

In The Matter Of:

FIRST DEPARTMENT HEARING - September 29, 2015 v.

*Mayor De Blasio, et.al.
September 29, 2015*

*Supreme Court State of New York - Civil Term
60 Centre Street, Room 420
New York, New York 10007
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UPREME COURT OF THE STATE OF NEW YORK

- FIRST DEPARTMENT -

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HE CHIEF JUDGE'S HEARINGS

N CIVIL LEGAL SERVICES,

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7 Madison Avenue
New York, New York
September 29, 2015

E F O R E:

HONORABLE JONATHAN LIPPMAN,
Chief Judge

HONORABLE LAWRENCE MARKS,
Chief Administrative Judge

HONORABLE LUIS A. GONZALEZ,
Presiding Judge

DAVID MIRANDA, ESQ.,
President of the State Bar Association

RACHEL C. SIMONE, CSR, RMR, CRR
SHAMEEKA HARRIS, CSR, RPR, CLR
Senior Court Reporters

Rachel C. Simone, CSR, RMR, CRR

2 I T N E S S L I S T:

3 HONORABLE BILL DE BLASIO,
4 Mayor of the City of New York

5 JOHN R. SILKENAT, ESQ.,
6 Past President, American Bar Association;
7 Partner, Sullivan & Worcester LLP

8 JOHN SEXTON, ESQ.,
9 President, New York University; Dean
10 Emeritus, New York University School of Law

11 MARTIN LIPTON, ESQ.,
12 Executive Committee Member and Former
13 Co-Chair, Partnership for New York City;
14 Founding Partner, Wachtell, Lipton, Rosen
15 & Katz

16 ERIC WEINGARTNER,
17 Managing Director, Robin Hood Foundation

18 NEIL STEINKAMP,
19 Managing Director, Dispute Advisory &
20 Forensic Services, Stout Risius Ross, Inc.

21 DEBRA L. RASKIN, ESQ.,
22 President, New York City Bar Association;
23 Partner, Vladeck, Raskin & Clark, P.C.

24 SARA E. MOSS, ESQ.,
25 Executive Vice President & General Counsel,
26 the Estee Lauder Companies

19 L I E N T P A N E L:

20 FATIM KAMARA, Client of The Door, a Center for
21 Alternatives, accompanied by Rebecca Wilson
22 Heller, Esq.

23 STACY SNOWDEN, Client of The Legal Aid Society,
24 Harlem Community Law Office, accompanied by
25 Evan Hasbrook, Esq.

26 CASSANDRA WILSON,
Client of Legal Services NYC, accompanied by
Tanya Douglas, Esq.

Rachel C. Simone, CSR, RMR, CRR

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2 JUDGE LIPPMAN: Good morning and welcome to the
3 first Legal Services Hearing of this year.

4 As you know, hearings are held in each of the
5 four judicial departments. This is the first hearing in
6 this beautiful courtroom at 25th Street and Madison Avenue,
7 a place that I have been before and remember sitting in
8 this seat. It is, obviously, a beautiful setting for a
9 very serious topic.

10 I want to introduce Presiding Justice Gonzalez
11 from the First Department sitting to my right, State Bar
12 President David Miranda to the far right, and Chief
13 Administrative Judge Lawrence Marks.

14 I want to say, first of all, that this hearing is
15 central to our efforts in New York to close the justice gap
16 between the finite legal resources that are available and
17 the desperate need for legal services by the poor and
18 people of modest means. There is clearly a crisis in
19 access to justice in this city, this state, and this
20 country. People literally threaten to fall off the cliff
21 in difficult economic times when they are battling for the
22 necessities of life, for the roof over their heads, for
23 their physical safety, for the well-being of the families,
24 for their livelihoods and they cannot afford the cost of
25 legal representation.

26 We recognize in judiciary that equal justice is

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central to our constitutional mission, very much at the heart of it. That's why over these years the Judiciary has put money directly in its budget to support legal services for the poor.

We are very proud of the fact that this year we have \$85 million that we give out directly to legal service providers, by far the most in the country and yet the tip of the iceberg in terms of the needy.

We are very grateful to the Commission, the Permanent Commission on Access to Justice headed by chair Helaine Barnett who is here today.

Helaine, where are you? Thank you.

Helaine does a terrific job, the former president of the Legal Services Corporation. Many members are here today including Bob Sheehan from Skadden Arps and so many others, so many other members of the Commission.

We thank them for their work and for hosting these hearings, for doing a record of the hearings, and then a report in which we determine what monies we need to close the justice gap and what other efforts and new initiatives we will take in the legal services area.

As you know, the reports over the years have shown that legal service entities turn away more people than they can accept. We also know from the Commission's Reports that for every dollar invested in legal services

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for the poor, six dollars are returned to the state, to the economy in reduced social services costs, more federal dollars flowing to New York.

We recognize that money is not in itself the answer, although it certainly made a difference. And pro bono work on the part of the bar is so important. That's why we have our Attorney Emeritus Program to attract attorneys, baby boomers ending careers to do pro bono work. That's why we allow corporate counsel to practice in the New York courts even when they are not admitted here when they are doing pro bono work. That's why we have a 50-hour rule in which no one is admitted to the bar in the State of New York unless they have done 50 hours of pro bono work with the understanding that if the new lawyers, if our aspiring lawyers do not embrace the core values of our profession, then they will not be lawyers in the State of New York; the idea being that the one thing that distinguishes this noble profession is service to others, helping others. That's what lawyers do, and that's what we expect of lawyers in our state.

We are delighted to be here at this hearing. We are attempting to change the landscape for legal services here in New York and around the country to get people to understand that legal services for the poor are as important as everything else we hold dear in our society,

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whether it be housing, hospitals or schools. We don't say that we can't teach our children this year because, Gee, the economy is bad we can't have schools. We don't say that we can't tend to our sick because, Gee, we don't have money this year.

We have to make priorities in our society, in our government, in all of our branches of government. And certain legal services for the poor is, again, equally important to every other thing that we fund, that we nurture, that we feel is so vital to the well-being of our society.

So we have made great progress, but we have a long way to go. These hearings are, again, critical in moving us forward in terms of a civil Gideon, the idea that everyone who is battling for the essentials of life is entitled to a lawyer if they cannot afford one.

You know, on the criminal side of the ledger there is the seminal case of Gideon versus Wainwright that says when your liberty is at stake you are entitled to a lawyer. That case 50 years ago has not been replicated in civil matters where the issues involve the necessities of life. Again, what could be more important than a roof over someone's head? Their safety? Their well-being? Don't they need a lawyer too? That's the point, and that's what we are moving towards. These hearings have about so

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2 helpful, and I am so delighted that in New York State and
3 in New York City we get it and understand it and are doing
4 everything within our power with our partners in
5 government -- the Judiciary, the legal profession -- to get
6 us to that day when everyone has a lawyer who needs one.

7 So, with that introduction, who could be a more
8 spectacular lead-in than the Mayor of the City of New York,
9 Bill de Blasio, who uniquely understands that everyone
10 regardless of their station in life or the size of their
11 pocketbook is entitled to justice and the essentials that
12 every human being should have. He has been a leader in New
13 York City and in this country in the battle to help the
14 most vulnerable in society, the disadvantaged, those who
15 most need our assistance, and to treat them with dignity
16 and respect.

17 I would mention in particular, and I am so glad
18 to see our friend Steve Banks sitting next to the Mayor,
19 how just terrific could he have been in -- and I know he
20 will be talking about it today -- putting monies,
21 consolidating monies for legal services in HRA under
22 Commissioner Banks' leadership that deal with this
23 particularly difficult issue of housing. Evictions can be
24 such a traumatic event for a family, for a human being, but
25 consequences are so grave. And this Mayor, again, has been
26 just so commendable and so wonderful in understanding this

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problem and dealing with it.

I will not embarrass him any more. I will ask him to please provide his testimony. Again, we are so honored you are here with us today.

MAYOR DE BLASIO: Thank you, Chief Judge. And good morning to everyone. I want to thank you for the opportunity to appear before you.

I must say, Chief Judge, I don't think I ever had the honor of being in this particular chamber before. This is a New York City jewel and it is quite striking. So thank you for exposing me to the beauty of our city.

To chief administrative Judge Marks, to First Presiding Judge Gonzalez, and to State Bar President Miranda, thank you to all of you.

Thank you for a chance to speak with you today about the role that civil legal services play in providing access to justice and to update you on New York City's commitment to expanding those services.

I also would like to acknowledge and thank Helaine Barnett, Chair of the Permanent Commission on Access to Justice and all of the Commission members who are in attendance today and have done certain work.

From my team, as you know, Human Resources Administration Commissioner Steven Banks is here and knows a thing or two about the subject matter.

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2 I want to thank as well here in attendance my
3 counsel, Maya Wiley, Special Counsel Henry Berger, and the
4 Chair of the Mayor's Advisory Commission on the Judiciary,
5 Carmen Ciparick. I thank them all for the great work they
6 do for the people of New York City.

7 Chief Judge, we greatly appreciate your ongoing
8 leadership and dedication giving all New Yorkers fair and
9 equal access to our civil justice system. The Task Force
10 to Expand Access to Civil Legal Services that you
11 established in 2010 and your annual allocation of civil
12 services funding in the Judiciary's budget have supported
13 thousands of New York State residents each year who
14 otherwise navigate the State's legal system without
15 representation, including thousands in civil cases here in
16 New York City.

17 It's difficult to overstate the importance of
18 civil legal services. By providing representation to New
19 Yorkers who would otherwise appear alone in court when
20 other parties like landlords are represented, we give New
21 Yorkers fair and equal access to our civil justice system,
22 and in the process we fight poverty and in-equality which
23 are core goals of this Administration. These services help
24 low-income New Yorkers keep a roof over their heads, helps
25 keep families together, helps keep food in the cupboard,
26 things as essential as that. Legal services help children

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1 stay in school and continue in education that otherwise
2 could be disrupted by a loss of a home and a need to move
3 out of their own community. In short, we are helping those
4 who need it most gain and maintain the basic building
5 blocks of a life lived with dignity and security.
6

7 Investing in access to justice is also smart
8 economics. Proof of this can be found in New York Task
9 Force's finding that for every dollar invested providing
10 civil legal services, taxpayers see a return of more than
11 six dollars in federal benefits such as federal disability
12 benefits. These benefits not only improve the living
13 standards of the people who receive them, but lift up local
14 communities as well and put more resources into
15 neighborhood economies.

16 Further, the City sees tremendous savings in
17 averted shelter costs by investing legal services to help
18 prevent evictions, homelessness and domestic violence.
19 Providing legal services also reduces the cost of
20 litigation and increases court efficiency which benefits
21 all litigants regardless of income level.

22 Our commitment to expand civil legal services to
23 more New Yorkers and making those more effective can be
24 seen in the action and investments of my Administration
25 over the past 21 months.

26 One year ago, HRA Commissioner Steve Banks

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1 testified before you regarding my Administration's
2 consolidation of multiple civil legal assistance programs
3 previously spread out across several agencies into a single
4 streamlined operation at HRA. Bringing all services
5 together in this way has enabled the City to utilize
6 existing HRA mechanisms to claim available state and
7 federal reimbursement for legal services, avoid duplication
8 of effort, maximize resources, better address service gaps,
9 evaluate emerging legal needs, and be responsive as
10 possible when emergencies arise.
11

12 My first budget as Mayor of the City of New York
13 for July 2014 through June 2015 allocated an unprecedented
14 level of funding for low-income New Yorkers. That year we
15 spent a total of \$18.5 million to protect tenants facing
16 eviction and harassment by unscrupulous landlords, which is
17 a major cause of homelessness.

18 I will take a moment to note at this juncture to
19 say, and I say this always, the vast majority of landlords
20 do follow the law and do their work appropriately. They
21 treat tenants with respect. But there is also,
22 unfortunately, unscrupulous landlords who have a
23 disproportionate negative effect on their tenants. That's
24 why these legal services is so crucial.

