

In The Matter Of:
THE CHIEF JUDGE'S HEARINGS v.
ON CIVIL LEGAL SERVICES

September 26, 2011

New York Supreme Court - Civil Branch
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SUPREME COURT OF THE STATE OF NEW YORK

-- FIRST DEPARTMENT --

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THE CHIEF JUDGE'S HEARINGS
ON CIVIL LEGAL SERVICES

----- X

7 Madison Avenue
New York, New York

September 26, 2011

B E F O R E:

HONORABLE JONATHAN LIPPMAN,
Chief Judge

HONORABLE ANN PFAU,
Chief Administrative Judge

HONORABLE LUIS A. GONZALEZ,
Presiding Justice, First Department

VINCENT E. DOYLE, ESQ.,
New York State Bar President

ANGELA TOLAS, and
ROBERT PORTAS,
Official Court Reporters

AT

2 WITNESS LIST:

3 HON. CHRISTINE QUINN,
4 Speaker of the New York City Council

5 DEBORAH C. WRIGHT,
6 Chairman and CEO, Carver Federal Savings Bank

7 CRAIG L. REICHER, Vice Chairman, New York Tri-State
8 Region, CB Richard Ellis

9 DONNA CIROLIA, Vice President, Coca-Cola Refreshments

10 SAMUEL W. SEYMOUR, President, New York City Bar
11 Association

12 GEETA SINGH, Principal, Cornerstone Research

13 JEFFREY L. BALIBAN, Managing Director, Navigant
14 Consulting, Inc.

15 ENEYDA MALDONADO, Client of the Legal Aid Society,
16 accompanied by Jack Newton

17 YVES GEBHARDT, Client of Manhattan Legal Services,
18 accompanied by Mallory Curran

19 VIRGINIA NORMAN-ACEVEDO, Client of The Legal Aid
20 Society, accompanied by Judith Goldiner

21 TRACY SMITH, Client of the Urban Justice Center
22 Community Development Project, accompanied by Sadia
23 Rahman

24 NATALIE JONES, Client of Manhattan Legal Services,
25 Domestic Violence Unit, accompanied by Lenina Trinidad

26 HON. DAVID KAPLAN, Housing Court Judge

HON. TANYA R. KENNEDY, Acting Supreme Court Justice
and Civil Court Judge

HON. DOUGLAS E. HOFFMAN, Acting Supreme Court Justice
and Supervising Judge, Family Court

HON. FERN FISHER, Deputy Chief Administrative Judge
for the New York City Courts; Director of the New York
State Courts Access to Justice Program

AT

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2 JUDGE LIPPMAN: Good morning. Everybody is hiding
3 there in the peanut gallery, or whatever you want to call
4 it. It's good to see my colleague here. I see my colleague
5 Judge Ciparick from the Court of Appeals. It appears that
6 she is able to make it beyond the Task Force.

7 And Judge Acosta, my former colleague from the
8 Appellate Division, and he's here, a member of the Task
9 Force.

10 And I saw Judge Melones was here. Judge Melones a
11 former member of this Court hiding really in the corner
12 behind the camera, he's camera shy. It's good that he's
13 here too, and also doing great work on behalf of Civil Legal
14 Services.

15 And I also recognize right off the bat Elaine
16 Barnett, the Chair of the Task Force, who has really done a
17 spectacular job with a terrific team.

18 But Elaine Barnett is the former head of the Legal
19 Services Corporation in Washington, and has lead just a
20 stellar group, I think the best in the country in terms of
21 devising a game plan really to promote Civil Legal Services
22 in this state. So thank you, Elaine, for being here.

23 And I can introduce everyone in that section, but
24 I won't because then we're not going to get started. But I
25 will introduce Chris O'Malley who is the director of IOLA
26 which certainly is a large founder of civil legal services

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2 in this state. And IOLA does a terrific job. And again I
3 will not introduce everybody there, although I want to.

4 So it's terrific to see you all. And this is the
5 second series of hearings on Civil Legal Services in New
6 York.

7 The genesis of why we are here is because the
8 judiciary and the legal profession in this state understand
9 that our fundamental constitutional mission is to provide
10 equal justice for all. And that certainly includes the
11 poor, the indigent, the working poor in our state.

12 We recognize that it's not enough to just keep our
13 courthouses open, but that we really need to foster equal
14 justice within those courthouses and within those
15 courtrooms.

16 We have today on the panel, we have really the
17 leadership of the legal and judicial system in New York. On
18 my right is the person who normally sits in this middle
19 chair. I left it to him when I left the Appellate Division,
20 and that is the Presiding Justice of the Appellate Division,
21 First Department, my good friend, the Honorable Luis
22 Gonzalez.

23 And I want to thank Judge Gonzalez not only for
24 being here to help preside over this hearing, but also for
25 lending us this spectacular courtroom. There is only one
26 other courtroom in the state that I can say without

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2 hesitation rivals it, judge Gonzalez. I'm not saying that
3 it exceeds it because it's hard for anything to exceed this
4 beautiful courtroom. That other courtroom is the Court of
5 Appeals in Albany. But thank you, Judge Gonzalez, for all
6 you do in the pursuit of justice in the Court. Again giving
7 us this fantastic courtroom for this hearing.

8 And on my left is Judge Ann Pfau who is the Chief
9 Administrative Judge of the Courts of the State of New York
10 who runs the day to day operations of the Courts and sees
11 that everything functions well. And as I indicated equal
12 justice is the norm in New York State.

13 And to her left is Vincent Doyle, Junior, who is
14 the President of the State Bar Association. And I guess he
15 runs the day to day operations of our legal profession in
16 this state the same way that Judge Pfau runs the Court. So,
17 Vince, thank you for being here. And he has a distinguished
18 career as a mostly criminal defines lawyer in Buffalo in the
19 western part of our state. I'm so glad that Vince is here
20 representing the legal profession and the leadership of that
21 profession.

22 The times are difficult. We recognize that these
23 are very difficult economic times for our state and our
24 country with record poverty levels not seen in decades. In
25 New York alone in one year we went from 5.6 million people
26 at poverty level to 6.3 million and rising.

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2 The moral and ethical obligations that we have as
3 a judiciary, as a legal profession, are clear. That is that
4 all of us, every single part of society is judged by how it
5 treats its most vulnerable citizens, certainly from the
6 judiciary and legal profession perspective.

7 If not us, who is going to stand up for those who
8 cannot help themselves who come into our legal system
9 without representation and need to interface with the
10 various bureaucracies in our state and our country.

11 And so we have a moral and ethical obligation to
12 speak out and to provide funding for legal representation.
13 We have a constitutional mission to do so, as I indicated,
14 to provide equal justice. And I think there is also a
15 bottom line for our society and for its well-being, that it
16 is so important that there be equal justice and the people
17 be represented.

18 And last year we certainly had testimony from
19 banks and businesses, landlords and hospitals that indicated
20 that their own bottom line are affected if the poor do not
21 have legal representation.

22 So it's not only this ethical obligation that we
23 have, it's not only this constitutional obligation that we
24 have, but the bottom line, the well-being of society, and
25 the financial well-being of our state, is dependent upon not
26 letting the poor, the indigent, in these difficult fiscal

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2 times fall by the wayside, fall between the cracks of our
3 society and institutions.

4 Last year recognizing this was the first year that
5 we had held these hearings, and we appointed a Task Force
6 that Elaine Barnett heads, and this set of hearings had
7 really dramatic results in terms of the funding for Civil
8 Legal Services in this state.

9 The present state of Civil Legal Services we found
10 in the Task Force that Elaine Barnett heads meets
11 approximately 20 percent, if that, of the Civil Legal
12 Services needs of the poor and the indigents in New York.

13 And I'm talking about the very basic essential
14 necessities of life that people need. When I talk about
15 legal representation, we're not talking about someone who
16 trips in front of the courthouse and maybe needs a lawyer.
17 We're talking about the roof over a person's head, their
18 personal safety, the well-being of their family, their
19 livelihood, their subsistence, income and benefits that
20 everyone is entitled to.

21 And we're talking about making eligible for Civil
22 Legal Services anyone really at 200 percent of the poverty
23 level. And to put that in perspective for you, 200 percent
24 of the poverty level is a family of four earning \$44,000 a
25 year. And if you have a major legal problem, go hire a
26 lawyer and be able do what you need to do for yourself and

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2 for your family on \$44,000 a year for a family of four.

3 So last year given the hearings and given our
4 efforts, which I think we have at least in part succeeded,
5 to create a permanent, systemic, dependable system of
6 funding Civil Legal Services in the state, coming out of the
7 public fiscal we were able to obtain 27 and a half million
8 dollars for Civil Legal Services. Fifteen of which we
9 turned over to IOLA, and which they used to fund to hire and
10 12 and a half million which we gave out directly through the
11 State Court system through our Oversight Board headed by
12 Elaine Barnett and Judge Pfau and Benito Romano, the Chair
13 of IOLA.

14 So those monies, at least the \$12 and-a-half
15 million given out of the court system funded 56 different
16 providers. And in the time of great economic stress for the
17 court system for our state where the court system itself has
18 cut \$170 million in its budget, and 400 layoffs in the State
19 Court system, we were so pleased that we were able to obtain
20 the \$27 and-a-half million dollars in the judiciary budget
21 where it belongs. Because, again, it is our responsibility
22 to insure that Civil Legal Services is funded in this state.

23 The process that we've created pursuant to a joint
24 resolution of the legislature is to hold hearings to
25 determine the gap in Civil Legal Services, putting funding
26 in the judiciary budget to either eliminate or narrow that

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2 down, and then have the legislature and the governor act on
3 that request.

4 Now more than ever is the time that we need this
5 funding. We certainly don't say that times are bad so we're
6 not going to have public schools this year, or we're not
7 going to have hospitals to treat our sick, or we're not
8 going to have police on the streets to insure justice.

9 Justice for all, pursuing justice for rich and
10 poor, high and low alike, it has to be a priority of our
11 society and our government.

12 And we cannot say, just like we can't say that any
13 of those things can be put by the wayside, we can't say
14 we're not going to provide Civil Legal Services for the poor
15 and the indigent because times are tough. It's when times
16 are tough that that funding is most needed. And it is so
17 essential now more than ever.

18 Justice is a distinctive commodity. It is unique.
19 There is a distinctiveness in the courts, in the judiciary,
20 in the justice system, in delivering justice.

21 So last year in pursuit of justice, we issued, the
22 Task Force issued, I believe, the most comprehensive report
23 of its kind in the country. We saw firsthand clients, and
24 we'll see that today, who have been seeing the benefits of
25 Civil Legal Services.

26 We had testimony again from banks, from landlords,

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2 from businesses, from hospitals, from judges, from clergy,
3 from law enforcement, all testifying as to the need to fund
4 Civil Legal Services. This year we will focus on
5 foreclosures on the cost and benefits of providing Civil
6 Legal Services.

7 In fact, our first panel, in a minute or so the
8 Chief Judge will stop pontificating, we will have testimony
9 on that issue on the cost saving, on simplification of court
10 processes. That we will have Fern Fisher, the Deputy Chief
11 Administrative Judge, her access to justice, and the Deputy
12 Chief Administrative Judge in charge of the New York City
13 Courts who is committed with so much passion and energy and
14 access to justice in our state will testify as the last
15 witness on that subject. And she's sitting right there in
16 front of us. Thank you, Fern, for the terrific job that you
17 do.

18 Today we'll not only of course have the panel,
19 we'll have the speaker for the New York City Council,
20 Christine Quinn, again to grace us with her presence and
21 testimony. We'll have business and community leaders. A
22 client's panel, a Judge's panel, and again then Judge
23 Fisher's testimony.

24 Last year we learned that for every person who is
25 accepted for Civil Legal Services here in New York City by
26 the Legal Aid Society, eight or nine are turned away.

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2 We learned that 2.3 million people came into the
3 courts last year without legal representation. We learned
4 that 99 percent of tenants in eviction cases in New York
5 City are unrepresented. Ninety-nine percent of the
6 borrowers in eviction cases in New York City are
7 unrepresented. Ninety-seven percent of parents in child
8 support matters are unrepresented.

9 And the great majority, at least I think we've
10 changed that to a significant degree over the last year, but
11 the great majority of people subject to foreclosure
12 proceedings were unrepresented without legal assistance last
13 year.

14 Seventy percent of civil matters in the New York
15 State Courts involve family law, consumer credit, landlord
16 tenant and foreclosure cases. The essentials of life, the
17 necessities of life, where everyone deserves representation.

18 And what we concluded last year was that for every
19 dollar spent in providing that representation, \$5 are
20 returned to the State in terms of decreased expenses, and
21 costs of social services, incarceration, homelessness, and
22 more federal benefits brought to New York.

23 We expect to learn much more next year. We
24 learned that the IOLA monies that are dependent on lawyers'
25 interest accounts went from \$36 million before the financial
26 crisis to \$8 million in one year.

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2 So dramatic need is what we found. And obviously
3 we're going to learn a lot more this year. And this hearing
4 is very much a part of that systemic process.

5 I want to thank Steve Banks, the head of the Legal
6 Aid Society, for coordinating today's hearing and getting so
7 many of our witnesses in place.

8 But the bottom line is, make no mistake, the
9 judiciary and the legal profession in New York is committed
10 to nothing more, nothing more important in our heads and our
11 hearts, than meeting our constitutional and professional
12 obligation, and ethical obligations to foster equal justice
13 in the state. That is the spirit in which these hearings
14 are being held and will proceed.

15 Don't be taken aback those of you who are
16 providing testimony today. If I interrupt you a little bit,
17 we're on a kind of a tight schedule. But the hearing will
18 take place between 10:00 to 1:00 o'clock. So we need to get
19 a lot of testimony in.

20 We'll keep you on schedule. There are lights.
21 When that red light goes on, it means you're in big trouble,
22 that's the bottom line. But don't be nervous. We know that
23 you're here in the spirit of these hearings. So thank you
24 for coming. Thank you for your testimony in advance. And
25 we're going to also try and leave some time for questions.

26 So with no further ado, we're going to start the

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2 hearing. And would the first panel, the cost savings panel,
3 please come forward. Jeffrey Baliban, Managing Director of
4 Navigant Consulting, Inc., and Geeta Singh, Principal of
5 Cornerstone Research. Come up to the table.

6 Mr. Baliban, are you going to start?

7 MR. BALIBAN: I will.

8 JUDGE LIPPMAN: Okay. Welcome.

9 MR. BALIBAN: Judge Lippman, and members of the
10 panel, good morning. As you said my name is Jeffrey
11 Baliban, I'm the Director at Navigant. It is a consulting
12 firm that specializes in expert services focused in
13 accounting, economics and finance.

14 First I wish to thank the Task Force for the
15 opportunity to participate in this most worthwhile endeavor,
16 and for this panel for taking time in allowing me to present
17 these findings.

18 My work typically as an economist is in evaluation
19 of businesses or in estimating economic impact of particular
20 actions or inactions of certain parties on others embroiled
21 in complex commercial litigation.

22 The skills developed in 34 years of that work are
23 highly transferable to the situation at hand. Estimating
24 the dollars and cents impact of a fictitious but preferable
25 but for world, one in which domestic violence is prevented.

26 Such violence places a burden on society, a cost

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2 in the sense that it absorbs scarce resources rather than
3 creates them. And the costs created by society are always
4 borne by the members of society by direct payments of
5 certain members as well as by indirect allocation of those
6 costs through taxation, federally and state funded medical
7 insurance programs, higher private insurance premiums,
8 higher costs for public safety and general health care, the
9 loss of beneficial output by otherwise productive members of
10 society, and a host of many other negative externalities
11 associated by society.

12 While methods and scope differ among the many
13 studies that I analyze, none indicated that an increase in
14 funding for Civil Legal Services to low income households
15 did not result in even greater reduction of overall societal
16 costs of domestic violence.

17 My work, therefore, has been to outline the
18 framework by which available data can be used to estimate at
19 least a portion of the cost of domestic violence on our
20 society here in the State of New York.

21 There are a number of sources from which data on
22 incidents can be gathered. However, applying their results
23 proved difficult for a number of reasons. First there is a
24 general lack of consensus of even a definition of domestic
25 violence. It can include child abuse, elder abuse, and
26 intimate partner violence, or IPV.

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2 Even looking solely at IPV the researcher uses a
3 definition such as physical and sexual violence will produce
4 a lower occurrence in costs than one who also includes
5 stalking and other forms of psychological abuse.

6 Second, there are gaps in data collection.
7 Because no national or statewide system exists for ongoing
8 data collection about IPV, estimates are often drawn from
9 other sources.

10 For example, hospitals collect information about
11 victims to provide care and for billing purposes, but may
12 record few details about the violence itself, the
13 perpetrator or perpetrators relationship with the victim.
14 On the other hand police will collect data to apprehend the
15 perpetrator that will focus a little on the victim.

16 Third, there is a widely recognized reluctance to
17 report victimization. This is especially pertinent in IPV
18 cases where the victim may fear but still depend on the
19 perpetrator, or the victim may love and wish to protect the
20 perpetrator.

