



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

Parisa Ijadi-Maghsoodi, Assistant Director of Public Service,
University of San Diego School of Law

Michael Kwarcinski, Assistant Director for Career Development,
Michigan State University College of Law

Matt Orlins, Senior Law Career Counselor,
The George Washington University Law School

Ronnette V. Ramos, Managing Attorney,
Legal Aid Foundation of Los Angeles



April 9 – 12, 2019 • San Diego, CA

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

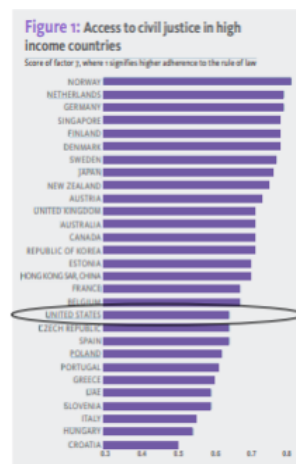
2019 NALP Annual Education Conference

April 9 – 12, 2019 San Diego, CA

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

2019 NALP Annual Education Conference

April 9 – 12, 2019 San Diego, CA



To show this poll

1

Install the app from
pollev.com/app

2

Start the presentation

Still not working? Get help at pollev.com/app/help
or
[Open poll in your web browser](#)



To show this poll

1

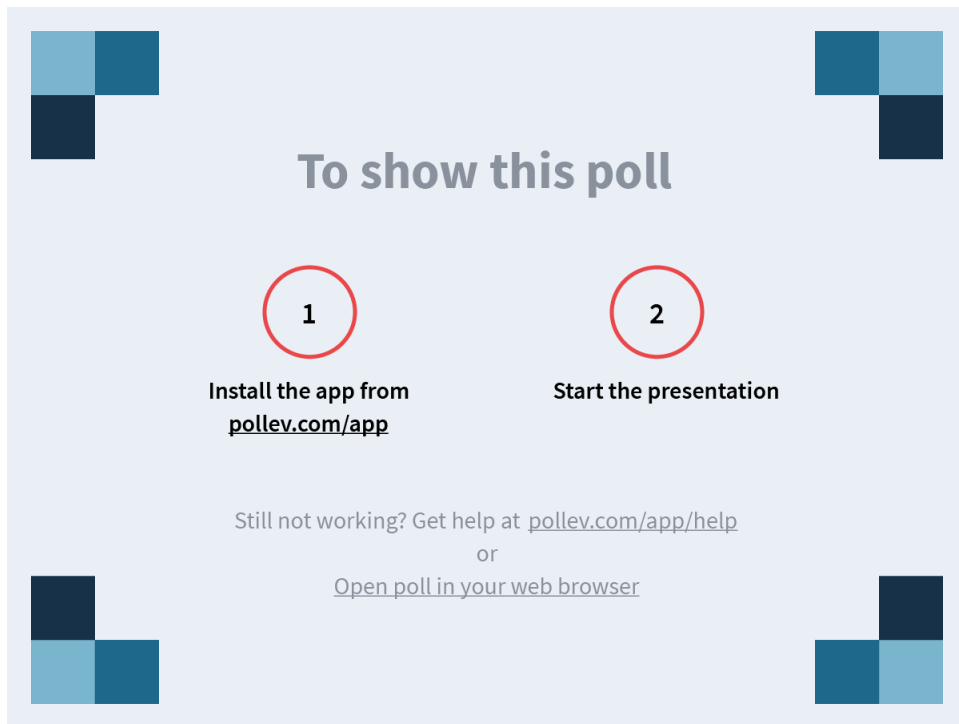
Install the app from
pollev.com/app

2

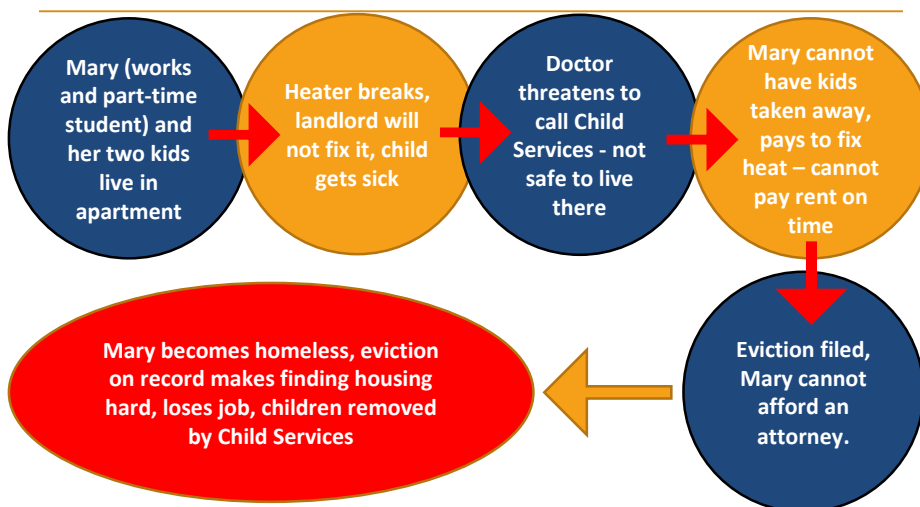
Start the presentation

Still not working? Get help at pollev.com/app/help
or
[Open poll in your web browser](#)





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

2019 NALP Annual Education Conference

April 9 – 12, 2019 San Diego, CA

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%

2019 NALP Annual Education Conference

April 9 – 12, 2019 San Diego, CA

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 tenants received a default judgment 8% vs. 26% of self-represented tenants
 - 67% of full represented cases settled vs. 34% of self-represented tenants
 - On average, represented tenants had 85 days for a soft landing vs. 74 days for self-represented tenants

2019 NALP Annual Education Conference

April 9 – 12, 2019 San Diego, CA

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

2019 NALP Annual Education Conference

April 9 – 12, 2019 San Diego, CA

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.

2019 NALP Annual Education Conference

April 9 – 12, 2019 San Diego, CA

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.

2019 NALP Annual Education Conference

April 9 – 12, 2019 San Diego, CA

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

2019 NALP Annual Education Conference

April 9 – 12, 2019 San Diego, CA

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

2019 NALP Annual Education Conference

April 9 – 12, 2019 San Diego, CA

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?

2019 NALP Annual Education Conference

April 9 – 12, 2019 San Diego, CA

Contact Information

Matt Orlins
Senior Law Career Counselor
The George Washington University Law
School
(202) 994-3877
morlins@law.gwu.edu

Parisa Ijadi-Maghsoodi
Assistant Director of Public Service
University of San Diego School of Law
(619) 260-2342
pjadiimaghsoodi@sandiego.edu

Michael Kwarcinski
Assistant Director Career Development
Michigan State University College of Law
(517) 432-6834
kwarcinskimichael@law.msu.edu

Ronnette V. Ramos
Managing Attorney
Legal Aid Foundation of Los Angeles
(213) 640-3826
rramos@lafila.org

2019 NALP Annual Education Conference

April 9 – 12, 2019 San Diego, CA