
Date

Housing Court Judge
ADDRESS: _____

Re: Tenant Name: _____ Index No. LT - _____ - _____ /

Dear Judge:

I am eligible and entitled to a Right to Counsel attorney to provide full representation from the start of my case to the end of my case. As such, I respectfully ask that you adjourn my case for no less than 60 days so that I may retain counsel.

It is my understanding that under my right to civil legal counsel, I am entitled to free and full representation by an attorney. As you may know, prior to the passing of the Right to Counsel bill, 90% of landlords were represented in Housing Court while less than 5% of tenants were. After passing, Right to Counsel has helped to keep over 80% of tenants in their homes when represented by a tenant attorney. If you deny my Right to Counsel in this case, it is possible I will be wrongly evicted or lose the ability to raise important rights and defenses that require legal representation. Brief legal advice is not a substitute and is not the same as full representation under Right to Counsel.

As the Court knows, free attorneys across the City are not able to take my case because they have too many cases already and to take more would put them in violation of their professional rules. See language of Rule 1.3 on the back of this letter.

I know the courts are under pressure to maintain a place of justice, fairness, and equitable application of the law. To deny me an adjournment will violate my Right to Counsel as an eligible tenant facing eviction in Housing Court, and tilt the balance of power towards the landlord unfairly.

Whether you grant or deny my application, I respectfully ask that you put this letter into my court file and upload it to NYSCEF for me.

Thank you,

Signature

Print Name

Address

Phone Number

Rule 1.3 Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client.

Comment from American Bar Association

[1] A lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer must also act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf. A lawyer is not bound, however, to press for every advantage that might be realized for a client. For example, a lawyer may have authority to exercise professional discretion in determining the means by which a matter should be pursued. See Rule 1.2. The lawyer's duty to act with reasonable diligence does not require the use of offensive tactics or preclude the treating of all persons involved in the legal process with courtesy and respect.

[2] A lawyer's work load must be controlled so that each matter can be handled competently.

[3] Perhaps no professional shortcoming is more widely resented than procrastination. A client's interests often can be adversely affected by the passage of time or the change of conditions; in extreme instances, as when a lawyer overlooks a statute of limitations, the client's legal position may be destroyed. Even when the client's interests are not affected in substance, however, unreasonable delay can cause a client needless anxiety and undermine confidence in the lawyer's trustworthiness. A lawyer's duty to act with reasonable promptness, however, does not preclude the lawyer from agreeing to a reasonable request for a postponement that will not prejudice the lawyer's client.

[4] Unless the relationship is terminated as provided in Rule 1.16, a lawyer should carry through to conclusion all matters undertaken for a client. If a lawyer's employment is limited to a specific matter, the relationship terminates when the matter has been resolved. If a lawyer has served a client over a substantial period in a variety of matters, the client sometimes may assume that the lawyer will continue to serve on a continuing basis unless the lawyer gives notice of withdrawal. Doubt about whether a client-lawyer relationship still exists should be clarified by the lawyer, preferably in writing, so that the client will not mistakenly suppose the lawyer is looking after the client's affairs when the lawyer has ceased to do so. For example, if a lawyer has handled a judicial or administrative proceeding that produced a result adverse to the client and the lawyer and the client have not agreed that the lawyer will handle the matter on appeal, the lawyer must consult with the client about the possibility of appeal before relinquishing responsibility for the matter. See Rule 1.4(a)(2). Whether the lawyer is obligated to prosecute the appeal for the client depends on the scope of the representation the lawyer has agreed to provide to the client. See Rule 1.2.

[5] To prevent neglect of client matters in the event of a sole practitioner's death or disability, the duty of diligence may require that each sole practitioner prepare a plan, in conformity with applicable rules, that designates another competent lawyer to review client files, notify each client of the lawyer's death or disability, and determine whether there is a need for immediate protective action. Cf. Rule 28 of the American Bar Association Model Rules for Lawyer Disciplinary Enforcement (providing for court appointment of a lawyer to inventory files and take other protective action in absence of a plan providing for another lawyer to protect the interests of the clients of a deceased or disabled lawyer).