16 So I think for us, at least, because of those
17 longstanding -- meeting after meeting, year after year,
18 we tend to lean more towards collaborate than compete.

19 MS. REISKIN: That's great.

20 And Judge, I was curious if the -- I don't
21 know how to say this in a politically correct way, but
22 the bar for the other side, like landlord attorneys,

1 have taken issue with the judges being involved and
2 supporting the victims or the people that they would be
3 against.

4 JUDGE BLACKBURNE-RIGSBY: That's a very good
5 question. And I think the answer to the question is
6 that there were lawyers representing the other side at
7 the table during some of these many task forces along
8 the way who had some opportunity for input.

9 And in some ways, I think with an attorney for
10 the day, there may be less of that feeling. I think
11 that there was a lot of discomfort, as I mentioned, on
12 the part of many of the judges, who felt that they
13 couldn't do more in a case which I found to be the most
14 difficult, where you have a self-represented litigant
15 on one side and a lawyer for the landlord on the other
16 side.

17 And you know that the landlord knows that
18 there are possible defenses. The tenant doesn't. How
19 do you intervene in that and still give the appearance
20 of being fair and impartial?

21 And I think many of the judges are breathing a
22 sigh of relief that there is an attorney for the day,

1 that there is some limited scope representation -- or
2 even the resource center to discuss with the tenant
3 that they may have a possible defense so that the judge
4 is not put in the same position that they would have
5 been had there not been representation on the other
6 side.

7 But there is pushback sometimes on some of the
8 issues that we are currently working on -- which I
9 don't know if I will mention that --

10 MR. EDELMAN: Yes.

11 JUDGE BLACKBURNE-RIGSBY: -- the cy-pres
12 issue. The Commission, through the courts committee,
13 looked at whether cy-pres funds, which are left over,
14 oftentimes from civil suits, could be used
15 to -- whether we could forge some type of agreement to
16 put a percentage of those funds toward the D.C. Bar
17 Foundation to be used for legal service.

18 There's been some pushback from lawyers on the
19 other side. Even though we were talking about a small
20 percentage of funds that previously, folks hadn't been
21 paying much attention to. And that's an issue that we
22 continue to --

1 MR. EDELMAN: Pushback was more from the
2 plaintiffs' lawyers.

3 JUDGE BLACKBURNE-RIGSBY: Uh-huh. So it
4 happens. And then I will say, with respect to working
5 with the court in collaboration, I think it helps to
6 have the Commission sometimes as an advocate and
7 sometimes as a force to nudge the court in a particular
8 direction; and that the collaboration is good, but that
9 doesn't mean that there's always 100 percent agreement.

10 MS. REISKIN: Thank you.

11 MR. EDELMAN: Just can I put on the table just
12 two sentences so I will have said it. We have a
13 fabulous project with senior lawyers that we hadn't
14 gotten to here that Andy's been involved in. And just
15 in terms of our list, we couldn't walk away without
16 letting you know that we're doing that.

17 DEAN MINOW: What is that?

18 MR. EDELMAN: It's called SAILS, Senior
19 Attorney, you know, whatever the rest of that is,
20 S-A-I-L-S. And the thing is different from other
21 cities in that it's the law firms that are the players.
22 We of course want more individual seniors.

1 But these are for the firms to organize
2 projects with lawyers who are in transition toward
3 retirement or have just taken senior status within the
4 firm. And our poster child of that is that Arent Fox
5 and McDermott Will & Emery have a project with Patty
6 and with --

7 MS. MULLAHY-FUGERE: The Legal Aid Society.

8 MR. EDELMAN: -- the Legal Aid Society with
9 veterans on homelessness. Am I saying that right?

10 MS. MULLAHY-FUGERE: Yes.

11 MR. EDELMAN: So that's an example of it. And
12 we have about a dozen firms that have signed up, and
13 we're in the process of the firms developing their
14 signature initiatives.

