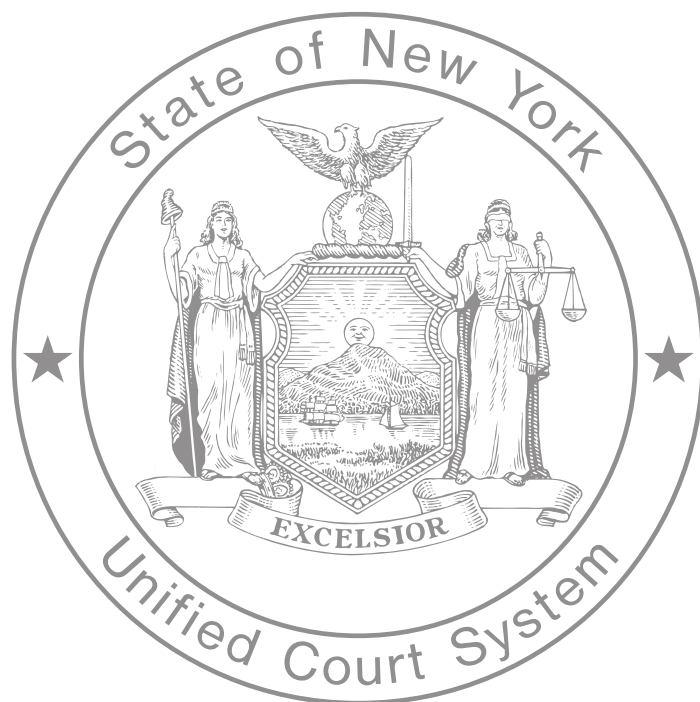


PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK



NOVEMBER 2017



PERMANENT COMMISSION ON ACCESS TO JUSTICE

HELAINE M. BARNETT, CHAIR

November 30, 2017

Honorable Janet DiFiore
Chief Judge of the State of New York
230 Park Avenue
New York, NY 10169

Dear Chief Judge DiFiore:

I am pleased to forward to you the eighth Annual Report of the New York State Permanent Commission on Access to Justice, the second to you as our Chief Judge.

The Permanent Commission was privileged to assist in the preparation of the public hearing on civil legal services, held at the Court of Appeals, led by you, the Presiding Justices of each of the Appellate Division Departments, the Chief Administrative Judge and the President of the New York State Bar Association. The remarks presented by individuals from across the State have helped demonstrate the extent and nature of the current unmet civil legal needs of low-income New Yorkers.

This Report, based in large part on the hearing's oral and written presentations, includes the Permanent Commission's findings on the continuing access-to-justice gap, the meaningful assistance that civil legal services provides to low-income families, and the documented substantial economic benefits to New York State from investing in civil legal services. Based upon these findings, the Permanent Commission recommends that the present funding for civil legal services be continued for fiscal year 2018–2019.

Further, for 2018, the Permanent Commission makes recommendations based on two major conferences that the Permanent Commission convened at which you presented opening remarks: the sixth Annual Law School Conference, focusing on the role of law schools in helping to close the justice gap; and the third Statewide Civil Legal Aid Technology Conference, helping to educate providers and identify resources for optimizing the use of technology in delivering services and streamlining operations. In addition, we recommend the expansion of education and outreach to public libraries.

During this past year, as you are aware, the Permanent Commission engaged in a major strategic planning effort, made possible by a \$100,000 grant from the Public Welfare Foundation and administered by the National Center for State Courts, with the goal of providing effective assistance for all New Yorkers facing civil legal matters involving the essentials of life. As part of our strategic planning, the Permanent Commission recommends several statewide initiatives be undertaken to help close the justice gap. The Permanent Commission also recommends implementation of a pilot program in Suffolk County.

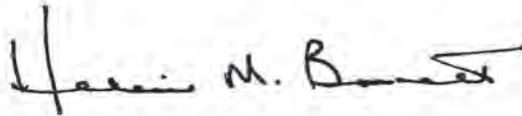
Members of the Permanent Commission represent diverse perspectives and bring to the Permanent Commission a breadth of experience, special insights and commitment to increasing access to justice through creative solutions. They are unanimous in supporting the findings and recommendations in this Report. They have made significant contributions of time and energy to our work throughout the year. The Permanent Commission was ably assisted in its

work by its counsel, Jessica Klein, as well as by Ashlyann Harrison, Julie Krosnicki, Lara Loyd, Alana Longmoore and Angie Garcia, all from Sullivan & Cromwell, and Lauren Kanfer, Barbara Mulé and Barbara Zahler-Gringer, from the New York State court system.

As you so aptly stated at your public hearing, while our accomplishments to date “do give us cause for optimism, hope and excitement, we know that the progress we have made is far from complete.” With your strong commitment to ensuring an accessible civil justice system, we are confident that we will move closer toward our shared mission of achieving access to justice for all.

We thank you for your support and resolve, and look forward to continuing to work together in the coming year.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Helaine M. Barnett". The signature is written in a cursive style with a prominent vertical stroke at the beginning.

Helaine M. Barnett

Chair, Permanent Commission on Access to Justice

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Deputy Chief Administrative Judge for
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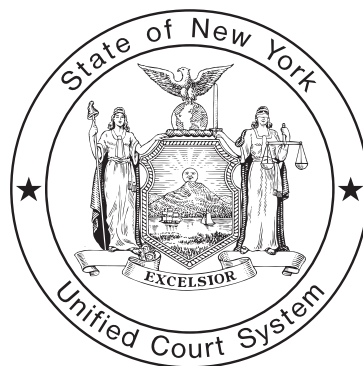
Mary C. Mone

Special Counsel to the Chief Judge (Ret'd)

*We mourn the loss of our dear friend and colleague whose commitment to access to justice contributed significantly to the Commission's work.

PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK



NOVEMBER 2017

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Note: Appendices can be viewed on the Permanent Commission’s website:
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EXECUTIVE SUMMARY

In 2010, when the New York State Permanent Commission on Access to Justice (then known as the Task Force to Expand Access to Civil Legal Services) began its work, the New York State courts faced a crisis of the unrepresented. In the wake of the financial crisis, hundreds of thousands of New Yorkers were appearing without counsel in civil matters affecting the essentials of life—housing, family matters, access to healthcare and education, and subsistence income—while having little or no understanding of court procedures or the law.¹ Since then, the Permanent Commission has worked steadfastly to close the justice gap by advocating for a reliable source of state funding for civil legal services. The Permanent Commission has also recommended a wide array of nonmonetary initiatives that enhance access to justice and bring effective legal assistance to more New Yorkers in need.²

Last year, the Permanent Commission—chaired from its inception by Helaine M. Barnett, former President of the federal Legal Services Corporation—reported that, with the support of Chief Judge Janet DiFiore, the Governor and the Legislature, our State met the initial monetary goal set in 2010 of \$100 million in dedicated annual state funding.³ This increase in funding over the past eight years and implementation of many nonmonetary initiatives have together increased the availability of civil legal services for the benefit of all New Yorkers.⁴

For example, the number of New Yorkers with incomes up to 200% of the federal poverty level who received direct legal assistance from Judiciary Civil Legal Services grantees increased by 22%, from 384,974 in 2013–2014 to 469,875 in 2016–2017,⁵ and the percentage of legal needs of low-income New Yorkers being met has increased significantly from 20% in 2010 to 37% in 2016.⁶

Further, in New York City Housing Court, where only 1% of tenants facing eviction were represented by an attorney in 2013, 27% were represented in 2016.⁷ That number is expected to rise even more, especially in light of the recently enacted New York City law that provides for the appointment of counsel to low-income tenants facing eviction in New York City Housing Court.⁸

The Chief Judge’s September 18, 2017 hearing on civil legal services confirmed—through statements and presentations from government, the business and health communities, the Judiciary, the bar, the faith community, clients of state-funded civil legal services providers and a nonlawyer legal information assistance program—that a vast, unmet need for civil legal services continues to exist.⁹ That hearing and each of the prior years’ hearings—all conducted with the assistance of the Permanent Commission and documented in our annual reports—established that access to publicly funded civil legal assistance enabled individuals and families to avoid dire consequences and brought stability to their lives.¹⁰ Some examples include: (1) saving families with children or elderly veterans from eviction; (2) enabling parents to obtain appropriate education opportunities for a child with special needs; (3) assisting a domestic violence victim in obtaining a divorce from her abuser and arranging appropriate visitation and child support; and (4) securing permanent U.S. resident status and a bright future for a young immigrant eligible for Special Immigrant Juvenile Status.¹¹

In addition to providing significant and meaningful benefits to individuals and families, funding for civil legal services benefits the State financially. The current funding level is estimated to lead to a billion dollar return to the State economy—\$10 for every \$1 invested.¹²

While we have done much to improve access to justice in our State, much more must be done to ensure equal justice for all. As Chief Judge DiFiore explained at this year’s hearing:

[W]hile these developments do give us cause for optimism, hope and excitement, we know that the progress we have made is far from complete and that we still face some very daunting challenges. Legal service providers are still turning away far more people than they can serve and down in our nation's capital the Legal Services Corporation, the largest source of federal funding for civil legal service providers across the country, faces the threat of budget cuts that would force our local providers to reduce services.¹³

In 2017, mindful of the continuing need of New Yorkers and importance of sustaining and building upon our progress to date, the Permanent Commission intensified its efforts. This past year, we not only evaluated the ongoing unmet need for civil legal services for low-income New Yorkers, assessed potential funding levels, reviewed ongoing nonmonetary initiatives and developed new initiatives, but we also worked hard to complete the strategic action planning process announced in 2016.¹⁴

For 2018, to fulfill its continuing mission to help narrow the justice gap, the Permanent Commission is making a series of new recommendations detailed further in this Report. We start with the recommendation that, for the upcoming fiscal year, the State should sustain the current funding level of \$100 million for civil legal services for New Yorkers living at or below 200% of the federal poverty level and facing challenges to the essentials of life.¹⁵ We also recommend that the recently enacted New York City law providing access to legal representation for low-income tenants, as well as its implementation, be reviewed and monitored for its potential to serve as a model for the rest of our State.¹⁶

Additionally, while engaged in our strategic action planning process and developing a plan to be implemented next year, the Permanent Commission developed the following new recommendations:¹⁷

- The expansion of full-service representation in matters affecting the essentials of life;
- The Chief Judge's establishment of an advisory committee on plain language to develop an action plan for the creation of a plain language "library" of New York State court materials ranging from informational notices to pleadings and forms;
- The convening of a statewide conference to bring stakeholders from all parts of our State together to share knowledge, strategies and best practices on community integration of services;
- The statewide expansion of Help Centers in the courts, with creative exploration of feasible locations and staffing requirements, including both lawyers and nonlawyers, and development of statewide standards and best practices;
- Increased training of judicial and court staff on issues related to cultural competency, including implicit bias, inclusion and sensitivity to the impact of poverty, which should incorporate poverty simulations;
- The expansion of existing nonlawyer assistance programs, such as the Legal Hand neighborhood storefront centers and Court Navigators, to provide informational assistance to additional New Yorkers facing challenges impacting the essentials of life;
- Encouragement of greater use of limited-scope representation to help bridge the justice gap, including additional measures to promote limited-scope representation;

- The development of technology to coordinate, integrate and simplify access to existing resources and services, and to create integration among stakeholder systems to bridge the justice gap; and
- The implementation of the Suffolk County action plan to help close the County's justice gap, as well as to help encourage similar efforts in other communities around the State.

In connection with several ongoing initiatives, we make the additional recommendations that:

- Law schools and legal services providers strengthen existing collaborations to ensure a robust pipeline of students and graduates into civil legal services work as dedicated public funding steadily increases new opportunities for law students and graduates, particularly for immigration work statewide and housing work in New York City;¹⁸
- The Permanent Commission's Technology Working Group create an agenda for the Commission's 2018 Technology Conference to advance the technology priorities of the Strategic Action Plan;¹⁹ and
- Outreach and education to librarians in public libraries statewide be expanded, including the statewide offering of the newly developed training program designed to provide librarians with the information needed to assist library users with questions related to legal matters; development of a train-the-trainer program, using staff from civil legal services providers and community-based organizations, to connect with these librarians and educate them about the courts, the legal system and available resources.²⁰

As this Report also demonstrates, the Permanent Commission continues to support numerous, wide-ranging and impactful nonmonetary innovations that effectively expand access to justice for all.²¹

Looking ahead, while our State has made important progress, we know that there remains much more work to be done. In 2018, the Permanent Commission will focus on implementing its long-range strategic action plan to ensure effective assistance for every New Yorker in need confronting legal challenges to the essentials of life. We are committed to working with Chief Judge DiFiore to achieve this objective. We thank her for her deep commitment to equal access to justice and her steadfast support of the Permanent Commission's efforts to close the justice gap.

PART A

The Chief Judge's Civil Legal Services Initiative for New York State

The New York State Permanent Commission on Access to Justice was established in 2010 to help address the crisis of unrepresented litigants in New York State courts and the vast unmet civil legal needs of low-income New Yorkers. As Chief Judge DiFiore acknowledged, the Permanent Commission helps make New York a national model for expanding access to justice.²² Since its inception, the Permanent Commission has been led by Helaine M. Barnett, former President of the federal Legal Services Corporation, and has been composed of representatives from the Judiciary, the business and health communities, government, law firms, bar associations, civil legal services and pro bono legal assistance providers, law schools and funders.

Each year, New York's Chief Judge, with assistance from the Permanent Commission, holds a public hearing to assess the unmet civil legal needs of low-income New Yorkers. Based on the hearings and its ongoing work, the Permanent Commission issues an annual report of its findings and proposed recommendations for monetary and nonmonetary initiatives to help close the access-to-justice gap in the State. The Chief Judge submits these annual reports to the Governor and Legislature pursuant to a 2010 Joint Legislative Resolution.²³ The result of this process has been the implementation of multifaceted initiatives to help bridge the justice gap.

Since 2010, the civil legal services initiative has made significant inroads, most importantly by attaining the initial funding goal of \$100 million of dedicated annual state funding for civil legal services. Today, greater numbers of low-income individuals have access to a range of services to resolve their civil legal matters, including legal information assistance at Legal Hand neighborhood centers; in-court support and guidance through the Court Navigator Program; pro bono assistance from law students and attorneys; and full representation by legal services providers. The overall impact is that a substantially higher percentage of the legal needs of low-income New Yorkers are being met, resulting in better outcomes and averting dire consequences for these individuals as they seek to address matters involving the essentials of life (i.e., housing, family matters, access to healthcare and education, and subsistence income).

