

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 4.**  
**PUBLIC CARE SYSTEMS.**

**CHAPTER 17.**  
**ACCESS TO JUSTICE INITIATIVE PROGRAM.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 17. ACCESS TO JUSTICE INITIATIVE**  
**PROGRAM.**

---

**TABLE OF CONTENTS**

---

**Subchapter I. Definitions.**

- § 4-1701.01. Definitions.

**Subchapter II. Access to Justice Initiative.**

- Part A. Establishment of Program.
  - § 4-1702.01. Access to Justice Initiative.
  - § 4-1702.02. Financial audit and reporting requirements.
- Part B. Funding for Program.
  - § 4-1703.01. ATJ; funding and administration.
- Part C. Poverty Lawyer Loan Repayment Assistance Program.
  - § 4-1704.01. LRAP.
  - § 4-1704.02. LRAP; administration.
  - § 4-1704.03. LRAP; participation eligibility.
  - § 4-1704.04. LRAP; award of loans.
  - § 4-1704.05. LRAP; participant obligations.
  - § 4-1704.06. LRAP; disbursement of loans.
  - § 4-1704.07. LRAP; rulemaking.

# **CHAPTER 17. ACCESS TO JUSTICE INITIATIVE PROGRAM.**

## **SUBCHAPTER I. DEFINITIONS.**

### **§ 4-1701.01. DEFINITIONS.**

For the purposes of this chapter, the term:

- (1) "Adequate notice" means written notice of termination from eligible employment provided within 15 days of termination and separate written confirmation by the provider of eligible employment.
- (2) "Adjusted gross income" shall have the same meaning as provided in § 47- 1803.02(b).
- (3) "Administrator" means the entity designated to administer the LRAP, established pursuant to § 4-1704.01.
- (4) "Applicant" means an individual who applies for assistance from the LRAP.
- (5) "ATJ" means the Access to Justice Grant Funding for Civil Legal Services.
- (6) "Bar Foundation" means the District of Columbia Bar Foundation.
- (7) "Deputy Mayor" means the Deputy Mayor for Public Safety and Justice or the Office of the Deputy Mayor for Public Safety and Justice, as the context requires.
- (8) "Eligible debt" means outstanding principal, interest, and related expenses from loans obtained for reasonable educational expenses associated with obtaining a law degree made by government and commercial lending institutions or educational institutions, but does not include loans extended by a private individual or group of individuals, including families.
- (9) "Eligible employment" means those areas of legal practice certified by the Administrator to serve the public interest, including employment with legal organizations that qualify for District of Columbia Bar Foundation funding, but does not include employment with the District of Columbia government or federal government or with or as the Administrator.
- (10) "Full-time employment" means not less than 35 hours of work per week.
- (11) "Initiative" means the Access to Justice Initiative established pursuant to § 4-1702.01.
- (12) "Involuntary termination" means termination for budgetary or inadequate funding reasons, as confirmed, in writing, by the eligible employer.
- (13) "Lawyer" means a graduate of an accredited law school who is:
  - (A) Licensed to practice in the District of Columbia;
  - (B) Authorized under the provisions of Rule 49(c)(9) of the District of Columbia Court of Appeals to practice law before that court; or
  - (C) A member in good standing of the highest court of any state who has submitted an application for admission to the District of Columbia Bar.
- (14) "LRAP" means the District of Columbia Poverty Lawyer Loan Repayment Assistance Program.
- (15) "Participant" means an eligible lawyer whose application to the LRAP has been approved.
- (16) "Reasonable educational expenses" means the cost of tuition for law school as well as the costs of education considered to be required by the school's degree program, such as fees for housing, transportation and commuting costs, books, supplies, and educational equipment and materials that are part of the estimated student budget of the school in which the participant was enrolled.
- (17) "Service obligation" means the period of eligible employment necessary to sustain participation in the LRAP, which shall not be less than 45 weeks within the 12-month period for which the participant applied for assistance.