21 Fourth, reports about IPV often do not clearly
22 indicate whether they relate to the number of incidents or
23 the number of victims. This is especially problematic due
24 to the repetitive nature of IPV.

25 In 1994, the CEC and the National Institute of
26 Justice co-funded an effort by two researchers to develop a

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2 survey designed to collect sufficient information about the
3 nature and extent of IPV related incidents applied to a
4 large enough sample to reliably estimate current IPV related
5 injuries to the US population.

6 What was developed was the National Survey of
7 Violence Against Women, or NVAWS. This generated
8 information about the incidents, prevalence, characteristics
9 and consequences of physical assault, rape and stalking,
10 perpetrated against women ages 18 years and older by all
11 partners, including intimate partners.

12 In 1999 the NVAWS survey results were applied to
13 US Census figures to estimate the incidents and prevalence
14 of IPV related injuries among women. As the CDC report
15 states before estimating the cost of intimate partner
16 violence, one needs to know how many women were injured non
17 fatally as a result of IPV.

18 That is how many women used medical and mental
19 health care services after IPV victimization, and how many
20 women lost time from paid work or performing household
21 services after IPV. The NVAWS provided that information.

22 Of the female NVAWS respondents, 7.7 percent had
23 been raped by an intimate partner, 4.8 percent had been
24 stalked by an intimate partner, and 22.1 percent reported
25 being physically assaulted by an intimate partner at some
26 point in their lives.

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The NVAWS also analyzed that of those victims .2 percent reported being raped, one half of one percent reported being stalked, and 1.3 percent reported being physically assaulted within one year of the survey date.

(Continued on following page.)

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2 MR. BALIBAN: (Continuing) Table One shows a
3 calculation of our cumulative total avoidable costs. The
4 2010 U.S. Census reported there were 7,768,878 women living
5 in New York State aged 18 years and over. Applying these
6 rates, 2.688 million women have suffered or will suffer in
7 their lifetime rape, physical assault or stalking at the
8 hands of an intimate partner. Table One shows estimates of
9 the annual occurrences. All studies of prevalence of IPV
10 showed greater proportion of such violence among lower
11 income households. A Bureau of Justice statistics special
12 report called "Violence Against Women Estimates From The
13 Redesigned Survey" indicates that of female IPV victims
14 66.44 percent are below 200 percent of the federal poverty
15 level. Applying this factor reduces the estimate to
16 account for this.

17 Finally, several studies in analyzing the impact
18 of civil legal services on domestic violence and IPV look
19 to civil protective order issuance as a proxy variable.
20 The recent 2006 study funded by the State Bar of
21 Wisconsin analyzes the benefits and costs of proposed
22 domestic abuse grant program. Civil protective orders
23 were ineffective in preventing further violence between
24 20 and 60 percent of the time. Using that mean
25 ineffective rate of 40 percent I assume civil protective
26 orders could be effective 60 percent of the time.

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2 Obviously this is a hypothetical exercise, but
3 the greater the number of incidents avoided, the greater
4 the cost savings.

5 JUDGE LIPPMAN: So there are basically, as I
6 understand it, to put this in easily understandable mode,
7 so you're basically saying that if there were legal
8 representation for domestic violence victims, many of whom
9 are in low income households, number one you can avoid a
10 lot of the incidents altogether, and, translated, when you
11 avoid the incidents, you avoid a lot of these associated
12 medical costs that go along with -- and I'm sure social
13 service costs that go along with domestic violence.

14 MR. BALIBAN: That's right. So we estimate the
15 number of expected or potentially avoidable incidents based
16 on the survey results which were robust enough to
17 extrapolate to the U.S. --

18 JUDGE LIPPMAN: And the incidents translate to
19 a -- medical costs and social services and things that go
20 along with --

21 MR. BALIBAN: Correct.

22 JUDGE LIPPMAN: -- domestic violence incidents.

23 MR. BALIBAN: Correct.

24 JUDGE LIPPMAN: Okay.

25 MR. BALIBAN: In fact, this is a listing of the --
26 at least the direct medical costs we included in our

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1
2 analysis. This is an example of one of the calculations
3 for rape victims. And we included in our direct medical
4 costs emergency department visits, out-patient visits,
5 overnight hospital stays, doctor visits, dental visits,
6 ambulance and paramedic services and physical therapy
7 visits.

8 Obviously allocation of these services is per
9 communization and not per victim. Cost allocations are
10 based on victimization percentage distributions of
11 medical care among U.S. adult female IPV victims.

12 This is another example of some of the National
13 Violence Against Women survey. It's showing -- for
14 instance, in each circumstance where an IPV victim used
15 physician services they in fact used 5.2 units or had 5.2
16 visits on average to physicians, or 2.3 visits to the
17 dentist office. We needed those units so we can extend
18 them by unit costs.

19 These provided numbers of -- as I said, the cost
20 units. These units were then costed out based on data
21 from New York State Temporary Assistance for Needy
22 Families, or TANF for short, showing Medicaid
23 expenditures for selected categories of services by
24 selected categories of eligibility.

25 A similar analysis was done for mental
26 healthcare costs. This shows the NVAWS estimates of

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2 percentages and costs of victims who will seek the care
3 of a psychologist, psychiatrist or other mental health
4 professional. These national rates in 2003 are brought
5 forward to 2011 dollars and adjusted for New York medical
6 healthcare cost of living indexes.

7 Finally, we have an analysis reporting indirect
8 costs, that is a loss of productivity. The survey
9 results showed these various percentages of victims
10 reporting days lost and the mean number of days lost per
11 victim for both aide work as well as household services.

12 In valuing these services I used a minimum wage
13 rate, which results in inherently underestimated costs.
14 As you yourself, Judge Lippman, pointed out, this
15 analysis is indicative of Medicaid eligibility where a
16 family of four could earn up to \$14,637 annually and
17 still be eligible for Medicaid. However, that same
18 family of four, as you pointed out, could earn roughly
19 three times that amount for up to 44,700 a year and still
20 be at 2 percent of federal poverty level.

21 All this shows a potential, direct or indirect
22 cost savings about -- of about 85 million a year.

23 JUDGE LIPPMAN: \$85 million a year?

24 MR. BALIBAN: Yes.

25 On closing, it is important to clearly describe
26 what this analysis does not do as potentially avoidable

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1
2 costs. This does not attempt to value the pain and
3 suffering experienced by victims of IPV, although there
4 are several studies that --

5 JUDGE LIPPMAN: But I think what's so interesting
6 is that, you know, you've put it in a -- in a numerical
7 assessment or a numbers, but I -- but, you know, in a
8 clinical way that clearly is meant to -- you know, kinds of
9 dollars you're talking about to have an impact, but of
10 course there's so much impact in the events themselves that
11 the horror of it all, that -- that at the very least to
12 have legal representation is so significant, putting aside
13 all of this. And then when you play in the numbers and the
14 financial costs to society, it kind of doubles that impact
15 of the events themselves being so horrible. And seeing
16 it --

17 MR. BALIBAN: Right.

18 JUDGE LIPPMAN: -- how it plays out in terms of
19 the costs to society is striking.

20 MR. BALIBAN: In fact, there are some studies that
21 attempt to statistically correlate pain and suffering
22 awards by juries on various criminal instances of domestic
23 violence, and they can come up with amounts ten to twelve
24 times the amount of the actual direct costs.

25 MR. DOYLE: Mr. Baliban, can I ask you a question?
26 The direct and indirect medical and mental health treatment

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2 figures, that is for the victim; is that right?

3 MR. BALIBAN: That is for the victim.

4 MR. DOYLE: Your figures don't take into account
5 the mental or medical consequences to children or other
6 family members of victims; is that right?

7 MR. BALIBAN: That's correct. In fact, I'm about
8 to make that very point.

9 MR. DOYLE: Sorry.

10 MR. BALIBAN: I was going to say there are a
11 number of other cost areas that are significant and have a
12 continuing drain on society resources related to IPV. It
13 has been shown that abused women experienced -- abused
14 women themselves experienced more physical health problems
15 and have a higher incidence of depression, drug and alcohol
16 abuse and suicide attempts than do women who are not
17 abused.

18 Further, as you point out, children living in
19 households where domestic violence is prevalent and who
20 witness these incidents suffer from a greater level of
21 physical, emotional, psychological and behavioral
22 difficulties, which of course they tend to take with them
23 into childhood.

24 So my thanks to all who contributed their time
25 in helping me with this analysis, and to the panel for
26 taking part of their Monday morning to listen to these

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1
2 findings.

3 JUDGE LIPPMAN: Let me ask you another question:
4 How does one go about -- when one of -- one of our issues,
5 we're trying to collect information that makes clear that
6 legal representation is a good investment, that legal
7 representation for the poor is not -- again, as I indicated
8 in my opening comments -- is not just because it's the
9 right thing to do. You know, there are lots of things that
10 are right things to do, and we think this is a high
11 priority, but to make the point that it goes beyond that,
12 that it goes to the financial well-being of our State.
13 Your analysis really is about domestic violence. How do
14 you equate -- I know it's not necessarily your area of
15 expertise, but how do you equate that one area to the other
16 necessities of life that we've been talking about if you
17 have these kinds of savings, when you're dealing with
18 domestic violence and representing the poor and the
19 indigent involved in these kinds of situations? How many
20 times over--and, again, without analysis, I understand it's
21 difficult--when you take into account housing,
22 homelessness, consumer credit transactions, family issues
23 relating to children, the costs I would guess are almost
24 incalculable in terms of what the savings are by providing
25 legal representation without looking at, I think in the
26 narrow perspective that some people do, "Gee, we're

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2 spending \$25 million in civil legal services," is it fair
3 to -- would you guess it's a fair judgment to say that the
4 costs are many, many times over what you're finding in
5 domestic violence?

6 MR. BALIBAN: Certainly. I mean, what I'm finding
7 here is these limited -- this narrow view of these
8 particular costs, just the medical out-of-pocket costs are
9 many times over what's -- what is being spent in civil
10 legal services and what could be saved as a result of that
11 investment. Obviously any other issues, as I've pointed
12 out, difficulties these women may have beyond this
13 particular -- these particular out-of-pocket expenditures,
14 the children, families themselves, go on for years and
15 years. And with the additive, as well, it would be the
16 homelessness issues, a variety of those things would be
17 additive to the numbers I have.

18 JUDGE LIPPMAN: All right, thank you so much. And
19 now your next task is to go into the housing area, into
20 the -- consumer credit, because I think these kind of
21 analyses that you've done for domestic violence are so
22 instructive in terms of what we're talking about, and the
23 payoff in more than good deeds of civil legal services but
24 for that it is a wise investment.

25 So thank you so much. Appreciate it. Before
26 Ms. Singh comes up I'm going to ask -- I see that the

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2 Speaker of the City Council has come in and I'm going to
3 ask her to come up and provide her testimony now.

4 Thank you so much.

5 MR. BALIBAN: Thank you so much.

6 JUDGE LIPPMAN: Speaker Quinn, it's a delight to
7 see you here.

8 SPEAKER QUINN: Well, thank you very much, Judge
9 Lippman. We very much appreciate the opportunity to come
10 back. And, if I can, just before I give my testimony, I
11 want to thank you and in particular Judge Pfau for all of
12 your help this past July in implementing the first day of
13 marriage equality. We literally would have been sunk
14 without all of the Judges that we had. And the Judges
15 showed up en masse. I have to tell you, more New Yorkers
16 than I can count have told me how lovely and wonderful all
17 of the Judges were that day. So thank you guys very, very
18 much.

19 JUDGE LIPPMAN: We're very proud of the judiciary.
20 The city -- we thank you for saying that. And thank you
21 for coming back for the second year in a row.

22 SPEAKER QUINN: Absolutely.

23 JUDGE LIPPMAN: We hope to make this an annual
24 event, Speaker, that you will --

25 SPEAKER QUINN: Absolutely.

26 JUDGE LIPPMAN: -- that you will come and testify.

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2 SPEAKER QUINN: Absolutely.

3 JUDGE LIPPMAN: Thank you.

4 SPEAKER QUINN: Just one last thanks to the court
5 officers who were superterrific that day in July, too.
6 They didn't get enough thanks.

7 But we will be back every year, Judge, that you
8 call us, because we really believe that this task force
9 already in the first year has made major strides and has
10 shown really an unyielding commitment to equal access to
11 justice in every way possible. And your report was
12 incredibly thorough and really showed a real review of
13 broad-based testimony data analysis and other sources.
14 But, as you indicated in saying it's a yearly thing, the
15 work really has just begun.

16 Unfortunately the task this year is going to be
17 harder, because the number of poor people living in
18 New York City is now at its highest level since 2000.
19 According to recent census data, in one year alone from
20 2009 to 2010, city -- 75,000 city residents were added to
21 the city's poverty roll. We now have more than
22 1.6 million city residents who are poor, and the
23 percentage of New Yorkers living below the official
24 poverty level has risen to 20.1 percent, the highest
25 since 2000.

26 Obviously because of that the need for legal

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2 services for the poor has grown. This increase means
3 more New Yorkers are facing eviction, more New Yorkers
4 need food stamps and other benefits, more New Yorkers,
5 coupled with other reasons, face foreclosures on their
6 home and have creditors filing action for payment of
7 loans that they can no longer afford.

8 The demand for civil legal services has risen as
9 the economy has struggled. For example, Legal Aid had
10 30,000 civil legal cases in fiscal year 2008 and 43,000
11 in fiscal year 2011, an increase of over 40 percent. But
12 this is just the tip of the iceberg; for every civil
13 legal case represented by legal services lawyers,
14 unfortunately, by no fault of their own, another eight
15 cases at least are turned away. And there are even more
16 people who don't even know that they could call legal
17 services to try to get help. Therefore, the task force
18 goal of a reliable funding force -- source for legal
19 services is critical. And we in the council strongly
20 support legal services for the poor and also support kind
21 of delineating that in different ways that are targeted
22 with a level of expertise, whether it's around housing or
23 domestic violence or foreclosures, but obviously city
24 funding is below -- not the lowest level in importance,
25 but federal, state, local, as it all gets cut back it is
26 in some ways the least stable.

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2 Well, that said, we have made civil legal
3 services funding a priority. The City of New York, as we
4 all know, provides representation for indigent defendants
5 in criminal cases and in Family Court. Now, the struggle
6 for funding for that is a story in and of itself as well,
7 but none is quite mandated, if you will, for civil legal
8 cases.

9 The Council at times, many years, has been the
10 only source among local funding for civil representation.
11 Unfortunately Council funding for programs ranging from
12 general civil legal representation, to anti-eviction
13 cases, to benefit advocacy has fallen from 12.7 million
14 in 2008 to less than half that level in the current
15 fiscal year, fiscal year '12, and it was a fairly
16 Herculean task to even keep it at that level, it's now at
17 6--- \$6.035 million.

18 In addition, we funded legal services on top of
19 that for in-group communities and for victims of domestic
20 violence, but those programs have also been cut and we've
21 confronted even larger cuts to city agency core services
22 which only makes the problem of having less legal
23 services more significant.

24 Nonetheless, taken together, funding for civil
25 legal services still remains the single largest
26 Council-funded initiative in our work additions to the

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2 budget every year, which I think speaks to the
3 significance our council members hold this funding in.
4 Why do they hold it in such high regard? Because they're
5 seeing the people who are coming into their offices
6 asking for legal assistance that a district office cannot
7 provide and they're seeing the diversity of that need.

8 The Council's funding and the financial and
9 other generous support that the private bar and
10 foundations provide is, no matter how well intentioned,
11 no substitute for sustained reliable funding for legal
12 services statewide by the state. We all know the IOLA
13 account has proven an unreliable source for funding as
14 interest rates have dropped. And, according to your
15 report, the account produces a fraction of the funding
16 for legal services that it has in the past.

17 Judge Lippman, you've advanced the goal of
18 sustained institutional funding by including it in the
19 court's budget, and this in turn, we believe, will
20 improve fairness and efficiency in the courts for all
21 litigants and also help us in the Council. If there is
22 kind of a stable funding stream in the court's budget,
23 then it allows us to add on what we see specifically in a
24 borough, a neighborhood. New York would allow Nassau to
25 do the same for Westchester, for us to respond to
26 particular local issues as opposed to taking on the

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2 entire -- you know, entire effort.

3 Now that we have new data from the 2010 Census
4 and we have -- we can use it to analyze where legal
5 services are particularly needed in a unique way I think
6 the work of the task force is going to be even more
7 important. For example, the census data tells us that a
8 total population of 8.2 million residents in New York
9 City, 5.3 million of them are renters, which certainly is
10 a fact that indicates an ongoing need for housing-related
11 civil services. Over a million New Yorkers are over 62
12 years of age, another relevant fact as it relates to
13 legal services. 334 households have income and benefits
14 less than \$10,000 a year, which is a stark fact on a lot
15 of different levels, but particularly as it relates to
16 your work.