I. Judiciary Civil Legal Services Funding Is Having an Impact

For FY 2017–2018, Judiciary Civil Legal Services (JCLS) funding, which is allocated by the Chief Judge in the Judiciary Budget and made possible by the Legislature and Governor, totaled \$100 million.²⁴ Of that amount, \$15 million was designated for the New York State Interest on Lawyer Account Fund (IOLA).²⁵ The remaining \$85 million was awarded to 81 civil legal services providers (with one provider receiving two separate grants) serving low-income New Yorkers in every county of the State.²⁶ The distribution was based upon the JCLS Oversight Board's issuance of grant awards, pursuant to the 2016 Request for Proposals, providing for five-year contracts covering the period January 1, 2017 to December 31, 2021.²⁷ Annual grants ranged from \$20,000 to \$9,786,789.²⁸

Data collected by the New York State Office of Court Administration (OCA) shows that JCLS funding over time has increased the number of low-income New Yorkers being served with those funds.²⁹ The number of direct legal assistance cases handled by JCLS grantees has increased 22% from 2013–2014 to 2016–2017, as detailed in the following table:³⁰

JUDICIARY CIVIL LEGAL SERVICES GRANTEEES

Direct Legal Assistance - Cases Handled

	2013-2014	2014-2015	2015-2016	2016-2017
First Department	108,350	128,095	133,743	139,990
Second Department	172,284	183,742	213,819	210,653 ³¹
Third Department	40,482	42,907	36,660 ³²	43,247
Fourth Department	63,858	66,369	69,686	75,985
STATEWIDE TOTAL	384,974	421,113	453,908	469,875

The increased number of cases handled has contributed to a decline in the numbers of litigants seeking to navigate the civil justice system without counsel, dropping from 2.3 million in 2009 to 1.8 million in 2014.³³ Statewide, for example, the impact can be seen by the increase in representation in foreclosure settlement conferences.³⁴ From 2011 to 2017, the number of litigants unrepresented in foreclosure settlement conferences decreased from 67% to 38%.³⁵

Even more significant are the findings of a 2016 study, conducted by the New York City Office of Civil Justice, in partnership with OCA.³⁶ This study sought to assess the impact of both JCLS and New York City legal assistance funding on the level of tenant representation in eviction cases in New York City Housing Court.³⁷ The study, based on data from OCA and the judges and staff of the New York City Housing Court, found that more than one in four tenants, or 27%, who are facing eviction in the New York City Housing Court were represented by counsel.³⁸ This is a striking increase from prior court system findings that only 1% of tenants in New York City Housing Court were represented by attorneys.³⁹ In contrast, 99% of landlords in eviction proceedings were represented by counsel.⁴⁰

It is estimated that the percentage of tenants currently being represented by counsel is even higher based on the increased funding in FY 2016–2017 from both JCLS and New York City funding for legal assistance. City funding for legal services programs for low-income tenants facing eviction, harassment or displacement administered by the Office of Civil Justice increased by almost 66% in FY 2016–2017, from \$40.6 million in FY 2015–2016 to \$61.7 million in FY 2016–2017, and that funding provided assistance to 23,494 households.⁴¹ OCA is continuing to work with the Office of Civil Justice and other funders to measure the impact of the legal assistance funding in New York City Housing Court, as well as the impact of JCLS funding in courts statewide.

Further, the increased funding statewide has had a significant impact on the percentage of legal needs being met. Since 2010, the percentage of civil legal needs of low-income New Yorkers being met increased from 20% to 37%.⁴²

II. Judiciary Civil Legal Services Funding Provides Substantial Economic Benefits to New York State and a Return of \$10 for Every \$1 of Funding

For the past six years, the Permanent Commission has obtained pro bono assistance from four nationally recognized experts to analyze the cost savings and economic benefits resulting from funding civil legal services programs in New York State. This year, that assistance once again came from Neil Steinkamp of Stout Risius Ross, LLC (Stout), a global financial advisory firm, who assisted the Permanent Commission in 2015 and 2016. This year, Mr. Steinkamp updated his previous analysis of the economic impact on New York State of federal benefits obtained through civil legal assistance.⁴³ In addition, he analyzed data on the benefits received by low-income New Yorkers due to the provision of civil legal services by IOLA grantee organizations from 2005 to 2016.⁴⁴ Based on the foregoing, Mr. Steinkamp, among other things, concluded:

- **Additional Economic Benefit from Child and Spousal Support Payments to Recipients of Those Benefits and Their Families Was Estimated to Be \$33.3 Million in 2016:** For 2016, IOLA data indicates retroactive awards of child and spousal support at approximately \$1.74 million and monthly payment awards at nearly \$450,700.⁴⁵ The net present value of the monthly payments, based on a payment stream of nine years, is approximately \$48.7 million.⁴⁶ Thus, the total value of the child and spousal support awards for 2016 is approximately \$50.4 million.⁴⁷ After deducting the estimated value of support payments not actually received, the estimated value of actual child and spousal support payments is approximately \$33.3 million.⁴⁸
- **Additional Economic Benefit from Affirmative Litigation of Disputes Against Other Individuals, Companies or Employers Was Estimated to Be \$28.1 Million:** For 2016, IOLA data indicates awards obtained through affirmative litigation of civil disputes including equitable distribution of assets in matrimonial matters and judgments in landlord/tenant, employment and consumer matters to be approximately \$28.1 million.⁴⁹
- **Total Estimated Cost Savings from the Avoidance of Emergency Shelter Increased to \$397.5 Million:** In 2013, using state and local data from 2012 on the cost of providing shelter in New York State as well as IOLA data on eviction prevention cases, Cornerstone Consulting concluded that anti-eviction legal services programs that receive IOLA funding saved the government approximately \$116 million annually in averted shelter costs.⁵⁰ In 2014, IOLA analyzed updated data and estimated such annual savings had increased to more than \$220 million.⁵¹ In 2015, annual savings had increased to more than \$345 million.⁵² In 2016, based on cost savings from brief representation cases (an estimated \$59.3 million) and extended representation cases (an estimated \$338.2 million), Mr. Steinkamp estimated cost savings to the government increased in aggregate to \$397.5 million, corresponding to shelter avoidance for approximately 32,865 individuals.⁵³
- **Present Value of Wage Increases Due to Work Authorization Assistance for Immigrants Was Estimated to Be \$60.6 Million:** With the assistance of civil legal services providers, approximately 6,895 immigrant clients, applying for green cards, U visas, T visas, Violence Against Women Act (VAWA) self-petitions or other long-term status, successfully achieved work authorization in 2016.⁵⁴ Work authorization provides a significant wage increase to immigrants, amounting to an average increase of approximately \$1,278 per year for women and \$1,435 per year for men.⁵⁵ Of the individuals who received work

authorization under the green card or Deferred Action for Childhood Arrivals (DACA) or Deferred Action for Parents of Americans (DAPA) programs in 2016, 51% were estimated to be women.⁵⁶ For VAWA cases, 85% were estimated to be women.⁵⁷ The total net present value of wage impacts because of work authorization, assuming work authorization will continue for two-, four- and ten-year terms dependent upon the type of legal assistance provided to obtain work authorization, was estimated to be \$60.6 million for cases closed in 2016.⁵⁸

- **Present Value of Wage Increases Due to Citizenship for Immigrants Was Estimated to Be \$63.9 Million:** Approximately 4,962 clients of civil legal services providers attained citizenship in 2016.⁵⁹ Citizenship provides a wage increase for former immigrants, amounting to an average increase of approximately \$735 per year for women and \$823 per year for men.⁶⁰ Of the individuals who became citizens in 2016, 51% again were estimated to be women.⁶¹ As a result of attaining citizenship, annual wages of former immigrants were estimated in aggregate to increase by \$1.1 million for women and \$1.7 million for men in 2016.⁶² The total value of such wage impacts owing to citizenship in cases closed in 2016 was estimated to be \$63.9 million.⁶³
- **Civil Legal Services Provided a Positive Economic Impact on the New York State Economy Owing to the Long-Term Financial Impact from Federal Benefits Obtained:** Civil legal services in 2016 for low-income New Yorkers provided substantial economic value to families in need, as well as to state and local economies and governments. As a result of legal representation in 2016, the economic value to clients and their families of federal benefits secured, including Supplemental Security Income (SSI) and Social Security Disability (SSD) awards, Medicare and Medicaid benefits and other federal benefits, was estimated to be approximately \$1.01 billion.⁶⁴ These federal benefits also provide a significant overall stimulus to the New York State economy and create thousands of jobs.⁶⁵ The overall impact when also considering the “multiplier effect”—that savings generate further economic activity by, for example, allowing clients to spend such savings in their community—amounted to \$1.37 billion and resulted in the creation of approximately 9,425 jobs.⁶⁶
- **Civil Legal Services Providers Obtained Benefits for Their Clients and Families, Resulting in an Estimated Total Economic Impact of Nearly \$3.0 Billion:** Mr. Steinkamp calculated federal award benefits to be \$1.01 billion in 2016 for programs such as SSI, SSD, Medicaid, the Earned Income Tax Credit and other federal benefits which, owing to the “multiplier effect,” generates an additional \$1.37 billion (as well as approximately 9,425 jobs).⁶⁷ When added together with civil awards of \$61.4 million and indirect benefits and cost savings to the community of \$552.9 million from shelter avoidance, foreclosure property value decline avoidance, domestic violence avoidance, and increased wages due to work authorization, the total economic impact is estimated to be nearly \$3.0 billion.⁶⁸ Thus, the \$390.5 million total civil legal services funding in 2016 resulted in a return of \$3.0 billion, or roughly a return of \$7.67 for every \$1 of funding in 2016.⁶⁹ However, total program funding of \$390.5 million includes funding to support legal assistance for, among other things, credit card debt and other consumer rights matters, advanced care planning and pro bono legal services for low-income entrepreneurs, which results in understating the total return per \$1 of funding.⁷⁰ Owing to these additions, Mr. Steinkamp ultimately concluded that a more reasonable estimate of such return was \$10 for every \$1 of funding in 2016.⁷¹

III. Nonmonetary Initiatives Have Been Implemented to Help Bridge the Justice Gap

In previous reports, we proposed numerous nonmonetary recommendations aimed at expanding access to justice for low-income New Yorkers that have been implemented as part of the Chief Judge's civil legal services initiative. Many of these could not have been accomplished without partnerships among the Judiciary, legal services providers, the private bar and New York's law schools. The key nonmonetary recommendations that have been implemented since our first report in 2010 include:

Legislative Policy

- Adoption by the Legislature of our proposed concurrent resolution proclaiming it to be the State's policy that low-income New Yorkers facing legal matters concerning the essentials of life have effective legal assistance;⁷²

Court Processes: Rules and Simplified Court Forms

- Establishment of a Matrimonial Family Court Simplification Pilot in Monroe County, with jurisdiction to hear matrimonial, child custody, visitation, support and family offense matters;⁷³
- Amendment to the Code of Judicial Conduct clarifying that judges may make reasonable accommodations for unrepresented litigants to have their matters fairly heard;⁷⁴
- Development of an online dispute resolution (ODR) pilot program by the court system to evaluate the efficacy of ODR to help bridge the access-to-justice gap;⁷⁵
- Establishment of a pilot program that provides additional notice in landlord-tenant proceedings to ensure that unrepresented litigants are aware, at the start of proceedings against them, of available defenses, resources and consequences of the proceedings;⁷⁶
- Approval by the Administrative Board of the Courts of a proposed rule for public comment to require early disclosure in landlord-tenant proceedings of the regulatory status and housing code violations at the subject premises;⁷⁷
- Issuance of an Administrative Order by the Chief Administrative Judge declaring it to be the policy of the court system to support and encourage the practice of limited-scope representation in appropriate cases to help bridge the access-to-justice gap;⁷⁸

Law School Involvement

- Commencement of an annual Law School Conference and establishment of the Statewide Law School Access to Justice Council, which have led to enhanced access-to-justice involvement by New York's 15 law schools and their students, and promoted collaborations with civil legal services providers, the bar, courts and community organizations;⁷⁹

Technology Initiatives to Expand Access to Justice

- Commencement of an annual Statewide Technology Conference that promotes effective use of technology by legal services providers and enables dissemination of information to improve technology and service delivery systems that directly increase access to civil legal assistance for low-income people;⁸⁰

- Implementation and expansion of the Pro Bono Law Firm IT Initiative, which provides law firm IT staff to assess the technology needs of individual civil legal services providers and make recommendations for enhancing and improving technology;⁸¹
- Support for development of two pilot projects to create online intake portals to facilitate the dissemination of information and access to legal assistance for consumer matters;⁸²

Role of Nonlawyers

- Formation of an advisory committee to consider the contributions that nonlawyers can make to help bridge the justice gap that led to the issuance of an administrative order authorizing creation of Court Navigator pilots in which community members are trained to assist unrepresented litigants in certain matters;⁸³
- Opening of three Legal Hand storefront centers that are staffed with trained community nonlawyer volunteers who provide free legal information, assistance and referrals to help resolve issues and try to prevent problems from turning into legal actions;⁸⁴
- Development of a training program for librarians from public libraries statewide on online and community resources that will enable them to assist library users seeking information about legal problems;⁸⁵

Provider Collaboration

- Promotion of models of collaboration among civil legal services providers, including the one-roof model of provider co-location and cost sharing, exemplified by the Telesca Center for Justice in Rochester and George H. Lowe Center for Justice in Syracuse;⁸⁶

Pro Bono Efforts to Increase Access to Justice

- Amendment of Section 6.1 of the New York Rules of Professional Conduct that increased the recommended annual pro bono service for New York lawyers from 20 to 50 hours;⁸⁷
- Establishment of mandatory reporting of pro bono activities and financial support for civil legal services providers as part of biennial attorney registration;⁸⁸
- Revision of a court rule to permit and encourage in-house counsel who are admitted out-of-state to register in New York for purposes of performing pro bono work;⁸⁹ and
- Support for three additional, major nonmonetary access-to-justice initiatives announced by then-Chief Judge Jonathan Lippman to expand pro bono legal services:
 - Adoption of the 50-hour pro bono service requirement for law graduates seeking admission to the New York bar;⁹⁰
 - Formation of the Pro Bono Scholars Program, which enables law students to spend their final semester performing pro bono service and permits them to take the bar examination in February, prior to graduation;⁹¹ and
 - Establishment of the Attorney Emeritus program, to encourage transitioning and retired attorneys to provide pro bono legal assistance to low-income New Yorkers.⁹²

IV. The 2017 Civil Legal Services Hearing Demonstrated the Impact of Judiciary Civil Legal Services Funding and Continuing Unmet Need

Following the posting of public notice on OCA's website, the Chief Judge conducted the eighth annual hearing on civil legal services at the Court of Appeals on September 18, 2017.⁹³ Joining the Chief Judge in conducting the hearing were Chief Administrative Judge Lawrence K. Marks and the Presiding Justices of the four Judicial Departments: First Department Presiding Justice Rolando T. Acosta, Second Department Presiding Justice Randall T. Eng, Third Department Presiding Justice Karen K. Peters and Fourth Department Presiding Justice Gerald J. Whalen. Completing the panel was New York State Bar Association President Sharon Stern Gerstman.⁹⁴

A total of 17 presenters delivered remarks at the 2017 hearing,⁹⁵ and written statements were submitted by three organizations that advocate on behalf of New Yorkers in need, including children.⁹⁶ The 2017 hearing's oral and written presentations add to the extensive evidence from hearings in previous years. At this hearing and in prior hearings, business leaders, state and local government officials, district attorneys, labor leaders, medical providers, educators, religious leaders, judges and clients all addressed the need for JCLS funding to bridge the access-to-justice gap for low-income families and individuals in every part of New York State.

At the 2017 hearing, leading New Yorkers from throughout the State and clients of JCLS grantees provided new evidence of the urgent need for innovative approaches to bridge the justice gap in our State.

