

## **Amanda Scott Application for 2018 Truman Scholarship - Policy Proposal**

**To:** Representative Jim Hill

**Office Held:** Chairman of the Alabama House Judiciary Committee

**Issue:** Critical need for a right to counsel for indigent Alabama tenants

### **Problem Statement:**

The affordable housing crisis has shown that there is a critical need for a civil right to counsel for low-income tenants facing eviction in the United States and Alabama in particular. A 2017 report from the Legal Services Corporation found that 60 million low-income Americans—one in five—were eligible for civil legal assistance.[1] 71% of low-income households in America experienced at least one civil legal problem in the last year, with the majority involving "basic human needs" such as housing, yet 86% received no or inadequate legal assistance due to limited resources.[2] Access to legal aid in Alabama is among the worst in the country. Alabama is ranked the sixth poorest state with 25% of Alabamians qualifying for legal assistance.[3] According to data from the National Center for Access to Justice, Alabama ranks 41st among all states for access to legal aid.[4] For every 10,000 Alabamians who qualify for legal aid, there is less than one civil attorney.[5]

Having access to counsel can mean the difference between keeping or losing a home for low-income families facing eviction. Studies show that parties represented by legal counsel are on average 40 percent more likely to prevail than parties who represent themselves.[6] A 50-state survey conducted by the National Coalition for a Civil Right to Counsel shows that no state to date has provided a categorical right to counsel to low-income tenants facing eviction.[7] To date, New York City is the only local government to do so. A 2016 report from the New York City Mayor's office shows the impact legal counsel has had for low-income tenants facing eviction since it implemented a right to counsel in 2014.[8] In 2013, only one percent of tenants had legal representation in housing court, compared to 99 percent of landlords.[9] Today, more than one in four have legal representation and evictions have fallen 24 percent.[10]

**Proposed Solution:**

The Alabama House Committee on the Judiciary can address the legal aid crisis facing Alabama's poor by proposing legislation to amend Alabama's state code to guarantee a categorical right to counsel for indigent tenants in eviction cases. Alabama's current state code already provides for the appointment of counsel for indigent parties in other civil cases, including for indigent parents facing termination of parental rights.[11]

Guaranteeing a categorical right to counsel for indigent tenants facing eviction will result in substantial cost savings for the State of Alabama in the immediate and long-term. A 2015 report by Community Services Analysis LLC, the leading provider of social return on investment analysis in the United States, showed that the State of Alabama invested \$8.7 million in legal aid services but gained over \$77.1 million for an 884% return on investment.[12] For every \$1 Alabama invested in legal aid services, it received \$8.84. According to the report, the benefits included cost savings on emergency housing and legal fees resulting from eviction proceedings.[13]

**Major Obstacles/Implementation Challenges:**

The greatest obstacle to implementing a categorical right to counsel for indigent tenants in eviction cases in Alabama is likely to be the financial costs. Although there is no data to date on the exact costs, it is likely to require a serious financial investment from the state. Yet, the return on investment is guaranteed to be substantial in both the short and long term. Comparing data from the case study in New York City, a 2016 report from the New York Bar Association showed that the city's \$100 million annual investment in legal aid services will result in cost savings of \$340 million as a result of lower eviction rates and decreased needs for emergency homeless shelters and transitional housing.[14]

**References, Footnotes, and Exhibits:**

[1] <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>

[2] <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>

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- [4] <http://www.secf.org/legal-aid-al>
- [5] [https://secf.memberclicks.net/assets/1-Website\\_Index/3-Programs/AffinityGroups/Bar-Foundations/Infographics/barfoundations\\_infographic\\_al.pdf](https://secf.memberclicks.net/assets/1-Website_Index/3-Programs/AffinityGroups/Bar-Foundations/Infographics/barfoundations_infographic_al.pdf)
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- [12] <https://www.alabar.org/assets/uploads/2015/07/2016-AM-MCLE-Materials-13-Funding-Civil-Legal-Services-Millions-for-Alabamians.pdf>
- [13] <https://www.alabar.org/assets/uploads/2015/07/2016-AM-MCLE-Materials-13-Funding-Civil-Legal-Services-Millions-for-Alabamians.pdf>
- [14] [http://www2.nycbar.org/pdf/report/uploads/SRR\\_Report\\_Financial\\_Cost\\_and\\_Benefits\\_of\\_Establishing\\_a\\_Right\\_to\\_Counsel\\_in\\_Eviction\\_Proceedings.pdf](http://www2.nycbar.org/pdf/report/uploads/SRR_Report_Financial_Cost_and_Benefits_of_Establishing_a_Right_to_Counsel_in_Eviction_Proceedings.pdf)