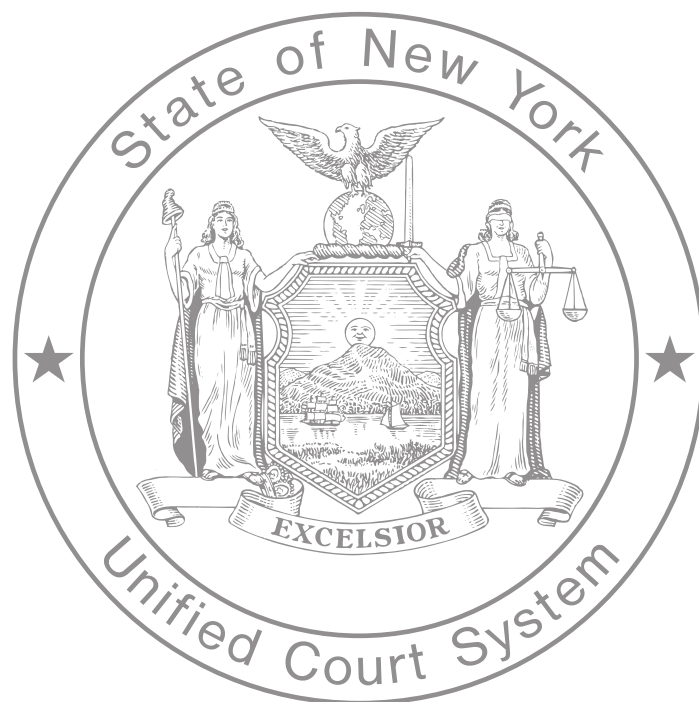


PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK



NOVEMBER 2018



PERMANENT COMMISSION ON ACCESS TO JUSTICE

HELAINE M. BARNETT, CHAIR

November 30, 2018

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

Dear Chief Judge DiFiore:

I am pleased to forward to you the ninth Annual Report of the New York State Permanent Commission on Access to Justice.

The Permanent Commission was privileged as always to assist in the preparation of the public hearing on civil legal services, held at the Court of Appeals, at which you presided, along with the Presiding Justices of each of the Appellate Departments, the Chief Administrative Judge and the President of the New York State Bar Association. The remarks presented have helped demonstrate, once again, the extent and nature of the current unmet civil legal needs of low-income New Yorkers.

The Permanent Commission's findings on the continuing access-to-justice gap, the meaningful assistance that civil legal services provides to low-income families, and the documented substantial economic benefits to New York State from investing in civil legal services, are based in large part on the hearing's oral and written presentations. Based upon these findings, the Permanent Commission recommends that the current level of funding for civil legal services be continued for fiscal year 2019-2020.

During this past year, the Commission continued to focus on implementation of our strategic action plan, with the goal of providing effective assistance to all New Yorkers facing civil legal matters involving the essentials of life. As part of our implementation efforts, the Permanent Commission recommends several new statewide initiatives be undertaken to help close the justice gap. In addition, the Permanent Commission has supported the implementation of the pilot programs in Suffolk County and Monroe County and is promoting the development of new pilot access-to-justice initiatives in seven additional counties around the State.

Further, the Permanent Commission makes recommendations based on two major conferences that we convened: the seventh Annual Law School Conference, focusing on the role of law schools in helping to close the justice gap, and the fourth Statewide Civil Legal Aid Technology Conference, focusing on the role of technology in expanding the capacity of the civil legal services delivery system.

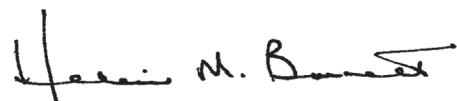
Members of the Permanent Commission represent diverse perspectives and breadth of experience, special insights and a commitment to increasing access to justice through creative solutions. They are unanimous in supporting the findings and recommendations in this Report.

They have made significant contributions of time and energy to our work throughout the year. The Permanent Commission was ably assisted in its work by its counsel, Jessica Klein, as well as by Alana Longmoore and Emily McEvoy, all from Sullivan & Cromwell, and by Lauren Kanfer, Barbara Mulé and Barbara Zahler-Gringer from the New York State court system.

As you have so aptly stated, we are “the undisputed national leader when it comes to addressing the civil legal needs of low-income people,” but the reality is “we still have a long road ahead of us” to ensure that every New Yorker has access to effective assistance when facing a civil legal challenge that impacts the essentials of life. With your strong commitment to ensuring an accessible civil justice system, we are confident that we will move closer toward our shared mission of achieving access to justice for all.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Helaine M. Barnett". The signature is fluid and cursive, with a long horizontal stroke at the end.

Helaine M. Barnett
Chair, New York State Permanent
Commission on Access to Justice

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Office of Court Administration

Jessica Klein

Special Counsel & Head of Pro Bono
Practice, Sullivan & Cromwell LLP

Alana Longmoore

Sullivan & Cromwell LLP

Barbara Mulé

Office of Court Administration

Barbara Zahler-Gringer

Counsel for Administration, Office
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SPECIAL ADVISORS

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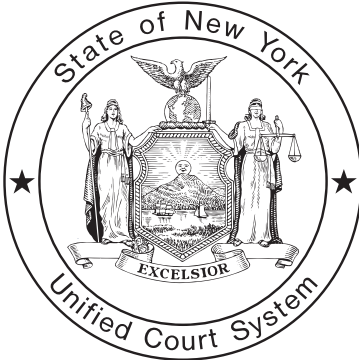
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Special Counsel to the Chief Judge (Ret'd)

PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK



NOVEMBER 2018

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- Note:** Appendices can be viewed on the Permanent Commission’s website: <http://www.nycourts.gov/accesstojusticecommission>

EXECUTIVE SUMMARY

During the past nine years, the work of the Permanent Commission on Access to Justice (originally the “Task Force to Expand Access to Civil Legal Services in New York”) has greatly improved the State’s landscape of civil legal assistance for low-income residents facing challenges to the essentials of life (housing, family matters, access to healthcare and education, and subsistence income).

The Permanent Commission was created in response to the crisis of unrepresented litigants in our State’s courts; hundreds of thousands of people were appearing without counsel in matters affecting the essentials of life, to the detriment of all litigants, the courts and our communities. In response, we made our first monetary recommendation, which called for phasing in state funding for civil legal services to reach a goal of \$100 million annually, a goal achieved in 2016.

As funding increased year by year, the Permanent Commission turned its focus to non-monetary initiatives and collaborations to enhance the effectiveness of funding and to improve access to justice generally. We developed a growing list of effective justice initiatives, which are documented in this Report.

That, in turn, led us to the realization that forms of assistance other than full representation could help bridge the justice gap. We advocated to the Legislature that the State adopt the policy that in matters affecting the essentials of life all low-income New Yorkers have effective assistance, a concept we defined as encompassing the entire spectrum of help ranging from informational assistance to full representation. The Legislature announced that policy in a Joint Resolution in 2015.

As the Permanent Commission sought to effectuate the State policy, it became evident that a formal strategic action plan would help us move, efficiently and effectively, to begin building statewide and local initiatives toward the goal of 100% access to effective assistance for essential civil legal needs for all New Yorkers in need. We envisioned an integrated system in which local communities are empowered, courts participate in and support access to justice initiatives, and legal service providers continue to be dedicated to serving those in need. We committed to a strategic planning process in 2016, developed a strategic action plan in 2017, and began implementing the plan this year on both the statewide and local levels.

Statewide, we held our second annual Stakeholders Meeting on October 1, 2018 to bring together a diverse array of stakeholders to share knowledge, strategies and best practices for developing local access-to-justice strategic plans. One of the most significant outcomes of the meeting was that seven of the nine Administrative Judges from outside New York City joined the two Administrative Judges already very much involved and agreed to take the lead in initiating a local strategic planning process. Other statewide efforts included supporting: full-service legal representation; plain language court materials; additional court Help Centers; educational programming for judges and court staff on the barriers faced by unrepresented litigants; additional Legal Hand neighborhood storefront centers; and limited-scope representation.

On the local level, as detailed in this Report, we established a pilot project in Suffolk County for the development of a local strategic action plan, led by the Administrative Judge and a team of community stakeholders. One of its initiatives already making an impact is the Community Legal Help Project, a unique collaboration between seven legal services providers and a public library, which has begun providing legal assistance and which we expect to become a model for replication in other locations. Building on the success in Suffolk County, we helped launch a second pilot in Monroe County. Among its projects is the Community Justice Council that had its first meeting in October, with plans for quarterly meetings going forward.

Our work to date has been having a significant impact in many respects. The number of New Yorkers with incomes up to 200% of the federal poverty level who received direct legal assistance through Judiciary Civil Legal Services grants increased by 26% from 384,974 cases in 2013-2014 to 483,604 cases in 2017-2018. The latest available data also shows a decline in the number of unrepresented litigants in case types involving essentials-of-life matters. The number of represented litigants in foreclosure settlement conferences has increased, as has the number of litigants represented by counsel in eviction matters in New York City.

On a personal level, several presenters at the Chief Judge's annual hearing on civil legal services on September 24, 2018, described their own experiences as clients of Judiciary Civil Legal Services grantees, emphasizing the life-changing impact of the legal assistance they received. During the hearing, it was also demonstrated that the investment in civil legal services has a beneficial economic impact of nearly \$3.4 billion in New York and that the State realizes a \$10 impact for every \$1 in funding invested in civil legal services.

In presiding over this year's public hearing, Chief Judge Janet DiFiore acknowledged that despite our successes and achievements, a substantial unmet need remains and much more work must be done:

[W]e 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 [has] limited funding and resources for legal service providers. In New York and around the country,... 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.¹

For 2019, the Permanent Commission, first and foremost, recommends that State funding for civil legal services, now budgeted for the original goal set in 2010 of \$100 million annually, should continue to be provided at its current level to address the ongoing access-to-justice gap for low-income New Yorkers. We also recommend continued monitoring of the New York City Universal Access Law, which provides

for legal assistance for all low-income tenants facing eviction, to determine how the law might be replicated throughout New York State to provide representation in housing or other litigated matters involving the essentials of life.

We will also continue to implement the strategic action plan to provide effective assistance to 100% of low-income New Yorkers confronting civil legal challenges affecting the essentials of life and make the following additional recommendations:

- Continue expansion of full-service representation in matters affecting the essentials of life;
- Support and promote the importance of resource planning for individual legal services programs, including funding to strengthen internal operations and infrastructure, and to support statewide and regional collaborative efforts aimed at expanding the capacities of the overall delivery system;
- Establish a Pilot Remote Help Center in a judicial district with a large rural area where there are challenges traveling to a courthouse;
- Create informational videos, to be made widely available, to prepare unrepresented litigants for their court matters so that they can better understand what documents they need to bring to court and what to expect in the courtroom;
- Continue implementation of the Suffolk County action plan to help close the justice gap, including expansion of the Community Legal Help Project, a unique collaboration of legal services providers and the Middle Country Library. Information about the County’s initiatives should be shared broadly to help inform similar efforts in other communities around the State;
- Establish a pilot project in a select number of Town and Village Courts in Monroe County to test the efficacy of online access to civil court records and its impact on the delivery of legal services in the County;
- Support and promote Monroe County’s Community Justice Council—which aims to engage community stakeholders in ongoing dialogue and collaboration with the courts to address barriers that impede access to the civil justice system to cultivate community trust—and seek replication of the Council in other parts of the State; and
- Enhance the Permanent Commission’s website to serve as the central repository for information and resources on its past and ongoing work, including implementation of the strategic action plan and development of local access-to-justice initiatives.

In connection with ongoing initiatives, we also recommend that:

- The work of the Statewide Law School Access to Justice Council and the annual Law School Conference should continue, with special attention to increasing student involvement in public interest work that involves helping New Yorkers confronting essentials-of-life issues. Law schools should continue to promote opportunities for student participation in advancing social justice, as well as broaden student recruitment from diverse populations;
- Law schools should continue to strengthen the educational pipeline to ensure increased opportunities for diverse students and expand collaborations with legal services organizations and the bar, including corporations and in-house counsel, for experiential, clinical and externship work;
- Support for the integration of technology into the legal services delivery system should be continued and expanded, including the Pro Bono Law Firm IT Initiative, the two online Consumer Law Help Finders and other online screening and intake projects; and
- A Statewide Technology Conference to promote collaboration and innovation to improve the delivery and efficiency of civil legal services should continue to be held annually, with the agenda for the 2019 Conference to focus on advancing the technology priorities identified in the strategic action plan, including discussions about statewide and regional planning for large-scale innovative technology that can integrate programs and services.

As the Chief Judge explained during her September hearing, progress to help close the justice gap requires the contributions of many:

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[, t]hanks 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.²

We echo her gratitude and extend the Permanent Commission's thanks to all who participate in efforts in our State to provide effective assistance to New Yorkers in need. In the words of one of the presenters at this year's annual hearing:

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.³

PART A

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

The New York State Permanent Commission on Access to Justice (Permanent Commission) was established in 2010 to help address the crisis of unrepresented litigants in the New York State courts and the vast unmet civil legal needs of low-income New Yorkers. As Chief Judge DiFiore acknowledged, New York is the undisputed national leader in addressing the civil legal needs of low-income people.⁴ The work of the Permanent Commission has played an integral role in making that possible. Since its inception, the Permanent Commission has been led by Helaine M. Barnett, former President of the federal Legal Services Corporation, and has been composed of representatives from the Judiciary, the business and health communities, government, law firms, bar associations, civil legal services and pro bono legal assistance providers, law schools and funders.

Each year, New York’s Chief Judge, with assistance from the Permanent Commission, holds a public hearing to assess the unmet civil legal needs of low-income New Yorkers. Based on the public hearing and its ongoing work, the Permanent Commission issues an annual report to the Chief Judge of its findings and proposes recommendations for monetary and non-monetary initiatives to help close the access-to-justice gap in the State. The Chief Judge submits these annual reports to the Governor and Legislature pursuant to a 2010 Joint Legislative Resolution.⁵ The result of this process has been the implementation of multifaceted initiatives to help bridge the justice gap.

