

**In The Matter Of:**  
*First Department Hearing v.*

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*September 22, 2014*

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SUPREME COURT OF THE STATE OF NEW YORK  
FIRST DEPARTMENT

- - - - - X

FIRST DEPARTMENT HEARINGS

ON CIVIL LEGAL SERVICES

- - - - - X

27 Madison Avenue  
New York, New York  
September 22, 2014

BEFORE:

HONORABLE JONATHAN LIPPMAN,  
Chief Judge

HONORABLE A. GAIL PRUDENTI,  
Chief Administrative Judge

HONORABLE LUIS A. GONZALES,  
Presiding Justice

GLENN LAU-KEE,  
President of the State Bar Association

APPEARANCES:

HON. MELISSA MARK-VIVERITO  
ZACHARY W. CARTER, ESQ.  
DEBRA L. RASKIN, ESQ.  
WILLIAM D. RAHM, ESQ.  
JENNIFER L. KROMAN, ESQ.  
JOELLEN R. VALENTINE, ESQ.  
WUN KUEN NG, Client  
YVETTE WALKER, Client  
KAREN RIVERA, Client

NINA J. KOSS, C.S.R., C.M.  
PETER KAUFMAN  
Official Court Reporters

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1 JUSTICE LIPPMAN: Welcome to this beautiful  
2 courtroom. We are so pleased that you are all here. This  
3 is the beginning of this year's civil legal services  
4 hearing.  
5

6 Here in the state there are four hearings that will  
7 go on in New York State, one in each of the judicial  
8 departments. The Second Department hearing will be in  
9 Staten Island, and then we additionally have one in Albany  
10 and one in Rochester.

11 I would introduce the panel who is sitting here  
12 with me. To your right, far right is Glenn Lau-Kee, who is  
13 the President of the New York State Bar Association.  
14 Sitting to my immediate right is Luis Gonzalez, the  
15 Presiding Justice of the Appellate Division, First  
16 Department, and my former colleague who, we had such a  
17 pleasant time sitting here together in this beautiful  
18 Appellate Division courtroom, and to my left is the Chief  
19 Administrative Judge, A. Gail Prudenti, and we are delighted  
20 to be here.

21 The reason why we are here is because there is a  
22 justice gap in this city, in this state and this country  
23 between the finite legal resources, available resources and  
24 the desperate need for legal representation for the poor and  
25 people of limited means.

26 Three out of four persons who have come to the

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Legal Aid Society seeking assistance get turned away because of a lack of resources. 2.3 million people go through the courts of the State of New York each year without legal representation.

It is a difficult economic time and there are people fighting for the necessities of life, a roof over their heads, their physical safety, the well-being of their families and their livelihoods, who literally can fall off the cliff without legal representation helping them to fight these battles about the very essentials of life, which we are all entitled to.

This has such great consequences for our society, for our communities and it is at a tremendous cost that we fail to provide legal representation for all, equal representation, equal justice for all.

In the judiciary, this is our constitutional mission to foster equal justice. It is not tangential to what we do -- it is at the heart of what we do. That's why we have taken the lead with the legal profession in our state to host these hearings, to assure that our message gets across and of why this is important.

This whole idea of Judges, of lawyers, recognizing legal representation is so important, really goes back to biblical times and the admonition of the Bible, the Old Testament, "justice, justice shall you pursue for rich and

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poor, high and low alike," goes back as long as there have been lawyers, as long as there have been lawyers and this is something so fundamental in our society.

There is a recognition of the judiciary's role in this regard by the Legislature, and I might note that Assemblywoman Helene Weinstein, who is the Chair of the Assembly Judiciary Committee is here, and is instrumental in the passage -- and is a member of our Task Force and who is instrumental in the passage of a resolution by the New York State Legislature that asks us to hold these hearings each year and to come back to the Legislature with what the monetary requirements are to eliminate or at least narrow the justice gap.

I thank the Assemblywoman Weinstein, your committee and the Legislature, for giving us this opportunity to come in and measure the need and come in and describe it to you.

To assist in this effort, we have the Task Force to enhance legal services in our state. It is critical in terms of these hearings, in terms of making our case. I note that the people who are here from the Task Force are Helaine Barnett, Nadia Gareeb, Adriene Holder, Marcia Levy, Lillian Moy, the famous Lillian Moy, Raun Rasmussen, Debbie Wright, Chris O'Malley from IOLA, Mary Mone, Lauren Kanfer, and Fern Fisher, the Deputy Chief Administrative Judge for the City Courts, and very much a stalwart in the fight for

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legal services in our state.

So, the bottom line of all of this is that, as a result of these hearings and our request to the Legislature this year we have \$70 million in funding to give out to legal service providers, 15 of which goes to IOLA, which the bottom line of that, it is the tip of the iceberg in terms of the need, and I say that quite advisedly, that it is nowhere near the need, and therefore, it's very important that we reorder our priorities to understand, to have our public understand the issues, that civil legal services for the poor is as important as housing and education and hospitals and all the other things that are so fundamental in our society.

And, that's what we are trying to do, to get this message out, and recognize that lawyers, as represented by President Lau-Kee, have such an important role to play in pro bono work, volunteer pro bono work to help the poor.

We have tried to, with the support of the state bar, reach out to the different parts of our constituency, whether it be elderly lawyers, who are in our attorney emeritus program, lawyers from the corporate counsels, from the corporations, or lawyers or aspiring law school students in law school.

New York has the only requirement in the country right now that law school students give 50 hours of pro bono

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1  
2 work before they can be admitted to the bar. So, we are  
3 very proud of that program and of the Pro Bono Scholar  
4 Program, by which lawyers or aspiring lawyers give the last  
5 term of their law school careers to pro bono work in order  
6 to be able to take the bar exam in February. So, all these  
7 programs are contributing.

8 The past hearings over the years have had  
9 testimonies from statewide officials, citywide officials,  
10 legislators, advocates, clergy, lawyers, heads of bar  
11 associations, everyone and anybody in this state, to  
12 recognize that this is -- that we are not just coming to  
13 this enterprise by saying this is important, poor people  
14 need help.

15 Well, you know what? Poor people do need help, but  
16 what we are also trying to make is the point that this is  
17 for the betterment of our society, and the bottom line is  
18 the economic well-being of our society.

19 Our Task Force, headed by Helaine Barnett, who is  
20 seated right there -- Helaine, stand up -- who has done such  
21 a fabulous job, is the Chair of the Task Force and has  
22 estimated that for every dollar invested in civil legal  
23 services in the city and state, six dollars are returned to  
24 us, to the taxpayers, through lower incarceration rates,  
25 lower social services costs, more federal dollars flowing  
26 into New York City and New York State.

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2           So, we will be again holding these hearings, making  
3           our case to the Legislature with our report on December 1st,  
4           and we are so happy that you are all here today, and I  
5           couldn't be more delighted and pleased to introduce you to  
6           our first witness who, I would say, is not only one of the  
7           most prominent and powerful people in New York City, but  
8           more than that, is one person who I know is singularly  
9           dedicated, with all of the energy she has, to fighting  
10          income inequality and to finding justice for all, equal  
11          justice for all, for every single person in this City. Her  
12          sincerity, her passion, is so obvious and so clear to all of  
13          us.

14                So, I welcome the Honorable Melissa Mark-Viverito,  
15          the Speaker of the New York City Council, who is, again,  
16          just a towering figure in this City, and I couldn't be more  
17          grateful to her for coming to this hearing and for giving us  
18          her thoughts on the need for civil legal services.

19                Madam Speaker, it's great to have you here.

20                SPEAKER MARK-VIVERITO: Thank you, Chief Judge  
21          Lippman for your kind words, and also thank you to Presiding  
22          Judge Gonzalez, Chief Administrative Judge Prudenti, and New  
23          York State Bar Association President Lau-Kee for the  
24          opportunity to present testimony on one of the most serious  
25          challenges facing the judicial system today -- equal access  
26          to justice.



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I want to first acknowledge your significant accomplishments. You have been a persistent and strong voice in the struggle for simple fairness for low-income New Yorkers and I -- along with my colleagues in the Council -- are proud to join you in that effort.

Through your tireless advocacy, you have secured funding to pay for the representation of thousands of New Yorkers in housing, benefits and family matters. The increase in Judiciary Civil Legal Services funding during the last four years that the Task Force has been working is remarkable. You have grown the annual commitment from \$12.5 million to \$55 million during that time.

I am proud to report the Council has also grown its investment by almost doubling funding for legal services in New York City this year. In fact, we dedicated more than \$20 million -- the City's largest commitment ever -- to civil legal services. For fiscal year 2015, we increased our Anti-Eviction program funding to \$5 million. We also provided \$3.75 million for citywide legal services -- a 150% increase over the previous year. We increased funding for our legal services for the working poor initiative by 45% to \$1.5 million. We increased funding for our domestic violence initiative, which includes legal services, by about 41% to \$4 million and we doubled funding for our immigrant battered women's initiative to \$1 million.

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Obviously, we share your goals. The Council therefore strongly supports the Chief Judge's call for significant growth in statewide Judiciary Legal Services funding in the State budget.

The Council also supports your efforts to marshal additional attorney and law student pro bono hours -- through both the Pro Bono Scholars program and 50-hour bar admission requirement -- which will help low-income New Yorkers access the civil services they so desperately need.

We also admire your initiative approach to experiential legal education, which is another area you are examining through today's hearing. We believe that experiential legal education -- whether internships, externships or clinics -- play an important role in the law school experience, providing students with real-world experience, training and mentorship.

Indeed, the Council's legislative divisions are enthusiastic participants in law school externship and post-graduate fellowship programs. Our externs and fellows receive superb training from experienced attorneys and many of these students go to impactful careers in public service at the Council and elsewhere. Such programs play an important role in developing the next generation of public interest lawyers. Additionally, we hope to have the opportunity to participate in the new Pro Bono Scholars

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2 program, which would allow us to partner with New York's law  
3 schools to further support the professional development of  
4 public-service minded law students and provide them with  
5 meaningful opportunities to serve New Yorkers.

6 And, of course, your work with the Center for Court  
7 Innovation has led to tens of thousands of legal matters  
8 being handled by new preventative and early intervention  
9 legal assistance efforts as opposed to traditional courts.  
10 The Council is a long time supporter of CCI, and has helped  
11 fund its programs for fiscal year 2005. The Community  
12 Courts, the Domestic Violence court parts, the Mental Health  
13 Court and many other specialized programs are now vital  
14 parts of our legal system.

