

RESOLUTION TO COSPONSOR THE REPORT AND RECOMMENDATIONS OF THE AMERICAN BAR ASSOCIATION'S PRESIDENTIAL TASK FORCE ON ACCESS TO JUSTICE IN CIVIL CASES

WHEREAS, the American Bar Association President Michael Greco formed the ABA Presidential Task Force on Access to Justice in Civil Cases to study and recommend whether a proposed resolution should be introduced to support the provision of counsel as a matter of right at public expense to low income persons in certain adversarial proceedings where basic human needs are at stake;

WHEREAS, in the Report to the House of Delegates, the ABA Presidential Task Force on Access to Justice in Civil Cases found that there is a persistent shortage of legal aid funding nationwide, which has resulted in a vast and continuing unmet need for the services of lawyers among those unable to afford counsel;

WHEREAS, the Report of the ABA Presidential Task Force on Access to Justice in Civil Cases Report noted that when parties lack legal counsel in civil proceedings, many are denied access to fair and impartial dispute resolution and that the adversarial process often breaks down and the courts cannot properly perform their role of delivering a just result. The Task Force Report further noted that large numbers of pro se litigants lose their families, their housing, their livelihood, and other fundamental interests, losses many of them would not have sustained if represented by counsel;

WHEREAS, the Report of the ABA Presidential Task Force on Access to Justice in Civil Cases recommends that the ABA adopt the following proposed resolution, which will be presented to the ABA House of Delegates on August 7 and 8, 2006, at the ABA Annual Meeting in Hawaii:

RESOLVED: That the American Bar Association urges state, territorial and federal jurisdictions to provide 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.

WHEREAS, the Philadelphia Bar Association has been invited by the ABA to join other selected bar associations in cosponsoring the proposed resolution;

WHEREAS, the issue of provision of counsel as a matter of right for low income persons in civil matters where basic human rights are at stake, sometimes referred to as "Civil Gideon," was comprehensively evaluated at the University of Pennsylvania Law School Edward R. Sparer Symposium recently held here in Philadelphia in conjunction with the 2006 Equal Justice Conference co-sponsored by the ABA and the National Legal Aid and Defender Association, at which overwhelming support for "Civil Gideon" was expressed.

NOW, THEREFORE, BE IT RESOLVED that the Philadelphia Bar Association hereby approves and authorizes the participation of the Association as a cosponsor of the proposed ABA resolution as set forth above.

AND BE IT FURTHER RESOLVED that the Chancellor or his designee be authorized to communicate the Philadelphia Bar Association's position as set forth herein and to review the draft of the proposed resolution, and to offer any and all comments and suggestions to the principal drafters on behalf of the Association.

PHILADELPHIA BAR ASSOCIATION

BOARD OF GOVERNORS

ADOPTED: MAY 25, 2006