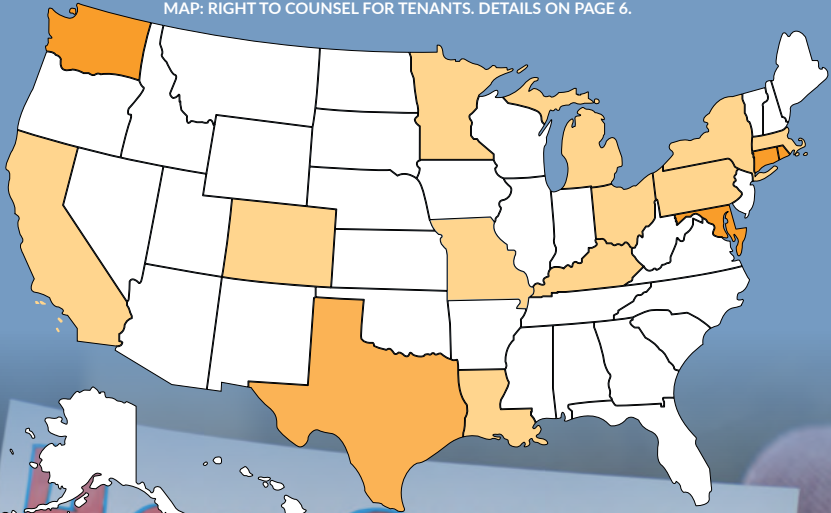




NCCRC
National Coalition for a
Civil Right to Counsel



MAP: RIGHT TO COUNSEL FOR TENANTS. DETAILS ON PAGE 6.



2023 Marks the NCCRC's 20th Anniversary!

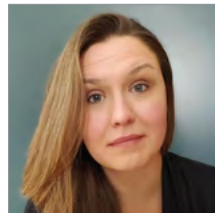
JOHN POLLOCK,
NCCRC Coordinator

"It's almost impossible to believe how far things have come since I started in 2009. Back then, right to counsel in civil cases was widely considered a pipe dream, and there was much skepticism about the worthiness of the approach, even within large segments of the legal services world. But thanks to the tireless work of right to counsel advocates in the organizing, legal services, and academic community, as well as the support we've been able to provide, the country has reached the point where the idea has gone mainstream. Hundreds of bills are filed each year to advance the right to counsel across a variety of subject areas. We've won some critical constitutional rights to counsel in cases involving family law and liberty. We went from zero jurisdictions with a tenant right to counsel to twenty-two. And we've only just begun."

STAFF



John Pollock
Coordinator



Maria Roumiantseva
Associate Coordinator



Amanda Insalaco
Legal Research Specialist

This year we hit our 20-year anniversary, and what a journey it's been. In 2003, an in-depth conversation about civil right to counsel (RTC) occurred at the National Legal Aid & Defender Association (NLADA) Conference. Advocates from the [Public Justice Center \(PJC\)](#), [Shriver Center on Poverty Law](#), [Northwest Justice Project](#), [Brennan Center for Justice](#), and the [American Bar Association's Standing Committee on Legal Aid and Indigent Defense \(SCLAID\)](#), recognized that there was a growing interest in the civil RTC across the country—as well as the need for better coordination of state and local efforts—and founded what would become the National Coalition for a Civil Right to Counsel (NCCRC). Over time, the NCCRC became a project of the PJC and was first coordinated by Debra Gardner, the PJC's current Legal Director.

In 2009, thanks to a grant from the American Bar Association's Section of Litigation, the PJC brought on John Pollock as the NCCRC's Coordinator (and first *full-time* staff person). For a thoughtful and thorough discussion of the NCCRC's founding, check out John Pollock and Mary Deutsch Schneider, [10 Years in and Picking Up Steam: A Retrospective on the National Coalition for a Civil Right to Counsel](#). Since then, the NCCRC has grown its network fivefold to more than 600 allies in 45 states and supported expanding the civil RTC at the city, county, state, and federal levels. Today, we have three full-time employees working to advance the civil right to counsel across the country.

Over the last 20 years,

our work supporting thousands of advocates (organizers, legal services, nonprofits, academics, private bars, policymakers, and various national organizations) has been nonstop and is visible nationwide. We have provided not just the technical support but also the connective tissue between diverse efforts within states and between different states. Our work has taken the following forms:

LEGISLATION: The NCCRC has directly supported RTC legislative campaigns at the federal, state, and local levels involving housing, child welfare, child custody, mental health, civil incarceration, and more. One of the most striking movements we have supported over the last decade has been the growing [tenant RTC movement](#), which started with one city enacting RTC in eviction proceedings in 2017 (NYC) and sparked a massive explosion of such legislation with 21 additional jurisdictions enacting such a right over just the last six years. We've also supported enacting the RTC in cases involving incarceration for court fees and fines, adult guardianship, child welfare, domestic violence, and more.

