



Implementing a Statewide Right to Counsel for Tenants: Learning from Washington, Maryland, and Connecticut

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Top: Karen Wabeke (L); Natalie Wagner (C); Philippe Knab (R); Bottom: John Pollock (L); Maria Roumiantseva (R).

Introduction

Evictions are devastating civil legal proceedings, deeply injuring tenant families' lives, housing stability and opportunity, and futures. Tenant representation is a proven, effective intervention in eviction matters,

lessening the negative impacts on tenant lives in several different ways.⁶ Yet the vast majority of tenants navigate these cases on their own. Nationwide, only 3% of tenants have representation, compared to 81-82% of landlords,⁷ and up until five years ago, not a single tenant anywhere in the US had a *right* to counsel in these cases.

In 2017, after a long and powerful tenant organizing campaign, New York City became the first US jurisdiction with a right to counsel (RTC) for tenants facing eviction. Prior to enactment, New York City had more eviction filings than any jurisdiction in the country, coupled with a 1% tenant representation rate. The successful enactment in a place with such a massive crisis both demonstrated the power of community organizing and proved that right to counsel is potentially achievable in any location. This, in turn, galvanized a nationwide movement that today spans 15 cities and three states. In Spring 2021, Washington State, Connecticut, and Maryland became the first three states to enact a *statewide* RTC for tenants facing eviction.

While much thought and planning went into the design and implementation of these programs, right to counsel coordinators in these three states are still learning as they implement. In this article, they have

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taken time to share some of the lessons learned from implementing a statewide right to counsel for tenants facing eviction. While every implementation is unique in some ways, there are some common issues and solutions that, if known, can help newly enacted jurisdictions avoid reinventing the wheel in developing their implementation approach.

1. Who administers the right to counsel in your state, and why?

Washington: The Washington State Office of Civil Legal Aid (OCLA), an independent judicial branch agency that administers and oversees funding for civil legal aid services throughout the state, was directed by the legislature to administer the appointed counsel program for indigent tenants. As a judicial branch agency, OCLA has a somewhat peer-to-peer relationship with courts, the Administrative Office of the

About the Programs

- Connecticut passed the statewide right to counsel in June 2021. Eligible tenants (those who are at or below 80% of the state's median income, adjusted for household size, or received a specified form of public assistance) have a right to counsel in judicial actions to evict and administrative proceedings to preserve a housing subsidy or prevent a termination of the lease.
- Washington State passed legislation in April 2021 establishing the right to appointed counsel for indigent tenants (those receiving a specified form of public assistance or whose annual income does not exceed 200% of the Federal Poverty Level minus taxes) facing unlawful detainer actions.
- Maryland passed the Access to Counsel in Evictions law in May 2021. Eligible tenants (those whose income is not greater than 50% of the median state income, as adjusted for household size) must be provided access to counsel⁸ in specified judicial and administrative proceedings, and first appeals as determined by legal services provider.

Courts, court administrators, and court clerks (local executive branch leaders). OCLA's status as a judicial branch agency — coupled with strategic guidance from the Attorney General's office on issues of statutory interpretation — has cemented common understandings of and expectations about how all courts should treat tenants entitled to appointed counsel, and helped OCLA ensure broad interpretation and enforcement of tenant rights to appointment of and effective assistance of counsel in unlawful detainer (eviction) cases.

Connecticut: The Connecticut Bar Foundation (CBF), a nonprofit organization that administers the state's Interest on Lawyer Trust Accounts (IOLTA) program and is the state's largest legal aid funder, administers RTC in Connecticut. The legislation specified that the judicial branch was to contract with an "administering entity," and CBF was selected by the judicial branch through a competitive process. As the IOLTA administrator, CBF has significant knowledge of the state of legal aid funding, staffing and infrastructure, and has relationships with the legal aid providers and all three branches of government, which position it well to administer the statewide RTC program.

