

# **TBA and LAET Explore "Civil Right to Counsel"**

## **Series of Public Events Explored**

### **Legal Concept of “Civil Right to Counsel”**

CHATTANOOGA – Legal Aid of East Tennessee (LAET) teamed with the Tennessee Bar Association (TBA) to host three panel discussions on the issue of Civil Right to Counsel. This is the year of the 50th anniversary of Gideon v Wainwright which established the right to counsel in criminal cases. A great deal of discussion has been going on nationally about the lack of a right to counsel in critical civil cases where the risk of harm is greater than that in many criminal cases, including domestic violence, custody, foreclosure and etc.

Each of the sessions began with videos featuring Tennessee Supreme Court Chief Justice Gary Wade and Tennessee Bar Association President Cindy Wyrick. The Knoxville event on November 15th was held at Lincoln Memorial University Duncan School of Law, and featured panelists DSL Prof. Bruce Beverly, Anderson County Juvenile Court Judge Brandon Fischer, Legal Aid of East Tennessee (LAET) Associate Director Debra House, DSL Assistant Dean April Meldrum, University of Tennessee Access to Justice Programs Coordinator Brad Morgan, Knox County Public Defender Mark Stephens and LAET Pro Bono Project Director Terry Woods. The second event was held November 18th at Memorial Park Community Center in Johnson City. The panel included First Judicial District Public Defender Jeff Kelly, Kingsport Attorney and LAET Board President Elect Don Mason, Johnson City Attorney Tony Seaton, Johnson City Attorney Aleania Smith and LAET’s Debra House. LAET Executive Director Dave Yoder moderated each of the first two panels. The third presentation was given today (November 22) on the UT Chattanooga campus. LAET Associate Director Russell Fowler moderated. The panel consisted of Chattanooga Attorney Buz Dooley, Jacob “Jake” Proffitt, and LAET Pro Bono Project Director Charlie McDaniel.

Lively and informative discussions were held at each venue that focused on the tremendous need that exists for attorney representation especially for low income persons in the civil courts. It was pointed out repeatedly that the loss facing persons in crisis situations in civil court and with civil law matters is often tremendous and frequently greater than that faced by criminal defendants. Panelists also noted that, in large part because of TV, the general public confuses the public defender’s office which works on the criminal side and legal aid programs which only handle civil cases. The tremendous loss of funding by the nation’s civil legal aid programs including Legal Aid of East Tennessee is a major contributing factor to the crisis in civil access to justice. In 1981, the 26 counties served by LAET had 81 legal aid lawyers to serve a much smaller eligible population. Today, due primarily to decades of Legal Services Corporations funding reductions, LAET has 23 lawyers to serve nearly 350,000 eligible citizens. Most panelists spoke to the ever increasing involvement of private and corporate attorneys in donating their services in a variety of pro bono activities that contribute millions of dollars of free legal help to low and moderate income Tennesseans across the state. But, in the end, this American commitment to “establish justice” and provide “justice for all” cannot be met by volunteer lawyers and grossly underfunded legal aid programs. It will take a national commitment of resources, a national will, to bring justice to all and not restrict our legal system to only those who can buy it..

For more information, contact David R. Yoder, LAET Executive Director, at (865) 637-0484.

Last updated on December 10, 2013.

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