25 In fiscal year 2015, we vastly expanded the
26 anti-eviction tenant protection program. We made a

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2 \$5 million down payment on the creation of our new
3 anti-harassment program for areas that would be rezoned by
4 the City of New York. We focused resources in particular
5 on those areas that would be rezoned. That initiative by
6 fiscal year 2017 will grow to \$36 million a year,
7 specifically focused on areas where there will be land use
8 actions by the City. This program is focused on ensuring
9 that almost 14,000 of our City's low-income residents can
10 stay in the neighborhoods that they built as those areas
11 grow denser and seek considerable investment for the coming
12 years.

13 In my second budget -- the current year's adopted
14 budget, fiscal year now -- I again increased our commitment
15 to fund tenant protection for legal services for low-income
16 New Yorkers, helping to prevent homelessness and disruption
17 in the lives of thousands. This year's budget already
18 includes over \$33 million to help New Yorkers before they
19 are forced to turn to shelter. That is the ramp-up of our
20 efforts to focus on rezoning areas and additional efforts
21 citywide that come with those threatened with eviction.
22 That was the number that we had put in the budget.
23 Yesterday I announced that we are deepening this
24 commitment, we're going further. We're allocating an
25 additional \$12.3 million to the anti-eviction legal
26 services program to be divided among providers already hard

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at work so we can reach more New Yorkers as quickly as possible. This brings the total investment in tenant protection legal services in this year's budget, my second budget, to nearly \$46 million.

Next year in my third budget, fiscal 2017, that number will grow to more than \$60 million annually when you combine all these efforts. \$60 million-dollar annually.

By way of comparison, that is literally more than ten times the \$6 million that was spent as recently as fiscal year 2013.

It is by far the largest initiative of its kind in the nation, enough to give more than 113,000 New Yorkers each year legal services to protect against harassment and unnecessary eviction which also has the benefit of protecting our affordable housing stock, which is a crucial point.

Every time we help somebody legally stay in their rent-stabilized, rent-regulated apartment, it also preserves that apartment as part of our affordable housing supply. It is good for the individual and good for the family, but it has a bigger impact on the availability of overall affordable housing in this City.

It is important to note that these commitments to provide access to justice for low-income tenants are complemented by other major initiatives to prevent

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homelessness. Among them is HRA's new Homelessness Prevention Administration, which includes an Early Intervention Outreach Team that seeks out families and individuals on the verge of losing their home and who could be helped by legal assistance or emergency rental assistance.

Tenant protection is the cornerstone of our initiatives to provide access to justice for low-income New Yorkers, but we are also working on a number of other fronts by investing, for example, \$4.3 million for Executive Action legal assistance programs for immigrants operated by HRA in conjunction with the Mayor's Office and of Immigrant Affairs and CUNY. We are vesting \$3.2 million in comprehensive legal immigration assistance. That will begin to be implement through a new RFP process during this fiscal year. We are investing \$2.1 million for civil legal services for seniors, and \$2.6 million for legal services to secure federal disability benefits for those who are eligible.

When all of these programs are fully implemented in fiscal 1917, New York city will be allocating a grand total of \$74 million annually in our baseline budget to provide access to justice for low-income New Yorkers. No other municipality allocates even a small fraction of what New York City is committing to provide for access to

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1 justice. But given the widespread need, we certainly
2 welcome and support increased Judiciary resources to
3 complement and further leverage our expanding services.
4 This is one of the best investments we can make because it
5 can so clearly change lives for the better and will all be
6 seen across the City.
7

8 For example, Legal Services in New York City and
9 Legal Aid have already received \$5 million through our
10 anti-harassment program, and working together have
11 supported more than 1,100 households in all five boroughs,
12 a number that will dramatically increase in the coming
13 months when the program is fully implemented.

14 In the Bronx, legal providers went to court on
15 behalf of 121 tenants at 111 Gerard Avenue. The landlord
16 there raised the rents in violation of the Rent
17 Stabilization law while also providing leases and letters
18 to tenants stating that the apartments were no longer
19 subject to rent stabilization. After Legal Services and
20 Legal Aid represented the tenants, the landlord admitted to
21 overcharges, and a settlement is underway which will return
22 tenants to their legal rent and restore their rights.

23 In Brooklyn, Legal Aid is representing residents
24 of 702 Rockaway Avenue where the management company divided
25 18 residential units into 55 units while also pressuring
26 tenants to sign a waiver of their rights under the Rent

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2 Stabilization law and neglecting the building until it
3 reached nearly unliveable conditions. When the management
4 company stopped paying the landlord, the landlord then
5 attempted to evict all of the tenants. Legal Aid worked is
6 working to stop these evictions, enforce the tenants'
7 rights under Rent Stabilization, and return the building to
8 an acceptable state of repair for approximately 40 people,
9 including ten children who live there.

10 I also want to express my appreciation and
11 acknowledge the deep commitment of City Council Speaker
12 Melissa Mark-Viverito and the entire City Counsel. They
13 are truly committed to expanding access to justice.

14 In fiscal year 2016, the current fiscal year, HRA
15 is overseeing an additional \$19.1 million in discretionary
16 funding added by the City Council during the budget process
17 for a diverse slate of civil legal services, including
18 family reunification immigration defense, assistance for
19 domestic violence survivors and for veterans, and
20 anti-eviction and SRO legal services among those.

21 I also recently signed a legislation passed by
22 City Council establishing the Office of Civil Justice at
23 HRA to further advance our efforts to provide access to
24 justice civil legal matters. Through this office annual
25 reports on the need for civil legal assistance will be
26 issued allowing us to evaluate quantity and quality of the

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services that are currently available and the volume of need we must still meet.

We recognize that the challenges low-income and vulnerable New Yorkers are facing are complex and deep-rooted. But we know, too, that we have powerful tools at hand to address those challenges and lift up our neighbors who need it most. Every family or individual who can keep their home with the help of legal assistance is spared the trauma of homelessness including the disruption of education, employment, and medical care. The City is spared the expense of emergency shelter services, and together we become a stronger and more just city.

Finally, on a personal note, as your retirement approaches at the end of this year, I want to say what I think a lot of people feel in this city and state. I want to express my tremendous appreciation to you, Chief Judge. You have provided a powerful version of the leadership we need to keep addressing the needs of all New Yorkers. You have been a great voice of conscience. Your commitment to access to justice has been extraordinary as has been your ability to turn that commitment into action. Thousands of our City's low-income families and individuals have you to thank for helping them stay in their home, for helping them to receive unemployment and disability benefits assistance, for helping them escape from domestic violence. On their

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2 behalf, I offer my deepest thanks for all that you have
3 done.

4 JUDGE LIPPMAN: Thank you, Mr. Mayor. I am
5 touched and honored by the remarks. I truly appreciate
6 them and feel good about our efforts. We have a long way
7 to go. I have a little more trouble to make until the end
8 of the year.

9 MAYOR DE BLASIO: We're counting on that.

10 JUDGE LIPPMAN: Let me say, first of all, the
11 array of funding initiatives that you mentioned in your
12 remarks are staggering, as is that \$74 million that in
13 short order will be put into place to commit access to
14 justice.

15 I want to say that this issue was one that -- and
16 I think your testimony shows it. We have had testimony
17 over the years from the Attorney General, the Controller,
18 Cardinal Dolan, the heads of our biggest banks, the heads
19 of our largest business associations, the landlords, the
20 hospitals, from every conceivable part of our society. And
21 the City Council president last year was here testifying.

22 I want to say that the universal support across
23 all lines that we have had has been so wonderful, and I
24 think your testimony today for the great City of New York
25 and all that is involved in running this city and to come
26 here and to spend your time talking about the things that

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2 you did today and to back it up with action is so important
3 and so critical. So let me now ask you a couple of
4 questions.

5 First of all, you have done wonderful things. We
6 think and hope and believe that the state court system has
7 done good things with our partners in government at the
8 state level. As you mention, the City Counsel is doing,
9 you know, lots of good things in relation to access. How
10 do we coordinate these efforts? This is such a heavy lift.
11 You know that there is so much that needs to be done. As I
12 said in my opening remarks, with all the things that
13 everyone has done, more people are turned away by legal
14 service providers than they can accept. How do we make
15 sure that we are not going in all kinds of different
16 directions and that what we are doing is coordinated on the
17 same page, on the same track?

18 MAYOR DE BLASIO: I will turn to Commissioner
19 Banks in a moment, but I will simply say that part of why
20 we consolidated so much of this work under one agency was
21 we recognize that given that there are no perfect
22 resources, it was really important to get them to where the
23 need was greatest. And I think this is work we have to
24 keep doing on many fronts. There are still a lot of
25 things, a lot of areas where we can be more streamlined,
26 more effective, more targeted.

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2 Part of why we made a particular commitment, for
3 example, to fight harassment and eviction is because we saw
4 evidence that that would be an area of sensitivity. We
5 want to get ahead of it. I think that's a particularly
6 efficient use of funding to get to a problem before it
7 begins. So we are striving to make resources go as far as
8 possible to get to where the need is greatest.

9 I will now let the Commissioner talk about some
10 of our efforts to really make sure that the efforts are
11 coordinated.

12 (Continued on next page)

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2 JUDGE LIPPMAN: Pleasure to see you, Commissioner
3 Banks.

4 COMMISSIONER BANKS: Pleasure to see you too. I
5 think to pick up on the Mayor's point, the program that we
6 are clearly focused on are very targeted to, for example,
7 community funding. I think the commitment the City has
8 made, the commitment the Judicial System has made, these are
9 opportunities for us to work on and to coordinate in some
10 fashion to ensure that.

11 JUDGE LIPMANN: You view the Commissioner as one
12 pot, that we have to make sure that it goes to the right
13 place where it's needed. Can we get to that point where we
14 are so in this together that we all understand.

15 COMMISSIONER BANKS: We would love to do that.

16 JUDGE LIPMANN: It goes to the need.

17 COMMISSIONER BANKS: We would love to do that. We
18 had made such a tremendous commitment and we're making a
19 commitment as well.

20 MR. LIPPMAN: For an example, the coordination the
21 Commissioner notes so well is the poverty justice solutions
22 where we are taking young lawyers who are given the last
23 turn of their tenure in law school to all do pro bono work
24 and then through the nation and the City of New York we
25 enable them to continue on to legal service providers as
26 they start their legal careers. That's a perfect example of

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2 how we work together, and I hope that all of the other
3 players in this can sort of parlay it into something that's
4 going to, obviously, serve those needs.

5 COMMISSIONER BANKS: Certainly, the condition of
6 poverty justice, the lawyers to add this muscle assistance
7 to the legal services, and the resources for the Mayor to
8 put it into the budget.

9 JUDGE LIPPMAN: Mr. Mayor, we talk about this big
10 area, this access to justice, the legal services putting
11 money in, how is it actually getting in by vesting money in
12 this particular area? Do we actually effect the fabric of
13 our communities here in New York City?

14 MAYOR DE BLASIO: Absolutely. I had put it through
15 a very human lens here. Just think about a family that is
16 in an affordable apartment, is connected to everything that
17 their neighborhood has to offer, many, many cases, of
18 course, families and friends in the same neighborhood,
19 schools that the child goes to where they have continuity
20 and where they are known and braced. All of that, we all
21 strive for that. We all want that for our families. We
22 want that security and think about what it means for a
23 family to have that suddenly ripped away. It is horrible in
24 any circumstance. It is particularly horrible if it was
25 done illegally. What it means, before you even think about
26 the economic costs, you have to think about the human costs.

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2 You have to think about a child who has to go to a different
3 school. You have to think about a family that's torn away
4 from their loved ones and all of the services that they
5 know, health care services that they know, and then you have
6 to deal with challenges of being in a shelter setting.

7 This is not, what I think, the greatest city in the
8 world. We should not be comfortable with any of our
9 citizens who could be preserved in the home they're in
10 having it slipped away from them because of our scrupulous
11 actions and illegal actions. We have to fight back. The
12 human cost is obvious. We want, for a lot of folks who are
13 in a situation where they may be threatened with eviction,
14 they have a number of challenges already in many cases. We
15 are trying to address those by improving our schools, by
16 increasing the amount of good jobs, quality jobs, available
17 in our city and a number of other problems.