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

I. Judiciary Civil Legal Services Funding Is Having an Impact

For FY 2018–2019, Judiciary Civil Legal Services (JCLS) funding totaled \$100 million, which included a \$15 million allocation to the New York State Interest on Lawyer Account Fund (IOLA).⁶ The remaining \$85 million was allocated to 78 legal services providers statewide, based upon the JCLS Oversight Board’s issuance of grant

awards pursuant to the 2016 Request for Proposals that provided for five-year contracts covering the period January 1, 2017 to December 31, 2021.⁷ Annual grants ranged from \$20,000 to \$9,786,789.⁸

Data collected by the New York State Office of Court Administration (OCA) shows that JCLS funding over time has increased the number of low-income New Yorkers benefiting from those funds.⁹ The number of direct legal assistance cases handled by JCLS grantees has increased 26% from 2013–2014 to 2017–2018, as detailed in the following table:¹⁰

JUDICIARY CIVIL LEGAL SERVICES GRANTEEES
Direct Legal Assistance - Cases Handled

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
First Department	108,350	128,095	133,743	139,576 ¹¹	150,624
Second Department	172,284	183,742	213,819	211,735 ¹²	223,272
Third Department	40,482	42,907	36,660 ¹³	43,247	35,347 ¹⁴
Fourth Department	63,858	66,369	69,686	75,985	74,361 ¹⁵
STATEWIDE TOTAL	384,974	421,113	453,908	470,543	483,604

The impact of direct legal assistance can be seen in increased representation in specific case types. Statewide, for example, the impact can be seen by the increase in representation in foreclosure settlement conferences since 2011.¹⁶

In New York City, the effects can be seen in the significant increase in tenant representation in the New York City Housing Court. A 2016 study, conducted by the New York City Office of Civil Justice (OCJ) in partnership with OCA, found that 27% of tenants who were facing eviction in the Housing Court were represented by counsel.¹⁷ With implementation of the Universal Access Law,¹⁸ that number has increased to 30%, with substantially higher rates of legal representation in the zip code areas initially targeted for legal assistance under the law.¹⁹ Based upon an analysis of data provided by OCA, these areas have experienced more than a three-fold increase in representation, going from roughly 16% of tenants in the first quarter of FY 2016 having counsel to 56% of tenants at the end of FY 2018.²⁰ Overall, this increased representation has saved the tenancies of 84% of the

households served by OCJ-funded providers (approximately 21,955 New York City residents), as well as promoted the preservation of affordable housing and neighborhood stability.²¹

In addition, the increased access to counsel is having an impact on the Housing Court and the number of residential evictions being sought. The number of eviction cases filed in Housing Court continues to fall, with approximately 17,000 fewer eviction proceedings filed in 2017 than in 2013, a decline of 7%.²² Warrants of eviction issued by Housing Court judges dropped by 29%,²³ with residential evictions conducted by City Marshals decreasing by 27%, over the same period.²⁴ At the same time, court statistics reflect increased substantive litigation: the number of motions filed in 2016 was 19% higher than in 2014, while emergency orders to show cause declined 16% over the same period.²⁵

OCA will continue to work with funders, including OCJ, to measure the impact of JCLS and other legal services funding in courts statewide. To this end, plans are being developed for the ongoing and consistent collection of data using various methodologies, including automated case management systems and sampling tools and techniques, to gauge changes in representation levels in case types involving the essentials of life.

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

For the past seven years, the Permanent Commission has obtained pro bono assistance from four nationally recognized experts to analyze the cost savings and economic benefits resulting from funding civil legal services programs in New York State. This year, that assistance once again came from Neil Steinkamp of Stout Risius Ross, LLC (Stout), a global financial advisory firm. Mr. Steinkamp updated his previous analysis of the economic impact on New York State of federal benefits obtained through civil legal assistance.²⁶ In addition, he analyzed data on the benefits received by low-income New Yorkers through the provision of civil legal services by IOLA grantee organizations from 2005 to 2017.²⁷ Based on the foregoing, Mr. Steinkamp, among other things, concluded:

Civil Legal Services Providers Obtained Benefits for Their Clients and Families, Resulting in an Estimated Total Economic Impact of Nearly \$3.4 Billion. Mr. Steinkamp calculated federal award benefits to be \$1.08 billion in 2017 for programs such as Supplemental Security Income (SSI), Social Security Disability (SSD), Medicaid, the Earned Income Tax Credit and other federal benefits which, due to the “economic multiplier effect,” generate an additional \$1.5 billion (as well as approximately 9,960 jobs).²⁸ When added together with civil awards of \$58.6 million along with indirect benefits and cost savings to the community of \$724.3 million from shelter avoidance, foreclosure property value decline avoidance, domestic violence avoidance and increased wages due to work authorization, the total economic impact is estimated to be approximately \$3.3 billion.²⁹ Thus, the \$462.6

million total civil legal services funding in 2017 resulted in a return of approximately \$3.3 billion, or roughly \$7.21 for every \$1 of funding in 2017.³⁰ However, total funding of \$462.6 million includes funding to support legal assistance for, among other things, credit card debt and other consumer rights matters, advanced care planning and pro bono legal services for low-income entrepreneurs; but the benefit calculated is connected only to a portion of the total funding to IOLA grantee organizations, or \$360.8 million.³¹ Adjusting the total program funding to include only funding to the services within the scope of Mr. Steinkamp's report results in a return of \$9.24 for every \$1 of funding in 2017.³² Mr. Steinkamp ultimately concluded that a more reasonable estimate was a return of \$10 for every \$1 of funding in 2017.³³

Civil Legal Services Provided a Positive Economic Impact on the New York State Economy Owing to the Long-Term Financial Impact from Federal Benefits Obtained. Civil legal services in 2017 for low-income New Yorkers provided substantial economic value to families in need, as well as to state and local economies and governments. As a result of legal representation in 2017, the economic value to clients and their families of federal benefits secured, including SSI and SSD awards, Medicaid benefits and other federal benefits, was estimated to be approximately \$1.08 billion.³⁴ These federal benefits also provide a significant overall stimulus to the New York State economy and create thousands of jobs. The overall impact when also considering the "multiplier effect"³⁵—that savings generate further economic activity by, for example, allowing clients to spend such savings in their community—amounted to \$1.47 billion and could result in the creation of approximately 9,960 jobs.³⁶

Total Estimated Cost Saving from the Avoidance of Emergency Shelter Increased to \$555.8 Million. In 2013, using state and local data from 2012 on the cost of providing shelter in New York State as well as IOLA data on eviction prevention cases, Cornerstone Consulting concluded that anti-eviction legal services programs that receive IOLA funding saved the government approximately \$116 million annually in averted shelter costs.³⁷ In 2014, IOLA analyzed updated data and estimated such annual savings had increased to more than \$220 million.³⁸ In 2015, annual savings had increased to more than \$345 million.³⁹ In 2016, annual savings had increased to more than \$397 million.⁴⁰ In 2017, based on cost savings from brief representation cases (an estimated \$78.0 million) and extended representation cases (an estimated \$477.7 million), Mr. Steinkamp estimated cost savings to the government increased in aggregate to \$555.8 million, corresponding to shelter avoidance for approximately 29,867 individuals.⁴¹

Present Value of Wage Increases Due to Work Authorization Assistance for Immigrants and Citizenship for Immigrants Was Estimated to Be \$75.9 Million and \$54.0 Million, Respectively. With the assistance of civil legal services providers, approximately 7,575 immigrant clients, applying for green cards, U visas, T visas, Violence Against Women Act (VAWA) self-petitions or other long-term status, successfully achieved work authorization in 2017.⁴² Work authorization provides a significant wage increase to immigrants, amounting to an average increase of approximately \$1,495 per year for women and \$1,639 per year for men.⁴³ Of the

individuals who received work authorization with green cards or under Deferred Action for Childhood Arrivals (DACA) or Deferred Action for Parents of Americans (DAPA) programs in 2017, 51% were estimated to be women.⁴⁴ For VAWA cases, 85% were estimated to be women.⁴⁵ The total net present value of work authorization's wage impacts, assuming work authorization will continue for two-, four- and ten-year terms dependent upon the type of legal assistance provided to obtain work authorization, was estimated to be \$75.9 million for cases closed in 2017.⁴⁶

Additionally, approximately 4,198 clients of civil legal services providers attained citizenship in 2017.⁴⁷ New citizens experience a wage increase averaging approximately \$735 per year for women and \$823 per year for men.⁴⁸ Of the individuals who became citizens in 2017, 51% were estimated to be women.⁴⁹ Annual wages were estimated in aggregate to increase by \$0.9 million for women and \$1.4 million for men in 2017.⁵⁰ The total value of such wage impacts owing to citizenship in cases closed in 2017 was estimated to be \$54.0 million.⁵¹

Additional Economic Benefit from Child and Spousal Support Payments to Recipients of Those Benefits and Their Families Was Estimated to Be \$37.5 Million in 2017. For 2017, IOLA data indicates retroactive awards of child and spousal support at approximately \$1.92 million and monthly payment awards at nearly \$505,700.⁵² The net present value of the monthly payments, based on a payment stream of nine years,⁵³ is approximately \$54.6 million.⁵⁴ Thus, the total value of the child and spousal support awards for 2017 is approximately \$56.5 million.⁵⁵ After deducting the estimated value of support payments not actually received, the estimated value of actual child and spousal support payments is approximately \$37.5 million.⁵⁶

Additional Economic Benefit from Affirmative Litigation of Disputes Against Other Individuals, Companies or Employers Was Estimated to Be \$21.0 Million. For 2017, IOLA data indicates awards obtained through affirmative litigation of civil disputes, including equitable distribution of assets in matrimonial matters and judgments in landlord/tenant and employment matters, to be approximately \$21.0 million.⁵⁷

III. The 2018 Civil Legal Services Hearing Demonstrated the Impact of Judiciary Civil Legal Services Funding, Continuing Unmet Need and Efforts to Expand Access to Justice

Following the posting of public notice on OCA's website, Chief Judge Janet DiFiore conducted the ninth annual hearing on civil legal services at the Court of Appeals on September 24, 2018.⁵⁸ Joining the Chief Judge in presiding over the hearing were Chief Administrative Judge Lawrence K. Marks and the Presiding Justices of the four Appellate Departments: First Department Presiding Justice Rolando T. Acosta, Second Department Presiding Justice Alan D. Scheinkman, Third Department Presiding Justice Elizabeth A. Garry and Fourth Department Presiding Justice Gerald J. Whalen. Completing the panel was New York State Bar Association President Michael Miller.

A total of 14 presenters offered remarks at the hearing, and eight individuals and organizations submitted written statements.⁵⁹ The 2018 hearing's oral and written presentations add to the extensive evidence from hearings in previous years. Presenters at the Chief Judge's hearings have historically included business leaders, state and local government officials, District Attorneys, labor leaders, medical providers, educators, religious leaders, judges and clients. All of them addressed the critical need for JCLS funding to bridge the access-to-justice gap for low-income New Yorkers in every part of the State. Presenters at this year's hearing included business leaders, local government officials, judges, bar leaders, educators and clients of JCLS grantees; they provided fresh evidence of the continuing and urgent need for governmental funding for civil legal services and described innovative approaches to help close the justice gap in our State.

Chief Judge Janet DiFiore opened the hearing by describing the historic success of the Permanent Commission:

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[, t]hanks 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.⁶⁰

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

[W]e 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[s] 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 the 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.⁶¹

Chief Judge DiFiore concluded by reiterating her commitment to close the justice gap:

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.⁶²

The Unmet Need for Civil Legal Assistance for Low-Income Families and Individuals in all Areas of the State Persists. Several presenters underscored the fact that, although much progress has been made in addressing the need for civil legal services, much more remains to be done.

Roger Juan Maldonado, Esq., President, New York City Bar Association and partner, Smith, Gambrell & Russell, LLP, reported on the vast unmet need for legal services in consumer debt matters, and the consequences that the lack of representation in these cases has on low-income New Yorkers. He prefaced his comments by noting that in 2017, consumer debt filings in the Civil Court of the City of New York increased by almost 62% over the prior year:

In 2017, only 3.5% of defendants in consumer credit actions filed attorney answers, closely approximating the 3.8% attorney answer rate for 2016.... In the approximately 47,000 consumer cases filed in 2016, nearly 19,000 cases, 40%, ended in default judgments.

...

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 Yorkers' limited wages and assets which, in turn, threatens their ability to secure the "essentials of life," such as housing, basic income and personal safety.⁶³

Stuart J. Mitchell, President and CEO, PathStone Corporation, described the need for highly skilled counsel in housing matters, particularly in areas of the State where there is no Housing Court and tenants' remedies are extremely limited:

The story of [two individuals who lost their housing due to lack of access to legal representation] highlight[s] 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.... [T]enants confronting eviction must be guaranteed a right to counsel.... The tenant's 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.⁶⁴

Implementation of the Strategic Action Plan in Suffolk County is Bridging the Access-to-Justice Gap. Under the leadership of Administrative Judge C. Randall Hinrichs, the Suffolk County Access to Justice Committee was formed in 2017. Two members of that Committee, Myra E. Berman, Esq., Associate Dean for Academic Affairs and Associate Professor of Law, Touro Law Center, and Laurette D. Mulry, Esq., Attorney in Charge, Suffolk County Legal Aid Society, Inc., reported on the Committee's work, from assessment to creation of a model resource center at the Middle Country Library. Ms. Mulry discussed the unique demographics of Suffolk County:

We are a large and diversely populated county with over 1.5 million residents.... We are also a geographically challenging area.... We encompass some 912 square miles and... [have] areas that are both densely populated and rural.... We also serve very distinct populations.... Suffolk County is home to the highest number of veterans in the State, [and]... 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....⁶⁵

Ms. Berman brought attention to the numerous barriers faced by low-income individuals that impede their access to existing social and legal services in the community:

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,... 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 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.⁶⁶

Ms. Mulry noted that individuals in need generally lack the knowledge to navigate the legal system on their own but, just as crucial, providers are unfamiliar with each other's services and are unable to direct individuals to the organizations that potentially could address their needs:

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,... even though we have many necessary resources in place, there is a lack of a nexus or network to coordinate efforts.... [W]e ourselves as providers lack the requisite knowledge of each other's programs so that we can make effective referrals. We realized that collaboration is imperative and that we need to centralize information and resources.⁶⁷

This need to centralize information and resources led to the creation of the Community Legal Help Project at the Middle Country Library, which offered a range of social and educational services, but did not provide any legal assistance. Ms. Berman enthusiastically described how the Project functions at the library:

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... the scope of services that [are] available on [that] 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.⁶⁸

Ms. Mulry added:

[It] 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.⁶⁹

The Community Legal Help Project in Suffolk County makes clear that the provision of legal information can make all the difference for those who have legal problems. Neil Steinkamp, Managing Director, Stout Risius Ross, LLC and Consultant to the Permanent Commission, explained that promoting these services raises community awareness of the availability of effective assistance, which is one of the overall goals of the access-to-justice effort:

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.... We’re looking to develop that kind of awareness.... 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 pervasive, sustained awareness of the availability of effective assistance.⁷⁰

Guiding Principles Have Been Developed to Help Localities Plan and Implement Local Access-to-Justice Action Plans. Mr. Steinkamp explained that:

[T]he Permanent Commission has come to better understand the factors critical for local [access-to-justice] planning to start and to be sustained. Working with local judicial and community leadership and other stakeholders, the Permanent Commission has identified guiding principles for developing, implementing and sustaining strategies to expand access to justice locally and statewide.⁷¹

Mr. Steinkamp articulated six principles that should be considered by localities that are engaged in planning and developing targeted initiatives. These are: establish effective leadership; develop strong relationships with diverse stakeholders and form local collaborations; create and sustain pervasive awareness of the availability of effective assistance; consider “effective assistance” as a spectrum of resources and services; implement ongoing evaluation processes and efforts to ensure sustainability; and consider the impact of optimism and enthusiasm on planning.⁷²

Mr. Steinkamp reported that the Commission “is now working closely with stakeholders at the statewide and local level, such as in Suffolk and Monroe Counties, to develop [local access-to-justice] initiatives designed to lead the State toward the vision of 100% effective assistance.”⁷³

The vision of the Permanent Commission is that if all New York counties are developing and implementing local... strategic 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,... the goal of 100% effective assistance is possible and can be achieved [in New York State].⁷⁴

Investing in Civil Legal Services Stabilizes Lives and Communities and Produces Significant Economic Returns. Mr. Mitchell identified housing as a bedrock issue in any discussion of access to justice. He described how the lives of two families whom PathStone assisted were dramatically disrupted following eviction from their homes. Mr. Mitchell opined that if these individuals and families had access to information and legal assistance at the outset, the spiral of misfortune could have been avoided or at least mitigated.⁷⁵

In response to the Chief Judge’s inquiry whether the investment of public dollars in civil legal services for housing matters is good economic and social policy, Mr. Mitchell replied unequivocally:

the amount of money we’ll be spending on [tenants who have been evicted] 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.... [T]he 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 [endorse].⁷⁶

Mr. Maldonado reinforced the importance of legal assistance generally and for consumer debtors, their families and their communities:

[T]he Judiciary’s commitment to funding civil legal services has been and will continue to be a game changer for the... civil justice providers in New

York. [Funding civil legal services] translates into healthier and more stable communities, homes and families.⁷⁷

...

