

House Housing & Community Affairs Committee Meeting

Written Statement of Chief Magistrate Alan G. Davis, March 22, 2022

Chairwoman Johnson, Vice Chair Bolden, and distinguished Members of the Committee, thank you for giving me the opportunity to discuss the Justice of the Peace Court's position on SS1 for SB 101 and the creation of a right to legal representation for tenants in eviction and other landlord-tenant actions.

I support the statutory creation of a right to legal representation for tenants in eviction and other landlord-tenant actions. As you know, the Justice of the Peace Court is the only court in the State that allows non-lawyers to practice before it. This limited right, created by Supreme Court Rule 57, allows non-lawyers to represent artificial entities to promote efficiency and reduce legal costs for litigants in the Justice of the Peace Court. This practice has had a positive effect in promoting judicial efficiency. However, it can also create an inequity in experience and outcomes in eviction and other landlord-tenant actions. Most often, the landlord is an artificial entity with legal representation while the tenant is an individual who is neither entitled to legal representation nor able to take advantage of Rule 57. Permitting tenants to have a right to legal representation under defined circumstances creates symmetry, promotes procedural fairness, and provides a meaningful opportunity for all parties to present all arguments and defenses that may be available to them. I believe that legal representation for tenants will also provide additional benefits. Both parties are more likely to be made aware of programs and resources available to them that may be mutually advantageous. Finally, it is my hope that legal representation for tenants will result in more frequent resolutions of cases outside of trial.

In sum, I believe that ensuring tenants have legal representation for evictions and other landlord-tenant actions is a good thing for the court system, for procedural fairness, and for justice writ large.

Thank you for your time and attention.

/s/ Hon. Alan G. Davis
Chief Magistrate, Justice of the Peace Court
March 22, 2022