18 That mission of increasing the quality and
19 opportunities that we all face, think about it. Every
20 family that slips out of a decent affordable housing and
21 into a shelter we are taking a step away from that and
22 getting them on the correct path. The notion that someone
23 has profited illegally in the process makes it so much more
24 troubling. That's the human reality. I also always speak
25 up for the taxpayers to say this is -- all that we put into
26 legal services, legal aid services is a tremendous

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2 investment on behalf of the taxpayers because some of the
3 statistics we cited earlier it makes the entire judicial
4 system work better for everyone. It leads to better
5 outcomes. It ultimately -- every time someone is kept in
6 their home, it costs the taxpayers a lot less and for much
7 better and more humane outcomes so there is so much to
8 recommend this investment. It's a huge multiplier of fact
9 and we're very proud that we are making a precedent level of
10 investment and we expect it to improve the quality of life
11 in the City.

12 JUDGE LIPMANN: Mr. Mayor, two more quick
13 questions. I know you have a busy day ahead. You talked
14 before about the investment of the City and it's been
15 terrific. You know what we are seeing today is federal
16 money is drying up for access to justice. From the floor,
17 the Legal Services Corporation, Glenn Barnett, the president
18 of The Door, that's gone from \$375 million to \$300 million
19 for the entire country to support legal services for the
20 poor and it seems to me -- and I know you have the same
21 attitude -- that it places so much of a greater burden on
22 the state and the cities around the country to fund legal
23 services. Can we do it at this level? Should we write off
24 the federal government because it's so much gridlock in
25 Washington that you read about in the papers every day.
26 Where is this going? Is this at the local level of that?

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2 MAYOR DE BLASIO: I appreciate it. That is an
3 essential question. Where is this going? Chief Justice, I
4 would say this, no, we cannot afford to write off the
5 federal government's role. I think there is a difference in
6 being clear about the barriers that exist now and likely
7 will exist for at least several more years versus being
8 willing to say that such an injustice can stand.

9 I think the obligation of all of us, whether it's
10 those of us at the local government or those of you at the
11 judiciary and certainly leaders of the legal profession in
12 general, it is to sound the alarm in Washington and to make
13 clear that we can't have a just country if we don't have
14 federal support for access to representations. There is no
15 way that localities can handle all of the needs on their
16 own. It's just a factual statement.

17 Unfortunately, it parallels a lot of other reality
18 we face. Not so long ago and certainly in the course of
19 both my career and your career it was a common place for the
20 federal government to be deeply involved and expansively
21 involved in affordable housing, in mass transit and funding
22 human education initiatives, research. There is a whole
23 host of areas where there has been a retreat from deep
24 federal role and that is holding back our country. So I
25 would argue it is, in effect, critical to turn that dynamic.
26 I don't think it will happen overnight. I think, as with

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2 most social change, voices will gather, starting at the
3 local level, and grow and grow and grow and that is how
4 change is made.

5 So we will and, you know, to borrow from the
6 biblical phrase, we will light a single candle rather than
7 curse the darkness. We will do all we can do. We won't
8 stop there and say Washington is not part of the equation.
9 We will work with you and others to keep insisting that
10 Washington re-engage this crucial area.

11 JUDGE LIPPMAN: I agree with you entirely. I think
12 the action is in the states and the cities today but that
13 can't be the exclusion, the role in the federal government,
14 and again the legal services corporation is a perfect
15 example of something that so obviously requires a large
16 amount of funding and yet it is going in the wrong direction
17 rather than expanding the funds that are being cut.

18 One last quick question. This is in terms of -- I
19 know you are an optimist by nature. Do you think we are
20 going to get to the point where every person who's in need
21 of legal representation can have it in this country just as
22 we take it for granted. If you asked a person on the street
23 if your liberty is at stake, do you think someone should
24 have an attorney, they know from watching TV, from Miranda
25 warnings, and all of this that your liberty is at stake.
26 You are entitled to an attorney. As we have discussed so

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2 many times at these hearings, the affect of not having an
3 attorney in a civil case can be equally serious to the loss
4 of liberty itself, your home, your family, your job. Do you
5 think we can get to that point where in the foreseeable
6 future where everyone gets an attorney if they needed one?

7 MAYOR DE BLASIO: Well, again, I think you're
8 asking where is this country going.

9 JUDGE LIPPMAN: Yes.

10 MAYOR DE BLASIO: My personal analysis, I am an
11 optimist by nature. I do think a lot of change is on the
12 horizon. I don't think it will be the fastest change we've
13 ever seen. I do think a lot of change is on the horizon. I
14 watch with greater appreciation here in the year 2015 as our
15 national debate evolves rapidly. It was a much more honest
16 discussion going on about the economic ramification the
17 people face. I asked the underpaid of the change you're
18 talking about. I think as our country comes to grip, comes
19 to grip with how many people are struggling economically,
20 how many people who cannot afford representation and what
21 the ramifications are of that, I think the door will open to
22 federal investments in appropriate representation. No one
23 should put, in my opinion, a date certain on when that will
24 happen but the trend is, in my view, a very positive one.
25 Something is changing in our national discussion that opens
26 the door for a very different conception of what the federal

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2 government role should be. It's hard to see it in the first
3 instance and certainly the events over the last few days in
4 Washington could easily provide problems for the economy of
5 world views.

6 My view is that everything is ultimately moved by
7 the public discourse and the dues of the people and I think
8 the people are looking for a more just society and looking
9 for more economic fairness and that will eventually say
10 where a person's representation is more likely welcomed.

11 JUDGE LIPPMAN: Thank you, Mr. Mayor. I think the
12 point you make is such a strong one. The public discourse,
13 the public dialogue does lead to the changes in society and
14 it can lead to changes in the law as you know. We evolve,
15 the legal system evolves, but I just want to say it has been
16 an honor and a privilege to have you here. You graced us by
17 your presence and thank you so much. It's been an absolute
18 delight to have you in this justice system.

19 MAYOR DE BLASIO: Thank you, Chief Justice.

20 JUDGE LIPPMAN: Thank you, Mayor. Thank you,
21 Commissioner Banks. I now have Martin Lipton from the firm
22 of Wachtell and Lipton, the former co-chair of the
23 Partnership of New York City, one of the outstanding lawyers
24 in our city, in our state and in our country. I am
25 delighted to have you here.

26 Mr. Lipton, we welcome your testimony. And, again,

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2 given your distinguished background in such a lifetime
3 commitment in your profession, it is an honor to have you
4 here.

5 MR. LIPTON: Thank you, Chief Judge. It is an
6 honor to be here. At the very outset, I would like to
7 associate myself with the comments made by Mayor De Blasio
8 with respect to your service as chief judge in the state of
9 New York, it has really been outstanding and I think the
10 reason -- one of the reasons why we're here today is all of
11 the things you have done in order to improve the access to
12 justice for all.

13 JUDGE LIPMANN: Thank you so much.

14 MR. LIPTON: Let me say good morning to the members
15 of the Permanent Commission on Access to Justice. I
16 appreciate this opportunity to provide testimony today on
17 the important topic of ensuring that all New Yorkers have
18 access to justice.

19 As a long time member and former Chair of the
20 Partnership for New York City, I am a firm believer in the
21 importance of ensuring that our city provides fairness and
22 opportunities to all of our residents, no matter what their
23 income.

24 Civil legal services for those who cannot afford
25 them are critical to help low-income New Yorkers secure the
26 essentials of life, shelter, safety, income security, and

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access to education and health care, that those of us with means can take for granted and to provide fairness and opportunity to those who cannot afford it.

To create the city that we all want to live in, we need to be helpful to those who are less fortunate. Free civil legal services, and pro bono legal services to low income New Yorkers, are critical not only in their lives but also in the health and vitality of the city itself.

The Chief Judge commenced last year's hearings by emphasizing that access to legal services for the poor is an issue that has such great consequences for our society, for our communities, and it is at a tremendous cost that we fail to provide legal representation for all, equal representation, equal justice for all. The Chief Judge is absolutely correct to emphasize that access to legal services for the poor is something that affects not only the poor, but the community at large, and that we all share the cost of a judicial system that fails short of this core mission.

The economic vitalities of our state depends on the strength of our court system. If businesses do not believe that New York is a jurisdiction where disputes are resolved efficiently, economically, and, above all, fairly, then they will try to avoid New York. One cannot overstate the importance of a first-class court system to the state's

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2 economy. The strength of our court system, in turn, depends
3 on all of the members of society having access to the
4 courts, and with real representation. Businesses and
5 individuals, rich and poor, are looking for the same thing,
6 a court system that treats all sides fairly. If the poorest
7 members of society do not believe that they can receive
8 justice from the courts, or if the courts are perceived to
9 close their doors to large portions of the community, then
10 the court system will lose the respect of all members of the
11 community. The court system that does not provide access to
12 everyone is a frail system that has failed in its
13 fundamental duties, and businesses will take note of it.

14 Access for all is not just a matter of providing
15 fairness. The court system is overburdened. Dockets have
16 ballooned and cases have grown more complex, but judicial
17 resources have not kept up with these demands. The
18 increased work force -- the increased workload delays the
19 resolution of all cases. Our judiciary must be properly
20 funded to handle the cases that comes before it. One
21 important tool that can help to increase courtroom
22 efficiency is providing access to counsel. Pro se litigants
23 lack the legal knowledge, and as a result the courts have to
24 spend time helping them to navigate the system. Judges and
25 the court staff are, of course, sensitive to the fact that
26 unrepresented litigants are at a disadvantage and they often

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2 spend additional time assisting the litigant with courtroom
3 basics, diverting already scarce time and resources away from
4 their crowded dockets.

5 It is also important that potential litigants
6 receive such access to representation and advice early in
7 the process, not when it is too late to make a difference.
8 Access to counsel at an early stage of a dispute can help
9 parties identify mutually agreeable paths to resolution.

10 I commend the Commission for already considering
11 options for legal services that go beyond the traditional
12 courtroom representation at the beginning -- at the fore of
13 most people's mind. The pilot program for an on-line
14 dispute resolution mechanism in consumer credit cases, for
15 example, is an innovative approach that utilizes new
16 technologies to help potential litigants resolve their
17 disputes in on-line chat rooms with the help of mediators.
18 More than 90 percent of business disputes end in settlement,
19 but because the parties do not start exploring settlements
20 early in the process, excessive litigation costs are
21 incurred leading up to the point of settlement. The on-line
22 mediation program that the Commission is exploring is just
23 the sort of innovative, forward-thinking approach that makes
24 the New York court systems one of the most effective in the
25 world, and it sends a message that the New York judiciary is
26 focused on providing services that actually work for

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2 litigants. I also support the Commission's consideration of
3 other innovations, such as the simplification of court
4 forms, that will make our courts more efficient and more
5 accessible to law.

6 Finally, while I firmly believe that a well-funded
7 court system that provides equal access to all litigants is
8 a fundamental responsibility for all, I also recognize the
9 special role that law firms and lawyers play in ensuring
10 equal access to justice. Our firm is a strong supporter of
11 organizations that provide legal services to the poor and
12 disadvantaged, and many of our lawyers take on a range of
13 cases on a pro bono basis. It is the obligation of lawyers
14 to play an active role in their community and to give back
15 to their community in many different ways. We should be
16 proud that the lawyers in New York take this obligation
17 seriously. The work of the members of this Commission is
18 yet another example of this important tradition.

19 In short, the problems that the Commission has set
20 out to address are of great importance, and not just for
21 those members of our community who are unable to afford
22 counsel. Our state will retain its preeminent standing only
23 if businesses view our justice system as one that is open
24 and available to every member of society. By ensuring
25 access to robust legal representation, and by identifying
26 efficiencies in the litigation process that can help reduce

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the costs of civil litigation, we are not only fulfilling our ethical duties to those who cannot afford counsel. We're also maintaining New York's continuing status as a place where companies and individuals want to do business.

