APPENDICES

Permanent Commission on Access to Justice

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK

NOVEMBER 2018

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK

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APPENDIX 1:

Acknowledgment of Law Firms that Provided Pro Bono Assistance to the Permanent Commission

Acknowledgment of Law Firm Pro Bono Assistance to the Permanent Commission

Sullivan & Cromwell LLP

Robert J. Giuffra, Jr. (Partner; Permanent Commission Member)
Jessica Klein (Pro Bono Counsel)
Alana M. Longmoore (Associate)
Angie Garcia (Legal Assistant)
Emily McEvoy (Legal Assistant)
Ashley Storey (Legal Assistant)
Chanel Thomas (Legal Assistant)

Skadden, Arps, Slate, Meagher & Flom LLP

Robert C. Sheehan (Of Counsel; Permanent Commission Member)
Ronald J. Tabak (Special Counsel)
Brittany L. Turner (Associate)

Proskauer Rose LLP

Betsy B. Plevan (Member; Permanent Commission Member)
David A. Picon (Member)
William C. Silverman (Member)
Erin M. Meyer (Pro Bono Counsel)
Tara B. Mulrooney (Special Construction Counsel)
Andrew Flippo (Associate)
Jin Jil Kim (Associate)
Katrina E. McCann (Associate)

Davis Polk & Wardwell LLP

Robert B. Fiske, Jr. (Senior Counsel; Permanent Commission Member)
Sharon Katz (Special Counsel for Pro Bono)
Qi Zhang (Law Clerk)

PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK

APPENDIX 2:

2018-2019 Judiciary Civil Legal Services Allocations

NOVEMBER 2018

2018-2019 JUDICIARY CIVIL LEGAL SERVICES ALLOCATIONS

PROVIDER NAME	Allocation
Advocates for Children of New York	$ 20,000.00
Asian American Legal Defense and Education Fund	$ 57,500.00
Association of the Bar of the City of New York Fund Inc	$ 736,418.00
Bronx Defenders	$ 603,768.00
Brooklyn Bar Association Volunteer Lawyers Project	$ 340,000.00
Brooklyn Defender Services	$ 1,314,668.00
Brooklyn Legal Services Corporation A	$ 492,065.00
CAMBA	$ 1,375,094.00
Capital District Women's Bar Association Legal Project	$ 489,631.00
Catholic Charities Community Services, Diocese of New York	$ 179,136.00
Catholic Charities of the Diocese of Albany	$ 68,545.00
Catholic Migration Services	$ 186,250.00
Center For Elder Law and Justice, INC	$ 1,431,142.00
Center for Family Representation	$ 730,075.00
Central American Legal Assistance	$ 75,388.00
Central American Refugee Center	$ 70,000.00
Child and Family Services	$ 78,001.00
Children's Rights Society	$ 174,687.00
Community Service Society of New York	$ 93,500.00
Empire Justice Center	$ 1,282,806.00
Erie County Bar Association Volunteer Lawyers Project	$ 797,916.00
Family Center, Inc.	$ 66,388.00
Frank H. Hiscock Legal Aid Society	$ 1,215,349.00
Her Justice	$ 505,907.00
Hofstra University	$ 131,888.00
Housing Conservation Coordinators	$ 216,609.00
Hudson Valley Justice Center	$ 130,575.00
Jewish Association of Services for the Aged	$ 310,063.00
Journey's End Refugee Services	$ 174,838.00
Latino Justice PRLDEF	$ 105,500.00
Legal Action Center	$ 166,408.00
Legal Aid Bureau of Buffalo	$ 1,367,913.00
Legal Aid Society of Northeastern New York	$ 4,583,213.00
Legal Aid Society of Rochester	$ 1,587,339.00
Legal Aid Society of Rockland County	$ 565,883.00
Legal Assistance of Western New York	$ 4,371,467.00
Legal Information for Families Today	$ 306,574.00
Legal Services NYC	$ 9,786,789.00
Legal Services of Central New York	$ 5,391,921.00
Legal Services of the Hudson Valley	$ 4,952,006.00
Lenox Hill Neighborhood House	$ 283,812.00
Long Island Advocacy Center	$ 85,500.00
Make the Road New York	$ 587,199.00
Make the Road New York (w WHC)	$ 73,936.00
Mediation Matters	$ 52,595.00

2018-2019 JUDICIARY CIVIL LEGAL SERVICES ALLOCATIONS

Mental Health Association of Erie County	$	174,024.00
Mobilization for Justice	$	167,773.00
Mobilization for Justice (w PCFR)	$	3,001,487.00
My Sister's Place	$	291,141.00
Nassau / Suffolk Law Services Committee	$	3,761,990.00
Neighborhood Defender Services	$	472,721.00
Neighborhood Legal Services	$	1,098,067.00
New York Center for Law and Justice	$	28,380.00
New York Lawyers for the Public Interest	$	403,400.00
New York Lawyers for the Public Interest (w CMS)	$	155,500.00
New York Legal Assistance Group	$	4,286,151.00
New York Legal Assistance Group (VLFD)	$	356,425.00
Northern Manhattan Improvement Corporation	$	1,269,858.00
Pace University	$	259,598.00
Part of the Solution	$	50,433.00
Prisoners' Legal Services of New York	$	70,561.00
Pro Bono Net	$	173,754.00
Queens Volunteer Lawyers Project	$	340,000.00
Richmond County Bar Association Volunteer Lawyers Project	$	60,000.00
Ridgewood Bushwick Senior Citizens Council	$	364,120.00
Rural Law Center of New York	$	523,826.00
Safe Horizon	$	592,521.00
Safe Passage Project Corporation	$	58,019.00
Sanctuary for Families	$	1,698,922.00
The Door A Center for Alternatives	$	176,186.00
The Legal Aid Society	$	9,786,789.00
The Safe Center, LI	$	393,167.00
Touro College	$	334,130.00
Unity House of Troy	$	76,835.00
Urban Justice Center	$	2,779,741.00
Vera Institute of Justice	$	1,900,156.00
Volunteer Lawyers Project of Onondaga County	$	373,160.00
Volunteer Legal Services of Monroe County	$	303,000.00
Volunteers of Legal Service	$	50,713.00
Western New York Law Center	$	783,319.00
Worker Justice Center of New York	$	654,390.00
Youth Represent	$	113,481.00
TOTAL	**$**	**85,000,000.00**

APPENDIX 3:

Notice of Public Hearing, The Chief Judge's 2018 Hearing on Civil Legal Services in New York State

NOTICE OF PUBLIC HEARING

The Chief Judge's 2018 Hearing on Civil Legal Services in New York State

The Hon. Janet DiFiore, Chief Judge of the State of New York, announces a statewide public hearing to evaluate the continuing unmet civil legal services needs in New York. The Chief Judge will preside over the hearing, where presenters from all regions of the State will address the significance of accessible, publicly funded civil legal services. The Chief Judge will report to the Legislature, as requested in its June 2010 Joint Resolution, on the information obtained at the hearing and on the continuing work of the New York State Permanent Commission on Access to Justice. It is anticipated that the hearing statements will inform future efforts by the Permanent Commission to enhance access to justice and ensure the fair administration of justice for all New Yorkers.

This year, Chief Judge DiFiore will hold the statewide hearing at the New York Court of Appeals. The Chief Judge will be joined on the Hearing Panel by the four Presiding Justices of the Appellate Division: Presiding Justice Rolando T. Acosta of the First Department; Presiding Justice Alan D. Scheinkman of the Second Department; Presiding Justice Elizabeth A. Garry of the Third Department; and Presiding Justice Gerald J. Whalen of the Fourth Department, as well as New York State's Chief Administrative Judge, the Hon. Lawrence K. Marks, and the President of the New York State Bar Association, Michael Miller.

THE HEARING WILL TAKE PLACE AS FOLLOWS:

MONDAY, SEPTEMBER 24, 2018, FROM 1:00 P.M. – 4:00 P.M.

COURT OF APPEALS HALL, 20 EAGLE STREET, ALBANY

The purpose of the public hearing is to receive relevant information from interested individuals, organizations and entities on the following issues:

- The impact of Judiciary Civil Legal Services funding on the delivery of civil legal services and the fair and efficient administration of justice in the state courts.
- The current state and scope of the unmet need for civil legal services by low-income New Yorkers confronting legal problems involving the "essentials of life," including housing, family stability and personal safety in domestic relations, and access to health care, education or subsistence income and benefits.
- The ongoing efforts to implement a Strategic Action Plan that combines statewide access to justice improvements with local community organizing and initiatives to help ensure effective assistance to 100% of New Yorkers in need.
- The economic and social consequences of insufficient civil legal services for courts, communities, and individuals, including those with disabilities, the elderly, veterans, and children.
- The benefits to individuals, communities, the courts, and the State from the provision of civil legal services in matters involving the "essentials of life."
- The particular problems affecting the availability of civil legal services in rural communities and how to address them.
- The unique issues presented to the state courts, particularly family court, in proceedings related to immigration issues.
- The potential for reduction of unmet needs through:
  - Preventive and early intervention services.
  - Enhanced use of technology, including identifying areas where improvements in technology access and utilization can increase the delivery and efficacy of legal services.
  - Expansion of the availability of civil legal assistance through increased pro bono services and limited-scope representation.
  - Innovations in law school and law student involvement in serving communities in need through clinical, experiential, and fellowship options, including the Pro Bono Scholars and Poverty Justice Solutions.
  - Programs using volunteers who are not lawyers, including the Court Navigator Program and the Legal Hand neighborhood storefront centers.
  - New and/or expanded community collaborations among legal services providers, law schools, colleges and universities, public libraries, and health care organizations.

The Chief Judge's Hearing Panel will consider both oral statements (by invitation only) and written submissions. Individuals interested in presenting oral statements or providing a written submission are asked to follow the procedures and adhere to the deadlines described below. Please note that the Hearing Panel cannot accept any comments, written or spoken, addressing details of individual litigation or comments about individual judges or attorneys.

Because of the limited time available for the hearing, oral presentations are by invitation only. If you are interested in being invited to present at the hearing, please send an email to accesstojusticecommission@nycourts.gov no later than August 24, 2018. Proposed statements should be no more than 10 minutes in length. If requesting an invitation, please (1) identify yourself and your affiliation (and if you are requesting an invitation for someone else to present, that individual's name and affiliation); and (2) attach a prepared statement or detailed outline of the proposed statement, specifying which of the topics described above will be addressed. In advance of the hearing, invitations to present will be issued with approximate time limits for each presenter's statement. For those not invited to present oral remarks, your proposed statement will be deemed a written submission.

Individuals unable to attend the hearing, or those interested only in providing a written submission, may submit their remarks, to be received no later than September 13, 2018, by emailing them to: accesstojusticecommission@nycourts.gov or by mailing the submission to the New York State Permanent Commission on Access to Justice at the address below. The Permanent Commission is assisting the Chief Judge in preparing for the hearing and in reporting on its results.

Website: www.nycourts.gov/accesstojusticecommission/

Email: accesstojusticecommission@nycourts.gov

Mail: New York State Permanent Commission on Access to Justice
c/o Jessica Klein, Esq., Sullivan & Cromwell LLP, 125 Broad Street, 32nd Floor, New York, NY 10004-2498

PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK

APPENDIX 4:

List of Presenters, The Chief Judge's 2018 Hearing on Civil Legal Services in New York State

NOVEMBER 2018

The Chief Judge's
Statewide Hearing on Civil Legal Services

Monday, September 24, 2018 • 1:00 pm – 4:00 pm • Court of Appeals, Albany

LIST OF PRESENTERS

PANEL I

Jordan Dressler, Esq. *(Coordinator, Office of Civil Justice, New York City Human Resources Administration, Department of Social Services)*

Hon. Anthony Cannataro *(Administrative Judge, Civil Court of the City of New York)*

Hon. Jean T. Schneider *(Citywide Supervising Judge, New York City Housing Court)*

PANEL 2

Julianne White *(Client of Legal Aid Society of Northeastern New York, Inc., accompanied by Brenna K. Sharp, Esq.)*

Ismael and Janet Villalta *(Clients of Nassau Suffolk Law Services, accompanied by Vivian Storm, Esq.)*

PANEL 3

Myra E. Berman, Esq. *(Associate Dean for Academic Affairs and Associate Professor of Law, Touro Law Center)*

Laurette D. Mulry, Esq. *(Attorney in Charge, Suffolk County Legal Aid Society, Inc.)*

Neil Steinkamp *(Managing Director, Stout Risius Ross, LLC; Consultant, New York State Permanent Commission on Access to Justice)*

PANEL 4

Corinna Carrillo *(Client of Legal Services of the Hudson Valley, accompanied by Rachel Saunders, Esq.)*

Tasha Moore *(Client of Neighborhood Legal Services, Inc., accompanied by Penny Selmonsky, Esq.)*

PANEL 5

Roger Juan Maldonado, Esq. *(President, New York City Bar Association; Smith, Gambrell & Russell, LLP)*

Stuart J. Mitchell *(President and CEO, PathStone Corporation)*

John F. Schultz, Esq. *(Executive Vice President, Chief Legal & Administrative Officer and Secretary, Hewlett Packard Enterprise Company)*

PANEL 6

Altagracia Tejada *(Client of The Legal Aid Society, accompanied by Morenike Fajana, Esq.)*

For information on the unmet needs for civil legal services in New York, please see the Annual Reports of the New York State Permanent Commission on Access to Justice, available at www.nycourts.gov/accesstojusticecommission.

PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK

APPENDIX 5:

Transcript, The Chief Judge's 2018 Hearing on Civil Legal Services in New York State

NOVEMBER 2018

SUPREME COURT OF NEW YORK STATE
THIRD DEPARTMENT

THE CHIEF JUDGE'S 2018
HEARING ON CIVIL LEGAL SERVICES
IN NEW YORK STATE

NYS COURT OF APPEALS
20 Eagle Street
Albany, New York
September 24, 2018

BEFORE: HON. JANET DiFIORE
Chief Judge

HON. ROLANDO T. ACOSTA
Presiding Justice of the First Department

HON. ALAN D. SCHEINKMAN
Presiding Justice of the Second Department

HON. ELIZABETH A. GARRY
Presiding Justice of the Third Department

HON. GERALD J. WHALEN
Presiding Justice of the Fourth Department

HON. LAWRENCE K. MARKS
Chief Administrative Judge

MICHAEL MILLER, ESQ.
President of the NYS Bar Association

Suzanne Harrington
Karen Kolterman
Senior Court Reporters

Public Hearing on Civil Legal Services (9/24/18)

P-R-O-C-E-E-D-I-N-G-S

CHIEF JUDGE DiFORE: Good afternoon and please be seated. Welcome this afternoon to the Court of Appeals Hall where we are convened today for the 2018 public hearing on Civil Legal Services in New York. Presiding over the hearing today are the leaders of the Judiciary and the Bar in our State, and I would like to take a moment to introduce them to you.

Seated to my immediate right is Rolando Acosta, Presiding Justice of the Appellate Division First Department. To his right, Elizabeth Garry, Presiding Justice of the Third Department. To Judge Garry's right is Chief Administrative Judge for the State of New York, Larry Marks.

To my immediate left is the Presiding Justice of the Appellate Division, Second Department, Alan Scheinkman. To Judge Scheinkman's left is Presiding Justice of the Fourth Department, Gerry Whalen. And to Judge Whalen's left is Michael Miller, the President of our New York State Bar Association, representing 72,000 lawyers across the state.

Thank you all for being here. Before we proceed, I would like to recognize the Chair of the Permanent Commission on Access to Justice, Helaine Barnett, and thank her for her dedicated leadership on the Commission, which has played a major role in making our civil justice system increasingly

more accessible for low-income New Yorkers.

We owe the Chair a great debt of gratitude for her leadership and extraordinary service as the Commission's Chair and for devoting literally her entire professional life to the cause of equal justice. Thank you, Chair Barnett.

I also want to thank the 32 members of the Commission who have been so generous with their time and talent, working hard to expand access to justice across the State. And I would like to recognize those members who are, today, in attendance here in the beautiful Court of Appeals Hall.

Starting with Judge Lucy Billings, Ann Erickson, Camille Siano Enders, Barbara Finklestein, Sheila Gaddis, Adriene Holder, Lillian Moy and Raun Rasmussen and of course our own Judge Edwina Mendelson. Where are you, Judge Mendelson? There she is, who is here in her capacity also as our Deputy Chief Administrative Judge for Justice Initiatives, which is a statewide position dedicated to ensuring that our courts are doing everything possible to facilitate access to justice in our civil, criminal and in our family courts.

Also present today -- do we have our very special guests? Have they arrived yet? The students from the Business Law Internship Program at Bethlehem High School. Where are you? Excellent. Thank you for being here today and we hope you enjoy today's proceedings.

I also want to thank the Commission's excellent staff for their help in both organizing today's hearing and for their tireless effort throughout the year to support the work of the Commission.

From the Office of Court Administration we have Lauren Kanfer, Barbara Zahler-Gringer and Barbara Mulé, who was not able to attend today, but I'm sure she's tuning in, so thank you.

From Sullivan and Cromwell, which provides the absolutely invaluable support and hospitality that both keeps us nourished and moving forward in the day-to-day operations, and on a substantive level as well.

We have Emily McEvoy who's here today; and attorneys Jessica Klein and Alana Longmoore who were not able to join us today but have been very instrumental in the court's work.

Now the purpose of today's hearing is to hear directly from a broad range of knowledgeable presenters, including individual clients of legal service providers, who we are always interested in hosting here at the hearings.

We're going to hear about the nature and extent of the unmet civil justice needs of low-income New Yorkers, the real life impact of Civil Legal Services on the individuals who are actually served, the broader impact of these efforts on the state's economy and the well-being of our communities across

the state.

And of course, we're here to identify the challenges that lie ahead, and strategize the solutions that we need to continue to close the access to justice gap and maximize the value of every public and private dollar, and every hour of lawyer pro bono devoted to meeting the civil justice needs of our fellow New Yorkers.

Today's hearing, consisting of oral presentations and numerous written materials submitted to the Commission, together with the Commission's research and work conducted throughout the year will form the basis for the Commission's annual report of the Chief Judge, which I have the pleasure of submitting to the Governor and the New York State Legislature on December 1st.

The annual report documents the Commission's latest findings concerning the extent to which we are meeting the legal needs of low-income New Yorkers, the progress that is being made as well as the challenges that remain; and, finally, our considered recommendations about the monetary and non-monetary resources and programmatic measures that will enable us to build and maintain a fair and accessible justice system for all New Yorkers.

Over the last nine years, New York State has become the undisputed national leader when it comes to addressing the

civil legal needs of low-income people. Thanks to these hearings and the work of the Permanent Commission, the steadfast support of Governor Cuomo and the Legislature, the truly impressive and generous pro bono contributions of New York's lawyers and law students, New York City's historic legislation to provide free legal assistance to low-income tenants facing eviction in Housing Court and, of course, the unfailing commitment of legal service providers and public interest groups across the state.

These positive developments do give us cause for optimism, but we cannot ignore the reality, we still have a long road ahead of us. Legal service providers are still turning away far more people than they can serve and the Legal Services Corporation, the largest source of federal funding for civil legal service providers across the country, continue to face indifference, if not outright hostility in Washington, resulting in limited funding and resources for legal service providers.

In New York and around the country, millions of vulnerable people are in desperate need of legal aid as a result of Federal Administration's heightened focus on immigration, the devastating natural disasters like Hurricane Florence that have caused so much human suffering and property damage around the country as well as the uneven economy that has left many people

behind, struggling with serious personal and legal crises, including eviction, foreclosure, family violence and the resulting dysfunction caused by family violence in the home, barriers to safe quality elder care and returning vets who need and deserve our help and support. In response, we are challenged, and we're challenged to be smart and responsible in leveraging our funding and pro bono resources through the strategic planning efforts we'll hear more about today, focused on regional and community based solutions and collaboration.

We are focused on maximizing the power of technology and being smart and creative in using the skills and assistance of trained non-lawyers and of course implementing bold new partnerships with Bar associations, law students and not-for-profits. And we are remaining focused on our excellence initiative, making certain that our courts are meeting their Constitutional obligation to provide timely efficient and affordable legal services to all New Yorkers.

As Chief Judge, I'll continue to use the authority of this position working with Governor Cuomo, the State Legislature, the organized Bar and every stakeholder to make sure every New Yorker, regardless of economic status or background, has access to civil legal services when basic human needs like housing and personal safety are at stake.

I want to thank you all for being here. And before we

begin with the presentations, I have one housekeeping matter that we must all pay attention to. So in an effort to be respectful of everyone's time and devotion to being here today, we're going to use the Court of Appeals famous time-keeping system.

So we have two lights in front of us, there is a red light and a white light. Two minutes before the end of a presenter's allotted time, the white light will go on to alert you to start winding down your comments. And at the sight of the red light, nothing will fall from the ceiling, but we'll ask you to conclude your comments. So, thank you all, and thank you for being respectful of everyone's time.

Now, our first presenter was scheduled to be Jordan Dressler, who's the coordinator of the Office of Civil Justice. Jordan is expected shortly. He had a delay on the train, so we'll be starting with one of our favorite Administrative Judges for the Civil Court of the City of New York, Judge Anthony Cannataro.

Judge Cannataro is no stranger to this courtroom, having clerked here for Judge Carmen Beauchamp Ciparick. And Judge Cannataro, welcome home, and please begin your presentation.

HONORABLE CANNATARO: Thank you, Chief. Should I reserve some time for rebuttal?

CHIEF JUDGE DiFIORE: No time for rebuttal, my friend.

HONORABLE CANNATARO: Good afternoon.

Thank you, Chief Judge DiFiore, Presiding Justices, Commission members, attorneys and court administrators for the opportunity to speak with you today.

As the Chief mentioned, I'm Anthony Cannataro. Since January of this year I have been the administrative judge of the New York City Civil Court, of which Housing Court is a part. My arrival as an administrator in the Housing Court roughly coincides with the introduction of two major changes in the court.

One is the implementation of the many reforms recommended by the Special Commission on the Future of the New York City Housing Court, and the other is the rollout of the Universal Access to Counsel program throughout the City of New York. From my perspective, these two developments are closely intertwined and I sometimes have a difficult time imagining how the Housing Court could operate without either of them.

But my purpose here today is to talk about the Universal Access program and, more specifically, to describe some of the ways that the program has changed the handling of cases in the Housing Court and to discuss the effect Universal Access has had on the outcomes reached. Although there's still a great deal of expansion to be done under the program, the early indications are the Universal Access has had a

positive effect, both for its beneficiaries -- and here I think that both tenants and landlords benefit from the program as well as for the court, itself.

Of the many benefits to be derived from expanded legal services for tenants in Housing Court who cannot afford their own lawyers, there's two goals that are of particular importance; not only to landlords and tenants who come to Housing Court seeking resolution of their disputes, but to the Court, itself.

One is increased speed and efficiency in the litigation and ultimate disposition of housing cases. The other is more fair and equitable outcomes when they are obtained through settlements or by judgment of the Court. The value of efficiency and the savings of time and reduced litigation expenses that accompany it cannot be underemphasized. A greater efficiency, however, must not come at the expense of a fair adjudicative process or equitable outcomes.

When more equitable outcomes are joined with efficiency, then courts, especially high-volume courts like the New York City Housing Court, are truly on the path to the excellence that we seek. I believe the expansion of legal services for low-income Housing Court litigants under the Universal Access program has had a positive effect, both in

terms of the manner in which cases are litigated and the outcomes reached. These results are directly attributable to both sides being represented by competent legal counsel.

The empirical data that would conclusively demonstrate improvements in these two areas is still being developed. As Administrative Judge of the New York City Civil Court, I have endeavored over the last nine months to clear our dockets of inactive and abandoned cases, literally thousands of them, so that the data we analyze can more accurately reflect the true nature of the work being done and the results being achieved in the housing part as well as the other divisions of our court.

I'm optimistic that we'll soon be able to show measurable improvements in the efficiency of litigation in the housing part and in the quality of dispositions. But even now, we can point to some anecdotal evidence that strongly suggests the introduction of attorneys for low-income litigants under Universal Access has had beneficial effects in both areas.

On the efficiency front, Judges presiding in the Universal Access or Zip Code parts, as we sometimes call them, report having to spend less time at early appearances explaining rights and defenses to litigants, as well as other procedural aspects of litigating a case in the Housing Court.

Similarly, judges in the Zip Code parts find less need to discuss fundamental legal principles, such as burdens of proof and evidentiary rules. These are subjects that judges can now reasonably assume will be discussed with counsel in the context of the attorney-client relationship.

Judges have also reported spending less time on some of the more administrative tasks common in Housing Court, such as calculating rents or negotiating with agencies like HRA to secure benefits and grant payments. These are functions that are now being performed more expeditiously by the attorneys for the tenants.

When cases do settle, judges in the Zip Code parts find themselves spending less time conducting detailed allocutions, now that both sides have the benefit of counsel to advise them about the specifics of their agreements.

We are also seeing more changes in motion practice because of Universal Access. This is significant because excessive motion practice can be a major impediment to the swift progress of cases in the Housing Court.

For example, we are seeing that when both sides are represented by counsel, the tendency to make time-consuming motions dealing with non-dispositive issues is reduced. On issues such as amending answers and pretrial discovery, attorneys representing both parties are able to reach

negotiated solutions on matters that tend to only be resolved by motion when one side is unrepresented.

And perhaps most encouraging, the Zip Code parts have seen a noticeable reduction in Orders to Show Cause to stay evictions and for other forms of post-eviction relief. One likely reason for this is that there are fewer final judgments coming out of the Zip Code parts overall, a result of more and more favorable settlement agreements being reached.

Fewer Orders to Show Cause of this nature incidentally is one indicator that the quality of resolutions has also improved under Universal Access. Another reason for the reduction in emergency Orders to Show Cause is that legal service providers are better able than the Court itself to work with HRA to ensure that grants are paid before evictions become imminent.

The overall increase in settlements under the Universal Access program is perhaps the most encouraging development. Judges report that more cases are resolved through stipulation as opposed to final judgment of the Court. Judges in the Zip Code parts can also mark cases off calendar with greater confidence that promises of future settlement will actually come to fruition when two attorneys are involved.

Not only are more cases getting settled when attorneys

for both sides are regularly present in the part, cases can settle sooner without the need to wait for a future appearance before the Court.

Lastly, in the area of efficiency there's been a recent decline in the number of overall filings in the Housing Court. It's difficult to describe any particular reason for this decline, and in all likelihood there are probably several factors which have contributed to this trend. However, one factor that cannot be ruled out is that with more counsel for tenants, landlord errors relating to rent overcharges, rent stabilization applicability and treble damage issues are more apt to be discovered before litigation begins. And as a result, some landlords may be moving more deliberatively towards -- before starting a proceeding in the Housing Court. Beyond improved efficiency there's also positive signs with respect to justice outcomes. At the risk of stating the obvious, the issues in housing disputes are more thoroughly litigated when tenants are represented by competent counsel. Fewer available defenses are overlooked, more relevant facts are adduced, and more effective arguments are made. The overall effect of these improvements on the outcome of cases cannot be overstated. Even though there's been an observed reduction in non-dispositional motions, motions seeking dismissal and other substantive forms of relief appear to be

rising. Even more significantly, judges report that these types of motions have become much more difficult to decide because they are now better argued. Housing judges and their court attorneys find themselves doing more research and writing. I believe that Supervising Judge Schneider has also identified what appears to be an increase in the numbers of appeals taken from Housing Court orders, which under these circumstances is an indicator that better law is being developed.

As stated a moment ago, the decline in Orders to Show Cause in the Zip Code parts suggests that the terms of settlements are more equitable when counsel are involved and that Universal Access providers are playing a role in making sure that benefits are reaching tenants before an eviction is triggered. The hope is that the cycle of failed agreements and follow-up proceedings can be broken when lasting resolutions are negotiated by capable counsel on both sides.

There are also some tonal changes taking place in the Zip Code parts that suggest a fair adjudicative process. For example, when both sides are represented by counsel, judges tell us that they now feel less pressured to take on the role of advocate than they might otherwise feel when an unrepresented litigant is before the Court. Allowing judges to maintain greater neutrality almost certainly enhances the

integrity of the Court's deliberations and its decisions.

Additionally, when the traditional roles of the Court and advocates are more closely followed, there's an increased sense of professionalism in the courtroom. This in turn leads to greater confidence in both the court process and the outcomes reached. As Judge Schneider will observe even in the hallways outside the courtrooms, the power dynamic in negotiations is becoming more balanced and tenants experience less pressure to settle whatever terms are being offered by landlords. The Universal Access program is still in its relatively early stages and there are many tenants in the Housing Court who have yet to become eligible for its benefits, but the early indications are encouraging. It's my hope that soon the improvements in both process and outcomes that are being anecdotally reported in the Universal Access parts will be supported by data showing that cases are indeed moving more efficiently through the Housing Court, and that the outcomes reached are more just because both sides are represented. I look forward to the continued expansion of the Universal Access program and the benefits to the Housing Court that it finds.

Thank you.

CHIEF JUDGE DiFIORE: Thank you, Judge.

So, Judge, as the Administrative Judge responsible for

official operations of our courts, are you concerned about the early expressions of -- or observations that the infusion of more lawyers doesn't bog down the caseload? Can you expound on that a little bit?

HONORABLE CANNATARO: There's already a delay inherent in the Housing Court process. I feel -- I'm happy to report to you that as of this time, with Universal Access and counsel on both sides, the trend seems to be toward the cases speeding up, not slowing down.

There's no question that attorneys are better at delaying proceedings when they want to than self-represented litigants are. And it's exciting because I think the judges who are now sitting in the Housing Court are going to learn a whole different way of conducting their cases, the way that judges who sit in many other trial courts where both sides are represented do. They're going to learn when attorneys are playing games, so to speak. And they're going to have to learn to tell the difference between a serious request for an adjournment or a good reason to delay a proceeding and when the request is not serious or the reason is not that good. This actually indicates a good movement towards the development of our judges. So, the signs are encouraging.

CHIEF JUDGE DiFIORE: And this is probably better presented to Judge Schneider. I assume that they are looking

to give additional trainings to our Housing Court judges in that regard?

HONORABLE CANNATARO: We are, we are constantly training the Housing Court judges, and I know Judge Schneider can speak to that. I don't know if she'll tell you, but we have a very young bench in the Housing Court.

And it's a great opportunity for us to teach them a different way of doing things than the way they've been doing things for the past few years. The statistic is that fully 20 percent of our bench has been appointed in the last year. We had ten new judges appointed this year.

PRESIDING JUSTICE ACOSTA: I was surprised to hear that there are fewer filings now in the Housing Court. Is that non-payments and holdovers and tenant-initiated across the board?

HONORABLE CANNATARO: It might not be HP actions, but it's non-payments and holdovers and it's a very recent trend. It could have something to do with the general economic climate right now. But as I said in my remarks, one other factor that we haven't overlooked is that landlords just aren't so quick to run to Housing Court now that they know the tenants are represented by lawyers.

PRESIDING JUSTICE SCHEINKMAN: Is this program available only at the Housing Court level? What happens if

review is sought either by the landlord or the tenant?

HONORABLE CANNATARO: Appellate review?

PRESIDING JUSTICE SCHEINKMAN: Appellate review.

HONORABLE CANNATARO: I'll defer that to Mr. Dressler. My understanding is that there's no appellate counsel available at this time.

CHIEF JUDGE DiFIORE: Unless there any other questions of Judge Cannataro?

MR. MILLER: I had one, yes.

Judge Cannataro, one of the -- probably the most important recommendation that the Special Commission on Housing Court report to the Chief Judge made earlier this year was the expansion of the Housing Court bench from 50 to 60. I believe it has not expanded in about twenty years, if I'm not mistaken.

Having spent the first decade of my practice in Housing Court, I'm very familiar with some of the challenges that you face, and I think that Universal Access is an extraordinary contribution. But, I was wondering, what is the status of the expansion?

HONORABLE CANNATARO: I'm not aware of any imminent arrival of new judges to Housing Court but, you know, Mr. Miller, it's an interesting thing in New York City -- while I would love to have ten more Housing Court judges, and

I would probably sign a petition if you gave me one in support of that, we are somewhat cramped for space in New York City.

The facilities in which Housing Court resides, in all five boroughs, are bursting at the proverbial seams. If we had ten more Housing Court judges I'm not sure where we would put them, to be totally honest with you. So there are a lot of issues to tackle before we just add more judges.

CHIEF JUDGE DiFIORE: Thank you, Judge.

And now we'll move to Jordan Dressler, who is the Civil Justice Coordinator for the New York City Human Resources Administration; an enormous job, extremely impactful work.

Mr. Dressler, thank you for being here.

MR. DRESSLER: Thank you, and thank you for your consideration.

Good afternoon, Chief Judge DiFiore, Chief Administrative Judge Marks, the Honorable Presiding Justices and President Miller, my name is Jordan Dressler and I am the Civil Justice Coordinator for New York City. In that capacity I am honored to lead the City's Office of Civil Justice (OCJ), the unit of the New York City Human Resources Administration (HRA).

New York City Local Law 136 of 2017, enacted in August of last year, tasked my office with implementing New York

City's Universal Access to Counsel initiative to provide access to legal services for every tenant facing eviction in New York City Housing Court and at administrative proceedings at the New York City Housing Authority.

With the signing of this legislation by Mayor Bill de Blasio, New York City made history and became the first city in the United States to make this commitment to tenants facing eviction in Housing Courts and public housing tribunals. I am grateful for the opportunity today to describe our Universal Access Law and to detail our implementation efforts to date.

To start, I would like to thank the Office of Court Administration and the Judiciary for its stalwart leadership in the area of improving access to justice in New York City and State, particularly as we implement the historic Universal Access to Counsel initiative. We are especially grateful to Chief Judge DiFiore for convening the Special Commission on the Future of the New York City Housing Court last year, which provided stakeholders from across Housing Court practice, including the Office of Civil Justice, the opportunity to make proposals, offer insights, raise concerns and collaborate on a shared vision for a Housing Court that can and will provide effective, efficient and meaningful justice to all who come before it.

Providing civil legal services for New Yorkers in

need, in particular legal services for tenants, is a critical part of HRA's efforts to advance the de Blasio Administration's priorities of combating income inequality and poverty, addressing homelessness and making New York City the fairest city in America. The de Blasio Administration has made new and expanded initiatives that provide assistance to tenants facing eviction, displacement and other housing-related issues a core element of a prevention-first approach to addressing homelessness and promoting housing stability and affordability, especially for low-income New Yorkers.

Not only is preventing homelessness before it occurs critical to meeting the overarching goal of New York City's Turning the Tide plan to address homelessness that increased 115 percent from 1994 to 2014, it is also a cost-effective and commonsense response to New York City's homelessness problem, and it promotes a fair and equitable justice system, particularly in the City's Housing Courts where tenants under threat of eviction have long faced an uneven playing field where the vast majority of landlords are represented by legal counsel but most tenants are not.

Our commitment to access to justice for tenants is reflected in a substantial increase in mayoral funding for these critical services. In City Fiscal Year 2013, mayoral

funding for tenant legal services programs was approximately $6.4 million. As of City Fiscal Year 2018, tenant legal services programs were funded at over $77 million, a twelve-fold increase. And during that time, the New York City Council passed and Mayor de Blasio signed legislation to establish New York City's Office of Civil Justice, a new municipal office tasked with implementing, allocating, overseeing and monitoring the impacts of these investments.

I am happy to report that these efforts have already delivered positive and promising results. For example, in 2013, an estimated 1% of tenants facing eviction in New York City Housing Court had legal representation in court, but in a 2016 analysis the Office of Civil Justice found that the legal representation rate for tenants in Housing Court had grown to 27%; more than one in four tenants facing eviction in Housing Court had counsel. As New York City dramatically increased its investment in legal services for tenants, residential evictions by marshals in New York City dropped by 27%, from roughly 29,000 in 2013 to approximately 21,000 in 2017, representing an estimated 70,000 New Yorkers who remained in their homes as a result of decreased evictions. At the same time, in the New York City Housing Court, the number of eviction cases filed declined, with approximately 17,000 fewer eviction proceedings filed in 2017 than in 2013, a decline of

7%.

In the current City Fiscal Year (Fiscal Year 2019), our baseline budget for civil legal services for low-income City residents and other New Yorkers in need administered by OCJ is approximately $124 million, which includes $93 million for legal services programs for tenants facing eviction and displacement, including Universal Access, a 15-fold increase over the 2013 budgeted funding level for tenant legal aid.

With regard to tenant legal services, the centerpiece of our efforts is Universal Access to Counsel. The local law establishes programs that will provide access to eviction defense legal services for all tenants in Housing Court and in New York City Housing Authority administrative termination of tenancy proceedings. The Universal Access law specifically provides that New York City will provide access to every low-income tenant facing an eviction case in Housing Court to free legal representation, that is, a defense attorney in the tenant's eviction case, by the end of the five-year phase-in period.

Under the Universal Access Law, OCJ is tasked with establishing a legal services program that will provide free, full legal representation in court to tenants facing eviction proceedings in Housing Court whose household incomes are at or below 200% of the Federal Poverty Guidelines, which is

approximately $50,000 annually for a household of four. The law further provides that OCJ will establish a program to provide free brief legal assistance for those households whose income exceeds 200% of the Federal Poverty Guidelines, and will implement a Universal Access to Legal Services program for tenants facing eviction in administrative proceedings in NYCHA.

A five-year phased implementation of Universal Access is now underway and is due to be completed in 2022, at which point all tenants in eviction proceedings in Housing Court and at NYCHA will have access to free legal services. At full implementation, Universal Access will be supported by a projected 155 million dollars in administration funding annually, and is expected to provide free legal services in approximately 125,000 cases per year to 400,000 New Yorkers. This multi-year, phased-in approach to growth and expansion is a part of the Universal Access statute, itself, and it is critical for a realistic plan for implementation.

The Administration, the New York City Council, legal services providers and tenant advocates all agree that a first-of-its-kind undertaking of this size, scale and impact will take time to develop the administrative infrastructure, the pipeline of supervisory and staff-level personnel and the non-staff resources that are necessary to meet this challenge,

as well as time to identify the most effective ways of creating meaningful access to counsel for thousands of low-income tenants facing eviction.

OCJ is establishing Universal Access through implementation by zip code, identifying neighborhoods across the city where eviction and displacement risks and pressures are acute and focusing first on these communities. This zip-by-zip approach has enabled us to partner with the Housing Court administration and legal services providers to facilitate meaningful and effective methods of providing access to counsel.

Currently, low-income tenants facing eviction proceedings in Housing Court in fifteen zip codes across the city identified based on factors including the prevalence of rent-regulated housing, high numbers of shelter entries and the volume of eviction proceedings have access to free, full legal representation, and we intend to implement the next phase of Universal Access in five more zip codes this year, twenty in total, as legal services providers continue to increase their capacity and are able to handle the increase in cases.

As part of the implementation process, OCJ, the provider organizations and the Housing Court developed robust and reliable processes for tenants in zip codes targeted for

Universal Access legal services to be connected with available counsel. This effort built on the Expanded Legal Services, ELS, program established by HRA as a precursor and pilot for Universal Access. OCJ worked with Supervising Judges, Resolution Part Judges and non-judicial staff in each Housing Court as well as legal services providers to develop intake processes to connect tenants in need of legal services with lawyers to provide those services. The courts started routing newly calendared cases drawn from the target zip codes to designated courtrooms. OCJ has conducted outreach through mailers to tenants in eviction proceedings in the target zip codes. In the courthouse, legal services providers have established intake operations in or next to these designated courtrooms, allowing eligible tenants to access their services in an efficient and effective process. Provider staff receive court calendars showing tenants with court cases on the designated part on that day, speak with tenants, offer services and assess program eligibility, all within steps of the courtroom in which the cases are heard. If the tenant wants assistance, the providers then conduct a brief intake and an attorney files a notice with the court indicating that the tenant is represented.

Working with the Housing Court and legal providers over the course of the last year, our investments and the

refinements we made to case referral and intake processes are already yielding meaningful results. Housing Court is becoming a significantly fairer place for tenants who now have wider access to legal assistance. Based on an analysis of data provided by the Office of Court Administration, we are seeing substantially higher rates of legal representation in areas targeted for assistance. In ten zip codes across the city that were initially selected for targeted legal resources in the expanded legal services program, the legal representation rate for tenants in those zip codes who were facing eviction in Housing Court has dramatically increased.

In the first quarter of City Fiscal Year 2016, roughly 16% of tenants in these zips facing eviction had counsel in Housing Court. Just two years later, in the beginning of City Fiscal Year 2018, the rate of representation for tenants in these zip codes had tripled, with 48% of these tenants in court having counsel. The highest representation rate we found was in Brooklyn where 66% of eviction cases in the two targeted zip codes in that borough involved tenants represented by an attorney in court, up from 32.5% two years prior. The largest increase came in the Bronx, where the rate grew from about 12% in the first quarter of 2016 to over 46% in the same period for 2018. We are encouraged by these findings and we are grateful for the collaborative work with

our providers and the Court which has enabled this game-changing approach to access to counsel in Housing Court.

As to outreach, the City's Public Engagement Unit at HRA has deployed a dedicated team of tenant specialists to conduct outreach in neighborhoods targeted for Universal Access services to reach low-income tenants facing eviction in Housing Court, notify them of their access to free legal representation and connect them to services.

In addition, the Public Engagement Unit and OCJ will be launching a multilingual, paid advertising campaign in these neighborhoods to better ensure that tenants are aware of their access to legal services later this year. We are also working with legal provider partners to develop a program model to effectively provide comprehensive access to legal services for NYCHA tenants facing termination of tenancy proceedings.

Looking ahead, in addition to implementing Universal Access legal services in five more zip codes, we will be issuing our first Universal Access progress report in the coming weeks. In it we will detail a range of indicators about tenants in eviction proceedings in Housing Court that were represented by counsel through the City's legal services programs and their cases, data that we expect will reflect the steady progress we are making in implementing Universal Access

and creating a fairer system of justice for New Yorkers facing eviction.

Thank you again for the opportunity today to discuss New York City's work providing access to justice for tenants in need. We look forward to continuing working alongside New York City's legal services providers and other stakeholders towards the goal of a fair and equitable justice system for all.

CHIEF JUDGE DiFIORE: Thank you, Mr. Dressler.

Jordan, we always talk about the return on our investment of civil legal service dollars and it might be too early, but have you done an analysis to identify some of the returns, the economic benefit to the City? Or, if not, if it's too early, is there a plan in place for that?

MR. DRESSLER: It is too early as we're only one phase into a five-phase implementation plan, and so it would be difficult to really assess the full impact there. What we do know is that any avoidance of shelter, a true avoidance of shelter for a household, a family, is going to be exponential. The cost of legal services for full implementation pales in comparison to the cost of a year in a shelter. So, we are readying ourselves for what are the building blocks for a true analysis in that regard. The data is not there yet as we're so early in the process.

CHIEF JUDGE DiFIORE: Thank you.

PRESIDING JUSTICE SCHEINKMAN: I would urge you to give some consideration - I know you have many needs - to the issue of appellate review. We sponsor the Appellate Division's First and Second Departments, we sponsor the Appellate Terms. And as a former member of the Appellate Terms, I'm certainly familiar with people coming in with requests to stay evictions and the difficulties that they encounter in trying to manage the process. We're going to be working to try to simplify our rules to make it a little bit easier for people who don't have legal counsel, but with all of this terrific work that's going on in the trial level I think some focus toward providing assistance to people at the appellate level would be very much appreciated.

MR. DRESSLER: Thank you.

PRESIDING JUSTICE ACOSTA: I sort of had a similar question, but let me try to tackle it from a different direction. Are there restrictions on the nature of the representation of these tenants and either -- so the same lawyer that represents them in Housing Court can take the case to the appellate term and then ultimately seek leave to the Appellate Division, right?

MR. DRESSLER: As it stands, yes. We certainly wouldn't stand in the way of a legal organization taking a

case up. There are questions of funding, but let me be clear about the four corners of the Universal Access Law. This was a law that was a product of intense negotiation between the City Council and the Administration with plenty of input from the service providers and a broad coalition of tenant and housing advocates. And the eligibility was limited to summary proceedings in Housing Court and terminations tenancy proceedings at the administrative level at NYCHA. That's where it stands. That's where we are.

With that being said, I think we are entering into somewhat uncharted water with a wide variety of -- wide availability of legal services for low-income tenants. We will monitor things like claims of ineffective assistance of counsel at the Housing Court level and what that means in terms of which provider can take a case up, are there limitations, things like that. To some extent, we haven't seen that before, certainly not at scale. It is part of a larger movement towards a very rich and robust jurisprudence around housing law, which is, in our opinion, a direct product of widely available full legal representation.

PRESIDING JUSTICE ACOSTA: Just to follow up, it not only restricts you with respect to the nature of the representation, I'm also interested in making sure that the representation is broad enough. So, for example, building

HPs, can you represent the tenant in a particular building on a rent strike? Do all the members -- do all the tenants need to qualify, that is, be over 200 percent of the Poverty Guidelines, or can you represent the entire building and only handle the individuals that do meet eligibility? Those are important things. That's how the law is developed, and you're going to wind up with a portion of the building being evicted rather than the entire building, so it gets complicated.

MR. DRESSLER: I should mention that the City supports programs that not only provide the eviction legal services but anti-harassment legal services which can take the form of bringing lawsuits against unscrupulous landlords. We are spending this year understanding how to harmonize the two programs in the face of a legal mandate to provide Universal Access to anti-eviction legal services with the added pressure of availability of outright legal capacity.

We all agree that if we were to snap our fingers today there would not be enough lawyers in this room, in this state or in this country to provide the level of legal services -- quality legal services necessary to be at full implementation today, and we now have a legal mandate to provide these services by a date certain. And so we have to balance directing growth in particular areas to meet that mandate while also being sensitive to the needs that are in the

community and across the city.

CHIEF JUDGE DiFIORE: Thank you, Mr. Dressler, and thank you for your work.

Judge Schneider. Judge Schneider is the city-wide supervising judge at the New York City Housing Court and is a woman who has a very long history and a great depth of knowledge in this area. Judge Schneider, thank you for being here.

HONORABLE SCHNEIDER: Thank you.

Chief Judge DiFiore, Presiding Justices, Judge Marks, Mr. Miller, thank you for the invitation to speak with you today. I am really excited to have a role in guiding the court at this time which I think has become sort of a living case study of the impact on the court and the impact on its litigants and on the impact on justice of a dramatic expansion of access to civil legal services. I believe that the experience that we're having in the Housing Court now is a great advertisement for the work of the Permanent Commission and the work that the New York State Court System is doing to attempt to expand access to justice across the state.

There was an article in the *New York Law Journal* just a week ago about the expansion of the Universal Access program, and Mitch Posilkin, who is with the Rent Stabilization Association, was quoted in that article as

saying that RSA is supportive of expansion of counsel, believes that everyone should have counsel. Their representatives have testified at hearings like this to that effect. He expressed a concern that the court would be overwhelmed by the addition of so many new lawyers for tenants.

I want to try to convince you today that, in fact, our court is improving by leaps and bounds as a result of this program in some ways that you would predict and in some ways that may be a bit surprising. Let me give you some examples. Housing Court has been criticized in the press and elsewhere, I believe somewhat deservedly, for having a toxic hallway culture. In our hallways over the course of the decades of our existence lawyers representing landlords have attempted to reach settlements with unrepresented tenants far from the Court's eyes and ears.

Starting 21 years ago with Chief Judge Kaye's reorganization of the Court, we have tried various different methods to bring those hallway negotiations into the courtroom and to try to take control of them. What Universal Access has done is to turn those efforts on their heads, the Universal Access attorneys -- and there are a great many of them. In every one of our courts, there are scores and scores of new lawyers representing tenants in every borough, and those

lawyers are taking fairness into the hallways. They are in the hallways working on their own cases, but they pay attention to what's going on around them and they have brought forcefully to the Court's attention instance after instance of inappropriate behavior that they have witnessed or have been a part of inappropriate patterns of behavior in the hallway.

When we get hold of this, we are then able in a forceful way to take control of it. Our attitude is the hallways are our hallways and we are responsible for what happens there. We have addressed the complaints, yes, by disciplinary complaints in certain circumstances but also with training and dialogue. We now have regular meetings with the entire Bar in every borough to discuss this among other things. We have organized lunchtime CLE programs on civility and appropriate decorum in courthouses, in courtrooms. We have done additional training for our judges on these issues, and we are getting better. I'm not going to say to you that that work is done, because that is a really big piece of work, but I honestly believe that Universal Access has enabled us to do to a much greater extent than we ever have before to get into what our hallway culture is and to address it.

Inside the courtrooms, lawyers for tenants and landlords are now framing legal arguments for judges in particular cases that have an impact not just on the

particular case that the lawyer stands up on but on other cases. For example, our judges hear an argument. On a particular case the judge is educated on a particular point of law, the judge perhaps writes a decision on that point of law, and that judge now remembers that argument and that issue on the next case in which perhaps the tenant is not represented by counsel. There is an expansive impact on the court as an institution which goes beyond.

I believe that HRA is estimating now that when it's fully implemented Universal Access will provide attorneys for -- in the vicinity of 60 percent of tenants and Housing Courts city-wide with representation. So we are always going to have some litigants, we think, who are not represented. Those are going to be people who are above the income limitations for Universal Access but do not have enough money to be able to pay a lawyer. That's going to be, I think, our next challenge in the courthouse, to figure out what happens with those folks. But I think it's important to note that the substantive work that the Universal Access lawyers do is substantive work that will benefit not just their own clients but others and will educate the Court as a whole.

Another way the impact of Universal Access spreads is that when a conference or an argument on the motion is happening in front of the courtroom, other litigants who may

not have lawyers are watching. They have the opportunity to observe and to learn, and they see an even playing field. So the litigant maybe becomes a little bit bolder about raising issues, him or herself, perhaps learns something that he or she didn't know before listening to another argument, and the Court in addition to being fairer also looks fairer. And I think that that's very important, as well, because perceptions are always tremendously important.

Finally, I think I -- I find it hard to believe that this expansion of access to counsel in the trial court will not ultimately lead to the ability to appeal cases. Maybe I'm being a Pollyanna about this, but I've been a civil legal services lawyer, myself, and I know how civil legal services lawyers feel about the issues that they're able to develop and about being able to take them on, and I believe that that's going to happen.

I think that we are already seeing significant development in the law. I had an amusing conversation with Andrew Scherer, who's the author of the Ultimate Practice Book on New York Landlord-Tenant Law, who had just finished doing the updates for next year's book, and he said, "Took me twice as long." There are so many more reported decisions on landlord-tenant issues than there used to be. This excites me as somebody who's a real landlord-tenant law nerd. But I

really think that the development of the law in this area will be good for us as a city, as well.

Thank you very much.

CHIEF JUDGE DiFIORE: You're welcome, Judge.

So, Judge, given your long history and your knowledge and your reputation for having some constructive criticism about the court, we're thrilled to hear that it's your perception that the Court is being fair and acting in a fair way. Do you think, as importantly, that it's not only the impact on litigants who come in, but is that the perception do you think of the people coming to the Housing Court? Is that starting to be that this is a fairer place and it is a more even playing field? Because that is important to us, as well.

HONORABLE SCHNEIDER: I believe so. I think that -- you know, in the Universal Access parts, in the parts where the cases in the covered zip codes are handled, it is definitely the perception. But access to counsel has spread outside of those zip codes, as well. We are still making referrals of cases in out-of-zip code areas, and the legal services providers are still picking up some of those cases, although not in the same numbers.

And so what the activity in the courtroom looks like now is very different from what it looked like five years ago. There is a real give and take, there is real exchange of

views on two sides going on in every one of our courtrooms. I believe that that contributes to the perception of the court.

CHIEF JUDGE DiFIORE: I very much appreciate the way you characterized the mission of the lawyers bringing fairness into the hallway. I think that's terrific. It's such a practical reality.

Anyone else? Judge Marks?

CHIEF ADMINISTRATIVE JUDGE MARKS: Judge Schneider, there was discussion earlier about the impact this is going to have on the volume of litigation in Housing Court, and I find it hard to believe that just a few years ago one percent of the tenants were represented by counsel and now we're looking at in a few years a very large majority represented by counsel. That's not going to lead to maybe an explosion at the worst, but certainly a very significant increase in litigation, maybe not more cases but more litigation within the cases. And if the Housing Court -- there are a lot of great things going on in Housing Court now that we're all working on, but if Housing Court can't absorb that additional litigation, I think we have a real problem on our hands. And there was made mention of the need for more Housing Court judges and that's probably true, but we need the Legislature -- the State Legislature to act, and that's not a simple thing to do. It took many years to get more Family

Court judgeships, which finally happened a few years ago.

But, what are your thoughts about that and are there other resources that we can bring to bear to accommodate what will most certainly be a substantial increase in litigation? Are we doing things now already to accommodate, to bring in other resources to address that issue?

HONORABLE SCHNEIDER: We are doing a number of things now. One of the interesting things about our experience now is that there absolutely has been a noticeable increase in pre-trial motion practice, and that's very different from what we had before. We are at the end of this week actually interviewing to hire a substantial number of additional court attorneys to work with our judges to help with analysis of motions, writing decisions, legal research, that sort of thing in addition to the courtroom work that our court attorneys now do.

We also are sort of relieved in a way to discover that that increase in pre-trial motion practice seems to be, as Judge Cannataro mentioned, a balance to some extent with a decrease in post-judgment practice in the motion practice which is seeking additional stays, additional time for putting together money, making payments and so on. And we think that that's because the Universal Access attorneys are planning that portion of how that's going to go while they're doing the

other work. So there has been some shifting there.

There are a greater number of cases being referred out to trial but not a greater number of cases being tried to completion. I find that very interesting and a little reassuring that perhaps there is a little more jockeying going on to the very end, but there is not, as Judge Cannataro mentioned, a decrease in the number of cases that are being resolved in settlement. We have been really pleased that our colleagues on the Civil Court are pitching in and doing some Housing Court trials when they don't have a civil court trial going on. We're making referrals to them. We've done some training for them on how to try a nonpayment proceeding, and we've been tremendously grateful there.

I think we're going to have to continue to monitor the trial activity. I'm a little bit worried about that, and I do want to keep looking at whether we need to think about JHO resources or other kinds of resources to help us on that end. But we are watching it carefully because we don't want it to get away from us.

CHIEF JUDGE DiFIORE: Thank you. Thank you all for being here. That concludes Panel 1.

At this point, we'll await Panel 2.

Afternoon. Our next presenter is Julianne White, who's a client of the Legal Aid Society of Northeastern New

York. And Miss White is accompanied today by a special guest to the Court, Fiona, who is Miss White's emotional support dog. Thank you, Miss White, for being here.

MS. WHITE: Good afternoon.

CHIEF JUDGE DiFIORE: Good afternoon.

MS. WHITE: Thank you for having me.

CHIEF JUDGE DiFIORE: Miss White, if I may. If you could try to keep your voice up. I know you're probably unaccustomed to public speaking, but everyone here would like to hear you.

MS. WHITE: My name is Julianne White and I am here today to share my story as a client of the Legal Aid Society of Northeastern New York. Last year, the Legal Aid Society assisted me in filing housing discrimination complaints against my former landlord, Glens Falls Housing Authority. Glens Falls Housing Authority unilaterally and unlawfully denied my request for a reasonable accommodation to have an emotional support animal in my apartment.

As a result of Legal Aid's assistance, I reached an agreement with the Housing Authority in which they were required to compensate me for out-of-pocket expenses and make systemic changes in how they receive and evaluate requests for reasonable accommodations. The complaint process was long, frustrating and stressful.

I had become used to being told no. At times I thought the Housing Authority would not be held accountable for their discrimination. I persisted because I did not want other people like me with limited income and resources to suffer the same frustrations and discriminations I did. I am confident that the systemic changes required will benefit other tenants and safeguard their access to affordable housing.

In 2014, I was fortunate to be approved for an apartment located in Glens Falls Housing Authority. Since I have a fixed income, and my rent was a percentage of my income, the rent was affordable. I suffer from anxiety and depression among other things.

In December 2015, my ex-husband, Bob, passed away after years of suffering from dementia. I was feeling very low and very lost because Bob was my best friend. It was like I had no one. My kids have their own lives and I don't see them a real lot. It set me back further into the depression and anxiety.

In Spring 2016, my symptoms got worse. I couldn't seem to climb out of the hole. At the recommendation of my physician, I started counseling in April 2016. Although I regularly attended counseling, my symptoms, including limitations related to social interaction, persisted. I tried

medications but they did not help my symptoms.

Both my counselor and my physician recommended an emotional support animal. After my medical providers mentioned an emotional support animal, my spirits lifted and I looked forward to having a small dog.

In March 2017 I submitted a written request for a reasonable accommodation to have an emotional support animal in my apartment. Shortly after submitting my request, the Housing Authority responded and said that they do not allow dogs to be housed in any of their high-rise senior housing buildings.

The Housing Authority, which has about 300 apartments in three buildings, told me that they set aside three apartments at a different building than the one I lived in, and all three of the apartments were occupied. The Housing Authority offered to put my name on a waiting list for one of the three apartments when one became available.

I refused, because they put stipulations on that I could only go certain places in the building with my dog. When I received the denial letter, I felt very frustrated. I did research on the Internet about reasonable accommodations and emotional support animals and was confident that the Housing Authority had to consider and grant my request.

I tried calling private attorneys but no one knew

about emotional support animals. I had been working with a Legal Aid paralegal, Teresa DePaul, on my application for SNAP benefits and a Legal Aid attorney, Rose Landau, on drafting a will and healthcare directives, and they referred me to their office for the issue with my landlord.

My case was assigned to Brenna Sharp. Brenna sent a letter to the Housing Authority on my behalf requesting reconsideration of my request. She argued that the Housing Authority's policy regarding emotional support animals violates both federal and state law. We received a letter from the Housing Authority in which they stood by their initial decision.

In June of 2017, we filed complaints with the New York State Division of Human Rights and the Department of Housing and Urban Development, HUD. In the same month, I had surgery and developed pneumonia, which extended my hospital stay. I experienced stress and anxiety following the Housing Authority's initial and continued refusal to grant my request for a reasonable accommodation.

In December of 2017 -- did I miss a page? Yes, I did -- okay. Because the Housing Authority refused to accommodate my disabilities, I felt I had no choice but to move out of the Housing Authority into a new apartment that allows me to have my emotional support animal.

Even though I had to spend more on rent, I felt better once I adopted Fiona, my now eleven-year-old longhaired Chihuahua. I've attached a photo of my Fiona. In January 2018 the State Division of Human Rights found probable cause to believe that the Housing Authority may have engaged in unlawful discriminatory practice by refusing to allow me to have an emotional support animal as an accommodation for my disability.

In March of 2018, a year after my initial request for a reasonable accommodation, we resolved my federal discrimination complaint by reaching a Conciliation Agreement provided by HUD, in addition to allowing me to return as a resident at any point in the future with Fiona or another assistance animal and compensating me for out-of-pocket expenses.

The Agreement requires that the Housing Authority amend their form, lease, participate in fair housing training and post anti-discrimination posters. The posters help ensure all tenants and applicants for public housing know that the Housing Authority has to accommodate their disability.

There are over 300 people who rent from the Housing Authority and all of them now can see their rights clearly posted. HUD may also review compliance with the terms of the agreement at any time. The results we got was far above what

I expected. I am happy with the ending. I would not have had the same result without Legal Aid's assistance.

CHIEF JUDGE DiFIORE: Thank you, Miss White. Miss White, you are obviously a strong and effective self-advocate, but not everyone is so blessed with those gifts, and we're always concerned about how we connect people who need service to the service, itself.

In going through what you have been through, have you thought about that, that communication that's necessary to allow people to learn about what the services are that are available?

MS. WHITE: Myself, I did not know all that much about it until --

CHIEF JUDGE DiFIORE: So how did you come to Legal Aid in the first instance?

MS. WHITE: It was through Paul -- Teresa DePaul. They were working with me with my SNAP when I was in the apartment and on the forms and stuff and got me the food stamps and stuff. And then Rose Landau, I had asked them to do a will and my healthcare proxy for me.

And the main thing was that I called because of this, and then they went through and directed me to Brenna to help me with my complaint. So it was kind of a long thing but it shows you where one person leads to another person. Which,

they helped me a lot. Because it was like I asked lawyers and a lot of them said no. And I did find out that people are ignorant of these laws and practices.

CHIEF JUDGE DiFIORE: We're always trying to find ways to educate people.

MS. WHITE: The Glen Falls Housing, they just thought they were right.

CHIEF JUDGE DiFIORE: So how has Fiona impacted your life?

MS. WHITE: Much, much, yes. She's a sweetheart, yes.

CHIEF JUDGE DiFIORE: Well, it was more than a reasonable accommodation.

MS. WHITE: Yes. And my main goal, even though I had moved out of there, was to continue, because I didn't want to lose, and I wanted other people to know to not go through what I had to go through, because it is a conglomeration of apartments and there are seniors.

CHIEF JUDGE DiFIORE: Thank you for coming. Thank you for sharing your story. And thank you for introducing us firsthand to Fiona.

Our next speaker on the panel is Ismael and Janet Villalta. And Janet and Ismael are accompanied today by their attorney, Vivian Storm. Who would like to start?

MR. VILLALTA: I am Ismael Villalta. I came from El

Salvador when I was a teenager and I am now a US citizen. In 2004, I married my wife, Janet Villalta, we worked hard, started a family, and bought a home. I thought I was living the American dream, but our dream soon turned into a nightmare that we thought would end in foreclosure. Thank you to Nassau/Suffolk Law Services, that nightmare is over and we have a second chance to keep our home.

When I first arrived in the U.S., I spoke no English. I have worked hard since I came to this country to learn English and a trade. But when I bought my home in 2005 reading English was still difficult for me. I didn't know anything about financial terms like adjustable rate mortgage or interest index.

The mortgage broker who found a loan for us promised me a month payment about $2200 a month. I knew the house was very expensive for us, but Janet and I are careful with money. We put a chart of our monthly bills on the wall at that time and sent extra to our bank whenever we could.

I wanted to pay off our mortgage as soon as possible to give our family a better future. I didn't realize that the monthly payment the broker promised was just an introductory rate. Instead, I had two adjustable rate mortgages with monthly payments that would be soon more than my entire income.

I didn't realize that I should have been suspicious when the mortgage broker told me to come to a closed office after business hours to sign my loan documents, and I didn't realize something was wrong when I was never able to speak to the lawyer the mortgage broker assigned to me.

I was shocked when my monthly payments suddenly shot up in 2008. Janet was not able to work at the time because we had three young children, two with special needs. So there was no way for us to make the payment.

I called the bank handling my loan to find out what had happened and to explain that it would be impossible for me to make the payments. The customer service agent laughed at me for being ignorant and threatened that the bank could increase my interest rate to 20% or more.

My lawyer at Nassau/Suffolk Law Services has explained to me my interest rate went up, in part because the bank that brought the foreclosure case against me was working with other big banks to inflate the rates they used to set my mortgage payments.

When my bank refused to consider giving me a lower monthly payment, I tried to get help from a foreclosure counselor. I paid them thousands of dollars and they promised to deliver a modification with lower monthly payments.

I thought they were taking care of everything for me,

but my lawyer at Nassau/Suffolk Law Services, Vivian Storm, explained to me it's illegal for them to charge me these upfront fees. And I have since learned that they were not really helping me.

Ms. Storm explained to me that the Federal government later found that my original bank had bad business practices. The bank was forced to pay people who were hurt, including me.

Ms. Storm explained that New York Department of Financial Service also forced another bank that handled my loan to pay back people like me who were hurt by its bad practices. But the harm that my family suffered was much worse than the small payments I received from these banks.

In the spring of this year, I received a motion for a judgment of foreclosure and sale. I did not realize that I was facing foreclosure and had no idea what to do. I tried to hire an attorney, but the attorneys I contacted demanded thousands of dollars in cash just to help me get an extension to respond.

My wife and I thought we had to go to court on the date of the bank's motion. We didn't know what to do or who to speak with at the courthouse. We were in the parking lot, about to give up and go home, when my phone rang. It was Ms. Storm responding to our request for assistance from Nassau/Suffolk Law Services.

Ms. Storm explained to me over the phone how to request an extension of time so she could review the case. After meeting with us and reviewing all of our documents, Ms. Storm agreed to take our case.

First, she filed a motion to dismiss for us. The bank's original lawyers, Baum firm, claimed that they served my wife Janet in 2009, but the person they claimed to serve did not resemble Janet, and we found a receipt showing that Janet was not home at the time.

Ms. Storm explained that Baum firm later closed because of its bad practices in foreclosure cases like ours. The bank responded to the motion to dismiss by agreeing to let us file a late answer and offering us a loan modification.

Ms. Storm also helped us to work with a housing counselor, Rosa Moya, at Housing Help. After we were taken advantage of so many times in the past, Ms. Storm and Ms. Moya helped us to feel comfortable that we understood all of our options. They explained the terms of the new agreement and help us decide whether to take the modification or to challenge the foreclosure case in the courts. We decided in the end to accept the modification.

The monthly payments are still very high for us, and we will never be able to pay off the mortgage the way I planned. But we will work hard to make sure we never fall

behind, and we can begin to plan for the future again. Thank you for the chance to share my story and support of programs like Nassau Suffolk Law Services.

CHIEF JUDGE DiFIORE: Thank you for sharing your story. So Mr. Villalta, had you not received that phone call that day in the parking lot, what do you think would have happened to your family?

MR. VILLALTA: Well, we were talking about, with my wife, to wrap it up and go back to the country, El Salvador, we because we had pretty much tied up my credit, so broke down, all the way down. And I don't have any other debt, just my house. It was out of my hands to solve this problem and we didn't have too many options, as far as we knew.

After we meet Miss Vivian, tell a different story, and my wife and I, we always think that she was pretty much like an angel, because we didn't know what to do. We try so many offices. We went to probably ten different lawyers and then she call us.

We were already -- we walk the whole court, three or four floors, I don't know. And we didn't know what to do. We pretty much tied up. And we really appreciate know people like her, always trying to do the best for people like us with big needs and they solve our problems.

And so far we good now and I'm very happy and I'm

glad. And I said, anything, whatever I can do to say thank you, because I really appreciate it. And my wife, I think she want to add something else, because I think she want to...

CHIEF JUDGE DiFIORE: Thank you.

MRS. VILLALTA: My name is Janet Villalta. I wanted to add a few words to explain to the Court what this case and the assistance we received meant to my family. Although the bank claimed to have given the original papers to me, I never knew that there was a foreclosure case.

I was so shocked when I received the motion for a Judgment of Foreclosure and Sale that I got sick and I was hospitalized. Without our home, I thought that we might have to leave the country and return to El Salvador.

Thanks to the help we got from Nassau/Suffolk Law Services, now we have a stable home for our children in this country now.

CHIEF JUDGE DiFIORE: Any questions?

MR. MILLER: Just one question -- or just a comment, actually. Mr. and Mrs. Villalta, thank you. Muchas gracias. You remind us of the humanity that is in our profession and of the nobility of people like Miss Storm and Miss Sharp. Very moving, very moving testimony that you gave. So thank you very much.

MR. VILLALTA: Thank you for your time again. And

it's a pleasure to be here. I appreciate it.

CHIEF JUDGE DiFIORE: It's our pleasure to have you here and to hear from you. And good luck to you and your family.

MR. VILLALTA: Thank you.

CHIEF JUDGE DiFIORE: Okay. That concludes Panel 2. We'll seat Panel 3.

Our next presenter is Myra Berman, who is an Associate Professor of Law and Associate Dean for Academic Affairs and Director of Collaborative Court Programs in Touro Law School. Professor, thank you. Also a member of the Suffolk County Leadership Team, which is leading the work of the Justice For All Strategic Plan. Thank you, Professor.

MS. BERMAN: My most important task. Thank you.

CHIEF JUDGE DiFIORE: Of course.

MS. BERMAN: Chief Judge DiFiore, Judge Marks, Presiding Justices, Mr. Miller, members of the Commission and members of the public, especially our students who are, of course, dear to my heart, I am honored to speak with you this afternoon on behalf of the Suffolk County Access to Justice Committee under the leadership of our District Administrative Judge, Randall Hinrichs, and on behalf of the participants in the Suffolk County Community Legal Help Project which we perceive as one first small step towards closing the justice

gap not only in our county but throughout the state. We are here today to tell this panel that the Permanent Commission under the inspirational leadership of Helaine Barnett has guided Suffolk County on its path to delivering access to justice for all of our residents. We know we have a very long way to go, but we have begun finally.

I have written to you about our very first meeting, which was just over a year ago in January of 2017, when Helaine and Neil met with us at the Cohalan Courthouse - you'll be hearing from Neil shortly - and told us that we were going to design and implement a strategic plan that would close the justice gap in Suffolk County by 100%, but we didn't have to worry because we had at least three to four months in order to achieve that. They may have believed what they were saying, but the rest of us certainly did not. Yet, by the time that first meeting ended, we all felt that while we probably would never meet those time frames, why not try? What could we possibly lose? The worst possible scenario is that we'd meet it by 90% or even 80%. So we decided to try.

For me, personally, that meeting was transformative, and it was for many of us. It was the first time that so many stakeholders were sitting together in a room discussing our perspectives and our perception of what we were already offering to the residents of our county. We all genuinely

believed that we were doing everything that we could to provide access to justice for our residents. We had wonderfully robust civil programs from Nassau/Suffolk Law Services, the Suffolk County Bar Association's Pro Bono Foundation and Modest Means Panel, the law school's multiple clinics, and - as you'll hear - the Suffolk County Legal Aid Society.

The Court, of course, was fully dedicated to closing the justice gap and was, we believed and still believe, doing a good job in addressing the needs of litigants through the Court Help offices and through the court navigation system with the numerous do-it-yourself forms available. We were focused so clearly, so pointedly on all the people that we were helping, on the kind of legal help we could, would and should offer to our residents and did offer to our residents, but we weren't focused on the people we were missing, and this was the change in our thoughts and in our actions that came about as a result of that very first meeting.

We talked about segments of the population that couldn't travel to a courthouse or to a lawyer's office either because of the poor transportation system or because of their own challenges. We talked about those with language and literacy problems, about the help documents and instructions we disseminated that even most law students couldn't

understand. We talked about those persons who were and still are intimidated by lawyers and terrified by the courts, and we talked about those who know nothing about apps and wouldn't even have access to technology should we be able to provide it. We talked about all of this and we realized fairly quickly how and why so many Suffolk County residents were not receiving equal access to justice even when resources may have been available to them. Our transmission and our delivery did not mean that those who need us most were actually receiving our help. We had to do more, and so we spent the next six months trying to figure out what needed to be done. As I stated in my report, we identified the needs. We discussed how we could go about doing this by setting priorities and by whom, knowing that there would be little, if any, increase in our resources, both financial and human resources.

When we ended the strategic planning phase and submitted our proposal to a grantor hoping for just a bit of funding to help our coordinate our projects, we were all, every one of us, already committed to this partnership to making our plans come to fruition no matter what it would take. We waited for a while to hear about the grant. It was a relatively small amount, but we rejoiced when we were told that we received part of what we had requested because we knew it would help us with our next beginning, an implementation of

our partnership at site number one, number one of so many, we hope, the Middle Country Library in Centereach, New York, Centereach being the actual center of the county from all points - east, west, north and south.

We have initiated other programs, but this has been our most significant action to date, the creation of the Community Legal Help Project. I brought a little visual aide - being a teacher, I can't help myself - so that you can see it. And I brought it primarily not just for the words, which I can read to you, but for the logo at the very top, which as you can see is a tree, and I would briefly like to explain how impressed we all were by this tree as soon as I explain to you why Middle Country Library.

But, first, just to note, the offices that we are offering at this site are being provided by five agencies - Nassau/Suffolk Law Services, the Suffolk County Bar Association, Touro Law Center, the Legal Aid Society of Suffolk County and the Long Island Advocacy Center.

Why Middle Country? Because we knew that, given our limited resources, we had to use existing resources. And Neil said something to us that was tremendously impactful and that we remembered. We had to use what we had today in order to arrive at where we'd like to be tomorrow. He had us sitting in that room imagining, envisioning wonderful places, often a

sunset, and we did. That was the shocking part. All of these people in a room that had been planning to try in any way at all to close the justice gap for decades, for decades, who came in really skeptical about this entire process, sat there and went along with these imaginings. And we imagined a place just like Middle Country Library. We had five local task forces, and at every task force meeting somebody mentioned the Middle Country Library.

This particular library is situated off a major road. There are businesses there. There are residential areas there. It is close to highways, to a major university and health center, to public transportation routes. And, more significantly, it already had an extremely active resource center where they offered comprehensive assistance of all kinds, though not legal. Community members would come in and obtain information relating to healthcare, housing, family matters, employment and training opportunities and financial services. The library staff was already trained in innovative technology, including administering and updating the 2-1-1 database hosted by the United Way, another existing resource. Education and outreach activities occur daily at the library, and there is a center for children and families that is usually quite crowded, and this is the setting in which lawyers and law students have begun to operate every Thursday

between three and six p.m. where they offer services related to - and I am going to read this because it's really important to see the scope of services that may be available on any particular Thursday - public benefits, Social Security and Medicare, landlord and tenant housing, foreclosure, bankruptcy, consumer debt, collection, child support, child custody, divorce, domestic violence, criminal records and that's the reentry program in particular, school discipline, educational services, immigration, elder law, veterans' services. We encourage persons to call the central number and make an appointment, but walk-ins are always seen. This is meant to be a place that welcomes residents of the community that have issues that relate to law; any issues. And so while they may not be seen for full representation, they will be seen for some kind of consultation as they walk into the library and enter the place.

So, let me tell you a little bit about the tree very briefly. When we first went to the Middle County Library, of course, we were impressed by all of the resources that were available. There's a social worker on site several days a week that deals with visiters that come to the library and categorizes some of their issues. The tree is the emblem of this library because it was built by the community. There was an oak tree in the backyard. It's behind these two lovely

glass doors, and there's a garden in the back that is also used as a playground for many of the children and families that come. And the oak tree was bare, and it was winter; and on one Saturday the librarians invited members of the community to come, and they hired a woman with her teenage children to come and teach the members of the community how to knit a square patch. And the woman and her children would then sew together the patches kind of like a quilt and would protect the limbs of the tree by putting these quilts around every tree limb. And they had no idea what to expect. On that Saturday 300 or more members of the community showed up at that library and sat there, and in one day they created enough patches for the quilts to be wrapped around every limb on that tree. And don't you know that that tree flourished over the winter, and these community members returned to the library regularly - I have to stop talking soon - returned to the library regularly to see their tree. It is the community tree, and the branches reach out to every member of the community.

Now, when the four of us or five of us that initially visited the library that first time saw this tree, we just said, We want to be part of that tree. We have to be one of those branches. We have to be ones who reach out to the community. We can't wait around for people to come to us.

And that was the evolution of the project in Middle Country Library.

We now have a coordinator whom you already met, Vivian Storm, and she is establishing a management system to collect basic data. Between June 15th, our opening day, one year almost to the day of that first meeting, between June 15th and Labor Day, we collected some statistics. We have people coming from 34 different zip codes of Suffolk County. We anticipated halfway the areas of greatest needs, which were family matters, but we did not anticipate housing, foreclosure and bankruptcy being other needs that were unmet; and one of our providers is meeting those needs. We saw 142 clients, 11 by phone, 75 in person, 35 clients referred for full representation and saw limited representation consultations for at least another 75.

Are there challenges? There are absolutely challenges. We have to get a sufficient number of volunteer attorneys. We have to train law students. We have to try to use existing resources like LawHelp and the 2-1-1 database. We're going to start experimenting with remote access to attorneys who can be on call during our library hours. And mostly we have to expand what we're doing in the library, this kind of a poster of a communication to our residents, to all different points of entry - libraries, schools, hospital,

healthcare facilities.

CHIEF JUDGE DiFIORE: So, let's talk about that for a moment. You said earlier in your presentation that we weren't focusing on the people we were missing. Is this part of a communications outreach to focus on those people? And what are you doing with this information? It's a wonderful board, but the information that's in the four corners of that board, how is it getting out to the folks who may need your services?

MS. BERMAN: That's the work of our messaging task force meeting. I don't know if Neil is going to be -- he is going to be discussing this. But they're producing outreach materials that will go beyond this. The library is also publicizing it very forcefully with all of their mechanisms, as well. But, as I said, we have to expand well beyond the library.

If I may briefly conclude?

CHIEF JUDGE DiFIORE: Please do.

MS. BERMAN: I want to put this project into what for me has become a much larger context, but for the law students it's become a much larger context, as well. Dr. Martin Luther King had many dreams not yet fully realized, but we are working in my view on fulfilling one of them, one of his and our foundational principles, and that is that injustice anywhere threatens justice everywhere. And in Suffolk County,

our dream is to irradicate injustice by 100% targeting the kind of injustice that results from lack of access and lack of resources.

Having worked with the Permanent Commission and with one another for over a year, we do now believe that some day his great dream may be realized. I would like to wake up one morning, get into my car and drive from one end of the county to another and see legal storefronts and see mobile vans with our logo on the side, the Suffolk County Access to Justice Committee, with lines of people waiting to speak with a volunteer attorney throughout the whole county. We have the dream, we know what we need to do, and we are now committed to this enterprise.

CHIEF JUDGE DiFIORE: Thank you, Professor, and that final statement is a perfect segue to Laurette Mulry. Laurette, welcome. Laurette is the attorney in charge of the Legal Aid Society of the United Suffolk Counties, the largest indigent defense program outside of New York City, and I can attest personally that she's a powerhouse. Welcome, Miss Mulry.

MS. MULRY: Thank you. Madame Chief Judge, Presiding Justices of the Appellate Division, Administrative Judge Marks and New York State Bar President Miller, it is my great honor and indeed my privilege to present to this esteemed panel

today to discuss Suffolk County's ongoing efforts as a local pilot chosen by the New York State Permanent Commission on Access to Justice.

As I said, my name is Laurette Mulry and I am the attorney in charge of the Legal Aid Society of Suffolk County. In Suffolk, Legal Aid is the primary provider of indigent criminal defense representation, parental representation and Attorney for the Child representation.

That being said, you are probably wondering why a predominantly criminal legal services provider is here presenting at a Civil Legal Services Hearing. And the short answer to that question is that I have a unique perspective; one that will show you the inevitable overlap in the legal landscape, especially when we're talking about the essentials of life for low income, disadvantaged and marginalized members of our communities.

Many of our clients at Legal Aid come to us with civil legal issues. For some, they may have led to the criminal case. For others, the criminal case and potential periods of incarceration certainly lead to civil legal problems, as you can imagine; like loss of housing, loss of employment, loss of educational opportunities, loss of public benefits, family issues.

For us, this is the challenge, and I do believe that

other than the public defender, we are in the best position possible to identify these issues, and at least put something in motion to start to address those issues and put them in a better place than when they first come to us, right?

So, many of our clients have mental health issues, substance abuse issues. These further exacerbate and challenge the legal criminal case. But we need to address those issues, right? Certainly, many are foreign born and need immigration assistance as well as the appropriate criminal immigration advice. So these issues are potential impediments to ensuring access to justice for all in Suffolk and across the state.

For the foregoing reasons, I was most honored to have been invited by our District Administrative Judge in Suffolk County, the Honorable C. Randall Hinrichs, to join the initial stakeholders meeting on access to justice and to eventually join the Suffolk County Access to Justice Committee.

I've also served on two local task forces in Suffolk County, the Legal Representation Task Force and the Initial Points of Entry Task Force. So I feel inextricably connected to both of those endeavors because I believe our attorneys are in the best place possible to identify collateral issues and to be able to address them.

Also, I believe Suffolk Legal Aid is an initial point

of entry, especially for indigent clients who, when we see them and we assess them, our social workers assess them, it is found that they are burdened by a myriad of issues. And those issues threaten public welfare and undermine the ability to assure the basic necessities of life for the most vulnerable in our county.

If you were to look at Legal Aid Society of Suffolk County's website, you will see a quote that prefaces our mission statement, and I think it might even sound familiar to you. Justice is indiscriminately due to all, without regard to numbers, wealth or rank.

I think this quote is most appropriate today, as is a call to arms for access to justice. It is a reminder to all of us that justice is a right, not a privilege reserved only for those who can afford it. And it pays homage to the man who first uttered those words, the Honorable John Jay. A founder of our democracy, a drafter of New York State's Constitution and the first Chief Justice of New York State.

I believe that John Jay's sentiments actually guide us in Suffolk County. Suffolk was chosen as the local pilot for a number of reasons. We are a large and diversely populated county with over 1.5 million residents, 68% whom are White, 19% Hispanic and 7.2% Black.

We are also a geographically challenging area and I

can attest to that. We encompass some 912 square miles and at Legal Aid we are charged with making sure that we have an attorney at every first court appearance, all the way to the most remote courts. And there are town and village courts even in Shelter Island and Fire Island where we have to send our attorneys to and from.

We also have to make sure we have assistance in areas that are both densely populated and rural areas, right? And that is the challenge for us, right? To be able to provide consistency in legal services despite these inconsistencies.

We also serve very distinct populations, right? Suffolk County is home to the highest number of veterans in the state, I'm told. Suffolk County is also home to the highest number of unaccompanied minors in the state. A high percentage of homeless, a high percentage of those who are foreign born and a high percentage of those who speak a language other than English in the home, right?

So we're challenged again to make sure that we address all these distinct populations, and we are very lucky that we have a broad group of providers within the legal community who are committed to access to justice. As guided by the Commission and by our District Administrative Judge, the Suffolk County access to justice group works in earnest to assure that lessons will be learned from these challenges, and

that will hopefully inform and guide other localities across the state.

So, this is an exciting time in Suffolk County. We have the local pilot, as you have been hearing about in the civil arena, but also it is curious that Suffolk is also a putative leader in criminal defense reform, as we are a representative county under Hurrell-Harring.

Hurrell-Harring was, of course, a class action lawsuit that was brought by the New York Civil Liberties Union some ten years ago or more, challenging New York State's public defense system and heralding the cry that was first sent out by then Chief Judge Judith Kaye's Commission on the Future of Indigent Defense Services.

As the largest of the five representative counties, we are happy to serve as a model of criminal justice reform for other counties who are now receiving funding under statewide defense reform work. As made possible by lawsuit settlement funding, the Legal Aid Society of Suffolk County has undergone unprecedented growth and expansion. But more importantly, the Society has undergone a cultural shift and embraced a holistic model of defense.

This model is based on an interdisciplinary team approach with teams of attorneys led by supervising attorneys and supported by paralegals, investigators, social workers,

interpreters, criminal immigration specialists.

Every client is assessed upon intake for potential collateral issues. Referrals and case management assure that the individual client receives the benefits, the services, the treatment, psychosocial analysis necessary for plea and sentence mitigation and better outcomes overall.

The holistic defense model is indeed the critical portal to the civil legal services arena. I do believe this is where the civil and criminal worlds collide. Lawsuit settlement funding also paved the way for Community Outreach at the Legal Aid Society of Suffolk County.

Our Community Outreach Director, Liz Justesen, has developed a Know Your Rights campaign that she has brought to Suffolk schools. Premised on the notion that knowledge is power and fueled by the need to de-escalate in regions -- in neighborhoods that are at risk, Liz focuses on early intervention for youth.

She also coordinates the Breaking Barriers program, which is a Touro Law School and Legal Aid collaborative effort to help people post-conviction to achieve relief from civil disabilities and overcome barriers to employment and educational and professional opportunities.

Liz also works with Re-Entry programs in the jails and she is assisted in these endeavors by volunteer attorneys,

support staff and interns at the Legal Aid Society, as well as by law students from Touro and social work students from SUNY Stony Brook.

The goal is to prevent youth from entering the criminal justice system in the first place. And at the other end of the spectrum, to reduce recidivism and to make sure that those who have been involved in the criminal justice system get back on their feet and become gainful members of our communities.

The Commission brought many dedicated stakeholders together in Suffolk to develop a plan to significantly impact meaningful access to justice for all. The collaborations formed and the commitment to work across organizational boundaries, I think, was a true success that was brought by the Justice for All initiative.

As we met, two inescapable truths became evident. One, that there are many professionals in Suffolk County whose life work has been to achieve access to justice. And secondly, I do believe that there is a lack -- that even though we have many necessary resources in place, there is a lack of a nexus or network to coordinate efforts and form an enduring coalition of providers.

While much has been said that the individuals who we are trying to help may lack the requisite knowledge to be able

to navigate the legal system and to know where and when to get help, we ourselves as providers lack the requisite knowledge of each other's programs so that we can make effective referrals.

We realize that collaboration is imperative and that we need to centralize information and resources. So this realization actually led to the Community Legal Help Project that you just heard about from my dear friend, Dean Myra Berman. As you saw, that brought together a lot of providers in Suffolk County in partnership with the Middle Country Library.

You met Vivian Storm earlier, who is a full-time coordinator, brought on by implementation funds granted by the Justice for All Committee. The result is a true legal resource center, one that ensures the dissemination of information, allows for early intervention, makes appropriate referrals for legal assistance and/or representation, expands assistance through pro bono and modest means resources, makes possible law student involvement and utilizes existing capabilities.

So, what have we learned in Suffolk County thus far? And I think there are three key points to take with you. Number one, collaboration is the key to success. Just bring the stakeholders together. The passion is there. The

Commission need only stoke the fire.

There's ample resources to address the civil legal issues, but there must be a coordinated effort and an ability to train all the providers, so that the people who need the assistance get it when they need it and in a manner in which they can use it. And finally, technology is imperative to be able to put these resources together in a platform that is user friendly for all.

So in summary, as I've said many times before, there is a curious confluence of circumstances in Suffolk County. A local pilot practice of justice, a model of criminal defense reform under Hurrell-Harring, a law school that is invested in the community and produces lawyers who are likewise community-minded. A state-funded veterans defense project. A state-funded Regional Immigration Assistance Center that we're so happy to administer with our friends at the Nassau County Legal Aid Society.

We have a brand new District Attorney in Suffolk County. We have a brand new and progressive and first ever African-American Sheriff in Suffolk County. We have a new and first ever female police commissioner in Suffolk County, as well as a new and second-time only female probation director.

I, for one, am very, very proud to be a legal services provider in Suffolk County and to partner in access to

justice.

I want to praise Helaine Barnett and the Commission for their guidance and leadership of Suffolk in this endeavor and in forging a dynamic revitalization of client-centric services. A revitalization that I believe will be the axis of reform and catalyst for change for all over New York State. Thank you very much.

CHIEF JUDGE DiFIORE: So I think I can take some liberty with my colleagues and commend you on your focus on a holistic defense model. I don't think anyone can really take argument with that. It is, of course, very labor and resource intensive. And I do recognize what you're saying about the need for a nexus in coordination of all of the stakeholders that are involved.

So globally, in your county, who's going to lead that effort? Who does it take? What kind of person, what kind of office? What does that look like?

MS. MULRY: Well, we are very grateful that we have a wonderful District Administrative Judge, the Honorable C. Randall Hinricks, who has shown a great commitment to access to justice Initiatives. We do consider him our leader. And I do feel that people who have been serving on these sub --

CHIEF JUDGE DiFIORE: So it's the Court that is the focus?

MS. MULRY: Oh, yes. I think the Court has shown great leadership. Of course --

CHIEF JUDGE DiFIORE: I mean going forward. I know that the Court has been very involved in organizing these efforts; but going forward.

MS. MULRY: Well certainly I think it is an amalgamation of the providers that will continue and then will show to be an enduring presence in Suffolk County. I do believe that. As I said earlier, we do have some very passionate people in Suffolk that have been doing this work all along. It was just somebody needed to come along, and I do thank the Permanent Commission for kind of bringing us all together.

CHIEF JUDGE DiFIORE: Thank you. Anyone? Thank you very much for traveling to Albany, and thank you for your observations.

Neil Steinkamp. So, Neil is the Managing Director of the Dispute Advisory & Forensic Services Group at Stout Risius Ross, which, as many of you know, is a global financial advisory group and, of course, serving as Consultant to the Permanent Commission on access to justice in connection with its strategic plan. And we are very, very grateful for Mr. Steinkamp and his firm's assistance to us, much of it pro bono, and we very much appreciate that.

Neil?

MR. STEINKAMP: Thank you, Chief Judge DiFiore. It's an honor for me to have the opportunity to be before you and the panel today.

My name is Neil Steinkamp, and I am the managing director at Stout Risius Ross, and also the lead of the firm's pro bono and social consulting practice. I'm here as a consultant to the Commission to speak about the Commission's work on the Justice For All project, which I may refer to during the course of my remarks as "JFA," as well as to provide an update on our annual calculations regarding the significant economic impact that investments in civil legal aid have.

You have just heard about the incredible work being done in Suffolk County as part of the implementation of the Permanent Commission's Strategic Action Plan to provide 100% effective assistance to all New Yorkers in civil legal matters affecting the essentials of life. Recently, Monroe County has also been developing a local strategic action plan similarly to provide effective assistance to 100% of low-income residents in the county involving civil legal matters involving the essentials of life.

As I discussed in my remarks last year, the year-long process of developing the Commission's strategic action plan

focused on acquiring a more in-depth understanding of the justice gap and using this knowledge to devise an integrated and coordinated framework for a statewide civil legal services delivery system that provides for effective assistance to 100% of low-income New Yorkers. At every phase of the process, that year-long process, the extent of the justice gap was evident. Just as evident during that process was the realization that closing the justice gap is possible.

The Commission is now working closely with stakeholders at the statewide and local level, such as in Suffolk and Monroe Counties, to develop Justice for All initiatives designed to lead the state toward the vision of effective assistance for 100% of low-income New Yorkers. Over time, the Commission has come to better understand the factors critical for local Justice For All planning to start and to be sustained. Working with local Justice For All leadership and other stakeholders, the Commission has identified guiding principles for developing, implementing, and sustaining strategies to expand access to justice locally and statewide, which I would like to share with you today.

The first of those guiding principles is leadership. Effective leadership of local JFA efforts by a member of the judiciary is a critical foundation for these efforts to be initiated, developed and sustained. While leadership of these

efforts can take many forms, several key leadership themes have been apparent in our work. One key theme has been the importance of thoughtful consideration of the development of a leadership group that will assist in leading local activities, planning activities, creating task forces, identifying community needs, identifying the priorities that should be addressed and the processes that will need to be implemented in order to create sustainability. By creating and leading a leadership group of key legal and community stakeholders, a local JFA leader can develop a process that demonstrates a commitment to regular progress meetings, involvement of a diverse group of community stakeholders, and a commitment to listening and learning from perspectives of those stakeholders.

The second guiding principle, and this was touched on a moment ago, is collaboration. Collaborations and partnerships with local community stakeholders enhance the process for developing effective strategies to expand access to justice. When local stakeholders convene, they build relationships, identify challenges, and seek new solutions. Community organizations are often unfamiliar with the range of other social and legal resources available in their communities. Community integration often does not require the development of new resources or services but, rather, needs a

focus on the coordination and recognition of those that already exist.

By emphasizing collaboration and community integration while developing local strategies, local JFA planners can facilitate the sharing of information, perspectives, and resources amongst those local stakeholders.

The third guiding principle is building strong relationships with diverse stakeholders. Developing strong, supportive relationships with a diverse set of community stakeholders is a critically important factor in developing sustainable local initiatives to support and expand access to justice. By involving a diverse group of local stakeholders in the planning process, planners identify and take advantage of a wider range of opportunities for collaboration and a broader set of valuable perspectives and resources. Myra touched on this earlier. Identifying and talking to community stakeholders who may not be the people in organizations that you are typically talking to on a day-to-day basis but they bring new ideas, they bring new collaborations and they bring new opportunities.

Examples of stakeholders that have been involved in these local efforts: certainly, members of the judiciary, local bar associations, law schools, public libraries and law libraries, county, town and village offices and agencies,

public schools, early education centers, higher education, healthcare community, faith leaders, Social Services providers, housing authorities, community activists, law enforcement. The list can go on and on. There are so many opportunities for engagement in our communities.

The fourth guiding principle is inventory assessments and priority setting. Inventory assessments are the cataloging of resources and services available to address legal and other community needs, and priority-setting, which is deciding which issues to address first and the initial steps to be taken, are important steps in local JFA planning. The process of becoming familiar with local effective assistance resources and services promotes the awareness of those local resources, brings together local providers, and enables them to identify resource gaps, set priorities, and develop strategies to fill those gaps.

The fifth is creating and sustaining pervasive awareness of the availability of effective assistance, and this goes to one of the questions that, Chief Judge, you asked earlier on the Outreach Task Force in Suffolk County, which I'll touch on momentarily.

To ensure that all local residents are aware of resources available to provide effective assistance in civil legal matters affecting the essentials of life, local planners

should seek to create a pervasive sense of awareness in the community regarding these resources. To achieve this objective, planners can coordinate and consider developing a communication and outreach plan to various community stakeholders who may be engaged to inform local residents of available resources and provide feedback.

What we mean by that, and this is what we're doing in Suffolk County, is to identify the community resources that are out there. All that entire list that I suggested a moment ago are all places where you can share information with residents of the communities about effective resources, the library being one, but all the other resources are available in the community, as well.

Our goal in Suffolk County and around the state is to make sure that when residents have a need, they know what to do, the way that so many of us know what to do in the event of an emergency. There's a phone number that you call. We're looking to develop that kind of awareness. If you have a legal civil need, there are simple things that you do and everyone will know that. That will take time, but our goal is through the dissemination of information through a wide variety of stakeholders, through those community stakeholders being involved and engaged in this process, we will over time develop that level of persuasive, sustained awareness of the

availability of effective assistance.

The sixth guided principle is iterative process to inform evaluation and enable sustainability. What we mean by that is for the planners of these efforts to not simply identify key priorities and watch those initiatives, but to use a process of continually launching, assessing, gathering data, analyzing data, collaborating, refining and going back through that process over and over again, gradually expanding those efforts, identifying best practices, identifying things that didn't work and need to be changed, and enhancing the effort so that you are continually moving forward, improving access to justice.

The seventh guiding principle is effective assistance. The most effective and comprehensive assistance being provided to low-income individuals facing legal matters involving the essentials of life is full representation by a lawyer throughout the entire dispute. While we encourage local JFA planners to strive to develop strategies to maximize the availability of full representation, effective assistance also contemplates a spectrum of other services that meet the needs of low-income persons facing civil legal matters involving the essentials of life. These can include access to legal information through technology, self-help tools and services for unrepresented litigants, simplified court rules and

processes, widely available and adequate referrals, call centers for assistance with legal and other needs, community storefront access to in-person legal information, assistance provided by training non-lawyers or by supervised law students, assistance with out-of-courtroom mediation, limited scope representation and full legal representation.

The eighth and final of the guiding principles that we've preliminarily developed in these efforts is the impact of optimism and enthusiasm. Myra mentioned this, as well. Local and statewide planning efforts throughout the state have been successful so far, in part, because of the optimistic, enthusiastic mindsets adopted by the planning groups and involved community stakeholders.

It was incredible to see the group in Suffolk County embrace this opportunity. The somewhat daunting task of embracing the idea of truly closing the justice gap and developing a plan to do that, the Suffolk County group and the Monroe County group have done that wholeheartedly.

We have found that emphasizing and enthusiastically embracing the idea that closing the justice gap in New York is an achievable goal serves to increase stakeholders' creativity and active participation. Similarly, we have promoted long-term sustainability by including local stakeholders as active participants in a coordinated local and statewide

effort. When developing new relationships, initiatives and strategies, local planners may consider developing their own set of communicable ideas, which would effectively motivate local stakeholders and further promote their success.

Talking about closing the justice gap, embracing the idea that it is possible brings out new ideas. It is amazing to sit in a room of just phenomenal local providers, local community stakeholders and say, "Imagine a world whereby access for justice is provided for all residents. What does that look like to you?" And the things that you hear are the things that we all need to do, but they're being said and we can start doing them now, and that's what the groups in Suffolk and Monroe are starting to do.

The vision of the Permanent Commission is that if all New York counties are developing and implementing local JFA plans, if we can encourage and cultivate statewide sharing of best practices and insights gained from these local efforts, if we can use data collected from these local efforts to inform ongoing enhancement of local and statewide strategies, and if we can amplify those local efforts with comprehensive statewide pilots and initiatives, I believe the goal of 100% effective assistance is possible and can be achieved.

I also wanted to mention and describe for you briefly that we have, as I have in years past, analyzed the

quantifiable economic benefits from the investments in civil legal aid. My analysis this year again includes that for every dollar invested in civil legal aid there is a return on investment of at least $10. That is consistent with an analysis that we have done over the last two years. The calculation of this benefit will be further detailed in the Permanent Commission's annual report to you later this year. It is important to note that the Permanent Commission's Strategic Action Plan, the things that we just described, both statewide efforts and local efforts, may serve to significantly increase this return on investment.

As I mentioned before, there's great opportunity to enhance the delivery of civil legal aid and impact the lives of the low-income people in New York through the implementation of these strategies, and many of them don't require significant additional funding. Significant additional funding may still be necessary, but many of the strategies, like the library project, don't require significant additional funding. As a result, implementation of some of these changes could significantly increase that return on investment. That is, with the full implementation of statewide and local efforts detailed in the Permanent Commission's Strategic Action Plan, each dollar of current funding is likely to have an even greater impact.

Thank you.

CHIEF JUDGE DiFIORE: Thank you, Mr. Steinkamp. So, your presentation so clearly illustrates that there are so many moving parts to this and there are so many good ideas that are available to us. There's so many resources. So, I guess my question is going to go back to what you said initially, the number one principle is leadership. Who will lead these local efforts and keep the effort neat, trimmed, disciplined and moving forward to accomplish the goal? Who's the best person or agency? Is it the courts? Is it the local government official? Who is it?

MR. STEINKAMP: That's a great question. To date, what we have seen is the courts are serving in that capacity and are probably best served in continuing in that capacity going forward. The Administrative Judges in both Suffolk and Monroe have done a phenomenal job in meeting, in bringing people to the table, in coordinating those efforts. I think in going forward that it would be great to continue to see that involvement. Of course, the Permanent Commission still serves a very important role across the state informing that -- engaging with all of those groups statewide and to share best practices. There's a lot as this initiative grows that will require coordination.

PRESIDING JUSTICE WHALEN: If I could briefly.

CHIEF JUDGE DiFIORE: Yes, of course.

PRESIDING JUSTICE WHALEN: Mr. Steinkamp, do you find certainly the coordination by the courts, by the Administrative Judges in the counties you've explained to us, but what about the coordination as between the Administrative Judges and between the counties, are they integrated? Are they working together closely? Are they learning from each other as they build these networks?

MR. STEINKAMP: That's a great question, and the answer is I think they will be. Right now we have these two pilots, but very soon the Permanent Commission is hosting a statewide meeting in which many of the Administrative Judges will be there, and the goal every year is on a regular basis to enable a great deal of best practices sharing and communication among them. So, while each of them may develop local plans individually, there is so much to be gained with people sharing ideas on ways in which they've encountered problems and overcome those problems. So, there's absolutely a commitment to ensuring a great deal of communication coordination, and the Permanent Commission I think will serve in that capacity to make sure that the right level of communication is happening and the right tools and processes are used. You can imagine a place where best practices are being maintained and developed and shared. I think all of

that is to be developed but is absolutely something that we're talking about.

PRESIDING JUSTICE WHALEN: All right. Thank you.

CHIEF JUDGE DiFIORE: Thank you.

Thank you, Professor, thank you, Ms. Mulry, and thank you, Mr. Steinkamp. Thank you very much. The next panel is Panel Number 4.

Good afternoon. Our next presenter is Corinna Carrillo, a recent client of Legal Services of Hudson Valley. She is accompanied, I believe, by Rachel Saunders, who is standing in for Lisa Gieseler who was unable to attend at the last moment. So welcome, Ms. Carrillo. Thank you for being here.

MS. CARRILLO: My name is Corinna Carrillo and I am a board member at Legal Services of the Hudson Valley and a former Legal Services of the Hudson Valley client. I am an Open Setup Coordinator with Prime Lending in Newburgh, New York and a mother of three wonderful children.

I want to thank you for giving me the opportunity to speak today about the importance of free legal assistance to victims and survivors of domestic violence and their children. Legal Services of the Hudson Valley helped me and my children escape and survive years of domestic violence. Without the help they provided to me, I would never be where I am today,

and probably would be dead.

For 12 years, I was married to a very abusive man. He did terrible things to me and I was very afraid of him, but I stayed with him because he was my husband and the father of my children. I made excuses for him and modified my behavior so that I did not provoke him.

In April 2014, my husband slapped, choked and kicked me. He tried to kick me out of the house, and when I refused, he placed a handgun to my head and told me he would kill me. I called my parents for help, and my husband sat on the front porch with the rifle and threatened to shoot them. It was then that I knew I had to leave him for good, but wasn't sure where to get help.

I went to Family Services in Poughkeepsie for assistance and advocacy. They referred me to Legal Services of the Hudson Valley. I got an appointment with Lisa Gieseler, a senior staff attorney in Legal Services of the Hudson Valley's Domestic Violence Unit. Lisa represented me in a number of different proceedings including support, divorce, custody and neglect against my husband where I was an interested party.

In 2015 my attorney helped me to obtain sole legal custody of my children. And then in 2016, resolved all issues related to my divorce, including significantly increasing my

husband's child support obligation by successfully imputing income to him.

Most important of all, she saved us from the ongoing cycle of violence we had been living through. Lisa kept in touch with me every step of the way and was always only a phone call away. Having Lisa and Legal Services of the Hudson Valley by my side enabled me to proceed with the cases against my ex-husband so that my children and I can live a happy life, free from violence and fear. Lisa was an unbelievably fierce advocate for me in court and always fully explained my rights and what was happening in court to me.

This year I again needed Lisa's assistance because although I am divorced and have sole custody of my children, my husband continued to harass and try to exert control over me by withholding child support payments. Lisa had to file a contempt application which sought to incarcerate my ex-husband for not complying with the court-ordered payments.

He had accrued support arrears of $36,000, daycare arrears of $15,000 and distributive award arrears of $7,700. After Lisa filed the motion, my ex-husband swiftly made a $30,000 payment to me and Lisa negotiated a final settlement which required him to stay current with his support, satisfy his remaining support arrears, and provide a payment schedule that enabled him to pay his distributive award obligation of

$38,500 over a four and a half year period.

I am truly grateful for the work Legal Services of the Hudson Valley did for me and know they will continue to stand with me in the future. When asked to join the Board of Legal Services of the Hudson Valley I answered yes, in the hope that my experiences could convince people that the services I received should be available to everyone who needs them.

I hope my testimony today highlights the critical need for funding for legal services programs throughout the state, so people who cannot afford to pay for an attorney can be represented in civil matters affecting the basic necessities of life. Thank you.

CHIEF JUDGE DiFIORE: Thank you, Miss Carrillo. I want to tell you every one of us up here appreciates how difficult it is to come forward in the forum of a public hearing and share your story, so we very much appreciate that, number one. But we also need your help additionally.

So, you know that there are some people who are skeptical about directing taxpayer dollars to civil legal services. What would you say to those people about how the taxpayer dollars that helped to support the services you received has done for you and your family and can do for others?

MS. CARRILLO: I think it's very important. Just like

myself, I couldn't afford it. I just needed the guidance and support. And just for people to have that, and knowing to have that, it's just -- I was scared. I didn't know what to do. And if it wasn't for them, I would -- I wouldn't be here, probably. But I would just -- just tell them it would be very important, the support for them to help people like myself.

CHIEF JUDGE DiFIORE: And how have their services benefited your children?

MS. CARRILLO: Well, they're with me, so they're in a very -- it helped them, because they don't have to grow up to see -- he was more abusive to me, not the children. But it helped them to get them away from him and to be with me so the kids could see they don't have to be around that or be that, because it could go in that direction, where they live and be around that.

I have two boys and a girl. I don't want my girl to ever think she has to be around that and it's okay to take that, or for my boys to ever do that to a woman or to anybody. So, for that, they pulled me away from that.

CHIEF JUDGE DiFIORE: Thank you. Anyone? Thank you so very much. We very much appreciate it, and good for you for being on the board. I'm sure they appreciate it. Thank you.

Okay, Miss Moore. Tasha Moore is a client of the

Neighborhood Legal Services in Buffalo and she is accompanied today by Penny Selmonsky, supervising attorney in the Office of Public Benefits Unit. Miss Moore.

MS. MOORE: Hello everyone.

CHIEF JUDGE DiFIORE: Good afternoon.

MS. MOORE: Good afternoon Chief Judge and all the other distinguished members of the panel. Thank you for the opportunity and honor to be here today and allowing me to tell you about my experience with civil legal services and how these services benefited me and how they changed my life.

My name is Tasha Moore and I live in Buffalo, I have five children. I am here today with legal aid attorney Penny Selmonsky from Neighborhood Legal Services in Buffalo. Neighborhood Legal Services is a full service law office that provides free legal services in Western New York.

I'm a recovering addict with a co-occurrence of mental health. I have 11 years clean time, and during this 11 years I have been struggling to become a productive member of society. I was greeted by many barriers and challenges, that I almost gave up.

I was addicted to crack cocaine for 15 years, and for the last five years of that time I was what HUD would call a chronically homeless person. I lived in abandoned buildings. I did not watch TV. I did not listen to music. I did not

communicate well with others at that time in my life.

I had been through so many traumatic experiences at that time, that I honestly believed that my mental capacity was dwindling away. I thought my life was over. I was in and out of the Holding Center at Erie County Correctional Center more than 25 times, and correctional officers said I would never be a productive member of society.

In 2007 I completed my longest bid. I did one year and nine months. I was free and I was trying not to go back to the streets. I applied for public assistance with the Department of Social Services. It took me five tries, five tries to complete job club and get some assistance.

I was on public assistance until I was able to have full-time employment. When I tried to get off of public assistance I had problems. The Department of Social Services did not budget my wages correctly and I had overpayment in Medicaid benefits.

That's when I went to Neighborhood Legal Services. During this time I was faced with so many challenges that I wanted to give up. I could not understand why the Department of Social Services did not want to help me and see me succeed. Instead, I was treated like I stole from them, and they even sent the Sheriff's Department after me to garnish my wages.