LITIGATION: The NCCRC has assisted litigation establishing the RTC under state constitutions and strengthening statutory rights to counsel. Some of our most notable victories include cases that established the RTC for parents in adoption proceedings in [Montana](#), [New Jersey](#), and [Ohio](#); for children in termination of parental rights proceedings in [Pennsylvania](#); for parents in private child guardianship proceedings in [Massachusetts](#); for residents facing suspension of their driver's licenses for inability to pay child support in [New Jersey](#); for residents facing incarceration for inability to pay court fees/fines in [Pennsylvania](#); and for parents in child neglect proceedings in [Hawaii](#).

INFORMATION REPOSITORY: In 2011, we launched a new website to cover updates and research on civil RTC, and it quickly became the nation's first comprehensive repository of all activity around establishing, strengthening, and implementing RTC in civil cases involving basic human needs. The website's interactive map also allows visitors to see where the RTC does and doesn't exist across all 50 states in different civil legal areas. We ensure that anyone interested in the topic can access existing literature, studies, and other resources through our website's [comprehensive](#)

DEBRA GARDNER,
the first coordinator of the NCCRC

*“It’s hard to imagine it’s been 20 years since a ragtag group of us at a workshop at the annual NLADA conference in 2003 first talked about forming a national coalition to try to achieve a civil right to counsel. At that time, we were awaiting a decision from the Supreme Court of Maryland (back then the Maryland Court of Appeals—how times have changed!) in *Frase v. Barnhart*. In that case, the Public Justice Center and our staunch ally [former Maryland Attorney General] Stephen H. Sachs tried for a right, under Maryland’s Constitution, to counsel in custody disputes. Not too long after the workshop, we lost by just one vote! But we never looked back. The Coalition grew, we secured the ABA’s endorsement of the right, John Pollock became our first full-time staff, and under his extraordinary leadership, we have continued to grow, exploring and utilizing every tool and avenue for achieving our goal of justice for all in civil cases involving basic human needs. Enduring thanks to John and all the new staff for all that they have achieved! We can only rise from here.”*

[bibliography](#). Our maintenance of this comprehensive repository has allowed us to advise on major efforts that discuss civil RTC, including the [World Justice Project’s Rule of Law Index](#) and the [United Nations’ Committee on Elimination of Racial Discrimination](#) (CERD).

RESEARCH: We’ve supported social science research examining RTC’s impact on litigants (and jurisdictions, in the form of cost savings) in various civil legal areas. Over the years, we have worked with Stout to help develop their cost-benefit analyses in numerous jurisdictions. We currently serve as expert advisors on three studies that will be measuring different types of secondary benefits of eviction representation. We also routinely advise jurisdictions on how to design their data collection and evaluation efforts either pre- or post-enactment of RTC.

PUBLIC EDUCATION: Public understanding of the need for RTC is key to the success of local, state, and federal RTC initiatives. We’ve had the opportunity to educate countless people on the state of the civil RTC via webinars, conference presentations, keynotes, boot camps (see more about our RTC for tenants Sprint Series below), and written publications. Over the years, we’ve also worked extensively with local and national press (including [NPR](#), [Washington Post](#), [Newsweek](#), [New York Times](#), [Marketplace](#), and countless [other media outlets](#)) to the point where we are the go-to resource for reporters looking to cover RTC.

CONNECTING ADVOCATES: One of our priority areas is ensuring that RTC advocates are aware of each others’ work and are working together where possible. For this reason, we are regularly developing opportunities for advocates nationwide to connect. We formed numerous working groups specific to eviction RTC (due to its recent expansion), including a working group of organizations advancing RTC on the national level, a federal eviction policy working group, and a working group focused on implementation of eviction RTC laws.