Maryland: Maryland Legal Services Corporation (MLSC) was named as the administrator of the statewide Access to Counsel in Evictions (ACE) program in the statute. MLSC was also designated by the Baltimore City Department of Housing and Community Development as the administrator of the City's Right to Counsel (RTC) program. MLSC is Maryland's IOLTA program and the state's largest funder of civil legal aid services. MLSC is well-suited for this role and has the experience, infrastructure, and relationships to administer these programs effectively.

2. What is, or will be, the rollout process and why? If the right to counsel is already rolled out, what has worked well and what hasn't?

Washington: Less than 60 days after passage of the Right to Counsel (RTC) legislation, OCLA issued an implementation plan outlining staffing, intake processes, conflict protocols, and case expectations. OCLA then proceeded to contract with 13 different legal services providers to hire and train staff specifically for RTC eviction defense work; and by function of the eviction moratorium, jurisdictions were not able to begin hearing eviction cases until OCLA certified the jurisdiction as ready to proceed. This was not a controversial position as the State Attorney General's office issued guidance interpreting the right to counsel law to mean that "no unlawful detainer proceeding

may lawfully go forward against an indigent tenant who has not been offered appointed counsel by the superior court.” OCLA required each jurisdiction to establish a protocol for appointing counsel both in filed and unfiled unlawful detainer matters, and required that each jurisdiction establish an appointment counsel protocol that provided a meaningful opportunity for the tenant to meet with their counsel. OCLA issued the first certifications of readiness, allowing counties to start appointing RTC attorneys on October 1, 2021. The majority of Washington State was able to begin appointing counsel in eviction cases by October 15, 2021. The counties that remained unable to appoint counsel and unable to hear eviction cases were primarily rural, and the delay stemmed from an inability to hire staff. The entire state was certified on January 22, 2022. Perhaps most importantly, OCLA was able to ensure that newly appointed counsel would receive, at minimum, a one week adjournment at the initial hearing to meet with the tenant and develop a defense.

Connecticut: The RTC law went into effect in Connecticut on July 1, 2021, and the law required notice of the program to be provided to tenants beginning on October 1, 2021. The RTC legislation prescribes a phase-in of the program, and the first phase of the program officially launched on January 31, 2022. The law requires CBF, in consultation with a statutory working group and the legal aid providers, to determine how to phase in the RTC program based on certain factors.⁹ RTC is being phased in by zip code to allow tenants to easily determine whether RTC services are being offered where they live, and for intake staff to easily determine whether a tenant requesting representation lives in an RTC-eligible area. Zip codes are added to the program as attorneys are hired and trained to provide representation. Recruitment and the capacity of experienced attorneys to train and supervise new hires while handling their own cases have proven to be consistent challenges.¹⁰ Efforts to attract more experienced attorneys and to create a pipeline of new attorneys who are already trained to represent tenants facing eviction will hopefully ease these challenges.

Maryland: Implementation will be phased in over the next three years, with a goal of full implementation by October 1, 2025. The legislation requires MLSC to prioritize those local jurisdictions that provided “significant additional local funding to effectuate access to counsel in eviction proceedings” in the jurisdiction. Accordingly, we are rolling out services in 11 counties this year, and hope to expand services to the remaining 13 counties in FY24.

3. What is the current funding source, and what are the long-term funding plans? Is the funding adequate?

Washington: The appointed counsel program is funded with general state dollars; the funding is ongoing. The legislature has been responsive to OCLA’s budget requests as the program continues to evolve over time. Current state funding is at \$12.5 million per year; OCLA is requesting an additional \$2.5M per year in the coming biennium to address needs and capacity requirements unanticipated at the time the program was first funded.