Penny helped me with the situation. She was able to

stop the garnishment so that I could pay back the overpayment voluntarily. Now I pay, and I still pay, $45 a month. If the Department of Social Services would have been able to garnish my wages, I would have to pay fees and interest at nine percent. This could possibly mean that I would never pay back the original overpayment because my payments would never actually reduce the original debt. If that had happened, perhaps I would not be here today.

Neighborhood Legal Services does a lot for the community and underserved. If Neighborhood Legal Services did not operate, I do not what would have become of me. Definitely I would not be the individual you see today.

In May of 2005 I graduated from Erie County -- Erie Community College with a one-year certificate in Human Services and an Associate's Degree in Social Science. When I started my Associate's Degree I was really trying to prove to myself -- I wanted to see if I was capable of gaining an education. The whole time I was working full-time and going to evening classes. This was a rough beginning for me, a different environment, and adjusting to the behaviors of college students.

This was the beginning of the eye opener for me as well. I caught a clue on how the world operates and how covert oppression may have played a role in why I was so lost

in the first place. It made me want to learn more and broaden my horizons. This eye opener, along with a few of my colleagues, encouraged me to get a Bachelor's Degree.

In May of 2012 I graduated from Buffalo State with a Bachelor's Degree in social work. Now I want to earn my Master's Degree in social work to find out how the world really operates and why I felt so helpless in my youth. When it comes to social work and my education, I'm driven to succeed and expect the most from myself and will not settle for less.

I started my Master's Degree program on August 27th, and even with that, Neighborhood Legal Services family had to come to my rescue. During my senior year at Buffalo State I ran out of financial aid. I had to get a loan to pay for school. In order to obtain -- in order for me to attend UB, I would have to take out loans. Penny set up a Go Fund Me page, and hopefully this will take away the stress of one semester.

With the help of Neighborhood Legal Services, I was able to recognize barriers and challenges, and their help allowed me to jump over them and keep going.

I have maintained employment with the same employer for nine years. I am a community health worker who does case management for chronically homeless women. We cater to a diverse clientele with all types of social problems from

housing, transportation, culture diversity, navigation in the Department of Social Services and case management.

As a community health worker for Hope Services, I have advocated for individuals on all levels. I drove and did outreach for Code Blue. I provide outreach services for sex workers, for ladies who work on Broadway and Chippewa. I gave the ladies a safe place to come shower, get something to eat, make phone calls, change their clothes and get linked to services. Sometimes I would drive them home to their children or take the girls home to their parents.

I have learned that most of my issues and the issues of others who live in poverty are the result of public policy. That's why public policy is where I need to be, to make change. I would eventually like to work my way into public policy and focus on the policies that are injustices for people living in poverty and covert institutionalism.

I have had opportunity to address areas of concern with Neighborhood Legal Services. I was a member of their Community Advisory Group. As a participant in the Neighborhood Legal Services, CAG, I was able to explain to legal aid lawyers what it is like to live on the streets and try to get off of public assistance, so they could better advocate for their clients.

The CAG was comprised of a group of six women who

were either experiencing homeless poverty, themselves, homelessness or poverty. The goal of the CAG was to teach women to advocate for themselves and for other members of the community.

The CAG taught me how to become my own best advocate with any agency, from the Department of Social Services to the water company.

Now I serve on the Legal Aid Services Board where I continue to be the voice for the client. As an individual who comes from the streets, I know how important Neighborhood Legal Services is to the community.

It is important for Buffalo and everywhere else in New York State, that Legal Services continue to get funding. I do not know where I would be if it wasn't for the Neighborhood Legal Services.

I am now capable of having dreams and reaching them, along with my goals. I do not want to begin to think about what would happen to my community and the underserved if there was no Legal Services to turn to for legal help. Thank you for your time.

CHIEF JUDGE DiFIORE: Miss Moore, for someone who describes herself at some point in her life as being a poor communicator, you have done an extraordinary job here today. And congratulations to you on behalf of everyone in this

courtroom for your eleven years clean, for achieving so many milestones and educating yourself, and for your vision about being a policy advocate and helping others. I think someone should make a documentary film about you.

MS. MOORE: Thank you.

CHIEF JUDGE DiFIORE: You're very welcome. Anyone have any questions?

PRESIDING JUSTICE WHALEN: Can I just briefly?

CHIEF JUDGE DiFIORE: Yes, please.

PRESIDING JUSTICE WHALEN: You know, being from Buffalo also, Miss Moore, I second everything the Chief Judge said to you. You're an inspiration to our community. And what you can continue to do that will lead is not only helping yourself but you'll be helping so many others by the example that you've set.

One of the things I noticed, and I noticed throughout the hearing here today which I think is also inspirational, is that the relationship between the clients and the attorneys that come up here is a very personal relationship.

She referenced Miss Selmonsky as Penny. They're friends, no doubt close. Those relationships happen because lawyers are committed to doing their job. And funding is important, but also having proper -- the proper people, the right people who are dedicated to this mission do that work is

inspirational to all of us here, if I could be so bold as to speak for the panel. Thank you.

CHIEF JUDGE DiFIORE: Thank you very much and thank you for sharing your story, Miss Carrillo and Miss Moore.

We are going to start with Panel 5, but we're going to take presenters out of order, so we'll start with Mr. Schultz who'll be appearing by Skype. So, we'll ask Mr. Schultz to please enter.

Are we prepared to do that?

(Skype technology was activated.)

MR. SCHULTZ: Good afternoon. Can you hear me in the room?

CHIEF JUDGE DiFIORE: Yes. We can hear you. Can you hear us?

MR. SCHULTZ: I can, loud and clear. Thank you.

CHIEF JUDGE DiFIORE: Excellent.

So, our next presenter is John Schultz. Mr. Schultz is the Executive Vice President and Chief Legal and Administrative Officer and Secretary of Hewlett Packard. And he's coming to us from Palo Alto, California via Skype today.

Mr. Schultz, thank you for taking time from your schedule to set this time aside and to present to the panel of this public hearing.

So, thank you, sir.

MR. SCHULTZ: Thank you, Chief Judge, for accommodating my participation.

Chief Judge DiFiore, Presiding Justices Acosta, Scheinkman, Garry and Whalen, Chief Administrative Judge Marks, NY State Bar Association President Miller and other distinguished guests, it's an honor and a privilege to be here this afternoon to help address the critical unmet need for equal access to justice in New York, and indeed across the United States.

I know full well that many of the people before whom I appear today have dedicated substantial portions of their professional lives directly to the administration of justice and are deeply and urgently familiar with these issues in a very hands-on way, so let me begin by thanking you for your work and clarifying that I will seek to focus my statement on the reasons why as a corporate lawyer I believe so strongly in the cause of equal access to justice.

That said, I'd like to tell you that I have a passionate personal interest in this area, have worked closely with a number of organizations connected with this cause, including serving as a member of the board of the National Legal Aid and Defenders Association, Silicon Valley Law Foundation, of which I'm a past president, as a board member of the Equal Justice Works and as a member of the Leaders

Council of the Legal Services Corporation.

My commitment is not unique among my colleagues at HPE, many of whom were drawn to the company by the ideals of our founders, Bill Hewlett and Dave Packard, who from the earliest days of the company maintained that “the biggest competitive advantage is to do the right thing at the worst time."

So, let me give you a flavor of our company’s approach to equal justice, along with some of the specific things we're doing. At HPE, our employees are part of a culture which emphasizes the importance of having a positive and meaningful impact on our communities, and in the Legal Department, that takes the specific form of a strong and continuing commitment to pro bono work. Every year hundreds of our legal professionals, whether attorneys or otherwise, contribute thousands of hours to pro bono projects partnering with legal organizations, law firms, and non-profits all around the globe.

And while we have been recognized for our work in this area, the recognition is certainly not our primary motivation. Rather, we do it because we believe it is the right thing to do for ourselves and for our communities, whether it is helping veterans with appeals to obtain much needed benefits, staffing housing clinics to assist families facing eviction,

providing corporate and employment legal advice to non-profits, working with Human Rights organizations to combat forced labor and human trafficking, or creating an award-winning records expungement clinic that gives individuals the opportunity for gainful employment, the lawyers and other professionals in our company demonstrate their commitment to pro bono each and every day.

And reality is that type of commitment is not unique to HPE. More and more companies have come to the understanding that it cannot be essentially blind to the fundamental problems of the society they live in. They cannot remain indifferent. To quote Justice Sonia Sotomayor, "We educated, privileged lawyers have a professional and moral duty to represent the underrepresented in our society, to ensure that justice exists for all, both legal and economic justice."

This is why corporations across America are steadily increasing their investment in support of pro bono programs. It is through these vehicles that we are able to contribute to our communities. These efforts are made possible by partnerships with civil legal aid programs, without which our volunteers could receive neither the necessary training nor the access to clients who need the help. Through these partnerships, the private sector can extend its impact on the

investment being made by the state and federal government.

And so from that perspective, it is encouraging to see how many companies are now including pro bono in their corporate social responsibility initiatives.

I believe this recognition of the importance of pro bono and the access to justice is the consequence of two different but really connected realities. First, the justice gap, the difference between the civil legal needs of low-income Americans and the resources available to meet those needs, continues to be a fundamental issue and, I would suggest, defining issue in our society, an issue which is far from narrowing but actually stretching into a gulf. Second, that very same justice gap has a tangible and significant impact on our competitiveness as businesses and, ultimately, as a country.

At HPE, we have a direct presence in more than 70 countries around the world and do business in more than 100. One of the greatest competitive advantages in this country is our justice system and the belief generally that it is fair. That justice gap is the number one threat to that competitive advantage. As a company, it would simply be intolerable for us to allow that threat to continue to grow.

Let me elaborate a little on these two related realities. Access to justice is not simply a problem for New

York or any other state. To the contrary, it is an increasing concern across America. The data from Legal Services Corporation's 2017 Justice Gap report revealed that low-income Americans seek professional and legal help for only 20% of the problems they face. This is not a small problem since the report shows that 71% of low-income households experienced at least one civil legal problem in a year. Of the civil legal problems reported, 86% received no help at all or certainly inadequate help.

And no place escapes this problem. When I came to the Bay Area, probably the most prosperous part of the US today and maybe the most prosperous part of the world, I was stunned to see a justice gap that existed right here in Silicon Valley, especially in the city of San Jose. The Silicon Valley Law Foundation, which I mentioned I've been at the heart of since coming to the area, deals every day with foster youth issues, predatory credit practices, issues around human trafficking, forced slavery, and all the issues I saw when I lived in the suburbs in Philadelphia. What is true in Philadelphia and New York is true in the Bay Area and in every other community in the United States. This is not just an issue that resides in a few places you would think of traditionally as struggling areas. It is in every community in which we work and live.

As far as New York is concerned, it is true that this state leads the country in state investment in legal aid, with all non-LSC sources making up 84% of all legal aid funding in the state, compared to the national average of about 63%. And much of this progress is due to the inclusion of funding for civil legal aid in the budget of the New York Judiciary, which is the source of 100 million dollars of funding this year. In state and local grant-making alone, New York provides more dollars per 1000 persons in poverty than any other state. This is reassuring and certainly something you all should be proud of. However, New York is still far from a place where we can claim victory and say that the justice gap is closed.

Almost 20% of New York's population qualifies for Legal Services Corporation-funded legal services. That is more than 3.6 million people. In 2015 alone, an estimated 1.8 million people appeared in the New York State courts without a lawyer. In 2016, LSC-funded legal aid providers in New York were forced to turn away 36% - that's right, 36% - of eligible people who came to them with eligible civil legal aid problems, and they did that because they simply did not have the resources. And let's not forget, we're just talking about the people who took the effort to get to the LSC, which we estimate to be only 20% of the eligible people who are facing legal problems.

So, access to justice continues to be an acute problem in New York and everywhere else in America, a problem we cannot afford to ignore because, as I said, it has a significant and tangible impact on our competitiveness as businesses and as a country, which brings us to the second reality I mentioned before.

As corporate leaders, we recognize that the problems affecting our communities directly impact the success of our business. Any multinational corporation like mine, HPE, can attest to the difficulty – in fact, sometimes the impossibility – of doing business in countries in which the legal system is not solid, and the people do not trust the judiciary and the government. Investors and developers are reluctant to engage where the rule of law is weak, and the courts and the government cannot be trusted.

So, I think we take for granted this competitive advantage that we have. In the US, people generally trust our system. They trust the government. They trust the judiciary, notwithstanding all the things that currently exist that would give people reason to distrust the system.

I am reminded of Edmund Burke's famous statement that "free trade is not based on utility but on justice." Business depends on a justice system which allows employees, employers, and consumers to be confident in their legal rights. I

believe we need to look at access to justice the same way we look at healthcare, because legal rights are just as important as healthcare rights; and like healthcare, legal rights and protections do not matter unless people can access them. Without access to justice we have a fundamental lack of trust, and anyone who runs a business knows that the most precious asset on our balance sheet is the public trust.

Let me conclude by saying that, as a technology company, our perspective is somewhat unique to begin with, and it is further distinguished by the values of our founders which I mentioned at the outset. In Dave Packard's words, "The betterment of our society is not a job to be left to a few. It's a responsibility to be shared by all." Dave and Bill really understood that the true promise of technology is about empowering and inspiring people in a very democratic way. When you put technology into the hands of people, you unlock their potential, you create opportunity and you do so without regard to race, color, creed, or any other societal barrier. And so it is with access to justice. Access to justice is about empowering and inspiring people, and it is about creating opportunity. It is about allowing them to reach their fullest potential. And when people can reach their fullest potential, individuals and communities advance, businesses advance, economies advance, and ultimately, society

advances. So, ensuring access to justice is not only the right thing to do, it is also the smart thing to do.

Thank you once again for the opportunity to share my thoughts, and thanks also for your seriousness of purpose in attacking this most important issue.

Thank you.

CHIEF JUDGE DiFIORE: Thank you, Mr. Schultz. So, Mr. Schultz, your corporate commitment to pro bono is admired, it is appreciated. And certainly, we will look for ways, if necessary, to encourage that continued commitment. How, sir, do you suggest that we take your model and use it as an inspiration for your colleagues, your other chief legal officers, in-house counsel and corporations not only here in New York, but throughout the country? What would you suggest to us?

MR. SCHULTZ: Well, thank you for the kind words and thank you for the question. First off, I think recognizing those contributions is incredibly important. Companies and organizations are not all that dissimilar to individuals, and they like to hear a nice word every now and then. It's amazing how far it goes, especially in an environment in which sometimes, you know, we highlight the negatives as opposed to positives. So I think that alone goes a long way.

As I said in my remarks, the partnerships between the

legal aid organizations and the corporate world continues to strengthen, and those legal aid organizations are playing an absolutely pivotal role in unlocking the resources of corporations.

So, in some ways, the support of those organizations and continuing to drive them forward and understanding that they are not just simply delivering the services, that they relate to the people on their organization chart, that they are the glue in this ecosystem that can allow us partnering with the public space and accessing and unlocking more and more resources in the corporate world to close this justice gap.

So, some nice words for our corporate friends and continued great support for our legal aid partners I think would go a long way in continuing to help us wage this war.

CHIEF JUDGE DiFIORE: Thank you. Any questions of Mr. Schultz? Thank you so very much, sir, for clearing your schedule and appearing by Skype and for your commitment and your inspiration to others in your same position of responsibility. Thank you.

MR. SCHULTZ: Thank you very much.

CHIEF JUDGE DiFIORE: Okay. Now moving to our next panelist, Roger Maldonado, who we all know who Mr. Maldonado is. He's currently serving as the President of the New York

City Bar Association and he's a partner at Smith, Gambrell & Russell. Thank you for appearing today, sir.

MR. MALDONADO: Well, thank you very much to all concerned for the privilege of appearing before you. You have my written statement, so I'm not going to read it to you. I'll be happy to entertain from the outset any questions that you have and then try to, within answering those questions, to frame what is in the statement, which is what normally happens when I appear before a panel of judges. But with that, are you taking me up on my invitation?

CHIEF JUDGE DiFIORE: Yes, of course.

PRESIDING JUSTICE ACOSTA: I know this is an area of personal and professional interest to you. You've heard that after full implementation of Universal Access there would still be about 40 percent of tenants in Housing Court unrepresented.

I know that the City Bar -- I know you, personally, have been involved in, you know, trying to get to a hundred percent, you know, dealing with a lot of those folks that don't quite meet the 200 percent below poverty guidelines. So, can you share some of that with us?

MR. MALDONADO: I can. In fact, at the urging of our new sheriff, I was going to present to you, anyway, the following. In response to the passage of the historic act --

I mean the concept of having a right to counsel, even for just a limited set of persons of low income, is incredible.

The City Bar Association established a Task Force on the Right to Counsel, and one of its co-chairs is Andy Scherer. And at his request, together with his co-chair, Allison King, the City Bar Association tasked the task force with two different jobs; one, to track the implementation of this right to counsel legislation and to support its implementation as needed as best we can so that it really, really does work and does provide, you know, effective counsel to all low-income tenants who are in eviction proceedings in New York City.

It has a second task, and that second task is to look to expand, to study, see the effects of having a right to counsel for an essential of life and look to expand that right to counsel to other jurisdictions, to other persons within those same proceedings; and perhaps, and we hope, to other areas of law, and that includes the essentials of life.

My written statement makes clear that in consumer debt cases, having an attorney makes an enormous difference. There's no question based on our personal experience and in representing tenants in Housing Court in New York City that we make a difference when we are there. And someone who is above the 200 percent poverty level and is working still in most

cases will not be able to afford an attorney. That's just not going to happen, and those persons are going to be at a disadvantage.

So the City Bar Association is going to, through its task force, through its multiple committees, continue to look at what happens as a result of this legislation and urge its expansion to other areas.

CHIEF JUDGE DiFIORE: Roger, as you know, the Commission has been focused on finding ways to leverage the power of technology to our advantage. Would you talk a little bit about the consumer debt Help Finder and how technology is impacted?

MR. MALDONADO: We have just started the consumer debt Help Finder, which is a portal that allows for 24 hours access to the information regarding and intake system for persons who can provide consumer debt assistance. And we're doing so in conjunction with several legal services providers. And the idea is to have this -- not just have the portal exist, but we must get persons who are out there who need access to this information to know about it, because otherwise it's a wasted resource.

So, we're doing several things. One of the things that we have -- actually haven't started - we actually spoke to someone at the Office of Court Administration last week -

is to -- in coordination with the Office of Court Administration, reach out to community groups, including interfaith groups, to tell them about not just this portal but all other resources that are available though the court system and through legal services providers, through the legal referral services that exist within the City Bar and across the state about services that can be helpful.

And we can do that in person, but we also now have through technology the ability to have -- through Skype, and we now have in the Judith Kaye room at the City Bar the ability to set up teleconferences with other entities and have these sort of train the trainers occur on a frequent basis so that if the people at the City Bar want to do this, they just come downstairs and within an hour they've taken care of assistance that would otherwise have taken the better part or at least half a day to go to the site, provide the training.

And once we have the Help Finder up and running and we have people accessing it, the idea is to be able to expand the number of service providers participating in it, to make it truly universal. So the idea is to have, through one system, the ability to inform people about who is out there and who can really help.

MR. MILLER: Mr. Maldonado, in your written submission I found it striking when you showed that there are two

consistent patterns. One pattern is that there's less than four percent of those who are debtors or defendants in consumer debt matters represented by counsel, and the other is that consistently there are -- 40 percent are default judgments.

I'm sure you're aware that prior to commencing a foreclosure action, pre-suit notices are required, and they are required to inform debtors of available help to give them avenues to obtain assistance.

Do you believe that it would reduce defaults in consumer credit matters if we changed the rules to require that the summons in a consumer credit action provide information on locally available resources to the debtor?

MR. MALDONADO: Absolutely. In fact, the City Bar Association has for the last few years recommended directly to OCA that there be included on a civil summons for any debt consumer action -- in fact, we would go beyond consumer debt, any civil action, a link. And, actually, given again, Your Honor, the importance of technology, the link should be one that is accessible by a mobile phone. More and more persons these days are accessing the information that they need to deal with life through their mobile phone. And if you have a link -- if you put on the summons information about a link, be it to Help Finder, we have urged OCA that the link be one that

is hosted by the New York Court System, and at that link, you would then be able to access information from legal referral services.

Because, remember, for many consumer debt cases, the persons will not be eligible for free legal assistance, but there are the City Bar and other bar associations that have legal referral services where we have vetted private attorneys who are experts in particular areas of law and who, by and large, are more affordable than a -- certainly a large firm or a smaller firm and who would -- can be reached by calling the number specific.

And if you have through a link on the OCA website the ability to reach out to legal services -- to the legal referral service, and then you also state, And if you don't think you can afford a lawyer, here's a link to the legal service providers in your area, it will do more than just reduce the number of defaults.

One of the reasons that -- our Civil Court Committee has informed much of what you saw in our statement. They deal on a daily basis with persons who come in, as does the City Bar Justice Center in its Monday night law program where we have, you know -- sometimes we have a line out the door of persons coming in with a bag full of papers and then they are then directed to a room of attorneys who are experts in

certain areas. And they say, I have a problem, and they are frequently overwhelmed. And if you tell someone from the outset, "Hey, here's assistance," it makes it much more likely for that person to actually do something about it; and, secondly, it's not just avoiding defaults, it's avoiding these onerous settlements that are commonplace in consumer debt cases.

Unfortunately, and it's not just the court system, society at large tends to view consumer debtors as deadbeats, persons who are trying to get out from under a debt that they properly incurred. That's frequently not the case. Even when it is the case, to have a settlement that allows the company that has sued the debtor to say, "All right, I'll give you five years to pay it out; however, if you miss one payment, just one payment, I can accelerate the entire amount of the debt, get a judgment and, you know, garnish your wages, all without further notice to you." That sort of settlement would never, ever be approved by an attorney who's representing the consumer debtor.

And if we were to provide information from the outset that makes clear to the debtor there's places where you can get help, you would avoid the default and, I would argue, you would avoid those onerous settlements. And given the fact that consumer debt cases are no longer -- they're not

comprised exclusively of a few hundred or very small amounts of monies, you have now in the New York Civil Courts two categories of consumer debt cases that are really dangerous. You have the so-called broken leases cases where a landlord having already sued the tenant in Housing Court and the tenant has moved out turns around and goes after the tenant, the now ex-tenant, for monies that either were waived because of -- as consideration for moving out, in which case they have no right to be suing them in the first place, or for monies that would not be due because of the warranty of habitability.

You also have - and I see that I need to conclude - the automobile loan cases, which is another area where you have consumer debtors who are subject to predatory loans that is a half percentage point less than criminal usury, forget about civil usury, they far exceed. These are areas of practice where no amount of wonderful advice is going to suffice. You need an attorney. We need to come up with collaborative programs that are pilots that are designed to create a cadre of well-trained legal services providers and pro bono attorneys who know how to vacate a default judgment and defend these sorts of cases.

PRESIDING JUSTICE SCHEINKMAN: I would appreciate it, Mr. Maldonado, if you could get a little bit into the settlement process that you talked about. Are these

settlements, settlements that are arrived at pre-suit? Are these settlements that are arrived at before court? Are these as a result of court conferences? Is there some way to have this process regulated?

MR. MALDONADO: Yes, by the courts, because most of the settlements occur post-suit. They most frequently occur in the context of an Order to Show Cause brought to vacate a default judgment or in the context of an answer that is presented with some assistance from the Court but without assistance from an attorney.

And then in New York City there are consumer debt parts, and you go to that consumer debt part and you do get to see a court attorney. There are sometimes volunteer attorneys, there are sometimes Navigators who also assist, but the Navigators cannot provide legal advice, not under the current law.

And the Volunteer Attorney for the Day is only there for that one day. He or she can't represent the consumer debtor the next time around. And what's really needed is someone who is going to be able to say, "It's crazy to settle this case now under these terms." And, unfortunately, if there is no attorney there for the debtor, it's up to the Court. It's up to the Judge to inquire as to the consumer debtor's ability over the next five years on a regular basis

to make a $200 payment or risk having his or her wages garnished.

This -- what we need as part of this process is to educate the court system as to the consequences of what happens in the proceedings before the court.

CHIEF JUDGE DiFIORE: Thank you, Mr. Maldonado. And thank you for your leadership at the City Bar and the service to the many members you provide the service to. Thank you very much.

MR. MALDONADO: My pleasure.

CHIEF JUDGE DiFIORE: And now we'll hear from Stuart Mitchell, who's the President and CEO of PathStone Corporation, which is a private, not-for-profit community development and human services organization, with a very admired mission of educating, training and providing support services to people and families seeking to break the cycle of poverty.

Thank you for being here, sir, and thank you for traveling from Rochester.

MR. MITCHELL: It's my pleasure, and it's an honor to present my thoughts on the current scope of the unmet need for civil legal services by low-income New Yorkers. Our staff encounters dozens of participants each day who are confronting problems that impact their housing stability and create

barriers to essential healthcare, education, jobs and community benefits..

Jason is a participant at PathStone Program. Following a series of life events, he ended up in the criminal justice system. He is enrolled in a program called Court to College. He is unemployed, living with his girlfriend and, according to his counselor, committed to becoming a responsible young adult.

On the occasion of the birth of his son, Jason missed three days of court-mandated school. As a result, he was sanctioned by the judge with a 30-day jail sentence, which started a chain reaction. While Jason was sitting in jail, he missed a recertification appointment with the Department of Human Services and was subsequently cut off from the nominal housing assistance he received from the county. Jason fell behind in his rent and soon, after his release from jail, was served with an eviction notice.

Jason had no legal representation during the eviction process. An attorney might have been able to successfully advocate to DHS to reinstate the housing assistance because there was good cause to miss the recertification appointment, and then work with Jason's landlord and the eviction court to prevent the eviction from taking effect. Of course, the mother of John's (sic) son was also placed in serious jeopardy

because she had no legal representation. As a result, she and her son also became homeless. .

Nora and her 18-year-old daughter moved into a two-bedroom apartment which became infested with mold because of a leaky roof. They are Section 8 clients with limited Social Security Income. They were at the mercy of HUD's Section 8 regulations to determine when and how they could move from their moldy apartment. In addition, the daughter suffers from a rare and potentially terminal neuromuscular autoimmune and cancerous medical condition. They are under medical care in Buffalo and Cleveland. The landlord resisted all efforts to accommodate the serious circumstances caused by the mold. With the assistance of a volunteer social worker, Nora escalated her concerns to the county Health Department and the Housing Authority. Both determined that mold was taking over the apartment, including their furniture and even their refrigerator.

Finally, the landlord allowed them to break the lease. This created an immediate crisis of trying to find a new clean, handicap-accessible Section 8 apartment. Because of Section 8 bureaucracy, Nora and her daughter had no choice but to move into an extended stay hotel. They have received assistance from their church and the social worker. However, the monthly cost will be approximately $3,000 which, of

course, they cannot afford. The social worker is working with Nora to find a clean apartment as quickly as possible that will meet her needs and the needs of her daughter. Nora desperately needed competent legal representation as soon as mold was discovered and the landlord failed to provide an adequate resolution.

Back in May, we hosted Matthew Desmond, the author of the Pulitzer Prize winning book, *Evicted*. And he has a powerful statement that I'm sure you're very familiar with around the country, the idea that housing is a critical part of people's lives and without housing everything else falls apart. In his research he discovered that there are very little reliable data that accurately accounts for the extent of the eviction crisis in our country, and that's certainly true here in Rochester and throughout the state.

Median tenant household income in Rochester is less than $22,000 per year. Rochester is the fifth poorest city in the country with a poverty rate of nearly 34 percent. At least 56.4 percent of children's childhood poverty rate is three times the national average of 18.4 percent and ranks third in the nation.

Female head of households living in Rochester represent 50 percent of those living in poverty. There were approximately 150,000 homeless children in New York schools in

2016 and '17. The eviction rate in Rochester is nearly seven percent, or ten evictions per day.

The New York State Permanent Commission on Access to Justice, Monroe County initiative has identified an urgent need for reform in the housing arena and has established a housing work group, of which I am a member. In the first several meetings, we had begun to identify and prioritize the existing housing barriers that prevent access to justice.

The story of Nora and Jason highlight the critical importance of competent legal representation. Attorneys or highly skilled housing advocates should be available to assist tenants facing any type of health, safety or eviction issues.

Recommendations from the Justice for All Housing Work Group under discussion would dramatically increase access to affordable, safe and healthy homes. Some of those recommendations that we are working on right now: tenants confronting eviction must be guaranteed a right to counsel. And that's the conversation we've had all afternoon. The tenants' dispute with the landlord regarding serious health and safety issues must have immediate access to a fair and impartial hearing to determine culpability and remedy. Unlike New York or Buffalo, we have no Housing Court in Rochester where tenants can compel repairs to unsafe conditions. Those individuals currently have no remedy.

We talked about a database earlier. That's certainly a very important asset in Rochester as well. It occurred to us that even the courthouses could open up space for a social service kiosk, where we could have a one-stop service following the adjudication and the process of the courts.

Case management is absolutely essential. I know -- I won't launch into the Rochester area anti-poverty initiative. It's an audacious project where we're trying to reduce poverty in Rochester and Monroe County by fifty percent in 15 years, now actually 12 years. And that is a struggling project that has a long way to go, and you can read about that in my testimony.

I would encourage you to look at, and maybe you have already done this, the Color of Law, a Forgotten History of How Our Government Segregated America by Richard Rothstein. Rothstein is interested in how we got to the systemic racial segregation we find in metropolitan areas today and what role government played in creating these residential patterns.

There would be many fewer segregated suburbs than there are today if it were not for the unconstitutional desire, shared by local officials and by the national leaders who urge them on, to keep African-Americans from being white family's neighbors.

Structural racism institutionalized over decades has

segregated our communities by race. This segregation has created separate and unequal community support systems that perpetuate privilege and poverty.

Rothstein highlights a series of fixes, which I will touch on a few of those, one being really important, I think. Young people must be taught an accurate account of how we came to be segregated. Current textbooks for the most part completely ignore the facts of government decisions at every level of our society.

We should require cities, towns and suburbs to assess their concentration of poverty and identify goals and remedies to segregated conditions. Enforce the 1968 Fair Housing Act. Ban all zoning ordinances that prohibit development of multifamily housing in suburban communities and exchange exclusionary zoning laws with inclusionary laws. Treat housing stability and affordability as an entitlement in much the same way as homeowners presume they are entitled to their deduction for property taxes and mortgage insurance.

I think the first question that we must address ourselves in this whole conversation is whether or not housing is a right or a privilege. And Desmond again states: "The home is the wellspring of personhood. It is where our identity takes root and blossoms. It is where as children we imagine, play and question, and as adolescents we retreat and try."

Residential stability begets a kind of psychological stability that allows people to invest in their home and social relationships. Nora and Jason are examples of families whose lives have been dramatically disrupted because of evictions.

Jason today is working for a construction company doing union work, got his OSHA license and has started working July 19th. He's still living with his mother, looking for money to save for a security deposit, and Nora continues to search for an apartment. She remains in an extended stay hotel with her daughter who continues to undergo treatment for her medical condition.

I certainly congratulate all of you for the effort you're putting in to address these critically important issues. Thank you very much.

CHIEF JUDGE DiFIORE: Thank you, Mr. Mitchell. Any questions? I have one question. I'm going to double back to my initial question, and several of my colleagues have been wondering the same.

So, as the last provider to testify today, what are your thoughts about why investing public dollars, very specifically related to your area, are good economic and social policy for us to engage in?

And how do we fight that fight and present our case to

the people who make these decisions, funding decisions?

MR. MITCHELL: Yes, I think the -- forgetting the structural -- you know, the structural barriers have been created over history and the kind of issues we're dealing with, I think that's an argument in and of itself. How do we remedy a problem that we, mostly white people, have created over centuries?

So, I think that's number one. And, number two, if you look at Nora and you look at Jason, the amount of money we'll be spending on both of them to get back on track, because we weren't able to represent them fairly in a timely fashion, is going to cost more than it would have been to solve the problem up front.

So, I think clearly an economic argument can be made for immediate -- the whole point that you were making, I think, is so important about the access to information, the access to resources that can be given immediately to help people get out of situations that they find themselves in is a cost-effective, economically sound policy that any taxpayer would look at.

You could prove it, which can be proven. You can demonstrate it to the community that it would be important. Desmond just published an article in *New York Times* last Sunday. You should look at it. It's a whole conversation

about why work will not solve the problem. It's a powerful, powerful statement about the conditions of our -- of the inequality in our economy. And that conversation has to be had. And if we can't have that, we're not going to face that question to get the answer that you're asking. Because one way or the other, we're going to pay for it, and we're paying for it in very, I think, expensive, unnecessary ways.

As a practitioner, we could certainly find better ways to spend the dollars we spend patching up the problems that were created unnecessarily.

CHIEF JUDGE DiFIORE: Thank you.

PRESIDING JUSTICE ACOSTA: That's an issue that statewide, right? Because New York City is the fourth most segregated city in the country, or at least it was. It's the second now? So it looks like we have moved up.

MR. MITCHELL: Yes, and that exacerbates all other kinds of problems, including the attention that the government is willing to spend on people who were forgotten in that process.

CHIEF JUDGE DiFIORE: Thank you, Mr. Mitchell. Good luck with the work you're doing.

MR. MITCHELL: Thank you very much.

CHIEF JUDGE DIFIORE: Our final panel. Our final presenter is Altagracia Tejada, a client of the Brooklyn

Tenant Rights Coalition at the Legal Aid Society. And she is accompanied by her lawyer who is with her today, Morenike Fajana, and also by --

INTERPRETER CARDONA: Lourdes Cardona.

CHIEF JUDGE DiFIORE: Thank you very much. Good afternoon.

INTERPRETER CARDONA: Good afternoon.

CHIEF JUDGE DiFIORE: Thank you for being here. Please proceed.

INTERPRETER CARDONA: Good afternoon. My name is Altagracia Tejada. 17 years ago I left the Dominican Republic, leaving behind family, friends and everything that I knew to start a new life in Brooklyn, New York. Like many new immigrants, I moved into the most affordable apartment that I could find, which happened to be in Sunset Park.

At the time, my neighborhood was full of many other Latino immigrants and Latino families trying to make ends meet. Though it wasn't quite like home, I felt comfortable being surrounding by so many other people from Latin America.

That all changed in 2003 when a new landlord purchased my apartment building. Immediately he began to ask me and all the other Latino tenants when we would move out of our home. He told us that he didn't want us there and that he wanted new tenants to move in who would pay more rent. When just asking

us to move didn't work, my landlord started to use more extreme measures.

Beginning in 2004, my new landlord began asking me and my Latino neighbors living in the building to sign a citizenship clause attached to our lease. Anyone who refused to sign this document or who failed to do so because they didn't have citizenship status was forced out of the building due to intimidation and fear.

Sadly, this was not the only tactic that was used to get Latino tenants out of the building. In addition to the citizenship clause, my landlord was relentless in bringing rent-stabilized Latino tenants to Housing Court. My landlord brought me to court six times between 2010 and 2017.

Oftentimes my landlord would fail to cash my rent checks and then bring a case against me for non-payment of rent. Each time I would successfully defend one of these cases, my landlord would again ask me to move out of my apartment. He even went so far as to tell me that he didn't like having Latinos in his building because we were sedentary and that we never moved.

The combination of the Housing Court proceedings, the constant pressure to move and the citizenship clause caused me immense stress, financial hardship and even made me physically ill. I repeatedly contacted neighborhood organizations and

the local press about what I had been through at my apartment building, but no one was willing to tell my story or get my landlord to stop his behavior.

In August 2017, Danny and Mo from the Legal Aid Society came to my door and told me they were investigating my apartment building for a possible group action. This seemed to me like fate. After so many years of suffering in silence, I finally got my opportunity to fight back on behalf of myself and all the other Latino tenants in the building who had been pushed out by my landlord.

I started working with the Legal Aid Society immediately. I helped them organize all the tenants in the building and informed them of their rights. In January 2018, we filed a class action on behalf of a group of seven tenants based on my landlord's biggest, long practice of discrimination against Latino tenants. We had now obtained a court order which prevents my landlord from engaging in any more discrimination or using any more unlawful tactics to try and get tenants out of the building.

I am so grateful that the Legal Aid Society agreed to help me. Without them, my family and many other vulnerable families in the building would still be afraid of losing their homes. I'm very proud of what we were able to accomplish in this case to ensure that all tenants are treated with dignity

and respect.

However, I know that there are still many New Yorkers out there that are also in need of this type of advocacy and assistance. I cannot stress enough the importance of funding the Legal Aid Society and other legal services programs, because they are an extremely significant resource for New Yorkers who otherwise lack the ability to obtain representation or gain legal assistance in a variety of civil litigation issues. I am here in support of continued and increased funding for Civil Legal Services in New York. Thank you.

CHIEF JUDGE DiFIORE: Thank you, Miss Tejada. We agree with your conclusion, number one. Number two, how were you able to successfully defend against those six evictions before they came to your door?

INTERPRETER CARDONA: The first time we went to court, my English wasn't that great. It was a little bit okay, but it wasn't that great. An attorney told me that I am a star and an interpreter tell me twice that I am a star. And I asked why, and he said, Because you won the case without an attorney. Because I did have the money. Every time I try to pay him, he wouldn't take the money, so I saved the money and I wrote the checks to the Court.

When the Judge asked him, why didn't you take her

money? He said, She doesn't have money to pay me. And I showed them all the checks that he returned to me, and the Judge told him, Take it.

CHIEF JUDGE DiFIORE: Final question, for me at least, were there sufficient interpreter services?

INTERPRETER CARDONA: Yes, and very good.

CHIEF JUDGE DiFIORE: Anyone else?

CHIEF ADMINISTRATIVE JUDGE MARKS: Miss Fajana, are you seeing an increasing number of situations like that, where landlords are not cashing rent checks and then claiming that the rent wasn't paid?

MS. FAJANA: Yes. I would say that's one form of harassment. That's actually defined in the New York City Housing Maintenance Code as a way to try to push tenants out. Because even though Miss Tejada was able to defend all of her cases successfully, not everyone is able to take time off of work, arrange for childcare every single month as their cases are going on.

PRESIDING JUSTICE SCHEINKMAN: This is really a remarkable story, but I'm struck by the sense of fortuity in that Legal Aid came to her door. How would someone go about finding legal assistance? Because it seems if Legal Aid hadn't taken up the cause of the people in this building, they would have been in very dire straights.

So, how can we get a better match between clients and legal services organizations?

MS. FAJANA: I think that's a good point. In actuality, I was representing one of her neighbors in that building, and he said to me, You know, there's a lot going on in this building. Our landlord has been doing things we don't think are right. And that's when we started investigating, so that really was just chance.

I think that Tenants Rights Coalition and other groups that do affirmative litigation work need to be larger and need to have more funding as well. It's not just about defending tenants while they've already been sued. It's about being more proactive.

PRESIDING JUSTICE SCHEINKMAN: And to follow up, tenants need to know these organizations exist, because Miss Tejada obviously contacted other agencies that were not able to help her. So I guess she reached out, didn't manage to get to the right place for a while.

MS. FAJANA: That's right.

CHIEF JUDGE DiFIORE: Well, thank you, Miss Tejada, for joining us today, and we're very happy to see that you're in a better place.

INTERPRETER CARDONA: Thank you for supporting this organization.

MS. FAJANA: Thank you.

CHIEF JUDGE DiFIORE: So, that concludes the presentations today. And on behalf of my colleagues who have joined me today, I would like to thank all the presenters who traveled from near and far to share their personal and professional stories. I would like to thank Chair Barnett and the Commission for the extraordinary work that they've been doing in bringing our state to the place where we are. More work to be done, we're not finished yet.

I would also like to thank our staff from OCA, the very fine law firm of Sullivan and Cromwell for their generosity and support to us; and, finally, our two court reporters who performed valiantly today without a break, Karen Kolterman and Suzanne Harrington. Thank you so very much.

That conclude today's proceedings. Thank you very much for being here.

(Whereupon, the public hearing was concluded.)

PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK

APPENDIX 6:

Written Statements from Presenters, The Chief Judge's 2018 Hearing on Civil Legal Services in New York State

NOVEMBER 2018

The Chief Judge's Statewide Hearing on Civil Legal Services in New York

Monday, September 24, 2018 • 1:00 pm – 4:00 pm • Court of Appeals, Albany

Written Statements from Presenters

Jordan Dressler, Esq. *(Coordinator, Office of Civil Justice, New York City Human Resources Administration,Department of Social Services)*

Hon. Anthony Cannataro *(Administrative Judge, Civil Court of the City of New York)*

Hon. Jean T. Schneider *(Citywide Supervising Judge, New York City Housing Court)*

Julianne White *(Client of Legal Aid Society of Northeastern New York, Inc., accompanied by Brenna K. Sharp, Esq.)*

Ismael and Janet Villalta *(Clients of Nassau Suffolk Law Services, accompanied by Vivian Storm, Esq.)*

Myra E. Berman, Esq. *(Associate Dean for Academic Affairs and Associate Professor of Law, Touro Law Center)*

Laurette D. Mulry, Esq. *(Attorney in Charge, Suffolk County Legal Aid Society, Inc.)*

Neil Steinkamp *(Managing Director, Stout Risius Ross, LLC; Consultant, New York State Permanent Commission on Access to Justice)*

Corinna Carrillo *(Client of Legal Services of the Hudson Valley, accompanied by Rachel Saunders, Esq.)*

Tasha Moore *(Client of Neighborhood Legal Services, Inc., accompanied by Penny Selmonsky, Esq.)*

Roger Juan Maldonado, Esq. *(President, New York City Bar Association; Smith, Gambrell & Russell, LLP)*

Stuart J. Mitchell *(President and CEO, PathStone Corporation)*

John F. Schultz, Esq. *(Executive Vice President, Chief Legal & Administrative Officer and Secretary, Hewlett Packard Enterprise Company)*

Altagracia Tejada *(Client of The Legal Aid Society, accompanied by Morenike Fajana, Esq.)*

Jordan Dressler, Esq.

(Coordinator, Office of Civil Justice, New York City Human Resources Administration, Department of Social Services)

Jordan Dressler is New York City's first Civil Justice Coordinator. Established at the New York City Human Resources Administration (HRA), the Office of Civil Justice oversees the provision of free or low-cost legal services to low-income New Yorkers. Furthermore, the Office of Civil Justice makes sure that these programs are working effectively, and regularly evaluates and reports on the legal assistance needs among vulnerable New Yorkers. Prior to leading the Office of Civil Justice, Mr. Dressler most recently served as a Senior Advisor for Strategic Initiatives at HRA, where he helped to launch and manage operations for IDNYC, the City's municipal identification card program, and helped to oversee interagency and external affairs for HRA. Before joining HRA in 2014, Mr. Dressler served as General Counsel at the Mayor's Office of Criminal Justice where he managed New York City's indigent criminal and family defense system. Prior to entering government service, Mr. Dressler spent more than a decade as a criminal defense attorney and as a public defender with the Legal Aid Society in the Bronx. Mr. Dressler is a graduate of the Benjamin N. Cardozo School of the Law and Brown University.

Human Resources Administration
Department of Social Services

Statement Of Jordan Dressler, Civil Justice Coordinator,
Office of Civil Justice, New York City Human Resources Administration
Before the Chief Judge's Statewide Legal Services Hearing
September 24, 2018

Good afternoon, Chief Judge DiFiore, Chief Administrative Judge Marks, the Honorable Presiding Justices and the other esteemed members of this panel. My name is Jordan Dressler and I am the Civil Justice Coordinator for New York City. In that capacity I am honored to lead the City's Office of Civil Justice (OCJ), a unit of the New York City Human Resources Administration (HRA). New York City Local Law 136 of 2017, enacted in August of last year, tasked OCJ with implementing New York City's Universal Access to Counsel initiative to provide access to legal services for every tenant facing eviction in New York City Housing Court and at administrative proceedings at the New York City Housing Authority (NYCHA). With the signing of this legislation by Mayor Bill de Blasio, New York City made history and became the first city in the United States to make this commitment to tenants facing eviction in housing courts and public housing tribunals. I am grateful for the opportunity today to describe our Universal Access law and detail our implementation efforts to date.

To start, I would like to thank the Office of Court Administration and the Judiciary for its stalwart leadership in the area of improving access to justice in New York City and State, particularly as we implement the historic universal access to counsel initiative. We are especially grateful to Chief Judge DiFiore for convening the Special Commission on the Future of the New York City Housing Court last year, which provided stakeholders from across Housing Court practice, including the Office of Civil Justice, the opportunity to make proposals, offer insights, raise concerns and collaborate on a shared vision for a Housing Court that can and will provide effective, efficient and meaningful justice to all who come before it.

Providing civil legal services for New Yorkers in need, in particular legal services for tenants, is a critical part of HRA's efforts to advance the de Blasio Administration's priorities of combatting income inequality and poverty, addressing homelessness and making New York City the fairest city in America. The de Blasio Administration has made new and expanded initiatives that provide assistance to tenants facing eviction, displacement and other housing-related issues a core element of a "prevention-first" approach to addressing homelessness and promoting housing stability and affordability, especially for low-income New Yorkers. Not only is preventing homelessness before it occurs critical to meeting the overarching goal of New York City's Turning the Tide plan to address homelessness that increased 115 percent from 1994 to 2014, it is also a cost-effective and commonsense response to New York City's homelessness problem, and it promotes a fair and equitable justice system, particularly in the City's Housing Courts

where tenants under threat of eviction have long faced an uneven playing field where the vast majority of landlords are represented by legal counsel but most tenants are not.

Our commitment to access to justice for tenants is reflected in a substantial increase in mayoral funding for these critical services. In City Fiscal Year 2013, mayoral funding for tenant legal services programs was approximately $6.4 million. As of City Fiscal Year 2018, tenant legal services programs were funded at over $77 million, a twelve-fold increase. And during that time, the New York City Council passed and Mayor de Blasio signed legislation to establish New York City's Office of Civil Justice, a new municipal office tasked with implementing, allocating, overseeing and monitoring the impacts of these investments. I am happy to report that these efforts have already delivered positive and promising results: for example, in 2013, an estimated 1% of tenants facing eviction in New York City Housing Court had legal representation in court but in a 2016 analysis the Office of Civil Justice found that the legal representation rate for tenants in Housing Court had grown to 27%; more than one in four tenants facing eviction in housing court had counsel. As New York City dramatically increased its investment in legal services for tenants, residential evictions by marshals in New York City dropped by 27%, from roughly 29,000 in 2013 to approximately 21,000 in 2017, representing an estimated 70,000 New Yorkers who remained in their homes as a result of decreased evictions. At the same time, in the New York City Housing Court, the number of eviction cases filed declined, with approximately 17,000 fewer eviction proceedings filed in 2017 than in 2013, a decline of 7%.

In the current City Fiscal Year (Fiscal Year 2019), HRA's baseline budget for civil legal services for low-income City residents and other New Yorkers in need administered by OCJ is approximately $124 million, which includes $93 million for legal services programs for tenants facing eviction and displacement, including Universal Access (a 15-fold increase over the 2013 budgeted funding level for tenant legal aid). By comparison, in City Fiscal Year 2013, *total* governmental funding – City, State and Federal funding – for civil legal services in New York City was *less than half* that amount, at $60.4 million. An additional $30.5 million supports legal assistance programs for immigrant New Yorkers and low-wage workers, ranging from legal screening and navigation services and outreach through the City's ActionNYC program to legal representation for immigrant New Yorkers in matters such as citizenship and permanent residency applications, complex cases like asylum and special immigrant juvenile status, defense in removal actions, and, most recently, mobilizing to meet the legal needs of hundreds of children separated from their parents and loved ones at the southern border and transported to federally funded facilities in New York City as a part of the Trump Administration's inhumane "zero tolerance" policy of immigration enforcement.

With regard to tenant legal services, the centerpiece of our efforts is Universal Access to Counsel. Local Law 136 of 2017 – the Universal Access law – establishes programs that will provide access to eviction defense legal services for all tenants in Housing Court and in New York City Housing Authority (NYCHA) administrative termination of tenancy proceedings. The

Universal Access law specifically provides that New York City will provide access to every low-income tenant facing an eviction case in Housing Court to free legal representation —that is, a defense attorney in the tenant's eviction case—by the end of the five-year phase-in period. Under the Universal Access law, OCJ is tasked with establishing a legal services program that will provide free full legal representation in court to tenants facing eviction proceedings in Housing Court whose household incomes are at or below 200% of the Federal Poverty Guidelines, which is approximately $50,000 annually for a household of four. The law further provides that OCJ will establish a program to provide free brief legal assistance for those households whose income exceeds 200% of the Federal Poverty Guidelines, and will implement a universal access to legal services program for tenants facing eviction in administrative proceedings in NYCHA.

A five-year phased implementation of Universal Access is now underway and is due to be completed in 2022, at which point all tenants in eviction proceedings in Housing Court and at NYCHA will have access to free legal services. At full implementation, Universal Access will be supported by a projected $155 million in Administration funding annually, and is expected to provide free legal services in approximately 125,000 cases per year to 400,000 New Yorkers. This multi-year phased-in approach to growth and expansion is part of the Universal Access statute itself, and it is critical for a realistic plan for implementation. The Administration, the New York City Council, legal services providers and tenant advocates all agree that a first-of-its-kind undertaking of this size, scale and impact would take time to develop the administrative infrastructure, the pipeline of supervisory and staff-level personnel and the non-staff resources that are necessary to meet this challenge, as well as time to identify the most effective ways of creating meaningful access to counsel for thousands of low-income tenants facing eviction.

OCJ is establishing Universal Access through implementation by ZIP code, identifying neighborhoods across the City where eviction and displacement risks and pressures are acute and focusing first on these communities. This "ZIP-by-ZIP" approach has enabled us to partner with the Housing Court administration and legal services providers to facilitate meaningful and effective methods of providing access to counsel. Currently, low-income tenants facing eviction proceedings in Housing Court in fifteen ZIP codes across the City, identified based on factors including the prevalence of rent-regulated housing, high numbers of shelter entries and the volume of eviction proceedings, have access to free full legal representation, and we intend to implement the next phase of Universal Access in five more ZIP codes this year, twenty in total, as legal services providers continue to increase their capacity and are able to handle the increase in cases.

As part of the implementation process, OCJ, the legal services provider organizations and the Housing Court developed robust and reliable processes for tenants in ZIP codes targeted for Universal Access legal services to be connected with available counsel. This effort built on the Expanded Legal Services (ELS) program established by HRA as a precursor and pilot for Universal Access. OCJ worked with Supervising Judges, Resolution Part Judges and non-judicial

staff in each Housing Court as well as legal services providers, to develop intake processes to connect tenants in need of legal services with lawyers to provide those services. The courts started routing newly calendared cases drawn from the target ZIP codes to designated courtrooms. OCJ has conducted outreach through mailers to tenants in eviction proceedings in the target ZIP codes. In the courthouse, legal service providers have established intake operations in or next to these designated courtrooms, allowing eligible tenants to access their services in an efficient and effective process. Provider staff receive court calendars showing tenants with court cases on the designated part on that day, speak with tenants, offer services and assess program eligibility, all within steps of the courtroom in which the cases are heard. If the tenant wants assistance, the providers then conduct a brief intake and an attorney files a notice with the court indicating that the tenant is represented.

Working with the Housing Court and legal providers over the course of the last year, our investments and the refinements we made to case referral and intake processes are already yielding meaningful results. Housing Court is becoming a significantly fairer place for tenants, who now have wider access to legal assistance. Based on an analysis of data provided by the Office of Court Administration, we are seeing substantially higher rates of legal representation in areas targeted for assistance. In ten ZIP codes across the city that were initially selected for targeted legal resources in the expanded legal services program, the legal representation rate for tenants in those ZIP codes who were facing eviction in Housing Court has dramatically increased. In the first quarter of City Fiscal Year 2016, roughly 16% of tenants in these ZIPs facing eviction had counsel in Housing Court. Just two years later, in the beginning of City Fiscal Year 2018, the rate of representation for tenants in these ZIP codes had *tripled*, with 48% of these tenants in court having counsel. The highest representation rate we found was in Brooklyn, where 66% of eviction cases in the two targeted ZIP codes in that borough involved tenants represented by an attorney in court (up from 32.5% two years prior). The largest increase came in the Bronx, where the rate grew from about 12% in the first quarter of FY2016 to over 46% in the same period for FY2018. We are encouraged by these findings and we are grateful for the collaborative work with our providers and the Court which has enabled this game-changing approach to access to counsel in Housing Court.

The City's Public Engagement Unit (PEU) at HRA has deployed a dedicated team of tenant specialists to conduct outreach in neighborhoods targeted for Universal Access services to reach low-income tenants facing eviction in Housing Court, notify them of their access to free legal representation and connect them to services. In addition, PEU and OCJ will also launch a multilingual paid advertising campaign in these neighborhoods to better ensure that tenants are aware of their access to legal services later this year. We are also working with legal provider partners to develop a program model to effectively provide comprehensive access to legal services for NYCHA tenants facing termination of tenancy proceedings.

Looking ahead, in addition to implementing Universal Access legal services in five more ZIP codes, we will be issuing our first Universal Access progress report in the coming weeks. In it,

we will detail a range of indicators about tenants in eviction proceedings in Housing Court that were represented by counsel through the City's legal services programs and their cases, data that we expect will reflect the steady progress we are making in implementing Universal Access and creating a fairer system of justice for New Yorkers facing eviction.

Thank you again for the opportunity today to discuss New York City's work providing access to justice for tenants in need. We look forward to continuing working alongside New York City's legal services providers and other stakeholders towards the goal of a fair and equitable justice system for all.

Hon. Anthony Cannataro

(Administrative Judge, Civil Court of the City of New York)

Honorable Anthony Cannataro
Administrative Judge of the Civil Court
of the City of New York and
Justice of the New York Supreme Court

Anthony Cannataro is the Administrative Judge of the Civil Court of the City of New York and a Justice of the New York State Supreme Court.

Justice Cannataro previously served as Supervising Judge of the Civil Court in New York County from 2016 through 2017. Prior to that, he sat as a Judge of the Civil Court in Bronx County. Judge Cannataro was elected to Civil Court in 2011 and was designated an Acting Justice of the Supreme Court from 2016 until he was elected to that court in 2017. His first assignment after being elected to the Civil Court was as an Acting Judge of the Family Court in Kings County from 2012 to 2013.

Prior to becoming a judge, he served as a Law Clerk to the Hon. Lottie Wilkins in Supreme Court, New York County and Law Clerk to the Hon. Carmen Beauchamp Ciparick at the New York State Court of Appeals, New York's highest court, where he served for three years. Cannataro began his legal career in 1996 as an Assistant Corporation Counsel at the New York City Law Department, Office of the Corporation Counsel.

Remarks of Justice Anthony Cannataro
Before the Chief Judge's Civil Legal Services Hearing
September 24, 2018

Good afternoon and thank you to Chief Judge DiFiore, the assembled judges and justices, Commission members, attorneys and court administrators for the opportunity to speak with you today. I am Anthony Cannataro and, since January of this year, I have been the Administrative Judge of the New York City Civil Court of which the Housing Court is a part. My arrival as an administrator in the Housing Court roughly coincides with introduction of two major changes in the court. One is the implementation of the many reforms recommended by the Special Commission on the Future of the New York City Housing Court. The other is the rollout of the Universal Access to Counsel program throughout the City of New York. From my perspective, these two developments are closely intertwined, and I sometimes have a difficult time imagining how the Housing Court could operate without either of them. But my purpose here today is to talk about Universal Access and, more specifically, to describe some of the ways the program has changed the handling of cases in the Housing Court and to discuss the effect Universal Access has had on the outcomes reached in Housing Court. Although there is still a great deal of expansion to be done under the program, the early indications are that Universal Access has had a positive effect both for its beneficiaries – and here I think both tenants and landlords benefit from this program – as well as for the court itself.

Of the many benefits to be derived from expanded legal services for tenants in Housing Court who cannot afford their own lawyer, there are two goals that are of particular importance, not only to landlords and tenants who come to Housing Court seeking resolution of their disputes, but to the Court itself. One is increased speed and efficiency in the litigation and ultimate disposition of Housing Court proceedings. The other is more fair and equitable outcomes, whether they are obtained through settlement or by judgment of the Court. The value of efficiency, and the savings of time and reduced litigation expenses that accompany it, cannot be underemphasized. Greater efficiency, however, must not come at the expense of a fair

adjudicative process or equitable outcomes. When more equitable outcomes are joined with efficiency, then courts, especially high-volume courts like the New York City Housing Court, are truly on the path to the excellence that we seek. I believe the expansion of legal services for low-income Housing Court litigants under Universal Access has had a positive effect, both in terms of the manner in which cases are litigated and the outcomes reached. These results are directly attributable to both sides are represented by competent legal counsel.

The empirical data that would conclusively demonstrate improvements in these two areas is still being developed. As Administrative Judge of the New York City Civil Court, I have endeavored over the last nine months to clear the dockets of inactive and abandoned cases, literally thousands of them, so that the data we analyze can more accurately reflect the true nature of the work being done and the results being achieved in the Housing part and other divisions our Court. I am optimistic that we will soon be able to show measurable improvements in the efficiency of litigation in the Housing Part and the quality of dispositions. But even now, we can point to anecdotal evidence that strongly suggests the introduction of attorneys for low income litigants under Universal Access has had beneficial effects in both areas.

On the efficiency front, judges presiding in the Universal Access – or Zip Code – parts report having to spend less time at early appearances explaining rights and defenses to litigants, as well as other procedural aspects of litigating a case in the Housing Court. Similarly, judges in the Zip Code Parts find less need to discuss fundamental legal principles such as burdens of proof and evidentiary rules. These are subjects that judges can now reasonably assume will be discussed with counsel in the context of the attorney/client relationship. Judges have also reported spending less time on some of the more administrative tasks common in Housing cases, such as calculating rents or negotiating with agencies like HRA to secure benefits and grant payments. These are functions that are now being performed more expeditiously by the attorneys for the parties. When cases do settle, judges in the Zip Code parts find themselves spending less time conducting detailed allocutions now that both sides have the benefit of counsel to advise them about the specifics of their agreements.

We are also seeing marked changes in motion practice because of Universal Access. This is significant because excessive motion practice can be a major impediment to the swift progress of cases in Housing Court. For example, we are seeing that, when both sides are represented by counsel, the tendency to make time-consuming motions dealing with non-dispositive issues is reduced. On issues such as amending answers and pre-trial discovery, attorneys representing both parties are able to reach negotiated solutions on matters that tend to be resolved only by motion when one side is unrepresented. Perhaps most encouraging, the Zip Code parts have seen a noticeable reduction in orders to show cause to stay evictions and for post-eviction relief. One likely reason for this is that there are fewer final judgments coming out of the Zip Code Parts overall, a result of more, and more favorable, settlement agreements. Fewer orders to show cause of this nature, incidentally, is one indicator that the quality of resolutions has improved under Universal Access. Another reason for the reduction in emergency orders to show cause is that legal service providers are better able than the court itself to work with HRA to ensure that grants are paid before evictions become imminent.

The overall increase in settlements in the Universal Access parts is perhaps the most encouraging development. Judges report that more cases are resolved through stipulation as opposed to final judgment from the Court. Judges in the Zip Code part can also mark cases off calendar with greater confidence that promises of future settlement will come to fruition when two attorneys are involved. Not only are more cases getting settled, when attorneys for both sides are regularly present in the part, cases can settle sooner without the need to wait for a future appearance before the Court.

Lastly, as to efficiency, there has been a recent decline in the number of overall filings in the Housing Court. It is difficult to ascribe any particular reason for this decline and, in all likelihood, there are probably several factors that have contributed to this trend. However, one factor that cannot be ruled out is that, with more counsel for tenants, landlord errors relating to rent overcharges, rent stabilization applicability and treble damages are more apt to be discovered. As a result, some landlords may be moving more deliberatively before starting a proceeding in Housing Court.

Beyond improved efficiency, there are also positive signs with respect to justice outcomes. At the risk of stating the obvious, the issues in Housing disputes are more thoroughly litigated when tenants are represented by competent counsel. Fewer available defenses are overlooked; more relevant facts are adduced; and more effective arguments are made. The overall effect of these improvements on the outcome of cases cannot be overstated.

Even though there has been an observed reduction in non-dispositional motions, motions seeking dismissal and other substantive forms of relief appear to be rising. Even more significantly, judges report that these types of motions have become much more difficult to decide because they are better argued. Housing judges and their court attorneys find themselves doing more research and writing more. I believe Supervising Judge Schneider has also identified an increase in the numbers of appeals taken from Housing Court orders which, under these circumstances, is an indicator that better law is being developed.

As stated earlier, the decline in orders to show cause in the Zip Code Parts suggest that the terms of settlements are more equitable when counsel for tenants are involved and that Universal Access providers are playing a role in making sure that benefits are reaching tenants before an eviction is triggered. The hope is that the cycle of failed agreements and follow-on proceedings can be broken when lasting resolutions are negotiated by capable counsel on both sides.

There are also some tonal changes taking place in the Zip Code parts that suggest a fairer adjudicative process. For example, with both sides are represented by counsel, judges tell us that they now feel less pressure to take on the role of advocate than they might otherwise feel when an unrepresented litigant is before the court. Allowing judges to maintain greater neutrality almost certainly enhances the integrity of the court's deliberations and its decisions. Additionally, when the traditional roles of the court and advocates are more closely followed, there is an increased sense of professionalism in the courtroom. This, in turn, leads to greater confidence in both the court process and the outcomes reached. As Judge Schneider observes, even in the hallways outside the courtroom, the power dynamic in negotiations is becoming

more balanced and tenants experience less pressure to settle for whatever terms are being offered by landlords.

The Universal Access program is still in its relatively early stages and there are many tenants in Housing Court who have yet to become eligible for its benefits. But the early indications are encouraging. It is my hope that, soon, the improvements in both process and outcomes that are being anecdotally reported in the Universal Access parts will be supported by data showing that, cases move more efficiently through the Housing Court and that the outcomes reached are more just when both sides are represented. I look forward to the continued expansion of the Universal Access program and the benefits to Housing Court that it promises.

Thank you.

Hon. Jean T. Schneider

(Citywide Supervising Judge, New York City Housing Court)

Hon. Jean T. Schneider is the Citywide Supervising Judge of the New of the New York City Housing Court. She was appointed to the Housing Court in 1997 and has sat in Bronx, Brooklyn and Manhattan. She has also served as the Supervising Judge for the Housing Courts in Brooklyn and Manhattan. She was appointed to her current position in 2016. Before her appointment to the bench, Judge Schneider worked as a civil legal services attorney for 20 years, including 17 years with The Legal Aid Society. During that time she appeared regularly in Housing Court in Brooklyn, Manhattan and Staten Island. Judge Schneider is a graduate of Swarthmore College and Yale Law School.

Statement of Hon. Jean T. Schneider

before the

Chief Judge's Hearing on Civil Legal Services

September 24, 2018

Chief Judge DiFiore, Presiding Justices, Judge Marks, President Miller, thank you for this opportunity to speak about the New York City Housing Court. Over the last decade, the New York State Courts, under the leadership of Chief Judge Lippman and Chief Judge DiFiore, have commissioned studies and held hearings to assess the need for expanded legal services for those who cannot afford them and to predict and then measure the impact of expanding those services. In the last five years, the New York City Housing Court has become a real life case study of what happens to a court and to its litigants when civil legal services for indigent litigants are dramatically expanded.

At the first pf these hearings, in 2010, witnesses testified that only 1% of the tenants in the New York City Housing Court were represented by counsel. This body heard testimony from Housing Court judges in 2010, 2011 and 2012 describing how we struggled to create a level playing field in a court in which most landlords had lawyers and most tenants did not. Our leaders thought deeply and creatively about this challenge. We developed resources – written, electronic and human – to provide unrepresented litigants with information about their rights and to support their efforts. We trained our judges and court attorneys to explore and address issues carefully, to explain options clearly and in detail, and above all to listen with great care to the often inartful presentations of litigants without lawyers. We adopted policies and procedures to ensure that these things happened as they should. We are proud of these efforts and achievements. But in the end, we were still presiding, most of the time, over cases in which one side had experienced counsel and the other had none. No judge, no matter how conscientious, can erase the imbalance inherent in this situation.

Beginning in 2014, New York City dramatically expanded its funding for legal representation for indigent tenants facing eviction. By 2022 every tenant in New York City with an income under 200% of the federal poverty level will be entitled, under the Universal Access Law, to representation by an attorney in Housing Court. Universal Access is now in its second year. It is rolling out by zip code, and is currently in place in three, soon to be four, zip codes in each of the five boroughs of the city. The rate of representation had increased to 25% in 2017. It is currently at about 50% in the covered zip codes, a little more in some boroughs, a little less in others.

The impact of this sea change on the court, and on the law, cannot be overstated. The expansion of counsel has affected not just the cases in which counsel appears, although that is where the impact is greatest, but also the development of the law and the culture and practice of the court. Let me give some examples.

First, with more lawyers investigating more cases and presenting more legal arguments in court, landlord-tenant law is developing at a greater rate. More judges are writing more decisions, more of those decisions are getting published. I am afraid, Your Honors, that you will be seeing more appeals on landlord-tenant issues as the Universal Access program grows. Professor Andrew Scherer of New York Law School, the author of Residential Landlord-Tenant Law in New York, told me recently that it took him almost twice as long to update the book this year as it did last year, because there are so many more published decisions on issues covered in the book.

Second, the culture of the court is changing. Twenty-one years ago, when I left the Legal Aid Society to become a judge, there were about 15 Legal Aid lawyers representing tenants in Bronx Housing Court. Now there are 70, and I am told that there is a new class of 17 in training. A similar expansion of the number of lawyers appearing in our court has taken place in the other boroughs.

Much has been written over the years about the rough atmosphere of the hallways of Housing Court, where attorneys for landlord try to settle cases with unrepresented tenants out of the sight and hearing of judges and court attorneys. The Chief Judge's Special Commission on the Future of the New York City Housing Court described it this way: "Special Commission members observed a disturbing lack of civility in some Housing Court facilities and heard reports of sexism and sexual harassment. A lack of decorum by attorneys and others – in everything from manner of addressing or approaching the court to appropriate attire – was sometimes evident." This hallway culture stubbornly resisted the Court's efforts, over 20 years, to bring the negotiations into the courtroom and to take control of them.

Universal Access has added scores of new, smart, committed lawyers for tenants to our hallways. These new lawyers are anything but intimidated, and they have been trained to speak their minds. They have brought forcefully to the court's attention specific episodes of deeply inappropriate conduct that they have witnessed in our hallways, and the court has addressed that conduct, with disciplinary complaints and with education and training. Lawyers from both the landlords' and tenants' bars, under the court's leadership, have joined in community meetings, served on committees, organized CLE programs and taken other steps to lift the level of civility and decorum in the court and to eliminate bias. The positive impact of this kind of dialogue on the atmosphere in the court has been tremendous. The work is not done, but it is moving.

Inside the courtrooms, lawyers for tenants and landlords frame legal arguments for judges in particular cases that have an impact not just on how the judge approaches the particular cases before her, but on how she approaches the next one like it, on which the tenant might not have a lawyer. And unrepresented litigants sit in the courtroom watching, listening and learning. The court both looks fairer and is fairer.

There is one other impact of Universal Access that might warrant further attention. More than half of the individuals seeking assistance from our Help Centers are now unrepresented petitioners, not respondents. Some of these litigants are tenants seeking to remove a troublesome roommate from their apartments. Some are seeking to remove a family member from their home. Others are the owners of two or three family homes, seeking help with a tenant who is not paying the rent or who is violating the lease. These small owners are often just one or two months' rent payments away from defaulting on their mortgages. Some of them will find a Universal Access attorney representing the respondents in their cases. This is a new imbalance we will need to address going forward.

I have either practiced or presided in the New York City Housing Court for almost all of my career. I am pleased to have the opportunity, late in my career, to witness the transformation of the court by Universal Access. I believe that our experience with expanded legal services for indigent litigants in the New York City Housing Court is the most encouraging evidence yet for the value of the efforts of the Permanent Commission on Access to Justice, and of the New York State court system, to expand access to civil legal services for indigent litigants in courts across the state.

Thank you.

Julianne White

(Client of Legal Aid Society of Northeastern New York, Inc., accompanied by Brenna K. Sharp, Esq.)

JULIANNE WHITE

Statement for Chief Judge DiFiore's
Statewide 2018 Civil Legal Services Hearing
Monday, September 24, 2018

Client of Legal Aid Society of Northeastern New York
("LASNNY")
accompanied by Brenna K. Sharp, Staff Attorney

My name is Julianne White and I am here today to share my story as a client of the Legal Aid Society of Northeastern New York. Last year, the Legal Aid Society assisted me in filing housing discrimination complaints against my former landlord, Glens Falls Housing Authority. The Housing Authority unilaterally and unlawfully denied my request for a reasonable accommodation to have an emotional support animal in my apartment. As a result of Legal Aid's assistance, I reached an agreement with the Housing Authority in which they were required to compensate me for out-of-pocket expenses and make systemic changes in how they receive and evaluate requests for reasonable accommodation. The complaint process was long, frustrating and stressful. I had become used to being told "no." At times I thought the Housing Authority would not be held accountable for their discrimination. I persisted because I did not want other people like me – with limited income and resources – to suffer the same frustration and discrimination I did. I am confident that the systemic changes required will benefit other tenants and safeguard their access to affordable housing.

In 2014, I was fortunate to be approved for an apartment located in Glens Falls Housing Authority. Since I have a fixed income, and my rent was a percentage of my income, the rent was affordable. I have suffer from anxiety and depression, among other things. In December, 2015, my ex-husband, Bob, passed away after years of suffering from dementia. I was feeling very low and very lost because Bob was my best friend. It was like I had no one. My kids have their own lives, and I don't see them much. It set me back further into the depression and anxiety. In spring, 2016, my symptoms got worse. I couldn't seem to climb out of the hole. At the recommendation of my physician, I started counseling in April, 2016. Although I regularly attended counseling, my symptoms, including limitations related to social interaction, persisted. I tried medications, but they did not help my symptoms. Both my counselor and my physician

recommended an emotional support animal. After my medical providers mentioned an emotional support animal, my spirits lifted and I looked forward to having a small dog.

In March, 2017, I submitted a written request for a reasonable accommodation to have an emotional support animal in my apartment. Shortly after submitting my request, the Housing Authority responded and said that they do not allow dogs to be housed in any of their high rise senior housing buildings. The Housing Authority, which has about 300 apartments in four buildings, told me that they set aside three apartments at a different building than the one I lived in, and all three of the apartments were occupied. The Housing Authority offered to put my name on a waiting list for one of the three apartments when one became available.

When I received the denial letter, I felt very frustrated. I did research on the internet about reasonable accommodations and emotional support animals and was confident that the Housing Authority had to consider and grant my request. I tried calling private attorneys, but no one knew about emotional support animals. I had been working with a Legal Aid paralegal, Teresa DePaul, on my application for Supplement Nutrition Assistance Program (SNAP) benefits and a Legal Aid attorney, Rose Landau, on drafting a will and healthcare directives, and they referred me to their office for the issue with my landlord. My case was assigned to Brenna Sharp. Brenna sent a letter to the Housing Authority on my behalf requesting reconsideration of my request. She argued that the Housing Authority's policy regarding emotional support animals violates both federal and state law. We received a letter from the Housing Authority, in which they stood by their initial decision.

In June, 2017, we filed complaints with the New York State Division of Human Rights and the Department of Housing and Urban Development (HUD). In the same month, I had surgery and developed pneumonia, which extended my hospital stay. I experienced increased

stress and anxiety following the Housing Authority's initial and continued refusal to grant my request for a reasonable accommodation. In December, 2017, because the Housing Authority refused to accommodate my disabilities, I felt I had no choice but to move out of the Housing Authority into a new apartment that allows me to have my emotional support animal. Even though I had to spend more on rent, I felt better once I adopted Fiona, my now eleven-year-old longhaired Chihuahua. I attach a photo of my Fiona.

In January, 2018, the State Division of Human Rights found probable cause to believe that the Housing Authority may have engaged in unlawful discriminatory practice by refusing to allow me to have an emotional support animal as an accommodation for my disability.

In March, 2018 – a year after my initial request for a reasonable accommodation – we resolved my federal discrimination complaint by reaching a Conciliation Agreement provided by HUD. In addition to allowing me to return as a resident at any point in the future with Fiona or another assistance animal and compensating me for out-of-pocket expenses, the Agreement requires that the Housing Authority amend their (form) lease, participate in fair housing training and post anti-discrimination posters. The posters help ensure all tenants and applicants for public housing know that the Housing Authority has to accommodate their disability. There are over 300 people who rent from the Housing Authority, and all of them now can see their rights clearly posted. HUD may also review compliance with the terms of the agreement at any time.

The result we got was far above what I expected. I am happy with the ending. I would not have had the same result without Legal Aid's assistance.

Ismael and Janet Villalta

(Clients of Nassau Suffolk Law Services, accompanied by Vivian Storm, Esq.)

Remarks for Chief Judge's Statewide 2018 Civil Legal Services Hearing

Ismael Villalta

My name is Ismael Villalta. I came to the U.S. from El Salvador as a teenager, and I am now a US citizen. In 2004, I married my wife, Janet Villalta, we worked hard, started a family, and bought a home. I thought I was living the American dream. But, our dream soon turned into a nightmare that we thought would end in foreclosure. Thanks to Nassau Suffolk Law Services that nightmare is over, and we have a second chance to keep our home.

When I first arrived in the U.S., I spoke no English. I have worked hard since I came to this country to learn English and a trade. But, when I bought my home in 2005 reading in English was still difficult for me. I didn't know anything about financial terms like "adjustable rate mortgage" or "interest index."

The mortgage broker who found a loan for us promised me a monthly payment of about $2200. I knew the house was very expensive for us. But, Janet and I are careful with money. We put a chart of our monthly bills on the wall at that time, and sent in extra to our bank whenever we could. I wanted to pay off our mortgage as soon as possible to give my family a better future.

I didn't realize that the monthly payment the broker promised was just an introductory rate. Instead, I had two adjustable rate mortgages with monthly payments that would soon be more than my entire income. I didn't realize that I should have been suspicious when the mortgage broker told me to come to a closed office after business hours to sign my loan documents. And I didn't realize something was wrong when I was never able to speak to the lawyer the mortgage broker assigned to me.

I was shocked when my monthly payment suddenly shot up in 2008. Janet was not able

to work at the time because we had three young children, two with special needs. So, there was no way for us to make the payment.

I called the bank handling my loan to find out what had happened and to explain that it would be impossible for me to make the payments. The customer service agent laughed at me for being ignorant and threatened that the bank could increase my interest rate to 20% or more. My lawyer at Nassau Suffolk Law Services has explained that my interest rate went up, in part, because the bank that brought the foreclosure case against me, was working with other big banks to inflate the rate they used to set my monthly payments.

When my bank refused to consider giving me a lower monthly payment, I tried to get help from a foreclosure counselor. I paid them thousands of dollars, and they promised to deliver a modification with lower monthly payments. I thought they were taking care of everything for me. But my lawyer at Nassau Suffolk Law Services, Vivian Storm, has explained that it was illegal for them to charge me these upfront fees, and I have since learned that they were not really helping me.

Ms. Storm explained to me that the Federal government later found that my original bank had bad business practices. The bank was forced to pay people who were hurt, including me. Ms. Storm explained that the New York Department of Financial Services also forced another bank that handled my loan to pay back people like me who were hurt by its bad practices. But, the harm that my family suffered was much worse than the small payments I received from these banks.

In the spring of this year, I received a motion for a judgment of foreclosure and sale. I did not realize that I was facing foreclosure and had no idea what to do. I tried to hire an attorney, but the attorneys I contacted demanded thousands of dollars in cash just to help me get

an extension of time to respond.

My wife and I thought we had to go to court on the date of the bank's motion. We didn't know what to do or who to speak with at the courthouse. We were in the parking lot about to give up and go home when my phone rang. It was Ms. Storm, responding to our request for assistance from Nassau Suffolk Law Services. Ms. Storm explained to me over the phone how to request an extension of time so that she could review our case.

After meeting with us and reviewing all of our documents, Ms. Storm agreed to take our case. First, she filed a motion to dismiss for us. The bank's original lawyers, the Baum firm, claimed that they served my wife Janet in 2009. But the person they claimed to have served did not resemble Janet, and we found a receipt showing that Janet was not home at the time. Ms. Storm explained that the Baum firm later closed because of its bad practices in foreclosure cases like ours.

The bank responded to the motion to dismiss by agreeing to let us file a late answer and offering us a loan modification. Ms. Storm also helped us to work with a housing counselor, Rosa Moya at Housing Help. After we were taken advantage of so many times in the past, Ms. Storm and Ms. Moya helped us to feel comfortable that we understood all of our options. They explained the terms of the new agreement and helped us decide whether to take the modification or to challenge the foreclosure case in the courts. We decided in the end to accept the modification.

The monthly payments are still very high for us, and we will never be able to pay off the mortgage the way I planned. But, we will work hard to make sure we never fall behind, and we can begin to plan for the future again. Thank you for the chance to share my story and your support of programs like Nassau/Suffolk Law Services.

Janet Villalta

My name is Janet Villalta. I wanted to add a few words to explain to the Court what this case and the assistance we received meant to my family. Although the bank claimed to have given the original papers to me, I never knew that there was a foreclosure case. I was so shocked when I received the motion for a judgment of foreclosure and sale that I got sick and was hospitalized. Without our home, I thought that we might have to leave the U.S. and return to El Salvador. Thanks to the help we got from Nassau Suffolk Law Services, we know we have a stable home for our children in this country now.

Myra E. Berman, Esq.

(Associate Dean for Academic Affairs and Associate Professor of Law, Touro Law Center)

Bio for Myra E. Berman
Touro College Jacob D. Fuchsberg Law Center

Myra Berman is the Associate Dean for Academic Affairs and an Associate Professor of Law at Touro Law Center, located in Central Islip, New York. Professor Berman holds not only a J.D. and an LL.M. degree but also an M.A. in English Literature and an M.S.W. degree. She is a relative newcomer to legal education, having attended law school part-time while serving as a senior executive of a not-for-profit family services agency in New York City, dealing primarily with the city's foster care population. As a result of her social work background, Professor Berman brings a holistic perspective to both her administrative and educational responsibilities. In addition to her dedication to serving the larger community, Professor Berman has long been involved in teaching, at both the undergraduate and graduate levels in diverse areas such as English Composition, English Literature, Law, and as a Field Instructor to social work students. Prior to assuming the position as the law school's academic dean, Professor Berman served as the Associate Dean for Experiential Learning, designing and implementing innovative, practice-based, skills-focused programs at the law school and in the courthouses, high schools and libraries of our neighboring communities.

Statement for the Chief Judge's Civil Legal Services Hearing

Chief Judge, Associate Justices, Members of the Panel:
I am honored to speak with you this afternoon on behalf of the Suffolk County Access to Justice Committee, not my law school, not the county bar association, not the two not-for-profit legal corporations that are on our team, not the courts – although all of these entities are involved in our project. We began a year ago as those separate, diverse organizations; today, we appear before you as participants in the Suffolk County Access to Justice Committee, under Judge Hinrichs' leadership, and participants in the Suffolk County Community Legal Help Project, which we perceive as the first small step towards closing the justice gap not only in our county but throughout the state. Here is our story….

Beginnings
In mid-June 2017, the Permanent Commission called together a relatively small group of stakeholders in Suffolk County, to announce that we had been selected as the pilot for the Justice for All program. The Permanent Commission selected our county for several reasons: size, diversity, and for some unique problems we have in the County – the largest population of veterans in the state; a foreclosure rate that's twice the state average; 10 percent of our children living in poverty; and the largest number of unaccompanied immigrant children in the country. But they also noted that we have a supportive judiciary; engaged service providers who seemed receptive to developing effective and efficient networks for service delivery; that we have an active bar association and a law school presence.

At this first meeting, Helaine Barnett and Neil Steinkamp told us that our task would be to close the justice gap, 100%, by developing a strategic action plan that was localized and focused on a community-based solution. We were told that we would need to form stakeholder groups, gather input, assess available resources, identify our strengths and our challenges, and begin to design steps to reach our objectives.

But, not to worry…we had 3-4 months to work on a strategic action plan that would 100% close the justice gap, something we'd all been trying to do for decades. We learned that the Permanent Commission would be submitting a strategic plan by the end of the year; and that subsequently, we'd have until June 2018 to implement that plan.

Not one person in the room, except perhaps for Helaine and Neil, believed it would be possible to accomplish this. Many of us had devoted our entire professional lives to assisting others in accessing justice, but we'd never aspired to achieve a 100% closure of the gap. We were quite skeptical. But Neil told us to think about our ideal county, think about a place where there was justice for all. What would it look like? Could we even imagine such a place? If so, how could we get there given where we were. Over time, we learned that we'd need to evaluate where we were today, but always with a view towards where we want to be tomorrow.

At that very first meeting, we realized that we'd need to form sub-groups, and so the local task forces were born. Our mandates were clear: identify needs; set priorities; create a plan that was relatively easy to implement, that had stakeholder support, that drew on existing resources whenever possible, that didn't require funding, that was sustainable, measurable, and would significantly impact access to justice. A tall order.

We, all of us, viewed this as purely aspirational; none of us believed we'd be able to get something off the ground within the timeframes we'd been given; but – we were engaged. We saw the challenge and we genuinely wanted to give it our best shot.

And so we formed our five local task forces: legal representation; initial points of entry & community outreach; technology; messaging; and accessibility.

We each had clear and separate objectives, yet we would be using the same three-step process. First – identifying and inviting community stakeholders to our local task forces in a way that reflected diversity of experience and perspective, different areas of expertise, and drawing upon existing resources to expand community engagement as we planned for the future.
Second – assessing the needs of our communities in terms of available legal services, gaps in those services and the reasons for the gaps.
Third – setting priorities as to which of those needs we could address and how we could address them, considering the ease of implementation, the measurability of our efforts, and the sustainability of our plan, probably without funding.

The legal representation task force had to determine what areas of law were least available to Suffolk residents yet most needed; they had to explore and identify alternative ways to provide those legal services – using trained volunteers for providing only legal information and referrals? Using students under some type of attorney supervision? Using attorneys who would participate pro bono? Providing limited scope representation for unbundled legal services? Or full representation? The task force recognized that we needed to provide services related to the essentials of life, but since we couldn't possibly address all, which ones should we focus on and who should be our service providers? Using data provided by our consultant and by the Department of Social Services, as well as the court help centers and the records of our local agencies, the task force determined that family matters, particularly divorce and post-divorce issues like child support, issues related to immigration – including citizenship, evictions, and education matters, and reentry of veterans and formerly incarcerated persons, were areas where gaps existed, the kinds of gaps we might be able to close with the resources available to us. The task force set priorities based upon services that might be easily implemented yet might also significantly impact the justice gap.

The second task force, the Initial Points of Entry and Community Outreach group had to create a committee that could identify the people, places, organizations, and agencies most frequently sought out by persons in need. We quickly discovered that the gaps in access were not due solely to geography or economics but also due to fear and intimidation experienced by residents when encountering attorneys and courts, ineffective referrals, and a lack of

awareness about available resources. With invaluable input from county executives – like the Commissioner of the Department of Social Services and the Department of Health, from libraries, schools and faith-based organizations, from social services and legal services groups, the task force determined that we could utilize existing resources, such as the Community Resource Centers and the Middle Country Library, resources that were already acting as magnets for holistic service delivery – the one-stop shop model. We developed three priorities: (1) disseminate information, in the form of a Resource Guide, to community stakeholders, especially those serving as initial points of entry for our residents – that has been done; (2) provide legal services at existing one-stop shops where there are multiple service providers, advocates and social workers, representatives of literacy programs, utility and subsistence services, on site; - the Middle Country Pilot represents our initial project of a one-stop legal services shop; and (3) not as easily implemented but necessary – provide legal services to populations with limited or no access to traditional points of entry by collaborating with the technology task force to create mobile applications and a data platform that allows for virtual service delivery and assistance. If funding becomes available, create a mobile services unit by reviewing zip code data to determine geographic areas with the greatest need and farthest from physical services and resources. We expect that this will prove to be our most difficult plan to accomplish, but given Suffolk's geography and the scarcity of resources and services, particularly on the east end, it must remain a priority. We plan to compensate for the lack of mobile units through the use of current technology resources.

The technology and messaging task forces focused their efforts on how technology solutions as well as branding and communication could enhance the efforts of the other groups. To do this, the technology chair routinely participated in other task force meetings and offered suggestions as to how technology could complement our efforts. In addition, this group considered ways to create a virtual one-stop-shopping center. This comprehensive platform would host a repository of resources including social services information, Do it Yourself court forms, maps, locations of help centers, a digital version of the Resource Guide, a live chat feature and video conferencing abilities. Since building a data platform requires significant resources, at present the task force is focusing on integrating existing resources such as 2-1-1 and LawHelp with the County Resource Guide and the court navigation system – and training stakeholders in the use of these databases. The messaging chairperson also attended the meetings of the other task forces so that he could launch events to publicize our justice-for-all initiatives by calling upon media, business owners, school personnel, and other members of the larger stakeholder community. The goal – to enhance community awareness of available programs and the services being offered. Currently, this task force is working on creating a data-driven process to monitor where the message is being sent and whether or not it is attracting attention in the best places to the residents who need it most.

The accessibility task force was charged with identifying the gaps that result from physical and non-physical barriers to access the courts, lawyers and legal information. To identify the reasons for inaccessibility to services, the task force gathered stakeholders from the disability – physical and mental, indigenous American, African-American, Hispanic, elderly, veterans, and public transportation communities. It identified several barriers shared by all of those

communities, including: the difficulty in accessing legal representation due to poor transportation alternatives, especially given the breadth of our county's geography; language and literacy inaccessibility, particularly the lack of non-English services outside the courtroom; the gap in service availability for those veterans who fall outside guidelines established by the Department of Veterans Affairs, and the legal and cultural barriers specific to indigenous communities in the county. The task force recommended a number of programs to help reduce the gap: the creation of an intern language services program (for interpretation and translation), based in the colleges or universities on Long Island with robust foreign language programs; recruit interpreters and translators interested in providing services via video conferencing, especially outside the courtroom; train the community influencers and resource providers who are already working with these underserved populations: the case managers, community leaders, religious leaders – with the objective of developing warm handoffs from points of entry to others within the newly developing network.

As a result of the work of our task forces, we immediately initiated a few projects: the training programs noted above; the compilation and updating of the Suffolk County Resource Guide; and the implementation of a citizenship application assistance program at the Brentwood Library, operated jointly by the Suffolk County Bar Association and Nassau Suffolk Law Services, with assistance from student leaders of the Immigration Society at Touro. Pro bono lawyers were trained by the bar association and, beginning this month, have begun to assist residents with citizenship applications.

Description of the Pilot – the Middle Country Library

Our most significant action to date has been the creation of the Community Legal Help Project, a pilot program that began almost one year to day of our initial meeting with the Permanent Commission in June 2017. On June 15, 2018, The Suffolk Access to Justice Committee arrived at our new offices at the Middle Country Library to begin providing legal assistance to any and all community residents who asked for our help. The participants: Nassau-Suffolk Law Services, Suffolk County Legal Aid Society, Suffolk County Bar Association, and Touro Law Center. The Long Island Advocacy Center has since joined the rest of us. Before I briefly describe the pilot, which we anticipate will be replicated throughout the county, and not just in libraries but in schools, faith-based organizations, health/hospital facilities, and resource centers, I must say that we would not have been able to commence our library program within the 12 month timeframe had it not been for the leadership (and persistence) of Helaine Barnett and had it not been for the fact that the Honorable Fern Fisher had some vacation time. And during that vacation time, she devoted herself entirely to what she knows and does so incredibly well: the creation and implementation of an access to justice program. Judge Fisher served as the pilot's coordinator, setting up procedures while guiding law students, volunteer lawyers and serving our visitors in need. Without Judge Fisher, we would probably not have initiated the program until after Labor Day. Instead, we have been operational for nearly three months – and so we have much to tell you.

First – why Middle Country Library. It is located in the center of Suffolk County, off a major road where there are both businesses and residential areas. It is close to highways, to a major university/health center, to public transportation routes. More significantly, the library already had a robust resource center where comprehensive assistance of all kinds – though not legal – is offered to community members. This included healthcare, housing, family matters, immigration, and financial services. Library staff is trained in innovative technology including administering and updating the 2-1-1 database hosted by the United Way. Education and outreach activities occur daily at the library and there is a center for children and families that is usually quite crowded. This is the setting in which lawyers and law students have begun to operate – every Thursday between 3 and 6pm.

We now have a full-time Coordinator, an experienced lawyer employed by Nassau Suffolk Law Services to serve the Community Legal Help Project and a case management system to collect and analyze basic data. Our Coordinator accepts all calls from interested community residents at a central phone number and sets up appointments to provide assistance based primarily on the type of issue the "client" is presenting. Every week, a different service provider is on site. One week, we may see clients with family matters; another week with housing matters; then financial matters; educational matters. The schedule is publicized at the library so that walk-in clients will know when an attorney, specializing in their particular area of need, will be present. Having said this, no one is turned away because their issue isn't the issue of the day. As you can see, we invite and welcome inquiries in areas of law that go well beyond our originally-identified three or four matters.

Between June 15th, our opening day, and Labor Day, including several weeks of either summer vacations or breaks from law school, the library project managed to serve 142 community members, individuals who were not involved with the courts or with any other legal service providers. More than twice as many women appeared to request assistance as men. Although most of the clients lived within the 3-4 zip codes close to the library, 34 other zip codes were represented, indicating that clients had come from all across the county, including the southern village of Patchogue and the eastern town of Riverhead. These zip codes corresponded with other data we'd already seen, identifying the locations with the lowest income, the highest unemployment, the highest number of school lunches, and other such indicia: Mastic-Shirley, Brentwood, Wyandanch, East Patchogue/Bellport, Riverhead, Hampton Bays, South Huntington, Lindenhurst/Amityville, Greenport – all communities where we will need to replicate the efforts we are making in Centereach at Middle Country Library.

We had anticipated the legal areas of greatest addressable needs to family matters, immigration, education and reentry. We've learned that this is only partially correct, at least for this particular location. The primary matters for which assistance is being requested are financial and housing issues, specifically bankruptcy and foreclosure. We've addressed 55 housing issues, the majority of which deal with foreclosures; 20 bankruptcy or consumer debt matters; 56 family matters, nearly half dealing with divorce; immigration, education and reentry issues accounted for 13 inquiries. Of the 142 client contacts, 11 were by phone and 75 were in-person, limited representation consultations. 35 clients were referred for full

representation, either to one of our provider agencies or to the law school clinics or to an existing county resource.

Are there challenges? Many – the most significant being that we may not have sufficient resources to handle the number of clients who require our services. We presently have two lawyers on site every week, the coordinator and a representative of the agency of the week. We also have law students on site. Recently, we've added a retired Child Support Magistrate who will be supervising the law students. Our future efforts will be to continue to expand the number of pro bono volunteer attorneys and, perhaps, to train non-attorney volunteers to assist the attorneys with intakes. Law students will be required to serve at the libraries on a regular weekly basis.

What have we accomplished? We've begun to implement a long term plan, one that will certainly need to be expanded, not only in terms of resources but also geographically. We must replicate the library program at the community resource centers, at health care facilities, educational institutions, wherever we can help our residents either prevent legal issues from arising or help them deal with legal matters they're facing. To do this, we will call upon legal professionals to train volunteers; we will utilize technology to expand the services we are trying to offer directly at the points of entry; we will schedule community awareness events to communicate our message of available resources to our residents.

One final word – about the symbol for the project – the Community Tree – reflecting the majestic oak tree situated in a garden at the library. One weekend, a few years ago, several hundred community residents came together at this neighborhood library to create a symbol of their unity and their commitment to helping one another. We, too, the legal community, has come together and built our own tree, reaching out to those who need our services. We began as discrete, independent entities but have become the Community Legal Help Project. We will continue to collaborate, to work together towards our common objective. We need many more branches on our tree: attorneys that we recruit and train; volunteers that we also train using the Legal Hand methods; using technology to provide access to attorneys even when they cannot be physically present; branches that quite literally expand our network into many other points of entry, particularly in the southern and eastern parts of the county. We hope that the next time we appear to brief a panel on our program, the branches of this tree will have expanded significantly, reaching out to all of Suffolk County and perhaps to other parts of our State.

Thank you.
Myra E. Berman
Associate Dean for Academic Affairs
Touro Law Center
Central Islip, New York

Laurette D. Mulry, Esq.

(Attorney in Charge, Suffolk County Legal Aid Society, Inc.)

Laurette Mulry is the Attorney in Charge of the Legal Aid Society of Suffolk County where she manages and administers the largest indigent defense program outside New York City. Laurette has been with Legal Aid for two decades, with experience in many different bureaus and in many different areas of law.

A graduate of Colgate University and Touro Law School, Ms. Mulry oversees an office of 230 employees comprised of attorneys, investigators, paralegals, social workers, and data support staff. She has secured several grants for Legal Aid to assure the supportive services needed to deliver a holistic model of defense for indigent clients.

Ms. Mulry is currently the Co-Chair for the Suffolk County Judicial Women in the Courts Committee, a past President of the Brehon Law Society of Suffolk County, a member of the Suffolk County Bar Association Pro Bono Foundation and Suffolk Academy of Law Curriculum Committee. She serves on the Chief Defenders Advisory Group for the New York State Office of Indigent Legal Services and is an inaugural Board member for the Chief Defenders Association of New York. She is a past Adjunct Professor at Touro Law School and the Coach for the Bay Shore High School Mock Trial Team.

Laurette is proud to serve as the Attorney in Charge of the Legal Aid Society and to work alongside so many dedicated men and women who work tirelessly to provide high quality and zealous legal representation for people who lack the means to afford a lawyer.

Statement for Chief Judge's Civil Legal Services Hearing

Madame Chief Judge, Presiding Justices of the Appellate Division, Chief Administrative Judge Marks, and NYS Bar President Miller…

It is my great honor and pleasure to present to this esteemed panel, to discuss Suffolk County's ongoing efforts as a local pilot chosen by the NYS Permanent Commission on Access to Justice.

My name is Laurette Mulry and I am the Attorney in Charge of the Legal Aid Society of Suffolk County. Legal Aid is the primary provider of criminal defense representation, parental representation and Attorney for the Child representation in Suffolk. That being said, you are probably wondering why a predominantly Criminal Legal Services provider is presenting at a Civil Legal Services Hearing. The short answer to that question is that I have a unique perspective; one that shows an inescapable overlap in the legal landscape, especially when confronting issues affecting the essentials of life for low income, disadvantaged and marginalized members of our communities.

Many of our clients at Legal Aid come to us with civil legal issues; for some they may have led to the criminal case, for others the criminal case, and possible periods of incarceration, may result in civil legal problems, such as loss of housing, employment, public benefits, family, educational opportunities, etc. Other clients present with mental health or substance abuse issues that further exacerbate and challenge the legal case. Many of our clients are foreign born and require immigration assistance and appropriate criminal immigration advice. These issues are potential impediments to achieving equal justice for all in Suffolk and across the State.

For the foregoing reasons, I was most honored to have been invited by our District Administrative Judge in Suffolk County, the Honorable C. Randall Hinrichs, to join the initial Access to Justice Stakeholders meeting and to eventually serve on the Suffolk County Leadership Group. I have participated in two of the local task forces in Suffolk County, the Legal Representation Task Force and the Initial Points of Entry Task Force. I feel inextricably connected to both endeavors as Legal Aid is in the distinct position to (1) identify collateral issues and potential gaps in representation; and, (2) operate as a point of entry for many indigent clients who, upon initial assessment by our social work staff, are found to be burdened by a myriad of issues. These issues threaten public welfare and undermine the ability to assure the basic necessities of life for the most vulnerable in our society.

If you were to look at Legal Aid Society of Suffolk County's website, you will see a quote that prefaces our mission statement. *"Justice is indiscriminately due to all, without regard to numbers, wealth, or rank."* I think this quote is appropriate in this hearing today for many reasons: as a call to arms for Access to Justice; as a reminder that justice is a right, not a privilege reserved for those who can afford it; and, as an homage to the man who uttered those words… John Jay, a founder of our Democracy, a drafter of New York State's Constitution, and New York's first Chief Justice.

I believe that John Jay's sentiments also guide our local efforts in Suffolk. Our county was chosen as the local pilot for many reasons: a large and diversely populated County (1.5 million residents, 68% White, 19% Hispanic, 7.2% Black), that is geographically challenging (912 square miles), with a mix of densely populated and rural areas. Furthermore, Suffolk is home to the highest percentage of veterans in the State, the highest percentage of unaccompanied minors in the State, a high percentage who are homeless, a high percentage of foreign born residents, and a high percentage of individuals who speak a language other than English in the home. Suffolk also has a broad range of groups within the legal community who

are committed to assuring access to justice. As guided by the Commission and led by our District Administrative Judge, our Suffolk Leadership Group works in earnest to assure that lessons will be learned from these unique challenges that will hopefully inform and guide other localities across the State.

This is an exciting time in Suffolk County, one that I believe is pivotal, where Suffolk will serve as the axis of reform. In the civil arena, of course, Suffolk was chosen as the local pilot by the Permanent Commission, the subject of our presence here today. However, it is curious that Suffolk is also a putative leader in the criminal arena as a representative county under the *Hurrell-Harring* lawsuit. This was a class action lawsuit that was brought by the New York Civil Liberties Union over a decade ago challenging the State's public defense system, and heralding the cry first sent out by then Chief Judge Judith Kaye's Commission on the Future of Indigent Defense Services. As the largest of the five representative counties in the *Hurrell-Harring* lawsuit, and well underway with reform implementation, we are happy to serve as a model for other counties as similar funding is now available for statewide criminal defense reform.

As made possible by lawsuit settlement funding, the Legal Aid Society of Suffolk County has undergone unprecedented change and expansion. But more importantly, the Society has undergone a cultural shift and embraced a holistic model of defense. Our model is based on an Interdisciplinary Team Approach, with teams led by Supervising attorneys and supported by Investigators, Social Workers, Criminal Immigration Specialists, Paralegals and Interpreters. Every client is assessed upon intake for potential collateral issues. Referrals and continued case management assure that the individual client receives appropriate services, benefits, treatment and psychosocial analysis to allow for plea and sentence mitigation and better outcomes overall. The holistic defense model is a critical portal to the civil legal services arena; this is where the civil and criminal worlds collide.

Lawsuit settlement funding also paved the way for Community Outreach at the Legal Aid Society of Suffolk County. Our Community Outreach Director, Liz Justesen, has developed a "Know Your Rights" program that she presents in Suffolk schools. Premised on the notion that knowledge is power and fueled by the need to de-escalate tensions in at-risk neighborhoods, Liz focuses on early intervention for youth. She also coordinates the Breaking Barriers program, a Touro Law School-Legal Aid collaborative effort to help people post-conviction apply for certificates to gain relief from civil disabilities, so they may overcome barriers to employment and educational/professional licenses. Liz also works with Re-Entry programs in the jail. She is assisted in these endeavors by volunteer attorneys, support staff and interns at Legal Aid, as well as law students from Touro and social work students at SUNY Stony Brook. The goal is to prevent our youth from entering the criminal justice system, and at the other end of the spectrum, to reduce recidivism and help those who were once involved in the criminal justice system to get back on their feet and become gainful members of our communities.

The Commission brought many dedicated stakeholders together in Suffolk to develop a plan to significantly impact meaningful justice for all. The collaborations formed, and the commitment to work across organizational boundaries, was in and of itself a success produced by the Access to Justice initiative. As we met, two inescapable truths became evident: (1) that there are many professionals in Suffolk whose life's work has been pursuing true access to justice for all, and, (2) that many of the necessary resources are in place, but there is a lack of a nexus or network to coordinate efforts and form an enduring coalition of providers. While much has been said that the individuals who we are trying to help may lack the requisite knowledge to navigate the legal system, and to know where and when to get help, many providers themselves lacked knowledge of each other's programs to make effective referrals. We realized that collaboration is imperative and that we need to centralize information and resources.

This realization led to the Community Legal Help Project, an effective, coordinated delivery model that was formed by a collaboration of the Suffolk County Bar Association, Nassau Suffolk Law Services, Touro Law School and the Legal Aid Society, in partnership with Middle Country Library. A full time coordinator, made possible with implementation funds granted by the Justice for All Committee, acts as a "portal of triage" to tie together the efforts of the providers and effect intake and referrals. The result…a Legal Resource Center that disseminates information, allows for early intervention, makes appropriate referrals for legal assistance/representation, expands assistance through pro-bono and modest means resources, makes possible law student involvement, and utilizes existing capabilities.

So, what have we learned in Suffolk?

(1) Collaboration is the key to success. Bring the stakeholders together; the passion is there, the Commission need only stoke the fire; and,
(2) There are ample resources to address civil legal services, but there must be a coordinated effort which includes training for all providers to assure that those who need help have access to assistance, when they need it, and in a manner in which they can use it; and,
(3) Technology is imperative to tie these resources together in a platform that is user friendly for even the most vulnerable.

There is a curious confluence of circumstances in Suffolk: a local pilot for Access to Justice, a model for criminal justice reform under *Hurrell-Harring*, a law school that is invested in the community and produces lawyers who are likewise community-minded, a state-funded New York State Veterans Defense Project, a state-funded Long Island Regional Immigration Assistance Center, a new District Attorney, a new and progressive (and first ever African-American) Sheriff, a new (and first ever female) Police Commissioner, a new Probation Director…I am proud to be a provider in Suffolk and to partner in Access to Justice. I want to praise Helaine Barnett and the Permanent Commission on the leadership and guidance of Suffolk in this endeavor, and in forging a dynamic revitalization of client-centric services. I believe this revitalization of legal services in Suffolk to be the axis of reform and a catalyst for change for New York State.

Neil Steinkamp

(Managing Director, Stout Risius Ross, LLC; Consultant, New York State Permanent Commission on Access to Justice)

Neil Steinkamp

Managing Director

Pro Bono Practice Leader

New York, NY USA
Office: +1.646.807.4229
Mobile: +1.646.455.9430
nsteinkamp@stoutadvisory.com

Education

B.A., Finance, Michigan State University (Magna Cum Laude)

Designations

Certified Valuation Analyst (CVA)
Master Analyst in Financial Forensics (MAFF)

Industry Focus

Non-Profits
Community Organizations
Automotive
Consumer, Retail, Food & Beverage
Diversified Industrials
Healthcare & Life Sciences
Real Estate, Lodging & Leisure

Practice Areas

Special Assignments
Strategic Leadership
Complex Collaboration
Risk Management
Complex Business Disputes

Neil Steinkamp is a Managing Director at Stout and the leader of the firm's Pro Bono practice.

Neil is a well-recognized expert and consultant on a broad range of strategic, corporate, and financial issues to business and community leaders and their advisors. He has more than 15 years of experience covering many industries and matter types. Clients seek Neil for his comprehensive understanding of strategic assessments, systems leadership, stakeholder collaboration, risk analyses, economic and financial measurements, and other complex topics. He has worked extensively to help resolve sophisticated problems involving large-scale industry and social issues.

Neil has served a wide range of individuals and organizations through the application of financial, economic and data analysis concepts that benefit low-income individuals and underserved populations. Since the firm's pro bono practice was founded in 2008, it has grown under Neil's leadership and vision from just four to over 40 pro bono matters per year. He has led numerous pro bono and social justic projects, including analyses impacting NYC's historic right-to-counsel initiative for low-income tenants, the development of a ground-breaking model that assists military veterans in receiving greater benefits, and a first-of-its-kind report on civil legal challenges and discrimination faced by low-income members of the LGBTQ community, among many other matters.

Neil has presented remarks at the Chief Judge of the State of New York's hearings regarding the economic impact of Civil Legal Aid in New York. He has also been recognized by various non-profit organizations for his contributions and commitment to access to justice and the application of pro bono financial and economic expertise for low income individuals.

Chief Judge's Hearing Remarks:
Neil Steinkamp, Consultant to the Permanent Commission on Access to Justice
September 24, 2018

Thank you, your Honor. It is an honor for me to have the opportunity to testify before you and the panel today. My name is Neil Steinkamp, and I am a managing director at Stout Risius Ross, and also lead the firm's pro bono and social consulting practice. I'm here to speak about the Commission's work on the Justice For All (or, "JFA") Project, for which I—and my colleagues at Stout—have been engaged as a consultant, as well as to provide an update on our annual calculations regarding the significant economic impact that investments in Civil Legal Aid have.

You have just heard about the incredible work being done in Suffolk County as part of the implementation of the Permanent Commission's strategic action plan to provide 100 percent effective assistance to all New Yorkers in civil legal matters affecting the essentials of life. As you know, based on insights gained through the strategic planning process, the Commission chose to conduct a local pilot, in which a strategic action plan would be developed with the goal of providing effective assistance to 100 percent of low-income New Yorkers confronting civil legal matters involving the essentials of life within a specific geographic area that could inform similar efforts in communities statewide. The first of these pilots has been ongoing in Suffolk County. Recently, Monroe County has also been developing a local strategic action plan to provide effective assistance to 100 percent of low income residents in the county confronting civil legal matters involving the essentials of life.

As I discussed in my remarks to you last year, the Permanent Commission's strategic action plan was finalized in December 2017. The year-long process of developing the strategic action plan focused on acquiring a more in-depth understanding of the justice gap–through research and analysis of the current delivery system–and using this knowledge to devise an integrated and coordinated framework for a statewide civil legal services delivery system that provides for effective assistance to 100 percent of low-income New Yorkers in need. At every phase of the process, the extent of the justice gap was evident. And, just as evident, was the realization that closing the justice gap is possible.

The Commission is now working closely with stakeholders at the statewide and local level–such as in Suffolk and Monroe Counties–to develop Justice for All (JFA) initiatives designed to lead the state toward the vision of 100 percent effective assistance. Over time, the Commission has come to better understand the factors critical for local JFA planning to start and to be sustained. Working with local JFA leadership and other stakeholders, the Commission identified guiding principles for developing, implementing, and sustaining strategies to expand access to justice locally and statewide – which I would like to share with you today.