Thank you again for inviting me to testify.

MR. LIPPMAN: Thank you.

(Continued on next page)

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2 JUDGE LIPPMAN: Thank you. We greatly
3 appreciate, Mr. Lipton, your remarks. You epitomize the
4 legal community.

5 I have a question. What do you think is most
6 important for the legal profession in the business
7 community in terms of helping in this fight to solve the
8 justice gap that we have? Is it funding, is it pro bono
9 work? Is it speaking out? Is it all of the above? How
10 can the legal and business community be most helpful in
11 supporting access to justice in our own city and state and
12 around the country?

13 MR. LIPTON: Clearly it is all three. I think
14 funding is the single most important and it is an
15 obligation to provide it.

16 I think pro bono activity can really be provided
17 in two ways. One is by lawyers devoting time to pro bono
18 work, and the other is by the legal profession and law
19 firms and lawyers supporting the organizations that provide
20 services to the poor so that we are not relying just on
21 lawyers volunteering their services. In fact, lawyers
22 employed by those organizations that provide services will
23 provide service. So it is all three, obviously.

24 Also, I do think that the business community and
25 the legal profession, while doing a good job, could do a
26 better job.

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2 JUDGE LIPPMAN: We could all do a better job out
3 there.

4 Are there any questions from the panel? Yes,
5 Judge Gonzalez.

6 JUDGE GONZALEZ: Do you think it is realistic or
7 doable that bar associations can get together and lobby the
8 Legislature of the branches of government that deal with
9 the purse strings to see if they can provide funding for
10 this, or you don't see that as a role of the legal
11 profession?

12 MR. LIPTON: Well, I think it is everybody's
13 role.

14 The Legislative process has not been working as
15 well as it should on all levels of government, and the
16 efforts to improve judicial services, improve the courts
17 and so on have not been received the way they should be
18 received by the State Legislature. I do think the City
19 government has done a better job than the State has done
20 with respect to making sure there is access to the courts
21 and to legal services. Clearly, the court is lacking in
22 the kind of support it should receive both in terms of
23 judicial manpower, in terms of assistance to the judges in
24 the courts, and to the facilities themselves. So I would
25 hope we continue to do those efforts.

26 When I was Chair of the Partnership for New York

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2 City we made a strenuous effort to achieve justice for the
3 justices by getting the Legislature, the Governor, to
4 provide salaries that were consistent with the federal
5 system and also reflected inflation taking place. Years
6 and years went by without our being successful with great
7 effort. So I think yes, if effort is made we will make
8 some progress; but I really think that it is up to both the
9 Governor and Legislature to recognize the importance of
10 what we are talking about.

11 JUDGE LIPPMAN: Anything else?

12 MR. MIRANDA: Mr. Lipton, thank you very much for
13 your testimony here today and for your commitment to Access
14 to Justice.

15 As you know, the legal profession is held to a
16 higher standard than other professions in that we are
17 expected to provide pro bono legal services, and,
18 naturally, that is how it should be.

19 Our bar associations look for ways to help
20 coordinate pro bono efforts so that they are most
21 productive. The Mayor spoke before about tenant and
22 housing matters that so much necessary attention is being
23 provided to. After that, in New York City where do you see
24 the need that is most underserved?

25 MR. LIPTON: Well, I don't know that I have a
26 personal scope of knowledge to see where the need is most.

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2 I think clearly the housing and healthcare and food are the
3 needs that are most important.

4 JUDGE LIPPMAN: The basics.

5 MR. LIPTON: It is those areas that are most
6 lacking in access to service.

7 I think the bar associations do a very good job,
8 an outstanding job in encouraging lawyers, particularly
9 young lawyers, to provide that service and organizing the
10 effort to make sure it is done in a fairly efficient
11 manner. It is not easy to provide services to the
12 homeless, to people who are in need of healthcare. It is a
13 continuing need that needs to be focused on by the bar
14 association and by the lawyers and law firms, but it is not
15 a need that can be just, sort of, delegated to lawyers and
16 bar associations. It is a need of the community. The
17 funding that Mayor de Blasio talked about is an important
18 aspect. The funding on a national basis that the Chief
19 Judge talked about is a critical element of it.

20 So yes, bar associations can do a great deal to
21 alleviate these issues and problems, but I think it is a
22 community issue, and the community has to rise to the
23 occasion.

24 JUDGE LIPPMAN: Thank you, Mr. Lipton. It has
25 been an honor to have you.

26 MR. LIPTON: It is an honor to be here.

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2 JUDGE LIPPMAN: I have been remiss. I notice the
3 presence of my colleague Sheila Abdus-Salaam who is a
4 member of the Commission who is sitting there in the
5 corner, Judge Fern Fisher who is the Deputy Chief
6 Administrative Judge of New York City and head of our
7 access to justice efforts, Justice Rolando Acosta, a member
8 of the Appellate Division First Department, along with
9 Dianne Renwick, and John Sweeny sitting right next to her,
10 also Appellate Division Justices. We thank you for being
11 here.

12 Karla Moskowitz? I did not see her. She is
13 hidden, yes, right over there. Karla Moskowitz, Justice of
14 the First Department. And some guy next to her looks very
15 familiar. I think he is related in some way to Justice
16 Moskowitz.

17 So I am now going to ask James Silkenat, the
18 former president of the American Bar Association and a
19 partner in Sullivan & Worster for his testimony. His
20 tenure as ABA president put a real focus on the access to
21 justice issue.

22 Thank you for doing that, and thank you for being
23 here.

24 MR. SILKENAT: Good morning, everyone.

25 I am James Silkenat. I'm a former President of
26 the American Bar Association and currently a partner in the

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New York office of Sullivan & Worcester. I have been in practice in New York for more than 40 years.

I applaud the important work of the Commission in exploring and evaluating the access to justice currently afforded to New Yorkers and the significant unmet legal needs that exist here. For our justice system there is really no priority that is more important.

Given my national focus over the past several years and because of my role at the ABA, it is clear to me that despite the significant pro bono efforts of private sector lawyers and the innovative approaches adopted by strong state court systems like New York's that we still have a huge gap in our legal system.

Within the American Bar Association and within the legal community here in New York, we know that access to justice is more than a catch phrase. It is what our Constitution guarantees and what our current practice does not deliver.

While we lawyers as a profession have made much progress in promoting the rule of law, we live in a world with many injustices and many pockets of deep poverty.

Growing up in the United States, we all learned and many of us recited on a daily basis one of the fundamental principles upon which America was founded: "Liberty and justice for all," yet our nation is failing to

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2 fulfill this important, this central promise.

3 Bryan Stevenson, the widely acclaimed public
4 interest lawyer who has dedicated his career to helping the
5 poor and incarcerated, said: "The opposite of poverty is
6 not wealth. In too many places the opposite of poverty is
7 justice."

8 The need for legal services for the poor has
9 never been greater. Nearly one in five Americans now
10 qualifies for legal assistance.

11 Every day across America and right here in New
12 York, victims of domestic violence seek protection,
13 veterans try to avoid homelessness, unaccompanied child
14 migrants seek refuge, and many others are forced to
15 navigate the legal system alone because they can't afford a
16 lawyer. And it's not just the poor. Less than four out of
17 ten moderate income people turn to the legal system to
18 resolve their legal problems. Many give up and do nothing.
19 Too many low- and moderate-income people cannot access
20 legal representation. As a result, they are denied the
21 justice they deserve.

22 The organized bar, and we talked about that
23 already a bit this morning, can help to bridge this justice
24 gap. We serve as representatives of our great profession,
25 and we have the unique ability to call upon lawmakers to
26 improve our justice system and advance the rule of law.

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2 The New York State bar, especially if you are David
3 Miranda, is quite vigorous in pursuing this goal.

4 For nearly four decades the American Bar
5 Association has visited Capitol Hill in Washington to
6 support funding for the Legal Services Corporation. We
7 call it ABA day, although it now stretches to three days
8 every year.

9 ABA day has been about more than those three
10 days. We go to Washington annually, but we do not stop
11 caring about access to justice the rest of the year.

12 The law is a vehicle for fairness, peace, and
13 justice. Our basic social and civil liberties, civil order
14 relies on the legal system and public respect for it. We
15 cannot abandon the principles of fairness and due process.

16 During my tenure as President of the ABA, one of
17 my first actions was to create the ABA's Legal Access Job
18 Corps to address what I call "an access to justice
19 paradox."

20 While the number of Americans eligible for
21 LSC-funded legal systems continues to be at an all-time
22 high, many recent law school graduates are without good
23 jobs or the practical experience they need to be effective
24 lawyers. It has become increasingly difficult for
25 graduated law students to compete in the job market.
26 Nationwide only 59 percent of law students from the class

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2 of 2014 were employed full-time nine months after
3 graduation at a job that required passage of the bar exam.

4 The Job Corps committed itself to looking at the
5 dearth of legal jobs and unmet legal needs as one problem
6 rather than two separate ones. The Job Corps has been
7 cataloging the full range of programs in place that help
8 struggling new lawyers meet the legal needs of the under
9 served. These range from rural outreach programs and
10 nonprofit fellowships to modest means programs and
11 incubators.

12 We also launched an ABA Catalyst Grant Program to
13 support innovative programs to enlist recently admitted
14 lawyers in providing legal services to persons of modest
15 means. We have awarded ten grants to bar associations, law
16 schools, and legal groups from coast to coast. I have
17 devoted much of my presidential budget to this over the
18 last several years.

19 Lawyers have an important role to play in
20 maintaining our democracy and ensuring that justice truly
21 is for all. We can all be proud to be part of the
22 profession, the tenets of which include the responsibility
23 to provide services to those who cannot pay.

24 From the ABA, I want to thank the Commission and
25 Chief Judge Lippman for the leadership you continued to
26 show on access to justice issues. There is a great deal of

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2 important work left to do, and I am proud that New York's
3 legal community is so committed to successfully addressing
4 these issues.

5 Thank you for letting me join here today.

6 JUDGE LIPPMAN: Thank you. Let me now ask a
7 question.

8 Being the President of the ABA and traveling
9 around the country from one end to the other, what is the
10 climate in access to justice today? In New York we put
11 such a focus on it, but do you feel it across the country,
12 particularly within the legal profession, that there is a
13 commitment to this issue? I know you indicated in your
14 remarks such a focus of your presidency, but what is
15 feeling among the profession?

16 MR. SILKENAT: Well, I grew up in Kansas. I went
17 to law school in the midwest. I managed to get to 37
18 states during my tenure.

19 I think the feeling is as strong out there among
20 lawyers, bar associations, among just the communities --
21 whether it is educators or doctors or business people --
22 that this is a priority issue. I think we need to move, as
23 we discussed a little this morning, toward civil Gideon. I
24 think that is a responsibility that government has. We all
25 need to play our role here. Pro bono is an important part
26 of it, but we need to convince legislators that this is a

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2 greater priority and that this is what our Constitution
3 requires and it is worth paying the money to get it.

4 JUDGE LIPPMAN: Thank you.

5 Panel, any questions?

6 JUDGE MARKS: In your experience with the
7 American Bar Association in dealing with Congress, is your
8 sense that the lack of financial commitment from Congress
9 for the legal services and reductions in money allocated
10 for the legal services corporation; is that just, kind of,
11 another casualty of federal budget cuts or do you feel
12 within the coffers there is -- is there an indifference
13 towards this problem or even hostility about this among
14 some members of the Congress, what is your experience?

15 MR. SILKENAT: Part of it is financial, but I
16 think there is another component to it. Among some members
17 of Congress there is a misreading of their constituents.
18 In going around the country, what I see is a strong popular
19 reaction on this issue, but for political reasons some
20 members of Congress do not see that. ABA leaders are not
21 supposed to take positions on political issues and I still
22 don't do that; but we need support, legislators who support
23 the principles that we hold most important, and civil legal
24 services are among those.