Connecticut: The state legislature allocated \$20M in federal American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF)¹¹ to begin phasing in the RTC. The CBF also partnered with the Connecticut Fair Housing Center to secure an additional \$2.3 million in HUD Eviction Protection grant funding to support program efforts, including the establishment of an eviction prevention clinic at University of Connecticut Law School to develop a pipeline of trained attorneys. The CBF also secured almost \$500,000 to fund quantitative and qualitative research regarding the program’s implementation and impact. The funds have been sufficient to cover the staff recruited and onboarded to date, but are not sufficient for full implementation, as additional staff is required. Additional public funding will be necessary to support full implementation and long-term stability of the program.

Maryland: For the first year (FY23) of ACE, we are working with a patchwork of funding sources totaling \$11.8 million. The patchwork is made up of Emergency Rental Assistance Program (ERAP) funds from the Maryland Department of Housing and Community Development and a state budget appropriation, and \$1.8 million in Community Development Block Grant — Coronavirus funds from Baltimore City. MLSC also continues to administer a small pot of SLFRF funding designated for eviction prevention, but not specifically for ACE. This mix has been challenging administratively for MLSC and our grantees, as each funding source has different eligibility criteria, required forms and documentation, and reporting requirements. An additional \$14 million has been secured in funding for FY24 from the state’s Abandoned Property Fund. The original, pre-pandemic estimates for fully implemented ACE totaled approximately \$30 million, with a phase-in plan through 2025.

4. What does tenant outreach entail (or how do tenants become aware of the right to counsel in

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the state)? Are there multiple points of contact (notice to quit, summons, text messages, etc.)? How are tenants coming in contact with legal services most frequently? Is your tenant outreach approach working well, and do you have any recommendations?

Washington: Washington's law establishes an enforceable personal right to appointed counsel for all indigent tenants in eviction cases. The statutory summons includes language that informs that they may be eligible for court-appointed counsel, and includes the number for the statewide screening line to determine eligibility. Some contractors have established clinics and a regular presence in courts at eviction dockets to inform tenants of their potential right to counsel, and to conduct in-court screenings for eligibility. OCLA has funded programs to conduct outreach and provide services to tenants at risk of eviction to help respond to issues such as landlord harassment, illegal lockouts, threats of law or immigration enforcement, and other pre-summons coercive actions designed to facilitate tenant "self-eviction." With COVID (not RTC) funding, OCLA funded a modest outreach campaign when the eviction moratorium ended, targeted at Limited English Proficiency (LEP) and black, indigenous people of color (BIPOC) communities, informing tenants of the new right to counsel.

Connecticut: Connecticut's law mandates that a one-page plain language notice of the RTC program, which includes a hotline number to call, is provided to tenants with a notice to quit, a court summons, a lease termination notice for public or subsidized housing, and a notice of housing subsidy termination. The RTC notice is also available on the judicial branch's website for tenants to view, and for landlords and public and subsidized housing providers to download and deliver to tenants. Landlords are, in fact, notifying tenants as scans of the document are often included in the docket information online. Community providers and United Way's 211 system also refer tenants to the RTC hotline as appropriate. Tenants most frequently come in direct contact with RTC support through the centralized hotline, although some will contact their local legal aid program directly, or will encounter a legal aid attorney when they go to court. With tenants receiving notice of the RTC program at the notice to quit stage, more tenants have been reaching out to legal aid earlier in the eviction process. Requiring the notice to be

received by all tenants facing eviction statewide prior to the program being fully implemented has resulted in far more tenants requesting services than the program can currently serve. However, when RTC is fully implemented, this requirement will ensure that all tenants facing eviction receive multiple notices of the program prior to their court date.

Maryland: Beginning this fall, tenants facing eviction in Maryland will receive an informational pamphlet created by MLSC that describes their legal rights and the ACE program, and provides information on resources available to tenants. A sheriff or constable will provide a copy of the pamphlet to tenants when serving process in a Failure to Pay Rent case, a Breach of Lease case, or a Tenant Holding Over case. The pamphlet links through a QR code to the ACE website (www.legalhelpmd.org), which has contact information for legal services providers working in each county across the state. Once a new statewide coordinated intake system has been developed, the pamphlet will be updated to direct tenants to that telephone hotline and website. In addition to pre-trial intake, some MLSC grantees will also offer same-day representation at courthouses in several counties. MLSC will be issuing a request for proposals for a tenant outreach and education pilot in Baltimore City as well. We will contract with community groups to conduct outreach and provide education to tenants regarding their rights and the ACE program. This tenant outreach and education pilot will expand to the rest of the state during the implementation period. Our goal is to increase the number of tenants who are connecting with counsel prior to the day of their trial.