(Sept. 24, 2010, D.C. Law 18-223, § 101, as added Sept. 14, 2011, D.C. Law 19-21, § 3002(b), 58 DCR 6226.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

Law 19-21, the "Fiscal Year 2012 Budget Support Act of 2011", was introduced in Council and assigned Bill No. 19-203, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 25, 2011, and June 14, 2011, respectively. Signed by the Mayor on July 22, 2011, it was assigned Act No. 19-98 and transmitted to both Houses of Congress for its review. D.C. Law 19-21 became effective on September 14, 2011.

## **SUBCHAPTER II. ACCESS TO JUSTICE INITIATIVE.**

### **PART A. ESTABLISHMENT OF PROGRAM.**

#### **§ 4-1702.01. ACCESS TO JUSTICE INITIATIVE.**

The Office of the Deputy Mayor for Public Safety and Justice shall establish an Access to Justice Initiative program for the purpose of providing support to nonprofit organizations that deliver civil legal services to low-income and under-served District residents and providing loan-repayment assistance to lawyers working in eligible employment. The Initiative shall consist of the ATJ and LRAP programs.

(Sept. 24, 2010, D.C. Law 18-223, § 201, as added Sept. 14, 2011, D.C. Law 19-21, § 3002(b), 58 DCR 6226.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-21, see notes under § 4-1701.01.

#### **§ 4-1702.02. FINANCIAL AUDIT AND REPORTING REQUIREMENTS.**

(a)(1) The Bar Foundation shall provide the Deputy Mayor with:

(A)(i) An annual financial audit of the ATJ program prepared by a certified public accountant licensed in the District of Columbia and carried out in accordance with generally accepted auditing standards. The audit may be conducted as part of the Bar Foundation's annual audit.

(ii) The Bar Foundation may use a portion of funds allocated for reasonable administrative expenses pursuant to § 4-1703.01(b) to procure an audit of the ATJ program for the current or preceding fiscal year. The audit shall account for and reflect all interest associated with the grant funding. The audit may be conducted as part of the administrator's annual audit.

(B) Twice-yearly programmatic reporting on the administration and performance of the ATJ program.

(2) The Bar Foundation shall not be required to provide access to information on subgrantee matters covered by attorney-client privilege or attorney work-product privilege or that includes confidences and secrets of clients assisted by civil legal-service providers that receive funds through the ATJ program.

(b)(1)(A) The Administrator for the LRAP shall provide to the Deputy Mayor (or if the Deputy Mayor is acting as Administrator, the Deputy Mayor shall obtain) an annual financial audit of the LRAP prepared by a certified public accountant licensed in the District of Columbia and carried out in accordance with generally accepted auditing standards.

(B) The Administrator may use a portion of funds allocated for reasonable administrative expenses pursuant to § 4-1704.01(c)(3) to procure an audit of the LRAP for the current or preceding fiscal year. The audit shall account for and reflect all interest associated with the grant funding.

(2) The Administrator shall provide semiannual programmatic reporting on the administration and performance of the LRAP.

(3) The Administrator shall not be required to provide (or if the Deputy is acting as Administrator, shall not release) information on subgrantee matters covered by attorney-client privilege or attorney work-product privilege or any information that includes confidences and secrets of clients assisted by lawyers participating in the LRAP.

(Sept. 24, 2010, D.C. Law 18-223, § 202, as added Sept. 14, 2011, D.C. Law 19-21, § 3002(b), 58 DCR 6226.)

For history of Law 19-21, see notes under § 4-1701.01.

## **PART B. FUNDING FOR PROGRAM.**

### **§ 4-1703.01. ATJ; FUNDING AND ADMINISTRATION.**

(a) The Deputy Mayor shall award a grant each fiscal year from the budget of the Initiative to the Bar Foundation for the purpose of the Bar Foundation providing support to nonprofit organizations that deliver civil legal services to low-income and under-served District residents, including funds for a shared legal interpreter bank. Payment of the award shall be submitted by October 15th of each fiscal year in the amount specified in an act of the Council. The grant shall equal the budget for ATJ.

