



As of 2021, the National Coalition for a Civil Right to Counsel (NCCRC) has been around for 18 years! What started as an effort of a small group of advocates across the country has grown to more than 600 partners and participants working across 41 states. Our team supports federal, state, and local efforts to establish, expand, and protect a right to counsel (RTC) for low-income people in civil proceedings where basic human needs are at stake. As 2021 draws to a close, we'd like to share with you some of the RTC advancements and efforts we assisted over the last year.

BUILDING PUBLIC AWARENESS & SUPPORT

NCCRC is deeply committed to increasing public awareness about the need for a right to counsel for low-income people in civil cases that impact basic human needs. We partner with nationwide organizations on events, host webinars, make presentations, coordinate strategy meetings, and regularly speak with the press.

Highlights from presentations and webinars include:

- Co-hosting a five-part webinar series with **Right to Counsel NYC Coalition** on the efforts that led to tenant RTC in Baltimore, Cleveland, San Francisco, and New York.
- Partnering with the **National Low Income Housing Coalition** and the **National Housing Law Project** on a webinar about federal funding availability for legal services.
- Co-hosting a webinar with the **National League of Cities** (NLC) to spotlight cities, including Denver and Cleveland, that have used right to counsel as a tool to address their local eviction crises.
- Public presentations including at a right to counsel roundtable in Oklahoma hosted by the **Federal Reserve**, a presentation to the **National Council of State Housing Agencies** (NCSHA) on using ERA funds for tenant representation, and at the **2021 NLADA Conference** on implementation issues.

Media Highlights: Our coordinator, John Pollock, was quoted in Marketplace, USA Today, NPR, US News, CNBC, PBS NewsHour, Shelterforce, Thomson Reuters, and Public News Service. And you'll find pieces penned by John in Newsweek, The Hill, and The Appeal.

LEGISLATIVE VICTORIES

NCCRC tracks all federal, state, and local right to counsel legislation, and we check in with advocates to ensure they know what bills are introduced in their jurisdictions. When legislation passes, we add it to our status map, *still the only one of its kind*. In 2021, **over 25 of the 100+ RTC-related bills introduced became law!** For a number of these, we submitted testimony or assisted with bill development. Here are just a few of the legislative highlights:



Right to Counsel for Tenants: Our newest data, released this year, finds that 81% of landlords are represented in eviction proceedings, compared to only 3% of tenants. Tenant advocates and organizers are fighting to change that

nationwide! There are now **12 cities and three states**¹ with a right to counsel for tenants facing eviction—an increase of eight jurisdictions in just 2021! We supported these efforts by helping with bill drafting and/or submitting testimony. Additionally, several places, like Milwaukee County and Rochester, NY, began providing “universal representation” for tenants (which is an increase in funding to represent all eligible tenants but without a law passed that makes it a legal right). In addition, we researched and presented on the availability of COVID-19 federal relief funds for legal services, plus advocated with the U.S. Treasury Department to make those funds more accessible. We have identified **30+ jurisdictions using federal funds** to fund increased tenant representation. **And the legislative campaigns continue:** NCCRC is supporting **50+ jurisdictions** working to establish tenant RTC! We're helping with bill language, research, cost estimates, implementation concerns, public awareness, and coalition building.



Right to Counsel for Children: Children involved in child welfare proceedings need independent, client-directed counsel. But this is not guaranteed across the U.S. **North Dakota, Washington State, and Arizona** passed critical legislation in 2021 establishing the right to counsel for children in

these cases and ensuring that a young person's wishes are an integral part of each case! In North Dakota and Washington State, we gave input on bill language and submitted supportive testimony.

Other legislative efforts: We helped kill a bill in Oregon that would have removed the right to counsel for children in private custody disputes, weighed in on a successful effort to **strengthen the right to counsel in California conservatorships**, and supported efforts in various states to provide a **right to counsel for children in domestic violence protective order cases**.

¹ NYC, NY; Philadelphia, PA; Cleveland, OH; Newark, NJ; San Francisco, CA; Louisville, KY; Seattle, WA; Toledo, OH; Boulder, CO; Denver, CO; Baltimore, MD; Minneapolis, MN; Washington State; Maryland; and Connecticut. **We developed a chart comparing all the enacted tenant RTC legislation, and it's available at www.civilrighttocounsel.org.**

LITIGATION VICTORIES & EFFORTS

When NCCRC learns of a case that addresses the right to counsel, we consult with the local advocates working in that field, and when a national perspective is necessary, or the court would benefit from our RTC expertise, we submit amicus briefs (often in partnership with other national or local organizations).

- **Right to Counsel for Parents:** Back in 2014, we identified a case that dealt with the right to counsel for Hawai'i parents in child welfare proceedings. Partnering with other national and local organizations, we submitted an amicus brief to the Supreme Court of Hawai'i. The Court relied on the brief to establish the right to counsel, but the ruling was ambiguous as to the timing of appointment, leading trial courts to deny access to counsel at the initial phases of these cases. In 2020, we identified a case with the potential to address that ambiguity. We partnered with Lawyers for Equal Justice, ACLU of Hawai'i Foundation, Legal Aid Society of Hawai'i, and The National Association of Counsel For Children to submit an amicus brief in the Supreme Court of Hawai'i. In March 2021, the Court ruled that **counsel must be appointed for parents in child welfare cases, including family supervision petitions, upon the filing of the petition and not later!**

- **Right to Counsel for Children:** We have been aware for some time that Ohio appellate courts apply an unreasonable standard for determining when **children should be appointed counsel in permanent custody hearings**. Earlier this year, we identified a fantastic test case for presenting the issue to the Supreme Court of Ohio. We then worked with the Ohio Public Defender, Legal Aid Society of Columbus, Southeastern Ohio Legal Services, Family and Youth Law Center at Capital University Law School, and The National Association of Counsel for Children on an amicus brief urging the high court to take the case and resolve this important issue. In November, the Court accepted jurisdiction.
- **Domestic Violence:** In May, the Supreme Judicial Court of Massachusetts solicited amicus briefs in a case about whether a defendant has the right to counsel in cases where an alleged domestic violence victim is seeking a protective order. Over the summer, we strategized with the Women's Bar Association, the Boston Bar Association, and the Massachusetts Law Reform Institute. In September, Orrick, Herrington, and Sutcliffe LLP filed our amicus brief, which explains that both defendant and plaintiff have a right to counsel in these cases.

THE CIVIL RIGHT TO COUNSEL MOVEMENT IS GROWING FASTER THAN EVER!

As we move into 2022, we expect bills to be introduced seeking to establish the right to counsel in eviction proceedings, guardianship cases, child welfare matters, and other areas. As always, we'll be here to keep you up to date on the developments and we encourage you to stay involved as we demand greater fairness and justice in critical civil proceedings.



Orange coloring indicates states with recent or relatively recent activity. See a live map at www.civilrighttocounsel.org.

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Public Justice Center ATTN: NCCRC
201 North Charles St, Suite 1200
Baltimore, MD 21201

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