“STROKE OF GENIUS”



ANDY SCHERER
Law Professor at NYLS and founding member of the NCCRC

“When I started my career as a legal services housing attorney in the South Bronx in 1978, we were only able to help a fraction of the people who sought representation in eviction cases. We were able to make all the difference for the clients we represented. The tenants we couldn’t represent got evicted, moved out, or entered into one-sided, disadvantageous stipulations. I believed, like many of us in legal services around the country (but definitely not all), that there should be a right to counsel in civil matters like there was in criminal matters, at least in civil matters affecting fundamental human needs. In founding the NCCRC in 2003, with Debra Gardner taking the lead, RTC proponents started a conversation and began a loose but effective collaboration that continues today and keeps getting stronger. Debra and the PJC’s decision to hire John Pollock to coordinate the NCCRC in 2009 was a stroke of genius. John’s encyclopedic knowledge and indefatigable efforts to connect people and support advocacy have been the backbone of the rapidly growing national RTC movement. We won RTC for tenants in NYC in 2017 because of phenomenal organizing under tenant and community group leadership, but John provided valuable support every step of the way. His support and the connections he makes have been critical to the mind-boggling success of the eviction RTC movement. I am a very proud member of the NCCRC.”

PABLO ESTUPIÑAN,
Steering Committee
member

"Participating in the Steering Committee of the NCCRC has allowed me to continue to develop professionally and envision a future where all low-income people have access to civil Right to Counsel. Being in a space with others who have decades of experience litigating and organizing has also allowed me to be connected to a larger nation-wide movement—and learn from the lessons others have shared across the country—that have helped inform my campaign strategy for the on the ground work I lead in Los Angeles County."

The NCCRC's Steering Committee

Susanna Blankley,
Right to Counsel NYC Coalition

Zoe Brennan-Krohn,
ACLU

Russell Engler,
New England School of Law | Boston

Pablo Estupiñan,
Strategic Actions for a Just Economy (SAJE)

Debra Gardner,
Public Justice Center

Danny Greenberg,
Experience Justice

Alan Houseman,
National Equal Justice Library

Earl Johnson,
Western Center on Law and Poverty

Ainat Margalit,
ABA SCLAID

Clare Pastore,
USC Gould School of Law

Debi Perluss,
Equal justice leader/Consultant

Rasheedah Phillips,
PolicyLink

Hazel Remesch,
Enterprise Community Partners

Anjana Samant
ACLU

Andrew Scherer,
New York Law School

Radhika Singh,
National Legal Aid & Defender Association

Jayne Tyrrell,
Consultant

David Udell,
*National Center for Access to Justice at
Fordham University School of Law*

Natalece Washington,
National Association of Counsel for Children

JUSTICE

Our Updated Mission*

To ensure individuals have a right to effective counsel when facing the loss of their basic human needs in the civil legal system. We work nationally to accomplish this by:

Envisioning and advocating for the right to counsel:

Supporting, connecting, and coordinating federal, state, and local efforts to a) enact, litigate, implement, and evaluate right to counsel programs; and b) engage in social science research projects that demonstrate the impact of counsel;

Establishing guidelines and best practices;

Identifying and supporting a variety of funding sources for the right to counsel;

Growing and diversifying our participant and partner base to help grow the larger national movement;

Responding to dangers to the movement while facilitating work to plan its future.

Educating about the right to counsel:

Tracking and reporting on right to counsel litigation, legislation, education, and social science research efforts around the country;

Maintaining a comprehensive right to counsel research repository and status map;

Planning and/or presenting at convenings, educational sessions, and public events, and speaking with the media to raise awareness/understanding of, and enthusiasm for, the right to counsel.

**Through an exhaustive internal reflection process done in conjunction with the Steering Committee, we developed our brand-new mission statement and revised our vision and reasons for engaging in this work (see next page).*

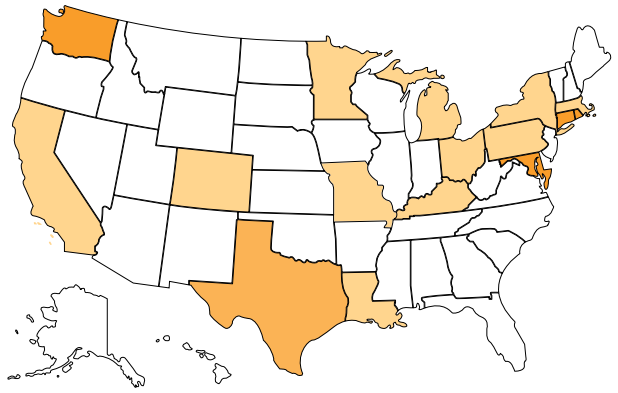
BALANCE

MAP: RIGHT TO COUNSEL
FOR TENANTS*



JENIECE JONES
PJC Executive Director

"As we celebrate the 20-year milestone of the National Coalition for a Civil Right to Counsel, a project of the Public Justice Center, we applaud the coalition's vital role in advancing access to justice for all. I extend my heartfelt gratitude to the dedicated staff, stakeholders, and advocates who have spearheaded this life-changing work. Onward!"