(b) The Deputy Mayor shall permit the Bar Foundation to use up to 5% of the grant awarded in each fiscal year for reasonable administrative expenses, including audits, associated with the provision of support to the nonprofit organizations.

(Sept. 24, 2010, D.C. Law 18-223, § 301, as added Sept. 14, 2011, D.C. Law 19-21, § 3002(b), 58 DCR 6226.)

For history of Law 19-21, see notes under § 4-1701.01.

## **PART C. POVERTY LAWYER LOAN REPAYMENT ASSISSTANCE PROGRAM.**

### **§ 4-1704.01. LRAP.**

(a) The District of Columbia Poverty Lawyer Loan Repayment Assistance Program shall provide loan repayment assistance to lawyers working in eligible employment. The LRAP shall be part of and be funded through the Initiative, established pursuant to § 4-1702.01.

(b)(1) Funding for the LRAP shall be allocated to the Deputy Mayor.

(2) The amount of funding for the LRAP for each fiscal year shall be specified by an act of the Council and shall not be modified except by a subsequent act of the Council.

(c)(1) The Deputy Mayor may serve as Administrator or may designate a nonprofit entity to serve as the Administrator. If the Deputy Mayor designates a nonprofit entity as the Administrator, the Deputy Mayor shall provide funding for the LRAP by awarding a grant to the nonprofit entity. The grant shall be nonlapsing and interest earned by the nonprofit on grant funds shall remain available for use by the Administrator for the purposes of the LRAP, without fiscal year limitation, subject to authorization by Congress.

(2) For fiscal year 2012, the Deputy Mayor shall designate the Bar Foundation as the Administrator.

(3) The Administrator may use up to 15% of the grant funding for reasonable administrative expenses associated with administering the LRAP.

(Sept. 24, 2010, D.C. Law 18-223, § 401, as added Sept. 14, 2011, D.C. Law 19-21, § 3002(b), 58 DCR 6226.)

For history of Law 19-21, see notes under § 4-1701.01.

### **§ 4-1704.02. LRAP; ADMINISTRATION.**

(a) The Administrator shall:

- (1) Establish an application and eligibility review process for the LRAP;
- (2) Conduct a semiannual review of the continued eligibility of participants;
- (3) Certify a list of eligible employment; and

(4) Determine the levels of participant contribution.

(b) The Administrator shall provide loans to participants who maintain eligible employment to repay eligible debt for reasonable education expenses associated with obtaining a law degree. The Administrator shall forgive these loans upon a participant's completion of the required service obligation.

(Sept. 24, 2010, D.C. Law 18-223, § 402, as added Sept. 14, 2011, D.C. Law 19-21, § 3002(b), 58 DCR 6226.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-21, see notes under § 4-1701.01.

**§ 4-1704.03. LRAP; PARTICIPATION ELIGIBILITY.**

(a) To be eligible to participate in the LRAP, an applicant shall, at the time of application and throughout participation in the LRAP:

- (1) Hold, or actively plan to secure, eligible employment; provided, that a participant shall hold eligible employment before any payments may be disbursed;
- (2) Be a resident of the District of Columbia;
- (3) Be a lawyer;
- (4) Have an annual adjusted gross income of less than \$65,000;
- (5) Exhaust all other available avenues for loan repayment assistance, including through participation in any available undergraduate or law school debt-forgiveness programs;
- (6) Have no current service obligation from scholarships;
- (7) Submit a timely and completed application;
- (8) Be in satisfactory repayment status on all eligible debt; and
- (9) Execute a release to allow the Administrator access to records, credit information, and information from lenders necessary to verify eligibility of debt and to determine loan repayments.

(b) A law student attending the David A. Clarke School of Law at the University of the District of Columbia who is in his or her final year of school may apply and be approved for loan repayment assistance if the applicant demonstrates that he or she will meet all eligibility requirements by the time of the first award disbursement.