15 The access to justice crisis in New York City is  
16 one in which we dare not let our guards down. We must keep  
17 searching for innovation and opportunity to bridge the gap  
18 in representation. Therefore, I am proud to share with you  
19 that the Council has recently created a new Committee on  
20 Courts and Legal Services. Chaired by Council Member Rory  
21 Lancman, this Committee will complement and amplify the  
22 tremendous work you and your Task Force have done in  
23 addressing unmet needs in civil legal services.

24 The Council -- through this new committee -- is  
25 eager to be your partner in addressing access to justice  
26 issues. Council Member Lancman is particularly well-suited

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2 to leading our effort. He has substantial experience as an  
3 attorney and legislator, including serving on the Assembly  
4 Judiciary Committee. He has been a tremendous advocate on  
5 access to justice issues and I know will be working closely  
6 with you to support and expand your initiatives.

7 One more issue I would like to raise with you --  
8 just as important as efforts at providing access to justice  
9 are the measures we take to avoid the need for Court  
10 intervention. I want to commend the Task Force for its  
11 recognition of the importance of preventive efforts and to  
12 let you know about some of the work the Council is doing now  
13 on that front.

14 On the legislative side, one of the Council's first  
15 acts this session was to enact a broad expansion of the paid  
16 sick time law. More low-wage workers than ever will not  
17 have to risk their jobs and, in turn, their apartments, food  
18 and other essentials to care for a sick child. We also  
19 recently passed a law creating a new City identification  
20 card, for which all New Yorkers will be eligible. The  
21 Police Department has agreed to accept the card as  
22 identification, and so it will not need to arrest as many  
23 folks as they do now on summonsable offenses.

24 We have also sought to help New Yorkers facing  
25 federal immigration enforcement actions. Let's be clear --  
26 when we talk about the City's immigrant population, we are

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1  
2 talking about New Yorkers who have been here for years, set  
3 down roots, started families, work and pay taxes. The  
4 upheaval and disruption for families and communities caused  
5 by detention and deportation is heartbreaking, unnecessary,  
6 and fundamentally unfair.

7 Detention facilities are well known for their  
8 deplorable conditions and immigrants are often placed in  
9 facilities far from their communities, making it very  
10 difficult, if not impossible, to communicate with family or  
11 even obtain the documents they need to defend themselves.  
12 Those in detention cannot provide for their families, who  
13 may end up in Housing Court for eviction proceedings, face  
14 debt collection actions or no longer obtain appropriate  
15 medical care.

16 Since 2011, I have worked to reduce the City's  
17 unnecessary involvement with federal immigration  
18 enforcement. We have passed laws that enhance the City's  
19 ability to be more discerning when deciding whether to  
20 assist authorities in dragnet-like enforcement actions, and  
21 we plan on significantly expanding these laws in the very  
22 near future.

23 On the funding side, we have sought to help  
24 low-income New Yorkers more successfully navigate  
25 immigration Court. I don't have to tell you there is a  
26 crisis of under representation in federal Immigration Court.

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When an immigrant, who is eligible for some form of relief is nevertheless deported simply because she lacks representation, her family feels it. The spillover impact can be devastating as it relates to the essentials of life -- housing, access to health care and education, subsistence income and family matters.

While the Council has historically funded initiatives to provide legal services to immigrants and the need for representation and legal services programs for immigrant New Yorkers, the need for representation has escalated dramatically in the face of the Obama administration's ramped up enforcement efforts and Congressional inaction on immigration reform. So, we have looked for innovative approaches to the problems immigrant New Yorkers face.

The City Council helped launch the first-in-the-nation program to offer legal representation to detained, indigent New Yorkers facing deportation -- the New York Immigrant Family Unity Project, something advocated by some of them on the Task Force, and other great advocacy groups. In 2014, working with a group of experts, Judge Robert Katzman, Chief Judge of the U.S. Court of Appeals for the Second Circuit and the Vera Institute of Justice, the Council funded a pilot program which achieved great success.

I am proud to say we increased funding for the

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1  
2 program this year to \$4.9 million so that every indigent  
3 person detained in the New York City area will be  
4 represented by an attorney. The program is now up and  
5 running, keeping intact immigrant families that otherwise  
6 might have been unnecessarily torn apart by a loved one's  
7 deportation and hopefully by doing so, avoiding the  
8 financial and family disruption harm that might result in  
9 state Civil Court involvement.

10 Just as heartbreaking and tragic is the  
11 apprehension and detention of unaccompanied minors at our  
12 southern border. We have all seen the reports of a recent  
13 and substantial surge in the number of child refugees  
14 fleeing violence, human trafficking, poverty and human  
15 rights abuses in Central America.

16 In fiscal year 2012, 14,000 children arrived alone  
17 at the border -- double the amount of previous years. In  
18 fiscal year 2013, the number climbed to 23,000. Since  
19 October 2013, over 63,000 unaccompanied minors have been  
20 apprehended at the border. The numbers are staggering and  
21 make no mistake -- this is a humanitarian crisis. We have  
22 an obligation to protect these kids, thousands of whom have  
23 been placed with relatives and loved ones here in New York  
24 City.

25 Recently the federal government announced that it  
26 would accelerate the removal process for these kids. On

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2 August 13th of this year, the Immigration Court commenced a  
3 daily special docket for these cases. I visited the "surge"  
4 docket personally and it is, to say at the least, quite  
5 distressing -- traumatized children standing before a judge  
6 without a lawyer. While it is obvious these kids need help  
7 getting into school, obtaining medical and psychiatric  
8 services, thankfully we have a governmental and social  
9 service provider infrastructure in place that can assess and  
10 work to meet those needs. The most urgent need, though, is  
11 legal representation, without which these children may be  
12 returned to the seriously dangerous and deplorable  
13 conditions they fled.

14 The agencies currently providing legal services for  
15 immigrants do incredible work with limited funding, but they  
16 simply do not have the capacity to handle all the new cases.  
17 I will be making an announcement in the very near future  
18 outlining the Council's approach to ensuring that these  
19 children have legal representation.

20 So, in closing, I want to thank you again for all  
21 you have you down to close the representation gap in New  
22 York, and also to remind those listening that despite our  
23 initial accomplishments the gap remains. Poverty is  
24 persistent in New York and the need for equal access to  
25 justice is still great. I look forward to continuing our  
26 work together and thank you for the opportunity to speak



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today.

Thank you.

JUSTICE LIPPMAN: Speaker, I thank you for your wonderful work in so many areas that translate to the issues we are talking about today, and I agree with you, particularly on the immigration issues, so up and front and center with the consequences being so grave as to a lack of representation for people who are not represented in these areas, but tell me, in a general way, you know, we are trying anything out on all fronts, how to make this case for legal representation.

What do you see as the role of the City, as opposed to the role of the State Legislature, in relation to supporting funding advocating for legal representation for the poor dovetailing?

SPEAKER MARK-VIVERITO: We have done what we can at the local level. We have to see the same level of investment happening in the budget in general, but there has been an increase, but I think that really, to make the case as I was trying to kind of allude to, what are the repercussions when that legal representation is not provided? It is a greater cost as a society, as a City, when we are not doing that.

I think we have to look at it in economic terms. Obviously, I feel it's a moral imperative, but you have to

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1  
2 make an economic case as to why, so people can really  
3 understand the value in investing additional monies and  
4 resources to legal services, because the consequences of not  
5 having -- people having to go to Housing Court, or people  
6 not having the right to access other services or have a lack  
7 of civil services has implications. I think that's the role  
8 we play. Putting money, putting resources and taxpayer  
9 dollars re-invested in that, is a way of demonstrating that.

10 JUSTICE LIPPMAN: Simply so pleased when you talk  
11 about the role of the State and the City, is your  
12 appointment of this new children's committee which, I think,  
13 brings together, at least in my mind, a focus in the City  
14 that is so direct, and I think will be so helpful rather  
15 than what we have in the City.

16 We have had terrific support from the City, but  
17 it's been sort of scattered. We haven't been able to put it  
18 together. What I am particularly pleased about is your  
19 appointment to the Committee to focus on this issue. It's  
20 what we need, this focus.

21 People, human beings, fall between the cracks and  
22 particularly in difficult economic times, and no one knows  
23 and no one, I won't say cares, but it's very difficult to  
24 focus the resources, help advocate, and I am so pleased, and  
25 Councilman Lancman called me and he will testify at the  
26 Staten Island hearing.

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SPEAKER MARK-VIVERITO: Yes.

JUSTICE LIPPMAN: It's a focus that, while the City has been terrific, I want to commend you. It's such a wonderful, direct recognition of the importance of this issue.

SPEAKER MARK-VIVERITO: I think that committee can be a great partner in your Task Force and Council Member Lancman made the case why he felt it was important for that to be a separate committee and I agreed with him.

We made the decision instead of legal services under one committee and the courts under one committee, and getting lost within that, it was really important and in light of what you are saying, the lack of access to representation, the crisis we have in terms of access to justice, I think it's critical. So, I think it will be a great partner with your Task Force, and I think there is a lot of good work that can come out of it.

JUSTICE LIPPMAN: I think it's terrific, but one other question.

Now, I mentioned and you mentioned the same issue that, yes, we know there is a moral and ethical issue and how important this is to us, to our society, and obviously the individuals involved, but the economic well-being, the economic bottom line, I think sometimes is a failure to see that this is a great investment for our tax dollars in many

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ways.

Do you think a lack of legal representation hurts the City's economy?

SPEAKER MARK-VIVERITO: Well, I mean, look, let me say I, unfortunately, represent the second poorest district in New York City. I represent East Harlem and the South Bronx, with the most public housing in the City of New York, a great number of low-income individuals, and in terms of the constituent services, the number one issue we get is housing related, whether it's people facing eviction, aggressive landlords, and they don't exactly know what recourse they have.

We are incredibly thankful and grateful to the legal providers who we partner with. We actually have a mobile van in front of our office today to provide services to the community. So, because, you know, if someone is facing eviction, not only in terms of the impact on the family, the impact on the children, right, you have now a family that will be in a homeless shelter, is going to be homeless and has to avail themselves of shelters.

How disruptive is that to the child in terms of getting a sound education, and what are the implications, long term, on the economic future of that family and disruptive in terms of the work. We have people working full time, who are living homeless in this City. I mean, so

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there is economic consequences to that, in terms of having to provide additional services.

And so that really is just a very small example, but that's amplified so many times. I know as much as we want to help everyone that comes to our door, there are many we can't. So, there are many people that are facing those challenges, and I think that has really negative repercussions economically to the City.