25 JUDGE LIPPMAN: Thank you, President Silkenat.
26 Thank you for your strong leadership in the ABA and your

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commitment to this issue.

The next speaker is my President and my Dean from New York University John Sexton who is a giant of academia, giant of the legal profession, someone so committed to the ethical strictures of our legal profession and to that nobility which I talked about before.

President Sexton, it is great to have you here with us.

MR. SEXTON: Thank you very much, Chief Judge. I trust your reference was not a reference to the few pounds that I put on.

JUDGE LIPPMAN: It was not, I assure you.

MR. SEXTON: It's a great honor to be here. I'm very pleased to appear before you and to testify in support of expanding legal services and expanding funding for those services.

This expansion, which you have been so noble in supporting would help address the unmet need of low-income New Yorkers, but it would also confirm the pledge that we as a society have made and are still striving to honor.

I speak to you on this topic from several perspectives. As you mentioned, I am a professor of law who also has had the privilege for fourteen years to serve as the Dean of NYU's Law School; as the President of New York University for the last fourteen years; and as a

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2 father whose pride knows no bounds as my daughter Katie
3 begins her professional career at the Legal Aid Society.
4 That's what is, perhaps, most emotional for me today
5 because it is in this room that she was sworn in several
6 months ago. She has chosen to spend her life in that which
7 we are talking about today.

8 From each of these perspectives I applaud the
9 work you have done on this over the last decade. Your
10 innovation, your commitment to the increased access of
11 civil legal services, and I urge that that effort be
12 continued.

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2 Let me start with NYU, the largest private
3 university in the nation, whose very founding almost
4 185 years ago sprang from a desire to expand opportunity to
5 those who had been excluded to open wide the doors of higher
6 education beyond the tight circle of the elites of the day
7 or the clergies who were being educated in universities of
8 that day to the sons and daughters of the emerging class and
9 to women and blacks and others first among universities in
10 this nation. Indeed, NYU's model, championed by our
11 founder, Albert Gallatin, was unusual not only in whom it
12 included but where it was located. We were founded at a
13 time when this courthouse would be in the pastoral setting,
14 that the northern boundary of Washington Square Park and the
15 red houses that are there were the summer homes of the
16 wealthy who would come to the country from downtown. We are
17 above 14th Street which is the barriers for those who were
18 below had not yet been established. We were founded to be
19 in and of the city in Gallatin's words. That's our
20 commitment. That's our commitment to this day.

21 As a result, the ensuing decades have seen NYU
22 develop an academic profile that addresses head-on broad
23 issues of urban society and issues like equal justice under
24 the law, alleviating poverty, expanding health services, and
25 encouraging public service. So many of our schools, as I
26 indicated in my written testimony, have been dedicated to

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various aspects of the problems that I have just spoken. But I think, perhaps, most of all, our law school is dedicated to the topic we highlight today. I saw firsthand a professor beginning in 1981 and running through my time as dean and now subsequently I observed a more distant approach, the deep dedication of our faculty, our students and, of course, as a result our alumni. Not only through the first and to this day the most robust clinical programs in the nation, but through externships and through community service most of which are dedicated to overcoming the legal hurdles facing New Yorkers who are marginalized by low incomes, the immigration status or lack of educational opportunities. Our students have a commitment and a passion; they provide, while they are students, many thousands of hours of work. I'm talking just about our law students of volunteer assistance to those who need help with housing issues, with immigration issues, with access to voting. It's interesting. They're often hard-pressed, notwithstanding the fact that we have the most generous low payment system in the program, the program, perhaps, I was proud to have founded. They are working hard to continue to serve those populations among graduation because of the lack of opportunities. These go directly to the topics we are talking to.

NYU is one of the 15 New York law schools that work

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2 in collaboration with legal service providers, pro bono
3 coordinators at law firms, the bar associations, and the
4 courts to promote civil legal services and law school
5 efforts to narrow the justice gap.

6 Similarly many of our law graduates, beneficiaries
7 of the Law School's scholarships and loan forgiveness
8 programs for those who enter the public interest sector are
9 drawn to this work and others like Martin Lipton, one of our
10 graduates donated countless hours to pro bono assistance.
11 They all join me -- I'm speaking for the entire NYU
12 community. I'm speaking for our nearly five hundred
13 thousand graduates and alumni, living graduates and alumni
14 when I say they all join me -- in support of the mission
15 that you, Chief Judge, has laid out; providing legal
16 services to those who are in desperate need, especially
17 those who are in danger of losing the essentials of life,
18 including a place to live, access to health care, access to
19 food, access to education.

20 The Chief Judge has gone one step farther. You've
21 put your values in your budget and by one final
22 recommendation it is that the next Chief Judge continues in
23 the spirit that this Chief Judge set to allocate funds from
24 the annual Judiciary budget for civil legal services
25 funding. So it's a wise investment with savings down the
26 line. The findings of the Task Force to Expand Access to

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2 Civil Legal Services make it clear, and I quote, the
3 provision of civil legal services reduces the costs of
4 litigation, increases court efficiency, saves taxpayers
5 millions of dollars, and has a profound effect on the lives
6 of low-income New Yorkers.

7 On a personal note, my daughter Katherine Sexton,
8 after attending Yale and then graduating from NYU's School
9 of Law had many career choices before her and she carefully
10 considered an array of options. But when she came to me and
11 said she had decided on one job, as the job she most wanted
12 to work for, Legal Aid Society, my heart with filled with
13 joy. She starts this Thursday in Brooklyn. She is eager to
14 join the front lines of some of the issues that you are
15 grappling with.

16 What is notable is that there were nearly 300
17 applicants for that position. That's how many young people
18 out there eager to devote their lives to this. But 299 have
19 been sent in another direction. I close on another personal
20 note. I remember the day, it's now getting close to
21 30 years ago that we've met for the first time. I was
22 struck then by your extraordinary intelligence and your
23 manner. I associate myself with everything that the Mayor
24 said about you and Martin Lipton said about you and I'll
25 add, how can we have reached 70. How could that be? It's
26 better than the alternative, but I think of us as much

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2 younger.

3 My friend, Chief Judge, you have been a
4 standard-bearer for the cause of providing legal civil
5 services, for encouraging preventive and early intervention
6 efforts. As president of a major university, as you pointed
7 out, your university, which bears the name of this city, as
8 a member of the legal community, as a proud father of
9 somebody who has been here, I applaud what you've done. And
10 I recommend to your successor that this path be paved with
11 even more attention. Thank you for the honor to appear
12 before you.

13 JUDGE LIPPMAN: Thank you, President John Sexton.
14 It is an honor to have you here. I note you quote the Legal
15 Aid Society, Seymour James is here, Adrian Holder, Lillian
16 Molar. There are so many stars, more from the open area,
17 here and they do God's work as do you and thank you for your
18 loved one for having comments about me.

19 Let me ask you a question, two questions that go to
20 your academic role. As a father, we know that you have hit
21 a home run with a daughter who's made the right choice in
22 terms of her first job. But, you know, not all academicians
23 share, I think, which is certainly our vision, of the
24 importance of the legal profession, to access the justice
25 issues. I know I've talked with deans of law students from
26 around the country that have gotten into a little bit of a

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2 back and forth where the dean would say to me, you know, in
3 all due respect, Chief Judge, we are not in the access of
4 the justice system. And I'd say, in all due respect, dean,
5 you are. And if you make them take torts and contracts and
6 property, you have to make them learn about values and what
7 it means to be a lawyer.

8 What do you think of the law school culture? Has
9 it, around the country, recognized each role in this array
10 of a legal service access to justice supporters? Is that
11 the -- do you feel it or do you think places like NYU and so
12 many others really get it? Are we unusual or around the
13 country are law schools across the board starting to get it.

14 MR. SEXTON: With the caveat that when I left legal
15 education in 2001 to take this assignment, I deliberately
16 extended myself since I was in the unusual position of
17 appointing my successor. I felt the need to get out of his
18 way.

19 JUDGE LIPPMAN: And it was a great success.

20 MR. SEXTON: It was a great success but the -- so
21 there's a little bit of danger although I have the kind of
22 pervasive friendships that continue. I don't think the
23 picture is as bad as your encounters. I am kind of startled
24 that deans would respond to you that way. It's professional
25 litigation that concave the value of service, it's essential
26 and is a core element of an American legal education. It's

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one of the things that makes American legal education distinct and salutatory to legal education which was the keynote to the 2,000 aviator convention in England who spoke about the fact that American legal education had to embrace even more deeply the notion of the Jeffersonian Pavilion, the lawyers of the communities, the lawyers' conscience of society.

It may well be the dean that you are talking to or reacting to is a very, very dangerous phenomenon that I remember developing for the first time in 1995. I saw a memo, which was supposed to be a confidential memo, to the political candidates. I was the president of the association of the American Law School at the time. I actually wrote the pastor a letter because this memo said the most successful campaign strategies you can have as a candidate is to attack lawyers and you pay no price for this.

I remember writing at the time that this was America's sacrilege because this is a society where the words, the rules of law means something divine. It doesn't mean that in all societies. In some societies, you have the fear of the law. It is the rule of hypocrisy. But here, this is what has made our nation the nation that it is. I think that American legal education does capture that at a core and that the people that you have been speaking to are

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2 the exceptions. I can't think of a law school these days
3 that doesn't give a substantial amount of time to clinical
4 legal education and services for the board.

5 JUDGE LIPMANN: One other quick question, going
6 back to the legal education community, can you separate the
7 teaching of the discipline from the access issues? You go
8 into a conference a few years ago with one of the law school
9 communities, professors from around the country, and there
10 was a whole debate about whether access issues should be
11 incorporated in each of the disciplines when you teach them.
12 Is that possible? What do you think of that?

13 MR. SEXTON: Do you mean is the separation
14 possible?

15 JUDGE LIPPMAN: Exactly.

16 MR. SEXTON: It's mind-boggling to me that someone
17 would think that even the study, for example, of John Walsh
18 or Ronald Morgan or John Mabel may be separated from the
19 underground issues that your commission is discussing.
20 We're a profession, okay. Now, even in a research unit like
21 NYU, okay, where we take great pains not just to teach the
22 "is" of the law but the "or" of the law, the reason we moved
23 from the "is" to the "or" is precisely because of the values
24 that we gain.

25 If you introduce law is nothing other than
26 efficiency, it's not the law we signed up to do. It's not

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2 the law of the society promised. So I think you got to get
3 to the "or" and in order to get to the "or" it can't just be
4 theocratically "or" it's got to be how this work out in real
5 life with real clients. We are a profession that serves
6 clients first and foremost.

7 JUDGE LIPPMAN: I am with you. I follow the
8 teaching of my president and I agree entirely, and I am
9 delightful to see you here, President Sexton. It's an
10 honor.

11 MR. SEXTON: It's an honor to be here. Your Honor,
12 thank you so much.

13 JUDGE LIPPMAN: Let's go to Eric Weingartner who's
14 the managing director of the Robin Hood Foundation and let
15 me say that we are extremely appreciative of the Robin Hood
16 Foundation's commitment on access to justice and to legal
17 services and I mentioned earlier in our session we were so
18 pleased and delighted by Robert Hicks, who applaud the
19 poverty justice solution where again we are trying to get
20 past this idea that all of these -- all of these young
21 people who come out of law school and can't find jobs and
22 yet there is such a tremendous need to fight poverty with
23 lawyers and how do we make this work together and you play
24 such a significant role in this, the latest innovation that
25 we've had and we are greatly appreciative. Not only that
26 but, obviously, of the good work that Robin Hood does in

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2 fighting poverty in so many different ways so it's a
3 pleasure to have you with us.

4 MR. WEINGARTNER: That's very gracious of you.
5 Thank you so much. I came in a touch late. I did hear some
6 of the remarks you had back and forth with the Mayor about
7 some of the programs we fund but with you and with this City
8 Hall in particular, Commissioner Banks, thanks very much.

