

Kasecrafter Testimonials

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CONTROVERSIAL LEGAL TOPICS

"Civil Gideon": Should There Be a Right to a Lawyer in Civil Cases?

People facing eviction, losing custody, or being jailed for unpaid child support often have no right to an appointed lawyer. Advocates, courts, and lawmakers disagree about whether that should change.



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Gideon v. Wainwright, 372 U.S. 335 (1963), guarantees a lawyer to a person accused of a serious crime who cannot afford one. But most of the legal problems people face, such as evictions, custody disputes, debt collection, and benefits cases, are civil. In those cases there is generally no constitutional right to appointed counsel.

What the Supreme Court has said

- In *Lassiter v. Department of Social Services*, 452 U.S. 18 (1981), the Court held that the Constitution does not automatically require appointed counsel for a parent facing termination of parental rights. Courts must decide case by case.
- In *Turner v. Rogers*, 564 U.S. 431 (2011), a father was jailed for civil contempt over unpaid child support. The Court held that due process did not automatically require a lawyer when the other side was also unrepresented, but did require alternative safeguards, such as clear notice that ability to pay is the key issue and a finding on whether he could pay.

The case for a broader right

Supporters of a "civil Gideon" argue that:

- Housing, family integrity, and income are basic needs, and losing them can be as serious as a short jail sentence.
- People without lawyers are at a disadvantage when the other side is represented.
- Representation early in a case can prevent costlier problems later, such as homelessness.

In 2006 the American Bar Association urged governments to provide counsel to low-income people in civil cases involving basic human needs. Several cities have since created a right to counsel for

tenants facing eviction, starting with New York City in 2017.

The case for caution

Others raise concerns:

- **Cost.** Providing lawyers in every civil case would be very expensive, and budgets are limited.
- **Alternatives.** Some argue that simpler procedures, self-help centers, and limited-scope help can serve more people for the same money.
- **Fairness to all parties.** In cases like *Turner*, the other side is often an unrepresented parent too, and appointing a lawyer for only one side could create a new imbalance.

Where things stand

There is no national civil right to counsel. Coverage depends on where you live and the kind of case. Some states and cities provide counsel in certain eviction, custody, or guardianship cases. Others rely on legal aid, which often has more requests than it can meet.

Food for Thought

- If you could fund lawyers for only one kind of civil case, which would you choose, and why?
- Is it fair to appoint a lawyer for one unrepresented parent but not the other?
- Would simpler court procedures do more good than more lawyers, or is that a way of avoiding the harder question?

How Kasecraft can help

Whatever the policy debate, many people will represent themselves this year. Kasecraft's **Services** connect you with members who have been through similar cases for peer support (not legal advice), and the **ChatRoom** offers moderated topic rooms for encouragement and practical tips.

KASECRAFT FEATURE SPOTLIGHT

Peer Sessions (Services)

When legal fees are out of reach, you do not have to walk into court alone and unprepared. Each edition, we look at one Kasecraft tool and how it helps self-represented litigants present their case with confidence.

WHAT IT DOES

One-on-one and small-group sessions with members who have been through court, with video, chat, shared notes, and a practice timer. Sessions are peer support, not legal advice.

AN EXAMPLE

Luis is preparing for a custody hearing and feels overwhelmed. He books a session with a member who went through the same court last year. She walks him through how she organized her documents and what the hearing felt like, and he leaves with a checklist.

WHY IT PUTS YOU IN A STRONGER POSITION

- Talking to someone who has stood where you are standing replaces fear with practical knowledge.
- Peer sessions cost far less than an hour of attorney time, so more people can get guidance.

- Shared experience helps you know what to expect.

Cost: Set by the host, \$0 to \$500 per seat. kasecraftportal.com/services

Kasecraft tools are self-help resources, not legal advice or representation.

SOURCES AND CITATIONS

1. Lassiter v. Department of Social Services, 452 U.S. 18 (1981), Justia <https://supreme.justia.com/cases/federal/us/452/18/>
2. Turner v. Rogers, 564 U.S. 431 (2011), Justia <https://supreme.justia.com/cases/federal/us/564/431/>
3. Gideon v. Wainwright, 372 U.S. 335 (1963), Justia <https://supreme.justia.com/cases/federal/us/372/335/>

This article is general information, not legal advice. Laws change and differ by place. For advice about your situation, contact a licensed attorney, legal aid, or your court's self-help center.

Sandra Jenkins is the Kasecraft Journalist byline for Kasecrafter Testimonials, and her portrait is digitally created. Articles are researched from public sources and drafted with AI assistance, then published automatically every Monday and Thursday. They are general information, not legal advice. Spot an error? Write to kasecraftportal@aol.com.

ADVERTISE WITH US · COMMUNITY NOTICE BOARD

Your Notice Could Be Here

Businesses, individuals, schools, and organizations are invited to reach self-represented litigants, families, and students on the Kasecraft Community Notice Board: a trusted place to share announcements, request or offer assistance, and promote events and resources. Every listing is posted by a registered member and held to our community policy.

- **Six categories:** Announcement, Seeking help, Offering help, Event, Resource, and Other.
- **Simple to write:** a clear headline, a category, up to 500 characters, and an optional image link.
- **Flexible terms:** 30 days for \$5, 60 days for \$9, or 90 days for \$12 (best value, save 20%). Secure checkout through Stripe; Kasecrafter Dollars and member rewards apply automatically.
- **Private replies:** members respond through on-site messages. Your email and phone number are never displayed.
- **Published fast:** your notice goes live as soon as payment is confirmed, and readers can save it to come back later.

Get started: create your free account or log in at kasecraftportal.com/notices, then click Post a Notice.

Signing up is free. Listings start at \$5 for 30 days.

SAMPLE LISTINGS

EVENT

Free Legal Forms Clinic

Library volunteers help you find the right court forms. Saturdays, 10 to 1.

OFFERING HELP

Exhibit Lists Reviewed

Two-time pro se plaintiff offering to review exhibit lists. Message me on the site.

RESOURCE

Fee Waiver Guide

A plain-language walkthrough of court fee waiver forms and where to file them.