So, I think it's really great to have a Mayor that understands that, the inequity that exists. We have the greatest income gap in the country in this City. We have an imperative to figure out how our public policies can roll that back. It won't be without challenges, but I know he has a partner in the Council in trying to address that, because it's about the economic viability of New York City.

We need everyone to be able to live here, have a quality of life and it's in the best interest of the City to do that.

JUSTICE LIPPMAN: I think that says it all graphically, that each thing has so many other implications. You lose a roof over your head, your kids can't go to school -- whatever it is -- you can't function in society, can't spend money in your community, you know, your job is effected.

In so many different ways, there is sort of this

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effect that lack of legal representation can have enormous personal consequences to the individual and to the communities, and I think that's such an obvious point that I think is often lost, that this gentleman, why didn't the person get a lawyer? That would be nice. Their entire lives are at stake.

Later today when you will see some of the clients who come in and say what legal services have done for them in so many instances, they actually saved a human being's life, with all of the economic consequences that come to our communities.

So, anybody else have any questions?

JUSTICE GONZALEZ: Just to commend the efforts the City Council has made, and also to commend the Speaker and the City Council for its efforts.

You have recognized that we have embarked on a very difficult journey -- that is, to provide justice to those that are vulnerable, and it's terrific to see the commitment that has been made to the objective we are trying to achieve.

We have achieved a certain degree of success, but in no small part, it's not because of the lack of efforts we have made, but it's because of people like you and institutions that you lead that have made it possible.

So, on behalf of the, at least the Appellate

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Division, First Department, thank you very much.

SPEAKER MARK-VIVERITO: Thank you very much.

JUSTICE PRUDENTI: Thank you, Madam Speaker, and just two things.

One, I would like to thank you for the comments you made about being interested in participating in our new Pro Bono Scholars program. So, thank you very much, and I think it could be very, very helpful in another area that you mentioned that I wanted to mention to you, which is with regard to immigration status, you know we have been working quite diligently with our family courts on a new special juvenile immigration status, and I think that these two programs we are setting in place on the procedures and protocols, but we also need these children to be represented. So maybe, between our joint efforts, we can achieve much this year.

If you think it's appropriate, I think that maybe we could accomplish this goal, start along this road by, I could contact Councilman Lancman, Rory Lancman, and try to talk to him about the Pro Bono Scholars program as well as the special juvenile immigration status.

SPEAKER MARK-VIVERITO: Rob Newman, who is here with me, has been working closely with me, as has other staff, on the unaccompanied minors issue. As I said, we will be shortly rolling out some plan, but that's an area

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that I am extremely passionate about.

I think the inaction at the federal level is just deplorable, and so we have to figure out how municipalities can address this on their own. These children deserve representation. How can you talk about a child that is 12 years old, 13 years old, coming before a judge and not having any sort of guidance, and I just, you know, it is a moral imperative. But, we keep using the word, but it's true, some of what we have seen at the border, right, in terms of how people are reacting to these children, Judge, is really shameful, but we will figure it out.

Does it have an economic impact? Again, we can help these children. So definitely, I would love to see how we can partner, as we roll out any ideas on how to address this issue.

Thank you so much.

JUSTICE PRUDENTI: Thank you.

JUSTICE LIPPMAN: Thank you, Madam Speaker. Thank you for your passionate voice in this area, and continuing to partner together in this critical issue that we all care so much about, and you are terrific, and we so appreciate you being with us today.

SPEAKER MARK-VIVERITO: Thank you.

JUSTICE LIPPMAN: Thank you so much.

(Continued on next page.)



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HON. JONATHAN LIPPMAN: The next witness, also someone not unfamiliar to City government, the Honorable Zachary W. Carter, the Corporation Counsel of The City of New York.

Just let me first say, before the Corporation Counsel gives his remarks, that Zach is someone whom I know so well, for probably three decades now, someone who is one of the outstanding lawyers in this City and this country, and I can't think of a better person to be in charge of the Corporation Counsel's office of The City of New York, which is the most important public legal office in the nation, someone who is committed to equal justice in his various roles -- his role as a judge, as a prosecutor, as a lawyer, and now he's particularly well suited to be the top lawyer in the City of New York.

Again, he is another voice for equal justice, who I think has been so prominent over so many years, and it is so important in this struggle that we are all involved in.

It is a delight and a pleasure to welcome my friend, Zach Carter, to come and testify today.

MR. CARTER: Thank you very much, Judge Lippman, and Chief Administrative Judge Prudenti,

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Presiding Justice Gonzalez, and Glen Lau-Kee.

It is a privilege to be here to testify before the Task Force to Expand Access to Civil Legal Services in New York. Thank you for the opportunity to testify today on the need for expanded access to legal representation in civil cases.

As a former member of the Board of New York Legal Services, when it was still called CALS -- Community Action For Legal Services -- I have been a long-time witness to the struggle to provide funds to support legal services for the poor and working class of this City who are denied meaningful access to the courts when they are not represented by counsel.

It is a honor to be here today in my role as the Corporation Counsel of The City of New York.

I commend the Chief Judge for his foresight and leadership in addressing the acute and chronic need that low-income New Yorkers have for free or low-cost legal representation.

My legal career took root in criminal practice, first as a prosecutor, and later as a judge and defense counsel.

By the time I started practicing law in the mid-1970's, Gideon -vs- Wainwright was imbedded in the criminal justice system as a well-recognized right. I

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could not imagine a criminal justice system that did not afford an accused individual legal representation at every stage of the process.

After all, each criminal case implicates liberty interests, however nominal those interests may be in a given case.

However, individuals seeking access to our courts of civil jurisdiction often have interests at stake nearly as dear as liberty or even life itself.

Think of a family facing foreclosure or eviction, or a parent threatened with the loss of custody of a child, or the loss of access to health services, or reasonable accommodations for a disability.

At the Law Department, we are charged with vigorously defending the City's interests in civil litigation before our courts. But, we believe the interests of the City are best served when individuals bringing claims against the City are well represented. We believe that both fairness and efficiency are served best in cases where claimants are represented by able counsel.

However, far too many plaintiffs cannot afford attorneys and must proceed pro se. By way of example, over 90 percent of the tenants lack counsel in eviction

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proceedings last year. It is not surprising that almost 30,000 families were evicted. Experience has shown that legal representation can reduce preventable evictions. We must fund legal services at a level that permit everyone facing eviction to have representation by counsel.

After September 11 and Superstorm Sandy, we saw the critical role legal services played to ensure access to needed benefits to get families back on their feet. Families are still struggling to recover from Superstorm Sandy even after two years. There will be other crises, and we will need legal services to assist us.

We applaud the efforts of the Chief Judge to encourage pro bono representation on the broadest possible scale. Judge Lippman's initiative promises to create a culture of service, particularly among new entrants to the bar, that will have long-lasting effects on the state of legal representation for the poor.

That said, it remains fundamentally necessary that we fund paid legal services organizations sufficiently to ensure that all indigent persons will be represented in civil cases.

Thank you for the opportunity to testify

1                               Proceedings

2           concerning these important issues today, and I will  
3           take any of your questions.

4                       HON. JONATHAN LIPPMAN:   Zach, let me ask you a  
5           question, which I think you're uniquely suited to  
6           answer.

7                       Early on in your remarks, you touched a little  
8           bit on the right to counsel, and I guess my question is  
9           this:

10                      You talked about Gideon, which everyone in  
11           this room probably knows is the landmark case that said  
12           that every person, when their liberty is at stake, is  
13           entitled to counsel's representation.

14                      While certainly 50 years after Gideon -- and  
15           it is uneven -- criminal indigent defense  
16           representation is at least that constitutional floor,  
17           that everyone gets represented.

18                      What do you think today are the prospects of  
19           going toward, whether you want to call it a "civil  
20           Gideon" or call it the right to counsel, the right to  
21           effective representation,, what's your view; are we any  
22           closer to it?

23                      If you look at the criminal side 20 years  
24           before Gideon, in Betts vs. Brady, the United States  
25           Supreme Court said there is no right to legal  
26           representation; and not too many years ago, in Turner

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1  
2 vs. Rogers on the civil side, where the Court really  
3 said that you may have a right to a fair process in  
4 civil cases, but not necessarily a right to legal  
5 representation?

6 Do you think there will come a point, from  
7 your perspective as the Corporation Counsel, where one  
8 will have a civil right to counsel, where a civil right  
9 to counsel exists?

10 Is that a dream? Is that possible? How do  
11 you view where we are today?

12 MR. CARTER: I think it is conceptually  
13 possible. I think, ironically, there could be even  
14 more support for representation for indigents in civil  
15 cases than there was in criminal cases, because one of  
16 the problems for making of criminal justice policy was  
17 that we had to overcome our anger about crime and  
18 victimization before we could make a smart decision.

19 That is generally not as much at issue in  
20 civil cases. Obviously, there are complaints about  
21 frivolous lawsuits, but for the most part, everyone has  
22 had a friend or a relative who has been denied some  
23 government benefit, or has had their home foreclosed,  
24 or is on the verge of eviction, or is involved in some  
25 sort of a domestic relations issue, who is sympathetic  
26 to that person's need for representation.

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The challenge on the civil side is really resources, because I think that the pool of individuals who need services probably is even larger than the pool of defendants who are accused of crime before our courts.

So I think that the challenge is to make the case that the investment in civil legal services makes sense on a cost-benefit-analysis basis.

One of the things that I suppose -- and this may be something that the Task Force has talked about already -- where Michael Jacobson, who is now Dean of a school at CUNY that's actually in development that is focusing on the efficiency of governmental organizations, particularly on city government.

And among the things that Michael conceived of when he was head of the Vera Institute of Justice was the use of tools of cost-benefit analyses that demonstrated that resources invested in certain criminal justice programs and reducing incarceration made sense on a cost-benefit-analysis basis, and getting support in making that case.

HON. JONATHAN LIPPMAN: I agree with you, that a case can be made. I think part of it is hearings like this that make the case publicly.

If you look at the criminal issue, I think if

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2 you ask people -- and they watch TV programs and movies  
3 about criminal cases -- if you ask anybody in this  
4 country, "Do you think someone whose liberty is at  
5 stake is entitled to a lawyer?" almost 100 percent of  
6 the people do say "Yes."

7 I think we are coming to the day, where if you  
8 ask people if someone is going to lose the roof over  
9 their head, do you think that they are entitled to a  
10 lawyer, I think there is a growing majority of the  
11 population that would say yes, because we are making  
12 this case publicly, and I think it is so important.