9 JUDGE LIPPMAN: Thank you.

10 MR. WEINGARTNER: Good morning and thank you for
11 inviting me to address you Chief Justice and the
12 distinguished panelists on Access to Civil Legal Services in
13 New York. Again, my name is Eric Weingartner. I am a
14 Managing Director at the Robin Hood Foundation, which makes
15 grants of about \$150 million a year to over 200
16 community-based organizations to fight poverty in New York
17 City. Our programs run the gamut of poverty fighting,
18 pre-kindergarten programs, K-12 programs for students, job
19 training for disconnected young adults, domestic violence
20 shelters for abused women, health initiatives, low-income
21 housing, micro-lending. The one common element to all of
22 these programs is that they work and when we make sure they
23 work.

24 Robin Hood is well-known for its rigorous
25 evaluation and of its grants and we rivet on the outcomes
26 that our grants have on poor New Yorkers, placing full

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2 emphasis on the impact that services have on earnings and
3 health. In a nut shell, we make grants to raise the
4 economic living standards and quality of health of the poor.
5 And it is for these reasons that we are more aggressive than
6 ever in our support of legal services for poor New Yorkers.
7 In considering the benefit cost associated with access to
8 legal services, we're increasingly convinced that our
9 funding to expand access is smart grant making, effective,
10 cost efficient, and impactful.

11 This calendar year, alone and in partnership with
12 Single Stop USA, Robin Hood will spend over \$10 million a
13 year to help about 20,000 city residents handle civil legal
14 disputes. Most of the cases involve housing disputes,
15 access to government programs and immigration problems. And
16 in the past two years, we have expanded our investment
17 substantially, turning our attention to support
18 unaccompanied minors, immigrants without access to counsel,
19 a ramped up investment in support of women who are the
20 victims of violence, and an intensified investment in
21 support of an already robust portfolio focused on
22 New Yorkers facing eviction, deplorable housing conditions,
23 and homelessness. And with your permission, I'd like to
24 give you a window into how we look at our investment in
25 legal services, in effect following a pattern that is
26 consistent across our grant making. Simply, we identify

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2 thorny policy problems that adversely impact our neighbors,
3 and then we try to determine what intervention could reverse
4 the condition. In this formula, we are looking to see where
5 new dollars can raise living standards, and in the next few
6 moments, I will mention a few instances where we think we
7 have gotten it right, and where an expansion of legal
8 services was the difference.

9 So with your permission, I'd just like to give you
10 three examples.

11 JUDGE LIPMANN: I would love to hear them.

12 MR. WEINGARTNER: Let's start with housing. You
13 might know something about this one. This year, Robin Hood
14 entered into a unique partnership under Chief Justice
15 Lippman's leadership, in support of the Pro Bono Scholars
16 initiative. In partnership with the New York State Unified
17 Court System, the New York City Human Resources
18 Administration, HRA, and the Center for Court Innovation.
19 By providing qualified yet relatively inexpensive legal
20 support to low-income families that are at risk of eviction,
21 the partnership attempts to address the growing housing
22 crisis in New York City, a record-high 250,000 eviction
23 filings by the end of 2014; a homeless population of nearly
24 60,000 individuals, including 25,000 children, also an
25 all-time high, and one-third of those in homeless shelters
26 entering the system immediately after an eviction. The

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2 model, similar to those of Teach for America and the
3 Immigrant Justice Corps, which I'll talk about in a little
4 bit, deploys recent law school and college graduates, called
5 Pro Bono Scholars, to non-profits across the city to help
6 low-income New Yorkers who are at risk of becoming homeless
7 stave off eviction.

8 The impact of the program, we believe, as you know,
9 Chief Judge, could be significant. Currently, only
10 5 percent to 10 percent of low-income tenants sued in
11 housing court have legal representation, but more than
12 90 percent of landlords do. The upshot, according to Robin
13 Hood funded legal providers, tenants without representation
14 win only about ten percent of their cases. And our support
15 of this program will help even the playing field. And
16 research indicates that having a qualified attorney can
17 significantly improve a tenant's prospect for a successful
18 legal outcome. Based on a randomized controlled trial
19 conducted by the Boston Bar Association and Harvard Law
20 School, low-income tenants with counsel win their cases 67
21 percent of the time, compared with only 30 percent for those
22 without a lawyer. The impact can be substantial, staving
23 off eviction means that parents keep their jobs and avoid
24 mental health issues. It means that children will not miss
25 school, will not suffer from depression or will not be
26 placed in foster care. It is these metrics that we use to

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gauge the impact of this initiative.

Further, as the city runs out of shelter space for homeless New Yorkers, it is increasingly turning to "scatter site" shelters for support, that is, regular apartments where people who would otherwise be in a shelter are placed by the city. Increasingly, landlords are trying to evict all of the tenants in a building, often by asserting fraudulent claims, so that such buildings can be converted to scatter site housing and in effect they can be charged more money. And here again, with no counsel, the families that we aim to help have no recourse without an attorney.

And while this program has just begun, the policy case for added counsel is clear and we hope to keep the Court up-to-date on this program as it evolves.

Let's take a look at one other -- actually two other examples and think about domestic violence. Across New York City and the country, Domestic Violence continues to plague families in record numbers, and despite epidemic violence, access to legal supports is still critically low. In response, Robin Hood has invested in the City's infrastructure, again turning to lawyers to lead the way. The City's Family Justice Centers streamline assistance for victims of domestic violence by providing wide access to services under one roof. Essentially, the lawyers are in the middle. The centers are located in the Bronx, Brooklyn

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2 and Queens, assist over 1,500 people every month, and over
3 50 percent of the people who seek services from the centers
4 are immigrants. For victims of domestic violence, their
5 immigration status can be used against them, used to instill
6 fear and prevent victims from leaving their abuser or from
7 seeking help. Gaining legal immigration status is a
8 critical first step to gaining both safety and
9 self-sufficiency for the victims.

10 For context, In New York City, the police respond
11 to over 255,000 domestic violence incidents each year, or
12 about 700 incidents a day. In response, the three existing
13 Family Justice Centers assist about 20,000 people on an
14 annual basis. Because all domestic violence cases in the
15 Bronx, Brooklyn and Queens that involve the police are
16 routed through the centers, the victims with the most
17 violent and horrific cases are served through the centers.
18 Robin Hood tracks outcomes for the programs in three main
19 areas, that might be interesting to the Court, immigration
20 legal services, connections to benefits and connections to
21 education and job training programs. And for the purposes
22 of today's discussion, I suggest how we value the legal
23 intervention in the Robin Hood way.

24 In the first nine months of our contract with the
25 City, the centers provided immigration legal services for
26 1,411 individuals and are on track to handle over

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2 1,650 cases by the end of the year grant period. Of those
3 cases, about 850 cases will be new cases opened during the
4 2013 grant year. The F.J.C.s will close about 660 cases
5 during the year with a success rate of over 95 percent.

6 After gaining legal status, some participants
7 become eligible for benefits, including Medicaid. The
8 F.J.C.s screen all families for benefits after a change in
9 legal status. They are on track to enroll 83 individuals in
10 Medicaid, 67 individuals in food stamps, 45 individuals in
11 public assistance and 28 individuals in rental assistance.
12 The program is also on track to assist 33 people in
13 obtaining an apartment through NYCHA. Again, none of these
14 supports would have been eligible without a legal change in
15 status. Benefits are accessible or may be possible without
16 a legal intervention and in terms we monitor that and that's
17 how we think about the investment. I will give you one more
18 example and talk about immigrants.

19 In 2014, we developed a program called the
20 Immigrant Justice Corps in partnership with Chief Judge
21 Katzmann. Note some similarities to the Pro Bono Scholars
22 model that I discussed earlier. Immigration status is
23 directly linked to economic well-being. Legal assistance
24 can help undocumented immigrants obtain legal status, which
25 enables them to gain lawful employment, receive financial
26 aid for school, and access health insurance and temporary

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2 public benefits. Preventative detention and deportation can
3 also keep immigrant families from losing a primary
4 breadwinner and children from being funneled into foster
5 care or suffering educational and other disruptions.
6 However, less than 20 percent of the legal needs of
7 low-income New Yorkers are currently being met. And here,
8 considering these factors, Robin Hood invested. The pattern
9 should be clear at this point, find the gap, insert a
10 solution, and again, quite frequently, lawyers to the
11 rescue.

12 We believe that the I.J.C. will ameliorate this
13 shortage. In part and beginning in the Spring of 2014, the
14 I.J.C. recruited 25 law-school graduates and 15 college
15 graduates from around the country, trained them in
16 immigration law, and placed them in non-profits to serve
17 immigrant New Yorkers. At capacity, the I.J.C. will see
18 14,000 cases each year, directly helping over 20,000
19 individuals, at 20 percent lower cost than existing Robin
20 Hood immigration legal services grantees. As we enter our
21 second year, the team has grown to 15 layers and 30 college
22 graduates. For context, nearly \$4 million people,
23 49 percent of New York City's population, are either
24 immigrants or the children of immigrants. Immigrants and
25 their children also make up nearly half of the New Yorkers
26 living in poverty, with higher rates of poverty among

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2 non-citizens than for the city overall percentage,
3 29 percent against 21 percent.

4 However, an estimated 40 percent of immigrants
5 nationwide who are eligible for citizenship have not yet
6 naturalized, leaving them vulnerable to detention and
7 deportation. Recent legal data have revealed that
8 undocumented immigrants are often unaware that they are
9 eligible for permanent legal status. Furthermore, between
10 2005 and 2010, the parents of over 7,000 U.S. citizen
11 children in New York City were deported and over 10,000 were
12 detained without bond, causing families to lose breadwinners
13 and children to become vulnerable to foster care placement
14 or educational, health and mental health complications.

15 Only 20 percent of the legal needs of low-income
16 New Yorkers are served each year as I said. The shortage is
17 particularly acute for immigrants threatened with
18 deportation. Sixty percent of detained immigrants facing
19 deportation in New York City lack counsel. As non-citizens,
20 they have no right to representation. And immigrants who do
21 have lawyers receive inadequate or even grossly inadequate
22 representation 47 percent of the time, according to
23 prominent judges.

24 Immigrants, particularly the limited English
25 proficient, often hire fraudulent legal providers, who take
26 thousands of dollars in fees and can mishandle cases with

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2 diestrous consequences. Having a qualified attorney can
3 dramatically improve an immigrant's prospect for a
4 successful legal outcome. In deportation, immigrants with
5 counsel win their cases 67 percent of the time, compared to
6 only eight percent for those without a lawyer.

7 To give you a sense of the scope of the program,
8 and the year one numbers are just being tallied now, the
9 I.J.C. expects to handle over 6,500 cases. Based on the
10 average time required for adjudication, we expect that half
11 of the less than complex cases and one-third of the more
12 complex cases will close within one year. We also assume
13 that 80 percent of cases will close successfully, a
14 conservative estimate considering that Fellows will be
15 placed in premier legal services providers where success
16 rates averaging above 90 percent. All in all, we expect to
17 report over 2,500 successfully closed cases by the end of
18 year one of the fellowship programs.

19 My objective and in our discussion today I think
20 was simple. I wanted to make clear that in Robin Hood's
21 view, legal services are a cost effective, critical tool in
22 our fight against poverty. And, secondly, though three
23 examples, the Pro Bono Scholars, the Family Justice Centers
24 and the Immigrant Justice Corps, to give the Court a
25 summarized explanation of how the legal interventions that
26 we support fight poverty. I hope that my case has been

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2 made, this is as close as I will ever get to being a lawyer
3 and I would be happy to take any questions.

4 JUDGE LIPPMAN: On that note, let me ask you one
5 question. Robin Hood's record in fighting poverty in
6 helping us with legal services is just suburb. There are no
7 words to express our appreciation. I am very familiar with
8 Judge Katzmann and I'm good friends of Judge Katzmann's
9 program. It's a great program. Let me ask you a question.
10 Given that Robin Hood in so many different ways fight
11 poverty, you know, we believe in a very focused way that
12 legal services are so much a part of the puzzle of fighting
13 poverty. When you look at the board it expands, are we
14 being very parochial in focusing so much on legal services,
15 what's the piece of the pie, you know, that in fighting
16 poverty. I am sure there are so many things, so many areas
17 where one can invest money and resources and time. How
18 important is legal services to this bigger battle to end
19 poverty to fight poverty here in New York sitting around the
20 country?