Studies show that... represent[ation] 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 lawsuits [include] the working poor[,],... immigrants[,],... survivors of intimate partner violence....⁷⁸

Finally, Mr. Steinkamp offered his economic analysis that investing in civil legal services provides substantial economic benefits to the State:

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.... 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 Commission's strategic action plan, each dollar of current funding is likely to have an even greater impact.⁷⁹

New York City's Universal Access Law is a Bold Opportunity to Expand Civil Legal Services that Are Beneficial to Both Litigants and to the Housing Court. Jordan Dressler, the Civil Justice Coordinator, Office of Civil Justice, New York City Human Resources Administration, spoke extensively about the application of the Universal Access Law, the early stages of its implementation, and the benefits that are already occurring. Mr. Dressler noted that:

Not only is [it] preventing homelessness before it occurs... 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.⁸⁰

...

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.⁸¹

When asked about the economic benefits of the Universal Access Law, Mr. Dressler responded that, while analysis has not yet been undertaken in this early stage of implementation:

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.⁸²

Judge Anthony Cannataro, Administrative Judge, Civil Court of the City of New York, of which the Housing Court is a part, led off his remarks about the new program by describing its main goals from the viewpoint of the Judiciary:

Of the many benefits to be derived from expanded legal services for tenants in Housing Court who cannot afford their own lawyers, 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 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 [over]emphasized.⁸³

Judge Cannataro described some of the visible benefits of improved outcomes for litigants and greater court efficiency:

[T]here [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.⁸⁴

Judge Jean T. Schneider, Citywide Supervising Judge, New York City Housing Court, echoed and amplified many of Judge Cannataro's observations and conclusions, noting that "our court is improving by leaps and bounds as a result of this program."⁸⁵

One example that Judge Schneider described is the way that an increase in tenant representation can help address some of the injustices that can occur in the hallways of Housing Court, outside the observation of judges and court personnel:

Housing Court has been criticized in the press and elsewhere, I believe somewhat deservedly, for having a toxic hallway culture.... Now there are scores and scores of new lawyers representing tenants in every borough, and those lawyers are taking fairness into the hallways.⁸⁶

Business Leaders Addressed the Critical Need for Legal Services, the Key Role that Corporations Can Play in Narrowing the Justice Gap, and the Reason Corporations Care about Access to Justice. John F. Schultz, Esq., Executive Vice President, Chief Legal & Administrative Officer and Secretary, Hewlett Packard Enterprise Company, eloquently described the commitment that many companies have to society:

More and more companies have come to the understanding that they 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."⁸⁷

Mr. Schultz went on to explain why access to justice is important from a business standpoint:

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.... They trust the Judiciary, notwithstanding all the things that currently exist that would give people reason to distrust the system.... Business depends on a justice system which allows employees, employers, and consumers to be confident in their legal rights.⁸⁸

He concluded:

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.⁸⁹

Technology is Essential to Make Access to Legal Services More Readily Available to Those in Need. Several speakers addressed the importance of technology in expanding and improving access to justice. Mr. Schultz framed the issue as follows:

[T]he 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.⁹⁰

Ms. Mulry described technology as being one of “three key points” to advance access-to-justice initiatives. She noted that “technology is imperative to be able to put these resources together in a platform that is user friendly for all.”⁹¹

The Presentations by Legal Services Clients Demonstrate the Profound Impact of the Legal Assistance that They Received. Clients from Dutchess, Erie, Kings, Nassau and Warren Counties described the life-changing help they received in resolving critical problems that they could not successfully have addressed without legal representation:

Julianne White, a client of the Legal Aid Society of Northeastern New York, was accompanied at the hearing by her emotional support dog, Fiona. Ms. White’s ex-husband passed away in 2015, and soon afterwards her anxiety and depression

developed to the extent that both her counselor and her physician recommended an emotional support animal. However, her former landlord denied her request for reasonable accommodation to have Fiona in her apartment.

With the help of the Legal Aid Society, Ms. White successfully filed housing discrimination complaints against the landlord and eventually reached an agreement under which her landlord was required to allow her to reside in the apartment with her support animal, to compensate her for out-of-pocket expenses, and to make systemic changes in evaluating requests for reasonable accommodations. Without legal assistance, she said she would not have had the courage to fight on and succeed: "I am happy with the ending. I would not have had the same result without Legal Aid's assistance."⁹²

Ismael and Janet Villalta, immigrants from El Salvador, were clients of Nassau Suffolk Law Services (NSLS). When the working-class couple bought a home in 2005, they were not, in their own words, sophisticated enough to understand financial terms such as "adjustable rate mortgage" or "interest index," nor were they properly informed by their lender of the risks and pitfalls associated with such a mortgage. As Mr. Villalta explained, back then, "I didn't realize something was wrong when I was never able to speak to the lawyer the mortgage broker assigned me."⁹³ According to him, the customer service agent even laughed at them for being ignorant. Before they found out that their interest rate could go up to 20% or more, their house was at risk of being foreclosed.

Because of the work of Ms. Vivian Storm, an attorney at NSLS whom the couple called "an angel," they were able to fight off unreasonable charges and get their house back. In his presentation, Mr. Villalta pointed out how hard it was to get effective legal assistance: "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."⁹⁴ Their lives were forever changed thanks to NSLS and Ms. Storm, who explained to them the illegality of the foreclosure counselor charging upfront fees. But more often, Ms. Storm was simply there for them so that they did not feel alone: "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 [to El Salvador] when my phone rang. It was Ms. Storm."⁹⁵

Corinna Carrillo, a mother of three and a former client and current board member at Legal Services of the Hudson Valley, spoke from personal experience about the importance of free legal assistance for victims and survivors of domestic violence and their children. For 12 years, Ms. Carrillo was married to an abusive man who, at one point, placed a handgun to her head and told her he would kill her. She was at the darkest moment of her life with no one to turn to: "I knew I had to leave him for good but wasn't sure where to get help."⁹⁶ Everything changed when she contacted Legal Services.

As Ms. Carrillo told the panel, "[Legal Services] helped me and my children escape and survive years of domestic violence. Without the help they provided me, I would never be where I am today, and probably would be dead." In praising the wonderful work of her attorney, Ms. Carrillo emphasized that those in need of help should

have access to free legal assistance: “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.”⁹⁷

Tasha Moore, a mother of five, was a client of Neighborhood Legal Services in Buffalo, where she lives. Ms. Moore was recovering from an addiction and also suffered with mental health issues. Despite being clean for 11 years, she encountered many barriers and challenges while struggling to become a productive member of society. When she came off public assistance, the government claimed she had been overpaid benefits and sought to recoup those benefits. She went to Legal Services for help. Working closely with Neighborhood Legal Services, Ms. Moore was able to alleviate the strain of her financial situation.

Since that time, Ms. Moore has successfully graduated from community college, received a Bachelor’s Degree from Buffalo State University, and started working toward her Master’s Degree. Ms. Moore stated: “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 Neighborhood Legal Services.” She concluded: “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.”⁹⁸

Altagracia Tejada is a resident of Brooklyn who moved to New York from the Dominican Republic 17 years ago. In 2003, her apartment building in Sunset Park was sold to a new landlord who began asking Latino tenants to leave. He indicated that he did not want Latinos living in the building and asked them to sign a form indicating their citizenship status with their lease. Ms. Tejada explained that her landlord was relentless in bringing rent-stabilized Latino tenants to Housing Court. He brought Ms. Tejada to Housing Court six times between 2010 and 2017. The landlord would refuse to cash rent checks and then bring a case for non-payment of rent. The stress of her landlord’s pressure campaign made Ms. Tejada physically ill and caused financial hardship.

After Ms. Tejada’s repeated attempts to contact local neighborhood organizations and the local press, she began working with The Legal Aid Society to organize the other tenants to inform them of their rights. Together, they filed a group action and were able to obtain a court order against the landlord for his discrimination and unlawful tactics. Ms. Tejada said: “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.”⁹⁹

IV. Implementation of the Strategic Action Plan is Moving the State Closer to Providing Effective Assistance to 100% of Low-Income New Yorkers in Need

In 2017, the Permanent Commission engaged in a planning process to develop a strategic action plan, with the goal to provide effective assistance to all low-income New Yorkers facing civil legal challenges impacting the essentials of life.¹⁰⁰ Effective assistance contemplates the availability of a broad spectrum of services, ranging from informational services through full representation, to address an individual's needs most appropriately. At the outset of the planning process, the Permanent Commission undertook a statewide inventory and assessment to identify the priority areas that would form the basis of the action plan.¹⁰¹

Eight statewide priority areas were identified, including the need for greater integration of diverse community stakeholders that would, among other things, prevent the escalation of issues into court matters.¹⁰² The assessment process repeatedly showed that community providers tend to work in separate "silos," unaware of the other services and organizations in their communities. This works to the significant detriment of those they are seeking to assist, who may not get referred to the most appropriate services to meet their needs.¹⁰³

The strategic action plan was finalized in December 2017 and includes both statewide and local initiatives that seek to ensure the provision of effective assistance.¹⁰⁴ Throughout 2018, the Permanent Commission has been engaged in implementing the plan. Significant accomplishments have been made to date. Most importantly, a statewide stakeholders meeting was convened that brought together diverse community stakeholders to share knowledge, strategies and best practices for community integration and collaboration.¹⁰⁵ Additional statewide initiatives that address barriers faced by unrepresented litigants are being implemented by the court system's Office for Justice Initiatives (OJI), under the direction of Deputy Chief Administrative Judge for Justice Initiatives Edwina Mendelson.¹⁰⁶ At the local level, initiatives are underway in Suffolk and Monroe Counties, which focus on stakeholder integration and collaboration.

A. Local Community Integration and Collaboration Efforts

Suffolk County Pilot. As part of the year-long strategic planning process in 2017, the Permanent Commission chose to establish a geographic pilot in Suffolk County to develop a local strategic action plan to serve as a model for similar efforts in communities around the State.¹⁰⁷ The process began with a comprehensive assessment of available services and resources and of the barriers and gaps impacting access to them. Then a strategic action plan was developed under the leadership of Administrative Judge C. Randall Hinrichs. With an emphasis on collaborations among community stakeholders, the plan focuses on three areas: legal representation, community access points and outreach.

Since early 2018, great strides have been made in implementing key elements of the action plan. These include:

- Creation of a comprehensive Resource Guide that has been widely disseminated to community stakeholders and is posted on the website of the 10th Judicial District, Suffolk County.
- Establishment of a pro bono project—a collaboration among Nassau Suffolk Law Services, Touro Law School and the Suffolk County Bar Association—to assist lawful permanent residents who are seeking citizenship. Discussions are underway to locate this project within a public library in the County.
- Development of the Community Legal Help Project, a unique collaboration of seven legal services providers with the Middle Country Library System. This Project provides on-site attorneys at the library one day a week to provide brief advice in areas of law involving the essentials of life. Plans are underway to expand this Project to additional libraries in other areas of the County. Further discussion about this initiative can be found in Part B of this Report.
- Ongoing development of a communication plan that aims to create pervasive community awareness of the importance and availability of legal services by distributing outreach materials to targeted stakeholder groups who provide assistance to, or are points of contact for, those in need.

Monroe County Pilot. Building on the momentum and success in Suffolk County, the Permanent Commission helped launch a second pilot in Monroe County in March 2018, under the leadership of Administrative Judge Craig Doran. Six working groups, consisting of diverse community stakeholders, were established to undertake an assessment of the critical needs and gaps in services in the County, and to propose initiatives that would address those needs and gaps. These working groups are: the Community Justice Council; Town and Village Courts; Prevention; Legal Needs Assessment; Resource Directory; and Housing. Significant progress has been made to date: the Community Justice Council has been established, with its first meeting held on October 25, 2018; an online records pilot for the Town and Village Justice Courts has been proposed; and a broad variety of other initiatives that have the potential to expand access to justice have been identified. Further discussion about these initiatives can be found in Part B of this Report.

B. Statewide Initiatives

The following statewide initiatives were included in the strategic action plan and currently are being implemented.

Annual Statewide Stakeholders Meeting. To advance community integration statewide, the Permanent Commission convened its second Statewide Stakeholders Meeting on October 1, 2018 at the State Bar Center in Albany, bringing together diverse stakeholders to share knowledge, strategies and best practices for developing local access-to-justice plans.¹⁰⁸

The event exceeded expectations, in large part due to the tremendous support and active participation of the court system's leadership, including Chief Judge Janet DiFiore; Presiding Justice of the Appellate Division, Third Department Elizabeth Garry; Deputy Chief Administrative Judge for the Courts Outside New York City Michael Coccoma; Deputy Chief Administrative Judge for Justice Initiatives Edwina Mendelson; seven Administrative Judges from judicial districts outside New York City;¹⁰⁹ and non-judicial court executives. Other stakeholders included law school administrators and faculty, bar leaders, legal services providers, community and social service organization representatives, government officials and agency representatives, and librarians.

The program opened with remarks from the Chief Judge, in which she focused on the critical importance of civil legal services in New York and of collaborations to expand those services. She was followed by a panel discussion on the local efforts in Monroe and Suffolk Counties. Administrative Judges Craig Doran (7th Judicial District) and C. Randall Hinrichs (10th Judicial District, Suffolk County), joined by Commission Members Sheila Gaddis and Hon. Fern Fisher, discussed the lessons learned from developing a local access-to-justice plan, including the importance of judicial leadership. Next were presentations by four court leaders on collaborations and initiatives currently underway in Albany, Erie, Tompkins and Westchester Counties. The breadth of these efforts is impressive and provides a framework for building more formalized local structures that will ensure greater coordination and collaboration among stakeholders to address the access-to-justice gap.

A lunchtime presentation by consultant Neil Steinkamp focused on the Permanent Commission's guiding principles for developing, implementing and sustaining a local access-to-justice plan. Participants were provided with a written document, created specifically for the meeting and available on the Permanent Commission's website, detailing each of the guiding principles.¹¹⁰ In the afternoon, participants had the opportunity to join with colleagues from their county or similar geographic regions to consider the guidelines as they brainstormed about initial steps for their communities. There was a high level of engagement in all the breakout sessions, creating an excitement and momentum to move local efforts forward.