Chief Judge Janet DiFiore led off the hearing by describing the historic success of the Permanent Commission on Access to Justice:

Over the last eight years, thanks to these public hearings, the year-round work of the Permanent Commission and the unfailing support of the Governor and the Legislature and, most important, the dedicated and most impressive efforts of so many public interest and pro bono attorneys, New York State has indeed become the undisputed national leader when it comes to serving the civil legal needs of low-income individuals and that has been evidenced, of course, by the \$100 million in the Judiciary's budget for direct grants to civil legal service providers, the largest amount of state funding in any state in the nation.⁹⁷

Judge DiFiore continued, however, by noting that, even with substantial state funding, there is still a large unmet need for civil legal services throughout the State:

[W]e know that the progress we have made is far from complete and that we still face some very daunting challenges. Legal service providers are still turning away far more people than they can serve and, down in our nation's capital, the Legal Services Corporation, the largest source of federal funding for civil legal service providers across the country, faces the threat of budget cuts that would force our local providers to reduce services.⁹⁸

Judge DiFiore concluded her opening remarks by declaring her commitment to close the justice gap:

As [Chief Judge], I will continue to use the authority of this position, working with Governor Cuomo and the New York State Legislature and the entire legal community in this State, to make sure that every New Yorker, regardless of economic status, has access to legal services when basic human needs like housing and personal safety are at stake.⁹⁹

A continuing unmet need exists for civil legal assistance for low-income families and individuals in all areas of the State: Several presenters underscored the fact that, although much progress has been made in addressing the need for civil legal services, much more remains to be done. Sandi Toll, First Assistant Counsel to Governor Andrew Cuomo, on behalf of Alphonso David, Esq., Counsel to Governor Andrew Cuomo, noted the continued existence of challenges and the need for cooperation from the entire legal establishment to address it:

[I]t is undisputed that there is more to be done. We can't close our eyes and cover our ears about the very real challenges that we face.... From the Judiciary, law enforcement, court systems, every aspect, we need to make sure that everybody is engaged because that's the only way we can assure that this laudable and extremely important goal is achieved.¹⁰⁰

Ms. Toll described the Liberty Defense Project, a \$10 million investment to provide legal access to immigrant New Yorkers:

It's a public/private partnership that creates a legal defense system for immigrants and there are three components. The first, it provides funding to several non-for-profit legal organizations to expand capacity and meet statewide needs. So, we are providing attorneys to all immigrant detainees in upstate immigration detention facilities. We are extending the capacity for eligibility screenings and providing representation for immigrants who are currently in removal proceedings. Second, there is the New York State Family Security Project and this funds 20 one-year fellowships for full-time lawyers and 106 summer internships for law students to increase immigrant family security and stability by providing legal aid to immigrant families in New York. And, finally, there is the Pro Bono Partnership. Coordinated by Catholic Charities, the Pro Bono Project will leverage the participation of over 200 partners, law firms, law schools and volunteer attorneys, to support organizations that provide the direct legal services on the ground to immigrant communities.¹⁰¹

J. Kevin McCarthy, Esq., Senior Executive Vice President and General Counsel of BNY Mellon, described the dire need for more legal services, as well as some of the successes in addressing that need:

The demand for high-quality civil legal resources is overwhelming the capacity of legal service organizations to represent those who need their services most. Certainly, targeted efforts to increase access to justice, not least of which was the creation of the Permanent Commission, have made huge inroads and I applaud Chief Judge DiFiore and the Commission for continuing their innovative work in this area and the unprecedented increases in funding for civil legal services you've achieved. The New York City Council's recent vote to establish the right to counsel

in New York City Housing Court for low-income tenants facing eviction is another in a series of initiatives that are making our state's court system more equitable and more accessible, but still the need persists.¹⁰²

Steven P. Croley, Esq., Partner, Latham & Watkins LLP, remarked that despite the great work being done to address the justice gap:

The problem persists. In a nation ... [f]ounded on law, access to the court system is, as a brute practical matter, out of reach for many. Now, in theory the courthouse door is open to [everyone], but as a practical matter [many are] priced out ... even if I have a strong claim on the legal merits, the overhead costs may not be worth it [personally] or certainly for my attorney to advance that claim."¹⁰³

Mr. Croley suggested a need to change the focus of access to justice:

A supply-side orientation [that] asks not how to increase resources for those who lack access to the courts, but instead how to make access cheaper. If we think about shifting the focus away from individual litigants or would-be litigants, towards a systemic view of what is good for society at large, that might lead us to consider access to the courts in a broader way.¹⁰⁴

Mr. Croley pointed to court simplification and self-help resources as examples of supply-side efforts to expand access and suggested adjusting jurisdictional limits and amending the rules of civil procedure to create a class of "medium claims courts," fast-track trials and related summary procedures, as ways to lower litigation costs, thereby expanding access to courts. According to Mr. Croley, this supply-side approach should be complementary to traditional efforts to subsidize access:

[I]f the cost of litigation is made lower, not only could more potential litigants—and their attorneys—afford to litigate, but policy tools subsidizing access would go farther as well: legal aid and pro bono resources could cover more cases were litigating civil cases made less expensive in the first place.... [T]here is no single or perfect solution to the longstanding problem of insufficient access to the courts.¹⁰⁵

Hon. C. Randall Hinrichs, Administrative Judge of the 10th Judicial District, Suffolk County, noted the critical need for legal services among specific populations, including immigrants, children and veterans:

Suffolk residents' legal needs include a host of immigration related issues. Intertwined with issues of immigration, but certainly not unique to new Americans, are legal issues surrounding education and education access ... These issues include enrollment in school and obtainment of appropriate education services. When you talk about essentials of life, education of school age children is clearly on that list and this is a particular area of interest and concern when you are talking about a vulnerable group of people and particularly children that have played no role in relocating or creating their present situation. Another area of concern involves veterans. Suffolk County has the most veterans of any county in the State. There are many issues involving veterans, particularly in Family Court and on divorce matters, that are crying out for representation.¹⁰⁶

Business leaders addressed the critical need for legal services and the key role that corporations can play in narrowing the justice gap: Kenneth C. Frazier, Esq., Chairman of the Board and Chief Executive Officer, Merck & Co., Inc., eloquently highlighted the philosophy underpinning access to justice in our nation:

[A]s [United States Supreme Court Justice Lewis A.] Powell said, “It is fundamental that justice should be the same in substance and availability without regard to economic status.” Judged by that standard, we are not a just society. [W]e as business people, lawyers and judges need to advocate for investments in civil legal services to help make equal opportunity and equal access to justice a living, breathing reality. Put simply, companies like Merck need fair and equal access to justice; and we can’t only want it for ourselves.¹⁰⁷

Mr. Frazier recognized the impact on low-income individuals and families who cannot access civil legal services:

As a healthcare company, we realize that access to justice is often necessary for the patients we serve to have meaningful access to quality healthcare.... Without lawyers to protect them, people living in poverty cannot stop an improper eviction that will leave their family homeless. They cannot block an illegal foreclosure that stems from a predatory lending practice. They cannot access the protections of New York’s strong statutory shields against domestic violence and sexual assault. They cannot receive life-sustaining benefits like Social Security and Medicaid or emergency assistance to which they are entitled under the State and Federal government safety net. Without question, civil legal services are indispensable to those who need legal representation in what are often life and death matters.¹⁰⁸

Mr. Frazier continued, stating his belief that corporations and the legal system have a responsibility to address some of these problems:

In our society, economic inequality is growing worse and appears to be a structural phenomenon. Both acutely and over the long term, our legal institutions must therefore help ameliorate the pervasive inequalities in wealth, income, health, housing and education that characterize our society. No one else is going to do it for us.¹⁰⁹

J. Kevin McCarthy, Esq., Senior Executive Vice President and General Counsel, Bank of New York Mellon, also spoke about the need for a broad partnership to address these problems:

I contend that if all sectors of the business world, the legal profession and the broader community recognize this need and work together, we’d have the capacity to address the demand. A critical part of the solution must include the legal resources within the New York business community.¹¹⁰

Mr. McCarthy concluded with a compelling statement about the need for corporations to step up to the challenge:

So, the bottom line is this: There’s a role for many in expanding access to justice in New York State. In particular, I see ample opportunity to more fully harness corporate legal resources for the cause. It requires chief legal officers to make access to justice and pro bono work priorities within their organizations. When

they do and when they take advantage of the resources that help them do it right, they can build pro bono practices that are self-perpetuating and create at least as much value as they are delivering to their clients in need.¹¹¹

Medical-Legal Partnerships are part of the solution: Beth Essig, Esq., Executive Vice President and General Counsel, Mount Sinai Health System, described the exciting partnerships that her hospital has developed with the legal services community, allowing the hospital to improve results for patients and greatly expand legal services for low-income residents of New York:

[M]any patients cannot get well unless they are provided with legal services as well as health care services. We all know that to be in need of legal services and unable to access them is extremely serious. The effects on a person of being gravely or chronically ill and simultaneously requiring those services is synergistic and can be catastrophic. We have come to see that providing some patients with outstanding health care services will not make them well unless they also have access to appropriate legal services.¹¹²

Ms. Essig also described numerous examples of medical-legal partnerships that her hospital was engaged in, including the Mount Sinai Medical-Legal Partnership, which is unique in leveraging pro bono legal services from private law firms:

As far as we know, we are the first medical-legal partnership designed to work with the health system and make sure that we tap into those resources and make sure that our patients get the legal services they need. And we've been able to expand those services and we have also been able to obtain volunteer services directly from lawyers in New York law firms, with the help and generous support of law firm pro bono coordinators and others, but the need is huge and we have much to do.¹¹³

Religious leaders, based in needy communities, are well situated to understand and address community needs and to partner with legal providers to create solutions: Reverend Chloe Breyer, Executive Director, The Interfaith Center of New York, spoke about the critical role that religious leaders are playing in addressing the access-to-justice gap in their communities, and about the challenges:

If we have learned anything in the past two decades, it is that the grassroots religious leaders know firsthand about what their community needs and this includes the very great need for access to justice in the form of legal aid, especially for economic issues, housing and so forth, but also for family issues. That includes domestic violence.¹¹⁴

After describing a number of challenges facing the communities that The Interfaith Center serves, Reverend Breyer closed with a stark picture of the need to provide more services for immigrants facing possible deportation:

We had several religious leaders, one of whom himself had an ICE appointment and was due for detention at 26 Federal Plaza but went in with a whole group of people ... and encountered a scene which brought one of them to tears on his way out, which was having to have to sit in a waiting room on the ninth floor which was occupied by about 30 women, mostly women and children, and his estimation,

which was clearly based on superficial evidence, but nonetheless was about two thirds of them had no representation. So that seems to be quite a challenge for all of us.¹¹⁵

Nonlawyers are working to expand access to legal information and connecting those in need with the resources and referrals to address their problems early and oftentimes before court involvement: Jose Torres, Volunteer Coordinator, Legal Hand Jamaica, described the work of Legal Hand:

At Legal Hand, our trained, nonlawyer community volunteers provide free legal information, assistance and referrals to help resolve issues that affect visitors' lives in areas such as housing, family, immigration, divorce, domestic violence and benefits, and try to prevent problems from turning into legal actions. We train community volunteers to provide this legal information to our visitors. Currently, Legal Hand is operated out of three neighborhood storefront sites, one in Crown Heights, Brooklyn, one in Brownsville, Brooklyn, and one in Jamaica, Queens.¹¹⁶

Sirrah Harris, Senior Attorney, Legal Hand Crown Heights, explained the varied workshops in one office that support the concept of connecting visitors to legal information:

The impact to our community really lies in our ability to do proactive and preventative work rather than reactive work that is usually required of legal services providers. Legal Hand offices are able to focus on empowering and educating community members. In the past year just in the Crown Heights office, we have hosted more than 30 community education workshops on topics including eviction proceedings, housing repairs, custody and visitation orders, orders of protection, uncontested divorces, public assistance issues and fair hearings, employment discrimination, financial literacy and elder abuse.¹¹⁷

Jose Torres concluded that the impact of the work coordinated by Legal Hand and the volunteers expands the meaning of access to justice and empowers communities to pursue activities that may prevent court engagement:

Another important tool is our broader community engagement and outreach. We host job fairs for youth, participate in community panels and engage in larger initiatives like the Queens Borough President's Task Force on Immigration. This engagement protocol allows us to participate in broader discussions with other stakeholders and community members concerning the issue trends we see from our visitors. Another critical tool we use to support our work is our partnerships with other projects. These partnerships help our visitors access a broader variety of resources. Our partnerships have included the New York Commission on Human Rights, which helps our visitors address discrimination issues, the Financial Clinic, an organization which provides financial education to visitors, and HPD, Housing Preservation and Development, which provides Legal Hand visitors with the opportunity to apply for affordable housing units. Legal Hand is a revolutionary idea, helping a community to help itself resolve problems before they get to court. Our visitors' concerns can help drive policy recommendations on ensuring meaningful access to justice. Legal Hand is almost a volunteer run and operated think-tank testing out new ideas. Access to justice is not just about the lack of

equity in accessing the courts. Instead, Legal Hand is showing that access to justice needs to be addressed within the larger context of what initially drives communities to access the courts.¹¹⁸

Technology is making effective access to legal services more readily available to those in need but more needs to be done: Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services Group, Stout Risius Ross, LLC, described one of the key findings from his research in developing the Strategic Action Plan for the Permanent Commission:

[W]e learned that technology has the potential for transformative change when combined with improved awareness of community needs. As we heard already, technology certainly plays a role in improving access to justice.¹¹⁹

John S. Kiernan, Esq., President, New York City Bar Association; Partner, Debevoise & Plimpton LLP, described the use of technology to expand the reach and effectiveness of pro bono legal assistance:

Legal services organizations trying to enlist pro bono support have seen advantages of helping firms to benefit from work product developed by other firms. Pro Bono Net, essentially a crowd-sourced resource to which many contributors provide content for other pro bono providers to use, is an impressive application of technology to improve volunteer lawyers' capacity to provide free legal services again in more efficient and cost-effective ways.¹²⁰

He concluded by noting the potential for continued expansion of technological solutions to access challenges:

With increasing technological capacity, expanded roles of artificial intelligence and, importantly, increased growing ability of poor clients to access this technology over the internet, the future expansion of these kinds of offerings seems both desirable and likely.¹²¹

Increased opportunities for communication among social services, legal services and the courts will be an important way to increase access to services: Mr. Steinkamp, described other key findings from his research in developing the Strategic Action Plan for the Permanent Commission:

[T]here's a significant need for promoting the awareness of the many resources in our communities. We heard over and over again from people in the room that we were in ... that they didn't know of the other people in the room. It was incredible to hear so many people amongst all of these stakeholders who learned real time of resources that are already available to them in their communities.¹²²

Sandi Toll, First Assistant Counsel to Governor Andrew Cuomo, on behalf of Alphonso David, Esq., Counsel to Governor Andrew Cuomo, in responding to a question from Presiding Justice Acosta regarding whether the Governor's Office is working closely with local-based community organizations, stated:

Absolutely. The Governor is committed to working with all interested stakeholders, especially those that have worked primarily with the communities we're trying to help. I don't think you can be an active participant or an effective participant in this area without going directly to the individuals who know the communities need ...

it's really the people ... on the ground that know what the exact problems are on a day-to-day basis and we need to be mindful of that. We have made a concerted effort working with our partners in government, but also direct outreach through our team and counsel's office in terms of the agencies and the local partners in municipalities, to really get this going.¹²³

Hon. C. Randall Hinrichs, District Administrative Judge, 10th District, Suffolk County, emphasized the importance of increasing the opportunities for communication among various service providers:

I cannot emphasize enough how we have benefited from the interaction of all the service providers during this pilot, and recommend that the Permanent Commission develop a plan forthwith around the State to provide resource guides for every jurisdiction. While all communities around the State have their unique characteristics with respect to services and geography, the benefits of communication among all providers in this area will certainly be a common theme, resulting in positive improvements in this area.¹²⁴

New and more efficient approaches to providing access to legal services are critical: John S. Kiernan, Esq., President, New York City Bar Association; Partner, Debevoise & Plimpton LLP, addressed the importance of developing new and more efficient approaches to providing access to legal services:

Now, even with these great allocations of government funds and all of the pro bono generosity of the private bar and the corporations that you've been hearing about today, we all know that the available resources remain far short of what is needed. Those shortfalls make it especially important to pursue efficiency in identifying what our clients need and calibrating the scope of services to be provided given the clients' needs and the competing demands for limited free legal services and in protecting clients against the grinding experience of repeated rejections of their request for help.¹²⁵

