

DC VOLUNTEER LAWYERS PROJECT

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**Testimony of Ashley Carter, Supervising Attorney
DC Volunteer Lawyers Project
Before the Committee on the Judiciary and Public Safety
Council of the District of Columbia:
Bill 24-0298: Pro Bono Legal Representation Expansion Amendment Act of 2021
October 27th, 2021**

Thank you to Councilmember Allen for the opportunity to provide testimony today. My name is Ashley Carter, and I am a Supervising Attorney at the DC Volunteer Lawyers Project. DCVLP is a non-profit organization that was established in 2008 to provide direct legal and advocacy assistance to low-income survivors of domestic violence, at-risk children, and other vulnerable individuals. We believe that a life free from violence and abuse is a basic human right, and we work to reach this goal through direct legal services, advocacy, training, and outreach. DCVLP has a unique model among legal aid organizations: our mission is focused on recruiting, training, and supporting pro bono attorneys to provide representation to our clients, with a focus on providing exemplary supervision and guidance to our volunteers throughout the litigation process. Our volunteer attorneys provide survivors of domestic violence with trauma-centric representation in Civil Protection Order cases, family law matters including custody, child support, and divorce, and immigration cases. We also provide advocacy regarding victims' legal rights in related criminal proceedings against abusers, housing, employment, public benefits and other matters. DCVLP volunteers also represent at-risk children as guardians *ad litem* in contested custody matters. Every day, we hear from our clients that their volunteer attorneys have made an enormous impact in their lives.

DCVLP strongly supports the Pro Bono Legal Representation Expansion Amendment Act of 2021. There is an astounding need for additional legal aid support in the District – it is almost impossible to overstate the need. In its 2019 report, *Delivering Justice*, the D.C. Access to Justice

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Commission found that 88% of Petitioners in Civil Protection Order cases and 83%-93% of individuals in family law cases were unrepresented in 2017. The COVID-19 pandemic has almost certainly increased this need; DCVLP has seen our own caseload increase 3-4 times over the course of the past year. While the District has a number of outstanding legal aid organizations seeking to break down barriers to the legal system, the legal needs of D.C. residents living in poverty go unmet every day. Legal aid organizations throughout the District rely on the support of *pro bono* attorneys to help us provide high-quality legal assistance to those in need.

As it stands, D.C. government attorneys are unable to provide *pro bono* legal assistance in any matters before the D.C. Courts. The Pro Bono Legal Representation Expansion Amendment Act of 2021 would rectify this issue by clarifying that *pro bono* representation of individuals would be permissible, provided that the attorney was acting in their own capacity, affiliated with a qualified non-profit organization, and not receiving any compensation. This expansion would provide an opportunity for government attorneys to give back to their community through service to others, and provide more District residents with access to desperately needed legal assistance.

Understandably, there is some concern that a government attorney could become involved in a matter that presents a conflict of interest. This is particularly relevant in our cases involving domestic violence, where there is often a possibility of criminal charges. DCVLP regularly works with *pro bono* attorneys who are employed by the federal government, where similar conflict issues are presented. We have had great success in placing cases with federal government attorneys that present no potential conflicts, including custody and divorce matters and Civil Protection Order matters where no criminal charges are anticipated. We believe that careful screening, case selection and conflict checks by a legal

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aid organization can provide adequate assurance that no conflicts will occur, and still provide D.C. government attorneys with an opportunity to give back to those in their community.

On behalf of the DC Volunteer Lawyers Project, thank you for your consideration of this bill and for the opportunity to be here today. I'd also like to thank my colleagues who are here today from other legal services organizations for their advocacy and leadership on this issue. I welcome any questions or further thoughts from the Committee.

/s/ Ashley Carter

Ashley Carter
Supervising Attorney