17 We -- and I'm glad to hear you saying this, the
18 yearly thing, because we really do hope the task force
19 will continue its work and also continue its work on
20 simplifying the legal process. The reality is that 98 to
21 90 percent of poor litigants are unrepresented in the
22 essentials of life cases. Even with a dramatic increase
23 in funding, even if you're as successful as your wildest
24 dreams, that number is never going to be as low as we
25 would want it to be, which is why making your way through
26 the courts as easy as possible is another, you know,

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2 important part of all of this work.

3 The Council and city agencies we believe can
4 play an important role in this. For example, if there is
5 significant systemic issues in federal and state
6 benefits, the city can be a place to help advocate for
7 changes in that in a broad way.

8 I'll just give you, you know, a couple of
9 examples: The Council has used litigation to address
10 issues of broad concern, working hand and hand with a lot
11 of legal services organizations who are here. In 2009 we
12 filed an amicus brief in the "Roberts versus Tishman
13 Spire" case which resulted in a ruling that all tenants
14 living in buildings with J-51 are entitled to stabilized
15 rents. The council recently passed litigation to protect
16 tenants who are unrepresented and also give tenants
17 standing in Housing Court if they're being harassed.

18 So just in conclusion, I thank the Court for its
19 attention on this. I thank you for your recognition that
20 funding is important, and it is really in some ways the
21 only way to get lower income and poor New Yorkers what
22 they need. I also appreciate your focus on trying to get
23 it into the foundation of the budget, which will then
24 give us local elected officials the opportunity to target
25 in specific ways and also afford the effort of making the
26 court system smoother and easier for people. And that if

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2 there are ways we can add to your work on that through
3 advocacy at higher levels of government, please let us
4 know, because we stand at the ready.

5 And I say, I heard you were asking the witness
6 right before me about domestic violence. I came from the
7 Brides' March in northern Manhattan, which is an
8 unfortunate yearly event which notes the date of a woman
9 who was supposed to be married on September 26th and
10 instead she was murdered by her former boyfriend. But
11 one of the things that's notable about the vast majority
12 of family-related homicides in New York City in 2010, the
13 vast, vast majority of those, I think over 70 percent,
14 had no interaction with law enforcement and no orders of
15 protection. So the issue of domestic violence and legal
16 services really goes hand and hand with that issue that
17 we're trying so desperately to combat. But without
18 stable general funding, we're never going to be able to
19 have additional programs that can target things like
20 that. So thank you very much.

21 JUDGE LIPPMAN: Thank you, Speaker Quinn. And
22 just a couple of questions: What we get a lot in today's
23 economy is this idea that times are tough and we just
24 cannot afford to increase or even to keep civil legal
25 services funding for the poor at present level. How do you
26 answer that in city where you have kind of a -- a ground

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2 birdseye view of what goes on?

3 SPEAKER QUINN: You know, whether it's the court,
4 the city, the state, your house, there is no document that
5 is a more clear statement of your priorities than your
6 budget, what you spend your money on, what are your most
7 scarce resources, says what you care about. And so the
8 budget is never easy, but it's always a set of choices
9 about priorities. And although I have not been able to
10 keep the funding as high as I would have liked it, it's our
11 largest funding initiative. And I think that speaks to us
12 seeing this in the council as a priority. Because, look,
13 you can't have everything you want out there program wise
14 in a tough economy, but keeping people in their homes,
15 keeping seniors with the benefits they deserve, getting
16 people on to food stamps, getting people out of homes where
17 they are being battered, those really aren't extras, those
18 are foundational services without which people will lose
19 their connection to the things they need, safety, food,
20 their homes, maybe, you know, things relating to their
21 jobs. Without that, it's very hard to even get to a place
22 where you can contemplate the extras if you think about it.

23 So, in some way, you know, representation of
24 people in court, I don't know exactly how it becomes this
25 idea of an extra. But, really, who would, with all due
26 respect, in their right mind walk into a court alone?

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2 You know, when you're at the table, you know, bringing a
3 court case, it's an incredibly vulnerable, powerless
4 position, and you really need someone there with you who
5 knows how to work it.

6 So I think, you know, the answer is some things
7 are core. And having something in the court's budget
8 sends that message: This is core. That's part of the
9 reason why we've worked so hard on base-lining things in
10 the city's budget, because that will help change how we
11 think about this.

12 JUDGE LIPPMAN: Now, I think we're exactly on the
13 same -- on the same page on that, that these are the very
14 essentials of life --

15 SPEAKER QUINN: Right.

16 JUDGE LIPPMAN: -- and this isn't some, "Gee --"
17 some luxury that "Maybe we can do it this year, maybe we
18 can't."

19 How do you view this whole dynamic? I know
20 you -- you mentioned it in relation to the state and
21 local funding, which, again, I think makes total sense,
22 and that's what we're trying to do, create this kind of
23 systemic, consistent, dependable level of funding at
24 state level and then, as you indicated and you made such
25 a priority in the city's -- priorities in spendings on
26 civil legal services so you can target certain areas --

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SPEAKER QUINN: Right.

JUDGE LIPPMAN: -- what do you make of what's going on in Washington when you have the Legal Services Corporation which Elaine Barnett, who is the head of our task force, was the head of at one point, that they are fighting in Washington over something as essential as this? How does that play into this whole dynamic?

SPEAKER QUINN: It's very destabilizing. You know, and -- and, look, we are not a branch of government that can print money. There is only one branch of government that can print money. And that does not mean to say you do that irresponsibly or without great thought, but when there is this level of focus on cutting back, on the federal level, when there is no ability from the states and the cities to do anything but balance our budget -- and, remember, we in New York City, because of the fiscal crisis are held to the tightest budgeting standards in the country. We have to be balanced on generally acceptable accounting principles, we have to be balanced on every order. We have no room for error or margin. To have the one branch of government that has ability to on the highest level articulate priorities, the highest level to send a message and in the greatest way create funding that will be both stimulating to the economy and also stabilizing to people's lives, you know, it makes you very nervous if

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2 you're at another level of government.

3 And the thing that is shortsighted is, so let's
4 say there's massive federal cuts to legal services, the
5 people who need the services are not going to go away,
6 they're not going to walk into some white shoe law firm
7 and hire another lawyer and have their matters work out
8 in court; they're simply going to end up in a worse
9 situation with worse choices, which is only going to be a
10 greater drain on the local governments --

11 JUDGE LIPPMAN: Exactly.

12 SPEAKER QUINN: -- which is not going to help
13 support, you know, I think what some of the folks in the
14 federal government want to get at.

15 (Continued on the following page.)

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2 JUDGE LIPPMAN: I think that's exactly right. One
3 last question. Do you accept the premise that we have come
4 to the conclusion, at least from the first years hearing and
5 the report which I know your familiar with, that for every
6 dollar invested at the local and state level, that it's
7 actually a benefit from a fiscal perspective to local and
8 state government and obviously society as a whole; do you
9 accept that?

10 SPEAKER QUINN: Absolutely. I mean, it's hard to
11 quantify. That's why that argument gets lost in the budget
12 process, right, because you want to be able to say: We have
13 to cut this amount of money, here's how I cut it. You can't
14 put the point you just made always in the budget in that way
15 but it's without a doubt true.

16 JUDGE LIPPMAN: It is a ripple effect.

17 SPEAKER QUINN: Absolutely. Homelessness is
18 growing in New York City right now at levels that are much
19 higher than in recent years.

20 If people lose their homes because they went in
21 unrepresented, and let's not forget landlords by their
22 right, and good for them, are, a vast majority of the time
23 are represented.

24 The tenants that lose their homes, they are going
25 to end up swelling the ranks of homeless in New York City
26 which is only going to cause us to spend more money from the

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2 Department of Homeless Services, or HRA, or whoever it is.

3 If people who qualify for food stamps or federal
4 benefits don't get them because of paper work mistake or a
5 misunderstanding, that is not only a worse situation for
6 them first and foremost, that's federal money that it is
7 their right to have that will stay in Washington and not be
8 here.

9 Which has a further ripple effect, particularly as
10 it relates to food stamps and benefits. Because people not
11 having their money in their pocket means they are not
12 spending that money at their local bodega or their local
13 supermarket or their local clothes store, not creating some
14 level of economic activity out there.

15 Studies have always shown that when low income
16 folks get those benefits, they really are spending it
17 because it's on things they need, not extras in their life.
18 So it's without a doubt.

19 In truth think about it as it relates to Medicaid
20 or medical insurance that you may not end up getting. If
21 our Health and Hospitals Corporation doesn't get that money
22 which they are owed, it's even a further drain on the
23 system. It's performing as well as it can, but with little
24 resources.

25 JUDGE LIPPMAN: Thank you, Speaker Quinn, for your
26 testimony, and thank you for your leadership on this issue

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2 on making a priority of the Civil Legal Services for the
3 Court which we believe, and I know you do, is so important
4 not only to the justice system and the legal profession, but
5 to the well-being of our society, our city and our state.
6 And thank you for taking a leading role in this issue.

7 SPEAKER QUINN: You're very welcome. And I want
8 to thank you and everyone else who has been part of the Task
9 Force. Also I want to thank our partners in this, the Legal
10 Aid Society, Legal Services, all of the various community
11 groups that are working on this. We're really just
12 supporting their work as the local government. They're the
13 ones doing it every day.

14 JUDGE LIPPMAN: They're the ones in the trenches,
15 we salute them.

16 SPEAKER QUINN: Absolutely. Thank you, Judge.

17 JUDGE LIPPMAN: Thank you, I appreciate it.

18 Next is Geeta Singh, Principal of the Cornerstone
19 and Research.

20 While you're getting set up, I will recognize Sam
21 Seymour who is here. I see Sam in front of us who is the
22 President of the City Bar Association. And so, please,
23 thank you for joining us, Sam.

24 Are you ready?

25 MS. SINGH: Yes.

26 JUDGE LIPPMAN: Okay, you're on.

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2 MS. SINGH: Chief Justice, and distinguished
3 members of the panel.

4 JUDGE LIPPMAN: Speak into the mike.

5 MS. SINGH: Chief Justice, and distinguished
6 members of the panel. Thank you for giving us this
7 opportunity to talk about our research and analysis.

8 I'm Geeta Singh, I'm a principal of Cornerstone
9 Research. And I'm here with my colleague Atay Kiailaslan.
10 And as a Cornerstone Research employee with a financial
11 education. This experience work has given us the ability to
12 address the issue of cost savings that are achieved by
13 preventing eviction from providing legal services in that
14 context.

15 So I will talk about the analysis and research we
16 have done on this topic. I sort of see three places where
17 cost savings can be achieved because of legal services
18 provided to prevent eviction.

19 JUDGE LIPPMAN: So you're going to do sort of the
20 same kind of analysis that Mr. Baliban did for domestic
21 violence.

22 MS. SINGH: Right, it's similar in spirit and
23 details.

24 JUDGE LIPPMAN: So we can take this off his
25 ticket.

26 MS. SINGH: Right.

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2 JUDGE LIPPMAN: Go ahead.

3 MS. SINGH: All right. So the first aspect of the
4 cost savings that we have considered is cost savings that
5 come out of shelter costs that's prevented from preventing
6 evictions.

7 So when families or individuals are evicted, they
8 are likely to go to a shelter, either directly after
9 eviction or after staying first with friends and family for
10 some time.

11 If the eviction is prevented, those shelter costs
12 are prevented, and we talk about the shelter costs in
13 details.

14 Two other important costs that we need to consider
15 is a fact of homelessness on education outcomes for
16 children, and how in the long run it effects their earning
17 capacity.

18 And the next point on that issue would be the
19 medical costs that are avoided because you are preventing
20 homelessness. And the research has showed that homelessness
21 has a big impact on health of individuals and family
22 members.

23 So let's start with a shelter cost, an estimation
24 of cost. There is a basic methodology that we have used.
25 We consider the number of cases or individuals who were
26 helped in the past year 2010 through provision of legal

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2 services.

3 Not all of these individual's families end up in a
4 shelter. Some would have gone to a friend or found other
5 ways of getting shelter, but not have gone to an emergency
6 shelter. So we consider that proportion.

7 For other people who would have gone to a shelter,
8 we see what would have been the cost of using a shelter.

9 Now there are two components to the cost. There is a
10 component where we consider how many nights they would have
11 stayed in the shelter. And we have some estimate for that.
12 And it varies for individuals, it varies for families, and
13 it varies for different parts of the state.

14 The other component is the per night payment or
15 expense that's incurred by the shelter. And again that
16 varies whether the shelter housing is provided to
17 individuals or provided to families. It also varies across
18 different parts of the state.

19 So combining those elements of sort of the average
20 cost of providing shelter with the number of people who
21 avoided going to a shelter because legal services were
22 provided to them, we're able to get an estimate of cost
23 savings achieved at this time.

24 I also note that this analysis is preliminary in
25 that we are still waiting to get data from certain parts of
26 New York State, and a complete analysis will be incorporated

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2 into the final report that we submit.

3 So data for this analysis is coming from various
4 sources. New York City has a more organized structure of
5 tracking this data, and that may be the reason why past
6 studies are focused on New York City.

7 What the big effort that we did this time around
8 as different from what was done last year is to actually
9 reach out to all the counties outside New York City.

10 And this meant sort of calling up individuals in
11 various counties and getting them to provide us information
12 on evictions, on shelter use, on the cost of shelter use,
13 and then using that to come up with numbers for cost savings
14 at the very fundamental level for the counties outside of
15 New York City.

16 Where data is incomplete we have used certain
17 assumptions that are statistically valid in terms of filling
18 in the holes, and are consistent with the best practices of
19 doing an appropriate statistical analysis.

20 In terms of results, we will show data in a
21 second, but I want to highlight at a high level the points.
22 Data has shown that there is a 14 percent increase in
23 clients that are being kept over last year, and this
24 includes both families and individuals.

25 The point that I mentioned about not all the
26 people who are helped, not all the people who are evicted,

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2 taking a step back, would end up in a shelter. Data showed
3 that about 43 percent of the evictees ended up using a
4 shelter in New York City. The number is different for
5 suburban areas and Upstate New York, 13.6 and 32 percent
6 respectively.

7 The average shelter cost is highest in New York
8 City. It's \$25,000. This again reflects two components.
9 The per night rate is high in New York City, as well as
10 average length of stay is much higher in New York City as
11 well as outside New York City.

12 For suburban areas the number is about \$8,000 and
13 it reflects a length of stay --

14 JUDGE LIPPMAN: What do each of those figures
15 represent, \$25,000 for what?

16 MS. SINGH: It's an average cost of stay in the
17 shelters by household, whether the household could be an
18 individual or it could be for a family.

19 JUDGE LIPPMAN: For how long?

20 MS. SINGH: It varies. For New York City, numbers
21 have shown that the stay is as high as 250 days a year.

22 JUDGE LIPPMAN: So the average cost for a stay for
23 a New York City family is \$25,000?

24 MS. SINGH: Yes. And it reflects the per diem
25 cost, the per night cost, and the average length of stay.

26 For suburban areas the length of stay turns out is

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2 quite similar to New York City. And the suburban areas
3 includes Westchester, Nassau, Suffolk.

4 JUDGE LIPPMAN: Why does that cost less? Is the
5 stay shorter?

6 MS. SINGH: Slightly shorter. The per night costs
7 are less, and that ends up making the different figures.

8 And then in Upstate New York per night costs are
9 also lower, as well as the stays are very much shorter.

10 And one of the things that we discovered as part
11 of this research and talking to people and collecting this
12 data, that they are constrained in terms of space.

13 So it's almost that, yes, there would be families
14 that could stay longer, but then they move them on to
15 permanent housing or other forms because they are limited in
16 their ability to keep people in the shelters.

17 So this analysis is using a methodology that is
18 more refined than the methodology that was used last year,
19 and it uses more detailed data.

20 And the calculations show that there is a saving
21 of about \$126 million for New York City, and \$10 million
22 from suburban and upstate areas. So that a total of \$136
23 million savings achieved.

24 JUDGE LIPPMAN: A total savings by what? If they
25 had had legal representation, and they had not?

26 MS. SINGH: Yes, exactly. So if the legal

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2 representation had not been provided, individuals who had
3 been evicted would have some proportion they would have
4 ended up in a shelter and incurred these costs.

5 JUDGE PFAU: This is the avoidance if they had not
6 gone to the shelter; is that right?

7 MS. SINGH: Yes, yes. So this is a table that
8 sort of lays out the details of the calculation to arrive at
9 the \$136 million number. You can see the number of cases
10 helped in different parts of the state is about 10,000, and
11 New York City 3,000, and suburban areas is 5,000 in upstate,
12 New York.

13 The cases translate into a number of people
14 estimate, that's NOB. Of these people, a certain percentage
15 would have gone to the shelter, and that's presented and
16 you'll see.

17 So if you consider that percentage, the number of
18 people for whom you avoided homelessness is presented in
19 number D, in row D. And then there is the cost that we
20 talked about. So these calculations end up in a saving of
21 \$136 million.

22 MR. DOYLE: So this figure is the avoidable cost,
23 that they had been provided counsel.

24 MS. SINGH: The cost was avoided because these
25 people were provided legal care.

26 MR. DOYLE: I'm talking about the bottom line

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2 under F, the estimated cost savings in row F. The estimated
3 savings for taxpayers that takes into account the people
4 provided counsel.