13 MR. CARTER: Also, judges are a very, very,  
14 very important voice. Having sat as judge myself and  
15 presided over cases with pro se litigants, I know how  
16 uncomfortable it is to be in a situation where you see  
17 someone unrepresented and you know that while you have  
18 an obligation to be frugal, as decent person who cares  
19 about justice, everyone is in agreement that you may  
20 cross that line and feel that you need to reach out and  
21 help. But, you do it self-consciously; you don't do it  
22 with the same obligation or even right to provide  
23 self-representation that each claimant deserves.

24 But I think that having judges talk about  
25 those experiences, I think it helps.

26 HON. JONATHAN LIPPMAN: I agree, that most of



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1  
2       them feel exactly the way you think. If you want to  
3       serve justice and be mindful as a neutral, it goes to  
4       the other point that you made, about it being so  
5       important that an attorney on the other side -- whether  
6       it is a landlord, whether it is the City of New York,  
7       or whoever it is -- when you have a person  
8       unrepresented, the individual doesn't get justice in  
9       the process; it's ill-served.

10               I think that's a terrific point also.

11               Any other questions from the Panel?

12               All right, I want to thank the Corporation  
13       Counsel, my old friend Zach, for taking time away from  
14       a really enormously busy and difficult schedule to come  
15       here and testify. It is a sign of his commitment that  
16       he has come, a sign of his commitment that he has had  
17       for a lifetime; that's nothing new here today. This is  
18       someone who has dedicated his life to principles.

19               Thank you so much.

20               MR. CARTER: Pleasure to be here.

21               HON. JONATHAN LIPPMAN: The next witness will  
22       be the President of the City of New York Bar  
23       Association, Debra L. Raskin, and I would indicate that  
24       the City Bar Association, which President Raskin  
25       represents, is, I would say, the seminal Bar  
26       Association, along with the New York State Bar

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1  
2 Association, in the country that our State Bar and City  
3 Bar for not only their quality of their membership, but  
4 of the consciousness of issues of equal justice and  
5 fair play in our courts and in our corridors of legal  
6 power.

7 I think what is so interesting is that the  
8 City Bar has been such a leader on the ethics of issues  
9 facing lawyers and what their obligations and  
10 responsibilities are, in terms of legal services for  
11 the poor, and in helping those in need.

12 So I want to thank you, Debra Raskin, for  
13 coming and am so pleased to see the Bar here  
14 represented today by such a spectacular lawyer.

15 Welcome, and thank you.

16 MS. RASKIN: Thank you very much.

17 I appreciate the opportunity to testify today  
18 on behalf of the New York City Bar Association at this  
19 annual hearing to address access to justice for  
20 New Yorkers who cannot afford an attorney for their  
21 crucial civil legal services needs.

22 Chief Judge Lippman, we applaud your  
23 commitment and that of Helaine Barnett and the Task  
24 Force. You all have made New York a leader in  
25 increasing access to justice.

26 However, as we all know, the justice gap still

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is far too wide, and calls for more resources, more commitment and more innovative approaches.

The New York City Bar has long been committed to providing access to justice, which we address both through policy initiatives and providing direct legal assistance. We continue to advocate for an adequate funding of the federal Legal Services Corporation and have supported each of the increases in legal services funding presented in recent State Judiciary budgets.

In addition to our legal and policy work in this area, our public service affiliate, the City Bar Fund, has two divisions providing direct legal assistance. Our City Bar Justice Center leverages the efforts and resources of the City's legal community to increase access to justice for low-income individuals in New York City, and our Cyrus R. Vance Center for International Justice stimulates and coordinates pro bono efforts in Latin America, Africa and elsewhere in the world.

Through Chief Judge Lippman's and Chief Administrative Judge Prudenti's outstanding leadership, the Judiciary Budget now includes \$55 million for civil legal services, in addition to \$15 million in IOLA replacement funds.

We urge that you stay the course toward the

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original goal of a \$100 million increase in annual civil legal services funding. This is a crucial element of any effort to provide additional legal assistance to those who cannot afford it.

The fact that over two million people continue to enter New York courthouses every year to fend for themselves without counsel is testimony to how much more we need to do.

Of course, adding this funding is a necessary but not sufficient condition. As we ask more of the State's taxpayers, so we must ask more of the legal profession, and must consider and implement new ideas to provide assistance.

The City Bar understands it must provide the opportunities, training and guidance to support lawyers who want to do pro bono work. At the City Bar Justice Center, we engage volunteer lawyers in targeting particular needs within our community. We have a broad array of programs through which volunteers can assist those in need, from the homeless to cancer survivors, from immigrant women and children who have been trafficked or abused, to persons who risk losing their homes through foreclosure.

Our Veterans project continues to assist those who served this country in their fight to obtain the

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benefits they are rightly due. And our Legal Hotline not only is the largest free general civil legal services hotline in New York City, but also now provides brief legal services in addition to responding to callers' questions.

The additional funding provided to the City Bar Justice Center in the last round of funding will enable the Center to increase the Legal Hotline's capacity for brief services, such as creating court papers for pro bono litigants and will enable us to expand our new LGBT Advocacy project, to provide direct legal services to LGBT New Yorkers who cannot afford an attorney.

We know the rest of the organized Bar is committed to undertaking pro bono activities. However, our combined commitment has not generated a sufficient amount of pro bono hours and support to come close to meeting the need.

Just to consider one major area of need, homelessness is at record levels, with approximately 56,000 people sleeping each night in the City's shelter system. More than 12,000 families with children are living in homeless shelters, and the average stay is over 14 months. The Justice Center's homeless program, and other legal services efforts, meets part of the

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1  
2 need, but this remains a critically underserved  
3 population.

4           The City Bar has supported efforts, including  
5 those recommended by the Task Force, to increase pro  
6 bono activity. We supported the rule that established  
7 a 50-hour pro bono requirement for admission to the New  
8 York Bar. As this rule first affects the law school  
9 class of 2014, it has now been built into the  
10 educational fabric.

11           Similarly, law schools are adopting the pro  
12 bono Scholars Program, which gives interested 3L's the  
13 opportunity to take the bar exam in February of their  
14 senior year, so long as they devote their last semester  
15 of law school to providing pro bono service for the  
16 poor through an approved externship program.

17           This year, the City Bar Justice Center looks  
18 forward to hosting two pro bono Scholars, and we  
19 believe this program has great promise for providing  
20 needed services to low-income New Yorkers while giving  
21 3L's practical experience in a supervised setting.

22           While these initiatives are designed for  
23 incoming lawyers, all of us have the responsibility as  
24 officers of the court and as members of a privileged  
25 profession to give back. The City Bar continues to  
26 support the requirement that lawyers report their pro

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bono activities and donations to legal services organizations as a means both to encourage more activity and assemble data with which to better analyze pro bono efforts around the state.

We also applaud the Task Force's initiative to find appropriate ways in which non-lawyers can assist individuals who otherwise would not have counsel. In fact, we recommended such an approach in a report we issued nearly 20 years ago, and in a report issued in 2013 by our Committee on Professional Responsibility. We greatly appreciate the productive work of the Committee, co-chaired by Fern Schair and Roger Maldonado, in getting this initiative underway.

We also believe part of the push to both stimulate funding -- including private contributions -- and encourage pro bono participation is to demonstrate that providing legal services to the poor is cost-effective. The Task Force has conducted studies showing that a dollar spent on providing legal services generates substantially more in benefits.

The City Bar's Immigration & Nationality Law Committee recently asked the economic consulting firm NERA to study the costs and benefits of providing free legal counsel to immigrants facing detention and deportation and found that the amount spent would be

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offset by savings in detention, foster care, case processing and transportation outlays alone, even without quantifying other likely fiscal, social and administrative benefits. We believe more such studies would strengthen the argument that legal services funding is an investment in our society and one that is quantifiably productive.

One significant hurdle to increasing pro bono participation is the concern of a significant number of lawyers that they lack training and support to provide these services.

In addition, sometimes a lawyer who has the spirit but lacks the knowledge and support to competently perform pro bono falls short of providing the assistance the client needed. We need to find ways to make pro bono more satisfying to the lawyers and more effective for the client.

I have appointed a group within the City Bar to examine this topic and make recommendations, which I expect within the next year.

Let me conclude by again thanking you and the Task Force for your leadership and inspiration, which already has resulted in many thousands more individuals receiving legal assistance. We at the City Bar look forward to continuing to work with you in our joint



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2 pursuit of truly increasing access to justice in New  
3 York.

4 HON. JONATHAN LIPPMAN: Thank you, Debra  
5 Raskin, thank you.

6 Let me ask you a question.

7 You talked about the City Bar's interest in  
8 getting lawyers involved in a volunteer program.

9 How difficult is it to match the lawyer with a  
10 need; how do you do that?

11 You know, it would seem simple, but obviously,  
12 it's not.

13 MS. RASKIN: I think there are several ways in  
14 which we do this.

15 First of all, the City Bar has a number of  
16 committees that work in specialized areas of the law,  
17 and so by encouraging lawyers to take their  
18 specializations and utilize that -- and just to give  
19 you an example a private practice lawyer in trusts and  
20 estates, not necessarily an area that one thinks about  
21 when one thinks about poor people -- the Justice Center  
22 established an area of work for volunteer lawyers for  
23 working class and poor families who may suddenly have  
24 come into money through a small inheritance and don't  
25 know what to do with it and how to plan for their  
26 dependents, and so on.

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2 That's an example of taking the skills that  
3 people need and directing them to the community.

4 Another example is that we have really an  
5 entrepreneurial project, where transactional lawyers,  
6 lawyers who work on expensive mergers of corporations,  
7 go to the community and help start out business people,  
8 with a business plan or deal with an incorporation.

9 So I think part of the issue is helping  
10 lawyers channel what they know to the needs of poor and  
11 working clients.

12 HON. JONATHAN LIPPMAN: While we're very proud  
13 of all our lawyers and all their great expertise, they  
14 can be trained in an area that they are not really  
15 familiar with; a good lawyer is a good lawyer. I  
16 think, with a relatively small amount of time, that  
17 lawyer can be trained to work in an area that maybe  
18 wasn't their original skill set.

19 Let me ask you another question, which is my  
20 final question.

21 You praised the non-lawyer initiative.

22 We've been surprised -- and I think President  
23 Lau-Kee has also been surprised -- that lawyers are not  
24 upset about it, for the most part, of having  
25 non-lawyers help them provide legal services.

26 What's the theory? Why is it okay for

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non-lawyers who haven't gone to law school, in terms of  
being a lawyer, being able to practice law, why is that  
okay? Why do you think that the Bar is in general  
taking a positive view towards use of non-lawyers?