Mr. Kiernan went on to describe some innovations that exist or are about to be launched, including an online consumer portal, through which potential clients could access legal information and be routed to providers that could take their cases:

Now, on the more sophisticated side, the City Bar Justice Center will be sponsoring, just in the next few weeks, the rollout of a consumer internet portal called the New York City Consumer Help Finder that we hope will show what can be achieved when providers work with each other using modern technology. Starting from a recommendation from the Permanent Commission on Access to Justice ... consumer law practice groups ... have combined and developed a common portal that operates like a decision tree to confirm clients' eligibility, determine their needs, categorize the kind of assistance to provide them and allocate them to the most appropriate source of further legal services through a so-called automated routing portal. Like a hotline, this portal will feature tiers of questions ... that should be easy to use and effective at getting clients what they need with less of the human intervention and costs that were associated with the hotline method of pursuing the same process.¹²⁶

Mr. Kiernan concluded by noting that new forms of cooperation and collective action by service providers are going to be critical to address the need:

This work includes calling for all different forms of cooperation, splitting work and developing synergies between different organizations. Most prominently, the hugely challenging infrastructure for providing the free legal representations that are funded by new [New York City access to counsel] law 214-b is being hammered out right now is an example of this creation of synergies and collective action.¹²⁷

The presentations by legal services clients demonstrate the profound impact of the legal assistance that they received: Clients from Albany, Bronx, Kings, Nassau, Orange and Steuben Counties described the life-changing help they received in resolving critical problems that they could not successfully address without legal representation:

Abdiel Joseph, an Air Force veteran and resident of Kings County, served in the Desert Storm/Desert Shield conflict, and following his honorable discharge, returned to live with his family on Long Island. Unfortunately, he left his family home in 1995 when he found it difficult adjusting to life outside of the military. After being diagnosed with service connected disabilities in 1997, Mr. Joseph began to receive disability benefits and rehabilitation services from the U.S. Department of Veterans Affairs (VA). In 2002, he entered the VA Vocational Rehabilitation program to pursue an education, and is in the process of building a small business. Mr. Joseph attributes having an affordable apartment to his ability to finish his education and pursue his dreams. Unfortunately, Mr. Joseph's landlord has repeatedly sued him over the years, attempting to force him out of his affordable apartment to capitalize on neighborhood gentrification. Fortunately, a VA caseworker connected him to a legal services attorney who successfully defended Mr. Joseph in each housing court proceeding and prevented his eviction. Most recently, the landlord attempted to evict Mr. Joseph based on "personal use," claiming that the landlord needed the apartment for use by one of his family members. Mr. Joseph's attorney researched the issue and proved that the landlord was a corporation, not a person, thus defeating the landlord's fraudulent claim. Mr. Joseph stated that he would never have been able to win this case without legal assistance, and expressed: "Having an apartment where I can sleep and feel safe at the end of the day has been so important throughout my rehabilitation. Thanks to [my advocates] for coming through for me time and time again."¹²⁸

Anlly Marily Reyes Galindo, a 20-year-old resident of Bronx County, is an immigrant from Cortes, Honduras, who came to the United States in 2014. She and her sister were being raised by their grandmother after their mother left them behind when she migrated to the United States; their father abandoned the family when the sisters were very young. They lived in a part of Honduras controlled by gangs, like the MS-13 and the 18th Street Gang, and were often harassed. The sisters feared being raped because there were cases of child rape in their town. To escape their constant fear, the sisters undertook a perilous journey to the United States—crossing the borders of Honduras, Guatemala and Mexico into Texas—hoping to be reunited with their mother. In Texas, Ms. Galindo and her sister were arrested by border patrol and spent two days in immigration detention and 19 days in a shelter for children before they were sent to New York to be reunited with their mother. In Immigration Court, Ms. Galindo and her sister met their legal services attorney, who determined that they were eligible for Special Immigrant Juvenile Status based upon abandonment by their father and that it was against their best interests to return to Honduras. Now, after three years of being in this country, Ms. Galindo is a legal permanent resident and will start college in January 2018. She is extremely grateful for the civil legal services she and her sister received, and expressed:

"This inspired me to study law and become an immigration lawyer in the future. I want to help people like my lawyer helped me.... I just want to say thank you to all those lawyers who do their jobs with passion and help children and young people like me to achieve their dreams. Without the help of my lawyer or the free legal services that help people like me, I would not be here today speaking to you all."¹²⁹

Robert DiSalvo testified on behalf of his father, Anthony DiSalvo, a 90-year-old WWII veteran of Orange County. Mr. DiSalvo's father served in the Merchant Marines and then the United States Army. After returning home, Anthony DiSalvo married, raised two children and worked for 27 years as an automotive and diesel mechanic for the MTA. In recent years, Mr. DiSalvo testified that his father has been suffering from health problems, including early signs of dementia. As the family made plans to move the elder Mr. DiSalvo into a nursing home, in the "dead of winter," his landlord served eviction papers seeking to terminate his tenancy without any basis. Mr. DiSalvo searched the internet and found a legal services organization that was able to represent his father. Then on a "bitterly cold night," Robert DiSalvo brought his father to night court where the legal services attorney successfully argued a motion to dismiss the eviction proceeding. Ultimately, Anthony DiSalvo was relocated to a nursing home and his son happily reported, "my father is doing great. He's comfortable in his new home and is very well cared for." In expressing his gratitude, Mr. DiSalvo further expressed: "I have no doubt that the outcome would have been dramatically different if [the attorney] was not by our side. Make no mistake, I have no doubt my father would have been evicted that night. [The attorney] was an effective advocate for my father, persuasively arguing the law and making clear to the court what an injustice it would have been to wrongfully evict an elderly veteran."¹³⁰

Gail Spicer, a resident of Albany County, explained that she is the sole custodian of her nine-year-old granddaughter, Abby. Ms. Spicer's husband passed away in 2012, and, three years later, she lost her 36-year-old disabled son. During these years, her income was limited. As a result, Ms. Spicer missed several mortgage payments and a foreclosure proceeding was instituted. For over a year, she tried to defend herself in court to save her home. She was finally able to get help from a legal aid office. Her attorney helped her qualify for a loan modification, but shortly after she started to make the payments, the bank significantly increased the monthly payments. Fortunately, her attorney discovered that the bank was overcharging, challenged the increases, and secured a reduction in payments to an affordable amount. Ms. Spicer is deeply grateful for the legal services that helped to save her home. As she stated: "It is important to me to keep my home because of the memories of my husband and son, and, even more so, because it is the only home Abby has ever known. Being able to live with me has given Abby stability, safety and happiness. ... I am grateful to [my attorneys] for what they did for me and for Abby, but also for what they do for the community. I believe everybody should have access to legal representation even if they can't afford a lawyer."¹³¹

Ray Krahm is a 20-year-old resident of Nassau County who was born with Down Syndrome. Mr. Krahm was extremely successful in school, both in special education and mainstream settings. He had numerous friends, was active in theater and the Boy Scouts, and earned a junior black belt in Tae Kwon Do; he passed all his classes and received commendation on the school's honor roll for several terms. Because his school experiences had been so positive, Mr. Krahm's parents were shocked when he was classified as "severely disabled" while in ninth grade, disqualifying him from attending an appropriate vocational program and from taking Regents exams that would lead to a Regents diploma, a prerequisite for college. Fortunately, Mr. Krahm's parents found free legal services advocates who challenged the school system's classification of Mr. Krahm as severely disabled. Because of that advocacy, Mr. Krahm was

able to enroll in an appropriate vocational program, passed the Regents and was admitted to a community college that he loves. Mr. Krahm expressed his thanks to the legal services program that helped him so much: “Thanks in great part to [my advocates] I received both a vocational certificate and my high school diploma and I have started community college and have just auditioned for my 27th play and I am now able to go after my dreams and live a life I love.”¹³²

Jamie Peterson is a lifelong resident of the Corning-Painted Post area of western New York. She is a survivor of domestic violence who first tried to handle court proceedings on her own: to stop the violence, to get financial support, to manage visitation and to get a divorce. But the court proceedings were too complex and she was on the verge of giving up. Fortunately, the District Attorney’s office referred her to a legal services office where she received the emotional and legal support needed to change her life. Ms. Peterson explained that her advocates had spent “countless hours” working on her behalf: “I believe that the total is somewhere around two custody cases, four support cases and support violation cases, and recently an unemployment case, along with initial support during the IDV court cases.... Without them, I would have definitely given up.”¹³³ Ten years and numerous court proceedings later, Ms. Peterson is divorced from her abuser and happily remarried, and has been receiving the appropriate amount of child support from her ex-husband. As she concluded: “I am very happy, blessed, safe and successful. All of these things are outcomes because of the services that [my legal services advocates] provided to me.”¹³⁴

V. Engagement in the Strategic Planning Process Established Priorities to Help Close the Justice Gap

Throughout 2017, the Permanent Commission has been engaged in a strategic planning process to devise an action plan that would help New York fulfill its policy that every low-income New Yorker confronting a civil legal challenge involving an essentials of life issue have access to effective assistance. The Permanent Commission, on behalf of the State of New York, is developing a strategy to help close the justice gap, pursuant to a \$100,000 grant awarded by the Public Welfare Foundation and administered by the National Center for State Courts.¹³⁵ It has been guided in its work by its consultant Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services Group, Stout Risius Ross, LLC. The Permanent Commission’s plan will be presented in a report due December 15, 2017.¹³⁶ The year-long process has focused on acquiring a more in-depth understanding of the justice gap—through research and analysis of the current delivery system—and using this newly acquired knowledge to devise an integrated and coordinated framework for a statewide civil legal services delivery system that provides for effective assistance to 100% of low-income New Yorkers in need. At every phase of the process, the extent of the justice gap was evident. And, just as evident, was the realization that closing the justice gap is possible.

At the outset, the Permanent Commission convened community listening sessions to hear from a broad group of civil justice stakeholders about their perspectives on the justice gap in their neighborhoods. A series of four listening sessions were conducted in geographically diverse areas of the State: an urban location in New York City (Queens County); a rural location (Steuben County); a suburban location (Suffolk County); and an upstate urban location (Albany). In addition to discussing the numerous legal issues that impact their communities and the need for expanded legal services, the stakeholders raised the myriad social issues that impact the essentials of life and may create barriers to accessing justice, including limited or

lack of transportation, limited language access services, lack of safe and affordable housing, health epidemics and the lack of understanding about the legal system and what constitutes a legal matter.

While much was learned from these community listening sessions, the most significant takeaways highlighted the need for:

- increased legal services in all locations but particularly in rural areas where community services are lacking as well;
- better coordination and collaboration among the courts, legal services providers and social service organizations and other community services (including the public libraries, schools and religious community), so that those in need are directed to the organization best suited to address those needs;
- courts that are more user-friendly, with judges and court staff who are aware of the barriers that litigants face, and provide access to services such as court-based Help Centers, enhanced online self-help resources, including plain-language informational materials and court forms in various languages, and increased numbers of interpreters; and
- raising awareness in the community about legal rights and services, so that those in need understand that there might be legal solutions to their problems.

The Permanent Commission established three Working Groups to undertake a statewide inventory and assessment of the 16 key elements of a service delivery system (identified by the funder), in order to establish priority areas for statewide action that would form the basis of the action plan.¹³⁷ After extensive research on each of the elements, including input from diverse stakeholders, the Working Groups identified eight priority areas for additional action:

- expansion and efficiency improvements of full-service representation;
- plain-language court notices, forms and information;
- community integration and prevention;
- broad self-help informational services, including expansion of Help Centers and enhanced online resources;
- judicial and court staff education;
- the role of nonlawyers;
- limited-scope representation; and
- technology capacity.

Initiatives in these areas will be included in the statewide action plan and implemented starting in 2018.¹³⁸ These initiatives are discussed in Part B of this Report.

In developing the framework for the action plan, the Permanent Commission considered whether the focus should be on a geographical location or a substantive area of law. Based upon input from stakeholders at the listening sessions, the Permanent Commission determined it best to develop a geographic pilot. After careful analysis of potential locations throughout the State, Suffolk County was selected, among other reasons, due to: its diversity of legal and

social issues, languages, and populations; its mix of suburban and rural areas; the high rate of foreclosure (one of the highest in the State);¹³⁹ its large veterans' population (the largest in the State);¹⁴⁰ the extreme number of migrant children who have traveled to the United States without a responsible adult (known as unaccompanied minors; Suffolk County has among the highest numbers in the country);¹⁴¹ and its supportive legal community, including the Judiciary, County Bar Association, legal services providers and law school administrators and faculty. Although many of these factors are present in other regions of the State, they all exist in Suffolk County.

A Suffolk leadership committee was established in June 2017, and immediately began working to devise an action plan to address the county's justice gap, including the creation of five local task forces to examine the landscape of access to civil legal services.¹⁴² Significant progress has been made, including the identification of a wide variety of initiatives that can improve the potential for success and the likelihood of meaningful community integration to help close the justice gap.¹⁴³ We anticipate there will be additional lessons learned and best practices identified as implementation of the local strategic action plan gets underway. No single template or checklist can be effective in every locality, but Suffolk County's experience will help inform other communities around the State in their efforts to help close the justice gap.

On September 27, 2017, the Permanent Commission convened a Statewide Stakeholder Meeting at the New York State Judicial Institute in White Plains. The purpose of the meeting was to gather input from additional stakeholders to further develop the framework for the action plan. Approximately 215 stakeholders from around the State participated.¹⁴⁴ Following opening remarks by the Chief Judge and a plenary session that provided an overview of the strategic planning process, morning breakout sessions allowed for dynamic discussions of the statewide priorities identified by the Working Groups. In the afternoon, these discussions continued, focusing on the elements of the local plan being developed in Suffolk County. The meeting was very successful, eliciting constructive feedback about the framework and final content of the action plan, as well as energizing stakeholders to participate in implementation.

After having had the opportunity to receive input from professionals from around the State who are committed to bringing legal and related social services to low- and moderate-income individuals in need, we believe that the statewide action plan, including the Suffolk County pilot, will lay a firm foundation upon which New York can build a delivery system that provides effective assistance for all.