15 MR. MARKS: Peter, if I could just add to
16 that, just very quickly, we could get that going
17 because the Access to Justice Commission could convene
18 the leadership of the law firms. And we brought them
19 together to talk, actually, when the economic downturn
20 hit, and we're all reading and feeling a lot about how
21 law firms -- where the whole law business was changing
22 and going to change permanently.

1 And we convened a meeting of the managing
2 partners of like the top 20 firms in town to say, when
3 you're re-imagining the business of law, don't forget
4 about pro bono. Don't build the law firm of the future
5 and then say, oh, yes, we still care about pro bono,
6 and try and shoehorn it in. Let's make sure that's one
7 of the specs as you're doing this at the front.

8 And what came out of that organically, and we
9 didn't expect it but it just showed why convening these
10 kinds of leadership meetings is important, is people
11 say, well, you know, the real challenge we're having is
12 we've got this great cadre of senior lawyers, baby
13 boomers like me and like some of us in the room, who
14 don't see themselves stepping down from an active
15 engagement in the profession even when their billable
16 client work is no longer at the same level.

17 And how do we engage them as law firms instead
18 of just saying, thank you very much for the career
19 you've had and the contribution, and yes, by all means
20 go do good things?

21 So that's again a much longer conversation
22 from when you look at what a commission can do. We

1 were able to, and I think other commissions can also,
2 convene these kinds of discussions that people may be
3 thinking in their own heads, but it won't happen unless
4 you bring people together and really let the synergies
5 work.

6 CHAIR MIKVA: Ms. Browne?

7 MS. BROWNE: Your introductory remarks said
8 that there were 47 other states that have access to
9 justice commissions.

10 MR. EDELMAN: No. I said that 43 states have
11 public funding. That's actually up to 49 now. There
12 are about 30 states that have either an access to
13 justice commission or something with a different name.

14 MS. BROWNE: So the importance of a
15 partnership between the private bar, the courts, and
16 the legal aid groups, I think is really at a high point
17 right now as far as discussions are concerned among the
18 different states.

19 Is there a leadership conference where
20 different commissions, access to justice commissions,
21 get together so that there is, in fact, a national push
22 that we can use to get more funding?

1 MR. EDELMAN: Yes. and I think that's really
2 important. The Bar has, in conjunction with NLADA, an
3 annual equal justice conference, and connected to that
4 there is a meeting of the access to justice chairs
5 every year in May.

6 Plus the fact that Bob Echols, who's a
7 consultant, a very effective consultant, to the
8 American Bar Association, is in constant communication
9 and has initiated a set of conference calls for chairs
10 and members of the access to justice commissions around
11 the country monthly.

12 Which I thought, oh, well, another conference
13 call. It's been terrific in terms of the exchanging of
14 information, and really very synergistic. So I think
15 to connect on the question of the funding for the Legal
16 Services Corporation, to use that resource, is very
17 possible and would be great.

18 JUDGE BLACKBURNE-RIGSBY: I wanted to mention
19 something about language access issues, which the
20 Commission has worked very effectively around on two
21 levels: one, with funding for the community
22 interpreters bank. D.C., like many other jurisdictions

1 around the country, has a growing number of people
2 whose primary language is something other than English.

3 And having the community interpreters bank in
4 the community allows people to go and ask questions
5 before they even come to court. And then the
6 Commission has also been a very strong advocate working
7 with courts on increasing language access within the
8 courts.

9 We have an interpreters phone line. We've
10 begun the process of translating some of the court
11 forms, and have developed a court brochure, which is on
12 the court's website, that is in now -- I think we're up
13 to 11 languages, believe it or not, after Spanish.
14 Amharic -- we have a very large Ethiopian community
15 here. Korean. Mandarin Chinese. Vietnamese. Thai.
16 I'm missing the others.

17 But we have a very large diversity of
18 languages, and it's critical to access to justice for
19 people to literally and figuratively understand what's
20 being said and also the process of what's being done.
21 And so that's an important area of collaboration, I
22 think, as well.

1 MR. EDELMAN: And we have a language access
2 bank that the D.C. public money funds. We put that to
3 the Council originally back five, six years ago, and
4 it's been funded regularly every year, so that when
5 somebody comes into Patty's office as opposed to into
6 the court, we have that process available for people
7 who need translation.