1) Leadership: Effective leadership of local JFA efforts by a member of the judiciary is a critical foundation for these efforts to be initiated, developed and sustained. While leadership of these efforts can take many forms, several key leadership themes have been apparent in our work. One key theme has been the importance of thoughtful consideration of the development of a leadership group that will assist in leading local activities and planning, the creation of task forces, the identification of community needs, the priorities that should be addressed, and the process that will need to be implemented to create sustainability. By creating and leading a leadership group of key legal and community stakeholders, a local JFA leader can develop process that demonstrates a commitment to

regular progress and meetings, the involvement of a diverse group of community stakeholders in task force activities and action steps, and a commitment to listening to and learning from perspectives from a diverse group of stakeholders.

In addition, effective local JFA leadership has focused on the development and implementation of a written strategic action plan that details priorities, guides activities and ensures sustainability toward the goal of 100 percent effective assistance. The development of the written plans affirms the commitment to this goal, the involvement of community stakeholders, and puts in place the processes necessary to create sustainability.

2) Local Collaboration: Collaborations and partnerships with local community stakeholders enhance the process for developing effective strategies to expand access to justice. When local stakeholders convene, they build relationships, identify challenges, and seek new solutions. Community organizations are often unfamiliar with the range of other social and legal resources available in their communities. This community integration often does not require the development of new resources or services, but rather needs a focus on the coordination and recognition of existing ones. By emphasizing collaboration and community integration while developing local strategies, local JFA planners can facilitate the sharing of information, perspectives, and resources between local stakeholders.

3) Strong Relationships with Diverse Stakeholders: Developing strong, supportive relationships with a diverse set of community stakeholders is an important factor in developing sustainable local initiatives to support and expand access to justice. By involving a diverse group of local stakeholders in the planning process, local JFA planners can identify and take advantage of a wider range of opportunities for collaboration and a broader set of valuable perspectives and resources. When diverse groups of stakeholders collaborate, they find opportunities to make their services more efficient and impactful, by taking advantage of newly shared resources, ideas and connections. The ongoing development of these relationships promotes both the immediate success and the long-term sustainability of new initiatives to expand access to justice. The following groups of stakeholders may be particularly impactful to initial efforts to plan and expand access to justice initiatives locally:

- Members of the Judiciary (e.g., judges and court staff);
- Local Bar Associations;
- Law Schools;
- Public Libraries and Law Libraries;
- County, Town, and Village Offices and Agencies;
- Public Schools, Early Education Centers, and Higher Education;
- Healthcare Community;
- Faith Leaders;
- Social Services Providers;
- Housing Authorities;
- Community Activists, Advocates and Organizers; and
- Law Enforcement.

4) Inventory Assessments and Priority-Setting: Inventory assessments (cataloguing the resources and services available to address legal and other community needs) and priority-setting (deciding which issues to address first and the initial steps to be taken) are important steps in local JFA planning. The process of becoming familiar with the local effective assistance resources and services promotes the awareness of these local resources, brings together local providers, and enables them to identify resource gaps, set priorities, and develop strategies to fill those gaps. Our efforts to date have led us to understand that:

A multi-stakeholder inventory assessment process assists in developing awareness of local resources and opportunities for collaboration. Cataloguing the availability of local resources yields insights for local providers about the gaps between community needs and the resources available to meet them. Developing providers' awareness of local resources through inventory assessments informs their ability to collectively set priorities and organize collaborations to pursue them.

Priority setting should consider ease of implementation, stakeholder support, funding requirements, sustainability, measurability, and expected impact. There are often many opportunities to improve access to justice and the availability of effective assistance in the community. Local JFA planners should identify those opportunities that will have the fewest barriers to implementation and the greatest support from a diverse group of stakeholders, can be sustained long-term, and can have a measurable impact on improving access to effective assistance. Local JFA planners should consider existing assets in the community, such as physical space or resources that could be leveraged or made available to assist in JFA efforts at little or no cost.

Conducting collaborative inventory assessments and priority-setting reveals both local trends and barriers to access to justice across local communities. While many local communities experience similar barriers to access to justice, the specific circumstances unique to each community require customized, local solutions to community challenges. The inventory assessment and priority-setting processes reveal insights into how to develop those solutions and organize stakeholders to begin to do so collaboratively.

5) Creating and Sustaining Pervasive Awareness of the Availability of Effective Assistance: To ensure all local residents are aware of resources available to provide effective assistance in civil legal matters affecting the essentials of life, local JFA planners should seek to create a pervasive sense of awareness in the community regarding these resources. To achieve this objective, local JFA planners should consider developing a communication and outreach plan to various community stakeholders who may be engaged to inform local residents of available resources and provide feedback to local JFA planners on how to expand the scope and effectiveness of outreach to the community.

Communications plans may consider various forms of direct outreach to the community as well as virtual communications. Incorporating resources and platforms that already exist in an effort to raise awareness in the community, such as LawHelpNY or 2-1-1, can be particularly impactful. By engaging and utilizing platforms such as LawHelpNY and 2-1-1, Local JFA planners can gather data on the impact of their communication efforts, identify gaps (substantive and geographic) in the services available, and develop new programs to meet the needs of the community.

6) Iterative Processes Inform Evaluation and Enable Sustainability: When developing a new initiative or set of resources, local planners should consider implementing an "iterative process" to assess, develop, implement, analyze, refine, and expand activities, as well as to periodically re-evaluate inventory assessments and priorities.

Iterative processes are designed so that collaborative groups of stakeholders can develop a detailed understanding regarding both whether and to what extent new strategies are making an impact in the community. In this way, the iterative processes provide guidance for planners and community stakeholders to continually evaluate, refine, and expand their impact on access to justice. In addition, by incorporating data collection, evaluation, and collaboration into the process, local JFA planners can make their impact sustainable, enabling ongoing discussions regarding new data and opportunities to overcome community access to justice challenges.

Regular and ongoing evaluation of these initiatives provides local JFA planners with the ability to identify opportunities for enhancement or expansion. When developing local JFA initiatives, planners should be thoughtful about the data that will be necessary to collect in order to perform a comprehensive evaluation. Processes should then be used to regularly review the data and evaluations in a collaborative setting in order to inform further action.

7) "Effective Assistance" as a Spectrum of Resources and Services: The most effective and comprehensive assistance that can be provided to low-income individuals facing civil legal matters involving the essentials of life is full representation by a lawyer throughout the entire dispute. While we encourage local JFA planners to strive to develop strategies to maximize the availability of full representation for low-income litigants, "effective assistance" also contemplates a spectrum of other services that meet the needs of low-income persons facing civil legal matters involving the essentials of life. Local JFA planners should consider an entire spectrum of services while contemplating "effective assistance" to New Yorkers facing civil legal issues affecting the essentials of life. Acknowledging the many types of resources that are a component of "effective assistance", as well as recognizing the importance of full representation, can lead to innovative and impactful initiatives that expand access to justice. For example, local planners should consider resources such as:

- Access to legal information through technology;
- Self-help tools and services for unrepresented litigants;
- Simplified court rules and processes;
- Widely available and adequate referrals;
- Call centers for assistance with legal and other needs;
- Community storefront access to in-person legal information and other assistance;
- Assistance provided by trained non-lawyers or by supervised law students;
- Assistance with out-of-courtroom mediation and negotiation services;
- Limited scope representation, and
- Full legal representation through civil legal aid, pro bono assistance.

8) The Impact of Optimism and Enthusiasm on Planning: Local and statewide planning efforts throughout the state have been successful so far, in part, because of the optimistic, enthusiastic mindsets adopted by the planning groups and involved community stakeholders. We have found that emphasizing and enthusiastically embracing the idea that closing the justice gap in New York is an achievable goal serves to increase stakeholders' creativity and active participation in strategic planning. Similarly, we have promoted long-term sustainability by including local stakeholders as active participants in a coordinated local and statewide effort. When developing new relationships, initiatives, and strategies, local JFA planners may consider developing their own set of communicable ideas, which would will effectively motivate local stakeholders and further promote their success.

The remarks of Myra Berman and Laurette Mulry, which you heard moments ago, demonstrate and reinforce the incredible impact that these initiatives can make and the importance of these guiding principles as a resource for the development of local JFA plans statewide. Both remarked on the transformative impact that can be achieved through leadership, collaboration, and communication when integrated with data, technology, and processes to create sustainability.

In combination with the Commission's statewide efforts to close the justice gap, the goal of local JFA initiatives is to create and leverage opportunities for making effective assistance accessible to all New Yorkers with civil legal issues affecting the essentials of life. Throughout the planning and implementation process, it is important to consider all options for expanding access to justice. By focusing on promoting local collaboration, developing strong relationships with diverse local stakeholders, performing inventory assessments and priority settings, using iterative processes, considering both the importance of full representation as well as a broad array of additional "effective assistance," and maintaining an optimistic mindset, local planners will be well equipped to build on current successes and contribute further to closing the justice gap for all New Yorkers.

The vision of the Permanent Commission is that if all New York counties are developing and implementing local JFA plans, if we can encourage and cultivate statewide sharing of best practices and insights gained from the local efforts, if we can use data collected from these local efforts to inform ongoing enhancement of local and statewide strategies, and if we can amplify the work of local efforts with comprehensive statewide pilots and initiatives – the goal of 100 percent effective assistance for all New Yorkers can be achieved.

I have also analyzed the reasonably quantified economic benefits from investments and funding in civil legal aid, as I have in year's past. My analysis this year again concludes that for every dollar invested in civil legal aid, there is a return on investment of at least $10. The calculation of this benefit will be further detailed in the Permanent Commission's annual report to you later this year. It is important to note that the Permanent Commission's strategic action plan may serve to significantly increase this return on investment. That is, with the full implementation of the statewide and local efforts detailed in the Permanent Commissions Strategic Action Plan, each dollar of current funding is likely to have an even greater impact.

Corinna Carrillo

(Client of Legal Services of the Hudson Valley, accompanied by Rachel Saunders, Esq.)

Statement by CORINNA CARRILLO

The Chief Judge's Hearing on Civil Legal Services
Presented Before

Hon. Janet DiFiore, Chief Judge of the State of New York

Hon. Rolando T. Acosta
Presiding Justice of the First Department

Hon. Alan D. Scheinkman
Presiding Justice of the Second Department

Hon. Elizabeth A. Garry
Presiding Justice of the Third Department

Hon. Gerald J. Whalen
Presiding Justice of the Fourth Department

Hon. Lawrence K. Marks
Chief Administrative Judge of New York State

Michael Miller
President of the New York State Bar Association

September 24, 2018
Court of Appeals, 20 Eagle Street
Albany, New York

Corinna Carrillo

Statement for The Chief Judge's 2018 Statewide Civil Legal Services Hearing

My name is Corinna Carrillo and I am a board member at Legal Services of the Hudson Valley, and a former Legal Services of the Hudson Valley client. I am an Open Setup Coordinator with PrimeLending in Newburgh, New York and a mother of three wonderful children. I want to thank you for the opportunity to speak today about the importance of free legal assistance to victims and survivors of domestic violence and their children.

Legal Services of the Hudson Valley helped me and my children escape and survive years of domestic violence. Without the help they provided to me I would never be where I am today, and probably would be dead.

For 12 years, I was married to a very abusive man. He did terrible things to me and I was very afraid of him but I stayed with him because he was my husband and the father of my children. I made excuses for him and modified my behavior so that I did not provoke him.

In April 2014, my husband slapped, choked and kicked me. He tried to kick me out of the house and when I refused he placed a handgun to my head and told me he would kill me. I called my parents for help and my husband sat on the front porch with the rifle and threatened to shoot them.

It was then that I knew I had to leave him for good but wasn't sure where to get help.

I went to Family Services in Poughkeepsie for assistance and advocacy.

They referred me to Legal Services of the Hudson Valley.

I got an appointment with Lisa Gieseler, a senior staff attorney in Legal Services of the Hudson Valley's domestic violence unit.

Lisa represented me in a number of different proceedings including support, divorce, custody and neglect against my husband where I was an interested party.

In 2015 my attorney helped me to obtain sole legal custody of my children, and then in 2016 resolved all issues related to my divorce, including significantly increasing my husband's child support obligation by successfully imputing income to him. Most important of all, she saved us from the ongoing cycle of violence we had been living through. Lisa kept in touch with me every step of the way and was always only a phone call away.

Having Lisa and Legal Services of the Hudson Valley by my side enabled me to proceed with the cases against my ex-husband so that my children and I can live a happy life free from violence and fear. Lisa was an unbelievably fierce advocate for me in court and always fully explained my rights and what was happening in court to me.

This year I again needed Lisa's assistance because although I am divorced and have sole custody of my children, my husband continued to harass and try to exert control over me by withholding child support payments. Lisa had to file a contempt application which sought to incarcerate my ex-husband for not complying with the court ordered payments. He had accrued support arrears of $36,000, daycare arrears of $15,000, and distributive award arrears of $7,700. After Lisa filed the motion my ex-husband swiftly made a $30,000 payment to me and Lisa negotiated a final settlement which required him to stay current with his support, satisfy his remaining support arrears, and provided a payment schedule that enabled him to pay his distributive award obligation of $38,500 over a four and half year period. I am truly grateful for the work Legal Services of the Hudson Valley did for me and know they will continue to stand with me in the future. When asked to join the board of Legal Services of the Hudson Valley I answered yes in the hope that my experiences could convince people that the services I received should be available to everyone who needs them. I hope my testimony today highlights the critical need for funding for legal services programs throughout the state so people who cannot afford to pay for an attorney can be represented in civil matters affecting the basic necessities of life.

Thank you.

Tasha Moore

(Client of Neighborhood Legal Services, Inc., accompanied by Penny Selmonsky, Esq.)

Remarks for Chief Judge's Statewide 2018 Civil Legal Services Hearing

Good afternoon Chief Judge DiFiore and all the other distinguished members of this panel. Thank you for the opportunity to be here today and allowing me to tell you about my experience with civil legal services, how theses services benefited me, and how they changed my life.

My name is Tasha Moore and I live in Buffalo, New York. I am here today with my legal aid attorney Penny Selmonsky from Neighborhood Legal Services in Buffalo. Neighborhood Legal Services is a full service law office that provides free legal services in Western New York. NLS receives vital funding to do its work from the Judiciary Civil Legal Services funding.

I'm a recovering addict with a co-occurrence of mental health. I have 11 years clean time, and during this 11 years I have been struggling to become a productive member of society. I was greeted by so many barriers and challenges that I almost gave up.

I was addicted to crack cocaine for 15 years and for the last five years of that time I was what you would call a chronically homeless person. I lived in abandoned buildings, I did not watch TV or listen to music and I did not communicate well with others at that time in my life. I had been through so many traumatic experiences at that time that I honestly believed that my mental capacity was dwindling away. I thought my life was over.

I was in and out of the Holding Center and Erie County Correctional Center more than 25 times and correctional officers said I would never be a productive member of society.

In 2007 I completed my last and longest jail bid of 1 year and 9 months. I was free - and I wasn't trying to go back to the streets. I applied for public assistance with the Department of Social Services, it took me 5 tries to complete job club and get some assistance.

I was on public assistance until I was able to have full-time employment. When I tried to get off assistance I had problems. The Department of Social Services did not budget my wages correctly and I had an overpayment of Medicaid benefits.

That's when I went to Neighborhood Legal Services. During this time I was faced with so many challenges that I wanted to give up. I could not understand why DSS didn't want to help me and see me succeed. Instead I was treated like I stole from them and they even sent the Sherriff's Department after me to garnish my wages.

Penny helped me with that situation. She was able to stop the garnishment so that I could pay back the overpayment voluntarily. Now I pay $45 each month. If DSS would have been able to garnish my wages I would have had to pay fees and interest at 9%. This could mean that I might never pay back the original overpayment because my payments would go to interest only and would never actually reduce the original debt. If that had happened, I would not be here today.

Neighborhood Legal Services does a lot for the community and the underserved. If Neighborhood Legal Services hadn't been operating I do not know what would have become of me. Definitely I would not be this individual you see here today.

In May 2015, I graduated from Erie Community College with a 1-year certificate in Human Services and an Associate's in Social Science. When I started my associate's degree, I was really trying to prove a point to myself. I wanted to see if I was capable of gaining

education. The whole time I was working full-time and going to evening classes. This was a rough beginning for me- a different environment and adjusting to the expected behaviors from college students.

This was the beginning of an eye opening for me. I caught a clue of how the world really operates and how covert oppression may have played a role in why I was so lost in the first place. It made me want to learn more and broaden my horizon. This eye opener along with a few of my colleagues encouraged me to get a bachelor's degree. In May 2018 I graduated from Buffalo State with a bachelor's in social work.

Now I want to earn my Master's of Social Work to find out how the world really operates and why I felt so helpless in my youth. When it comes to social work and my education I am driven to succeed and expect the most from myself and will not settle for less.

I started the master's degree program at UB on August 27, and even with that my Neighborhood Legal Services' family had to come to my rescue.

During my senior year at Buffalo State, I ran out of financial aid. I had to get a loan to pay for school. In order for me to attend UB, I would have to take out loans. Penny set up a Go Fund Me page and hopefully that will take the stress of one semester off me.

With the help of NLS I was able to recognize barriers and challenges and their help allowed me to jump over them and keep going. I have maintained employment with the same employer for 9 years. I am a Community Health Worker who does case management for Chronically Homeless Women. We cater to a diverse cliental with all types of social problems from housing, transportation, cultural diversity, navigation of Department of Social Services, and case management.

As a Community Health Worker for Hope Services I have advocated for individuals on all levels. I drove and did outreach for Code Blue. I provided outreach services to sex workers for the ladies on Broadway. I gave the ladies a safe place to come shower get something to eat, make phone calls, change their clothes and get linked to services. Sometimes I would drive them home to their children or take the young girls home to their parents.

I have learned that most of my issues and the issues of others who live in poverty are the result of public policy. Therefore public policy is where I need to be to make change. I would eventually like to work my way into public policy and focus on the policies that are injustices for people living in poverty and covert institutionalism.

I have had the opportunity to address some areas of concern with Neighborhood Legal Services. I was a member of their Community Advisory Group (CAG). As a participant of the Neighborhood Legal Services' CAG, I was able to explain to legal aid lawyers what it is like to live on the street and try to get off of public assistance so that they could better advocate for their clients. The CAG was comprised of a group of 6 women who were either experiencing homelessness or poverty. The goal of the CAG was to teach women to advocate for themselves and for other members of their community. The CAG taught me how to become my own best advocate with any agency from DSS to the water company. Now I serve on the Neighborhood Legal Services Board where I continue to be the voice for the client.

As an individual who comes from the streets I know how important Neighborhood Legal Services is to the community. It is important for Buffalo and everywhere else in New York that legal services continue to get funding. I do not know where I would be if it weren't for Neighborhood Legal Services.

I am now capable of having dreams and reaching them along with my goals. I don't want to begin to think about would happen to my community and the underserved if there were no Neighborhood Legal Services to turn to for legal help.

Roger Juan Maldonado, Esq.

(President, New York City Bar Association; Smith, Gambrell & Russell, LLP)

Roger Juan Maldonado
President, New York City Bar Association

Roger Juan Maldonado is a partner at Smith, Gambrell & Russell, LLP, where he represents musicians, publishers and record labels in litigation involving copyright and contractual matters, and corporate and commercial institutions in litigation on claims arising from software development/license disputes, lease agreements, and contract disputes. He also has extensive experience litigating, arbitrating, and mediating claims in employment matters, and represents students in federal class actions involving special education services.

At the New York City Bar Association, Mr. Maldonado was until recently the Chair of the Task Force on Puerto Rico, and has served as a Vice President and member of the Executive Committee, and as Chair of the Council on Judicial Administration, the Task Force on International Legal Services, the Task Force on Housing Court, and the Housing Court Committee. As of May 15, 2018, Mr. Maldonado will serve for two years as President of the New York City Bar Association.

Mr. Maldonado is a Referee for the New York State Commission on Judicial Conduct; a member of the Commercial Division Advisory Council; and a member of the Boards of Directors of the New York Community Trust, the American Museum of Natural History, the New York Bar Foundation and United Neighborhood Houses; a former member of the Department Disciplinary Committee, Supreme Court, Appellate Division, First Department; former Co-Chair of the Committee on Non-Lawyers and the Justice Gap; and has served on the Mayor's Advisory Committee on the Judiciary. Mr. Maldonado is a graduate of Yale Law School and Yale College.

The Chief Judge's 2018 Hearing on Civil Legal Services in New York

September 24, 2018
Court of Appeals
20 Eagle Street
Albany, N.Y.

Statement of the New York City Bar Association
By: Roger Juan Maldonado, President

Good afternoon, and thank you for the opportunity to present this statement on behalf of the New York City Bar Association. As you know from prior years' presentations, the City Bar is an enthusiastic supporter of the work of the Permanent Commission on Access to Justice to close the justice gap and we applaud the Judiciary's annual allocation of $100 million of its budget to funding of civil legal services for low income New Yorkers who face threatened loss of essentials of life. This allocation of funding, alongside the dedicated pro bono service of New York lawyers, and the ongoing planning and evaluation and the emerging focus on community based solutions provides important momentum in New York towards access to justice for all low income persons.

So much has been accomplished in the past several years through the joint efforts of so many and we look forward to learning more about the initial pilots in Suffolk and Monroe Counties under the Permanent Commission's Justice for All Strategic Action Plan to provide effective assistance to all New Yorkers in need. The City Bar remains committed to your efforts as Chief Judge to develop regional initiatives that respond to the needs that are identified through collaboration at the local level. As these efforts move forward, please know that the City Bar is pleased to offer space and facilitation for meetings that the court and other New York City stakeholders decide to undertake during the next two years. The City Bar is also committed to reaching out to and creating dialogue with other community and religious institutions that may be able to help with community education to identify legal issues, suggest preventive measures to their members, and reduce the stress of facing a lawsuit and the loss of economic resources from low income and minority neighborhoods.

Today I will focus my remarks on three areas: first, I will give an update on the work of the City Bar Justice Center, our 501c3 affiliate organization which receives funding through a grant award from OCA's Judiciary Civil Legal Services funding; second, I will raise some continuing issues of concern facing consumer debt defendants in New York City's Civil Court; and finally I will mention the work of Court Square Legal Services and the City Bar Legal Referral Service, which provide access to justice for low and moderate income New Yorkers with certain kinds of cases.

I. THE CITY BAR JUSTICE CENTER

Through significant leveraging of funding and pro bono volunteer time, the Justice Center annually delivers free legal assistance to more than 26,000 low-income New Yorkers from all five boroughs through limited and full scope legal representation, a focus on pro bono and a legal hotline. Tens of thousands of other New Yorkers are helped through the Justice Center's significant community outreach and education efforts. The City Bar Justice Center model is efficient and effective, resulting in the 9th highest number of cases handled last year in NYS.

During the twelve month period from 4/1/2017 through 3/31/2018, the Justice Center:

- Closed **13,416** cases, benefitting **26,295** people;
- Saved NY taxpayers an estimated **$2 million** by assisting clients to obtain or maintain housing, employment, and appropriate government benefits;
- Helped clients obtain over **$19.5 million** in benefits and monetary awards, including estate settlements;
- Helped clients divest themselves of over **$3 million** in debt through consumer, bankruptcy and foreclosure prevention advocacy, and through avoidance of filing fees, estate taxes and tuition fees; and
- Leveraged about **$15 million** in pro bono legal services for the poor.

During that twelve-month time period, with the support of Judiciary Civil Legal Services funding, the Legal Hotline answered **70% of the 22,235** calls that it received, up from 60% answered the year before. The Legal Hotline also responded to **1,371** online applications for assistance. Many of the callers to the Legal Hotline received preventive advice with a smaller number receiving brief services involving writing a letter or filling in court pleadings.

The Justice Center's heaviest caseloads were carried by its Immigrant Justice Project, Planning and Estates Law Project, Neighborhood Entrepreneur Law Project and Veterans Assistance Project. Additional projects, including the Legal Clinic for the Homeless, Homeowner Stability Project, Elderlaw Project and Consumer Bankruptcy Project each closed between approximately 150 and 250 cases. The projects all recruit, train and mentor pro bono attorneys who handle the bulk of the cases in the project using a range of methods from full representation to limited scope representation, to legal advice alone. The decision of which type of problem requires which approach is a decision made by our experienced experts in their field of law overseeing a nonlawyer project coordinator who does intake and administrative tasks.

The numbers of cases, however, do not do justice to the work accomplished. Some examples include:

- Secured over $1,095,577 in retroactive Veterans Disability benefits and over $39,361 in new, ongoing, monthly VA benefits for clients. In one case, obtained an increase in a Vietnam era veteran's disability rating from 40% to 100%, which provided him with an additional $2,400 a month and $400,000 in retroactive benefits dating back to 1992.

- Assisted 78 clients in filing for Chapter 7 bankruptcy relief, resulting in the discharge of over $2.5 million and protecting an additional $536,528 in assets, such as tax returns,

savings and equity in residential homes, which would have been vulnerable to creditors had the clients not filed.

- Filed 182 immigration-related applications on behalf of immigrants, including petitions for Asylum, U and T Visas, legal permanent residency, naturalization, and work authorizations. For, example, obtained a T-visa for a victim of labor trafficking, which included arranging for her cooperation with the Department of Labor's Wage and Hour Division.

- Handled 223 public assistance matters for residents of homeless shelters, with pro bono attorneys working on 131 of them. In all, assisted 639 people, which resulted in clients receiving retroactive benefits totaling $84,339 in lump sum amounts, $10,386 in monthly amounts, and $6,053 in charitable donations. Clients also avoided over $24,848 in recoupments and other forms of financial penalty. In one case, a pro bono attorney secured $2,796 from HRA to cover rent arrears for a formerly homeless disabled mother residing with two children in supportive housing.

- Assisted an elderly Caribbean couple, who had been living in their Brooklyn home for more than 40 years, fight foreclosure by applying for Mortgage Assistance Program funds to pay off tax and insurance arrears. In the process, discovered a huge water bill of over $40,000 that had resulted from a leaky basement pipe. Pro bono counsel negotiated with the Department of Environmental Protection and provided financial counseling that included obtaining a property tax exemption and better homeowners insurance, allowing the couple to live within their fixed-income means.

Simply put, the Judiciary's commitment to funding civil legal services has been and will continue to be a game changer for the City Bar Justice Center and the civil justice providers in New York. It translates into healthier and more stable communities, homes and families. We support the idea of crafting justice solutions that match the need in local communities, because based on the experimentation done by the City Bar Justice Center and the data available from other providers, we don't think there is a silver bullet or one best way to close the justice gap. We applaud the ingenuity of the civil justice community and the approach of the Permanent Commission with support from OCA to harness all of these efforts into a coordinated strategic action plan.

II. CONTINUING NEEDS IN NYC CIVIL COURTS AND CONSUMER DEBT CASES

Consumer Debt Cases Generally

I'd like to focus the second part of my remarks on consumer debt cases, an area that demands our continued attention. Notably, consumer debt defense is of growing concern. In 2017, creditors filed 75,634 consumer credit actions in New York City Civil Court, a significant increase over the 46,855 consumer credit actions filed in 2016.[1]

[1] Data referenced in Part II of this statement was provided by the New York City Civil Court.

For the Justice Center's part, we continue to lead a collaboration with the Urban Justice Center, CAMBA, Mobilization for Justice (MFJ), and Fordham Law School's Feerick Center for Social Justice on the NYC Consumer Help Finder, an online intake tool which allows 24/7 access from any web browser to low-income New Yorkers applying for legal help with a consumer issue. The tool is up and operational and now we need to increase community awareness and make sure that low income consumers are using it. The collaborative is focusing on outreach in order to increase activity and use of the Help Finder as a unified online consumer intake portal.

In addition, starting this summer, the Justice Center is piloting a new limited scope pro bono project in New York and Kings County Civil Courts in the Help Centers in collaboration with the court. A Justice Center attorney accompanies trained pro bono attorneys four times a month to the courthouse to provide unbundled legal assistance to pro se litigants with consumer debt, name change, warranty of habitability and other legal problems. Because legal clinics providing brief services require less conflict screening, we have been able to recruit some corporate legal departments and large law firms to volunteer despite their usual concern about not appearing adverse to a bank or financial services client. We very much look forward to this collaboration and to reporting our findings over the course of the next year.

Drawing from the experiences of the members of our Civil Court Committee, I would like to address other ways that the challenges of consumer debt cases may be alleviated and how funding for full legal representation can make a difference in the lives of the untold numbers of low-income defendants facing these cases without lawyers or with only limited assistance. The economic and social consequences of insufficient civil legal services for consumer-debt related cases are significant, and should not be overlooked. Consumer debt litigation threatens low income New Yorker's limited wages and assets which, in turn, threatens their ability to secure the "essentials of life," such as housing, basic income, and personal safety.

We should start with three basic propositions. First, the vast majority of consumer defendants are handling their cases without legal representation (although, as discussed later in my remarks, they may be receiving assistance in court by a volunteer attorney or court navigator). In 2017, only 3.5% of defendants in consumer credit actions filed attorney answers, closely approximating the 3.8% attorney answer rate for 2016. Second, default judgments are all-too-common in consumer debt cases. In the approximately 47,000 consumer cases filed in 2016, nearly 19,000 cases – 40% - ended in default judgments.[2]

Third, civil court judgments give creditors incredible power: a judgment creditor has the power for 20 years to garnish wages, levy bank accounts, and restrict a low income New Yorker's access to money that the individual needs to pay the rent, buy food, or remain financially independent from an abuser. Creditors rarely win judgments after trial; during the last decade, most judgments have been obtained because of the defendant's failure to answer the lawsuit or after a defaulted settlement agreement. The settlements that are executed in civil court allow a creditor to enter a judgment, without notice, for the full law suit amount plus interest and fees – after ONE missed or late payment. The settlements are protracted over years whereby the consumer defendant agrees to pay a monthly sum of money until the full balance is paid. For low

[2] Data indicates that the default rate is lower in 2017 – around 26% of the 75,634 cases filed; however, since the data was provided in early May 2018, we do not believe that all 2017 cases (and default judgments) were fully accounted for. Notably, the 40% default rate for 2016 matches the 40% default rate for 2015.

income New Yorkers without reliable income, it is almost inevitable that at least one payment will be missed or late.

The Justice Center Hotline and other legal services offices receive a substantial number of intake calls from people who are dealing with the enforcement of judgments that are won because of a defaulted settlement agreement. High consumer filings coupled with the lack of adequate judicial resources results in a culture in the courts to push settlement in every case. This dissuades litigants from raising legal defenses or asserting the right to go to trial.

In addition to threatening an individual's ability to access funds needed to purchase and support the essentials of life, consumer debt litigation itself often involves debt arising from the consumer's purchase of items related to life's essentials. For example, automobile loans are often one of the largest purchases households will make, after the purchase of a home. Due to the size of the purchase, the sale must often be financed. For prospective buyers with poor credit, the options for financing are often limited, and prospective buyers are often left to rely on the auto dealer to provide financing for the purchase of a vehicle. When the only credit available to secure this necessary purchase is through the dealer, consumers can be forced into deceptive and predatory loans with extraordinarily high interest rates, hidden fees, and unnecessary "add-ons." The finance charge on these loans is often above the New York civil usury rate of 16% and typically at a rate of 24.9%, which is just below the criminal usury rate of 25%.

Due to the nature of an automobile purchase, the deficiency lawsuits filed in the civil and district courts are relatively high-dollar compared to most consumer debt cases. Furthermore, the cases can involve technical legal defenses (that may be unfamiliar to the judges) and be highly fact-specific if there has been fraudulent activity on the part of the dealer. As a result, the cases demand a lot of time and resources for an attorney, but without an attorney the cases are very difficult to defend. As an example, one subprime auto lender – Credit Acceptance – filed 2,714 cases in civil or district courts in New York last year according to the eCourts system.

There is a strong bias (in society, in courts and in the media) against consumer debt defendants who are viewed as "deadbeats" or as individuals who are trying to "get out of" paying their debts. As a result, in court, the question of whether or not a person "owes the debt" prevails over all other questions of law including issues of due process, evidentiary rules, and the sufficiency of creditors' legal claims. All of this results in a system where unrepresented defendants are presumed "guilty", pushed to settle, and often not given the opportunity to raise legitimate defenses.

Moreover, although the problem of "sewer service" is not as widespread as a decade ago, it still exists. In those cases where defendants are fortunate to secure legal assistance and want to file a motion to vacate a default judgment based on lack of personal jurisdiction - often where a judgment has been bought and sold several times - defendants continue to have difficulty accessing their court files before filing the motion.[3] Many debt buyer judgment creditors oppose motions to vacate by alleging valid service but without attaching the affidavit of service, which

[3] *See Implementation of Advisory Notice 17 and Chief Clerk's Memorandum 203, March 18, 2016 Letter from City Bar to Judges Fisher, Boddie, Cannataro, Douglas, Esposito, and Straniere*, https://www2.nycbar.org/pdf/report/uploads/20073063-CaseFileAccessVacatingDefaultJudgementsImplementationCivilCourtFINAL3.18.16.pdf

can cause the case to be extended for weeks, sometimes months. During that time, the consumer defendant's garnished wages or levied funds are being held by the judgment creditor.

Broken Lease Cases

Lastly, I want to raise the issue of rental arrears or "broken lease" cases. In recent years, landlords have increasingly sued former tenants in civil court for monetary damages for claims over broken leases, use and occupancy, unpaid rent, and attorneys' fees and costs. As with other consumer cases, these cases can entail service defects and default judgments, and are handled by the same or similar high-volume debt collection firms. What is more, the rental arrears cases are often preceded by landlord/tenant litigation that often seeks a judgment for alleged damages that already have been awarded in the previous housing case or for claims or damages to which the landlord is not legally entitled. The City Bar proposed solutions to this problem last year, including: (i) instituting a court rule requiring plaintiffs in rental arrears actions to file with the summons and complaint an attorney affirmation stating the index number of all Landlord-Tenant proceedings related to the rental arrears action; (ii) treating rental arrears actions as consumer credit transactions so that they are heard in the Consumer Part; and (iii) in connection with the conclusion of a case in L&T Court, taking measures to inform tenants that it may be possible for the landlord to sue them again in civil court for money the landlord believes it is owed.[4] We will continue to request dialogue and solutions on this issue, but legal representation continues to be an important component of protecting low-income tenants' rights in these cases.

Proposed Solutions

Studies show that being represented by counsel in debt collection lawsuits dramatically improves outcomes for consumers, including increasing the likelihood that the case will be dismissed. This can have enormous positive consequences for the defendant's ability to secure and maintain the essentials of life. The consumer defendants who are most vulnerable to the ill effects of debt collection law suits are the working poor who earn limited wages that are threatened by potential judgments. Immigrants who are unfamiliar with the civil court judicial system (and the consumer credit system generally) are also particularly vulnerable as are survivors of intimate partner violence, many of whom experience economic abuse at the hands of their abusers.

The programs providing assistance to consumer debtors through volunteer attorneys and court navigators housed in courthouses, such as those operated by NYLAG and CLARO, are doing important and laudable work, but cannot fully address the justice gap in these cases. We need to continue developing collaborative programs that accomplish three primary purposes, all related to reducing the number of default judgments entered and/or enforced in consumer debt cases: (i) engaging in community outreach to educate consumers about (a) the need to appear in court upon receipt of either a summons or enforcement action and (b) available resources to assist them in appropriately responding to the summons; (ii) creating a cadre of legal services/pro bono attorneys who are well-trained in vacating defaults and defending big money cases, such as the car loan and broken lease cases; and (iii) educating the judges who hear these cases on the need to understand and enforce the defenses that consumers have to these actions and the consequences of allowing settlements to accelerate the entire amount owed based on only one missed payment. In our view, given the continuing need and the impact on people's lives, consumer debt defense is one of the most under-resourced legal services practice areas in New

[4] *Proposals for Handling Rental Arrears Actions, May 16, 2017 Letter from City Bar to Hon. Fern A. Fisher,* https://s3.amazonaws.com/documents.nycbar.org/files/2017139-Rent_Arrears_Letter_CIVCOURT_JUDADMIN_HOUSINGCOURT_5.16.17.pdf

York City and New York State. We further urge judicial and court staff education on issues related to consumer debt generally, cultural competence, implicit bias, inclusion, and the impacts of poverty.

III. LEGAL REFERRAL SERVICE AND COURT SQUARE LEGAL SERVICES

Finally, I wish to mention the City Bar's efforts to increase access to civil attorneys willing to handle cases on a contingency fee or for statutory attorneys' fees. Briefly, our Legal Referral Service continues to answer nearly 60,000 requests per year from New Yorkers who don't know where to turn or even if they have a legal claim. Poor people with a personal injury or other meritorious tort claim can be matched with panel attorneys; some other areas of the law will provide attorneys' fees for the counsel.

In addition, the City Bar and participating law firms helped to design and seed Court Square Legal Services several years ago to create a model law firm to provide affordable legal services. After some initial bumps in the road, I am happy to report that project is viable and has created a sliding fee scale so that services it offers are affordable to those with moderate income.

IV. CONCLUSION

We are proud to continue our collaboration with the court system and other stakeholders to address and, ultimately, close the justice gap faced by individuals who cannot afford legal representation in cases threatening the essentials of life. Complex problems require myriad solutions and I think we've learned that there is no silver bullet here. The City Bar stands ready to assist as we all strive to fully understand the scope of the problem and the best available solutions.

September 24, 2018

Roger Juan Maldonado
President[5]

[5] I am grateful to staff of the City Bar Justice Center and to Shanna Tallarico, chair of the City Bar's Civil Court of the City of New York Committee, for their contributions to this statement.

Stuart J. Mitchell

(President and CEO, PathStone Corporation)

Stuart J. Mitchell
President/CEO
400 East Avenue
Rochester, NY 14607
Ph: 585.340.3368
Fax: 585.340.3335
smitchell@pathstone.org
www.pathstone.org

PathStone
Connecting You to Opportunities

Stuart J. Mitchell is President/CEO of PathStone Corporation, a multi-state, nonprofit human service and community development corporation. PathStone's mission is to help those served embrace, embody, and radiate their entrepreneurial drive to live new dreams, celebrate hard-won success and most importantly, become community builders and beacons of inspiration for their family and community. PathStone services include Training & Employment, Child & Family Development, Housing Services & Counseling, Property Management & Resident Services, Real Estate Development and Small Business Lending. With a budget of $70 million and offices in seven states and Puerto Rico, PathStone Corporation serves more than 40,000 people annually.

Mr. Mitchell has been associated with PathStone Corporation since its founding in 1969 and has served as President/CEO since 1977. He received his Bachelor of Science from Cornell University College of Agriculture and Life Sciences in 1966, a Master of Divinity from Colgate Rochester Crozer Divinity School in 1970 and is a 2007 graduate of the Achieving Excellence in Community Development Leadership Academy at the JFK School of Government, Harvard University.

Mr. Mitchell serves on several state and national community development councils including the Monroe County Access to Justice Committee, Enterprise Community Leadership Council, Rochester Monroe Anti-Poverty Initiative, Empire State New Market Corporation Advisory Board, Federal Reserve Bank of New York Community Advisory Committee, Rochester Downtown Development Corporation, the NeighborWorks America Race Equity Diversity and Inclusion National Advisory Committee, and the Steering Committee for Structural Racism Initiative in Rochester. Mr. Mitchell is the former chair and current member of the Board of Directors of Trillium Health, a Rochester-based community health center focusing on serving members of the LGBTQ community. In April 2018, Mr. Mitchell received the 2018 Colgate Rochester Crozer Divinity School Distinguished Alumnus Award in recognition of his distinguished service to the Church and society.

Mr. Mitchell's ability to foster collaborations with other organizations and successfully leverage capital, both human and financial, has led to many partnerships in which the whole is, quite literally, greater than the sum of its parts.

Updated: September 11, 2018

Remarks to the "Chief Judge's 2018 Hearing on Civil Legal Services in New York State"
Presented by Stuart J Mitchell, President/CEO at PathStone Corporation
September 24, 2018

I am honored to present my thoughts on the current state and scope of the unmet need for civil legal services by low-income New Yorkers.

I am the president and CEO of PathStone Corporation and have been with the organization since its founding in 1969. PathStone provides program services designed to assist individuals and families break their cycle of poverty. I am an anti-poverty, social and economic justice advocate and a passionate proponent of fair and equal justice for all. You can learn more about our organization by accessing our website at www.pathstone.org.

Our staff encounters dozens of participants each day who are confronting problems that impact their housing stability and create barriers to essential health care, education, jobs and community benefits.

The Story of John Doe

John Doe is a participant at PathStone Corporation. Following a series of life events, he ended up in the criminal justice system. He is enrolled in a program called "Court to College." He is unemployed, living with his girlfriend and according to his counselor, committed to becoming a responsible young adult. On the occasion of the birth of his son, John missed three days of court-mandated school. As a result, he was sanctioned by the judge with a 30-day jail sentence, which started a chain reaction. While John was sitting in jail, he missed a recertification appointment with DHS (Department of Human Services) and was subsequently cut off from the nominal housing assistance he received from the county. John fell behind in his rent and was soon, after his release from jail, served with an eviction notice. John had no legal representation during the eviction process. An attorney might have been able to successfully advocate to DHS to reinstate the housing assistance because there was good cause to miss the recertification appointment, and then work with John's landlord and the eviction court to prevent the eviction from taking effect. Of course the mother of John's son was also placed in serious jeopardy because she had no legal representation. As a result she and her son also became homeless.

The Story of Nora

Nora and her 18-year-old daughter moved into a two-bedroom apartment which became infested with mold because of a leaky roof. They are Section 8 clients with limited social security income. They were at the mercy of HUD's Section 8 regulations to determine when and how they could move from their moldy apartment. In addition, the daughter suffers from a rare and potentially terminal neuromuscular autoimmune and cancerous medical condition. They are under medical care in Buffalo and Cleveland. The landlord resisted all efforts to accommodate the serious circumstances caused by the mold. With the assistance of a volunteer social worker, Nora escalated her concerns to the county health department and the housing authority. Both agencies determined that mold was taking over the apartment including their furniture and even their refrigerator. Finally, the landlord allowed them to break the lease. This created an immediate crisis of trying to find a new clean, handicapped accessible Section 8 apartment. Because of the Section 8 bureaucracy, Nora and her daughter had no choice but to move into an extended stay hotel. They have received assistance from their church and the social worker, however, the monthly cost will be approximately $3,000, which of course they cannot afford. The social worker is working with Nora to find a clean apartment as quickly as possible that will meet the needs of Nora and her daughter at the Section 8 rental allowance.

Nora desperately needed competent legal representation as soon as mold was discovered and the landlord failed to provide any acceptable remedy.

On May 9, 2018, PathStone Corporation hosted a luncheon presentation by Dr. Matthew Desmond, the author of the Pulitzer Prize Winning Best Seller, "Evicted: Poverty and Profit in the American City." Four hundred Rochester-area affordable housing advocates, academics, community leaders and practitioners were mesmerized by Desmond's articulate description of the impact of eviction on families. Desmond's stories are very much like those of Nora and John Doe. Housing instability destroys the fabric that holds together families and, therefore, our community. Desmond points out, "without housing everything else falls apart." In his research, Desmond discovered that there is very little reliable data that accurately accounts for the extent of the eviction crisis in our country. That is certainly true in Rochester and throughout New York State.

- Nearly 64% of households in Rochester are renter occupied with average household size of 2.3 persons.

- Median tenant household income in Rochester is less than $22,000 per year.

- Nearly 62% of Rochester tenant households pay 30% or more or more of their income to rent.

- Rochester is the fifth poorest city in the country with the poverty rate of nearly 34%.

- More than half of Rochester's children live in poverty, based on a Census Bureau survey of 2017 income. At 56.4%, Rochester's childhood poverty rate is three times the national average of 18.4% and ranks third in the nation.

- Female-headed households living in Rochester represent 50% of all those in poverty.

- More than 2400 children from the Rochester city school district, approximately 9% of the total student body, were homeless at some point during their 2016 – 2017 school year.

- There were approximately 150,000 homeless children in New York schools in 2016 – 17.

- In Rochester, there were 3500 documented evictions in 2017.

- In 2017, Rochester, with a population of 210,000 people, experienced nearly 10 evictions per day or a nearly 7% eviction rate.

- Monroe County Department of Human Services, during the period from July 2016 to June 2017, received 24,600 applications for assistance and approved 8500, a rejection rate of more than 74%.

- Monroe County DHS sanctions an average of 350 recipients monthly for violation of their DHS contract. As in the case of John Doe, many of these sanctions result in eviction.

I have attached a document that we developed in preparation for the Desmond presentation. It is entitled "Housing Insecurity and Eviction in Rochester, New York," dated May 9, 2018. The Desmond visit and presentation has sparked a community-wide discussion regarding the impact of evictions in Rochester.

The NYS Permanent Commission on Access to Justice Monroe County initiative has identified the urgent need for reform in the housing arena and has established a Housing Working Group, of which I am a member. In the first several meetings, we have begun to identify and prioritize the existing housing

barriers that prevent Access to Justice. The story of Nora and John Doe highlight the critical importance of competent legal representation. Attorneys or highly skilled housing advocates should be available to assist tenants facing any type of health, safety or eviction issue with their landlord.

Recommendations from The Justice for All Housing Working Group under discussion, if executed, would dramatically increase access to affordable safe and healthy homes. Currently, this is a work in progress. Soon we will have a draft of the critical barriers that must be overcome. From the experience of Nora and John Doe I will highlight the following:

- Tenants confronting eviction proceedings must be guaranteed a right to counsel.
- Tenants in dispute with landlords regarding serious health and safety issues must have immediate access to a fair and impartial hearing to determine culpability and remedy. Unlike New York or Buffalo, there is no Housing Court in Rochester where tenants can compel repairs to unsafe conditions – these individuals currently have no remedy.
- A comprehensive, coordinated, up-to-date database of all available affordable housing and legal assistance must be available in the appropriate language for all prospective tenants who need affordable housing or legal information/referrals.

In 2015, with significant leadership by the Governor, the Mayor and the County Executive, our community formed the Rochester Monroe Anti-Poverty Initiative (RMAPI). You can learn more about RMAPI by accessing the website at https://www.uwrochester.org/RochesterAnti-PovertyInitiative.aspx. The big hairy audacious goal is to reduce poverty by 50 percent in 15 years (now 12 years). Hundreds of practitioners, community representatives, political leaders have been working on many different initiatives all designed to have a collective impact to reduce the pervasive poverty that unfortunately ranks us as the fourth poorest city in the country. I believe that this goal cannot be met without a major redistribution of affordable, accessible, safe and healthy homes throughout the metropolitan and county regions.

The Housing Task Force of RMAPI, following extensive input from members of the Rochester and Monroe County low-income community, published a series of recommendations, one of which recommended the creation of a Monroe County Housing Commission with power to establish a housing

policy that would prioritize and develop coordinated resident services and financing of affordable housing developments in the county.

This Monroe County housing policy would be designed to help families gain access to affordable housing in communities of opportunity. The countywide housing policy would also be designed to break down historic and traditional patterns of segregation. I encourage you to read a paper published by the Urban Institute "Opportunity Neighborhoods: Building the Foundation for Economic Mobility in America's Metros" published February, 2018. You can access the paper at the following website https://www.mobilitypartnership.org/opportunity-neighborhoods.

The authors of this paper argue that significant investment must be made in distressed neighborhoods, as well as in neighborhoods that are experiencing revitalization. Importantly, there is a huge need for a robust effort to develop affordable housing in opportunity rich neighborhoods. Families must no longer be excluded from these communities because of their race, ethnicity, country of origin, or income.

If you have not already done so, I encourage you to read "The Color of Law, A Forgotten History of How Our Government Segregated America" by Richard Rothstein. Rothstein is interested in "How we got to the systemic racial segregation we find in Metropolitan areas today, and what role Government played in creating these residential patterns. There would be many fewer segregated suburbs than there are today if were not for an unconstitutional desire, shared by local officials and by the national leaders who urged them on, to keep African Americans from being White families' neighbors" (page 54). Structural racism institutionalized over decades has segregated our communities by race. This segregation has created separate and unequal community support systems that perpetuate privilege and poverty.

Rothstein highlights a series of fixes to the "unconstitutional segregation we have allowed to fester." Remedies must be structured to undo nearly a century of *de jure* residential segregation. They will have to be both complex and imprecise. Remedies must debunk the myth of *de facto* segregation. Public, private and institutional policy makers must acknowledge that the federal, state and local governments

segregated our metropolitan areas and those policymakers must execute an aggressive plan to desegregate those communities.

Recommendations include:

- Young people must be taught an accurate account of how we came to be segregated. Current textbooks, for the most part, completely ignore the facts of government decisions at every level of our society.
- Require cities, towns and suburbs to assess their concentration of poverty and identify goals to remedy segregated conditions.
- Enforce the 1968 Fair Housing Act with efforts to affirmatively further the purposes of that law.
- The federal government should purchase homes in segregated high-wealth communities and resell those to African Americans at a substantially reduced price. This would "makeup" for the history of *de jure* and *de facto* segregation.
- Train cadres of Champions of Diversity to Advocate for Integration. Create curriculum and resources to educate government officials, community leaders and the general public regarding the value of and opportunity for aggressive strategies of integration.
- Ban all zoning ordinances that prohibit development of multifamily housing in suburban communities. Exchange exclusionary zoning laws for inclusionary zoning laws.
- Congress should amend the tax code to deny mortgage interest deduction for residents of suburban communities that are not taking aggressive steps to attract their fair share of low- and moderate-income housing. Residents of those communities dragging their feet toward racial and economic integration would progressively lose a percentage of their mortgage interest and property tax deductions. The additional tax revenue would be used to create affordable housing in high-wealth communities.
- Initiate civil rights lawsuits that would challenge the *de facto* segregation on the basis of racial discrimination.
- Enhance the current Section 8 voucher program so that all qualified individuals and families would have access to vouchers.
- Treat housing stability and affordability as an entitlement in much the way homeowners presume they are entitled to their deduction for property taxes and mortgage insurance.
- Federal Department of Treasury would require that developers accessing low-income housing tax credits build in integrated high opportunity neighborhoods.

The first question we must address: Is safe affordable and healthy housing a right or a privilege?

Matthew Desmond states: "The home is the wellspring of personhood. It is where our identity takes root and blossoms, whereas children, we imagine, play, and question, and as adolescents we retreat and try. As we grow older we hope to settle into a place to raise a family or pursue work. When we try to understand ourselves, we often begin by considering the kind of home which we were raised" (Page 293). "Residential stability begets a kind of psychological stability which allows people to invest in their home and social relationships. It begets school stability, which increases the chances that children will excel in graduate. And it begets community stability, which encourages neighbors to form strong bonds and take care of their block" (Page 296).

Nora and John Doe are examples of families whose lives have been dramatically disrupted because of evictions.

John Doe Update (In his own words):

"I work for Sealand Construction Company. I'm in the union doing labor. Got my OSHA license in the beginning of July. Started working July 19th. I'm still living with my mom saving for security deposit. It's 850. Put a landlord statement in. It's just the high security deposit holding me back…"

Nora update

Nora continues to search for an apartment. She remains in the extended stay hotel with her daughter who continues to undergo treatment for her medical condition.

I congratulate the Chief Judge of the State of New York for conducting this statewide hearing. The creation of a Permanent Commission on Access to Justice demonstrates the strong commitment of the Chief Judge to address the critical issues that impede access to civil legal services for all New Yorkers.

I am absolutely convinced that there needs to be an interdisciplinary/interdepartmental Governor-level commission charged with the responsibility to break down the institutional and bureaucratic structures that so often work in conflict with each other. The story of Nora and John Doe demonstrate the impact of governmental ineptitude, conflicting priorities, disjointed policies and procedures and a pervasive apathy toward the impact of governmental decisions on the lives of individuals and families caught up in

the "system". We need an unrelenting sense of urgency and a universal commitment to the basic premise that a safe, affordable, healthy home is a right and not a privilege.

Housing Insecurity and Eviction in Rochester, NY

THE PROBLEM

A decade after the collapse of the housing market and the Great Recession, the City of Rochester and Monroe County face the sobering reality of a chronic housing crisis. The percentage of rent-burdened households has increased from 59.2% to 61.6% since 2008. Housing insecurity is foundational to the systemic poverty experienced in our community.

PROFILE OF POVERTY

Rochester is the 5th poorest city in the country, with a poverty rate of 33.8%. Yet this measurement fails to capture the true scope and scale of economic distress. The federal poverty metrics are arbitrarily low measures of financial security. On top of the 33.8% facing acute poverty, an additional 31% of the City's population struggle to make ends meet. In total, over 60% of Rochester residents fall bellow "Financial Self-Sufficiency". For these residents on the edge, the threat of eviction is a reality. Caught in the paradox of American poverty, not poor enough to qualify for assistance, the burden of housing costs holds down hard-working families.

Rochester, NY
2017

9.6	6.6%
Evictions Per Day	Eviction Rate

Evictions	3,510
Eviction Filing Rate	15.9%
Eviction Filings	8,688
Population (2010 U.S. Census)	210,565
% Renter-Occupied Households	63.6%
Average Household Size (Renter-Occupied Units)	2.29
Poverty Rate	33.8%
Median Monthly Rent	$779
Median Tenant-Household Income	$21,976
% Households' Income < $20,000	41.4%
Rent Burden (Rent ≥ 30% Household Income)	61.6%

Table template: The Eviction Lab at Princeton University
Sources: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates
Rochester City Court, Landlord Tenant Cases

CRISIS OF INSTABILITY

In Matthew Desmond's Pulitzer Prize bestseller, *Evicted: Poverty and Profit in the American City*, he illustrates just how fragile life in poverty can be. Furthermore, Desmond articulates the dependent relationship between stability and housing. Housing is the fabric that holds social order together at every level, i.e. individual, neighborhood, and community. "Without housing, everything else falls apart."

Housing instability and eviction uproot families and destabilize communities. Every aspect of personal and public life is impacted, from education and employment, to neighborhood security and the economic health of the community. The crisis of instability and eviction disproportionately impacts women and children; female-headed households represent half of all those in poverty. From 2016 to 2017, over 2,400 Rochester City School students, 8.8% of all students, experienced homelessness. Kindergarteners, first and second graders suffered the highest rates of homelessness.

Stuart J. Mitchell, President/CEO PathStone Corporation smitchell@pathstone.org
Brennon Thompson, Consultant

Housing Insecurity and Eviction in Rochester, NY

THE DATA

ACT Rochester, an initiative of the Rochester Area Community Foundation, provides an essential platform where data is collected, analyzed, and reported to support and guide community efforts to improve quality of life in our region. The stated purpose is, "to change the culture of community problem-solving and associated decision making through the use of credible, independent and timely data." ACT Rochester publishes an annual "Report Card" based on over one hundred indicators that impact community life. In addition, ACT Rochester recently published "Hard Facts: Race and Ethnicity in the Nine-County Greater Rochester Area", a report that identifies clear racial disparities in our region; many of these indicators fall below the State and National average.

ACT Rochester is the evidence-based driver for many of the major change agents in our community. In regards to housing, ACT Rochester analyzes indicators related to affordable housing, healthy neighborhoods, and homelessness. Absent from these indicators is any data on eviction. However, the number of emergency housing placements in Monroe County may give insight into the impact of eviction: "In 2016, Monroe County funded 2,424 placements for homeless families and 5,391 placements for individuals. This total of 7,815 placements represents a 21% increase over emergency housing placements in 2000." This data has become a catalyst for community action.

THE RESPONSE

Rochester is awash in community collaboration and programs seeking to address poverty and injustice in our region. From grassroots to government, there are dozens of major initiatives working to reduce the chronic and pervasive poverty that permeates our neighborhoods.

RMAPI

Launched in 2015, The Rochester-Monroe Anti-Poverty Initiative (RMAPI) stands out as the pinnacle effort to understand and remediate the chronic conditions of poverty. RMAPI is an unprecedented community-wide collective impact initiative committed to a fifty percent reduction in poverty in our region by 2030.

RMAPI Guiding Principles

- BUILD AND SUPPORT OUR COMMUNITY
- ADDRESS STRUCTURAL RACISM
- ADDRESS TRAUMA

In order for RMAPI to be successful, housing must be a priority. Housing instability and eviction share a complex relationship with each of the guiding principles. For example, there are 15 supporting principles under *Community Building* (i.e. Increase Neighborhood Financial Stability, Promote Economic Self-Sufficiency Within The Community, Encourage Community Reliance, etc.), 8 of the 15 supporting principles are directly undermined, and therefore unachievable, by the current prevalence of eviction.

Poverty in America is inexorably linked with structural racism. Moreover, the high concentrations of poverty and resource disparities in our community are defined by historical, government sanctioned, racial segregation. Housing was the vehicle through which stability and intergenerational wealth were created for the White Middle Class. Housing was also the preferred tool that created segregated

Ghettos, where systematic exploitation impoverished the residents who were/are disproportionately People of Color.

The Rochester-Monroe Anti-Poverty Initiative has committed to address housing. In 2015, RMAPI produced four key recommendations specific to housing:

I. **Race, Poverty & Access to Affordable Housing:** A funded campaign that develops a cross-cultural and cross socio-economic mainstream effort targeted to dismantle the thoughts, attitudes, and behaviors that exclude people who live in poverty from having access to quality, safe, equitable, affordable housing in a location and type of their choice.
II. **Protecting Long-Term Residents of Neighborhoods from Displacement Caused by Gentrification:** Funding opportunities that support the working poor, including rent caps and low-interest, proximal loans, to protect long-term residents of neighborhoods from displacement caused by gentrification.
III. **Skills for Housing Success:** A comprehensive range of services and supports at community sites designed to assist residents in acquiring the skills needed to succeed in self-sufficient housing and promote stability for neighborhood residents.
IV. **Housing Policy:** A Monroe County Housing Commission, informed by residents in poverty and other stakeholders in the housing development community to prioritize and develop coordinated resident services and financing of affordable housing developments in the county.

These recommendations are vital first steps in addressing housing insecurity in our area. In response to inadequate housing and sub-standard living conditions, particularly in the case of absentee landlords, local tenants have begun to organize. One egregious case has pressed the City of Rochester to consider receivership due to numerous outstanding code violations. To ensure accountability, several legal reforms are being pursued. Local awareness and support for these reforms will be necessary for their success.

ACCESS TO JUSTICE INITIATIVES

Monroe County was recently selected by The New York State Courts as the second site in the state (following a pilot project in Suffolk County) for implementation of the "Justice for All Strategic Action Plan" which aims to fulfill the promise of 100% access to justice for all residents. Recognizing the urgent need for reforms, civil legal service agencies, the courts, and other community leaders have prioritized housing as the first area in need of attention. In the legal context, several themes have emerged:

Guaranteeing a Right to Counsel in Eviction Proceedings

In Monroe County, tenants that cannot afford an attorney face eviction proceedings alone. Without legal assistance, low-income people are often unaware of their rights and unable to adequately defend themselves in eviction cases. Legislation and funding is needed to provide a right to counsel for those who cannot afford to defend themselves against unlawful evictions.

Establishing a Housing Court

Landlords who repeatedly violate the rights of low-income tenants or fail to properly maintain residential buildings are effectively immune from being held to account for their illegal conduct. Currently, *there is no court in Monroe County* with jurisdiction to hear cases brought by tenants against their landlords for building code violations (lack of heating, rats and pest infestations, mold, etc.). The Courts must address the overwhelming need of tenants whose landlords fail to provide safe and habitable residences.

LEGISLATION

The passage of local legislation is critical to encode lasting reforms and create a more equitable housing market. One bill currently before the New York State Assembly (April, 2018), sponsored by Assemblymen Walter Mosley, proposes that "source of income" be protected from unlawful discrimination under New York State Human Rights Law. Source of income is defined as any lawful income, including: "…any form of federal, state or local public assistance; housing and rental subsidies and assistance, including section 8 vouchers" (A10077). The prevalence of income bias and discrimination in our community directly contributes to the preservation of segregation. When suburban communities, developers, and landlords reject applicants who receive housing assistance, they perpetuate the high concentrations of poverty in our region.

CONCLUSION

Housing insecurity is a complex and pervasive problem in our community. The lack of affordable housing disrupts and destabilizes every element of public and private life. Such a complex issue demands an equally robust and comprehensive response. The true nature of the problem requires creative data collection and analysis to highlight hidden realities that are not currently captured, or are obscured, by the available metrics. Informed by these indicators, the community coalition can target resources to where they are most needed. The scope of action necessary to address housing instability requires emergency support for families/individuals, long-term campaigns against historical and structural inequality, sustained efforts to improve the socio-economic health of neighborhoods, and legislative action to ensure justice, equity, and accountability. Our community is one of many in the nation facing this crisis. We have an opportunity to be the leading example rather than the leading statistic.

John F. Schultz, Esq.

(Executive Vice President, Chief Legal & Administrative Officer and Secretary, Hewlett Packard Enterprise Company)

Hewlett Packard Enterprise

John F. Schultz

EVP, Chief Legal and Administrative Officer and Corporate Secretary
Office of Legal and Administrative Affairs
Hewlett Packard Enterprise

John Schultz is Executive Vice President, Chief Legal and Administrative Officer and Corporate Secretary for Hewlett Packard Enterprise.

In this role, John heads the Office of Legal and Administrative Affairs, which comprises a variety of organizations including the Legal, Ethics and Compliance, Global Real Estate, Procurement, Corporate Services, Corporate Affairs, Cyber Security, Global Security Services and Aviation functions.

John was appointed General Counsel of Hewlett-Packard Co. in 2012 and became General Counsel of Hewlett Packard Enterprise after HP separated into two separate companies in the fall of 2015. John joined HP in 2008, serving as Deputy General Counsel for Litigation, Investigations and Global Functions.

Before joining HP, John was a partner in the litigation practice of Morgan Lewis & Bockius LLP, focusing on complex litigation and primarily defending consumer class-action, fiduciary liability, and technology-related commercial litigation. He was previously a partner at Drinker Biddle & Reath, where he also specialized in commercial and product liability litigation.

John currently serves on the Board of Directors of Umpqua Bank, which is headquartered in Portland, Ore., and New H3C Corporation, a Hong Kong corporation. John also serves as a Director on the Boards of Equal Justice Works, The National Legal Aid & Defender Association, The Law Foundation of Silicon Valley and Haiti Outreach. John also serves as a Trustee of Albright College and as a member of the Legal Services Corporation's Leaders Council.

John holds a bachelor's degree from Albright College and a J.D. from the University of Pennsylvania Law School.

Statement of John F. Schultz
Chief Legal and Administrative Officer, Hewlett Packard Enterprise
Hearing on Civil Legal Services in New York State
September 24, 2018

Chief Judge DiFiore, Presiding Justices Acosta, Scheinkman, Garry and Whalen, Chief Administrative Judge Marks, NY State Bar Association President Miller, other distinguished guests, ladies and gentlemen, my name is John Schultz, and I am the Chief Legal and Administrative Officer of Hewlett Packard Enterprise (HPE). It is an honor and a privilege to be here this afternoon to help address the critical unmet need for equal access to justice in New York, and indeed across the United States.

I know full well that many of the people before whom I appear today have dedicated substantial portions of their professional lives directly to the administration of justice and are deeply and urgently familiar with the issues in a very hands-on way – so let me begin by thanking you for your work -- and clarifying that I will seek to focus my statement on the reasons why, as a corporate lawyer, I believe strong support for equal justice is an absolute imperative. That said, you should know that I have a passionate personal interest in equal justice and have worked closely with a number of organizations connected with this cause, including my service as a board member of the National Legal Aid and Defenders Association, as a current board member and past president of the Law Foundation of Silicon Valley, as a board member of Equal Justice Works, and as a member of the Leaders Council of the Legal Services Corporation. My commitment is not unique among my colleagues at HPE, many of whom were drawn to the company by the ideals of our founders, Bill Hewlett and Dave Packard, who, from the earliest days of the company's founding maintained that "the biggest competitive advantage is to do the right thing at the worst time".

So, let me give you a flavour of our company's approach to equal justice, along with some of the specific things we are doing within the Office of Legal and Administrative Affairs. At HPE, our employees are part of a culture which emphasizes the importance of having a positive and meaningful impact on our communities – and in

the Legal Department, this takes the specific form of a strong and continuing commitment to pro bono work. Every year hundreds of legal professionals at HPE (whether attorneys or otherwise) contribute thousands of hours to pro bono projects and causes, partnering with legal organizations, law firms, and non-profits all around the globe.

And while we have been recognized for our work in this area on numerous occasions, the recognition is certainly not our primary motivation. Rather, we do it because we believe it is the right thing to do—for ourselves and for our communities. Whether it is helping veterans with appeals to obtain much needed benefits; staffing housing clinics to assist families facing eviction; providing best in class corporate and employment law advice to non-profits; working with renowned international organizations to combat forced labor and human trafficking; or helping create an award-winning records expungement clinic that gives individuals the opportunity for gainful employment, the lawyers and other professionals in the HPE Legal Department demonstrate their core commitment to pro bono each and every day.

And this type of commitment by a corporate law department is by no means unique to HPE. More and more companies – and their legal professionals – have come to understand that they cannot pretend to be blind to the fundamental problems of the society they live in. They cannot remain indifferent. To quote U.S. Supreme Court Justice Sonia Sotomayor, “We educated, privileged lawyers have a professional and moral duty to represent the underrepresented in our society, to ensure that justice exists for all -- both legal and economic justice.”

This is why corporations across America are steadily increasing their investment in pro bono programs, through which we are able to contribute to our local communities in a significant way. These efforts are made possible by partnerships with civil legal aid programs, without which pro bono volunteers could receive neither the necessary training and guidance, nor the access to clients who need help. Through these partnerships, the private sector greatly extends the impact of the federal investment.

From that perspective, it is encouraging to see how many companies are including pro bono among their Corporate Social Responsibility initiatives.

I believe the increased recognition of the importance of pro bono within corporate America is the consequence of two different but connected realities. First, the so-called “justice gap” – that is, the difference between the civil legal needs of low-income Americans and the resources available to meet their needs -- continues to be a fundamental issue in our society – an issue which is far from narrowing but stretching into a gulf. Second, that very same justice gap has a tangible and significant impact on our competitiveness as businesses and, ultimately, as a country. Let me elaborate a little on these two related realities.

Access to justice is not a problem specific to New York or to any other state. To the contrary, it is an increasing concern across America. Data from LSC’s 2017 Justice Gap report revealed that low-income Americans seek professional legal help for only 20% of the civil legal problems they face. This is not a small problem since the report shows that 71% of low-income households experienced at least one civil legal problem in 2016. Of the civil legal problems reported, 86% received inadequate or no legal help.

And no place escapes from this problem. When I came to the Bay Area, probably the most prosperous part of the US and arguably the most prosperous part of the world, I was stunned to see a considerable justice gap right in the heart of Silicon Valley, especially in the city of San Jose. The Silicon Valley Law Foundation – which I mentioned before -- deals every day with foster youth, predatory credit practices, issues around forced slavery, and a variety of other pressing issues. It’s amazing to me that we have a lot of human trafficking issues in the Bay Area. So, this is not just an issue that resides in a few places you would traditionally think of as struggling areas. The truth of the matter is, this problem exists in every community in which we work and live. The gap exists everywhere.

As far as New York is concerned, it is true that this State leads the country in state investment in legal aid, with all non-LSC sources (state and local grants, other federal grants and private funding) making up 84% of all legal aid funding in the State, compared to the national average of 63%. Much of this progress is due to the inclusion of funding for civil legal aid in the budget of the New York judiciary, which is the source of $100M funding for legal services in 2017-18. In state and local grant making alone, New York provides more dollars per 1000 persons in poverty than any other state.

This is reassuring and certainly something of which we can all be proud. However, we are still far from a place where we can claim victory. Almost 20% of New York's population qualifies for LSC-funded legal services. That is more than 3.6 million people. In 2015 alone, an estimated 1.8 million people appeared in the New York State courts without a lawyer. In 2016, LSC-funded legal aid providers in New York were forced to turn away 36% of eligible people who came to them with eligible civil legal problems due to a lack of resources. And let's not forget, the people who came to them were probably just 20% of the eligible people who actually faced legal problems.

So, access to justice continues to be an acute problem, in New York and everywhere else in America. A problem we cannot afford to ignore, because as I said, it has a significant and tangible impact on our competitiveness as businesses and as a country -- which brings us to the second reality I mentioned before.

As corporate leaders, we recognize that the problems affecting our communities directly impact the success of our business. Any multinational corporation like HPE can attest to the difficulty – and sometimes the impossibility -- of doing business in countries in which the legal system is not solid, and the people do not trust the judiciary and the government. Investors and developers are reluctant to engage where the rule of law is weak, and the courts and the government cannot be trusted. So, I think we take for granted the competitive advantage that we have. In the US,

people generally trust our system. They trust the government. They trust the judiciary.

I am reminded of Edmund Burke's famous statement that "free trade is not based on utility but on justice." Business depends on a justice system which allows employees, employers, and consumers to be confident in their legal rights. I believe we need to look at access to justice the same way we look at healthcare -- because legal rights are just as important as healthcare rights -- and like healthcare, legal rights and protections do not matter unless people can access them. Without access to justice we face a fundamental lack of trust, and anyone who runs a business knows that the most precious asset on the balance sheet is the public trust.

Let me conclude by saying that, as a technology company, our perspective is somewhat unique to begin with, and it is further distinguished by the values of our founders which I mentioned at the outset. In Dave Packard's words, "the betterment of our society is not a job to be left to a few. It's a responsibility to be shared by all." Dave and Bill really understood that the true promise of technology is about empowering and inspiring people in a very democratic way. When you put technology into the hands of people, you unlock their potential, you create opportunity, and you do so without regard to race, color, creed, or any other societal barrier. And so it is with access to justice. Access to justice is about empowering and inspiring people. It is about creating opportunity. It is about allowing them to reach their fullest potential. And when people can reach their fullest potential, individuals and communities advance, businesses advance, economies advance, and ultimately, society advances. So, ensuring access to justice is not only the right thing to do, it is also the smart thing to do.

Thank you once again for the opportunity to share my thoughts, and thanks also for your seriousness of purpose in attacking this most important issue.

Altagracia Tejada

(Client of The Legal Aid Society, accompanied by Morenike Fajana, Esq.)

Introduction by Morenike Fajana

Good morning Chief Judge DiFiore, and members of the Hearing Panel and thank you for this opportunity to speak regarding this matter. My name is Morenike Fajana, and I am a Staff Attorney in the Brooklyn Tenant Rights Coalition at The Legal Aid Society.

I am here today with my client, Altagracia Tejada. Ms. Tejada has been working with the Brooklyn Tenant Rights Coalition for the last year in order to address many issues within her apartment building.

Ms. Tejada has lived in a rent stabilized apartment building in the Sunset Park neighborhood in Brooklyn for the last fourteen years. The demographics of Ms. Tejada's neighborhood, much like the rest of Brooklyn, have changed dramatically in recent years. Over the last decade, rents have risen over 24% in Sunset Park, even though wages have remained stagnant. Within the last year alone, over 1,500 rent stabilized apartments were deregulated across Brooklyn. As neighborhoods in Brooklyn become more desirable, building owners have started to employ more forceful tactics in order to replace long-term tenants with new tenants who will pay higher and higher rents.

Ms. Tejada is no stranger to this phenomenon, and has had to fight virtually each year in order to protect her right to reside in her home with her family. After years of being subjected to frivolous eviction proceedings and harassing communications by her building owner, Ms. Tejada sought the help of the Legal Aid Society to help seek redress for her building owner's decades-long practice of aggressively pushing out rent stabilized Latino tenants.

Because housing affordable to low-income families is a scarce and important resource, The Legal Aid Society gives a high priority to representing these families and keeping them in their homes. Unfortunately, the crisis in affordable housing is outpacing the increased resources from the City.

Statement of Altagracia Tejada
Chief Judge's Hearing on Civil Legal Services

Good morning. My name is Altagracia Tejada. Seventeen years ago, I left the Dominican Republic, leaving behind family, friends, and everything that I knew to start a new life in Brooklyn, New York.

Like many new immigrants, I moved into the most affordable apartment that I could find, which happened to be in Sunset Park. At the time, my neighborhood was full of many other Latino immigrants and Latino families trying to make ends meet. Though it wasn't quite like home, I felt comfortable being surrounded by so many other people from Latin America.

That all changed in 2003 when a new landlord purchased my apartment building. Immediately, he began to ask me and all the other Latino tenants when we would move out of our home. He told us that he didn't want us there, and that he wanted new tenants to move in who would pay more rent. When just asking us to move didn't work, my landlord started to use more extreme measures.

Beginning in 2004, my new landlord began asking me and my Latino neighbors living in the building to sign a citizenship clause attached to our lease. Anyone who refused to sign this document, or who failed to do so because they didn't have citizenship status, was forced out of the building due to intimidation and fear.

Sadly, this was not the only tactic that was used to get Latino tenants out of the building. In addition to the citizenship clause, my landlord was relentless in bringing rent stabilized Latino tenants to Housing Court. My landlord brought me to court six times between 2010 and 2017. Often times, my landlord would fail to cash my rent checks and then bring a case against me for nonpayment of rent. Each time I would successfully defend one of these cases, my landlord would again ask me to move out of my apartment. He even went so far as to tell me that he didn't like having Latinos in his building because we were "sedentary," and that we "never moved." The combination of the Housing Court proceedings, the constant pressure to move, and the citizenship clause caused me immense stress, financial hardship and even made me physically ill. I repeatedly contacted neighborhood organizations and the local press about what I had been through at my apartment building, but on one was willing to tell my story, or get my landlord to stop this behavior.

In August 2017, Danny and Mo from The Legal Aid Society came to my door and told me that they were investigating my apartment building for a possible group action. This seemed to me like fate. After so many years of suffering in silence, I finally got my opportunity to fight back on behalf of myself and all of the other Latino tenants in the building who had been pushed out by my landlord.

I started working with The Legal Aid Society immediately, and helped them organize other tenants in the building and inform them of their rights. In January 2018, we filed a class action on behalf of a group of seven tenants based on my landlords' decades-long practice of discrimination against Latino tenants. We've now obtained a court order which prevents my landlord from engaging in any more discrimination or using any more unlawful tactics to try and get tenants out of the building.

I am so grateful that The Legal Aid Society agreed to help me. Without them, my family, and many other vulnerable families in the building would still be afraid of losing their homes. I'm very proud of what we were able to accomplish in this case to ensure that all tenants are treated with dignity and respect.

However, I know that there are still many New Yorkers out there that also need this type of advocacy and assistance. I cannot stress enough the importance of funding The Legal Aid Society and other civil legal services programs, because they are an extremely significant resource for New Yorkers who otherwise lack the ability to obtain representation or gain legal assistance in a variety of civil litigation issues. I am here in support of continued and increased funding for civil legal services in New York.

Thank you.

PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK

APPENDIX 7:

Written Submissions, The Chief Judge's 2018 Hearing on Civil Legal Services in New York State

DECEMBER 2018

The Chief Judge's Statewide Hearing on Civil Legal Services in New York

Monday, September 24, 2018 • 1:00 pm – 4:00 pm • Court of Appeals, Albany

Written Submissions

Matthew Desmond, Ph.D. *(Professor of Sociology, Principal Investigator of the Eviction Lab, Princeton University)*

Domestic Violence and Consumer Law Working Group, Fordham Law School Feerick Center for Social Justice *(Written Submission by Dora Galacatos, Diane Johnston, Matthew Schedler, & Divya Subrahmanyam)*

Fordham Law School Feerick Center for Social Justice *(Written Submission by Dora Galacatos, Executive Director)*

Denise Hill *(NYS Court Officer Sgt., Queens Criminal Court & Mentor, LEO Hearted Cares)*

Legal Assistance of Western New York, Inc. *(Written Submission by C. Kenneth Perri, Executive Director)*

Rise *(Testimony provided during NYS Commission on Parental Legal Representation Public Hearing & Written Submission to NYS Permanent Commission on Access to Justice by Jeanette Vega, Training Director)*

JoAnne Sandler *(Client of Legal Assistance of Western New York, Inc.)*

United Way of New York State *(Written Submission by Brenda Episcopo, President & CEO)*

Matthew Desmond, Ph.D.

(Professor of Sociology, Principal Investigator of the Eviction Lab, Princeton University)

PRINCETON UNIVERSITY

Attn: Hon. Janet DiFiore
Chief Judge of the State of New York
New York Court of Appeals
20 Eagle Street
Albany, NY 12207

Dear Chief Judge DiFiore and Hearing Committee,

My name is Matthew Desmond, and I am a professor at Princeton University, specializing in public policy, law, housing insecurity, and inequality. I am the Principal Investigator for Princeton University's Eviction Lab, and my book, *Evicted: Poverty and Profit in the American City* (2016), describes the myriad ways that eviction exacerbates poverty in greater detail. I am submitting this letter to share the results of my research in shorter form in hopes that this research informs your report to the New York State Legislature on the significance of accessible, publicly funded civil legal services.

The central message of this correspondence is that eviction creates serious consequences for families, consequences that are not only caused by poverty but that also lock families more firmly and deeply into poverty. Residential instability often brings about other forms of instability—in families, schools, communities—compromising the life chances of adults and children. An effective way to decrease residential instability among poor families would be to lower the incidence of eviction, and research has shown legal representation is key to helping people avoid displacement and homelessness.

Eviction in America and New York

An estimated 2.3 million people were evicted in 2016, many of them children. That amounts to 6,349 people evicted every day in America. To give a sense of the magnitude of the eviction crisis: the number of eviction cases in 2016 was roughly equal to the number of foreclosure starts in 2009. And the problem is even bigger than Eviction Lab data show, as these data only include court processed, formal evictions, excluding informal evictions that take places in the shadow of the law as well as formal evictions we were unable to collect. Given the scope of this problem and its consequences for communities, policy interventions like accessible civil legal counsel are an important step toward improving outcomes for renting families. In New York City alone—Bronx, Kings, New York, Queens, and Richmond Counties—courts reported 237,373 eviction filings in 2016. That is an eviction filing rate of almost 11 percent. To give you a sense of the situation in other large cities outside your state, according to our data, Boston has a filing rate of 3 percent, Chicago has a filing rate of 3 percent, and Philadelphia has a filing rate of 7 percent. New York City's numbers represent a significant degree of residential instability.

Civil Legal Services

In some housing courts, 85 to 90 percent of landlords are represented by an attorney. According to research presented in the *Fordham Law Review*, "where landlord representation is high, the typical case pits a represented landlord against an unrepresented tenant. The demographics of the tenants reveal a vulnerable group of litigants, typically poor, often women, and disproportionately racial and ethnic minorities." Right to Counsel programs have been shown to dramatically affect case outcomes, helping tenants remain in their homes. A 2017 report on the Sargent Shriver Civil Counsel Act, a pilot program providing legal assistance to low income people in California, emphasized the program's effect on eviction cases in particular. With representation, tenants were able to successfully settle cases almost twice as often as those without (67 percent compared to 34 percent); further, "while all Shriver clients received eviction notices, only 6% were ultimately evicted." Likewise, a *Harvard Law Review* study found that two-thirds of tenants given access to legal representation were able to remain in their homes after receiving an eviction notice, as compared to only one-third of unrepresented tenants.

Civil legal counsel programs are effective; and helping tenants stay in their homes benefits both individuals and communities. Although the consequences of eviction are many and multidimensional, this remainder of this letter focuses on eviction's consequences for employment, physical health, mental health, material hardship, and neighborhood disadvantage to emphasize the importance of reducing eviction rates for the broader welfare of New York state.

Employment

Many people think that job loss leads to eviction, but eviction can also lead to job loss. An eviction not only can consume renters' time, causing them to miss work, but it also can consume their thoughts and cause them to make mistakes on the job, and also result in their relocating farther away from their worksite, increasing their likelihood of tardiness and absenteeism. Results from the Milwaukee Area Renters Study found that workers who involuntarily lost their housing were roughly 20 percent more likely subsequently lose their jobs, compared to similar workers who did not. These results imply that initiatives promoting housing stability would promote employment stability.

Physical Health

Involuntary housing displacement is linked to substandard housing conditions. One explanation for why some poor families live in substandard housing conditions—which among other things harms children's health—is that they are compelled to do so in the aftermath of an eviction. The *American Journal of Public Health* recently called inadequate housing "a public health crisis." A significant body of research has linked poor housing conditions to a wide array of health problems, from asthma, lead poisoning, and respiratory complications to developmental delays, heart disease, severe skin diseases, and neurological disorders. These facts are not lost on low-income families. A survey of families on the list for rent assistance found that almost half believed their children's health had suffered on account of the expense or quality of their apartments.

Mental Health

Eviction is also negatively associated with mental health. Drawing on the Fragile Families and Child Wellbeing Study—a national, longitudinal survey that follows a birth cohort of about 4,900 new parents and their children living in 20 large cities—one study found that the year following an eviction, mothers were 20 percent more likely to report depression than their peers. Moreover, at least two years after their eviction, mothers still experienced significantly higher rates of depression than their peers.

The mental health consequences of what might seem like run-of-the-mill evictions can be fatal. A 2015 study in the *American Journal of Public Health* examined nearly 1,000 suicides in which eviction or foreclosure were key causal stressors leading to untimely deaths. Most of those deaths occurred before the home was actually lost but occurred within two weeks of a court proceeding related to the foreclosure of eviction. Eviction- or foreclosure-related suicides accounted for 10 to 16 percent of all financial-related suicides recorded in a national database between 2005 and 2010.

Material Hardship

The Fragile Families study also documented a large and robust relationship between a recent eviction and increased material hardship, defined as the inability to meet basic food, clothing, and medical needs. Mothers who experienced an eviction in the last year report around one standard deviation higher rates of material hardship than mothers who were matched along many other characteristics but had not experienced eviction. As with depression, mothers' material hardship may also be affected in the long-term, as significant differences were detected at least two years after the eviction. If material hardship is a measure of the lived

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experience of scarcity—assessing, say, hunger or sickness because food or medical care was financially out of reach—then these findings suggest that eviction is a driver of poverty.

Neighborhood Disadvantage

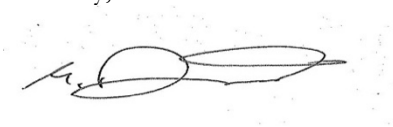
Experiencing an eviction is associated with a significant increase in neighborhood poverty and crime rates, relative to voluntary moves. Families involuntarily displaced from their homes often end up in worse neighborhoods, neighborhoods that diminish children's life chances. An eviction judgment makes it difficult to secure decent housing in a safe neighborhood, as many landlords reject anyone with a recent eviction, even if they do not know why the eviction occurred**.** On an aggregate level, eviction may contribute to neighborhood crime and violence. Preliminary unpublished findings from Milwaukee, Boston, and Chicago show that neighborhoods with higher eviction rates have higher violent crime rates the following year, even controlling for the previous year's violent crime rate. In these ways, the pains of eviction are felt by more than the individuals who lose their homes. These consequences are borne by entire communities, and they tend to play out along unequal race and gender lines.

Conclusion

Forced moves are both prevalent and consequential. This letter has covered some of the consequences of eviction for families, especially mothers and children. I encourage the you to take these consequences into account as you make your report to the New York State Legislature on the significance, benefits, and need for accessible civil legal counsel.

Please let me know if I can be of further assistance.
Thank you very much.

Sincerely,



Matthew Desmond, Ph.D.
Professor of Sociology
Principal Investigator of the Eviction Lab
p: 609-258-4424
e: matthew.desmond@prineton.edu

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Domestic Violence and Consumer Law Working Group, Fordham Law School Feerick Center for Social Justice

(Written Submission by Dora Galacatos, Diane Johnston, Matthew Schedler, & Divya Subrahmanyam)

Domestic Violence and Consumer Law Working Group
Fordham Law School Feerick Center for Social Justice
150 West 62nd Street
New York, New York 10023

September 14, 2018

New York State Permanent Commission on Access to Justice
c/o Jessica Klein, Esq.
Sullivan & Cromwell LLP
125 Broad Street, 32nd Floor
New York, NY 10004-2498
accesstojusticecommission@nycourts.gov

Dear Commission Members:

We are four consumer advocates who lead and have led the Domestic Violence and Consumer Law Working Group ("the Working Group"), established by Fordham Law School's Feerick Center for Social Justice in 2007. Since that time, the Working Group has sought to enhance and expand legal services and other resources for domestic violence victims and survivors who have experienced economic abuse and/or have consumer debt and credit reporting issues.

We thank the Permanent Commission for its work in enhancing and expanding access to civil legal services for New Yorkers and for the opportunity to present this statement. In our work, we see every day the invaluable difference that access to legal services can make for low- and moderate-income persons and especially for those who are highly vulnerable, including persons who have experienced intimate partner and other forms of family violence, immigrants, and the elderly.

Our letter accompanies a report issued this week by our organizations in coordination with the Working Group. The report, *DENIED! How Economic Abuse Perpetuates Homelessness for Domestic Violence Survivors*, is the result of a two-year fact-finding effort and involves a review of the relevant literature, an analysis of case files at The Legal Aid Society, and an online survey of staff at domestic violence shelters on their perceptions of clients' experiences.

The report speaks for itself and we will not attempt to summarize all of its findings in this letter. Nevertheless, we note our overwhelming conclusion that there is a significant gap in specialized civil legal services for survivors of domestic violence with consumer law, debt and credit issues. Economic abuse frequently results in damaged credit, and in the absence of comprehensive services, this damage poses a significant barrier for survivors seeking to establish and maintain economic and housing stability and self-sufficiency.

We hope the members of the Permanent Commission will find the report of interest and we are available to answer any questions members or staff may have. Thank you for the opportunity to submit this written statement for the Hearing.

Sincerely,

Diane Johnston
Staff Attorney
The Legal Aid Society
Co-Chair
Domestic Violence and Consumer Law
Working Group

Divya Subrahmanyam
Staff Attorney
CAMBA Legal Services, Inc.
Co-Chair
Domestic Violence and Consumer Law
Working Group

Dora Galacatos
Executive Director
Fordham Law School Feerick Center
For Social Justice
Immediate Past Co-Chair
Domestic Violence and Consumer Law
Working Group

Matthew Schedler
Supervising Attorney
CAMBA Legal Services, Inc.

Immediate Past Co-Chair
Domestic Violence and Consumer Law
Working Group

DENIED!

HOW ECONOMIC ABUSE PERPETUATES HOMELESSNESS FOR DOMESTIC VIOLENCE SURVIVORS

September 2018

CAMBA Legal Services, Inc.
Fordham Law School Feerick Center for Social Justice
The Legal Aid Society

FORDHAM UNIVERSITY
THE SCHOOL OF LAW

CAMBA
legal services

THE LEGAL AID SOCIETY

DENIED!

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September 2018

CAMBA Legal Services, Inc.
Fordham Law School Feerick Center for Social Justice
The Legal Aid Society

Principal Authors:

Diane Johnston, Staff Attorney, The Legal Aid Society
Divya Subrahmanyam, Staff Attorney, CAMBA Legal Services, Inc.

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THE LEGAL AID SOCIETY

ACKNOWLEDGEMENTS

Diane Johnston, Staff Attorney with The Legal Aid Society, and Divya Subrahmanyam, Staff Attorney with CAMBA Legal Services, Inc., were the principal researchers and authors of this report. Dora Galacatos provided invaluable guidance, feedback and support throughout every stage of this project. The Domestic Violence and Consumer Law Working Group provided suggestions on the report and the survey throughout its development and implementation. In particular, we thank the following current and former Working Group members for their work on the report: Afua Afriye Fullwood, Philip Duncan, Jessica Fabian, Talia Gruber, Teal Inzunza, Jae Young Kim, Ariana Lindermayer, Mary McCune, Kimberly Morales, and Laura Russell.

Dora Galacatos, Kristy Milkov, Elizabeth Perez, Matthew Schedler, Olga Tomasello, and Joan Vermeulen provided editing assistance. Judith Rew designed the report. We are grateful for the crucial technical assistance provided by colleagues with the Center for Survivor Agency and Justice, New Destiny Housing, the New York City Human Resources Administration, including the Office of Civil Justice, and the New York City Mayor's Office to Combat Domestic Violence. We thank all of the practitioners, nonprofit organizations, government officials, and experts who assisted with the design and dissemination of the survey and express our deep appreciation and gratitude to all of the service providers who completed the survey.

ABOUT THE ORGANIZATIONS

THE DOMESTIC VIOLENCE AND CONSUMER LAW WORKING GROUP

In 2006, Fordham Law School's Feerick Center for Social Justice (the "Feerick Center") launched its Domestic Violence and Consumer Law Project (the "Working Group") at the request of social services organizations serving domestic violence survivors. The Center began by examining the unique financial issues frequently faced by domestic violence survivors, including economic abuse, inadequate financial literacy, accumulation of consumer debt, and identity theft, with a view towards helping expand service providers' capacity to address these concerns. A 2007 survey conducted by the Center of seventeen domestic violence social and legal services providers in New York City revealed a growing recognition by practitioners that domestic violence survivors were presenting urgent, unmet, and often complicated economic and consumer debt-related issues. Respondents also indicated that, on the whole, service provider organizations often did not have either the expertise or the resources to help clients address these issues.

Since then, the Feerick Center and the Working Group have developed resources aimed at building domestic violence agencies' service capacity to address consumer issues. The Center has organized numerous training programs, which have collectively attracted well over 500 attendees from over 70 service providers. In addition to resource development and training, the Working Group engages in fact finding and advocacy efforts. Working Group members operate and participate in the DV CLARO Project, which provides limited-scope consultations to domestic violence survivors in shelter on consumer debt, credit reporting, and related issues.[1]

The Working Group is currently chaired by and composed of advocates from a variety of non-profit organizations, including both consumer legal services providers and domestic violence service providers.[2]

CAMBA LEGAL SERVICES

CAMBA Legal Services, Inc. ("CLS") is the legal services arm of CAMBA, a community-based non-profit agency located in Brooklyn that provides services connecting people with opportunities to enhance their quality of life.

A critical component of CAMBA's 160+ programs, CLS provides free legal services in the areas of housing law, consumer law, immigration law, foreclosure prevention, domestic violence, and public benefits, serving over 4,500 low-income New Yorkers each year. Through zealous representation and expert legal assistance, CLS works to protect the rights of vulnerable New Yorkers and promote access to justice in the civil legal system and beyond.

In particular, CLS' Consumer Law Project serves clients facing a broad range of consumer law issues, including representing them in debt collection proceedings, assisting with outstanding student loans, combating inaccurate credit reporting, and fighting debt collection abuse. The Consumer Law Project also focuses on serving the unique needs of domestic violence survivors, working together with other organizations to provide consumer legal assistance to survivors in a comprehensive effort to help them achieve financial stability and self-sufficiency.

FORDHAM LAW SCHOOL FEERICK CENTER FOR SOCIAL JUSTICE

The Feerick Center for Social Justice promotes the rights of and addresses the problems facing marginalized and low-income New Yorkers through the creation of strategies to reform policies, educate, and provide assistance to right wrongs.

1 DV CLARO replicated and adapted the CLARO (Civil Legal Advice and Resource Office) Program, which operates under the auspices of the New York State Unified Court System's Office of Justice Initiatives and its Access to Justice Program. The CLARO Programs provide limited-scope legal assistance to consumers through court-based, weekly clinics that are staffed by volunteer attorneys and supervised and supported by consumer law experts, legal services programs, and law schools. *See generally* CLARO: Civil Legal Advice and Resource Office, http://www.claronyc.org/claronyc/default.html (last visited Aug. 30, 2018).

2 Currently, the organizational members of the Working Group are: Brooklyn Volunteer Lawyers Project, CAMBA Legal Services, Inc., The Financial Clinic, Fordham Law School's Feerick Center for Social Justice, Her Justice, The Legal Aid Society, Manhattan Legal Services, Mobilization for Justice, New York City Anti-Violence Project, New York Legal Assistance Group, Northern Manhattan Improvement Corporation, Safe Horizon, Sanctuary for Families, Urban Justice Center, and Urban Resource Institute.

Highly regarded for its efficacy and dedication to combating inequities, the Feerick Center works with wide-ranging networks to rally partners in the legal community and beyond to respond to the challenges of those in need.

Fordham Law faculty and students involved at the Center collaborate with the city's nonprofit, legal services, and public sectors to create long-term innovative solutions critical to real change.

THE LEGAL AID SOCIETY

The Legal Aid Society is the largest legal services provider for low-income families and individuals in the United States, handling roughly 300,000 individual cases and legal matters for low-income New Yorkers each year. In addition to individual assistance, The Legal Aid Society represents clients in law reform litigation, advocacy, and neighborhood initiatives, and provides extensive backup support and technical assistance for community organizations. The Society's law reform work benefits some two million low-income families and individuals in New York City, and the landmark rulings in many of these cases have a national impact. Through a network of sixteen neighborhood and courthouse-based offices in all five boroughs and 23 city-wide and special projects, the Society's Civil Practice provides direct legal assistance to low-income New Yorkers, helping them to obtain or maintain the basic necessities of life – housing, healthcare, food, public benefits, safety, employment, and means of self-sufficiency. The Legal Aid Society's Civil Practice includes both a Family/Domestic Violence Project and a Consumer Law Project.

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EXECUTIVE SUMMARY

New York City faces a crisis of domestic violence.[3] In 2016, 11.6 percent of major crimes reported in the City were related to domestic violence, up from 4.8 percent in 2007.[4] In 2017, the New York Police Department took 108,821 intimate partner domestic incident reports, up from 91,617 in 2016.[5] Nationwide, an estimated one in four women and one in seven men have experienced some form of intimate partner violence.[6]

But the harm of domestic violence extends far beyond physical trauma and sexual assault. Domestic violence is characterized by "coercive control," or a pattern of behavior by which abusers exert pervasive control over their victims' lives. This includes emotional abuse, verbal abuse, and the subject of this report – economic abuse.

Economic abuse is extremely common, with estimates ranging from 78 to as high as 99 percent of survivors.[7] Abusers perpetrate economic violence in many ways, by stealing the victim's identity and accruing debt; coercing the victim into spending money or taking out credit; blocking the victim's access to accounts; providing a fixed allowance; interfering with employment; refusing to pay for necessities like rent or utilities; and more. Abusers often have complete control of the family's finances, with victims having limited or no access to joint accounts, tax return filings, or even their own earnings.[8]

These acts of abuse often damage survivors' credit, resulting in far-reaching, devastating consequences that can be difficult, if not impossible, for them to undo. Over and over again, survivors who have experienced economic abuse are denied access and opportunities – like housing, credit, utilities, and banking – as a result of credit damaged by their abuser. In a tight housing market like New York City, where credit screening is a standard part of the rental application process, damaged credit can be a nearly insurmountable barrier for survivors trying to move into their own homes and become self-sufficient. As a result of economic abuse, fleeing survivors may think themselves finally free – only to discover they have a poor credit history and a high debt load, through no fault of their own. Damaged credit can be a matter of life or death: denied housing and with nowhere else to go, many survivors may be forced to return to their abuser, putting their lives and the lives of their children at risk. Other survivors and their children end up in substandard apartments or crammed into overcrowded units with other families because they are unable to secure safe and stable housing.

The financial consequences of abuse directly impact the ability of survivors to rebuild stable lives separate from their abusers. This area is understudied: although significant research has been done on the prevalence of economic abuse, no data appear to exist on the impact of this abuse on survivors' ability to rebuild their lives after fleeing their abusive homes.

As a Working Group,[9] we undertook a pair of data collection projects to better understand the extent of survivor need and organizational capacity in this area. First, we analyzed case files at The Legal Aid Society to capture the prevalence of consumer debt issues among domestic violence survivors.

3 This report focuses on intimate partner violence, though economic abuse manifests in many different iterations of intra-familial violence. Additionally, our data collection sources elicited information about survivors of both intimate partner and familial violence. *See infra* note 26 (further discussing intimate partner violence and familial violence in the context of economic abuse).

4 NYC Criminal Justice & NYC Mayor's Office to Combat Domestic Violence, NYC Domestic Violence Task Force: 2017 goals and recommendations 2 (Nov. 2016), https://www1.nyc.gov/assets/criminaljustice/downloads/pdfs/domestic-violence-task-force-2017-recommendations.pdf.

5 NYC Mayor's Office to Combat Domestic Violence, *Mayor's Office to Combat Domestic Violence: 2017 Annual Fact Sheet*, http://www1.nyc.gov/assets/ocdv/downloads/pdf/ocdv-fact-sheet-2017.pdf.

6 Centers for Disease Control and Prevention, *National Data on Intimate Partner Violence, Sexual Violence, and Stalking* 1 (2014), https://www.cdc.gov/violenceprevention/pdf/nisvs-fact-sheet-2014.pdf (published in 2014 based on 2011 data).

7 Adrienne E. Adams et al., *Development of the Scale of Economic Abuse*, 14 Violence Against Women 563, 580 (2008) ("an astounding 99% of the women [surveyed in the study] were subjected to some form of economic abuse at some point during their relationships"), http://doi.org/10.1177/1077801208315529; Judy L. Postmus et al., *Understanding Economic Abuse in the Lives of Survivors*, 27 J. Interpersonal Violence 411, 419 (2012) ("Of the 120 individuals who participated in the study, 94.2% experienced some form of economic abuse in their current relationship or, if no longer with the abusive partner, within the last year of their relationship.").

8 Nat'l Network to End Domestic Violence, About Financial Abuse, https://nnedv.org/content/about-financial-abuse (last visited Aug. 30, 2018); Nat'l Network to End Domestic Violence, About Abuse: Financial Abuse (June 1, 2017), https://www.womenslaw.org/about-abuse/forms-abuse/financial-abuse/all (last visited Aug. 30, 2018).

9 Fordham Law School's Feerick Center for Social Justice convened the Domestic Violence and Consumer Law Working Group (the "Working Group") in 2007. The Working Group engages in fact finding, policy research, advocacy, training, and convening. The Working Group also runs the DV CLARO Program, which provides limited-scope legal assistance and referrals to domestic violence survivors on consumer debt issues. Diane Johnston and Divya Subrahmanyam are the current co-chairs of the Working Group.

Second, we surveyed staff at domestic violence shelters on their perception of clients' experiences.

Our study confirmed our collective experiences: economic abuse frequently results in damaged credit, posing a significant barrier to survivor stability and independence. There is an urgent need for policy reforms and enhanced and expanded civil legal services in this area as well as additional fact finding and research.

KEY FINDINGS

- Over one in three survivors receiving legal services relating to domestic violence also have a consumer debt legal issue.
- Domestic violence survivors face challenges in securing permanent housing, with most staff reporting that over two-thirds of their residents require an extension past the shelters' maximum length of stay.
- Poor credit is a frequent barrier to permanent housing. Survivors in shelter "often" or "very often" face challenges securing housing based on their credit history, according to 86 percent of staff respondents.
- As a result of poor credit, survivors may be unable to use a housing voucher: over half of staff respondents reported that, of the residents denied housing on the basis of their credit, 40 percent or more were recipients of a housing subsidy.
- While many shelter staff receive training on general topics relating to consumer debt and credit, this training does not equip them with practical strategies to advocate for clients. 57 percent of staff said they had been trained in how to pull a credit report, but only 25 percent had been trained in how to do so safely. Only 30 percent of respondents said they learned how to screen clients, and a full 32 percent of respondents said they received no training in this area.

KEY POLICY RECOMMENDATIONS

- New York State and City government agencies should expand legal services for domestic violence survivors related to economic abuse and consumer law, including by dedicating funding for training and staffing needs to increase the capacity of shelter-based models like DV CLARO.
- New York State and City government agencies should provide resources to expand training of social and legal services providers serving domestic violence survivors, including at Family Justice Centers, on consumer debt, credit reporting, and related issues.
- New York City government agencies that fund domestic violence social services programs and residential shelters should require and ensure that grantees include consumer debt and related issues in their initial client screening.[10]
- New York City government agencies that serve domestic violence survivors should collect, track, and analyze data regarding clients' consumer debt issues, including their impact on access to housing.
- The New York City Police Department should implement policies and procedures, including training, that ensure that victims of identity theft are issued police reports, to which they are entitled under New York law.
- New York State and City should develop and enact an alternative mechanism and procedures for identity theft victims, including domestic violence survivors, to obtain identity theft reports within the meaning of 15 U.S.C. § 1681c-2.
- New York courts and family lawyers should encourage the inclusion of the financial family offenses of identity theft, coercion, and larceny, and their corresponding remedies in litigation of orders of protection. Judges and court personnel should receive training on economic abuse and the available financial offenses, and the Family Justice Centers should continue to provide this training to advocates and other interested parties.

10 Intake interviews, needs assessments, and screening instruments should be evaluated for opportunities to integrate and elicit consumer-related information.

- In the City's continuing efforts to comply with recent federal regulations mandating that survivors are not denied subsidized housing based solely on poor credit or rental histories related to domestic violence,[11] the City should prioritize developing policies and procedures that are not unduly burdensome and restrictive and that facilitate a survivor's ability to access this vital protection.
- New York State legislators should pass legislation barring credit checks for employment statewide.
- New York State should develop and invest in more substantial housing subsidies that would make it possible for survivors of domestic violence, and other low-income New Yorkers, to leave the shelter system and move into permanent housing.[12]
- Additional data collection and research that furthers our understanding of the issues in this complicated area should be conducted, including examination of elder and intra-familial economic abuse, and issues related to other forms of debt, like utilities, medical debt, and tax liability.
- The New York City Domestic Violence Task Force Housing / Economic Justice Subcommittee, which was convened in April 2018,[13] should examine and prioritize policy and practice related to the consumer issues of domestic violence survivors, including problems with filing and receiving identity theft police reports.
- All recommended training should be culturally competent and address best practices for working with the diverse New York City survivor population.

11 See *infra* Part II.E.

12 The Home Stability Support proposal presents a promising approach to expanding affordable housing for low-income residents in New York State. *See* Home Stability Support, http://www.homestabilitysupport.com/about-the-plan/ (last visited Aug. 30, 2018) (providing information on the proposal).

13 Two members of the Domestic Violence and Consumer Law Working Group currently sit on this subcommittee. The Working Group appreciates the opportunity to have some of its members participate in this important subcommittee.

INTRODUCTION

The Domestic Violence and Consumer Law Working Group engages in training, advocacy, fact finding, and administering the DV CLARO Project[14] – all of which seek to enhance the capacity of New York City service providers to address the consequences of economic abuse for domestic violence survivors. While service providers and experts increasingly recognize that domestic abuse frequently involves economic abuse in all of its forms, we do not yet have a body of research on the impact of economic abuse on survivors. Practitioners, however, see the collateral consequences of financial abuse on survivors' lives – including damaged credit and debt collection – and the barriers they create to accessing safe, permanent housing. Moreover, the widespread problems associated with credit reporting and debt collection are compounded and more complex for domestic violence survivors. Domestic violence survivors experience significantly higher rates of homelessness than other sectors of the population and the impact of damaged credit on accessing stable, safe housing can be devastating and long-lasting.

To begin to better document the relationship between damaged credit and homelessness, in this report the Working Group presents and analyzes the results of two data collection efforts – a case sampling and a survey of domestic violence shelter staff – which together suggest that a significant percentage of domestic violence survivors – over one in three – have consumer debt issues and that there is an urgent need for expanded legal services, among other resources, to meet the consumer law needs of survivors.

14 The DV CLARO Project brings consumer legal services into partner domestic violence shelters, providing one-on-one legal consultations for residents. *See infra* Part III.C.

STRUCTURE OF THE REPORT

In Part I, we describe our study and findings in more detail. We then use these results as an entry point into this complex issue, analyzing them and placing them in context.

In Part II, we investigate the relationship between domestic violence and homelessness; the nature of financial abuse; and the way it destabilizes survivors and exacerbates existing unfairness in the debt collection and credit providing industries. As a result of these dynamics, domestic violence survivors have unique and hard-to-address issues with debt and credit that create barriers to their search for stable housing and financial self-sufficiency.

Part III surveys the landscape of service providers and demonstrates the lack of providers with dual expertise in both domestic violence and consumer law.

In Part IV, we provide detailed policy recommendations to address the urgent needs identified in this report, in order to better support domestic violence survivors and maximize the City's resources.

Finally, Part V explains our methodology and discusses the interpretive challenges posed by our data.

I. FINDINGS

A. THE CO-OCCURRENCE OF DOMESTIC VIOLENCE AND CONSUMER DEBT: THE LEGAL AID SOCIETY CLIENT SAMPLE

To estimate the proportion of domestic violence survivors in New York City who are experiencing a consumer law need, we analyzed a sample of 300 clients being served by The Legal Aid Society's Family Law and Domestic Violence Project, which provides legal representation to hundreds of domestic violence survivors each year on a range of family law matters as well as immigration and economic justice issues. For an explanation of our sampling method and a discussion of potential sources of error, please see Part V.A.

We found that:

- Over one in three survivors – 110 out of 300 – receiving legal services related to domestic violence had been sued at least once in New York City Civil Court for a consumer debt.[15]
- Of those clients, one in six – 53 total – had a consumer judgment against them.

These figures do not account for the many survivors with debts that have not yet proceeded to litigation, but that still may appear on the credit report or result in collection activity.

B. THE IMPACT OF ECONOMIC ABUSE ON SURVIVORS' HOUSING SEARCH: A SURVEY

The Working Group also developed a 24-question online survey, directed to staff of domestic violence shelters throughout New York City, and collected responses between April 2016 and March 2017. The link was distributed via e-mail to shelter managers and domestic violence list-servs, and we allowed multiple employees from the same organization and/or shelter to respond. We received 44 distinct responses, from staff working in at least 22 different shelters. For details about the survey design, see Part V.B; for the entire text of the survey, see Appendix A.

The survey responses show that poor credit and consumer debt issues are significant barriers for domestic violence survivors and suggest that providers lack the training and resources to connect these survivors with critical debt- and credit-related services.