5 MS. SINGH: Yes.

6 JUDGE LIPPMAN: You are saying these savings were
7 achieved?

8 MS. SINGH: Yes.

9 JUDGE LIPPMAN: Because?

10 MS. SINGH: Because Legal Aid was provided.

11 JUDGE LIPPMAN: Right. You're saying
12 representation because they did not have to go into the
13 shelter?

14 MS. SINGH: Exactly.

15 JUDGE LIPPMAN: This is the cost. I think it
16 bespeaks to the really critical nature of the roof over
17 one's head, how important that is in our society, and the
18 amount of dollars that it costs to help people that can be a
19 small fraction that can be put into Civil Legal Services.

20 MS. SINGH: Absolutely. And what we did here, the
21 table represents aggregate numbers for different reasons,
22 but the analysis was done at county level. And total
23 savings were aggregated because we see a lot of differences
24 in patterns, expenses across counties, and this we felt was
25 important to incorporate that in our analysis.

26 JUDGE LIPPMAN: It's particularly impressive the

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1
2 dollars that you're talking about.

3 MS. SINGH: Right. Just to give a context the
4 savings that were reported last year were a little over a
5 hundred million, so this is a 20 percent increase in the
6 dollar number, besides the 14 percent increase of the number
7 of cases that Legal Services helped out to prevent eviction.

8 So next I want to sort of talk a little bit about
9 other impacts of homelessness that are harder to quantify,
10 but my sense is the impact is much -- is already high in
11 terms of all the values. And the two that we will emphasize
12 impact on education outcomes, and impact on medical, on
13 health outcomes.

14 So the housing instability and homelessness
15 affects the development outcome for children. There is a
16 lot of literature that talks about how education
17 performances are affected both in terms of graduation rates,
18 as well as the performance in class.

19 The fact that you get evicted means you may be
20 moving from your home to a shelter, then to another place of
21 housing, and then it results in frequent changes of schools,
22 and that itself has an impact on education outcomes.

23 Besides the short term impact of what is happening
24 in the classroom, that leads to a long term impact on both
25 your ability to earn in the future, and the flip side of
26 that is that you are more than likely to be using government

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2 programs in the future. So that's a real cost that comes
3 out in the long run from eviction that impacts housing.

4 JUDGE LIPPMAN: Right, sure.

5 MS. SINGH: And there has been research also to
6 show that, there is plenty of research to show use of
7 education proficiency results in reduced income for the
8 households.

9 On the health front there is literature that's
10 showing how there is an impact on the health outcomes of
11 individuals that are homeless.

12 A greater proportion of them end up in hospitals,
13 they are in hospitals for longer periods of time, and they
14 come back with greater frequency.

15 So on all those fronts, there is an impact on
16 homelessness in terms of medical costs that society has to
17 bear.

18 Finally I just want to sort of --

19 So the calculation of savings that we have
20 presented in this reflect in the savings that are coming
21 from shelter use because that's a most concrete savings that
22 can be captured.

23 JUDGE LIPPMAN: But there is lots of other
24 tentacles?

25 MS. SINGH: Lots of other things, but that itself
26 is an under estimate because of certain reasons in that in

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2 the remote part of the state there are no emergency
3 shelters. They use a lot of motels and hotels. This data
4 doesn't incorporate that. And to that extent becomes an
5 under estimate of cost savings.

6 And then the additional under estimate of total
7 savings comes from the fact that there is education and
8 medical impacts that cannot be captured.

9 So in conclusion this is important legal services
10 that are provided to prevent eviction, providing valuable
11 services, and providing savings in many ways that some of
12 which we can capture and some we can't.

13 JUDGE LIPPMAN: I think it's interesting that when
14 you talk to like Speaker Quinn, or we talk about some of
15 the -- we know there are these hundreds of millions of
16 dollars of savings, but it's so helpful to see it in a
17 concrete way how you get to that number, and really
18 recognize even the kind of numbers we're talking about are
19 probably just a small kernel of the ripple effect of having
20 legal services for again the essentials of life.

21 MS. SINGH: Absolutely. I think in talking to the
22 people during the course of sort of gathering this data,
23 we're privileged to talk to people directly in the field who
24 are running the shelters, who talked about the challenges of
25 the homeless people, challenges of providing shelters for
26 the homeless people, and last but not least tracking data

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2 that's essential to evaluate Legal Services that they felt
3 that it's a lot of effort and they are very appreciative to
4 the Legal Task Force in this particular hearing and this
5 data will come to a larger audience.

6 And I wanted to thank them for their cooperation,
7 and for this opportunity and the privilege of talking to
8 you.

9 JUDGE LIPPMAN: No, thank you. I think that it's
10 incumbent upon us and the Task Force and the hearings to be
11 able to quantify in black and white, you know, what the
12 consequences are not having civil legal representation.

13 And I want to thank so much Jeffrey Baliban from
14 the Managing Director of Navigant Consulting and Geeta Singh
15 as Principal for Cornerstone Research for doing this pro
16 bono, which in legal terms means gratis, non legal terms
17 means for free, for doing this for the public good, and to I
18 think demonstrate publically the physical consequences in
19 just a small, two designs in two particular areas that I
20 think are a piece of really that bigger savings that we
21 talked about when we estimated probably for every dollar in
22 New York State spent on Civil Legal Services that \$5 are
23 returned to the state. I think even that may be a
24 conservative view.

25 So I thank you both for your pro bono assistance
26 and, you know, it really is very helpful. So thank you, I

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2 appreciate it.

3 MS. SINGH: Thank you.

4 JUDGE LIPPMAN: The next panel that we're going to
5 have is the business and community leaders panel. And we
6 have Deborah Wright, the Chairman and CEO of Carver Federal
7 Savings Bank; Craig Reicher, the Vice Chairman of CB Richard
8 Ellis; Donna Cirolia, the Vice President of Coca-Cola
9 refreshments; and Samuel W. Seymour, President of the New
10 York City Bar Association. Okay. And an impressive group
11 it is.

12 And we're going to start out with Deborah Wright,
13 the chairman and CEO of Carver Federal Savings Bank. Ms.
14 Wright, thanks for coming. We're going to take the red
15 light off, you didn't even start yet. You couldn't be over
16 your time yet. Okay, let's go. Go ahead.

17 MS. WRIGHT: Good morning. And thank you very
18 much for the opportunity to testify today on the need for
19 expanded access to legal assistance in civil cases. I
20 commend the Chief Judge, and the Panel for the foresight and
21 leadership on this issue.

22 JUDGE LIPPMAN: Thank you.

23 MS. WRIGHT: Carver is the holding company for a
24 federally chartered bank which is headquartered in Harlem.
25 It's the nations largest African American and
26 Caribbean-American operated bank something in the country

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2 with approximately \$700 million in assets and 140 employees.
3 Carver operates nine branches in New York City in the three
4 boroughs. All of our branches are located in inner city
5 communities representing many of the communities Steve and
6 others focus on.

7 Including my current role as CEO of Carver I have
8 worked to strengthen inner city neighborhoods for more than
9 20 years.

10 During law school, I was a summer intern in the
11 Dallas Legal Services where I learned firsthand the vital
12 role of legal representation for the poor.

13 In my roles as the Commissioner of the Department
14 of Housing Preservation and Development and the head of the
15 upper Manhattan empowerment zone, I also saw the urgent need
16 for civil legal assistance in low income communities.

17 New York City's economic vitality requires a well
18 functioning judicial system that works for everyone.
19 Failure to insure access to representation for all New
20 Yorkers undermines efforts to make this a city of economic
21 opportunity and stability. Increasing access to counsel in
22 civil matters will instill greater confidence in the
23 fairness of our justice system and in character of our city.

24 This in turn will contribute to the stability
25 needed to attract new business investment and grow our
26 economy. The communities in which Carver's branches are

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2 located desperately need more jobs for its residents.

3 Our city and most of its business sectors are
4 rebounding from the global recession, but recovery has yet
5 to reach most low income New Yorkers. And we see this
6 dramatically in our branches. Statistics released earlier
7 this year show New York State's poverty rate climbed to 20.1
8 percent in 2010, the largest increase in nearly two decades.

9 Recent studies by the FDIC and the City of New
10 York also document that as many as 60 percent of the
11 residents of the communities that Carver serves are unbanked
12 or underbanked. That means individuals do not have a bank
13 account, or if they do they are of limited usage.

14 Not surprisingly the recession and increasing
15 conditions of poverty have resulted in an increase in the
16 number of New Yorkers seeking free and discounted civil
17 legal assistance, obtaining unemployment and disability
18 benefits, fleeing domestic violence, and preventing
19 evictions, foreclosures, and homelessness.

20 For example, I understand the number of struggling
21 families and individuals who seek civil help at the Legal
22 Aid Society has increased dramatically during the economic
23 down turn, and the Society, which is the oldest and largest
24 in the country now has to turn away eight lower income New
25 Yorkers for every one client that it can help.

26 Providing legal services to lower income New

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2 Yorkers is not just the right thing to do, it's also a good
3 investment. As we seek solutions for the difficult fiscal
4 problems faced by both our city and state, we should all
5 keep in mind that these legal services have potential to
6 save government millions of dollars a year in averting
7 homelessness and domestic violence, and obtain federal
8 benefits in place of city and state public assistance
9 payments.

10 A fair and just legal system is essential to
11 sustain the confidence of businesses in our city and our
12 state, and to encourage investment growth and stability.
13 This is why insuring adequate legal health for lower income
14 New Yorkers in dealing with our civil legal system is so
15 vital to the economic future and well-being of our entire
16 city.

17 I want to thank you for allowing me to appear
18 today and I'm happy of course to be here.

19 JUDGE LIPPMAN: One question for you: How does it
20 hurt your bank as a business person, how does it hurt you
21 when people fall through the safety net, because if they
22 don't have legal representation, they wind up losing their
23 homes, going into homelessness, social services; how does it
24 hurt you?

25 Why is a business person, you, interested in this
26 as a banker?

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2 MS. WRIGHT: Well, when your bank is only invested
3 in poor and poor communities, Harlem and Bed Stuy and Crown
4 Heights are not what they used to be, they are much more
5 diverse economically, and I think that's a good thing.

6 But we have seen a dramatic impact on people who
7 were in lower income marginal jobs, so to speak, where they
8 could piece together lives for their families. Maybe they
9 didn't have large savings, but that didn't matter to Carver
10 because that's our core constituency.

11 But we have seen a dramatic fall off in that
12 population, and believe it or not in the middle income
13 sector of our customer base, where people are losing their
14 homes to foreclosure, where even the churches who are part
15 of the stronger fabric of our community have had a very
16 difficult time, because contributions are down well over 30
17 percent even in that sector.

18 And so our company has been severely impacted. In
19 fact, we had to raise capital to continue to stay in
20 business and keep fighting the good fight in our
21 communities. We're not going to change our mission.

22 But to your point, your Honor, the impact
23 financially on our customers and the larger community cannot
24 help but impact our business. And obviously for those like
25 us who want to actually expand and invest in more branches
26 and other communities that we're not serving, it is very

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2 difficult to do so when there are not the deposits and other
3 assistance to make that sustainable.

4 JUDGE LIPPMAN: So when poor people, the working
5 poor, don't have legal representation, it actually hurts
6 your bottom line financially, and that of the communities
7 you serve.

8 MS. WRIGHT: Absolutely. We have lost money,
9 significant money over the last two years. But I would say
10 one bright light of something created we did during this
11 period in digging down to understand what was happening to
12 our community, we were actually encouraged and we moved
13 forward on creating a check cashing product line to try to
14 say to those families don't rush out of the banking system.

15 And, in fact, many of you who are not, 60 percent
16 as I testified, we'd like to encourage you to come into the
17 system and we'll meet you where you are today, and hope that
18 by getting familiar with banking and when you come back we
19 can encourage you and teach you how to save. So it's a very
20 difficult time, and we're all doing as best we can.

21 JUDGE LIPPMAN: So you don't need money when
22 people are on welfare, and in shelters, or anything else.
23 It's not good for you.

24 MS. WRIGHT: That's not how we make our money. We
25 make our money on people trusting us with their savings and
26 investing those in housing. We want people to be housed

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well, either through homeownership, or landlords. And no surprise to everyone here, homeowners are struggling, and so are landlords particularly in our communities.

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2 JUDGE LIPPMAN: Craig Reicher, vice chairman, CB
3 Richard Ellis.

4 MR. REICHER: How are you today?

5 JUDGE LIPPMAN: Thank you for coming.

6 MR. REICHER: My name is Chris Reicher, I'm a vice
7 chairman of CB Richard Ellis; we're a public Fortune 500
8 S&P 500 company, about 31,000 employees around the world.
9 I appreciate coming here today. The last time I was here
10 was almost 25 years ago when I was sworn into the bar, so
11 it's a good second showing for me.

12 And we, too, feel -- strongly believe that legal
13 access is important for all New Yorkers no matter how
14 much money they have or don't have. Unlike a lot --

15 JUDGE LIPPMAN: How is it important to your
16 business?

17 MR. REICHER: Well, I think that the answer for
18 us, because everyone else today is really focused on cost
19 savings and how much -- for every dollar you spend how much
20 are you saving. I think we've looked at it from a
21 different point of view. Obviously we're a little bit more
22 distant in the real estate business than some of the others
23 who have presented some other subjects. But for us a key
24 component to the city and the city economy is job growth
25 and the linkage between job growth and real estate. I can
26 share some of the statistics with you; it just tells you

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2 where we were kind of prerecession.

3 You know, in December 2006 unemployment was
4 4.3 percent and commercial availability in Manhattan was
5 8.5 percent. You speed ahead to January 2010,
6 unemployment goes up to 10.4 percent and you see real
7 estate availability spike to 14.3 percent. We're a
8 little bit better today, 8.7 percent unemployment, and
9 we're just shy of 11 percent of availability.

10 So for us this linkage between jobs and real
11 estate availability really ties perfectly together. I
12 mean, the lines are moving in sync with one another.

13 JUDGE LIPPMAN: So when people fall off a cliff,
14 you know, out of the safety net, you feel it.

15 MR. REICHER: We definitely feel it. And I think
16 the city feels it, too. Because if you look at city tax
17 revenues, real estate is just shy of 49 percent of all city
18 tax revenues.

19 JUDGE LIPPMAN: Right.

20 MR. REICHER: So for us, as you see that
21 availability rate going up and down, those are real
22 revenues coming into -- coming into the city. And these --
23 the savings numbers I think are important, as you heard on
24 the homelessness and violence, but the numbers for real
25 estate related taxes to the city are much different, over
26 \$19 billion of real-estate-related tax dollars that are

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2 coming into the city. We're on the commercial side of
3 things here in the city, but the largest component of that
4 is close to 17 billion are for real property taxes. A lot
5 of that are from commercial buildings, but obviously a lot
6 of that comes from residences as well. And as you're
7 having foreclosures and bank problems you're going to see
8 those drop. That can only hurt the overall city economy we
9 think dramatically.

10 MR. DOYLE: Mr. Reicher, in your written testimony
11 you said something that we've heard a couple of times. I
12 just want to ask: You said that providing legal services
13 for low income New Yorkers would prove to be a prudent
14 investment as it would stabilize communities and help
15 promote an environment of job creation.

16 MR. REICHER: Yes. And we strongly believe that.

17 MR. DOYLE: Why?

18 MR. REICHER: The linkage -- the linkage that you
19 can show between unemployment rates and commercial
20 availability rates is so clear. I think it becomes tougher
21 to show -- to show the linkage that we feel exists between
22 providing legal services to people on these civil cases,
23 because we know that that has to promote stronger
24 communities, better environments for businesses. When you
25 have a better environment for businesses, they're going to
26 grow, they're going to look for people to hire, it's going

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2 to be much easier to hire people who are not in the midst
3 of foreclosure cases or in shelters. It seems like it all
4 ties together well. You know, maybe as a study for next
5 year someone could get to that secondary piece of it that
6 we know is there but within our statistical category we
7 just don't -- we don't capture right now.

8 So that's really the crux. We're focused more
9 on the revenue side.

10 JUDGE LIPPMAN: No, terrific. I think it brings
11 home graphically why we had in last year's hearing where we
12 think we demonstrated in our report and this year's hearing
13 this kind of counterintuitive where people say, "Oh, this
14 is all about, you know, giving a hand to the poor people
15 and that's a good thing and a nice thing and the right
16 thing, but, gee, we can't afford to do that." And I guess
17 the answer is from this kind of thing, we can't afford not
18 to do that.

19 MR. REICHER: That's probably correct.

20 JUDGE LIPPMAN: Okay. Thanks so much.

21 Donna Cirolia, vice president of Coca-Cola.
22 Thank you for coming.

23 MS. CIROLIA: Thank you. Thank you.

24 Good morning, Chief Judge Lippman, distinguished
25 members of the panel, ladies and gentlemen. Thank you
26 for the opportunity to testify before you today. We

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1
2 applaud your work and the task force work on working to
3 protect and expand the access to civil legal services in
4 New York.

