

## BASF Commemorates 50th Anniversary of *Gideon v. Wainwright* Decision

**March 18, 2013 – San Francisco** – The Bar Association of San Francisco (BASF) is marking today’s 50th anniversary of the landmark U.S. Supreme Court ruling *Gideon v. Wainwright* by reminding the legal community and the public about its programs promoting the right to counsel, including its indigent defense program and our new Right to Civil Counsel pilot program, which is the first of its kind in the United States.

*Gideon v. Wainwright* established the fundamental right to counsel in criminal cases for defendants who are unable to afford to pay their own attorneys. In January 1963, the United States Supreme Court heard oral arguments in *Gideon* and issued its unanimous decision on March 18, 1963. The question presented required the Court to consider overruling its own precedent: in 1942, the Court had held that lawyers were only necessary in criminal felony cases when special circumstances required it. Clarence Gideon, an indigent Florida prisoner, in a handwritten petition for writ of certiorari, asked that anyone too poor to hire their own lawyer in a felony case be provided with counsel.

As we celebrate the 50th anniversary of *Gideon*, BASF reflects on the work currently being done by its members to provide legal representation to those who cannot afford it. Indeed, in 2012, BASF, through its Justice & Diversity Center (JDC; formerly the Volunteer Legal Services Program) provided more than 8,000 pro bono clients with more than 50,000 volunteer attorney hours (an estimated value of \$18.5 million). Ongoing programs include:

### RIGHT TO CIVIL COUNSEL PILOT PROGRAM

In October 2012, BASF and the JDC launched the Right to Civil Counsel Pilot Program. San Francisco became the nation’s first “Right to Civil Counsel City” in 2012 when it passed a resolution stating that everyone should have access to legal services in cases involving basic human needs, including housing, child custody, sustenance, safety, and health. The City provided funding for a pilot program to study and measure the positive impacts of having civil litigants represented in cases involving basic human needs.

The focus of the pilot program is eviction defense work, where attorneys represent low-income clients in their unlawful detainer actions. Representation in these cases is critical, as nationally 90% of tenants are unrepresented in eviction cases, and the consequences of eviction can be devastating. Other pro bono opportunities that are part of this work include the following areas: family law, consumer law, and supplemental security income advocacy. The Justice & Diversity Center provides training, support, and malpractice insurance for all of these opportunities.

Read about a recent success story of the program.

## **BASF Commemorates 50th Anniversary of Gideon v. Wainwright Decision (continued)**

### INDIGENT DEFENSE IN CRIMINAL CASES

In San Francisco, when the public defender has a conflict of interest, criminal defendants and minors are represented by private attorneys from a panel administered by BASF. In 2003, the San Francisco Superior Court contracted with BASF's Indigent Defense Administration (IDA) to provide comprehensive and cost-saving oversight to the administration and billing associated with conflicts appointments, and since then, IDA has provided quality indigent defense representation through the private bar.

### LEGAL ADVICE & REFERRAL CLINICS

Twice each month the Justice & Diversity Center offers free walk-in legal clinics in two San Francisco neighborhoods. Low-income clients receive legal advice and/or referrals from experienced attorneys in various areas of the law.

### LAWYER REFERRAL AND INFORMATION SERVICE

In addition to the programs described above, through its Reduced Fee Services Program, the Public Service Programs of BASF's Lawyer Referral and Information Service (LRIS) refers clients in need of sliding scale legal services to knowledgeable, skilled attorneys in virtually all areas of civil practice.

Low-cost legal assistance is also available to military personnel, their family members and veterans through the LRIS Military Assistance Program (MAP).

In addition, LRIS offers a program for free legal advice by telephone through its "Lawyers-On-Call" program. This program provides individuals with basic legal questions the opportunity to speak with an experienced LRIS attorney for 15 minutes.

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The Bar Association of San Francisco (BASF) is a nonprofit voluntary membership organization of over 8,000 attorneys, law students and legal professionals in the Bay Area. Founded in 1872, BASF is one of the largest and most dynamic metropolitan bar associations in the U.S., with a long and distinguished record of community action, public service and service to the legal profession.