



Testimony of Catherine C. Carr, Esq.
On Behalf of the National Coalition for a Civil Right to Counsel (NCCRC)
Before the New York City Council
September 26, 2016

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Good morning. I am Catherine C. Carr, Adjunct Professor of Law at the University of Pennsylvania Law School and former Executive Director of Community Legal Services of Philadelphia. I am pleased to appear today in front of this Honorable Council to present testimony on behalf of the National Coalition for a Civil Right to Counsel, which is an association of organizations and individuals seeking to advance a civil right to counsel for indigent people across this country when their basic human needs are at stake. These efforts are in accordance with the American Bar Association's unanimous resolution in support of such a right, and with a growing understanding of both the critical need for legal representation as well as the dramatic impact made by representation. The Coalition is led by a remarkable and dedicated attorney, John Pollock, who could not make it today, and I am honored to represent the Coalition in his stead. I have participated in the Coalition's work over the past decade and am excited to be present at today's hearing, which represents an exciting moment in this nation's ongoing movement to guarantee justice for all – this time through ground breaking municipal legislation.

I want to first thank the New York City Council for taking up this issue and recognizing the difficult plight of indigent and vulnerable families facing the loss of their homes through eviction proceedings. Our nation has for too long been cavalier about people being forcibly thrown out of their homes and the impact it has on their physical and mental health, employment, child development and education, and indeed survival. It is a big moment to see this body take steps to protect the most vulnerable, promote their health and happiness; it is an added bonus that in doing so you will save this city hundreds of millions of dollars.

I hope to bring the national picture to your discussion today. I want to emphasize that what this Council is proposing to do is a step of great national significance: it would move the entire national movement forward. This Council will be the first legislative body in our nation to guarantee a right to counsel in housing evictions and foreclosures. You are making history. However, you will certainly not be the last. The recognition of a right to representation before one loses one's home is in this nation's future, but we need leadership to get there. We have begun to guarantee the right to counsel in other civil matters: when parents face losing their

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children, when the mentally ill face institutionalization, when a woman faces domestic violence. New York state has been a leader in recognizing these rights. It is time for the nation to also guarantee a right to counsel when the loss of a home is at stake, and it will be this Council's and this Mayor's historic legacy as visionary and compassionate leaders in the American pursuit of justice for all, when this bill is passed into law. The fact that this is being done as a right, and not as just a funding increase subject to the whims of future budget decisions, is essential to protecting that legacy.

Be assured that the eyes of other places are on New York City as you debate and move forward this bill. I am from Philadelphia, and want you to know that advocates for the poor and vulnerable in my home town have been watching with intense interest and envy as this bill moves forward. A right to counsel for tenants facing eviction in New York City will be discussed and held up as the new aspirational standard in jurisdictions across the country.

While New York City is certainly the leader, other places are working on representation for tenants facing eviction. There have been pilot programs to look at outcomes, impact, and costs sponsored by a number of states and municipalities and, just as in New York, these programs have shown that the impact is huge and that cost savings result. California has run five multi-year pilot programs to provide counsel in evictions, and the San Francisco city government passed a bill in 2012 claiming to be the first "right to counsel" city. However, unlike Intro 214-A, the San Francisco legislation did not implement such a right but instead created a pilot program for housing counsel to the indigent. Even with just a limited pilot program, it is estimated that San Francisco saved over \$1 million in expenses by providing counsel to tenants. In Massachusetts a study of representation in eviction cases showed that tenants were twice as likely to stay in their homes with full attorney representation rather than limited assistance, and in Washington, D.C. a new program is providing representation to tenants and evaluating the outcomes. Just last week a bill was introduced to the D.C. City Council that would further expand representation in housing cases. The press release accompanying the bill referred to the success of New York City's expanded tenant representation program.

The bottom line is that the data is now clear. Across the country, but especially here in New York City, programs have already proved the power and impact of providing counsel to tenants facing eviction, power not just to change people's lives, but to save large amounts of money for governments in that process. It is not always the case that doing the "right" thing for the vulnerable and the impoverished can also save money, but this is one such opportunity. There is no logical reason not to move forward to protect the city's vulnerable while also saving money for city taxpayers.

I conclude by urging you to move this bill forward. There is no need for further study or contemplation; instead it is time for leadership and action. It is exciting and inspiring to see that the New York City Council is ready to be **the** entity that takes on that role and moves forward for justice and progress, for compassion and efficient government. Know that there will be thousands cheering this leadership step across our land.