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2 T3 MS. RASKIN: I think the dirty legal secret is that  
3 there are many aspects of the law that are not that  
4 complicated. They can be terrifying to a civilian who is  
5 coming into Court for the first time and has no experience  
6 with forms or where to sit or when to stand and any of the  
7 kind of issues that, with some modicum of training and  
8 experience, non lawyers can provide significant support.

9 It's not a substitute for lawyers, as things are  
10 more complicated and at other levels of proceedings, but it  
11 certainly can help, and also, as a practical matter these  
12 aren't things that lawyers are going to be paid to do.

13 So, on the issue of competition to the bar, which I  
14 know President Lau-Kee and I both have heard voices on this,  
15 really should not be a problem.

16 JUSTICE LIPPMAN: I agree with you, in most of the  
17 areas or all the areas we are talking about using this kind  
18 of assistance, people are not represented anyway. They are  
19 not taking business away from lawyers. I just think it's  
20 such a logical place to go, and I always have the example,  
21 you can have a lawyer who is kind of we are talking about  
22 training lawyers and not in a particular area, you can have  
23 a lawyer who is generalist, who knows a lot of things about  
24 a lot of law and when it comes to a particular narrow area,  
25 you might have a non lawyer who is extremely expert in this  
26 area, who could provide representation -- it's the wrong

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word, but more help to a person in need of legal assistance, not because, as you say, the lawyer -- anything that is complex or where the skills are so important, you can be trained in a particular -- I use an example, these housing counselors that are used in the Federal government program in foreclosure proceedings.

These housing counsel probably know more than anybody else in the world about foreclosure proceedings, so it's an interesting dynamic.

Any other questions? President Lau-Kee?

PRESIDENT LAU-KEE: Just, I just wanted to say that President Raskin has it quite right. I think the issue for the Bar Association is to how to get this expertise in these areas where it is so desperately needed, to the attorneys who can help, and this is where I am looking forward to working together with our bar associations, as all bar associations around the State should be working together on this problem.

I think the City bar has been really a leader in being able to marshall and be a resource here. I want to make a point that lawyers don't have to necessarily be expert immediately in these areas. But, the bar associations, they can provide support for lawyers as this happens, so, in the same way you have levels of complexity and we should be able to, within some structure, accommodate

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that, and I look forward to working with the City bar and other bar associations in tackling this problem.

JUSTICE LIPPMAN: Judge Gonzalez.

JUSTICE GONZALEZ: To reflect on the navigators or facilitators -- my experience is in Housing Court. We have a practitioner in Housing Court here, who is now in the Appellate Division, Justice Orlando Acosta. He knows what I am talking about, that navigators or facilitators, although we used to call them community activists, come into Court and are extremely helpful. So helpful, the landlord's attorney would welcome them, because they would make the process a lot less difficult.

So, it's something that can be welcomed, without an attendant deficit on the part of the attorney's potential for income. So, it's a nice balancing. I think it's a win-win situation.

JUSTICE LIPPMAN: Let me also say that very justice that Judge Gonzalez was talking about, Justice Acosta, is also a member of the Task Force, and has a Legal Aid background and is committed to this issue for so many years.

We are so pleased to have Justice Acosta with us and in his courtroom. He owns it with Judge Gonzalez. The two of them own this courtroom.

Judge Prudenti, do you have any questions?

JUSTICE PRUDENTI: Not really a question, but I

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1  
2 just want to thank you and the City bar, and to take this  
3 opportunity to thank you for your encouragement and  
4 involvement in the Pro Bono Scholars program. I know I  
5 really look forward to your Task Force report on training  
6 the pro bono lawyers, I have to say, from my perspective  
7 from the Appellate Division where we are.

8 I have to tell you a very zealous, dedicated young  
9 lawyer, with a great supervisor, is probably the best  
10 advocate I have ever seen, so thank you. We look forward to  
11 working with you.

12 MS. RASKIN: Thank you so much.

13 JUSTICE LIPPMAN: Thank you, President Raskin.

14 The next speaker is William D. Rahm, who is the  
15 senior Managing Director of Centerbridge Partners.

16 Mr. Rahm, we welcome you, and I would note that he  
17 is not only a distinguished person and leader in the  
18 business community, but a lawyer.

19 I think one of the things that we are trying to  
20 make clear in this hearing is that legal services for the  
21 poor is not just something that is ethical, a good thing to  
22 do, but it's good for our economy, for our businesses, for  
23 our communities, and the bottom line is that we have been so  
24 pleased to have testimony at so many of these hearings from  
25 notable leaders in the business community, is to make that  
26 connection, that this is not just some exercise in being a

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"do-gooder", even though doing good is something we are all happy about and proud of.

So, I am so pleased that Mr. Rahm has taken time from his important responsibilities at Centerbridge Partners to come over and talk to us from the perspective, to a significant degree, of a business leader, an important business leader who gets it, what this is all about.

So, welcome. Thank you for coming.

MR. RAHM: Thank you very much.

Good morning, and thank you for inviting me to address this distinguished panel today on the need for expanded access to legal representation in civil cases.

There is a clear fairness argument to support these services. As we mentioned earlier, we accept the right to counsel in criminal cases really throughout the country, but many civil matters result in hardship as impactful on an individual's life as any penalty handed down by a criminal court. Equally relevant, and perhaps overlooked, is the economic value of providing services to poor New Yorkers to help them deal with civil legal matters.

As Judge Lippman mentioned, Centerbridge Partners is a private investment firm with offices in New York and London and has approximately \$25 billion in capital under management. The firm focuses on private equity and distressed investments. The Centerbridge funds provide a



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platform through which Centerbridge can invest throughout the capital structure in industries and geographies in which the Firm has substantial knowledge. Our team includes more than 200 professionals and our investors include some of the largest pension funds, university endowments and sovereign wealth funds in the world.

At Centerbridge, we seek to improve every portfolio company. We invest in both growth-oriented businesses led by entrepreneurs and at times bankrupt companies requiring significant turnarounds. In every case, a major driver of success is empowering talented individuals to perform their functions well. Additionally, broad-based economic growth encourages sales growth in most businesses, which help our investments. Both of these drivers benefit from access to legal services.

A few examples may help illustrate these points. At both Centerbridge, in our firm itself and at our portfolio companies, we have employees who require assistance with visa or other immigration matters. Fortunately, we have the resources to provide counsel to these people. Most individuals, even at large companies, don't have the benefit of legal representation in these cases and it can create a significant financial and emotional burden on the employees that limits their productivity at work. Worse still, if the matter is not

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properly handled and a strong contributor needs to leave the country temporarily or permanently, companies typically need to re-hire and re-train a replacement, which imposes a cost on the company as well as the individual.

Now, this economic and social cost is rarely limited to the immigrant employee. When an immigrant who is eligible for some form of relief is nevertheless deported because she lacks legal reputation her family is impacted and that impact can be devastating to their lives:

disrupting their housing situation, affecting their access to health care and education and, potentially, separating children from their family. These costs borne by the immigrant's family must be considered in the analysis of what value the State receives from providing legal services for the immigrant on the initial matter.

In addition, the costs avoided by the State in the situation where the immigrant employee has legal representation and does not create further situations of need, is something that should also be considered in the economic analysis.

Housing issues, as have been discussed several times today, offer another example. As a result of the housing crisis, tens of thousands of homeowners were left with mortgages in default. Many of these homeowners live in New York state and have struggled to deal with the

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administrative burden of resolving these defaults with mortgage servicers or lenders. The process is complicated and difficult to navigate, even for sophisticated professionals, and it imposes real hardship on low-income residents of our state who lack the resources to hire experienced counsel.

Furthermore, I imagine that the higher number of pro se defendants in housing courts reduces the efficiency of the judicial process. By efficiently, I just don't mean speed of conclusion or resolution, but also the economic efficiency of the outcome, whether or not there should be a modification or some other resolution that might produce the most efficient allocation of resources.

Ultimately, the housing crisis has caused a real drag on the U.S. economy. Access to legal representation for homeowners might have allowed for a better resolution of mortgage defaults as well as less economic waste; these services would surely have benefited both individuals and broad-based economic growth in our state and across the country.

As a new father, I can understand how the prospect of losing parental rights or not being able to provide shelter for your family can be as terrifying as a jail sentence. On moral grounds alone, I commend the Chief Judge and Task Force for their efforts in this area to expanding

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access to legal services.

As an investor and a business person, I appreciate the economic value that could be unlocked by expanding civil legal services in areas such as immigration, family rights, housing, health care and education. The burden placed on low-income New Yorkers who lack representation reduces their ability to contribute to economic growth for our state and surely limits their productivity wherever they may work.

I applaud the Task Force for its work and support the recommendation for additional funding for civil legal services.

JUSTICE LIPPMAN: Thank you. I know that it's such an important message that you deliver as a member of the business community, and hard for people to understand, that you know, this is not just going with your hand out and saying gentlemen, help poor people, which is great and we should all help poor people.

But, in a real, meaningful economic sense, the dollars and cents add up in the economy and it really better improves it by helping more people with legal representation. It's a hard concept we are trying to get across. It doesn't generally, you know, you throw money into the social well-being and people get that, but they don't get it that it really could be that when you add up the dollars and cents, that it's a boon to the economy to

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not have people fall off the cliff in the middle of economic hard times.

MR. RAHM: Yes, I believe that's true. President Raskin spoke before me and mentioned an economic analysis that her association has done with third parties to support that assertion. I have not done the specific economic analysis myself, but based on my experience I would say that there are presently two drivers of that value.

One is simply the avoidance of waste of state resources, and that waste avoidance means there are more resources for the state to invest in other areas that can help grow the economy, and most business people will talk about the importance of spending by the State or Federal government or the City government, and so I think initiatives that can help avoid waste should be supported by business people.

The second is really in increasing the productivity of businesses and private enterprises. All businesses are fundamentally run by people, and those people may be high paid executives and they may be low-income workers, and any of those individuals who are distracted from their day-to-day job by situations outside of work, will limit the productivity of that business.

And, since a more high paid executive has the resources to hire representation that can minimize those

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1  
2 distractions, and a lower income worker does not, those  
3 distractions are going to more greatly limit the  
4 productivity of the lower income worker, in my estimation,  
5 than they would of a higher paid executive, and that company  
6 would benefit from legal representation being provided to  
7 those workers.

8 JUSTICE LIPPMAN: Let me ask you one other  
9 question.

10 As a business, not as a business person, but as a  
11 lawyer, how is it possible, when you said at the beginning  
12 and I believe it is true, that the impact of not having a  
13 lawyer in a civil case can be as dramatic as the loss of  
14 liberty itself in a criminal case? Is that possible?

