

President, Board of Supervisors
District 3



City and County of San Francisco

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FOR IMMEDIATE RELEASE
May 20, 2014

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Board President David Chiu and Advocates Release Stanford Report on Right to Civil Counsel, Highlight Need for Eviction Defense Funding
Report Shows Success of Leveraging Millions of Dollars of Pro-Bono Assistance and Cost Savings to City

San Francisco, CA -- Board of Supervisors President David Chiu joined Stanford Law School's Levin Center for Public Service and Public Interest Law in releasing its report on San Francisco's Right to Civil Counsel Pilot Program. In 2012, Supervisor Chiu sponsored legislation declaring San Francisco to be a right to civil counsel city, and spearheaded funding for a pilot program to provide free legal services to low-income tenants facing eviction.

"By making civil counsel a right for San Franciscans, hundreds of low-income tenants were able to access legal help and avoid eviction," said Supervisor Chiu. "But the City must commit to funding eviction defense at higher levels to ensure that every resident has the protections needed to stay in their homes."

"It is no surprise that the caring people of San Francisco would have supported the city becoming the first right to counsel city in the United States," said James Brosnahan of Morrison & Foerster LLP, one of the original advocates of the program. "There are 4.3 million Californians each year who go to court without a lawyer on issues which affect the relationship to their children, their housing, their credit and their medical care. San Francisco has a great program."

The Right to Civil Counsel Pilot Program was created with a \$100,000 grant that funded a staff attorney at the Justice & Diversity Center (JDC) at the Bar Association of San Francisco to recruit the participation of law firms, coordinate volunteer attorneys and develop training materials. In partnership with the non-profit organization Eviction Defense Collaborative, JDC developed efficient systems for referral and placement of clients with attorneys.

"Evictions cases move quickly and the rules are extremely technical," said Deepa Varma of the Eviction Defense Collaborative. "In court, landlords, who are often represented, ask how much of a return they will get on their investment. The question for tenants is different – 'where are my going children to sleep?' Facing that question, tenants must navigate a complicated and unforgiving legal process. Having an attorney can make the difference between winning and losing, between staying and eviction."

The following table highlights the impact during the first year of the pilot program:

	Cases	Adults Served	Children Served	Hours Donated	Value Donated	Law Firms Involved
Full Scope	117	194	66	6435	\$1,608,750	26
Limited Scope	692	935	230	2076	\$519,000	32
Total	N/A because scope of representation is different	N/A because scope of representation is different	N/A because scope of representation is different	8511	\$2,127,750	N/A because of overlap

“I am proud to report large law firms have stepped up to the challenge and are volunteering to represent low income San Francisco residents, thus saving hundreds of families from losing their homes,” announced Stephanie Skaff of Farella, Braun & Martel LLP and Board President of the Justice & Diversity Center of The Bar Association of San Francisco.

“It is imperative that tenants who live in rent controlled units and subsidized housing retain their housing, and in order to do this, tenants need to have legal representation from the beginning of their cases,” said Carolyn Gold, Supervising Attorney with the Justice & Diversity Center. “For each tenant who is evicted from a rent-controlled unit or subsidized housing, this city loses its families, its artists, its food servers, its babysitters, its car mechanics, its teachers, and the city loses its rich diversity. These people will never return.”

The pilot program was created at a necessary time. Between 2010 and 2013, the number eviction notices filed increased by 38%. The increase includes not only Ellis Act evictions, but also evictions related to owner-move-in, breach of lease, and termination of Section 8 cases. In 2013, 550 tenants lost their case simply because they didn’t respond to a lawsuit or show up to court to defend themselves. Of the tenants who did file a response and requested a jury trial, over 1100 arrived at court without attorney representation. Many more tenants are likely pressured out because they are unaware of their rights.

More than half of the tenants responding to eviction lawsuits had incomes at 125% or less than the federal poverty level -- \$14,600 a year for one person or \$29,800 for a family of four. Low-income tenants are especially vulnerable if they have physical or mental disabilities or language barriers for monolingual immigrants.

“Don’t assume that just because you can’t afford an attorney you won’t find one,” said Idella Hill, a tenant that received services under the Right to Civil Counsel Pilot Program. “My attorney, Eunice Chang with the Justice & Diversity Center, prevented me from being evicted and stopped my landlord from harassing me.”

“Our client’s family risked losing their home at a time when they were expecting a new baby”, said volunteer attorney Julie Nicholson of Morrison & Foerster LLP. “I cannot imagine how the family could have navigated the legal process without counsel. We were honored to help this family avert a near-disaster and focus on welcoming their baby to the world.”

The Stanford report found that law firm participation in conjunction with legal services providers had a positive impact on cases requiring intensive resources, especially in full-scope representation of tenants in danger of losing their homes. Cost savings to the City are substantial as the City spends \$30/night per sheltered individual, and the average stay at shelters for individuals is 60 nights.

The pilot program has leveraged \$100,000 in initial funding into an estimated \$2.12 million worth of pro bono legal services. It has played a critical role in meeting eviction defense needs for more than 600 tenants in a single year. Supervisor Chiu and other supporters of the Right to Civil Counsel Pilot

Program believe that funding for eviction defense must be increased by \$700,000 to increase the capacity to serve the additional low-income individuals and families who are in need of eviction defense.

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