



PHILADELPHIA BAR ASSOCIATION
CHANCELLOR'S TASK FORCE ON CIVIL GIDEON

2012 REPORT TO THE BOARD OF GOVERNORS

November 21, 2012

TABLE OF CONTENTS

	PAGE
ACKNOWLEDGEMENTS.....	1
I. BACKGROUND AND MISSION OF THE TASK FORCE.....	2
II. OVERVIEW OF ACTIVITIES IN 2012 AND PLANS FOR 2013.....	2
A. COMMUNICATIONS AND EDUCATION ACTIVITIES	3
B. STATEWIDE STRATEGIES ACTIVITIES.....	4
C. HOUSING WORKING GROUP ACTIVITIES.....	5
D. FAMILY WORKING GROUP ACTIVITIES.....	7
III. CONCLUSION.....	8

ACKNOWLEDGEMENTS

As co-chairs of the Chancellor's Task Force on Civil Gideon, we would like to thank all Task Force members and leaders in the legal community who participated as members of our working groups or otherwise assisted in our ongoing efforts. We recognize Philadelphia Bar Association 2009 Chancellor Sayde Ladov for initiating the Task Force, and Chancellor John Savoth, Chancellor-Elect Kathleen Wilkinson, Vice Chancellor William Fedullo, and Ken Shear, Executive Director of the Association, for their ongoing support.

We are grateful to the many members of the legal community committed to Civil Gideon and improving access to justice in Philadelphia, and we would like especially to thank the judges who are members of the Task Force and have attended the many plenary and working groups meetings over the past four years. In particular, we recognize the Honorable Pamela Pryor Dembe, President Judge of the Philadelphia Court of Common Pleas, the Honorable Marsha H. Neifield, President Judge of the Municipal Court, the Honorable Annette M. Rizzo, The Honorable Denis Cohen, the Honorable Margaret T. Murphy, the Honorable Anne Lazarus, and the Honorable Rosalyn Robinson for contributing their time, insight and experience to our efforts.

We are also grateful to all of the members of the Task Force and its working groups who have dedicated many hours of hard work to our efforts. Special thanks to the following leaders of the Task Force's 2012 Working Groups: Karen C. Buck and Anita Santos-Singh, co-chairs of the Housing Working Group, Molly Callahan and Megan Watson, co-chairs of the Family Working Group; Professor Louis Rulli and Albert S. Dandridge III, co-chairs of the Communications and Education Working Group; and Jennifer Clarke, co-chair of the Statewide Strategies Working Group.

We recognize the research and writing assistance provided during 2012 by the following law students: Geneva Campbell from University of Pennsylvania Law School; and Karla Cruel, Drexel University School of Law.

Finally, we thank the dedicated staff of the Philadelphia Bar Association and, in particular, Merrill Zebe, public interest coordinator, Mark Tarasiewicz, associate executive director, and Wesley Terry, web manager, for their invaluable assistance.

Joseph A. Sullivan and Catherine C. Carr, Co-Chairs, Civil Gideon Task Force

I. BACKGROUND AND MISSION OF THE TASK FORCE

In 2009, the Philadelphia Bar Association's Chancellor Sayde Ladov established the Civil Gideon Task Force to explore efforts underway in other jurisdictions, to educate the bar and public about the importance of expanding access to counsel in critical human needs cases, and to develop short term, intermediate and long term concrete and practicable proposals to improve access to justice and advance a civil right to counsel, particularly in cases involving the threatened loss of child custody and shelter. Members of the Task Force include representatives from the private and public bar and the judiciary. In addition to creating several working groups to explore the development of possible local projects to advance increased access to legal counsel for low-income people faced with the threatened loss of housing and child custody, the Task Force formed a working group to develop a plan to inform the legal community and public about the importance and need for expanding access to counsel in these cases as well as a working group to explore statewide strategies.

II. OVERVIEW OF ACTIVITIES IN 2012 AND PLANS FOR 2013

In late 2011, the leadership of the Association and the Task Force and co-chairs of the working groups engaged in strategic planning to identify achievable goals during the economic downturn and to explore additional statewide strategies to address the widening civil justice gap. Following this strategic planning process, the Task Force determined that it would focus its efforts during 2012 to develop and implement strategies to accomplish the following overarching short, intermediate and long-term goals:

- Strengthen the partnership and collaboration with the judiciary to improve access to justice for unrepresented low-income people in Philadelphia involved in adversarial custody and housing proceedings;
- Narrow the justice gap and expand access to civil legal representation through existing legal services organizations for low-income people involved in adversarial civil proceedings by advocating for increased funding for such legal services programs, educating the public, further developing intermediate measures to provide access to justice and developing a statewide strategy in partnership with other key stakeholders; and
- Sharpen efforts to create a civil right to counsel for low-income people involved in adversarial civil proceedings involving basic human needs.