5. What happens when tenants appear without counsel, or haven't been able to connect with or do intake with a lawyer before an initial appearance?

Washington: Each superior court was required to adopt a standing order or memorandum of understanding outlining the process by which indigent tenants will be advised of their right to be screened for appointed counsel. These require courts to begin unlawful detainer dockets by announcing that each tenant may be eligible for appointed counsel, and providing an opportunity to be screened for eligibility. The standing orders also provide for a mandatory continuance for tenants to get screened for eligibility by RTC providers. Courts typically provide a one- or two-week continuance for tenants to be screened.

Connecticut: Tenants who show up to court

without counsel may request a continuance for additional time to obtain counsel, although this is met with mixed responses from the courts. At times this request is not received favorably, specifically because the courts are aware of the RTC program and therefore expect the tenants to have connected with the RTC program prior to the first hearing. However, there are many reasons why a tenant may not reach out to the program despite receiving notice of it and, even if they do reach out, they may not be connected with a lawyer, either because they are in an area where the program is not yet operating, or the program is at capacity in their area.

Maryland: MLSC grantees will be building staffing capacity during the three-year implementation period so that we are in position to offer representation to any eligible tenant facing eviction in Maryland by October 1, 2025. As mentioned above, some legal services providers will offer same-day representation at courthouses for tenants who do not contact a provider in advance of their trial date. Our hope is that coordinated intake and tenant outreach and education will increase the number of tenants who connect with counsel earlier.

6. In general, what is the intake procedure? (Are there standardized forms, a central phone number, in court attorney presence for intake?) Is the intake procedure working well, and do you have any recommendations?

Washington: Washington State has a statewide Eviction Defense Screening Line (EDSL) which must screen and refer tenants within two days of receiving a call. Approximately 50% of RTC-eligible tenants are screened through this central intake line. The remaining tenants are screened by local programs, either in court or by phone. Local intake seems to be preferred by courts and local organizations because it helps ensure that counsel is appointed the day of the first hearing, but the central intake is an important catchall.

Connecticut: There is a centralized hotline for RTC in Connecticut, although tenants who are otherwise aware of their local legal aid program may still reach out to the provider directly. When a tenant calls the hotline, they first answer a prompt asking if anyone in their household has served in the armed forces. If they answer yes, the phone system automatically routes them to the Connecticut Veterans Legal Center for intake. Otherwise, a caller is asked to enter their zip code to determine if they live in a zip code currently being serviced by the RTC program. If so, they are

placed in the queue to speak to an RTC intake specialist. If not, they are transferred to the regular Statewide Legal Services queue for intake to receive phone advice. The hotline system has been effective. The challenge has been longer wait times due to high demand and pauses in intake for certain areas when they are over capacity.

Maryland: MLSC has made a grant to the United Way of Central Maryland to partner with Civil Justice and A2J Tech in developing a statewide coordinated intake system over the next three years. The system will begin as a pilot in Baltimore City, and then expand to the rest of the state during the implementation period. The coordinated intake system will include (1) one centralized telephone number for tenants facing eviction across the state of Maryland to connect with counsel, (2) a web-based client portal for intake and to guide people to the appropriate help, and (3) an electronic referral system among all participating organizations that creates a closed loop for data and reporting, with the ability to track a tenant from the time they enter the coordinated intake system through the termination of services. While this system is being developed and rolled out statewide, tenants will continue to contact legal services providers in their jurisdiction directly for intake. MLSC has created an ACE website (www.legalhelpmd.org), which has contact information for legal services providers working in each county across the state.