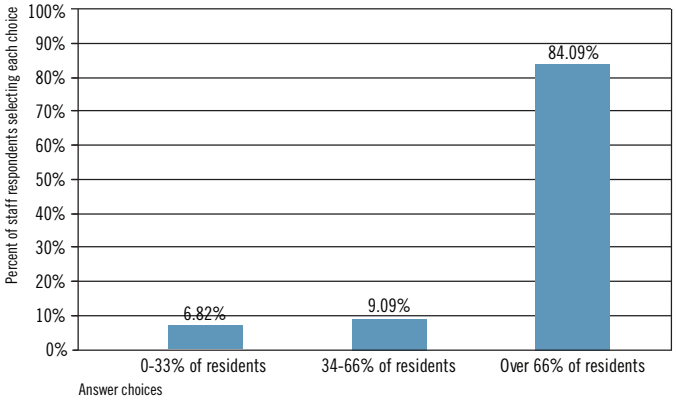
1. Staff accounts of the challenges faced by shelter residents

Domestic violence survivors face significant challenges in securing permanent housing and exiting shelter.

- The majority of respondents – 82 percent – said that over two-thirds of residents stay in the shelter for the maximum length of stay permitted.
- Even more respondents – 84 percent – said that the same proportion of residents require a stay extension.

FIGURE 1

Question 5: What percentage of residents requires a stay extension?



A negative credit history is a frequent barrier to permanent housing. Survivors also face a range of other obstacles to exiting shelter.

- A total of 86 percent of respondents said that residents "often" or "very often" face challenges in securing housing based on their credit history. No respondents reported that clients "never" or "rarely" deal with that obstacle.
- Over half of staff respondents said that at least one in three residents they worked with had a housing application rejected on the basis of their credit history.
- By contrast, only 37 percent of respondents said that residents "often" or "very often" face challenges in securing housing due to past involvement in housing court, which we expected would be a more significant barrier.

15 For our study, we applied the designation "consumer debt case" to all cases filed by banks or other financial institutions, debt buyers, medical providers, educational institutions, and utility providers.

FIGURE 2

Question 7: How often do residents face the following barriers to accessing housing?*

	Never		Rarely		Sometimes		Often		Very Often		Total
Credit history/judgments	0.00%	0	0.00%	0	13.64%	6	29.55%	13	**56.82%**	**25**	44
Discrimination (based on race/ethnicity, receipt of public benefits, household composition, etc.)	4.65%	2	20.93%	9	11.63%	5	23.26%	10	**39.53%**	**17**	43
Immigration status	6.82%	3	4.55%	2	27.27%	12	**40.91%**	**18**	20.45%	9	44
Landlords' lack of willingness to accept housing subsidies	0.00%	0	2.38%	1	11.90%	5	19.05%	8	**66.67%**	**28**	42
Language barrier	9.30%	4	20.93%	9	**27.91%**	**12**	23.26%	10	18.60%	8	43
Past involvement in housing court	0.00%	0	23.26%	10	**39.53%**	**17**	16.28%	7	20.93%	9	43
Unaffordable housing market	0.00%	0	0.00%	0	4.65%	2	13.95%	6	**81.40%**	**35**	43

*Indicating percentage and number of respondents for each choice

- Shelter residents "very often" face challenges securing housing because the housing market is unaffordable, according to 81 percent of respondents.
- Landlord rejections are not the only housing barrier created by poor credit: 59 percent of respondents said clients "often" or "very often" declined to even *apply* for mainstream housing options because of their negative credit history.

Survivors' negative credit history undermines the effectiveness of housing subsidies.

- About 55 percent of staff reported that over 40 percent of residents whose rental applications were rejected on the basis of poor credit had already received a housing program voucher.

Economic abuse is a common cause of clients' poor credit.

- Although a survivor's poor credit is not always related to their experiences with trauma, a total of 84 percent of respondents said that for some (64 percent), most (20 percent), or nearly all (7 percent) of their clients with negative credit history, that history is the result of domestic violence.
- One respondent reported that while a client was incarcerated, the client's partner used her social security number to take out loans.
- Another respondent said that a "client's ex-husband used her social security" so that "now she cannot move out due to ruined credit."

FIGURE 3

Question 11: Of residents denied housing based on their credit, approximately what percentage had previously been approved for subsidies? Please estimate.

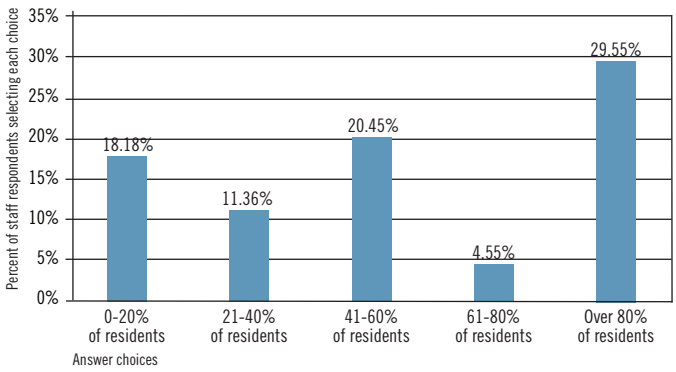
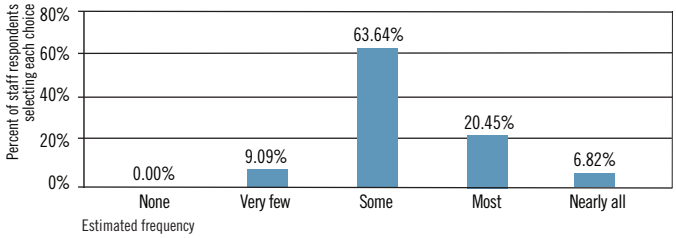


FIGURE 4

Question 14: Approximately how many residents have negative credit history due to domestic violence?

For example, residents who were victims of intimate partner identity theft, have coerced debt (debt the resident took on because the abuser forced, threatened, or otherwise coerced the survivor into doing so), or otherwise have debt related to financial abuse.



Negative credit history diminishes survivors' access to other necessities outside of housing.

- Staff respondents reported that as a result of bad credit, survivors "sometimes," "often," or "very often" have difficulty obtaining:
  - Student loans (61 percent of respondents)
  - A bank account (64 percent of respondents)
  - Utilities (59 percent of respondents)
  - Other necessary credit accounts (76 percent of respondents)

Unfortunately, survivors may not discover their negative credit histories until their lives have been materially impacted.

- 57 percent of staff reported that clients "often" or "very often" first discover their negative credit history when they are rejected for housing.
- Another 33 percent of staff reported that this is true for their clients "sometimes."

2. Staff capacity and access to resources

Although nearly all shelters offer some type of financial or credit-related services, few proactively screen for consumer debt issues.

- Only 25 percent of staff respondents said their shelter conducts individual debt or credit-related screening.
- 89 percent said they make credit-related referrals, 57 percent of staff said their shelter provides financial education, and 48 percent of staff said their shelter provides financial counseling.

FIGURE 5
Question 15: What consumer debt or credit-related services does your shelter provide? Please check all that apply.

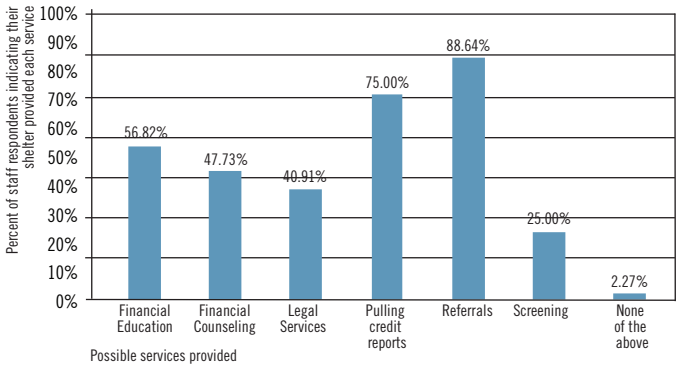
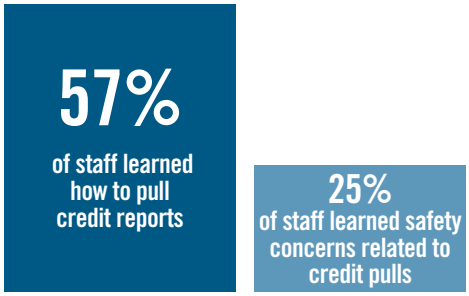


FIGURE 6



Most staff training on consumer debt and related issues is general rather than equipping staff with specific advocacy strategies.

- The most common training topics reported by staff were how to pull credit reports (57 percent), understanding economic abuse (48 percent), and when to make a referral (52 percent).
- Only 30 percent of respondents said they learned how to screen clients for consumer debt and credit issues.[16]
- 30 percent of respondents said they received no training on consumer debt and credit issues.

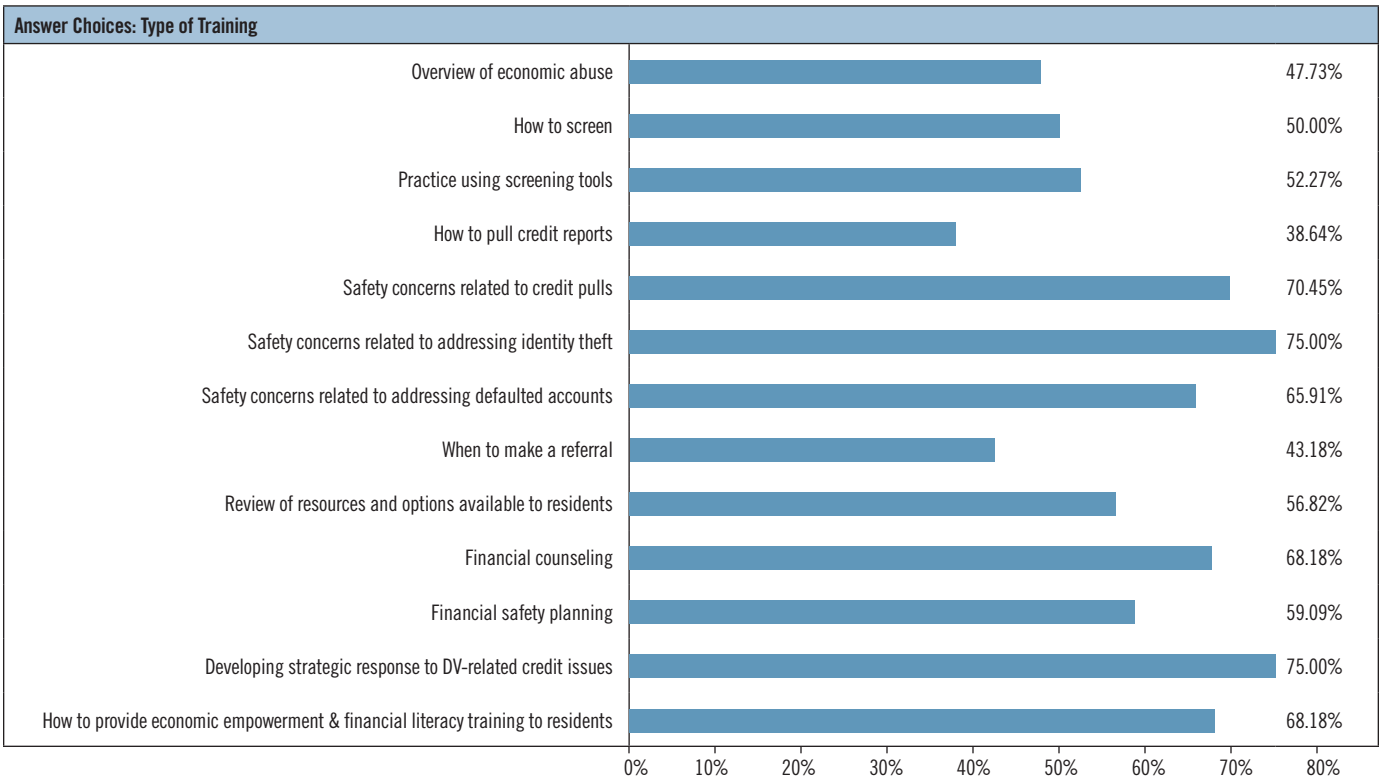
Staff overwhelmingly report that they would like more training in this area.

- 75 percent said they wanted to learn more about safety concerns relating to identity theft; the same percentage wanted help developing a strategic response to DV-related credit issues.
- Over half of respondents also wanted additional training on the resources and options available to residents.

16 Depending on the domestic violence survivor's individual case, pulling a credit report can pose safety concerns. For example, some abusers access credit reports in order to ascertain the survivor's physical location if he or she has relocated or review the report for a new place of employment. Doing so, of course, is illegal and violates the Fair Credit Reporting Act. 15 U.S.C. § 1681b(3) (Westlaw through Pub. L. No.115-140). The Domestic Violence and Consumer Law Working group has engaged in some advocacy with the Consumer Financial Protection Bureau related to these safety concerns. *See infra* Part II.F (discussing safety concerns surrounding credit reports).

FIGURE 7

Question 18: What training would most help you or your staff members in addressing residents' consumer issues? Please select all that apply.



Increased access to expert assistance in this area would be beneficial.

Nearly 40 percent of shelter staff respondents are unable to access expert legal consumer/credit assistance for their residents. The actual number is likely higher, since the respondents whom we reached with the survey through list-servs are those most connected to the available resources. This is especially true since the majority of respondents were shelter directors/supervisors.[17]

66 percent of respondents said they wanted to be able to access legal services. Similar proportions reported wanting access to financial education, financial counseling, and economic empowerment and financial literacy training. One staff member shared her client's positive experience with DV CLARO, the limited-scope, shelter-based legal assistance and referral project administered by the Working Group. Her account demonstrates the impact services in this area can have. Her client had fled from her abusive husband but when she began looking for an apartment, she found out that she was $20,000 in debt due to the acts of her abuser. With the help of DV CLARO, the situation was resolved. The client is now working and was able to purchase her home.

Staff highlighted a lack of expertise and resources and the difficulty of obtaining credit reports for survivors as major obstacles.

The survey posed several open-ended questions, such as what limitations the shelters face in dealing with residents' consumer debt and credit needs. Ten respondents independently pointed to a lack of expertise, training, and resources, confirming our impressions. Eight respondents said that many clients have difficulty obtaining their credit reports, hindering their capacity to start the process. Others said that staff members lacked the time or availability

17 *See infra* Part V.B.

to help residents with these issues on top of their other responsibilities and demands. A few also pointed to a problem rooted in a common misconception: that their clients need money to improve their credit. In fact, consumer legal advocacy can be very effective in removing credit-related barriers to housing and employment.

Based on their experiences, respondents shared their recommendations to improve their ability to advocate for survivors in shelter.

When asked what supports would be most helpful in addressing the limitations faced by shelters to tackle residents' consumer debt and credit reporting needs, 20 respondents made suggestions along the same lines: increased access to legal services and financial counseling, whether through on-site services, online or phone referrals, or workshops. Six others hoped for additional training and supports for themselves. Others had suggestions for improving the quality of the consumer services available, including coordination with mental health services; improving supervisors' understanding of clients' mindsets and limitations; and enhancing language and cultural competency.

Staff respondents also suggested various policy changes that would improve consumer/credit assistance for residents of domestic violence shelters, including:

- Not holding survivors liable for unpaid rent accrued after they fled the home;
- Exempting survivors from credit screening as they seek new housing;
- Clearing abuse-related credit accounts from survivors' credit history (similar sentiments were expressed by seven respondents);
- Eliminating the requirement of a police report to deal with abuse-related fraud and identity theft; and
- Increasing access to financial and consumer services, especially on-site services.

II. DISCUSSION

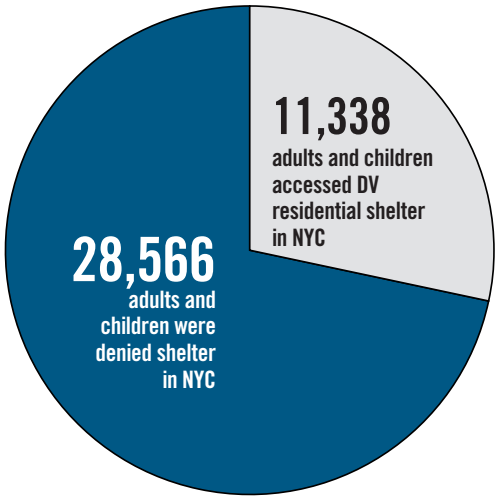
A. THE RELATIONSHIP BETWEEN DOMESTIC VIOLENCE AND HOMELESSNESS

Domestic violence is a leading cause of homelessness among women and women-headed households,[18] with more than one in four families in New York City shelters becoming homeless because of domestic violence.[19] Academic studies, too, have found that domestic or sexual violence was the immediate cause of homelessness for between 22 and 57 percent of homeless women.[20]

The ability to secure financial essentials – like a job, housing, and insurance – is a key determinant of a survivor's ability to escape domestic violence.[21] In studies, domestic violence survivors who were forced to return to their abusers report that they were driven primarily by financial instability, including a lack of housing or the inability to obtain employment.[22]

Though New York City provides its residents the guarantee of a right to shelter, it struggles to keep up with the demand, even for domestic violence survivors. In 2016, state-licensed domestic violence residential programs reportedly provided emergency shelter to roughly 5,500 adults and nearly 6,000 children, but were forced to deny emergency shelter to well over double that number.[23] Families that are unable to access the domestic violence shelter system frequently end up in the City's family shelter system, which often does not provide domestic violence-specific services.

FIGURE 8



Source: N.Y. State Office for the Prevention of Domestic Violence

Even in domestic violence shelters, emergency stays are limited to 180 days, and in 2016, only 310 adults and 449 children were able to enter transitional housing for domestic violence survivors.[24] Survivors in shelter who are unable to secure permanent housing within the set six months have limited options: they may move into general population shelters, seek options from the non-traditional housing market, double up with friends or family, or return to their abusers. Rental assistance voucher programs are frequently available to those seeking permanent housing once they have been in a domestic violence shelter for 90 days, and in recent years, the City has introduced new rental subsidies and redoubled its efforts to help families and individuals transition from shelter to permanent, affordable housing. Still, these subsidies seldom fully meet the high rent costs in New York City, and the notoriously tight rental market[25] allows landlords greater selectivity in accepting tenants. Landlords often reject survivors attempting to leave shelters for various flawed reasons, including their imperfect credit, the focus of this report.

18 National Alliance to End Homelessness, Domestic Violence, https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/domestic-violence/ (last visited Aug. 30, 2018) (reporting that "[r]esearch from a study in New York City indicates that one in five families experienced domestic violence in the five years before entering shelter[;] [a]mong families that reported domestic violence in the prior five years, 88 percent reported that it contributed to their homelessness "a lot").

19 Mireya Navarro, *Domestic Violence Drives Up Shelter Population as Housing Options Are Scarce*, N.Y. Times, Nov. 10, 2014, https://www.nytimes.com/2014/11/11/nyregion/domestic-violence-drives-up-new-york-shelter-population-as-housing-options-are-scarce.html; Coalition for the Homeless, F*amily Homelessness in NYC: City and State Must Meet Unprecedented Scale of Crisis with Proven Solutions 2* (Jan. 2017), http://www.coalitionforthehomeless.org/wp-content/uploads/2017/01/Family-Homelessness-1-2017_FINAL.pdf.

20 Leah A. Plunkett & Erika A. Sussman, *Consumer Rights Screening Tool for Advocates and Lawyers*, 45 Clearinghouse Rev. 488, 489 (2012).

21 *See generally* Deborah K. Anderson & Daniel G. Saunders, *Leaving an Abusive Partner: An Empirical Review of Predictors, the Process of Leaving, and Psychological Well-Being*, 4 Trauma, Violence, & Abuse 163, 185-186 (2003).

22 Dana Harrington Connor, *Financial Freedom: Women, Money and Domestic Abuse*, 20 Wm. & Mary J. Women & L. 339, 340 (2014).

23 N.Y. State Office for the Prevention of Domestic Violence, *New York State Domestic Violence Dashboard* 4 (Oct. 2017), http://www.opdv.ny.gov/statistics/nydata/2016/2016-dv-dashboard.pdf.

24 *Id.*

25 In 2014, the vacancy rate in New York City for low-rent units was just 1.8 percent. Coalition for the Homeless, *supra* note 19, at 5.

B. FINANCIAL ABUSE AND DOMESTIC VIOLENCE

For many survivors the ability to secure financial essentials is compromised by a history of financial abuse, which often leaves them with significant debt burdens and poor credit histories.[26] Economic abuse is extremely common, with estimates ranging from 78 to as high as 99 percent of survivors impacted.[27] This abuse can take many forms, including blocking access to joint accounts, earnings, and financial information, such as tax filings; controlling the families' finances and disbursing a fixed allowance; taking out credit cards in a survivor's name or forcing him or her to take out credit; and interfering with employment.[28] Even after a survivor leaves, abusive ex-partners can continue causing harm by refusing to make payments as required in divorce judgments or using personal information to incur new, unauthorized debt.

Domestic violence victims are at a particularly high risk for becoming victims of identity theft, most frequently perpetrated by their abusers.[29] Current and former intimate partners often have access to their partner's personal identifying information, including all of the information required to fraudulently authorize a transaction or open a new line of credit – prior addresses, date of birth, social security number, driver's license number, passport number, checks, bank account numbers, familiarity with the partner's signature, and knowledge of the answers to security questions.[30] Abusers may also open a business in the victim's name and amass debts related to the business, file false employment documents to increase business tax deductions, or use the children's personal information to open accounts.[31]

Abusers also often create coerced debt, a term coined by scholar Angela Littwin to encompass "all non-consensual, credit-related transactions that occur in a violent relationship."[32] Coercion has long been considered a key element of domestic violence, but in recent years, there has been increasing recognition of abusers using coercion to force victims to obtain credit, or using credit as a means of coercion.[33] Coerced debt involves abusers using violence or threats of violence to force survivors to use their credit for the abuser's benefit. Most often, the abuser physically takes the survivor's credit card, forces the survivor to open credit accounts, or forces the survivor to use existing accounts to make purchases for the abuser.

Our study found that about a third of survivors being served by The Legal Aid Society had a consumer debt action filed against them, with many more likely to have other credit or debt issues not yet in litigation.[34] Academic studies, too, have found that economic coercion is extremely common in abusive relationships, with multiple studies obtaining results similar to our own:

A. In a survey of 103 female residents at domestic violence centers in a Midwestern state, 39 percent of respondents reported that her abuser had fraudulently obtained credit under her name to obtain a house, car, and/or credit card; 51 percent said the abuser had deliberately damaged her credit by obstructing bill-paying; and 59 percent described fraudulent unauthorized use of credit by the abuser, such as running up credit cards or phone bills in the victim's name.[35]

B. In another study, 457 female survivors of intimate partner violence were surveyed on the types of abuse they had endured. 37.8 percent said the abuser had built up

26 Intimate partner violence is one of the most-studied forms of domestic violence, and so in this report we chose to focus on economic abuse that occurs in that context. However, economic abuse can and frequently does occur in an array of other kinds of abusive intimate relationships that are also characterized by coercion and control. In fact, in our work, we have observed that these kinds of intra-familial abuses are becoming more prevalent: we see economic abuse committed by parents against children, by children against their elder parents, by in-laws against their children's spouses, and by one sibling against another. We hope that our focus on intimate partner economic abuse serves as a lens on this important issue in the present, but that future work expands research and services in this area to help survivors of all kinds of economic abuse.

27 Adams et al., *supra* note 7, at 580; Postmus et al., *supra* note 7, at 419.

28 Nat'l Network to End Domestic Violence, About Financial Abuse, *supra* note 8; Nat'l Network to End Domestic Violence, About Abuse: Financial Abuse, *supra* note 8.

29 *See* Paula Pierce, Office for Victims of Crime Training and Technical Assistance Center, *Identity Theft* 4 (2012), http://www.ncdsv.org/images/OVCTTAC_IdentityTheftResourcePaper_2012.pdf.

30 *Id.* at 4-6.

31 Nat'l Network to End Domestic Violence, About Abuse: Financial Abuse, *supra* note 8.

32 Angela Littwin, *Coerced Debt: The Role of Consumer Credit in Domestic Violence*, 100 Calif. L. R. 951, 954 (2012).

33 *See, e.g.,* Nat'l Coalition Against Domestic Violence, Economic Abuse Fact Sheet, http://www.uncfsp.org/projects/userfiles/File/DCE-STOP_NOW/NCADV_Economic_Abuse_Fact_Sheet.pdf.

34 *See supra* Part I.A.

35 Adams et al., *supra* note 7, at 576.

debt under her name, 70.6 percent said the abuser had kept financial information from her, and 55.2 percent said the abuser paid bills late or did not pay them at all.[36]

C. Analyzing a sample of 258 bankruptcy filers, researchers found that survivors of physical and sexual violence made up a disproportionately high percentage of the sample: 17.8 percent.[37]

These actions have devastating consequences for survivors. They may be sued in New York City's Civil and Supreme Courts; because most lack representation or even proper notice of the lawsuit, these cases often result in judgments that allow creditors to garnish survivors' wages or freeze their bank accounts, depriving them of funds vital to establish a life free from abuse. Even without a lawsuit, these debts pile up on survivors' credit reports, lowering their credit scores[38] and hindering their ability to secure safe, stable housing, as well as access to necessities like utilities, insurance and future credit.

Unfortunately, as our survey responses show, many survivors do not discover identity theft until long after the relationship has ended, or at critical moments when they are suddenly negatively impacted by the identity theft.[39] Working Group members have seen this manifest in various ways. For example, false wage information might make a victim appear ineligible for Medicaid. Or a survivor may finally start a new job, only to find their wages immediately garnished based on a judgment they did not know existed. A poor credit history or rental history, even if directly related to the abuse, can result in an apartment denial. Even when a survivor is accepted for an apartment, a past due utility bill they thought their abuser was paying can keep them from initiating service unless they make a down payment they often cannot afford.

A poor credit score can also bar survivors from being approved for a credit card or car loan, forcing them to turn to subprime lenders charging exorbitant interest rates.[40] A study about how domestic violence survivors participate in the economy found a strong statistical correlation between abuse and participation in what the author calls the "institutionalized informal economy," including payday lenders and pawn shops.[41] Survivors, the author suggested, "may be especially vulnerable to the predatory practices of the institutionalized informal economy."[42]

In addition to debts created during the relationship, survivors who had limited or no access to funds before fleeing may incur debt as they struggle to exit their abusive relationship safely. For survivors who were denied access to household finances during the relationship and leave without any money of their own, even the cost of a bus ticket can be prohibitively expensive. After fleeing, these survivors may rely on credit to meet their necessities as they try to find steady employment, often a daunting task when survivors must simultaneously request time off for court appearances, explain spotty work histories, and potentially face credit checks by prospective employers.

C. BROADER ISSUES WITH CREDIT SCORING

The consequences of financial abuse are exacerbated by issues with credit scores in general.

Credit reports are often riddled with errors; a 2012 Federal Trade Commission study reported that about one in four consumers identified errors on their credit reports that might affect their credit scores.[43] Indeed, after ongoing issues meeting the legal requirements for accuracy in reporting judgments and tax liens, the three major credit

36 Amanda Mathisen Stylianou et al., *Measuring Abusive Behaviors: Is Economic Abuse a Unique Form of Abuse?*, 28 J. Interpersonal Violence 3186, 3196 (2013).

37 Littwin, *supra* note 32, at 963.

38 *Id.* at 958, 1001 (explaining that the 55 domestic violence advocates whom the author interviewed "overwhelmingly reported damage to their clients' credit scores").

39 App. A, Question 12 (asking "[h]ow do residents typically discover that they have judgments or negative credit histories?"; 24 percent reported that residents sometimes or often discovered this from frozen bank accounts, 62 percent reported that residents sometimes or often discover this after being rejected for housing, and 17 percent reported that residents sometimes or often discover this from wage garnishment). *See also id.,* Question 14 (when asked "[a]pproximately how many residents have negative credit history due to domestic violence?", 64 percent of respondents said some, 20 percent said most, and 7 percent said nearly all).

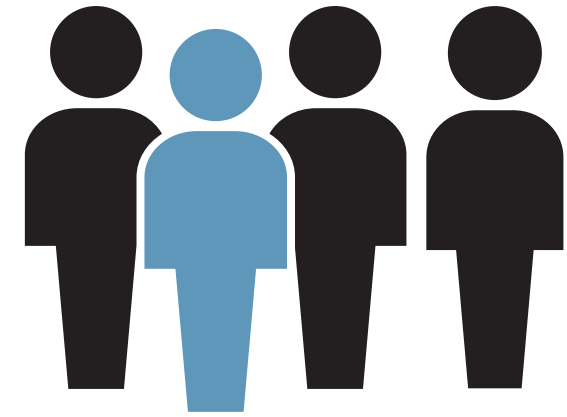
40 U. S. Dep't of Housing and Urb. Dev., *Subprime Lending and Alternative Financial Service Providers: A Literature Review and Empirical Analysis*, II-38 (Feb. 2006), https://www.huduser.gov/Publications/pdf/sublending.pdf.

41 Loretta Pyles, *Economic Well-Being and Intimate Partner Violence: New Findings about the Informal Economy*, 33 J. Sociology & Soc. Welfare 101, 112-13 (Sept. 2006).

42 *Id.* at 120. Fortunately, payday lending is illegal in New York State. N.Y. Gen. Oblig. L. § 5-501.

43 A 2012 study by the Federal Trade Commission found that about one in four consumers identified errors on their credit reports that might affect their credit scores. Fed. Trade Comm'n, *Report to Congress Under Section 310 of the Fair and Accurate Credit Transactions Act of 2003* i (Dec. 2012), https://www.ftc.gov/sites/default/files/documents/reports/section-319-fair-and-accurate-credit-transactions-act-2003-fifth-interim-federal-trade-commission/130211factareport.pdf.

FIGURE 9



reporting bureaus ceased including these line items on their reports in July 2017.[44] Despite this change, errors persist. Our experiences suggest survivors of domestic violence encounter even more incorrect and fraudulent information on their reports than the general population, especially given the problem of coerced debt.

Credit scores also reflect deeply embedded social inequality. They are associated closely with income and racial disparities, and numerous studies over the past two decades have consistently found that African-American and Latino communities tend to have lower credit scores than white and Asian-American communities.[45]

Here in New York City, the Office of the Comptroller recently reported that in communities where the average credit score is below 630, the populations were more than 90 percent African-American and Latino, with an average annual income of $34,500.[46] In communities with mean credit scores of 700 or above, the average income was $52,500 and the populations were more than 60 percent white.[47]

These differences reflect existing disparities in income, access to affordable credit, and access to economic opportunities. As a result, for many domestic violence survivors who experience marginalization along multiple axes – such as those who are also low-income or people of color – their credit scores may be even less reflective of their true "creditworthiness."

D. THE ABUSIVE CONSUMER DEBT COLLECTION INDUSTRY

Survivors dealing with debt related to domestic violence are also vulnerable to the generally abusive and deceptive practices pervading the debt collection industry that have allowed creditors to obtain default judgments against consumers for fraudulent or unsubstantiated debts.

In New York and elsewhere, debt collectors have a history of intentionally failing to serve process.[48] They thereby obtain high rates of default judgments and streamline the path to enforcement without ever notifying the consumer of the lawsuit. The effects are particularly pernicious for communities of color: an investigation by ProPublica found that even controlling for income, the rate of judgments in debt collection lawsuits was twice as high in mostly black communities as compared to white ones.[49] This practice became so common and so egregious in New

44 AnnaMaria Andriotis, *Credit Reports to Exclude Certain Negative Information, Boosting FICO Scores*, Wall St. J., Mar. 12, 2017, https://www.wsj.com/articles/credit-reports-to-exclude-certain-negative-information-boosting-fico-scores-1489338002.

45 *See, e.g.,* NYC Comptroller Scott M. Stringer, *Making Rent Count: How NYC Tenants Can Lift Credit Scores and Save Money* 32 (Oct. 2017), https://comptroller.nyc.gov/wp-content/uploads/documents/Rent-and-Credit-Report.pdf (citing a 2007 Federal Reserve Board report that maintained that, according to their model, the mean credit score of African-American consumers was approximately half of white, non-Latino consumers); Nat'l Consumer L. Ctr., *Past Imperfect: How Credit Scores and Other Analytics "Bake In" and Perpetuate Past Discrimination* 1, 5-7 (May 2016), https://www.nclc.org/images/pdf/credit_discrimination/Past_Imperfect050616.pdf; Consumer Financial Protection Bureau, *Analysis of Differences between Consumer- and Creditor-Purchased Credit Scores* 36 (Sept. 2012), https://files.consumerfinance.gov/f/201209_Analysis_Differences_Consumer_Credit.pdf (finding that the median FICO credit score for consumers living in majority minority areas was in the 34th percentile, while consumers living in low-minority areas had median FICO scores in the 52nd percentile).

46 NYC Comptroller Scott M. Stringer, *Making Rent Count*, *supra* note 45, at 5, 31.

47 *Id.* at 31.

48 *See* The Legal Aid Soc'y et al., *Debt Deception: How Debt Buyers Abuse the Legal System to Prey on Lower-Income New Yorkers* 6 (May 2010), http://mobilizationforjustice.org/wp-content/uploads/reports/DEBT-DECEPTION.pdf.

49 ProPublica, *The Color of Debt: How Collection Suits Squeeze Black Neighborhoods* (Oct. 8, 2015), https://www.propublica.org/article/debt-collection-lawsuits-squeeze-black-neighborhoods ("ProPublica's analysis found that majority black neighborhoods were hit twice as hard by the court judgments as majority white neighborhoods, even when adjusting for differences in income.").

York State that it has been the subject of new regulations,[50] numerous court directives,[51] criminal actions by the state attorney general,[52] and a recently settled federal class action case.[53]

Creditors often file these lawsuits despite a lack of documentation or proof of the accounts they seek to collect. Debt buyers purchase debts from original creditors for pennies on the dollar, without the underlying documentation or original account information, without guarantees as to accuracy, and under contracts that limit the buyer's right to obtain additional information about the debt.[54] Instead, debt buyers attempt to rely on questionable evidence, such as affidavits that may have been manufactured for litigation, to prevail in these cases and obtain judgments.[55] They are often unable to substantiate their claims when pressed.[56]

Many original creditors perpetrate equally deceptive practices. Chase, for example, has a history of taking procedural shortcuts, keeping faulty records, destroying documents helpful to consumers, including proofs of customer payments, and suing consumers for inaccurate amounts and/or for debts they did not owe.[57] It ceased filing debt collection claims in 2011.[58] Citibank, N.A., too, was accused by the Consumer Financial Protection Bureau of overstating the annual percentage rate (APR) on accounts it sold to debt buyers, resulting in inflated balances, and failing to provide debt buyers with account documentation corresponding to sold accounts.[59]

Debt buyers frequently report these unsubstantiated debts to the Credit Reporting Agencies ("CRAs"). For survivors, both disputing reported debts and defending a consumer debt lawsuit can be particularly challenging. Survivors often move several times before establishing a safe, permanent home, making proper notice of a lawsuit and service of process even more unlikely than for other litigants. Even when they have notice, survivors risk re-traumatization by the court process. They may be hesitant to appear in court if the abuser is a joint debtor who may also appear in the case, or if the survivor is being sued in a borough from which he or she fled abuse. They may also struggle substantively because they lack access to financial records that could help them verify or disprove account information and important facts.

E. POOR CREDIT AS A BARRIER TO HOUSING AND OTHER NECESSITIES

Our survey confirmed that as a result of negative credit histories and the lack of resources to help improve them, many domestic violence survivors, including those with housing subsidies, face challenges in qualifying for housing that is appropriate, safe, and affordable.[60]

Despite the problems with credit reports, landlords and their agents routinely run credit checks on potential tenants to determine whether they will offer a lease, or even whether

50 *See* N.Y. State Dep't of Fin. Services, 23 N.Y.C.R.R. 1 (2017) (Debt Collection by Third-Party Debt Collectors and Debt Buyers), http://www.dfs.ny.gov/legal/regulations/adoptions/dfsf23t.pdf.

51 *See* N.Y. State Unified Court System, *RULES – Consumer Credit Reform: New Consumer Credit Rules and Resources*, https://www.nycourts.gov/rules/ccr/ (last visited Aug. 30, 2018).

52 *See, e.g.*, Press Release, N.Y. State Office of the Attorney General, The Attorney General's Enforcement Actions (Apr. 14, 2009), https://ag.ny.gov/debt-settlement/attorney-generals-enforcement-actions ("announc[ing] criminal charges against Long Island-based American Legal Process ("ALP") and its CEO and President William Singler for a fraudulent business scheme in which the company allegedly failed to provide proper legal notification to thousands of New Yorkers facing debt-related lawsuits, causing them unknowingly to default and have costly judgments entered against them without the chance to respond or defend themselves").

53 *Sykes v. Mel S. Harris & Associates LLC*, 780 F.3d 70 (2d Cir. 2015).

54 David C. Vladeck, *Debt's Dilemmas: ACCI's Annual Colston Warne Lecture*, 47 J. Consumer Affairs 358, 360-61 (2013). A 2013 study by the Federal Trade Commission found that fewer than 50 percent of the debt buyers studied received the name of the original creditor, fewer than 40 percent had information on the account's finance charges and fees, and only 35 percent knew the date of the alleged default. Mary Spector, *Where the FCRA Meets the FDCPA: The Impact of Unfair Collection Practices on the Credit Report*, 20 Geo. J. on Poverty L. & Pol'y 479, 493 (2013) (citing Fed. Trade Comm'n, *The Structure and Practices of the Debt Buying Industry* 44-49 (2013), https://www.ftc.gov/sites/default/files/documents/reports/structure-and-practices-debt-buying-industry/debtbuyingreport.pdf).

55 Spector, *supra* note 54, at 493.

56 Robert Martin, District Council 37 Municipal Employees Legal Services, *Where's The Proof? When Debt Buyers are Asked to Substantiate Their Claims in Collection Lawsuits Against NYC Employees and Retirees, They Don't* 3 (Dec. 2009), https://www.dc37.net/wp-content/uploads/benefits/health/pdf/MELS_proof.pdf (finding that debt buyers were unable to substantiate their claims in 94.5 percent of cases reviewed).

57 Jeff Horwitz, *JPM Chase Quietly Halts Suits Over Consumer Debts*, Am. Banker (Jan. 24, 2012).

58 *Id.* (detailing investigation of Chase by the federal Office of the Comptroller of the Currency).

59 The CFPB and Citibank entered into a consent order detailing these allegations. Consent Order, In re Citibank, N.A. (2013-CFPB-2003, Feb. 23, 2016), https://files.consumerfinance.gov/f/201602_cfpb_consent-order-citibank-na.pdf.

60 *See* App. A, Questions 7-11.

they will allow the individual to fill out an application.[61] Because housing programs typically do not cover the entirety of market rent for a family-sized apartment, even a survivor with a voucher must get past such a check in order to get an apartment. A landlord's screening process typically includes ordering a traditional report from the big three CRAs (Experian, Equifax, and TransUnion) and often also includes ordering a report from a Tenant Screening Bureau ("TSB").

Tenant screening reports, which tell the landlord if the potential tenant has ever been sued in housing court, are even more problematic, because they provide incomplete, out of date, and frequently inaccurate information. Typically, a tenant screening report only shows that a case was filed and rarely includes additional details. Thus, even if the tenant was sued after fleeing the apartment for safety reasons or for legally withholding rent for necessary repairs, was improperly sued for a meritless holdover or nonpayment claim, or otherwise ultimately prevailed in the case, these reports can damage the applicant's chances of getting into a new apartment. In a class action case against one of the country's major TSBs, one judge opined that the TSB had "seized upon the ready and cheap availability of electronic records to create and market a product that can be, and probably is, used to victimize blameless individuals. The problem is compounded by the fact that the information available to defendants . . . is sketchy in the best of cases and inaccurate and incomplete in the worst."[62]

Under the Fair Credit Reporting Act, CRAs, including TSBs, must provide a free copy of its report on a consumer who experiences an adverse action due to their report.[63] However, while landlords are required to notify applicants that they use a tenant screening report,[64] they often do not disclose to applicants the reason for rejection. Other landlords may screen applicants before even offering them an application, and so do not ever provide an adverse action notice. Additionally, with nearly 650 TSBs in the United States providing reports,[65] with information that may be different or incorrect, it is nearly impossible for consumers to ensure the accuracy of the report used by every landlord to whom they apply.

Poor credit is often a barrier to even government-subsidized housing, though recent federal and state efforts attempt to mitigate this. Recognizing that access to safe housing is critical for ensuring a survivor's continued safety after leaving, the Violence Against Women Reauthorization Act of 2013 ("VAWA 2013") expanded housing protections for survivors of domestic violence. In 2016, the United States Department of Housing and Urban Development ("HUD") issued final regulations implementing these protections that clarify that covered housing programs cannot deny applicants or terminate tenant assistance for poor credit, rental, or eviction history directly related to domestic violence (the "Final Rule").[66] The Final Rule further details various ways for survivors to prove they have experienced abuse, including by submitting a statement from a third-party service provider or a self-certification form. While limited to specific types of housing programs, such regulations help to open housing options for domestic violence survivors who are struggling to mitigate the credit consequences of financial abuse. A number of federally-subsidized housing programs in New York City are still implementing the Final Rule, and as they do, it is critical that they implement proof requirements that are not unduly burdensome and restrictive.

Poor credit, as our survey showed, is also a barrier to other necessities.[67] Although pre-employment credit checks are for

61 *See, e.g.,* Jim Rendon, *You Say You're a Dream Renter? Prove It.*, N.Y. Times, July 15, 2011, http://www.nytimes.com/2011/07/17/realestate/prospective-renters-have-much-to-prove-to-landlords.html.

62 *White v. First American Registry, Inc.*, No. 04 Civ. 161, 2007 U.S. Dist. LEXIS 18401, **3-4 (S.D.N.Y. Mar. 7, 2007).

63 Fair Credit Reporting Act, 15 U.S.C. § 1681m(a) (Westlaw through Pub. L. No. 115-140).

64 20 N.Y.C. Admin. Code § 20-808 (Tenant Screening Report Disclosure).

65 The N.Y. State Bar Ass'n, The Use of Tenant Screening Reports and Tenant Blacklisting 7 (2015) (on file with authors).

66 24 C.F.R. § 5.2005(b)(1) (2018), WL 83 CFR 17316; *see also* 81 Fed. Reg. 80,724, 80,729 (Nov. 16, 2016) (to be codified at 24 C.F.R. Part 5) ("HUD interprets VAWA to prohibit covered housing providers from denying admission to, denying assistance under, terminating a tenant from participation in, or evicting a tenant from housing as a result of factors directly resulting from the domestic violence, dating violence, sexual assault, or stalking. Where an individual faces adverse economic factors, such as a poor credit or rental history, that result from being a victim of domestic violence, dating violence, sexual assault, or stalking, the individual cannot be denied assistance under a HUD program if the individual otherwise qualifies for the program.").

67 *See* App. A, Question 13 ("How frequently have residents had difficulty accessing the following other non-housing necessities because of bad credit?"; respondents reported that residents sometimes, often, and very often had difficulty accessing student loans (61 percent), bank accounts (64 percent), and employment (62 percent)).

the most part illegal in New York City, certain employers may run them for certain specified jobs, and they remain legal throughout the rest of New York State.[68] A negative credit history can also result in the denial of credit – whether for utility service, a credit card, a private student loan, a car, or furniture – or it can be the reason an applicant is only offered a high, unaffordable interest rate. As the Office of the Comptroller observed:

> ***"From housing to finance, an individual's credit score can be the deciding factor between being denied a loan or securing a good rate, or between having a rental application rejected or put at the top of the pile. In short, a low credit score condemns an individual to worse loan terms, pricier credit cards and insurance policies, and higher utility bills."*** [69]

F. CONSUMER LAW NEEDS OF SURVIVORS

Because of the complexity of financial abuse, the consequences can be difficult for survivors to remedy on their own. In theory, the law should treat coerced debt and intimate partner identity theft no differently from other types of credit fraud and identity theft. Yet while advocates can often help address intimate partner identity theft under the existing legal framework, the legal status of coerced debt is more complicated. The concept is frequently rejected by creditors, courts and police officers, who often subscribe to the outdated and misguided idea that a couple is one financial unit with the right to use each other's information to obtain debt and credit.[70] This is not true: the use of personal information to open credit in someone's name without their knowledge or permission – even by a legal spouse – is identity theft. Many survivors who are victims of intimate partner identity theft fail to assert the defense because they do not understand that this is a crime. Legal advice and representation is therefore especially critical for survivors of domestic violence to defeat a consumer debt action.

Beyond litigation, financial abuse can damage survivors' credit and pose continuing risks to their safety.[71] These ramifications are time-consuming and difficult for consumers to remedy on their own.[72] In particular, for victims of financial abuse, "rehabilitating a credit report is a complex undertaking that requires intensive individual advocacy."[73]

Even the initial step of obtaining credit reports can be daunting and dangerous for survivors. Consumers must provide personal information to prove their identity to a CRA. For safety reasons, survivors often keep their current address confidential, and survivors residing in domestic violence shelters are not permitted to disclose these confidential locations. If they must reveal it to the CRA, the address will then appear on the credit report. A savvy abuser can then illegally access that report and track the survivor down. Additionally, having experienced tremendous instability in the aftermath of leaving an abusive relationship, many survivors are unable to recall all of their addresses, or have moved to a different address than is associated with their credit file, which makes pulling their credit reports difficult and sometimes impossible. They may also struggle

68 N.Y.C., N.Y., The Fair Chance Act, Local Law No. 63 (2015); *see also* NYC Commission on Human Rights, Credit Check Law: Frequently Asked Questions, https://www1.nyc.gov/site/cchr/media/credit-check-law-frequently-asked-questions.page (last visited Aug. 30, 2018).

69 Press Release, NYC Comptroller Scott M. Stringer, *Comptroller Stringer Proposal Would Allow Residents to Add Rent Data to Credit Histories and Boost Scores for Hundreds of Thousands of New Yorkers* (Oct. 23, 2017), https://comptroller.nyc.gov/newsroom/press-releases/comptroller-stringer-proposal-would-allow-residents-to-add-rent-data-to-credit-histories-and-boost-scores-for-hundreds-of-thousands-of-new-yorkers/.

70 *See* Littwin, *Coerced Debt, supra* note 32, at 954. In the experience of Working Group members, intimate partner identity theft and coerced debt have not yet been widely accepted by creditors, courts, and police officers. This misconception is sometimes applied in the context of intra-familial economic abuse. Angela Littwin, *Escaping Battered Credit: A Proposal for Repairing Credit Reports Damaged by Domestic Violence*, 161 U. Penn. L. Rev. 363, 392 (Jan. 2013).

71 *See, e.g.*, Electronic Privacy Information Center, Identity Theft and Domestic Abuse, https://epic.org/privacy/dv/identity_theft.html (last visited Aug. 30, 2018) (observing that, for example, an abuser can use a survivor's credit report to track her addresses and attempts to obtain credit, and use this information for surveillance, stalking, or harassment).

72 According to a 2016 survey of identity theft victims conducted by the Identity Theft Resource Center, 61.1 percent of identity theft victims estimated they spent over 40 hours clearing up their identity theft case. Identity Theft Resource Ctr., *Identity Theft: The Aftermath* 38 (2016), https://www.idtheftcenter.org/images/page-docs/AftermathFinal_2016.pdf.

73 Littwin, *Coerced Debt, supra* note 32, at 1003.

to answer the identification questions posed by CRAs in issuing such reports,[74] because details were withheld by the abuser, or because the questions may concern accounts the survivor does not know exist. Perversely, many of these issues mean that an abuser may be able to order a survivor's credit report and use it to keep tabs on his or her whereabouts and activities.[75]

Addressing identity theft can be a maddening process that often fails to provide a lasting resolution. Despite federal law providing that CRAs must block accounts resulting from identity theft from individual credit reports,[76] CRAs often simply ignore disputes. If they do respond, the dispute process is lengthy, mostly automated, and often requires persistent and voluminous documentation, including police reports or affidavits.[77] Police reports in particular are often impossible for survivors to obtain: many New York City police precincts refuse to take police reports for identity theft victims, especially when the survivor does not have the account documentation or a copy of his or her credit report. As a further challenge for survivors, marital status is often used, illegally, as a basis to deny police reports when the perpetrator was a spouse.

74 In order to access a credit report online, users must answer a series of security questions about their history, including past accounts, past residences, and more.

75 The Domestic Violence and Consumer Law Working Group has raised these and other policy concerns with the federal Consumer Financial Protection Bureau.

76 15 U.S.C. § 1681c-2 (Westlaw through Pub. L. No. 115-140).

77 Littwin, *Escaping Battered Credit*, *supra* note 70, at 384-89.

Multiple letters and complaints to CRAs are typically required, and sometimes even litigation.[78] Creditors, too, may be unsympathetic and lack procedures for dealing with domestic violence related debt: in one study, researchers called the customer service numbers of 20 major credit card companies and found that none could identify any such policy.[79]

As a result, the accepted best practice is for survivors to pull and review their credit reports as soon as possible after leaving an abusive relationship. With the help of an advocate, they can then begin disputing inaccurate or fraudulent accounts and removing errors from their credit reports, which is typically a lengthy process. A survivor's credit could thereby improve significantly by the time they are actively seeking permanent housing. In practice, because of the myriad issues survivors face when they enter the shelter system and the limited resources and training of most shelter staff, this step is often taken only once the survivor has started applying for housing and has been denied. Delayed screening and action on consumer issues for survivors further prolong the survivor's ability to secure safe, affordable, permanent housing.

78 *Id.* at 384 n.133 (citing "*Konter v. CSC Credit Servs., Inc.*, 606 F. Supp. 2d 960, 965 (W.D. Wis. 2009) (describing how the plaintiff and his lawyer filed five dispute letters before his twin sister's information was removed from his credit report); *Saenz v. TransUnion, L.L.C.*, 621 F. Supp. 2d 1074, 1078-79 (D. Or. 2007) (noting that the plaintiff filed two disputes and a lawsuit before false information was corrected)"); *see also* Chi Chi Wu & Elizabeth De Armond, Nat'l Consumer Law Center, Fair Credit Reporting § 4.5.1.1 at 156 (7th ed. 2010) ("Consumers often are forced to file multiple disputes, then file litigation, before their credit reports are corrected.").

79 Christine Kim, *Credit Cards: Weapons for Domestic Violence*, 22 Duke J. Gender L. & Pol'y 281, 294 (2015).

III. CAPACITY AND LEGAL SERVICES GAPS

Despite the impact of financial abuse on credit and the impact of poor credit on survivors' housing search, our survey reveals a significant gap in services in this area persists, preventing many survivors from connecting with the resources they critically need to exit shelter and become financially self-sufficient.[80] While many providers specialize in domestic violence or in economic empowerment or in consumer law, few have the resources to proactively screen, build the expertise necessary to make targeted referrals, or achieve a final positive outcome for survivors with negative credit histories.

Over the last several years, New York City has demonstrated a commitment to reducing and preventing domestic violence and to supporting survivors. On the ground, the City funds 47 emergency shelters for domestic violence survivors, plus seven transitional shelters with apartment-style units. Many other organizations also provide non-residential services to domestic violence survivors.[81] In 2001, the City chartered the Mayor's Office to Combat Domestic Violence ("OCDV"), which is charged with "coordinating the delivery of Citywide domestic violence services and formulating policies and programs related to the prevention of domestic violence and raising awareness about domestic violence."[82] In particular, OCDV operates the New York City Family Justice Centers ("FJCs"), which provide social services, advocate training, civil legal services, and criminal justice assistance for survivors, all in one location in each of the five boroughs. In 2016, OCDV expanded the legal services available at FJCs by bringing in housing lawyers to provide assistance onsite. The FJCs have previously partnered with local experts to provide training on New York's financial family offenses and other consumer issues. At the time of publication, OCDV and the Working Group have begun a new initiative to integrate consumer law trainings into the regularly offered advanced core training series in all five boroughs.

80 *See* App. A, Questions 19, 20 (asking about respondents' ability to access expert legal consumer/credit assistance for shelter residents and the types of assistance they would like to be able to access).

81 According to the New York City Mayor's Office to Combat Domestic Violence, 230 organizations report that they provide domestic violence related services in New York City. *See* Mayor's Office to Combat Domestic Violence, *Mayor's Office to Combat Domestic Violence Resource Directory*, NYC OpenData (Dec. 27, 2017), https://data.cityofnewyork.us/Social-Services/Mayor-s-Office-to-Combat-Domestic-Violence-Resourc/2fws-68t6 (updated Jan. 10, 2018).

82 NYC Charter, § 19 (office to combat domestic violence), http://www.nyc.gov/html/records/pdf/section%201133_citycharter.pdf.

A. FEASIBILITY OF ECONOMIC ADVOCACY BY DOMESTIC VIOLENCE SERVICE PROVIDERS

The City's FJCs host economic empowerment specialists,[83] as do a number of domestic violence service providers. Depending on the organization, these specialists assist clients with a range of financial issues, including budgeting, applying for and managing public benefits, job training, financial literacy education, obtaining and reviewing credit reports, non-litigation advocacy related to credit reporting, and/or negotiation with creditors and debt collectors. Economic empowerment specialists are key to helping clients identify, understand, and address the consequences of financial abuse. Even across the most robust programs, there is little uniformity in training or resource building. Advocates have reported frustration with the financial literacy resources currently available to them that miss the mark on what their client populations need – often focusing too much on budgeting and saving when their clients are unable to even make ends meet.

Our survey showed that other advocates – like case managers, housing specialists, and social workers – also provide some level of assistance relating to financial, debt and credit issues. Many report that they pull credit reports, but were not asked how frequently they did so, and the majority said they provide referrals.[84] However, as our survey made clear, many domestic violence service providers and advocates lack expertise in debt and credit-related issues and are not able to rigorously screen clients to ascertain their consumer legal needs. Among domestic violence attorneys, funding is specifically intended for family and/or immigration law matters, and thus these programs are generally restricted from taking consumer cases even if they have the proper knowledge and training.

Nevertheless, even without dedicated government funding, some domestic violence shelter providers have increased their capacity to address the wide-ranging collateral damage

83 Depending on the agency or site, these advocates may hold the title of Financial Empowerment Specialist, Economic Empowerment Specialist, Financial Coach, or Financial Counselor.

84 *See* App. A., Question 15 (57 percent of respondents reported that their shelter provided financial education; 48 percent of respondents reported that their shelter provided financial counseling; and 75 percent of respondents reported that their shelter pulled credit reports for residents).

residents experience as a result of economic abuse and in some cases have made it a priority. The Domestic Violence Economic Justice ("DVEJ") Task Force and its Financial Development Subcommittee developed a financial safety planning screening tool, based on best practices, with technical assistance from The Financial Clinic, which they distributed among their group of residential and non-residential domestic violence service providers. The extent to which shelter providers are able to incorporate these resources into practice varies depending on the size and sophistication of the nonprofit organization. Only larger providers tend to be able to fundraise for dedicated, trained staff to focus in this area. However, even these staff members are often overwhelmed with large caseloads.

Moreover, multiple challenges exist in fully integrating economic abuse issues into shelter practice – from screening and case management through counseling, advocacy, and aftercare. First, during the initial shelter period, many clients are recovering from severe trauma. Second, the work with shelter residents is often crisis-driven, making it a challenge for both staff and residents to focus on medium- and longer-term issues such as consumer debt, identity theft, and credit reporting. Finally, the imperative to find housing and exit shelter places great pressure on staff, often at the expense of other social and legal service needs.

Among shelter operators, awareness of the prevalence and devastating impact of economic abuse has also grown. Despite this progress, best practices in this area have not been broadly adopted and integrated into shelter practice and capacity to do so is limited by multiple constraints, including expertise and staffing resources.

B. THE CAPACITY OF CONSUMER LEGAL ADVOCATES

While economic empowerment specialists and case managers play a critical role for domestic violence survivors, they are non-legal advocates and by their very nature they cannot help clients resolve all their debt and credit issues, particularly the most complex ones involving intimate partner identity theft and coerced debt. Ideally, legal services attorneys pick up these cases where the work of a financial specialist ends. Most frequently, attorney advocates will represent survivors in current debt collection litigation, or in actions to vacate a prior default judgment that has caused a bank restraint or wage garnishment.

Attorneys can also analyze a survivor's student loan situation and help the client discharge the loan, obtain an affordable payment plan, or prevent the interception of much needed tax refunds. When necessary, attorneys represent survivors in bankruptcy proceedings, ensuring that they are successful in obtaining the fresh financial start they need without jeopardizing their safety. For survivors who have experienced intimate partner identity theft, an attorney can help to dispute the accounts with both the creditors and the CRAs, file reports with the Federal Trade Commission or other law enforcement entities, and analyze the facts for potential affirmative claims against the CRAs if they do not properly respond to the dispute. For extreme cases, attorneys may be able to help survivors to change their social security numbers to prevent future identity theft.

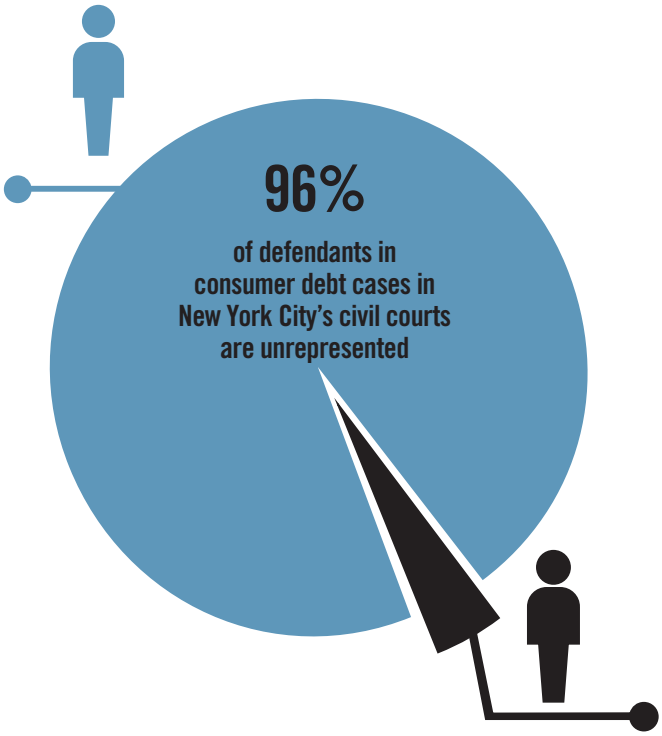
Unfortunately, while the advocacy needs of survivors in this area are significant, the free services to meet these needs remain extremely limited. Our survey found that about 40 percent of respondents could not access expert legal consumer/credit assistance for their residents.[85] According to another survey of domestic violence service providers, conducted by the Office of the Manhattan Borough President, Sakhi for South Asian Women, the Cornell University ILR School, and The Worker Institute, over 50 percent of respondents said they were unable to help clients address longer-term economic impacts of abuse, including inability to open a bank account, filing for bankruptcy, or paying student loans.[86]

The consumer practice area is chronically and severely under-resourced in New York City and across the state. As a result, the vast majority of defendants are unrepresented in consumer credit actions. While civil legal services funding

85 *See* App. A, Question 19.

86 Office of the Manhattan Borough President Scott M. Stringer, *Economic Abuse: The Untold Cost of Domestic Violence* 1 (Oct. 2012), http://www.ncdsv.org/images/OMBPetal_EconomicAbuseUntoldCostofDV_10-2012.pdf.

FIGURE 10



overall has increased with the advent of state funding through the judiciary,[87] an estimated nine in ten New York defendants remain unrepresented in these lawsuits.[88] Data from the New York City Civil Court show that attorneys filed an answer in only 2 percent of consumer cases in 2010, 3 percent of cases from 2011 to 2015, and 4 percent of cases in 2016 and 2017.[89] This small gain, during a time of expanded civil legal services, means tens of thousands of New York City residents remain unrepresented in these actions.[90] Well under twenty-five legal services attorneys routinely file notices to appear on behalf of defendants in New York City Civil Court consumer credit actions[91] – although in 2017, 75,633 such actions were filed.[92] Based on the existing number of supervising and senior consumer law staff attorneys and the exceedingly small number of attorneys practicing in this area, capacity in New York City in the consumer law practice area could easily double, triple, or even quadruple.

Consumer attorneys are few and far between, and frequently lack the time and resources to tackle novel cases involving economic abuse in addition to their ordinary legal services caseloads. Many consumer advocates do not receive training on best practices for working with domestic violence survivors or the law surrounding coerced debt and intimate partner identity theft.

Outside the Working Group members, few organizations accept for full representation the cases that lie at the intersection of domestic violence and consumer debt. Without dedicated training, advocates may be unable to assert appropriate defenses or domestic violence-specific legal arguments or take the appropriate first steps that preserve the client's legal rights while also ensuring their safety. As a result of the lack of training and resources, most of New

87 *See* Permanent Commission on Access to Justice, Report to the Chief Judge of the State of New York 1 (Nov. 2017), https://www.nycourts.gov/accesstojusticecommission/PDF/2017-ATJ-Commission-Report.pdf (describing the increase in civil legal services in New York State, including $100 million in 2016, which resulted in "the percentage of legal needs of low-income New Yorkers being met [increasing] significantly from 20% in 2010 to 37% in 2016").

88 "Data suggests that the number of unrepresented litigants statewide remains unacceptably high, with the percentages in particular case types, such as child support and consumer debt, near or above 90%." *Id.* at 27.

89 Data provided by the New York City Civil Court to the New York City Bar Association Civil Court Committee (on file with authors).

90 *Id.* In each of the five boroughs, there is a consumer debt limited-scope representation program that provides representation for an individual court appearance only in certain consumer credit actions.

91 Currently, only five citywide legal services programs routinely provide full representation to defendants in consumer credit actions: CAMBA Legal Services, Inc. (three full-time attorneys); Mobilization for Justice, Inc. (three full-time attorneys); The Legal Aid Society (two full-time attorneys); New York Legal Assistance Group (five full-time attorneys and one part-time attorney); and the Community Development Project at the Urban Justice Center (three full-time attorneys). Bronx Legal Services (with two full-time attorneys) and Manhattan Legal Services (with one full-time attorney) provide full-scope representation in their respective boroughs. Brooklyn Volunteer Lawyers Project and Queens Volunteer Lawyers' Project have staff attorneys who occasionally provide full representation to defendants in consumer credit actions (the former primarily in Supreme Court); however these staff members are primarily focused on providing limited-scope assistance. Likewise, Brooklyn Legal Services and Queens Legal Services devote the equivalent of part of one staff attorney's time to representing defendants in consumer credit actions; at Brooklyn Legal Services, one staff attorney devotes half of his time to student loan cases filed in Civil and Supreme Court and at Queens Legal Services three staff attorneys periodically handle a small number of Civil Court consumer credit actions but generally work on other types of cases, such as foreclosure. Brooklyn Volunteer Lawyers Project and New York Legal Assistance Group provide limited-scope representation to low-income consumers through the Volunteer Lawyer for the Day Program. Legal programs sponsored by unions limit their services to union members and retired union members. With the number of filings of consumer credit actions in New York City Civil Court in 2017 at over 75,000, the capacity of the legal services community to provide consumer debt defense is strikingly limited.

92 Data provided by the New York City Civil Court (on file with authors).

York City's domestic violence survivors remain unable to obtain the assistance they need to deal with their consumer debt issues, holding them back from attaining financial independence and stability.

The Working Group and its member organizations have attempted to fill this gap, but continue to lack the capacity to comprehensively serve survivors with debt and credit legal needs.

C. DV CLARO PROJECT: A PROMISING MODEL

Since 2010, the Working Group has administered and supported the DV CLARO Project,[93] which is a promising model for providing training and operating shelter-based legal advice clinics for domestic violence survivors with consumer debt issues. Attorneys provide training to staff members at domestic violence shelters on spotting consumer debt issues, safely pulling credit reports for survivors, and making appropriate referrals. Once trained, staff screen residents for consumer debt issues and assist them with safely obtaining a copy of their credit report before scheduling them for the DV CLARO Project clinic. Consumer and domestic violence advocates staffing the clinic then meet with survivors at the shelter and provide legal advice and other assistance, such as disputing items on a credit report, creating identity theft reports, sending verification demand letters to debt collectors, preparing an answer to a consumer debt lawsuit, or reviewing the survivor's student loans for a possible defense to repayment or discharge option. Survivors are typically considered for full representation when they are experiencing active debt collection, require bankruptcy consultation, have credit report issues, are in the midst of an active Civil or Supreme Court consumer debt collection case, or have a default judgment against them. DV CLARO volunteer advocates often add these residents to their own case lists or refer to other providers when full representation is needed.

Since December 2013, the Project has operated monthly clinic sessions at only one shelter: Sarah Burke House, a Sanctuary For Families domestic violence Tier II shelter[94] in the Bronx. Though it is by nature a limited-scope program, the former Manhattan Borough President has called DV CLARO a "best practice" strategy for dealing with the fallout of economic abuse in a domestic violence context.[95] By identifying those survivors who need consumer legal assistance and connecting them with attorneys trained in both consumer law and domestic violence, DV CLARO enables survivors to repair their lives and secure economic independence while maintaining their personal safety. The shelter-based nature of the program ensures that residents are connected with services early on, so that they can begin improving their credit well before they become eligible for a housing voucher after 90 days in the shelter. The location also fosters client participation and close communication between attorneys and shelter staff.

The Project has recently begun a pilot partnership with a second shelter provider and is evaluating whether we have the resources to implement this expansion permanently. However, establishing a DV CLARO program with a new shelter requires significant commitment from the shelter, as shelter partners are expected to screen and refer clients, schedule and confirm appointments, provide private space for attorneys to hold confidential meetings with residents, and perform any necessary follow up. Because few attorneys possess the dual expertise in consumer law and domestic violence required to assist in DV CLARO, volunteer attorney training and recruitment remains a challenge as well.

Starting out as a pilot with just one shelter has allowed the Working Group to ensure the program's needs did not exceed our capacity and has enabled us to tweak the program as needed. In general, pilots are a useful way of evaluating cost, scope, feasibility, and success of new programs, which is especially important when expanding into an area of need where almost no services currently exist.

Unfortunately, resource and capacity limitations have made it difficult to assess outcomes and expand the DV CLARO Project into more domestic violence shelters, to reach more survivors. We have learned, both from DV CLARO and from our own work as advocates, that debt and credit

93 *See supra* note 1.

94 Tier II shelters are apartment-style transitional shelters for families that provide ongoing support and services to residents.

95 Office of the Manhattan Borough President Scott M. Stringer, *Economic Abuse: The Untold Cost of Domestic Violence, supra* note 86, at 13.

services should be an integral part of the services that all domestic violence survivors receive. Referral and advocacy is much simpler where screening is standard practice and advocates have a clear plan of action for clients with need. This screening, however, requires substantial time and expertise on the part of shelter staff, as does following up with clinic participants.

Significant capacity must be developed over time in both the consumer and domestic violence sectors to provide the integrated services the Working Group envisions, but such expansion will have a dramatic impact on survivors' ability to access housing and other opportunities.

IV. CONCLUSION AND RECOMMENDATIONS

Economic abuse is extremely prevalent and has long-lasting, devastating consequences for domestic violence survivors. Increasingly, service providers and experts acknowledge this form of domestic abuse; however, research and data collection has lagged. This report describes two data collection efforts undertaken by the Domestic Violence and Consumer Law Working Group to begin to document this phenomenon. An analysis of two case samples from The Legal Aid Society and survey responses from 44 domestic violence shelter service providers working at 22 different shelters show that domestic violence survivors have serious unmet consumer legal services needs and suggest that this service gap contributes to housing instability and difficulty in securing safe, stable housing – an essential component in establishing self-sufficiency and freedom from abuse.

Below are our recommendations for policy makers and funders in New York City and New York State.

- New York State and City government agencies should expand legal services for domestic violence survivors related to economic abuse and consumer law, including by dedicating funding for training and staffing needs to increase the capacity of shelter-based models like DV CLARO.
- New York State and City government agencies should provide resources to expand training of social and legal services providers serving domestic violence survivors, including at Family Justice Centers, on consumer debt, credit reporting, and related issues.
- New York City government agencies that fund domestic violence social services programs and residential shelters should require and ensure that grantees include consumer debt and related issues in their initial client screening.[96]
- New York City government agencies that serve domestic violence survivors should collect, track, and analyze data regarding clients' consumer debt issues, including their impact on access to housing.
- The New York City Police Department should implement policies and procedures, including training, that ensure that victims of identity theft are issued police reports, to which they are entitled under New York law.
- New York State and City should develop and enact an alternative mechanism and procedures for identity theft victims, including domestic violence survivors, to obtain identity theft reports within the meaning of 15 U.S.C. 1681c-2.
- New York courts and family lawyers should encourage the inclusion of the financial family offenses of identity theft, coercion, and larceny, and their corresponding remedies in litigation of orders of protection. Judges and court personnel should receive training on economic abuse and the available financial offenses, and the Family Justice Centers should continue to provide this training to advocates and other interested parties.
- In the City's continuing efforts to comply with recent federal regulations mandating that survivors are not denied subsidized housing based solely on poor credit or rental histories related to domestic violence,[97] the City should prioritize developing policies and procedures that are not unduly burdensome and restrictive and that facilitate a survivor's ability to access this vital protection.
- New York State legislators should pass legislation barring credit checks for employment statewide.
- New York State should develop and invest in more substantial housing subsidies that would make it possible for survivors of domestic violence, and other low-income New Yorkers, to leave the shelter system and move into permanent housing.[98]
- Additional data collection and research that furthers our understanding of the issues in this complicated area should be conducted, including examination of elder and

96 Intake interviews, needs assessments, and screening instruments should be evaluated for opportunities to integrate and elicit consumer-related information.

97 *See supra* Part II.E.

98 *See supra* note 12 (noting that the Home Stability Support proposal presents a promising approach to expanding affordable housing for low-income residents in New York State). *See* Home Stability Support, http://www.homestabilitysupport.com/about-the-plan/ (last visited Aug. 30, 2018) (providing information on the proposal).

intra-familial economic abuse, and issues related to other forms of debt, like utilities, medical debt, and tax liability.

- The The New York City Domestic Violence Task Force Housing / Economic Justice Subcommittee, which was convened in April 2018, should examine and prioritize policy and practice related to the consumer issues of domestic violence survivors, including problems with filing and receiving identity theft police reports.[99]
- All recommended training should be culturally competent and address best practices for working with the diverse New York City survivor population.

99 Two members of the Domestic Violence and Consumer Law Working Group currently sit on this subcommittee. The Working Group appreciates the opportunity to have some of its members participate in this important subcommittee.

V. METHODOLOGY AND INTERPRETIVE CHALLENGES

A. DESIGN OF CLIENT SAMPLE ANALYSIS

To build our client sample, we first ran a query for all of The Legal Aid Society's active cases as of December 2015 that were assigned a domestic violence funding code. The majority of these matters are contested divorce, uncontested divorce, and immigration cases, but they also include child support, custody, visitation, post-divorce judgment enforcement, and family offense cases. Next, we removed all duplicate cases and common names to prevent errors in the analysis. We then randomly selected 200 client names and searched them in the New York State Unified Court System's eCourts Civil Court database as well as through Westlaw's judgment and lien search of New York State. To compare this sample to another snapshot in time, we ran the same query and followed the same process again in January 2018, that time omitting any cases that had remained active since December 2015 so as to avoid any potential overlap of clients.

We included in our count of consumer debt cases all Civil Court cases filed by a bank, financial institution, debt buyer, medical or healthcare facility, utility provider, a landlord or housing development (if coded as a Civil Court case and not a case in the Housing Part), or educational institution. We did not include cases filed by insurance companies, individual plaintiffs, or other entities unidentifiable as belonging to one of the aforementioned categories.

We recognize that the file pull has room for inaccuracies. Both databases search by name only, so there is the possibility that a consumer case or judgment associated with a given name could pertain to another person by that name and not The Legal Aid Society's client. Second, the fact that both domestic violence survivors and low-income individuals move more frequently than other individuals means our search may be under-inclusive: clients who have moved to New York from other states may have cases or judgments in those jurisdictions that we did not discover. Further, because the eCourts search was limited to Civil Court, any cases filed in Supreme Court were omitted.

Finally, the file pull is likely also an undercount since it would not match names that were misspelled in a pleading, a common error. Still, we believe that the case pull provides a suggestive representation of the percentage of domestic violence survivors who struggle with consumer debt issues.

B. SURVEY DESIGN

This survey was directed to residential domestic violence providers throughout New York City and was open for responses between April 2016 and March 2017.[100] It was anonymous and did not seek a random sample. To solicit responses, we provided the 24-question survey link to every shelter manager and sent multiple e-mail reminders and requests to various list-servs containing shelter providers. We did not offer any incentives for participation and specifically allowed multiple employees from the same organization and/or shelter to respond. We also presented at a meeting of domestic violence residential providers convened by the New York City Human Resources Administration, which forwarded the survey to the same providers. Our goal with this survey was not to find out how many survivors actually had consumer law needs, but to determine shelter staff's perception of that need and their capacity to meet it.

We received 44 responses, from at least 22 different shelters.[101] About 60 percent were directors or supervisors, while about 40 percent worked directly with clients, including case managers, housing specialists, and economic self-sufficiency specialists. Three in four respondents said they worked at only one shelter, while the remaining quarter worked at multiple shelters.

In reporting our results, we rounded to the nearest whole percent. For exact figures, see Appendix A.

100 In developing the survey, we sought review and comment from several expert agencies and practitioners. In particular, the New York City Mayor's Office to Combat Domestic Violence and two policy experts provided feedback and suggestions for improvements on the survey design. The authors and Working Group members thank all those who provided helpful advice and suggestions.

101 Because some respondents only identified the broader organization they worked at, we could not determine which shelter they worked at and omitted them from the total shelter count, but included their responses in the overall analysis.

APPENDIX A – SURVEY QUESTIONS AND ANSWERS

APPENDIX I: THE SURVEY

DV & Consumer Working Group Survey
Barriers to Housing: Domestic Violence and Consumer Credit[102]

1. *What organization and/or shelter(s) do you work at?

2. *Do you work at one shelter or multiple shelters?
   - ☐ One shelter
   - ☐ Multiple shelters

3. *What is your title? (Note: If you work at multiple shelters or for an organization that operates multiple shelters, please generalize from your experiences to answer each question.)
   - ☐ Shelter Director
   - ☐ Director of Housing Placements / Case Management
   - ☐ Housing Specialist
   - ☐ Economic Self-Sufficiency Specialist
   - ☐ Other, please specify _____

4. *What percentage of residents stay in your shelter for the maximum length of stay permitted?
   - ☐ 0-33%
   - ☐ 34-66%
   - ☐ Over 66%

5. *What percentage of residents requires a stay extension?
   - ☐ 0-33%
   - ☐ 34-66%
   - ☐ Over 66%

6. *Please describe the housing placement services that your shelter(s) provides.

102 An asterisk (*) at the beginning of a question indicates that an answer to that question was required. If no answer choices appear after a question, the question was open-ended. Finally, the text of the questions and answers are copied directly from the original survey; any errors present here were present in the original.

7. *How often do residents face the following barriers to accessing housing?

	Never	Rarely	Sometimes	Often	Very Often
Credit history/judgments	◯	◯	◯	◯	◯
Discrimination (based on race/ ethnicity, receipt of public benefits, household composition, etc.)	◯	◯	◯	◯	◯
Immigration status	◯	◯	◯	◯	◯
Landlords' lack of willingness to accept housing subsidies	◯	◯	◯	◯	◯
Language barrier	◯	◯	◯	◯	◯
Past involvement in housing court	◯	◯	◯	◯	◯
Unaffordable housing market	◯	◯	◯	◯	◯

Other (please specify) _____

8. *How often do residents face challenges in securing housing based on their credit history?
   - ☐ Never
   - ☐ Rarely
   - ☐ Sometimes
   - ☐ Often
   - ☐ Very often
   - ☐ Note sure

9. *How often do residents NOT apply for mainstream housing options because of their credit history?
   - ☐ Never
   - ☐ Rarely
   - ☐ Sometimes
   - ☐ Often
   - ☐ Very often
   - ☐ Not sure

10. *Approximately what percentage of residents has had a housing application rejected based on their credit history in the last year? Please estimate.
    - ☐ 0-20%
    - ☐ 21-40%
    - ☐ 41-60%
    - ☐ 61-80%
    - ☐ Over 80%
    - ☐ Not sure

11. *Of residents denied housing based on their credit, approximately what percentage had previously been approved for subsidies? Please estimate.
    - □ 0-20%
    - □ 21-40%
    - □ 41-60%
    - □ 61-80%
    - □ Over 80%
    - □ Not sure

12. *How do residents typically discover that they have judgments or negative credit histories?

	Never	Rarely	Sometimes	Often	Very Often
Bank account frozen	○	○	○	○	○
Pulled credit report (with or without service provider)	○	○	○	○	○
Received notice of lawsuit	○	○	○	○	○
Received notice of lawsuit	○	○	○	○	○
Rejected for housing	○	○	○	○	○
Wage garnishment	○	○	○	○	○

Other (please specify): _____

13. *How frequently have residents had difficulty accessing the following other non-housing necessities because of bad credit? Please estimate.

	Never	Rarely	Sometimes	Often	Very Often
To other necessary credit accounts	○	○	○	○	○
To student loans	○	○	○	○	○
Bank account	○	○	○	○	○
Employment	○	○	○	○	○
Utilities	○	○	○	○	○

Other (please specify) _____

14. *Approximately how many residents have negative credit history due to domestic violence? For example, residents who were victims of intimate partner identity theft, have coerced debt (debt the resident took on because the abuser forced, threatened, or otherwise coerced the survivor into doing so), or otherwise have debt related to financial abuse.
    - ☐ None
    - ☐ Very few
    - ☐ Some
    - ☐ Most
    - ☐ Nearly all

15. *What consumer debt or credit-related services does your shelter provide? Please check all that apply.
    - ☐ Financial Education
    - ☐ Financial Counseling
    - ☐ Legal Services
    - ☐ Pulling credit reports
    - ☐ Referrals
    - ☐ Screening
    - ☐ None of the above
    - ☐ Other (please specify)_____

16. *Do you or your staff members receive training on consumer debt and credit issues?
    - ☐ Yes
    - ☐ No

17. *What training on consumer debt and credit issues do you or your staff members receive, if any? Please select all that apply.
    - ☐ We do not receive any training on consumer debt or credit issues
    - ☐ Overview of economic abuse
    - ☐ How to screen
    - ☐ Practice using screening tools
    - ☐ How to pull credit reports
    - ☐ Safety concerns related to credit pulls
    - ☐ When to make a referral
    - ☐ Review of resources and options available to residents
    - ☐ Financial counseling
    - ☐ Financial safety planning
    - ☐ Developing strategic response to DV-related credit issues
    - ☐ How to provide economic empowerment & financial literacy training to residents
    - ☐ Other (please specify)_____

18. *What training would most help you or your staff members in addressing residents' consumer issues? Please select all that apply.
    - ☐ Overview of economic abuse
    - ☐ How to screen
    - ☐ Practice using screening tools
    - ☐ How to pull credit reports
    - ☐ Safety concerns related to credit pulls
    - ☐ Safety concerns related to addressing identity theft
    - ☐ Safety concerns related to addressing defaulted accounts
    - ☐ When to make a referral
    - ☐ Review of resources and options available to residents
    - ☐ Financial counseling
    - ☐ Financial safety planning
    - ☐ Developing strategic response to DV-related credit issues
    - ☐ How to provide economic empowerment & financial literacy to residents
    - ☐ Other (please specify)_____

19. *Are you able to access expert legal consumer/credit assistance for your residents?
    - ☐ Yes
    - ☐ No

20. *If you are not able to access expert legal consumer/credit assistance for your residents, what kinds of assistance would you like to be able to access? Please select all that apply.
    - ☐ Legal services
    - ☐ Financial education
    - ☐ Financial counseling
    - ☐ Financial safety planning
    - ☐ Economic empowerment and financial literacy training
    - ☐ Other (please specify)_____

21. What limitations does your shelter face in addressing the residents' consumer debt and credit reporting needs?

22. What supports would be most useful in addressing these limitations?

23. What policy recommendations do you have for improving consumer/credit assistance for residents of domestic violence shelters, if any?

24. If possible, please describe a case on which you have worked involving credit as a barrier to housing. Alternatively, if you would prefer to tell the story over the phone, or if you have a client who is willing to speak with us directly, please provide your contact information and we will be in touch.

FORDHAM UNIVERSITY SCHOOL OF LAW
150 West 62nd Street • New York, New York 10023

CAMBA LEGAL SERVICES, INC.
885 Flatbush Ave., 2nd Fl. • Brooklyn, NY 11226

THE LEGAL AID SOCIETY
199 Water Street • New York, NY 10038

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Fordham Law School Feerick Center for Social Justice

(Written Submission by Dora Galacatos, Executive Director)

FORDHAM UNIVERSITY
THE SCHOOL OF LAW

FEERICK CENTER FOR SOCIAL JUSTICE

September 13, 2018

New York State Permanent Commission on Access to Justice
c/o Jessica Klein, Esq.
Sullivan & Cromwell LLP
125 Broad Street, 32nd Floor
New York, New York 10004-2498
accesstojusticecommission@nycourts.gov

Dear Commission Members:

I submit this written statement in my capacity as Executive Director of Fordham Law School's Feerick Center for Social Justice ("Feerick Center" or "Center"). The Feerick Center provides administrative and programmatic support to the New York State Attorney Emeritus Program ("AEP" or the "Program"), an access-to-justice initiative of the courts. The Center's involvement with the AEP spans since its launch in 2010. In my statement, I recommend expansion of pro bono resources among nonprofit organizations and legal services providers, especially expert pro bono staff, as well as the use of technology to enhance remote pro bono throughout the state.

As members of the New York State Permanent Commission on Access to Justice may know, the Program is an initiative of New York State Chief Judge Janet DiFiore. The AEP engages experienced attorneys in civil pro bono services through approved host organizations and court-based pro bono programs. Attorneys who are 55 years and over, in good standing, and who have practiced for a minimum of ten years are eligible to participate; Emeritus volunteers pledge to serve 60 hours over their biennial registration period. The New York State Unified Court System's Office for Justice Initiatives and its Access to Justice Programs administer the Program for the courts. The Feerick Center greatly appreciate the opportunity to submit this statement to the Permanent Commission regarding some of the needs and challenges faced by the Program.

The AEP has grown significantly since its launch nearly a decade ago. Currently, the Feerick Center is engaged directly with nearly 270 skilled and seasoned attorneys who are volunteering through the Emeritus Program with AEP host organizations throughout the state; additionally, the Center is in contact with dozens more who are exploring volunteer opportunities or who have expressed an interest in serving through the Program. Over 1,100 attorneys, both active and retired, are currently registered with the Office of Court Administration as Emeritus volunteers. Furthermore, in the experience of the Center, we know that many more senior attorneys are providing civil pro bono legal services who are not connected to the Program.

Emeritus volunteers provide bono services in virtually all civil legal practice areas—from direct representation and limited-scope assistance to mentorship of law students and recent graduates and appellate advocacy, among other activities. Emeritus attorneys offer significant and much needed legal services to low-income New Yorkers and thus have become an important factor in combating the access-to-justice gap in New York State. In the eight years since the program has been in place, Emeritus volunteers have donated many thousands of hours—representing contributions worth millions of dollars when considering the value of an experienced attorney's time. For example, according to the New York State IOLA Fund, in Fiscal Year 2017, 30 of its grant-funded organizations had 114 active Emeritus volunteers who served over 11,500 hours (which is estimated to be of a $2.9 million value at $250 per hour) and closed 1,334 cases.

The Attorney Emeritus Program, however, could be an even more effective initiative in the effort to address the state's access-to-justice gap. The Program faces some notable challenges. In some parts of the state, despite the significant unmet need, host organizations do not have the personnel necessary to support the Emeritus volunteers who have demonstrated an interest in engaging in pro bono. One of the challenges in the administration of the Emeritus Program lies in the lack of volunteer opportunities for all attorneys who are interested in giving back. Within New York City, there are several sizable legal services providers eager to take in Emeritus volunteers with the staff and resources to adequately support and train them. However, outside of the city, there are often barriers that prevent attorneys from engaging in pro bono service and that make it difficult for legal services providers to support volunteers. Many upstate (and some New York City) organizations do not have the funding to hire a pro bono coordinator to focus on recruitment and management of volunteers, so pro bono attorneys may not be adequately supported. Additional funding to support expert pro bono resources would be instrumental in facilitating engagement of Emeritus volunteers in such organizations.

Expert pro bono administrators are able to develop and support an array of pro bono opportunities—from full representation to limited-scope assistance, the latter of which is an especially important option. Legal clinics are especially well suited to senior volunteers, who can bring decades' of legal experience to their pro bono service. The flexibility in scheduling and more limited nature of client engagement can be very attractive to volunteers as they do not require ongoing commitment or court appearances. Today, a diverse array of legal clinics are taking place throughout the state, on issues like consumer debt, foreclosure, divorce, taxes, and more. Such clinics can engage a broader pool of Emeritus volunteers. Funding dedicated to pro bono supervising staff would help to make more clinics available and help reduce the justice gap further.

Additionally, a dedicated pro bono coordinator can focus on volunteer recruitment, training, support, supervision, and management, and ensure that volunteers are well suited to their volunteer positions. When this role falls on a staff attorney with their own caseload, eager volunteers may not be adequately supported or not placed with a volunteer opportunity. Pro bono coordinators have the time to thoughtfully work with each potential volunteer on finding a place within the organization that best utilizes the volunteers' skills and experiences while respecting their schedule and interests. This additional consideration and effort can lead to longer term and more dedicated volunteers in the long run, which makes the venture into pro bono, both for the volunteer and the supporting organization, more worthwhile.

Another challenge in pro bono service, which is unique to upstate, rural communities, involves the travel time and costs associated with doing pro bono service. Volunteer attorneys often have to drive very long distances to volunteer, are not reimbursed for the cost of travel, and cannot count the hours towards their pro bono service. This can discourage some motivated attorneys from engaging in service. Funding that allows eligible volunteers to be reimbursed for the travel costs associated with their pro bono service would be a small but significant way to encourage service and remove barriers to pro bono in rural communities.

Finally, rural communities upstate could greatly benefit from funding to expand remote volunteer opportunities. Many counties in upstate New York are sparsely populated and geographically dispersed. This makes access to civil legal services challenging for low- and moderate-income residents with unmet legal needs; as noted above, significant distances create barriers to pro bono service for attorneys as well. In recent years, more and more organizations are exploring the use of technology to enable remote limited-scope and other types of legal assistance. Additional support is needed to pilot, evaluate, and implement remote pro bono models.

Thank you again for the opportunity to submit this statement. Please feel free to contact me should you have any questions.

Sincerely,

Dora Galacatos
Executive Director

Denise Hill

(NYS Court Officer Sgt., Queens Criminal Court & Mentor, LEO Hearted Cares)

From: Denise M. Hill
Sent: Thursday, September 27, 2018 3:52:11 PM (UTC-05:00) Eastern Time (US & Canada)
To: Access To Justice Commission
Subject: Suggestion for removing barriers to justice in Criminal Court

Good afternoon,

My name is Denise Hill. I'm a NYS Criminal Court Sgt. for the past 18 years presently serving in Queens and a LEO Hearted mentor. LEO Hearted Cares is a rapidly growing non-profit of law enforcement officers that mentor youth referred by the YDP program in Queens.

(https://spark.adobe.com/page/IUMuLjXATGjg7/)

I'm also an Urban Studies major at Queens college, pursuing an MSW. I'm extremely excited about the *Raise the Age* law transformations that are occurring within the courts, as well as other criminal justice reform initiatives being implemented. Motivated by Judge Fiore's recent public hearing addressing meeting the justice needs of New Yorkers, I'd like your indulgence in making a suggestion:
An expansion of criminal court evening services to allow for return on criminal court warrants, and the payment of scheduled fines to help low-income New Yorkers resolve their cases.
Many New Yorkers must work during the day to make ends meet. Missing a day from work can mean losing their job, apartment, spot in a shelter, or not having needed health insurance. They would rather risk having an open warrant and having the police "catch them if they can," than risk taking a day off. I have witnessed otherwise responsible adults make this choice daily. Yes, one could argue being a defendant detracts from their reliability, but this option can be provided on a temporary basis, contingent upon the positive statistical utilization of the services. In an effort to make criminal court "fair and accessible" and "remove barriers to justice." I believe this to be a reasonable solution that wouldn't require an inordinate amount of resources.

Thank you for your time and consideration. I'm proud to be a part of a system committed to the welfare of all New Yorkers and sincerely appreciate the design and objectives of the *Access to Justice Commission*.

Sincerely,

Denise Hill
NYS Court Officer Sgt.
Queens Criminal Court
Mentor
LEO Hearted Cares
www.LEOHearted.org

Legal Assistance of Western New York, Inc.

(Written Submission by C. Kenneth Perri, Executive Director)

LAWNY
LEGAL ASSISTANCE OF WESTERN NEW YORK, INC.®

361 South Main Street
Geneva, NY 14456

Tel: (315) 781-1465
Toll-Free Clients Only: (866) 781-5235
Fax: (315) 781-2565
www.lawny.org

WRITTEN SUBMISSION:

THE CHIEF JUDGE'S 2018 HEARING
ON
CIVIL LEGAL SERVICES IN NEW YORK STATE

September 13, 2018

By: C. Kenneth Perri
Executive Director

(Written Submission Only)

I. **Introduction:**

On behalf of Legal Assistance of Western New York, Inc.® (hereinafter LawNY®), I thank you for conducting the hearing on civil legal services at the New York Court of Appeals on September 24, 2018. I thank you as well for the opportunity to share these very brief comments with regard to the manner in which LawNY® has been able to grow and maintain the services that we provide to low-income people in civil areas of the law concerning the essentials of life as a direct result of the funding which we receive through the Judiciary Civil Legal Services program.

I extend my thanks in particular to the Chief Judge of the State of New York, Honorable Janet DiFiore, as well as the other members of the hearing panel, Chief Administrative Judge Lawrence K. Marks, New York State Bar Association President Michael Miller and Presiding Justices Rolando T. Acosta, Alan D. Scheinkman, Elizabeth A. Garry and Gerald J. Whalen. I also extend my thanks to Helaine M. Barnett, the chair of the Permanent Commission on Access to Justice, as well as the other distinguished members of the Permanent Commission.

II. **LawNY®:**

My name is C. Kenneth Perri and I am the executive director of LawNY®. LawNY® is a 501(c)(3) not-for-profit law firm whose mission is to provide access to the justice system to low-income New Yorkers and other vulnerable populations in our 14-county service area. I have been a civil legal services practitioner for 36 years.

LawNY® has seven staffed offices which provide services to low-income people in 14 counties in the Third and Fourth Departments. Our office in Bath serves the residents of Allegany and Steuben Counties. Our office in Elmira serves the residents of Chemung and Schuyler Counties. Our office in Geneva serves the residents of Livingston, Ontario, Seneca, Wayne and Yates Counties. Our office in Ithaca serves the residents of Tioga and Tompkins Counties. Our office in Jamestown serves the residents of Chautauqua County. Our office in Olean serves the residents of Cattaraugus County. Our office in Rochester serves the residents of Monroe County.

With the exceptions of the urban center in Rochester and the small cities of Canandaigua, Elmira, Geneva, Ithaca, Jamestown, Olean and Salamanca, the nearly 10,000 square miles, 14 county area served by LawNY® is primarily rural. In the counties in which we do not have staffed offices, we have sites where we can meet with and interview clients located in Belmont, Lakeville, Lyons, Montour Falls, Ovid, Owego and Penn Yan.

III. **LawNY®'s Use of Oversight Board Judiciary Civil Legal Services Funds**:

In the state fiscal year which ran from April 1, 2017 – March 31, 2018, LawNY® was able to provide comprehensive civil legal services to our low-income communities throughout our service area due to the stability that we enjoy as a result of the continuation of Judiciary Civil Legal Services funding.

During that time, LawNY® closed a total of 8,886 cases. The number of people who benefited from LawNY®'s services in these closed cases totaled 19,060.

Of the closed cases, 2,433 (27.4%) involved income maintenance issues such as temporary assistance to needy families, emergency assistance, supplemental nutrition assistance program benefits, SSI benefits, social security disability benefits, unemployment insurance benefits and veterans' benefits.

An additional 1,985 cases (22.3%) involved housing issues, such as public housing evictions, private housing evictions, foreclosures and housing conditions.

An additional 1,584 cases (17.8%) involved family law matters, such as child support and securing orders of protection from domestic violence.

Other areas in which LawNY® provided services included: health law matters (including medicaid, Medicare and private health insurance matters) - 1,419 closed cases; employment matters (including wage and back pay matters) – 469 closed cases; consumer matters (including bankruptcy and debt collection matters) – 367 closed cases; and school law matters (including enrollment, discipline and special education matters) – 53 closed cases.

LawNY® clients obtained at least $300,809 in ongoing monthly benefits and other payments and $2,793,192 in one-time payments, for a total payout over 12 months of at least $6,402,900.

The stability which LawNY® enjoys in large measure due to our JCLS funding contributed to improvements to our service delivery system during the last state fiscal year. These include:

- The launching of a regional consumer practice group consisting of three full-time attorneys to increase our capacity to address the high demand for legal assistance with regard to consumer issues across our 14-county service area;

- Implementation of our IOLA funded Community Development and Economic Justice Project through which we have provided representation, support and information for group clients such as small businesses, not-for-profit entities and neighborhood groups and through which we increased the number of pro se foreclosure clinics throughout our service area and developed pro se foreclosure materials to be made available to people via the internet;

- The launching of a Risk Reduction Civil Legal Assistance Program to focus on providing holistic representation to victims of domestic violence in Steuben County who are identified as high-risk for homicide;

- With support from the Greater Rochester Health Foundation, the expansion of Finger Lakes Legal Care, a Medical-Legal Partnership which embeds legal

services on-site at Rochester Regional Health sites, including Rochester General Hospital;

- A new partnership allowing us to offer on-site assistance at the Central Library in Rochester in partnership with the Library Resource Outreach Center; and

- Completion of a Kin-Help Project which provided services to 65 low-income non-parent caregivers from 62 families in Monroe County.

An example of a typical case is one in which a client was sued for close to $10,000 for a deficiency balance on an auto loan. She had returned the car to the dealer after the dealer refused to make repairs covered under the warranty and Lemon Law. At the trial, the dealer was unable to produce any evidence that the sale of the car at auction was done in a commercially reasonable manner as required by law. At the close of the dealer's proof, our attorney moved for dismissal based upon the dealer's failure to make a prima facie case. The judge granted the motion, allowing our client to avoid a $10,000 judgment and bankruptcy.

IV. **Conclusion**:

In 2019, absent renewed funding from the Oversight Board for Judiciary Civil Legal Services at least current levels, LawNY®'s ability to continue to try to address the unmet needs of the low-income families in our service area with civil legal problems affecting the essentials of life will be irrevocably destabilized.

I am grateful for the efforts of the Chief Judge and the Permanent Commission and extend my thanks on behalf of myself, the LawNY® board of directors and staff and, most importantly, the families that we are able to help as a result of this funding and the Permanent Commission's other initiatives.

I fervently urge that the Permanent Commission recommend that funding from New York State for the provision of civil legal services to low-income people be enhanced in the state fiscal year which begins on April 1, 2019 so that LawNY® and the entire community of civil legal services and pro bono providers can continue to respond as effectively as possible to the ever-growing need for our services. The continuing demand by our low-income neighbors for assistance from the legal services and pro bono provider community in turn demands ongoing and stable funding for the providers which collectively serve every county in the State of New York.

LawNY® and the other civil legal services and pro bono providers throughout New York State welcome the opportunity to work with the Chief Judge and with the Permanent Commission on Access to Justice to achieve this result.

Thank you for your time and your consideration.

Rise Magazine

(Testimony provided during NYS Commission on Parental Legal Representation Public Hearing & Written Submission to Permanent Commission on Access to Justice by C. Jeanette Vega, Training Director)

Organization: RISE, Jeanette Vega Training Director (Parent affected by the child welfare system)
Public Hearing on September 27th, 2018 New York City hearing

Purpose of Testimony:

- The types of situations or cases in which current civil legal services needs are unmet and their magnitude
- The economic and social harm to the community (direct or indirect) when critical legal needs are unmet.
- The economic and social benefits to the community when such needs are met.

Rise is an organization that trains parents to write and speak about experiences that they have faced within the child welfare system. It's essential for parents to have legal representation from the beginning of child welfare case in order for us to move forward and reunite with our children.

The after-effect child welfare had on me, stays with me. As I work within this system for reform and to highlight parent's voices, I'm still traumatized by those horrible moments where I thought I would just die without my son.
I catch myself crying when I hear my babies crying, because when my son was in care I could not stop his crying or even my own at times. When I take my 3-year-old to school this year and he cries I cry and it takes me back to my sorrow of not being able to comfort my oldest when he needed me.

We can start helping other parents before they face that traumatic experience of separation by having more legal representation for parents facing the child welfare system so that fewer children are removed; more families are given the assistance they need instead of being traumatized by separation.

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I want to tell you about the importance of legal representation in all phases of a child welfare case, from the investigation phase, when parents currently have no right to an attorney, to the pre-filing phase, when many parents are pushed to settle even when they believe the case against them is unjust, to the hearings that follow, when quality legal representation can determine whether children come back home, or never do.

Let's start from the beginning—the investigation phase.

Parents should have the right to a lawyer during an investigation. But right now, in New York State, the only parents who have lawyers during an investigation are parents who can afford to pay one.

I want to talk about the reality of how investigations go and how unjust it is for parents.

When there is a call made to the State Central registry hotline, parents never know who called the case in or with what intent.

Parents never get a chance to confront their accusers at any point of child welfare cases, an attorney should have access to the individual who made the call and see what's behind the call. Bad intentions, hateful neighbors, a boyfriend who wants the children and wants to hurt the mother, a parent can never know but an attorney should have the opportunity to confront the parent's accusers. Most cases parents are labeled as bad or unfit by hearsay.

If parents had legal representation from the beginning phase of child welfare involvement, at the Investigation stage, parents' rights could be protected from the start. This issue has been going on far too long.

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ONCE PARENTS ENTER THE COURTROOM, THE MAIN THING THEY FEEL IS POWERLESS.

Here's how One father speaks about how he felt and at the mercy of powerful authorities.

"Before child welfare came into my family's life, my understanding of the court system was that truth is found by careful and dutiful dissection in the courtroom; evidence is paramount and lies are dissolved. However, I have come to learn that in child welfare, there are flaws that tilt the scales of justice.

The family is considered guilty until proven innocent. The judge is the decider, no jury required. The child welfare system has funds for legal representation and experts, while most families do not. Children may be taken instantly, on little evidence, and their time apart from family is of no consequence to the system."

Our life experiences have often made us feel powerless. Our experiences with courts and other authorities – schools, police – have *also* made us feel powerless. When our children are removed, we feel the ultimate in powerlessness. Court is not a neutral place for us. It's a place where we feel intense shame, stigma, anger and sadness. It's a place we assume is biased against us. Parents do not understand the court process or who all the parties involved are. Remember these people are making decisions about our families and do not know us.

Our relationship with our lawyer, can be part of supporting us in feeling and becoming powerful enough to overcome our obstacles. Or it can be part of making us feel more powerless— and at the mercy of more powerful people. Too often, courts are places where parents feel small and unheard.

Too many attorneys do not get any time with us at all. Five minutes before court to have a brief discussion on what the attorney will say without a conversation on what the parent may need for themselves or their children. Other times there is no time to prep because attorneys have too many cases and are jumping from one case to the other case.

The first day I went to court was horrible for me. I walked in scared and confused. My lawyer came out screaming my name and said, “Let’s go.” The first remark I heard from the judge was him saying, “Do you think this is the ghetto?” because I had on sweatpants, and a sweatshirt. I felt frozen. These things were happening to me, but I wasn’t even really there.

Later, my lawyer said if I wanted to be taken seriously in the court, I would need to dress more appropriately. Now I understand why he said that, but that remark coming from the person I was counting on to have my back, made me think, “This court hates me, and I’m never getting my son home, because I’m from the hood.” A simple gesture of kindness would have gone a long way. Instead, I felt like my lawyer didn’t understand who I was as an individual.

In Court, it felt like I had no voice and I was just supposed to sit and have everyone tell me what to do in my life. I thought crying to my lawyer would help him listen to me, but it didn't. I tried to tell my story, my history, who I was and how I was raised, but nothing.

So instead, my lawyer caught my wrath. I had so much to say but I was so angry and confused, that I kept acting out with rage.
It took a long time for me to learn that my anger was making people see me as someone who would solve any problem with violence, and that made them think they couldn’t trust me with my child.

But that's what most parents feel today anger, rage, fear, defeat as they enter the courtroom. When parents’ attorneys have no time to get to the know the parent as an individual case, then parents are seen as just another substance abuse parent, or here goes another angry parent, when what most parents feel is that a piece of their heart has been taken away.

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ONE OF THE MOST TROUBLING WAYS THIS PLAYS OUT in courts now is when parents attorneys push parents to settle.

Sometimes our lawyers evaluate our case and decide that a settlement is the best choice. But when parents don’t have a full conversation with their lawyer about this decision they dont understand what’s happening and they sign anyway because their attorney who spoke to them for five minutes said it was best.

- Parents should have adequate time with their attorneys, so attorneys can explain why they are recommending the settlement. Show us that it’s not just because you’re too busy to prepare for trial.
- Even when there are legal reasons to settle, we may have personal reasons why it’s not the right choice for us. We’re the ones who have to live with the consequences of that decision forever.

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Lawyers should not only do for their clients, but help their clients understand the system so they can do for themselves. Here's how funding lawyers to have smaller caseloads will be effective and beneficial.

Because there is not time or not enough attorneys for parents everything is rushed and pushed along and at whose lost, the parents, the children's, and there are no consequences to the system for all the traumatic experiences they assist in giving the families that face the child welfare system.

Some may not understand how traumatic it is to have your child snatched away from your care and not have an attorney that you can have meetings and conversations with throughout the process not only five minutes before the case gets called in by judge.

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Parents get send to cookie cutter services because the attorneys don't have time to talk and evaluate the case and get a chance to understand what that family really needs in order to address the concerns that brought child welfare into their lives.

Usually most attorneys just agree with the services that were recommended by Administration for Children Services or the providing foster care agency that is monitoring the case after a removal has been made.

A constant theme at Rise is that parents want to be heard, not fixed. We want the system to support us in making good decisions about what can help us and our children, not make those decisions for us. Even lawyers can fall into the trap of thinking they know better than a family.

- Allowing parents to attend bad services makes us feel that what's most important is a certificate, not that parents truly feel better and do better. It's not helpful to act dismissive. When our lawyers say we should go to the mandated services just to "play the game" or "check the box," we lose confidence in the justness of the system.

How do we create a system that parents don't feel alone or blindsided by the process?

Getting quality attorneys is part of having quality services. When parents get quality attorneys they have the opportunity to have a voice in their family's decisions.
Attorneys are rushed along in the process and parents are just going through the motions of the services. Having more quality attorneys will better serve justice within the same courts.

Give parents a fighting chance against the child welfare systems demands.

NYC has invested more in parent representation than almost any place else in the country, and many parents get not only lawyers, but social workers and parent advocates through an institutional provider. That reform in NYC haven't reached other parts of the state and only

reach not even half of parents in the city and even institutional providers like Bronx and Brooklyn Defenders and Center for family Representation also carry oversized caseloads.
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Imagine being a parent that has never faced the child welfare system and are being accused of being evil, bad and your one sense of comfort is gone. Your child. The one thing that as a parent you thought could never be taken away, has been ripped away from you and put into the care of strangers. How intrusive and violating is that feeling. How scary it is to not know where children are sleeping or if they are okay, did they eat, are they scared and as confused as you the parent is? All these feelings no one ever thinks about, and they are real feelings, feelings that stay with you even after the child has been returned home, even after therapy for years the trauma never goes away.

When I was 19, and my son was 2, I lost my son to the child welfare system for three years. The day my son was removed I was treated as a criminal. I wasn't given a chance to explain myself. I wasn't asked: What happened? I was just thrown behind bars. I felt like I was seen as a monster.

I felt alone and scared and felt like everyone was just telling me what to do and my attorney was also just going through the motions of the process. How i wish i had time to tell my attorney who i was before child welfare got involved in my life, maybe then he would have not also felt as if he was representing a monster. He could have understood me and my culture, my background. How great i was as a mother before that one incident ruined my life for three years.

I found my voice in the years after my son came home. I joined a parent advocacy group where I felt that I could speak freely and not be judged. I also joined Rise and I used the writing process to reflect on my experiences. I've learned as an advocate that if you provide clear information and choices to parents, you can help them develop self-advocacy skills they'll need all their lives.

Attorneys can be part of this voice exchange. Giving parents a chance to have quality representation is not only justice but it is humane.

There is a big highlight on the borders and the families being separated they're but that same trauma affects all parents that have to face a removal or even the threat of removal for not complying with what the system feels your family may need.

Rise parents ask you to give parents a fighting chance. With more representation for parents more families can stay together and get assistance they may need. You have that power to help all those thousands of parents that need attorneys.

JoAnne Sandler

(Client of Legal Assistance of Western New York, Inc.)

Statement for the Chief Judge's 2018 Hearing on Civil Legal Services in New York State – Regarding Judiciary Civil Legal Services Grantee Legal Assistance of Western New York, Inc. (LawNY)

Without the help and guidance of LawNY, I don't know how I would have survived!

I worked in an independent senior living facility as an overnight Safety Coordinator. I was required to live on site, and had to be there 84 hours a week, during which time I had to be ready to respond to all types of emergencies within minutes. There were personal alarm emergencies, fire alarms, security alarms, and additional direct phone calls from residents.