21 MR. WEINGARTEN: So we're all in. And I say that
22 after thinking about two sort of colliding tensions. We
23 have a very matter of fact way of looking at the world as it
24 relates to fighting poverty. If you fight poverty, two
25 consequences should happen. There should be a change in
26 purity and a change in health. If the intervention that we

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2 support doesn't impact one of those two buckets, we are
3 probably not going to fight it.

4 The way I structure the discussion today was to
5 talk about the influence that a lawyer could have in three
6 conditions, housing, domestic violence and immigration and
7 each one of those cases we calculate a number so that if we
8 pay for "X" number of lawyers we believe that we will get
9 "Y" amount of impact for poor New Yorkers. We think the
10 benefit cost to that is somewhere between 8 and 15 to 1.
11 It's very good.

12 Increasingly, we think the lawyers are better met
13 than lots of other things that we fund. But before I was
14 here, I was raising money for Robin Hood spending some time
15 with a guy in the garment district who wrote us a check for
16 \$100,000 and what I explained to him is that Robin Hood is
17 divided in slots. We have programs focused on hunger,
18 immigrants, veterans, etc., but it's consistent. Rarely do
19 you notice people living in poverty where there is only one
20 thing hooked up. It's usually a series of things, but if
21 you can't get status, then you can't get health insurance
22 and you can't get food stamps and so if you attach a lawyer
23 that puts -- that gives some counsel so they can actually
24 become legal to get public benefits.

25 Just as a start, the modernization of what that
26 means for people living in poverty is enormous. Then so

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2 many of those benefits are recurring year after year. Even
3 if you just think about food stamps, 270 a month over
4 12 months over ten years, that's a big number, medicaid is
5 the same thing. So I don't think your view is parochial at
6 all. We tend to agree with you. And I think that you'll
7 probably see us ramped up even further.

8 JUDGE LIPPMAN: You give us great pleasure. I
9 think that what we feel, and obviously we are on the same
10 wave length about this, a lot of people who think about
11 legal services may think about going into court and
12 representing somebody. A lot of it is interfacing
13 bureaucracy, giving people the benefit that they deserve.
14 There are so many ways a lawyer can contribute to fighting
15 something as overwhelming and difficult and combative as
16 poverty.

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2 MR. WEINGARTNER: One of the examples that was
3 mentioned today sort of in the running was what we did with
4 veterans.

5 We started a veterans fund four years ago. And
6 one of the most successful if not the most successful
7 program that we have done in support was to co-litigate
8 lawyers at VA hospitals to help vets whose benefits were a
9 mess to reinstate their benefits primarily establishing
10 their right to healthcare and housing supports.

11 We are at capacity. We have a waiting list. And
12 when we monetize the impact just on housing and healthcare,
13 it is through the roof. That's partly because -- I think
14 the VA is often too maligned, but if the VA puts you on a
15 path where you can't get access to healthcare or housing
16 and is deserved to you, you frankly need a lawyer to be
17 reinstated. It is super important.

18 JUDGE LIPPMAN: Thank you. Thank you for all of
19 Robin Hood's efforts. You are terrific. Thank you so
20 much.

21 MR. WEINGARTNER: Thank you for having me.

22 JUDGE LIPPMAN: Judge Gonzalez is, actually,
23 going to leave to hear some cases, so we are going to let
24 him go to the Bronx to hear oral argument.

25 I also want to mention other members of the
26 commission, Christopher O'Malley is here and Marcia Levy is

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here, and we have a strong stalwart group on the Commission.

Let me now call our next witness, Neil Steinkamp, Managing Director of Dispute Advisory & Forensic Services at Stout Risius Ross.

Mr. Steinkamp, great to see you, sir. Thank you for all your efforts. Thank you for being here today.

MR. STEINKAMP: Thank you, Chief Judge, for the opportunity. It is an honor and privilege to be before you today. I am very much humbled to be here and to talk about numbers.

As you said, my name is Neil Steinkamp, I am a managing director at a firm that commonly goes by SRR. We are a valuation firm, investment bank, dispute advisory firm; but more important and pertinent for today, I lead SRR's pro bono practice where I oversee all of our efforts to take the skills that we have and the talents that my colleagues have and apply that in the context of helping low-income individuals and not-for-profit organizations.

In that context, we are often working on impact analysis as well as working with lawyers to assist individuals sometimes in the course of litigation and sometimes otherwise. We do that both in New York and around the country.

Today I would like to take a few moments to talk

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2 about what the economic impact of the legal services in New
3 York are valued at. I want to start by saying it is
4 difficult to quantify life-changing impact, which is what
5 we have heard today and what I know you know is the case.
6 So many of the things that legal services provide make a
7 dramatic impact on the lives and people and lives of
8 families. That is simply difficult to precisely measure.
9 That said, we do have a growing body of evidence and
10 documents and information that allow us to estimate what
11 the economic impact of these services are.

12 I also want to note that while I have measured
13 certain things, there are many things I have not measured.
14 I think that is important before I start talking about the
15 details of what I have measured because it will help you
16 appreciate the understatement that is possible with the
17 numbers that I have calculated.

18 As we heard today, and which I know you know,
19 there are so many ways in which civil legal services are
20 impacting people. Some of the things I have not yet
21 measured are: Criminal record modification cases, the
22 value of criminal defense, juvenile justice and
23 representation, veteran benefits mentioned today, related
24 discharge cases in veteran benefits, assistance to
25 low-income entrepreneurs. So as I talk about the numbers,
26 appreciate that the actual economic impact probably is much

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greater than what I am about to share.

You mentioned in your opening statement a prior estimate of six dollars of return per dollar of funding. The numbers I calculated, and I will go through them in some detail, suggest that not only the direct implementation of the legal services but the leverage from both the legal community as well as the business finance community that has achieved an appreciation for the scope of those I think is improving every year. I believe that a more reasonable estimate for the impact is ten dollars for every dollar of funding, and I will walk through how we get there. And it is important to understand that month after month, year after year the magnitude and value of the services that are being provided adds up to significant amounts.

The areas that I have looked at include the long-term financial impact associated with social security and disability, Medicaid and other federal benefits. Those are, obviously, opportunities to make a significant change in a person's life, but also one that has long term effects.

In my analysis I have looked at the combination of value associated with ten years of those benefits which is what's available when someone applies for those benefits. Those amounts alone depending on how you look at

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2 it, if you just focus on the amounts in 2014 related to
3 both extended representation and brief representation
4 cases, you are looking at around \$350 million or
5 \$400 million in value provided just for cases closed in
6 2014.

7 Those cases, there are dollars flowing into New
8 York this year from cases for which civil legal services
9 provided those benefits eight, nine, ten years ago. So the
10 impact into New York this year from legal services over the
11 last ten years is estimated to be close to \$275 million.
12 It is an amount that can grow every year. Medicaid is
13 similar. Ten years of benefits can be available for people
14 if legal services can assist in providing those benefits.

15 As you heard, in years past there has been an
16 economic multiplier effect to these amounts. Dollars that
17 are made available to people in the form of benefits or
18 other compensation are spent in communities. Studies have
19 shown that there is a multiplicative effect when people are
20 provided those dollars. And when taking the amounts that I
21 have calculated with respect to those benefits and applying
22 to what research has shown that factor is, approximately
23 \$1.45 billion of economic benefit was created in 2014 as a
24 result of civil legal services. That's over and above the
25 amounts that are associated with the actual benefits
26 themselves.

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2 We have expanded the analysis this year, and I
3 think there are tremendous opportunities to expand this
4 analysis in coming years as we gather more information on
5 those areas that I mentioned in my earlier statements that
6 we have not yet measured. As an example, this year we have
7 looked at the value of the wage impact from work
8 authorization for immigrants.

9 So it's a tremendous opportunity when you have
10 the ability to provide or assist with authorization for
11 immigrants, and we calculated almost \$60 million in value
12 just in 2014 from cases in which civil legal services
13 called for that authorization.

14 As in years past, we have also estimated the
15 value associated with the decreased usage of emergency
16 shelters. That amount is estimated to be \$260 million
17 including both brief and extended representation cases.

18 New studies have shown the value of brief
19 representation. There is obviously a tremendous amount of
20 activity that goes into those representation cases across a
21 wide variety of these difference areas of legal service,
22 and I think it is a great enhancement to the analysis to be
23 able to more completely understand the value of brief rep.
24 We have done that with respect to both emergency shelters
25 as well as social security and disability benefits and
26 Medicaid.

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2 Taking in total, as I mentioned before, there are
3 many ways to analyze these numbers. There are many ways to
4 think about the value to consider whether those benefits
5 will accrue over five years or ten years, whether we should
6 apply retroactive analyses. There are many different ways
7 to look at the value. But taking in total, I believe an
8 estimate in the neighborhood of \$3 billion is reasonable to
9 consider, and that is approximately ten times what the
10 funding level was for the applicable services.

11 I think it is particularly valuable to consider
12 that you have an opportunity with very limited resources to
13 try and find ways to make the biggest impact. I think the
14 calculation of these numbers provides us with more and more
15 clarity about where and how we can dedicate limited
16 resources to make the greatest impact. These numbers could
17 be particularly helpful going forward as we learn more
18 about the impact that these services are making in the
19 lives of New Yorkers and in people across the country.

20 Thank you again for the opportunity to talk to
21 you today. I very much appreciate it, and I am humbled by
22 the chance to share our findings with you.

23 JUDGE LIPPMAN: First, let me say that we
24 appreciate your pro bono efforts in this regard. I think
25 the numbers here are staggering. I think if we could get a
26 copy of your efforts to every member of the New York State

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2 Legislature, we would probably be in pretty good shape. I
3 am going to try and do just that.

4 I do think that to get a recognition of how this
5 multiplies in terms of investing in legal services, it
6 should be an apple pie and motherhood to recognize that it
7 is a direction that serves everybody and serves society.

8 I want to thank you. Rest assured we are going
9 to use what you have done in every possible way to get
10 across our message.

11 Any questions? No?

12 Okay, thank you again. Really terrific. I can't
13 tell you how heartening it is.

14 MR. STEINKAMP: Thank you.

15 JUDGE LIPPMAN: Okay. Our next witness is Debra
16 Raskin, the President of the New York City Bar Association
17 and partner with Vladeck, Raskin & Clark who has done such
18 a terrific job as the president of a great, great venerable
19 bar association. We thank you for the support of City Bar
20 in every conceivable way.

21 Welcome, President Raskin.

22 MS. RASKIN: Thank you so much. I certainly
23 appreciate the opportunity to testify today on behalf of
24 the City Bar Association at this hearing addressing access
25 to justice for New Yorkers who can't afford attorneys in
26 crucial civil legal matters.

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2 JUDGE LIPPMAN: Let me just say one thing.
3 Though some of the crowd may have dissipated, our
4 enthusiasm to hear your remarks have not.

5 MS. RASKIN: Not quite last, not quite least. It
6 is fine.

7 JUDGE LIPPMAN: We are listening to every word.

8 MS. RASKIN: Thank you so much.

9 Let me start by thanking you, Chief Judge
10 Lippman, Helaine Barnett, and the Task Force -- now a
11 Permanent Commission and we are thrilled at that -- for
12 your unwavering commitment over so many years to the cause
13 of access to justice. The work of this Commission has been
14 a true game changer. It has improved the lives of
15 thousands of New Yorkers and provided much needed support
16 for our courts. And please know that you have the
17 gratitude of our bar association and, I think, the
18 organized bar as a whole for this issue going forward.