5 My name is Donna Cirolia and I am regional vice
6 president for public affairs and communications for
7 Coca-Cola here in the northeast.

8 In New York State Coca-Cola employs over 3200
9 men and women, many of which are hourly employees. We
10 have two production facilities and ten sales and
11 distribution centers located throughout New York State.
12 Coca-Cola is made up of people who live in our
13 neighborhoods, send their kids to our schools and want to
14 see their communities thrive. They represent a diverse
15 cross-section of our communities who you see every day,
16 driving our red trucks, stocking and merchandising store
17 shelves and working our production facilities.

18 Coca-Cola defines sustainability as creating
19 meaningful benefits for society as we manage and grow our
20 business. We are working to embed sustainability into
21 every aspect of our business. We are committed to
22 developing the capabilities of our employees and ensuring
23 that our system, associates, our stakeholders, customers
24 and consumers are engaged in a stable business
25 environment.

26 Part of supporting the sustainable community and

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2 a sustainable business environment is understanding the
3 needs of those who are most vulnerable among us. As
4 we've come to learn, when the least fortunate among us
5 are unable to gain access to the judicial system because
6 they cannot obtain legal help with their civil legal
7 problems, the impact is broad in our community and in the
8 stability of that community. When a family struggling to
9 get by is not aware of their civil legal rights or unable
10 to exercise those rights, it can tear into their economic
11 future. Particularly with respect to children, lack of
12 access to essential legal assistance in such matters as
13 foreclosures and child support can lead to significant
14 declines in a child's economic well-being, health and
15 future academic success. Indeed, we are especially
16 concerned that the lack of access to civil legal help can
17 pose a clear threat to health and safety for women and
18 children who cannot escape from domestic violence without
19 legal representation.

20 We recognize these difficult economic times, but
21 we all depend on sustainable communities, from business
22 to individuals who are less fortunate. We hope by
23 testifying today we've added to the base of information
24 needed to make the decision on the civil legal services
25 provided in New York State.

26 Thank you.

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2 JUDGE PFAU: So what you're really saying is
3 interesting, is the business community relies on stable
4 communities to have a foundation to build a business, to
5 grow a business.

6 MS. CIROLIA: To grow our business and have a
7 stable workforce environment. Yes. And for future
8 generations to come. Absolutely.

9 JUDGE LIPPMAN: Thank you. We appreciate it.

10 Sam Seymour. Delighted to have you here.

11 MR. SEYMOUR: Thank you, Chief Judge. And thank
12 you to all of you for having me here today. I'm president
13 of the Bar Association, so I'm representing the legal
14 profession here. And I must say it's a privilege to be
15 with the business community, and your task force did a
16 great job of representing our business community by having
17 a finance, real estate and Coca-Cola. I think that makes a
18 very nice --

19 JUDGE LIPPMAN: All good things.

20 MR. SEYMOUR: All good things.

21 I'm president of the New York City Bar
22 Association, one of many Bar Associations in New York
23 State, but one of the largest, with 23,000 members. And
24 we do what Bar Associations do: We study the law, we
25 meet, we have committees. But we also have an affiliate
26 called The City Bar Justice Center which does pro-bono

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2 work and especially reaches out to low income persons who
3 need representation in civil cases. We do not do
4 criminal work, we do civil work. And that civil work
5 really translates into the areas of personal bankruptcy,
6 landlord/tenant eviction cases, benefits cases of all
7 kinds, including particularly for veterans who are
8 seeking federal benefits from Veterans Administration.
9 We're doing foreclosure work for people who are finding
10 themselves facing foreclosure, and also a great deal of
11 domestic violence work and immigration work.

12 All of that work together -- we served 20,000
13 clients last year -- gives us as the Bar Association a
14 sort of a birdseye view of -- or perhaps more accurately
15 a worm's eye view of the work in providing civil legal
16 services. We're seeing a huge uptake in the demand for
17 our services, we're seeing more and more cases filed,
18 more and more of those involve unrepresented persons, and
19 we're seeing that, despite all the efforts of the private
20 bar to provide a funding for this organization and
21 provide volunteers, more importantly, to work in those
22 cases, there's not enough.

23 JUDGE LIPPMAN: How does it fit together? The
24 funding for the civil legal services provided and the
25 pro-bono efforts of the great organization like the city
26 bar, how do those things -- what's the relevance to each

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2 other? Is it a -- is it part of a puzzle? How does it
3 work?

4 MR. SEYMOUR: They work together very neatly. And
5 there are organizations that provide staff attorneys to do
6 civil legal work. There are other organizations that are
7 sort of clearing houses for volunteers that work together.

8 JUDGE LIPPMAN: You're doing -- your program,
9 you're talking about what you do directly, right?

10 MR. SEYMOUR: We do both. We do both. We have a
11 staff. Some of our employees of the justice center will go
12 out and represent people, they bring great expertise. Some
13 of these areas are very technical, very complex.

14 JUDGE LIPPMAN: And some work for the providers?

15 MR. SEYMOUR: And some work for the providers and
16 some work with the providers. We partner up. It's a
17 seamless -- for the most part, a very seamless enterprise.
18 We train lawyers. We have a lot of young lawyers, people
19 right out of law school who want to do something to help;
20 we train them, show them how to do these cases, we take
21 them out there.

22 But, as well as that group works together and
23 seamlessly as all that fits together, it doesn't begin to
24 cover the need. We turn people away every single day
25 despite the thousands of people we work with and for.

26 So we're here to support the efforts of this

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2 task force and of Your Honor and others in the state who
3 are pointing out the great need for funding for civil
4 legal services for the poor.

5 A great deal of testimony today has been about
6 the economic, the sort of financial arguments, and I'm
7 just a barefoot Wall Street lawyer. I don't have a Ph.D.
8 in economics like the other witness, so I can't say a
9 whole lot about that. But I do want to say one thing
10 about the point Your Honor made at the very outset, which
11 is it's the right thing to do. And I don't think that
12 point should be left behind.

13 Our legal system is -- is beautiful because it
14 has the capacity to change. It's a funny paradox that
15 our legal system is based on precedent, which is doing
16 things the way they've always been done, and change and
17 trying to find new ways to do things. And it wasn't that
18 long ago in our country that cases involving criminal
19 exposure --

20 JUDGE LIPPMAN: Right.

21 MR. SEYMOUR: -- you didn't have a right to a
22 lawyer. And the courts found a way to say these are
23 important rights. These are important rights where you
24 really should have a lawyer. An appearance in court in a
25 case of a certain type without a lawyer is really not a
26 meaningful access to the courts.

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2 That was the courts. The legislative branch
3 also has the power to change. You saw New York State,
4 the same sex marriage last year take a wonderful
5 leadership role, they chose to see that something was
6 going to happen anyway and it was time to do it and it
7 was the right time and right thing to do.

8 Civil legal services is the same thing; these
9 are rights, the house you live in, your entitlement to
10 benefits, your entitlement to programs that you simply
11 can't demonstrate your right to it because you don't have
12 a lawyer to navigate you through that.

13 We're not serving justice by turning people
14 away. Yes, they fall back into the safety net and it
15 costs our economy more, but it's also the right thing to
16 do to have our legal system say -- we're not determining
17 the person should get the rights, we're determining we
18 want them to have a fair hearing, to find out.

19 Gideon wasn't about making sure every defendant
20 was acquitted; it was about making sure you had a lawyer
21 to find out whether justice can be done. We're in the
22 same way here, and I strongly -- on behalf of the
23 New York City Bar, I strongly applaud Chief Judge, the
24 court system and this task force for pushing this issue
25 forward. It will happen and we hope it happens this
26 year.

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2 JUDGE LIPPMAN: Thank you, Sam. Thank you for the
3 terrific work that the city bar does. And I think you
4 demonstrate in the point that you just made really that
5 the -- the legal profession is a noble profession. And I
6 think it's our very reason for being is to promote equal
7 justice in our city, in our state, in our country. And for
8 us this is everything. This is -- this is what we should
9 be doing. And to see the legal profession step up to the
10 plate on this issue and then to recognize the broader
11 community, the business community, our basic institutions
12 all not only -- having two sides of the coin, that were
13 intent upon showing that this is a good investment from a
14 bottom-line perspective, and I think all of us, not just
15 the legal profession, but certainly our businesses, our
16 institutions also recognize that it's all of our reason for
17 being and not just the legal profession to help those who
18 can't help themselves.

19 I think I used the -- I don't know who first
20 said it, I think it was maybe Churchill or somebody, that
21 every civilized society is judged by how it treats its
22 most vulnerable citizens. And I think it's up to all of
23 the institutions within that society to -- to recognize
24 that. And we feel in the legal profession, I know many
25 of you are lawyers, that it's our special obligation, but
26 I think it's everybody's obligation.

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2 So this is a great panel and we appreciate each
3 of you coming by to talk to us. Thanks so much.

4 MR. SEYMOUR: Thank you.

5 MS. CIROLIA: Thank you.

6 JUDGE LIPPMAN: We're now going to have a clients'
7 panel, which is people who have really been helped by civil
8 legal services. And I'd ask Eneyda Maldonado, a client of
9 the Legal Aid Society, accompanied by Jack Newton; Yves
10 Gabhardt, a client of Legal Services NYC, accompanied by
11 Mallory Curran; Virginia Norman-Acevedo, a client of the
12 Legal Aid Society, accompanied by Judith Goldner; Tracy
13 Smith, a client of the Urban Justice Center Community
14 Development Project, accompanied by Sadia Rahman; and
15 Natalie Jones, a client of the Legal Services NYC Domestic
16 Violence Unit, accompanied by Lenina Trinidad.

17 I was just wondering how all of you were going
18 to fit at this table. If we need more chairs we can do
19 that, too.

20 (Brief pause.)

21 JUDGE LIPPMAN: We have plenty of chairs.

22 MISS MALDONADO(Through Spanish Interpreter): Good
23 morning. My name is Eneyda Maldonado.

24 JUDGE LIPPMAN: Hold on. This is Eneyda
25 Maldonado, right? The Legal Aid Society. Accompanied by
26 Jack Newton.

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Okay, go ahead. Now you're up.

MISS MALDONADO(Through Spanish Interpreter): I was born in Mexico. I first encounter the society of legal assistance through the center, the family center -- Justice Family Center in the Bronx, a center that gives counseling and services -- provides counseling services, legal services for victims of domestic violence.

That meeting has changed my life and the lives of my children in ways that I could never have imagined. With the assistance of the Legal Aid Society I have been able to free myself from my husband's physical abuse and economic control. Now I am able to decide how I spend the money I earn on my family and economic control.

Since that first meeting I have received assistance from the Legal Aid Society in almost every aspect of my life: Immigration, work authorization, divorce, custody, benefits and medical debt.

I came to this country in 1990 at the insistence of my husband who was living here at the time. From the very beginning of our marriage my husband beat me, forbade me to speak to others, insulted me and told me I was worthless because I was a woman. He hit, punched, kicked and slapped me. When he was angry he would throw chairs or shoes at me or destroy things in the house. Once he even threw a metal pipe at me, hitting me in the

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2 face.

3 I was terrified of my husband and believed that
4 he would indeed kill me some day. I was also afraid to
5 call the police because my husband frequently threatened
6 to have me deported and even told me the police would
7 deport me. I was terribly afraid of being separated from
8 my American-born daughter, and I had no idea how I
9 could... I had no idea how I would support my children
10 if I were ever forced to return to Mexico. I worked ten
11 to twelve hours per day as a nanny and a housekeeper
12 while he stayed home and monitored my comings and goings.

13 My husband largely refused to work, instead
14 relying on me to provide not only for the entire family,
15 including at times his brothers and other relatives
16 outside of our immediate family, but also for his own
17 substantial and often selfish needs.

18 Finally after nearly twenty years of abuse,
19 something in me snapped. After a particularly severe
20 beating by my husband in the summer of 2009 I called 911.
21 A few days later my husband was arrested while I was at
22 work. My husband was charged with assault, menacing and
23 harassment, although I was very afraid and lost many
24 nights sleep, I kept my resolve and cooperated fully with
25 the police and District Attorney in the prosecution of my
26 husband. My husband eventually pled guilty to harassment

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2 and I received a final order of protection against him
3 that is valid until May 2012.

4 While all of this was going on, my husband sued
5 me for visitation with the children. I did not know what
6 to do. I had no money to pay for a lawyer. The District
7 Attorney assigned to my case suggested I go to the Bronx
8 Family Justice Center to see if I might be able to get
9 civil legal advice regarding custody. This is how I
10 first came to the Legal Aid Society.

11 I went to the Bronx Family Justice Center in
12 May 2010. The attorney who conducted the screening that
13 day happened to be a lawyer from the Legal Aid Society,
14 Mr. Jack Newton. I told Jack that I was looking for help
15 in keeping custody of my children. During our interview
16 I told Jack about the years of abuse I had suffered and
17 about my husband's arrest the prior year.

18 To my great astonishment Jack advised me that
19 both my older daughter and I might be eligible for
20 something called a U-visa. I had never heard of such a
21 thing. I was astonished to hear the news. He also asked
22 me if I wanted a divorce from my husband and he explained
23 the process to me.

24 For the next few months Jack and his colleague,
25 Mrs. Michael -- Mr. Michael....

26 MR. NEWTON: "Miss Michal Katcher."

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2 MISS MALDONADO(Through Spanish Interpreter): Miss
3 Michal Katcher prepared the new visa applications on my
4 daughter's and my behalf, along with applications for
5 employment authorizations. Both applications required many
6 hours of interviews and lots of paperwork. In May 2011 we
7 were notified that both our visas and work permits were
8 granted.

9 (Continued on the following page.)

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2 MS. MALDONADO: (Through Spanish Interpreter)

3 Receiving a new visa and work authorization has
4 also had an immeasurable impact on my life.

5 Now that I have my work authorization, the family
6 for whom I am working increased my weekly pay by 60 percent
7 and gave me a two week paid vacation. I can't remember the
8 last time I had a paid vacation, which is a chance to spend
9 time with my children. Since receiving my work
10 authorization, I feel as if my employer has treated me with
11 more respect and dignity.

12 Recently my youngest daughter became extremely ill
13 requiring hospitalization for several days. Before having a
14 work authorization, I think that I would have been fired for
15 taking time off and staying in the hospital with my
16 daughter.

17 I believe that my U-Visa status and newfound
18 respect for my employer gave me the strength and courage to
19 tell my employer that I needed some time off instead of
20 merely asking and expecting that I would be fired.

21 Although I am pleased that I am being treated
22 better by my employer, I am looking for another job that
23 challenges me in different ways. That is the wonderful
24 thing about obtaining U-Visa status. The opportunity to
25 improve my life and my daughter's life.

26 I feel safe and secure in my home now. I know

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2 longer fear being forced to return to Mexico where I see no
3 future for my children, and where I would receive no
4 protection from my violent husband.

5 The Legal Aid Society is also going to help me get
6 a divorce if from my husband. Once again I will never be
7 able to afford to hire an attorney to file the required
8 papers.

9 I felt trapped in a miserable marriage for over 20
10 years, and getting a divorce would be tremendously
11 liberating for me, yet another step in my journey to
12 independence. I can't wait to sever all legal ties from my
13 husband.

14 Legal Aid has also provided me with advice
15 relating to the custody of my children. My children are my
16 priority, and the advice I have received has been
17 invaluable. Even after applying for Medicaid, Legal Aid
18 continues to help me. While my daughter received her
19 Medicaid card promptly, mine has not yet arrived, and my
20 medical bills are piling up.

21 I told Jack and Michael about this issue, and they
22 connected me with the Legal Aid's Health Unit. Now Legal
23 Aid is assisting me to make sure that I do not oh anything
24 dating back to the time I applied for Medicaid.

25 I was very worried about the mountain of medical
26 bills until I spoke with my attorneys in the health law

1 Proceedings

2 unit.

3 I never in my wildest dreams imagined that all of
4 this would come true. I really appreciate all the legal
5 representation and advice that Legal Aid has been able to
6 provide me regarding immigration, work authorization,
7 divorce, custody, benefits, and medical debts.

8 The services Legal Aid provides to victims of
9 domestic violence like me is simply invaluable. With my
10 husband out of my life and having U-Visa status I now view
11 the world a little differently.

12 I am able to decide my own future, both
13 economically and emotionally. Since my first meeting with
14 Legal Aid around one and-a-half years ago, I walk a little
15 taller, and I dream a little bigger than I ever did before.

16 JUDGE LIPPMAN: Thank you. I think it is a vivid
17 demonstration that having legal representation, in this case
18 the Legal Aid Society, can literally transform someone's
19 life. We see this happen. So thank you so much for coming.

20 MS. MALDONADO: Gracias.

21 JUDGE LIPPMAN: Yves Gebhardt, client of Legal
22 Services NYC, accompanied by Mallory Curran.

23 MR. GEBHARDT: Good morning, your Honor. Good
24 morning distinguished panel members. Ladies and gentlemen,
25 my name is Yves Gebhardt. Thank you for giving me the
26 opportunity to speak with you today.

