



NCCRC: Building Momentum for an Idea Whose Time Is Now

The National Coalition for a Civil Right to Counsel (NCCRC) was founded in 2003. Our mission is to encourage, support, and coordinate advocacy to expand recognition and implementation of a right to counsel for low-income people in civil cases involving basic human needs. Our strategy incorporates state-level litigation, legislation, research and public education, and is based on the knowledge that achieving widespread success will require a sustained effort over many years.

Today, we have nearly 300 participants from 38 states, and have almost doubled in size in the last five years. Our participants come from a variety of sectors: legal services, advocacy groups, law firms, academia, private bar, and access to justice commissions.

The Public Justice Center (PJC) provides the necessary backbone to this growing movement. PJC Staff Attorney John Pollock leads and staffs the NCCRC, offering technical assistance, research and strategic planning, and PJC uses additional funds to pay for project expenses.

Notable NCCRC achievements include the following:

- **We helped re-launch the modern civil right to counsel movement.** In 2006, with urging from the NCCRC and others, **the American Bar Association (ABA) unanimously adopted a policy resolution on the civil right to counsel** that *“urges federal, state, and territorial governments to provide legal counsel as a matter of right at public expense to low income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody, as determined by each jurisdiction.”* This policy resolution spurred numerous state bars to either adopt the Resolution or establish their own, led to the creation of civil right to counsel task forces within state bars and access to justice commissions, and inspired much of the litigation and legislative efforts around the country. In particular, it was a resource for AB590, the bill that established California’s 6-year civil right to counsel pilot program.
- **We support victories in the courts.** In January 2014, the **Supreme Court of Hawaii** unanimously ruled that indigent parents have a constitutional right to counsel in abuse/neglect and termination of parental rights proceedings. Later that year, the **Indiana Supreme Court** made it clear that an Indiana statute guarantees a right to a lawyer for all indigent Indiana parents in abuse/neglect cases, reversing a decision from the Court of Appeals. In 2015, the **Supreme Judicial Court of Massachusetts** became the first high court to rule that parents have a right to counsel in proceedings to establish private guardianships of their children, and the **Georgia Court of Appeals** protected the right to counsel for parents appealing a termination of parental rights decision. We were a key partner to parties and amici in these cases, helping to define strategy, contributing to the briefs, and providing extensive research assistance.
- **We transformed our website to become a vital resource for the growing movement.** The site’s interactive map allows the visitor to see the status of the right to counsel for a variety of subject areas for each state, along with all recent developments across the country. The site also features an interactive, hyperlinked, and comprehensive bibliography of every civil right to counsel resource ever released, as well as multimedia resources such as oral arguments and advocacy videos. www.civilrighttocounsel.org

- **At the request of various groups, we contribute to major policy reports.** These have included shadow reports on U.S. compliance with the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the National Law Center for Homelessness and Poverty’s annual “Human Right to Housing” report, the Dignity in Schools Campaign’s Model Code on Education and Dignity, the ABA Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings, and reports by two Maryland General Assembly task forces (the Task Force to Study Implementing a Civil Right to Counsel and the Commission on Child Custody Decision-Making).
- We help **coordinate and advance research around civil right to counsel.** Our staff have provided technical assistance to research pilot projects across the country, co-authored a manual with Washington Appleseed on starting a pilot project, and hosted a full-day conference on research featuring representatives from existing research efforts.
- We **co-developed a comprehensive new resource for judges.** The ABA “Directory of Law Governing Appointment of Counsel in State Civil Proceedings” outlines all the statutes, court rules, and cases in each state that require, permit, or prohibit the appointment of counsel.
- We are **providing extensive technical support to the Right to Counsel Coalition of New York City in their efforts to pass legislation** that would provide lawyers to low-income people facing the loss of their home. And **our website tracks all right to counsel legislation nationwide.**
- We **gave assistance on request to a variety of different initiatives by the California, Connecticut, Michigan, and Minnesota Bar Associations,** as well as the **access to justice commissions** in North Carolina and Wisconsin.
- We have **started receiving mainstream press attention,** with hits in the New York Times and Newsweek, among others. Meanwhile, our staff’s writing has continued to appear in newspapers, bar journals, and law reviews all over the country.

Funding the movement

The nature of the NCCRC – with its long-range vision and many moving parts – is not easily supported by foundation grants. In fact, only two foundations, the Public Welfare Foundation and the J.M. Kaplan Fund, currently provide support, but that support is time-limited and only covers a fraction of the full costs the project. In the past, the NCCRC has received financial support from special initiatives within the Open Society Institute, the Ford Foundation, and the ABA Section of Litigation. More recently, individual donors largely from within the NCCRC have stepped up with contributions, and some organizations have become official “members.” Nonetheless, the majority of the financial support comes from the unrestricted funds that Public Justice Center itself raises each year.

The current budget for the NCCRC is \$150,000 per year.

The Public Justice Center seeks to build sustainability for the NCCRC by a) increasing individual and organizational donations and b) launching a new initiative to identify, cultivate, and recruit major individual donors who have an interest in seeing this right established in the U.S. and have the capacity to make or encourage others to make a generous gift in order to accomplish this.