



Civil Right to Counsel: How fighting eviction is creating new opportunities for attorneys

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Learning Objectives

- Overview of growth of civil right to counsel programs
- Impact of changes on public interest legal market
- Strategies to prepare students to obtain and serve in these positions

What is the Civil Right to Counsel

Right to counsel for indigent in all criminal cases
(*Gideon v. Wainwright*)

Civil Right to Counsel Movement advocates for:

- Right to counsel for indigent in civil cases
- Where a basic human need is at stake
 - Shelter, sustenance, safety, health or child custody

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ACCESS TO JUSTICE IN CIVIL CASES

U.S. ranks below all comparable countries with respect to access to justice in civil cases.

Source: World Justice Project,
2012-13 Rule of Law Index,
(National Coalition for a Civil
Right to Counsel Flyer)



FROM WJP'S 2012-2013 RULE OF LAW INDEX

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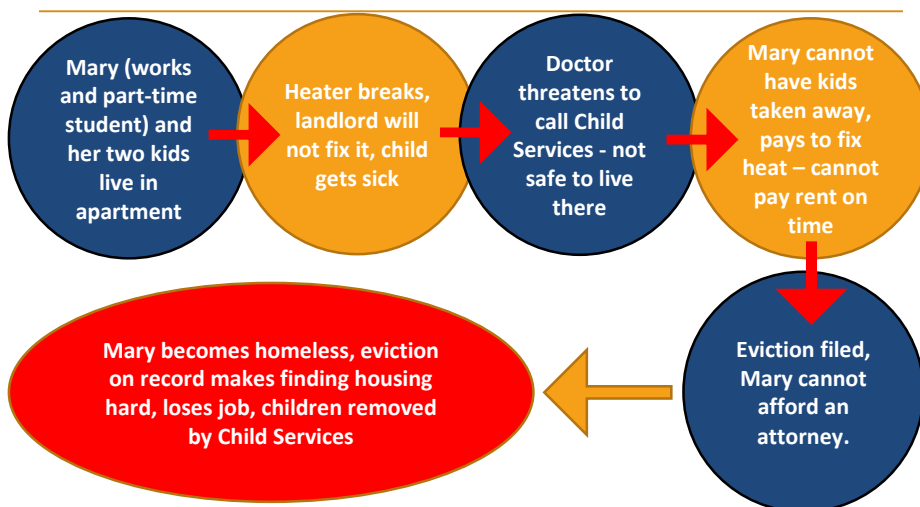


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EVICTON CASE STUDY



Households Faced with Evictions

- United States: 1,000,000 eviction cases filed
- California:
 - 160,000 evictions filed
 - 500,000 people face eviction
 - 75% ultimately evicted or move
- NYC:
 - 230,000 evictions filed
 - 400,000 people faced eviction

Who is being Evicted?

In NYC:

66.2% female
 50.9% with minor children
 19.0% received SSI disability
 60.4% below 200% of FPL*
 24.2% at 200%-300% FPL*

In California:

71% female
 67% with minor children
 25% disabled
 60% received food subsidies
 Median monthly income: \$925

*Federal Poverty Line

Impact of Evictions

- Employment
- Securing affordable housing in safe area
- Academic performance of children

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How Many Tenants are Represented by Counsel?

Jurisdiction	Tenants with Counsel	Landlords with Counsel
Nationally	10%	90%
California (2014-16)	10%	90%
Massachusetts (2014)	7%	62%
New York City (2016)	27%	99%

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Impact of Representation

- NYC
 - Only 1% tenants represented in 2013; 27% in 2016
 - Residential evictions declined 24%
 - Represented litigants had fewer defaults and judgments against the tenant
- California
 - Represented litigants had $\frac{1}{3}$ as many defaults and 2X as many settlements as unrepresented
 - On average, represented litigants had 10 more days than unrepresented litigants to relocate

NYC Legislation

- In August 2017, NYC becomes 1st city in nation to establish universal access to legal representation for low-income tenants
- The law is being phased in over 5 years

Current Status of Civil Right to Counsel: NYC

- Funding – City Council \$155 million/5 years
- New attorneys hired – 1,000 by 2022
- Results: In first year, 84% of represented tenants remained in their homes.

Current Status of Civil Right to Counsel: San Francisco

- San Francisco
 - *Universal* right to counsel for *all* tenants
 - Legal representation made available within 30 days of eviction notice or upon service of unlawful detainer complaint.
 - Timeline: effective July 1, 2019
 - Funding: 5.8 million over 1 1/2 years, then RFP
 - New Attorneys to be hired: 30
 - City pays \$150,000 per lawyer and the lawyer has to take 50 cases

Current Status of Civil Right to Counsel: DC and Philadelphia

- DC and Philadelphia have appropriated significant amounts of money for legal services organizations to provide additional support to tenants facing eviction.
- As of yet, neither has established a universal right to counsel.

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Pending Civil Right to Counsel Legislation

- Chicago and Cleveland proposed additional support
- Los Angeles
 - The Los Angeles Right to Counsel Coalition proposes the comprehensive Right to Counsel to be universally available to all tenants, with low-income tenants receiving free legal services and higher income tenants receiving legal services on a sliding scale basis.

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Proposed Civil Right to Counsel Legislation: Los Angeles

- Pre-litigation services
 - Goal: prevent eviction and costly litigation
- Litigation services
 - Full-scale representation and social services
- Timeline / Expectation:
 - Assist 10,000 tenants
 - Lawyers represent 5,000 households
- Funding: \$50 million/year
- Attorneys to be hired: 55 attorneys

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Expected Impact on Legal Employment

- Projected growth for 1-5 years
 - NYC: 1,000 new attorneys by 2022
 - SF: 30 new housing attorneys
- Hiring organizations
 - DC: legal services organizations, including a clinical program for law students
 - NYC: legal services organizations
 - SF: they are legal services organizations

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Expected Impact on Legal Employment

- Is existing supply sufficient to meet upcoming demand?

Eviction Attorney: Skills Needed

- Passion for public service and serving the needs of low-income persons
- Oral advocacy, writing skills, negotiation skills
- Experience with crisis situations and short time frames
- Ability to work with multiple stakeholders (government entities, community partners)
- Willingness to work beyond minimum and after hours

Preparing Law Students

- Experience in high-volume clinics and offices
- Experiential experience
- Direct services
- Community service and outreach
- Oral advocacy competitions
- Research/writing skills
- Awareness of loan forgiveness programs

Small Group Discussions

- How can law schools become involved with civil right to counsel programs through clinical programs?
- How can law schools help to inspire enthusiasm amongst public interest students for this emerging type of work?
- How can employers and law schools provide training and an environment that promotes retention amongst housing attorneys?
- What fields beyond landlord-tenant are next for civil right to counsel programs?

Any Questions for Us?

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