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2 I am a 59 year old man who moved to New York in
3 1980 and have called the city my home ever since. In 2002,
4 I was diagnosed with stage four cancer and HIV. I was given
5 20 percent chance of surviving the cancer.

6 I had several biopsies, surgery, chemotherapy.
7 Also I have been in remission from cancer since 2003. I
8 experienced an avalanche of other medical conditions related
9 to HIV and its treatment.

10 Prior to my illness, I was the manager of a
11 Manhattan restaurant where I had worked for over 20 years.
12 No longer able to work, I focused for several years on
13 regaining my health, learning about the community supports
14 available to me, and becoming an advocate for both myself
15 and others with disabilities.

16 Currently I am a volunteer community liaison with
17 the Manhattan HIV Care Network. Through my own experiences
18 and my volunteer work, I understand firsthand the crucial
19 importance of Legal Services to low income people.

20 People living with HIV are people like everyone
21 else. They have the same trials and tribulations of life as
22 others. Most people with HIV are low income. And so like
23 other low income people, they have legal problems related to
24 issues like housing, access to benefits, immigration,
25 domestic violence, consumer problems, just to mention a few.

26 However, having HIV adds another layer of

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2 complexity. Due to illness, severe side affects from a
3 highly active antiretroviral medication regiments and other
4 challenges, people with HIV often lack the financial
5 resources, strength and physical vitality to fight problems
6 with the focus and determination needed to overcome
7 barriers.

8 I have been a client of Legal Services on several
9 occasions. I cannot overstate the importance of having a
10 lawyer for both solving my legal problem, and also
11 maintaining my health. For people with HIV, having a low
12 viral load and a high CD4 count is an important indicator of
13 health.

14 When I and others in my community experience the
15 stress of an unresolved legal problem, our viral load
16 increases precipitously and our CD4 count plummets. Access
17 to legal services is literally of life and death importance
18 to us.

19 This summer, my neighbors and I received a
20 shocking and unwelcome visit from the emergency placement
21 unit of a city agency. They told us that because the owner
22 of our building was going into bankruptcy, the building
23 would be transferred.

24 They said that we should move within two weeks
25 because the building was at risk of being totally shut down
26 and locked up. Moving with two weeks notice, ladies and

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2 gentlemen, is awful for everyone. For myself and my
3 neighbors, all of whom have significant disabilities, it was
4 horrifying.

5 The first thing I did upon receiving this news was
6 to contact Manhattan Legal Services, a program of Legal
7 Services in New York City. They responded immediately, as I
8 recall, within 15 minutes.

9 Together with their colleagues from South Brooklyn
10 Legal Services, and other Legal Services from the New York
11 City program, the attorneys at Manhattan Legal Services
12 brought our plight to the attention of anyone and everyone
13 who could help save our building, including the Mayor's
14 office, Human Resource Administration, also known as HRA,
15 Housing Preservation and Development, also known as HPD,
16 Housing and Urban Development, also known as HUD, the
17 building managers, the previous contract holders, and the
18 bankruptcy trustees.

19 In less than two weeks, and without going to
20 court, the problem was resolved. A new contract was signed
21 for the provision of social services, and all tenants were
22 able to stay in the building, catastrophe was averted.

23 In my experience that's what Legal Services do.
24 They provide timely, effective problem solving, helping low
25 income people to do things like avoid evictions, maintain
26 health insurance, access safety net services, or move along

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2 the path towards citizenship.

3 Ultimately they help us, people with HIV, maintain
4 our health in the face of a precarious financial situation.
5 In short they are our lifeline. They have been my lifeline
6 as I die slowly.

7 Thank you again for inviting me to speak today. I
8 will be happy to answer questions. And if I may give it
9 straight when I say because Legal Services promptly
10 interceded on my behalf, subsequently I was able to complete
11 40 hours of training with the New York City Department of
12 Health.

13 JUDGE LIPPMAN: Thank you. That again
14 demonstrates how Legal Services can be a lifeline for people
15 with all the different stresses and difficulties of all of
16 our lives. And thank you for telling your story.

17 Okay, Virginia Norman-Acevedo, Client of the Legal
18 Aid Society, accompanied by Judith Goldiner.

19 MS. NORMAN-ACEVEDO: Good morning, ladies and
20 gentlemen. My name is Virginia Norman-Acevedo.

21 I've been blind since I was 18 years old. And I
22 live at 135 West 23rd Street with a blind little boy which I
23 am his legal guardian.

24 But my help with Legal Aid came since the '80's.
25 When I came to this country I was kind of lost, I didn't
26 know what to do. And I then applied to talk to somebody to

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2 get legal advice.

3 And I found great lawyers like Betty McManus and
4 Peggy McDonnell. They advised me how to work with the
5 procedures, and what I had to do.

6 And in 1990 -- excuse me, 1988, I became with, you
7 know, my green card which allowed me to move freely and
8 continued doing trainings at the same time. I also through
9 the years I became also a US citizen with Legal Aid's help.

10 In 2004 I met Orlando Acevedo at the Jewish Guild
11 for the Blind. And I used to go for trainings. And Orlando
12 used to go with a little boy, which his name is Orlando
13 Cheng. His mother abandoned him. And Orlando at that time
14 was taking care of him. He used to take him to trainings at
15 the Guild. They have training for blind and young kids.

16 And Orlando became trained to talking about, you
17 know, how he could help the child. And, you know, I had
18 much more experience. And he was a private person. He
19 didn't know really how much to deal with. I used to give
20 him advice and we became very close.

21 And the year 2006 I asked -- he asked me to be
22 engaged. And the year 2007 we became legally married. And,
23 you know, unfortunately he became very ill with throat and
24 lung cancer. And in the year 2010 he passed.

25 So I was really devastated. I didn't know what to
26 do. What am I going to do with this little boy? I've never

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2 been involved in legal guardian things. And I don't know
3 how I'm going to petition.

4 So my daughter and I went through Family Court and
5 we filled out some papers. And, you know, I met with the
6 Judge, and then also met with Peter Hahn and a social worker
7 Ellen Robles which they have been very great help. They
8 guided me and told me, you know, how to deal. And this is
9 also a child that has other issues.

10 And I felt like, you know, I got so much that I
11 have been given that I wanted to give something, you know.
12 And I felt like taking care of that blind little boy, you
13 know, not let him fall into the system with the problems
14 that he has. You know, it was going to be hell.

15 So I spoke with Legal Aid, and as always, you
16 know, they advocate for me. At the same time I obtained a
17 petition in December of 2010, I became his legal guardian.

18 Then I requested New York City Housing, which I
19 was living then, but I have to come out of the lease because
20 I have to live in, you know, with a little boy. And New
21 York Housing told me that I have to take my family wherever
22 I have to go, because my family was not on the list for a
23 long time, and if I moved out I have to take my family with
24 me.

25 And I came and, you know, talked to Peter Heart
26 and Anna Laura and I told them that I need some help.

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2 Because I can see that the Housing is trading me that I got
3 to put my daughter and my two grand kids which they have
4 special needs and I couldn't see them, and I didn't want to
5 leave that little by into the system.

6 So with the help of Legal Aid, you know, we came
7 to some hearings in the housing, and we finally, you know,
8 they finally called my daughter that she has been approved
9 to sign the lease. So, you know, one more time Legal Aid
10 came through for me.

11 So I, you know, hope that that will help to
12 continue providing services so they can advocate for others
13 the same way that they advocate for me. Thanks.

14 JUDGE LIPPMAN: Thank you very much, and thank you
15 for coming and for your story. And again Legal Services can
16 be so instrumental in saving people's lives and helping them
17 get well. So thank you.

18 Tracy Smith, Client with the Urban Justice Center
19 Community Development Project, accompanied by Sadia Rahman.

20 MS. SMITH: Hello. Hello. Can you hear me?

21 JUDGE LIPPMAN: Yes.

22 MS. SMITH: My name is Tracy Smith. And I'm truly
23 honored to be here for this opportunity to tell you about
24 the legal assistance that I received from Legal Services of
25 New York, a/k/a LSNY, and the Urban Justice Center as well
26 which is a/k/a UJC.

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2 Attorneys from these agencies saved me from
3 eviction in three different cases brought within two years
4 by my landlord.

5 In 2009, April, Hayco Realty Company, the owners
6 of my building, sent me a demand for rent which stated that
7 I owed approximately \$2,000. At this point I was
8 withholding my rent because the owners refused to make
9 repairs in my apartment, my daughter and I were living with
10 horrendous conditions and violations. However, I knew that
11 I owed far less than \$2,000.

12 In response to this rent demand, I sent the owners
13 a letter after many unanswered phone calls. I informed them
14 that I was withholding the rent because of repairs. I
15 listed the most dangerous conditions that needed to be fixed
16 immediately, and as a gesture of good faith I enclosed a
17 partial payment of \$400.

18 Hayco did not respond to my request for repairs.
19 The very next month I was sued for nonpayment of rent. I
20 didn't know what to do or where to turn.

21 At the first court date, the owner's lawyer called
22 my name, took me into the hallway of the courthouse, and
23 stated that he would give me four to five weeks to come up
24 with the \$2,000. He was talking fast and was very
25 intimidating.

26 All I could say to him was I wasn't comfortable

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2 with signing anything without a lawyer to look at it. His
3 response was, "You don't need a lawyer, just take the deal."
4 But I knew that was inaccurate, and I didn't sign anything.

5 In July, 2009, a lawyer from LSNY was sent to
6 represent me. She interviewed me and assessed the paperwork
7 in my case. She concluded that the owner's were trying to
8 get money from me that they were not entitled to.

9 From that moment forward, I felt relieved and
10 realized that I do have the right to defend myself as a
11 tenant. The lawyer from LSNY gave me the confidence, and
12 provided much needed support when I was nervous about the
13 case.

14 While the case was pending, the landlord started
15 to harass me. In particular after a court date on July 7,
16 2009, the landlord sent the super to my apartment. He
17 started to ring my doorbell nonstop. I had not walked into
18 my apartment for ten minutes before my doorbell began to
19 ring.

20 When I did not respond, my landlord called me.
21 When I did not respond, my phone rang. My landlord was
22 calling me. I refused to answer. I refused to answer my
23 doorbell and the phone. For 30 minutes the phone and
24 doorbell continued to ring. Then one of the owners of the
25 building left a threatening message on my answering machine.

26 At the end of July, 2009, the Housing Court Judge

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2 ordered me to pay \$560 to Hayco, as opposed to the \$2,000.
3 I paid the \$560 dollars in full on August 31, 2009.

4 In September, 2009, less than ten days after Hayco
5 received my payment, they took me back to court for an
6 alleged illegal washer dryer.

7 On October 10, 2009, the same LSNY attorney and I
8 were back in Housing Court. This case was in court from
9 2009 through April 5, 2010.

10 Finally on that court date in April the Judge
11 stated to the owner's lawyer that they had no proof that the
12 washer dryer was illegal, and no case, and therefore I was
13 entitled to keep my appliances.

14 However, the Judge did not stop there. He even
15 awarded me \$100 to be paid by the owners for the
16 inconvenience of having me come to Court to defend this
17 baseless case.

18 That same spring I started to talk to my neighbors
19 about the landlord's conduct, and it became apparent to me
20 that many of my other, my lovely neighbors was were also not
21 getting their repairs done.

22 I started to organize a tenants' organization and
23 invited attorneys from the Urban Justice Center to help us
24 bring an action against the landlord.

25 However, within a few days of holding our first
26 tenant's meeting, I received a dispossession letter opened

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2 taped to my door from the landlord. This letter was for my
3 neighbors to read. I believe that this was an attempt to
4 humiliate me, and to harass me, and to undermine my position
5 as the co-president of the tenant association of my
6 building.

7 The letter stated I owed \$3,400 in rent arrears.
8 By May, 2010, I was sued again for nonpayment of rent. This
9 time the Urban Justice Center represented me in Housing
10 Court. I was able to provide proof of payment for every
11 month rent since my last case had been dismissed.

12 The landlord claimed that they never received four
13 of these money orders. So I agreed to trace the payments.
14 It turns out that three out of four of these had, in fact,
15 been cashed by the landlord within days of receiving them.
16 With the help of the UJC, I was able to reissue the fourth
17 money order to settle the case, and settled the case.

18 As to the repairs, the Urban Justice Center
19 brought a case against the landlord on behalf of 15 tenants
20 living in the building. During this case, we were able to
21 get approximately 100 violations addressed in our building.

22 I'm extremely grateful for the many hours of work
23 that the Legal Services of New York and Urban Justice Center
24 dedicated to my cases. There is no way I could have reached
25 a successful resolution of this matter on my own.

26 LSNY and UJC enabled me to remain in my home and

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2 remove a major source of stress in my life. Now I'm able to
3 focus on myself and my life. Without a stable home I
4 literally do not know if I would have made it through this
5 story.

6 It truly breaks my heart to think there are many
7 other New Yorkers every year who need the kind of help that
8 I received, but who do not receive it because of
9 insufficient state funding of legal services.

10 I urge all of the branches of the New York
11 government to come together and find a fair and permanent
12 solution to the problem of inadequate funding for Civil
13 Legal Services in our state.

14 Thank you once again for the opportunity to
15 testify.

16 JUDGE LIPPMAN: Thank you so much. Again a
17 different area where Legal Services was helpful in a
18 domestic relations case, health issues, and certain other
19 housing issues which was so critical.

20 Our last member of the panel, Natalie Jones, a
21 client of Legal Services, New York City Domestic Violence
22 Unit, accompanied by Lenina Trinidad.

23 (Continued on following page.)
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2 MISS JONES: Good morning. My name is Natalie
3 Jones and I thank you for inviting me to speak today. I am
4 a low income single mother and I immigrated to New York --

5 JUDGE LIPPMAN: Speak into the -- bring that mic
6 closer to you.

7 MISS JONES: I'm a low income single mother and I
8 immigrated to New York from Jamaica as a young woman. I am
9 a survivor of domestic violence. In 2007 I gave birth to
10 my son. My ex-husband physically abused me, choked me and
11 threw me out of our apartment. By the time I was able to
12 return home he had left the state with our baby.

13 I was able to get my son back and file a police
14 report. I also filed a custody hearing for an order of
15 protection from the Family Court. My husband was
16 arrested but my ordeal had only just begun.

17 My husband hired lawyers and filed for custody
18 of our son. I had no money to hire a lawyer and I didn't
19 know what to do. On top of that, my husband had taken
20 all of my immigration documents. I had no identification
21 documents, no way to prove who I was and no way to get a
22 job to take care of my baby. My case was being heard in
23 the Integrated Domestic Violence Court where it was
24 referred to Manhattan Legal Services. I met with an
25 attorney, Lenina Trinidad, and things began to change for
26 me.

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2 The criminal case against my husband was
3 dismissed, which gave my husband more motivation to
4 pursue custody. I was terrified that my abuser would win
5 custody of my baby and I would not be able to protect
6 him. After many court dates, and my husband refusing to
7 agree to my having custody of our son, the Judge said we
8 have to have a trial.

9 I spent many hours with my baby in my arms at my
10 lawyer's office getting ready for court. I had a team.
11 I had a lawyer, her supervisor and a paralegal working
12 hard to prepare for my case. My lawyer spoke to my
13 witnesses and went over evidence with me and explained
14 what was going to happen in court.

15 My case finally went to trial. I testified in
16 court to everything my husband had done to me, about the
17 bruises I had and how afraid I was for myself and my son.
18 Over the course of five or six two-trial dates my
19 husband's lawyer tried to make me look like a liar.
20 Over -- but because of the work of my legal services, the
21 Court decided to issue a five-year order of protection
22 for me and my son against my abuser husband.

23 Even after the Judge gave me the order of
24 protection my husband still wanted to get custody of the
25 baby. Two false trial neglect claims were called in
26 against me to the Administration For Children's Services.

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2 Legal Services New York City through Manhattan Legal
3 Services' offices again helped me through the process of
4 getting the investigation completed without any problems
5 for me and my child. The charges were unfounded or found
6 to be untrue. We finally settled the custody case with a
7 detailed written order. I got custody of my baby and we
8 were finally safe. I was able to get child support in my
9 Family Court. This helped me put my child in daycare so
10 I was able to enroll in college. I got an apartment and
11 I was able to get my green card and work authorization
12 replaced. Now that I'm in college I want to help
13 children and women in my situation. Thanks to Manhattan
14 Legal Services I was able to protect my son and make a
15 better life for us. I know if I didn't have a lawyer,
16 things would have gone very differently for me and my
17 baby.

18 Thank you again for inviting me here today.

19 JUDGE LIPPMAN: Thank you. We really appreciate,
20 I think, Natalie, your story and the other clients here
21 again graphically illustrating what the services in terms
22 of one's life and dealing with the essentials of life,
23 which you all, again, so demonstrated to all of us, and why
24 this is important.

25 So thank you all. Appreciate it. You've been
26 great, and thank you. And thank you for all your

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2 lawyers, too.