PART B

Recommendations for 2018

Based on the Chief Judge's hearing in September 2017 and our work over the past year, the Permanent Commission makes these recommendations for action:

Funding

- State funding for civil legal services, now budgeted for the original goal set in 2010 of \$100 million, should continue to be provided at its present level to address the ongoing access-to-justice gap for low-income New Yorkers;
- Implementation of the access to counsel law recently enacted in New York City, which provides for legal assistance for all low-income tenants facing eviction, should be reviewed and monitored to determine how the law might be replicated throughout New York State to provide representation in housing or other litigated matters involving the essentials of life;

Strategic Planning Process Statewide Initiatives to Help Close the Justice Gap

- The Permanent Commission will begin implementation of New York's strategic action plan to create a coordinated civil legal services delivery system with the following additional recommendations:
 - Full-service representation in matters affecting the essentials of life should be expanded;
 - An advisory committee on plain language should be established by the Chief Judge to develop an action plan for the creation of plain-language court materials ranging from informational notices to pleadings and forms;
 - A statewide conference should be convened to bring stakeholders from all regions of the State together to collaborate and share knowledge, strategies and best practices on community integration of services;
 - Help Centers should be expanded statewide, with consideration given to the feasibility of locations and staffing requirements, including both lawyers and nonlawyers, along with the development of statewide standards and best practices;
 - Judicial and court staff education on issues related to cultural competence, including implicit bias, inclusion, and the impact of poverty, should be strongly considered;
 - Existing nonlawyer assistance programs, such as Legal Hand neighborhood storefront offices and Court Navigators, should be expanded to provide informational assistance to additional individuals facing challenges impacting the essentials of life;
 - The use of limited-scope representation to help bridge the justice gap should be encouraged and additional measures be undertaken to promote its practice;
 - Technology should be developed to coordinate, integrate and simplify access to existing resources and services, and to create integration among stakeholder systems to help bridge the justice gap; and

- The Suffolk County action plan should be implemented to help close the county’s justice gap, as well as to help inform similar efforts in other communities around the State;

Nonmonetary Initiatives

- The work of the Statewide Law School Access to Justice Council and the annual Law School Conference should continue, with special attention to increasing student involvement in public interest work that involves helping New Yorkers confronting essentials of life issues. Law schools should continue to promote opportunities for student participation in social justice and access to democracy initiatives, as well as broaden student recruitment from diverse populations;
- Law schools and legal services providers should strengthen collaborations to ensure a robust pipeline of students and graduates into civil legal services work. The increased public funding for civil legal services has created new opportunities for law students and graduates, particularly for immigration work statewide and housing work in New York City;
- Support for the integration of technology into legal services delivery systems should be continued and expanded, including the Pro Bono Law Firm IT Initiative and the two pilot online intake portals;
- A Statewide Technology Conference to promote collaboration and innovation to improve the delivery and efficiency of civil legal services should continue to be held on an annual basis, with the agenda for the 2018 conference to focus on advancing the technology priorities identified in the strategic action plan; and
- Expansion of outreach and education to librarians in public libraries statewide, including the statewide offering of the newly developed training program, designed to provide librarians with the information needed to assist library users with questions related to legal matters. A train-the-trainer program should be developed, using volunteers from the civil legal services providers and community-based organizations, to connect with these librarians and educate them about the courts, the legal system and available resources.

As described below, the combination of continued funding at the present level to bridge the access-to-justice gap, in conjunction with the Permanent Commission’s recommended strategic planning process statewide and nonmonetary initiatives, will enable New York State to continue its progress on working to meet the substantial need for civil legal assistance in matters affecting the essentials of life for low-income families and individuals living at or below 200% of the federal poverty level.

I. Continuing Civil Legal Services Funding in the Judiciary Budget Is Essential to Maintain the Progress on Bridging the Access-to-Justice Gap

Evidence before the Permanent Commission documents a vast, continuing need for civil legal services for low-income New Yorkers. In our previous reports, and again here, we have demonstrated that the access-to-justice gap hurts low-income New Yorkers, adversely impacts the functioning of the courts and increases litigation and other costs for represented parties such as private businesses and local governments. We have presented independent analyses showing that funding civil legal services is a sound public investment that brings federal benefits into the State, stimulates the state and local economies when low-income families and individuals are able to spend these additional federal benefits on goods and services in their communities, and saves government expenditures on state and local public assistance and emergency shelter.¹⁴⁵ Most important, these analyses prove that civil legal services change lives, by preventing evictions, providing safety from domestic violence, and helping children gain access to the healthcare and education that they need to thrive. To achieve the best possible outcomes, individuals may require full representation.¹⁴⁶

In 2016, New York reached the initial funding goal set by the Permanent Commission in 2010 to secure \$100 million in dedicated funding for the provision of free civil legal services for low-income New Yorkers confronting challenges involving the essentials of life. Additionally, the Permanent Commission's numerous nonmonetary recommendations to help close the justice gap have been adopted, with new recommendations to be implemented in the coming year.

Although JCLS grantees handled 469,875 cases last year¹⁴⁷—helping significantly more New Yorkers than in the previous year—evidence before the Permanent Commission, including the statements from hearing presenters, substantiated the continuing unmet need and confirmed that although significant progress has been made, more must be done to close the access-to-justice gap. Data suggests that the number of unrepresented litigants statewide remains unacceptably high, with the percentages in particular case types, such as child support and consumer debt, near or above 90%.¹⁴⁸ In addition, despite modest economic recovery over the last several years, the numbers of New Yorkers living in poverty statewide remains extremely high. According to the American Census Bureau, an estimated 5.9 million New Yorkers (approximately 31% of the State's population), were living below 200% of the federal poverty level in 2016.¹⁴⁹

Other poverty indicators show the high percentage of poverty in New York. Lack of food security is a significant indicator of poverty, and the U.S. Department of Agriculture reports that as of 2017, the three-year average percentage of New York State residents living in "food insecure" households stands at 12.5%.¹⁵⁰ In New York City, an estimated 16.4% of the population is "food insecure" or lacks access "to enough nutritionally adequate food for an active, healthy life for all members of a household."¹⁵¹ Throughout the State, the percentage of people living in "very low food secure" households—defined to include households with disrupted eating patterns and reduced food intake owing to lack of monetary and other resources for food—is 4.3%.¹⁵²

Another significant poverty indicator is the size and continued growth of the homeless population. Between 2007 and 2015, although homelessness nationwide decreased in 33 states and the District of Columbia,¹⁵³ it increased in 18 states, including New York, which had

the largest increase, rising 41%, from 62,601 to 88,250.¹⁵⁴ Homelessness in New York City has risen each year since 2015, including an approximate 39% increase in street homeless from 2016 to 2017.¹⁵⁵ Although the majority of New York State's homeless are concentrated in New York City, the Office of the State Comptroller has reported that communities in virtually every corner of the State are confronting homelessness on a daily basis, particularly in Nassau and Suffolk Counties, which have the third-largest homeless populations nationwide.¹⁵⁶

To meet these needs, the Permanent Commission recommends that state funding be continued and sustained at the level of \$100 million for the 2018–2019 fiscal year, during which time the Permanent Commission will begin to implement its strategic action plan (as described in the next section of this Report), with the goal of establishing a coordinated civil legal services delivery system that will provide effective assistance to 100% of those in need.

The Permanent Commission is greatly encouraged by the recently enacted access to counsel legislation in New York City that provides legal assistance for low-income tenants facing eviction.¹⁵⁷ This legislation is the first in the nation to guarantee access to counsel for all tenants at 200% of the poverty level or less facing eviction from their homes. The Permanent Commission will review the statute and monitor its implementation to determine how the law might serve as a model for replication throughout New York State for housing or other litigated matters impacting the essentials of life.

II. Initiatives for 2018

A. **Statewide Initiatives that Are Part of the Strategic Action Plan Should Be Implemented to Create a Coordinated Civil Legal Services Delivery System with the Goal of Providing Effective Assistance to 100% of New Yorkers in Need**

The Permanent Commission has devoted this year to developing an action plan that will create a coordinated and integrated delivery system to provide effective assistance to 100% of New Yorkers in need. Extensive work has gone into devising the plan, which will be completed and submitted to the funder by December 15, 2017, to ensure that the action items proposed are the most impactful, scalable and effective solutions to eliminating the justice gap in New York.

Implementation of the action plan is an ambitious endeavor that will require a multi-year commitment. To address priorities identified during the strategic planning process, the Permanent Commission recommends that the following statewide initiatives, to be included in the action plan, be implemented in 2018.

Full-Service Attorney Representation Should Be Expanded. The Permanent Commission reaffirms the critical importance of full-service attorney representation for low-income individuals in matters affecting the essentials of life, and renews its commitment to increase the availability of full-service representation and to achieve efficiencies in the provision of such services.¹⁵⁸

The Permanent Commission recommends that providers of civil legal services incorporate into their programs litigation strategies that have the potential to impact many people beyond the parties to the case. We also encourage, where feasible, expanded training and mentoring for pro bono volunteers both on substantive issues and on how to work with low-income clients.

An Advisory Committee on Plain Language Should be Established to Develop an Action Plan for the New York State Courts. Creating plain-language court materials is a foundational goal to ensure access to justice. In order for litigants to understand court processes and filing procedures, court materials ranging from informational notices to pleadings and forms should be presented in simple terms. There is an urgent need for a coordinated effort to create and implement a plain-language “library” of materials, such as a glossary of plain-language legal terms, plain-language information about court processes, and plain-language court forms, notices and pleadings. The development of plain-language court materials will facilitate translation of such materials into multiple languages.

At the Statewide Stakeholder Meeting, the underlying challenge was aptly noted: New York’s laws, statutes and regulations contain nuances that are not easily put into simple words, that comparable words do not exist in other languages and, crucially, that laws are often written in complex language. Given the legal and linguistic complexity of converting court materials, ranging from information about court actions and procedures to all types of forms, notices and pleadings, the Permanent Commission recommends that the Chief Judge establish an advisory committee, composed of a wide range of justice system stakeholders, linguists, court users and other experts, to develop a plain language action plan for the New York State courts.¹⁵⁹ The advisory committee should conduct research on the experiences of other jurisdictions around the country. The Permanent Commission suggests this approach be patterned after the successful work of the Committee on Non-Lawyers and the Justice Gap, which we recommended in our 2012 annual report and resulted in the creation of the Navigator Pilot.¹⁶⁰

An Annual Conference Should be Convened to Advance the Integration of Diverse Community Stakeholders. During the strategic planning process, stakeholders from around the State echoed the need for better integration of diverse community stakeholders—including legal services, social services and healthcare providers, librarians, faith leaders and educators—as well as the development of crucial strategies to prevent the escalation of issues into court matters. At every stakeholder event, including the meetings of the Suffolk County Leadership Team, concerns were raised about service providers working in “silos,” unaware of the other entities and services that exist within their communities, to the significant detriment of those they are seeking to assist.

The stakeholder events provided initial opportunities for the providers in attendance to learn about and from their colleagues in the community. It is crucial that these opportunities are expanded so that stakeholders can come together and work collaboratively to develop sustainable strategies and tools to ensure that regardless of which door those in need go through, they will be directed to the most appropriate provider for their civil legal need. To facilitate this, it is recommended that an annual statewide conference be convened for community stakeholder leaders to share knowledge, strategies and best practices for community integration to provide access to justice.¹⁶¹ The Permanent Commission will explore potential partnerships with other stakeholders to convene this conference and expand stakeholder participation.

Help Centers Should Be Expanded Statewide to Provide Assistance to Unrepresented Litigants in the Courts. In 2017, 28 Help Centers located in courts across the State offered free information to unrepresented individuals related to their legal matters in Civil, Family, Housing, Supreme and Surrogate’s courts and Community Justice Centers.¹⁶² Under the supervision of the Office for Justice Initiatives, New York State Courts Access to Justice Program, this statewide

network of Help Centers has assisted hundreds of thousands of unrepresented litigants.¹⁶³ The salutary impact for an unrepresented litigant who receives courthouse assistance cannot be overstated—access to justice is realized, promoting trust in the fairness of the justice system.

The Permanent Commission recommends that Help Centers be expanded statewide. Consideration should be given to determining feasible locations and staffing requirements, including both lawyers and nonlawyers. The court system should adopt statewide standards and best practices for Help Centers that provide for the operation, staffing and training of legal and non-legal staff to ensure the quality and consistency of the information provided to litigants. The courthouse Help Centers in the Bronx Family Court and the Rochester Hall of Justice (which provides information for litigants with matters in Supreme, County, City, Family and Surrogate's Courts) serve as models for replication around the State.

Judicial and Court Staff Education on Cultural Competence Should Be Strongly Considered.

Throughout the strategic planning process, the Permanent Commission heard from various stakeholders about the numerous barriers that unrepresented litigants face in the courts. In particular, stakeholders repeatedly expressed concern about the treatment of clients and unrepresented litigants that results from judges' and staff misunderstandings of poverty and race, which can negatively impact case outcomes.

Given the significant numbers of unrepresented litigants appearing in our courts, it is crucial that judges and court staff understand the barriers faced by the unrepresented when navigating the courts, and the ways in which judges and court staff can ensure access to justice without compromising neutrality. Judges and court staff also need to be able to understand, communicate with and effectively interact with individuals who may be from different cultures and/or educational backgrounds or social classes than themselves. To initially address these issues, the Permanent Commission recommends that the court system strongly consider implementing educational programming for judges and court staff on issues relating to cultural competency that would encompass, among other topics, implicit bias, inclusion, and how poverty might impact a litigant's interaction with and navigation of the legal system, including skills training through poverty simulations.¹⁶⁴

The Role of Nonlawyers to Provide Informational Assistance Should Be Expanded. In an effort to close the justice gap, the Permanent Commission has long been a proponent of using trained nonlawyers to provide informational assistance to individuals in need.¹⁶⁵ Programs have already established the important role of nonlawyers providing informational assistance prior to the commencement of a legal action (Legal Hand neighborhood storefront offices) and in the courthouse (the Court Navigators); both have proven to be effective. A description of those programs is detailed later in this Report.¹⁶⁶ Their expansion to other locations throughout the State and, for the Court Navigators, to additional case types, would help serve additional individuals with matters impacting the essentials of life.

Additional Measures Should Be Undertaken to Promote the Practice of Limited-Scope Representation. The Permanent Commission continues its commitment to encouraging the use of limited-scope legal representation (LSR), as an effective way, in the absence of full-service representation, to increase access to justice for low- and moderate-income individuals facing legal challenges to essentials of life issues. LSR provides legal representation for a discrete legal task, to help increase the number of successful outcomes. Experience has shown that parties appear in court more prepared, and judges and parties benefit from having an attorney involved for at least part of the process.

In December 2016, in response to recommendations from the Permanent Commission in support of expanding LSR, Chief Administrative Judge Lawrence K. Marks issued an Administrative Order declaring it to be the policy of the court system to support and encourage the practice of LSR.¹⁶⁷ Pursuant to that administrative order, forms for a limited appearance and for withdrawal from a case, as well as a training program for attorneys participating in limited appearances, are being developed. In support of LSR, we recommend that additional measures be undertaken, including outreach to bar associations to encourage their members to undertake LSR, posting comprehensive information for litigants about LSR online and the establishment of a registry of attorneys who have completed the training.

Technology Should be Developed to Coordinate, Integrate and Simplify Access to Existing Resources and Services, and Provide Integration Among Stakeholder Systems. Since 2013, the Permanent Commission has been exploring how technology can be used to help bridge the justice gap.¹⁶⁸ The strategic planning process reinforced the essential role of technology in expanding the capacity of the civil justice community, particularly how technology can serve as the gateway to services and help to reassess the service delivery model. To accomplish these ends, technology needs to be developed to coordinate, integrate and simplify access to the various resources and services that already exist and provide integration among existing systems, including the New York State courts' case management systems.

At the September Stakeholder Meeting, participants discussed the critical elements that must be developed, including consistent and uniform data content and form standards so that systems can communicate with each other. They also discussed the need for a statewide knowledge management strategy in order to develop a virtual resource library for existing online litigation and substantive law resources. In the coming year, it is recommended that the Permanent Commission work with the stakeholder community on developing these elements. To facilitate this work, it is further recommended that the agenda of the Permanent Commission's 2018 Technology Conference focus on these topics to gather input from the broader stakeholder community.

The Suffolk County Action Plan Should be Implemented to Help Close the County's Justice Gap. The Suffolk County pilot—under the strong leadership of Hon. C. Randall Hinrichs, Administrative Judge of the 10th Judicial District, Suffolk County, and guidance of the Permanent Commission and its consultant, Neil Steinkamp—has made great progress in developing an action plan to help close the justice gap in the county.

Since June 2017, the leadership committee and the five local task forces, composed of a broad cross-section of the stakeholder community, have undertaken a comprehensive assessment of available services and resources—as well as the barriers and gaps impacting access to them—while exploring initiatives and strategies that could potentially close the justice gap. Given the expertise and strong commitment of all involved, and the developments to date, it is anticipated that the pilot action plan will be an ambitious, yet practical, roadmap for helping to close the justice gap in Suffolk County and will help inform similar efforts in other communities statewide. It is therefore recommended that the plan be implemented. The Permanent Commission is mindful that funding may be needed to implement some portions of the action plan and potential funding sources should be explored.