Following the meeting, Administrative Judges from every judicial district outside New York City agreed to take the lead in initiating a strategic planning process to develop a local access-to-justice plan in their districts. Initial stakeholder meetings are currently being planned.

The statewide action plan, including the Suffolk County and Monroe County pilots, creates the framework for the Permanent Commission's continued work to close the justice gap in New York. The Permanent Commission will continue to provide overall supervision of local efforts and serve as the statewide umbrella entity to coordinate and oversee implementation of the objectives of the strategic action plan throughout the State.

Full-Service Representation. During 2018, the Permanent Commission continued its support of civil legal services providers in their efforts to achieve efficiencies in the provision of full-service representation. The Technology Working Group advanced initiatives that leverage technology to expand the productivity and capacity of providers, including a webinar series created by the Pro Bono Law Firm IT Initiative (see *infra* at 41) on a range of technology assessment and related topics. In addition, the Permanent Commission is monitoring the implementation of the Universal Access Law to determine how it might serve as a model for replication in other parts of the State for housing or other litigated matters impacting the essentials of life.

Plain Language Court Materials. Based on the Permanent Commission’s 2017 recommendation,¹¹¹ the court system established a Plain Language Committee, chaired by Judge Mendelson. The Committee has focused on developing pilot projects that would test processes for implementing plain language forms and related documents, and would provide guidance on best practices statewide. In addition, full-day training sessions on plain language skills development are being offered to court administrators and other non-judicial personnel who are directly involved in drafting a variety of court documents.

Broad Self-Help Informational Services. Help Centers are available in numerous courthouses around the State, providing invaluable legal and procedural information to unrepresented litigants in civil, family, housing and surrogate’s matters. In its 2017 report, the Permanent Commission recommended that Help Centers be expanded statewide.¹¹² In 2018, under the supervision of Judge Mendelson and OJI, the court system opened a new Help Center in Kings County Surrogate’s Court and has plans to open two additional centers in the Surrogate’s Courts in Bronx and Erie Counties in January 2019.

Judicial and Court Staff Education. The strategic planning process identified the need for judges and court staff to understand the barriers faced by the unrepresented when navigating the courts on their own and recommended that the court system consider implementing educational programming on issues related to cultural competency.¹¹³ In 2018, the court system, through OJI, developed a program on implicit bias, which was offered to judges statewide during the 2018 summer continuing judicial education seminars.¹¹⁴ The Third Judicial District also offered a program entitled “Not so Blind Justice: Implicit Bias and the Legal System” for its judges and law clerks; plans are underway to offer the training to all court managers there in 2019.

Role of Nonlawyers. The Permanent Commission has long been a proponent of using trained nonlawyers to provide informational assistance to individuals in need.¹¹⁵ In 2018, two additional Legal Hand neighborhood storefront centers were opened in the Bronx, with another center planned to open in upper Manhattan in 2019.

Limited-Scope Representation. The Permanent Commission continues its support and encouragement of the use of limited-scope representation to serve low- and moderate-income individuals when confronting civil legal challenges.¹¹⁶ In response to our recommendations, in 2018, the Administrative Board of the Courts issued, for public comment, proposed guidelines that aim to instruct attorneys about the rules, ethical opinions and court orders addressing limited-scope representation.¹¹⁷ The guidelines were prepared by OJI in collaboration with the New York State Bar Association.¹¹⁸ The Permanent Commission submitted written comments and suggestions in support of the proposed guidelines.¹¹⁹

Technology Capacity. The strategic planning process reinforced the essential role of technology in expanding the capacity of the civil legal services community, particularly in simplifying access to available resources and services, and in providing integration among existing systems. Two critical elements were highlighted for development: (1) consistent and uniform data content and form standards; and (2) a statewide knowledge-management strategy.¹²⁰ The agenda for the 2018 Statewide Technology Conference provided ample opportunities for stakeholders to learn about and discuss these two elements. Continued discussions on these topics will be included in the programming for future conferences.

V. Other Non-Monetary Initiatives Have Been Implemented to Help Bridge the Justice Gap

In previous reports, the Permanent Commission proposed numerous non-monetary recommendations aimed at expanding access to justice for low-income New Yorkers that have been implemented as part of the Chief Judge's civil legal services initiative. Many of these could not have been accomplished without partnerships among the Judiciary, legal services providers, the private bar and New York's law schools. Since 2017, those partnerships have expanded to include, among others, community and social service organizations, local governments, public libraries and legal technology firms. The key non-monetary recommendations that have been implemented since our first report in 2010, in addition to those discussed in the prior section, include:

Legislative and Court Policy

- Adoption by the Legislature of our proposed concurrent resolution proclaiming it to be the State's policy that low-income New Yorkers facing legal matters concerning the essentials of life have effective legal assistance;¹²¹
- Amendment to the Code of Judicial Conduct clarifying that judges may make reasonable accommodations for unrepresented litigants to have their matters fairly heard;¹²²
- Development of an online dispute resolution (ODR) pilot program by the court system to evaluate the efficacy of ODR to help bridge the access-to-justice gap;¹²³

- Implementation of an Administrative Order by the Chief Administrative Judge declaring it to be the policy of the court system to support and encourage the practice of limited-scope representation in appropriate civil cases;¹²⁴

Pro Bono Efforts to Increase Access to Justice

- Amendment of Section 6.1 of the New York Rules of Professional Conduct that increased the recommended annual pro bono service for New York lawyers from 20 to 50 hours;¹²⁵
- Establishment of mandatory reporting of pro bono activities and financial support for civil legal services providers as part of biennial attorney registration;¹²⁶
- Revision of a court rule to permit and encourage in-house counsel who are admitted out-of-state to register in New York for purposes of performing pro bono work;¹²⁷ and
- Support for three additional, major non-monetary access-to-justice initiatives announced by then-Chief Judge Jonathan Lippman to expand pro bono legal services:
 - Adoption of the 50-hour pro bono service requirement for law graduates seeking admission to the New York bar;¹²⁸
 - Formation of the Pro Bono Scholars Program, which enables law students to spend their final semester performing pro bono service and permits them to take the bar examination in February, prior to graduation;¹²⁹ and
 - Establishment of the Attorney Emeritus program, to encourage attorneys who are retired or are approaching retirement to provide pro bono legal assistance to low-income New Yorkers;¹³⁰

Law School Involvement

- Commencement of an annual Law School Conference and establishment of the Statewide Law School Access to Justice Council, which have led to enhanced access-to-justice involvement by New York's 15 law schools and promoted collaborations with civil legal services providers, the bar, courts and community organizations;¹³¹

Technology Initiatives to Expand Access to Justice

- Commencement of an annual Statewide Technology Conference to promote and support knowledge sharing and collaboration in order to leverage technology to improve and expand the capacity of the civil legal services delivery system;¹³²
- Implementation and expansion of the Pro Bono Law Firm IT Initiative, which provides law firm IT staff to assess the technology needs of individual civil legal services providers and makes recommendations for enhancing and improving technology;¹³³

- Support for the development of two pilot projects to create online intake portals in consumer matters to facilitate the dissemination of information and access to legal assistance;¹³⁴

Role of Nonlawyers

- Formation of an advisory committee to consider how nonlawyers can help bridge the justice gap, leading to the issuance of an administrative order authorizing creation of Court Navigator pilots in which community members are trained to assist unrepresented litigants in certain matters;¹³⁵
- Opening of five Legal Hand neighborhood storefront centers that are staffed with trained community nonlawyer volunteers who provide free legal information, assistance and referrals to help resolve issues and try to prevent problems from turning into legal actions;¹³⁶ and
- Development of a training program for librarians from public libraries statewide on online and community resources to enable them to assist library users seeking information about legal problems.¹³⁷

PART B

Recommendations for 2019

Based on the Chief Judge’s hearing in September 2018 and our work over the past year, the Permanent Commission makes these recommendations for action:

Funding

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

Strategic Action Plan Initiatives to Help Close the Justice Gap

The Permanent Commission will continue to implement the strategic action plan, with the goal to provide effective assistance to 100% of low-income New Yorkers confronting civil legal challenges affecting the essentials of life, through the following additional recommendations:

- Continue expansion of full-service representation in matters affecting the essentials of life;
- Support and promote the importance of resource planning for individual legal services programs, including funding to strengthen internal operations and infrastructure, and to support statewide and regional collaborative efforts aimed at expanding the capacities of the overall delivery system;
- Establish a Pilot Remote Help Center in a judicial district with a large rural area where there are challenges traveling to a courthouse;
- Create informational videos, to be made widely available, to prepare unrepresented litigants for their court matters so that they can better understand what documents they need to bring to court and what to expect in the courtroom;
- Continue implementation of the Suffolk County local access-to-justice plan to help close the County’s justice gap, including expansion of the Community Legal Help Project, a unique collaboration of legal services providers and the Middle Country Library. Information about the County’s initiatives should be shared broadly to help inform similar efforts in other communities around the State;

- Establish a pilot project in select Town and Village Courts in Monroe County to test the efficacy of online access to civil court records and its impact on the delivery of legal services in the County;
- Support and promote Monroe County’s Community Justice Council—which aims to engage community stakeholders in ongoing dialogue and collaboration with the courts to address barriers that impede access to the civil justice system to cultivate community trust—and seek replication of the Council in other parts of the State; and
- Enhance the Permanent Commission’s website to serve as the central repository of information and resources on its past and ongoing work, including implementation of the strategic action plan and development of local access-to-justice initiatives.

Law School Involvement

- The work of the Statewide Law School Access to Justice Council and the annual Law School Conference should continue, with special attention to increasing student involvement in public interest work that helps New Yorkers confronting challenges to the essentials of life. Law schools should continue to promote opportunities for student participation in advancing social justice, as well as broaden student recruitment from diverse populations; and
- Law schools should continue to strengthen the educational pipeline through collaborations with legal services organizations and the private bar, including corporations and in-house counsel, to ensure increased experiential, clinical and externship opportunities for underrepresented students.

Technology Initiatives

- Support for the integration of technology into the legal services delivery system should be continued and expanded, including the Pro Bono Law Firm IT Initiative, the two online Consumer Law Help Finders and other online screening and intake projects; and
- A Statewide Technology Conference to promote collaboration and innovation to improve the delivery and efficiency of civil legal services should continue to be held on an annual basis, with the agenda for the 2019 Conference to focus on advancing the technology priorities identified in the strategic action plan, including discussions about statewide and regional planning for large-scale innovative technology that can integrate programs and services.

As described below, continued funding at the present level, in combination with the Permanent Commission’s continued implementation of its strategic action plan and recommended non-monetary initiatives, will enable New York State to continue its progress toward providing effective assistance to 100% of low-income New Yorkers when facing civil legal challenges to matters affecting the essentials of life.

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

Evidence before the Permanent Commission documents a vast, continuing need for civil legal services for low-income New Yorkers. In our previous reports, and again here, we have demonstrated that the access-to-justice gap negatively affects low-income New Yorkers, adversely impacts the functioning of the courts and increases litigation and other costs for represented parties such as private businesses and local governments.

We have presented independent analyses showing that funding civil legal services is a sound public investment that brings federal benefits into the State. When low-income families and individuals are able to spend these additional federal benefits on goods and services in their communities, it stimulates the state and local economies and saves government expenditures on state and local public assistance and emergency shelter.¹³⁸ Most importantly, these analyses prove that civil legal services change lives, by preventing evictions, providing safety from domestic violence, and helping children gain access to the healthcare and education that they need to thrive. To achieve the best possible outcomes, some individuals will require full representation.¹³⁹

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

Although last year JCLS grantees helped many more New Yorkers than in the previous year,¹⁴⁰ evidence before the Permanent Commission substantiates a continuing unmet need and confirms that despite significant progress, more must be done to close the access-to-justice gap. Data suggests that the number of unrepresented litigants statewide remains unacceptably high, with percentages in particular case types, such as child support and consumer debt, near or above 90%.¹⁴¹

In addition, despite modest economic recovery over the last several years, the number of New Yorkers living in poverty statewide remains extremely high. According to the United States Census Bureau, an estimated 6.15 million New Yorkers (32% of the State's population) were living below 200% of the federal poverty level in 2017.¹⁴² Percentages are even higher in some upstate cities, such as Buffalo (53%), Rochester (57%) and Syracuse (56%), which have not benefited from the economic recovery and where poverty is among the worst in the nation.¹⁴³ The ten New York counties with the greatest number of people living in poverty, excluding the five counties of New York City, are, from highest to lowest: Erie, Monroe, Suffolk, Westchester, Nassau, Onondaga, Orange, Rockland, Albany and Oneida.¹⁴⁴

Other poverty indicators show the high percentage of poverty in New York. Lack of food security is a significant indicator of poverty, and the U.S. Department of Agriculture reports that as of 2017, the three-year average percentage of New York State residents living in households that are “food insecure” or lack access to enough nutritionally adequate food for an active, healthy life—stands at 10.9%.¹⁴⁵ In several upstate metropolitan areas, the percentages are significantly higher: Rochester, 25.9%; Syracuse, 24.8%; and Buffalo, 24%, with some zip codes within those cities well over 30%.¹⁴⁶ In New York City, an estimated 14.9% of the population is “food insecure.”¹⁴⁷ Throughout the State, the percentage of people living in “very low food secure” households—defined to include households with disrupted eating patterns and reduced food intake due to lack of monetary and other resources for food—is 3.9%.¹⁴⁸

Another significant poverty indicator is the size and continued growth of the homeless population. Between 2007 and 2017, although homelessness nationwide decreased in 36 states,¹⁴⁹ it increased in the District of Columbia and 14 states, including New York, which had the largest increase in the country, rising by 43%.¹⁵⁰ The Office of the State Comptroller has reported that communities in nearly every corner of the State are confronting homelessness daily, particularly in Nassau and Suffolk Counties, which have the third-largest homeless populations nationwide.¹⁵¹ In 2017, about 89,500 people in New York State were living in shelters or on the street on a given night.¹⁵² In New York City, where most of the State’s homeless population is concentrated, homelessness has risen 82% since 2007, including an approximate 39% increase in street homeless population from 2016 to 2017.¹⁵³

To meet the ongoing legal needs of low-income New Yorkers, the Permanent Commission recommends that state funding be continued and sustained at the current level of \$100 million for the 2019–2020 fiscal year, during which time the Permanent Commission will continue to implement its strategic action plan (as described in the next section of this Report), with the goal to provide effective assistance to 100% of those in need.

The Permanent Commission is greatly encouraged by the implementation of the Universal Access Law. This legislation is the first in the nation to guarantee access to counsel for all tenants at 200% of the poverty level or less who are facing eviction from their homes. The Permanent Commission will continue to monitor the statute’s implementation to determine how the law might serve as a model for replication throughout New York State for housing or other litigated matters impacting the essentials of life.