7. How many legal services providers are involved, and how are they building capacity and a pipeline of attorneys? Can you briefly discuss the challenges with capacity for the programs, and do you have any recommendations?

Washington: OCLA initially contracted with 13 legal aid organizations to accept appointments and provide effective assistance of counsel for indigent tenants. OCLA contractors had to hire more than 70 attorneys during the first year of operations. These programs have had differing experiences finding, hiring, and retaining attorneys, with rural providers having significantly more trouble finding and retaining attorneys. OCLA has heard from providers that the high paced defense practice leads to attorney burnout. OCLA is working with providers to address retention issues in this context. OCLA has also partnered with Seattle University School of Law to create the Housing Justice Collaborative, a partnership intended to provide law students clinical and course work relevant to appointed counsel eviction defense work and help mint new attorneys ready for the unique challenges of this work.

Connecticut: Five legal aid providers are

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participating in the RTC program in Connecticut. The providers have been hiring new attorneys and shifting current staff from other areas to increase capacity for RTC since the summer of 2021. There have been numerous obstacles to recruitment expressed by candidates, including the low salary-range for legal aid attorneys, the fact that job seekers are looking to work remotely, and the fact that our neighboring states of New York and Massachusetts are also hiring in this area for their own robust RTC and eviction prevention efforts. To help address the hiring difficulties in this area, the Connecticut Fair Housing Center, CBF, two legal aid providers, and UCONN Law School are participating in a HUD grant, which includes the creation of a housing clinic at UCONN Law School to develop a pipeline of new in-state attorneys trained to represent tenants who are facing eviction.

Maryland: MLSC has made grants to eight legal services providers for eviction defense through the ACE and RTC programs. We heard early on from other jurisdictions about the importance of building the pipeline of future eviction defense attorneys, so MLSC has also made grants to both Maryland-based law schools. One of the law schools is launching an Eviction Prevention Clinic in Spring 2023; the other law school has launched a Housing Justice Fellowship Program to place second- and third-year law students in externships at legal services providers participating in the ACE and RTC programs. Through other funding, MLSC is also partnering with Equal Justice Works (EJW) to expand its Housing Justice Program into Maryland with a \$1.5 million grant. With this funding, EJW will place nine attorney fellows with legal services providers participating in the ACE and RTC programs for two years. (EJW has secured foundation funding to support one additional legal fellow and four organizing fellows.) MLSC's grantees are looking to onboard a significant number of attorneys in a difficult hiring market, but we hope these and other efforts will assist them in building capacity and a robust pipeline of attorneys committed to access to counsel in evictions.

8. If your state requires court appointed counsel, how is that system working? If it doesn't, would that help implementation in your jurisdiction?

Washington: Washington State has an appointment system. For the most part, courts have taken the obligation to appoint counsel seriously and are

complying with applicable standing orders. One of the keys to our program is that the court has a statutory duty to appoint counsel for indigent tenants. Availability of counsel (staff or volunteer) is irrelevant. If no attorneys are available, the court may not proceed to hear eviction cases involving indigent tenants. Our appointment process works because it ensures that each tenant eligible for representation has a lawyer, and compels the court to continue matters in the relatively rare instances that RTC providers are not immediately available.

Washington State has a non-unified court system, with 37 regional superior court judicial districts, which creates unique challenges. OCLA required a standing order or memorandum of understanding from each of the 37 judicial districts to outline the way that attorneys will be appointed for indigent tenants in unlawful detainer cases. OCLA also worked with the Superior Court Judges Association (SCJA) and rental housing industry representatives to develop uniform training materials, including a bench card to help ensure uniform practices among districts. OCLA regularly communicates with the SCJA through memoranda, addressing emerging issues, and meets regularly with SCJA and local court leadership. Under this system, conflicts of interest can become a challenge. Since eviction cases move quickly and each jurisdiction has its own unique processes—some requiring in-person court appearances and filings—when providers have a conflict of interest, finding available conflict counsel on short notice can be difficult. However, OCLA-contracted providers work hard to coordinate and help each other in these scenarios, and so far, no tenant screened as eligible for court-appointed counsel has gone unrepresented.