15 MR. RAHM: Yes, I think your Honor mentioned  
16 earlier there is certainly a popular conception of criminal  
17 cases in this country that mostly derives from media, and  
18 often that is in the case of, you know, violent crimes or  
19 serious felonies, where the penalty is a very long-time loss  
20 of liberty. It could be a lifetime in jail or worse, could  
21 be many years in jail, but there are many criminal penalties  
22 that result in fines, many criminal penalties that result in  
23 shorter term incarcerations, and when comparing those types  
24 of penalties which are the result of a process for which  
25 legal representation is provided, against the loss of  
26 parental rights, or the loss of one's home, or the inability

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1  
2 to provide health care for someone that you love, I think  
3 that many people would faster serve a short time in jail and  
4 certainly pay a penalty of financial means, than lose access  
5 to their loved ones, whether through parental rights or  
6 whether having to take your family -- as was mentioned  
7 earlier, we have 12,000 families in shelters today losing  
8 housing and being forced to live in homeless shelters --  
9 imposes a tremendous burden where many people would rather  
10 undertake a criminal penalty rather than a civil penalty.

11 So, I do think there are such instances in which  
12 the result of a civil process could be much more detrimental  
13 to someone's liberty and their pursuit of happiness as a  
14 criminal penalty would be.

15 JUSTICE LIPPMAN: Thank you.

16 President Lau-Kee.

17 PRESIDENT LAU-KEE: Mr. Rahm, I see that you are a  
18 David Rockefeller Fellow, and a number of years ago I went  
19 through that program as well.

20 For those of you who don't know, that's a very  
21 intensive program of the New York City Partnership that  
22 puts, that exposes leaders to all aspects of the government  
23 and society's problems in New York City, and so it doesn't  
24 surprise me that you are here, and I thank you for being  
25 here.

26 I think one of the questions I have, and I know

## PROCEEDINGS

1  
2 this is how, and this has really cropped up, often we feel  
3 that in the dealing with these problems of legal services  
4 the legal profession is talking to itself.

5 How is it do you think that this question may  
6 resonate within the business community? It's a very  
7 important business community represented by the Partnership.  
8 It's the best firms in New York City that have tremendous  
9 resources here, and if they understood as well the economic  
10 analysis that underpins this, that they would be very  
11 interested in helping advance closing this gap, if you will.

12 Do you have a feeling on that? I know you just  
13 went through the program and so you may not be as familiar  
14 with the Partnership, but you might have something --

15 MR. RAHM: Sure. I think that Partnership members  
16 care about the health of the City because they are leaders  
17 of businesses and leaders of organizations that employ tens  
18 of thousands of people in this City. So, understanding how  
19 access to legal services can improve the growth of the City,  
20 what is the economic costs from the sense of either a state  
21 wasting or limiting productivity of businesses when  
22 representation is not provided in things like housing,  
23 health care, family matters, would be something, I think,  
24 the Partnership would be interested in, and I think also how  
25 it might continue to improve the quality of life of the  
26 City.



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1  
2 I think that people who don't have proper access to  
3 housing, who end up in homeless shelters, people who end up  
4 going through foster care, not having access to the right  
5 kind of health care, education, ultimately end up probably  
6 having a more difficult life themselves, but also not  
7 contributing to the quality of life of everyone else in the  
8 City as much as they could. So, I think if you could  
9 demonstrate that, this would reduce homelessness, it would  
10 reduce health care issues, it would improve educational  
11 issues and other sort of essentials of life that, I think,  
12 people in the Partnership really do care about, not just for  
13 themselves and their immediate families, but for people more  
14 broadly in the city and that would resonate with the  
15 Partnership.

16 PRESIDENT LAU-KEE: I guess we may be in touch in  
17 the future then.

18 JUSTICE LIPPMAN: Anything else? Okay. Thanks so  
19 much.

20 Thank you for appearing today, and thank you  
21 generally. You have been terrific and get our friend Kathy  
22 Wylde, the Executive Director of the New York City  
23 Partnership who is here, and thank you Kathy for your  
24 support and testifying, and thank you Bill Rahm for your  
25 testimony.

26 JUSTICE LIPPMAN: Our next witness will be Jennifer

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Kroman, the Director of Pro Bono Practice at Cleary Gottlieb Steen & Hamilton and Joellen Valentine, Director and Assistant General Counsel for Citigroup.

Let's hear in particular how the community, the community can, the law firm in the business community, the legal community goes about helping us with pro bono.

MS. KROMAN: Good morning. Thank you for allowing me to testify before you today.

As you mentioned, I am the Director of the Pro Bono Practice at Cleary Gottlieb Steen & Hamilton, an international law firm with more than 1200 lawyers. Although lawyers in Cleary's 16 offices undertake pro bono, I am going to confine my remarks today to the pro bono work done by the approximately 700 lawyers in our New York office.

Pro bono is an essential part of the civil legal services delivery system, enabling legal services organizations to leverage their resources and increase their capacity to represent low-income New Yorkers. Last year, Cleary Gottlieb's New York lawyers logged more than 50,000 pro bono hours. In this respect, Cleary Gottlieb is not unique: all over New York State, associates and partners at law firms big and small, in-house counsel, solo practitioners, and other attorneys are working on pro bono cases. Indeed, some studies indicate that lawyers in New

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1  
2 York contribute more than 2.5 million pro bono hours each  
3 year.

4 The vast majority of Cleary Gottlieb's pro bono  
5 hours are spent on behalf of individuals fighting for the  
6 basic necessities of life -- such as shelter, safety, and a  
7 living wage -- or for particularly underserved populations  
8 such as domestic violence and sex trafficking victims,  
9 veterans and undocumented immigrants. Many times, these two  
10 spheres overlap.

11 In 2013, for example, we represented dozens of  
12 trafficking victims. Among other things, we helped vacate  
13 their prostitution convictions by filing post-conviction  
14 motions where there is no right to counsel, we defended  
15 clients in Family Court proceedings where pimp-traffickers  
16 tried to gain custody of children, and we helped  
17 international sex trafficking victims file for T-Visas, a  
18 specific form of immigration relief exclusively for  
19 trafficking victims.

20 With respect to housing, we recognize that  
21 affordable and safe housing is critical to ensuring the  
22 well-being and health of families in New York. To that end,  
23 we spent thousands of hours last year working to prevent  
24 families from being evicted from public and private housing.

25 Additionally, for decades, Cleary Gottlieb has  
26 sponsored two externships: one at Lawyers Alliance for New

## PROCEEDINGS

1  
2 York, which provides transactional legal services to  
3 nonprofits that improve the quality of life for New Yorkers,  
4 and one at MFY Legal Services, which provides civil legal  
5 representation and community education to nearly 5,000  
6 households every year.

7 Each Cleary Gottlieb extern spends approximately  
8 four months working full-time at Lawyers Alliance or MFY and  
9 then is replaced by the next extern, effectively providing  
10 each of these organizations with an additional year round,  
11 full-time attorney. The MFY extern is essentially dedicated  
12 to representing indigent New Yorkers in Housing Court. It  
13 is worth noting that one of Cleary Gottlieb partners who now  
14 supervises much of our pro bono housing work was an MFY  
15 extern in 1998.

16 That brings me to the importance of what I call the  
17 "snowball effect" of pro bono. I have seen time and time  
18 again how taking just one pro bono case as a young lawyer  
19 can and will foster a lifetime commitment to pro bono.  
20 When I started at my firm as a litigation associate nearly  
21 20 years ago, one of my first cases was a pro bono lawsuit  
22 seeking minimum wage for a class of homeless New Yorkers.  
23 During the course of the case, I spoke often to many of  
24 these plaintiffs about their other seemingly endless legal  
25 woes. Their legal problems were the ones typically faced by  
26 our city's most vulnerable people -- someone would call me

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1  
2 on the brink of eviction because their benefits had been cut  
3 off or a plaintiff would show up at Cleary Gottlieb's  
4 offices after having been attacked by an intimate partner  
5 without knowing where else to go.

6 Meeting these New Yorkers and hearing their  
7 stories -- and seeing how I could help -- changed my view of  
8 legal work forever. From then on, there was never a time as  
9 a litigation associate and then a litigation partner at  
10 Cleary Gottlieb that I did not do pro bono work. And now  
11 that I have the privilege of overseeing and managing Cleary  
12 Gottlieb's pro bono practice on a full-time basis, a career  
13 shift that I attribute in no small part to that one case  
14 many years ago, I see this day in and day out. As one  
15 associate recently e-mailed me: "I will never forget the  
16 look of relief, gratitude and shock in Mr. S' eyes following  
17 our victory in his case. When I spoke to him a few days  
18 later, he said that he was able to sleep soundly for the  
19 first time in three years. I would like to help out on  
20 another case."

21 We are rightfully proud of all of the pro bono work  
22 that we do. We relish the victories on behalf of our  
23 clients -- the 78 year-old woman that gets to live in her  
24 NYCHA apartment, the special education secured for a  
25 disabled child desperate for an appropriate education, and  
26 the two-year Order of Protection granted to a woman that

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allows her to go to work each day without fear. But of course, when only 20 percent of low-income New Yorkers can have their civil legal needs met, we in the Pro Bono Community must constantly think about ways to do more, to reach more people, to work together in the private bar to do pro bono work more efficiently.

I want to conclude my testimony where I began by noting that pro bono work is a critical way to enable legal services organizations to leverage their resources. The private bar could not do pro bono work without the amazingly talented and committed attorneys and staff members at the organizations that we work with on a daily basis. It is not an exaggeration to say the work we do with groups like The Legal Aid Society, Legal Services New York City, and Sanctuary for Families in virtually every one of our pro bono cases allows us to do this work. These non profits screen the individual clients, they train our lawyers, and importantly, they work with us throughout the case. We rely upon our legal services colleagues for their expert advice, their counsel, and their guidance. For this reason, whenever there is a discussion of expanding the pro bono work done by the private bar as a means of addressing the access to justice gap for low and moderate income New Yorkers, there must simultaneously be discussion of increasing the resources and capacity of the civil legal

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services organizations.

Thank you.

JUSTICE LIPPMAN: Thank you.

(Continued on next page.)

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HON. JONATHAN LIPPMAN: Thank you.

And let me just ask you one question.

Why do lawyers do pro bono and why should you do pro bono?