3 We're running just a little behind schedule, but
4 our next panel are always very short on words and brief
5 in their comments: Judges, an essential piece of our
6 judicial system. And we're going to have the Honorable
7 David Kaplan from the Housing Court, the Honorable Tanya
8 R. Kennedy, acting Supreme Court Justice and Civil Court
9 Judge, the Honorable Douglas Steve Hoffman, acting
10 Supreme Court Justice and Supervising Judge in the Family
11 Court. And this crew knows what the red light is, so,
12 okay.

13 David, why don't we start with you, because I
14 think you know so well about the roof over someone's head
15 and how important it is and how important legal services
16 are.

17 JUDGE KAPLAN: Good afternoon. And thank you for
18 affording me the opportunity to address the need for
19 further access to legal services in Housing Court.

20 Over 90 percent of the tenants and many
21 landlords in Housing Court appear without the benefits of
22 counsel every day. This is generally not by choice, but
23 a stark economic-based reality. These unrepresented
24 litigants are routinely at a disadvantage as they lack
25 the tools and the knowledge to properly assert their
26 rights and navigate the system. This has saddled the

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2 Court with systemic problems including voluminous case
3 loads where time spent addressing the needs of
4 unrepresented litigants exceeds the time spent of delving
5 into the myriad of legal issues that arise every day.

6 JUDGE LIPPMAN: David -- Judge Kaplan, what
7 happens when they come into court, you're hearing a case,
8 you see that it's not even, the playing field? What do you
9 do as a Judge and how does it affect what you think you
10 should be doing when one side is unrepresented and the
11 other one is, particularly when you're dealing with, again,
12 eviction or something like that?

13 JUDGE KAPLAN: It's not an enviable position that
14 we want the Court in, but the Court has an obligation by
15 case law and statutory mandate to review agreements and
16 make sure that not only are we impartial, obviously, but
17 that there's a level playing field where everybody has an
18 opportunity to be fairly heard and --

19 JUDGE LIPPMAN: How does your life change as a
20 judge if both sides are represented, particularly in a
21 tenant-landlord situation?

22 JUDGE KAPLAN: It would make my life a lot easier.
23 I would have time to -- more time to conduct hearings, I'd
24 have more time to hear arguments on motions, I would have
25 more time to focus on the legal issues, rather than missing
26 the entire day, especially in a resolution part -- a

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2 resolution part in the Housing Court is spent going over
3 stipulations and helping make sure that the unrepresented
4 litigants understand what's going on that they're not
5 forfeiting legal rights just based solely on the fact that
6 they don't have equal access to justice.

7 JUDGE LIPPMAN: Overwhelmingly tenants are
8 unrepresented in eviction proceedings?

9 JUDGE KAPLAN: Well, over 90 percent. I don't
10 have the exact statistics, but I think everybody can agree
11 with that.

12 JUDGE LIPPMAN: Would justice move more quickly
13 and I guess more fairly if there was representation on both
14 sides?

15 JUDGE KAPLAN: Both. It would be the calendars
16 would be lighter, people wouldn't have -- would have an
17 opportunity to get right to the issues rather than dealing
18 with all the tangential issues of what they have to do in
19 terms of navigating social service programs, finding out
20 availability to different benefits, and the attorneys are
21 able to help them with those -- with those systems so they
22 can come to court and let us know what's going on, rather
23 than the Court having to get involved with finding out why
24 there were these delays which is plaguing our system right
25 now.

26 JUDGE LIPPMAN: When people don't have legal

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2 representation and they're evicted, what happens to them?
3 You know, when they leave your courtroom, where do they go
4 from there?

5 JUDGE KAPLAN: I don't know. I only know the
6 people that come back. And not everybody comes back.

7 And I should also point out that a lot of people
8 get evicted before they even come to court for the first
9 time, it's not just they were there and then got evicted.
10 And that often has to do with poor service of papers, it
11 has to do with people not understanding the proceedings.
12 So more information upfront would do a lot to avoid that.
13 For the people who have been evicted, some of them end up
14 in shelter systems, some of them end up on the streets,
15 on occasion they can get back into their apartment, but
16 that's a lot easier to be done when somebody has the
17 assistance of counsel.

18 JUDGE LIPPMAN: Thank you.

19 Judge Kennedy.

20 JUDGE KENNEDY: Good afternoon, Judge Lippman,
21 Judge Pfau, Judge Gonzalez and Mr. Doyle. I am an acting
22 Supreme Court Justice assigned to Civil Court and I thank
23 you for giving me this opportunity to testify regarding the
24 need for increased funding to ensure equal access to
25 justice for the indigent in civil matters based upon my
26 recent observations while presiding over the Consumer Debt

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2 Part here in New York County.

3 JUDGE LIPPMAN: What do you see in that part? Are
4 those people overwhelmingly unrepresented also?

5 JUDGE KENNEDY: Each and every defendant is
6 unrepresented.

7 And I'd like to put this into context: My most
8 recent assignment was from mid-April to July. And during
9 that time period there were 1,731 cases on the calendar
10 for either a conference or a trial. There were 605 cases
11 on the calendar scheduled for motions. At the end of my
12 assignment, 426 cases were resolved. So that leaves 1305
13 cases still remaining on the calendar.

14 And although the Court system has done an
15 excellent job in creating the Volunteer Lawyer For a Day
16 Program, developing the Do-It-Yourself Forms, the
17 question is these volunteers can't handle that caseload,
18 so more resources are needed. About two or three years
19 ago you wouldn't see as many professionals as you do
20 now --

21 JUDGE LIPPMAN: Yes, sure. That's their --

22 JUDGE KENNEDY: Yes. We're seeing increasing
23 numbers of professionals due to corporate downsizing and
24 layoffs, and we're also seeing small business owners,
25 entrepreneurs whose revenues have declined because of the
26 increasing economy. And it's my belief that the numbers

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2 will only increase in light of the worsening economy.

3 JUDGE LIPPMAN: How would your life be different
4 and the lives of the litigants who appear in front of you
5 if they were represented, let's say overwhelmingly?

6 JUDGE KENNEDY: Well, let me say more cases would
7 be disposed of, there wouldn't be so many adjournments. A
8 lot of my time is spent explaining procedural matters to
9 the defendants.

10 JUDGE LIPPMAN: You can't really do the job you're
11 supposed to be doing as a neutral arbiter because you're
12 kind of not being a lawyer for them but giving them the
13 basics to even allow them --

14 JUDGE KENNEDY: Correct.

15 JUDGE LIPPMAN: -- to function in your courtroom.

16 JUDGE KENNEDY: That's correct. Many times
17 motions are adjourned, litigants do not respond because
18 they don't read the papers, and that's because perhaps they
19 do not read or speak English, perhaps they have limited
20 education, or perhaps they can't understand the legal
21 concepts that's set forth in the papers.

22 JUDGE LIPPMAN: You could even have -- you know, a
23 lot of people think that everyone in New York who gets
24 legal representation from legal service providers are
25 necessarily uneducated or really don't, you know, have any
26 idea what to do because their education. I would bet a lot

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2 of people come in, as you said, in this economy where you
3 have people of -- who have a higher education, they still
4 don't have a clue as to what to do in a courtroom to
5 protect their own livelihood and their own well-being
6 because they need a lawyer.

7 JUDGE KENNEDY: That's true.

8 JUDGE LIPPMAN: I don't mean to put words in your
9 mouth. Is that your conclusion?

10 JUDGE KENNEDY: That is my conclusion. And in my
11 written testimony I even indicated, you know, that many of
12 the defendants often resemble a deer in headlights because
13 they just have no concept.

14 JUDGE LIPPMAN: Even they could be college
15 educated beyond --

16 JUDGE KENNEDY: Doesn't matter.

17 JUDGE LIPPMAN: -- it's the same thing.

18 JUDGE KENNEDY: Doesn't matter. It's the same
19 thing.

20 JUDGE LIPPMAN: So I ask you the same question I
21 asked Judge Kaplan: In the end, what is legal -- what
22 would legal representation do? Is it ultimately justice
23 what it's all about? Is it the speed of justice? What is
24 it that would be different if in the Civil Court, and
25 today, as you say, a different world from maybe not that
26 long ago in the number of these kinds of consumer credit

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2 cases, the type of people now from all walks of life we get
3 in those cases, how would justice be different, this
4 elusive idea that we're supposed to be dispensing? How
5 would that change?

6 JUDGE KENNEDY: Judge, it's really going to level
7 the playing field for all litigants, whether you are
8 represented, whether you are unrepresented. And that's
9 really the charge that we have. We have the charge to
10 ensure equal justice for all, regardless of your income
11 status. And I think that Judge Cahn [phonetic], he said it
12 best when he said that if we are to really have a
13 democracy -- and I'm paraphrasing here -- that there is one
14 commandment, and that is that we are not to ration justice.
15 And that's the charge that we have.

16 JUDGE LIPPMAN: And sometimes -- Again, don't let
17 me put words in your mouth, but sometimes we feel like
18 we're rationing justice, don't we?

19 JUDGE KENNEDY: Unfortunately, yes.

20 JUDGE LIPPMAN: And legal representation, I think
21 it's fair to say you're seeing it today from all the
22 different angles, but you have the client who sees what it
23 does for their lives, and you see a Judge who can sit there
24 and almost feel helpless because you know that the cards
25 are stacked in one direction but you don't have the time or
26 the ability, given your role, to make it right and to

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2 foster, as you say, equal justice and not ration justice.

3 JUDGE KENNEDY: That's it.

4 JUDGE LIPPMAN: So, thank you, appreciate it --

5 JUDGE KENNEDY: You're welcome.

6 JUDGE LIPPMAN: -- so much for coming, Judge
7 Kennedy.

8 Our next speaker is Judge Hoffman. And you're
9 going to talk about the Family Court today?

10 JUDGE HOFFMAN: Yes. In part.

11 JUDGE LIPPMAN: Tell us the same kind of answers
12 to the -- what Judge Kaplan was talking about in Housing
13 Court and Judge Kennedy was talking about the Consumer
14 Credit Part in Civil Court, how does the lack -- A lot of
15 your customers aren't represented either, right?

16 JUDGE HOFFMAN: Right. And actually --

17 JUDGE LIPPMAN: What happens? What's the impact
18 of that?

19 JUDGE HOFFMAN: It's a tremendous impact.

20 First of all, thank you, panel members, and
21 Elaine Barnett, Task Force Chair, for permitting me to
22 testify today.

23 As you may know, I think you may recall, I
24 worked with the civil division of Legal Aid Society for
25 thirteen years prior to becoming a Housing Court judge
26 for several years, and now, believe it or not, almost

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2 nine years have been in Family Court.

3 So I want to emphasize how interconnected the
4 courts are, Housing Court and Family Court, for so many
5 of the same litigants who are unrepresented in Family
6 Court are unrepresented in Housing Court. Not just
7 people from similar backgrounds, but the very same
8 litigants.

9 JUDGE LIPPMAN: And they have multiple legal
10 problems?

11 JUDGE HOFFMAN: Absolutely, all the time. People
12 are forever going from Family Court to Housing Court and
13 vice-versa. And it's something that has a tremendous
14 impact on what we do in Family Court.

15 Essentially it's the question of a meaningful
16 opportunity to be heard. In Family Court we -- most
17 litigants are not represented till they get to court, and
18 that has a tremendous impact.

19 JUDGE LIPPMAN: And certain -- let's --

20 JUDGE HOFFMAN: Yes.

21 JUDGE LIPPMAN: -- let the audience understand one
22 thing: There are certain cases in Family Court -- right?
23 -- that there is, by law -- at least in New York,
24 representation is provided; right?

25 JUDGE HOFFMAN: Actually the majority of cases in
26 Family Court there is representation once you get to court.

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2 Predominantly in certain -- if you're the petitioner of a
3 paternity proceeding or most litigants in support cases,
4 which are about 89,000 or 250,000 cases annually, do not
5 have entitlement to counsel. What happens is they get
6 themselves in trouble first. In other words, initially not
7 paying child support or not being able to present evidence
8 in a child support hearing. There could be an order of
9 support which is too onerous for many of the low income
10 litigants, because they don't know the exceptions they can
11 present.

12 JUDGE LIPPMAN: So --

13 JUDGE HOFFMAN: Yes.

14 JUDGE LIPPMAN: -- really by the time people get
15 representation, they're already --

16 JUDGE HOFFMAN: It's too late often in Family
17 Court.

18 JUDGE LIPPMAN: So what do we need in Family --
19 what do we need that we don't have in terms of legal
20 representation?

21 JUDGE HOFFMAN: If there were a right to
22 counsel --

23 JUDGE LIPPMAN: That's not mandatory.

24 JUDGE HOFFMAN: Right. If there were a right to
25 counsel in the paternity and support cases to the extent
26 there is not now, that would be extremely beneficial. But

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2 the issue is civil legal services, people having access
3 before they get to Family Court.

4 JUDGE LIPPMAN: So they're not in the fix that you
5 find them at the time.

6 JUDGE HOFFMAN: Correct. But it's not just that.
7 You heard, I think the first client who testified as to the
8 extreme domestic violence happening in her household, the
9 issue of child custody, the issue of support. We have many
10 people who don't leave domestic violence --

11 JUDGE LIPPMAN: Explain that testimony. To
12 understand that, when you have a domestic violence case and
13 someone is prosecuting you or whatever for domestic
14 violence it's one thing. What's related to these domestic
15 violence cases?

16 JUDGE HOFFMAN: Well, in the domestic violence
17 cases, you may not have the ability to leave the household.
18 You have many women who stay in a domestic violence
19 relationship because they don't know they can get an order
20 of protection, they don't know they can get an order of
21 child custody, and they don't know, very importantly, that
22 they can get the orders of support needed in Family Court
23 to do that.

24 JUDGE LIPPMAN: The only time they find out the
25 system is after they've been beaten and --

26 JUDGE HOFFMAN: Quite frequently, yes, they don't

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2 know that. And since many people stay in the relationship
3 because the person who is committing the domestic violence
4 is the one who has the most income in the household and
5 they don't know they can get support, people stay in that
6 relationship too long to the detriment of the children and
7 also, of course, to the other person in the household who
8 needs to survive the domestic violence.

9 JUDGE LIPPMAN: In the first instance that they
10 realize there was a real problem they can really be helped
11 by having representation.

12 JUDGE HOFFMAN: Yes. That would be extremely
13 helpful. And we have a correlation between the need for
14 civil legal services in a comprehensive way, because we
15 have people who suffer from domestic violence and --

16 JUDGE LIPPMAN: And they have all these other
17 problems.

18 JUDGE HOFFMAN: Right. And then when the batterer
19 is out of the home you often have non-payment proceedings,
20 or if children are removed from the home you often have the
21 non-payment proceedings. So there's direct correlation
22 between the types of proceedings we see in Family Court
23 and --

24 JUDGE LIPPMAN: You can have a housing problem or
25 a debt problem, right? You can have all kinds of issues
26 related to a domestic violence case.

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2 JUDGE HOFFMAN: That's right. Let me just give
3 you an example we see every day: We have children who are
4 either removed in which, let's say in an abuse and neglect
5 case or domestic violence situation, and we have a
6 situation we're trying to reunify the family and we need to
7 arrange visitation. What happens is often the household
8 income decreases to such an extent, or the rental allowance
9 decreases, that people face the eviction proceedings and
10 are evicted from their home while the Family Court
11 proceeding is pending. That tremendously complicates the
12 issue of arranging for visitation and arranging for
13 reunification of the household. People drop out as they go
14 to the shelter system from services, issues in Medicaid
15 prevent issues in services which prevent reunification of
16 families.

17 So it's very interconnected, Family Court and
18 Housing Court, in terms of the issues, the need for
19 really access to legal services before any litigation
20 commences and certainly after litigation has started in
21 the courts.

22 JUDGE LIPPMAN: And what would be your wish in
23 terms of this whole issue of representation? What would
24 you like to see happen?

25 JUDGE HOFFMAN: Well, certainly a greatly
26 increased funding for civil legal services so that people

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2 have full access to legal services. And those legal
3 services can advise people not just to the individual
4 problem that, say we would get appointment of counsel in
5 Family Court on a neglect case or a domestic violence case,
6 but someone who can take a comprehensive view of
7 everything, refer you to appropriate services and see your
8 family and you on a holistic basis.

9 JUDGE LIPPMAN: Well, thank you. I think it's
10 so -- really it does complete the picture to see how the
11 Judge views it, you know, rather than the client, the
12 provider. I think the Judge has a unique perspective on
13 need for civil legal services. And thank you, the three of
14 you, from different parts of the puzzle so to speak. And I
15 think what's clear, and I think you'd all agree, is that in
16 this terrible economy in the so many different ways it
17 impacts on the courts and the people who come into the
18 courts and the lack of legal representation for those who
19 really can't afford it, I think is so elevated during these
20 difficult times, and the impact on our society, both the
21 human beings and just the well-being of society and people
22 in it are so affected.

23 So, thank you so much. You're a terrific panel
24 and terrific Judges, and we appreciate you being here.

25 JUDGE KAPLAN: Thank you.

26 JUDGE KENNEDY: Thank you.

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2 JUDGE HOFFMAN: Thank you.

