

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, while the Supreme Court has ruled that criminal defendants facing possible incarceration who are unable to afford to pay private defense counsel are entitled to appointed counsel at government expense, the right to counsel does not extend to non-criminal cases that can also have life-altering outcomes, including eviction and unlawful detainer actions, child custody cases, some guardianships and conservatorships, immigration enforcement actions, and more; and

WHEREAS, in 2009, the State of California enacted AB 590 (Feuer), the Sargent Shriver Civil Counsel Act (SSCCA), which established a limited pilot program to appoint legal counsel to represent low-income parties in certain civil matters involving critical issues affecting basic human needs and increased various court fees to raise about \$7.5 million per year for these pilot projects; and a 2017 study of that pilot found that providing legal counsel resulted in fewer defaults and better outcomes for clients, improved court efficiency, facilitated settlements, and helped prevent the need for additional government services; and

WHEREAS, despite the need and proven efficacy of legal assistance programs, the Federal government appropriates only about \$425 million per year to the Legal Services Corporation, which distributes that funding to legal assistance agencies nationwide, include about \$49 million to agencies in California; and in 2019, the State of California enacted AB 330 (Gabriel) which raised SSCCA fees and was expected to raise approximately \$11.5 million for SSCCA programs statewide; and

WHEREAS, in the absence of funding from the Federal and State governments, the City of Los Angeles has used its own funds to provide civil counsel in immigration and housing cases; and

WHEREAS, when the federal government is undertaking legal action against individuals, as in the case of immigration matters, it should undertake the obligation to provide legal representation and has the fiscal capacity to do so; and

WHEREAS, the State of California, which currently enjoy a large budget surplus and will receive substantial additional federal assistance from the American Rescue Plan, has the fiscal resources to fund a robust civil counsel program; and for many reasons it is more fair and equitable to establish a Statewide program of legal assistance rather than a patchwork of local programs with different eligibility and reporting requirements, including that the legal actions are typically heard in state courts and that over the course of legal representation a client may reside in different jurisdictions;



MAR 16 2021

NOW, THEREFORE, BE IT RESOLVED, with concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-2022 Federal Legislative Program SUPPORT for legislative action that would establish a right to counsel in immigration matters and eviction and unlawful detainer cases, and substantially increase appropriations to the Legal Services Corporation to enable local legal assistance agencies to provide counsel in immigration matters, eviction and unlawful detainer cases and other civil matters involving complex laws and potentially life-altering outcomes, without regard to citizenship status; and

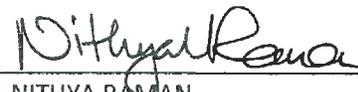
FURTHER

BE IT ~~ALSO~~ RESOLVED, with concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-2022 State Legislative Program SUPPORT for legislative action that would establish a right to counsel in immigration matters, eviction and unlawful detainer cases and other civil matters involving complex laws and potentially life-altering outcomes, that would provide substantial appropriations to legal assistance agencies that provide counsel to low- and moderate-income Californians, without regard to citizenship status.

PRESENTED BY:


BOB BLUMENFIELD
Councilmember, 3rd District

SECONDED BY:


NITHYA RAMAN
Councilmember, 4th District