B. The 15 New York Law Schools and Their Students Should Continue Their Significant Work Contributing to the Effort to Expand Access to Justice for Low- and Moderate-Income New Yorkers

Since the first law school access-to-justice conference in 2012, ideas generated by conference participants have produced key recommendations adopted by the Permanent Commission that have effectively increased involvement by New York's law schools, students and graduates to expand access to justice for our most vulnerable citizens. Each of the 15 New York law schools has further integrated cultural competency and access-to-justice principles across their curricular, clinical, externship and experiential offerings to ensure law students graduate with the skills and professional acumen to counsel clients from diverse communities. Significantly, the State's requirement that all candidates for bar admission in New York perform 50 hours of pro bono legal work offers every law student an experiential learning opportunity, inspiring some students to become Pro Bono Scholars and dedicate their final semester to public legal services work to benefit low-income New Yorkers.

The Sixth Annual Law School Access to Justice Conference, "Access to Justice in the Courtroom and Beyond: A Conversation About How Law Schools Enhance Access to the Democratic Process for Low-Income New Yorkers," was held on May 18, 2017, at St. John's University School of Law. The Permanent Commission's Law School Involvement Working Group, with input from the Statewide Law School Access to Justice Council, coordinated the conference. This year's 160 participants included law school deans, administrators, faculty, and students; legal services providers; judges and court personnel; technology and financial experts; bar examiners; pro bono counsel and bar leaders. In welcoming the participants, St. John's University School of Law Dean Michael Simons observed that the essential role of law schools is to instill students with a commitment to improve the legal profession and assure meaningful access to justice. Chief Judge DiFiore opened the Conference by commending New York's law schools for their leadership in expanding access to justice, particularly as shifts in governmental policy and regulations have demanded rapid responses to aid individuals and families confronting immediate challenges to the essentials of life. The Chief Judge remarked that the current climate presents new public interest opportunities for law students and optimism about the future of the legal profession.

Fordham University School of Law Dean Matthew Diller, Chair of the Permanent Commission's Law School Involvement Working Group, framed the conference discussion. Access to justice is generally thought of as access to the courts—the right to be heard in a courtroom when the fundamentals of life are at issue. However, the broader underpinning is access to the basic institutions of a democratic society—a right to be heard and participate in all our democratic processes. During the last year, New York's law schools' efforts to expand access to justice have included work to ensure access to the democratic process, as well as access to the courts. These themes were addressed in three work group sessions: the role of law schools in enhancing access to justice and democratic participation; the opportunities created for law graduates by New York City's access to counsel law for income-eligible tenants facing eviction; and the role of New York's law schools in protecting immigrants who confront essentials of life issues.

In New York, access to justice is a matter of state policy. Stable government funding of non-profit legal representation for income-eligible New Yorkers facing civil legal challenges, immigration issues and housing matters heralds significant change. This public funding presents tremendous opportunities for law schools, students and graduates. Legal services providers are poised to meet the demand created through new funding by hiring scores of new

lawyers and now can position themselves to align their hiring schedules to be competitive with the private sector. Law schools and legal services providers should work together to ensure a strong pipeline of students and graduates prepared to perform civil legal services work.

By working collaboratively, law schools and legal services providers can cultivate legal professionals to advocate for and represent individuals facing essentials of life challenges, and lead the bar in reforming housing law in New York City.

It is incumbent upon New York's law schools to ensure robust curricular, clinical, externships and experiential offerings to equip students with the knowledge, skills and cultural competencies required to represent individuals facing essentials of life challenges and meet the legal services needs of our State's low-income residents. The Statewide Law School Access to Justice Council is well positioned to facilitate programs and forums to promote public interest opportunities for law students, encouraging them to be leaders and advocates.

Based on the work of the 2017 Conference participants, the Permanent Commission makes the following key recommendations:

- Law schools and legal services providers should work together to ensure a robust and strong pipeline of students into civil legal services work as increased public allocations to fund immigration and housing work provide new opportunities for law students and graduates;
- The Permanent Commission affirms prior recommendations encouraging law schools to continue and expand access-to-justice efforts:
 - Law schools should teach students about cultural competency, institutional and structural factors that perpetuate poverty across curricular, clinical, externship and experiential offerings;
 - Law school instruction should include the importance of coalition building and community collaborations; diversity training; and storytelling as effective advocacy;
 - Law schools should continue to encourage student involvement in community social justice initiatives that promote access to justice and access to democratic processes projects, e.g. "Know Your Rights" trainings and voter protection; and
 - Law Schools should continue to explore ways to recruit students from diverse populations and incorporate flexible admissions criteria;
- The Law School Conference should continue to be convened annually and be supported by the Statewide Law School Access to Justice Council. Consideration should be given to ways to increase law student participation at the conference; and
- The Statewide Law School Access to Justice Council should continue its work to enhance collaborations among the law schools on access to justice and access to democratic processes. It should also promote student involvement in public interest work responsive to current events, such as environmental and political crises, disaster relief, and deferred action for childhood arrivals (DACA), that implicate essentials of life issues.

C. Effective Technology Initiatives that Can Increase Access to Justice and Further Leverage Resources for Civil Legal Assistance for Low-Income New Yorkers Should Be Supported

Since 2013, the Permanent Commission has focused on the potential role of technology in transforming the delivery of civil legal services to low-income New Yorkers.¹⁶⁹ The research established that civil legal service providers benefit greatly from the effective incorporation of technology into both their day-to-day internal operations and their client service delivery. We also determined that while providers were eager to embrace the latest technology, most of them lacked the knowledge, expertise and funding to do so.¹⁷⁰

Based on those findings, we have sought to provide access to the expertise and resources necessary to educate providers as to the benefits and efficiencies of technology and help support the integration of technology into client service delivery. The Pro Bono Law Firm IT Initiative¹⁷¹ was launched to harness the expertise of law firm IT staff to assess the technology needs of individual civil legal services providers and make recommendations for enhancing and improving technology. Five legal service providers participated in and have benefitted from the initial pilot. This year, the Pro Bono Law Firm IT Initiative expanded its efforts by presenting a series of educational webinars on a range of technology assessment and training topics.¹⁷² These webinars will be continued in the upcoming year.

We also encouraged the continued development of two online pilot projects, one in New York City and one in western New York, for the screening and intake of low-income New Yorkers seeking legal assistance in consumer matters. Where technically feasible, we urged that the pilots be developed to be compatible with each other. This year, both pilots, designed for easy online access to legal assistance for users and reduced intake time for providers, will be rolled-out for use in New York City and extensive user testing in western New York. The pilot in western New York is being led by Legal Assistance of Western New York, along with the Legal Aid Society of Mid-New York and Neighborhood Legal Services. The New York City pilot is being led by the City Bar Justice Center and includes providers CAMBA, Mobilization for Justice, Urban Justice Center and the Feerick Center.

On June 12, 2017, the Permanent Commission convened our third, day-long Statewide Technology Conference, sponsored in conjunction with NYSTech¹⁷³ at New York University School of Law.¹⁷⁴ The conference brought together over 130 executive directors and technology staff from civil legal services providers, law firms, law schools, funders, technology service providers and court administrators, to share innovative ideas that can improve the delivery of civil legal services and the efficiency of provider operations.¹⁷⁵

While showcasing innovative technology and delving into a variety of topics—from developing technology policies, to addressing security concerns, to DIY technology upgrades—there was emphasis on discussion and networking, including lunchtime Table Talks and Peer-to-Peer Strategizing sessions.

Based upon these initiatives, the Permanent Commission makes the following recommendations:

The Pro Bono Law Firm IT Initiative should be continued and expanded. The Pro Bono IT Initiative, having proven successful in assisting legal services providers, should be continued to reach civil legal aid providers throughout the State by engaging law firm IT coordinators,

recruiting pro bono IT professionals from additional law firms and engaging law school communities. The webinar-based technology assistance project should be expanded to civil legal aid providers throughout the State, and model technology policies should be developed.

The Developers of the Two Online Intake Portals Pilots Should Continue to Consult with Each Other in the Final Planning and Implementation of Their Projects. The developers of the New York City and Western New York Consumer Help Finder projects should continue to consult with each other through implementation of their respective projects. In anticipation that the pilots will be compatible with each other and capable of expansion to other substantive areas, the Permanent Commission should continue to support these efforts, including encouraging the development, with all appropriate stakeholders, of a shared governance model to address such issues as funding, decision-making, data ownership and system maintenance.

The Statewide Technology Conference Should Continue to Be Convened Annually. The three technology conferences organized by the Permanent Commission have proven extremely successful in bringing together civil legal services providers from across the state to meet with their colleagues and technology professionals to learn about the latest technological initiatives in order to maximize efficiency and increase the number of individuals served. The Permanent Commission should continue to convene an annual statewide technology conference, with the goal of encouraging the civil legal aid community to engage in sustained collaboration, best practices development, improved security measures, training, critical analysis and revolutionary thinking around the improved use of technology to increase access to effective legal assistance by low-income New Yorkers. Further, it is recommended that the agenda for the 2018 Technology Conference focus on advancing the technology priorities identified in the Strategic Action Plan.

The Development and Expansion of Technology Should Be Supported. The Permanent Commission should continue to support civil legal services providers in their efforts to identify additional funding sources and dedicated funding streams that will support technology expansion and innovation to improve the delivery of civil legal services.

D. Education and Outreach to Librarians in Public Libraries Should Continue to Be Expanded

Since 2015, the Permanent Commission has sought to expand its education and outreach efforts to public libraries, which serve as information hubs in communities statewide.¹⁷⁶ In 2016, outreach efforts were undertaken to expand partnerships and collaborations. Most significant was the outreach to the New York Library Association, which included submitting a proposal to present a workshop at its 2017 annual conference. In addition, the NYS Courts Access to Justice Program updated its materials for its "Opening Courthouse Doors" Program, creating Librarian Portfolios for every Judicial District in the State.

This year, with the assistance of the Fund for Modern Courts, a new online resource and training program has been developed for librarians in public libraries. The program provides guidance on the numerous online and community resources available to patrons seeking information about their legal matters. Designed as a roadmap and reference document, the training materials take librarians through the most useful resources, including CourtHelp and LawHelp, the Do-It-Yourself (DIY) forms and the new Librarian Portfolios. It also provides a primer on the courts, as well as guidelines for providing permissible assistance. The initial roll-out of the training program took place on November 11, 2017 at the New York Library

Association Annual Conference. Librarians from public libraries statewide participated in the program, entitled “Guiding Patrons to Legal Resources.” Feedback was extremely positive and included requests for extended training sessions at local libraries around the State.

Based upon these efforts, the Permanent Commission recommends that:

- The training program for librarians in public libraries should be offered statewide, through both live programs (where feasible) and online webinars, and a train-the-trainer program should be developed, using staff from civil legal services providers and community-based organizations, to connect with librarians and educate them about the courts, the legal system and available resources;
- The newly developed materials should be publicized in an accessible and user-friendly format for online use by librarians based in public libraries;
- Partnerships should continue to be developed to engage public libraries, court public access law libraries and community-based organizations to participate in the initiative; and
- Additional partnerships should be developed between legal services providers and the public libraries to explore collaborations that would further expand access to legal assistance and information.

E. Initiatives to Increase the Contributions that Nonlawyers Can Make to Bridge the Access-to-Justice Gap Should Be Expanded

Recognizing the extent of the justice gap, the Permanent Commission has consistently explored initiatives for expanding the level and types of services for those with civil legal needs. One such initiative is the role nonlawyers can play within the legal services delivery system. As a result, the Permanent Commission has helped develop two significant models of nonlawyer assistance, the Legal Hand neighborhood storefront centers and the Court Navigator Program. The value of these models was recognized by the ABA Commission on the Future of Legal Services in its 2016 report, specifically citing the two as programs that exemplify how courts are experimenting with innovative methods to assist the public and meet the needs for civil legal services.¹⁷⁷

These models begin to create a continuum of assistance, ranging from community-based informational assistance that aims to prevent legal issues from becoming more serious, to court-based programs that provide support to low-income litigants navigating the legal system without representation. For each of these models, the Permanent Commission offers recommendations for how nonlawyers can contribute to our efforts to help close the justice gap in the upcoming year.

Legal Hand

As noted in our 2015 annual report, a visible, accessible, walk-in neighborhood office where basic legal information can be obtained offers a tremendous benefit for people in need of assistance. Accordingly, the Permanent Commission supported the creation of Legal Hand, neighborhood-based storefront centers staffed with trained community nonlawyer volunteers who provide free legal information, assistance and referrals to help low-income individuals with issues that affect the essentials of life, with the goal of trying to resolve problems before they turn into legal actions.

Supported by a \$1 million grant from an anonymous donor, three Legal Hand centers were launched in New York City in 2015 in Crown Heights (Brooklyn), Brownsville (Brooklyn) and South Jamaica (Queens). The Legal Hand centers, which are visible from the street and welcoming, are open during regular business hours, with weekend and evening hours as well. Since their opening, they have served more than 12,750 visitors who have received assistance with problems primarily involving housing, family and benefit issues. Because of their success, the anonymous donor is funding the establishment of three additional Legal Hand centers: two in the Bronx and one in upper Manhattan.

There is an enormous prevention benefit realized from this initiative. Legal Hand centers provide a community-based location where those in need can get legal information and assistance, which could make the difference in resolving problems before they erupt into much more serious issues that ultimately may result in full-scale legal proceedings. To assist with a range of legal problems, Legal Hand volunteers receive training from legal service providers in areas involving the essentials of life and, in particular, areas where emergencies commonly arise.

The overarching principle behind Legal Hand is the recognition that problems with legal components begin percolating long before a court case is filed. By providing support and legal information early in the process, Legal Hand can help people resolve their disputes before they escalate and require court intervention. This is not only beneficial to the individual but also to our state and local governments which receive monetary savings from averted crises and litigation. Most importantly, these centers are contributing to the goal of providing equal access to justice.

The Permanent Commission recommends that the Legal Hand program be institutionalized and integrated into the court system's overall efforts to provide assistance in order to reduce the number of unrepresented litigants in the courts by preventing matters from turning into court actions.

The Court Navigator Program

The Court Navigator Program operates in courthouses to help unrepresented individuals with their civil legal proceedings.¹⁷⁸ Navigators do not provide substantive legal advice; rather, they assist litigants in understanding the proceedings and navigating the process. The Court Navigator Program builds on the successful model, developed by the NYS Courts Access to Justice Program, in which community members are trained to assist unrepresented litigants who appear in New York City Housing Court for non-payment cases and in New York City Civil Court for debt collection matters.

In 2015–2016, an evaluation of the Navigator Program operating in designated New York City housing and consumer credit court parts was conducted as part of a national study supported by the Public Welfare Foundation.¹⁷⁹ This evaluation was designed to assess the impact that trained and supervised nonlawyers had in helping people who came into court without representation, and issue findings regarding replication and sustainability of the Navigator model statewide and nationally. The evaluation established that the informational and emotional support provided by a nonlawyer, who is appropriately trained and supervised, results in better outcomes for otherwise unrepresented people and promotes the fair administration of justice.¹⁸⁰

This year, through the strategic planning process, the Permanent Commission explored expansion of the Court Navigator Program into courts in other parts of the State. The Permanent Commission continues to support the NYS Courts Access to Justice Program's Court Navigator Program in New York City.



For the foregoing reasons, the Permanent Commission respectfully requests that the Chief Judge adopt the funding and other recommendations set forth in this Report to continue to bridge the access-to-justice gap for low-income families and individuals in New York State.