II. Statewide and Local Strategic Action Plan Initiatives Should Continue to Be Implemented and Expanded with the Goal to Provide Effective Assistance to 100% of Low-Income New Yorkers in Need

The Permanent Commission has devoted the last two years to developing and implementing a strategic action plan, with the goal to provide effective assistance to 100% of New Yorkers in need. As noted in last year's report, implementation is an ambitious endeavor that will require a multi-year commitment. To further address the priorities included in the strategic action plan, the Permanent Commission recommends that the following initiatives be implemented in 2019:

Full-Service Attorney Representation Should Be Expanded. The Permanent Commission reaffirms once again the critical importance of full-service attorney representation for low-income individuals in matters affecting the essentials of life and renews its commitment to increase the availability of full-service representation and to achieve efficiencies in the provision of such services.¹⁵⁴

Resource Planning Should Be Undertaken. The Permanent Commission has identified resource planning as a priority to be addressed in its action plan.¹⁵⁵ Resource planning encompasses the development of a long-term strategy for ensuring the availability of sufficient resources to provide a broad spectrum of assistance for 100% of those facing civil legal challenges impacting the essentials of life.

To offer this range of services to the greatest number of individuals at the program level, civil legal aid providers must expand their capacity. This requires strong internal operations and infrastructure to support the provision of direct services, including appropriate technology, supervision, effective financial oversight, case management systems, and the recruitment, retention and development of a diverse legal aid workforce that better reflects the community it serves.

On the statewide level, infrastructure needs to go beyond individual organizations and embrace statewide, regional and collaborative efforts that strengthen the capacities of the overall delivery system. These needs include large-scale technology innovations that can integrate programs and services across organizations to build a better, more effective client experience. They also include the provision of training, support and substantive law technical assistance to legal aid staff, as well as leadership training development and expanded diversity efforts at the statewide level. To accomplish these broad-scale efforts, statewide planning will be needed. The topic of statewide or regional technology planning should be explored at the 2019 Statewide Technology Conference to be convened by the Permanent Commission.

The Commission recommends that all civil legal aid funders should consider this full spectrum of provider needs in formulating and awarding grants. Civil legal aid providers should also allocate and seek funding for their essential internal

operational needs. Taken together, these recommendations will strengthen the civil legal services delivery system and allow for the expansion of effective legal assistance for all New Yorkers.

A Pilot Remote Help Center to Facilitate Access to Informational Assistance Should Be Established. During its year-long strategic planning process, the Permanent Commission repeatedly heard from stakeholders across the State, particularly in rural areas where travel distances to the courthouse are great and public transportation is limited, that the inability to get to a courthouse is a significant barrier to justice. To address this barrier, the Permanent Commission examined remote service models in Alaska and New York's 4th Judicial District where geographic distances present access challenges.

Alaska's toll-free telephone helpline and self-help website provide unrepresented litigants with information, forms and assistance to enable them to handle their court matters, which is critical to access in a state where most of the population does not live near a courthouse. Alaska's virtual help center operates from a single location, staffed by four trained non-lawyer court employees supervised by an attorney, who is the Director of Alaska's Self-Help Legal Services. The telephone helpline staff offer informational consultations and guide callers to court materials and forms. If the caller has internet access, the telephone staff can co-browse the self-help website with the caller or email them forms and information. When appropriate, callers are provided with follow-up contact information for the staff member who assisted them. Referrals to legal and social services organizations and government agencies may be provided, and interpreters are available if the need presents. For litigants who can access a courthouse, the Alaska court system, in partnership with Alaska Legal Services, provides public access computers in six courthouses.

New York's 4th Judicial District, which comprises 11 counties, includes expansive rural regions that encompass the area north of the Capital Region to the Canadian border. Each county has a court-based public access library, with only three staffed by librarians. To assist litigants in accessing court and legal information, public access computer terminals have been installed in all county courthouses and are equipped with a dedicated "patron phone line" that connects to a law librarian based at a different location. While on the phone with the litigant, a law librarian can guide the caller through the CourtHelp website to locate relevant information and online court forms.

Based on the salutary impact of telephone assistance for litigants in Alaska and New York's 4th Judicial District, the Permanent Commission recommends that the court system consider piloting a Remote Help Center to provide telephone assistance for unrepresented litigants in a judicial district with a large rural area. The Pilot Remote Help Center would expand access to existing court and other resources by: (1) providing court and procedural information responsive to an unrepresented caller's court matters (with additional calls to the same staff member

if possible); (2) directing a caller to online information, forms and/or court documents; and (3) potentially providing referral information for legal, social or court services.¹⁵⁶

Informational Videos Should Be Created to Prepare Unrepresented Litigants for Court. Unrepresented litigants arriving in court for the first time can easily feel overwhelmed. They may not even be certain of why they are in court, what the risks are, what documents they needed to bring, or even the basics of how to navigate the courtroom or where and to whom to ask questions. This lack of familiarity with the proceedings and the process in turn presents a challenge to the court and delays action as the judge must take time to explain an individual's rights and what is expected of the individual.

In today's social media-driven world, people are less inclined to read a printed informational booklet than to watch a brief informational video on their smartphone. (Statistics indicate that the vast majority of the population has a smartphone.¹⁵⁷) Accordingly, a short video, as brief as five to seven minutes, available on the court system's website, could be impactful in preparing unrepresented individuals for court. A link to the video could be made available from other sources as well, or even sent to a litigant from the court if an email address is provided. A wide variety of subjects would lend themselves to this treatment, from how to prepare a petition or serve a summons, to what papers to bring to court, to what to expect in the courthouse.

The large number of unrepresented individuals who appear in Family Court, Surrogate's Court, City Court or District Court would particularly benefit from these videos. Some videos could be used throughout the State, while some would need to be tailored for a specific locality.

It is recommended that the first video be created for use in Suffolk County Family Court, focusing on how to start a proceeding to obtain child support. The video may cover the following: the role of the Support Magistrate, the forms necessary to start the proceeding, how to serve court papers and what documents need to be produced in court. A team of court administrators, providers and court users will work together to prepare the video and provide a transcript of the content, so both can be made available on the court system's web site and other appropriate locations.

The Permanent Commission's Website Should be Enhanced. Through its extensive work, the Permanent Commission has produced numerous reports, studies and guidance materials, as well as has helped initiate and implement innovative programs, to expand access to justice. An enhanced website, containing these significant documents, as well as in-depth information about the Permanent Commission's work, would benefit those across the State or the country who wish to review or learn from the Permanent Commission's accomplishments and initiatives.

While resources are now being developed by the Commission to enable immediate knowledge sharing among local strategic action plan projects, the Commission website ultimately should become an easy-to-navigate repository for stakeholders to find the various tools and information on programs being developed throughout the State to expand access to justice.

A user-friendly site, organized in a way that makes it simple to learn about the history, mission, and work of the Commission, is an important tool in our access-to-justice work, providing valuable information and assistance to those interested in delving deeper into ways to enhance civil legal services.

The Suffolk County Community Legal Help Project Should Continue to Be Expanded and Serve as a Model of Collaboration for Replication Throughout the State.

Throughout the strategic planning process in Suffolk County, two themes emerged: (1) service providers tend to work in separate “silos,” unaware of the other entities and services that exist within their communities; and (2) the development of stakeholder collaborations is essential to overcome this tendency and to ensure that those seeking assistance are able to obtain the most appropriate and effective assistance to meet their needs.¹⁵⁸ The resource center service delivery model (frequently referred to as a “one-stop-shop”) addresses these issues, by co-locating a variety of government, community and social services providers in one place, with all the providers being aware of the other services provided onsite and able to make effective referrals. Several such resource centers exist in Suffolk County and the Access to Justice Committee explored the role of these centers in expanding access to justice.

The Middle Country Library is home to a large, robust community resource center that offers educational and informational services in numerous subject areas, including healthcare, housing, family matters and immigration.¹⁵⁹ In addition, it performs extensive public outreach to community residents. The Suffolk County Access to Justice Committee recognized that these services could be complemented by integrating legal services into the resource center through a collaboration with local legal services providers. Both the library staff and providers embraced the opportunity to join together and create a project to better serve community residents and expand access to justice.

In June 2018, the Community Legal Help Project (CLHP) began operation, providing screening, referral and brief legal services to community members at the Centereach branch of the Middle Country Library. The collaboration, which initially included the library and four legal services providers, quickly grew to include seven legal providers (Nassau Suffolk Law Services, Touro Law School, Legal Aid Society of Suffolk County, Suffolk County Bar Association, Long Island Advocacy Center, Empire Justice Center and Victim Information Bureau of Suffolk). Each provider is available to be on-site at the library at least once per month to accommodate the legal needs of callers. A full-time coordinator, who is an attorney at Nassau Suffolk Law Services, oversees the Project.

As of November 1, 2018, 369 individuals from 60 Long Island communities have contacted the Project, with more than 100 of them being scheduled for a meeting with an attorney and the remaining offered either legal information or a referral where appropriate. The most common matters for which assistance is sought are family (divorce, custody and support), housing and financial (bankruptcy, debt collection and taxes).¹⁶⁰

Given the apparent need and high demand for the services, plans are currently underway to expand the Project to other libraries. It is anticipated that additional stakeholders will join the collaboration as word continues to spread about the Project.

Based on the success of the CLHP to date, the Permanent Commission recommends that the Project be expanded to include additional stakeholders as well as to add new locations in the County. Further, information about the Project should be shared broadly with other stakeholders developing local initiatives to help inform similar efforts around the State.

The Monroe County Community Justice Council Serves as a Model for Breaking Down Barriers to the Justice System and Should Be Considered for Replication in Other Parts of the State. Each day, thousands of poor and low-income New Yorkers interact with the court system as litigants. In civil matters, where there is no right to counsel, these individuals must represent themselves if they are unable to access free or pro bono legal services. The Permanent Commission's strategic planning process evidenced the numerous barriers facing unrepresented litigants who appear in the courts, including the complexity of court processes and procedures, and the general misconceptions of race, ethnicity and poverty that may affect the treatment of litigants.¹⁶¹ Such impediments can significantly impact litigants' trust and confidence that the courts will resolve their issues fairly and impartially.

Through its strategic action plan, the Permanent Commission sought to address these issues and concerns by recommending statewide initiatives to make the courts more user friendly for the unrepresented and ensuring that judges and court staff are educated about issues related to cultural competence, including implicit bias and the impact of poverty.¹⁶² In Monroe County, the Leadership Team built upon those recommendations by creating a Community Justice Council (CJC) that will engage community stakeholders in an ongoing dialogue and collaboration with the courts to address barriers that impede access to the civil justice system and to cultivate trust and confidence in the judicial system.

The CJC, co-chaired by the Administrative Judge and the President and CEO of The Legal Aid Society, has started out with approximately 40 members, representing various segments of society, including members of the public, private attorneys, legal services providers, judges, health care and business communities, clergy, government, community and advocacy groups, social services agencies, non-profit organizations, funders, educators, unions, libraries and the media. This broad stakeholder membership will ensure a forum for raising and discussing issues and

concerns, as well as serve as a vehicle for exchanging information, ideas and projects. The CJC held its first meeting on October 25, 2018 and plans to meet quarterly going forward.

The Permanent Commission will work closely with the Monroe County Leadership Team and the CJC and will share its progress with other local access-to-justice initiatives around the State. Given the enthusiasm and commitment in the Monroe County community, we anticipate that the CJC will accomplish its goal of fostering a higher level of trust between the community and the justice system, as well as serve as a model for replication throughout New York.

Town and Village Justice Courts Online Records Pilot Should Be Established. To ensure full and complete access to justice, both litigants and attorneys need to be able to consult court records in a timely fashion. For most civil courts throughout the State, these records are available at the county clerk's office and/or on the court system's website. However, court records for the over 1,200 Town and Village Justice Courts located throughout the State are available only at the court location. While these courts, constitutionally, are part of the Unified Court System (UCS), they are funded and administered not by the State (as are all other UCS courts), but by the individual localities. As such, they are all independent, with facilities and operations dictated by their individual resources.

Many of these courts, often located in remote, rural areas, are open only for extremely limited hours during the week and have limited staff, making obtaining court records challenging. And, where consulting court records for emergency cases, or for cases that have a short timeframe for response, this lack of immediate availability can mean that litigants may not be able to obtain timely representation, or can face a needless loss of housing, costly debt collection judgments or other losses. The failure to have these court records generally available creates a true barrier to justice.

The Town and Village Working Group of the Monroe County Leadership Team identified this issue as its highest priority. Not surprisingly, to address this issue, the group suggests the implementation of a unified, centralized online civil courts records system for the Justice Courts. However, currently, these courts do not share a common network. Establishing a centralized system presents challenges, including complex computer and electronic issues, variations in local court practices, interconnecting the local courts to a wider network, cost considerations and an extended timeline for the development of such a system.

The Permanent Commission agrees with the Working Group as to the importance of obtaining these court records in a timely and easy manner and, therefore, recommends that a pilot project be conducted within the Monroe County Justice Courts to make court records available online. To start, the pilot could be implemented in three Justice Courts—a limited-volume court, a mid-size court and a large-volume court. The court system's Department of Technology would need to provide the critical expertise to place the court documents online, taking into account issues raised by inclusion of confidential personal information. Going forward, court clerks would scan incoming documents, so that they could be

available online, without charge, on the court system’s website. An evaluation process would be developed to determine the effectiveness of the pilot and its viability for expansion.

Additional Local Access-to-Justice Initiatives Should Be Promoted and Supported. The Statewide Stakeholders Meeting provided the opportunity to learn about the extensive access-to-justice initiatives currently underway, as well as strategies and best practices for replicating similar efforts in other areas of the State.¹⁶³ Throughout the day, stakeholders shared their experiences and knowledge, and brainstormed about closing the justice gap in their communities. The enthusiasm was palpable and energized the stakeholders to continue their dialogues and efforts locally.

Following the meeting, the administrative judges from every judicial district outside New York City agreed to take the lead in initiating a strategic planning process for a designated county within their district. Liaisons from the Permanent Commission have been assigned to support these efforts, including providing guidance on initial steps; initial stakeholder meetings are already being planned. Regarding efforts in New York City, a meeting is being scheduled to determine how best to move forward there. The Permanent Commission will promote and support the development of these initiatives, the impact of which will expand the reach of the strategic action plan and move the State closer to reaching its goal of providing effective assistance to 100% of low-income New Yorkers in need.

III. New York’s 15 Law Schools Are Continuing Their Significant Work to Expand Access to Justice for Low- and Moderate-Income New Yorkers and to Broaden Access to Law School and the Legal Profession

On May 15, 2018, the Permanent Commission held its Seventh Annual Law School Access to Justice Conference at the Elisabeth Haub School of Law at Pace University.¹⁶⁴ Permanent Commission Chair, Helaine M. Barnett, welcomed New York’s law school community, including deans, faculty, Pro Bono Scholars and law students, representatives of the Judiciary and legal services providers, and members of the bar.

The Law School Conference is a singular opportunity for New York’s legal community to focus on the law schools’ role in helping to meet the civil legal needs of low-income New Yorkers. Addressing the attendees, Chief Judge DiFiore remarked that this annual 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.”¹⁶⁵

Fordham University School of Law Dean Matthew Diller, Chair of the Permanent Commission’s Law School Involvement Working Group, introduced the Conference theme, “Strengthening the Access to Justice Pipeline.”¹⁶⁶ 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 diversify the student body, and by extension, the legal profession.

