

## LEGISLATIVE DIGEST

[Administrative Code – Right to Counsel In Civil Matters]

**Ordinance amending the San Francisco Administrative Code by adding Article 58, Sections 58.1 through 58.3, to: (1) declare San Francisco to be a Right to Civil Counsel City; (2) declare the intent of the Board of Supervisors to create a one-year San Francisco Right to Civil Counsel Pilot program.**

### Existing Law

Federal law requires states to provide counsel for the accused in a criminal proceeding when the accused cannot afford an attorney. There is no similar right in a civil proceeding.

### Amendments to Current Law

The proposed ordinance includes a declaration of policy in which the City declares its intent to work with the Courts, the Bar Association of San Francisco and interested persons to provide counsel in civil proceedings whenever the court "in its discretion believes that such counsel would assist in the fair administration of justice."

The proposed ordinance further provides that within six months of its effective date, the Board of Supervisors shall consider recommendations regarding the creation of a San Francisco Right to Civil Counsel Pilot Program to be administered by the City.

The proposed ordinance includes a further declaration of City policy: in fiscal year 2012-2013, the City's fiscal commitment to the Pilot Program shall be limited to the cost of a single staff person to coordinate the program, and that the legal services provided under the Pilot Program will be provided by pro bono and legal services attorneys.

### Background Information

Federal law requires states to provide counsel for the accused in a criminal proceeding when the accused cannot afford an attorney. But in many civil cases, the interests at stake are significant, involving human needs such as child custody, shelter, sustenance, safety or health. In such cases there may exist an inherent unfairness if a case goes forward with one side represented and the other side unrepresented. Therefore, the City intends to work with the Courts, Bar Association and other interested parties to provide a mechanism for the provision of legal counsel in such civil cases.