ACCESS

Our Vision and Reasons for Engaging in this Work

We envision a world where all 50 states and the District of Columbia adopt and effectively implement an enforceable right to high-quality, fully funded, client-directed counsel for people in civil cases who are facing the loss of their basic human needs, thus moving towards reversing systemic disempowerment and unfairness, restoring faith in the system, and advancing equal justice.

We engage in this work because the right to full representation by an attorney is an evidence-based approach that promotes actual systems change. It enables people to enforce their rights and protect their basic human needs while helping to effectuate the laws that have been passed to protect people. It helps to redistribute power. It works towards restoring confidence in the justice system. It advances race equity by providing one form of relief to Black, Indigenous, and people of color (BIPOC) communities disproportionately harmed by, and entangled in, a civil justice system rooted in systemic racism. And it rejects the scarcity-based operations of legal services while advancing long-term fiscal responsibility.

* Highlighted states indicate those with a right to counsel for tenants at the state, county, and/or local level, or an indication that discretionary appointment of counsel is authorized.

You can learn more on www.civilrighttocounsel.org/map (click right to counsel status, and select "Housing-Evictions" as the subject area).

RTC Expansion in 2023

RTC FOR TENANTS

We track all jurisdictions that have passed RTC for tenants facing eviction in our [enacted RTC matrix](#), and are supporting dozens of other jurisdictions that are working to enact RTC.

PASSAGE OF TENANT RTC IN 2023: [Westchester County, NY](#), [Minnesota](#) (limited right to appointed counsel for public housing tenants threatened with eviction for an alleged breach of lease), [Jersey City, NJ](#), and [St. Louis, MO](#) passed a right to counsel for tenants facing eviction in 2023. There was also a powerful campaign of organizers, advocates, and tenants in Multnomah County, OR, around an [ultimately unsuccessful ballot initiative](#).

PROGRESS IN EXISTING TENANT RTC JURISDICTIONS: [Detroit's](#) RTC finally got off the ground. In [Kansas City](#), a [new report](#) from the Heartland Center for Jobs and Freedom showed that in the first 15 months of the RTC in Kansas City, 86% of represented tenants avoided eviction. A [court in Washington State](#) reversed an eviction where the tenant was denied their RTC. The Maryland General Assembly [passed bills](#) (SB 756 / HB 200) related to funding Maryland's RTC implementation.

UPDATES FROM PLACES WORKING TO ENACT RTC: In St. Petersburg, FL, the City Council [passed a resolution](#) supporting free legal representation and requesting that the City explore creating a program. [Milwaukee County's](#) universal representation pilot program is showing great success. Voters in Los Angeles [approved measure ULA \(United to House LA\)](#), helping the city and county move closer to RTC by creating a funding mechanism, and the LA County Board of Supervisors voted 5-0 to move forward with building an [RTC](#) program.

SPOTLIGHT: We recognize that effective implementation of the RTC is equally important as getting the right enacted in the first place. To address this, we created a monthly working group that has been running since 2022 and we worked closely with RTC coordinators in Washington, Maryland, and Connecticut to publish "[Implementing a Statewide Right to Counsel for Tenants: Learning from Washington, Maryland, and Connecticut](#)," an article in the MIE Journal.

We've partnered with major national organizations to help advance the RTC for tenants in new ways:

Developed and ran a second "boot camp" on RTC for tenants. In partnership with [Results for America](#), [PolicyLink](#), [Human Impact Partners](#), and [Healing Through Policy](#) (a collaborative project between the de Beaumont Foundation, the American Public Health Association, and the National Collaborative for Health Equity), we ran the second iteration of our [RTC for Tenants Sprint](#)— a two-month "boot camp" for teams of policymakers, legal services providers, tenant organizers, and others in cities and states working to enact and

successfully implement RTC for tenants facing eviction. **We've already worked with 22 teams!** The spring 2023 Sprint focused on the intersection of health justice, race equity, and RTC for tenants. We continued our direct support with one-on-one conversations with the teams throughout the summer and two full-cohort calls in October 2023.