Pace University President Marvin Krislov, a national champion for broad educational access, used his welcome address to suggest that law schools engage in intra-university collaborations to expand interdisciplinary service delivery models, addressing homelessness with mental health services, as well as employment and educational counseling. President Krislov noted that such collaborations could yield innovative solutions to societal issues that cannot be resolved easily through legal channels alone.

Interim Dean Horace Anderson of the Elisabeth Haub School of Law at Pace University characterized the most pressing issue for law schools as the education of students to advocate for, and work to assure, access to justice for New York's vulnerable residents. Dean Anderson noted that his law school endeavors to address that issue through its range of clinics, which includes offering legal assistance to victims of domestic violence, individuals in the criminal justice system, immigrants and applicants for asylum, and disabled people. Dean Anderson described the Pro Bono Scholars program as pivotal in supporting students who serve the underrepresented and serving as an important pipeline to legal services work.

As explained by CUNY School of Law Dean Mary Lu Bilek, moderator of the Pipeline Plenary Panel, access to justice means access to the legal profession; a just and civil society depends not only on access to the legal system but also equal and fair access to legal education. Law schools have the critical role of preparing students to serve community needs, and that means that students from underserved communities must have access to law school. It is imperative that law schools recruit and nurture a broad cross-section of students. Strengthening the pipeline will help to diversify law schools and, by extension, the legal profession.

Adriene Holder, Attorney-in-Charge of the Civil Practice for The Legal Aid Society, identified a pressing need for lawyers from diverse backgrounds to serve people in poverty. Demand is increasing both for civil legal services lawyers who can provide direct services and those who can serve in management roles in legal aid organizations. It is incumbent upon the law schools to prepare students for legal services careers. 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 of a legal education. Students from underrepresented groups, many of whom have high levels of debt, are often drawn to legal or public services positions. Mr. Taylor reported that black first-year law students are the least likely to attend schools with high bar-passage and post-graduation employment rates. A sampling of statistics presented the stark reality: black students submit approximately 2,300 applications for every 1,000 black student admissions;¹⁶⁷ white students submit about 1,400 applications for every 1,000 white student admissions.¹⁶⁸

Regrettably, the loan-forgiveness programs available for graduates who pursue public service work, as well as other programs that incentivize law graduates to work for non-profits or government, are in jeopardy under the current federal administration.

James O’Neal, Co-Founder and Executive Director of Legal Outreach, Inc., champions and effects change in the composition of the law school population through education and expanding access to education. 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 provides 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.

With the current level of JCLS statewide funding and the increased funding in New York City, particularly to support the Universal Access Law, legal and public service opportunities for law students are growing. Jordan Dressler, New York City’s Civil Justice Coordinator, highlighted the expanding opportunities for young, creative lawyers to influence the evolution of housing law and practice, and to serve people in need over the decades to come.

In concluding the plenary discussion, Dean Bilek charged the Conference participants with developing recommendations in their Work Groups on how the legal community can systematically strengthen the pipeline to ensure the vitality of the legal profession and efficacy of legal education.

Before the Conference participants joined their Work Groups, Helaine Barnett and Neil Steinkamp provided an update on the Permanent Commission’s strategic action plan, including the local pilots underway in Suffolk and Monroe Counties.

This year’s four Conference Work Groups addressed the importance and urgency of strengthening the pipeline to expand access to law school and the legal profession. They focused on the: (1) methods to promote and increase educational and experiential opportunities for law students in legal services work; (2) role of the Pro Bono Scholars Program in expanding access; (3) role of the law schools in educating and preparing students to become public interest attorneys, particularly housing practitioners and advocates; and (4) approaches that law schools are taking to protect immigrants in our communities.

Based on the work of the 2018 Conference participants, the Permanent Commission makes the following key recommendations that are intended both to inform the law schools’ efforts to improve access to justice for low-income New Yorkers facing civil legal challenges to life’s essentials and to strengthen the pipeline to law schools and the legal profession:

The Annual Law School Conference Should Be Continued. The Conference promotes collaborations and communications among the law schools, the Judiciary, the legal services providers and the bar. It is a singular opportunity for meaningful discussion 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.

The Statewide Law School Access to Justice Council Should Continue to Support Law School Efforts to Expand Access to Justice. This can be accomplished through programming to strengthen the pipeline to law school and by developing methods to evaluate the impact of the Pro Bono Scholars program and to track the career paths of Pro Bono Scholars.

Law Schools Should Work with Legal Services Providers and the Private Bar, including Law Firms, Corporations and Non-Profit Organizations to Formalize and Broaden Programs and Opportunities for Local High School and Undergraduate Students to Interact with Law Schools and the Legal Profession. 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.

Law Schools Should Continue to Broaden Admissions Criteria and Commit to Increase 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.

Law Schools Should Continue to Develop Clinical, Externship and Experiential Opportunities to Expand Access to Justice. Clinical, externship and experiential opportunities should be expanded 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 for effective representation of individuals confronting access to justice issues. Public funding for legal assistance and heightened activism about social justice issues has created new and exciting opportunities for students and graduates to become public interest and legal services lawyers, which law schools should encourage.

Law Schools and Public Interest Organizations Should Enhance Their Coordination in the Recruitment Process. Enhanced coordination is necessary to facilitate hiring as early as possible during the academic year to maximize employment options for students and ensure a strong applicant pool for legal services work.

IV. Effective Technology Initiatives that Can Increase Access to Justice and Further Leverage Resources for the Delivery of Civil Legal Services to Low-Income New Yorkers Should Be Supported

Since 2013, the Permanent Commission has focused on the potential role of technology in transforming the delivery of civil legal services to low-income New Yorkers.¹⁶⁹ Its initial research established that civil legal service providers benefit greatly from the effective incorporation of technology into both their day-to-day internal operations and their client service delivery.¹⁷⁰ It further determined that while providers were eager to embrace the latest technology, most of them lacked the knowledge, expertise and funding to do so.¹⁷¹

In 2018, the Permanent Commission's Technology Working Group conducted a second survey of JCLS and IOLA grantee organizations to update its prior findings and provide further support for continued improvements of the civil legal aid delivery system. Like the earlier survey, this year's survey sought information related to spending and staffing policies, training, infrastructure and public-facing online tools. In addition, it requested feedback on current technology projects, as well as technology challenges and aspirations. The findings from the survey, which are detailed in the Working Group's report,¹⁷² demonstrate increased use of and improvements in technology but indicate the need for further advancements, as follows:

- Spending on technology has remained more or less unchanged in the last five years, with the exception of spending on technology staff, which saw a slight increase, and remains below the national average;
- Providers are beginning to embrace strategic technology planning and adopt technology policies, yet one quarter of providers still lack relevant security policies;
- Technology training for staff continues to be a low priority, with the majority of providers providing zero to less than five hours of training; and
- Public-facing technology is being used, mainly through websites and emerging online intake, but is primarily available only in English.¹⁷³

Given resource limitations in the civil legal services provider community, the Permanent Commission continuously has sought to provide access to the expertise and resources necessary to educate providers about the benefits and efficiencies of technology and to help support the integration of technology into client service delivery. The Pro Bono Law Firm IT Initiative¹⁷⁴ was launched to harness the expertise of law firm IT staff to assess the technology needs of individual civil legal services providers and make recommendations for enhancing and improving technology. Five legal service providers participated in and have benefitted from the initial pilot.

Since 2017, the Pro Bono Law Firm IT Initiative expanded its efforts by creating a webinar-based educational series on technology assessment and training topics. Topics have included: infrastructure and office hardware; information security; communications, user support and help desk; data and document management;

and setting priorities and managing implementation. Approximately 25 providers attend each webinar; feedback has been extremely positive and, anecdotally, the webinars have motivated providers to implement improvements to their technology environment.¹⁷⁵ An additional cybersecurity project is under consideration that would assist providers to craft and implement individually tailored policies and practices with the assistance of pro bono IT professionals.

The Permanent Commission also convenes an annual Statewide Technology Conference. This year, the event, which was sponsored with NYSTech,¹⁷⁶ was held on June 19, 2018 at Cornell Tech on Roosevelt Island in New York City. More than 165 executive directors and technology staff from civil legal services providers, as well as representatives from law firms, law schools, funders, technology service providers and court administrators, were in attendance to share innovative ideas that can improve the delivery of civil legal services and the efficiency of provider operations.¹⁷⁷

While showcasing innovative technology and delving into a variety of topics—from integrating technology systems, to developing security policies and procedures, to accessing and analyzing data, to leading technology change management, to investing in knowledge management systems—the Conference emphasized discussion and networking, including Rapid Fire Presentations and Peer-to-Peer Strategizing sessions.¹⁷⁸

As part of the Technology Conference, as well as throughout the year, the Permanent Commission further encouraged the continued development of two online pilot projects, the NYC Consumer Help Finder and the Western New York Consumer Help Finder, for the screening and intake of low-income New Yorkers seeking legal assistance in consumer matters. Both pilots, designed for easy online access to legal assistance for users and reduced intake time for providers, have been rolled out for use and are being monitored for further promotion and expansion. Additional online screening and intake projects were identified from the survey results, including two online intake options offered by Legal Services of the Hudson Valley that increase the efficiency of the intake process; an online intake tool provided by the Volunteer Lawyer Services Project of Monroe County that is being designed to refer intakes automatically to partner agencies; and an online triage system being developed by the Volunteer Lawyer Project of Onondaga County that will direct users to the most appropriate provider in the region.¹⁷⁹

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

Technology Evaluations Should Be Conducted Regularly. The technology surveys undertaken in 2013 and 2017 provided invaluable information and feedback about technology needs and use in the civil legal services community. It is recommended that additional technology surveys and evaluations be conducted on a periodic basis and include, if appropriate, focus groups and other collection tools. The results should be analyzed and disseminated to educate stakeholders and support continued improvements to the civil legal services delivery system.

The Pro Bono Law Firm IT Initiative Should Be Continued and Expanded. The Pro Bono IT Initiative, having proven successful in assisting legal services providers, should be continued, including the webinar-based educational series. Further, the initiative should consider other ways to support the technology needs of the civil legal services community, including through the proposed cybersecurity project. Any additional projects should be appropriately evaluated to gauge quality and impact.

The Developers of the Current Online Screening and Intake Initiatives Should Consult with Each Other Regarding their Respective Projects. The developers of the online screening and intake initiatives should consult with each other about their projects with the goal of making their systems, where technically feasible, compatible with each other. The Permanent Commission should continue to support these and other online efforts, 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.

The Statewide Technology Conference Should Continue to Be Convened Annually. The four technology conferences organized by the Permanent Commission have proven extremely successful in bringing together civil legal services providers from across the State. By meeting with their colleagues and technology professionals, they learn about the latest technological initiatives to maximize efficiency and increase the number of individuals served. The Permanent Commission should continue to convene an annual statewide technology conference, with the goal of encouraging the civil legal aid community to engage in sustained collaboration, best practices development, improved security measures, training, critical analysis and innovative thinking on the enhanced use of technology.

To broaden the impact of the 2018 Conference, it is further recommended that a follow-up webinar be convened to discuss the initiatives that have been worked on or adopted in connection with the goals and challenges articulated at this year's Conference. The Permanent Commission also recommends that the agenda for the 2019 Technology Conference continue to focus on advancing the technology priorities identified in the strategic action plan, including statewide and regional planning for large-scale innovative technology that can integrate programs and services.

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



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

ENDNOTES

- ¹ THE CHIEF JUDGE'S 2018 HEARING ON CIVIL LEGAL SERVICES IN NEW YORK STATE 6:12-7:6 (Court of Appeals, Sept. 24, 2018) [hereinafter 2018 CHIEF JUDGE'S HEARING] (opening remarks of Chief Judge Janet DiFiore) (The transcript of the 2018 Chief Judge's Hearing is at Appendix 5 to this Report).
- ² *Id.* at 5:24-6:10.
- ³ *Id.* at 110:22-111:5.
- ⁴ *Id.* at 5:24-6:2.
- ⁵ N.Y. Legis. Assemb. Res. K1621. Sess. 2009–2010 (2010), <https://www.nysenate.gov/legislation/resolutions/2009/k1621>; N.Y. Legis. Assemb. Res. J6368. Sess. 2009–2010 (2009), <https://www.nysenate.gov/legislation/resolutions/2009/j6368>. The Joint Resolution was adopted by the State Senate on June 29, 2010 and the State Assembly on July 1, 2010.
- ⁶ L. 2018, c. 51 [Judiciary Budget] (signed 4/12/18), <https://www.nyls.org/2018.html>.
- ⁷ See PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK, Appendix 2 (Nov. 2016) [hereinafter 2016 ANNUAL REPORT], http://ww2.nycourts.gov/sites/default/files/document/files/2018-03/2016_Access_to_Justice-Report.pdf.
- ⁸ See 2018-2019 JUDICIARY CIVIL LEGAL SERVICES ALLOCATIONS (Appendix 2 to this Report).
- ⁹ Based on information made available to the Permanent Commission by the Office of Court Administration (OCA), Division of Professional and Court Services, Grants and Contracts Office [hereinafter OCA Information].
- ¹⁰ *Id.*
- ¹¹ The 2016-17 statistics have been updated from last year's report based upon revised data submitted by civil legal services providers to OCA, Division of Professional and Court Services, Grants and Contracts Office.
- ¹² The 2016-17 statistics have been updated from last year's report based upon revised data submitted by civil legal services providers to OCA, Division of Professional and Court Services, Grants and Contracts Office. Further, the slight decrease in the number of cases handled over the prior year was attributable to several factors, including: past grantees that did not apply for funding or requested less funding than prior years; new grantees that were delayed in hiring new staff; grantees who had staff turnover or attorneys on extended sick leave; and an increase in the handling of certain case types, which required significantly more attorney resources.
- ¹³ This slight decrease in the number of cases handled in the Third Department was attributable to a shift of resources to address an increased foreclosure caseload, which required significantly more attorney resources.
- ¹⁴ The slight decrease in the number of cases handled over the prior year was attributable to several factors, including: grantees who had staff turnover or attorneys on extended sick leave; an increase in the handling of certain case types which required significantly more attorney resources; and the implementation of new initiatives which required diversion of resources to these efforts.
- ¹⁵ The slight decrease in the number of cases handled over the prior year was attributable to several factors, including: grantees who had staff turnover or attorneys on extended sick leave; an increase in the handling of certain case types, which required significantly more attorney resources; and the implementation of new initiatives which required diversion of resources to these efforts.
- ¹⁶ See HON. LAWRENCE K. MARKS, 2017 REPORT OF THE CHIEF ADMINISTRATOR OF THE COURTS ON THE STATUS OF FORECLOSURES PURSUANT TO CHAPTER 507 OF THE LAWS OF 2009 9 (2017), <http://ww2.nycourts.gov/sites/default/files/document/files/2018-07/ForeclosureAnnualReport2017.pdf>.
- ¹⁷ N.Y.C. Human Resources Admin., 2016 Annual Report and Strategic Plan 4 (2017).