MS. KROMAN: To some extent, in my view, it's not important why they take their first case -- whether they take it because they feel a form interaction or you take it because there's a particular partner that they want to work with, or take it to gain the experience of standing up in Housing Court and arguing for the first time -- the importance is that they take it -- and what I've seen time and time again -- is that if they take it once, the second time they take it --

HON. JONATHAN LIPPMAN: Why? Why is it that once they do it, they want to do all the more?

MS. KROMAN: Because when they take it the next time, they feel a moral imperative.

HON. JONATHAN LIPPMAN: That's a good answer, and I hope and believe that that's the case.

Okay, Joeleen Valentine.

MS. VALENTINE: Thank you very much for having me this morning, Justice Prudenti.

My name is Joeleen Valentine, and I am an in-house litigator at Citigroup.



1  
2           For nearly the last eight years, I have been  
3 participating in the New York City Family Court  
4 Volunteer Attorney Program, or VAP, specifically in the  
5 clinics for unrepresented litigants in Family Court,  
6 which I'll call "the Clinics."

7           These Clinics started in 2006, and they reach  
8 a population in great need. I understand that 80  
9 percent of filings in Family Court are pro se and  
10 remain that way, and yet these litigants grapple with  
11 some of life's most critical and personal issues.

12           Coincidentally, 2006 was the same year that  
13 Citigroup's Legal launched its pro bono Initiative,  
14 encouraging its lawyers to use their skills for the  
15 public good. The time was perfect.

16           Citigroup joined the Clinics at their  
17 inception in November 2006, partnering with the firm of  
18 Greenberg Traurig, another founding participant in the  
19 Clinics.

20           In 2006, the Clinics launched with just five  
21 firms and one corporation, Citigroup, sending  
22 approximately 40 volunteer attorneys to staff Clinics  
23 in Brooklyn, two days a week.

24           Now, we've grown to over 300 attorneys, with  
25 roughly 50 solo practitioners and about 250 lawyers  
26 from 40 different firms and corporations. We now staff

1  
2 in-person in four boroughs and by video conference in  
3 Staten Island and Ontario County.

4 Citigroup has been able to sustain its  
5 volunteer base in the Clinics for two primary reasons.

6 First, support for pro bono work continues to  
7 thrive at Citigroup and goes to the highest levels of  
8 Citigroup's Legal Department up to and including the  
9 General Counsel.

10 Second, the Clinics are well suited to the  
11 schedules of and demands on in-house attorneys.  
12 Citigroup asks its volunteers to give one morning or  
13 afternoon a month in one of the Project's locations.  
14 Last-minute substitutes can be found if schedules  
15 change.

16 Training for CLE credit is available  
17 year-round. It is offered live five to six times a  
18 year and at any time on DVD's. The work itself is  
19 limited in scope. Sessions typically last 30 to 45  
20 minutes, depending on the complexity and the needs of  
21 the client, but there is no ongoing relationship once  
22 the session ends. Volunteers do not appear with the  
23 litigants in proceedings. Issues are confined to  
24 custody, visitation, paternity, support, guardianship  
25 and family offense, allowing volunteers to gain more  
26 confidence and knowledge over time.

1  
2           An essential part of the Clinics has been the  
3 excellent court attorneys who made everything work.  
4 They handle scheduling, provide real-time screenings  
5 during intake and provide valuable insight into the  
6 court and nuances of the law gained through years of  
7 experience.

8           Since the volunteers are not family law  
9 experts, having court attorneys who are makes all the  
10 difference, not just in keeping attorneys in the  
11 Program but in recruiting them as well.

12           The Clinics provide needed and important  
13 advice. Many times, a client's access to a lawyer in  
14 the Clinic will be that client's only chance for legal  
15 advice. The advice helps not just the advocates, but  
16 ultimately improves the process for all participants  
17 because clients of the Clinics arrive at court  
18 appearances more prepared and with a clearer  
19 understanding of important issues.

20           Of course, there is always more to be done,  
21 and that is why I'm here. Citigroup remains committed  
22 to delivering legal services to those who cannot afford  
23 them, whether through this effort or others, and we  
24 look forward to continuing our partnership with the  
25 court system to help low-income families get fair  
26 treatment and access to justice.

1  
2 HON. JONATHAN LIPPMAN: Let me ask you one  
3 question.

4 Why is it important to Citigroup to be  
5 involved in pro bono work, to have their employees  
6 involved in pro bono work?

7 MS. VALENTINE: I can only speak from my  
8 personal experience, which harkens back to something  
9 Mr. Carter said earlier, which is that we need a  
10 culture of service.

11 During my entire time at Citigroup, we have  
12 had that culture of service that pervades the legal  
13 profession. Law firms in the City have made vast pro  
14 bono efforts, and I think Citigroup recruits its  
15 lawyers from those places, so they come in with that  
16 moral imperative, that culture, and it becomes part of  
17 the corporate culture that is essential to being an  
18 active participant.

19 HON. JONATHAN LIPPMAN: Thank you.

20 We thank the corporate community and  
21 particularly Citigroup and the law firms -- Cleary,  
22 certainly, being one of our outstanding supporters --  
23 and we appreciate it.

24 Any questions?

25 HON. A. GAIL PRUDENTI: I just have one  
26 question for the Director of Cleary.

1  
2                   How do you encourage lawyers, who are  
3                   incredibly busy, to get involved in the program?

4                   MS. KROMAN: A combination of one-on-one  
5                   outreach. I try to meet with every summer associate  
6                   who comes into the firm and every new associate who  
7                   comes into the firm.

8                   One of the most effective ways is that we  
9                   bring in clients to speak. So we have a lunch  
10                  scheduled in a couple of months where a woman who got  
11                  asylum as a trafficking victim and was just reunited  
12                  with a daughter she hasn't seen in years, they are  
13                  going to come in and speak to a broad audience of  
14                  Cleary lawyers about what the pro bono work meant to  
15                  them.

16                  It's really repetition, so I send a lot of  
17                  e-mails, and it's not just me, I think. That's the  
18                  other important thing. All the partners at Cleary are  
19                  active in recruiting the younger associates to do pro  
20                  bono, and I think that's a very good point that really  
21                  is a top-down sort of initiative.

22                  HON. JONATHAN LIPPMAN: Thank you for the  
23                  culture that you represent, thank you very much.

24                  For our last speaker today, we're going to  
25                  have some clients of Legal Services: Wun Kuen Ng,  
26                  Karen Rivera Yvette Walker; Wun Kuen Ng -- Karen Rivera

1  
2 is accompanied by Nelson Mar, Yvette Walker is a client  
3 of the Legal Aid Society, and she is accompanied by  
4 Kathryn Kliff.

5 Okay.

6 MR. NG: My name is Wun Kuen Ng.

7 Thank you for the opportunity to tell you  
8 about how the legal assistance I received from MFY  
9 Legal Services saved my home and helped me and other  
10 tenants preserve our community. I am 42 years old. I  
11 live at 83-85 Baxter Street in Manhattan's Chinatown.

12 I have lived there for more than 15 years. In  
13 2012, my building was bought by a new landlord. That  
14 landlord had been buying up rent-regulated apartment  
15 buildings on the Lower East Side and Chinatown and  
16 turning them into market-rate luxury housing, but I  
17 didn't know that at the time.

18 At the time, all I knew was that the landlord  
19 sent me a notice saying that he would take me to  
20 Housing Court for eviction because he claimed I wasn't  
21 living in my apartment as my primary residence.

22 The address where the landlord claimed I  
23 really lived was, in fact, my parents' public housing  
24 apartment. I had not lived there since 1999.

25 When I received this notice, I was shocked. I  
26 have lived in my apartment since 1999. The prior owner

1  
2 of the buildings came from the same village in China  
3 that my family is from. Most of the tenants came from  
4 the same village and treated each other like family.  
5 They knew my parents before I moved in. In many ways,  
6 we were like a village in a building. To be accused of  
7 faking my residence there was absurd. Anyone who had  
8 ever spoken to anyone in the building or had taken even  
9 a few minutes to visit me would have known that I lived  
10 there and was part of the community.

11 I can't afford to hire a lawyer. I do not  
12 make much money. I work as a free-lance journalist and  
13 get a little bit of support from my family. I was very  
14 worried about going to court against the landlord, who  
15 I knew would have a lawyer.

16 Fortunately, I got in touch with MFY Legal  
17 Services, who agreed to represent me in Housing Court.  
18 I'm glad I had a lawyer, because the case dragged on  
19 for over two years. The landlord demanded discovery,  
20 and MFY helped me collect and turn over extensive  
21 documentation of my life. Without a lawyer to help me,  
22 I would have felt overwhelmed, gave up and moved out.

23 I've since learned that that is exactly what  
24 most unrepresented tenants do in this situation, and  
25 many landlords count on that.

26 In my case, after MFY fought back, the

1  
2 landlord discontinued the case and gave me a new  
3 rent-stabilized lease. And not only did MFY represent  
4 me in Housing Court and help save my apartment; they  
5 also invited me to come to a meeting of other tenants  
6 facing the same problem.

7 When MFY had seen the wave of cases coming  
8 from this landlord, they brought together a coalition  
9 of community groups whose members were being harassed  
10 by the same landlord of many different buildings. We  
11 met together to compare our experiences. The coalition  
12 made up of MFY Legal Services; CAAAV Organizing Asian  
13 Communities; Asian Americans For Equality, or AAFE;  
14 Good Ole on the Lower East Side, or GOLES; the Cooper  
15 Square Committee; and University Settlement.

16 We saw that we were all facing the same  
17 problems and the same tactics intended to drive us out  
18 of our homes. At these meetings, I realized we needed  
19 the protection of the law, tenant advocacy policies and  
20 legal services to protect us against monstrous and  
21 predatory landlord who use illegal tactics that are  
22 racially and socially discriminating. Meeting other  
23 tenants made my feel we have a stronger voice to assert  
24 our rights and save our homes and community.

25 Most of these tenants were Chinese in  
26 heritage, like me. Many of them do not speak English.



1  
2 Most of them had lived in Chinatown or the on the Lower  
3 East Side for many years, but were seeing their  
4 neighborhoods transformed by gentrification. Most of  
5 us stood to lose not only our apartments but our  
6 village.

7 As a coalition, we were able to capture the  
8 attention of the New York State Division of Housing and  
9 Community Renewal's Tenant Protection Unit or TPU.  
10 With the help of MFY and the coalition, I and many of  
11 the other tenants met with the TPU and told our  
12 stories.

13 August 20, 2014, the TPU announced that it was  
14 investigating the landlord for harassment and had  
15 issued a subpoena. The TPU investigation has just  
16 begun, but I and the other tenants are hopeful that it  
17 will shine a light on the way the landlord has treated  
18 us and tried to drive us out of our long-time homes and  
19 that the landlord will be forced to change.