3 JUDGE LIPPMAN: No red light for them. They don't
4 need a red light. They're on the money.5 And, talking about being on the money, our last
6 speaker is the -- Fern Fisher, the Honorable Fern Fisher,
7 the Deputy Chief Administrative Judge for New York City
8 courts who oversees the courts, the Judges who were just
9 here, and the statewide director, the head of the Access
10 to Justice for the state. And Judge Fisher is a
11 passionate advocate for civil legal services, and we're
12 so pleased to have you here today, Judge Fisher.13 JUDGE FISHER: Thank you, Chief. I left my name
14 tag.15 JUDGE LIPPMAN: That's all right. We know who you
16 are. You can't hide. Go ahead.

17 (Continued on the following page.)

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1 Proceedings

2 JUDGE FISHER: Good afternoon, Presiding Justice
3 Gonzalez, Chief Judge Jonathan Lippman, my Chief
4 Administrative Judge Ann Pfau, and President Doyle.

5 Thank you again for the opportunity to offer
6 testimony to you on this vital issue. The success of the
7 hearings last year which resulted in additional funding must
8 be celebrated.

9 The additional funding will result in more
10 services for low income people at a time when New Yorkers
11 continue to be faced with severe economic challenges.

12 However, our job is not complete. The New York
13 Times reported last week that one in five New Yorkers live
14 in poverty, the highest numbers since 2000. The numbers of
15 unrepresented litigants --

16 JUDGE LIPPMAN: Judge Fisher, say that again. How
17 many people live in poverty?

18 JUDGE FISHER: One in five.

19 JUDGE LIPPMAN: One in five is really quite a
20 staggering number if you think about it. Go ahead, I'm
21 sorry.

22 JUDGE FISHER: Well, the numbers of unrepresented
23 litigants continue to flood our courts with life altering
24 cases. The desperation that I described last year
25 continues. In fact, we had a suicide of a tenant recently
26 when the marshal came to the door.

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2 You have already heard from our Judges on the
3 difficulties that they see in their courtrooms of litigants
4 who are trying to handle their cases, usually poorly,
5 without an attorney. You have also heard from clients on
6 the difference an attorney can make.

7 We must now move forward to increasing the success
8 of the funding obtained this year, to increasing
9 substantially the amount next year.

10 This year at the request of the Task Force I am
11 focusing my remarks on a topic other than the increase of
12 funding.

13 And let me say that the Task Force has done a
14 remarkable job, and particularly the subcommittee on
15 simplification of court processes lead by Bob Giffer.

16 The Task Force is recommending the simplification
17 of Court procedures and processes.

18 JUDGE LIPPMAN: Why is that important, Judge
19 Fisher? I know you're going to say it in your prepared
20 remarks, but explain in short why does it matter?

21 JUDGE FISHER: In a perfect world everybody would
22 have full representation. We're such a long way from a
23 perfect world. There will still be litigants without
24 attorneys who will need to navigate our Court system.

25 In addition, if we simplify our processes it will
26 make it easier also for Legal Services attorneys and pro

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2 bono attorneys also to navigate our system, but also equal
3 access to justice requires uniformity. And we're long from
4 being uniform in our State with respect to our policies.

5 JUDGE LIPPMAN: So in the simplest terms no matter
6 how much we achieve in terms of getting funding, the average
7 person has to be able to navigate the courts without a
8 detailed road map that should be kind of in front of them
9 and easy to do.

10 And that saves not only their own time, effort,
11 and hopefully contributes positively to their lives, but
12 also the justice that we can administer in the courts is so
13 much better if it is simpler and easy, and you don't have a
14 maze of people wandering all over the place and not knowing
15 how to proceed.

16 JUDGE FISHER: Exactly, Chief. And even the
17 United States Supreme Court in the new case Turner has
18 recognized the need for the Courts to provide information
19 and to explain procedures. It was a child support case.

20 So in order to move this along, because I know
21 we're at an end, and the rest of it will be in my written
22 testimony, the Task Force has determined that there are
23 starters on the road to simplification. They have a wish
24 list. But there are some starters.

25 Most individuals would not attempt to play a
26 sport, play a game such as chess, take an exam, fill out an

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2 instruction, without knowing the rules. But we expect
3 litigants without lawyers to know the rules. We, in fact,
4 hide the ball when they are playing the game. It's time
5 that we stopped hiding the ball.

6 And so we are suggesting that unrepresented
7 litigants be given rules and instructions and necessary
8 tools when they are attempting to navigate the courts.

9 I'm skipping, Judge.

10 JUDGE LIPPMAN: Okay, you use your judgment.

11 JUDGE FISHER: The Task Force is setting forth for
12 consideration four proposals: Standardization and
13 simplification of forms and procedures; improvement of the
14 Court website; expansion of outreach; and a study of Court
15 scheduling and the town and village justice courts.

16 And as a Director of access to justice, I think
17 these are very well considered suggestions and they are
18 doable without a lot of expense.

19 In order to achieve a major step forward and
20 access to justice, standardization and simplification of
21 forms and procedures is an effort we must embrace and get
22 done.

23 New York is already a national leader in DIY
24 computer programs for unrepresented litigants. I think we
25 have 15 now. And the DIY programs assist litigants in
26 filling out our Court forms using a computer tutorial

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2 program.

3 However, that effort will eventually be stymied
4 unless statewide we standardize and simplify forms and
5 processes. Recently we're preparing a DIY program for minor
6 name changes for Upstate.

7 My staff learned that depending on the county a
8 family resided in, the family may be charged one fee for
9 changing the names of all the children in the family, or in
10 a different county a separate fee for each child. Which, of
11 course, is clearly more expensive.

12 In some counties a fee depended on who was at the
13 counter at the time. In some counties three copies of the
14 forms were required, and in other counties less than three.

15 Some counties required a petition, other counties
16 did not. A2J cannot move forward with these discrepancies.
17 Justice should not be more expensive or complicated
18 depending on which county you reside. Moreover, justice
19 shall not be, should not be stymied by obstacles that we can
20 cure.

21 In New York City, tenants are given access to a
22 check off list for available defenses in housing cases. And
23 in consumer cases New York City clerks are instructed to
24 require affidavits from plaintiff debt collectors which
25 establish chain of custody of books and records,
26 assignments, and statute of limitations, similar to the

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2 foreclosure requirements that you put in, Judge.

3 JUDGE LIPPMAN: Right.

4 JUDGE FISHER: In the City the Court mails out
5 notices to response and defendants in both housing and
6 consumer cases before default judgments are entered.

7 In housing a large percentage of tenants come in
8 to answer the cases stating that the only notice they
9 received was the one mailed by the Court. It's the same in
10 consumer cases.

11 And, in fact, in consumer cases we get a number of
12 the notices back, thousands back, saying bogus address, the
13 address does not exist, or addressee unknown. We do not
14 issue default judgments in those cases. Plaintiffs are free
15 to make a motion, but, curiously, none of them do.

16 These procedures do not exist outside of New York.
17 Equal access to justice demands uniformity throughout the
18 state.

19 The Task Force proposes in general standardization
20 procedures, and more standardized simplified forms and
21 instructions, and that everything be translated into other
22 languages besides English.

23 Some specific suggestions are improvement and
24 simplification of the divorce process and the pro se divorce
25 packet, affidavits of net worth, pro se court forms where
26 making defenses clear, contested and uncontested divorce,

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2 check list, Article Six custody visitation forms for people
3 who are not biological parents, petition for orders of
4 protection, custody, child support, as well as summonses,
5 need to be in simpler language with clearer instructions.

6 Forms and instructions on service of process,
7 filing deadlines, pleading requirements, process the request
8 for an interpreter, what to bring to Court, and tenant's
9 rights, and consumer rights with respect to defenses.

10 Standardization of forms and procedures will
11 assist in increasing limited scope representation. Legal
12 Services advocates and pro bono counsel and clinics could
13 provide more limited services by assisting litigants by
14 filling out simplified forms.

15 More could be trained to assert common defenses if
16 common forms were used and common procedures were used
17 throughout the state. A by-product of simplifying the
18 courts will be the reduction of litigation costs for all,
19 including plaintiffs.

20 Without training of clerks to utilize and embrace
21 new forms and procedures, efforts to standardize and
22 simplify will not -- will hit brick walls.

23 Another recent inquiry by my office turned out a
24 startling revelation. In one county a clerk indicated that
25 there were no forms to vacate a tenant's default, and that
26 she had never seen a tenant move to vacate a default

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2 judgment.

3 In another county the clerk who had been with the
4 court system for a long time had only seen five in his
5 entire career. We have miles to go in some places, and not
6 only to develop forms and procedures, but to educate the
7 public and train court personnel.

8 Judges must be encouraged to accept simplified
9 forms and procedures, but also to feel comfortable in
10 explaining procedures and defects in pleadings when
11 rejecting those pleadings.

12 In the absence of sufficient attorneys, health
13 centers, it is -- justice requires that the Judges do
14 participate. And naturally the concept of the Judge setting
15 forth these procedures, explaining why a pleading is
16 inadequate, and construing pleadings liberally is taking
17 hold.

18 And as I indicated, even the United States Supreme
19 Court mentioned this, New York should be at the head of the
20 movement for changing the Judge's role.

21 As we move further and further into the internet
22 age websites become the conduit for information, and
23 information is clearly a pathway to increasing access to
24 justice.

25 The Task Force has proposed various improvements
26 to the website which will be fully vetted in the final

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2 report.

3 For purposes of brevity today I highlight just a
4 few suggestions. The Court help and local websites should
5 be linked. All Court forms should be in a central place on
6 the website, not scattered all over as they are now, and
7 also organized so they can be easily found. And all local
8 courts should direct users to the central location for forms
9 and legal information.

10 All local Court sites should be uniform, the
11 websites should be translated into numerous language, and we
12 need better search engines.

13 Under the simplification subcommittee mandate,
14 they also looked at outreach. And included under outreach
15 the committee is recommending expansion of volunteer lawyer
16 for the day programs and other volunteer programs.

17 There are many operating already in the Civil
18 Court, Family Court, and foreclosures within the City of New
19 York, but those programs are not as well entrenched outside
20 the City of New York.

21 These programs which are all limited scope
22 representation will allow pro bono attorneys to serve
23 easily, will allow our emeritus attorneys to provide
24 assistance, and will increase access to justice. But it
25 will also allow the legal services advocates to handle the
26 more complicated cases that require full representation,

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2 leave the slightly easier cases to volunteers.

3 The Task Force strongly recommends that the
4 emeritus program be expanded, and that is a pool of
5 attorneys that I believe will be extremely helpful to the
6 access of justice movement.

7 The Task Force also requires additional mobile
8 Court help centers similar to the Court's help center that
9 NYLAG will be launching soon. And they suggest that a
10 partnership of nonprofit organizations, Task Force members
11 and law firms, foundation grants, donations, and other
12 support can get more than that one van on the road, and I
13 think we can do it.

14 Expand the use of teleconferencing and video
15 conferencing. We believe that litigants who are unable to
16 come to Court because of disabilities or finances or
17 geographic location can benefit from video conferencing and
18 teleconferencing.

19 In addition, if attorneys are on the case
20 teleconferencing and video conferencing can keep their time
21 in court down. And they're advocating using that more often
22 with some caveats, which I won't go into. It will be in my
23 written testimony.

24 With respect to the other issues that the Court,
25 the Task Force would like us to look at is court scheduling,
26 staggered court schedules, so individuals don't have to sit

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2 in court the entire day, so they don't miss work, they don't
3 have problems picking up their children, but also attorneys
4 who are Civil Legal Services attorneys also can't afford to
5 sit in court all day. And so we should look into court
6 scheduling.

7 And of course it will vary from court to court and
8 from jurisdiction to jurisdiction, each district a little
9 bit different, and it has to be tailored to each court
10 district. And we believe we should be looking at that now
11 and figuring out how to do that.

12 And finally, although it was not the Task Force
13 subcommittee on simplification's responsibility, they are
14 emphasizing that we need to look at the town and village
15 Justices with respect to their resources, their training and
16 what goes on there.

17 JUDGE LIPPMAN: Judge Fisher, let me ask you one
18 kind of summing up question. You've been doing this so
19 long, interested in this issue so passionately for so many
20 years.

21 Where do you think we are today on Civil Legal
22 Services given the great impact that the economy, this
23 terrible economy has had in New York and around the country,
24 putting together federal, state, local efforts, our own
25 efforts here, the Bar's voluntary programs, the programs we
26 do in the courts, the simplification issues that you talked

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2 about today. Where are we? Is this the -- has the economy
3 made this even more daunting than it was just a few years
4 ago?

5 JUDGE FISHER: Our finger is still in the hole of
6 the dike holding the water in, Judge. It is not getting any
7 better.

8 JUDGE LIPPMAN: The need is so overwhelming?

9 JUDGE FISHER: It is extremely overwhelming. And
10 any decrease in federal aid certainly affects us here in New
11 York State. The numbers of individuals coming into the
12 court is not abating. Some of the filings have gone down,
13 but not enough to make a difference. But the percentages of
14 unrepresented litigants have not gone down at all.

15 And the problems are getting more and more
16 complicated as people are getting more and more desperate.
17 We are the place of last resort for some people.

18 And as you can see from our numbers and from some
19 of the stories that you have heard, people are desperate.
20 People are losing their lives. And it's our responsibility
21 as a Court when they have legal problems to make sure we do
22 the best we can to make sure they get access to justice.

23 I believe that some of the things that we're
24 proposing for simplification requires the backing of the
25 presiding Justices, the Chief Judge, the Chief
26 Administrative Judge, Judge Coccooma and I, the New York

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2 State Bar, the City Bar, to get it done.

3 But I am confident that some of the measures that
4 we are proposing today and in the report can get done. It
5 just takes a partnership, and it takes a little elbow
6 grease, and it takes a little hope.

7 JUDGE LIPPMAN: Thank you, Judge Fisher. Thank
8 you again for your work in this area, your passionate work
9 for so many years, and for the efforts that you're talking
10 about in terms of simplifying.

11 I think this kind of all comes together if you
12 look at the testimony that we've had today, the whole idea
13 that the cost issue cuts all the other way from this issue
14 about, gee, times are terrible, how could we spend it on
15 just doing good.

16 But this does more, Civil Legal Services does more
17 than doing good and helping people which should be reason
18 enough. But it saves money to the State, it brings money to
19 our communities and to our society.

20 The political support that we see today from the
21 speaker of the City Council as she indicated making the
22 first priority of the City Council is Civil Legal Services
23 in terms of their funding.

24 The business and community leaders who recognize
25 that the well-being of everybody, including these basic
26 institutions that fuel our economy are, whether it be banks

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2 or big businesses or real estate, are all very much
3 dependent upon people getting legal representation when it
4 comes to the essentials of life.

5 The individual stories that we heard today from
6 clients, which cover again all of the necessities from a
7 roof over one's head to their physical safety to that of
8 their families', to their livelihoods, to being able to have
9 meaningful lives.

10 The Judges look at it from a perspective of
11 sometimes just wondering how they can do their jobs when you
12 look at the different courts and you see people come in in a
13 fashion that presents a skewed playing field where everyone
14 can't get equal justice.

15 And again looking at inside the courts, how we can
16 do things to allow people to navigate the courts, again
17 without some kind of convoluted road map, I think it all
18 goes to what is clear, or should be, to everyone at this
19 point which is that the courts, the legal profession,
20 everyone presiding here today recognize that it is
21 particularly our mission, both professionally and from a
22 constitutional perspective of insuring equal justice. That
23 there is an ethical and moral obligation as a society that
24 we have to pursue justice for all, fair, equal justice.

25 And again the point we've been making that the
26 well-being, the bottom line of society aside from the moral

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2 imperatives involved, it just makes sense for our
3 communities, for our society, to help those who cannot help
4 themselves; the poor, the indigent, the working poor in this
5 State, who are so impacted by the economy and whose lives
6 can be saved if we can provide them with Civil Legal
7 Services for the poor.

8 That is why we have tried to develop this systemic
9 approach to the question of Civil Legal Services to have a
10 dependable, continuing, ongoing funding stream for Civil
11 Legal Services that come out of the public flask and that
12 recognizes how important it is to our way of life, to our
13 society, to the individuals involved. It's critical. I
14 think these hearings today were very helpful.

15 There are two more hearings that will be held in
16 the near future, one in Albany at which the Chief Law
17 Enforcement Officer of the State, Eric Schneiderman, will be
18 testifying. And one in the western part of our State in
19 Buffalo which has had it's -- that part of the State,
20 Upstate, has had its economic problems, again which has made
21 an impact of a lack of legal representation even that much
22 greater.

23 So thank you all for coming. We go forward and
24 continue to try to determine the unmet legal needs so that
25 we can make a substantial presentation to legislature and
26 the governor, and to insure that all of us in this State are

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pursuing justice for again the most disadvantaged and the most vulnerable in our society. Thank you so much. I appreciate your coming.

* * *

CERTIFIED TO BE A TRUE AND CORRECT
TRANSCRIPT OF THE FOREGOING PROCEEDINGS.

ANGELA TOLAS, OFFICIAL COURT REPORTER

ROBERT PORTAS, OFFICIAL COURT REPORTER

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