This job was not anything I had done before, but I was in an extremely difficult position. I had been on the receiving end of corporate downsizing in 1998, followed by a series of three smaller business downsizings. I depleted my 401K over many years trying my best to pay bills and keep commitments, but alas, I ended up filing for bankruptcy in 2006. I lost my apartment, and what followed was a terrifying period of years during which time I was homeless. By the grace of God and friends, I did not end up in a shelter, but slept for months at a time in various places, never knowing for sure when I might possibly be on the streets. I had a string of part-time jobs to pay for food and gas, but I did not have enough money to rent an apartment.

It was during this state of fear and emotional upheaval that I accepted this Safety Coordinator position at the Legacy because it provided a place to live—but no pay. When my car needed a costly repair, it just sat in the parking lot for six months, and I had no transportation. It was horrible. A friend helped me get my car back on the road, and I was able to get a part-time job during the day, in addition to this 84-hour a week on-call job. I was exhausted all the time.

My original manager and I worked out details of what I was expected to do each night, in addition to the on-call responsibilities. That worked very well—until he was fired and a new manager came in. More physical demands were made on me, and then when a third manager was hired, it became almost unbearable. Eventually, they decided to end my employment, which ended my residence there. They gave the minimum time for me to legally find another place to live. Not an easy task.

I ended up having to extend my stay by two weeks, and I communicated with their HR Director to be sure I could leverage vacation days (that I never had time to use) against the additional two weeks I needed to stay on the premises. They threatened eviction, but apparently I was out before they had time to implement that. This took place in October of 2013. That following April 3, I got a message on my phone that someone was at my front door. Since it was my birthday, I thought it might be a gift delivery. It was Irondequoit Police with legal papers saying I owed First Realty close to $3,000! This was crazy, and I was terrified. I had no idea what to do, but clearly I had to find a way to respond to these papers. That's when I contacted someone I had met who worked at LawNY. I explained my situation and my panic, and she asked me to write something describing the situation. I was matched with a lawyer, who ended up being a huge blessing to me. Not only did he attend to the details of the case and discover that, not only was this lawsuit ridiculous, but that the company suing me had broken New York State Labor Laws by not paying me anything. In addition they had violated other laws as well.

My lawyer solicited the assistance of other professionals and continued to research the specifics to plan a counter suit. He spent countless hours with me, with other professionals, and reviewing records that I had saved from the workplace. We filed the suit in federal court, and I finally had some hope that justice might be served.

Along the way, there was a conversation between my lawyer and a representative from the Attorney General's Office. My lawyer asked me if I would be open to involving the Attorney General's office in the lawsuit, as it would likely result in more strength for my case, as well as providing payment for many others who had been mistreated by my former employer. I agreed.

We then worked with the Attorney General's Office and on my federal case. After extensive hard bargaining, we reached a settlement on my federal case for a reasonable sum. In addition to this monetary sum, the federal case settlement entitled me to whatever additional remuneration the Attorney General could obtain for me. Plus, my lawyer got my

former employer to drop its demand for a confidentiality agreement, by pointing out that such agreements are against public policy in wage theft cases.

Both the federal litigation and Attorney General's case concluded in 2017. The Attorney General reached a settlement for a significant sum for fifteen of us who had worked at seven of the employer's locations.

I was able to pay off some debts that had accrued and get myself into a one-bedroom apartment, with the help of Social Security. In addition, I was able to make a down payment on a car that would provide more reliable transportation in getting me to and from work. I have some funds left in my account for an emergency, and I continue to work part time at age sixty-seven.

None of this would have been possible without the help of LawNY. The intangible elements of this support are as important as the legal expertise. I was panicked, scared, and broke. My lawyer was kind, supportive, encouraging, and always ready to explain something to me when I didn't understand the legalese from the other law firm.

Please, please continue to support this wonderful organization for citizens of New York.

Thank you,

JoAnne Sandler
44 Knollbrook Drive, #25
Rochester, NY 14610

United Way of New York State

(Written Submission by Brenda Episcopo, President & CEO)

United Way of New York State

New York 2-1-1 Get Connected. Get Answers. NYS AIRS • United Ways of New York State

Testimony Submitted By:

Brenda Episcopo, President & CEO

United Way of New York State

2018 Hearing on Civil Legal Services in New York State

Monday, September 24, 2018

Thank you for giving United Way of New York State (UWNYS) the opportunity to submit written testimony regarding the continuing unmet civil legal service needs in New York. My name is Brenda Episcopo and I am the President and CEO of UWNYS, a membership organization representing 39 local United Ways in communities across New York State.

I applaud Chief Judge DiFiore's leadership, as well as all of work being done by the New York State Permanent Commission on Access to Justice, to continue to increase the availability of civil legal services involving the essentials of life for low income New Yorkers. I am also pleased that this year's hearing is seeking input on new and/or expanded community collaborations among civil legal service providers and other organizations in the community.

United Way helps individuals and communities across the state find solutions to complex problems by working collaboratively to define issues, develop responses, and generate resources to implement those responses. A critical component of our work is ensuring that New Yorkers are aware of, and have access to, the legal and non-legal services they require so they have the opportunity to achieve their full potential. Lastly, we believe when one succeeds, the whole community benefits.

That being said, we share many of the same goals as the Permanent Commission and I believe there are a number of opportunities for better partnership. In particular, I wanted to share with you today information on three important initiatives of UWNYS: the ALICE Report, which helps illustrate the challenges faced by many of the same individuals that qualify for civil legal services across the state; 2-1-1, a solution to help raise awareness of, and increase access to, civil legal services; and a real life example of 2-1-1 working to help support the Suffolk County Pilot. Lastly, I am providing some recommendations on ways in which UWNYS and the Permanent Commission on Access to Justice can partner to better meet the legal and non-legal needs of individuals and to close the access to justice gap.

ALICE (Asset Limited, Income Constrained, Employed) Report

In 2016, United Way of New York State commissioned a report that studied the number of employed individuals and families across the State who were above the poverty level, but still struggling to make ends meet- a population that the report referred to as "ALICE" (Asset Limited, Income Constrained, Employed). Earlier this month, UWNYS released an updated ALICE Report that shows New Yorkers still face financial hardship despite increases in employment and median income. ALICE is the single mother who needs assistance with child support. ALICE is the father who is facing eviction. ALICE is the veteran who is facing legal problems as a result of active duty. ALICE is an individual who most likely needs help with civil legal services involving the essentials of life but might not know they have a legal issue at all.

The updated ALICE Report shows that over the last few years, New York's economy has rebounded and the state has made investments to assist those living in poverty. However there is still a large number of New Yorkers, 3.2 million households, or 45% of the overall population, that cannot

afford basic needs and lack sufficient income and resources to pay for housing, food, child care, transportation and health care. The report continues to show that ALICE lives in every part of the state, from our biggest cities to our most rural areas.

ALICE is a hardworking member of the community and earns above the federal poverty level, yet does not earn enough to afford a bare-bones household budget, let alone resources to hire a lawyer. Since the last report, the cost of living has pushed nearly 300,000 households below the ALICE threshold, defined in the report as the "average income that a household needs to afford the basic necessities defined by the household survival budget for each county in New York".

Other key findings from the updated ALICE Report include:

- In order to meet the ALICE threshold for survival, a 4-person household (2 adults, 1 infant, 1 preschooler), needs an annual income of $68,808 or $34.40 per hour. An individual needs an annual income of $23,148 or $11.57 per hour. This is 7 percent higher for single and 9% higher for the 4-person household compared to the report issued in 2016.
- Fifty-one percent of all jobs in NYS pay less than $20/hour or $40,000 annually for full time work. Even working multiple jobs often does not provide sufficient income to meet the ALICE threshold.
- ALICE is everywhere. All but one of New York's 62 counties has 30% or more households earning less than what is needed to afford a basic household budget.

With almost half of the population living in financial instability, it is more important than ever to ensure that low income New Yorkers are aware of, and have access to, the wide array of programs and services (legal and non-legal) that are available in their community as well as across the state. More importantly, it is essential that legal and non-legal services are connected to help support the essentials of life and to close the access to justice gap.

The complete ALICE Report, data and county specific pages can be accessed here: https://www.unitedwayalice.org/new-york.

2-1-1: A Solution

It is often said that New York is rich in resources. While the state has a robust network of public and private programs and services, a number of those dedicated to low income individuals, barriers exist and often it is difficult for connectively between the two. With thousands of services available, people often struggle to find the right kind of help when they need it. Government programs and departments are essential, but helping families and individuals to achieve success requires a sharing of information, resources, and strategies that must occur at all levels: local, regional and statewide.

It was under this premise that 2-1-1 was set aside as the national number to use for health and human services information and referral in 1999. 2-1-1 is a single, easy-to-remember phone number for people in need to call across the country. 2-1-1 contact centers are staffed by trained specialists who quickly assess the callers' needs and refer them to the resources they need. 2-1-1 services are free, confidential, and accessible to everyone through multilingual capabilities. In November 2017, 2-1-1 became operational 24 hours a day, 7 days a week, 365 days of the year in all 62 counties across New York State. We are very excited that 2-1-1 is now available to assist all New Yorkers.

Central to the success of 2-1-1 is the database that currently has information on nearly 69,000 programs and over 29,000 organizations statewide. Last year, 2-1-1 saw record usage including 1.9 million phone calls, 800 text based contacts, and over 18.5 million visits to the 2-1-1 website. 2-1-1 databases include information that can connect individuals to referrals with resources in the areas of:

- Clothing/Personal Items
- Disaster Services
- Education
- Employment
- Food/Meals
- Health Care
- Household Needs
- Housing
- Income Support/Assistance
- Individual, Family and Community Support
- Information Services
- Legal, Consumer and Public Safety
- Mental Health/Addictions
- Other Government/ Economic Services
- Transportation
- Utility Assistance
- Volunteers/ Donations

2-1-1 is a solution that can help close the gap in access to civil legal services. Individuals facing eviction may need a temporary shelter, assistance with food, or heating assistance. A pro se litigant appearing in family court may need transportation or clothing. Attorneys and non-attorneys helping individuals with civil legal services can call 2-1-1 and connect individuals with an operator that can provide information and referrals to services located in their community. Utilizing 2-1-1 as a tool in providing civil legal services will enable those providing services to focus on the legal services rather than trying to meet the social service needs. Furthermore, the 2-1-1 databases could be enhanced to better capture the legal resources available and operators could be trained to identify legal versus non-legal issues and serve as a referral source.

Here are a few examples of how 2-1-1 has helped individuals in New York:

Domestic Violence

WHEN: 12:09 PM (SATURDAY)
WHAT: A mother seeking shelter for herself and her 4 and 5-year-old daughters

WHO: A woman who is homeless due to domestic violence, currently staying at a local nonprofit, which is providing a hospitality bed. The caller is currently ineligible for public assistance for the emergency shelter and new arrangements must be made.
THE REFERRAL: The 2-1-1 Resource Specialist served as both a point of information and advocate for this woman by first reaching out to the non-proft where she was staying, which confirmed their efforts to help Mom and children find other housing. This was followed by a call from 2-1-1 Research Specialist to another local family shelter which confirmed the high likelihood that the family would be housed there and services would be offered to help this family get back on their feet. Thanks to the 2-1-1 Resources Specialist's knowledge and direct advocacy on behalf of this family, transition arrangements between the current non-profit and the other shelter were underway.

Financial Assistance

WHEN: 2:28 PM (MONDAY)
WHAT: A request for utility help leads to two additional resources from 2-1-1
WHO: A newly unemployed resident needed help with their overdue electric bill, as well as fuel, which was about to run out. Since the loss of his job, the caller was also concerned about his ability to pay his mortgage and losing his health insurance coverage in the next month.
THE REFERRAL: To address the callers concerns, the 2-1-1 Resource Specialist reviewed information on the Home Energy Assistance Program (HEAP) and contact information on where to apply, as well as United Way of Long Island's Project Warmth program should he be ineligible for HEAP. A referral to the Federal Emergency Food & Shelter Program was also provided for financial assistance. Finally, information on how to reach the NYS Marketplace for assistance in obtaining health insurance was given.

Health

WHEN: 6:19 AM (MONDAY)
WHAT: Financial assistance for medication and financial counseling resources.
WHO: A senior citizen who is legally blind, but has limited insurance coverage, and bad credit due to a family member using his credit cards.
THE REFERRAL: The 2-1-1 Resource Specialist provided information on health insurance so that he could inquire about resources to cover prescriptions. Additionally the 2-1-1 Resource Specialist advocated for the caller by contacting the Office for the Aging on his behalf and received feedback from them that they will call the individual to further assist him.

Suffolk County Pilot

Over the last few years, UWNYS has learned of local partnerships between the legal community and 2-1-1. These partnerships have occurred on a limited basis and usually because of a local relationship or community issue. The pilot project in Suffolk County is not only an opportunity to better integrate legal and non-legal service providers but an opportunity to build statewide relationships.

2-1-1 is integrated into the strategic plan for the pilot. Originally, those working on the pilot believed 2-1-1 could be a good way to get information out to the public about legal services available in Suffolk County. As work continued, 2-1-1 was identified as a tool that could assist with community integration and prevention, technology, inventory assessment and priority setting, and holistic service delivery. While the pilot is in its early stages, we believe there are multiple possibilities on how 2-1-1 can assist individuals that include:

- Being a resource for health and human service referrals that individuals seeking civil legal services might need;
- Acting as a warm-handoff to service providers in the community;
- Databases can be analyzed to further identify needs based on requests from individuals;
- Call center operators can be trained to better identify and make referrals to legal services;
- Help raise awareness of other community providers;
- Refer individuals to Law Help or the Legal Hand Storefront;
- Acting as an entry point and single phone number for information or services; or
- Integrate technology to assist individual needing assistance with meeting their basic needs.

Recommendations

As discussed previously there are numerous ways the UWNYS and/or 2-1-1 can partner with the court system to close the access to justice gap that include, but are not limited to:

- Providing information on 2-1-1 to civil legal services providers across the state;
- Hanging 2-1-1 posters or having information available in Clerk's offices or anywhere individuals appear or file papers;
- Educating Judges, Court Staff and Pro Bono attorneys on ALICE and the struggle 45% of the population has in meeting the Household Survival Budget;
- Supporting investments in the 2-1-1 system that can better meet the needs of legal providers;
- Training 2-1-1 call operators to identify legal issues and referral options;
- Providing annual updates on the Justice for All Strategic Action Plan or Office of Court Administration initiatives to UWNYS members and 2-1-1 call centers.

In closing, I would like to thank you again for this opportunity to present testimony. Please continue to think of UWNYS and 2-1-1 as you look for ways to increase civil legal services for New Yorkers. 2-1-1 can play a critical role in referral and connectively to services that already exist across New York State, as well as identify any future needs. I would love the opportunity to discuss partnership between the Commission on the Access to Justice and 2-1-1 more in depth. Thank you again.

APPENDIX 8:

Summary of Economic Benefits and Savings from Civil Legal Services in New York for Calendar Year 2017: Prepared for the New York State Permanent Commission on Access to Justice (Stout Risius Ross, LLC [November 2018])

Summary of Economic Benefits and Savings From Civil Legal Services in New York for Calendar Year 2017

Prepared for the New York State Permanent Commission on Access to Justice

November 2018

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I. Introduction

A. Background

New York's civil legal service organizations exist to provide equitable access to the justice system, serving qualified low-income people who otherwise would not have the means to hire an attorney. It may be difficult for low-income New Yorkers to access programs and benefits to which they are entitled for a number of reasons, including:

- They may not be aware of the programs or of their eligibility.
- Determining eligibility can require knowledge of complex rules and regulations.
- Proof of eligibility may require documents and/or information that are difficult for low-income individuals and families to access or obtain.

As a result, provision of civil legal assistance may be the only avenue available to low-income New Yorkers to ensure that they receive the federal benefits and other payments to which they are entitled. These legal aid services are not only of social value, but also economically beneficial to the state of New York as substantiated by this report.

B. Executive Summary of Findings

The measurable economic impact of civil legal aid services rendered in 2017 by organizations that are part of The New York State Interest on Lawyers Account Fund ("IOLA") is estimated to be approximately $3.3 billion. This amount represents not only direct dollar benefits to clients, but additional indirect benefits/cost savings to the community, families of clients, and local economy. Given total program funding of $462.6 million (adjusted to $360.8 million to only include funding related to case types included in our calculation), the total economic impact per dollar of funding is $7.21 (or $9.24 adjusted).[1] As noted throughout the report, this analysis is primarily limited to available IOLA data and assumptions, and does not quantify the full social return on

[1] Program funding provided by The Resource for Great Programs according to IOLA data obtained from the fundraising line of the revenue sheet of the GAR. The source of funding is tracked but the precise allocation of funds to specific types of legal services (such as those in scope for this report) cannot be estimated with available data.

investment; the program funding amount of $462.6 million includes funding for legal services whose economic impacts were not quantified in this report. The calculations do not, and cannot, include the cascade of monetary savings and quality of life benefits that result from receiving effective legal assistance such as avoiding missed time at work, school, or loss of property or assets. Each of these could amount to significant economic benefits. Considering the adjusted total economic impact per dollar of funding of $9.24, and the aforementioned factors, Stout believes a more reasonable estimate of a return on program funding to be **a return of $10.00 on each dollar of funding for civil legal services.**

Summary of Measured Economic Benefits[2]

	Impact
Direct Dollar Benefits to Clients – Federal Awards *(SSI/SSD Income, Medicaid, Earned Income Tax Credit, Other Federal Benefits)*	**$1.08 Billion**
Economic Multiplier Effect	**$1.47 Billion**
Direct Dollar Benefits to Clients – Civil Awards *(Child and Spousal Support, Equitable Distribution of Assets, Affirmative Landlord/Tenant Judgments, Affirmative Employment Judgments)*	**$58.6 Million**
Indirect Benefits/ Cost Savings for the Community and Clients *(Avoidance of Emergency Shelter, Avoidance of Foreclosure Property Value Decline, Avoidance of Domestic Violence Costs, Increased Wages due to Work Authorization or Citizenship)*	**$724.4 Million**
Total Economic Impact - Adjusted	**$3.340 Billion**
Per Dollar of Funding - Adjusted	**$9.24**

C. Purpose of this Report

The New York State Permanent Commission on Access to Justice (the "Commission") asked Stout Risius Ross ("Stout"), a global advisory firm, to update

[2] Based on grantee organization data provided to IOLA. See exhibits for additional details on calculations.

the estimated economic impact of the provision of civil legal services to help low-income New Yorkers access benefits in calendar year 2017.

Based on data provided by and available from IOLA and grantee organizations, Stout analyzed the impact of the following types of awarded benefits and payments from cases closed in 2017:

- **Direct Dollar Benefits for Clients – Federal Awards:** Back awards and future monthly payments obtained as part of low-income federal benefit programs, including: Supplement Security Income (SSI), Social Security Disability (SSD) Income, Medicaid, Earned Income Tax Credit (EITC) refunds, and Other Federal Benefits such as Temporary Assistance to Needy Families (TANF), Food Stamps (SNAP), child care assistance, federal unemployment payments, cash aid and housing assistance.

- **Economic Multiplier Effect**: The added economic impact of additional funding into the state of New York that leads to increased spending and injection of funds into the local and state economy.

- **Direct Dollar Benefits for Clients – Civil Awards:** Back awards and future monthly payments obtained as past affirmative judgments rendered in disputes between individuals and/or businesses, including: Child and Spousal Support, Equitable Distribution of Assets, Affirmative Landlord/Tenant Judgments, and Affirmative Employment Judgments.

- **Indirect Benefits/Cost Savings for the Community and Clients:** Cost savings and added economic value to the local community in addition to the direct benefits obtained for clients, including: avoidance of emergency shelter needs in foreclosure cases, avoided declines in surrounding property value in foreclosures cases, avoidance of medical and mental healthcare costs associated with domestic violence incidents, and increased wages due to obtaining work authorization or citizenship.

D. Resources & Qualifications

All raw data, including number of cases and direct benefits received, was collected by The New York State Interest on Lawyers Account Fund ("IOLA") from grantee organizations through its annual Grantee Activity Report ("GAR"). The Resource for Great Programs assisted with the aggregation, analysis, and reporting of data, including research and validation of relevant assumptions.[3] Stout relied on the numbers supplied which in some cases included assumptions made on economic variables. Stout inquired into the source and substance of these figures and was provided with certain source documentation to assist in independent verification of these inputs.

The economic analysis included in this report was conducted by and at the direction of Neil Steinkamp. Neil Steinkamp is a Managing Director at Stout and a well-recognized expert and consultant on a range of strategic, corporate, and financial issues for businesses, non-profit organizations and community leaders and their advisors. Mr. Steinkamp has extensive experience in the development of strategic plans, impact analyses and data evaluation methods and has also provided independent expert testimony in a variety of venues including trials and arbitration on matters involving complex commercial disputes and forensic investigations. He has worked on hundreds of matters involving a wide range of industries and business and social issues.

All analyses performed at the request of the Commission were completed on a pro bono basis.

[3] Stout received information and analysis from Christopher O'Malley at IOLA and Ken Smith, Ph.D. President of The Resource for Great Programs, Inc.

II. Methodologies to Quantify the Economic Benefits of Civil Legal Aid

A. Comparative Analysis of Other State Reports

Many states allocating funds to the provision of civil legal aid services undertake studies to assess the quantitative and qualitative economic return on funding.

In an effort to expand and improve the analysis of the economic return for New York, Stout undertook a thorough analysis of reports nation-wide, including a review of over 25 reports from various states regarding the economic impact of civil legal aid. During this exercise, Stout compared the methodology used in New York's report against each state's: scope of data and research, types of civil legal aid benefits included, methodologies for calculating economic value, and assumptions used to perform the calculations.

On average, states reported an estimated $6.61 in economic return per dollar of legal aid funding. The reports using methodologies most comparable to New York, ranged from approximately $6 to $11 in economic return per dollar of funding. It is important to note that all states reviewed had significantly lower funding than the $360.8 million in funding reported by New York; the highest reported funding was in Texas and in Florida which analyzed approximately $95 million in funding.

The following table summarizes the average return by state for reports reviewed in Stout's research.

Summary of Economic Return by State[4]

State	Total Economic Return Measured	Estimated Economic Return per Dollar of Funding
Alabama	$202,011,000	$11.95
Alaska	$17,800,000	$5.00
Arizona	$42,629,978	$6.84
Arkansas	$32,550,860	N/A
Colorado	$64,500,525	$6.35
Florida[5]	$600,000,000	$7.19
Georgia	$199,700,000	$8.00
Illinois	$87,300,000	N/A
Iowa	$28,729,291	$6.71
Kentucky	$9,300,000	N/A
Louisiana	$107,000,000	N/A
Maine	$105,300,000	N/A
Maryland	$190,000,000	N/A
Massachusetts[6]	$177,000,000	$5.00
Minnesota	$133,000,000	$3.94
Missouri	$33,100,000	$1.84
Montana[7]	$9,645,345	$10.61
Nebraska	$13,511,817	$3.97
New Hampshire	$84,400,000	N/A
North Carolina[8]	$48,775,276	$10.00
Ohio	$106,000,000	$2.15
Oklahoma	$15,200,000	N/A
Pennsylvania	$594,000,000	N/A
Tennessee	$188,600,000	$11.21
Texas[9]	$457,600,000	$7.42
Virginia[10]	$99,800,000	$4.18

[4] See Exhibit 14 for a listing of all reviewed state reports and associated citations.
[5] This represents the high end number indicated as the total economic return. A low range was provided excluding certain social benefits. The high range was selected by Stout as the most appropriate point of comparison for NYS based on how economic return was calculated.
[6] Ibid.
[7] Ibid.
[8] Ibid.
[9] Ibid.
[10] Ibid.

Most states calculated the estimated economic return per dollar of funding by dividing the total economic return value by the total program funding to legal service organizations. While these numbers provide a point of comparison, the underlying methodologies used to calculate the economic return per dollar of funding are not consistent from state to state; each state's data points, methodologies, and assumptions must be taken into careful consideration before deriving conclusions. For example, although the full funding amount of $462.6 million was used to estimate New York's per dollar return of $7.21, Stout could not quantify the return of all services provided as a result of this funding, due to limitations in the specificity of data available. Narrowing the funding amount to only the services in scope for this report, the adjusted estimate for the funding amount of $360.8 results in an adjusted New York's per dollar return of $9.24.

Provided below is a summary of certain of the similarities and differences observed between the New York analysis and other states by type of benefit.

Federal Benefits

Stout found that there was consensus across most states to include federal benefits related to SSI/SSD Income, Medicaid, and Earned Income Tax Credit as direct dollar benefits to clients. There were no significant variations in how this amount was calculated. A majority of the reports calculated this amount based on the net present value of payments made over the expected duration of benefits.

In addition to the above federal benefits, a majority of states also included Medicare benefits and a more granular analysis of Other Federal Benefits (e.g., TANF and SNAP, Unemployment Compensation, Veterans Benefits, Housing Choice Vouchers/Section 8 Rental Assistance). Medicare has not historically been included in the New York report as it is not explicitly captured in the IOLA GAR Form. Additionally, Other Federal Benefits have been captured but not segregated into sub-categories as only the lump sum is requested from grantee

organizations. With more granularity on the types of benefits captured in the other category, Stout could apply more accurate assumptions on the duration of benefits and likely quantify an increased return from benefits obtained through the provision of civil legal aid. For example, assuming 25% of the $2.1 million in monthly benefits obtained in 2017 was awarded over five years versus the assumed three years, an additional $12.3 million in economic value could be captured. Based on assumptions applied in other state reports, Medicare payments alone could be extrapolated out over a ten-year expected duration, further adding to this return.

Civil Awards

Stout found consistency across states in the calculation methodology for Child and Spousal Support benefits and noted that this data point is included in approximately half of the reports reviewed.

A data point frequently included in other state reports, but not historically included in the New York analysis is judgments made in commercial, employment, and tenant/landlord disputes that avoided payments for clients. Although many states included these amounts, there are discrepancies on the inclusion of these awards in the economic value proposition. The primary objection to include the value of these cases is that judgments or payments avoided by clients are dollars lost for other individuals and do not result in new economic value. Nevertheless, these awards demonstrate the effectiveness of providing equitable representation in the court system for low-income individuals.

In this report, Stout has included affirmative judgments only, and not payments avoided, as a conservative estimate of the value of civil awards obtained through the provision of civil legal services.

Economic Multiplier

The impact of an economic multiplier was calculated for the majority of states. This impact was typically quantified in terms of dollar amount impact and number of new jobs created.

Similar to New York, all states applied this multiplier only to new dollars coming into the state. Typically new dollars coming into the state consisted of federal benefit programs. Some states also included the value of program funding from the federal government, citing the role of civil legal aid organizations as employers in the local economy. A handful of states with detailed case outcome data were able to estimate the amount of civil awards (e.g., child support, consumer dispute awards) that were awarded to in-state individuals from out-of-state individuals and included this number in funds to which the multiplier was applied.

Most states used the regional economic multiplier and jobs multiplier as part of the RIMS II Model by the Department of Commerce to quantify both dollar impact and jobs created. A small number of states applied alternative Department of Commerce multipliers that vary based on type of expenditure (e.g., retail, health care, real estate) based on the type of benefit (e.g, SSI, Medicaid, unemployment compensation).

In this report, Stout has conservatively only included federal benefits in the multiplier calculation, and used the widely cited RIMS II Model by the Department of Commerce. The value of the grantee civil legal aid organizations as employers is provided anecdotally in Section III, but not included in the economic value calculation.

Work Authorization & Citizenship

The impact of work authorization and citizenship was quantified in two other reports reviewed by Stout (Tennessee and Florida). The calculation methodology used in these reports was identical to that used for New York.

Avoidance of Emergency Shelter

Stout found that most state reports included the value of avoidance of emergency shelter, though there were differences in calculation methodology. The most notable differences were found in the assumption for an individual or family's average length of stay in emergency shelters (ranging from 34 days to 192 days), and the assumption for the percentage of cases that actually prevented homelessness (ranging from 20% to 41%), as well as considerations for individual costs versus family costs. For purposes of this analysis, Stout has considered the analysis results provided to the Chief Judge's Task Force to Expand Access to Civil Legal Services in New York on October 19, 2011 by consultant Geeta Singh, Ph.D. of Cornerstone Research ("Singh Analysis"). This report does not specify an average length of stay, but estimates that 41% of cases avoid foreclosure and that the average annual cost of emergency shelter per family is $38,361 in the state of New York.[11]

[11] The analysis referenced was provide to the Chief Judge's Task Force to Expand Access to Civil Legal Services in New York on October 19, 2011 by consultant Geeta Singh, Ph.D., Cornerstone Research. Stout has also prepared a separate study in regards to an eviction right to counsel as contemplated under New York City Council bill Intro 214-A. While there are some consistent themes between the calculations presented in the right to counsel study in this analysis and the cost benefit study of the right to counsel in New York City there are some notable differences. For example, the analysis conducted for this report is encompassing the state of New York, while our other study is looking at only New York City. Additionally, the study of New York City examines evictions that are avoided that otherwise would not have, while this analysis looks at all evictions avoided.

Foreclosure Impacts

Several reports quantified the negative impact on property value of surrounding homes as a consequence of foreclosure. The calculation was typically performed by applying an assumed decline in value of 1-2% to average housing costs in the impacted area. Additionally, certain states expanded the impacts to include: loss of tax funds for state and local governments due to decreases in home value, court costs, unpaid property taxes, unpaid utility taxes, lender write-offs, and cost of fire/police associated with vacant homes.

In this report, Stout included an analysis of the impact of foreclosure on surrounding property values. Conservatively, Stout did not include any impact on lenders and government.

Domestic Violence

The majority of states include this in their quantification of benefits. In the reports from other states, this is typically calculated by estimating the avoided costs of medical and mental healthcare for each victim assisted through the provision of civil legal aid. Some states also extrapolated additional savings related to productivity loss and impacts on the victim's wages.

In this report, Stout has included the savings associated with avoiding domestic violence incidents by applying assumptions commonly cited in other states. Conservatively, Stout did not include loss to productivity in this calculation and only evaluated direct medical and mental healthcare costs.

Additional Benefits

In addition to the above primary categories of benefits, other states performed a variety of other calculations to measure return on civil legal aid funding, such as:

- **Court Time Savings** - Anecdotal summaries and survey reports on court savings from reduced hearing time and number of incorrect fillings. Based on results of data gathering conducted by six trial courts in California, the court was able to demonstrate that self-help services to litigants representing themselves reduced the number of hearings needed, and cost the court $.14 in funding for every $1 saved.[12] Additionally, the report cited the value of workshops and other information services that improved accuracy in filings and reduced the number of court appearances needed to resolve matters.

- **Document Preparation** - Fair market value of services including document assembly counts. A study conducted for the Arkansas Access to Justice Committee in 2014, quantified the value of document preparation services provided through the civil aid organization by comparing to pricing for consumer vendors such as LegalZoom. By tracking the number of documents prepared by the legal aid organization by type: divorce, power of attorney, and living and multiply by LegalZoom prices per document, the study estimated $3.5 million in saving to clients that otherwise would have to pay for document preparation[13].

- **Rejected Applicants** - Percent of people turned away by legal aid services, highlighting the demand for services. Although the type of potential cases for rejected applicants is not tracked, it can be assumed that serving such clients would result in additional economic return.

- **Value of the Legal Aid Organization as an Employer** - Benefits of federal government and private funding to legal aid programs and how they

[12] The Benefits and Costs of Programs to Assist Self-Represented Litigants" based on results for data gathering conducted by six trial courts in California's San Joaquin Valley in 2009.
[13] Justice Measured: An Assessment of the Economic Impact of Civil Legal Aid in Arkansas, University of Arkansas Clinton School of Public Service, 2014

function as employers in the economy (e.g., spending on rent, office suppliers, salaries/wages, utilities). A Florida study performed by the Florida TaxWatch organization on the impact of civil legal aid in Florida, estimated that of the $94.6 million in program funding $24.4 million came from the federal government and $17.7 million from private donation – both of which it considered eligible for inclusion in the multiplier effect[14].

To further provide substantiation of the productivity of the Grantee organizations, Stout has included value of legal aid organizations as employers as anecdotal representations in Section III.

B. Comparative Analysis for New York State (2010 – 2016)

In prior years, other consulting firms (as well as Stout) were engaged to determine the economic impact of civil legal aid in New York. While many benefit categories remain consistent year over year, different methodologies and assumptions were used in prior years. This year, Stout conducted a review of New York's reports from 2010 through 2016 to identify variation in the estimates of economic return generated from civil legal aid funding.

The following table shows the year over year values for federal benefits and the economic multiplier which were the categories most consistently captured.

[14] The Economic Impact of Legal Aid Services in the State of Florida, Florida TaxWatch, 2010

Historical Comparison of Total Economic Return of Federal Benefits Federal[15]

Year of Data	Total Federal Benefits for Clients	Economic Multiplier Effect	Jobs Added
2009	$321 M	$900 M	5,000
2010	$348.1 M	$980 M	5,300
2011	$378 M	$1.56 B	5,600
2012	$457.7 M	$1.5 B	6,776
2013	$518.5 M	$769 M	7,675
2014	$760.1 M	$1.28 B	7,210
2015	$953.9 M	$1.29 B	9,020
2016	$1.01 B	$1.37 B	9,425
2017	$1.08 B	$1.47 B	9,960

Stout noted that the methods used to calculate the economic impact of Child and Spousal Support benefits won with the assistance of civil legal aid services have differed. Prior to 2014 the future value of these awards was estimated using a five or ten year period for duration of payment. Stout instead calculates the average duration of payments to be nine years, based on the length of time from the average age of a child of divorce, nine, until his/her 18th birthday. In addition, neither Navigant nor NERA considered the percentage of payments actually received (not just won). Stout, however, includes data from the U.S. Department of Health and Human Services indicating that only 66% of child support payments are actually received. Stout thus only considers 66% of Child and Spousal Support benefits in its economic impact calculation.

Studies in prior years also calculated how an increase in federal funds to New York decreases the state's tax burden to the federal government. These studies cited a 2006 Tax Foundation report that indicated New York only received $0.79

[15] Based on 2010 to 2016 reports produced by Navigant, NERA, Stout, and The Resource for Great Programs.

in federal funds for every $1 that it paid in federal tax. Updating this assumption based on an October 2018 report from the Office of the New York State Comptroller, New York currently receives $0.90 for every $1 that it pays in federal tax. Its total federal income tax payments were $250 billion in 2017.[16] As such, the state's excess tax liability is about $24.1 billion. The $1.08 billion in direct federal dollar benefits to clients of civil legal aid in New York reported herein thus offsets about 4.14% of the state's federal tax burden.

Finally, prior reports from 2010 and 2011 incorporated the cost avoidance of domestic violence prevention in their economic valuations. These values were derived from counts of expected annual incidents and assumptions regarding incidence rates in low-income households as well as rates of protective order effectiveness. Consideration of domestic violence was not included in some of Stout's recent reports (2014 and 2015), but this data point was introduced back into the report in 2016, and remains in the 2017 analysis. Stout was able to obtain New York's data regarding the number of cases where protective orders from domestic violence were obtained for this calculation.

C. Recommendations for Future New York Analyses

In supplement to the additional benefits captured in this year's report, Stout recommends considering the following data in future analyses. Data for the following categories was either unavailable or unable to be adequately quantified for the purposes of Stout's economic analysis this year.

- **Inclusion of Medicare:** Stout did not include Medicare benefits in its analysis. Medicare funding is not a data point specifically requested

[16] Thomas P. DiNapoli, State Comptroller, Office of the New York State Comptroller, *New York's Balance of Payments in the Federal Budget: Federal Fiscal Year 2017,* October 2018, pg. 1, pg. 4.

from grantee legal service organizations on IOLA's GAR, so an estimation would require significant data mining and may be inaccurate.

- **Itemized Data for Other Federal Benefits:** Stout did not itemize Other Federal Benefits in its analysis. Itemized benefits data is not available because Other Federal Benefits is the data point specifically requested from grantee legal service organizations on IOLA's GAR. A more detailed breakout of Other Federal Benefits may allow Stout to incorporate more comprehensive assumptions on the duration of benefits when calculating the net present of monthly benefit payments.

- **Inclusion of Dollar Savings to Clients (judgments or payments avoided by clients) –** Stout chose to not include these benefits in the analysis of economic impact for New York, as the dollars saved for low-income individuals are also dollars lost for individuals on the other side of the dispute. While not economically viable for our analysis, these dollar savings demonstrate the effectiveness of New York's legal aid service organizations in providing equitable representation in the court system for low-income individuals.

- **Itemization and Inclusion of "Other" Direct Dollar Benefits to Clients –** Stout chose not to include direct dollar benefits to clients classified as "Other" in the analysis due to lack of itemized data. IOLA's GAR collects data in an "Other" category that may include insurance settlements, pension benefits, and housing allowances, among other awards. As the "Other" category represents nearly 50% of all combined direct dollar back awards and monthly awards, Stout's analysis of the economic value for Affirmative Judgments is significantly conservative. Inclusion of this "Other" category would add at minimum $66.7 million which was reported by grantee organizations as the sum of one-time

payments that did not fall into the other direct dollar benefit categories.[17]

[17] Sum of data provided to IOLA by grantee organizations, and aggregated by the Resource for Great Programs.

III. Overall Impact of Civil Legal Aid Services

A. Economic Value of Direct and Indirect Benefits/Cost Savings Obtained

Stout's analysis reveals that access to civil legal aid for cases closed in 2017 generated almost $3.3 billion in long-term economic value to New York, inclusive of direct federal benefits, the economic multiplier effect, direct dollar benefits to clients through civil awards, and indirect benefits related to cost avoidance and increased wages. In 2017 these services impacted 686,200 individuals in New York. This analysis provided a directly measured return on funding of at least $7.21 (or $9.24 adjusted to only include funding related to the case types included in our analysis) for every $1 provided to non-profit civil legal service organizations. The following is the total economic value measured for each category of benefits:

Summary of Economic Benefits and Savings	Total Impact, in $M
I. Direct Dollar Benefits to Clients - Federal Benefit Awards	**$1,081.5**
A. SSI/SSD Income	$407.7
B. Medicaid	$569.9
C. Earned Income Tax Credit (EITC)	$12.6
D. Other Federal Benefits	$91.2
II. Economic Multiplier Effect	**$1470.8**
III. Direct Dollar Benefits to Clients - Civil Awards	**$58.6**
A. Child and Spousal Support	$37.5
B. Equitable Distribution of Assets	$6.9
C. Affirmative Landlord/Tenant Judgments	$8.7
D. Affirmative Employment Judgments	$5.4
IV. Indirect Benefits/Cost Savings for the Community and Clients	**$724.3**
A. Avoidance of Emergency Shelter	$555.8
B. Avoidance of Foreclosure Property Value Decline	$28.1
C. Avoidance of Domestic Violence Costs	$10.6
D. Increased Wages due to Work Authorization	$75.9
E. Increased Wages due to Citizenship	$54.0

B. IOLA and Legal Service Organizations as Employers

In addition to the economic value of their services, IOLA and its grantee legal service organizations contributed to the New York state economy as employers of 3,651 individuals in 2017. Additionally, a portion of the $462.6 million in total program funding was returned to the economy in the form of salary, fringe

benefits, operating expenses, utilities, equipment, travel, contractual services, and other expenses.[18]

C. Market Value of Pro Bono Services

The services rendered to achieve the above outcomes were in part rendered by 15,749 volunteer attorneys in 2017. The volunteered attorneys assisting the grantee organizations donated 594,905 hours of pro bono service time. Using a conservative market rate of $250 per hour, pro bono hours represented $148.7 million of services provided at no cost to low-income New Yorkers. In comparison to the last several years, the number of involved pro bono attorneys and cases closed has increased. The number of hours has varied year over year from a low in 2014 of 433,064 hours to a high in 2017 of 594,905 hours. The related value of services has also varied year over year from a low in 2014 of $108.3 million to a high in 2017 of $148.7 million. Despite these variations, it is worth noting that the total number of pro bono attorneys donating time to legal aid services has generally increased over the past five years.

Historical Comparison of Year Over Year Pro Bono Services[19]

Year	Number of Pro Bono Attorneys	Pro Bono Hours	Value of Services ($250/hr)
2013	13,528	529,845	$132,461,250
2014	13,806	433,064	$108,273,500
2015	14,576	436,006	$109,001,500
2016	16,088	475,717	$118,929,250
2017	15,749	594,905	$148,726,170

[18] Data provided to IOLA by grantee organizations and aggregated by the Resource for Great Programs.
[19] Ibid.

IV. Direct Dollar Benefits to Clients – Federal Benefit Awards

A. Summary of Federal Benefit Awards & Economic Impact

The highest, direct dollar economic return to clients from the provision of civil legal assistance is achieved from obtaining access to federal benefits under several key programs targeted at the neediest in our population. Many of these cases not only obtain back award settlements for clients, but result in the distribution of monthly federal benefit payments for numerous years into the future.

The federal benefits analyzed measure funds brought into New York from outside the state. As discussed in Section V, new money flowing into the state generates additional economic value through a multiplier effect.

Based on data provided by IOLA and reported by the grantee organizations, federal benefit awards related to the following programs generated an estimated **$1.08 Billion in economic value for cases closed in 2017**.

Summary of Direct Dollar Benefits to Clients – Federal Benefits[20]

Federal Benefit	2017 Impact
Supplemental Security Income (SSI) and Disability Income (SSD)	$407.7 Million
Medicaid	$569.9 Million
Earned Income Tax Credit (EITC)	$12.6 Million
Other Federal Benefits	$91.2 Million

[20] See exhibits 1A, 2, and 3.

B. Social Security Benefits (SSI and SSD Income)

1. Methodology & Assumptions

SSI is a federal program that makes monthly payments to people who have low-income and few resources and are age 65 or older, blind or disabled. Alternatively, SSD Income is a federal program that pays monthly benefits to people who cannot work because they have a medical condition that is expected to last at least one year or result in death. Eligibility for SSD Income is tested with specific rules regarding recent work and duration of work, as well as a determination of disability by doctors and disability specialists.

Awards for both SSI and SSD Income are segregated into benefits obtained as one-time back awards and reoccurring monthly payments that will be distributed to clients for numerous years. The total economic value of SSI and SSD Income awards are computed by adding the back awarded amount to the net present value of the future monthly payments.

For purposes of this analysis, Stout considered that both SSI and SSD monthly payments will be paid for 10 years. This is based on studies released by the Social Security Administration that estimates the average duration of SSI payments at 9.7 years and average duration of SSD Income payments at 10.5 years[21].

The number of brief or limited representation cases has been adjusted for an expected success rate as discussed below. Extended representation cases reported by grantees only include those that were successful, and thus were not adjusted.

[21] Studies by the Social Security Administration, which has estimated the duration of SSI benefits to be 9.7 years and SSDI benefits to be 10.5 years. See Kalman Rupp and Charles G. Scott, "Trends in the Characteristics of DI and SSI Disability Awardees and Duration of Program Participation," Social Security Administration, 1999.

2. Economic Impact of SSI and SSD

The estimated economic value of total SSI and SSD Income payments awarded to clients in cases closed in 2017 is $407.7 million. This total represents the sum of back awards and the net present value of monthly payments received over the ten year expected benefit duration.

57% ($230.5 million) of the $407.7 million in total benefits obtained is attributable to extended representation cases, and 43% ($177.2 million) is attributable to brief or limited representation cases.

- **Extended Representation:** The $230.5 million attributable to extended representation cases closed in 2017 is the sum of $30.5 million in back awards obtained for clients and the net present value of $20.0 million in annual payments (i.e., $1.7 million monthly) that will be paid out from 2017 to 2026.

- **Brief or Limited Representation**: The $177.2 million attributable to brief or limited representation cases closed in 2017 is the sum of $23.4 million in back awards obtained for clients and the net present value of $15.4 million in annual payments (i.e., $1.3 million monthly) that will be paid out from 2017 to 2026. Furthermore, to capture the true number of successful cases, a success rate of 41% has been applied to the 4,906 of SSI and SSD Income cases handled via brief or limited representation[22]. This adjustment is reflected in the total economic value noted above.

[22] For brief or limited representation cases the assumed success rate of SSI and SSD cases was based on an analysis by The Resource for Great Programs of secondary data collected in a scientific survey in which 400 legal aid clients in Pennsylvania, randomly sampled from all who had received advice or brief services in the latter half of 2011, were interviewed by phone to determine the outcomes of their cases. Forty one percent of those with SSI or SSD issues achieved the positive outcomes they sought.

3. Alternative Analysis of Economic Impact

In addition to the forward looking methodology explained above, an analysis was performed to estimate the value of SSI and SSD Income benefits *received* by clients in 2017 as the result of prior year cases.

The estimated economic value of total SSI and SSD Income payments received by clients in 2017 as a result of total cases closed in 2017 and the past ten years is estimated to be $438.6 million. 61% ($267.2 million) of the $438.6 million in benefits obtained is attributable to extended representation cases, and 39% ($171.4 million) is attributable to brief or limited representation cases.

- **Extended Representation**: The net present value of SSI and SSD Income payments received by clients in 2017 as a result of extended representation cases closed in 2017 and the past ten years is estimated to be $267.2 million. This includes $216.8 million in benefits obtained from monthly payments obtained in cases closed from 2008 to 2016, back awards of $30.5 million received in 2016 for cases closed in 2017, and $20 million in one year of annualized monthly payments received in 2017 for cases closed in 2017.

- **Brief or Limited Representation**: The net present value of SSI and SSD Income payments received by clients in 2017 as a result of brief or limited representation cases closed in 2017 and the past ten years is estimated to be $171.4 million. This includes $132.5 million in benefits obtained from monthly payments obtained in cases closed from 2008 to 2016, back awards of $23.4 million received in 2017 for cases closed in 2017, and $15.4 million in one year of annualized monthly payments received in 2017 for cases closed in 2017. The same assumption regarding success rate noted above has been included and incorporated.

C. Medicaid

1. Methodology & Assumptions

Medicaid awards are segregated into benefits obtained as one-time back awards and reoccurring monthly payments that will be distributed to clients for numerous years. The total value of Medicaid awards measured in this report are computed by adding the back awarded amount to the net present value of the future monthly payments.

Similar to The Social Security Administration estimate of for SSI and SSD Income, for purposes of this analysis, Stout utilized a payment expectation of ten years.

Unique to Medicaid, the total economic value is calculated based on cases both directly related to the handling of Medicaid petitions and to a subset of SSI cases that will also provide Medicaid benefits if successful.

The number of brief or limited representation cases has been adjusted for an expected success rate as discussed below. Extended representation cases reported by grantees only include those that were successful, and thus do need to be adjusted.

2. Economic Impact for Medicaid

The estimated economic value of total Medicaid payments awarded to clients in cases closed in 2017 is $569.9 million. This total represents the sum of back awards and the net present value of monthly payments received over the ten year expected benefit duration. Additionally, the total economic impact only includes

Medicaid funding backed by federal dollars, and excludes the 45% that is expected to be funded by New York State.[23]

Of the 9,765 cases that successfully achieved Medicaid benefits for clients, 66% were related to cases directly handling Medicaid petitions and 34% were achieved as secondary benefits through successful SSI cases.

Furthermore, extended representation cases account for 83% of the 9,765 successful cases across Medicare and SSI cases, and brief or limited representation account for 17%. The number of successful brief or limited representation cases was determined by applying a 6% success rate to Medicaid cases and 41% success rate to SSI cases with secondary Medicaid benefits[24].

D. Earned Income Tax Credit (EITC)

1. Methodology & Assumptions

The Earned Income Tax Credit is assumed to be a one-time benefit to clients and their families. IOLA Grantee Organizations were asked to explicitly report the total refund amount obtained for clients. The amount included in Stout's analysis is a direct reflection of the reported values.

2. Economic Impact of the Earned Income Tax Credit (EITC)

The estimated economic value of Earned Income Tax Credit (EITC) refunds awarded to clients in cases closed in 2017 is $12.6 million.

[23] Estimated from expenditure data for New York State provided to the CMS data center through the Medicaid Budget and Expenditure System https://www.medicaid.gov/medicaid-chip-program-information/by-topics/financing-and-reimbursement/expenditure-reports-mbes-cbes.htm

[24] For brief or limited representation cases the expected success rate of Medicaid and SSI cases was based on an analysis by The Resource for Great Programs of secondary data collected in a scientific survey in which 400 legal aid clients in Pennsylvania, randomly sampled from all who had received advice or brief services in the latter half of 2011, were interviewed by phone to determine the outcomes of their cases. Forty one percent of those with SSI or SSD issues achieved the positive outcomes they sought. Six percent of those with Medicaid issues achieved the positive outcomes they sought.

E. Other Federal Benefits

1. Methodology & Assumptions

Other Federal Benefits includes all benefits not captured in the above categories, such as: veteran benefits, Temporary Assistance to Needy Families (TANF), Food Stamps (SNAP), child care assistance, federal unemployment payments, cash aid, and housing assistance.

Other Federal Benefits are also segregated into benefits obtained as one-time back awards and reoccurring monthly payments that will be distributed to clients for numerous years. The total value of Other Federal Benefits measured in this report are computed by adding the back awarded amount to the net present value of the future monthly payments.

For purposes of this analysis, Stout considers that monthly payments will be paid for three years. This is conservative given that some of Other Federal Benefits in this category can extended well beyond this time period. For example, veterans' benefits such as medical care or disability insurance for injuries sustained during active military duty do not have a capped benefit duration.[25] TANF benefits are available for a maximum of sixty days (five years) within one's lifetime.[26]

Benefits falling under this category cannot be broken into sub-categories as grantees are only required to report the total sum of these benefits, not individual categories.

[25] Veterans Benefits Timetable, Department of Veterans Affairs, 2013 https://www.vba.va.gov/pubs/forms/VBA-27-0501-ARE.pdf
[26] Temporary Assistance for Needy Families, 2017. http://www.tanf.us/

2. Economic Impact of Other Federal Benefits

The estimated economic value of Other Federal Benefits awarded to clients in cases closed in 2017 is $91.2 million. This total is the sum of $17.3 million in back awards obtained for clients and $73.9 million representing the net present value of $2.1 million in monthly benefits paid out from 2017 to 2026.

V. Economic Multiplier Effect

A. Methodology & Assumptions

The above-calculated federal benefits result in new funds being brought into the state of New York, which result in additional economic benefits. Such items include the Social Security Supplemental Income and Disability (SSI/ SSD) Awards, Medicaid benefits, Earned Income Tax Credit (EITC) refunds, and Other Federal Benefits. The total sum of these benefits attributable to cases closed in 2017 was estimated to be $1.08 billion.

An economic multiplier, as sourced from the Regional Input-Output Modeling System ("RIMS II"), was applied to this amount to estimate the economic value associated with these additional federal funds brought into the state. The RIMS II is a regional economic model used by investors, planners, and elected officials to objectively assess the potential economic impacts of various projects. This model produces multipliers that are used in economic impact studies to estimate the total impact of a project on a region.[27] The idea behind the results of RIMS II is that an initial change in economic activity results in other rounds of spending — for example, building a new road will lead to increased production of asphalt and concrete. The increased production of asphalt and concrete will lead to more mining. Workers benefiting from these increases will spend more, perhaps by eating out at nicer restaurants or splurging more on entertainment.[28]

This multiplier considers both the initial inputs into an economy and the associated output those inputs create by cycling through the economy. The Resource for Great Programs computed the multiplier for use in this instance by considering various weights of different consumer multipliers based on known patterns of consumer spending. Additionally, The Resource for Great Programs provided instruction that the

[27] RIMS II an Essential Tool for Regional Developers and Planners: User Guide. www.bea.gov
[28] Ibid.

output value of this multiplier should be added to the initial inputs for the purposes of measuring both the award received as well as the overall impact to the economy. Stout has not received or tested any source data or assumptions in receipt and use of the multiplier provided.

B. Economic Impact of the Multiplier

The estimated economic value of the multiplier effect of federal benefits awarded to clients in cases closed in 2017 is $1.47 billion. This total represents the $1.08 billion in benefits brought into New York by federal benefits awarded as back awards and net present value of future monthly benefits multiplied by an economic multiplier of 1.36.

Additionally, using the RIMS II jobs factor, which considers that 9.21 jobs are created per $1 million of funds coming into New York, it is **estimated that 9,960 jobs could be created as the result of stimulated economic activity from the provision of federal benefits achieved through successful civil legal aid cases.**

VI. Direct Dollar Benefits to Clients – Civil Awards

A. Summary of Civil Awards & Economic Impact

The benefits obtained on behalf of clients in this section represent awards obtained for clients through affirmative settlement of disputes against other individuals, companies, or employers.

The benefits in this section enable low-income clients to receive dollars owed to them that they otherwise may not have received from issues such as landlord/tenant disputes, child and spousal support, and employment matters. Conservatively, this section does not include savings obtained for clients through judgments or payments avoided which provide significant relief. The affirmative judgments tracked are based on data provided by IOLA and how grantees were asked to report their data. These benefits include:

Summary of Direct Dollar Benefits to Clients – Civil Awards[29]

Civil Award	2017 Impact
Child and Spousal Support	$37.5 Million
Equitable Distribution of Assets	$6.9 Million
Affirmative Landlord/Tenant Judgments	$8.7 Million
Affirmative Employment Judgments	$5.4 Million

Based on data provided by IOLA and reported by the grantee organizations, civil awards generated **$58.6 million in economic value and direct dollar benefits to clients for cases closed in 2017.**

[29] See exhibit 5, 6, 7, and 8.

B. Childcare & Spousal Support

1. Methodology & Assumptions

A parent who has custody of a child and who lives separate from the child's other parent may file a petition in Family Court asking the court to enter an order for the "non-custodial parent" to pay Child Support. In New York State, a married person may file a petition in Family Court seeking Spousal Support from a current husband or wife. While a divorced person may not seek a new order of support from an ex-spouse in Family Court, a petition may be filed seeking to modify an already existing order for an ex-spouse.

Child and Spousal Support awards are segregated into benefits obtained as one-time back awards and reoccurring monthly payments that will be distributed to clients for numerous years. The total value of Child and Spousal awards measured in this report are computed by adding the back awarded amount to the net present value of the future monthly payments.

For purposes of this analysis, Stout estimated that the monthly payments will continue, on average, for nine years. This is estimated on the premise that the average child of divorce is nine years old at the time of the divorce which leaves nine more years for monthly payments until the child is 18.[30] This also considers that Spousal Support payments are applicable for a similar duration.

The number of brief or limited representation cases has been adjusted for an expected success rate as discussed below. Extended representation cases reported by grantees only include those that were successful, and thus were not adjusted.

[30] Liu, Shirley H., "The Effect Parental Divorce and Its Timing on Child Educational Attainment: A Dynamic Approach," page 17; available at http://moya.bus.miami.edu/~sliu/Research_files/divorcetiming.pdf.

2. Economic Impact Child and Spousal Support

The estimated economic value of total Child and Spousal support payments awarded to clients in cases closed in 2017 is $37.5 million. This total represents the sum of back awards ($1.92 million) and the net present value of monthly payments received over the 9-year expected benefit duration ($54.6 million). Additionally, this figure assumes that only 66.35% of payments are actually received by clients per the U.S. Department of Health and Human Services.[31]

Of the 1,015 cases that successfully achieved Child or Spousal awards for clients, extended representation cases account for 90% (918 cases) and brief or limited representation account for 10% (97 cases). The number of successful brief or limited representation cases was determined by applying a 4% success rate.[32]

C. Equitable Distribution of Assets

1. Methodology & Assumptions

Equitable Distribution of Assets awards are segregated into benefits obtained as one-time back awards and reoccurring monthly payments that will be distributed to clients for numerous years. The total value of Equitable Distribution of Assets awards measured in this report are computed by adding the back awarded amount to the net present value of the future monthly payments.

[31] U.S. Department of Health and Human Services, Administration for Children & Families, Office of Child Support Enforcement; "Preliminary Report, FY 2016," available on the web at: https://www.acf.hhs.gov/css/resource/2016-preliminary-report. This is the percentage of child support orders that are actually collected.

[32] For brief or limited representation cases the assumed success rate of Medicaid and SSI cases was based on an analysis by The Resource for Great Programs of secondary data collected in a scientific survey in which 400 legal aid clients in Pennsylvania, randomly sampled from all who had received advice or brief services in the latter half of 2011, were interviewed by phone to determine the outcomes of their cases. Four percent of those with Child or Spousal Support issues achieved the positive outcomes they sought.

For purposes of this analysis, Stout conservatively estimated that the monthly payments will continue, on average, for one year.

2. Economic Impact of Equitable Distribution of Assets

The estimated economic value of Equitable Distribution of Assets awarded to clients in cases closed in 2017 is $6.9 million. This total represents the sum of back awards ($5.5 million) and the net present value of monthly payments received over the one year expected benefit duration ($1.4 million).

D. Landlord/Tenant Affirmative Judgments

1. Methodology & Assumptions

Landlord/Tenant awards are segregated into benefits obtained as one-time back awards and reoccurring monthly payments that will be distributed to clients for numerous years. The total value of Landlord/Tenant awards measured in this report are computed by adding the back awarded amount to the net present value of the future monthly payments.

For purposes of this analysis, Stout conservatively estimated that the monthly payments will continue, on average, for one year.

2. Economic Impact of Landlord/Tenant Affirmative Judgments

The estimated economic value of Landlord/Tenant awarded to clients in cases closed in 2017 is $8.7 million. This total represents the sum of back awards ($7.4 million) and the net present value of monthly payments received over the one year expected benefit duration ($1.3 million).

3. Alternative Analysis of Dollar Savings of Landlord/Tenant Judgments

In addition to the economic impact above, dollars savings were achieved for clients in landlord/tenant matters serviced through the provision of civil legal aid. These amounts have been captured and reported by grantees to IOLA, but are excluded from the economic impact amount noted above. While not economically viable for our analysis, these dollar savings demonstrate the effectiveness of New York's legal aid service organizations in providing equitable representation in the court system for low-income individuals. **The total lump sum of awards and settlements avoided for clients in Landlord/Tenant dispute matters is $7.4 million. Additionally, $110 thousand in monthly payments were avoided.**

Examples of the benefit to clients of the savings include avoided payments of back rent or monthly rent through agreements negotiated with landlords, often requiring the tenant to move out but allowing them time to seek alternative housing. Additionally, these resolutions may enable the tenant to stay in the housing when the issue is that the landlord was unfairly or illegally demanding the rent while also failing to maintain the housing in habitable condition.[33]

E. Employment Affirmative Judgments

1. Methodology & Assumptions

Employment Judgment awards are segregated into benefits obtained as one-time back awards and reoccurring monthly payments that will be distributed to clients for numerous years. The total value of Employment Judgment awards measured in this report are computed by adding the back awarded amount to the net present value of the future monthly payments.

[33] Data and inferences provide The Resource for Great Program according to data reported to IOLA by grantee organizations.

For purposes of this analysis, Stout conservatively estimated that the monthly payments will continue, on average, for one year.

2. Economic Impact of Affirmative Employment Judgments

The estimated economic value of Employment Judgments awarded to clients in cases closed in 2017 is $5.4 million. This total represents the sum of back awards ($4.5 million) and the net present value of monthly payments received over the one year expected benefit duration ($941,000).

VII. Indirect Benefits/Cost Savings to Clients & the Community

A. Summary of Indirect Benefits/Cost Savings & Economic Impact

The benefits obtained in this section represent indirect benefits achieved for the economy and local community based on successful IOLA cases. These benefits have cascading effects on the community outside of the benefits obtained directly on behalf of clients. Although not all benefits can be quantified, the following represent available data from grantees and similar analysis to that preformed in other states.

Indirect Benefits/Cost Savings	2017 Impact[34]
Avoidance of Emergency Shelter	$555.8 Million
Avoidance of Foreclosure Property Value Decline	$28.1 Million
Avoidance of Domestic Violence Costs	$10.6 Million
Increased Wages due to Work Authorization	$75.9 Million
Increased Wages due to Citizenship	$54.0 Million

Based on data provided by IOLA and reported by the Grantee organizations, total cost savings measured in this section created a **$724.3 million in economic value and indirect benefits/cost savings to the community and clients for cases closed in 2017**.

B. Avoidance of Emergency Shelter

1. Methodology & Assumptions

The cost savings associated with the avoidance of emergency shelter was calculated based on the estimated number of successful housing cases multiplied by the average annual cost of emergency shelter for one family.

[34] See exhibit 9, 10, 11, 12A, and 13.

It is assumed that a portion of the housing cases handled resulted in the avoidance of emergency shelter needs for the client and his/her family due to avoidance of eviction, obtaining additional time, or avoiding foreclosure. For purposes of this analysis, Stout has considered the analysis results provided to the Chief Judge's Task Force to Expand Access to Civil Legal Services in New York on October 19, 2011 by consultant Geeta Singh, Ph.D. of Cornerstone Research ("Singh Analysis"). The estimated avoidance percentage based on this study was 41%. This percentage was applied to calculate the number of cases for which emergency shelter was avoided.[35]

Finally, an estimate of the average cost per family per year of emergency shelter was estimated based on the Singh Analysis. Adjusted for 2017 dollars, the estimated annual cost per family of $38,361.

2. Economic Impact of Avoidance of Emergency Shelter

The estimated economic value of avoiding the cost of emergency shelters in successful housing cases closed in 2017 is $555.8 million. This total represents 14,488 cases for which the need for emergency shelter was avoided at an estimated $38,361 average annual cost of providing emergency shelter to one homeless family, and corresponds to shelter avoidance for an estimated 29,867 individual people.

[35] The analysis referenced was provide to the Chief Judge's Task Force to Expand Access to Civil Legal Services in New York on October 19, 2011 by consultant Geeta Singh, Ph.D., Cornerstone Research. Stout has also prepared a separate study in regards to an eviction right to counsel as contemplated under New York City Council bill Intro 214-A. While there are some consistent themes between the calculations presented in the right to counsel study in this analysis and the cost benefit study of the right to counsel in New York City there are some notable differences. For example, the analysis conducted for this report is encompassing the state of New York, while our other study is looking at only New York City. Additionally, the study of New York City examines evictions that are avoided that otherwise would not have, while this analysis looks at all evictions avoided.

The 14,488 cases included in the analysis are a portion of the 35,417 total cases for which eviction was avoided or delayed or foreclosure was avoided, applying the assumption from the Singh report.

86% (12,454) of the 14,488 successful cases are attributed to extended representation cases, and 14% (2,034) cases are attributed to brief or limited representation cases.

- **Extended Representation:** The $477.7 million in cost savings attributable to extended representation cases closed in 2017 is the product of 12,454 successful cases multiplied by the average annual cost of emergency shelter.

- **Brief or Limited Representation**: The $78.0 million in cost savings attributable to extended representation cases closed in 2017 is the product of 2,034 successful cases multiplied by the average annual cost of emergency shelter.

C. Avoidance of Foreclosure Property Value Decline

1. Methodology & Assumptions

In addition to the avoidance of emergency shelter, the avoidance of foreclosure results in cost savings to the community by the avoiding the declining property value of surrounding properties.

For each foreclosure, it is assumed that properties adjacent and across the street to the foreclosed property are impacted. For the purpose of this analysis, Stout assumes the value of five properties are impacted for each foreclosure.

The value of surrounding properties is assumed to be $130,000 which is the approximate median value of the lowest quartile of housing values for the State of

New York.[36] The decline in property value of these surrounding properties is estimated at 1.2% based on similar analysis performed for other states.[37]

2. Economic Impact of Avoidance of Foreclosure Property Value Decline

The estimated economic value of avoiding decline in surrounding property values for foreclosure cases closed in 2017 is $28.1 million. This total represents the number of cases (3,597) in which foreclosure was avoided or delayed multiplied by 1.2% decrease in property value of five surrounding homes with an estimated value of $130,000.

D. Avoidance of Domestic Violence

1. Methodology & Assumptions

IOLA received data from grantees on the number of cases where protection orders from domestic violence were obtained. Similar to the economic analysis performed in other states, the avoidance of domestic violence incidents results in medical and mental healthcare cost savings for victims and their families.

For the purposes of this analysis, Stout conservatively assumes that one domestic violence incident is avoided per obtainment of protective order. This considers the frequently cited 2003 Department of Health and Human Services regarding the costs of intimate partner violence against women in the United States that estimated an average of 3.4 physical assaults per year per victim of domestic violence.[38]

[36] Assumed the approximate median value of the lowest quartile of housing values for the State of New York according to the 2015 U.S. census data: https://datausa.io/profile/geo/new-york/#housing

[37] Assumption of 1.2% based on estimate provided in "The Effect of Foreclosures on Nearby Housing Prices: Supply or Disamenity?" by Daniel A. Hartley from the Federal Reserve of the Bank of Chicago. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1670820

[38] A 2003 report by the Department of Health and Human Services - CDC "Costs of Intimate Partner Violence Against Women in the United States" reported an average of 3.4 physical assault incidents per year. An assumption estimate that 1 assault is prevented per incident of domestic violence has been applied.

The cost of each domestic violence incident is estimated at $5,008 based on 2017 dollars of medical care ($3,624) and mental health costs ($1,383) reported in a Department of Health and Human Services study.[39] This figure conservatively does not include impacts on productivity, including lost time at work or ability to meet household needs, or potential needs for emergency shelter resulting from unsafe conditions at home.

3. Economic Impact of Avoidance of Domestic Violence

The estimated economic value of obtaining protection orders from domestic violence in cases closed in 2017 is $10.6 million. This total represents the number of cases in which protection orders were obtained (2,120) multiplied by the cost of one incident of domestic violence ($5,008).

E. Increased Wages due to Work Authorization

1. Methodology & Assumptions

IOLA received data from grantees on the number of program clients who achieved work authorization through various programs such as: 1) Green Card or other long-term status, 2) the Violence Against Women Act (VAWA), and 3) the Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of Americans (DAPA).

The duration of benefits for the purpose of this analysis varies based on program. For Green Card or other long-term status it is assumes that benefits will be received for ten years. For VAWA it is assumes that benefits will be received for four years. For DACA/DAPA it is assumes that benefits will be received for two years.

[39] A 2003 report by the Department of Health and Human Services - CDC "Costs of Intimate Partner Violence Against Women in the United States" reported average medical costs per incident of physical assault results in $2,665 in direct medical costs and $1,017 for mental health services. The figures used above have applied inflation to reflect 2016 dollars.

Stout estimates the wage impact on both working immigrant women and men. Stout assumes 51% of clients in Green Card or DACA/DAPA programs are female[40] and that all are employed based on information provided from the Resource for Great Programs by representations received from legal advocates in immigration legal services program. For VAWA cases, Stout assumes 85% are female based on program statistics cited in the 2016 Bi-Annual Report to Congress on the Effectiveness of the Grant Programs under the VAWA. Applying the same assumptions, 49% of Green Card or DACA/DAPA program participants are male and 15% of VAWA participants are male. Stout assumes that only 94% of authorized immigrant men are employed.

A differential in average annual wages between unauthorized and authorized female and male immigrant workers is assumed; the differential is $1,459 for women and $1,639 for men.[41]

4. Economic Impact of Work Authorization

The estimated economic value of wage increases resulting from obtaining work authorization in cases closed in 2017 is $75.9 million. This total represents 7,575 individual cases in which work authorization status was achieved (7,374 of which are assumed to be employed) multiplied by the wage differential for men and women.

[40] Based on data found in Furtuny, Capps and Passel, "The Characteristics of Unauthorized Immigrants in California, Los Angeles County, and the United States; The Urban Institute, 2007; Table 9

[41] Source: Pastor, Scoggins, Tran and Ortiz, "The Economic Benefits of Immigrant Authorization in California", 2012. That study found an average wage differential between unauthorized and authorized immigrant workers to be 9.5 percent controlling for human capital and other characteristics. To estimate the impact for men we applied the differential to the average wage for unauthorized Latino immigrants working in California's "Building Maintenance and Grounds keeping" industry. To estimate the wage impact for women we applied the differential to the average wage for unauthorized Latino immigrants working in California's "Personal Care and Service" industry. We assumed the workers were employed 35 hours per week, 50 weeks per year, or 1,750 hours per year. The figures are in 2009 dollars and were not adjusted for inflation. Additionally, we considered an assessment of legal service programs funded by the Marin Community Foundation from 2009 through 2012 prepared by Ken Smith, Ph.D, Kelly Thayer, MA, and Kathy Garwold, MBA, as well as the article "Legal Status and Wage Disparities for Mexican Immigrants" by Matthew Hall, Emily Greenman, and George Farkas.

By program, the following civil legal aid services were provisioned:

- Green Card or other long-term work authorization accounted for 4,209 individual cases (4,088 of which are assumed to be employed) and $63.1 million in wage increases.
- VAWA work authorization accounted for 913 individual cases (905 of which are assumed to be employed) and $5.4 million in wage increases.
- DACA/DAPA work authorization accounted for 2,453 (2,381 of which are assumed to be employed) cases and $7.4 million in wage increases.

F. Increased Wages due to Citizenship

1. Methodology & Assumptions

Similar to work authorization, IOLA received data from grantees on the number of program clients who achieved citizenship as the result of provisioned civil legal aid.

For the purpose of this analysis, the duration of impact is expected to be 23 years. According the Office of Immigration the average age of people at naturalization is 42 years, providing naturalized workers more than 23 years to receive the wage differential before reaching a retirement age of 65. Naturalized citizens are much more likely to stay in the U.S. for the remainder of their lives than non-citizen legal permanent residents.

To estimate the wage impact on working immigrant women and men, Stout assumes 51% of clients are female and 49% are male[42]. Additionally, Stout assumes only 59% of citizen female immigrants are employed and 84% of citizen male immigrations are employed.

[42] For this analysis, we assumed that 51 percent of clients were female, based on data found in Furtuny, Capps and Passel, "The Characteristics of Unauthorized Immigrants in California, Los Angeles County, and the United States; The Urban Institute, 2007; Table 9. This table shows the characteristics of foreign-born citizens, legal non-citizens and unauthorized immigrants.

Stout also utilized a differential in average annual wages between citizen and non-citizen and immigrant workers. For women this differential is assumed to be $735, and for men $823.[43]

2. Economic Impact of Citizenship

The estimated economic value of wage increases resulting from obtaining citizenship in cases closed in 2017 is $54.0 million. This total represents 2,057 men who achieved citizenship (1,728 of which are assumed to be employed) and 2,141 women who achieved citizenship (1,263 of which are assumed to be employed) multiplied by the assumed differential in average annual wages if citizenship had not been obtained.

[43] Source: Pastor, Scoggins, Tran and Ortiz, "The Economic Benefits of Immigrant Authorization in California", 2012. That study found an average wage differential between unauthorized and authorized immigrant workers to be 9.5 percent controlling for human capital and other characteristics. To estimate the impact for men we applied the differential to the average wage for unauthorized Latino immigrants working in California's "Building Maintenance and Grounds keeping" industry. To estimate the wage impact for women we applied the differential to the average wage for unauthorized Latino immigrants working in California's "Personal Care and Service" industry. We assumed the workers were employed 35 hours per week, 50 weeks per year, or 1,750 hours per year. The figures are in 2009 dollars and were not adjusted for inflation. Additionally, we considered an assessment of legal service programs funded by the Marin Community Foundation from 2009 through 2012 prepared by Ken Smith, Ph.D, Kelly Thayer, MA, and Kathy Garwold, MBA, as well as the article "Legal Status and Wage Disparities for Mexican Immigrants" by Matthew Hall, Emily Greenman, and George Farkas.

VIII. Comparison of 2017 and 2016 Findings

After completing this year's analysis, Stout reviewed 2016 findings to identify year over year trends. For benefits that were reported in both 2016 and 2017, there was an 11.5% increase in total economic return and a 4.3% increase in case count. The most significant changes occurred in the following categories: Medicaid, Earned Income Tax Credit, Other Federal Benefits, Equitable Distribution of Assets, Avoidance of Emergency Shelter and Foreclosure Property Value Decline, and Increased Wages due to Citizenship. There was a significant decrease in the Earned Income Tax Credit, Other Federal Benefits and Equitable Distribution of Assets categories of benefits in 2017.

Summary in Economic Impact Changes from 2016 to 2017[44]

Case Type / Year	Total Impact, in $M			Number of Successful Cases		
	2016	2017	Growth	2016	2017	Growth
SSI and SSD	$401.3	$407.7	1.6%	N/A	N/A	N/A
Medicaid	$477.8	$569.9	19.3%	9,507	9,765	2.7%
EITC	$17.1	$12.6	-26.2%	N/A	N/A	N/A
Other Federal Benefits	$116.1	$91.2	-21.4%	N/A	N/A	N/A
Economic Multiplier Effect	$1,366.6	$1470.8	7.6%	N/A	N/A	N/A
Child and Spousal Support	$33.3	$37.5	12.8%	1,251	1,015	-18.9%
Equitable Distribution of Assets	$9.5	$6.9	-27.8%	N/A	N/A	N/A
Affirmative Landlord/Tenant Judgments	$9.6	$8.7	-9.3%	N/A	N/A	N/A
Affirmative Employment Judgments	$6.7	$5.4	-18.8%	N/A	N/A	N/A
Avoidance of Emergency Shelter	$397.5	$555.8	39.8%	32,597	35,147	7.8%
Avoidance of Foreclosure Property Value Decline	$20.2	$28.1	38.9%	3,453	3,597	4.8%
Avoidance of Domestic Violence Costs	$10.7	$10.6	-0.6%	2,165	2,120	-2.1%
Increased Wages due to Work Authorization	$60.6	$75.9	25.28%	6,895	7,575	9.9%
Increased Wages due to Citizenship	$63.9	$54.0	-15.39%	4,962	4,198	-15.4%
Total Change	**$2,993.2**	**$3,337.8**	**11.5%**	**60,830**	**63,417**	**4.3%**

Provided below is a summary of changes by category:

SSI/SSD Income

SSI/SSD Income awards increased by 1.6% from $401.3 million in 2016 to $407.7 million in 2017. This is attributable to an increase in awards from brief or limited representation cases which increased from $194.7 million in 2016 to $230.5 million in 2017. This increase accompanies a decrease in the total number of brief or limited

[44] Calculated from data provided in the "Executive Summary of Testimony by Neil Steinkamp to The New York State Permanent Commission on Access to Justice" Presented at the Court of Appeals Hearing in September 2017, and IOLA grantee data collected from 2016 and 2017.

representation, implying a slight increase in the average award per successful brief or limited cases.

Medicaid

Medicaid awards increased by 19.3% from $477.8 million in 2016 to $569.9 million in 2017. This accompanies similar increase in the number of successful Medicaid cases by 2.7% from 9,507 in 2016 to 9,765 in 2017.

EITC

EITC benefits have decreased by 26.2% from $17.1 million in 2016 to $12.6 million in 2017. This reflects a significant change in the total amount of refunds reported by IOLA grantee organizations. There was a similar change reported from 2015 to 2016, which was mostly attributable to the use of fewer EITC volunteers than in years past for a single grantee organization – resulting in approximately 4,000 fewer households received assistance with EITC matters.[45]

Other Federal Benefits

The impact of Other Federal Benefits decreased by 21.4% from $116.1 in 2016 to $91.2 million in 2017**.**

Economic Multiplier Effect

The economic multiplier effect increased by 7.6% from $1.37 billion in 2016 to $1.47 billion in 2017. The RIMS II regional economic multiplier used in 2016 was 1.35, while the economic multiplier used in 2017 is 1.36.

[45] Insights provided by the Resource for Great Programs based on data and observations reported by Grantee Organizations during the GAR form collection process.

Child & Spousal Support

Child and Spousal Support awards increased by 12.8% from $33.3 million in 2016 to $37.5 million in 2017. This increase in value can accompanies a decrease in successful cases of 18.9%, implying a significant increase in economic impact per successful case.

Equitable Distribution of Assets

The economic impact of Distribution of Assets cases decreased by 27.8% from $9.5 million in 2016 to $6.9 million in 2017.

Affirmative Landlord/Tenant Judgments

The economic impact of Affirmative Landlord/Tenant Judgments decreased by 9.3% from $9.6 million in 2016 to $8.7 million in 2017.

Affirmative Employment Judgments

The economic impact of Affirmative Employment Judgments decreased by 18.8% from $6.7 million in 2016 to $5.4 million in 2017.

Avoidance of Emergency Shelter

The value of cost avoidance associated with Emergency Shelters increase by more 39.8% from $397.5 million in 2016 to $555.8 million in 2017**.** This can be explained in part by a nearly 7.8% increase in the rate of successful case outcomes.

Avoidance of Foreclosure Property Value Decline

The economic impact of Affirmative Employment Judgments increased by 38.89% from $20.2 million in 2016 to $28.1 million in 2017.

Avoidance of Domestic Violence Costs

The economic impact of Affirmative Employment Judgments decreased by 0.6% from $10.7 million in 2016 to $10.6 million in 2017.

Increased Wages due to Work Authorization

The value of Increased Wages due to Work Authorization has risen by 25.3% from $60.6 million in 2016 to $76.0 million in 2017. Breaking down this increase by type of authorization reveals the following trends:

- **Green Card or Legal Status Adjustment:** An increase in the number of cases from 3,806 to 4,209 and benefits from $50.0 million to $63.1 million.

- **Violence Against Women Act (VAWA) Based Relief:** A decrease in the number of successful cases from 1,017 to 913, but an increase in benefits from $5.2 million to $5.4 million.

- **Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of Americans (DAPA):** An increase in the number of successful cases from 2,072 to 2,453 and benefits from $5.4 million to $7.4 million.

Increased Wages due to Citizenship

The value of Increased Wages due to Citizenship has fallen by 15.4% from $63.9 million in 2016 to $54.0 million in 2017. This decrease in value can be attributed to a similar 15.4% decrease in the number of successful cases.

IX. Conclusion

The provision of civil legal services to disadvantaged populations provides substantial economic value to needy individuals and families, as well as state and local economies and governments. The total impact of benefits measured in this report estimates approximately $3.3 billion in economic value generated in New York State for cases closed in 2017. This amount represents not only direct dollar benefits to clients, but additional indirect benefits/cost savings to the community, families of clients, and local economy.

There are many ways one could use the estimates provided herein to consider a return on program funding. Based on program funding of $462.6 million and the economic benefit that has been directly measured from certain legal services, the economic return on every dollar of funding for civil legal aid is $7.21. However, the program funding amount of $462.6 million includes funding to support legal assistance services in fields such as avoided payments/settlements, advanced care planning, and community legal education, the economic impacts of which were not quantified for purposes of this analysis. Accordingly, the amount of program funding resulting in the aforementioned economic impact of approximately $3.3 billion is less than $462.6 million, meaning the return on each dollar of funding is greater than $7.21. The following are *some* examples of legal assistance where benefits remain unquantified or excluded from this report:

- Dollar savings to clients as a result of payments avoided were not included in this report; only affirmative judgments are included. As a result, there is a significant financial impact related to consumer rights, employment matters, and housing issues that has not currently been captured. Stout chose to not include these benefits in the analysis of economic impact for New York, as the dollars saved for low-income individuals are also dollars lost for individuals on the other side of the dispute.

- Direct dollar benefits for clients reported as “Other”. IOLA’s GAR collects data in an “Other” category that may include insurance settlements, pension benefits, and housing allowances, among other awards. As the “Other” category represents nearly 50% of all combined direct dollar back awards and monthly awards, Stout’s analysis of the economic value for Affirmative Judgments is significantly conservative. Inclusion of this “Other” category would add at minimum $52.3 million which was reported by grantee organizations as the sum of one-time payments that did not fall into the other direct dollar benefit categories.[46]

- Advance care planning involves helping individuals make their end of life decisions so that in situations where there is a loss in the ability to communicate patients are getting only the treatments that they want. Advances in medicine can sometimes lengthen the end of life process, but not overcome the inevitable and many individuals have created do not resuscitate orders amongst other options in these situations. This type of planning allows individuals to make their own choices in these situations, but also saves the cost of unwanted medical procedures. As Medicare pays for many of these procedures and the baby boomers are increasingly aging there is enormous potential for cost savings.

- Community legal education involves creating a more informed population of their rights and where to access additional legal resources. Thus compounding the effects of other benefits discussed, improving the accuracy of client filings, and reducing the number of court appearances needed for self-represented clients.

- Brief Services encompass a wide range of legal services, in many times a simple phone call, that help people to locate the right resource. Enabling people to connect with the right resource in a timely manner can speed up issue resolution and avoid the need for more substantial services.

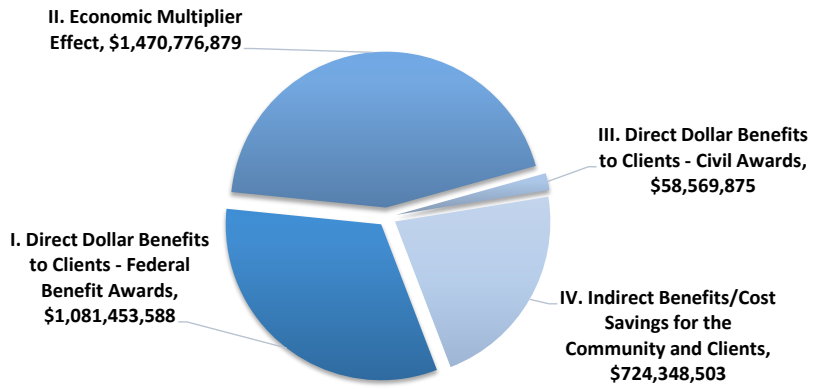
[46] Sum of data provided to IOLA by grantee organizations, and aggregated by the Resource for Great Programs.

Furthermore, the benefit amounts calculated in the benefit areas discussed in the report are related to the actual benefits received. The calculations do not, and cannot, include the benefits and monetary savings associated with circumstances where people would have otherwise lost homes, missed time at work, missed time in school, etc. Each of these could amount to significant economic benefits. Adjusting the total program funding to only account for the funding related to case types included in our analysis results in total program funding of $360.8 million, which in turn results in a total economic impact per dollar of funding of $9.24.

As such, we believe a more reasonable estimate of a return on program funding to be **a return of $10.00 on each dollar of funding for civil legal services.**

Summary of Economic Benefits and Savings

$3,335,148,845 in Benefits and Savings



Summary of Economic Benefits and Savings	Total Impact, in $M	Exhibit # For Details
I. Direct Dollar Benefits to Clients - Federal Benefit Awards	**$1,081.5**	
A. SSI/SSD Income	$407.7	1A
B. Medicaid	$569.9	2
C. Earned Income Tax Credit (EITC)	$12.6	See Note 2
D. Other Federal Benefits	$91.2	3
II. Economic Multiplier Effect	**$1470.8**	**4**
III. Direct Dollar Benefits to Clients - Civil Awards	**$58.6**	
A. Child and Spousal Support	$37.5	5
B. Equitable Distribution of Assets	$6.9	6
C. Affirmative Landlord/Tenant Judgments	$8.7	7
D. Affirmative Employment Judgments	$5.4	8
IV. Indirect Benefits/Cost Savings for the Community and Clients	**$724.3**	
A. Avoidance of Emergency Shelter	$555.8	9
B. Avoidance of Foreclosure Property Value Decline	$28.1	10
C. Avoidance of Domestic Violence Costs	$10.6	11
D. Increased Wages due to Work Authorization	$75.9	12A
E. Increased Wages due to Citizenship	$54.0	13
Total Economic Impact, in $M	**$3,335.1**	
Total Program Funding in 2017	**$462.6**	
Total Economic Impact per Dollar of Funding (See Note 2)	**$7.21**	
Total Program Funding in 2017 - Adjusted	**$360.8**	**See Note 3**
Total Economic Impact per Dollar of Funding - Adjusted	**$9.24**	

Note 1: The value provided is the direct sum of amounts reported by IOLA Grantee Organizations. No further calculations were performed by the Resource for Great Programs or Stout Risius Ross.

Note 2: The "Impact per Dollar of Program Funding" figure shown above was computed by dividing the total economic impact of the organizations included in the study by the total funding they received in 2017 for the provision of civil legal services to low-income people. In many ways, the impact per dollar of funding is a very conservative calculation because the total funding figure used in the denominator includes funding to support legal assistance services in subject areas such as consumer rights, advanced care planning, community legal education, etc.that did not produce economic impacts of the types quantified by this report.

Note 3: Represents 78% of total funding. According to IOLA representatives, 22% of the funding relates to case types not included in our calculation.

Exhibit 1A: SSI/SSD Income - Total		
Total Back Awards Plus Net Present Value of 2017 Monthly Paid During Next 10-Years	**Impact, $M**	**See Exhibits**
A. Extended Representation Cases	$230.5	1B
B. Brief/Limited Representation Cases	$177.2	1C
Total Economic Impact, $M:	**$407.7**	

Exhibit 1B: SSI/SSD Income - Extended Representation Breakout

A. Benefits Received in 2017 From Cases Completed in 2017 and Earlier

	Benefits from Cases Completed in 2017		Benefits Received in 2017 From Past Years' Cases									Total Received in 2017, in $M	
Year >>	(1)		(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	Five Years, (1) thru (5)	Ten Years, (1) thru (10)
	Back Awards	Monthly Benefits	2016 Cases	2015 Cases	2014 Cases	2013 Cases	2012 Cases	2011 Cases	2010 Cases	2009 Cases	2008 Cases		
1. SSI/SSD back awards, in $M	$30.5											$30.5	$30.5
2. SSI/SSD monthly benefits received by clients from cases completed in year,in $M		$1.7	$1.5	$1.5	$1.8	$1.7	$1.7	$2.6	$2.9	$2.2	$2.2		
3. Total monthly benefits received for year (12 times Line 2), in year's dollars in $M		$20.0	$18.0	$18.1	$21.0	$19.9	$20.5	$31.3	$34.8	$26.4	$26.7		
4. Factor for inflation-adjustment to (See Note 3) 2016 dollars		1.000	1.021	1.034	1.035	1.052	1.068	1.090	1.124	1.143	1.139		
5. Monthly Benefits Received in 2016 (Line 3 x Line 4), in $M in 2016 dollars (for reference):		$20.0	$18.4	$18.7	$21.8	$21.0	$21.9	$34.1	$39.1	$30.1	$30.4		
6. Total SSI/SSD benefits received in 2016 (Line 1 + Line 5), unadjusted (i.e., assuming inflation factor =1.000), $M:	$30.5	$20.0	$18.0	$18.1	$21.0	$19.9	$20.5	$31.3	$34.8	$26.4	$26.7	$127.6	$267.2

B. Benefits Received in Future From Cases Completed in 2017 and Earlier Assuming 10-Year Benefit Stream (See Note 1)

Year in Which Benefits Are Received >>	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	Net Present Value in 2017 (excl. 2017)	Net Present Value in 2017 (incl. 2017)
1. Back Awards	$30.5											
2. Year's Total of Monthly Benefits from Cases Completed in:												
2017	*$20.0*	*$20.0*	*$20.0*	*$20.0*	*$20.0*	*$20.0*	*$20.0*	*$20.0*	*$20.0*	*$20.0*	$180.0	$200.0
2016	*$18.0*	*$18.0*	*$18.0*	*$18.0*	*$18.0*	*$18.0*	*$18.0*	*$18.0*	*$18.0*		$144.2	$162.2
2015	*$18.1*	*$18.1*	*$18.1*	*$18.1*	*$18.1*	*$18.1*	*$18.1*	*$18.1*			$126.7	$144.7
2014	*$21.0*	*$21.0*	*$21.0*	*$21.0*	*$21.0*	*$21.0*	*$21.0*				$126.2	$147.2
2013	*$19.9*	*$19.9*	*$19.9*	*$19.9*	*$19.9*	*$19.9*					$99.6	$119.5
2012	*$20.5*	*$20.5*	*$20.5*	*$20.5*	*$20.5*						$82.1	$102.7
2011	*$31.3*	*$31.3*	*$31.3*	*$31.3*							$93.9	$125.1
2010	*$34.8*	*$34.8*	*$34.8*								$69.6	$104.3
2009	*$26.4*	*$26.4*									$26.4	$52.7
2008	*$26.7*										$0.0	$26.7
3. Total of Monthly Benefits Received in Year >>	$236.8	$210.0	$183.7	$148.9	$117.6	$97.1	$77.2	$56.1	$38.0	$20.0	$948.5	$1185.3
4. Total Benefits Received in Year, $M	$267.2	$210.0	$183.7	$148.9	$117.6	$97.1	$77.2	$56.1	$38.0	$20.0	$948.5	$1215.8

C. Benefits Received in Future From Cases Completed in 2017 and Earlier Assuming 5-Year Benefit Stream (See Note 2)

Year in Which Benefits Are Received >>	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	Net Present Value in 2017 (excl. 2017)	Net Present Value in 2017 (incl. 2017)
1. Back Awards	$30.5											
2. Year's Total of Monthly Benefits from Cases Completed in:												
2017	*$20.0*	*$20.0*	*$20.0*	*$20.0*	*$20.0*						$80.0	$100.0
2016	*$18.0*	*$18.0*	*$18.0*	*$18.0*							$54.1	$72.1
2015	*$18.1*	*$18.1*	*$18.1*								$36.2	$54.3
2014	*$21.0*	*$21.0*									$21.0	$42.1
2013	*$19.9*										$0.0	$19.9
3. Total of Monthly Benefits Received in Year >>	$97.1	$77.2	$56.1	$38.0	$20.0	$0.0	$0.0	$0.0	$0.0	$0.0	$191.3	$288.4
4. Total Benefits Received in Year, $M	$127.6	$77.2	$56.1	$38.0	$20.0	$0.0	$0.0	$0.0	$0.0	$0.0	$191.3	$318.9

Note 1: Assumed average duration of SSI/SSD benefits: 10 years. This assumption is based on studies by the Social Security Administration, which has estimated the duration of SSI benefits to be 9.7 years and SSDI benefits to be 10.5 years. See See Kalman Rupp and Charles G. Scott, "Trends in the Characteristics of DI and SSI Disability Awardees and Duration of Program Participation," Social Security Administration, 1996.

Note 2: Assumed average duration of SSI/SSD benefits: 5 years. This is a conservative assumption applied in prior years by the Task Force.

Note 3:

Adjustment for Inflation:	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
1. Current Year's CPI:	*245.12*	*245.12*	*245.12*	*245.12*	*245.12*	*245.12*	*245.12*	*245.12*	*245.12*	*245.12*
2. CPI for Year in Which Benefits Were Awarded:	*245.12*	*240.007*	*237.02*	*236.736*	*232.957*	*229.594*	*224.939*	*218.056*	*214.54*	*215.303*
3. Multiplier for adjusting to 2015 dollars:	*1.000*	*1.021*	*1.034*	*1.035*	*1.052*	*1.068*	*1.090*	*1.124*	*1.143*	*1.139*

Exhibit 1C: SSI/SSD Income - Brief/Limited Representation Breakout

A. Benefits Received in 2017 From Cases Completed in 2017 and Earlier

	Benefits from Cases Completed in 2017	Benefits Received in 2017 From Past Years' Cases									Total Received in 2017	
		2016 Cases	2015 Cases	2014 Cases	2013 Cases	2012 Cases	2011 Cases	2010 Cases	2009 Cases	2008 Cases	Five Years, (1) thru (5)	Ten Years, (1) thru (10)
I. SSI and SSD Brief/Limited Representation Cases												
1. Cases closed by brief representation (see Note 1):	4,906	4,917	5,284	4,719	3,853	4,040	4,514	4,434	5,297	4,270		
2. Estimated percentage of cases for which SSI/SSD Benefits were obtained (see Note 2):	41%	41%	41%	41%	41%	41%	41%	41%	41%	41%		
3. Estimated number of successful cases	2,020	2,025	2,176	1,943	1,587	1,664	1,859	1,826	2,181	1,758		
II. Estimated Dollar Benefits												
1. Estimated back awards per successful case (see Note 3):	$11,602											
2. Total back awards and settlements, $M	$23.4											
3. Estimated monthly award per successful case (see Note 3):	$634	$634	$624	$670	$563	$731	$655	$655	$655	$655		
4. Total monthly benefits ("1" x "4"), $M:	$1.3	$1.3	$1.4	$1.3	$0.9	$1.2	$1.2	$1.2	$1.4	$1.2		
5. Annualized total of monthly benefits ("4" x 12 mos.), $M	$15.4	$15.4	$16.3	$15.6	$10.7	$14.6	$14.6	$14.4	$17.1	$13.8		
6. Total projected impact ("2" + "5"), $M:	$38.81	$15.41	$16.29	$15.62	$10.73	$14.60	$14.61	$14.35	$17.14	$13.82		
7. Factor for inflation-adjustment to 2017 dollars (See note 7)	1.000	1.021	1.034	1.035	1.052	1.068	1.090	1.124	1.143	1.139		
8. Total estimated impact ("6" x "7") in 2017 dollars, $M:	$38.8	$15.7	$16.9	$16.2	$11.3	$15.6	$15.9	$16.1	$19.6	$15.7	$98.9	$181.8
C. Total Impact, Not Adjusted for Inflation, $M (see Note 4):	**$38.8**	**$15.4**	**$16.3**	**$15.6**	**$10.7**	**$14.6**	**$14.6**	**$14.4**	**$17.1**	**$13.8**	**$96.9**	**$171.4**

B. Benefits Received in Future From Cases Completed in 2017 and Earlier Assuming 10-Year Benefit Stream (See Note 5)

Year in Which Benefits Are Received >>	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	Net Present Value in 2017 (excl. 2017)	Net Present Value in 2017 (incl. 2017)
1. Back Awards	$23.4										$0.0	$23.4
2. Year's Total of Monthly Benefits from Cases Completed in:												
2017	*$15.4*	*$15.4*	*$15.4*	*$15.4*	*$15.4*	*$15.4*	*$15.4*	*$15.4*	*$15.4*	*$15.4*	$138.4	$153.8
2016	*$15.4*	*$15.4*	*$15.4*	*$15.4*	*$15.4*	*$15.4*	*$15.4*	*$15.4*	*$15.4*		$123.2	$138.7
2015	*$16.3*	*$16.3*	*$16.3*	*$16.3*	*$16.3*	*$16.3*	*$16.3*	*$16.3*			$114.1	$130.4
2014	*$15.6*	*$15.6*	*$15.6*	*$15.6*	*$15.6*	*$15.6*	*$15.6*				$93.7	$109.4
2013	*$10.7*	*$10.7*	*$10.7*	*$10.7*	*$10.7*	*$10.7*					$53.7	$64.4
2012	*$14.6*	*$14.6*	*$14.6*	*$14.6*	*$14.6*						$58.4	$73.0
2011	*$14.6*	*$14.6*	*$14.6*	*$14.6*							$43.8	$58.4
2010	*$14.4*	*$14.4*	*$14.4*								$28.7	$43.1
2009	*$17.1*	*$17.1*									$17.1	$34.3
2008	*$13.8*										$0.0	$13.8
3. Total of Monthly Benefits Received in Year	**$147.9**	**$134.1**	**$117.0**	**$102.6**	**$88.0**	**$73.4**	**$62.7**	**$47.1**	**$30.8**	**$15.4**	**$671.1**	**$819.1**
4. Total Benefits Received in Year, $M	**$171.4**	**$134.1**	**$117.0**	**$102.6**	**$88.0**	**$73.4**	**$62.7**	**$47.1**	**$30.8**	**$15.4**	**$671.1**	**$842.5**

C. Benefits Received in Future From Cases Completed in 2017 and Earlier Assuming 5-Year Benefit Stream (See Note 6)

Year in Which Benefits Are Received >>	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	Net Present Value in 2017 (excl. 2017)	Net Present Value in 2017 (incl. 2017)
1. Back Awards	$23.4										$0.0	$23.4
2. Year's Total of Monthly Benefits from Cases Completed in:												
2017	*$15.4*	*$15.4*	*$15.4*	*$15.4*	*$15.4*						$61.5	$76.9
2016	*$15.4*	*$15.4*	*$15.4*	*$15.4*							$46.2	$61.6
2015	*$16.3*	*$16.3*	*$16.3*								$32.6	$48.9
2014	*$15.6*	*$15.6*									$15.6	$31.2
2013	*$10.7*										$0.0	$10.7
3. Total of Monthly Benefits Received in Year	**$73.4**	**$62.7**	**$47.1**	**$30.8**	**$15.4**	**$0.0**	**$0.0**	**$0.0**	**$0.0**	**$0.0**	**$155.9**	**$229.4**
4. Total Benefits Received in Year, $M	**$96.9**	**$62.7**	**$47.1**	**$30.8**	**$15.4**	**$0.0**	**$0.0**	**$0.0**	**$0.0**	**$0.0**	**$155.9**	**$252.8**

Note 1: Source: Estimate by The Resource for Great Programs extrapolated from data reported by large, general civil legal services programs to the IOLA fund.

Note 2: The assumed "Estimated percentage of cases for which SSI/SSD Benefits were Obtained " was based on an analysis by The Resource of secondary data collected in a scientific survey in which 400 legal aid clients in Pennsylvania, randomly sampled from all who had received advice or brief services in the latter half of 2011, were interviewed by phone to determine the outcomes of their cases. Forty one percent of those with SSI or SSD issues achieved the positive outcomes they sought. Accordingly, we applied that percentage to the total number of cases closed by this program by Brief Representation for those legal problem types to derive the estimate indicated above.

Note 3: Source of these figures: dollar benefits reported to the IOLA Fund for extended representation cases of the above legal problem types closed by the programs. For the years 2008 through 2011, the average of the figures for 2012 through 2014 was used.

Note 4: Historically, federal benefits have been adjusted annually for inflation, so the benefit amounts awarded to clients in prior years (line 8) would increase automatically to the amounts shown in 2017 dollars (line 8). However, the total in row C applies the conservative assumption that benefits in prior years were NOT adjusted for inflation and accordingly uses the figures in line 6.

Note 5: Assumed average duration of SSI/SSD benefits: 10 years. This assumption is based on studies by the Social Security Administration, which has estimated the duration of SSI benefits to be 9.7 years and SSDI benefits to be 10.5 years. See See Kalman Rupp and Charles G. Scott, "Trends in the Characteristics of DI and SSI Disability Awardees and Duration of Program Participation," Social Security Administration, 1996.

Note 6: Assumed average duration of SSI/SSD benefits: 5 years. This is a conservative assumption applied in prior years by the Task Force.

Note 7:

Adjustment for Inflation:	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
1. Current Year's CPI:	*245.12*	*245.12*	*245.12*	*245.12*	*245.12*	*245.12*	*245.12*	*245.12*	*245.12*	*245.12*
2. CPI for Year in Which Benefits Were Awarded:	*245.12*	*240.007*	*237.017*	*236.736*	*232.957*	*229.594*	*224.939*	*218.056*	*214.537*	*215.303*
3. Multiplier for adjusting to 2015 dollars:	*1.000*	*1.021*	*1.034*	*1.035*	*1.052*	*1.068*	*1.090*	*1.124*	*1.143*	*1.139*

Exhibit 2: Medicaid Benefits	
A. Benefits From Successful Medicaid/SSI Cases	
1. Brief/Limited Representation Cases	
a. Total limited representation Medicaid cases closed (see Note 1)	1,904
b. Estimated percentage of cases for which Medicaid benefits were successfully obtained or preserved (see Note 2)	6%
c. Number of cases in which Medicaid benefits were obtained or preserved (Line A.1.a x Line A.1.b)	114
2. Extended Representation Cases	
a. Number of cases in which Medicaid benefits were obtained or preserved (see Note 1):	6,346
3. Total Number of Cases	
a. Total number of cases in which Medicaid benefits were obtained or preserved (sum of A.1 and A.2)	6,460
B. Benefits From Successful SSI Cases	
1. Brief/Limited Representation Cases	
a. Total cases closed	3,808
b. Estimated percentage of cases for which benefits were successfully obtained, preserved, or increased (see Note 3):	41%
c. Estimated number of cases for which benefits were successfully obtained, preserved, or increased (Line B.1.a x Line B.1.b)	1,561
2. Extended Representation Cases	
a. Number of extended representation SSI cases for which Medicaid benefits were successfully obtained, preserved, or increased (see Note 4):	1,744
3. Total Number of Cases	
a. Total number of cases in which Medicaid benefits were obtained or preserved (sum of B.1 and B.2)	3,305
C. Total Impact	
1. Total successful cases (sum of A.3 and B.3)	9,765
2. Average annual benefit (see Note 5)	$10,611
3. Assumed duration of benefits in years (see Note 6)	10.0
4. Projected total benefit per case (Line C.2 x C.3)	$106,110
5. Total cases x total projected benefit (Line C.1 x C.4)	$1,036,189,616
Sum of Benefits from Medicaid Cases, $M:	**$1036.2**
Percentage of Medicaid Benefits from federal dollars (see Note 7)	**55%**
Total Economic Impact (in $millions):	**$569.9**

Note 1: Source: Program's case tracking data systems, used to produce "Individual Benefits" reports to the IOLA fund.

Note 2: The assumed "success rate" was based on a scientific survey by The Resource in which 400 legal aid clients in Pennsylvania randomly sampled from all who had received advice or brief services in the latter half of 2011 were interviewed by phone to determine the outcomes of their cases. 6 percent of those with Medicaid issues achieved the positive outcomes they sought. Accordingly, we applied that percentage to the total number of cases closed by this program by Brief Representation for those legal problem types to derive the estimate indicated above.

Note 3: Source: survey described in Note 2. Forty one percent of those with SSI/SSDI issues achieved the positive outcomes they sought. Accordingly, we applied that percentage to the total number of brief representation cases closed by this program for those legal problem types to derive the estimate indicated above.

Note 4: Source of these figures: outcomes reported for cases of the above legal problem types closed by IOLA grantees in 2017.

Note 5: Estimated based on state expenditure and enrollment data provided to the CMS data center through the Medicaid Budget and Expenditure System available at https://www.medicaid.gov/medicaid/financing-and-reimbursement/state-expenditure-reporting/expenditure-reports/index.html and https://www.medicaid.gov/medicaid-chip-program-information/program-information/medicaid-and-chip-enrollment-data/medicaid-enrollment-data-collected-through-mbes.html

Note 6: Assumed average duration of Medicaid benefits: 10 years, same as assumed for SSI benefits - see "Note" below Exhibit 2.

Note 7: Estimated from expenditure data for New York State provided to the CMS data center through the Medicaid Budget and Expenditure System https://www.medicaid.gov/medicaid-chip-program-information/by-topics/financing-and-reimbursement/expenditure-reports-mbes-cbes.html

Exhibit 3: Other Federal Benefits	
	Total Attributable to 2017 Cases
A. Awards Obtained in 2017	
1. Back Awards (See Note 1)	
a. Other federal benefits	$17,304,117
2. Monthly Payments (See Note 1)	
a. Other federal benefits	$2,053,601
B. Total Impact	
1. Duration of monthly payments in months (see Note 2):	36
2. Total net present value of monthly payment stream (A.1(a) x A.2(a))	$73,929,645.72
3. Impact of one-time payments (item A.1(a) from above)	$17,304,117
4. Total impact (B.2 + B.3)	$91,233,763
Total Economic Impact, in $M:	**$91.2**

Note 1: Source of "Other Federal Benefits" figures: IOLA Grantee Annual Reports submitted by grantees. These include all benefits from federal programs OTHER than SSI or SSD, including such programs as Temporary Assistance to Needy Families (TANF), Food Stamps (SNAP), child care assistance, federal unemployment payments, cash aid, and housing assistance. Grantees are required to report only the total of these benefits, not individual categories.

Note 2: Conservative assumption regarding average duration of "Other" federal benefits: 3 years.

Exhibit 4: Economic Multiplier Effect	
I. Funds Brought Into NY in the Form of Direct Benefits for Clients	**Total Attributable to 2017 Cases (in $M)**
A. Federal Benefits	
1. SSI/SSD Benefits (See Exhibit 2)	$407.7
a. Extended Representation Cases (See Exhibit 2A):	$230.5
b. Limited Representation Cases (See Exhibit 2A):	$177.2
2. Medicaid Benefits Federal Share (See Exhibit 3)	$569.9
3. Earned Income Tax Credit (EITC) (See Note 2)	$12.6
4. Other Federal Benefits (See Exhibit 4)	$91.2
B. Total Federal Funds Brought Into State	**$1081.5**
II. Economic Multiplier Effect	
A. RIMS II Regional Economic Multipliers	
1. Economic Multiplier (See Note 1)	1.36
2. Number of jobs created per $1 million in funds coming in from outside NY (See Note 1)	9.21
Total Economic Multiplier Effect, $M:	**$1,470.8**
Total Jobs Effect	**9,960**

Note 1: Values derived by The Resource for New York State in 2017 using U.S. Dept. of Commerce RIMS II regional economic multiplier model.

Note 2: Received from IOLA as EITC refunds into NY state.

Exhibit 5: Child and Spousal Support	
	Total Attributable to 2017 Cases
A. Brief/Limited Representation Cases	
1. Number of Child and Spousal Support cases closed by Brief Representation (see Note 1)	2,415
2. Percentage of above cases in which Child and/or Spousal Support was achieved (see Note 2)	4%
3. Number of brief representation cases producing the above outcomes (Line A.1 x A.2)	97
B. Extended Representation Cases	
reports:	918
C. Awards Obtained in 2016	
1. Total cases in which clients achieved the above outcomes (Sum of Line A.3 and B.1)	1,015
2. Average dollar impact per successful case in which the above outcomes were achieved (see Note 1)	
a. Average one-time payment:	
(1) Total child and/or spousal support back awards	$1,923,688
(2) Total number of cases for which child and/or spousal support was received by clients	1,015
(3) Average child and/or spousal support back award per successful case (Line C.2.a.1 divided by C.2.a.2):	$1,895.3
b. Average monthly support payment:	
(1) Total child and/or spousal support monthly award amounts:	$505,726
(2) Total number of cases for which child and/or spousal support was received by clients	1,015
(3) Average child and/or spousal support monthly award amount per successful case (Line C.2.b.1 divided b	498
D. Total impact	
1. Duration of monthly payments in months (see Note 3):	108
2.Total net present value of monthly payment stream (Line C.2.b.1 x D.1)	$54,618,371.28
3. Impact of one-time payments (Line C.2.a.1 above)	$1,923,688
4. Total impact (Line D.2 + D.3)	$56,542,059
5. Average percentage of ordered amounts actually received by clients (see Note 4):	66.35%
6. Net present value of support payment stream ("4" x "5")	$37,515,656
Total Economic Impact, $M:	**$37.5**

Note 1: Source: Estimate by The Resource for Great Programs extrapolated from 2017 data reported by large, general civil legal services programs to the IOLA fund. Outcomes reported in 2017 IOLA Grantee Annual Reports.