- ¹⁸ See *N.Y.C., N.Y. Intro. No. 214-B (2017)*, codified at 26 N.Y.C. Admin. Code. Chap. 13. See also *Mayor de Blasio Signs Legislation to Provide Low-Income New Yorkers with Access to Counsel for Wrongful Evictions*, CITY OF N.Y. (Aug. 11, 2017), <http://www1.nyc.gov/office-of-the-mayor/news/547-17/mayor-de-blasio-signs-legislation-provide-low-income-new-yorkers-access-counsel-for#/0>. This legislation is the first in the nation to guarantee access to counsel for all tenants whose income is at 200% of the poverty level or less facing eviction from their homes.
- ¹⁹ N.Y.C. Human Resources Admin., Office of Civil Justice, *Universal Access to Legal Services 4* (2018).
- ²⁰ *Id.*
- ²¹ *Id.* at 2.
- ²² N.Y.C. Human Resources Admin., *2017 Annual Report and Strategic Plan 4, 21* (2018).
- ²³ *Id.* at 4, 19.
- ²⁴ *Id.* at 17, 20.
- ²⁵ *Id.* at 4, 20.
- ²⁶ See *Summary of Economic Benefits and Savings from Civil Legal Savings in New York for Calendar Year 2017: Prepared for the New York State Permanent Commission on Access to Justice*, STOUT RISIUS ROSS, LLC (Nov. 2018) [hereinafter 2018 STOUT REPORT] (Appendix 8 to this Report).
- ²⁷ Stout Risius Ross received information and analysis from IOLA and The Resource for Great Programs, Inc. for this analysis.
- ²⁸ See 2018 STOUT REPORT, *supra* note 26, at 22.
- ²⁹ *Id.* at 20.
- ³⁰ *Id.* at 20, 52. Program funding provided by The Resource for Great Programs according to IOLA data obtained from the fundraising line of the revenue sheet of the Grantee Activity Report. The source of funding is tracked but the precise allocation of funds to specific types of legal services (such as those within the scope of Stout's report) cannot be estimated with available data.
- ³¹ *Id.* at 52, 54.
- ³² *Id.* at 20, 54.
- ³³ *Id.* at 54.
- ³⁴ *Id.* at 22.
- ³⁵ Values derived by The Resource for Great Programs for New York State in 2017 using U.S. Dept. of Commerce RIMS II regional economic multiplier model.
- ³⁶ See 2018 STOUT REPORT, *supra* note 26, at 31.
- ³⁷ See THE TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 23 (Nov. 2013) [hereinafter 2013 ANNUAL REPORT], http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/CLS-TaskForceReport_2013.pdf.
- ³⁸ See THE TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 21 (Nov. 2014) [hereinafter 2014 ANNUAL REPORT], <http://www.nycourts.gov/accesstojusticecommission/PDF/CLS%20TaskForce%20Report%202014.pdf>.
- ³⁹ See 2016 Annual Report, *supra* note 7, at 8.
- ⁴⁰ See PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 7 (Nov. 2017) [hereinafter 2017 ANNUAL REPORT], <http://ww2.nycourts.gov/sites/default/files/document/files/2018-03/2017-ATJ-Commission-Report.pdf>.
- ⁴¹ See 2018 STOUT REPORT, *supra* note 26, at 38-40.
- ⁴² *Id.* at 43.
- ⁴³ *Id.*

- ⁴⁴ This analysis was based on information from The Resource for Great Programs. Stout estimated that 51% of clients were female, based on data found in Furtuny et al., *The Characteristics of Unauthorized Immigrants in California, Los Angeles County, and the United States* Table 9 (2007) [hereinafter FURTUNY]. This table shows the characteristics of foreign-born citizens, legal non-citizens and unauthorized immigrants.
- ⁴⁵ This analysis was based on information from The Resource for Great Programs. Stout estimated that approximately 85% of VAWA clients are women based on program statistics cited in the U.S. Dep't of Justice Office on Violence Against Women, *2016 Bi-Annual Report to Congress on the Effectiveness of the Grant Programs under the VAWA* (2016).
- ⁴⁶ See 2018 STOUT REPORT, *supra* note 26, at 45.
- ⁴⁷ *Id.* at 47, 73.
- ⁴⁸ *Id.* at 45, 73.
- ⁴⁹ This analysis was based on information from The Resource for Great Programs. Stout estimated that 51% of clients were female, based on data found in FURTUNY, *supra* note 44, at Table 9. This table shows the characteristics of foreign-born citizens, legal non-citizens and unauthorized immigrants.
- ⁵⁰ See 2018 STOUT REPORT, *supra* note 26, at 73.
- ⁵¹ *Id.* at 45.
- ⁵² *Id.* at 34.
- ⁵³ The estimated duration of child and spousal support is 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). See Shirley H. Liu, *The Effect Parental Divorce and Its Timing on Child Educational Attainment: A Dynamic Approach*, Department of Economics, University of Miami, 17 (Aug. 28, 2007) (average age of children at divorce is 9), http://moya.bus.miami.edu/~sliu/Research_files/divorcetiming.pdf.
- ⁵⁴ See 2018 STOUT REPORT, *supra* note 26, at 34.
- ⁵⁵ *Id.*
- ⁵⁶ *Id.*
- ⁵⁷ *Id.* at 49.
- ⁵⁸ See NOTICE OF PUBLIC HEARING, THE CHIEF JUDGE'S 2018 HEARING ON CIVIL LEGAL SERVICES IN NEW YORK STATE (Appendix 3 to this Report).
- ⁵⁹ See LIST OF PRESENTERS, THE CHIEF JUDGE'S 2018 HEARING ON CIVIL LEGAL SERVICES IN NEW YORK STATE (Appendix 4 to this Report); WRITTEN STATEMENTS FROM PRESENTERS, THE CHIEF JUDGE'S 2018 HEARING ON CIVIL LEGAL SERVICES IN NEW YORK STATE [hereinafter WRITTEN STATEMENTS] (Appendix 6 to this Report); WRITTEN SUBMISSIONS, THE CHIEF JUDGE'S 2018 HEARING ON CIVIL LEGAL SERVICES IN NEW YORK STATE (Appendix 7 to this Report).
- ⁶⁰ See 2018 CHIEF JUDGE'S HEARING, *supra* note 1, at 5:24-6:10 (opening remarks of Chief Judge Janet DiFiore).
- ⁶¹ *Id.* at 6:12-7:6.
- ⁶² *Id.* at 7:20-25.
- ⁶³ WRITTEN STATEMENTS, *supra* note 59, Statement of Roger Juan Maldonado, Esq., 4.
- ⁶⁴ *Id.*, Statement of Stuart J. Mitchell, at 4.
- ⁶⁵ 2018 CHIEF JUDGE'S HEARING, *supra* note 1, at 69:23-70:20 (remarks of Lorette D. Mulry, Esq.).
- ⁶⁶ *Id.* at 58:22-59:11 (remarks of Myra E. Berman, Esq.).
- ⁶⁷ *Id.* at 73:14-74:11 (remarks of Lorette D. Mulry, Esq.).
- ⁶⁸ *Id.* at 61:24-62:19 (remarks of Myra E. Berman, Esq.).
- ⁶⁹ *Id.* at 74:18-24.
- ⁷⁰ *Id.* at 83:17-84:4 (remarks of Neil Steinkamp).

- ⁷¹ *Id.* at 79:17-23.
- ⁷² WRITTEN STATEMENTS, *supra* note 59, Statement of Neil Steinkamp, 1-5.
- ⁷³ See 2018 CHIEF JUDGE'S HEARING, *supra* note 1, at 79:13-17 (remarks of Neil Steinkamp).
- ⁷⁴ *Id.* at 86:17-25.
- ⁷⁵ *Id.* at 130:15-21 (remarks of Stuart J. Mitchell).
- ⁷⁶ *Id.* at 130:9-21.
- ⁷⁷ WRITTEN STATEMENTS, *supra* note 59, Statement of Roger Juan Maldonado, Esq., 3.
- ⁷⁸ *Id.* at 7.
- ⁷⁹ Written Statements, *supra* note 59, Statement of Neil Steinkamp, 5.
- ⁸⁰ See 2018 CHIEF JUDGE'S HEARING, *supra* note 1, at 22:14-23 (remarks of Jordan Dressler).
- ⁸¹ *Id.* at 25:13-17.
- ⁸² *Id.* at 30:19-23.
- ⁸³ *Id.* at 10:7-19 (remarks of Judge Anthony Cannataro).
- ⁸⁴ *Id.* at 14:18-23.
- ⁸⁵ *Id.* at 35:9-12 (remarks of Judge Jean Schneider).
- ⁸⁶ *Id.* at 35:13-36:3.
- ⁸⁷ *Id.* at 105:12-19 (remarks of John F. Schultz, Esq.).
- ⁸⁸ *Id.* at 109:10-110:3.
- ⁸⁹ *Id.* at 110:22-111:5.
- ⁹⁰ *Id.* at 110:17-22.
- ⁹¹ *Id.* at 75:10-12 (remarks of Laurette D. Mulry, Esq.).
- ⁹² WRITTEN STATEMENTS, *supra* note 59, Statement of Julianne White, 3.
- ⁹³ WRITTEN STATEMENTS, *supra* note 59, Statement of Ismael and Janet Villalta, 1.
- ⁹⁴ *Id.* at 2.
- ⁹⁵ *Id.* at 3.
- ⁹⁶ See 2018 CHIEF JUDGE'S HEARING, *supra* note 1, at 91:14-16 (remarks of Corinna Carrillo).
- ⁹⁷ WRITTEN STATEMENTS, *supra* note 59, Statement of Corinna Carrillo, 1, 4.
- ⁹⁸ See 2018 CHIEF JUDGE'S HEARING, *supra* note 1, at 100:15-23 (remarks of Tasha Moore).
- ⁹⁹ *Id.* at 135:5-10 (remarks of Altagracia Tejada).
- ¹⁰⁰ 2017 ANNUAL REPORT, *supra* note 40, at 21-23.
- ¹⁰¹ The Permanent Commission relied on the Guidance Materials provided by the National Center for State Courts in undertaking the statewide inventory and assessment. Those materials identified key elements, which the Permanent Commission divided into three categories: (1) foundational capacities, i.e., components that need to be developed for the justice system to work well and efficiently, including system design, governance and management, resource planning, technology capacity, triage, referral and channel integration, community integration, prevention and judicial education, and simplification of court procedures; (2) foundational services, i.e., services that must be in place in order for other broader services to be deployed later, including broad self-help informational services, language services integration and plain language forms; and (3) enhancement services, i.e., services that enable many more people to be served throughout the system, including ADR integration, courtroom assistance services, compliance assistance, unbundled or limited scope representation, expansion and efficiency improvements of full service representation, and role flexibility of other

professionals. See National Center for State Courts, JUSTICE FOR ALL STRATEGIC PLANNING GUIDANCE MATERIALS (Aug. 3, 2016) [hereinafter GUIDANCE MATERIALS], <https://www.ncsc.org/~media/Microsites/Files/access/Justice%20for%20All%20Guidance%20Materials%20Final.ashx>.

¹⁰² See 2017 ANNUAL REPORT, *supra* note 40, at 22, 29.

¹⁰³ *Id.*

¹⁰⁴ PERMANENT COMMISSION ON ACCESS TO JUSTICE, JUSTICE FOR ALL STRATEGIC ACTION PLAN (Dec. 2017) [hereinafter STRATEGIC ACTION PLAN], <http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/JFA-Report-122217.pdf>.

¹⁰⁵ *Id.* at 35, 38-39, 74-75.

¹⁰⁶ *Id.* at 40-42, 45-48, 50-52, 75-76.

¹⁰⁷ 2017 ANNUAL REPORT, *supra* note 40, at 23.

¹⁰⁸ NEW YORK STATE PERMANENT COMMISSION ON ACCESS TO JUSTICE, PROGRAM FOR THE 2018 STATEWIDE STAKEHOLDERS MEETING (Oct. 1, 2018) [hereinafter STATEWIDE STAKEHOLDERS MEETING] (Appendix 9 to this Report).

¹⁰⁹ The seven Administrative Judges in attendance were: Judge Thomas A. Breslin, 3rd Judicial District; Judge Vito C. Caruso, 4th Judicial District; Judge Kathie E. Davidson, 9th Judicial District; Judge Craig Doran, 7th Judicial District; Judge Paula Feroletto, 8th Judicial District; Judge Molly Reynolds Fitzgerald, 6th Judicial District; and Judge C. Randall Hinrichs, 10th Judicial District (Suffolk). For information about the judicial districts, see <http://ww2.nycourts.gov/admin/index.shtml>.

¹¹⁰ New York State Permanent Commission on Access to Justice, GUIDING PRINCIPLES FOR LOCAL JUSTICE FOR ALL INITIATIVES IN NEW YORK STATE (Oct. 1, 2018) (Appendix 10 to this Report).

¹¹¹ 2017 ANNUAL REPORT, *supra* note 40, at 29.

¹¹² *Id.* at 29-30.

¹¹³ *Id.* at 30-31.

¹¹⁴ For judges assigned to the Youth Parts, which were created pursuant to recently enacted Raise the Age legislation, attendance at this program was mandatory.

¹¹⁵ 2017 ANNUAL REPORT, *supra* note 40, at 31.

¹¹⁶ PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 33-34 (2015) [hereinafter 2015 ANNUAL REPORT], http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/2015_Access_to_Justice-Report-V5.pdf; 2014 ANNUAL REPORT, *supra* note 38, at 32-33

¹¹⁷ NEW YORK STATE UNIFIED COURT SYSTEM, OFFICE OF COURT ADMINISTRATION, REQUEST FOR PUBLIC COMMENT ON PROPOSED GUIDELINES FOR ATTORNEYS PROVIDING LIMITED SCOPE LEGAL ASSISTANCE TO CLIENTS IN CIVIL MATTERS (June 22, 2018), <https://www.nycourts.gov/LegacyPDFS/RULES/comments/PDF/LimitedScopeRepresentation.pdf>.

¹¹⁸ The Subcommittee on Limited Scope Representation of the New York State Bar Association President's Committee on Access to Justice worked with OJI in preparing the guidelines.

¹¹⁹ Letter from Helaine M. Barnett, Chair, Permanent Commission on Access to Justice to John W. McConnell, Counsel, NYS Unified Court System, Office of Court Administration (Sept. 27, 2018) (on file with Permanent Commission on Access to Justice).

¹²⁰ See STRATEGIC ACTION PLAN, *supra* note 104, at 35, 39-40, 74-75; 2017 ANNUAL REPORT, *supra* note 40, at 31.