8 PROFESSOR VALENCIA-WEBER: Thank you, Judge.
9 You were going to where my question is. And
10 additionally, besides the translation services in your
11 resource centers or access points, have you in terms
12 of, say, your lawyer for the day, identified particular
13 lawyers who have both the language and the cultural
14 skill to deal with the problems being confronted there?

15 I know that in some of the Southwest areas,
16 those lawyers who are capable of speaking a whole set
17 of languages often operate as an identifiable group,
18 and the community reference groups that send people
19 know the days that the Spanish-speaking or the
20 Vietnamese-speaking lawyers will be lawyers for the
21 day.

22 JUDGE BLACKBURNE-RIGSBY: Well, two parts to

1 that question. One, the court provides interpreters in
2 different ways to court proceedings. And one is if we
3 know that there's going to be a need for an interpreter
4 in a landlord/tenant case, the judge is notified so
5 that we can get the interpreter in when they're
6 available, because they rotate through the court
7 system.

8 Training of the judges as well is a factor in
9 this, so that the judges try to call the interpreter
10 cases quickly so that the interpreters can go to do
11 other things.

12 The morning announcements or instructions from
13 the bench about how the landlord/tenant court, for
14 example, is going to operate that day are done in
15 Spanish and English, but we try to identify if there
16 are other languages that might be needed.

17 And to do that, we have language cards. We
18 have a language access line -- for languages that are
19 less common, ideally there's an ability to call and get
20 an interpreter on the line.

21 The cultural sensitivity piece that goes along
22 with the language translation piece is something that's

1 a lot harder, sometimes, to tackle, making sure that
2 the judges are more sensitive to it and that the
3 interpreters have to walk a fine line to translate
4 what's being said but to try to do it in a way
5 that -- I hesitate to say for the interpreters to
6 explain the cultural sensitivities. We try to train
7 the judges to describe the process, hoping that the
8 translators are translating what's being said. I don't
9 know if that answers your question.

10 The lawyers for the day, I think the court is
11 less involved in recruiting particular language lawyers
12 who are volunteering for the Bar, and I think the Bar
13 tries to be sensitive to that. But we really a lot
14 more on the interpreters in the court proceedings to
15 translate.

16 CHAIR MIKVA: Mr. Grey?

17 MR. EDELMAN: Patty can maybe tell you just a
18 little bit from the provider side.

19 MS. MULLAHY-FUGERE: Sure. I think that the
20 two main programs that have been participating in the
21 attorney-of-the-day program in L&T court do have
22 bilingual staff. And many of the organizations in our

1 legal service community do that and strive for that.
2 Some of us are not as good as others, and we do rely on
3 the language access bank.

4 But we also partner with community
5 organizations to help bridge some of those cultural
6 issues that you've identified, so working with a
7 community-based domestic violence counseling
8 organization, perhaps, or working with a
9 community-based group in the Latino community, so that
10 we can bring the lawyers to bear in a way that is
11 embraced by the community to which the particular
12 clients would be looking to those organizations.

13 So we try to work to get that stamp of
14 approval with regard to that cultural sensitivity.

15 CHAIR MIKVA: Mr. Grey will be the last
16 question.

17 MR. GREY: A very quick question, Andy. What
18 is impressive is the number of firms that have stepped
19 up, and you've increased your funding from last year to
20 this year.

21 I'm curious as to the universe of firms that
22 are available to participate and what percentage that

1 actually participate.

2 MR. MARKS: I haven't done the math, but we
3 have a lot of law firms in the District of Columbia,
4 particularly because, as I said, we designed this
5 program so that it really fits well to -- so many of
6 the programs we have, you see the same large law firms
7 on the banner.

8 And this was an opportunity to really get the
9 small and midsized firms on a co-equal basis, frankly,
10 on a higher basis. Some of them can, frankly, more
11 easily meet some of the thresholds.