In this Report, the Task Force is proud to detail a number of accomplishments that were achieved during this difficult year and to share the strategic direction taken this year as well as its vision and plans for the coming year. As reflected in the below report, the members of the Task Force and its working groups continued to contribute countless hours and tireless energy to advancing both the ideals behind the Civil Gideon concept and several creative and practical proposals to advance access to justice. In 2012, the Civil Gideon Task Force has scheduled four plenary meetings and there were many meetings and conference calls held independent of the full Task Force to work on the activities outlined below by members of the Communications and Education Working Group, Housing Working Group, and the Family Working Group as well as a newly formed Statewide Strategies Working Group.

A. Communications and Education Activities

During 2012, members of the Task Force served as faculty to discuss the need for increased access to legal counsel at statewide judicial training programs and other local and national educational programs. The Task Force's signature educational event of the year was the November 13 Chancellor's Forum on the Civil Justice Gap, which was planned to facilitate a dialogue on how key stakeholders can work collaboratively on improving access to justice, highlight actual and proposed developments to increase access to justice, and explore strategies to narrow the civil justice gap, including laying the foundation for organizing and launching statewide hearings on the civil justice gap, as more fully described below. Karen C. Buck, Executive Director of the SeniorLAW Center and Co-Chair of the Task Force Housing Work Group, opened the program with an overview of the current state of the civil justice gap crisis. Panelists included the Honorable Fern A. Fisher, Deputy Chief Administrative Judge for New York City Courts, Director of the New York State Courts Access to Justice Program, and member of the New York Task Force to Expand Access to Civil Legal Services, who discussed the roles and responsibilities of the judiciary in insuring access to justice as well as annual hearings and recommendations and innovations that have been implemented in New York; these include the Lawyer for the Day programs that are administered by the court and provide unbundled legal assistance by pro bono volunteer attorneys in landlord tenant and consumer cases. The Honorable Anne E. Lazarus, Pennsylvania Superior Court Judge and member of the Civil Gideon Task Force, discussed the importance of increased access to counsel for the courts and litigants from the viewpoint of an appellate and trial judge, the role of the courts in dealing with pro se litigants, and projects implemented by local courts in Pennsylvania to improve access to justice. Senator Stewart J. Greenleaf, R-Montgomery/Bucks, 12th Senatorial District and Chairman of the Senate Judiciary Committee, discussed the role and responsibility of the legislature to support legal services and opportunities in 2013 to increase legal services funding as well as the possibility of conducting statewide public hearings in 2013. Louis S. Rulli, Practice Professor of Law and Director of Clinical Programs at the University of Pennsylvania

Law School and Co-Chair of the Civil Gideon Task Force Communications and Education Working Group, discussed the economic and social benefits of funding civil legal services, which are also analyzed in a recent article written by Professor Rulli entitled, “Justice Gap: The Value of Civil Legal Assistance to the Poor,” which was featured on the front page of *The Philadelphia Lawyer* magazine fall 2012 edition. In a [Report](#) dated April 11, 2012, which was commissioned by the Pennsylvania Interest on Lawyer Trust Accounts program (IOLTA), researchers found that for each dollar spent on legal aid in Pennsylvania, \$11 of quantifiable economic outcomes and savings were realized for all residents of the Commonwealth.

In the coming year, the Communications and Education Working Group will work in partnership with the Statewide Strategies Working Group to promote publicity of the public hearings, as more fully outlined below. The group will also explore plans to mark the 50th Anniversary of the decision of *Gideon v. Wainwright*. Members of this group will continue to work on additional articles and other forms of publicity to highlight the widening justice gap and need for increased funding for legal services as well as to inform the legal community and public about the need for Civil Gideon. The [Civil Gideon Corner](#) will also be routinely updated to provide current information about local and national developments in the civil right to counsel movement.