Note 2: The assumed "outcomes achieved rate" was based on a scientific survey by The Resource in which 400 legal aid clients in Pennsylvania randomly sampled from all who had received advice or brief services in the latter half of 2011 were interviewed by phone to determine the outcomes of their cases. Four percent of those with support issues obtained child or spousal support. Accordingly, we applied that percentage to the total number of cases closed by Brief Representation for those legal problem types to derive the estimate indicated above.

Note 3: Assumed duration of child and spousal support: 9 years. This is the average time elapsed from the average age of children at divorce (9 years) to the age of majority (18 years). Source of figure for average age of children at divorce: Liu, Shirley H., "The Effect Parental Divorce and Its Timing on Child Educational Attainment: A Dynamic Approach," page 17; available at http://moya.bus.miami.edu/~sliu/Research_files/divorcetiming.pdf.

Note 4: Source of this figure: U.S. Department of Health and Human Services, Administration for Children & Families, Office of Child Support Enforcement; "Preliminary Report, FY 2016," available on the web at: https://www.acf.hhs.gov/css/resource/2016-preliminary-report. This is the percentage of child support orders that are actually collected.

Exhibit 6: Equitable Distribution of Assets	
	Total Attributable to 2017 Cases
A. Awards Obtained in 2017	
1. Back Awards (See Note 1)	
a. Family law equitable distribution of assets	$5,479,740
2. Monthly Payments (See Note 1)	
a. Family law equitable distribution of assets	$118,111
B. Total Impact	
1. Duration of monthly payments in months (see Note 2):	12
2. Total net present value of monthly payment stream (A.2.a x B.1)	$1,417,332
3. Impact of one-time payments (item A.1.a from above)	$5,479,740
4. Total impact (B.2 + B.3)	$6,897,072
Total Economic Impact, $M:	**$6.9**

Note 1: Source: Estimate by The Resource for Great Programs extrapolated from 2017 data reported by large, general civil legal services programs to the IOLA fund.

Note 2: Conservative assumption regarding average duration of civil awards: 1 years. This has been applied this assumption given the broad scope of this category.

Exhibit 7: Affirmative Landlord and Tenant Judgments	
	Total Attributable to 2017 Cases
A. Awards Obtained in 2017	
1. Back Awards (See Note 1)	
a. Affirmative landlord/tenant judgments	$7,384,785
2. Monthly Payments (See Note 1)	
a. Affirmative landlord/tenant judgments	$110,261
B. Total Impact	
1. Duration of monthly payments in months (see Note 2):	12
2. Total net present value of monthly payment stream (A.2.a x B.1)	$1,323,132
3. Impact of one-time payments (item A.1.a from above)	$7,384,785
4. Total impact (B.2 + B.3)	$8,707,916
Total Economic Impact, $M:	**$8.7**

Note 1: Source: Estimate by The Resource for Great Programs extrapolated from 2017 data reported by large, general civil legal services programs to the IOLA fund.
Note 2: Conservative assumption regarding average duration of civil awards: 1 years. This has been applied this assumption given the broad scope of this category.

Exhibit 8: Affirmative Employment Judgments	
	Total Attributable to 2017 Cases
A. Awards Obtained in 2017	
1. Back Awards (See Note 1)	
a. Affirmative employment judgments	$4,508,322
2. Monthly Payments (See Note 1)	
a. Affirmative employment judgments	$78,409
B. Total Impact	
1. Duration of monthly payments in months (see Note 2):	12
2. Total net present value of monthly payment stream (A.2.a x B.1)	$940,908
3. Impact of one-time payments (item A.1.a from above)	$4,508,322
4. Total impact (B.2 + B.3)	$5,449,230
Total Economic Impact, $M:	**$5.4**

Note 1: Source: Estimate by The Resource for Great Programs extrapolated from 2017 data reported by large, general civil legal services programs to the IOLA fund.
Note 2: Conservative assumption regarding average duration of civil awards: 1 years. This has been applied this assumption given the broad scope of this category.

Exhibit 9: Emergency Shelter	
A. Brief/Limited Representation Cases	
1. Estimated number of cases for which eviction was avoided or delayed or foreclosure was averted:	4,935
2. Estimated # of people for whom eviction was avoided or delayed or foreclosure was averted:	12,576
3. Percentage of the above for which the need for emergency shelter was avoided (See Note 1)	41%
4. No. of cases for which the need for emergency shelter was avoided (Line A1 x A3)	2,034
5. Average annual cost of providing emergency shelter to one homeless family (See Note 1)	$38,361
6. Estimated Savings for Taxpayers (Line A5 x A7), $M	$78.0
7. Estimated # of people who avoided the need for emergency shelter (Line A2 x A3)	5,184
B. Extended Representation Cases	
1. Number of cases for which eviction was avoided or delayed or foreclosure was averted:	30,212
2. Estimated # of people for whom eviction was avoided or delayed or foreclosure was averted:	59,881
3. Percentage of the above for which the need for emergency shelter was avoided (See Note 1)	41%
4. No. of cases for which the need for emergency shelter was avoided (Line B1 x B3)	12,454
5. Average annual cost of providing emergency shelter to one homeless family (See Note 1)	$38,361
6. Estimated Savings for Taxpayers (Line B5 x B7), $M	$477.7
7. Estimated # of people who avoided the need for emergency shelter (Line B2 x B3)	24,683
A. Total Impact	
1. Number of cases for which eviction was avoided or delayed or foreclosure was averted:	35,147
2. Estimated # of people for whom eviction was avoided or delayed or foreclosure was averted:	72,457
3. Percentage of the above for which the need for emergency shelter was avoided (See Note 1)	41%
4. No. of cases for which the need for emergency shelter was avoided (Line C1 x C3)	14,488
5. Average annual cost of providing emergency shelter to one homeless family (See Note 1)	$38,361
6. Estimated Savings for Taxpayers (Line C5 x C7), $M	$555.8
7. Estimated # of people who avoided the need for emergency shelter (Line C2 x C3)	29,867
Total Economic Impact (in $millions):	**$555.8**

Note 1: Data source for assumptions in analysis results provided to the Chief Judge's Task Force to Expand Access to Civil Legal Services in New York on October 19, 2011 by consultant Geeta Singh, Ph.D., Cornerstone Research. The average cost figure has been updated to reflect 2017 NYC emergency shelter costs reported in the NYC Mayor's Management Report. Estimated costs for upstate regions reflected in this average are based on Dr. Singh's 2011 data, inflation-adjusted to reflect 2017 dollars.

Exhibit 10: Property Value	
A. Number of Foreclosed Cases	
1. Number of cases for which foreclosure was avoided or delayed or averted (See Note 1)	3,597
B. Surrounding Property Values per Foreclosed Home	
1. Number of impacted homes adjacent to or across the street from the foreclosed property (See Note 2)	5
2. Average low-income house value in the State of New York (See Note 3)	$130,000
3. Total value of surrounding homes that would have been impacted by foreclosure	$650,000
C. Total Impact	
1. Percent decrease in property value per surrounding home (See Note 4)	1.2%
2. Total decreased property value of surrounding properties per foreclosure avoided	$7,800
3. Total decreased property value of surrounding properties for all foreclosures avoided	$28,056,600
Total Economic Impact (in $millions):	**$28.1**

Note 1: Source: Estimate by The Resource for Great Programs extrapolated from 2017 data reported by large, general civil legal

Note 2: Assumes 5 homes are adjacent to or across the street from the foreclosed property. This is consistent with analyses performed in other states regarding foreclosure impact.

Note 3: Assumed the approximate median value of the lowest quartile of housing values for the State of New York according to the 2015 U.S. census data: https://datausa.io/profile/geo/new-york/#housing

Note 4: Assumption of 1.2% based on estimate provided in "The Effect of Foreclosures on Nearby Housing Prices: Supply or Disamenity?" by Daniel A. Hartley from the Federal Reserve of the Bank of Chicago.

Exhibit 11: Domestic Violence	
A. Number of Cases	
1. Number of cases where protective orders from domestic violence were obtained (See Note 1)	2,120
2. Assumed total number of physical assault cases prevented annually (See Note 2)	1.0
B. Cost of Domestic Violence	
1. Medical costs per victim of physical assault per incident, adjusted for inflation (See Note 3)	$3,624
2. Mental healthcare costs per victim of physical assault per incident, adjusted for inflation (See Note 3)	$1,383
3. Estimated total cost per incident of domestic violence	$5,008
C. Total Impact	
1. Total avoided costs of domestic violence achieved through protective orders	10,615,942
Total Economic Impact, $M:	**$10.6**

Note 1: Source: Estimate by The Resource for Great Programs extrapolated from 2017 data reported by large, general civil legal services programs to the IOLA fund. Outcomes reported in 2017 IOLA Grantee Annual Reports.

Note 2: Source: A 2003 report by the Department of Health and Human Services - CDC "Costs of Intimate Partner Violence Against Women in the United States" reported an average of 3.4 physical assault incidents per year. An assumption estimate that 1 assault is prevented per incident of domestic violence has been applied.

Note 3: Source: A 2003 report by the Department of Health and Human Services - CDC "Costs of Intimate Partner Violence Against Women in the United States" reported average medical costs per incident of physical assault results in $2,665 in direct medical costs and $1,017 for mental health services. The figures used above have applied inflation to reflect 2017 dollars.

Exhibit 12A: Increased Wages due to Work Authorization - Total

A. Impact of Work Authorization by Type	Number of Cases	Number Employed	Total Impact, $M	Annual Impact, $M	See Exhibits
1. Through adjustment of legal status and other outcomes conferring work authorization - 10 Years' Duration	4,209	4,088	$63.1	$6.3	12B
2. Through VAWA-based relief - U-visas, T-visas, and VAWA self-petition cases - 4 Years' Duration	913	905	$5.4	$1.3	12C
3. Through cases conferring DACA/DAPA status - 2 Years' Duration	2,453	2,381	$7.4	$3.7	12D
Total Economic Impact, $M:	**7,575**	**7,374**	**$75.9**	**$11.3**	

B. Impact of Work Authorization by Gender	Number of Cases	Number Employed	Total Impact, $M	Annual Impact, $M	See Exhibits
1. Female	4,177	4,177	$39.5	$6.1	12B, 12C, 12D
2. Male	3,401	3,197	$36.3	$5.2	12B, 12C, 12D

Exhibit 12B: Increased Wages due to Work Authorization - Legal Status

A. Number of program clients who achieved Green Card or other long-term Legal Status (See Note 1)	
1. Number of program clients who achieved work authorization	4,209
B. Impact on Working Immigrant Women	
1. Percentage of the total in line 1 who were female (see Note 2):	51%
2. Number of women who achieved authorization (Line A.1 x B.1)	2,150
3. Percentage of authorized immigrant women who are employed (see Note 3)	100%
4. Number of employed women who received authorization (Line B.2 x B.3)	2,150
5. Assumed differential in average annual wages between unauthorized and authorized female immigrant workers (see Note 4)	$1,459
6. Estimated annual wage impact for women (Line B.4 x B.5), in $M	$3.1
C. Impact on Working Immigrant Men	
1. Percentage of the total in line 1 who were male (see Note 2)	49%
2. Number of the total in line A.1 who were male (Line A.1 x C.1)	2,062
3. Percentage of authorized immigrant men who are employed (see Note 5)	94%
4. Number of employed men who received authorization (Line C.2 x C.3)	1,938
5. Assumed differential in average annual wages between unauthorized and authorized male immigrant workers (see Note 4)	$1,639
6. Estimated annual wage impact for men (Line C.5 x C.4), millions:	$3.2
D. Total Estimated Annual Wage Impact (Line B.6 + C.6), in $M:	**$6.3**
E. Assumed Duration of Wage Impact in Years (See Note 6)	**10**
Total Economic Impact, $M:	**$63.1**

Note 1: Source: programs' outcomes reported to the IOLA Fund for 2017. Legal status is defined as Green Card or Other long-term legal status.

Note 2: For this analysis, we assumed that 51 percent of clients were female, based on data found in Furtuny, Capps and Passel, "The Characteristics of Unauthorized Immigrants in California, Los Angeles County, and the United States; The Urban Institute, 2007; Table 9. This table shows the characteristics of foreign-born citizens, legal non-citizens and unauthorized immigrants.

Note 3: Based on information received from legal advocates in other immigration legal services programs we have analyzed, we have assumed here that all female clients were employed.

Note 4: Source: Pastor, Scoggins, Tran and Ortiz, "The Economic Benefits of Immigrant Authorization in California", 2012. That study found an average wage differential between unauthorized and authorized immigrant workers to be 9.5 percent controlling for human capital and other characteristics. To estimate the impact for men we applied the differential to the average wage for unauthorized Latino immigrants working in California's "Building Maintenance and Groundskeeping" industry. To estimate the wage impact for women we applied the differential to the average wage for unauthorized Latino immigrants working in California's "Personal Care and Service" industry. We assumed the workers were employed 35 hours per week, 50 weeks per year, or 1,750 hours per year. The figures are in 2009 dollars and were not adjusted for inflation.

Note 5: Source: Furtuny, Capps and Passel, Table 9 - see Note 2 above.

Note 6: The duration of the wage impact of authorization was assumed to be 10 years, the period for which the original approval applies before requiring renewal. This is an extremely conservative assumption; a more realistic estimate is 23 years based on a calculation that assumes the average age of an immigrant at authorization is 42 years and the person would work until retirement at 65 years.

Exhibit 12C: Increased Wages due to Work Authorization - VAWA

A. Number of program clients who achieved authorization from VAWA-based relief (See Note 1)	
1. Number of program clients who achieved work authorization	913
B. Impact on Working Immigrant Women	
1. Percentage of the total in line 1 who were female (see Note 2):	85%
2. Number of women who achieved authorization (Line A.1 x B.1)	776
3. Percentage of authorized immigrant women who are employed (see Note 3)	100%
4. Number of employed women who received authorization (Line B.2 x B.3)	776
5. Assumed differential in average annual wages between unauthorized and authorized female immigrant workers (see Note 4)	$1,459
6. Estimated annual wage impact for women (Line B.4 x B.5), in $M	$1.1
C. Impact on Working Immigrant Men	
1. Percentage of the total in line 1 who were male (see Note 2)	15%
2. Number of the total in line A.1 who were male (Line A.1 x C.1)	137
3. Percentage of authorized immigrant men who are employed (see Note 5)	94%
4. Number of employed men who received authorization (Line C.2 x C.3)	129
5. Assumed differential in average annual wages between unauthorized and authorized male immigrant workers (see Note 4)	$1,639
6. Estimated annual wage impact for men (Line C.5 x C.4), millions:	$0.2
D. Total Estimated Annual Wage Impact (Line B.6 + C.6), in $M:	**$1.3**
E. Assumed Duration of Wage Impact in Years (See Note 6)	**4**
Total Economic Impact, $M:	**$5.4**

Note 1: Source: programs' outcomes reported to the IOLA Fund for 2017. VAWA (Violence Against Women Act) provides an alternative route to achieve work authorization.

Note 2: For this analysis, we assumed that approximately 85% of VAWA clients are women based on program statistics cited in the 2016 Bi-Annual Report to Congress on the Effectiveness of the Grant Programs under the VAWA.

Note 3: Based on information received from legal advocates in other immigration legal services programs we have analyzed, we have assumed here that all female clients were employed.

Note 4: Source: Pastor, Scoggins, Tran and Ortiz, "The Economic Benefits of Immigrant Authorization in California", 2012. That study found an average wage differential between unauthorized and authorized immigrant workers to be 9.5 percent controlling for human capital and other characteristics. To estimate the impact for men we applied the differential to the average wage for unauthorized Latino immigrants working in California's "Building Maintenance and Grounds keeping" industry. To estimate the wage impact for women we applied the differential to the average wage for unauthorized Latino immigrants working in California's "Personal Care and Service" industry. We assumed the workers were employed 35 hours per week, 50 weeks per year, or 1,750 hours per year. The figures are in 2009 dollars and were not adjusted for inflation.

Note 5: Source: Furtuny, Capps and Passel, Table 9 - see Note 2 above.

Note 6: The duration of the wage impact of authorization was assumed to be 4 years for VAWA cases.

Exhibit 12D: Increased Wages due to Work Authorization - DACA/DAPA

A. Number of program clients who achieved authorization from DACA/DAPA-based relief (See Note 1)	
1. Number of program clients who achieved work authorization	2,453
B. Impact on Working Immigrant Women	
1. Percentage of the total in line 1 who were female (see Note 2):	51%
2. Number of women who achieved authorization (Line A.1 x B.1)	1,251
3. Percentage of authorized immigrant women who are employed (see Note 3)	100%
4. Number of employed women who received authorization (Line B.2 x B.3)	1,251
5. Assumed differential in average annual wages between unauthorized and authorized female immigrant workers (see Note 4)	$1,459
6. Estimated annual wage impact for women (Line B.4 x B.5), in $M	$1.8
C. Impact on Working Immigrant Men	
1. Percentage of the total in line 1 who were male (see Note 2)	49%
2. Number of the total in line 1.d who were male (Line A.1 x C.1)	1,202
3. Percentage of authorized immigrant men who are employed (see Note 5)	94%
4. Number of employed men who received authorization (Line C.2 x C.3)	1,130
5. Assumed differential in average annual wages between unauthorized and authorized male immigrant workers (see Note 4)	$1,639
6. Estimated annual wage impact for men (Line C.5 x C.4), millions:	$1.9
D. Total Estimated Annual Wage Impact (Line B.6 + C.6), in $M:	**$3.7**
E. Assumed Duration of Wage Impact in Years (See Note 6)	**2**
Total Economic Impact, $M:	**$7.4**

Note 1: Source: programs' outcomes reported to the IOLA Fund for 2017. DACA (Deferred Action for Childhood Arrivals) and DAPA (Deferred Action for Parents of Americans) provides an alternative route to achieve work authorization.

Note 2: For this analysis, we assumed that 51 percent of clients were female, based on data found in Furtuny, Capps and Passel, "The Characteristics of Unauthorized Immigrants in California, Los Angeles County, and the United States; The Urban Institute, 2007; Table 9. This table shows the characteristics of foreign-born citizens, legal non-citizens and unauthorized immigrants.

Note 3: Based on information received from legal advocates in other immigration legal services programs we have analyzed, we have assumed here that all female clients were employed.

Note 4: Source: Pastor, Scoggins, Tran and Ortiz, "The Economic Benefits of Immigrant Authorization in California", 2012. That study found an average wage differential between unauthorized and authorized immigrant workers to be 9.5 percent controlling for human capital and other characteristics. To estimate the impact for men we applied the differential to the average wage for unauthorized Latino immigrants working in California's "Building Maintenance and Groundskeeping" industry. To estimate the wage impact for women we applied the differential to the average wage for unauthorized Latino immigrants working in California's "Personal Care and Service" industry. We assumed the workers were employed 35 hours per week, 50 weeks per year, or 1,750 hours per year. The figures are in 2009 dollars and were not adjusted for inflation.

Note 5: Source: Furtuny, Capps and Passel, Table 9 - see Note 2 above.

Note 6: The duration of the wage impact of authorization was assumed to be 2 years for DACA/DAPA cases.

Exhibit 13: Increased Wages due to Citizenship	
A. Number of program clients who achieved citizenship	
1. Number of program clients who achieved work authorization	4,198
B. Impact on Working Immigrant Women	
1. Percentage of the total in line 1 who were female (see Note 2):	51%
2. Number of women who achieved naturalization (Line A.1 x B.1)	2,141
3. Percentage of citizen immigrant women who are employed (see Note 3)	59%
4. Number of employed women who achieve naturalization (Line B.2 x B.3)	1,263
5. Assumed differential in average annual wages for obtaining citizenship (see Note 4)	$735
6. Estimated annual wage impact for women (Line B.4 x B.5), in $M	$0.9
C. Impact on Working Immigrant Men	
1. Percentage of the total in line 1 who were male (see Note 2):	49%
2. Number of men who achieved naturalization (Line A.1 x C.1)	2,057
3. Percentage of citizen immigrant men who are employed (see Note 3)	84%
4. Number of employed men who achieve naturalization (Line C.2 x C.3)	1,728
5. Assumed differential in average annual wages for obtaining citizenship (see Note 4)	$823
6. Estimated annual wage impact for men (Line C.4 x C.5), in $M	$1.4
D. Total Estimated Annual Wage Impact (Line B.6 + C.6), in $M:	**$2.3**
E. Assumed Duration of Wage Impact in Years (See Note 5)	**23**
Total Economic Impact, $M:	**$54.0**

Note 1: Source: programs' outcomes reported to the IOLA Fund for 2017.

Note 2: For this analysis, we assumed that 51 percent of clients were female, based on data found in Furtuny, Capps and Passel, "The Characteristics of Unauthorized Immigrants in California, Los Angeles County, and the United States; The Urban Institute, 2007; Table 9. This table shows the characteristics of foreign-born citizens, legal non-citizens and unauthorized immigrants.

Note 3: Source: Furtuny, et. al., Table 9.

Note 4: Source: Pastor and Scoggins, "Citizen Gain: The Economic Benefits of Naturalization for Immigrants and the Economy." To estimate the wage impact for men we applied the average wage for Latino immigrants working in California's "Building Maintenance and Groundskeeping" industry. To estimate the wage impact for women we applied the average for Latino immigrants working in California's "Personal Care and Service" industry. According to Pastor and Scoggins., the wage impact of going from authorized immigrant to citizen status is 5.6 percent of median wages of these workers; we rounded this figure down to 5 percent. We assumed the workers were employed 35 hours per week, 50 weeks per year, or 1,750 hours per year.

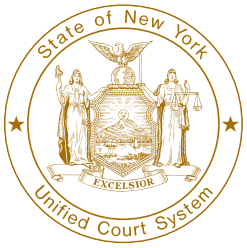
Note 5: The average age of people at naturalization is 42 years (Office of Immigration Statistics, 2011), giving naturalized workers more than 23 years to receive the wage differential before reaching a retirement age of 65. Naturalized citizens are much more likely to stay in the U.S. for the remainder of their lives than non-citzen legal permanent residents.

Exhibit 14: Other State Reports Reviewed In Stout's Analysis

State	Report Name, Author, Year of Data Analyzed
Alabama	Legal Aid Social Return on Investment Analysis
Alabama	Case Study: Social Return on Investment for Legal Aid, Alabama Civil Justice Foundation, 2018
Alaska	An Analysis of the Economic Impacts and Social Benefits of Assistance, Alaska Legal Services Corporation, 2011
Arizona	Social Return on Investment, Community Legal Services Inc, 2011
Arkansas	Justice Measured: An Assessment of the Economic Impact of Civil Legal Aid in Arkansas, University of Arkansas Clinton School of Public Service, 2013
Colorado	Social Return on Investment, Community Services Analysis Inc, 2012
Florida	Economic Impacts of Civil Legal Aid Organizations in Florida Funded in Part by The Florida Bar Foundation, The Resource for Great Programs, 2015
Florida	The Economic Impact of Legal Aid Services in the State of Florida, Florida TaxWatch, 2008
Georgia	Economic Impacts of Civil Legal Aid Organizations in Georgia, The Resource of Great Programs Inc, 2011
Illinois	Legal Aid in Illinois: Selected Social and Economic Benefits, Social IMPACT Research Center, 2010
Iowa	The Economic Impact of Iowa Legal Aid, Iowa Legal Aid, 2011
Kentucky	Legal Aid: Results, Achievements and Impacts, The Resource for Great Programs Inc, 2009
Louisiana	Legal Services Programs in Louisiana : Their Economic Impact on the State of Louisiana, Dr. James Richardson, 2010
Maine	Economic Impact of Civil Legal Aid Services in Maine, Todd Gabe PhD, 2015
Maryland	Economic Impact of Civil Legal Services in Maryland, 2012
Massachusetts	Cost Savings to the Commonwealth from Civil Legal Aid, 2004
Massachusetts	Investing in Justice - A Roadmap to Cost-Effective Funding of Civil Legal Aid in Massachusetts, NERA, 2013
Massachusetts	Civil Legal Aid Yields Economic Benefits to Clients and to the Commonwealth, Legal Assistance Corporation, 2011
Massachusetts	Civil Legal Aid Yields Economic Benefits to Clients and to the Commonwealth, Legal Assistance Corporation, 2015
Minnesota	Legal Aid's Impact: Economic Impact Measurements of Minnesota Legal Aid, 2014
Missouri	Investing in Justice, Strengthening Communities - How Everyone in Missouri Benefits from Funding for Legal Aid, 2008
Montana	The Economic Impact of Civil Legal Aid to the State of Montana, Montana Legal Services Association, 2013
Nebraska	The Economic Impact of Legal Aid of Nebraska, Rob Feelhaver and Jerome Deichert, 2007
New Hampshire	The Economic Impact of Civil Legal Services in New Hampshire: Achieving justice and Boosting the Economy, The Resource for Great Programs, 2011
North Carolina	The Economic Impact to the State of North Carolina of Civil Legal Services, Access to Justice, 2012
Ohio	Strength in Justice: Ohio's Legal Aids Energizing Our Economy and Building Our Communities, Ohio Legal Assistance Foundation, 2010
Oklahoma	The Economic Impact of Legal Aid in Oklahoma, Steven C Agee Economic Research and Policy Institute, 2010
Pennsylvania	The Economic Impact of Outcomes Obtained for Legal aid Clients Benefits Everyone in Pennsylvania, 2011
Tennessee	Economic Impact of Civil Legal Aid Organizations in Tennessee, The Resource for Great Programs Inc, 2013
Texas	Current and Potential Economic Benefits of Legal Aid Services in Texas, The Perryman Group, 2011
Texas	The Impact of Legal Aid Services on Economic Activity in Texas: An Analysis of Current Efforts and Expansion Potential, The Perryman Group, 2007
Virginia	Legal Aid Programs Produce Results That Touch Everyone in Virginia, Mark D. Braley, 2013

APPENDIX 9:

Program, Statewide Stakeholders Meeting (October 1, 2018)



2018 STATEWIDE STAKEHOLDERS MEETING

CONVENED BY THE
NEW YORK STATE
PERMANENT COMMISSION
ON ACCESS TO JUSTICE

OCTOBER 1, 2018

NEW YORK STATE BAR CENTER
ONE ELK STREET
ALBANY, NEW YORK

AGENDA

9:30 am - 10:30 am — **Registration and Light Refreshments** — **Great Hall**

10:30 am - 11:00 am — **Great Hall**

Welcome and Introduction
Helaine M. Barnett
Chair, NYS Permanent Commission on Access to Justice

Michael Miller
President, New York State Bar Association

Opening Remarks
Hon. Janet DiFiore
Chief Judge of the State of New York

Overview of Justice for All Strategic Action Plan
Helaine M. Barnett

11:00 am - 12:30 pm — **County Level Initiatives** — **Great Hall**

Monroe and Suffolk Counties Justice for All Pilots

Discussion of the local efforts in Suffolk and Monroe Counties, facilitated by Commission Member Anne Erickson, Executive Director, Empire Justice Center.

Hon. C. Randall Hinrichs, Administrative Judge, Tenth Judicial District (Suffolk) and Hon. Craig Doran, Administrative Judge, Seventh Judicial District (Monroe), will discuss the lessons learned from leading the development of a local Justice for All initiative, including the importance of judicial leadership, establishment of a leadership group, involvement of diverse stakeholders and identification of priorities.

Commission Member Hon. Fern Fisher, Special Assistant to the Dean for Social Justice Initiatives, Maurice A. Deane School of Law, Hofstra University and liaison to Suffolk County Leadership Team, and Commission Member Sheila Gaddis, Partner, Barclay Damon LLP and liaison to Monroe County Leadership Team, will discuss the initiatives underway in their county.

Local Access to Justice Collaborations

Presentations from Erie, Tompkins and Albany Counties and other regions of the State to highlight successful collaborations currently underway, facilitated by Commission Member Raun Rasmussen, Executive Director, Legal Services NYC.

AGENDA

12:30 pm - 1:15 pm **Working Lunch** **Great Hall**

Guiding Principles for Local Justice for All Initiatives

Presentation by Neil Steinkamp, Managing Director, Stout, Risius Ross and Consultant to the NYS Permanent Commission on Access to Justice, on the essential elements and steps to develop and implement a local Strategic Action Plan, including the importance of leadership, community integration and engagement of diverse stakeholders, development of a communications/ messaging plan, establishment of evaluation criteria, collection of data and creation of a sustainability plan.

1:15 pm - 3:15 pm **Breakout Sessions: Launching a Local Plan**

These smaller groups will discuss the process to initiate, develop and/or implement a local Strategic Action Plan. Using the Work Plan that will be distributed, participants will consider appropriate next steps depending on the level of involvement already underway. Commission members will facilitate the discussions, with participation from Leadership Team members from Suffolk and Monroe Counties.

- **Rural Counties**
  Facilitator: Sheila Gaddis, Commission Member;
  Partner, Barclay Damon
- **Counties with Larger Populations and an Urban/City Center**
  Facilitator: Barbara Finkelstein, Commission Member;
  CEO, Legal Services of the Hudson Valley
- **Albany County**
  Facilitator: Lillian Moy, Commission Member;
  Executive Director, Legal Aid Society of Northeastern New York
- **New York City**
  Facilitator: Adriene Holder, Commission Member;
  Attorney-in-Charge, Civil Practice, The Legal Aid Society

3:15 pm - 3:30 pm **Closing Plenary** **Great Hall**

Breakout Session Reports
Facilitator: Neil Steinkamp
Consultant, NYS Permanent Commission on Access to Justice

Closing Remarks
Helaine M. Barnett
Chair, NYS Permanent Commission on Access to Justice

PARTICIPANTS

Lori Abbatepaolo
Coordinator
Middle Country Public Library
abbatepaololori@mcplibrary.org

Hon. Andra Ackerman
City Court Judge
Cohoes City Court
aackerma@nycourts.gov

Kaweeda Adams
Superintendent
City School District of Albany
Kadams@albany.k12.ny.us

Samantha Aguam
Interim Assistant Director
Volunteer Lawyers Project of Onondaga County
saguam@onvlp.org

Craig Apple, Sr.
Sheriff of Albany County
Albany County Sheriff's Office
craig.apple@albanycountyny.gov

Michaela Azemi
Public Service Advisor
Office of Public Service, Cornell Law School
ma688@cornell.edu

Amy Barasch
Executive Director
Her Justice
abarasch@herjustice.org

Helaine Barnett
Chair
NYS Permanent Commission on Access to Justice
helainebarnett@aol.com

Christy Bass
Deputy District Executive
Third Judicial District
cbass@nycourts.gov

Andria Bentley
Special Projects Counsel
Appellate Division, Third Department
abentley@nycourts.gov

Myra E. Berman
Associate Dean for Academic Affairs and Associate Professor of Law
Touro Law Center
mberman@tourolaw.edu

Hon. Lucy Billings
Supreme Court Justice
New York County Supreme Court
lbilling@nycourts.gov

Lauren Breen
Executive Director
Neighborhood Legal Services
lbreen@nls.org

Raymond Brescia
Hon. Harold R. Tyler Chair in Law and Technology
Albany Law School
rbres@albanylaw.edu

Hon. Thomas Breslin
Administrative Judge
Third Judicial District
tbreslin@nycourts.gov

Gary Brown
Acting Executive Deputy Attorney General for Regional Affairs; Statewide Elder Abuse Coordinator and Assistant Attorney General-in-Charge, Westchester Regional Office
New York State Office of the Attorney General
gary.brown@ag.ny.gov

Kristin Brown
V.P. for Policy and Government Relations
Empire Justice Center
kbrown@empirejustice.org

Meghan Brown
Co-Chair, Access to Justice Committee
Women's Bar Association of the State of New York
mbrown@goldbergsegalla.com

William Bryan
Supervising Attorney, Civil Justice Practice
Brooklyn Defender Services
bbryan@bds.org

Maeve Callagy
Staff Attorney
Part of the Solution
mcallagy@potsbronx.org

Camilla Campisi
Program Manager for Special Initiatives
NYS Office for New Americans
camilla.campisi@dos.ny.gov

Hon. Vito Caruso
Administrative Judge
Fourth Judicial District
vcaruso@nycourts.gov

Amy Christensen
Deputy Director
Legal Assistance of Western New York, Inc.
achristensen@lawny.org

Steven Clark
Chief Clerk VII/Special Projects Coordinator
Office for Justice Initiatives
sbclark@nycourts.gov

Warren Clark
District Executive
Tenth Judicial District (Suffolk)
wgclark@nycourts.gov

Hon. Michael Coccoma
Deputy Chief Administrative Judge for Courts Outside New York City
NYS Unified Court System
mvcoccom@nycourts.gov

Kim Diana Connolly
Professor & Vice Dean for Advocacy and Experiential Education
University at Buffalo School of Law
kimconno@buffalo.edu

Terrence Connors
Partner
Connors LLP
tmc@connorsllp.com

Cathy Cramer
CEO
Legal Information for Families Today
ccramer@liftonline.org

Elizabeth Cronin
Director
NYS Office of Victim Services
elizabeth.cronin@ovs.ny.gov

Paul Curtin
Deputy Executive Director
The Legal Aid Bureau of Buffalo, Inc.
pcurtin@legalaidbuffalo.org

Hon. Kathie Davidson
Administrative Judge
Ninth Judicial District
algrant@nycourts.gov

Heidi Dennis
Executive Director
Rural Law Center of New York
heidi@rurallawcenter.org

Beth Diebel
District Executive
Third Judicial District
bdiebel@nycourts.gov

Hon. Craig J. Doran
Administrative Judge
Seventh Judicial District
cdoran@nycourts.gov

Maria Dosso
Director of Communications and Volunteer Services
Nassau Suffolk Law Services
mdosso@nsls.legal

Donna Dougherty
Attorney-in-Charge
Legal Services for the Elderly, JASA
ddougherty@jasa.org

Robert Elardo
CEO
Volunteer Lawyers Project, Inc.,
Erie County Bar Association
relardo@ecbavlp.com

Anne Erickson
CEO
Empire Justice Center
aerickson@empirejustice.org

Laura Felts
Homeless Prevention Program Coordinator
United Tenants of Albany, Inc
laura@unitedtenantsalbany.org

Hon. Paula Feroleto
Administrative Judge
Eighth Judicial District
pferolet@nycourts.gov

Barbara Finkelstein
CEO
Legal Services of the Hudson Valley
bfinkelstein@lshv.org

Hon. Fern Fisher
Special Assistant to the Dean for Social Justice Initiatives
Maurice A. Deane School of Law, Hofstra University
fernfisher@hofstra.edu.

Robert B. Fiske, Jr.
Senior Counsel
Davis Polk & Wardwell
fiske@dpw.com

Hon. Molly Fitzgerald
Administrative Judge
Sixth Judicial District
mrfchambers@nycourts.gov

Margaret Flint
Professor
Elisabeth Haub School of Law
gflint@law.pace.edu

Tina Foster
Executive Director
Volunteer Legal Services Project
tfoster@vlsprochester.org

Sheila Gaddis
Partner
Barclay Damon LLP
sgaddis@barclaydamon.com

Hon. Elizabeth Garry
Presiding Justice
Appellate Division, Third Department
ad3ga@nycourts.gov

Linda Gehron
CEO
Frank H. Hiscock Legal Aid Society
lgehron@hlalaw.org

Stephen J. Giordano
Director
Albany County Department of Mental Health
Stephen.Giordano@albanycountyny.gov

Jamie Gleason
Chief Clerk
Tompkins County Family Court
jgleason@nycourts.gov

Dr. Laura Gonzalez-Murphy
Director, Immigration Policy
NYS Department of State
laura.gonzalez-murphy@dos.ny.gov

Hank Greenberg
Shareholder, Greenberg Traurig
President-Elect, New York State Bar Association
greenbergh@gtlaw.com

Hon. Michael Griffith
Supervising Judge Family Courts
Eighth Judicial District
mfgriffi@nycourts.gov

Elizabeth Grossman
Legal Advocacy Director
Lenox Hill Neighborhood House
egrossman@lenoxhill.org

Jennifer Gundlach
Clinical Professor of Law
Maurice A. Deane School of Law,
Hofstra University
jennifer.gundlach@hofstra.edu

Joanne Haelen
District Executive
Fourth Judicial District
jhaelen@nycourts.gov

Laura Hankin
Law Library Assistant
Columbia County Supreme Court Law Library/Help Center
lhankin@nycourts.gov

Deborah Hempe
Coordinator for Outreach Services
Middle Country Public Library
hempedeborah@mcplibrary.org

Robert Hermann
Counsel
Legal Services of the Hudson Valley
rhermann@lshv.org

Hon. C. Randall Hinrichs
Administrative Judge
Tenth Judicial District (Suffolk)
rhinrich@nycourts.gov

Liz Hitt
Executive Director
Homeless and Travelers Aid Society
lhitt@hatas.org

Samantha Howell
Executive Director
National Association of Social Workers - NYS
showell.naswnys@socialworkers.org

Graham Hughes
Community Operations Associate
Rochester-Monroe Anti-Poverty Initiative
graham.hughes@uwrochester.org

Daniel Hurteau
President-Elect
Albany County Bar Association
tcarruth@nixonpeabody.com

Andrew Isenberg
District Executive
Eighth Judicial District
aisenber@nycourts.gov

Scott Jarzombek
Executive Director
Albany Public Library
jarzombeks@albanypubliclibrary.org

Maryann Joyner
Program Director
Rural Law Center of New York
maryann@rurallawcenter.org

Lauren Kanfer
Staff Counsel
NYS Permanent Commission on Access to Justice
lkanfer@nycourts.gov

Dennis Kaufman
Executive Director
Legal Services of Central New York
dkaufman@lscny.org

Deborah Kearns
Chief Clerk
Albany County Surrogate's Court
dkearns@nycourts.gov

Lynn Kelly
Executive Director
City Bar Justice Center
lkelly@nycbar.org

John Kiernan
Partner
Debevoise & Plimpton LLP
jskiernan@debevoise.com

Matthew Knecht
Managing Director
Neighborhood Defender Service of Harlem
mknecht@ndsny.org

Vichal Kumar
Managing Attorney, Civil Defense Practice
Neighborhood Defender Service of Harlem
vkumar@ndsny.org

Marcia Levy
Executive Director
Volunteers of Legal Service (VOLS)
mlevy@volsprobono.org

Daniel Lynch
Albany County Attorney
daniel.lynch@albanycounty.com

Joanne Macri
Statewide Chief Implementation Attorney
NYS Office of Indigent Legal Services
joanne.macri@ils.ny.gov

Elizabeth Maris
Supervising Attorney
Part of the Solution
emaris@potsbronx.org

Connie Mayer
Associate Dean for Academic Affairs
Albany Law School
cmaye@albanylaw.edu

Robert McCreanor
Legal Director
Worker Justice Center of New York
rmccreanor@wjcny.org

Michael McDermott
Vice President
Albany County Bar Association
mmcdermott@oalaw.com

Hon. Edwina Mendelson
Deputy Chief Administrative Judge for Justice Initiatives
NYS Unified Court System
adurso@nycourts.gov

Michael Miller
President
New York State Bar Association
mm@michaelmilleresq.com

James Milstein
Director
Albany County Office of Immigration Assistance
james.milstein@albanycounty.com

Myleah Misenhimer
Private Attorney Involvement Director
Legal Aid Society of Northeastern New York
mmisenhimer@lasnny.org

Jennifer Monthie
Legal Director
Disability Rights New York
jennifer.monthie@drny.org

Andre Morris
Director of Re-Entry Services
Trinity Alliance
a.morris@ta-cr.org

Lillian Moy
Executive Director
Legal Aid Society of Northeastern New York
lmoy@lasnny.org

Taili Mugambee
Program Coordinator
Ultimate Reentry Opportunity Initiative
tm554@cornell.edu

Barbara Mulé
Staff Counsel
NYS Permanent Commission on Access to Justice
bmule@nycourts.gov

Laurette Mulry
Attorney in Charge
Legal Aid Society of Suffolk County, Inc.
lmulry@sclas.org

Karen Murtagh
Executive Director
Prisoners' Legal Services of New York
kmurtagh@plsny.org

Karen Nicolson
Chief Executive Officer
Center for Elder Law & Justice, Inc.
knicolson@elderjusticeny.org

Lori O'Brien
Deputy Director
Legal Assistance of Western New York, Inc.
lobrien@lawny.org

Mark O'Brien
Executive Director
Pro Bono Net
mobrien@probono.net

Justine Olderman
Executive Director
The Bronx Defenders
justineo@bronxdefenders.org

Judith Olin
Assistant Clinical Professor
University at Buffalo School of Law
judyolin@buffalo.edu

Alicia Ouellette
President and Dean
Albany Law School
aouel@albanylaw.edu

Ronald Pawelczak
District Executive
Seventh Judicial District
rpawelcz@nycourts.gov

Ken Perri
Executive Director
Legal Assistance of Western New York, Inc.
kperri@lawny.org

Mary Porter
Principal Law Clerk
Tenth Judicial Distirct (Suffolk)
mporter@nycourts.gov

Nic Rangel
Co-Founder, Board Member, Facilitator
The Center for Community Insight, Inc.
centerforcommunityinsight@gmail.com

Raun Rasmussen
Executive Director
Legal Services NYC
rrasmussen@ls-nyc.org

Ricja Rice-Ghyll
President
Capital District Women's Bar Association
ricja.rice@gmail.com

Deb Riitano
Executive Director
Capital Area Council of Churches
driitano6@gmail.com

Karen Riley
Executive Director/Chief Attorney
Children's Rights Society
kriley@childrensrightsinc.org

Regina Ritcey
Executive Director
New York State Dispute Resolution Association, Inc.
regina@nysdra.org

Lisa Rivera
Managing Attorney
New York Legal Assistance Group
lrivera@nylag.org

Hon. Richard Rivera
Family Court Judge
Albany County Family Court
rxrivera@nycourts.gov

Christine Rodriguez
Director of Domestic Violence Services
Equinox, Inc.
crodriguez@equinoxinc.org

Jessica Rose
Executive Director
Brooklyn Legal Services Corporation A
jrose@bka.org

Hon. John Rowley
Supreme Court Justice
Tompkins County Supreme Court
jrowley@nycourts.gov

Sarah Rudgers-Tysz
Executive Director
Mediation Matters
sarahrt@mediationmatters.org

Hon. Christina Ryba
Supreme Court Justice
Albany County Supreme Court
cryba@nycourts.gov

Lance Salisbury
Supervising Attorney
Tompkins/Schuyler County Assigned Counsel Programs
lsalisbury@tompkins-co.org

Arlene Sanders
Director of Pro Bono Programs
Legal Aid Society of Mid-New York
arlene.sanders@lasmny.org

Melinda Saran
Vice Dean for Social Justice Initiatives
University at Buffalo School of Law
saran@buffalo.edu

David Shopp
CEO/Executive Director
Legal Aid Bureau of Buffalo
dschopp@legalaidbuffalo.org

Karen Andolina Scott
Executive Director
Journey's End Refugee Services
kscott@jersbuffalo.org

Jeffrey Seigel
Executive Director
Nassau Suffolk Law Services
jseigel@wnylc.com

Sophia Serlis-McPhillips
Director
Middle Country Public Library
serlismc@mcplibrary.org

Carolyn Silver
Chief Program Officer
Lenox Hill Neighborhood House
csilver@lenoxhill.org

Michelle Smith
Chief of Staff
Office for Justice Initiatives
mansmith@nycourts.gov

Neil Steinkamp
Managing Director
Stout Risius Ross, LLC
nsteinkamp@stoutadvisory.com

Vivian Storm
Coordinator, Community Legal Help Project
Nassau Suffolk Law Services
vstorm@nsls.legal

Nancy Sunukjian
Director
Office of Justice Court Support
nsunukji@nycourts.gov

Maha Syed
Executive Director
New York Legal Services Coalition
maha@nylscoalition.org

Gregg Thomas
Managing Attorney, Ithaca Office
Legal Assistance of Western New York, Inc.
gthomas@lawny.org

Shante Thomas
Outreach Coordinator
Office for Justice Initiatives
sthomas@nycourts.gov

Leslie Thrope
Executive Director
Housing Conservation Coordinators
lthrope@hcc-nyc.org

Hon. Holly Trexler
City Court Judge
Albany City Court
htrexler@nycourts.gov

Kristen Wagner
Director of Pro Bono Services
New York State Bar Association
kwagner@nysba.org

Daniel Weitz
Director
Division of Professional and Court Services, Office of Court Administration
dweitz@nycourts.gov

Monica Welby
Deputy Director of Litigation
Legal Action Center
mwelby@lac.org

Keisha Williams
Deputy Executive Director
Western New York Law Center
kwilliams@wnylc.com

Mike Williams
Chief Clerk
Suffolk County Family Court
mwilliams@nycourts.gov

Nala Woodard
Deputy Chief Clerk
Albany County Family Court
nwoodard@nycourts.gov

Barbara Zahler-Gringer
Counsel for Administration
Office of Court Administration
bzaler@nycourts.gov

Lisa Zayas
Special Counsel for Program Initiatives
Office for Justice Initiatives
lzayas@nycourts.gov

Acknowledgments

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Statewide Stakeholders Meeting Planning Group

Helaine M. Barnett, Chair
New York State Permanent Commission on Access to Justice

Anne Erickson, CEO
Empire Justice Center

Lauren Kanfer, Staff Counsel
New York State Permanent Commission on Access to Justice

Lillian Moy, Executive Director
Legal Aid Society of Northeastern New York

Barbara Mulé, Staff Counsel
New York State Permanent Commission on Access to Justice

Raun Rasmussen, Executive Director
Legal Services NYC

APPENDIX 10:

Guiding Principles for Local Justice for All Initiatives in New York State (New York State Permanent Commission on Access to Justice, October 1, 2018)

New York State Permanent Commission on Access to Justice

Guiding Principles for Local Justice for All Initiatives in New York State

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Introduction to New York State Justice for All Strategic Action Plan

In 2017, the New York State Permanent Commission on Access to Justice ("Permanent Commission" or "we") developed a statewide strategic action plan to provide effective assistance for 100 percent of low-income New Yorkers confronting civil legal matters affecting the essentials of life.

At the outset of developing this plan, the Permanent Commission convened community listening sessions around the State to hear from a broad group of civil justice stakeholders about their perspectives on the justice gap in their neighborhoods. Stakeholders shared insights on the numerous legal issues that impact their communities, the need for expanded legal services, and the myriad social issues that impact the essentials of life and may create barriers to accessing justice, including limited or lack of transportation, limited language access services, lack of safe and affordable housing, health-related challenges, and the lack of understanding about the legal system and what constitutes a legal matter.

Based on insights gained through the strategic planning process, the Permanent Commission chose to conduct a local pilot in which a strategic action plan would be developed with the goal of providing effective assistance to 100 percent of low-income New Yorkers confronting civil legal matters involving the essentials of life within a specific geographic area that could inform similar efforts in communities statewide. The first of these pilots has been ongoing in Suffolk County. Recently, Monroe County also began developing a local strategic action plan to provide effective assistance to 100 percent of low-income residents in the county confronting civil legal matters involving the essentials of life.

Guiding Principles for Planning Local Justice for All Initiatives in New York State

As described above, we are working closely with stakeholders at both the state and local level, as we have been in Suffolk and Monroe Counties, to develop Justice for All (JFA) initiatives designed to lead the State toward achieving the vision of 100 percent effective assistance. Over time, we have come to better understand the factors critical for local JFA planning to start and to be sustained. Working with local JFA leadership and other stakeholders, we have identified guiding principles for developing, implementing, and sustaining strategies to expand access to justice locally and statewide, including, but not limited to the following:

1) **Establish Effective Leadership:**
    - Engage, as principal leader of the JFA initiative, the Administrative Judge for the Judicial District in which the county undertaking the initiative is located. This is a critical foundation for launching, developing and sustaining the JFA initiative.

    - Form, as guided by the Administrative Judge, a leadership group of key legal and community stakeholders that will assist in leading local activities, including planning,

- creating task forces, identifying community needs, setting priorities, and developing processes to ensure sustainability.

- Together create a process that demonstrates a commitment to regular progress and meetings, the involvement of a diverse group of community stakeholders in task force activities and action steps, and a commitment to listening to and learning from the perspectives of a diverse group of stakeholders.

- Develop and implement a written strategic action plan that details priorities, guides activities and ensures sustainability toward the goal of 100 percent effective assistance. A written plan affirms the commitment to this goal, the involvement of community stakeholders, and puts in place the processes necessary to create sustainability.

2) Develop Strong Relationships with Diverse Stakeholders and Form Local Collaborations:

- Identify and convene a wide range of local community stakeholders to collaborate in and enhance the process for developing effective strategies to expand access to justice. The most impactful stakeholders may be:

    - Members of the Judiciary (e.g., judges and court staff);
    - Legal Services Providers;
    - Local Bar Associations;
    - Law Schools;
    - Public Libraries and court-sponsored public access Law Libraries;
    - County, Town, and Village Offices and Agencies;
    - Public Schools, Early Education Centers, and Higher Education;
    - Healthcare Community;
    - Faith Leaders;
    - Social Services Providers;
    - Housing Authorities;
    - Community Activists, Advocates and Organizers; and
    - Law Enforcement.

- Create a climate for and encourage collaboration among a wide range of community organizations. Often, those organizations are unfamiliar with other social and legal resources available in their communities. Convening them enables an exchange of information that will help build and strengthen relationships, identify challenges, and seek collaborative solutions to overcoming barriers to access. Local collaborations often do not require new resources or services; rather, taking advantage of newly shared resources, ideas and connections give rise to opportunities for providers to make their services more efficient and impactful. By emphasizing collaboration and community integration, while developing local strategies, JFA planners can facilitate the sharing of

information, perspectives, and resources among local stakeholders. The ongoing development of these relationships promotes both the immediate success and the long-term sustainability of new and existing initiatives to expand access to justice.

- **Perform Inventory Assessments and Set Priorities**: Conducting inventory assessments (cataloguing the resources and services available to address legal and other community needs) and setting priorities (deciding which issues to address first and the initial steps to be taken) are important steps in local JFA planning. The process of becoming familiar with the local effective assistance resources and services promotes the awareness of these resources, brings together local providers, and enables them to identify resource gaps, set priorities, and develop strategies to fill those gaps. Our efforts to date have led us to understand that it is important to:

    - Set up a multi-stakeholder inventory assessment process. Taking inventory of resources and services of multiple stakeholders will develop awareness of opportunities for collaboration and informs providers' ability to set priorities collectively and organize collaborations to pursue them. Cataloguing the availability of local resources yields insights for local providers about the gaps between community needs and the resources available to meet them.

    - When setting priorities, consider ease of implementation, stakeholder support, funding requirements, sustainability, measurability, and expected impact. JFA planners should identify the opportunities to improve access to justice and availability of effective assistance that will have the fewest barriers to implementation and the greatest support from a diverse group of stakeholders, be capable of long-term sustainability, and have a measurable impact on improving access to effective assistance. JFA planners should consider existing assets in the community, such as physical space or resources, which can be leveraged or made available to assist in JFA efforts at little or no cost.

    - Conduct both collaborative inventory assessments and priority-setting, which will help reveal both local trends and barriers to access to justice across local communities. While many local communities experience similar barriers to access to justice, the specific circumstances unique to each community require customized, local solutions. Inventory assessment and priority-setting provide insights into how to develop those solutions and organize stakeholders to begin to do so collaboratively.

3) **Create and Sustain Pervasive Awareness in the Community of the Availability of Effective Assistance:** Aim to create a pervasive sense of awareness in the community of the resources available to provide effective assistance in civil legal matters affecting the essentials of life. JFA planners should consider developing a communication and outreach

plan for use by various community stakeholders who may be engaged to inform local residents of available resources as well as provide feedback to JFA planners on how to expand the scope and effectiveness of outreach to the community.

Communication plans may consider various forms of direct outreach as well as virtual communications. Incorporate resources and platforms that already exist to raise awareness in the community. Platforms such as LawHelpNY or 2-1-1 can be particularly impactful and can help JFA planners gather data on the impact of their communication efforts, identify gaps (substantive and geographic) in the services available, and develop new programs to meet the needs of the community.

4) **Consider "Effective Assistance" as a Spectrum of Resources and Services:** View effective assistance as a spectrum of services ranging from imparting legal and other information to providing full legal representation. The most effective and comprehensive assistance that can be provided to low-income individuals facing civil legal matters involving the essentials of life is full representation by a lawyer throughout the entire matter or dispute. While we encourage JFA planners to strive to develop strategies to maximize the availability of full representation for low-income litigants, effective assistance also contemplates access to the spectrum of other services that meet the needs of low-income persons facing civil legal matters involving the essentials of life. Recognizing an entire spectrum of services that are components of "effective assistance," while acknowledging the importance of full representation, can lead to innovative and impactful initiatives that expand access to justice. For example, local planners should consider resources such as:

- Access to legal information through technology;
- Self-help tools and services for unrepresented litigants;
- Simplified court rules and processes;
- Widely available and adequate referrals;
- Call centers for assistance with legal and other needs;
- Community storefront access to in-person legal information and other assistance;
- Assistance provided by trained non-lawyers or by supervised law students;
- Assistance with out-of-courtroom mediation and negotiation services;
- Limited-scope representation, and
- Full legal representation through civil legal aid, and/or pro bono assistance.\

5) **Implement Ongoing Evaluation Processes and Efforts to Ensure Sustainability:** Engage in regular and ongoing evaluation and impact analyses of access to justice initiatives, as well as the inventory assessments and priorities, to identify opportunities for enhancement or expansion. When developing local JFA initiatives, planners should be thoughtful about the data that will be necessary to collect to perform a comprehensive evaluation. Attached is an outline of proposed evaluation criteria.

6) **Consider the Impact of Optimism and Enthusiasm on Planning:** Understand that local and statewide planning efforts throughout the State have been successful so far, in part, because of the optimistic, enthusiastic mindsets adopted by the planning groups and involved community stakeholders. We have found that emphasizing and enthusiastically embracing the idea that closing the justice gap in New York is an achievable goal serves to increase stakeholders' creativity and active participation in strategic planning. Similarly, we have promoted long-term sustainability by including local stakeholders as active participants in coordinated local and statewide efforts. When developing new relationships, initiatives, and strategies, local planners may consider their own mission statements to motivate local stakeholders and further promote their success.

Conclusion

As local JFA plans are developed and implemented, the local leadership groups will be responsible for developing a local JFA plan and coordinating local implementation efforts, including working closely with all stakeholders. By obtaining continued stakeholder input and monitoring progress, the local leadership can ensure that their JFA initiatives are integrated for the most impactful result. We request that local JFA leadership report and make recommendations quarterly to the Permanent Commission on implementation efforts and activities.

Going forward, the Permanent Commission will serve as the statewide umbrella entity to coordinate and oversee implementation of the objectives of the strategic action plan throughout the State, including the development and implementation of local JFA plans. The Permanent Commission will designate one of its members to serve as liaison to each local JFA leadership group and will be available for advice and counsel to the local JFA leadership groups as questions or issues arise. The Permanent Commission will also convene an annual stakeholder meeting to share best practices and new developments across the State.

In combination with the Permanent Commission's statewide efforts to close the justice gap, the goal of local JFA initiatives is to create and leverage opportunities for making effective assistance accessible to all low-income New Yorkers with civil legal issues affecting the essentials of life. Throughout the planning and implementation process, it is important to consider all options for expanding access to justice. By focusing on effective leadership from the judiciary, promoting local collaborations, developing strong relationships with diverse local stakeholders, performing inventory assessments and priority settings, implementing evaluation processes, considering both the importance of full representation as well as a broad array of additional "effective assistance," and maintaining an optimistic mindset, local planners will be well equipped to build on current successes and contribute further to closing the justice gap in New York.

Proposed Evaluation Criteria for Local JFA Strategic Action Plans

Based on the Permanent Commission's experience with the current local JFA pilots, and the development of its strategic action plan, the Permanent Commission has developed preliminary evaluation criteria for local JFA planners to consider regarding the development and implementation of local JFA strategic action plans. We suggest that you measure the extent to which you have achieved the following:

- **Leadership Group Development** – You have developed a leadership group chaired by the local Administrative Judge that includes other members of the judiciary, representatives from bar associations, providers, libraries, law schools, and other key local stakeholders.

- **Stakeholder Involvement** – Your strategic action plan demonstrates that the leadership group has engaged a broad and diverse group of stakeholders in the local community.

- **Inventory Assessment** – Your strategic action plan demonstrates that the leadership group performed an assessment of the resources available in the community and where access to justice gaps may exist.

- **Priority Setting** – Your strategic action plan demonstrates that the leadership group has evaluated the results of its inventory assessment and has considered which action steps should have the greatest priority considering barriers to implementation, funding and sustainability.

- **Community Communication** – Your strategic action plan demonstrates a process to share information or materials within and across the community in an effort to ensure a pervasive awareness by residents of the availability of effective assistance.

- **Data Gathering** – Your strategic action plan includes a process by which to gather data and feedback from outreach platforms (such as 2-1-1 and LawHelpNY) as well as from local providers and stakeholders.

- **Impact Analyses** – Your strategic action plan incorporates plans to conduct analyses regarding the impact of the local JFA strategic action plan to assist with priority setting, sharing best practices, and engaging potential funders.

- **Evaluation Processes** – Your strategic action plan describes a process to assess, develop, implement, analyze, refine, and expand its activities, as well as to periodically re-evaluate inventory assessments and priorities.

- **Written Strategic Action Plan** – You have a formal, written strategic action plan, integrating and incorporating all elements of expected actions and processes of the local JFA leadership group (and task forces), to increase the likelihood of sustained activity, collaboration, and progress toward achieving 100 percent access to effective assistance.

APPENDIX 11:

Report of the Permanent Commission's Working Group on Law School Involvement

NEW YORK STATE PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT OF THE LAW SCHOOL INVOLVEMENT WORKING GROUP

SEVENTH ANNUAL

LAW SCHOOL CONFERENCE

ACCESS TO JUSTICE: THE ROLE OF NEW YORK'S LAW SCHOOLS IN HELPING MEET THE ESSENTIAL CIVIL LEGAL NEEDS OF LOW-INCOME NEW YORKERS

AT
ELISABETH HAUB SCHOOL OF LAW AT PACE UNIVERSITY
ON MAY 15, 2018

NOVEMBER 2018

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2018 KEY RECOMMENDATIONS TO THE PERMANENT COMMISSION

2018 KEY RECOMMENDATIONS TO THE PERMANENT COMMISSION FROM THE LAW SCHOOL INVOLVEMENT WORKING GROUP

The following Key Recommendations, distilled from the reports of the four Conference Work Groups, are intended to inform the law schools' efforts to improve access to justice for low-income New Yorkers facing legal challenges to life's essentials and strengthen the educational pipeline from secondary school and college to law school and the legal profession.

1. The Annual Law School Conference should be continued. The Conference promotes collaborations and communications among the law schools, the judiciary, legal services providers and the bar. It is a singular opportunity for meaningful discussions about academic and experiential programming between the law school community and the community of New York's legal services providers, pro bono organizations and practitioners from all practice settings, private to corporate.

2. The Statewide Law School Access to Justice Council should continue to support law school efforts to expand access to justice, specifically by establishing programs to strengthen the pipeline to law school and developing methods to evaluate the impact of the Pro Bono Scholars program and track the career paths of Pro Bono Scholars.

3. Law schools should work with legal services providers and the private bar, including law firms, not-for-profit organizations and corporations, to formalize and broaden programs and opportunities for local middle and high school and undergraduate students to interact with law schools and the legal profession to strengthen the pipeline. A structured network of programs, including internships, moot court and debate competitions, ensures a diverse pipeline and widens the applicant pool which will result in even more diverse law school classes, faculty, practitioners and judges.

4. Law schools should continue to broaden admissions criteria and commit to increasing need-based scholarships. To promote a diverse applicant pool, law schools should consider a range of criteria beyond standardized test scores and grades that equally demonstrates qualification for law school. Expanding need-based aid for qualified applicants will ensure access to legal education for students from diverse backgrounds.

5. Law schools should continue to develop clinical and experiential opportunities to immerse students in access to justice work and expose them to the range of racial, gender, and economic justice issues implicated in housing, consumer debt, immigration and other social justice matters. Law schools should encourage interdisciplinary studies, such as social work, health care, finance and languages, to enable students to develop skills and competencies to provide effective representation to individuals confronting access to justice issues. Public funding for legal assistance and heightened activism around social justice issues have created new and exciting opportunities for students and graduates to become public interest and legal services lawyers, which law schools should encourage.

6. Law schools and public interest organizations should enhance their coordination in the recruitment process to facilitate hiring as early as possible during the academic year to maximize public interest and public service employment options for students and ensure a strong applicant pool for legal services work.

OVERVIEW OF THE SEVENTH ANNUAL CONFERENCE

Overview of the Seventh Annual Law School Access to Justice Conference

On May 15, 2018, Helaine M. Barnett, Chair of the New York State Permanent Commission on Access to Justice (Permanent Commission), welcomed New York's law school community, including deans, faculty, Pro Bono Scholars and law students from all 15 law schools, as well as representatives of the judiciary, legal services providers and the private bar, to the Seventh Annual Law School Access to Justice Conference at the Elisabeth Haub School of Law at Pace University. The Conference is a unique opportunity for New York's legal community to focus on the law schools' role in helping to meet the essential civil legal needs of low-income New Yorkers.[1] As Chief Judge Janet DiFiore stated in her opening remarks, "the Conference reflects our strong belief that the law schools are our vital partners in ensuring that all litigants, regardless of economic status, have meaningful access to our courts and justice system."[2]

Each year, Fordham University School of Law Dean Matthew Diller, Chair of the Permanent Commission's Law School Involvement Working Group, and the Statewide Law School Access to Justice Council[3] form a planning committee to identify the Conference theme and develop work group sessions. Building on the work and recommendations from the prior six conferences, the planning committee selected "Strengthening the Access to Justice Pipeline" as the 2018 Conference theme.[4] For the first time since the inaugural conference in 2012, this year's Conference participants were equally representative of the law schools and the bar. Similarly, it is noteworthy that each Work Group engaged in discussion of the importance and urgency of strengthening the pipeline to ensure increased opportunities for students from diverse cultural, social and economic backgrounds to enter law school and the legal profession.

After Permanent Commission Chair, Ms. Barnett, welcomed Conference participants, Pace University President Marvin Krislov addressed the group. President Krislov, a national champion for broad educational access, emphasized that access to representation is critical for our democracy. Law schools, he suggested, should engage in intra-university collaborations to expand interdisciplinary service delivery models, such as addressing homelessness with supportive services for mental health, and with employment and educational counseling.

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1. The Permanent Commission encourages all stakeholders in New York's legal system to work collaboratively to expand access to justice and has convened the annual law school conference to encourage and promote collaborations among New York's law schools, and among legal services providers, the private bar and the courts. In 2011, a survey of New York's 15 law schools showed that law schools have great range and depth in programming that addresses access to justice issues, including curricular offerings, student pro bono projects, and law school support for summer and post-graduate legal work on behalf of low-income clients. In 2012, the inaugural conference was convened at the Benjamin N. Cardozo School of Law, entitled "A Conversation About the Role of Law Schools in Helping Meet the Essential Civil Legal Needs of Low Income New Yorkers." That Conference, organized into Work Groups that examined various aspects of law school programs and activities that broaden community access to justice and produced recommendations for further action. This became the model for the annual law school access to justice conference. It was at the 2012 Law School Conference that then Chief Judge Jonathan Lippman announced the 50-hour pro bono work requirement for all law graduates seeking admission to the New York bar. Reports from the Annual Law School Conferences are contained in Appendix 15 to the respective Annual Report to the Chief Judge from 2012-2015, in Appendix 10 to the 2016 Annual Report, and Appendix 9 to the 2017 Annual Report available at http://www.nycourts.gov/accesstojustice-commission/index.shtml.

2. Remarks of Hon. Janet DiFiore, Chief Judge of the State of New York, on file with the Permanent Commission.

3. The Statewide Law School Access to Justice Council was established in 2013 based on a recommendation from the 2012 Law School Conference and includes members from all 15 law schools, representatives of legal services providers, members of the Permanent Commission and a representative of the New York State Bar Association.

4. The Conference Program is attached in Exhibit 1.

President Krislov noted that such collaborations could yield innovative solutions to societal issues that cannot easily be resolved through legal channels alone.

The next speaker, Elisabeth Haub School of Law Interim Dean Horace Anderson characterized the education of students to advocate for and work to assure access to justice for New York's vulnerable residents as the most pressing issues for law schools. The Elisabeth Haub School of Law endeavors to educate its students to serve New Yorkers in need through its range of clinics offering legal assistance to victims of domestic violence, individuals in the criminal justice system, immigrants and applicants for asylum, and disabled people, to name a few. Dean Anderson described the Pro Bono Scholars program as a pivotal part of the law schools' access to justice work to support students who serve the underrepresented. Fifteen percent of the 2018 Elisabeth Haub graduating class participated in the Pro Bono Scholars program, which Dean Anderson believes fortifies the pipeline to legal services work.

In her remarks, Chief Judge DiFiore recognized New York as a national leader in access to justice based on its multi-faceted efforts to expand access to justice, highlighting the important work of the Permanent Commission, including convening this annual conference to encourage collaborations and strategies to help meet the legal needs of all residents.

New York's commitment to achieving equal access to justice and the fair administration of justice is evidenced by its $100 million funding allocation for direct civil legal services for challenges to essentials of life confronting people in need.[5] This dedicated public funding of civil legal services furthers the Chief Judge's Excellence Initiative that strives "to achieve and maintain excellence throughout the court system, giving the people of New York the justice services they have a right to expect and deserve."[6]

The Chief Judge observed that law student pro bono work has increased exponentially under the 50-hour bar admission requirement and the Pro Bono Scholars program, translating to legal services that have benefited thousands of individuals and families, while providing law students with valuable skills, cultural competencies and professional experiences. Currently, tremendous legal and public service opportunities for law students have been created by the increased statewide legal services funding for low-income New Yorkers, and in New York City, especially by the Universal Access to Legal Services Law (Universal Access Law) in housing court.[7]

The Chief Judge expressed her confidence that our collective efforts will continue the progress in meeting the legal needs of all New Yorkers. She charged the Conference participants to train and prepare the next generation of lawyers to take advantage of the changing landscape, and the many newly created opportunities to expand access to justice.

5. The predecessor to the Permanent Commission on Access to Justice, the Task Force to Expand Access to Civil Legal Services in New York, was appointed by former Chief Judge Jonathan Lippman in 2010 to develop a comprehensive approach to the provision of civil legal services to low-income New Yorkers facing legal challenges involving the essentials of life: housing (including eviction, foreclosures and homelessness); family matters (including domestic violence, children and domestic stability); access to healthcare and education, subsistence income (including wages, disability and other benefits); and consumer debt. By order of the Chief Judge in 2015, the Task Force was institutionalized as the Permanent Commission to continue its work to narrow New York's justice gap and document the continuing unmet need for civil legal services (See 22 NYCRR 51.1).

6. Remarks of Hon. Janet DiFiore, supra, note 1.

7. The Universal Access Law is codified as Local Law 136 of 2017 available at http://library.amlegal.com/nxt/gateway.dll/New%20York/admin/newyorkcityadministrativecode?f=templates$fn=default.htm$3.0$vid=amlegal:newyork_ny.

MORNING PLENARY SESSION

Dean Diller opened the Morning Plenary Session, describing the "Access to Justice Pipeline" as an educational continuum beginning before law school. Dean Diller broadly defined the "pipeline" as an educational pathway from secondary school to law school that provides support and guidance to students from a cross-section of communities who otherwise might not consider the possibility of a law school education. Creating a strong pipeline will help diversify the composition of law school classes -- and by extension, the legal profession. A strong educational pipeline is an asset to the legal profession that can best satisfy its core mission to serve others only when it is truly representative of everyone it aims to serve. Dean Diller introduced CUNY School of Law Dean Mary Lu Bilek to moderate the plenary panel assembled to parse these issues.

It is critical, Dean Bilek stated, that law schools prepare students to serve community needs and that students from underserved communities can attend law school. Access to justice means access to the legal profession. A just and civil society depends on equal and fair access to legal education, as well as access to the legal system.

The historic investments in legal services by the New York City Council and the Mayor under the Universal Access Law in housing court, as well as its investments for immigration, employment and consumer debt legal services, have effectively helped to level the playing field for thousands of low-income New Yorkers. Indeed, absent the Universal Access Law many of these individuals would not have access to representation in court. Jordan Dressler, New York City's first Civil Justice Coordinator, attributed the cultural change in New York City housing court to the Universal Access Law and highlighted the incredible opportunity it presents for young, creative lawyers to influence the evolution of housing law and practice and serve people in need over decades to come.

From her perspective as the Attorney-in-Charge of the Civil Practice for the Legal Aid Society, Adriene Holder, identified the pressing need for lawyers from diverse backgrounds who are problem solvers, to serve people in poverty. Not only is there increasing demand for civil legal services lawyers, the need for lawyers to serve in management roles in legal services organizations is growing. It is incumbent upon the law schools to prepare students for legal services careers, in both direct representation and affirmative representation capacities. Likewise, it is crucial that law schools work with students who need financial assistance, and that debt-forgiveness programs be preserved.

Aaron Taylor, Executive Director of AccessLex Center for Legal Education Excellence, pointed out that to achieve real diversity in the legal profession, underrepresented groups cannot be priced out. And it is students from underrepresented groups and those with high levels of debt who typically intend to work in legal or public services positions. Mr. Taylor reported that black 1L students are the least likely to attend schools with high bar-passage and post-graduation employment rates. A sampling of statistics presents the stark reality: black students submit approximately 2300 applications for every 1000 black student admissions.[8] White students submit about 1400 applications for every 1000 white student admissions.[9] Regrettably, the

8. Mr. Taylor's slide presentation, "Racial and Ethnic Trends in Law School Enrollments," attached as Exhibit 2, at Slide 3.

9. See supra, Mr. Taylor's slide presentation, Exhibit 2, at Slide 3.

loan forgiveness programs available for graduates who pursue public service work and other programs that incentivize law graduates to work for non-profits or government are in jeopardy under the current federal administration.

Education is transformative, and it is through education—and expanding access to education—that James O'Neal, Co-Founder and Executive Director of Legal Outreach, Inc., champions and effects change in the composition of the law school population. Individuals living in marginalized communities often have negative impressions of lawyers. By exposing middle school and high school students to the workings of the justice system, Legal Outreach allows students to observe how the law serves to protect their rights. Legal Outreach builds the scaffolding for students, providing the skills and support to ensure academic success and emotional fortitude. Mr. O'Neal challenged law schools to take chances on students from underrepresented communities, and to offer pro bono credit to law students who can cultivate the pipeline by teaching middle and high school students about the law and government.

Dean Bilek thanked the panelists for the inspired discussion, charging the Conference participants with the task of developing considered recommendations in their Work Groups on how the legal community can systemically strengthen the pipeline to ensure the vitality of the legal profession and efficacy of legal education. Dean Bilek invited Ms. Barnett and Neil Steinkamp, Consultant to the Permanent Commission, to provide an update on the Permanent Commission's Strategic Action Plan to provide effective assistance to all New Yorkers in need confronting legal challenges to the essentials of life.

MID-MORNING BRIEFING

Mid-Morning Briefing on New York State Permanent Commission's Strategic Action Plan to Provide 100% Effective Assistance to All New Yorkers in Need

Helaine Barnett
Chair, New York State Permanent Commission on Access to Justice

Neil Steinkamp
Consultant, New York State Permanent Commission on Access to Justice
Managing Director, Stout Risius Ross, LLC

In November 2016, New York was one of seven states to receive a $100,000 grant to develop a strategic action plan in furtherance of the "aspirational goal of establishing 100% access to effective assistance for essential civil legal needs through a continuum of meaningful and appropriate services."[10] Throughout 2017, the Permanent Commission engaged in a planning process to develop a plan for New York to achieve 100% access to effective assistance for all income-eligible New Yorkers facing legal challenges to the essentials of life.

Ms. Barnett detailed the three phases of the Permanent Commission's strategic planning process. Phase 1 involved inventory assessments performed by three statewide working groups of the justice system's foundational capacities, foundational services, and enhancement services.[11] In conjunction with inventory assessments, the Permanent Commission engaged in four community listening sessions around the State. Justice system stakeholders in Suffolk County, the City of Albany, Queens County and Steuben County, areas representative of urban, rural, suburban and hybrid regions, discussed the range of available services and identified gaps that contribute to an inability to access legal assistance. Phase 2 involved priority setting of needs by the statewide working groups and in Phase 3 a strategic action plan for New York to address the needs and gaps identified was published.

In the Spring of 2017, the Permanent Commission announced that a Justice for All Pilot would launch in Suffolk County.[12] Ms. Barnett reported that by November 2017, the Permanent Commission issued a series of statewide recommendations intended to advance New York's efforts to provide 100% access to effective assistance for all residents in need. The recommendations provide that (1) an advisory committee on plain language be established, (2) court-based Help Centers be expanded statewide, (3) training of judicial and court staff on bias and cultural competency be increased, (4) limited-scope representation be increased, (5) an annual stakeholders meeting be convened to promote and expand collaborations and awareness of services, (6) non-lawyer assistance programs, such as the Legal Hand

10. Alaska, Colorado, Georgia, Hawaii, Massachusetts and Minnesota, in addition to New York, were awarded Justice for All grants, administered by the National Center for State Courts (NCSC), in furtherance of Resolution 5 of 2015 adopted by the Conference of Chief Justices and Chief Administrative Judges to achieve nationwide meaningful access to justice for all, available at https://www.ncsc.org/~/media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All_final.ashx

11. The NSCS issued guidance materials for the strategic planning process including teams that would reflect a "justice for all ecosystem" (See http://www.ncsc.org/jfap). The Permanent Commission established three statewide working groups organized to embrace categories of justice for all components set forth in the guidance materials on the justice system's processes composed of members of the Permanent Commission and experts in the field.

12. The Suffolk County Pilot was announced at the Sixth Annual Law School Conference on May 18, 2017, see Exhibit 9 to 2017 Annual Report to the Chief Judge, page 7, available at http://ww2.nycourts.gov/sites/default/files/document/files/2018-03/2017-ATJ-Appendices-Final.pdf

neighborhood storefront centers and Court Navigators, be expanded, (7) a comprehensive technology platform to access and integrate existing stakeholder resources and services be created, and (8) full-service representation in matters affecting the essentials of life be expanded.[13]

Mr. Steinkamp explained that Suffolk County was selected for the first Justice for All pilot for a variety of reasons: its demographics, geography, diverse population, the existing network of community partnerships, a law school, and an engaged and supportive bar association and judiciary, to list a few. Mr. Steinkamp indicated that low-income residents of Suffolk County, like the other counties where listening sessions were held, experienced similar barriers in accessing the justice system, including limited or no understanding of English; lack of transportation; health, age or other disability; and lack of internet access. To begin to examine these barriers, the Suffolk County Access to Justice Committee created five local task forces focusing on (1) legal representation, (2) initial points of entry, (3) messaging, (4) technology, and (5) accessibility.

On September 27, 2017, the Permanent Commission convened a statewide meeting of more than 200 justice system stakeholders to participate in the strategic planning. Reports on the findings of the statewide working groups and work underway in Suffolk County informed breakout sessions designed to finalize the action plan and engage participants in the upcoming implementation efforts.[14]

New York's Justice for All Strategic Action Plan was submitted to the NCSC on December 22, 2017.[15] The NCSC issued a request for proposals for additional funding for implementation of components of the strategic action plan. On behalf of New York State, the Permanent Commission submitted a proposal for funding two initiatives in Suffolk County. In March 2018, a $75,000 implementation grant was awarded for the community legal help project at the community resource center located in the Middle Country Library in Centereach.[16]

Mr. Steinkamp reported that as work progressed in Suffolk County, the five local task forces were consolidated into three: (1) legal representation, (2) community access points and (3) outreach. The legal representation and community access points task forces would oversee integrating legal services into the community resource center in the Middle Country Library and the outreach task force would engage with the broader community to develop messaging and communication materials to create community (both individuals and providers) awareness of the availability of legal services and resources generally, and, in the Middle Country Library, specifically. Mr. Steinkamp reported that a second pilot is now underway in Monroe County.

13. 2017 Annual Report to the Chief Judge at pages 25-26 available at http://ww2.nycourts.gov/sites/default/files/document/files/2018-03/2017-ATJ-Commission-Report.pdf

14. Materials from the Stakeholder Meeting are posted at http://ww2.nycourts.gov/accesstojusticecommission/stakeholder-sept27-meeting.shtml.

15. New York's Justice for All Strategic Action Plan is available at http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/JFA-Report-122217.pdf

16. See NCSC announcement on implementation funding available at http://www.ncsc.org/~/media/Microsites/Files/access/JFALLRes3FundAnnouncement2018.ashx

REPORTS FROM THE CONFERENCE WORK GROUPS

WORK GROUP 1: STRENGTHENING THE ACCESS TO JUSTICE PIPELINE: PROMOTING OPPORTUNITIES FOR LAW SCHOOL AND LEGAL SERVICES WORK

Facilitators:

Harry Ballan, Dean, Touro Law Center

Lillian Moy, Executive Director, Legal Aid Society of Northeastern New York, Inc.

Panel:

Aissatou Barry, Staff Attorney, Housing Unit, The Legal Aid Society; Legal Outreach Alumnus

Mohammed Farooqui, Associate, Arent Fox LLP; Ronald H. Brown Center for Civil Rights at St. John's University School of Law Alumnus

Elise Jaffe, Director, Pre-Law Program, Hunter College

Degna Levister, Assistant Dean of Admissions and Enrollment Management, CUNY School of Law

Kent D. Lollis, Executive Director for Diversity Initiatives, Law School Admission Council (LSAC)

Overview

The Work Group identified the Access to Justice Pipeline as a continuum, beginning with outreach to youth in high school and undergraduate programs, to the pre-law programs and support structures that assist students from the admissions process through graduation from law school. The Work Group discussed the myriad institutional, cultural, regulatory and socio-economic factors that influence access and opportunity to pursue a legal education and public service careers. The Work Group examined how law schools can strengthen the pipeline and broaden access to law school and to legal services advocacy and leadership positions.

Recommendation from Work Group 1

Law schools should work with legal services providers and the private bar to provide opportunities for local high school and undergraduate students to interact with the legal community. Strategies and programs to interrupt bias should be implemented along the pipeline to broaden access to law school and the legal profession.

Synopsis of Work Group 1 Discussion

For the past several years, the Law School Conference Work Groups have highlighted how access to law school is an access to justice issue. In focusing on the pipeline, the Work Group panelists documented the immense value of educational outreach, academic support, exposure to lawyers and legal and court processes, and engagement with mentors as ways to broaden the applicant pool for law schools. These efforts, by extension, would result in

greater diversification of the profession. Absent credible role models and a structured support network, the possibility of becoming a lawyer can be incomprehensible to many students. As one panelist simply stated, "Got to see it to be it."

Aissatou Barry and Mohammed Farooqui both ascribed their success in gaining admission to law school and starting their legal careers to the salutary experiences of their pipeline programs. Ms. Barry identified the preparation provided by Legal Outreach, in developing her skills and abilities through academic and experiential programs, as the keys to her confidence that she could do the work, and her motivation to build on each achievement, leading to her success. Mr. Farooqui, an alumnus of St. John's Ronald H. Brown Center for Civil Rights, echoed Ms. Barry's sentiments, and emphasized that the unwavering support of his mentors continues to underpin his educational and professional accomplishments. For both Ms. Barry and Mr. Farooqui, the resources of the pipeline program were critical to their ability to become lawyers and pursue paths unlike those typical of their families and in their communities. As a testament to Legal Outreach and the Ron Brown program, Ms. Barry and Mr. Farooqui are currrently instructors and mentors in their programs working to inspire students and strengthen the pre-law pipeline.

Notwithstanding the immense potential of pipeline programs, the cost of legal education is a daunting obstacle for many. Kent Lollis reported that the LSAT is generally a reliable indicator of law school success.[17] Realistically, law schools must balance reliance on alternative criteria against attrition rates and impacts on accreditation standards. Support for the pipeline is an important and continuing goal of LSAC which provides grants to support pipeline programs geared to pre-law secondary school students.

From her vantage point as a pre-law advisor to undergraduates, Elise Jaffe stressed that equally imperative to investing in every student, is building a network – the "connective tissue" – among the programs to ensure the consistency of opportunity from year to year. Establishing connections between college students and law students is powerful and spearheads networking. Providing opportunities for students to observe -- and experience -- what lawyers do -- in court, as community advocates, as leaders -- is fundamental to the pipeline.

Degna Levister emphasized that the pipeline must be viewed as a continuum and that both the academic component and the awareness/exposure component are significant. Students must believe it is possible to pursue a legal education and then have the support to develop writing and advocacy skills, as well as their self-confidence. Cultivating community relationships and programs for middle and high school students that expose students to how law can be an instrument of change is part of CUNY's social justice mission. As an assistant dean of the law school's admissions, Ms. Levister considers applicants' "indicators of success" based on their life circumstances, in addition to GPA and LSAT scores.

Law schools have an obligation to be good neighbors and that means bringing justice to the community according to Touro Law School Dean Harry Ballan. Touro is located near the reputed Suffolk County base of one of the most notorious Central American gangs. Dean Ballan drew a picture of the chilling reality for many middle and high school students in Touro's neighboring campuses and the illusory nature of access to justice. Dean Ballan explained that for him the question is what law schools and law students are doing to produce a civic society that upholds constitutional values and liberty. Dean Ballan brings Touro law students and

17. The slide presentation that showed graphs illustrating points made by Mr. Lollis is contained in Exhibit 3.

faculty into the local middle and high schools where they run community law clinics, mock trials and other outreach programs. Dean Ballan equips students with the tools and dignity to persevere. Through his leadership, Dean Ballan shows students—and their families—that they can effectuate change. He advocates for a holistic admissions process that includes structured interviews for applicants with him and faculty members, and endeavors to draw from local applicants.

Following the panel discussion, the Work Group divided into two sessions to delve into (1) how the pipeline could be strengthened through collaborations and community relations and (2) tactics to interrupt systemic biases that undermine the pipeline.

A. Collaborations and Community Relations Breakout Session

Participants in this session committed to build a community or collaborative network or partnership with shared ideals, resources and knowledge, and to be purposeful in creating cohesive structures, along the continuum of a lawyer's life (from secondary school to college to law school admissions to bar admission and then practice) as the goal. To achieve the goal of broad collaborations, communities must engage and network with one another all along the continuum.

The participants offered these recommendations to achieve a sustainable, connected pipeline:

1. **Create a Toolkit of Resources for Pipeline Programs All Along the Continuum:**

   Each provider organization participating in the collaborations and community relations breakout session agreed to assign a summer intern work to help curate resources for the Toolkit.

2. **Legal Services Staff and Leaders Should Engage with Private Attorneys to Connect with the Community and Strengthen the Pipeline from Middle-to-High School and College-to-Law School:**

   A. Increase mentorship, moot court and court observation opportunities:

   i. Engage bar associations and staff of providers; encourage legal services staff to connect with local high schools and colleges.

   ii. Convene meetings with neighborhood teachers, explore grants for teachers and strategize how to publicize opportunities.

   iii. Both providers and students need guidance; high school students will benefit from observational experiences.

   B. Create partnerships between high school/college students and law students:

   i. Explore whether high school and college students can provide interpretation services and develop directed trainings for students.

ii. Explore whether supervising and/or instructing a high school student could be considered legal work that expands access to justice and qualify for inclusion in a law student's 50 pro bono hours.

C. Promote pre-law preparatory programs during summers, as well as after-school and bar preparation courses.

3. Strengthen the Law School Pipeline to Legal Services and Public Interest Work:

A. Engage with diverse law student associations and affinity groups.

B. Promote public interest opportunities for private practitioners as additional or alternative career options.

C. Reach out to funders about funding pro bono programs.

D. Host more career panels, including Pro Bono Scholars.

E. Provide service opportunities that satisfy the criteria under the 50-hour pro bono bar admission rule.

B. Bias Interrupters Breakout Session

Participants in the Bias Interrupters breakout session addressed the broad, general need for cultural competency within the legal profession. Participants advanced this series of recommendations, specifically directed at law schools and the practicing bar, both legal services providers and private practitioners, intended to increase diversity in the profession and dismantle bias at all stages of the pipeline.

Recommendations for Law Schools:

1. Adopt a Holistic Approach to Admissions:

Law schools should consider the effects of applicants' non-traditional experiences, backgrounds, and socio-economic statuses on the applicants' educational experiences to create learning environments in law schools that more closely reflect the diversity of the communities we live in and strive to serve.

2. Encourage Law Schools to Offer More Need-Based Financial Aid than Merit-Based Aid:

The high cost of law school education serves as its own deterrence for law school enrollment. Law schools should offer increased need-based scholarships and grants to increase enrollment, as opposed to the traditional merit-based financial aid packages. An increase in need-based funding will make a legal education more accessible to underrepresented communities, which may, in turn, increase diversity in the profession.

3. Use Legal Advocacy to Educate:

The law is a powerful tool that can be used to combat bias. Bias should be addressed and confronted in legal writings, oral arguments, and other advocacy efforts.

4. **Increase Diversity Among Faculty:**

Law schools should increase their efforts to recruit more professors from underrepresented communities to help create an inclusive environment.

5. **Canvass Law Students for Creative Ideas to Foster a Collaborative Environment:**

To foster a more welcoming and inclusive learning environment for law students, law schools should promote collaborations among school faculty and administrators and the students to address issues of bias and create an inclusive law school environment.

6. **Address the Imposter Syndrome:**

Law schools should provide local communities with helpful information on the best methods and process for applying to law school, which may help increase admission rates, and minimize or eliminate the number of law school applicants who are left feeling unfit or undeserving of admission to law school.

7. **Collaborate with Community Anti-Bullying Initiatives:**

Issues of bias often overlap with bullying. Law schools should work with local programs and initiatives that address bullying and other incidents in which biases are manifested.

8. **Promote Diversity within Mentor-Mentee Relationships:**

Pair mentees with mentors whose differences in experiences create opportunities for the parties to learn and grow from one another. The traditional approach of pairing persons with similar backgrounds or experiences may undermine efforts to increase diversity and cultural competency in the legal profession.

Recommendations for the Bar

1. **Mandate Diversity Training for All Attorneys:**

Institute mandatory training on cultural competency for all attorneys, separate and distinct from ethics trainings. A thorough discussion on diversity is needed to peel away the many layers of bias that attorneys' experience and exhibit daily.

A. Acknowledge and Own Biases: Recognize that "personal bias" may not be so personal: it can affect how we relate to others.

B. Use Legal Advocacy to Educate: The law is a powerful tool to combat bias. Bias should be addressed and confronted in legal writings, oral arguments, and other advocacy efforts.

2. **Increase Paid Internship Opportunities for High School and Undergraduate Students:**

To encourage diversity in the workforce, legal internship opportunities should be increased for pre-law students, as an investment in our future lawyers.

3. **Diversity within Mentor-Mentee Relationships:**

   Pair mentees with mentors whose differences in experiences create opportunities for both parties to learn and grow from one another. The traditional approach of pairing persons with similar backgrounds or experiences may undermine efforts to increase diversity and cultural competency in the legal profession.

4. **Create partnerships between the New York State Bar Association (NYSBA) and local school districts:**

   The NYSBA should create and establish its own pipeline program with local school departments and districts, to guide and support individuals from underrepresented communities from primary education, through secondary education, and into a career in law.

WORK GROUP 2: PRO BONO SCHOLARS EXPANDING ACCESS TO JUSTICE

Facilitators:

Kim Diana Connolly, Professor of Law and Vice Dean for Advocacy and Experiential Education, University at Buffalo School of Law

Gretchen Flint, Professor of Law, Elisabeth Haub School of Law at Pace University

Overview

Since the inaugural class in 2015, Pro Bono Scholars have worked to help low-income New Yorkers confronting legal challenges caused by poverty. The Pro Bono Scholars Program (PBSP), established in 2014, offers third-year law students an immersive, practical experience in providing legal services to people in need. Immediately after taking the February Bar Examination, Pro Bono Scholars spend the final law school semester working, under the supervision of legal services lawyers, providing legal services to low-income individuals facing challenges to the essentials of life. The Scholars also participate in a weekly academic seminar with a law school professor that highlights access-to-justice principles and issues.

Three groups of stakeholders participated in the Work Group: current and former Pro Bono Scholars, placement site supervisors and faculty members. In the morning session, these stakeholder groups met separately to discuss the program and consider whether the PBSP impacted the pipeline into legal services and public interest work; whether the pro bono scholar experience influenced the legal paths of Scholars and whether placements led to permanent jobs. In the afternoon session, the entire group discussed ways to improve the experience for Scholars and placement sites. While each law school has handled its program differently, several themes emerged.

Recommendations from Work Group 2

1. **Evaluation of Regulations Regarding Classroom and Experiential Credits:**

   There are several levels of rules and regulations that must be harmonized to make the administration of Pro Bono Scholars program efficient and effective. The Work Group suggests that the rules of the program be reviewed to make sure they are consistent with all standards applicable to law schools, such as ABA accreditation rules, law school-specific standards and university-specific standards.

2. **Consider strategies to lessen the financial burden of participating in Pro Bono Scholars Program:**

   A. Encourage law schools to provide funding for Pro Bono Scholars, like funding for summer public interest work.

   B. Encourage students to seek placements close to home so that they can live at home to diminish some costs.

   C. Encourage law schools to reallocate some student tuition to assist Scholars with bar prep courses and living expenses.

   D. Permit Scholars to participate for fewer credits, with flexible work schedules, or work over the entire third year, to enable Scholars to also maintain paid part-time employment.

   E. Explore funding through Office of Court Administration as the coordinator of the Pro Bono Scholars Program.

3. **Create a community of Scholars and former Scholars:**

   A. Create a Pro Bono Scholars listserv.

   B. Create a mentorship program for past and current Scholars.

Synopsis of Work Group 2 Discussion:

Session 1: Perspectives from the Stakeholders

A. Views of Pro Bono Scholars

Pro Bono Scholars who participated in the Work Group indicated that the program was valuable, particularly the opportunity to take the bar exam early, enter the workforce ahead of their classmates, and spend a semester in full-time public interest work. The Scholars who accepted jobs at firms in advance of their placements valued the pro bono work experience. The Scholars who planned to pursue public interest work after graduation felt the program gave them a good foundation for future employment, although, as a group, they felt that more could have been done to connect them with full-time employment opportunities. Most

Scholars reported the program was a good introduction to working in various fields of law, and they valued the networking opportunities, and experiencing different kinds of work and communication styles of supervisors.

Most Scholars felt well-prepared for the work they were assigned, although some Scholars indicated that they could have been better utilized and given more responsibility, more variety of assignments, or greater client contact. Some indicated the need to ensure that departments at sites accepting Pro Bono Scholars have consistent workload and structure that will make the Scholars' experience more beneficial.

Most Scholars were happy with the quality of the supervision. Scholars indicated that they were given a good amount of independence and adequate training and feedback. Some felt they received more tailored attention because they were Pro Bono Scholars. Several Scholars reported that stronger communication between the law school and the placement supervisor would alleviate ambiguity between the level of autonomy and supervision among placements.

Many Scholars reported that the seminars were not a useful component of the experience, increasing the expense, time and travel burdens of the program. However, the Scholars valued the opportunity to connect with other Scholars.[18] Scholars in small programs wished for opportunities to connect with Scholars from other schools.

Many Scholars felt that the program imposed financial hardships. They were required to pay tuition to their law schools but were limited in their ability to maintain paid employment. Most schools' placements did not cover commuting costs. The Scholars also stated that the required hours do not relate well to the credits, although this varied by school. Some Scholars were receiving only 10 credits for the program. Some Scholars would have preferred to complete the required hours in fewer than 12 weeks to finish prior to graduation.

B. View of Law School Faculty

Faculty who teach Pro Bono Scholars love it and often teach the seminar in addition to their regular course loads. They discussed ways to use technology more effectively and to share some of the responsibilities of supervision and supervisor training.

The faculty group considered what they should be thinking about and looking at individually/collectively to make the program more useful for their students and for the placements. They discussed the need to encourage Scholars to complete the survey developed by the University of Buffalo, so the program can be evaluated more fully.

Some faculty reported that many local sites need Scholars but there are too few to place. Yet others reported having a large cohort of Scholars and not enough placements. They discussed the challenge of integrating schools outside of New York State that would like to participate in the program.

18. New York Law School hosted a joint class and reception for Pro Bono Scholars on March 28, 2018 on New York City's Universal Access to Legal Services Law (see supra note 6). Professor Andrew Scherer led a discussion on the law's implementation and implications and moderated a panel discussion among tenant advocates and public officials. A reception, sponsored by the Statewide Law School Access to Justice Council followed with remarks from former Chief Judge Lippman.

Faculty also discussed the challenges of keeping students engaged with classes and peers when their placements are not near their school. They discussed the possibility of connecting students from different schools with each other. They discussed the difficulty of navigating collaborations within each school's various rules and regulations.

C. Views of Site Supervisors

Significantly, the site supervisors reported that more clients are served because of the work of Pro Bono Scholars. The supervisors expressed that the Scholars added value to their offices and the Scholars valued the intense immersion experience. Anecdotally, some site supervisors felt that the Scholars were not necessarily prepared for the work. Since the Scholars have a limited time at the placements, supervisors suggested a narrow scope of work. Supervisors posited that Scholars could focus on one substantive topic or area of law while on-site. Additional training for the Pro Bono Scholars in advance of their placements may improve their experience.

Site supervisors also identified a lack of transparency between the schools and site supervisors, particularly as it related to how students are evaluated and the impact of their evaluation on their grades. Site supervisors suggested greater integration between what takes place in their weekly seminars and what happens at work sites.

Site supervisors expressed frustration that they need to spend time and resources training Scholars to do work but by the time they achieve some proficiency, the program is over. They suggested exploring ways to find sources of funding so that students can keep working at the same site, perhaps through fellowships if they don't already have a job lined up after graduation. However, they were not concerned that some students come in with jobs already lined up as it is still important to expose these Scholars to pro bono work. The site supervisors were concerned that economically disadvantaged students, who may need more professional office experience on their resumes after working unrelated jobs for wages, are not able to participate in the program.

The site supervisors saw value in the PBSP in offering Scholars an early connection with the work of non-profit law firms. They appreciated the high-quality of the applicants based on the schools' considerable screening processes. Supervisors believe that the program attracts students who prefer hands-on learning and exposes students to opportunities for pro bono work, which often remain elusive to many practitioners who are unaware of how to access pro bono work.

WORK GROUP 3: OPTIMIZING LAW SCHOOL INSTRUCTION AND THE HIRING PROCESS TO MEET THE CHALLENGE OF THE UNIVERSAL ACCESS LAW IN NEW YORK CITY HOUSING COURT

Overview

New York City's implementation and funding to ensure the right to legal representation for all low-income tenants in eviction cases under the Universal Access Law is revolutionizing housing law and practice. Radical changes in New York City housing law practice will continue over the next four years as the Universal Access Law is fully implemented. To meet the demand under the new law, legal services provider organizations will be hiring hundreds of new housing

lawyers. As part of every law school's mission, it is imperative that the law school curriculum prepare students to serve people facing the range of essentials of life challenges, which includes housing matters.

The Work Group featured two panels to consider how law schools can best prepare students for legal services work focused on housing. Panel I offered an overview of several housing programs that serve low-income New Yorkers. Panel II addressed ways to promote public interest housing work in law schools, explained the hiring process of legal services providers, and discussed how law school career counselors can direct students to public interest work, including the opportunity for advancement to supervisory and managerial positions.

The Work Group agreed to a set of core principles and strategies for law schools and public interest organizations to improve the process by which they attract, recruit, train, support and retain highly qualified, diverse, and committed attorneys, particularly in New York City as it strives to achieve the goal of universal access to justice in housing court.

Recommendations from Work Group 3

1. **Law schools should promote the pioneering aspects of the Universal Access Law, notably the establishment of a due process right in housing court proceedings, and the ways in which housing justice practice is evolving. Students entering this field can be on the forefront of the access-to-justice movement, which has clear implications for other areas of law, like racial justice, gender justice and economic justice.**

    A. Law schools should promote housing practice as civil rights work:

        i. Convene panels of advocates, tenants and community organizations for students to hear stories about the work and its impact;

        ii. Encourage students involved in housing clinics to engage with 1Ls about this work, including taking them to Housing Court;

        iii. Require every incoming law student to read Evicted, Poverty and Profit in the American City by Matthew Desmond;

        iv. Promote creation of a housing law student network across New York's law schools.

    B. Law schools should coordinate with legal services organizations to offer students (and currently practicing lawyers) opportunities to take courses and trainings that expand their horizons and skills, including courses in leadership and project management.

        i. Law schools should consider creating a certificate program in housing law, telegraphing a graduate's readiness to practice this specialty.

    C. Law schools should develop a webinar to train interested students who are not at

schools that offer experiential housing opportunities.

2. **Law schools should continue developing housing rights clinics and other opportunities, like volunteer "law student for the day" and court-watching projects, for students to learn the substantive law and become acculturated in housing court practice in New York City.**

3. **Law schools should identify students who might be interested in this work early on in their law school careers and encourage them to consider housing justice advocacy as an excellent field in which to launch a career dedicated to public service.**

4. **Law schools and public interest organizations should enhance their coordination in the recruitment process:**

   A. Ensure that the public interest organizations are as transparent as possible about their hiring timelines.

   B. Promote hiring as early as possible during the academic year to maximize student interest and avoid conducting a search while law graduates are studying for the bar.

5. **Legal services organizations and law schools should encourage students who enter the private sector for several years to address their student loan debt that there are still opportunities for them in the public sector once they feel they are on secure financial footing. Legal services organizations should not disregard such otherwise able candidates due to their private law experience.**

6. **In response to the need to strengthen and train a new corps of supervisors within the legal services organizations, law schools should offer opportunities to deploy their faculty to assist the legal services organizations in creating training for line staff to become supervising attorneys.**

7. **To strengthen the pipeline, law schools should promote programs for law students to visit high schools and talk about public service and civil rights work, highlighting the Universal Access law in New York City and the statewide work of the Permanent Commission in expanding access to legal services for essentials of life challenges.**

Synopsis of Work Group 3 Discussion

Panel I: How Law Schools Can Strengthen the Pipeline: Best Practices in Preparing Law Students for Public Interest and Housing Lawyering

The session highlighted innovative law school programs, projects, clinics and externships that equip students with the knowledge, skills, cultural competencies and professional values to become housing law practitioners.

Facilitator:

Andrew Scherer, Policy Director, Impact Center for Public Interest Law, New York Law School

Panel:

Kim Hawkins, Professor, New York Law School Housing Rights Clinic

Leah Horowitz, Director of Student Organizations and Publicity and Housing Justice Initiative, Fordham University School of Law

Leah Goodridge, Supervising Attorney, Housing Project, Mobilization for Justice; Clinical Law Professor, Brooklyn Law School Housing Rights Clinic (2017)

Pablo Zevallos, Student Leader, Columbia Law School Tenants' Rights Project; 2019 J.D. Candidate, Columbia Law School

Professor Kim Hawkins described the Universal Access Law in New York City housing court as establishing new civil rights and advocated that students be introduced to housing work as an opportunity to shape the law in this area. Professor Hawkins structured the Housing Rights Clinic at New York Law School to include an academic seminar and supervised practice with Manhattan Legal Services. To generate interest in housing law in her 1L classes, Professor Hawkins introduced fact patterns involving housing rights and the imbalance facing unrepresented tenants, while weaving housing issues into classroom instruction on negotiations and client counseling.

Leah Goodridge, in her work as a supervising attorney at a legal services organization and as a clinical law professor at Brooklyn Law School, stressed that practical experience is crucial for students to develop the skills and cultural competencies to practice housing law. As students engage in weekly clinics that provide free legal assistance, they can appreciate the importance of building relationships of trust with people in crisis.

Leah Horowitz developed the Housing Justice Initiative at Fordham University School of Law, formalizing a student-run project, to prepare students for housing advocacy and poverty law careers, and to serve low-income New York City tenants. Students are paired with mentor-housing lawyers through collaborations with legal services non-profit organizations.

As a second-year Columbia Law School student, Pablo Zevallos observed that housing law is often absent from discussions about social justice work and poverty law. Yet the rights at stake are enormous. As the student leader of the law school's Tenants' Rights Project, Mr. Zevallos and his classmates conduct weekly client intake interviews at the clinic run by Manhattan Legal Services, and work with housing lawyers from three provider organizations to offer legal assistance.

Panel II: From Law Student to Housing Practitioner: The Hiring Process in the Era of Universal Access

The dedicated government funding for housing legal services has created opportunities and challenges for law schools and legal services providers. The session examined the respective roles of law schools and providers in the hiring process and explored how law schools and providers can most effectively work together to assure that the most highly qualified attorneys enter this growing workforce and provide the best possible legal assistance to clients.

Facilitator:

Raymond Brescia, Professor of Law, Albany Law School

Panel:

Jordan Dressler, Coordinator, Office of Civil Justice, New York City Human Resources Administration

Genesis Miranda, Poverty Justice Solutions Fellow, Make the Road

Sateesh Nori, Attorney-in-Charge, Queens Neighborhood Office, The Legal Aid Society

Sam Sue, Director of Career Planning, CUNY School of Law

Jordan Dressler explained that a five-year, zip code focused roll-out of the Universal Access Law is designed to ensure the promise of universal access to legal services is realized in Housing Court. The impact is visible in courtroom practice where, in 2016, 27% of tenants were represented by counsel up from 1% in prior years, and how tenants are now interposing affirmative defenses.[19] Significantly, there has been a precipitous decline in evictions.

As the Attorney-in-Charge of the Legal Aid Society's Queens Neighborhood Office, Sateesh Nori views the demand for legal services housing lawyers as a tremendous opportunity for law schools to maximize clinical and experiential housing rights programs, including day-long or half-day volunteer options to increase participation. Noting that his organization, and the Queens office in particular, are facing challenges to recruiting and retaining the right people to work as lawyers and supervisors, Mr. Nori suggested that now is the time to change the paradigm of hiring and that a candidate's demonstrated passion and commitment to public interest work is as critical as top-shelf qualifications. Mr. Nori further encouraged providers and non-profits to pursue models of shared office space and dedicated courthouse space available to all providers as ways to expand access to unrepresented tenants.

From his vantage point as the Director of Career Planning at CUNY School of Law, Sam Sue recommends that law schools craft a curriculum path to prepare students for legal services work. It is imperative that the public interest hiring timetable align with other legal employers to ensure that the public service jobs are competitive and attract high quality and qualified candidates. Mr. Sue also suggested that legal services organizations offer rotations in different practice areas, which may serve to reduce attrition.

As a Poverty Justice Solutions Fellow, Genesis Miranda encourages law schools to promote legal services opportunities, particularly in housing. Ms. Miranda indicated that providers would be well served by keeping in touch with former interns both for possible employment and community outreach.

WORK GROUP 4: PROTECTING THE RIGHTS OF IMMIGRANTS IN OUR COMMUNITIES: LAW SCHOOLS WORKING TO ENSURE REPRESENTATION

Facilitators:

Lenni B. Benson, Professor of Law and Director, Safe Passage Project Clinic, New York Law School

19. See New York City Office of Civil Justice 2017 Annual Report and Strategic Plan, at 14, available at https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_Annual_Report_2017.pdf

Sarah Rogerson, Clinical Professor of Law and Director of the Immigration Law Clinic, Albany Law School

Panel:

Marilyn E. Alvarado, Paralegal, Safe Passage Project; 2017-2018 Beyond the Bars Fellow, Center for Justice at Columbia University; Unaccompanied Latin American Minor Project (U-LAMP), CUNY John Jay College of Criminal Justice 2016

Jon-Yin Chong, Student Director, Low Income Taxpayer Law and Accounting Practicum, Cornell College of Business and Cornell Law School; 2018 Master of Management Candidate, Cornell University

Camille J. Mackler, Director of Immigration Legal Policy, New York Immigration Coalition

Isabel Martinez, Assistant Professor; Founding Director, Unaccompanied Latin American Minor Project (U-LAMP); Faculty Director, Adelante! Latina/o Leadership Program; and Faculty Advisor, Jay Dreamers, Department of Latin American and Latina/o Studies, John Jay College of Criminal Justice

Overview

The Work Group profiled law school programs, clinics and initiatives that involve community and interdisciplinary collaborations to assist immigrants. The Work Group considered best practices and barriers to building capacity of pro bono legal services to immigrant New Yorkers. The panelists were selected based on their unique perspectives on and collaborations with law school immigration legal services programs. The morning session was dedicated to highlighting community collaborations and interdisciplinary visions for increasing capacity. The afternoon session focused on how to engage more pre-law students in meaningful and impactful immigration work.

Recommendations from Work Group 4

1. **Sustain law school and college outreach in vulnerable communities. Law school and college faculty and students have mobilized to assist immigrants by providing information and legal services, raising awareness of rights and empowering individuals.**

2. **Encourage limits on immigration enforcement activity in courthouses.**

3. **Increase trainings on immigration law for lawyers and judges, particularly in remote areas. Expand outreach and opportunities for retired lawyers to provide pro bono assistance.**

4. **The distinct problems of rural poverty and urban poverty must be considered when dealing with immigrant communities and should be addressed in law school.**

5. **Law schools should consider how technology can be integrated to expand and enhance service delivery, particularly to individuals in remote locations.**

6. **Law schools and legal services providers should consider how to increase resources for pre-law fellowships that will cultivate a cohort of students committed to immigration work; e.g., non-profits offer fellowships in exchange for work commitments upon graduating.**

7. **Law schools should provide free LSAT preparation and financial-planning services.**

8. **Review implicit bias in the bar exam as a barrier that excludes nontraditional undergraduates who possess skills that uniquely serve immigrant communities.**

9. **Leverage multi-language skills of practicing lawyers and law firm staff, perhaps through bar association outreach, for pro bono legal interpretation and translation services.**

10. **Law schools should engage in interdisciplinary partnerships to enable law students to take business and language courses.**

Synopsis of the Work Group 4 Panel Presentations

Albany Law School Pro Bono Scholar Anneliese Aliasso reported on the results of a survey she created to understand the profile of immigrant legal services work being done by New York's law schools. Some key findings from that survey include:

- Undergraduate participation in clinical work: 4 out of 10 students (40%)
- Non-lawyer participation in clinical work:

  80% of immigration law clinics interact with social workers

  4 out of 10 immigration law clinics interact with medical professionals

  2 out of 10 immigration law clinics interact with students from other professions.