¹²¹ N.Y. Legis. Assemb. Res. C776, Sess. 2015–2016 (2015), <http://legislation.nysenate.gov/pdf/bills/2015/C776>. The Concurrent Resolution was adopted by the State Senate and State Assembly on June 18, 2015. The full text of the Resolution reads:

WHEREAS, This Legislative Body, by resolution adopted in 2010 (J.6368 and K.1621), recognized that the fair administration of justice requires that every person who must use the courts have access to adequate legal representation and, accordingly, invited the chief judge of the state to annually report

to the governor and the legislature concerning the findings of his statewide hearings to assess the extent and nature of unmet civil legal services needs, and the work of the Task Force to Expand Access to Civil Legal Services in New York; and

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

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

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

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

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

¹²² In 2012, the Permanent Commission recommended to the Chief Judge a revision to Section 100.3 of the New York Code of Judicial Conduct regarding a judge's duty of impartiality and diligence, to provide that a judge does not violate Section 100.3 by making reasonable efforts to facilitate the ability of unrepresented litigants to have their matters fairly heard. Section 100.3 was subsequently amended in 2015. See N.Y. Comp. Codes R. & Regs. tit. 22, § 100.3(B)(12) (2015). See also 2013 ANNUAL REPORT, *supra* note 37, at 8.

¹²³ See 2013 ANNUAL REPORT, *supra* note 37, at 36-37.

¹²⁴ See 2017 ANNUAL REPORT, *supra* note 40, at Appendix 11.

¹²⁵ Joint Order of the Supreme Court, Appellate Division (Apr. 23, 2013), codified at 22 N.Y. COMP. CODES R. & REGS. tit. 22, § 1200.0 Rules of Professional Conduct, Rule 6.1, <http://ww2.nycourts.gov/sites/default/files/document/files/2018-11/Rule6.1.pdf>.

¹²⁶ Administrative Order of the Chief Administrative Judge of the Courts AO/135a/13 (Apr. 22, 2013), codified at 22 N.Y. COMP. CODES R. & REGS. tit. 22, § 118.1(e)(14), <http://ww2.nycourts.gov/rules/chiefadmin/118.shtml>.

¹²⁷ See Advisory Committee on Pro Bono Service by In-House Counsel in New York State, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK AND THE PRESIDING JUSTICES OF THE FOUR APPELLATE DIVISION DEPARTMENTS (Sept. 2013), <https://ww2.nycourts.gov/sites/default/files/document/files/2018-03/IHC-ProBonoReport.pdf>. The amended rule is N.Y. COMP. CODES R. & REGS. tit. 22, § 522.8 (2015).

¹²⁸ See N.Y. COMP. CODES R. & REGS. tit. 22, § 520.16 (2015).

¹²⁹ The Pro Bono Scholars Program was announced by Chief Judge Lippman in his 2014 State of the Judiciary address. See Pro Bono Scholars Program – A Legal Education Initiative, N.Y. STATE UNIFIED COURT Sys., <http://ww2.nycourts.gov/attorneys/probonoscholars/index.shtml> (last visited Nov. 21, 2018).

¹³⁰ See N.Y. COMP. CODES R. & REGS. tit. 22, § 118.1(g) (2015). See also Attorney Emeritus Program, N.Y. STATE UNIFIED COURT Sys., <http://ww2.nycourts.gov/attorneys/volunteer/emeritus/index.shtml> (last visited Nov. 21, 2018).

- ¹³¹ Reports from the Annual Law School Conferences are at Appendix 15 to the 2012–2015 Annual Reports to the Chief Judge and Appendix 10 to the 2016 Annual Report to the Chief Judge.
- ¹³² See 2017 ANNUAL REPORT, *supra* note 40, at Appendix 10. See also 2014 ANNUAL REPORT, *supra* note 38, at 23-28.
- ¹³³ See 2014 ANNUAL REPORT, *supra* note 38, at 23-28.
- ¹³⁴ *Id.* at 27-28.
- ¹³⁵ Administrative Order of the Chief Administrative Judge of the Courts AO/42/14 (Feb. 10, 2014), <https://www.nycourts.gov/courts/nyc/SSI/pdfs/AO-42-14.pdf>.
- ¹³⁶ 2017 ANNUAL REPORT, *supra* note 40, at 36-37; 2016 ANNUAL REPORT, *supra* note 7, at 30-31; 2015 ANNUAL REPORT, *supra* note 115, at 35-36.
- ¹³⁷ 2017 ANNUAL REPORT, *supra* note 40, at 35-36; 2016 ANNUAL REPORT, *supra* note 7, at 32-33; 2015 ANNUAL REPORT, *supra* note 115, at 34-35.
- ¹³⁸ See 2017 ANNUAL REPORT, *supra* note 40, at 5-8; 2016 ANNUAL REPORT, *supra* note 7, at 5-9; 2015 ANNUAL REPORT, *supra* note 115, at 25-26; 2014 ANNUAL REPORT, *supra* note 38, at 21-23; 2013 ANNUAL REPORT, *supra* note 37, at 23-27; TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 18-25 (2012), http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/CLS-TaskForceREPORT_Nov-2012.pdf; TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 23-29 (2011), http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/CLS-2011TaskForceREPORT_web.pdf; THE TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 20-26 (Nov. 2010), <http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/CLS-TaskForceREPORT.pdf>.
- ¹³⁹ See 2017 ANNUAL REPORT, *supra* note 40, at 27-28.
- ¹⁴⁰ See OCA Information, *supra* note 9.
- ¹⁴¹ See 2015 ANNUAL REPORT, *supra* note 115, at 24. See also WRITTEN STATEMENTS, *supra* note 59, Statement of Roger Juan Maldonado, Esq., at 3-4.
- ¹⁴² *Poverty Status in the Past 12 Months: 2016 American Community Survey 1-Year Estimates*, U.S. CENSUS BUREAU: AMERICAN FACTFINDER (2016), https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_16_1YR_S1701&prodType=table.
- ¹⁴³ *Id.* See also Mark Weiner, *Syracuse's alarming poverty rate keeps rising in 2016: 13th worst in U.S.*, SYRACUSE.COM, Sept. 14, 2017, https://www.syracuse.com/politics/index.ssf/2017/09/syracuses_alarming_poverty_rate_keeps_rising_in_2016_13th_worst_in_us.html.
- ¹⁴⁴ *New York Annual Poverty Report*, NEW YORK STATE COMMUNITY ACTION ASSOCIATION 108-109 (MAR. 2018), <http://nyscommunityaction.org/wp-content/uploads/2018/04/FINAL-VERSION-2018-POVERTY-REPORT-COMplete.pdf>.
- ¹⁴⁵ *State Fact Sheets: New York*, U.S. DEP'T OF AGRIC., https://data.ers.usda.gov/reports.aspx?StateFIPS=36&StateName=New%20York&ID=17854#Pbcda02637c9f46c391e4b906a9665163_2_39i0 [hereinafter USDA STATE FACT SHEETS] (last updated Oct. 26, 2018).
- ¹⁴⁶ See Mark Dwyer, *New Food Insecurity Data Shows the Level of Need in Rochester and Other Communities*, FOODLINKNY (June 21, 2018), <http://foodlinkny.org/new-food-insecurity-data-show-level-of-need-in-rochester-other-communities/>. See also Sarah Taddeo & Ketsia Rodriguez, *Residents in Food-Insecure Neighborhoods Grapple with Tops Closure*, DEMOCRAT & CHRONICLE (Nov. 6, 2018), <https://www.democratandchronicle.com/story/money/business/2018/11/05/residents-food-insecure-neighborhoods-grapple-tops-closure/1857773002/>.
- ¹⁴⁷ OFFICE OF THE DIRECTOR OF FOOD POLICY, NEW YORK CITY FOOD POLICY: 2017 FOOD METRICS REPORT 7 (N.D.), <https://www1.nyc.gov/assets/foodpolicy/downloads/pdf/2017-Food-Metrics-Report-Corrected.pdf>.
- ¹⁴⁸ See USDA STATE FACT SHEETS, *supra* note 145; Alisha Coleman-Jensen et al., *Household Food Security in the United States in 2017*, U.S. DEP'T OF AGRIC. (Sept. 2018), <https://www.ers.usda.gov/webdocs/publications/90023/err-256.pdf?v=0>.

- ¹⁴⁹ See generally NATIONAL ALLIANCE TO END HOMELESSNESS: THE 2016 STATE OF HOMELESSNESS IN AMERICA (2016), <https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness-report/>.
- ¹⁵⁰ *State of Homelessness in America, New York Statistics*, NATIONAL ALLIANCE TO END HOMELESSNESS [hereinafter NEW YORK HOMELESSNESS STATISTICS], <https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness-report/new%20york/> (last visited Nov. 26, 2018).
- ¹⁵¹ NEW YORK STATE OFFICE OF THE STATE COMPTROLLER, HOMELESS SHELTERS AND HOMELESSNESS IN NEW YORK STATE 1 (JUNE 2016), <https://www.osc.state.ny.us/audits/allaudits/093016/16d3.pdf>. See also Wes Parnell & Kenneth Lovett, *State Homelessness Reaches Crisis Level*, N.Y. DAILY NEWS (Nov. 25, 2018), available at <https://www.pressreader.com/usa/new-york-daily-news/20181125/281552291911327>; Nikita Stewart, *Homeless People Outside New York City Are Pushing for More Help*, N.Y. TIMES (Apr. 4, 2018), <https://www.nytimes.com/2018/04/04/nyregion/homeless-people-new-york.html>.
- ¹⁵² NEW YORK HOMELESSNESS STATISTICS, *supra* note 150.
- ¹⁵³ COALITION FOR THE HOMELESS, STATE OF THE HOMELESS 2018, FATE OF A GENERATION: HOW THE CITY AND STATE CAN TACKLE HOMELESSNESS BY BRINGING HOUSING INVESTMENT TO SCALE 5 (Mar. 2018), <http://www.coalitionforthehomeless.org/wp-content/uploads/2018/03/CFHStateoftheHomeless2018.pdf>; N.Y.C. Dep't Homeless Services, HOPE The NYC Street Survey, 2017 Results 5; <https://www1.nyc.gov/assets/dhs/downloads/pdf/hope-2017-results.pdf> (last visited Nov. 28, 2018). In the same period during which street homelessness rose 39% (i.e., February 2016 to February 2017), the number of homeless persons in shelters also rose by nearly 5%. See also COALITION FOR THE HOMELESS, NUMBER OF HOMELESS PEOPLE IN NYC SHELTERS EACH NIGHT, <http://www.coalitionforthehomeless.org/the-catastrophe-of-homelessness/facts-about-homelessness> (last visited Nov. 19, 2018).
- ¹⁵⁴ See 2017 ANNUAL REPORT, *supra* note 40, at 28.
- ¹⁵⁵ *Guidance Materials*, *supra* note 101, at 9.
- ¹⁵⁶ It will be critical to coordinate the range of existing self-help resources (e.g., 1-800-COURTNY; CourtHelp; LawHelpNY) to ensure that the pilot complements, and does not duplicate, such services.
- ¹⁵⁷ See *Mobile Fact Sheet*, PEW RESEARCH CENTER (Feb. 5, 2018), <http://www.pewinternet.org/fact-sheet/mobile/>.
- ¹⁵⁸ STRATEGIC ACTION PLAN, *supra* note 104, at 20, 58-60, 61-62.
- ¹⁵⁹ For general information about the Middle Country Public Library, see MIDDLE COUNTRY PUBLIC LIBRARY, <https://www.mcplibrary.org/about/> (last visited Nov. 20, 2018). Detailed information about the services and programs offered can be found at *MCPL Quarterly: News & Programs at Middle Country Public Library*, Middle Country Public Library (Fall 2018), https://www.mcplibrary.org/wp-content/uploads/MCPL_Quarterly.pdf.
- ¹⁶⁰ Based on information made available to the Permanent Commission by Vivian Storm, CLHP Project Coordinator.
- ¹⁶¹ See, e.g., STRATEGIC ACTION PLAN, *supra* note 104, at 32, 38; 2017 ANNUAL REPORT, *supra* note 40, at 22.
- ¹⁶² See 2017 ANNUAL REPORT, *supra* note 40, at 29-30.
- ¹⁶³ See STATEWIDE STAKEHOLDERS MEETING, *supra* note 108.
- ¹⁶⁴ The Annual Law School Conference seeks to encourage and promote collaborations among New York's law schools, legal services providers, the private bar and the courts. In 2011, a survey of New York's 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 different aspects of law school programs and activities that broaden community access to justice, produced recommendations for further action. This became the model for the Annual Law School Access to Justice Conference. At the 2012 Law

School Conference, Chief Judge Jonathan Lippman announced the 50-hour pro bono work requirement for all law graduates seeking admission to the New York bar. The 2018 Law School Conference Program is contained in Exhibit 1 to the Report of the Permanent Commission's Working Group on Law School Involvement, which is Appendix 11 to this Report. For reports from prior law school conferences, see Appendix 15 to the 2012–2015 Annual Reports to the Chief Judge and Appendix 10 to the 2016 Annual Report to the Chief Judge.

- ¹⁶⁵ Remarks of Chief Judge Janet DiFiore, on file with the Permanent Commission (May 15, 2018).
- ¹⁶⁶ The Statewide Law School Access to Justice Council, established in 2013 based on a recommendation from the 2012 Law School Conference, 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, and serves as the Planning Committee, together with members of the Permanent Commission, for the Annual Law School Conference.
- ¹⁶⁷ See NEW YORK STATE PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT OF THE WORKING GROUP ON LAW SCHOOL INVOLVEMENT (2018), Exhibit 2, at 3.
- ¹⁶⁸ *Id.*
- ¹⁶⁹ See Reports from the Technology Working Group contained in the Appendices of the respective Annual Reports to the Chief Judge: 2017 ANNUAL REPORT, *supra* note 40, at Appendix 10; 2016 ANNUAL REPORT, *supra* note 7, at Appendix 11; 2015 ANNUAL REPORT, *supra* note 116, at Appendix 16; 2014 ANNUAL REPORT, *supra* note 38, at Appendix 16; 2013 ANNUAL REPORT, *supra* note 37, at Appendix 16.
- ¹⁷⁰ See 2013 ANNUAL REPORT, *supra* note 37, at 32-36.
- ¹⁷¹ *Id.* at 32.
- ¹⁷² See NEW YORK STATE PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT OF THE WORKING GROUP ON TECHNOLOGY 3-16 (2018) [hereinafter TECHNOLOGY WORKING GROUP REPORT] (Appendix 12 to this Report).
- ¹⁷³ *Id.* at 4-9, 13-16.
- ¹⁷⁴ See 2017 ANNUAL REPORT, *supra* note 40, at 34; 2016 ANNUAL REPORT, *supra* note 7, at 28; 2015 ANNUAL REPORT, *supra* note 116, at 29; 2014 ANNUAL REPORT, *supra* note 38, at 28. This initiative has been led by Michael Donnelly, Simpson Thacher & Bartlett LLP, and currently includes the involvement of 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. Others involved in the initiative include 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.
- ¹⁷⁵ See TECHNOLOGY WORKING GROUP REPORT, *supra* note 172, at 19-20.
- ¹⁷⁶ NYSTech is a voluntary collaboration of legal services providers from across New York that convenes technology leaders regularly for information sharing and training.
- ¹⁷⁷ See TECHNOLOGY WORKING GROUP REPORT, *supra* note 172, at 20-24.
- ¹⁷⁸ *Id.*
- ¹⁷⁹ *Id.* at 16-18.