Connecticut: Connecticut does not have an appointment system. Such a system might aid in recruitment efforts and strengthen recognition by the courts that defendants to an eviction action should be granted a continuance until they have had a chance to exercise their right to access counsel. Any appointment system would have to include reasonable caseload standards, however, to ensure that tenants not only have the right to access counsel but to be represented by counsel who have the time to assess the claims available to each tenant and provide the appropriate level of representation based on the facts of each case.

Maryland: Maryland does not have an appointment system. It is too early to know whether this would aid in implementation in Maryland.

9. What is the judiciary's view of or attitude toward the RTC for tenants in your state? Any recommendations for working with the courts?

Washington: Again, requiring the court to appoint counsel has been the most important factor. Eviction defense attorneys operate as civil public defenders, akin to attorneys appointed to represent children and parents in child welfare cases or defendants in involuntary treatment cases. That said, the change in culture has been difficult in some locations where courts have been reluctant to embrace rebalancing of tenants' rights, and still hold a landlord's private property right as sacrosanct. Yet even with philosophical or other policy-based objections, courts have almost universally appointed attorneys and provided time to prepare. Where they have not, OCLA-contracted attorneys are taking cases on appeal. True to our commitment to ensure proper implementation and respect for the new right, OCLA is actively participating as amicus in one, and will likely participate in future appellate cases.

Connecticut: CBF is frequently in contact with central court operations staff regarding the administration of the RTC program. However, reception of the RTC program has been uneven across the various courthouses. Recent decisions about what constitutes reasonable attorney fees in cases where RTC attorneys have provided representation has varied dramatically, for instance. The awarding of \$1 in attorney fees, for instance, will do little to dissuade the filing of unnecessary eviction claims. The court system has also increased reliance on housing court mediators to screen and evaluate cases and to reach resolution between the parties without the need to appear before a judge. The ability of RTC attorneys to have an impact on a clients' dispositional outcomes can be severely limited when a mediator doesn't understand or fails to consider the jurisdictional claims of the parties. Reports on the experience of tenants and their attorneys during mediation vary dramatically depending on the mediator. Ways to strengthen the training and tools available to mediators are being contemplated to standardize the understanding and identification of subject-matter jurisdictional claims during the mediation process so that tenant rights are adequately considered during negotiations regardless of the mediator involved.

Maryland: While Maryland has a unified district court, differences in case volume and local practice mean that rent court works differently in each jurisdiction. MLSC has met with district court staff who have offered to make connections in various jurisdictions

and work together on system-wide issues. Same-day representation has existed in several jurisdictions for some time now, and once provided with information about the program, many judges have incorporated announcements or referrals into their dockets.

10. What is your plan to evaluate the RTC program? If you've already evaluated the program, what worked well and what didn't?

Washington: OCLA contracted with researchers and the University of Washington's Evans School of Public Policy and Governance to undertake a longitudinal study of RTC outcomes. OCLA coordinates data capture with researchers and RTC providers to ensure accurate and responsive review of the effectiveness of the program in accordance with legislative reporting requirements. OCLA requires regular tracking and reporting on a range of data points that allow the agency to evaluate program needs and effectiveness, and to allocate resources on an ongoing basis.

