

**Before the Council of the District of Columbia
Committee on the Judiciary**

**Testimony of Jonathan M. Smith
Executive Director, Legal Aid Society 1
Concerning the
District of Columbia Poverty Lawyer Loan Assistance Repayment
Program Act of 2006**

There are approximately 100 lawyers in the District of Columbia working full-time to ensure that individuals and families living in poverty have equal and meaningful access to justice. These lawyers, employed by under-resourced non-profit organizations, commit their working lives to addressing some of the hardest and most intractable consequences of economic inequality. This work requires dedication, certainty of purpose and a commitment to excellence.

Motivated by the highest ideals of the legal profession -- that the law be applied to achieve justice both in form and substance -- poverty lawyers make significant sacrifices so that they can do this work. The average starting salary for a lawyer in a legal aid organization is less than \$40,000 per year, while comparable starting lawyers in large law firms earn \$130,000 or more.

The impact of low salaries is compounded by the burden of law school debt. It is not uncommon for a new lawyer to owe \$80,000 or more in student loans.² This burden forces many committed graduates to forgo a public service career or to leave a non-profit position after only a few years.

The District of Columbia Poverty Lawyer Loan Assistance Repayment Act of 2006 is an important measure. If it is enacted, the District will join 15 other states with such programs. The program will address key issues of recruitment, diversity and retention in our legal aid community.

Loan Forgiveness will Promote Diversity in Legal Services

The Loan Forgiveness Program will assist legal services organizations to recruit staff with diverse economic, racial and ethnic backgrounds. As a consequence of

¹ Legal Aid was formed in 1932 to provide legal assistance to families and individuals living in poverty. We were originally an all-volunteer program with private lawyers staffing the office a few hours each week. Today, we are a law office with 17 lawyers, two paralegals. Our main office is in downtown Washington. We have a domestic violence satellite office at the Greater South East General Hospital and a Children's Health Project clinic in Southeast. Legal Aid staff handle cases involving domestic violence, custody, child support, housing, and public benefits. We receive about 10,000 requests for help each year. We are able to provide limited assistance in about 750 cases and we take approximately 500 matters for litigation.

² "From Paper Chase to Money Chase: Law School Debt Diverts Road to Public Service," Equal Justice Works (2002).

discrimination and persistent economic inequality, disproportionately minority graduates either lack family resources that might assist them to pay loan debt or have financial obligations to assist other family members. Overwhelming loan debt is often an insurmountable barrier to a public interest career.

Diversity in race and in economic background is important to legal aid work. A diverse staff ensures that the program has cultural competence and credibility with the community being served. The perspective of an attorney who grew up in poverty or has experienced discrimination or knows first hand the treatment of an immigrant community is an invaluable asset.

The lack of diversity in the legal profession remains a serious concern and the most recent statistics on minority graduation from law school are not encouraging.³ This bill will assist legal services programs to more effectively compete with more lucrative options both in hiring and retaining staff from a mix of racial, ethnic and economic backgrounds by removing one of the largest obstacles -- crushing student debt.

Loan Forgiveness will Improve Retention of Experienced Staff

Legal services lawyers work in complex and specialized areas with important issues at stake. It often takes years of practice, training and mentoring for an attorney to become expert in an area. Unfortunately, the combined effects of low salary and high loan payments cause many good lawyers to leave when they begin to have families, think about purchasing homes or grow tired of worrying about their economic well-being. This bill will encourage experienced staff to remain with a program and use the expertise that they have developed over time.

Poverty Lawyers Make an Important Contribution to the District

The legal needs of persons living in poverty are immense. Poor persons are more likely to encounter the legal system in cases where the stakes are high than persons of means – they are in danger of losing their homes, their food stamps, their access to health care, or the custody of their children. In addition, persons living in poverty are more likely to experience language and culture barriers that keep them from meaningfully asserting their rights.

In the District, there are 110,000 persons living in poverty and a robust network of providers and pro bono lawyers working to meet the need. Despite these efforts, more than 90% of poor persons who need a lawyer never get one.

Housing cases are but one example of the need for increased legal services. More than 49,000 tenants are sued in the Superior Court each year for eviction. Most are poor and many have defenses. Only 500 get a lawyer.

³ <http://www.abanet.org/legaled/statistics/charts/minorityjdddegreesawarded.pdf>.

Studies consistently confirm that lawyers make a difference in the outcome of cases. In many cases, the ability to access a lawyer can:

- prevent an elderly couple from losing their home to a scam artist;
- ensure that a family with children is not evicted because they complained of dangerous health conditions in rental housing;
- ensure that a disabled veteran obtain medical benefits after having been terminated from the program in error;
- assist a woman fleeing violence with her children to secure a safe place to live; and
- help a low-wage worker obtain the wages they are entitled to receive under law.

This bill will, with a small investment, go a long way to making the District's motto -- *Justitia Omnibus* – a reality.