

Network of Bar Leaders Passes Consent Resolution Supporting Right to Counsel in Eviction and Foreclosure Proceedings

At a duly-noticed meeting on June 29, 2015, the Network of Bar Leaders unanimously passed the attached consent resolution supporting a right to counsel for indigents threatened with eviction or foreclosure.

The vote followed a presentation by Andrew Scherer, the Policy Director of The Impact Center for Public Interest at New York Law School, the author of the treatise *Residential Landlord-Tenant Law in New York*, and a long-term proponent of the right to counsel in Housing Court.

“It is a simple matter of fairness,” says Professor Scherer. “Poor people can’t afford counsel, and lack the skills to navigate the procedural and substantive complexities of the law. Providing counsel not only protects their rights, but is also cost-effective: the courts run more smoothly, cases are resolved more quickly and properly, and our homeless shelters are not overwhelmed by people who should not have lost their homes.”

The Network of Bar Leaders was founded by the late Honorable Harold Baer, Jr. to provide a voice for minority and specialty bar associations, and today comprises over 50 bar associations.

“The Network is dedicated to representing the rights of all New Yorkers, but we have a special mandate for the politically powerless,” says Bernice Siegal, the president of the Network and a Queens County Supreme Court Judge. “By passing this consent resolution, we join the chorus of bar and court organizations that have supported the right to counsel for those facing the loss of their homes.”

The American Bar Association, the New York State Bar Association, the New York County Lawyers Association, and the New York City Bar Association have all endorsed the principle of a right to counsel in eviction and foreclosure proceedings.

The consent resolution does not bind the Network’s many member organizations. Instead, the resolution encourages them to provide their own voice of support for a right to counsel in eviction and foreclosure proceedings.

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RESOLUTION

In Support of a Right to Counsel for Low-income New Yorkers Who Face Losing their Homes in Legal Proceedings

WHEREAS, a substantial number of people facing eviction and foreclosure proceedings live in poverty, are not able to afford or obtain counsel to represent them, and must appear in court unrepresented,

WHEREAS, the consequences of eviction and foreclosure are dire for low-income people: there is a deficit of affordable housing, and low-income families and individuals who lose their homes in legal proceedings often end up in homeless shelters or in housing that is less affordable than the housing they must leave,

WHEREAS, eviction and foreclosure proceedings are technical legal proceedings in which the rules of evidence, and procedural and substantive law all apply, and which are very difficult for unrepresented parties to navigate,

WHEREAS, representation by counsel in eviction and foreclosure proceedings provides fundamental fairness for those facing losing their homes and often makes a determinative difference in outcome, and

WHEREAS, much of the organized bar already supports the right to counsel for low income people in evictions and foreclosures and other matters of fundamental human needs, as demonstrated, for example, by an ABA resolution passed in 2006, a New York State Bar Association resolution passed in 2008, a New York County Lawyers Association resolution passed in 2005 and New York City Bar Association support for resolutions and a legislative report it issued in 2015.

THEREFORE, BE IT RESOLVED THAT, the Network of Bar Leaders supports the right to counsel for low-income New Yorkers who face losing their homes in legal proceedings and urges the member groups of the Network of Bar Leaders that have not yet adopted resolutions in support of the right to counsel for low-income New Yorkers who face losing their homes to adopt such resolutions.

Adopted, NYC, June 29, 2015