- Caseloads and Communities:

  4 out of 10 immigration law clinics have more than 50 cases

  3 of 4 immigration law clinics are in New York City metropolitan area

  2 out of 10 immigration law clinics engage in community outreach

  6 out of 10 immigration law clinics have a non-credit live client immigration experience, but only one is in New York City.

Pipeline to Practice: Notes from the Field

The Work Group examined best practices in community and interdisciplinary collaborations to expand the pool of people who participate the delivery of legal services.

Camille Mackler, Director of Legal Policy for the New York Immigration Coalition (NYIC), explained that NYIC endeavors to empower communities to seek legal services and stand up for their rights. Ms. Mackler noted that the high demand for legal services by immigrants outstrips the capacity of legal services organizations. Consequently, notarios and other

fraudulent immigration services seize upon unsuspecting low-income individuals in crisis, often exacerbating their problems. Once inside the immigration court, the due process right to competent attorney is recognized but outside of the courtroom competent assistance and legal representation is often absent. NYIC is looking to find ways to protect people and work with localities to defend against Immigration and Customs Enforcement (ICE) aggression in enforcement tactics.

The anti-immigrant policies of the current presidential administration have galvanized the legal community and public support for the provision of legal services for immigrants. Seven days into the current administration, lawyers mobilized and collaboratively responded to serve immigrants -- and U.S. citizens -- in the face of hastily issued travel restrictions and entry bans. The Immigration Advocates' Rights Collaborative (I-ARC), composed of 70 non-profits from across New York State, was created and continues to meet by phone and in person, working with local communities to fashion solutions for these individuals, who also face language access and discrimination issues. I-ARC leverages the resources of organizations to assist one another by sharing best practices for intake sheets and databases for case management, while working to streamline processes. One highlight of the I-ARC work thus far was the DACA day of action. Reporting by the *New York Times*, together with the efforts of the I-ARC collaboration, led to the policy reversal of the wholesale rejection of 2,000 DACA applications by the government. Law students were critical to the rapid response.

Ms. Mackler underscored the point raised by Mr. Dressler and Ms. Holder in the plenary session that law schools must help meet the need by cultivating students to be public interest lawyers and promoting career opportunities, including supervisory roles. Equally important, law schools -- and the profession itself -- must be honest about the nature of service for people in crisis. The attrition rate is high, and anecdotally, 90% of immigration clinics surveyed did not have a lawyer with 10 years' experience.

Interdisciplinary Collaborations at Cornell Law School

Jon-Yin Chong, a student in the Cornell Graduate School of Business, participated in the Low-Income Immigrant Taxpayer Project, an inter-professional live-client clinical education program funded by Engaged Cornell and developed by Professor Beth Lyon of Cornell Law School and Professor John McKinley of Cornell S.C. Johnson College of Business. The program involved both law students and accounting students.

In the Fall of 2017, the faculty established a one-credit class in the College of Business called Federal Income Taxation of Low-Income Taxpayers. In this class, students studied low-income taxpayer law and policy, participated in simulations, and obtained their Volunteer Income Tax Assistance (VITA) certification. The students learned that the new tax law and other recent policy changes at the IRS have made things more difficult for low-income immigrants. The new spring 2018 course at the law school, the Low-Income Taxpayer Law and Accounting Practicum, included a one credit seminar that covered taxation of low-income immigrants and sessions on client management skills, working with interpreters, and professional ethics. For their additional credits in the practicum, the law students and accounting students worked together to handle complex tax matters for migrant farmworkers who worked in New York and Vermont. Students also provided offsite tax return preparation services to low-income people in Tompkins County, NY and Kern County, CA, to rural indigenous communities in Alaska, and to exonerees through a partnership with After Innocence.

Mr. Chong recounted the project development, which included a survey of low-income immigrants in upstate New York on the services available to immigrants. The survey contained 22 questions and the project workers interviewed 105 respondents from nine different countries. Findings revealed that most of the respondents were undocumented, were inclined to file tax returns and had limited tax service options. The survey also showed that even if services were available, the fees were high and the service poor. Respondents were deeply impoverished, experienced language barriers, and exhibited a lack of awareness of rights and resources.

Involving More Pre-Law Students in Engaging and Impactful Work

Isabel Martinez, Assistant Professor at John Jay College of CUNY and Founding Director of the Unaccompanied Latin American Minor Project (U-LAMP) and Marilyn E. Alvarado, Paralegal at the Safe Passage Project and U-LAMP graduate, described the work of U-LAMP, a unique service and research effort focused on providing academic, social, and legal support to recently arrived minors facing removal proceedings.[20] U-LAMP is a partnership among Safe Passage Project, Catholic Charities, the Department of Latin American and Latina/o Studies at John Jay College and CUNY Service Corps.

Professor Martinez founded U-LAMP not only to support unaccompanied minors who had been placed in removal proceedings but also to provide paid internships and increase the numbers of Latina/os and first-generation college students in legal and other immigration-related professions. U-LAMP interns have all been immigrants or children of immigrants, mostly first-generation college students, bilingual, and have mixed status families, so they are better able to understand the issues facing the unaccompanied minor they serve.

As a pipeline program focused on supporting immigrant youths and their families, U-LAMP nurtures its students, instills confidence, increases their self-efficacy, channels their activism, develops skills and builds social capital as a first professional placement for these students. Significantly, U-LAMP students educate their families and communities about their rights and resources.

Ms. Alvarado, a former U-LAMP student, reported that U-LAMP bridges the gap for first-generation students and unaccompanied minors pursuing a college education. Language access is a strength of U-LAMP; volunteer lawyers who lack fluency in a language work with U-LAMP interns and minors which is critical to gain the minor-client's trust and develop a relationship. U-LAMP students also ensure that the minors receive referrals to legitimate legal

20. Since Fall 2014, U-LAMP has placed John Jay and other CUNY undergraduate students in Safe Passage Project and Catholic Charities to provide academic, social and legal support to New York City-based unaccompanied minors in federal removal proceedings. Funded by CUNY Service Corps, as well as other grants, over 50 students have held paid internships ranging from 10 weeks (Summer) to 24 weeks (Fall and Spring) at both Safe Passage Project and since 2016, Catholic Charities' Unaccompanied Minor Program. In these placements, students have had a number of responsibilities; they range from participation in U-LAMP's first year program, providing more direct services (acting as caseworkers and checking in with youths and their families once a week to assess their needs) to, as the number of cases has risen dramatically, more paralegal and social work type of activities including providing verbal and written interpretation and translation services for the youths and their attorneys, filing court documents, conducting research, as well as conducting home visits with social workers. Students are also provided opportunities for professional development and academic credit including monthly workshops and career counseling sponsored by CUNY Service Corps and a fieldwork course based out of the John Jay Department of Latin American and Latina/o Studies. Lastly, students have received invaluable formal and informal mentoring from paralegals, social workers and attorneys who have provided information about pursuing legal studies, preparing for and applying to law school, etc. To date, three former U-LAMPers have been hired part-time or full-time by Safe Passage Project.

services, minimizing fraud and abuse. Ms. Alvarado noted that in addition to fluency in the minor's language, the similarity of ages between the students and minor-clients breaks down age-related barriers and brings perspective to the overall case.

Representatives from Legal Hand shared another model of pro bono capacity building. The community volunteers at Legal Hand are empowering immigrant communities to help themselves and their neighbors. In this model, volunteers from the community are trained to provide information to fellow community members about how they can access social and legal services and other support.

The Work Group recognized the value, challenges and limitations of technology to deliver legal services and expand access to assistance. Innovative apps can assist with navigating court processes and determinations of eligibility for services and benefits. However, the relationship between the attorney and client is often based on personal connection; it can be daunting for a student or new attorney to cultivate a professional relationship and provide effective assistance online or only by telephone. Likewise, individuals confronting an immigration crisis often need personal assistance to navigate the legal forms and processes.

AFTERNOON PRESENTATION:

OUTCOMES TRACKING FOR CIVIL LEGAL AID PROGRAMS

David Udell, Executive Director, National Center for Access to Justice at Fordham University School of Law

Amy Widman, Deputy Director, National Center for Access to Justice at Fordham University School of Law

The National Center for Access to Justice at Fordham University School of Law has studied tracking measures used by legal services providers and funders to develop a guide for the community and to deepen the understanding of poverty and its intersection with the justice system. This study will provide the tools to demonstrate how resources are allocated and the impact these resources have on society, particularly for people in poverty. Systemic data collection and outcomes tracking have the potential to strengthen services and improve the circumstances of people confronting civil justice issues.

CLOSING PLENARY SESSION

Dean Diller and Dean Bilek thanked all the participants, panelists and facilitators for the energetic discussions. Dean Diller remarked that the purpose of the Law School Conference is to bring the service providers, lawyers, educators and students together to expand communications and collaborations among the legal services providers and law schools. The success of this Conference is evident by the informative discussions on how we can strengthen the pipeline to law school and how law schools can better educate and prepare the next generation of lawyers to help close the justice gap.

Dean Diller and Dean Bilek invited the Work Group Facilitators to report on their sessions and present the groups' recommendations as detailed in this Report.

Ms. Barnett closed the Conference with expressions of appreciation to all participants and the planning committee for the outstanding day, noting that suggestions for future themes are welcome.

EXHIBIT 1: SEVENTH ANNUAL LAW SCHOOL CONFERENCE PROGRAM

SEVENTH ANNUAL LAW SCHOOL

ACCESS TO JUSTICE CONFERENCE

THE ROLE OF NEW YORK'S LAW SCHOOLS IN HELPING MEET THE ESSENTIAL CIVIL LEGAL NEEDS OF LOW-INCOME NEW YORKERS

CONVENED BY THE NEW YORK STATE
PERMANENT COMMISSION ON ACCESS TO JUSTICE
AT ELISABETH HAUB SCHOOL OF LAW AT PACE UNIVERSITY
WHITE PLAINS, NEW YORK

MAY 15, 2018

SEVENTH ANNUAL LAW SCHOOL

ACCESS TO JUSTICE CONFERENCE

THE ROLE OF NEW YORK'S LAW SCHOOLS IN HELPING MEET THE ESSENTIAL CIVIL LEGAL NEEDS OF LOW-INCOME NEW YORKERS

9:00-9:30 am	**Registration and Check-In**	**Gerber Glass Moot Courtroom Foyer**
	Light Refreshments	
9:30-10:00 am	**Welcome and Introductions**	**Gerber Glass Moot Courtroom**
	Helaine M. Barnett Chair, New York State Permanent Commission on Access to Justice	
	Marvin Krislov President, Pace University	
	Horace Anderson, Jr. Associate Dean, Elisabeth Haub School of Law at Pace University	
Opening Remarks	Hon. Janet DiFiore Chief Judge of the State of New York	
10:00-11:30 am	**Morning Plenary Session**	**Gerber Glass Moot Courtroom**
	Strengthening the Access to Justice Pipeline	
Introduction	Matthew Diller Dean and Paul Fuller Professor of Law, Fordham University School of Law; Chair, Law School Involvement Working Group, New York State Permanent Commission on Access to Justice	
Moderator	Mary Lu Bilek Dean and Professor of Law, CUNY School of Law	
Panel	Jordan Dressler Coordinator, Office of Civil Justice, New York City Human Resources Administration	
	Adriene Holder Attorney-in-Charge, Civil Practice, The Legal Aid Society	
	James B. O'Neal Co-Founder and Executive Director, Legal Outreach, Inc.	
	Aaron Taylor Executive Director, AccessLex Center for Legal Education Excellence	
	As government funding increases to ensure all New Yorkers in need have access to civil legal assistance, the demand for legal services grows. Law schools are uniquely positioned to inspire and prepare the next generation of legal professionals to protect civil liberties and preserve democratic values and ideals by advocating on behalf of our most vulnerable individuals. A pipeline that cultivates students to become lawyers and commit to public service is critical. Creating and sustaining this pipeline requires resources, cultural change and collaboration among law schools and across the justice system. The panel will explore existing models and strategies to overcome entrenched systemic factors and offer creative solutions.	
11:35-11:45 am	**Mid-Morning Briefing**	**Gerber Glass Moot Courtroom**
	New York State Permanent Commission's Strategic Action Plan to Provide Effective Assistance to All New Yorkers in Need	
	Helaine M. Barnett Chair, New York State Permanent Commission on Access to Justice	
	Neil Steinkamp Managing Director, Stout Risius Ross, LLC Consultant, New York State Permanent Commission on Access to Justice	

12:00 -1:15 pm **WORK GROUP SESSIONS: Part 1** Concurrent Sessions

Work Group One **Strengthening the Access to Justice Pipeline: Promoting Opportunities for Law School and Legal Services Work** Ottinger Hall G-202

Facilitators

Harry Ballan
Dean, Touro Law Center

Lillian Moy
Executive Director, Legal Aid Society of Northeastern New York, Inc.

Panel

Aissatou Barry
Staff Attorney, Housing Unit, The Legal Aid Society; Legal Outreach Alumnus

Mohammed Farooqui
Associate, Arent Fox LLP; Ronald H. Brown Center for Civil Rights at St. John's University School of Law Alumnus

Elise Jaffe
Director, Pre-Law Program, Hunter College

Degna Levister
Assistant Dean of Admissions and Enrollment Management, CUNY School of Law

Kent D. Lollis
Executive Director for Diversity Initiatives, Law School Admission Council

The Work Group will consider the Access to Justice Pipeline as a continuum, beginning from outreach to youth in high school and undergraduate programs, to the pre-law programs and support structures that assist students navigate the admissions process and throughout law school. The Work Group will discuss the myriad institutional, cultural, regulatory and socio-economic factors that influence access and opportunity to pursue a legal education and public service careers. We will explore how law schools can endeavor to strengthen the pipeline and broaden access to law school and legal services advocacy and leadership positions. The importance of law school and community leadership in ensuring that all parts of the community are working in unison to fortify the pipeline will be addressed.

Work Group Two **Pro Bono Scholars Expanding Access to Justice** Ottinger Hall G-101

Facilitators

Kim Diana Connolly
Professor of Law and Vice Dean for Advocacy and Experiential Education, University at Buffalo School of Law

Gretchen Flint
Professor of Law, Elisabeth Haub School of Law at Pace University

The Pro Bono Scholars Program (PBSP), established in 2014, offers third-year law students an immersive, practical experience in providing legal services to people in need. Immediately after taking the February Bar Examination, Pro Bono Scholars (PBS) spend the final law school semester working under the supervision of legal services lawyers, often providing legal services to low-income individuals facing challenges to the essentials of life: housing (including eviction, foreclosures and homelessness); family matters (including domestic violence, children and domestic stability); access to healthcare and education; subsistence income (including wages, disability and other benefits); and consumer debt. The Scholars participate in a weekly academic seminar with a law school professor that highlights access-to-justice principles and issues.

Since the inaugural class in 2015, Pro Bono Scholars have worked to help low-income New Yorkers confronting legal challenges caused by poverty. How has the PBSP impacted the pipeline into legal services and public interest work? How has the PBS experience influenced the career paths of scholars? Do placements lead to permanent jobs?

PROGRAM

Work Group Three

Optimizing Law School Instruction and the Hiring Process to Meet the Challenge of the Universal Access to Legal Services Law in New York City Housing Court

Ottinger Hall G-01

Over the next four years, New York City's implementation efforts and funding to ensure the right to legal representation for all low-income tenants in eviction cases and establish a system of legal advice for those who are over-income will fundamentally change housing law and practice. To meet the demand under the new law, legal services provider organizations will be hiring hundreds of new housing lawyers. This Work Group will explore ways to promote public interest housing work in law schools, and discuss the promise of increased opportunities for legal services work in the housing field. It will also look at the impact of New York City's universal access to legal services law on providers' hiring practices for housing lawyers and on career counseling at the law schools.

Facilitators

Raymond Brescia
Professor of Law, Albany Law School

Andrew Scherer
Policy Director, Impact Center for Public Interest Law, New York Law School

PART 1
12:00-1:15 pm

How Law Schools Can Strengthen the Pipeline: Best Practices in Preparing Law Students for Public Interest and Housing Lawyering

The session will highlight innovative law school programs, projects, clinics and externships that equip students with the knowledge, skills, cultural competencies and professional values to become housing law practitioners.

Panel

Kim Hawkins
Professor, New York Law School Housing Rights Clinic

Leah Horowitz
Director of Student Organizations and Publicity and Director of Housing Justice Initiative, Fordham University School of Law

Leah Goodridge
Supervising Attorney, Housing Project, Mobilization for Justice; Clinical Law Professor, Brooklyn Law School Housing Rights Clinic (2017)

Pablo Zevallos
Student Leader, Columbia Law School Tenants' Rights Project;
2019 J.D. Candidate, Columbia Law School

PART 2
2:25-3:45 pm

From Law Student to Housing Practitioner: The Hiring Process in the Era of Universal Access

Dedicated government funding for housing lawyers creates opportunities and challenges for law schools and legal services providers. This session will examine the respective roles of the law schools and the providers in the hiring process, and explore how law schools and providers can work together most effectively to assure that the most highly qualified attorneys enter this growing workforce and provide the best possible legal assistance to clients.

Panel

Jordan Dressler
Coordinator, Office of Civil Justice, New York City Human Resources Administration

Genesis Miranda
Poverty Justice Solutions Fellow, Make the Road New York

Sateesh Nori
Attorney-in-Charge, Queens Neighborhood Office, The Legal Aid Society

Sam Sue
Director of Career Planning, CUNY School of Law

Work Group Four	**Protecting the Rights of Immigrants in Our Communities: Law Schools Working to Ensure Representation**	**Ottinger Hall G-201**
Facilitators	Lenni B. Benson Professor of Law and Director, Safe Passage Project Clinic, New York Law School	
	Sarah Rogerson Clinical Professor of Law and Director of the Immigration Law Clinic, Albany Law School	
Panel	Marilyn E. Alvarado Paralegal, Safe Passage Project; 2017-2018 Beyond the Bars Fellow, Center for Justice at Columbia University; 2016 Unaccompanied Latin American Minor Project (U-LAMP) U-LAMPER, CUNY John Jay College of Criminal Justice	
	Jon-Yin Chong Student Director, Low-Income Taxpayer Law and Accounting Practicum, Cornell College of Business and Cornell Law School; 2018 Masters of Management Candidate, Cornell University	
	Camille J. Mackler Director of Immigration Legal Policy, New York Immigration Coalition	
	Isabel Martinez Assistant Professor; Founding Director, Unaccompanied Latin American Minor Project (U-LAMP); Faculty Director, Adelante! Latina/o Leadership Program; and Faculty Advisor, JJay Dreamers, Department of Latin American and Latina/o Studies, John Jay College of Criminal Justice	
	The Work Group will profile law school programs, clinics and initiatives that involve community and interdisciplinary collaborations to assist immigrants. The Work Group will explore ways to engage pre-law students in immigration work, as well as how to create an awareness among college and high school students and their advisors that the study and practice of immigration law presents myriad opportunities across multiple disciplines.	
1:25-2:15 pm	**Lunch**	**Tudor Room, Preston Hall**
1:45-2:00 pm	**Outcomes Tracking for Civil Legal Aid** David Udell Executive Director, National Center for Access to Justice at Fordham University School of Law	
	Amy Widman Deputy Director, National Center for Access to Justice at Fordham University School of Law	
2:25-3:45 pm	**Work Group Sessions: Part 2**	**Concurrent Sessions Continue In Same Rooms**
3:55-4:25 pm	**Closing Plenary Session** Dean Matthew Diller and Dean Mary Lu Bilek	**Gerber Glass Moot Courtroom**
	Reports from Facilitators of Work Group Sessions	
	Concluding Remarks Helaine M. Barnett	

PARTICIPANTS

QUISQUELLA ADDISON
LawHelpNY Program Director, Pro Bono Net

AKUA AKYEA
Assistant Dean for Public Service,
Cornell Law School

ANNELIESE ALIASSO
Pro Bono Scholar, Immigration Law Clinic
2018 J.D. Candidate, Albany Law School

CATHY ALEXANDER
Assistant Dean for Admissions,
Elisabeth Haub School of Law at Pace University

TRACEY ALTER
Director of Family Court Legal Program,
Pace Women's Justice Center

MARILYN E. ALVARADO
Paralegal, Safe Passage Project;
Center for Justice at Columbia University, Beyond the Bars Fellow 2017-2018;
U-LAMPER, CUNY John Jay College of Criminal Justice 2016

HORACE ANDERSON, JR.
Associate Dean, Elisabeth Haub School of Law at Pace University

LAURA ANDREWS
Volunteer, Legal Hand Jamaica

SUSAN ANTOS
Senior Attorney, Empire Justice Center

NERMEEN ARASTU
Clinical Law Professor; Immigrant & Non-Citizen Rights Clinic, CUNY School of Law

MICHAELA AZEMI
Regional Pro Bono Coordinator, Legal Assistance of Western New York (LawNY); Public Service Advisor, LAWNY/ Cornell Law School

JILL BACKER
Assistant Dean for Career & Professional Development, Elisabeth Haub School of Law at Pace University

HARRY BALLAN
Dean & Professor of Law, Touro Law Center

HELAINE M. BARNETT
Chair, New York State Permanent Commission on Access to Justice

AISSATOU BARRY
Staff Attorney, Housing Unit, The Legal Aid Society; Legal Outreach Alumnus

AISHA BARUNI
Director of Public Interest Scholars & Counseling, Fordham University School of Law

MARY LU BILEK
Dean & Professor of Law, CUNY School of Law

MELINDA BELLUS
Attorney- in-Charge, Legal Services of the Hudson Valley

LENNI B. BENSON
Professor of Law; Director, Safe Passage Project Clinic, New York Law School

MARNI BERK
Director of Pro Bono Programs, New York Lawyers for the Public Interest

MYRA BERMAN
Associate Dean for Experiential Learning, Touro Law Center

ADELE BERNHARD
Adjunct Professor, New York Law School

RACHEL BERNZWEIG
Pro Bono Scholar, Gender Equality Law Center, Albany Law School
2018 J.D. Candidate, Albany Law School

ROSALIND BLACK
Director, Housing Unit, Manhattan Legal Services

RAYMOND BRESCIA
Professor of Law, Albany Law School

FRANK BRESS
Professor of Law & Director of Clinical and Experiential Learning, New York Law School

WILLIAM BROOKS
Clinical Professor of Law, Touro Law Center

ELISE BROWN
Director of Housing Litigation, Mobilization for Justice

BRIDGIT BURKE
Legal Director, The Legal Project

SARAH BURROWS
Pro Bono Manager, Brooklyn Bar Association Volunteer Lawyers Project

TIFFANY BUTTERS
Volunteer Coordinator, Legal Hand Jamaica

SARAH CAZE
Pro Bono Scholar, African Services Committee
J.D. Candidate 2018, Maurice A. Dean School of Law, Hofstra University

MARIA CILENTI
Senior Policy Counsel, New York City Bar Association

BETHANY CEREO
Pro Bono Scholar, Center for Elder Law & Justice
2018 J.D. Candidate, Buffalo Law School

STEFANIE CERRONE
Pro Bono Scholar, Health Law Clinic, Elisabeth Haub School of Law at Pace University
2018 J.D. Candidate, Elisabeth Haub School of Law at Pace University

ELLEN CHAPNICK
Dean Emerita for Social Justice Initiatives & Lecturer-in-Law, Columbia Law School

JACKIE CHENEY
Director, Center for Public Service Law,
Benjamin N. Cardozo School of Law

SIDNEY CHERUBIN
Director of Legal Services, Brooklyn Volunteer Lawyers Project

JON-YIN CHONG
Student Director, Low-Income Taxpayer Law & Accounting Practicum, Cornell College of Business & Cornell Law School; 2018 Masters of Management, Accounting Concentration Candidate, Cornell University

SARALYN COHEN
Pro Bono Counsel & Director of Global Corporate Social Responsibility, Shearman & Sterling LLP

KIM DIANA CONNOLLY
Professor of Law; Vice Dean for Advocacy and Experiential Education, University at Buffalo School of Law

KEVIN CREMIN
Director of Litigation for Disability & Aging Rights, Mobilization for Justice

DAVID CROSSMAN
Staff Attorney, Legal Aid Society of Northeastern New York (LASNNY)
2017 Pro Bono Scholar

ANTHONY W. CROWELL
Dean and President Professor of Law
New York Law School

SENOVIA CUEVAS
Pro Bono Scholar, Volunteer Legal Services Project of Monroe County. Inc.
2018 J.D. Candidate, University at Buffalo School of Law

PAUL CURTIN
Deputy Executive Director, The Legal Aid Bureau of Buffalo, Inc.

MATTHEW D'AMORE
Professor of the Practice, Cornell Tech/Cornell Law School

PRATHIBA DESAI
Staff Attorney, Empire Justice Center

GREGORY DEWAN
Managing Attorney, Frank H. Hiscock Legal Aid Society

ELYSE DIAMOND
Director, Public Sector Careers, Public Interest Law Center, Elisabeth Haub School of Law at Pace University

HON. JANET DIFIORE
Chief Judge of the State of New York

MATTHEW DILLER
Dean and Paul Fuller Professor of Law, Fordham University School of Law;
Chair, Law School Involvement Working Group, New York State Permanent Commission on Access to Justice & Statewide Law School Access to Justice Council

ALANNA DOHERTY
Pro Bono Scholar, ACLU Women's Rights Project
2018 J.D. Candidate, CUNY School of Law

CYNTHIA DOMINGO-FORASTE
Executive Director, Court Square Law Project,
CUNY School of Law

JORDAN DRESSLER
Coordinator, Office of Civil Justice, New York City Human Resources Administration

COURTNEY DUNN
Pro Bono Scholar
2018 J.D. Candidate, Elisabeth Haub School of Law at Pace University

PARTICIPANTS

KAREN EISEN
Dean of Career and Professional Development, Brooklyn Law School

MOHAMMED FAROOQUI
Associate, Arent Fox LLP; Ronald H. Brown Center for Civil Rights at St. John's University School of Law Alumnus

BARBARA FINKELSTEIN
Chief Executive Officer, Legal Services of the Hudson Valley; Member, New York State Permanent Commission on Access to Justice

HON. FERN A. FISHER
Visiting Associate Professor of Law, Maurice A. Deane School of Law, Hofstra University
Member, New York State Permanent Commission on Access to Justice

ROBERT B. FISKE, JR.
Senior Counsel, David Polk & Wardwell LLP
Member, New York State Permanent Commission on Access to Justice

GRETCHEN FLINT
Professor of Law, Elisabeth Haub School of Law at Pace University; Member, Statewide Law School Access to Justice Council

MARY FOX
Associate Director, Housing Conservation Coordinators

JONATHAN FOX
Director, Tenants' Rights Unit, New York Legal Assistance Group (NYLAG)

KRIS FRANKLIN
Professor of Law, New York Law School

SUSAN GAGNON
Managing Attorney, Legal Aid Society of Northeastern New York, Inc.

DORA GALACATOS
Executive Director, Feerick Center for Social Justice
Fordham University School of Law

SHEILA GADDIS
Partner, Barclay, Damon; Member, New York State Permanent Commission on Access to Justice

ANGIE GARCIA
Litigation Legal Assistant
Sullivan & Cromwell, LLP

GINA GARCIA
Pro Bono Scholar, Criminal Defense Clinic at Fordham University School of Law
2018 J.D. Candidate, Fordham University School of Law

MARIAN GENIO
Pro Bono Director, Legal Services of the Hudson Valley

REBECCA GIGLIOTTI
Pro Bono Scholar, Legal Services of the Hudson Valley, Yonkers
2018 J.D. Candidate, Elisabeth Haub School of Law at Pace University

ANN GOLDWEBER
Professor & Director of Clinical Legal Education; Director of the Consumer Justice for the Elderly Litigation Clinic, St. John's University School of Law

NATALIE GOMEZ-VELEZ
Professor of Law, CUNY School of Law

LEAH GOODRIDGE
Supervising Attorney, Housing Project, Mobilization for Justice

JOHN GREINER
President, Just-Tech, LLC

ELIZABETH GROSSMAN
Legal Advocacy Director, Lenox Hill Neighborhood House

JENNIFER GUNDLACH
Clinical Professor of Law, Maurice A. Deane School of Law, Hofstra University
Member, Statewide Law School Access to Justice Council

RACHEL HALPERIN
Chief Program Officer, Legal Services of the Hudson Valley

KIM HAWKINS
Professor of Law, New York Law School

LEAH HILL
Associate Dean for Experiential Education; Clinical Associate Professor of Law
Fordham University School of Law

ADRIENE HOLDER
Attorney-in-Charge Civil Practice
The Legal Aid Society
Member, New York State Permanent Commission on Access to Justice

LEAH HOROWITZ
Director of Student Organizations & Publicity, Fordham University School of Law

AMY HOZER
Senior Supervising Attorney, MLHC Project Director, New York Legal Assistance Group (NYLAG)

STEPHANIE HSU
Pro Bono Scholar, Tax Clinic at Fordham University School of Law
2018 J.D. Candidate, Fordham University School of Law

ELISE B. JAFFE
Director, Pre-Law Program; Director, Roosevelt Scholars, Hunter College

IGNACIO JAUREGUILORDA
Director, Poverty Justice Solutions & Legal Hand, Center for Court Innovation

RANDAL JEFFREY
General Counsel, New York Legal Assistance Group (NYLAG)

MINDY JENG
Executive Director, Pro Bono Services, Office of Court Administration

CHELSEA JOHN
Pro Bono Scholar, American Civil Liberties Union, LGBT & HIV Project
2018 J.D. Candidate, CUNY School of Law

CONRAD JOHNSON
Clinical Professor of Law, Columbia Law School

JOSEPH JONES
Housing Justice Coordinator,
New York City Human Resources Administration

LAUREN KANFER
Staff Counsel, New York State Permanent Commission on Access to Justice & Statewide Law School Access to Justice Council

CINDY KANUSHER
Executive Director, Pace Women's Justice Center

SHARON KATZ
Special Counsel for Pro Bono, Davis Polk & Wardwell LLP

LYNN KELLY
Executive Director, City Bar Justice Center
Member, Statewide Law School Access to Justice Council

COURTNEY REED KEREN
Associate Attorney, Borenstein, McConnell & Calpin, P.C.
2016 Pro Bono Scholar

JENNIE G. KIM
Staff Attorney, Legal Hand Jamaica

ALISON KING
Pro Bono Counsel, Arnold & Porter

REBECCA KING
Pro Bono Scholar, Pace Immigration Justice Clinic
2018 J.D. Candidate, Elisabeth Haub School of Law at Pace University

ROCHELLE KLEMPNER
Assistant Deputy Counsel, Department of Technology, New York State Court System, Office of Court Administration

MARVIN KRISLOV
President, Pace University

SALVATORE LAPETINA
Associate, McNamara & Horowitz LLP
2015 Pro Bono Scholar

AIMEE LATORRE
LiveHelp Program Coordinator, Pro Bono Net/ LawHelpNY

GLENN LAU-KEE
Member, Lau-Kee Law Group PLLC

DONNA LEE
Professor & Associate Dean for Clinical Programs, CUNY School of Law

LINA LEE
Deputy Director, Brooklyn Legal Services Corp.

DANIEL LEI
Pro Bono Scholar, City Bar Justice Center
2018 J.D. Candidate, Albany Law School

MELANIE LESLIE
Dean, Benjamin N. Cardozo School of Law

DEGNA LEVISTER
Assistant Dean of Admissions & Enrollment Management, CUNY School of Law

MARCIA LEVY
Director of Externships, Columbia Law School

BILL LIENHARD
Executive Director, Volunteers of Legal Service

PARTICIPANTS

TIFFANY LISTON
Deputy Director, Mobilization for Justice

KENT D. LOLLIS
Executive Director for Diversity Initiatives, Law School Admission Council

SHEYLA LORS
CAMBA Legal Services

ALISON MACKENZIE
Pro Bono Scholar, Pace Women's Justice Center
2018 J.D. Candidate, Elisabeth Haub School of Law at Pace University

CAMILLE J. MACKLER
Director of Immigration Legal Policy, New York Immigration Coalition (NYIC)

THOMAS MALIGNO
Executive Director, Public Advocacy Center, Touro Law Center

THOMAS MANCONE
Staff Attorney, Legal Services of the Hudson Valley
2016 Pro Bono Scholar

J. NANCY MANGOLD
Director, New York State Supreme Court Help Center, 9th Judicial District

ISABEL MARTINEZ
Assistant Professor; Founding Director, Unaccompanied Latin American Minor Project (U-LAMP); Faculty Director, Adelante! Latina/o Leadership Program; Faculty Advisor, JJay Dreamers, Department of Latin American and Latina/o Studies, John Jay College of Criminal Justice

SARAH MARTINEZ
Pro Bono Scholar, Legal Services of the Hudson Valley, Mount Vernon
2018 J.D. Candidate, Elisabeth Haub School of Law at Pace University

MARIA MATOS
Counsel, New York State Appellate Division, First Department, Committee on Character & Fitness

LISA MATSUE
Pro Bono Scholar, 2018 J.D. Candidate, Fordham University School of Law

NANCY MAURER
Professor of Law, Director of Field Placement Clinic, Albany Law School

CONNIE MAYER
Associate Dean for Academic Affairs, Albany Law School

EMILY D. McEVOY
Legal Assistant, Sullivan & Cromwell

STEPHANIE McGREGOR
Associate Director, Career Planning Office, CUNY School of Law

AVNI MEHTA
Associate, Milbank, Tweed, Hadley & McCloy LLP
2016 Pro Bono Scholar

RYAN MEMOLI
Pro Bono Scholar
2018 J.D. Candidate, Elisabeth Haub School of Law at Pace University

HON. EDWINA MENDELSON
Deputy Chief Administrative Judge for Justice Initiatives
Ex Officio Member, New York State Permanent Commission on Access to Justice

BARBARA MICHALSKA
Supervising Attorney, The Legal Aid Society

KHATIA MIKADZE
Immigration Justice Coordinator, Office of Civil Justice, New York City Human Resources Administration

LAURIE MILDER
Special Counsel, Office for Justice Initiatives

KRISTY MILKOV
Volunteer Staff Member, Feerick Center for Social Justice

MEREDITH R. MILLER
Professor of Law, Touro Law Center

GENESIS MIRANDA
Poverty Justice Solutions Fellow, Make the Road New York

RENEE MITTLER
Assistant Attorney-in-Charge, The Legal Aid Society, Juvenile Rights Practice

MARY MONE
Special Advisor, New York State Permanent Commission on Access to Justice

ANDREA MOONEY
Clinical Professor, Cornell Law School

TREVOR MORRISON
Dean & Eric M. & Laurie B. Roth Professor of Law, New York University School of Law

LILLIAN M. MOY
Executive Director, Legal Aid Society of Northeastern New York (LASNNY);
Member, New York State Permanent Commission on Access to Justice

BARBARA MULÉ
Staff Counsel, New York State Permanent Commission on Access to Justice

LAURETTE MULRY
Attorney-in-Charge, Legal Aid Society of Suffolk County

GAYLE MURPHY
Pro Bono Manager, ECBA Volunteer Lawyers Project, Inc.

BHARATI NARUMANCHI
Director of Recruitment, The Legal Aid Society

CAROL NEIDITCH
Pro Bono Coordinator, Legal Services of the Hudson Valley

ALIZABETH NEWMAN
Interim Executive Director, Alumni Engagement & Initiatives, Clinical Professor of Law, CUNY School of Law

HON. JUANITA BING NEWTON
Dean, New York State Judicial Institute

SATEESH NORI
Attorney-in-Charge, Queens Neighborhood Office, The Legal Aid Society

MEGAN O'LEARY
Attorney for the Child, Legal Aid Society of Rochester; 2015 Pro Bono Scholar

MARK O'BRIEN
Executive Director, Pro Bono Net

KATHLEEN M. O'CONNOR
Teaching Professor; Executive Director, Online Education; Faculty Director, Moot Court Honor Society and Advocacy, Syracuse University College of Law

JAMES B. O'NEAL
Co-Founder & Executive Director, Legal Outreach, Inc.

AMBIKA PANDAY
Senior Staff Attorney & Intern Program Coordinator, Family Defense Practice, Brooklyn Defender Services

BRIZEYDA PARADA
Pro Bono Scholar, Pace Immigration Justice Clinic
2018 J.D. Candidate, Elisabeth Haub School of Law at Pace University

SWATI PARIKH
Senior Director of Public Service and Pro Bono Initiatives, New York Law School

JASON PARKIN
Associate Professor of Law, Elisabeth Haub School of Law at Pace University

DEVI PATEL
Pro Bono Programs Manager, Legal Information for Families Today (LIFT)

NICOLETTE PELLEGRINO
Pro Bono Scholar, Pace Women's Justice Center
2018 J.D. Candidate, Elisabeth Haub School of Law at Pace University

JESSICA PENKOFF
Pro Bono & Strategic Initiatives Coordinator, Pro Bono Net

JOSE PEREZ
Deputy General Counsel, LatinoJustice PRLDEF

JAIME PERRONE
Director of Community Engagement, Brooklyn Law School

D. THOMAS PETERSON
Staff Attorney, Criminal Defense Practice, The Bronx Defenders
2016 Pro Bono Scholar

KARIN ANDERSON PONZER
Director of Legal Services, Neighbors Link Community Law Practice

MARY E. PORTER
Principal Law Clerk to District Administrative Judge C. Randall Hinrichs, Tenth Judicial District, New York State Unified Court System

KIM WOLF PRICE
Director of Externships, Syracuse University College of Law

SHAUN PRUNOTTO
Pro Bono Scholar, Criminal Defense Clinic, Fordham University School of Law, 2018 J.D. Candidate, Fordham University School of Law

PARTICIPANTS

RAUN J. RASMUSSEN
Executive Director, Legal Services NYC;
Member, New York State Permanent Commission on Access to Justice

RUNA RAJAGOPAL
Managing Director, Civil Action Practice, The Bronx Defenders

LISA RIVERA
Director of Strategic Initiatives, New York Legal Assistance Group (NYLAG)

HON. JENNY RIVERA
Senior Associate Judge, New York State Court of Appeals

SARAH ROGERSON
Clinical Professor of Law; Director, Immigration Law Clinic; Director, Law Clinic & Justice Center, Albany Law School

BRONWYN ROANTREE
Pro Bono Scholar, 2018 J.D. Candidate, Fordham University School of Law

RODRIGO SANCHEZ-CAMUS
Legal Director, Northern Manhattan Improvement Corporation (NMIC)

MELINDA SARAN
Vice Dean for Social Justice Initiatives, University at Buffalo School of Law

LOUIS SARTORI
Director, Pro Bono Practice, The Legal Aid Society

FERN SCHAIR
Advisory Board Chair, Feerick Center for Social Justice, Fordham University School of Law

ANDREW SCHERER
Policy Director, Impact Center for Public Interest Law, New York Law School

TOM SCHOENHERR
Assistant Dean, Public Interest Resource Center, Fordham University School of Law;
Member, Statewide Law School Access to Justice Council

BETH SCHWARTZ
Clinical Professor of Law; Director of Professional Skills. Fordham University School of Law

JEFFREY SEIGEL
Executive Director, Nassau Suffolk Law Services;
Member, Statewide Law School Access to Justice Council

MARJORIE SILVER
Professor of Law, Touro Law Center

MICHAEL A. SIMONS
Dean & John V. Brennan Professor of Law & Ethics, St. John's University School of Law

ALLAINA SINES
Pro Bono Scholar, Center for Family Representation, Inc., Queens
2018 J.D. Candidate, Maurice A. Deane School of Law, Hofstra University

KAMALJIT K. SINGH
Pro Bono Scholar, 2018 J.D. Candidate, Fordham University School of Law

ERICA SMOCK
Dean for Social Justice Initiatives, Columbia Law School; Member, Statewide Law School Access to Justice Council

NATALIE SOBCHAK
Director of Pro Bono Programs, Pace Women's Justice Center

JANE SPINAK
Edward Ross Aranow Clinical Professor of Law, Columbia Law School

LAREN SPIRER
Director of Pro Bono Programs, Columbia Law School; Member, Statewide Law School Access to Justice Council

NEIL STEINKAMP
Managing Director, Stout Risius Ross, LLC
Consultant, New York State Permanent Commission on Access to Justice

SAM SUE
Director, Career Planning Office, CUNY School of Law

RONALD TABAK
Special Counsel for Pro Bono, Skadden, Arps, Meagher & Flom LLP

SHANNA TALLARICO
Supervising Attorney, New York Lawyers Assistance Group (NYLAG)

AARON TAYLOR
Executive Director, AccessLex Center for Legal Education Excellence

ANCY THOMAS
Staff Attorney, Legal Services of the Hudson Valley
2016 Pro Bono Scholar

CHANEL C. THOMAS
Legal Assistant, Sullivan & Cromwell

LESLIE THROPE
Executive Director, Housing Conservation Coordinators

JACLENE TROISI
Pro Bono Scholar, Pace Food and Beverage Law Clinic
2018 J.D. Candidate, Elisabeth Haub School of Law at Pace University

MATTHEW TROPP
Supervising Attorney, The Legal Aid Society

DAVID UDELL
Executive Director, National Center for Access to Justice at Fordham University School of Law

ROSA SAAVEDRA VANACORE
Pro Bono Scholar, Bronx Defenders
2018 J.D. Candidate, Columbia Law School

FULVIA VARGAS
Staff Attorney, New York Legal Assistance Group (NYLAG), 2015 Pro Bono Scholar

ANDREW WACHTENHEIM
Supervising Attorney, Immigrant Defense Project

KRISTEN WAGNER
Director of Pro Bono Services, New York State Bar Association

VICTORIA WAGNERMAN
Assistant Public Defender, Dutchess County Public Defender;
2016 Pro Bono Scholar

MEGHAN WALSH
Staff Attorney, The Legal Aid Society

FRANCES WEINSTOCK
Program Director, CAMBA Legal Services

KATHERINE WENTWORTH-PING
Pro Bono Scholar, Federal Litigation Clinic, Fordham University School of Law
2018 J.D. Candidate, Fordham University School of Law

JUDITH WHITING
General Counsel, Community Service Society of New York

BETH WICKEY
Director of Program & Contracts Administration, Nassau Suffolk Law Services Committee, Inc.

AMY WIDMAN
Deputy Director, National Center for Access to Justice at Fordham University School of Law

ANDREW WILLIAMS
Director, Lawyering Program, New York University School of Law

KIM WOLF PRICE
Director of Externships, Syracuse University College of Law

HELEN WROBEL
Supervising Attorney & Coordinator, New York State Access to Justice Program, St. John's University School of Law

DAVID YASSKY
Dean Emeritus, Elisabeth Haub School of Law at Pace University

JESSICA YOUNG
Supervising Attorney, Make the Road New York

BARBARA ZAHLER-GRINGER
Counsel for Administration, New York State Unified Court System, Office of Court Administration

JEANETTE ZELHOF
Executive Director, Mobilization for Justice

PABLO ZEVALLOS
Co-Chair, Tenants' Rights Project
2019 J.D. Candidate, Columbia Law School

ACKNOWLEDGMENTS

Law School Conference Planning Committee:

Helaine M. Barnett, Chair, New York State Permanent Commission on Access to Justice; Former President, Legal Services Corporation (2004-2009)

Lenni B. Benson, Professor of Law & Director, Safe Passage Project Clinic, New York Law School

Todd A. Berger, Associate Professor of Law; Director, Criminal Defense Clinic, Syracuse University College of Law; Co-Chair, Statewide Law School Access to Justice Council

Mary Lu Bilek, Dean, CUNY School of Law

Raymond H. Brescia, Professor of Law, Albany Law School

Kim Diana Connolly, Professor of Law; Vice Dean for Advocacy and Experiential Education Director, Clinical Legal Education; Buffalo School of Law, State University of New York; Member, Statewide Law School Access to Justice Council

Matthew Diller, Dean and Paul Fuller Professor of Law, Fordham University School of Law; Chair, Law School Involvement Working Group, New York State Permanent Commission on Access to Justice

Gretchen Flint, Professor of Law; Executive Director, John Jay Legal Services, Elisabeth Haub School of Law at Pace University

Lauren Kanfer, Staff Counsel, New York State Permanent Commission on Access to Justice & Statewide Law School Access to Justice Council

Beth Lyon, Clinical Professor of Law; Assistant Director of Clinical, Advocacy and Skills Programs, Cornell Law School; Member, Statewide Law School Access to Justice Council

Thomas Maligno, Executive Director, Public Advocacy Center; Director of Public Interest; Touro Law Center; Member, Statewide Law School Access to Justice Council

Connie Mayer, Associate Dean of Academic Affairs and Raymond and Ella Smith Distinguished Professor of Law, Albany Law School; Co-Chair, Statewide Law School Access to Justice Council

Lillian M. Moy, Executive Director, Legal Aid Society of Northeastern New York; Member, New York State Permanent Commission on Access to Justice

Sarah Rogerson, Associate Professor of Law; Director, Immigration Law Clinic; Director, Law Clinic & Justice Center, Albany Law School

Andrew Scherer, Policy Director, Impact Center for Public Interest Law, New York Law School

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The New York State Permanent Commission on Access to Justice and the Law School Conference Planning Committee gratefully acknowledges the generosity of Skadden, Arps, Slate, Meagher & Flom LLP for the Conference refreshments.

The Law School Conference Planning Committee extends its appreciation to Angie D'Agostino, Dean for Students & Campus Affairs; Kay Longworth, Manager of Special Events; and Allison Conway and Elizabeth Rapuano in the Deans' Office, at the Elisabeth Haub School of Law at Pace University, for their expert assistance in preparing for the Conference.

The Committee is especially grateful to Angie Garcia, Emily McEvoy and Chanel Thomas, Legal Assistants at Sullivan & Cromwell, LLP, for recording notes at the Conference and their invaluable assistance to the Permanent Commission's Law School Involvement Working Group. The Committee recognizes Annalise Aliasso, a Pro Bono Scholar in the Immigration Law Clinic at Albany Law School, for her work on a survey of New York law schools' immigration clinics and recording notes in the Work Group session.

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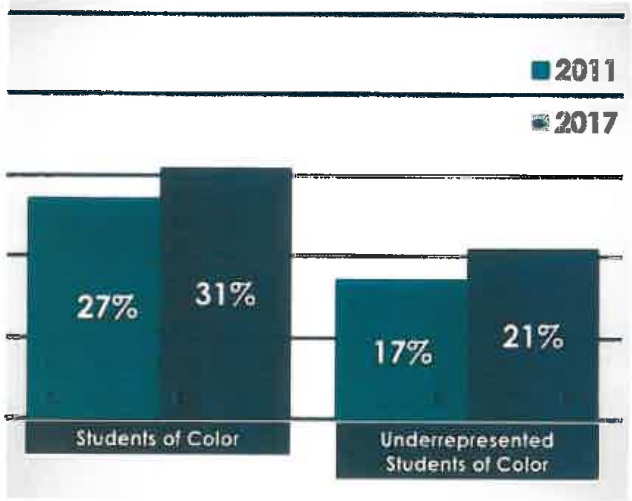
EXHIBIT 2: ACCESSLEX POWER POINT PRESENTATION

Racial and Ethnic Trends in Law School Enrollments

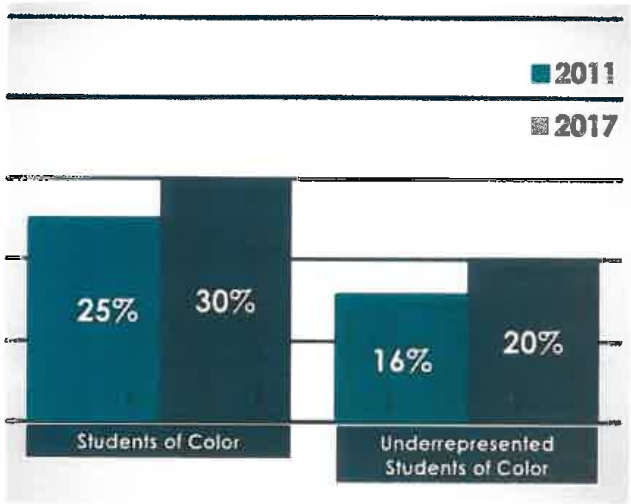
Aaron N. Taylor
Executive Director
AccessLex Center for Legal Education Excellence

Legal education is more diverse than ever...

Proportions of students of color in 2017 entering JD cohort, compared to 2011



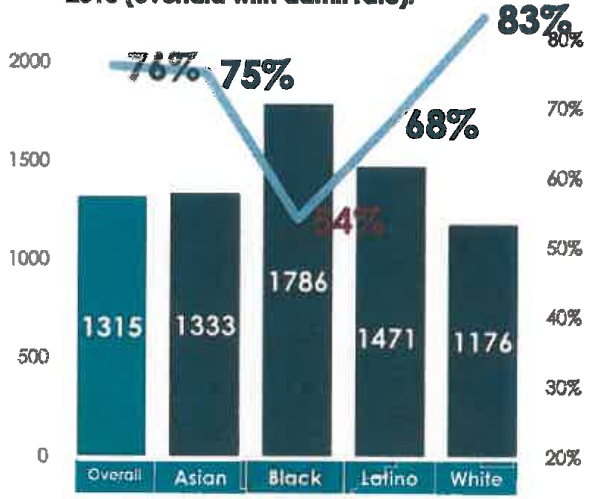
Proportions of students of color in among all JD students in 2017, compared to 2011



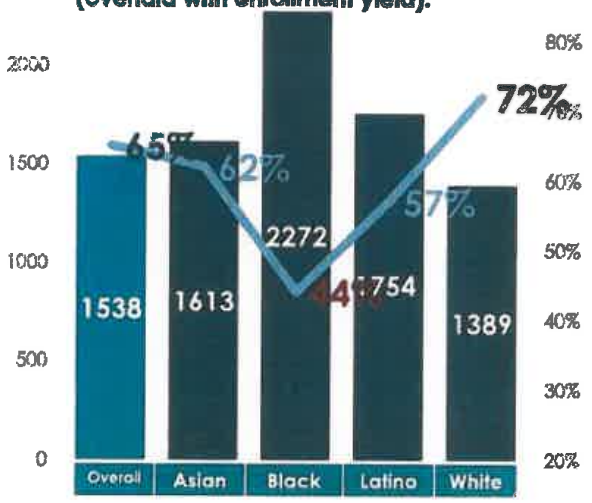
Source: American Bar Association

...but vast racial/ethnic disparities in admit and enrollment rates still exist.

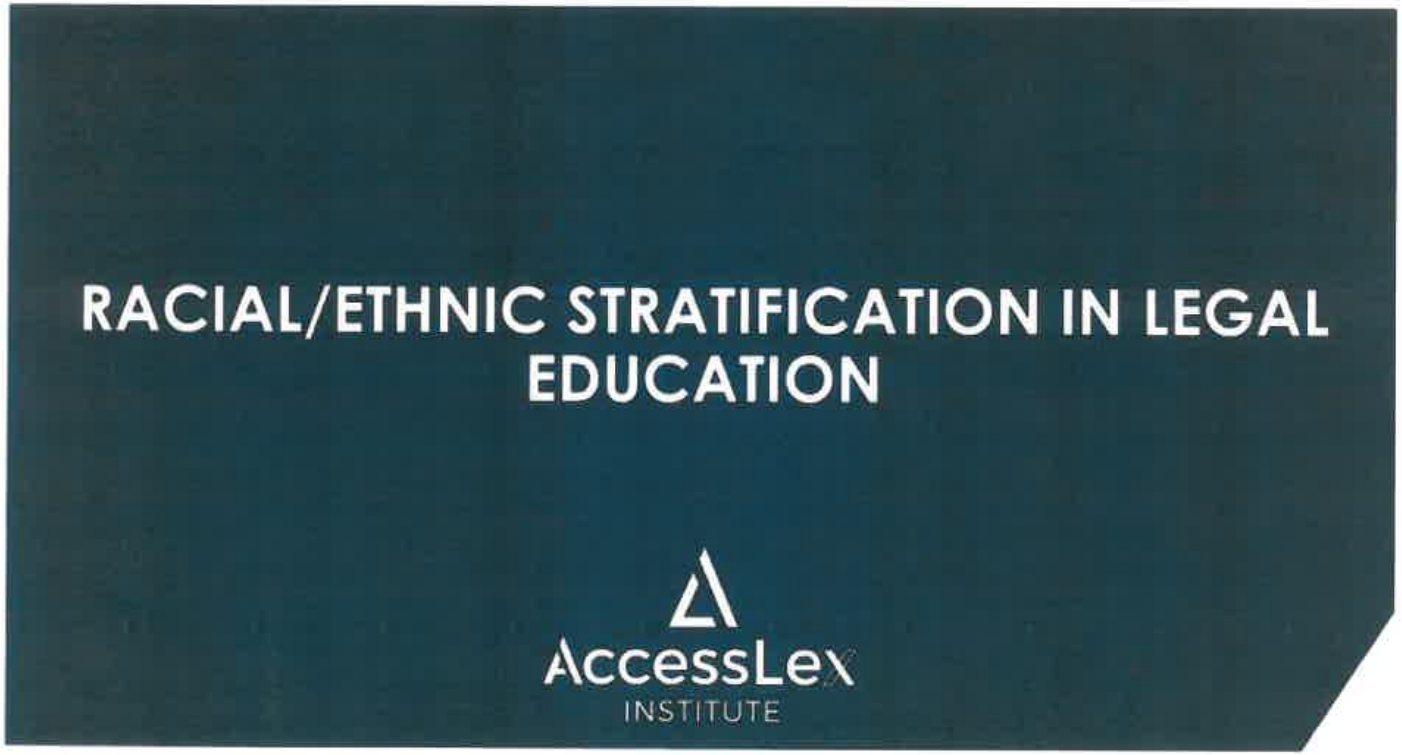
The number of applications it took to yield 1000 offers of admission in 2016 (overlaid with admit rate).



The number of applications it took to yield 1000 law students in 2016 (overlaid with enrollment yield).

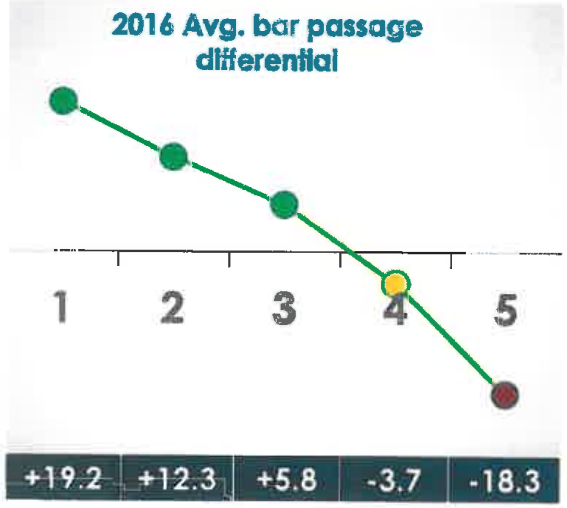


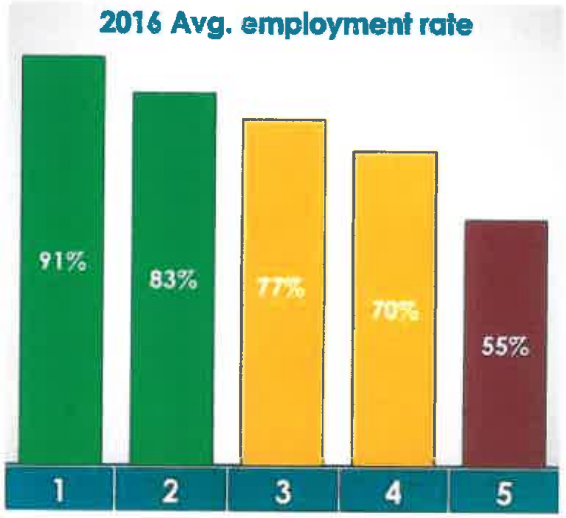
Source: Law School Admission Council 2015


RACIAL/ETHNIC STRATIFICATION IN LEGAL EDUCATION
AccessLex
INSTITUTE

Analysis: Five groups of schools based on characteristics and outcomes

No. of schools: Group 1: 14; Group 2: 33; Group 3: 49; Group 4: 55; Group 5: 43





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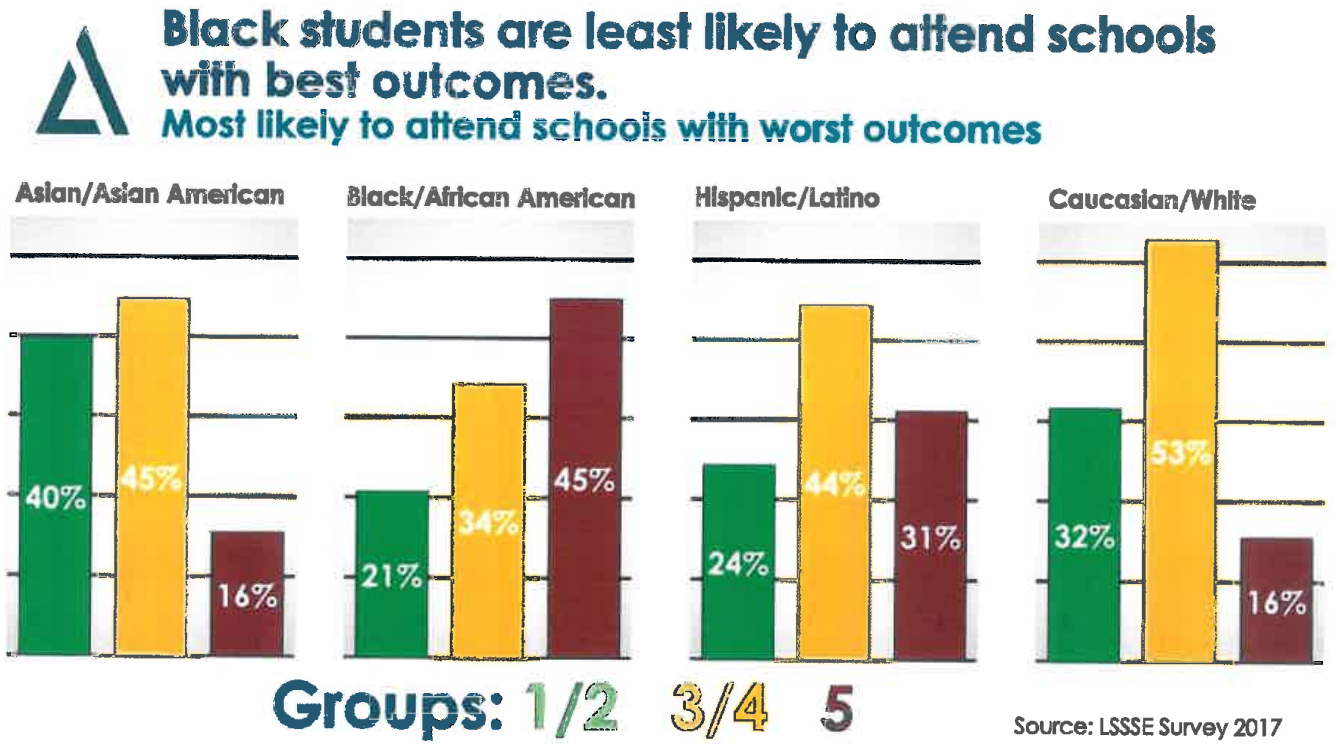
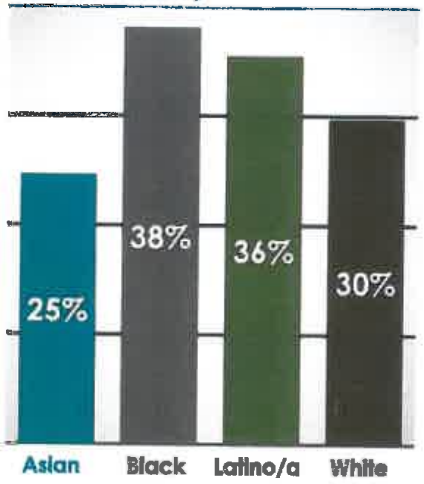

Black students are least likely to attend schools with best outcomes.
Most likely to attend schools with worst outcomes
Asian/Asian American
40%
45%
16%
Black/African American
21%
34%
45%
Hispanic/Latino
24%
44%
31%
Caucasian/White
32%
53%
16%
Groups: 1/2 3/4 5
Source: LSSSE Survey 2017

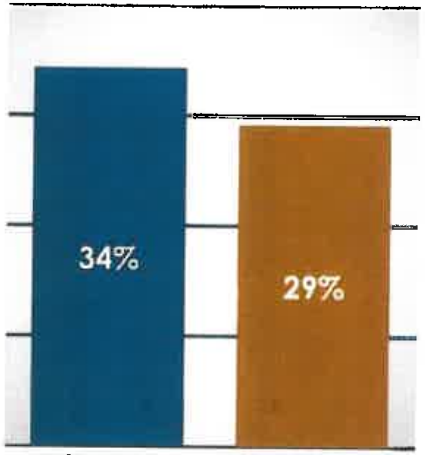
DIVERSITY AND PUBLIC SERVICE CAREERS
AccessLex
INSTITUTE

Public service, as expected employment setting:
Underrepresented students and those expecting highest debt most likely to expect public service job

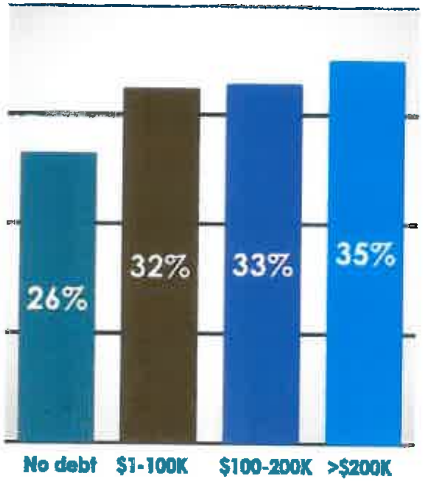
Race/ethnicity



Parental education/SES



Expected law school debt



Source: LSSSE Survey 2017

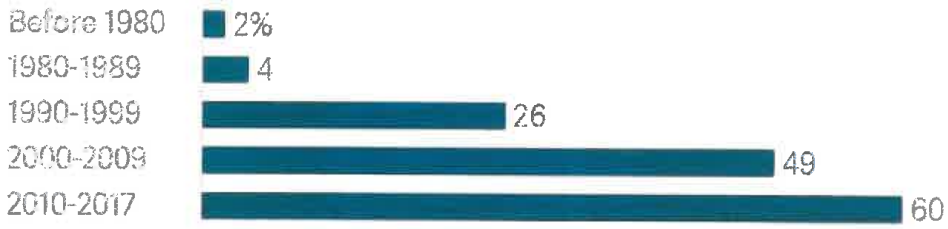
STUDENT LOANS AND FINANCIAL AID
AccessLex
INSTITUTE

Law graduates are among the most indebted student loan borrowers.

Average law graduate debt: $132,300 (2013)

Average overall student loan debt: $34,000 (2017)
Only 5% of borrowers owe more than $100,000

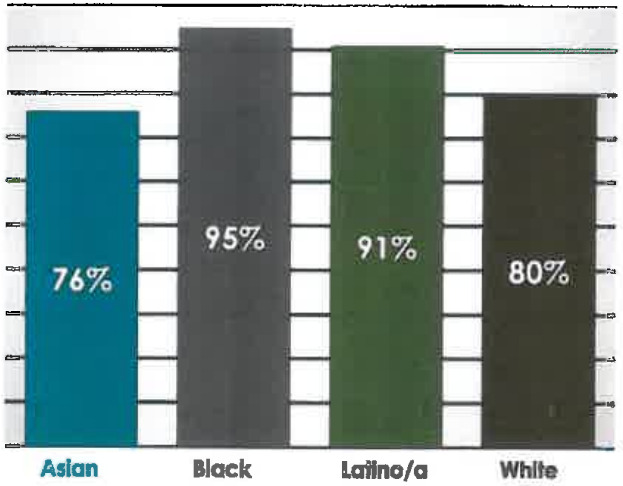
Graduates borrowing more than $100,000 in loans for law school



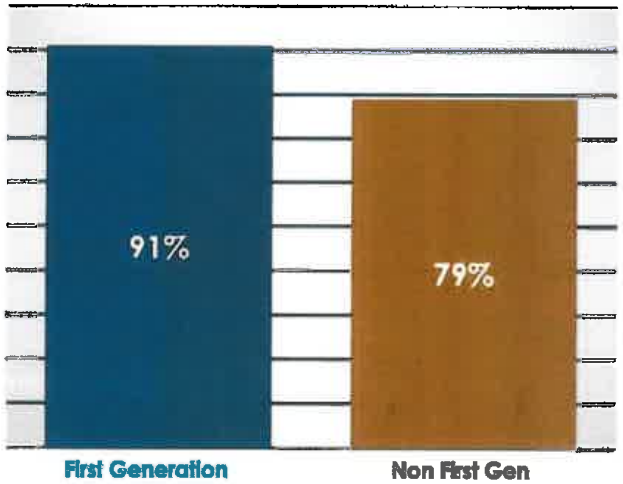
Sources: AccessLex, American Bar Association, NY Fed

Reliance on student loans
Percentage of students borrowing

Race/ethnicity

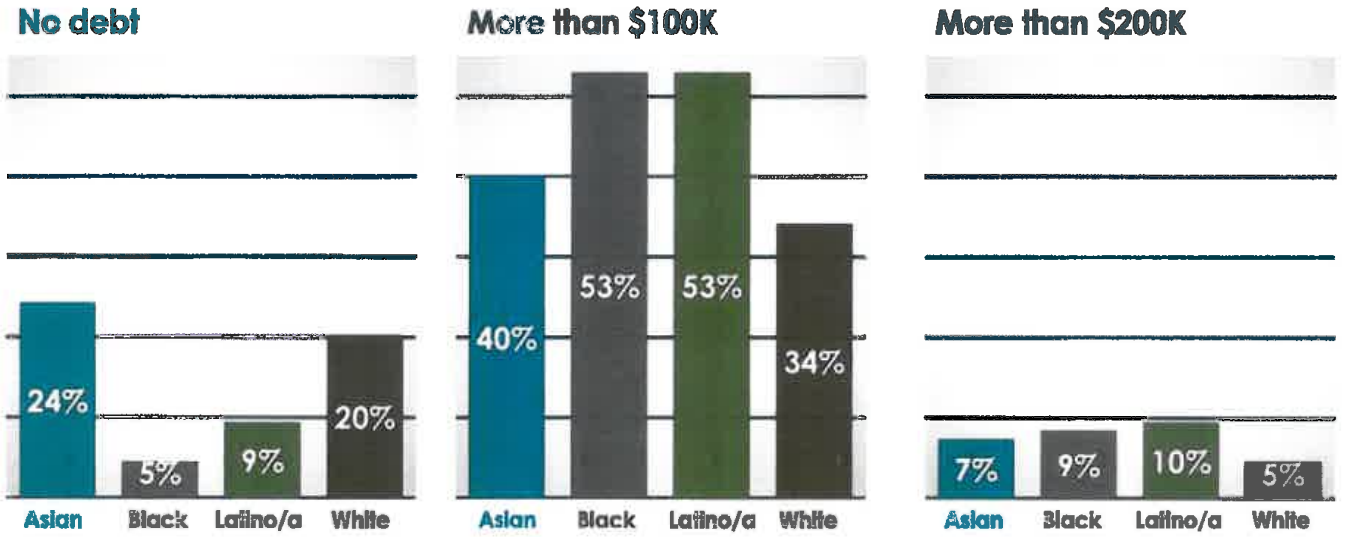


Socioeconomic status



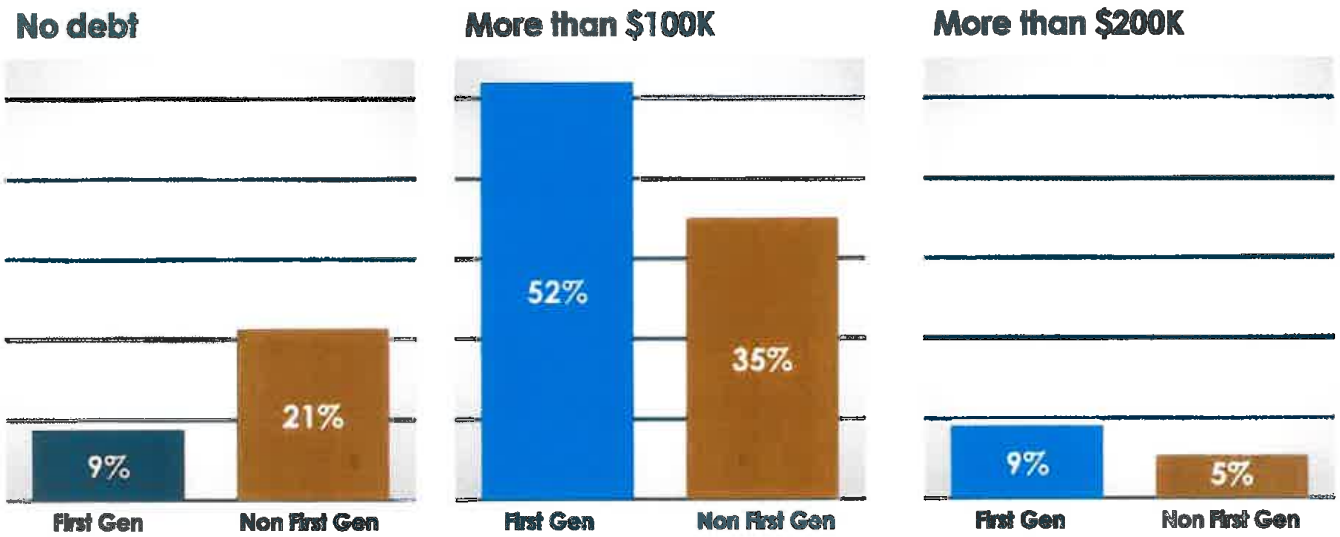
Source: LSSSE Survey 2017

Expected law school debt, by race and ethnicity



Source: LSSSE Survey 2017

Expected law school debt, by parental education/socioeconomic status



Source: LSSSE Survey 2017

Student loan debt can be debilitating...

...but student loans undoubtedly broaden access to higher education.

PROSPER ACT

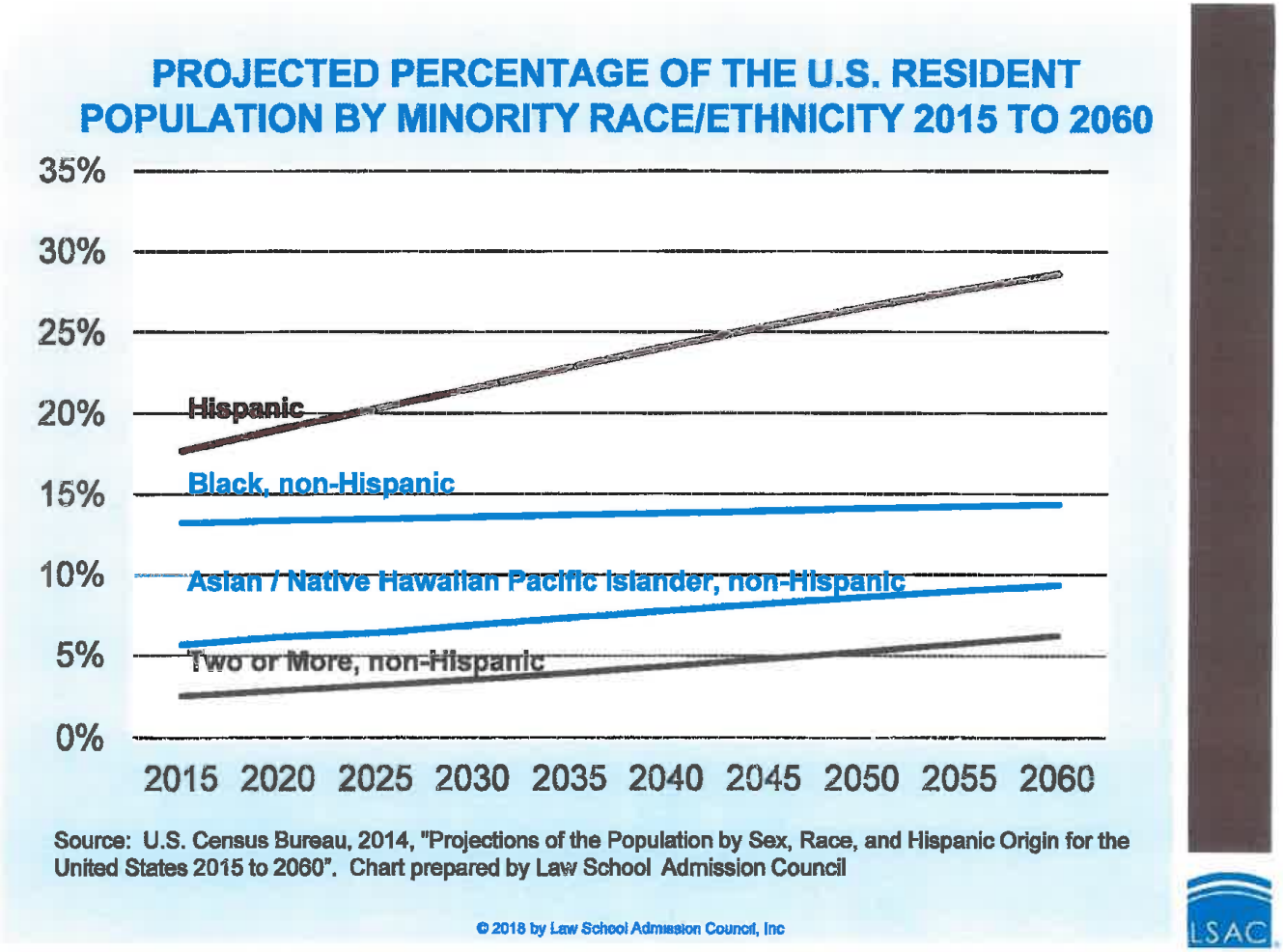
-Would reauthorize the Higher Education Act
-Passed out of House Committee on Education and the Workforce; full vote pending.
-No Senate HEA reauthorization bill released yet.

The PROSPER Act would:

1. Place an annual cap of $28,500 on borrowing to graduate/professional students;
2. Eliminate current loan forgiveness after paying for 20 or 25 years; and
3. Eliminate the Public Service Loan Forgiveness (PSLF) program.

QUESTIONS?
AccessLex
INSTITUTE

EXHIBIT 3: LAW SCHOOL ADMISSION COUNCIL POWER POINT PRESENTATION


PROJECTED PERCENTAGE OF THE U.S. RESIDENT POPULATION BY MINORITY RACE/ETHNICITY 2015 TO 2060
35%
30%
25%
20%
15%
10%
5%
0%
Hispanic
Black, non-Hispanic
Asian / Native Hawaiian Pacific Islander, non-Hispanic
Two or More, non-Hispanic
2015 2020 2025 2030 2035 2040 2045 2050 2055 2060
Source: U.S. Census Bureau, 2014, "Projections of the Population by Sex, Race, and Hispanic Origin for the United States 2015 to 2060". Chart prepared by Law School Admission Council
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LSAC

PERCENTAGES OF VARIOUS POPULATIONS

	US Population* 2016	Bachelor's Degrees Conferred** 2015-2016	ABA Applicants*** 2017	ABA Matrics*** 2017	J.D. Degrees 2016-2017	Lawyers‡ 2017
Sex						
Male	49.2%	42.8%	46.3%	47.4%		62.6%
Female	50.8%	57.2%	53.2%	52.1%		37.4%
Race/ethnicity						
White	61.3%	62.3%	62.2%	69.6%	62.3%	88.6%
Black	12.4%	10.1%	15.0%	9.9%	8.0%	5.6%
Hispanic	17.8%	12.2%	13.1%	11.7%	11.3%	4.8%
Asian/Pacific Islander	5.7%	7.2%	11.0%	10.5%	7.0%	4.4%
American Indian/AK Native	0.7%	0.5%	2.3%	2.0%	0.7%	
Source:	1	2	3	3	4	5

*White, Black, Asian/Pacific Islander, American Indian/AK Native counts are of non-Hispanics indicating only one race
** Bachelor's degrees conferred by degree-granting institutions
***Data use maximum reporting for race / ethnicity and include data for all terms excluding deferrals
‡ Persons whose ethnicity is identified as Hispanic may be of any race

1 - U.S. Census Bureau, Population Division (PEPSR6H)- 2016
2 - National Center for Education Statistics' Digest of Education Statistics: 2017; Table 322.20
3 - Law School Admission Council, National Decision Profile
4 - American Bar Association
5 -Bureau of Labor Statistics, 2017 Current Population Survey

Table prepared by Law School Admission Council

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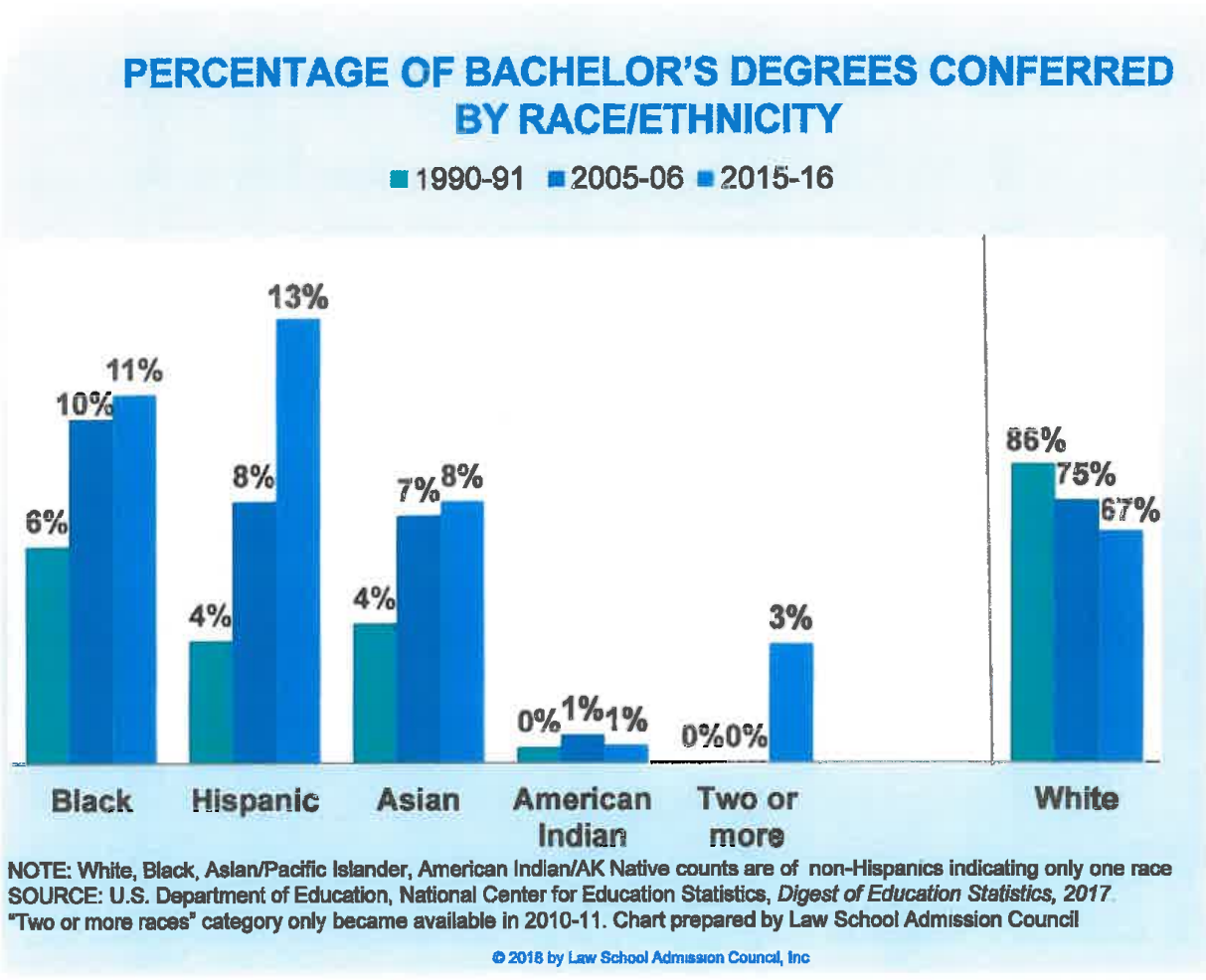
PERCENTAGE OF BACHELOR'S DEGREES CONFERRED BY RACE/ETHNICITY
1990-91
2005-06
2015-16
6%
10%
11%
4%
8%
13%
4%
7%
8%
0%
1%
1%
0%
0%
3%
86%
75%
67%
Black
Hispanic
Asian
American Indian
Two or more
White
NOTE: White, Black, Asian/Pacific Islander, American Indian/AK Native counts are of non-Hispanics indicating only one race
SOURCE: U.S. Department of Education, National Center for Education Statistics, Digest of Education Statistics, 2017
"Two or more races" category only became available in 2010-11. Chart prepared by Law School Admission Council
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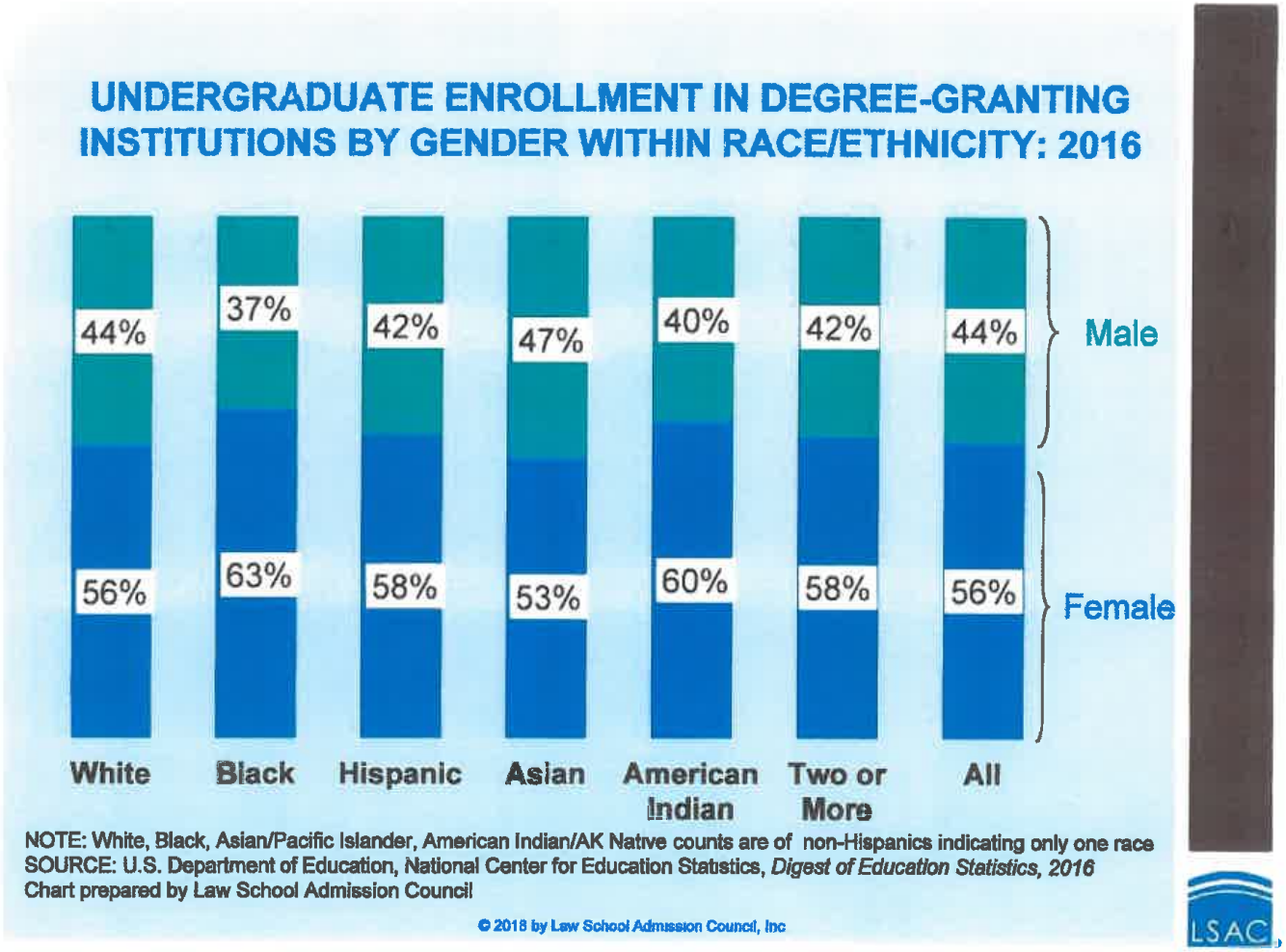
UNDERGRADUATE ENROLLMENT IN DEGREE-GRANTING INSTITUTIONS BY GENDER WITHIN RACE/ETHNICITY: 2016
44%
56%
37%
63%
42%
58%
47%
53%
40%
60%
42%
58%
44%
56%
Male
Female
White
Black
Hispanic
Asian
American Indian
Two or More
All
NOTE: White, Black, Asian/Pacific Islander, American Indian/AK Native counts are of non-Hispanics indicating only one race
SOURCE: U.S. Department of Education, National Center for Education Statistics, Digest of Education Statistics, 2016
Chart prepared by Law School Admission Council
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APPLICANTS BY SEX AND RACIAL/ETHNIC GROUP
% CHANGE 2017 TO 2018, YEAR-TO-DATE

ABA Applicants by Sex

Sex	Applicants		
	2017	2018	Pct Chg
Female	22,680	24,733	9.1%
Male	19,566	20,840	6.5%
Not indicated	85	122	43.5%

ABA Applicants by Racial/Ethnic Groups

Race / Ethnicity	Applicants		
	2017	2018	Pct Chg
Aboriginal or Torres Strait Islander Australian	2	2	0.0%
American Indian or Alaska Native	894	962	7.6%
Asian	4,851	5,385	11.0%
Black or African American	5,415	5,733	5.9%
Canadian Aboriginal	26	28	7.7%
Caucasian/White	27,740	29,621	6.8%
Hispanic/Latino	5,335	5,835	9.4%
Native Hawaiian or Other Pacific Islander	199	216	8.5%
Puerto Rican	1,030	981	-4.8%
Not Indicated	1,027	1,721	67.6%
Missing	3	1	-66.7%

Data as of 3/2/2018

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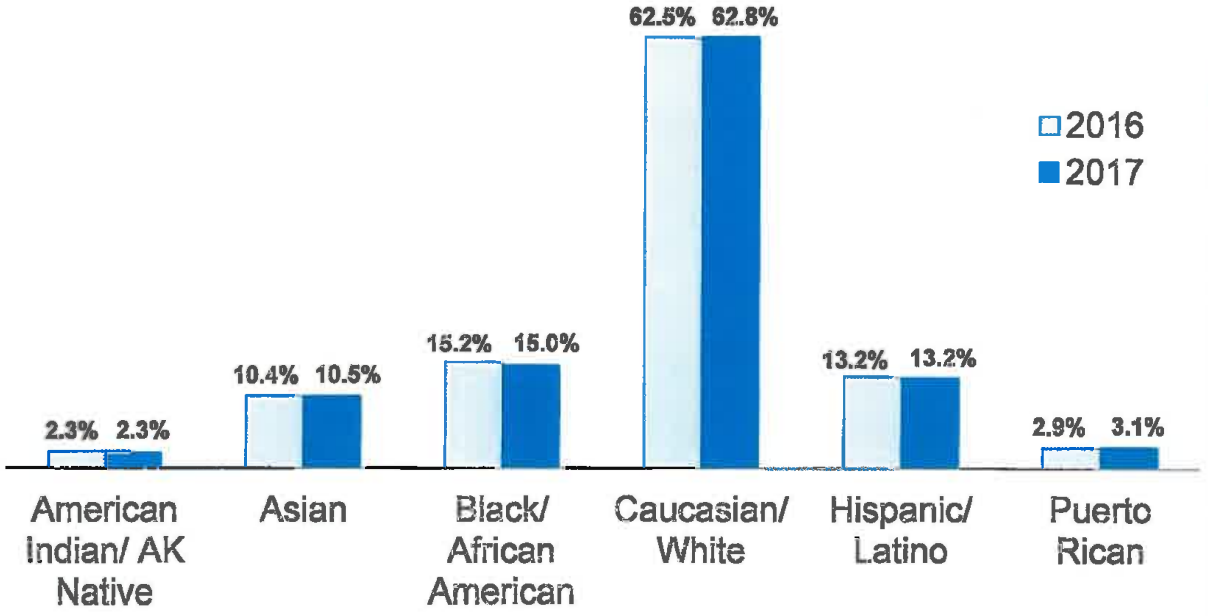
% OF TOTAL ABA APPLICANT POPULATION BY RACIAL/ETHNIC GROUP, ALL TERMS 2016 & 2017 ALLOWING FOR MULTIPLE RACE/ETHNICITY PRELIMINARY END-OF-YEAR APPLICANT VOLUMES



Note: Beginning academic year 2016, applicant counts include applicants to all academic terms and exclude deferrals

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% OF TOTAL ABA APPLICANT POPULATION BY RACIAL/ETHNIC GROUP, FALL 2012-2015 ALLOWING FOR MULTIPLE RACE/ETHNICITY PRELIMINARY END-OF-YEAR APPLICANT VOLUMES

Ethnic Group	2012	2013	2014	2015
Aboriginal or Torres Strait Islander	0.0%	0.0%	0.0%	0.0%
American Indian or Alaska Native	2.0%	2.2%	2.2%	2.3%
Asian	10.1%	10.3%	10.9%	10.3%
Black or African American	13.8%	14.4%	14.9%	15.6%
Canadian Aboriginal	0.1%	0.1%	0.1%	0.1%
Caucasian/White	64.5%	64.3%	63.1%	62.0%
Hispanic/Latino	10.3%	10.9%	11.4%	12.3%
Native Hawaiian or Other Pacific Island	0.4%	0.5%	0.5%	0.5%
Puerto Rican	2.7%	3.1%	2.8%	3.2%
Not Indicated	3.0%	2.0%	3.0%	2.7%
Missing	0.2%	0.1%	0.0%	0.0%

Note: Prior to 2016, applicant volumes included only applicants to fall academic terms and included deferrals

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AVERAGE UGPA, AVERAGE HIGHEST LSAT AND COUNTS BY ETHNIC GROUP AND SEX- 2015-2017
APPLICANTS, ADMITTED APPLICANTS, AND MATRICULANTS TO AT LEAST ONE ABA APPROVED LAW SCHOOL

		Applicants			Admitted Applicants			Matriculants		
		2015	2016	2017	2015	2016	2017	2015	2016	2017
All	Avg GPA	3.26	3.27	3.28	3.33	3.35	3.38	3.34	3.36	3.38
	Avg High LSAT	153	153	153	155	155	156	156	156	156
	Count	54,467	56,479	56,410	42,271	42,817	42,271	35,726	36,615	36,882
American Indian/Alaska Native	Avg GPA	3.12	3.13	3.13	3.23	3.23	3.25	3.24	3.23	3.26
	Avg High LSAT	150	150	149	153	153	153	154	153	153
	Count	1,234	1,270	1,286	837	902	861	699	753	725
Asian	Avg GPA	3.28	3.30	3.31	3.35	3.35	3.39	3.35	3.36	3.39
	Avg High LSAT	156	156	156	158	158	159	159	158	159
	Count	5,684	5,866	5,935	4,316	4,384	4,375	3,550	3,608	3,717
Black/African American	Avg GPA	2.99	2.99	3.00	3.12	3.12	3.17	3.14	3.14	3.18
	Avg High LSAT	145	145	145	149	149	149	149	150	150
	Count	8,310	8,522	8,439	4,675	4,591	4,324	3,772	3,718	3,668
Can Aboriginal	Avg GPA	3.18	3.13	3.17	3.28	3.19	3.28	3.38	3.22	3.47
	Avg High LSAT	152	150	152	154	154	155	156	153	158
	Count	44	55	39	31	34	28	21	21	14
Caucasian/White	Avg GPA	3.34	3.35	3.36	3.38	3.39	3.41	3.39	3.4	3.42
	Avg High LSAT	155	155	155	156	157	157	157	157	157
	Count	33,541	34,740	35,076	26,401	26,856	29,116	24,350	25,047	25,655
Hispanic/Latino	Avg GPA	3.17	3.18	3.20	3.25	3.27	3.29	3.26	3.27	3.30
	Avg High LSAT	149	150	150	152	152	153	153	153	153
	Count	6,603	7,369	7,406	4,669	5,001	4,948	3,900	4,202	4,312
Native Hawaiian/Other Pacific Islander	Avg GPA	3.15	3.20	3.21	3.22	3.29	3.28	3.24	3.26	3.31
	Avg High LSAT	150	152	150	153	154	154	154	154	154
	Count	255	249	270	179	181	177	148	151	147
Puerto Rican	Avg GPA	3.18	3.20	3.20	3.23	3.26	3.29	3.24	3.30	3.31
	Avg High LSAT	145	145	145	147	147	148	147	147	148
	Count	1,575	1,650	1,747	1,101	1,122	1,031	978	1007	896
Female	Avg GPA	3.30	3.31	3.32	3.38	3.40	3.43	3.40	3.41	3.44
	Avg High LSAT	152	152	152	154	154	155	155	155	156
	Count	27,575	29,486	30,009	20,903	21,840	21,872	17,757	18,717	19,226
Male	Avg GPA	3.23	3.23	3.24	3.29	3.30	3.32	3.29	3.30	3.32
	Avg High LSAT	154	154	154	156	156	156	156	157	157
	Count	26,708	26,763	26,128	21,229	20,764	20,189	17,853	17,738	17,484

Note: Beginning academic year 2016, applicant counts include applicants to all academic terms and exclude deferrals

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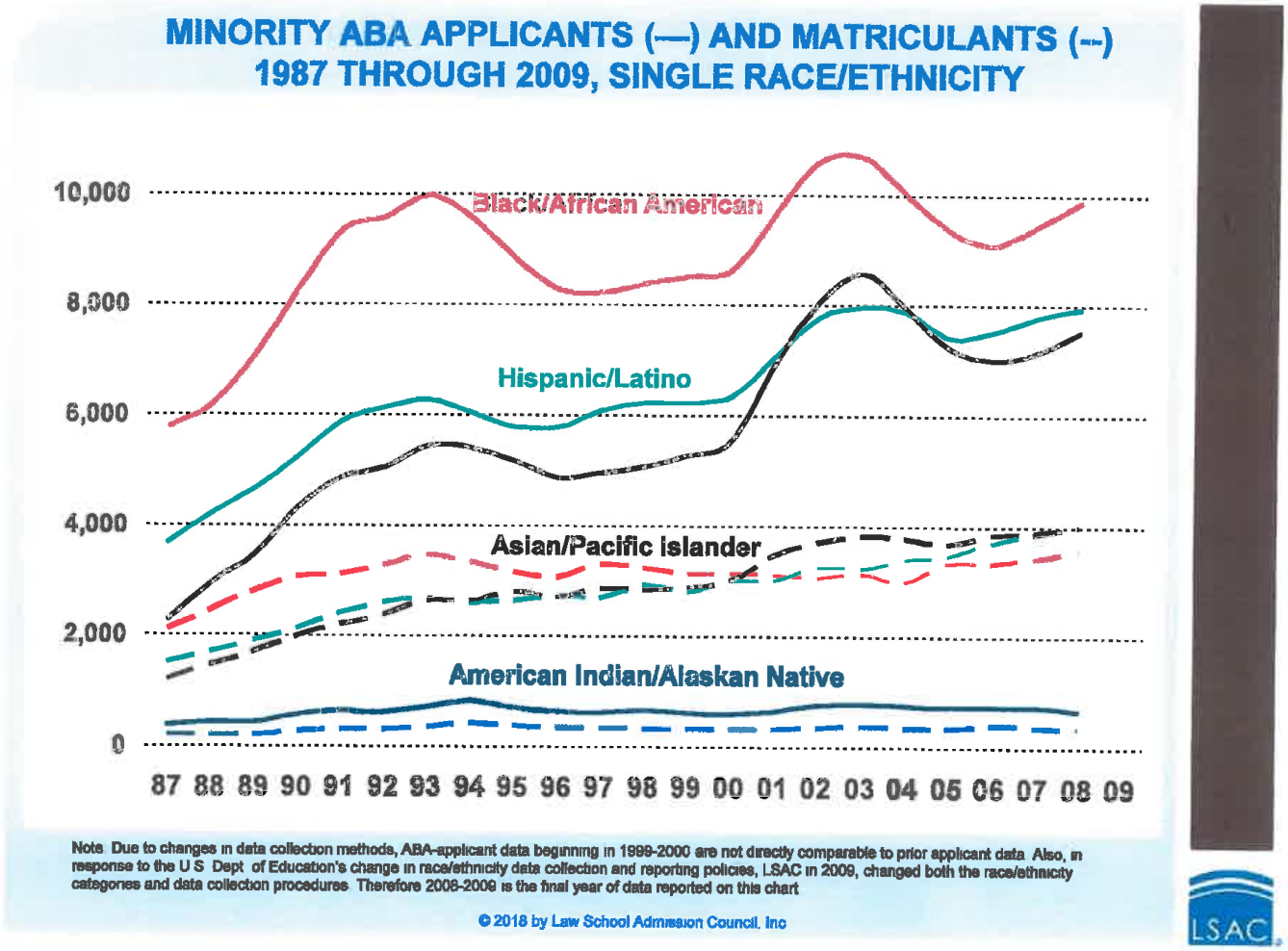
MINORITY ABA APPLICANTS (—) AND MATRICULANTS (--)
1987 THROUGH 2009, SINGLE RACE/ETHNICITY
10,000
8,000
6,000
4,000
2,000
0
Black/African American
Hispanic/Latino
Asian/Pacific Islander
American Indian/Alaskan Native
87 88 89 90 91 92 93 94 95 96 97 98 99 00 01 02 03 04 05 06 07 08 09
Note Due to changes in data collection methods, ABA-applicant data beginning in 1999-2000 are not directly comparable to prior applicant data Also, in response to the U S Dept of Education's change in race/ethnicity data collection and reporting policies, LSAC in 2009, changed both the race/ethnicity categories and data collection procedures Therefore 2008-2009 is the final year of data reported on this chart
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LSAC

PERCENTAGE OF 2017 ABA NEW APPLICANTS, REAPPLICANTS & ALL APPLICANTS BY RACE/ETHNICITY

Race/Ethnicity	New Applicants (Pct of Group)	Reapplicants (Pct of Group)	All Applicants (Group % of Total)
Amer Indian/AK Native	90%	11%	2%
Asian	92%	8%	11%
Black/African American	83%	17%	15%
Caucasian/White	95%	5%	62%
Hispanic/Latino	91%	9%	13%
Native HI/Other Pac Isl	85%	15%	0%
Puerto Rican	91%	9%	3%
All Applicants	80%	20%	

Note: LSAC allows applicants to indicate multiple races/ethnicities, so the percentages in the "All Applicants" column may sum to more than 100%.

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APPENDIX 12:

Report of the Permanent Commission's Working Group on Technology

PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT OF THE WORKING GROUP ON TECHNOLOGY

OCTOBER 2018

MEMBERS OF THE WORKING GROUP ON TECHNOLOGY

Permanent Commission Members

Deborah L. Wright, Chair of the Working Group on Technology
Anne Erickson
Lillian Moy

Permanent Commission Staff

Barbara Mulé

Volunteer Assistance

Michael Donnelly
Simpson Thacher & Bartlett LLP

Christine Fecko
IOLA Fund of the State of New York

John Greiner
Just-Tech

Jeff Hogue
LegalServer

Mark O'Brien
Pro Bono Net

Christopher Schwartz
City Bar Justice Center

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Expanded Technology Funding **25**

Executive Summary

During the year, the Working Group on Technology ("Working Group") continued to advance programs and initiatives that leverage technology to improve the quality and efficiency of legal services and help close the justice gap. The Working Group conducted a technology survey of all Judiciary Civil Legal Services ("JCLS")- and IOLA-funded providers, similar to one it conducted in 2013. The survey asked questions related to spending and staffing, policies, training, infrastructure, and public facing tools. It also asked about current technology projects, challenges and dreams. The emerging themes related to improving case management systems and training, increasing collaboration and integration, and building online referral and intake systems. The greatest challenges relate to change management and funding.

The Working Group's Pro Bono Law Firm IT Initiative, led by Michael Donnelly, Chief Information Officer at Simpson Thacher & Bartlett LLP, launched a series of educational webinars that are expanding the reach of pro bono. The Working Group observed the steady progress of the two consumer help finder projects that are creating online screening and intake systems for low-income New Yorkers in western New York and in New York City with consumer credit issues.

The New York State Permanent Commission on Access to Justice ("Permanent Commission"), along with NYSTech,[1] sponsored its fourth annual Statewide Technology Conference which was held at Cornell Tech. The event brought together directors and technology staff from civil legal aid providers, law firms, law schools, legal funders and technology service providers to share innovative ideas that can improve the delivery of civil legal services and the efficiency of provider operations. Finally, the Working Group continued to recognize that effective technology initiatives require dedicated funding to enable civil legal aid providers to integrate those systems into their operations and client service delivery.

As a result of these efforts, the Working Group offers the following recommendations to the Permanent Commission:

- **Technology Surveys:** The Working Group recommends that additional technology evaluations be periodically conducted of the New York civil legal aid community, which may include surveys, focus groups and other appropriate tools. The results should be analyzed and disseminated to educate stakeholders and support continued improvements of the civil legal aid delivery system.

[1] NYSTech is a voluntary collaboration of legal services providers from across New York that convenes technology leaders regularly for information sharing and training.

- **Pro Bono Law Firm IT Initiative:** The Working Group recommends that this sub-committee continue to develop the new cybersecurity initiative and continue to find ways to support the technology needs of the New York civil legal aid community. Any additional pro bono projects should plan for appropriate evaluation by the participants to gauge quality and impact.

- **Online Screening and Intake Projects:** The Working Group recommends that the developers of the current online triage and intake projects consult with each other regarding their respective projects with the goal of making their systems, where technically feasible, compatible with each other.

  The Permanent Commission should support the continued efforts of these projects, along with an eventual statewide screening, referral, and intake system, by encouraging the development, with all appropriate stakeholders, of a shared governance model to address such issues as funding, decision-making, data ownership, and system maintenance.

- **Technology Conference:** The Permanent Commission should continue to convene an annual statewide technology conference, with the goal of encouraging the civil legal aid community to engage in sustained collaboration, best practices development, improved security measures, training, critical analysis and revolutionary thinking around the improved use of technology to increase access to effective legal assistance by low-income New Yorkers. Stakeholder participation in the conference should be expanded to include additional representatives from technology companies.

  The Working Group further recommends convening a webinar of stakeholders to discuss initiatives they have worked on or adopted in connection with the goals and challenges articulated at the annual technology conference.

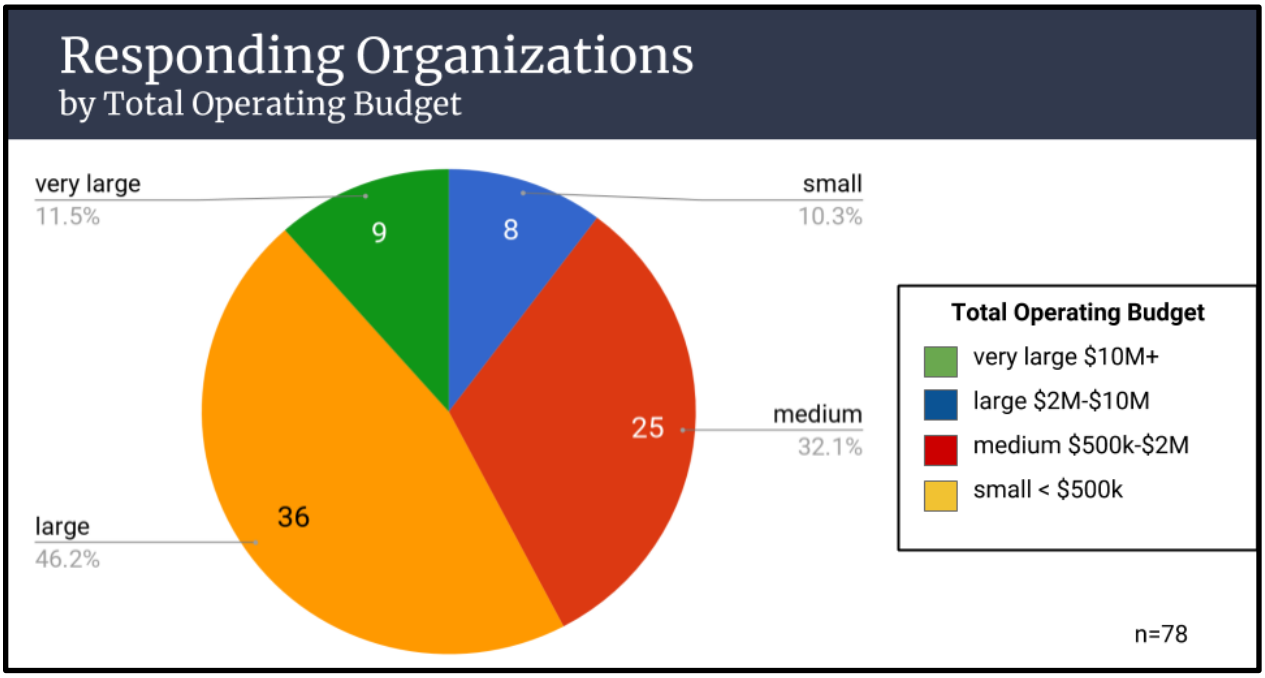
  The Working Group further recommends that the Permanent Commission specifically use the 2019 Technology Conference as a tool for advancing the technology aspects of the Strategic Action Plan.