Connecticut: CBF retained Stout Risius Ross, LLC (Stout) through a competitive selection process to evaluate the statewide RTC program during the first two-years of the program. Stout has assisted with the identification of the data elements to be collected, worked with program staff to establish and strengthen data collection processes, and developed a series of dashboards in the Tableau platform to provide program staff with a monthly review of the effectiveness of implementation efforts. CBF and Stout also engaged qualitative researchers from Yale University, whose research focuses on the relationship between housing policy, poverty, housing insecurity and racial health equity, to conduct focus groups and individual interviews with various stakeholders in the eviction process. The purpose of the qualitative research being conducted throughout the summer and fall of 2022 by Stout, the Yale researchers and community partners, is to develop and provide a robust understanding of how the eviction process works from the perspective of the various actors who are involved in it, to better understand the impact and limitations of the RTC program to improve outcomes for tenants, and to identify additional policy and implementation efforts that could further improve the process for all involved. Stout will produce annual reports to the legislature summarizing the implementation efforts over the previous year, the impact of the program as demonstrated by the data collection and analysis, successes achieved, challenges encountered, and future implementation plans.

Maryland: MLSC has retained Stout to evaluate the

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statewide ACE program during the three-year implementation period. Stout will perform process evaluation to identify opportunities for improvements in efficiency and effectiveness of the program, including evaluating attorney caseload and identifying barriers to program success. Stout will also perform outcomes evaluation, studying and reporting on data points such as effectiveness in preventing evictions or otherwise preventing disruptive displacement, effectiveness of outreach and education efforts, and demographic information necessary for equity analyses. MLSC is also contracting with a local organization to conduct a series of three tenant focus groups in the second half of FY23 as part of the evaluation of the ACE program. The goal of the focus groups is to understand participants' experiences with the ACE program, learn what is working well, and where there are opportunities for improvement.

11. Is there anything you know now about implementing a RTC for tenants facing eviction that you wish you knew prior to enactment or implementation?

Washington: Zealous tenant defense takes more time than the volunteer-based housing justice model that preceded our RTC implementation. Appointed counsel representation requires more attorneys, as tenant defense cases take longer than traditional discretionary legal aid tenant defense services. Staff believe that the appointed counsel model is the only reason these services can be delivered effectively within a relatively modest budget.

Connecticut: If we had been aware of the significant recruitment challenges the legal aid providers would encounter prior to the passage of the law, more reasonable expectations about the phase-in timeline could have been established before the program went into effect. In addition, more attention could have been spent earlier in the process developing pipeline programs and determining ways to encourage experienced attorneys to join the program.

Maryland: We did not fully appreciate the administrative burden, for MLSC and the grantees, that would come with multiple funding sources. Had we understood the complexity this would add to the first year of implementation, we may have pushed harder for a single funding source.

- 1 Karen Wabeke joined the Maryland Legal Services Corporation (MLSC) as Program Manager for Access to Counsel in Evictions in March 2022. She is responsible for coordinating implementation of the statewide Access to Counsel in Evictions Program and managing grantmaking to legal services providers participating in the program. Karen joined MLSC after ten years with the Homeless Persons Representation Project (HPRP), first as a staff attorney representing tenants facing eviction or termination of their housing subsidy and then as Director of Housing Justice. In the latter role, she oversaw HPRP's eviction prevention legal services for tenants in Baltimore City. Prior to HPRP, Karen served as an AmeriCorps attorney and in private practice. She is a graduate of Wellesley College and the University of Michigan Law School. Karen may be reached at kwabeke@mlsc.org.
- 2 Natalie Wagner is the Executive Director of the Connecticut Bar Foundation (CBF), which is the primary administrator of funding for legal aid services across the state. CBF was selected as the administering entity for the Connecticut Right to Counsel program in September 2021 and is responsible for phasing-in a statewide implementation of the program by legal aid organizations and other partners. Prior to joining the CBF in 2019, Natalie had previous experience overseeing the implementation of statewide initiatives as an Undersecretary at the Connecticut Office of Policy and Management and as the Director of Legal and Governmental Affairs at the Connecticut State Department of Education. Natalie previously held numerous other roles in state government in CT, NY and MA and has worked as both a public defender and in private practice. She is a graduate of Mount Holyoke College and UConn School of Law. Natalie may be reached at natalie@ctbarfdn.org.
- 3 Philippe Knab is the Reentry and Eviction Defense Program Manager with the Washington State Office of Civil Legal Aid. Philippe is excited to support implementation of the nation's first statewide appointed counsel model of right to counsel in eviction defense proceedings. He brings a varied background in direct service and program development, including fifteen years as a public defender and civil legal aid attorney. Philippe has practiced in a variety of roles to enhance access to justice, including positions as a public defender at the Bronx Defenders, Supervising Attorney at the Legal Aid Society, and Supervising Civil Rights Prosecutor with the New York City Commission on Human Rights. Most recently, Philippe served as Managing Attorney for the Northwest Justice Project's Vancouver Office. Philippe holds an undergraduate degree in Philosophy, with honors, from Macalester College in St. Paul, MN. Philippe may be reached at Philippe.Knab@ocla.wa.gov.
- 4 John Pollock is a Staff Attorney for the Public Justice Center who has served since 2009 as the Coordinator of the National Coalition for the Civil Right to Counsel

