

Access to Counsel in Evictions Task Force
Implementation Committee Meeting
Minutes of Meeting of November 24, 2021

Committee Members in Attendance: Charisse Lue (co-chair); Stu Simms (co-chair); Erin Bradley (designee for Luke Lanciano); Jason Butler; David Eppler; Meredith Girard; Douglas Nivens; Pam Ortiz; Jonathan Riedel; Reena Shah; Vicki Schultz (Task Force Chair, *ex officio*)

Task Force Members and Staff in Attendance: Brenda Hurford; Leah Tulin

- Charisse Lue, co-chair of the committee, greeted everyone and started discussion on the topic of day-of representation services.
- Members of the committee shared current experience and process for Day of Service Representation (DoSR) and potential challenges in implementation of the new program:
 - Some providers do not do DoSR; others work with ERAP providers and court clerks
 - There is currently wide variation among jurisdictions with respect to how the rent court docket is handled (e.g., whether cases are called individually), whether and to what extent DoSR providers are identifiable to tenants, and whether providers have access to the docket in advance for preparation/allocation of attorneys
 - Committee members shared concerns regarding access to resources – e.g., reliable WiFi, space to conduct confidential client meetings, copy machines
 - Committee members shared challenges for those with disabilities and language-access barriers
- The committee discussed and agreed on a series of recommendations for implementation of the new program, including making sure that tenants are aware of their right to access counsel.

Committee Recommendations:

- The Implementation Committee recommends that the judiciary adopt uniform rules and procedures for rent court dockets, including:
 - Requiring that district court judges announce the availability of DoSR providers and implement processes to rearrange docket order to facilitate DoSR (e.g., Baltimore City red form)
 - Improved signage to ensure that tenants can identify and locate DoSR providers
 - An individualized colloquy informing defendant of their right to access counsel
 - A rule providing for a continuance as of right where necessary to ensure that tenants can exercise their right to access counsel
- The Implementation Committee recommends that resources be devoted to ensure that courthouses can accommodate the program and ensure ADA and language access compliance. Needed resources include: technology, Wi-Fi, equipment, and space for confidential client meetings.