- **Funding:** The Permanent Commission should continue to support civil legal services providers in their efforts to identify dedicated funding streams that will support technology expansion and innovation to improve delivery of civil legal services.

2018 Technology Survey

Overview

The survey was sent to all JCLS- and IOLA-funded providers (approximately 90 providers). Ultimately, 78 providers responded, with operating budgets ranging from about $70,000 to $100,000,000 and working in communities throughout New York State.[2] The providers were classified into sizes based on their operating budgets: eight small providers (under $500,000); 25 medium providers ($500,000 to $2 million); 36 large providers ($2 to $10 million) and nine very large providers (over $10 million). These are the same definitions, with approximately the same distribution, as in the 2013 survey.



The 2018 survey included 35 questions, roughly broken down into six categories: spending and staffing; policies; training; infrastructure; and public facing tools.[3] It also sought information about current tech projects, challenges and dreams. The emerging themes related to improving case management systems and training; increasing collaboration and integration; and building online referral and intake systems. Aside from the need for more technology staff, the primary challenge seems to be change management and, of course, funding.

[2] Forty-one providers serve New York City; 32 serve upstate New York and Long Island; and five provide services across all of New York State.

[3] The survey questions are attached as Exhibit A to this Report.

Issue 1: Spending & Staffing: Spending is unchanged & below national average.

Findings: Median spending on technology is about $67,000 per year and accounts for about 2.25% of operating budgets. This is a slight decrease from the 2013 median of $72,000 and 2.76% of operating budgets. However, excluding the "extra large" providers (those with operating budgets over $10 million), the median spending increased from $53,000 to $60,000, representing an increase of 2.75% to 3.27% of operating budgets.

	2013 (n=52)	**2018** (n=74)
Median Spending (% of budget)	2.76%	2.25%
Median Spending (dollars)	$74,393	$67,000

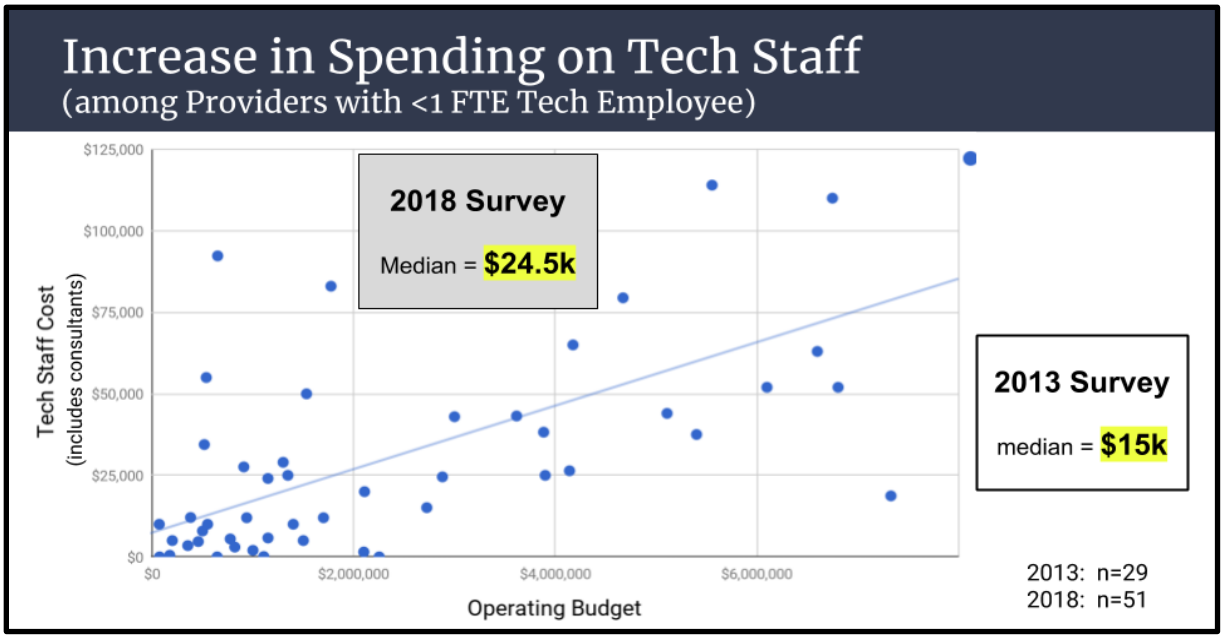
To put these results in perspective, a May 2017 study published by NTEN, surveyed the national non-profit sector and found that organizations spend an average of 5.7% of their operating budgets on technology. The average spent on technology as a percent of operating budget varied widely by the size of the organization. The chart below compares these national averages with comparable data from the 2018 survey of New York civil legal aid providers:

Average Spending on Technology as a Percent of Operating Budget

Operating Budget	2013 NYS Civil Legal Aid Survey	2018 NYS Civil Legal Aid Survey	2017 National NTEN Survey
Under $1 million	4.27%	4.86%	13.2%
$1 million - $5 million	3.24%	3.44%	4.8%
$5 million - $10 million	2.78%	2.13%	2.8%
Over $10 million	3.48%	1.77%	1.5%
Overall Average	**3.39%**	**3.26%**	**5.7%**

Because the NTEN study involved all non-profit sectors, there are good reasons to believe that the knowledge-based, collaborative nature of legal work would tend to push the technology needs and associated budgets of civil legal aid providers to the higher end of the need and budget ranges compared to non-profit community as a whole. The 2018 New York survey showed that all but the largest civil legal aid providers were ***below the national average*** with the smallest providers registering significantly below average.

One positive indicator among New York civil legal aid providers is an increase in spending on technology staffing. The 2013 survey looked at the providers with less than one FTE staff person assigned to technology and noted that the median spending on all staffing (employees and consultants) was only $15,000. This number increased significantly in the 2018 survey to nearly $25,000, which represents a 66% increase over the last five years.

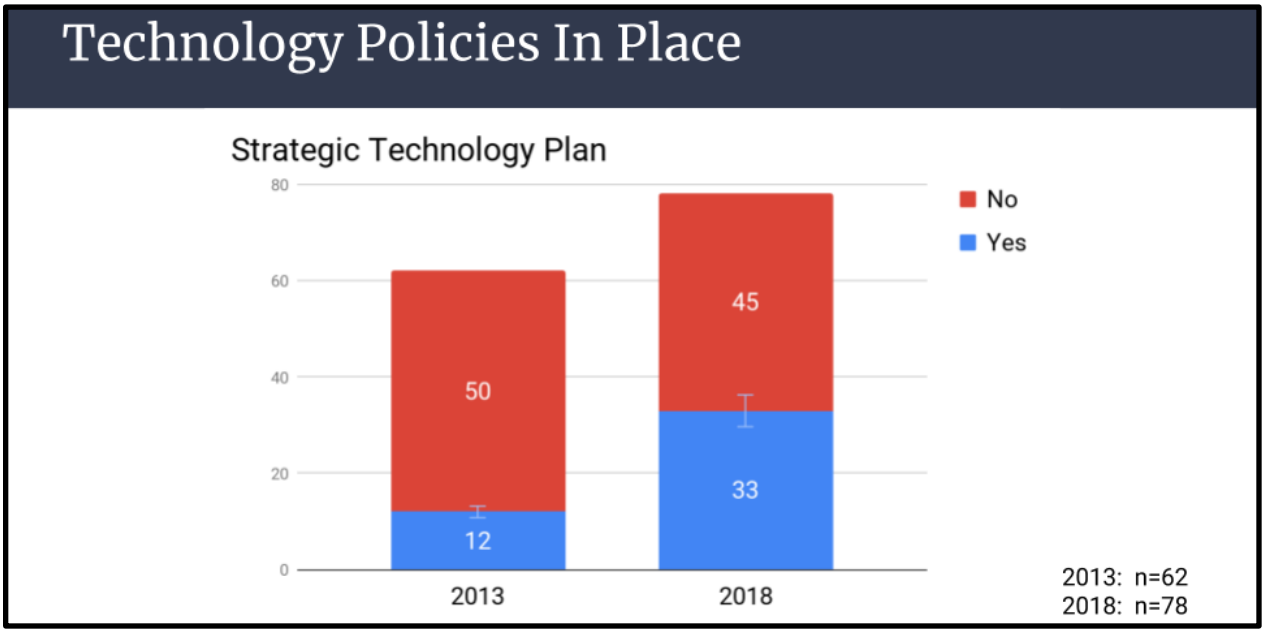


Regardless of this improvement since 2013, most organizations are still not devoting sufficient resources to technology, especially as compared to non-profits nationally.

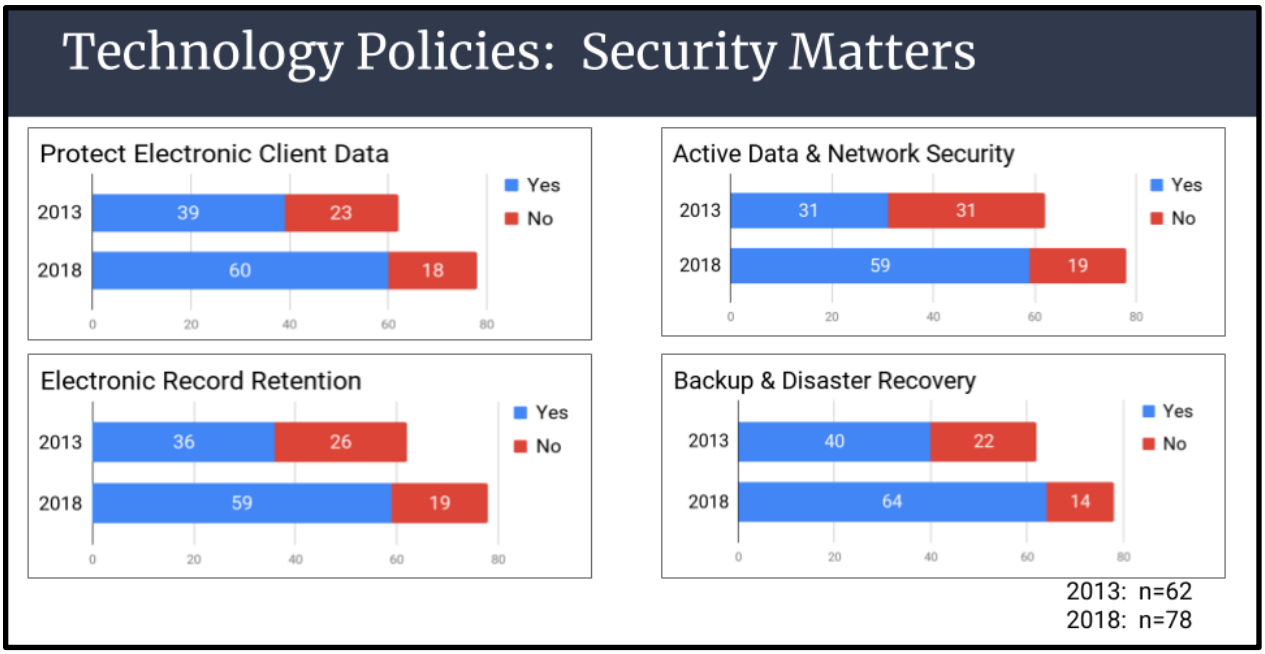
<u>Recommendation</u>: Providers should integrate technology planning as an integral part of all program planning and operations. Providers should also cultivate support for technology with their staffs, boards, funders and partners.

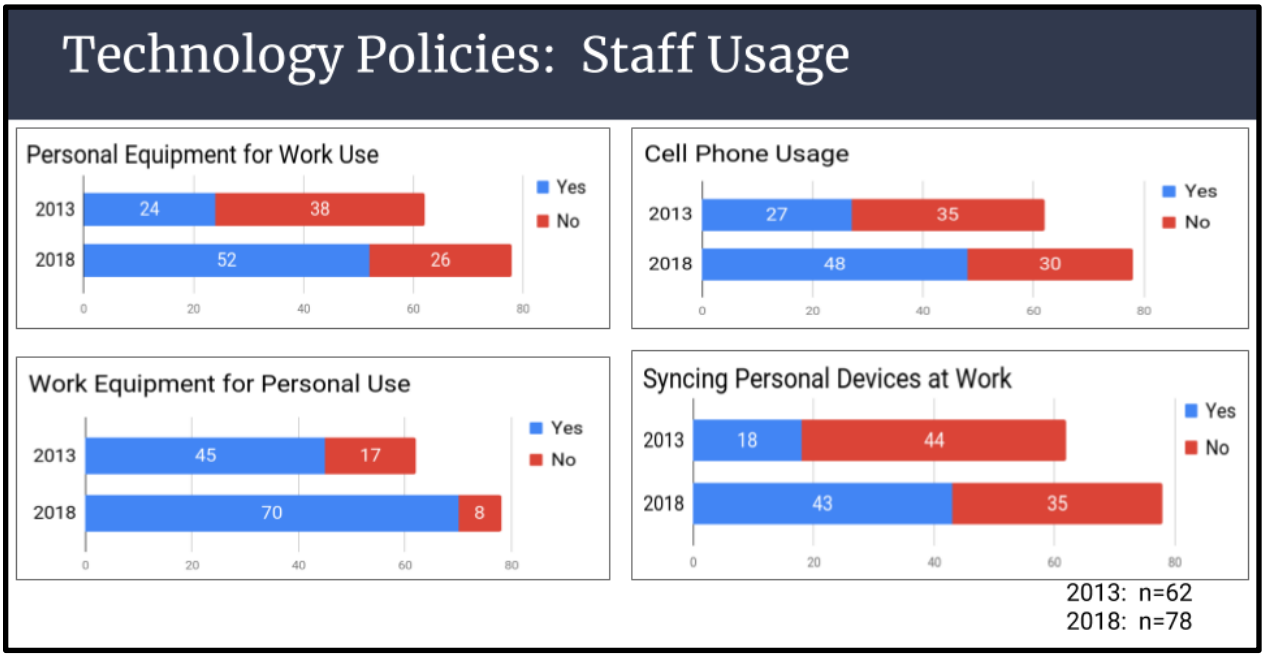
Issue 2: Technology Policies: More providers have adopted relevant policies.

<u>Findings</u>: The types of written policies that a provider has is an indicator for how technology change is being managed within an organization, with one of the biggest challenges being guiding staff to mitigate risky behavior. Since 2013, many providers have adopted strategic technology plans so that now almost half have a strategic plan.



In addition to a strategic technology plan, the 2018 survey also asked whether providers had the following eight technology policies in place: work equipment for personal use; personal equipment for work; cell phone usage; sync capability of personal devices with work equip; protection of electronic client data; electronic record retention policy; active data and network security practices; and backup and disaster recovery.





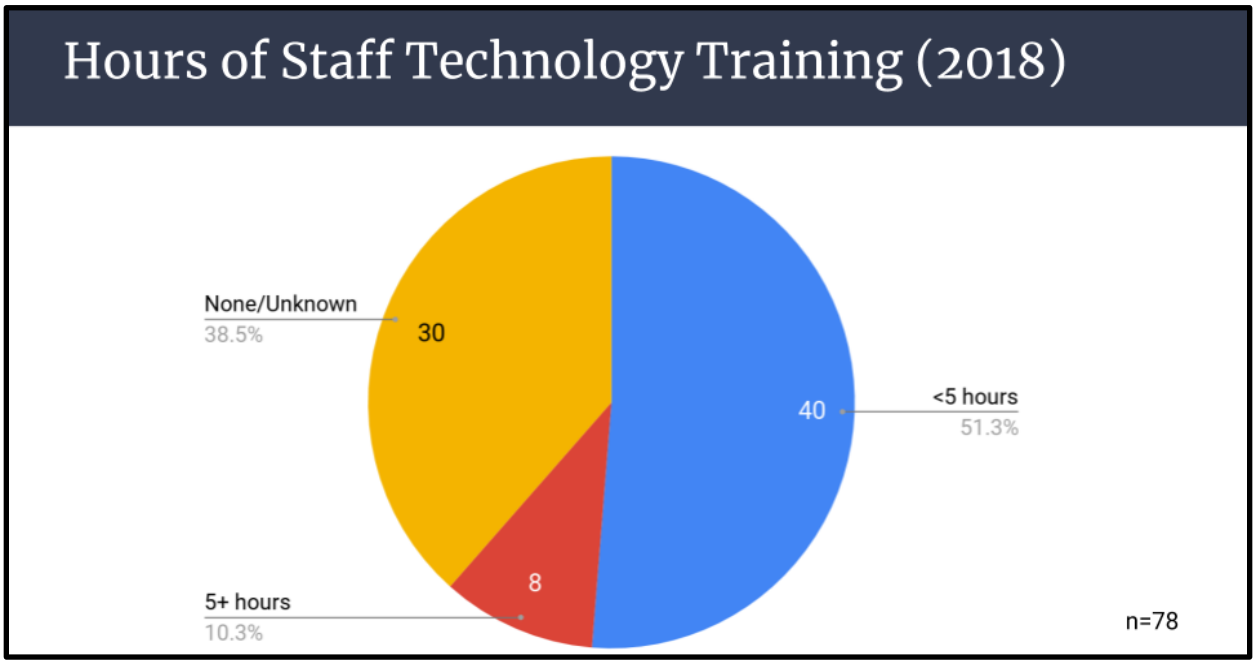
Many more providers have adopted or revised relevant technology policies in the last five years, an indication of increased awareness. There has been a significant increase in the number of providers with security related policies (i.e., protection of electronic client data, electronic record retention policy, active data and network security practices, and backup and disaster recovery). Clearly, the provider community recognizes security threats. At the same, it is surprising that about 25% of providers lack relevant security policies (e.g., 14 have no back-up or disaster recovery policy, and 18 have no policy for protecting their clients' electronic records).

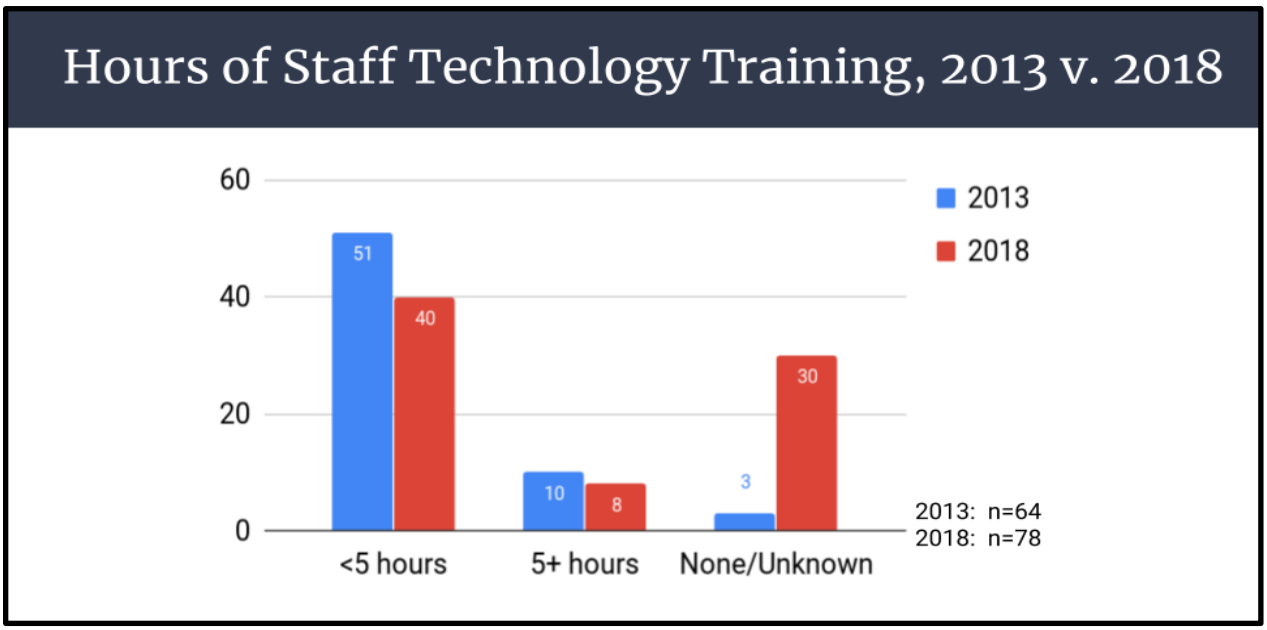
<u>Recommendation</u>: It is essential for all providers to have appropriate written technology policies to ensure that their own systems, which contain sensitive client information, are as secure as possible. The efficacy of such policies will depend on how well the policies are implemented, maintained and enforced, as well as how thoroughly staff are trained.

Issue 3: Training: Training continues to be a low priority for many providers.

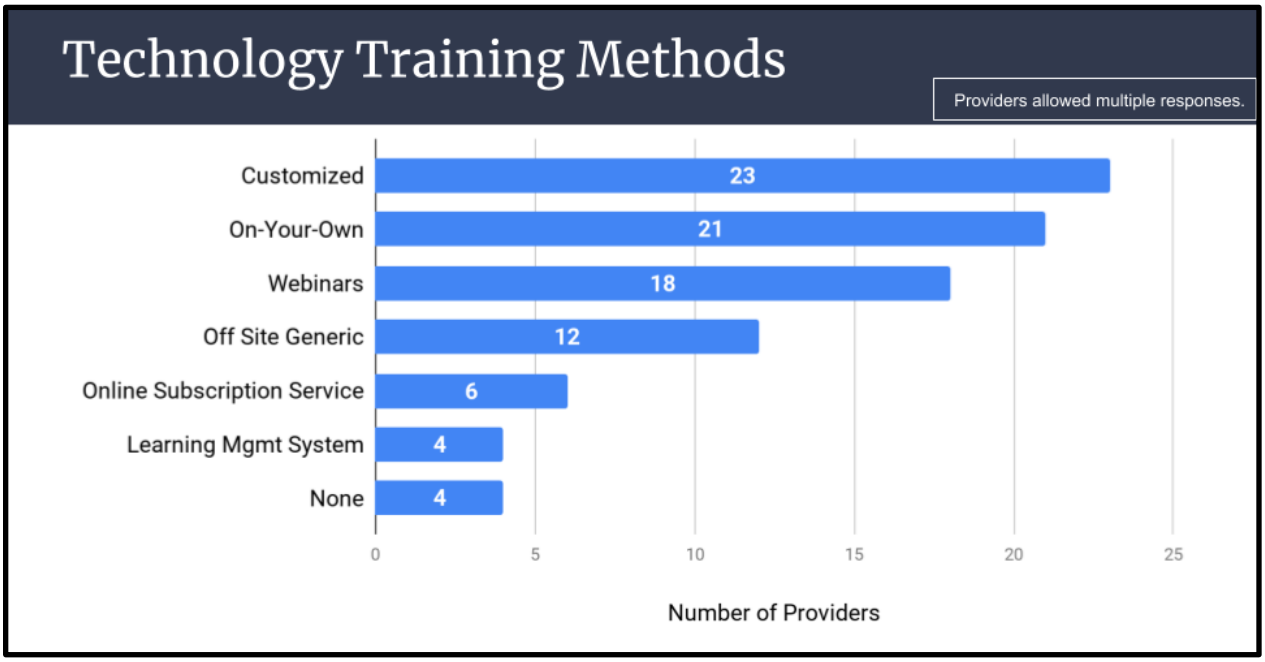
<u>Findings</u>: Most providers offer a few hours of training: about half offer less than five hours per year. Nearly 40% provide no training or simply do not track such training, an indication that it is a low priority. These results do represent a large increase in training as compared with 2013.[4]

[4] The 2013 survey asked about training, offering answers of over 5 hours, less than 5 hours and "none." In 2018, the third option was changed to "unknown." Any future surveys should be consistent with the answer options.





The 2018 survey asked about training methods used by providers, including as part of new-employee orientation, community supported webinars or other online trainings, customized trainings, informal trainings, off-site generic trainings on common applications, online learning management systems, and online subscription training services. Providers could select multiple methods. About one third of providers reported using customized training and about one third leave staff to obtain training on their own. A small number of providers reported using the cost-effective web-based tools that our law firm partners recommended and negotiated lower prices to use (e.g., online learning management systems and online subscription training services).

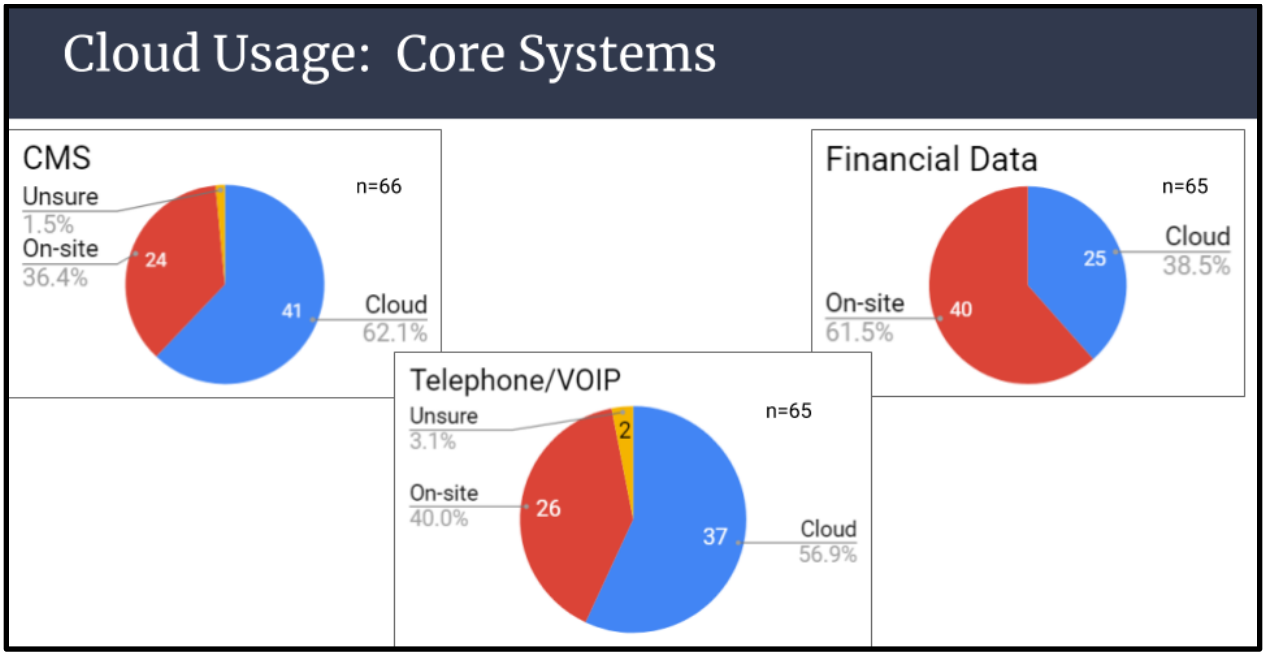


<u>Recommendation</u>: Providers should assess the skill requirements and the skill gaps among their staff, specifically in the areas of security and core competencies. Providers should increase the regular technology training for their staffs to ensure that best practices are being followed and to ease the implementation of technology changes.

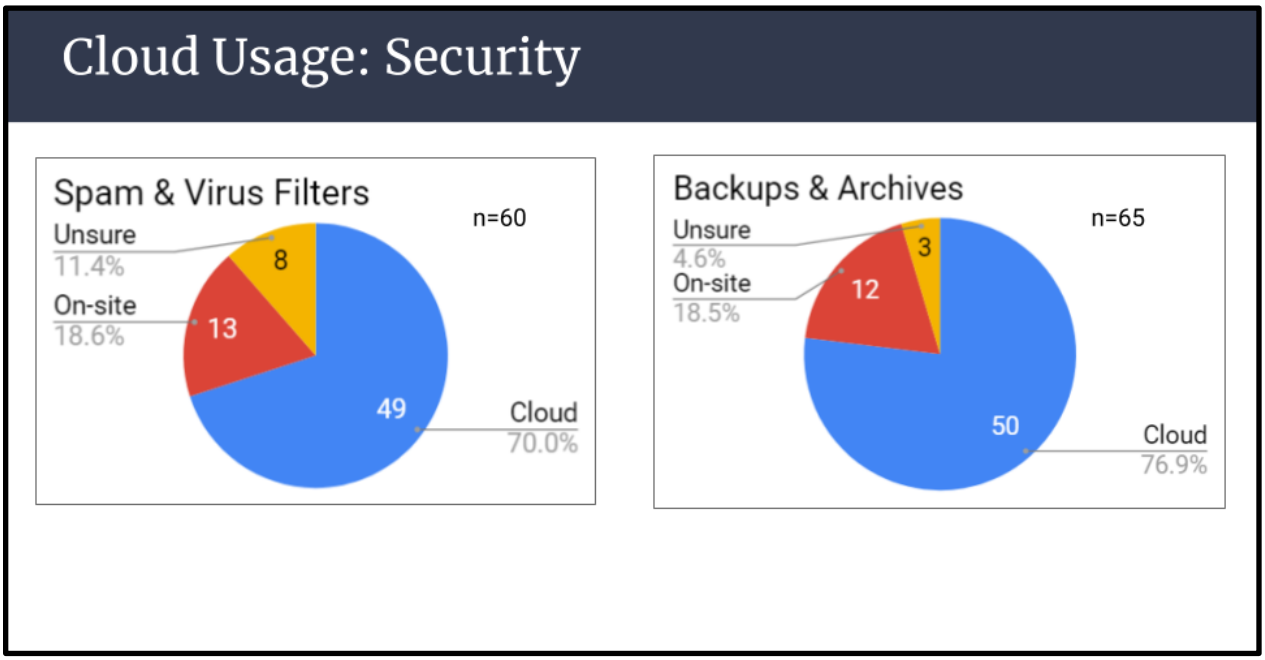
Issue 4: Infrastructure: Providers heavily utilize cloud-based tools.

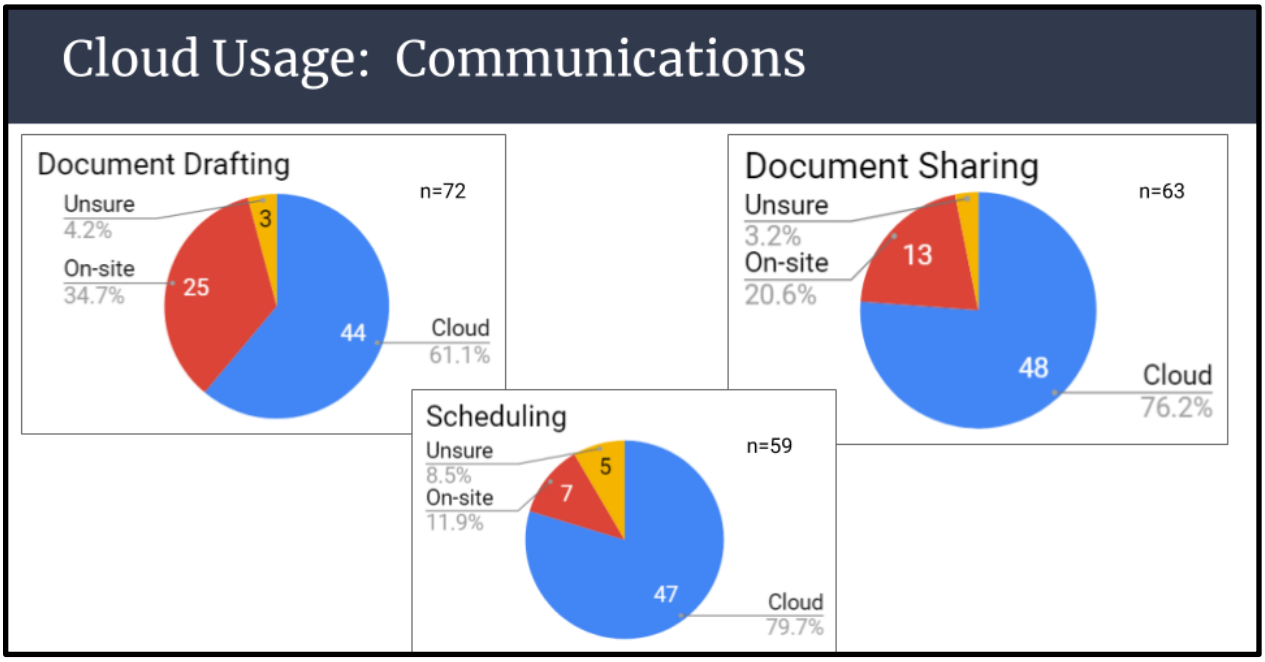
<u>Findings:</u> The 2018 survey inquired about a few aspects of technology infrastructure: the use of cloud-based systems; video conferencing; and case management tools.

Cloud-based services, which can offer cost savings and convenience for a mobile workforce, are prevalent. A majority of providers have moved certain core systems, including case management and telephone systems, to the cloud. Most providers continue to keep their financial systems on site.

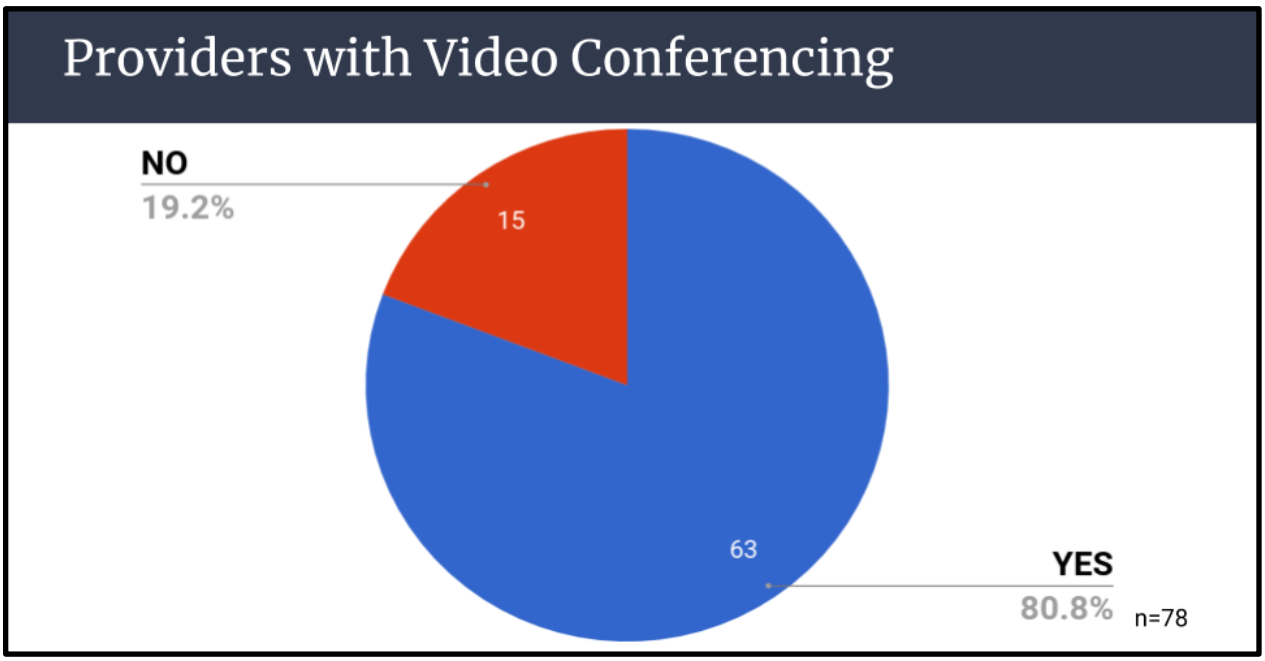


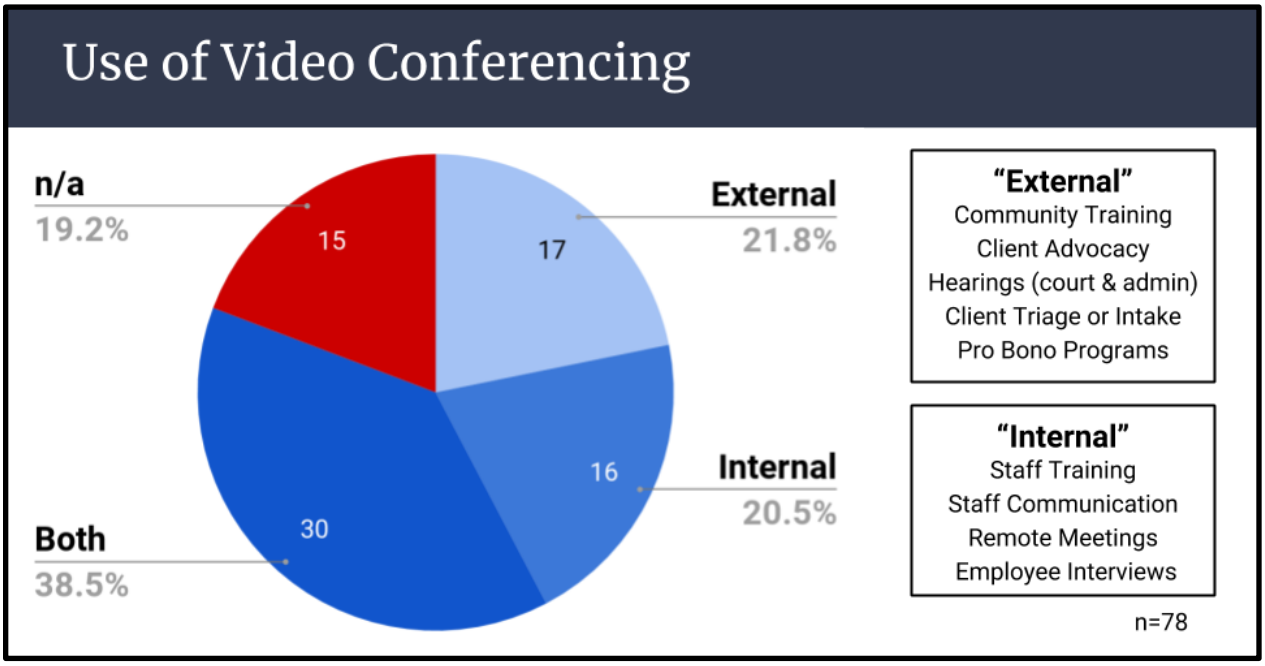
Security, such as spam filtering and back-up tools are overwhelmingly cloud based. Of course, using any cloud-based services will require providers to ensure proper security and backup. Likewise, communication tools such as document drafting and sharing, as well as scheduling tools. are also overwhelmingly cloud based.



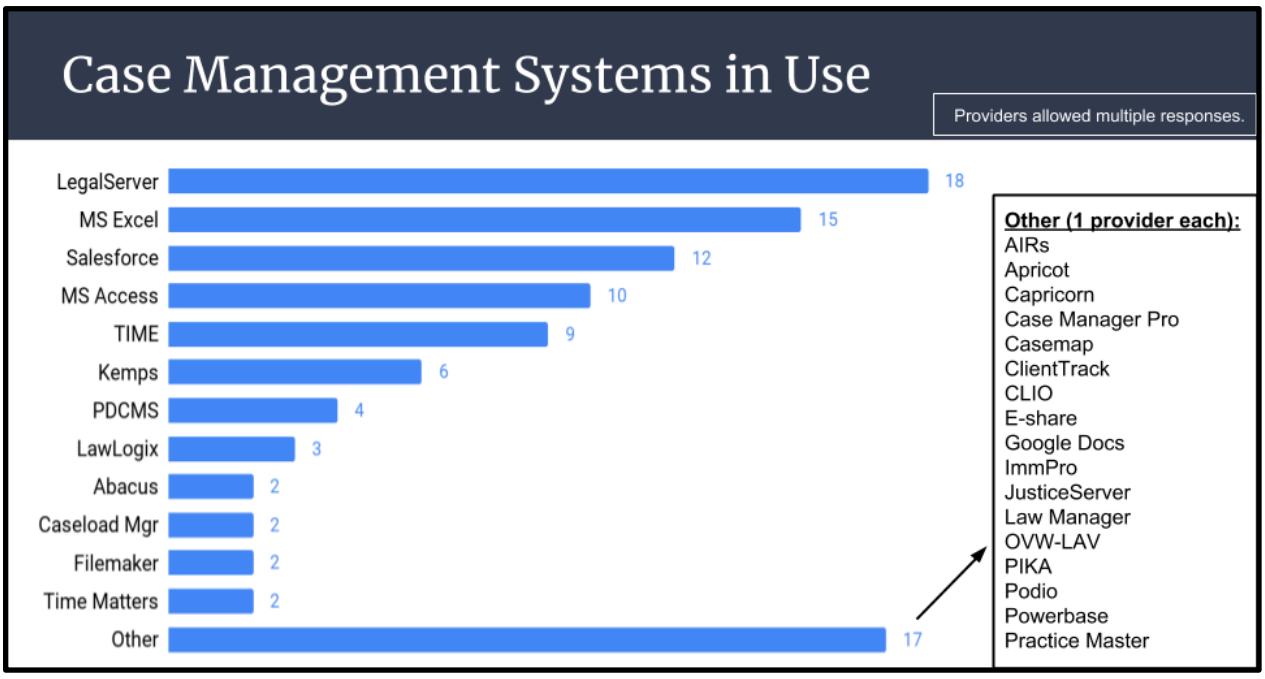


An important piece of technology infrastructure is video conferencing and 80% of providers have secured this capability, which facilitates efficient communications and reduces costly travel. Thirty providers are using video conferencing for both their internal staff needs, such as training, meetings and hiring, as well as for connecting externally, such as with clients.

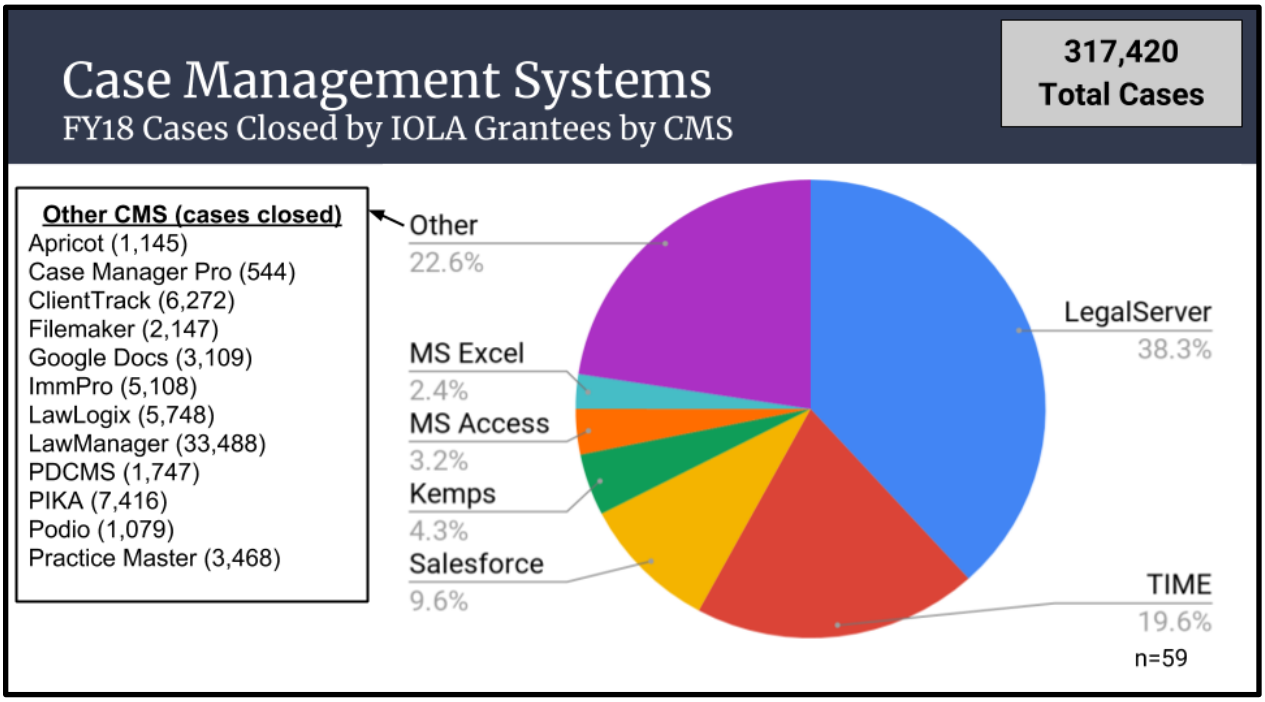




An arguably larger piece of technology infrastructure is the case management system. Below are the case management systems or databases currently in use by all providers responding to the survey. Notably, three to four TIME users reported plans to shift to LegalServer over the next year. Groups with LegalServer can electronically send and receive case referral data, and a few are now using these functions. That functionality, which exists in Salesforce and other case management systems as well, will be critical to growing online triage, referral and intake systems.



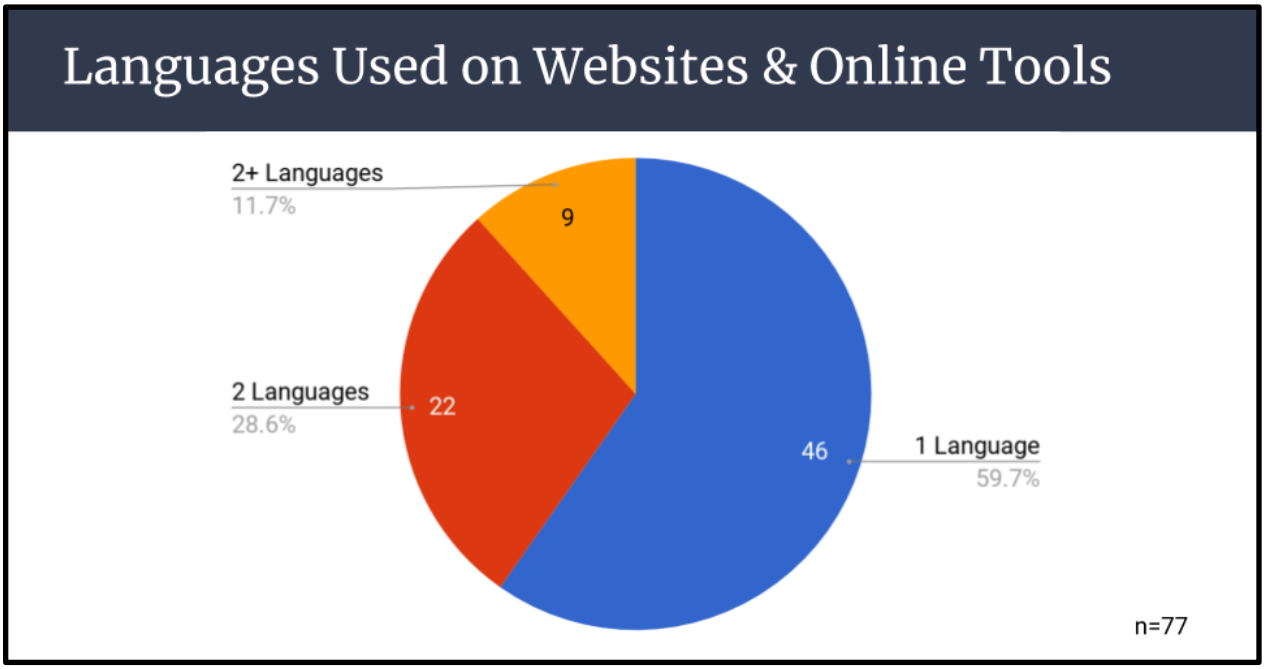
Among IOLA grantees reporting on individual case work, seventeen primarily use LegalServer and account for nearly 40% of the 317,000 cases closed statewide in the fiscal year ending March 31, 2018. LegalServer is likely to reach 50% of all closed cases next year. Among this same group of IOLA grantees, ten primarily rely on Microsoft tools (e.g., Excel) and do not use a true case management system.

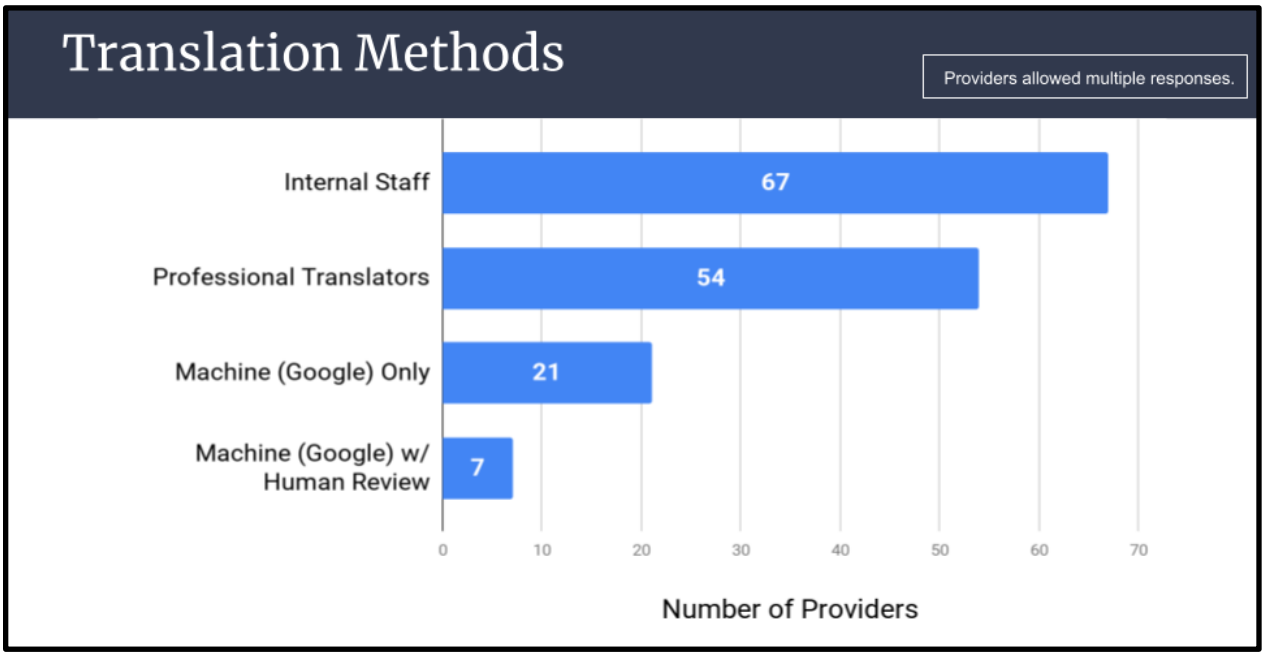


<u>Recommendation</u>: Providers should continue to explore cloud-based technologies, with appropriate oversight and security, to improve their operating efficiency. All providers should consider utilizing true case management systems with the capability of transferring data within the emerging online triage, referral and intake systems.

Issue 5: Online Interfaces: Too many English-only websites, online intake emerging.

<u>Findings</u>: The most common public-facing technology is a website. Twenty-two providers offer two languages and nine providers offer two or more languages on their websites. However, 60% of providers reported English-only websites, which presents substantial obstacles to limited English proficiency (LEP) communities. Internal staff and professional translators (paid or pro bono) do the overwhelming majority of translation work, but twenty-one organizations rely solely on machine translation, which is not a best practice.





Many providers recognize that people look for answers on the Internet and want to open another door for intake beyond telephone and in-person interviews. Twenty-four providers (about 1/3 of all respondents) reported utilizing static forms or email links on their websites to collect information that then allow their staff to follow up with an intake. Static forms are not the most efficient way to do intake because the collected information is not tied to a case management system and will need to be re-keyed when a staff member calls the person back.

Online Intake: Static Online Forms

Advocates for Children
Bronx Defenders
Center for Elder Law & Justice
Erie County Bar Ass'n VLP
Empire Justice Center
Hiscock Legal Aid Society
JASA Legal Services for the Elderly
Lawyers Alliance
Legal Aid Bureau of Buffalo
LASMNY
Legal Action Center
Legal Services of Central New York

Lenox Hill Neighborhood House
Long Island Advocacy Center
Mediation Matters
NYSDRA
NMIC
Pro Bono Partnership
Rural Law Center
Safe Center LI
The Legal Project
VOLS
WNYLC
Youth Represent

Six providers have gone beyond static forms and are developing active online triage and intake projects. These online systems vary in their goals and how they operate but can be generally characterized as having the ability to gather eligibility information and electronically transfer information into their case management systems without requiring manual reentry. This early data collection enables the person to be handed off directly to an appropriate provider and allows the provider to more quickly determine eligibility.

Online Intake: Dynamic & Connected to CMS

VLP of Onondaga County
VLSP of Monroe County
City Bar Justice Center
Mobilization for Justice
LawNY
LSHV

Characteristics

- Legal Problem Information
- Conflict Information
- Client Income Eligibility
- Data Connects to Case Mgmt System
- Data Electronically Transferable

For the first time, in 2018, IOLA asked its grantees to classify how intake was done: in person, over the telephone or via an online system. Online intake is currently a tiny fraction of all intakes, amounting to only 0.5%.

Recommendation: Providers should recognize the need to make resources available to clients online. Providers should improve the language accessibility of their websites with human translation as much as possible. Providers should consider developing online triage and intake projects that are compatible with emerging systems.

Online Screening & Intake Projects

Findings

As a follow up to the 2018 Technology Survey, the Technology Working Group identified organizations with active online screening and intake systems, described below.

NYC Consumer Help Finder

The NYC Consumer Help Finder is an online system for low-income New York City residents seeking help with consumer law issues. The project is a collaboration of six civil legal aid providers. Led by the City Bar Justice Center, the other partners are CAMBA, Mobilization for Justice, Urban Justice Center and the Feerick Center for Social Justice. Designing the system required significant effort to map which organizations provide which services. The partners continue to meet quarterly to maintain this.

The applicant has two options: (1) to seek basic information and self-help materials, which requires limited information input (zip code and responses to questions to identify the general problem); or (2) to seek a referral to a civil legal aid provider by completing a partial intake. The language-level used for the system is set at or below a fourth-grade reading level, with the total time necessary to complete a full referral at under eight minutes. If an applicant seeks a referral, the data is automatically routed to the appropriate provider. Participating providers reported appreciating the ability to set and adjust their preferences for case types, including capacity and priority. Providers noted that the system offers an additional intake method and is not supplanting traditional telephone and in-person intake.

From the soft launch in October 2017 through July 2018, approximately 50 applications were routed through the system. While bugs continue to be addressed, the organizers plan to increase publicity of the system through CLARO and Office of Court Administration ("OCA") programs based in the New York City Civil Court. If additional volume results, the partners intend to identify and add other providers. Plans also include providing the system in Spanish and Chinese languages.

Legal Services of the Hudson Valley

Legal Services of the Hudson Valley ("LSHV") has two online options for the community to access their services: (1) an abbreviated pre-screen intake for any legal problem; and (2) a full intake for non-payment eviction matters.

The abbreviated pre-screen intake was developed several years ago to provide a simple method for applicants to submit basic information (name, contact information, income, citizenship) and identify their legal problem through a series of simple questions. This system results in approximately 100 requests for assistance per month, which LSHV staff follow up on by telephone. One drawback is that this system is not connected to LSHV's case management system.

The full intake for non-payment eviction matters is a more recently developed system that is connected to LSHV's case management system. This system offers an in-depth intake, with many specific questions that an intake worker reviews and confirms before a case is accepted. Currently, LSHV receives approximately 20 requests per month for services through this system.

The goals of both systems are to reduce traffic on LSHV's telephone intake system (out of 1,600 calls per month, an average of 100 calls are dropped due to high volume), reduce staff time in completing an intake (an average of approximately 15 minutes per intake is saved with the pre-screen system) and to provide the community with multiple options for seeking assistance.

LSHV continues to develop their systems and, ideally, would like to merge the two systems so that information about all case types can be gathered in one system and transferred to the case management system.

Volunteer Lawyer Services Project of Monroe County

Volunteer Lawyer Services Project of Monroe County ("VLSP") has developed an online intake tool, which has been live on its website home page since its soft launch in May 2018. First, applicants for services answer brief questions about financial eligibility and the type of legal problem, limited to the legal problems that VLSP handles. VLSP's system has the capability to provide legal information or self-help tools for ineligible people, but that functionality has not yet been implemented. VLSP is building an API which would allow applications received via its online intake to be referred directly to LawNY and other partner agencies for legal problems that VLSP does not handle. Currently, each intake that is received is routed to the applicable VLSP department (e.g., housing, family, etc.) for follow up via telephone within 24 hours. A dashboard system developed over the last two years includes the number of pending online intakes, the prominence of which has sped VLSP's response rate for intakes. Callers to VLSP are offered the option to use the online intake system, either on their own or with the receptionist entering their information into the system. Anecdotally, VLSP reports that applicants seem more comfortable sharing their personal and financial information via the online intake system versus discussing this with the receptionist. The goal of VSLP online intake is to expand its intake

capacity and increase its internal efficiency, which early experience seems to support. In the few months since it went live, the system has processed over 400 online applications for assistance. Approximately half of these intakes came in during nights, weekends, and other times when walk-in and telephone reception are unavailable. VLSP shares a building and receptionist with several other civil legal aid providers and is planning to offer the use of its online intake system to its partner agencies once APIs have been completed to permit secure transfer of data between the different content management systems.

Western New York Consumer Help Finder

The Western New York Consumer Help Finder ("Help Finder") is led by Legal Assistance of Western New York (LawNY), in partnership with the Legal Aid Society of Mid-New York and Neighborhood Legal Services. Any person who goes through the Help Finder's online interview will receive applicable pro se resources, including pleadings, other documents and a referral to LawNY's Consumer Hotline. The Help Finder is live and can currently be found on both LawHelpNY and the LawNY website, under Consumer Information. To date, the system has been used by approximately 100 people, with two referrals to LawNY's Consumer Hotline. There is high demand for legal assistance with consumer issues in Western New York, but the providers in the region are understaffed. As a result, the Help Finder currently is not being actively promoted. The grant period for the initial funding has expired but LawNY reported an interest in continuing to expand this project.

Volunteer Law Project of Onondaga County

Volunteer Law Project of Onondaga ("VLP") recently conducted a community legal needs survey, which found that 58% of people were unaware of the availability of free civil legal aid. Of those who were aware of these services, less than 10% contacted a civil legal aid provider. As a result, VLP is developing an online triage system that it intends to market aggressively throughout the community and with its community partners (e.g., soup kitchens, churches, etc.). The triage system is informed by the most common legal needs identified in the community legal needs survey and will result in directing users to the most appropriate provider in the region. If VLP is the referral provider, the person will be led through an online intake and provided with legal information, the content of which is drawn from VLP, the New York State courts, and LawHelpNY. The online intake, connected to VLP's case management system, asks limited eligibility questions to prevent drop offs from the system. VLP expects to launch its system by the end of 2018.

Recommendations:

The Working Group recommends that the developers of the current online triage and intake projects consult with each other regarding their respective projects with the goal of making their systems, where technically feasible, compatible with each other.

The Permanent Commission should support the continued efforts of these projects, along with an eventual statewide screening, referral, and intake system, by encouraging the development, with all appropriate stakeholders, of a shared governance model to address such issues as funding, decision-making, data ownership, and system maintenance.

Pro Bono Law Firm IT Initiative

Sub-Committee Members: The sub-committee consists of Chief Information Officers (CIOs) and IT Directors of major law firms: Michael Donnelly, Simpson Thacher & Bartlett LLP (Program Coordinator); Tara Cook, Proskauer Rose LLP; Jeff Franchetti, Cravath, Swaine & Moore LLP; Peter Lesser, Skadden, Arps, Slate Meagher & Flom LLP; and Sean Sullivan, Wachtell, Lipton, Rosen & Katz. Additional members are: Christine Fecko, IOLA Fund of the State of New York; Michael Hernandez, Just-Tech; John Greiner, Just-Tech; and Deborah Wright, Association of Legal Aid Attorneys.

Findings

This group of pro bono Information Technology ("IT") coordinators from private law firms and other senior IT leaders continued to work this year to provide IT support to nonprofit civil legal aid providers throughout New York State.

Technology Assessment Webinar Series

Following up on the demand generated by the 2015 pilot project that provided individualized evaluations and tailored recommendations for technology infrastructure improvements for five Judiciary Civil Legal Services-funded providers, this sub-committee continued to provide webinar trainings through its Technology Assistance Project. This Project provided educational webinars, developed by IT professionals from leading New York City law firms, to civil legal aid providers throughout the state on a range of technology assessment and training topics. The series included the following:

- Infrastructure and Office Hardware (2017)
- Information Security (2017)
- Communications (2017)
- User Support and Help Desk (2017)
- Data and Document Management (2018)
- Setting Priorities and Managing Implementations (2018)

Interested civil legal aid providers participated in the Project by completing a comprehensive survey of their technology infrastructure; in turn, the pro bono IT teams reviewed the surveys and developed written presentations. The webinars presented a blend of general training, best practices and recommendations that emerged from the provider surveys.

The User Support and Help Desk webinar took place on October 25, 2017 and was presented by Kermit Wallace from Stroock & Stroock & Lavan. The Data and Document Management webinar, presented by Michael Donnelly, from Simpson Thacher and John Greiner from Just-Tech, occurred on April 11, 2018. The Priority Setting and Project Management was led by Heidi Golabek from Proskauer on May 9, 2018. Approximately 25 providers attended each webinar; participants reported that the content was helpful, the presenters were knowledgeable, and that they were satisfied with the webinar series overall. Anecdotally, the webinar series motivated providers to implement improvements to their technology environments.

Cybersecurity Project

In response to keen interest in security improvements, the CIO group has begun work on a new pro bono initiative that would enable providers to craft and effectively implement individually tailored cybersecurity policies and practices with the assistance of pro bono IT professionals from leading law and technology firms in New York. Legal and IT experts at Kirkland & Ellis, LLP are preparing a security workbook that provides an overview of cybersecurity risks and responsibilities, including legal risk management, key policies and practices, and priority-setting. At this point, the CIO group envisions that the workbook would be presented in a webinar format, followed by matching individual providers with pro bono IT volunteers to develop tailored policies and practices to improve security needs. In the coming year, this initiative is expected to be piloted with a few providers.

Recommendations

The Working Group recommends that this sub-committee continue to develop the new cybersecurity initiative and to find ways to support the technology needs of the New York civil legal aid community. Any additional pro bono projects should plan for appropriate evaluation by the participants to gauge quality and impact.

Statewide Civil Legal Aid Technology Conference

Planning Committee Members: Deborah Wright, Association of Legal Aid Attorneys (Coordinator); Quisquella Addison, LawHelpNY; Matthew D'Amore, Cornell Tech; Anne Erickson, Empire Justice Center; Christine M. Fecko, IOLA Fund of the State of New York; John Greiner, Just Tech, LLC; Jeff Hogue, LegalServer; Lauren Kanfer, Office of Court Administration; Lillian Moy, Legal Aid Society of Northeastern New York; Barbara Mulé, Office of Court Administration; Mark O'Brien, Pro Bono Net; Christopher Schwartz, City Bar Justice Center; and Anna Steele, Just Tech, LLC.

Overview

The Permanent Commission convened the Fourth Statewide Civil Legal Aid Technology Conference on June 19, 2018 to educate stakeholders and promote collaborative and sustainable use and support of technology among civil legal services providers. The Conference, which took

place at Cornell Tech, was planned by the Permanent Commission's Working Group on Technology, with assistance from NYSTech and other justice community partners. Our goal was to bring together stakeholders to learn about the latest technological initiatives, share opportunities to collaborate on technology projects currently underway, and foster planning for coordinated service delivery methods that leverage technology.

The Conference was attended by 165 stakeholders, including executive directors, technology managers and other leaders representing dozens of civil legal aid providers from around the State, technology directors and staff from law firms, technology leaders from law schools, administrators from the New York State Unified Court System, major funders and technology service providers. Chief Administrative Judge Lawrence Marks opened the conference by recognizing the challenges that legal aid clients face and praising the conference's focus on working together, as providers, to leverage technology to increase access to justice. The program boasted three plenary panels, facilitated small group discussions on eleven topics, six rapid-fire technology presentations and seven topical panels divided among break-out sessions.[5]

Morning Plenary

The morning began with an update for all attendees on the Strategic Action Plan as it relates to technology strategies and initiatives. The Permanent Commission developed the plan after a year-long planning process, with the goal to provide effective legal assistance to 100% of low-income New Yorkers in need. "Effective assistance" encompasses a full range of services, from information about legal rights and responsibilities to referral to appropriate services to brief advice on a particular issue to full representation by an attorney trained in a particular area of law. Technology should be developed for each of the services and include statewide and regional efforts that can coordinate and integrate them.

Next, the plenary turned to this year's theme: developing a delivery ecosystem that supports 100% access to meaningful assistance. Presenters suggested some common vocabulary, including what is meant by meaningful assistance. Leadership, adaptive mindset and tools like data standards are part of the solution. Presenters highlighted that efforts at creating systems that are more seamless and present fewer barriers to end users require cooperative gardening of the ecosystem we build.

The final part of the morning plenary focused on privacy. In creating cooperative and public-facing technology systems, information is required to direct users to appropriate services. This session, presented by Helen Nissenbaum, Professor of Information Science at Cornell Tech, proposed a very different way of thinking about the user's privacy interest in that data. Professor Nissenbaum challenged participants to re-consider the common approach, which uses consent notices, which in many ways are a fiction, and think about community rules that fit the context in which the data is being used.

[5] The Conference program, including a list of participants, is attached as Exhibit B to this Report.

Morning Breakout Sessions

- **Integrating Systems – Manager-Focused Conversation**
  The manager-focused session involved New York's civil legal aid leadership and focused on the management considerations surrounding integrating service delivery among programs using technology. Leaders who have steered major tech initiatives shared their experiences. A common conclusion was that, although leaders need not understand all of the minutia of technology tools, they can insist that new tools are built for coordination with an overall ecosystem. Further, they should maintain frequent contact with their technology leaders and empower them with a mission of increased internal efficiency and access to services.

- **Integrating Systems – Technologist-Focused Conversation**
  In a technologist-focused session, hard questions were asked about how to integrate the many tools that have been adopted in New York to encourage interoperability. The shared goal is to share information to refer clients seamlessly between regions and platforms, and integrate the best tools for each advocacy function. Presenters provided examples of tools that include integration projects including a case management system that works with a nationwide document assembly platform. A strong theme that emerged was the need to increase the use of APIs by various platforms and then work together on the difficult issue of creating data standards so various systems can talk to each other. Finally, user privacy was discussed, specifically how to track users in an integrated system and evaluate means to better address privacy issues.

- **Current Tech Integration Initiatives**
  This session focused on existing integration initiatives. Participants learned about existing integration efforts related to the Universal Access to Legal Services law, the Victim Services portal and the Consumer Help Finder portal projects. Panelists discussed the need for process analysis, for instance, to account for the varying existing methods used for screening and referring users. There is a risk, as building tech tools leaves the hands of specialized developers, that limited resources will be spent on redundant efforts in various silos. Coordination takes time but should result in more sustainable systems. Early coordination can eliminate fragmentation, and the human coordination about system design and integration is a time-consuming but key component.

Rapid Fire Presentations
Six very short presentations helped provide introductory glimpses of additional innovations and areas of interest:

- Plans for coordinated legal access portals
- Strategies for handling change management
- The importance of open access to legal information
- Artificial intelligence in the context of our overall goals
- Examples of technology-based tools, including a voice-enabled application that provides insights into user preferences for interaction with future technology platforms and a lawyer referral application that seeks to simplify the process sharing user information across systems.

Peer-to-Peer Discussions
Small-group conversations were facilitated by experts on a range of topics, including those presented in the Rapid Fire Talks, to allow deeper understanding of the technology and related issues. Participants attend two conversations of their choice which included:

- Change Management
- Project Management
- Online Systems for Client Access
- Security Policies and Practices
- Technology Training
- Legal Access Portals
- Lawyer Referral Platform
- Open Access to Information
- Artificial Intelligence
- Law School Engagement
- Legal Hackathons

Afternoon Breakout Sessions – Strengthening Internal Technology

- **Security and Business Continuity**
  Industry experts joined program technologists to share best practices and policies that are important to safeguarding the information entrusted to civil legal aid programs. Model policies exist that can be a time-saving starting point for smart policies. Every user is a potential target, so frequent tips and understandable advice to staff members can prevent breaches. The panel shared advice on specific security issues ranging from firewalls to passwords and physical security of hardware.

- **Advanced Reporting: Data Visualization and Dashboards**
  Civil legal aid programs collect a great deal of data about the cases they handle. A data scientist and panelists working on the ground with tech projects shared methods for analyzing data and making it accessible for better service delivery and visibility. Agencies are encouraged to think about measurable goals when negotiating reporting requirements with funders, ideally based on information they likely already collect, and to look for indicators that help answer a broad variety of questions across an array of services.

- **IT Management: Leading Tech Change Among Your Staff**
  Panelists from the private law firm, consulting, and non-profit realm discussed the similar challenges faced when technology initiatives are implemented in their organizations. Technology change involves process changes, and successful implementation of those changes requires planning, encouragement and a focus on the mission.

- **Identifying, Sharing and Retaining Knowledge**
  This session focused on the importance of knowledge management systems. The hands-on experience of advocates working to help vulnerable populations results in practical knowledge that should not just be stored in the memories of senior staff. The aim is to have knowledge management systems that produce more, high-quality services for more people. These efforts insure against lost knowledge when staff or leadership turnover occurs. Recognition is needed of the significant time investment required before launching a knowledge management project and incentivizing staff to invest in helping to build the knowledge management store.

Closing Plenary - Reflections on Integration and Collaboration: Next Steps and Vision for the Future

The closing plenary focused on the need for a shared vision of a highly functioning, tech-friendly organization with interconnected networks. Technology can help the civil legal aid community to achieve 100% meaningful access, but it must be built thoughtfully. Participants were challenged to create or expand initiatives from a menu of options:

- Adopt or update technology policies
- Provide technology training for all staff
- Provide human directed translation of your online materials
- Perform a business process assessment of a function that can be automated
- Evaluate an upgrade to static forms used for intake
- Create an internal technology committee comprised of technology and program staff
- Partner with an existing technology project
- Expand involvement in technology networking (NYSTech, LSNTAP, etc.)
- Learn more about technology projects in other states

Recommendations

The Permanent Commission should continue to convene an annual statewide technology conference, with the goal of encouraging the civil legal aid community to engage in sustained collaboration, best practices development, improved security measures, training, critical analysis and revolutionary thinking around the improved use of technology to increase access to effective legal assistance by low-income New Yorkers. Stakeholder participation in the conference should continue to be expanded, particularly to include additional representatives from technology companies.

The Working Group further recommends convening a webinar for stakeholders to discuss initiatives they have worked on or adopted based on the goals and challenges articulated at the annual statewide technology conference.

The Working Group further recommends that the Permanent Commission specifically use the 2019 Technology Conference as a tool for advancing the technology aspects of the Strategic Action Plan, including discussions on statewide and regional planning for large-scale innovative technology that can integrate programs and services.

Expanding Technology Funding

The Commission's research, as well as its experience in seeking to implement its technology recommendations, has demonstrated the need for dedicated, stable funding for technology expansion and innovation.

In its 2015 Report, the Permanent Commission recommended that the Oversight Board to Distribute Judiciary Civil Legal Services Funds in New York consider innovative technology projects in its funding decisions for Judiciary Civil Legal Services Awards ("JCLSA"). This recommendation was implemented in the 2016 Judiciary Civil Legal Services Request for Proposals through expansion of the selection criteria for services that enhance access to justice beyond the provision of direct services and the awarding of higher points for demonstration of effective and innovative use of technology.

Recommendations

The Permanent Commission should continue to support civil legal services providers in their efforts to identify dedicated funding streams that will support technology expansion and innovation to improve the delivery of civil legal services.

EXHIBIT A

New York State Civil Legal Aid Technology Survey (2018)

NYS Civil Legal Aid Technology Survey (2018)

This survey seeks (1) to explore how NYS civil legal aid providers are optimizing their client services through technology and (2) update some baseline information gathered in a 2013 survey. One response per organization, please.

* Required

1. **1. Provider Name** *

2. **2. Contact Person's Name** *

3. **3. Contact Person's Email** *

4. **4. Contact Person's Phone Number** *

Basic Technology Finance, Staffing & Systems

5. **5. For the fiscal year ending March 31, 2018, what was your total operating budget?** *
   Organizations whose sole mission is the delivery of civil legal services should report their entire expenses. Organizations with multiple missions (e.g., criminal legal services or shelter services) should report only those expenses properly attributable to their civil legal services program.

6. **6. For the fiscal year ending March 31, 2018, approximately how much did your organization spend on personnel cost or routine consulting cost for technology?** *
   Include employee and outside consultant costs only. Do not include special project consulting costs here. Include special project consulting costs below.

7. **7. For the fiscal year ending March 31, 2018, report the total number of full-time equivalent (FTE) paid technology employees.** *

   This question is trying to understand your human capital for supporting technology. If the organization uses consultants, please describe their role. If no employees or consultants are regularly allocated to technology, indicate N/A.

   _____

8. **8. For the fiscal year ending March 31, 2018, approximately how much did your organization spend on non-personnel/non-routine consultant costs for technology?** *

   Include cost of hardware, software, licensing, special project consultant costs.

   _____

9. **9. In the last year, how did you provide technology training to staff? (Check all that apply)** *

   Check all that apply.

   - [ ] Customized trainings developed for your program (e.g. Word skills relevant to your program not generic Word training)
   - [ ] Off-site generic trainings on common applications (word, excel, accounting)
   - [ ] Periodic, informal trainings (e.g., monthly lunch and learn)
   - [ ] Community supported webinars/online trainings (e.g. LSNTAP, NTEN, NPowerNY, or via a bar association)
   - [ ] Part of new-employee orientation or on-boarding
   - [ ] Learning Management System (e.g., Traveling Coaches)
   - [ ] Web-base subscription training services (e.g., Lynda.com)
   - [ ] The organization doesn't offer or pay for formal technology trainings, but permits or encourages staff to seek training on an ad hoc basis.
   - [ ] None of the above.
   - [ ] Other: _____

10. **10. What is the average number of hours that a typical, non-IT staff member spends annually on formal technology training?** *

    Mark only one oval.

    - ◯ Less than 5 hours
    - ◯ More than 5 hours
    - ◯ Unknown. The organization doesn't track this information.

11. **11. What written technology policies does your organization currently have?** *

Mark only one oval per row.

	Policy in Place - Revised since 2013	Policy in Place - Last Updated Before 2013	Developing the Policy Now	Interested in Developing	No Policy in Place
Strategic Technology Plan					
Policy on using office equipment for personal use (e.g., Internet use, streaming media)					
Policy on using personally-owned equipment for work					
Policy on cell phone usage (personal for work and vice versa)					
Policy on syncing personal devices with agency-owned equipment					
Policy on the protection of electronically stored client data					
Electronic record retention policy					
Active Data/Network Security Practices (including software patching/update)					
Backup/Disaster Recovery					

12. **12. Please indicate which case management system your organization currently uses.** *
Check all that apply.

- [ ] Casemap
- [ ] ClientTrack
- [ ] Filemaker (custom)
- [ ] JusticeServer
- [ ] Kemps
- [ ] Legal Files
- [ ] LegalServer
- [ ] Microsoft Access Database (custom)
- [ ] Microsoft Excel or other spreadsheets
- [ ] PDCMS
- [ ] PIKA
- [ ] Practice Manager
- [ ] Salesforce (Custom)
- [ ] TIME from WNYLC
- [ ] Other: _____

13. **13. Does your organization use video conferencing for any of the following purposes?** *
Check all that apply.

- [ ] Client triage/Intake
- [ ] Client advocacy
- [ ] Judicial/administrative proceedings
- [ ] Internal communication
- [ ] Internal Training
- [ ] External Training
- [ ] Pro Bono Program
- [ ] The organization does not have video conferencing.
- [ ] Other: _____

14. **14. Which of the following services your organization uses are cloud-based?** *

Mark only one oval per row.

	Cloud-based, moved there sometime since 2013.	Cloud-based, not sure when it was put there.	Service used, but unsure if it's cloud-based.	On-site (not in the Cloud).	Service not used.
Case Management System (e.g., Salesforce, LegalServer)					
Financial data (e.g., Quickbooks Online)					
Document drafting (e.g., Office 365, Google Apps)					
Online document sharing (eg., Dropbox, OneDrive)					
Scheduling (e.g., Doodle)					
Spam/Virus Filtering (e.g., Barracuda, ESET, MailFoundry)					
Backups/Archives (Mozy, Crashplan, Amazon, etc.)					
Telephone/VoIP (Google Voice, 8x8, ShoreTel, RingCentral)					

Language Access

15. **15. In how many languages are your organization's public-facing tools (website, online intake, chatboxes) presented?** *

Having instant machine translation available on your English language website does NOT count as having a two language website.

Mark only one oval.

- One Language
- Two Languages
- More than Two Languages
- Other: _____

16. **16. How do you create translations of electronic and printed information? (check all that apply)** *
    Check all that apply.

    - [ ] Internal staff
    - [ ] Google Translate or other automated translation service
    - [ ] Professional Translators (paid or pro bono)
    - [ ] Machine Translation with Human Review
    - [ ] Other: _____

Online Service Delivery

This section is asking about online triage, intake, referral, self-help, assisted help, consultations, and other service delivery.

17. **17. Which online consultation tools do you use? (check all that apply)** *
    Check all that apply.

    - [ ] Closing the Gap
    - [ ] Citizenshipworks
    - [ ] Upsolve
    - [ ] DaisyDebt
    - [ ] JustFix.nyc
    - [ ] None
    - [ ] Other: _____

18. **18. Are you using any kind of public-facing online intake, triage, or referral system?** *
    This question is asking about web-based systems that collect basic client information for possible program eligibility, priority assessment, referral destination assessment and intake.
    Mark only one oval.

    - ◯ Yes *Skip to question 19.*
    - ◯ No *Skip to question 31.*
    - ◯ Not really, but we have a link or a form on our website that generates a staff email that leads to an intake. *Skip to question 31.*

Details about Online Referral, Triage, Intake

19. **19. What kind of online intake, triage, or referral system(s) are you using? (Check all that apply.)** *
    Check all that apply.

    - [ ] Static form (e.g. Google Form, fillable PDF)
    - [ ] Our case management system's public facing tools (e.g., LegalServer)
    - [ ] Expert system (e.g., A2J Author, Neota Logic, Drupal)
    - [ ] Interactive system (e.g., LiveChat)
    - [ ] Other: _____

20. **20. What practice areas are covered by your online system? Check all that apply.** *

Answers correspond to IOLA Legal Benefit categories.
Check all that apply.

- [ ] All subject matters
- [ ] Consumer/Finance inquiries
- [ ] Education inquiries
- [ ] Employment inquiries
- [ ] Family inquires
- [ ] Juvenile inquiries
- [ ] Health inquiries
- [ ] Housing inquiries
- [ ] Income Maintenance inquiries
- [ ] Individual Rights inquiries
- [ ] Immigration inquiries
- [ ] Miscellaneous Benefits inquiries
- [ ] Other: _____

21. **21. Does your system collect legal problem information?** *

Mark only one oval.

- ◯ Yes, broad categories (e.g., housing, family)
- ◯ Yes, detailed legal problem codes (e.g., eviction, housing repair, order of protection, custody)
- ◯ Yes, detailed information beyond legal problem codes (e.g., nonpayment eviction)
- ◯ No
- ◯ Other: _____

22. **22. Does your system collect adverse party names from users?** *

Mark only one oval.

- ◯ Yes
- ◯ No

23. **23. Does your system collect information about income eligibility?** *

Mark only one oval.

- ◯ Yes, broad information about total household income
- ◯ Yes, detailed information for all household members, including income types, frequencies, and exclusions
- ◯ No

24. **24. Does your system allow clients to electronically upload relevant documents?** *

Mark only one oval.

- ◯ Yes
- ◯ No

25. **25. Are you able to electronically transfer client information to the destination referral organization so that the information doesn't have to be re-entered?** *

Mark only one oval.

- ◯ Yes
- ◯ No

26. **26. Does your online system provide any legal information and self-help tools that are based on the user's input?** *

Mark only one oval.

- ◯ Yes
- ◯ No

27. **27. If Yes to Question 26, which information and self-help tools does the system provide? (check all that apply)**

Check all that apply.

- ☐ Information Drafted By Our Staff Members
- ☐ LawHelp Interactive Online Forms
- ☐ LawHelpNY Information
- ☐ NYS CourtHelp (including DIY Forms)
- ☐ Information or Tools Authored/Hosted on Other Websites
- ☐ Other: _____

28. **28. Was your online system developed or is it operated in collaboration with other legal service providers or legal tech vendors (e.g., JustFix.nyc)?** *

Mark only one oval.

- ◯ Yes
- ◯ No

29. **29. If Yes to Question 28, identify the collaborators that you've worked with on your online system.**

_____

_____

_____

_____

_____

30. **30. Would you be interested in collaborating with additional civil legal aid providers with your online system?**

Mark only one oval.

- ◯ Yes
- ◯ No
- ◯ Maybe

Narrative Questions (optional)

31. **31. Describe any significant technology projects undertaken by your organization during the fiscal year ending March 31, 2018.**

32. **32. Aside from financial, describe any major technology challenges or limitations that your organization faces.**

33. **33. Describe any successes or challenges you face in technology-related collaborations with community stakeholders (e.g., libraries, social service providers, 2-1-1, faith leaders). This includes the collection and integration of local data, trends, outcomes, emerging needs, etc.**

34. **34. Describe any "tech dreams" for your organization or the legal service community as a whole (e.g., collaborations, trainings, group purchasing, vendor and product reviews).**

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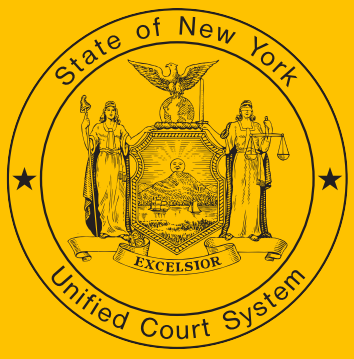
EXHIBIT B

2018 Statewide Civil Legal Aid Technology Conference

Conference Program



2018 STATEWIDE CIVIL LEGAL AID

TECHNOLOGY CONFERENCE

THE ROLE OF TECHNOLOGY
IN PROMOTING ACCESS TO JUSTICE

Convened by the New York State
Permanent Commission on Access to Justice

Cornell Tech, June 19, 2018

8:00 - 8:45 am **Registration and Light Refreshments** **Lobby**

8:45 - 9:15 am **Welcome and Introductions** **Auditorium**

Helaine M. Barnett, Chair, New York State Permanent Commission on Access to Justice

Daniel P. Huttenlocher, Jack and Rilla Neafsey Dean and Vice Provost, Cornell Tech

Opening Remarks

Hon. Janet DiFiore, Chief Judge of the State of New York

9:15 - 9:30 am **Update on Strategic Action Plan** **Auditorium**

Helaine M. Barnett, Chair, New York State Permanent Commission on Access to Justice
Anne Erickson, CEO, Empire Justice Center
Neil Steinkamp, Managing Director, Stout Risius Ross

The Permanent Commission on Access to Justice has developed a Strategic Action Plan (SAP) to help close the justice gap by ensuring effective assistance to all New Yorkers confronting legal challenges impacting the essentials of life. This presentation will provide a brief overview of the SAP, particularly the elements of the plan that pertain to technology strategies and initiatives and their implementation.

9:30 - 10:15 am **Developing the Ecosystem to Support 100% Access** **Auditorium**

Christine Fecko, General Counsel, IOLA Fund of the State of New York
John Greiner, President, Just-Tech
Christopher Schwartz, Deputy Director, Legal Hotline, City Bar Justice Center

To develop an enduring technology ecosystem that supports 100% access to effective assistance, we need to create a common vocabulary, identify the range of how civil legal aid providers are using technology, and talk about the best ways to expand and integrate our tech projects. This session will begin a discussion that is anticipated to guide technology efforts in the future.

10:15 - 10:45 am **A Contextual Approach to Privacy** **Auditorium**

Helen Nissenbaum, Professor, Cornell Tech

According to the theory of contextual integrity, consent is not a necessary or sufficient condition to protect an individual's privacy. Instead, contextual integrity demands appropriateness of information flow. Professor Nissenbaum will discuss the usefulness and challenges of adhering to contextual integrity as compared to other approaches.

10:45 - 11:00 am **Break**

11:00 - 12:10 pm **Morning Breakout Sessions – Workshops on Collaboration and Integration**

These breakout sessions will allow continued conversations about advancing the integration of technology tools used by the civil legal aid community.

1A: Integrating Systems – Manager-Focused Conversation **Auditorium**

Facilitator:

Lillian Moy, Executive Director, The Legal Aid Society of Northeastern New York

Speakers:

Adriene Holder, Attorney-in-Charge, Civil Practice, The Legal Aid Society
Ken Perri, Executive Director, Legal Assistance of Western New York
James Sandman, President, Legal Services Corporation

This session will provide an opportunity for non-technologist leadership to discuss how to manage existing technology and use technology to facilitate client services and 100% access, program integration and the growth of interconnected networks.

1B: Integrating Systems – Technologist-Focused Conversation **Room 061**

Doug Carlson, Chief Technology Officer, Pro Bono Net
Matthew D'Amore, Professor, Cornell Tech
Jeff Hogue, Director of Operations, LegalServer

Building a flexible ecosystem of interchangeable tech services will help ensure 100% access by leveraging what current and future platforms do best. Together we can ensure that providers are technologically equipped to implement multi-provider and multi-platform projects. We will explore existing technologies that facilitate integration including data standards, platform Interoperability, APIs and seamless user referral methods.

1C: Current Tech Integration Initiatives **Room 161/165**

Christopher Schwartz, Deputy Director, Legal Hotline, City Bar Justice Center
Anna Steele, Director of Consulting, Just-Tech

Initiatives around the State are using technology to better integrate services including implementation of the Universal Access to Legal Services law, the Victim Services portal and the Consumer Help Finder portals. This session will examine the various aspects of designing technology systems including successes and challenges, and the key role of cooperation and partnerships, as well as explore how further integration across provider networks can occur.

12:10 - 12:55 pm **Lunch** **Lobby**

1:00 - 1:35 pm **Rapid Fire** **Auditorium**

A series of brief presentations will highlight technologies currently in use or available to integrate into the New York civil legal aid community.

Facilitator: Anna Steele, Director of Consulting, Just-Tech

- **Legal Access Portals**
  James Sandman, President, Legal Services Corporation
- **Easter Eggs and Change Management**
  Mary O'Shaughnessy, Director, Information Services, Her Justice
- **Lawyer Referral Platform**
  Scott Kelly, President, Community.lawyer, P.B.C.
- **Open Access to Information**
  Sara Frug, Associate Director, Legal Information Institute, Cornell Law School
- **Artificial Intelligence in Action**
  IV Ashton, President & Founder, LegalServer/Houston.ai
- **Voice-Enabled Technology**
  Zeke Hughes and Maximilian Paterson, Co-Founders, RightsNow

1:35 - 1:45 pm **Break**

1:45 - 2:45 pm **Peer-to-Peer Discussions** **Rooms 161/165, 061**

Attendees will have the opportunity to attend two of the 30-minute targeted conversations identified below. Each facilitated conversation will max out at about ten people to allow for a one-on-one exchange of information and experience. See handout for descriptions of the conversations and room numbers.

- **Change Management**
- **Project Management**
- **Online Systems for Client Access**
- **Tech Training**
- **Legal Access Portals**
- **Law School Engagement**
- **Lawyer Referral Platform**
- **Security Policies and Practices**
- **Open Access to Information**
- **Artificial Intelligence**
- **Legal Hackathons**

2:45 - 2:55 pm **Break**

2:55 - 3:55 pm **Afternoon Breakout Sessions – Strengthening Your Internal Technology**

These sessions will emphasize the importance of evaluating and continuing to improve your existing technology and processes.

2A: Security and Business Continuity **Room 071**

Michael Donnelly, CIO, Simpson Thacher & Bartlett, LLP
Jon Miller, Regional Technology Coodinator, Legal Assistance of Western New York
Nancy Lundergan, IT Oversight Manager, Skadden Arps

This session will discuss security systems, best practices and essential policies for all organizations.

2B: Advanced Reporting: Data Visualization and Dashboards **Auditorium**

Simon Rah, Senior Technical Project Manager, Pro Bono Net
Rebecca Widom, Chief Data Scientist, The Bronx Defenders
Anna Steele, Director of Consulting, Just-Tech

Civil legal services programs collect significant amounts of data. This session will explore how technology can be used to increase the data's accessibility.

2C: IT Management: Leading Tech Change Among Your Staff **Room 161/165**

Heidi Golabek, Director of Program Management, Proskauer Rose LLP
Michael Hernandez, Director of Client Services, Just-Tech
Mary O'Shaughnessy, Director, Information Services, Her Justice

How do you keep your staff engaged, learning and using technology?
Join your colleagues to share ideas on how to implement change management.

2D: Identifying, Sharing and Retaining Knowledge **Room 061**

Quisquella Addison, Program Director, LawHelpNY, Pro Bono Net
Anne Erickson, CEO, Empire Justice Center
John Greiner, President, Just-Tech
Christopher Schwartz, Deputy Director, Legal Hotline, City Bar Justice Center

Knowledge retention is essential to the operations of civil legal services providers. Come learn from your colleagues about the challenges of knowledge retention and the importance of confronting these challenges with viable solutions.

3:55 - 4:05 pm **Break**

4:05 - 5:00 pm **Reflections on Integration and Collaboration: Next Steps and Vision for the Future** **Auditorium**

Christine Fecko, General Counsel, IOLA Fund of the State of New York
Christopher Schwartz, Deputy Director, Legal Hotline, City Bar Justice Center

Facilitators will report out the key points from their sessions. This will be followed by a discussion of a shared vision for a highly functioning, tech-friendly organization with interconnected networks, and action items that can be undertaken in the coming year to move toward that vision.

Closing Remarks

Helaine M. Barnett, Chair, New York State Permanent Commission on Access to Justice

Quisquella Addison
Program Director, LawHelpNY
Pro Bono Net

Samantha Aguam
Staff Attorney
Volunteer Lawyers Project of Onondaga County

Jasmine Amor
Coordinator of Digital Initiatives
The Children's Law Center

Grace Andriette
Deputy Director
Neighborhood Legal Services

IV Ashton
President & Founder
LegalServer/Houston.ai

Shtub Avraham
Professor
Technion

Bryan Babcock
IT Director
Volunteer Legal Services Project

Tim Baran
Program Manager, LawHelpNY
Pro Bono Net

Helaine M. Barnett
Chair
New York State Permanent
Commission on Access to Justice

Glenn Baum
Technology, Data and Training Manager
Legal Aid Bureau of Buffalo

Spriha Bhandari
Student
Cornell Tech

Laura Bligh
Director, Performance Management
& Evaluation
Lenox Hill Neighborhood House

Jacob Bowden
IT Analyst
The Bronx Defenders

Edward Braunstein
CIO
The Legal Aid Society

Ray Brescia
Professor of Law
Albany Law School

Elise Brown
Director of Housing Litigation
Mobilization for Justice

Thomas Bruce
Director
Legal Information Institute, Cornell Law School

Sarah Burrows
Pro Bono Manager
Brooklyn Volunteer Lawyers Project

Amanda Busch
Marketing Project Manager
New York City Bar Legal Referral Service

Maeve Callagy
Staff Attorney
Part of the Solution

Paulette Campbell
Managing Attorney, CLARO Buffalo
Western New York Law Center

Juan Canales
Data Manager
Catholic Charities Community Services

Doug Carlson
Chief Technology Officer
Pro Bono Net

Kathy Chae
Grants Manager
Brooklyn Defender Services

Shelly Chakraborty
IT Manager
Legal Services NYC

Toe-Fun Chia
Network Manager
The Legal Aid Society

Steven Clark
Chief Clerk VII/Special Projects Coordinator
Office for Justice Initiatives, OCA

June Clarke
Director of IT
Make the Road NY

Georges Clement
Co-Founder
JustFix.nyc

Alex Collins
Grant Coordinator
The Legal Aid Society

David Colodny
Director of Legal Services
Catholic Migration Services

Diana Colon
Assistant Deputy Counsel
Division of Court and Professional Services, OCA

Tracy Colvard-Pellerin
Fiscal Director
Rural Law Center of New York

Mallory Curran
Attorney & Consultant
Mallory Curran Consulting

Payal Dalal
Director of HR & Operations
Center for Family Representation

Matthew D'Amore
Professor
Cornell Tech

Natalie Deduke
Application Development Manager
The Legal Aid Society

Heidi Dennis
Executive Director
Rural Law Center of New York

Thomas Dewar
Executive Director of Information Technology
Lutheran Social Services of New York

Marylee Raymond Diamond
Controller
New York Lawyers for the Public Interest

Marika Dias
Director, Tenant Rights Coalition
Legal Services NYC

Samantha DiDomenico
Associate
Stout Risius Ross

Cynthia Domingo-Foraste
Executive Director
Court Square Law Project

Michael Donnelly
CIO
Simpson Thacher & Bartlett, LLP

Shatorah Donovan
Director of Development and Communications
Center for Elder Law & Justice

Maria Dosso
Director of Communications and Volunteer
Services
Nassau Suffolk Law Services

Cecilia Dougherty
Supervisor of Client Data Systems
Sanctuary for Families

Jordan Dressler
Civil Justice Coordinator
NYC Office of Civil Justice

Anne Erickson
CEO
Empire Justice Center

Brian Escaravage
Telecom/AV Manager
The Legal Aid Society

Christine Fecko
General Counsel
IOLA Fund of the State of New York

Colleen Fehringer
Grant Manager
IOLA Fund of the State of New York

Elan Fields
Co-Founder & CEO
Gideon

Tina Foster
Executive Director
Volunteer Legal Services Project

Wayne Francis
Chief Operating Officer
Legal Services NYC

Sara Frug
Associate Director
Legal Information Institute, Cornell Law School

Dora Galacatos
Executive Director
Feerick Center for Social Justice
Fordham University School of Law

Ryan Gallagher
Director of Legal Technology
Legal Information for Families Today

John Gergely
Data Scientist
NYC Office of Civil Justice

Heidi Golabek
Director of Program Management
Proskauer Rose LLP

Gretchen Gonzalez
Staff Attorney/Marketing Committee Chair
Erie County Bar Association
Volunteer Lawyers Project

Andres Gonzalez
ATJ Tech Fellow, LawHelpNY
Pro Bono Net

Lucia Goyen
Special Projects Manager
Catholic Charities Community Services
of New York

Jack Graves
Professor & Director of Digital Legal Education
Touro Law Center

Nancy Melanson Green
Director of Office Administration and
Information Technology
Nassau Suffolk Law Services

John Greiner
President
Just-Tech

Elizabeth Grossman
Legal Advocacy Director
Lenox Hill Neighborhood House

Steven Guerra
IT Mobility and Print Services Manager
Simpson Thacher & Bartlett, LLP

Sergio Guerrero
Office Manager
New York Lawyers for the Public Interest

Jennifer Gundlach
Clinical Professor of Law
Maurice A. Deane School of Law
at Hofstra University

Charbel Hajj
Clinic and Volunteer Coordinator
The LGBT Bar Association of Greater New York

Christine Halik
Office Manager
Center for Elder Law & Justice

Rachel Halperin
Chief Program Officer
Legal Services of the Hudson Valley

Melody Harkness
PAI Paralegal
Legal Aid Society of Northeastern New York

Alissa Harrison
Deputy Director of Grants and Contracts
The Legal Aid Society

Heidi Henderson
Executive Director, Volunteer Lawyers Project
Brooklyn Bar Association

Michael Hernandez
Director of Client Services
Just-Tech

Leah Hill
Associate Dean for Experiential Programs
Fordham University School of Law

Jeff Hogue
Director of Operations
LegalServer

Adriene Holder
Attorney-in-Charge, Civil Practice
The Legal Aid Society

Paul Holzer
Manager IT & Infrastructure
Legal Services of the Hudson Valley

Amy Hozer
Senior Supervising Attorney & Project Director,
Mobile Legal Help Center
New York Legal Assistance Group

Zeke Hughes
Co-Founder
RightsNow

Ignacio Jaureguilorda
Director
Legal Hand

Randal Jeffrey
General Counsel
New York Legal Assistance Group

Maryann Joyner
Program Director
Rural Law Center of New York

Lauren Kanfer
Staff Counsel
New York State Permanent
Commission on Access to Justice

Dennis Kaufman
Executive Director
Legal Services of Central New York

Ambrosia Kaui
Monitoring & Evaluation Manager
Northern Manhattan Improvement Corporation

Joseph Kelemen
Executive Director
Western New York Law Center

Scott Kelly
President
Community.lawyer, P.B.C.

Alison King
Pro Bono Counsel
Arnold & Porter

Rochelle Klempner
Attorney
Division of Technology, OCA

Matt Knecht
Managing Director
Neighborhood Defender Services of Harlem

Ruby Krajick
Clerk of Court
U.S. District Court, Southern District
of New York

John Krause
Project Engineer
Just-Tech

Dilip Kulkarni
CIO
Legal Services NYC

Vichal Kumar
Managing Attorney
Neighborhood Defender Services of Harlem

Dale Kwasnaza
Associate Director, IT Projects and Planning
Simpson Thacher & Bartlett, LLP

Justin La Mort
Supervising Attorney
Mobilization for Justice

Aimee Latorre
LiveHelp Coordinator, LawHelpNY
Pro Bono Net

Darrin Lawson
IT Manager
Frank H. Hiscock Legal Aid Society

Jessica Lennon
Assistant Director
The Legal Project

Peter Lesser
Director of Global Technology
Skadden Arps

Myra Loewenstein
CFO
Legal Services of the Hudson Valley

Nancy Lundergan
IT Oversight Manager
Skadden Arps

Paul Lupia
Executive Director
Legal Aid Society of Mid-New York

Beth Lyon
Clinical Professor of Law
Cornell Law School

Camille Mackler
Director of Immigration Legal Policy
New York Immigration Coalition

Anne Malak
Managing Attorney
Legal Aid Society of Northeastern New York

Vitaliy Malyshev
IT Manager
Legal Services NYC

Rosemary Martinez-Borges
Counsel
Office for Justice Initiatives, OCA

Celia Matos
Tech Specialist
Just-Tech

Caitlin McTiernan
Data Coordinator
New York Legal Assistance Group

Hon. Edwina Mendelson
Deputy Chief Administrative Judge
for Justice Initiatives, OCA

Douglas Meredith
Grants & Contracts Specialist
Mobilization for Justice

Janet Miller
Senior Vice President
CAMBA Legal Services

Jon Miller
Regional Technology Coordinator
Legal Assistance of Western New York

Jean Miranda
Director of Civil Helplines
The Legal Aid Society

Mary Mone
Special Advisor
New York State Permanent
Commission on Access to Justice

Lillian Moy
Executive Director
Legal Aid Society of Northeastern New York

Barbara Mulé
Staff Counsel
New York State Permanent
Commission on Access to Justice

Helen Nissenbaum
Professor
Cornell Tech

Mark O'Brien
Executive Director
Pro Bono Net

Thomas Officer
Legal Tech Product Designer
Community.lawyer, P.B.C.

Anne O'Grady
Managing Attorney, Pro Bono Project
My Sisters' Place

Chris O'Malley
Executive Director
IOLA Fund of the State of New York

Thomas O'Neill
Law Clerk
Office for Justice Initiatives, OCA

Jeanne Ortiz
Disaster Response Legal Fellow
Pro Bono Net

Mary O'Shaughnessy
Director, Information Services
Her Justice

Damaris Solis Padilla
Deputy Director
New York City Bar Legal Referral Service

Carla Palumbo
President & CEO
Legal Aid Society of Rochester

Girish Panchal
System Administrator
The Legal Aid Society

Norman Parrish
Desktop Support Manager
The Legal Aid Society

Maximilian Paterson
Co-Founder
RightsNow

Jessica Penkoff
Pro Bono & Strategic Initiatives Coordinator
Pro Bono Net

Joshua Perez
Desktop Support Manager
The Legal Aid Society

Ken Perri
Executive Director
Legal Assistance of Western New York

Seeta Persaud
Development & Communications Director
Legal Aid Bureau of Buffalo

Christopher Plumb
Social Media Coordinator/IT
Erie County Bar Association
Volunteer Lawyers Project

Gail Pohl
Information Systems Analyst
Legal Aid Bureau of Buffalo

Simon Rah
Senior Technical Project Manager
Pro Bono Net

Ken Ramsey
Project Manager
Immigration Advocates Network

Raun Rasmussen
Executive Director
Legal Services NYC

Gabriella Richman
Associate Director, Legal Services
Her Justice

Lisa Rivera
Director of Strategic Initiatives
New York Legal Assistance Group

Nora Rosati
Associate Product Manager
Pro Bono Net

Diana Saguilan
Director of Operations and Finance
Worker Justice Center of New York

Rodrigo Sanchez-Camus
Director of Legal Services
Northern Manhattan Improvement Corporation

James Sandman
President
Legal Services Corporation

Charlie Newman Scheel
Director, Grant & Contracts
The Legal Aid Society

David Schopp
CEO
Legal Aid Bureau of Buffalo

Christopher Schwartz
Deputy Director, Legal Hotline
City Bar Justice Center

Margie Sheehan
Outreach & Technology Coordinator
The Legal Project

Adam Shoop
Legal Director, Civil Action Practice
The Bronx Defenders

Michelle Smith
Chief of Staff
Office for Justice Initiatives, OCA

Lisa Spar
Assistant Director for Reference and Instruction
Maurice A. Deane School of Law at Hofstra University

Andrew Sta. Ana
Director of Legal Services
Day One

Anna Steele
Director of Consulting
Just-Tech

Neil Steinkamp
Managing Director
Stout Risius Ross
Consultant, New York State Permanent Commission on Access to Justice

Audrey Stone
Chief Counsel, Family Violence
Office of Policy and Planning, OCA

Jessica Stuart
Product Manager
Pro Bono Net

Ilaya Tabakov
Lawyer
Cornell Tech

Terry Terenzetti
Technology Administrator
Legal Aid Society of Mid-New York

Maryann Tharappel
Special Projects Director
Immigration Legal Services
Catholic Charities Community Services of New York

Shante Thomas
Community Outreach
Office for Justice Initiatives, OCA

Alfred Toussaint
Program Manager
CAMBA Legal Services

Glykeria Tsiokanou
Staff Attorney, Immigration Advocates Network
Pro Bono Net

Josselyn Tufino
Administration Management
Lenox Hill Neighborhood House

David Udell
Executive Director
National Center for Access to Justice
Fordham University School of Law School

Jorge Vasquez
Associate Counsel
LatinoJustice PRLDEF

Cora Vasserman
AmeriCorps VISTA
Feerick Center for Social Justice
Fordham University School of Law

Kristen Wagner
Director of Pro Bono Services
Department of Pro Bono Affairs
New York State Bar Association

Vern Walker
Director, Research Laboratory for Law Logic & Technology
Maurice A. Deane School of Law at Hofstra University

Joseph Warren
Director of Technology
Legal Services of Central New York

Stacey Whiteley
Managing Director, Legal and Community Services
New York State Bar Association

Amy Widman
Deputy Director
National Center for Access to Justice
Fordham University School of Law

Rebecca Widom
Chief Data Scientist
The Bronx Defenders

Claire Wiley
Director, Data & Evaluation
The Door

Mike Williams
Chief Clerk
Suffolk County Family Court

Miguel Willis
Presidential Innovation Fellow
Law School Admissions Council

Tara Wilson
IT Specialist
Just-Tech

Ralph Wolf
Principal Law Clerk
Office of Policy and Planning, OCA

George Wolff
Executive Director
New York City Bar Legal Referral Service

Diana Wooden
Legal Assistant
Brooklyn Volunteer Lawyers Project

Kate Woods
Deputy Director of Operations
Legal Assistance of Western New York

Deborah Wright
President
UAW Local 2325, Association of Legal Aid Attorneys

John Wroblewski
Deputy Chief Information Officer
The Legal Aid Society

Brent Yoshikami
Information Systems Manager
Legal Action Center

Barbara Zahler-Gringer
Counsel for Administration
OCA

Jeanette Zelhof
Executive Director
Mobilization for Justice

The New York State Permanent Commission on Access to Justice and the Technology Conference Planning Committee gratefully acknowledge the generosity of:

Simpson Thacher and Bartlett, LLP for providing the conference refreshments; and

Cornell Law School Legal Information Institute for donating the facility-related fees.

The Technology Conference Planning Committee extends its deep appreciation to Cornell Tech:

Daniel P. Huttenlocher, Jack and Rilla Neafsey Dean and Vice Provost, for hosting this event; and

Matthew D'Amore, Professor of Practice; Kathy A. Mendall, Event and Visitor Relations Manager; and Lisa McKiernan, Catering Sales Manager, for their invaluable planning assistance.

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Technology Conference Planning Committee

Helaine M. Barnett
Chair
New York State Permanent
Commission on Access to Justice

Quisquella Addison
Program Director, LawHelpNY
Pro Bono Net

Matthew D'Amore
Professor
Cornell Tech

Anne Erickson
CEO
Empire Justice Center

Christine Fecko
General Counsel
IOLA Fund of the State of New York

John Greiner
President
Just-Tech

Jeff Hogue
Director of Operations
LegalServer

Lauren Kanfer
Staff Counsel
New York State Permanent
Commission on Access to Justice

Lillian Moy
Executive Director
Legal Aid Society of
Northeastern New York

Barbara Mulé
Staff Counsel
New York State Permanent
Commission on Access to Justice

Mark O'Brien
Executive Director
Pro Bono Net

Christopher Schwartz
Deputy Director, Legal Hotline
City Bar Justice Center

Anna Steele
Senior Consultant
Just-Tech

Deborah L. Wright
President, Local 2325, UAW;
Chair, Technology Working Group
New York State Permanent
Commission on Access to Justice