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(NCCRC). The NCCRC works in 41 states at the state and local level to establish the right to counsel for low-income individuals in civil cases involving basic human needs such as child custody, housing, safety, mental health, and civil incarceration. He is the recipient of the 2018 Innovations Award from the National Legal Aid and Defender Association (NLADA). Previously, John worked as the Enforcement Director for the Central Alabama Fair Housing Center and as a law fellow/consultant at the Southern Poverty Law Center. He graduated from Northeastern University School of Law, where he was a recipient of a Public Interest Law Scholarship (PILS). He is the author of many law review articles, including Appointment of Counsel for Civil Litigants: A Judicial Path to Ensuring the Fair and Ethical Administration of Justice, *Court Review*, Vol. 56 Issue 1 (2020). John may be reached at jpollock@publicjustice.org.

- 5 Maria Roumiantseva is the Associate Coordinator of the National Coalition for a Civil Right to Counsel (the NCCRC) and a Staff Attorney at the Public Justice Center. Before joining the NCCRC in 2020, Maria worked at Legal Services of Central New York, Inc. (LSCNY) as a staff attorney where she primarily practiced housing law and eviction defense. Maria began her legal career as an Attorney for Children at the Legal Aid Society, Juvenile Rights Practice in Brooklyn, New York. She graduated from the City University of New York (CUNY) School of Law in 2013 and is licensed in New York and Maryland. She is the author of A Nationwide Movement: The Right to Counsel for Tenants Facing Eviction Proceedings, *Seton Hall Law Review* (2022). Maria may be reached at RoumiantsevaM@publicjustice.org.
- 6 For an elaboration on this, see ACLU and NCCRC, *No Eviction Without Representation: Evictions' Disproportionate Harms and the Promise of a Right to Counsel* (2022), <https://www.aclu.org/report/no-eviction-without-representation>.
- 7 National Coalition for a Civil Right to Counsel, Eviction representation statistics for landlords and tenants absent special intervention, http://civilrighttocounsel.org/uploaded_files/280/Landlord_and_tenant_eviction_rep_stats__NCCRC_.pdf.
- 8 While the Maryland law uses the phrase “access to counsel,” it is still a right to counsel because the enacted law specifies that covered tenants “shall have access to legal representation...”
- 9 These factors include but are not limited to: (1) The prioritization of certain groups of individuals by income, zip codes, census tracts or other priority criteria; (2) the availability of program funding; (3) the number of trained legal services attorneys available to provide legal representation; and (4) the scope of the need for legal representation.
- 10 Even with careful phasing in of the program, in certain RTC zip codes, demand for program services often outpaces staff capacity in certain RTC zip codes during periods where filings surge or staff are absent due to planned or unexpected leave. As a result, intake is sometimes paused to allow staff to catch-up on their active caseloads. When intake is reopened, tenants who had previously reached out earlier in their eviction process are in more immediate need of assistance.
- 11 ARPA funding can be expended through December 31, 2026 on obligation incurred by December 31, 2024.