20 I am grateful that I was able to connect with  
21 MFY Legal Services and that they had the funding and  
22 capacity to not only help me with my own eviction case,  
23 but also to go beyond my individual case, to bring  
24 together other tenants in the same position and change  
25 the way the landlord does business across the board.

26 I have gone from being isolated and scared to

1  
2 knowing that other tenants share my story and stand  
3 with me, and that together we will not be moved.

4 Please continue to expand funding for civil  
5 legal services in our state.

6 Thank you once again for the opportunity to  
7 testify.

8 HON. JONATHAN LIPPMAN: Thank you, and we  
9 appreciate your testifying and appreciate especially  
10 that your testimony indicates what a universal problem  
11 it is, that it's not just one person but other people  
12 who were in the same situation, and that MFY Legal  
13 Services is a place that recognizes that people  
14 shouldn't be lumped in together. It should be a more  
15 singular example of the kind of situation that someone  
16 with limited means finds themselves in, particularly as  
17 it relates to housing.

18 So thank you very much; we appreciate it.

19 Okay, Ms. Walker.

20 MS. WALKER: Good morning.

21 My name is Yvette Walker, and I'm here with my  
22 daughter, Jasmine. We are currently living in a  
23 homeless shelter in Brooklyn. We became homeless in  
24 the spring of 2013 because our landlord lost his house  
25 due to foreclosure. We came to PATH and were found  
26 eligible for shelter. A few months after being in

1  
2 shelter, I had knee surgery, as I suffer from  
3 degenerative joint disease. The surgery required me to  
4 stay in the hospital for a few days. The shelter staff  
5 told me that Jasmine could not stay in the shelter  
6 without me. As a result, I sent her to stay with my  
7 mother-in-law while I had the surgery. After the  
8 surgery, I had 32 staples down my knee.

9 I came back to PATH with Jasmine in order to  
10 get placed back in a shelter. However, PATH refused me  
11 placement, telling me that we could stay at my  
12 mother-in-law's apartment, even though her landlord  
13 refused to let us stay there and my walker couldn't fit  
14 in the bathroom.

15 Without shelter, Jasmine and I had nowhere to  
16 go. I was scared and frustrated. While walking into  
17 PATH, I saw that there was a van outside with "The  
18 Legal Aid Society" printed on the side. I decided to  
19 go and see if they could help.

20 I met Kathryn Kliff, who explained to me that  
21 she could help advocate for me so that my daughter and  
22 I wouldn't be forced to sleep on the streets. She  
23 wrote a letter, collected my medical documentation and  
24 advocated on my behalf to PATH's lawyers.

25 After she did so, PATH agreed to give us  
26 placement and re-investigate my case. Shortly after

1  
2       that, we were found eligible.

3               We had been living in a shelter for about a  
4       year when the shelter transferred us. They said that  
5       we needed to move to an adult family shelter now that  
6       Jasmine was 18. However, the new shelter was not  
7       medically appropriate for me. The bathroom stalls were  
8       too small for my walker, and so was the shower. As a  
9       result, I couldn't use the toilet or the shower at the  
10      shelter. I had to go to my church all day every day to  
11      be able to use the handicap-accessible shower and  
12      bathrooms. I then had to wait for Jasmine to come home  
13      from school and pick me up so that she could help me in  
14      the shelter.

15             Eventually, I called Kathryn Kliff again,  
16      because it was just too difficult to live somewhere  
17      where I could not access the bathroom facilities.  
18      Kathryn immediately advocated on my behalf to the  
19      lawyers at the Department of Homeless Services or DHS,  
20      and they moved me to a shelter that could accommodate  
21      my walker.

22             Shortly after that, DHS told me that I would  
23      have to move again because they were transitioning the  
24      adult family shelter where I lived into a shelter for  
25      families with minor children. I was scared because I  
26      remembered what happened the last time they transferred

1  
2 me, and I worried that I would be placed in a medically  
3 inappropriate unit again. I reached out to Kathryn  
4 again, and she raised my health issues with DHS once  
5 again.

6 As a result, DHS transported me to a  
7 medically-appropriate shelter in Brooklyn, where I now  
8 reside.

9 Kathryn also connected me to the Coalition for  
10 the Homeless, who helped me apply for supportive  
11 housing. I've been approved and am waiting for an  
12 apartment.

13 Even with all the moving around, Jasmine  
14 graduated high school and will be starting college in  
15 January, where she plans to study pediatric nursing. I  
16 am so proud of her.

17 I am very grateful that the Legal Aid Society  
18 agreed to help us. Without them, my family would not  
19 have a safe place to sleep at night, and Jasmine may  
20 not have been able to achieve her dream of going to  
21 college.

22 However, I know that there are still many  
23 families who are struggling to access shelter that is  
24 safer and medically appropriate. The Legal Aid Society  
25 is an incredible resource to New Yorkers like me who  
26 experience difficult times. Without the Legal Aid

1  
2 Society and other civil legal services programs,  
3 families will have nowhere to turn when they are  
4 wrongfully denied shelter or placed in dangerous  
5 shelters.

6 I am here in support of continued and  
7 increased funding for civil legal services in New York.  
8 Thank you for the opportunity.

9 HON. JONATHAN LIPPMAN: Thank you for coming  
10 in and telling us your story. I think it demonstrates  
11 a very human and personal way why their services are so  
12 important and that the Legal Aid Society has been so  
13 instrumental in your life, and we only wish you well,  
14 and I'm so glad that you received the assistance that  
15 you needed.

16 Again, you show graphically why legal services  
17 are so important. There are human beings out there  
18 that have real problems, and none of us wants to forget  
19 about them.

20 Thank you so much.

21 MS. RIVERA: My name is Karen Rivera. I am a  
22 single mother taking care of my son Christian, who has  
23 multiple disabilities, including autism.

24 In 2009, Christian was attending a pre-school,  
25 where he was not doing well. None of the children in  
26 Christian's school had autism, and the teachers there

1  
2 did not know how to work with him. I could see he was  
3 not progressing or developing, and his behaviors became  
4 worse. I could not even take him out to the store or  
5 to the park. I was desperate to find help for him, but  
6 it felt like I was going around in circles and getting  
7 nowhere. I was all alone in caring for Christian, and  
8 his needs were very severe. Because of the amount of  
9 time I spent in trying to find services for Christian  
10 and in keeping him safe, I was at risk of losing my job  
11 as a manager at a local retail store and was struggling  
12 to keep my apartment. It seemed that everything was  
13 falling apart and no one could help me. The struggle  
14 and stress I was experiencing at this time caused me to  
15 become extremely depressed and anxious. I began to  
16 believe that nothing would get better. I worried about  
17 my own mental health, that I might have a nervous  
18 breakdown, and I was afraid that if something happened  
19 to me, there would be no one to take care of Christian.  
20 It was a very bad time.

21 While I was visiting a hospital with  
22 Christian, I met a woman who gave me a card for  
23 attorney Nelson Mar at Legal Services New York City in  
24 the Bronx. I called Mr. Mar, and he scheduled an  
25 appointment to meet with me. I explained everything  
26 that was going on and how worried I was for Christian.

1  
2           Mr. Mar responded to my story with caring and  
3           expressed concern for me and my son. He told me that  
4           he would help me, and for the first time I felt like I  
5           had someone that would be there for me.

6           Mr. Mar also connected me with Legal Services  
7           New York City's social worker. I met with the social  
8           worker, Ms. Tara Lambert, that same day and she talked  
9           to me for a long time and reassured me that there were  
10          services that would help me and Christian and that she  
11          would make sure that I was connected to them.

12          From that day forward, I spoke to Legal  
13          Services New York City every week.

14          I took a leave of absence from my job so I  
15          would have the flexibility and time I needed to care  
16          for myself and Christian. Legal Services New York City  
17          worked very hard to get Christian into a school that  
18          met his needs.

19                   \*       \*       \*



## PROCEEDINGS

1  
2 T5 MS. RIVERA: Once Christian was placed in his  
3 in new school, Legal Services continued to help me. They  
4 worked with Christian's social worker from the Bronx Lebanon  
5 Hospital to connect us with the support services we needed  
6 and this was a big relief for me.

7 While things had gotten better for Christian, I was  
8 still struggling with keeping our Section 8 apartment. I  
9 knew that if I lost our apartment I will have to go into a  
10 homeless shelter with Christian. I had done everything I  
11 was supposed to, but I was still being threatened with  
12 eviction of my Section 8. I tried for a long time to fix  
13 what was happening by myself, but I realized that I couldn't  
14 do it alone. Legal Services of New York took on my housing  
15 case, fought hard for me and got my Section 8 restored.  
16 They found out that the money my landlord was accusing me of  
17 owing was based on a rent amount that was wrong. Instead of  
18 me owing my landlord rent, he actually owed me money!

19 The team at Legal Services NYC has continued to be  
20 there for me, and today I am happy to say that Christian and  
21 I are doing very well. I have a job and Christian is in a  
22 school where he is happy, safe and growing strong. We have  
23 a future, and I thank Legal Services of New York. Their  
24 help and support has made a huge difference for me and  
25 Christian, and I appreciate everything that they have done  
26 and continue to do.

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Thank you.

HON. LIPPMAN: Thank you so much. Again, demonstrating what legal services in this case, Legal Services NYC can mean to your life, the life of your child, your having a place to stay and to thrive and to be a part of the community here in New York City.

I think that all of your stories showed that there is nothing more important as legal services for those people in need, and that again, as I started out, it's as important as everything else that we hold dear in our society, whether it be housing, education or medical care, all of the things that are really the essentials of life, and that legal services can be so critical to a human being's enjoyment of that life, and the things that we are all entitled to, and I think today, in so many ways, it's really been demonstrated the value of legal services, pro bono work by lawyers, and that I think the testimony by our government officials, the City Council Speaker, the corporation counsel, our bar associations, the President of the City Bar, the business community, the Partnership in New York, which is so interested in these issues, the pro bono efforts of corporations and law firms, and all of it really translates to these final three witnesses which, I think, show the practical effect of the monies we are able to get from government to fund legal services and these great legal

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services organizations.

Again, a wonderful effort by lawyers assisting those legal service providers in insuring that people, all people, get a fair shot and get a fair shake are treated equally by our institutions and by our justice system.

So, I thank you for being here, for this first legal services hearing of this year. This is all working towards our December 1st report for the Legislature on the monies that we need to continue to close the justice gap in our State and to insure equal justice for all.

So, thank you all so much. Thank you.