Worked with [CityHealth](#) to incorporate RTC for tenants (which they call [Legal Support for Renters](#)) into their policy package. We continued our work with CityHealth to develop and release a rating system for awarding medals (gold, silver, and bronze) based on the existence and quality of a city's tenant RTC programs; CityHealth [awarded](#) two gold medals, six silver medals, and six bronze medals in 2023.

Partnered with [PolicyLink](#) to develop the "[Housing Justice on the Ballot: Initiative Guide](#)." This guide is filled with advice and tips from leaders who have successfully led/are leading ballot initiative campaigns. We also co-hosted a webinar to debut the guide and highlight strategies that organizers and advocates from Portland, ME, and Multnomah County, OR, have used to build power and advance racial equity through local housing justice ballot initiative campaigns.

MEDIA ATTENTION: RTC has been featured—and the NCCRC quoted—in stories on housing by [NPR](#), [Newsweek](#), and [Law360](#), which included RTC at the top of its list of the four biggest access to justice issues in 2023.

RTC IN OTHER CIVIL AREAS:

On top of the work we've done with the tenant RTC movement, we've continued to help advocates establish RTC in other civil cases where basic human needs are at stake—such as safety, sustenance, health, child custody, and more—through litigation, legislation, and ballot measures.

Here are examples of RTC legislative efforts we supported this year:

CIVIL CONTEMPT:

Oklahoma enacted [HB 2259](#), which prohibits jailing unrepresented defendants in civil contempt proceedings due to inability to pay court fees/fines. As a result of HB 2259, a jail sentence may only be imposed if an ability to pay hearing is conducted on the record and the defendant is either represented by counsel or has knowingly and intelligently waived RTC.

CHILD WELFARE:

Children in neglect proceedings: Florida, Illinois, Indiana

Children in extended foster care: Connecticut

Parents in neglect proceedings: Delaware, Hawaii, Missouri, Washington State

DOMESTIC VIOLENCE:

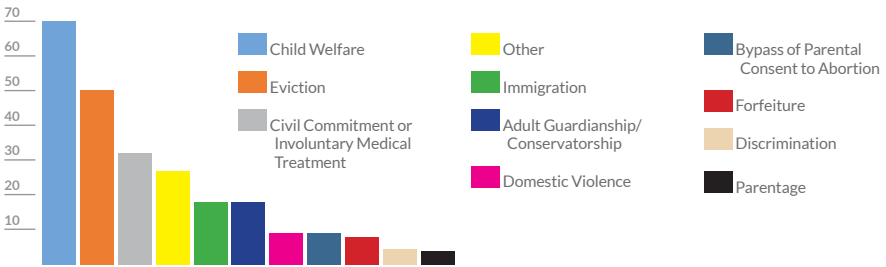
Washington State

FORFEITURE:

Colorado, Kansas, and New Hampshire

SPOTLIGHT: The [Disability Economic Justice Policy framework](#) articulates 14 values to bring a disability policy lens to policy development. Released in January 2023, the framework is a resource for policymakers at all levels of government and advocacy organizations and includes RTC as a reasonable accommodation in the framework. The NCCRC participates in the Disability Economic Justice Collaboration and contributed to the development of the Framework.

2023 Legislative Session Summary



During the 2023 legislative session, the NCCRC [tracked almost 300 RTC-related bills](#) introduced nationwide. About **94% of tracked bills** were introduced in state legislatures. Of the **20 federal** bills we tracked, 14 were immigration-related. There are several federal-level housing bills in the works.

FREQUENCY OF TOPICS: Child welfare-related bills (in the dependency or termination of parental rights contexts) were by far the most common this year, followed by eviction and mental health-related legislation (civil commitment or involuntary medical treatment).

TRENDS OR THEMES: In response to (or anticipation of) recent SCOTUS decisions related to the federal [Indian Child Welfare Act](#) and [abortion](#), there were seven bills this session that aimed to expand the RTC for Indian children and their parents or Indian custodians in child welfare matters, as well as several bills reacting to the U.S. Supreme Court's decision overturning *Roe v. Wade*.

What's next for the NCCRC?

In the next year, the NCCRC will expand again with two new staff members dedicated specifically to working on the eviction RTC enactment and implementation work around the country. You'll see a new version of the NCCRC website, a new guide for advocates working to enact and implement the right to counsel for tenants, and projects to continue helping the RTC for tenants movement grow. This expansion is supported by recurring and new grant funding (check out the web-based version of this report to learn more about our funders) and by donations from our participants, partners, and allies.



SUPPORT OUR WORK

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You can reach us at info@civilrighttocounsel.org.



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