



### The National Coalition for a Civil Right to Counsel (NCCRC), a project of the Public Justice Center, is turning 20 in 2023!

What began as an effort of a small group of advocates has grown to an extensive, committed network of 600 partners and participants working on advancing the right to counsel in basic human needs civil matters across 45 states. **Over the last two decades, we've adhered to a single and straightforward belief: the right to counsel (RTC) is an evidence-based intervention that improves outcomes, furthers race equity, and addresses power imbalances for the most serious types of civil cases.**

Over the past year, the NCCRC became even more poised to help advance the national movement by welcoming Amanda Insalaco as the NCCRC's Legal Research Specialist, expanding the reach of our network to 45 states, and restructuring and diversifying our steering committee. These moves will help us continue to provide solid, detail-oriented assistance to RTC advocates across the country. This Year in Review highlights the work we've engaged in and that our participants, partners, and supporters made possible.

### SPOTLIGHT ON THE RIGHT TO COUNSEL FOR TENANTS FACING EVICTION



In response to the growing number of state and local campaigns as well as the calamity caused by COVID-19, the NCCRC has been hyper-focused on the RTC for tenants. We lent our expertise to efforts in dozens of cities, counties, and states in response to requests from legal services attorneys, state bar association representatives, pro bono associations, nonprofits, tenant organizers, and city council officials. We assisted with bill drafting, cost estimation, addressing implementation issues and legal obstacles, stakeholder identification, coalition building, and written/oral testimony.

With our support, **18 jurisdictions (15 cities and three states)** have enacted RTC for tenants, while dozens of others formed coalitions, launched pilots or other data collection efforts, and took other steps towards enactment. And the movement keeps growing! Between 2021 and 2022, **eleven states** introduced tenant RTC legislation, including rural states such as South Carolina, Nebraska, and Kentucky. We expect many of the state bills to be reintroduced in 2023. This is the result of INCREDIBLE work by the tenants, organizers, advocates, and supporters.

#### OUR WORK DOESN'T CEASE WHEN RTC IS ENACTED.

Besides providing direct implementation support, we launched a monthly workgroup for those implementing the RTC for tenants, featuring experts discussing a wide range of RTC implementation-related topics. We maintain a bank of ideas and resources from these sessions.

In order to help us and advocates avoid reinventing the wheel, we've increasingly focused on producing materials that provide the information advocates most want to know, such as:

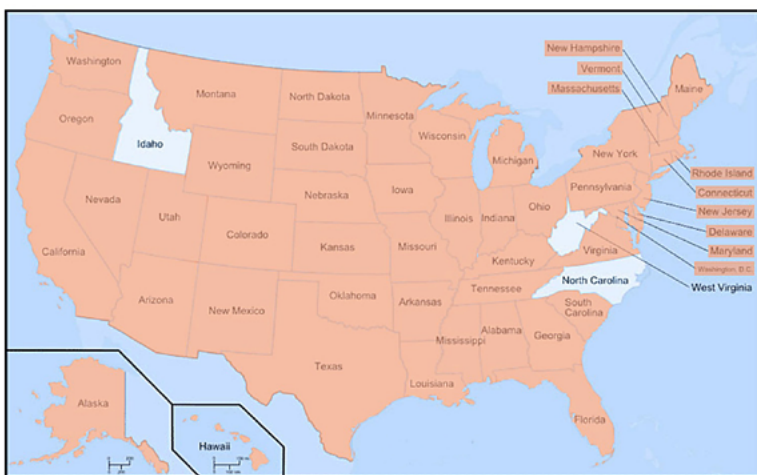
- A matrix of all enacted tenant RTC laws and ordinances;
- Information on how to use federal COVID-19 funding for RTC, along with a national clearinghouse of information on jurisdictions that have used federal funding in this way;
- Data on the impacts of enacted RTC programs; and
- Public opinion research and key talking points.

#### 2022 SAW US UNDERTAKE A UNIQUE, FIRST-OF-ITS-KIND PROJECT

We co-lead an effort with Results for America, PolicyLink, Heartland Center for Jobs and Freedom, and RedBridge Strategies on a training series: the [Advancing Housing Justice: Right to Counsel for Tenants Sprint](#). Out of 35 applicants, we selected 13 teams, with over 100 individual participants (including policymakers, government officials, legal aid attorneys, and organizers) from jurisdictions across the country. These participants joined weekly training sessions, completed assignments designed to help them work through RTC-related questions and solutions, and participated in one-on-one meetings to discuss their challenges and action plans with the partners. At the start of 2023, we are running a second iteration of the Sprint with a new cohort!

