

Washington Lawyer

Superior Court Judges Discuss How Poverty Impacts Access to Justice

David O'Boyle

On June 25 three D.C. Superior Court judges discussed poverty, its effects on cases in their courtrooms, and how pro bono and public interest attorneys can work to close the access to justice gap during a panel discussion sponsored by the Washington Council of Lawyers (WCL).

Part of the WCL's "Perspectives on Poverty Law From the Bench" series, the program featured Judges Jennifer A. DiToro, Maribeth Raffinan, and Yvonne M. Williams. Su Sie Ju, legal director at Bread for the City, moderated the discussion.

According to the judges, the majority of individuals who appear before the Superior Court are poor, and that most are African American, although certain calendars are more diverse than others.

The judges were asked whether their views on poverty had changed since they began serving on the bench.

Judge Raffinan, who serves in the Family Court Operations Division and handles juvenile delinquency cases, said her background as a public defender helped her to understand that there are often difficult circumstances in the lives of the juveniles who appear in her courtroom, including unstable living conditions and past traumatic experiences.

While she is constrained by the requirements of the law, Judge Raffinan said she strives to take these circumstances into account when determining a sentence, weighing whether it is realistic to expect the juveniles to adhere to the conditions set before them.

Judge Williams, who also has a background as a public defender, said that she strives to see those who appear in her courtroom as human beings when determining sentences.

Ju asked the judges for their take on alternative court programs, such as the Superior Court Drug Intervention Program or Drug Court, which requires participants to complete a four-phase program in lieu of traditional criminal justice system case processing, and whether they are effective alternatives.

Judge Raffinan said she supports alternative programs for certain people, although they can pose difficulties for some participants.

"[Participation in alternative programs] means multiple trips to the courthouse, which costs a lot of money," she said. "They mean trips to treatment and trips to counseling, which also means taking away from employment and school life."

Judge DiToro said that while alternative programs are helpful, they are resource-intensive and not a cure-all for the court. She encouraged the audience to take on pro bono work, saying her courtroom often relies on pro bono attorneys.

The judges also talked about the high costs of legal representation and the high number of litigants who appear in civil cases without an attorney. The judges, however, said they are optimistic about the future, such as closing the justice gap through creative solutions from today's young lawyers.

"One of the fun, challenging things about being a lawyer is you get handed a set of facts, those you are stuck with, but what you do with them, that's what's fun and interesting, and that's where things like [increased legal representation in civil cases] are going to come from," said Judge DiToro. "You're the one with the bar card, so on some level it's your responsibility and on every level it's your privilege, and it's one that I loved to do when I was working as a lawyer." —D.O.