B. Statewide Strategies Activities

In early 2012, the Task Force created a Statewide Strategies Work Group with the goal of forming a broad-based statewide coalition of essential stakeholders to work collaboratively on improving access to justice; and to plan and conduct a series of statewide public hearings to generate greater public awareness and understanding of the civil justice gap crisis; to identify various solutions to close the justice gap; and to explore whether Pennsylvania should implement an Access to Justice Commission. Numerous meetings and conference calls were held by members of this new group throughout the year to explore the feasibility of pursuing various statewide strategies. The approach of the New York Task Force to Expand Access to Civil Legal Services was researched and discussed at these meetings. The group decided to prepare a draft proposal plan for creating a special commission or coalition, which would be supported by the Pennsylvania Bar Association and county bar associations across the Commonwealth as well as other key stakeholders, to conduct statewide public hearings over a period of one year to generate a greater awareness and understanding of the growing crisis in the unmet critical civil legal needs of low-income clients and to identify and recommend various solutions to these concerns. The hearings would highlight the significant economic and social harm to the community and courts when critical legal needs are unmet as well as the benefits from increasing access to civil legal services. It is anticipated that the hearings will produce a report with recommendations that provide a valuable blueprint for additional steps that courts, legislators,

bar associations, executive agencies, and other key stakeholders can take to improve access to justice and narrow the civil justice gap in Pennsylvania.

The statewide hearings project is designed to increase public awareness and support for the need to provide legal representation in civil cases involving basic human needs. In the course of conducting the hearings, it is anticipated that outcomes may include not only the enactment of legislation to increase funding for civil legal services, but also the adoption of court rules that improve access to justice; innovation in the use of technology, self-help programs, and other reform measures intended to bolster the delivery of free legal services; increased collaborations and cost-sharing among regional providers; expanded pro bono and limited representation legal services delivery models; and the possible formation of a formal statewide access to justice entity, such as an Access to Justice Commission.

Senator Stewart Greenleaf has agreed to hold several statewide hearings under the auspices of the Senate Judiciary Committee during 2013. In the coming weeks, members of the working group will meet with the Pennsylvania Bar Association leadership and other key stakeholders to finalize the formation of the coalition and the details of the plan. The group also intends to apply for a modest grant from the ABA to cover costs associated with forming a coalition, conducting the hearings and exploring the possible implementation of an Access to Justice Commission.

C. Housing Working Group Activities

A major accomplishment of the Housing Working Group was the official launch on January 31, 2012, of the Philadelphia Landlord/Tenant Legal Help Center, a court based, independent collaborative project that was envisioned and developed by the Housing Working Group in conjunction with Municipal Court leadership, other key stakeholders and members of the Task Force. Seed funding to launch and operate this project in 2012 was provided through the advocacy of Task Force member Gerald A. McHugh, a Fellow of the American College of Trial Lawyers (“the College”) who secured funding from the College and individual Fellows of the College to cover the costs of hiring a part-time attorney to supervise operations. Coordinated by the SeniorLAW Center, the Legal Help Center is now operating in Municipal Court two days a week for several hours each day, providing free legal information, advice and limited representation to unrepresented, low-income individuals of all ages who are facing eviction and other legal rental housing problems in Philadelphia. Tenants sign in at the Clerk’s Counter to schedule a meeting with an attorney on a first-come, first-served basis. The Legal Help Center also now offers a virtual telephone help line, which greatly expands the Center’s operational hours and its capacity to provide increased services. As of November 20, 2012, the Help Center has provided services to 761 tenants in person. An additional 460 tenants were assisted by the Legal Help Center through the telephone intake system since June 18, 2012.

Recently, a Steering Committee was formed to provide long term guidance, direction and assistance to the Supervising Attorney of the Help Center and the SeniorLAW Center, the 501 (c) (3) that administers the project, in a number of core areas, including resource development; volunteer development and recruitment; program development; and communications, education and outreach. Representatives from the Task Force, city government agencies, private and public interest bar, and the courts have agreed to serve on the Steering Committee. The Task Force's Education and Communications Working Group will assist the Legal Help Center in publicizing its efforts as soon as the project is ready to conduct further community outreach. A recent additional financial donation from Gerald A. McHugh and Bartholomew Dalton, a member of the Board of Regents of the American College of Trial Lawyers, will enable the Legal Help Center to continue operations during the first quarter of 2013. The Philadelphia Bar Association also received a grant from the Pennsylvania Bar Association Trust Fund to cover the costs of the Help Center's purchase of a new computer and production of self-help brochures for tenants. Additional fundraising efforts by the Steering Committee will be conducted during 2013 to ensure ongoing operations.