ENDNOTES

1. See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 16–18 (2010) [hereinafter 2010 ANNUAL REPORT], <http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-TaskForceREPORT.pdf>.
2. See *infra* Parts A. III.
3. PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 5 (2016) [hereinafter 2016 ANNUAL REPORT], [https://www.nycourts.gov/accesstojusticecommission/PDF/2016 Access to Justice-Report.pdf](https://www.nycourts.gov/accesstojusticecommission/PDF/2016%20Access%20to%20Justice-Report.pdf).
4. See *infra* Parts A.I & III.
5. Based on information made available to the Permanent Commission by Office of Court Administration (OCA), Division of Professional and Court Services, Grants and Contracts Office [hereinafter OCA Information].
6. See 2016 ANNUAL REPORT, *supra* note 3, at 7.
7. See NYC Office of Civil Justice 2016 ANNUAL REPORT, NYC HUMAN RESOURCES ADMINISTRATION: DEPARTMENT OF SOCIAL SERVICES 1, 31–32 (June 2016) [hereinafter *Office of Civil Justice 2016 Report*], https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OJ%202016%20Annual%20Report%20FINAL_08_29_2016.pdf; see also *City Report Reveals Major Increase in the Number of Tenants in Housing Court Who Have Legal Representation*, CITY OF N.Y. (Aug. 30, 2016), <http://www1.nyc.gov/office-of-the-mayor/news/698-16/city-report-reveals-major-increase-the-number-tenants-housing-court-who-have-legal/#/0>.
8. See New York City Council Intro. No. 214-B (N.Y.C. 2017) [hereinafter NYC Access-to-Counsel Bill], codified at 26 NYC Admin Code. Chap. 13; see also *Mayor de Blasio Signs Legislation to Provide Low-Income New Yorkers with Access to Counsel for Wrongful Evictions*, CITY OF N.Y. (Aug. 11, 2017), <http://www1.nyc.gov/office-of-the-mayor/news/547-17/mayor-de-blasio-signs-legislation-provide-low-income-new-yorkers-access-counsel-for/#/0>.
9. See Appendix 5; see also Appendices 6 & 7.
10. *Id.* The Permanent Commission’s 2010, 2011, 2012, 2013, 2014, 2015 and 2016 Reports to the Chief Judge, the Appendices to each Report, the transcripts for each of the Chief Judge’s hearings and other information are available at the Permanent Commission’s website, <http://www.nycourts.gov/accesstojusticecommission>.
11. See *id.*
12. See *infra* Part A.II.
13. *The Chief Judge’s Hearing on Civil Legal Services, Sept. 18, 2017 (opening remarks of Hon. Janet DiFiore, Chief Judge of the Court of Appeals of the State of New York at 6:9–18)*.
14. See *infra* Part A.V.
15. See *infra* Part B.I.
16. See *id.*
17. These recommendations are further detailed in Part B.II.
18. See *infra* Part B.II.B.
19. See *infra* Part B.II.C.
20. See *infra* Part B.II.D.
21. See *infra* Parts A.III & B.II.E.
22. *The Chief Judge’s Hearing on Civil Legal Services, Sept. 18, 2017 (opening remarks of Hon. Janet DiFiore, Chief Judge of the Court of Appeals of the State of New York at 5:14–6:8)*.

23. N.Y. Legis. Assemb. Res. K1621. Sess. 2009–2010 (2010), <https://www.nysenate.gov/legislation/resolutions/2009/k1621>; N.Y. Legis. Assemb. Res. J6368. Sess. 2009–2010 (2009), <https://www.nysenate.gov/legislation/resolutions/2009/j6368> [hereinafter Joint Resolution]. The Joint Resolution was adopted by the State Senate on June 29, 2010 and the State Assembly on July 1, 2010.
24. L. 2017, c. 51 [Judiciary Budget].
25. *Id.*
26. See Appendix 2.
27. See PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 2 (2016) [hereinafter 2016 ANNUAL REPORT: APPENDIX 2], http://www.nycourts.gov/accesstojusticecommission/PDF/2016_Access_to_Justice-Appendices.pdf.
28. See Appendix 2.
29. See OCA Information, *supra* note 5.
30. See *id.*
31. This slight decrease in the number of cases handled in the Second Department was attributable to a few factors, including, among others: past grantees that did not apply for funding or requested a lesser amount of funding than prior years; new grantees that were delayed in hiring new staff; grantees who had staff turnover or attorneys on extended sick leave; and an increase in the handling of certain case types which required significantly more attorney resources to resolve. See OCA Information, *supra* note 5.
32. This slight decrease in the number of cases handled in the Third Department was attributable to a shift of resources to address an increased foreclosure caseload which required significantly more attorney resources to resolve. See OCA Information, *supra* note 5.
33. See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 2, 7, 20 (2014) [hereinafter 2014 ANNUAL REPORT], <http://www.nycourts.gov/accesstojusticecommission/PDF/CLS%20TaskForce%20Report%202014.pdf>; see also *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 6, 2014 (statement of Hon. A. Gail Prudenti, Chief Administrative Judge, New York State Unified Court System, at 50:13–14)*.
34. HON. LAWRENCE K. MARKS, 2017 REPORT OF THE CHIEF ADMINISTRATOR OF THE COURTS PURSUANT TO CHAPTER 507 OF THE LAWS OF 2009 (2017), at 9.
35. See *id.*
36. See *Office of Civil Justice 2016 Report*, *supra* note 7.
37. *Id.* at 30–34.
38. *Id.* at 1, 30–32.
39. *Id.* at 31.
40. *Id.* at 32–34.
41. Based on information made available to the Permanent Commission by the New York City Office of Civil Justice.
42. See 2016 ANNUAL REPORT, *supra* note 3, at 7.
43. See *Summary of Economic Benefits and Savings from Civil Legal Savings in New York for Calendar Year 2016: Prepared for the New York State Permanent Commission on Access to Justice* (STOUT RISIUS ROSS, LLC [Nov. 2017]) [hereinafter 2017 Stout Report].
44. *Id.* at 15–17.
45. *Id.* at 4, 34, 50.
46. *Id.* at 34.
47. *Id.*

48. *Id.* Data from the U.S. Department of Health and Human Services indicates that only 66% of child support payments are actually received. *Id.* at 16.
49. *Id.* at 32.
50. See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 23 (2013) [hereinafter 2013 ANNUAL REPORT], http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-TaskForceReport_2013.pdf.
51. 2014 ANNUAL REPORT, *supra* note 33, at 21.
52. *The Chief Judge’s Hearing on Civil Legal Services, Sept. 27, 2016 (statement of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, LLC, at 19–20).*
53. 2017 Stout Report, *supra* note 43, at 41.
54. *Id.* at 45.
55. *Id.*
56. *Id.* at 44.
57. *Id.*
58. *Id.* at 44–45.
59. *Id.* at 47.
60. *Id.* at 46.
61. *Id.*
62. *Id.* at 46–47.
63. *Id.* at 47.
64. *Id.* at 30.
65. *Id.* at 6, 31, 39.
66. *Id.* at 31.
67. *Id.* at 30–31.
68. *Id.* at 5.
69. *Id.* at 4–5.
70. *Id.* at 4–5, 52.
71. *Id.*
72. N.Y. Legis. Assemb. Res. C776. Sess. 2015–2016 (2015), <http://legislation.nysenate.gov/pdf/bills/2015/C776> [hereinafter Concurrent Resolution]. The Concurrent Resolution was adopted by the State Senate and State Assembly on June 18, 2015. The full text of the Resolution reads:

WHEREAS, This Legislative Body, by resolution adopted in 2010 (J.6368 and K.1621), recognized that the fair administration of justice requires that every person who must use the courts have access to adequate legal representation and, accordingly, invited the chief judge of the state to annually report to the governor and the legislature concerning the findings of his statewide hearings to assess the extent and nature of unmet civil legal services needs, and the work of the Task Force to Expand Access to Civil Legal Services in New York; and

WHEREAS, These annual reports have consistently demonstrated that, for a significant percentage of those New Yorkers in need, effective legal assistance can have profound impact upon one’s ability to realize or protect the essentials of life, which may include remaining in one’s home, escaping from domestic violence, stabilizing a family, maintaining or obtaining subsistence income or other vital government services, securing adequate health care or pursuing an education; and

WHEREAS, These annual reports *also* have shown that, when impoverished New Yorkers must appear in the state's civil courts without legal representation, there is a greater public cost because these courts must divert more of their limited resources to assist them, and because their cases are much less likely to be settled early or otherwise disposed of and therefore they add to court calendar congestion; and

WHEREAS, Although, in the wake of this Legislative Body's 2010 resolution, the state has committed greater fiscal resources to the provision of civil legal services for the poor and the Task Force to Expand Access to Civil Legal Services in New York has secured greater service contributions by law schools, bar associations and the private bar, it remains the case today that a vast number of New Yorkers who live in poverty actually do not have access to effective legal assistance when necessary to realize or protect the essentials of life; and

WHEREAS, To change this dynamic, it should be the policy of the state of New York, that every New Yorker in need have effective legal assistance in matters involving the essentials of life (housing, family matters, access to healthcare, education and subsistence income); now, therefore, be it

RESOLVED (if the ... concur), That it is the sense of this Legislative Body that the state must continue its efforts to achieve the ideal of equal access to civil justice for all.

73. See Letter from Hon. Michael V. Coccoma, Deputy Chief Administrative Judge, to Hon. Deborah Kaplan, Statewide Coordinating Judge for Family Violence Cases, and Helaine M. Barnett, Chair, New York Permanent Commission on Access to Justice (May 26, 2017) (on file with the Permanent Commission).
74. In 2012, the Permanent Commission recommended a revision to Section 100.3 of the New York Code of Judicial Conduct to the Chief Judge, regarding a judge's duty of impartiality and diligence, to provide that a judge does not violate Section 100.3 by making reasonable efforts to facilitate the ability of unrepresented litigants to have their matters fairly heard. Section 100.3 was subsequently amended in 2015. See N.Y. COMP. CODES R. & REGS. tit. 22, § 100.3(B)(12) (2015). See *also* 2013 ANNUAL REPORT, *supra* note 50, at 8 n.19.
75. See 2013 ANNUAL REPORT, *supra* note 50, at 36–37.
76. See Administrative Order of the Chief Administrative Judge of the Courts AO/78/17 (Apr. 17, 2017). See *also* PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 32 (2015) [hereinafter 2015 ANNUAL REPORT], http://www.nycourts.gov/accesstojusticecommission/PDF/2015_Access_to_Justice-Report-V5.pdf.
77. See Request for Public Comment on Proposal to Require Certain Early Disclosure in Landlord-Tenant Proceedings (2017), <http://www.nycourts.gov/rules/comments/PDF/EarlyDisclosureInLandlord-TenantProceedings.pdf>.
78. See Appendix 11.
79. Reports from the Annual Law School Conferences are contained in Appendix 15 to the respective Annual Report to the Chief Judge from 2012–2015 and in Appendix 10 to 2016 Annual Report. PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 10 (2016), https://www.nycourts.gov/accesstojusticecommission/PDF/2016_Access_to_Justice-Appendices.pdf; PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 15 (2015), https://www.nycourts.gov/accesstojusticecommission/PDF/2015_Access_to_Justice-Appendices.pdf; TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 15 (2014), https://www.nycourts.gov/accesstojusticecommission/PDF/2014%20CLS%20Report_Appendices_Vol%202.pdf; TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 15 (2013), <https://www.nycourts.gov/accesstojusticecommission/PDF/2013CLS-Appendices.pdf>; TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 15 (2012), <https://www.nycourts.gov/accesstojusticecommission/PDF/CLS2012-APPENDICES.pdf>.
80. See Appendix 10. See *also* 2014 ANNUAL REPORT, *supra* note 33, at 23–28.

81. See 2014 ANNUAL REPORT, *supra* note 33, at 23–28.
82. *Id.* at 27–28.
83. Administrative Order of the Chief Administrative Judge of the Courts AO/42/14 (Feb. 10, 2014) [hereinafter Administrative Order 42/14], <https://www.nycourts.gov/courts/nyc/SSI/pdfs/AO-42-14.pdf>.
84. See *infra* Part B.II.E.
85. See *infra* Part B.II.D.
86. See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 43–44 (2012) [hereinafter 2012 ANNUAL REPORT], http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-TaskForceREPORT_Nov-2012.pdf. The George H. Lowe Center for Justice was dedicated October 29, 2015. See Douglass Dowty, *Poor and need a civil lawyer? New center in downtown Syracuse is one-stop destination*, SYRACUSE.COM (Oct. 29, 2015), http://www.syracuse.com/news/index.ssf/2015/10/poor_and_need_a_lawyer_new_center_in_downtown_syracuse_is_one-stop_destination.html.
87. Joint Order of the Supreme Court, Appellate Division (Apr. 23, 2013), <https://www.nycourts.gov/attorneys/probono/1200-6.1.pdf>.
88. Administrative Order of the Chief Administrative Judge of the Courts AO/135a/13 (Apr. 22, 2013), www.nycourts.gov/ATTORNEYS/probono/AO-135a-13.pdf.
89. See *Advisory Committee on Pro Bono Service by In-House Counsel in New York State, Report to the Chief Judge of the State of New York and the Presiding Justices of the Four Appellate Division Departments* (Sept. 2013), <http://www.nycourts.gov/rules/comments/PDF/PC-Packet-IHC-ProBono.pdf>. The amended rule is N.Y. Comp. Codes R. & Regs. tit. 22, § 522.8 (2015).
90. See N.Y. COMP. CODES R. & REGS. tit. 22, § 520.16 (2015).
91. The Pro Bono Scholars Program was announced by Chief Judge Lippman in his 2014 State of the Judiciary address. See *Pro Bono Scholars Program—A Legal Education Initiative*, N.Y. State Unified Court Sys., <http://www.courts.state.ny.us/attorneys/probonoscholars/index.shtml> (last visited Nov. 27, 2017).
92. See N.Y. COMP. CODES R. & REGS. tit. 22, § 118.1(g) (2015). See also *Attorney Emeritus Program*, N.Y. STATE UNIFIED COURT SYS., <https://www.nycourts.gov/attorneys/volunteer/emeritus> (last visited Nov. 27, 2017).
93. A presenter list for the Chief Judge’s hearing is annexed as Appendix 4. A transcript of the oral testimony at the hearing is annexed as Appendix 5. Written statements from testifying presenters at the Chief Judge’s hearing are annexed as Appendix 6. Written statements submitted for the Chief Judge’s hearing are annexed at Appendix 7.
94. See Appendix 5 at 1.
95. See Appendix 4.
96. See Appendix 7.
97. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (opening remarks of Hon. Janet DiFiore, Chief Judge of New York at 5:14–25)*.
98. *Id.* at 6:9–18.
99. *Id.* at 7:12–18.
100. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Sandi Toll, First Assistant Counsel to Governor Andrew Cuomo, on behalf of Alphonso David, Esq., Counsel to Governor Andrew Cuomo at 13:7–14:3)*.
101. *Id.* at 12:5–13:6.
102. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of J. Kevin McCarthy, Senior Executive Vice President and General Counsel of BNY Mellon at 77:20; 78:10)*.

103. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (statement of Steven P. Croley, Esq., Partner, Latham & Watkins LLP at 1).*
104. *Id.*
105. *Id.* at 7.
106. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (statement of Hon. C. Randall Hinrichs, Administrative Judge of the 10th Judicial District, Suffolk County at 4).*
107. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (statement of Kenneth C. Frazier, Esq., Chairman of the Board and Chief Executive Officer, Merck & Co., Inc. at 3–4).*
108. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Kenneth C. Frazier, Esq., Chairman of the Board and Chief Executive Officer, Merck & Co., Inc. at 128:2–4; 129:25–130:11).*
109. *Id.* at 129:10–16.
110. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of J. Kevin McCarthy, Esq., Senior Executive Vice President & General Counsel, Bank of New York Mellon at 78:11–16).*
111. *Id.* at 84:11–20.
112. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Beth Essig, Esq., Executive Vice President and General Counsel, Mount Sinai Health System at 89:20–90:4).*
113. *Id.* at 90:14–22.
114. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Reverend Chloe Breyer, Executive Director, The Interfaith Center of New York at 52:17–24).*
115. *Id.* at 56:14–57:1.
116. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Jose Torres, Volunteer Coordinator, Legal Hand at 117:7–17).*
117. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Sirrah Harris, Senior Attorney, Legal Hand at 111:2–13).*
118. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Jose Torres, Volunteer Coordinator, Legal Hand at 121:10–122:13).*
119. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services Group, Stout Risius Ross, LLC at 35:11–15).*
120. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of John S. Kiernan, Esq., President, New York City Bar Association; Partner, Debevoise & Plimpton LLP at 100:21–101:4).*
121. *Id.* at 104:9–14.
122. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services Group, Stout Risius Ross, LLC at 34:4–11).*
123. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Sandi Toll, First Assistant Counsel to Governor Andrew Cuomo, on behalf of Alphonso David, Esq., Counsel to Governor Andrew Cuomo at 17:10–25).*
124. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (statement of Hon. C. Randall Hinrichs, Administrative Judge of the 10th Judicial District, Suffolk County at 5).*
125. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of John S. Kiernan, Esq., President, New York City Bar Association; Partner, Debevoise & Plimpton LLP at 96:6–16).*

126. *Id.* at 97:21–98:21.
127. *Id.* at 99:13–20.
128. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Abdiel Joseph, resident of Kings County at 61:22–62:1).*
129. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Anlly Marily Reyes Galindo, resident of Bronx County at 68:4–6; 15–20).*
130. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Robert DiSalvo, resident of Orange County at 73:25–74:9).*
131. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Gail Spicer, resident of Albany County at 134:11–135:1).*
132. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Ray Krahm, resident of Nassau County at 140:10–13).*
133. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 18, 2017 (testimony of Jamie Peterson, resident of the Corning-Painted Post area of western New York at 145:25–146:5).*
134. *Id.* at 149:1–4.
135. New York was one of only seven states, along with Alaska, Colorado, Georgia, Hawaii, Massachusetts and Minnesota, to receive the Justice for All grant, to develop a framework to close the State’s justice gap. For information about the Justice for All Project, including the RFP and Guidance materials, see *Justice for All Project*, NATIONAL CENTER FOR STATE COURTS, available at <http://www.ncsc.org/microsites/access-to-justice/home/justice-for-all-project.aspx>.
136. *Id.*
137. These elements were divided into three categories: (1) foundational capacities, i.e., components that need to be developed for the justice system to work well and efficiently, including system design, governance and management, resource planning, technology capacity, triage, referral and channel integration, community integration, prevention and judicial education, and simplification of court procedures; (2) foundational services, i.e., services that must be in place in order for other broader services to be deployed later, including broad self-help informational services, language services integration and plain language forms; and (3) enhancement services, i.e., services which enable many more people to be served throughout the system, including ADR integration, courtroom assistance services, compliance assistance, unbundled or limited scope representation, expansion and efficiency improvements of full service representation, and role flexibility of other professionals. See *Justice for All Strategic Planning Guidance Materials*, NATIONAL CENTER FOR STATE COURTS (2017), <http://www.ncsc.org/~media/Microsites/Files/access/Justice%20for%20All%20Guidance%20Materials%20Final.ashx>.
138. The statewide action plan is due to be submitted to the Public Welfare Foundation on December 15, 2017, with implementation to begin in January 2018.
139. *Suffolk County Real Estate Trends & Market Info*, REALTYTRAC (Oct. 2017), <http://www.realtytrac.com/statsandtrends/foreclosuretrends/ny/suffolk-county>.
140. *Suffolk County Serving Veterans*, SUFFOLK COUNTY VETERANS SERVICE AGENCY, <http://www.suffolkcountyny.gov/veterans/Home.aspx>.
141. *Unaccompanied Alien Children Released to Sponsors by County*, OFFICE OF REFUGEE RESETTLEMENT (June 30, 2017), <https://www.acf.hhs.gov/orr/resource/unaccompanied-alien-children-released-to-sponsors-by-county>.
142. The five local task forces, chaired by members of the leadership committee, are charged with evaluating the recommended strategic action steps to improve access to justice through: (1) legal representation; (2) initial points of entry; (3) technology; (4) messaging; and (5) accessibility.

143. These include broad community stakeholder identification, bench and bar involvement, messaging development and strategies, dismantling of access barriers (including physical, transportation and language access barriers), the identification of legal resources and providers in a community, gaps in resources or capabilities, and the role that nonlawyers can play in community integration efforts.
144. To enable broad stakeholder participation, attendees had the option to attend in person and by remote access.
145. See 2015 ANNUAL REPORT, *supra* note 76, at 25–26; 2014 ANNUAL REPORT, *supra* note 33, at 21–23; 2013 ANNUAL REPORT, *supra* note 50, at 23–27; 2012 ANNUAL REPORT, *supra* note 86, at 18–25; TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 23–29 (2011) [hereinafter 2011 ANNUAL REPORT], http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-2011TaskForceREPORT_web.pdf; 2010 ANNUAL REPORT, *supra* note 1, at 20–26.
146. The Permanent Commission has developed a framework to assess the appropriate level of effective assistance that an unrepresented individual might require in legal matters impacting the essentials of life, ranging from informational assistance to full representation in court by an attorney. Characteristics to consider in determining whether full representation is appropriate include the client’s education level, the client’s ability to speak English at a level sufficient to navigate the complex legal system, whether the client belongs to a vulnerable age group (such as seniors or children), the client’s level of technology skills, the size of the client’s household, the client’s ability to represent himself or herself in a legal proceeding, and any other particular vulnerabilities, such as whether the client is a victim of domestic violence or human trafficking. A broad range of characteristics pertaining to the legal issues and case dynamics should also be considered, including the magnitude of harm or the risk at issue should the client proceed without assistance, the complexity of the legal matter, the strength of the legal position of the client, the novelty of the issue and whether it could be precedential, the level of judicial involvement required, the type of court the client is confronting, the stage of intervention, whether the client is the plaintiff or defendant, whether or not the opposing party is represented by counsel, whether the opposing party is a government entity or private entity, the benefit to client and family in terms of safety, stability and security, the cost of providing assistance, and any savings or economic benefit to the State or its taxpayers. See 2014 ANNUAL REPORT, *supra* note 33, at 32, 36–38.
147. See OCA Information, *supra* note 5.
148. See 2015 ANNUAL REPORT, *supra* note 76, at 24.
149. *Poverty Status in the Past 12 Months: 2016 American Community Survey 1-Year Estimates*, U.S. CENSUS BUREAU: AMERICAN FACTFINDER (2016), http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_S1701&prodType=table.
150. *State Fact Sheets: New York*, U.S. DEP’T OF AGRIC., https://data.ers.usda.gov/reports.aspx?StateFIPS=36&StateName=New%20York&ID=17854#Pbcda02637c9f46c391e4b906a9665163_2_39iT0 (last updated Nov. 7, 2017) [hereinafter *USDA New York Fact Sheets*].
151. OFFICE OF THE DIRECTOR OF FOOD POLICY, NEW YORK CITY FOOD POLICY: 206 FOOD METRICS REPORT 7 (N.D.), <http://www1.nyc.gov/assets/foodpolicy/downloads/pdf/2016-Food-Metrics-Report.pdf>.
152. See *USDA New York Fact Sheets*, *supra* note 150; *Measurement*, U.S. DEP’T OF AGRIC., <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/measurement.aspx>.
153. See *generally* NATIONAL ALLIANCE TO END HOMELESSNESS: THE 2016 STATE OF HOMELESSNESS IN AMERICA (2016), <https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness-report>.
154. NEW YORK STATE OFFICE OF THE STATE COMPTROLLER, HOMELESS SHELTERS AND HOMELESSNESS IN NEW YORK STATE 1 (June 2016) [hereinafter *HOMELESS SHELTERS AND HOMELESSNESS IN NEW YORK STATE*], <https://www.osc.state.ny.us/audits/allaudits/093016/16d3.pdf>.

155. See *NYC Enhances Home-State Street Outreach Efforts Amid Rise in Street Homeless Population*, N.Y.C. DEP'T HOMELESS SERVICES (July 5, 2017), <https://www1.nyc.gov/site/dhs/about/press-releases/hope-2017-press-release.page>. During that same time period (i.e., February 2016 to February 2017) that street homelessness rose 39%, the number of homeless persons in shelters also rose by nearly 5%. See *Number of Homeless People in NYC Shelters Each Night*, COALITION HOMELESS (last visited Dec. 5, 2017), <http://www.coalitionforthehomeless.org/the-catastrophe-of-homelessness/facts-about-homelessness>. See also *Official New York City Homeless Shelter Count Nears 60,000*, WALL ST. J. (Sept. 26, 2016), <http://www.wsj.com/articles/official-new-york-city-homeless-shelter-count-hits-60-000-1475167512>; see also J. David Goodman & Nikita Stewart, *Despite Vow, Mayor de Blasio Struggles to Curb Homelessness*, N.Y. TIMES (Oct. 26, 2015), <http://www.nytimes.com/2015/10/27/nyregion/despite-vow-mayor-de-blasio-struggles-to-stop-surge-in-homelessness.html>.
156. HOMELESS SHELTERS AND HOMELESSNESS IN NEW YORK STATE, *supra* note 154, at 23–28.
157. NYC Access-to-Counsel Bill, *supra* note 8.
158. See 2014 ANNUAL REPORT, *supra* note 33, at 18–19 & 34–39; see also 2016 ANNUAL REPORT, *supra* note 3; 2015 ANNUAL REPORT, *supra* note 76; 2013 ANNUAL REPORT, *supra* note 50; 2012 ANNUAL REPORT, *supra* note 86; 2011 ANNUAL REPORT, *supra* note 145; 2010 ANNUAL REPORT, *supra* note 1.
159. The plain language advisory committee could be guided by the work of the USC Advisory Committee on Language Access as published in the 2017 Ensuring Language Access: A Strategic Plan for the New York State Courts, available at <http://www.nycourts.gov/publications/language-access-report2017.pdf>.
160. See 2012 ANNUAL REPORT, *supra* note 86, at 2 & 36–39; Administrative Order 42/14, *supra* note 83.
161. In planning for the annual event, consideration should be given to first convening regional stakeholder meetings in order to develop local networks that can then all come together at the statewide meeting.
162. Based upon information made available to the Permanent Commission by the Office for Justice Initiatives. See generally 2016 NYS COURTS ACCESS TO JUSTICE PROGRAM: REPORT TO THE CHIEF JUDGE AND CHIEF ADMINISTRATIVE JUDGE 12–17, http://nycourts.gov/ip/nya2j/pdfs/NYA2J_2016report.pdf.
163. *Id.* at 15–17.
164. Such programming would be consistent with the New York State CLE Board's newly adopted Diversity, Inclusion and Elimination of Bias CLE credit requirement. See 22 N.Y.C.R.R. § 1500.22.
165. See 2016 ANNUAL REPORT, *supra* note 3, at 30–32; 2015 ANNUAL REPORT, *supra* note 76, at 35–36; 2014 ANNUAL REPORT, *supra* note 33, at 25–26, 37–38; 2013 ANNUAL REPORT, *supra* note 50, at 31; 2012 ANNUAL REPORT, *supra* note 86, at 36–39.
166. See *infra* Part B.II.E.
167. See Appendix 11.
168. See 2016 ANNUAL REPORT, *supra* note 3, at 28–29; 2015 ANNUAL REPORT, *supra* note 76, at 29–30; 2014 ANNUAL REPORT, *supra* note 33, at 26–30; 2013 ANNUAL REPORT, *supra* note 50, at 32–36.
169. Reports from the Technology Working Group are contained in Appendix 16 to the respective ANNUAL REPORT to the Chief Judge from 2013–2015 and in Appendix 11 to the 2016 Annual Report. PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 11 (2016), https://www.nycourts.gov/accesstojusticecommission/PDF/2016_Access_to_Justice-Appendices.pdf; PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 16 (2015), https://www.nycourts.gov/accesstojusticecommission/PDF/2015_Access_to_Justice-Appendices.pdf; TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 16 (2014), https://www.nycourts.gov/accesstojusticecommission/PDF/2014%20CLS%20Report_Appendices_Vol%202.pdf; TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 16 (2013), <https://www.nycourts.gov/accesstojusticecommission/PDF/2013CLS-Appendices.pdf>.
170. See 2016 ANNUAL REPORT, *supra* note 3, at 28–29; 2015 ANNUAL REPORT, *supra* note 76, at 29–30; 2014 ANNUAL REPORT, *supra* note 33, at 26–30; 2013 ANNUAL REPORT, *supra* note 50, at 32–36.

171. See 2016 ANNUAL REPORT, *supra* note 3, at 29; 2015 ANNUAL REPORT, *supra* note 76, at 29; 2014 ANNUAL REPORT, *supra* note 33, at 27. This initiative has been led by Michael Donnelly of Simpson Thatcher & Bartlett LLP and includes the involvement of Jeff Franchetti of Cravath, Swaine & Moore LLP; Peter Kaomea of Sullivan & Cromwell LLP; Peter Lesser of Skadden, Arps, Slate Meagher & Flom LLP; Curt Meltzer of Chadbourne & Parke LLP; Tara McGloin of Proskauer Rose LLP; John Roman of Nixon Peabody LLP; and Sean Sullivan of Wachtell, Lipton, Rosen & Katz. Others involved in the initiative include Ed Braunstein of The Legal Aid Society; John Greiner of Just Tech; and Christine Fecko of the IOLA Fund of the State of New York.
172. The topics of the series have included and are anticipated to cover, among other things: infrastructure and office hardware; information security; communications; user support and help desk; data and document management; and setting priorities and managing implementation.
173. NYSTech is a voluntary collaboration of legal services providers from across New York that convenes technology leaders regularly for information sharing and training.
174. See Appendix 10.
175. See Appendix 10 for detailed summaries and findings from the conference sessions.
176. See 2016 ANNUAL REPORT, *supra* note 3, at 32–33; 2015 ANNUAL REPORT, *supra* note 76, at 32–33.
177. See AMERICAN BAR ASSOCIATION COMMISSION ON THE FUTURE OF LEGAL SERVICES, REPORT ON THE FUTURE OF LEGAL SERVICES IN THE UNITED STATES 21 (2016), <http://abafuturesreport.com/2016-fls-report-web.pdf>.
178. In 2014, an Administrative Order of the Chief Administrative Judge of the Courts was issued establishing the Court Navigator Program “for the purpose of providing essential non-legal services, without cost, to unrepresented litigants by qualified nonlawyers.” See Administrative Order 42/14, *supra* note 83. Under the Order, the Navigators “shall be assigned by, and act under the supervision of, not-for-profit services providers approved for this purpose by the Chief Administrator.” *Id.*
179. See *Roles Beyond Lawyers, Summary, Recommendations and Research Report of an Evaluation of the New York City Court Navigators Program and Its Three Pilot Projects*, AMERICAN BAR FOUNDATION (December 2016), http://www.americanbarfoundation.org/uploads/cms/documents/new_york_city_court_navigators_report_final_with_final_links_december_2016.pdf.
180. *Id.* at 3.