(Sept. 24, 2010, D.C. Law 18-223, § 403, as added Sept. 14, 2011, D.C. Law 19-21, § 3002(b), 58 DCR 6226.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For history of Law 19-21, see notes under § 4-1701.01.

**§ 4-1704.04. LRAP; AWARD OF LOANS.**

(a) The Administrator shall award loans to participants during the period of service obligation in accordance with § 4-1704.06. Subject to the availability of funds and within the limits established by subsection (c) of this section, participants shall be granted loans sufficient to repay all eligible debt.

(b) If the needs of all participants exceed the financing available in any fiscal year, preference shall be given to participants who:

- (1) Are graduates of accredited public schools of law in the District of Columbia;
- (2) Have completed no less than 2 prior service obligations in the LRAP;
- (3) Have graduated from an accredited school of law within the last 3 years; or
- (4) Have a high debt to adjusted gross income ratio as compared to other participants.

(c) Participants in the LRAP shall not receive loan repayment assistance under the LRAP in excess of \$60,000, or in excess of \$1,000 for a single month; except, that the Deputy Mayor may by rulemaking increase the award limits in this subsection to reflect changes in reasonable education expenses.

(Sept. 24, 2010, D.C. Law 18-223, § 404, as added Sept. 14, 2011, D.C. Law 19-21, § 3002(b), 58 DCR 6226.)

For history of Law 19-21, see notes under § 4-1701.01.

#### **§ 4-1704.05. LRAP; PARTICIPANT OBLIGATIONS.**

(a) A participant shall:

- (1) Maintain full-time employment and eligible employment for each year of the service obligation;
- (2) Sign a promissory note setting forth his or her obligation to the LRAP to repay any assistance loans that are not subsequently forgiven pursuant to § 4-1704.02(b) because of a failure to sustain eligible employment or other noncompliance with the eligibility requirements set forth in § 4-1704.03.
- (3) Authorize the Administrator to verify his or her eligible employment and annual adjusted gross income at least semiannually during participation in the LRAP;
- (4) Timely notify the Administrator of any change in status that would make the participant ineligible for an award; and
- (5) Be responsible for:
  - (A) Negotiating with each lending institution the terms and conditions of eligible debt repayments; and
  - (B) Any penalties associated with early repayment.

(b) Except as provided in subsection (c) of this section, participants who fail to fulfill the required service obligation shall repay any loan disbursed, in accordance with the terms of the promissory note required by subsection (a)(2) of this section and regulations promulgated pursuant to § 4-1704.07.

(c) For the purposes of this chapter, a participant who provides adequate notice to the Administrator of involuntary termination from eligible employment shall be forgiven for the loan through the date of the involuntary termination from eligible employment. The participant shall be required to repay the loan from the date of involuntary termination from eligible employment through the end of the calendar year.

(Sept. 24, 2010, D.C. Law 18-223, § 405, as added Sept. 14, 2011, D.C. Law 19-21, § 3002(b), 58 DCR 6226.)

For history of Law 19-21, see notes under § 4-1701.01.

#### **§ 4-1704.06. LRAP; DISBURSEMENT OF LOANS.**

(a) The Administrator shall begin to disburse loan repayment assistance within 90 days of the Administrator's receipt of adequate funds.

(b) Subject to the availability of appropriations, loan repayment-assistance payments shall be made not less than semiannually to the participant until the repayment of the eligible debt is complete or the participant no longer meets the eligibility requirements set forth in § 4-1704.03.

(Sept. 24, 2010, D.C. Law 18-223, § 406, as added Sept. 14, 2011, D.C. Law 19-21, § 3002(b), 58 DCR 6226.)

For history of Law 19-21, see notes under § 4-1701.01.

#### **§ 4-1704.07. LRAP; RULEMAKING.**

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this chapter.

(Sept. 24, 2010, D.C. Law 18-223, § 407, as added Sept. 14, 2011, D.C. Law 19-21, § 3002(b), 58 DCR 6226.)

For history of Law 19-21, see notes under § 4-1701.01.