In 2012, the Housing Working Group also worked with NPC Research and the National Coalition for a Civil Right to Counsel (NCCRC) on preparing a letter of intent for a grant proposal submitted by NPC Research to the State Justice Institute to fund a national study of the economic and societal benefits of providing counsel to tenants in eviction cases. Judge Marsha Neifield, President Judge of Municipal Court and member of the Task Force, submitted a letter indicating that the Court would consider supporting this project. Although this grant request was denied, and previous efforts by NPC to secure funding for the study have been unsuccessful, NPC and NCCRC advised the Task Force that it was considering revising the proposal and reducing the projected amount of funding needed for the study. In the coming year, the Task Force will assess the feasibility of pursuing this partnership or whether a different approach should be explored in light of the current economic climate. A detailed Civil Right to Counsel Social Science Study Design Report and Needs Assessment as well as a Cost Elements Report commissioned from NPC Research by NCCRC was completed in prior years and could be revised and submitted for future funding. Philadelphia and Tacoma, Washington, were selected by NPC Research to serve as research sites for this study.

During 2013, the Housing Working Group will continue to support the expansion of the Legal Help Center as well as explore the feasibility of pursuing a study of the benefits of providing legal assistance in eviction cases. The group will also continue its work on recommendations for due process and court simplification strategies during 2013.

D. Family Working Group Activities

In the past year, the Civil Gideon Family Law Working Group has worked on a number of initiatives. The group identified a federal grant which would have potentially provided funding for Family Court to conduct a needs assessment to determine barriers in custody cases. After an initial assessment, both the court and the legal services organizations would be eligible to apply for a grant to address the identified barriers. The working group was very excited about this new funding source and worked with the Family Court on ideas for the grant. Unfortunately, the funding application was withdrawn but may be re-released. The working group will continue to monitor this grant and will contact the court if and when the grant is released again.

Philadelphia Legal Assistance received a grant to create a “Hot Docs” program for family law cases using a friendly interface known as “A2J” that was developed by Kent School of Law. Hot Docs are forms which can be filled out on line by a pro se client. The software clearly and easily guides a pro se petitioner through the filing process and provides useful definitions of legal terms. The group is working with Family Court and other stakeholders to ensure that Hot Docs are easily accessible to clients.

During 2013, the Family Working Group will be developing a project that involves a subset of custody cases which would benefit from limited representation. Currently, the Philadelphia legal community is able to represent only a small number of clients in custody cases. Often these cases take years to resolve. However, experience shows that representation in custody matters even on a limited basis such as in emergency and/or expedited custody proceedings provides great benefits to the client. In Philadelphia, a petitioner files for emergency custody when there is an immediate risk to the child and files an expedited petition for time sensitive issues involving the child. Emergency hearings are scheduled within ten days and expedited hearings are scheduled within two weeks. Underlying custody cases are scheduled within four or more months. The outcome of the emergency or expedited hearing has a major impact on the ultimate outcome of the case. Emergency and expedited hearings are discrete hearings where representation by a knowledgeable attorney makes an enormous impact. By providing representation at that point only, the number of people who could be represented would be significantly increased.

The Family Working Group determined that it would be beneficial for Women Against Abuse to apply for a grant which would allow for limited representation at an emergency or expedited custody hearing as described above. To qualify for this representation, the client would need to meet income guidelines and be a victim of domestic violence. In the past, the group had discussed similar models using pro bono attorneys. However, given the need to rigorously evaluate such a program, it is important to have a single, experienced attorney handle these

cases. The model will contain an evaluation component that will assess the following outcomes:

- whether providing limited representation is beneficial for the client;
- whether limited representation is as useful as full representation; and
- what factors would determine the necessity of providing full v. limited representation.

It would also be useful to study whether representation makes it less likely that the child experiences immediate and future emotional, behavioral and other problems; limits or stops abusive contact for both victim and child; and provides cost savings to society.

Finally, in December the Family Working Group will send a representative to a workshop on *Access to Civil Justice Conference: Re-Envisioning and Reinvigorating Research*. This will assist the Working Group to design grant proposals containing the above described research components.

III. CONCLUSION

The Civil Gideon Task Force is pleased to provide this report on its 2012 activities and its planned activities in 2013 to the Board of Governors. The Task Force welcomes any input from the Board on its current and future work, and invites any Board member who would like to become more directly involved in one or more aspects of the Task Force's work to contact one of us, as Co-Chairs, for further discussion.