Additionally, as a way of spurring cities to enact RTC legislation, we collaborated with CityHealth to develop the "Legal Support for Renters" rubric. This rubric grades 75 CityHealth cities on the existence and quality of their tenant RTC programs, and we provide support to CityHealth cities that indicate interest in adopting the policy. We also co-developed a [report](#) with Enterprise Community Partners on how healthy housing, affordable housing, and RTC policies further public health.

Finally, working alongside a number of national housing advocacy groups, we engaged at the federal level. First, we worked to increase federal funding of tenant representation: in response to a bill we worked on with U.S. House Representatives Clyburn and Price, Congress appropriated \$40 million over 2 years to HUD for tenant representation grants to cities and states. Additionally, we provided input to U.S. Dept. of the Treasury that improved the use of federal emergency funding for tenant representation.



## SUPPORTING OTHER RIGHT TO COUNSEL LEGISLATION

The NCCRC continues to track all federal, state, and local RTC legislation on our legislative tracking page. Between 2021 and 2022, over 150 state bills were filed to expand or improve the RTC in various kinds of civil cases. Besides assisting with bill drafting and submitting testimony, we ensured local advocates knew which bills were introduced in their jurisdictions. Some examples of our work this year include a Colorado bill that added the RTC for older children involved in child abuse and neglect matters and a California bill that strengthened the RTC for vulnerable adults subject to guardianship proceedings.

## ADVANCING RIGHT TO COUNSEL THROUGH THE COURTS

We support the efforts of advocates pursuing litigation in state court to establish the RTC as a constitutional right. For this work, we submit amicus briefs (often in partnership with other national or local organizations), provide research support, and help with oral argument preparation. Examples of some of this work include:

- Alaska caselaw provides that parents in private custody cases are entitled to counsel where their opponent is represented by state-funded counsel such as legal services or the statewide pro bono program. In *Matter of Office of Public Advocacy*, Alaska's Supreme Court held that this right also extends to cases where the opponent is represented by a pro bono attorney who is supervised by the legal aid program. We provided briefing and oral argument assistance to Alaska Legal Services.

- In *Commonwealth v. Dufresne*, the Supreme Judicial Court of Massachusetts took up the question of whether a defendant in a domestic violence order of protection case is entitled to appointed counsel. We submitted an amicus brief, arguing that the RTC for respondents in such cases could not be addressed without also addressing the RTC for petitioners. We also collaborated with other amici on their arguments. In 2022 the Court avoided the RTC question and ruled on other grounds, which we considered a victory.
- We continue to be involved in pending cases in California, Louisiana, Michigan, and New York concerning RTC issues for parents in child welfare and custody matters, and we are part of collaborative efforts exploring litigation in areas such as involuntary medical treatment and the Americans with Disabilities Act.

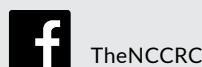
## BOOSTING PUBLIC FAMILIARITY WITH AND ENTHUSIASM ABOUT CIVIL RIGHT TO COUNSEL

The NCCRC is the primary national repository of civil RTC information. But for us, it's not enough to curate and update research: We want it out in the world! So this year, we increased public awareness about the need for a RTC in civil cases by:

- **Presenting** at webinars hosted by the National Low Income Housing Coalition, the California Legal Services Funders Network, Maryland Legal Aid, Arizona's William E. Morris Institute for Justice, Housing Not Handcuffs, and New York Law School, as well as at annual conferences such as the National Legal Aid & Defender Association Annual Conference, Maryland Court Help Center Provider Conference, and Housing Justice Network Conference.
- **Leading law school classes about RTC** at Seton Hall University, Touro Law School, and Cornell University.
- **Providing testimony to the U.N. Human Rights Committee on the elimination of Racial discrimination.** NCCRC's Coordinator submitted testimony to push the United States to advance access to justice by expanding the RTC in civil matters.

- **Publishing reports and articles (and helping to review and edit quite a few).** For instance, with the ACLU, we co-authored [No Eviction Without Representation](#), a report highlighting the efficacy of RTC as one of the solutions for the eviction crisis! Our Associate Coordinator published [A Nationwide Movement: The Right to Counsel for Tenants Facing Eviction Proceedings](#), a law review article spotlighting the national tenant RTC movement. And we provided input upon request to a dozen different state and local reports issued by public and private entities.
- **Convening** regular national and federal housing policy working groups where we meet with representatives from other national organizations to discuss RTC advocacy and advancements.

2022 was a huge year for the NCCRC. 2023 will be even better! We've got exciting resources, events, and updates that we can't wait to share with you. So get ready to celebrate 20 years strong with us!



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