12 So among the top firms, I think our
13 penetration is very high. It may be 70 percent of the
14 top 20 firms or top 15 firms. It was easier to get
15 more dollars and more traction there. So our real goal
16 will be, this coming year, to see if we can hit the
17 midsized and smaller firms and really build a momentum
18 there.

19 I will say I think we got off to a good start
20 because the Attorney General, Eric Holder, was gracious
21 enough to come and present at the event where we
22 honored the firms, and so I think that got everyone's

1 attention that this was really important. And of
2 course, he did his usual great job in that.

3 So I think the answer is, there are hundreds
4 of firms in the District of Columbia who could
5 participate, and we think it's really -- we've got to
6 just get that ball rolling and get a momentum going.
7 And we are serious when we say we're going to try and
8 double it next year.

9 MR. LEVI: And is it the firms themselves, or
10 the individual partners, or a combination? Is it up to
11 the firm?

12 MR. MARKS: No. It's the firms themselves.
13 So we recognize that there are many firms where the
14 partners in the firms are themselves very generous, but
15 that's not this program. This is the firm money above
16 and beyond what individual partners themselves donate.

17 MR. LEVI: And what about -- I didn't hear you
18 guys mention, do you ever ask them to give a
19 contribution of time as well, commit to a certain
20 number of hours a year to help these -- or is that not
21 part of what you think you should be doing?

22 MR. MARKS: I'll have Peter answer. But it's

1 not part of this Raising the Bar, but we have a very
2 robust effort to encourage pro bono hours by lawyers,
3 both from the Bar and from the courts' honor roll. And
4 I don't know, Peter, if you want to add to that.

5 MR. EDELMAN: Well, we had a conversation,
6 John about whether to merge the two pro bonos, very,
7 very robust, in our law firms. And the pro bono honor
8 roll, which is a new thing this year, was mentioned,
9 which was actually a surprising success.

10 Thousands of lawyers signed up to get -- there
11 was a 50-hour level and a 100-hour level, and there was
12 a lot of talk about how would that be -- anyway, it's
13 just a rousing success. We decided not to mix the pro
14 bono and the financial giving. We didn't want
15 tradeoffs. We wanted win/win. We wanted maximum of
16 both.

17 Just very quickly, lessons learned. I think
18 you can draw your own conclusion. We're a small city,
19 and we're all very intimately related to each other and
20 so on. And so the lessons, you have to translate to
21 large states. It's not quite the same.

22 But the big lesson learned is, I think, the

1 potentials and, in our case, the actuality of these
2 partnerships between and among the bar and the court
3 and the providers are clearly greatly strengthened and
4 enhanced and enriched by this effort.

5 And just one last thing. A major new
6 direction that we did not mention is that we're working
7 with the superior court on a broader use of
8 attorney-for-the-day, of limited scope representation,
9 and in fact, we're starting a task force with the
10 superior court's participation which will include
11 every -- at least to look at -- the whole idea of
12 limited scope representation, including for people who
13 are above income levels.

14 So we'll see where that goes. But we're quite
15 excited. And Ms. Browne, that came out of going to the
16 conference last year. Jess and I went, and we heard
17 about all the states that were doing limited scope
18 representation, which as you know is going on all over
19 the country. We're a little bit behind on that,
20 although we think our attorney-for-the-day thing in
21 landlord/tenant is terrific. So we came back and said,
22 let's go further. And we are.

1 CHAIR MIKVA: I want to thank the panel for a
2 really very wonderful presentation.

3 (Applause)

4 MR. EDELMAN: Thank you for having us. It was
5 a pleasure to be here. Thank you.

6 CHAIR MIKVA: Thank you.

7 Public comment?

8 (No response.)

9 CHAIR MIKVA: Any other business?

10 (No response.)

11 CHAIR MIKVA: I would entertain a motion to
12 adjourn.

13 M O T I O N

14 FATHER PIUS: So moved.

15 MS. BROWNE: Second.

16 CHAIR MIKVA: All in favor?

17 (A chorus of ayes.)

18 CHAIR MIKVA: This committee meeting is
19 adjourned.

20 (Whereupon, at 10:43 a.m., the committee was
21 adjourned.)

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