19 The City Bar has long been committed to providing
20 access to justice through our policy and advocacy, through
21 our initiatives in support of legal services organizations,
22 for court funding, for a right to housing, a right to
23 counsel in Housing Court, and a right to counsel in
24 immigration cases for those who are detained, and also for
25 direct legal assistance provided by our public service
26 affiliate which is the City Bar Fund.

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2 The City Bar Fund has the City Bar Justice Center
3 which leverages the efforts and resources of the whole
4 legal community to increase access to justice through both
5 our own employee staff and through pro bono representation.

6 Through Chief Judge Lippman's and former Chief
7 Administrative Judge Prudenti's outstanding leadership, the
8 Judiciary budget now includes \$85 million for civil legal
9 services, and we urge that you stay the course to the
10 \$100 million for annual civil legal services.

11 This is a vital element of any effort to provide
12 legal assistance to those who can't afford it, and there
13 are still far too many unrepresented people facing threats
14 to their basic needs every day.

15 Of course adding \$15 million to the funding is a
16 necessary but not sufficient condition. We deeply
17 understand the importance of pro bono representation as
18 well as the need to find innovative ways to leverage the
19 volunteer efforts of our legal community. The City Bar has
20 supported pro bono reporting, the 50-hour pro bono
21 requirement for new lawyers, and the innovative Pro Bono
22 Scholars Program.

23 Through our Justice Center's activities, we have
24 engaged volunteer lawyers to assist homeless individuals,
25 cancer survivors, immigrant women and children who have
26 been trafficked or abused, families facing foreclosure and

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veterans, among others.

And just to address for a moment Judge Lippman's question about coordination. We try very very hard to focus our Justice Center's programs in areas where for one reason or another, oftentimes funding, the regular legal services programs don't address those needs. And, actually, to give you one example; we have a pro bono program for trusts and estates. You may think, My goodness, why do people need T and E advice? Well, you have situations where people who never had money in their lives come into money because of a death or an inheritance, and need legal services through experienced trust and estate lawyers for that problem. That's an area that, for obvious reasons, LSC programs are not going to be addressing. So we do try to deal with that issue of coordination that the judges brought up.

Our legal hotline is the largest free legal services hotline in New York City. And now, thanks to this additional funding, hotline attorneys are able to provide brief or limited legal services to folks who call in such as helping them create court papers for pro se litigants, or assisting them with filling out forms for critical benefits.

These services will be the focus of my testimony today because they provide a good framework for our talking

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2 about what has been called unbundled legal services in
3 civil cases to those who otherwise would be without
4 representation.

5 First let me give you some more statistics,
6 although the ones we just heard were quite heartening.

7 The City Bar Justice Center helps about 25,000
8 New Yorkers annually. Last year we closed approximately
9 13,000 cases and engaged approximately 1,400 pro bono
10 lawyers to work on cases and conduct trainings in the
11 community to advise people of their legal rights. And
12 included in those numbers are thousands of New Yorkers who
13 rely on our legal hotline. Now we have expanded that to
14 include limited service or unbundled services to callers.
15 Unbundled or limited services refers to an attorney
16 agreeing to provide only one part of the legal services
17 that a client may need. This has become somewhat less
18 controversial in recent years and certainly is no longer
19 questionable ethically so long as it is clear to the client
20 that the nature of the services is limited and that there
21 is a clearly-worded and understandable retainer agreement
22 setting that out.

23 At the Justice Center we use limited scope
24 services for many of our projects such as elder law and
25 consumer bankruptcy, as well as on our legal hotline. We
26 also are operating two new programs using limited scope

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2 representation: Legal Assistance to the Self-Represented,
3 LASR, nice acronym, which an extension of the brief
4 services we provide on the legal hotline; and in the
5 Eastern District Federal Court, federal pro se legal
6 assistance. I will, however, focus today on state court
7 matters.

8 Since November 2014 the Justice Center has
9 handled approximately 2,300 limited scope services.
10 Representation in these matters depends on the need of the
11 individual and can include providing answers over the
12 phone, sending callers "know your rights" information,
13 reviewing a caller's faxed legal documents and providing
14 advice about that, setting up in-person appointment with a
15 caller for more extensive assistance. Limited scope
16 representation of this nature often results in avoiding or
17 settling litigation, helping an unrepresented individual
18 assess the values, for example, of a settlement offer that
19 they might not be able to do very well for themselves, or
20 to help them more effectively move forward with a pending
21 case. And let me give you a few examples of that kind of
22 limited representation:

23 Assisting a disabled client with drafting and
24 sending a cease and desist letter to creditors in order to
25 stop harassment. Then guiding that client through the
26 steps on the court's website to help pro se individuals in

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2 vacating default judgments that are inappropriately
3 entered; helping a single working mother to file an
4 uncontested divorce and secure child support and healthcare
5 for her two children; demanding the return of more than a
6 year's worth of rent overpayment to a senior citizen who
7 didn't know that his adjusted rent amount was about twice
8 what he should have been paying; and coming to the aid of a
9 widow by drafting an Article 78 proceeding to correct her
10 husband's death certificate so that she can get death
11 benefits to which she was entitled.

12 Such quick, brief representation in these kinds
13 of cases can result in credits and refunds to clients and
14 end the threat of litigation.

15 Although the vast majority of the Justice
16 Center's limited scope cases don't involve court
17 representation -- and the panelists have spoken about the
18 importance of legal services prior to litigation in
19 avoiding litigation -- we are also aware that not all
20 judges have embraced this idea of attorneys taking only one
21 part of a case. And we are also aware of pro bono
22 attorneys being concerned that they may be asked to stay to
23 work through a whole case even though their personal
24 resources may not allow them to do that.

25 We would ask that the court should continue to
26 educate judges which is an essential part of bridging the

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2 justice gap, and that attorneys should ethically be able to
3 do this and end their services after they complete a
4 discrete and helpful portion of the matter.

5 The ability to do this obviously varies by
6 practice setting and by the court or administrative
7 agencies, and we ask that judges be encouraged to permit
8 this. Attorneys will not volunteer for limited scope
9 representation in court or in administrative settings
10 unless they think that they can end their representation at
11 an appropriate time as per the limited scope retainer.

12 There is also a concern that pro bono attorneys
13 who are handling only a part of the case may fail to
14 identify interconnected issues. We have heard a lot about
15 how in poverty so many legal issues are intertwined and
16 interconnected. This increases the burden of careful
17 supervision of these attorneys by experienced lawyers,
18 oftentimes experienced legal services lawyers, and the
19 obligation to explain carefully to the client the nature of
20 the limited representation and that it will focus on only
21 one particular aspect of the problem. And in some cases it
22 is simply inappropriate and could worsen a problem to deal
23 with only one issue, and those cases wouldn't work for this
24 kind of representation.

25 The City Bar's Justice Center's experience today
26 with such un-muddled legal services representation is quite

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2 heartening. Our surveys of client satisfaction, while we
3 don't have the economic wherewithal as the prior witness,
4 we have done some amount of studies of how this has worked
5 out from the client point of view. And what we have
6 learned is that the clients have been extremely happy to
7 have this kind of representation and feel that it has given
8 them more authority, more control over their situation.

9 The cases we have handled so far show a potential
10 to help even more people who, despite our wishes, are not
11 going to be able to obtain full representation from a legal
12 services or pro bono provider.

13 We believe that pro bono attorneys will be
14 pleased to take on limited scope representation as long as
15 it is appropriate and an appropriate retainer is signed.
16 It is our hope to be able to encourage more lawyers to take
17 on these pro bono activities given this kind of limitation
18 of scope. We also hope to continue working on innovative
19 collaborations and other new resources for these kinds of
20 problems.

21 I want to end my testimony by talking about and
22 thanking some of these other programs that have been
23 instituted under your leadership, the Pro Bono Scholars
24 Program in this particular case. This past spring the City
25 Bar Justice Center had two pro bono scholars, and it was a
26 terrific experience for everyone involved. Our scholars

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2 came from New York Law School and Cornell Law School and
3 provided invaluable assistance answering hotline legal
4 calls, providing brief services to callers. These scholars
5 received training from the experienced supervisory
6 attorneys, and provided concentrated support in particular
7 to elderly and veterans needing assistance. We believe
8 this program holds great promise, and we look forward to
9 continuing our participation.

10 Thank you again for the opportunity to testify
11 here on behalf of the City Bar Association, and a very
12 special thank to the CJ for all he has done to improve
13 justice in this state. Your leadership has not only moved
14 the needle, it has permanently altered the playing field.
15 We thank you four that.

16 JUDGE LIPPMAN: Thank you, President Raskin, for
17 those lovely remarks and kind words. I appreciate it.

18 I have one quick question. The City Bar
19 commitment to this issue has been so terrific over such a
20 long period.

21 Do you see today many young lawyers coming to you
22 without jobs and looking to do something useful? And we
23 have talked so many times about channeling them into doing
24 good deeds for people in need and getting some practical
25 experience even though they can't find a permanent job. So
26 do you still see a lot of that?

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2 MS. RASKIN: My predecessor, Carey Dunne, chaired
3 a task force on this problem of new lawyers and lack of
4 employment but under service of so many populations.

5 The City Bar has instituted a number of programs
6 to address that. For example, we take a class of 40 or 50
7 young attorneys who have just graduated and put them
8 through various kinds of substantive training and job
9 search training. And certainly in that and, really, in all
10 our other efforts to help lawyers find jobs, we don't miss
11 those opportunities to preach the gospel of pro bono,
12 public service and so on. I mean, this kind of funding
13 obviously supports and provides opportunities for more of
14 those recent lawyers to do that kind of work.

15 JUDGE LIPPMAN: Thank you for preaching the
16 gospel. I know that State Bar President Miranda agrees
17 with me that the City Bar does a spectacular job in the
18 area of access to justice, and we are greatly appreciative
19 of your leadership and the City Bar's efforts.

20 MS. RASKIN: Thank you so much.

21 MR. MIRANDA: I do have a quick question.

22 JUDGE LIPPMAN: A quick question from the
23 President, one to another.

24 MR. MIRANDA: I do appreciate your testimony
25 today and the leadership of your association. You have
26 many wonderful innovative programs.

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2 How do you think we can replicate some of these
3 programs that are working so well for the City Bar with
4 other smaller bars that might not have the infrastructure
5 that your association has?

6 MS. RASKIN: In a sense, this measuring client
7 satisfaction is a part of it. We try to, sort of, very
8 consciously evaluate these programs at every stage. And
9 part of it, although I hate the word "scaleability," is
10 trying to figure out: Are these programs we can package
11 and take on the road and share with other bar associations?
12 So that is really something that is kept in mind.

13 And, you know, to the extent you are outside of
14 big cities where you have more smaller practitioners,
15 solos, although we do focus on our solos and small
16 practitioners in New York, but to what extent, for example,
17 is unbundled legal services more possible for someone who
18 has a solo practice? Perhaps they can't take on a
19 prolonged litigation pro bono but could well do a piece of
20 it. That would be enormously helpful to the litigant. Can
21 the bar organization in that smaller community leverage
22 that example to make pro bono more appealing to people in
23 that community?

24 So that really is something that we think about
25 in these programs.

26 JUDGE LIPPMAN: Sharing good ideas and good

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2 mottos. It obviously is such a good idea for all of us.

3 Judge Marks, I believe, has a question.

4 JUDGE MARKS: Yes.

5 So separate and apart from the new lawyers who
6 have trouble finding employment, is it your sense that
7 there has been an uptick in pro bono participation in New
8 York City? Related to that, the difficulties in the legal
9 profession, did that result in more pro bono, less pro
10 bono, or did it have any impact on pro bono participation?
11 What is your sense of that?

12 MS. RASKIN: It is a little bit hard to say, but
13 I think what I would say is that there is a certain level
14 in which from 2008 on, the crisis in many lawyers' recent
15 memories of folks coming out of law school and not being
16 able to get jobs perhaps made people more conscious of the
17 fact that on a certain level we are all vulnerable. You
18 know, Wall Street has had its problems, the Lehman Brothers
19 of the world laying off large numbers of people. Does that
20 kind of experience raise consciousness at a certain level
21 that we are all in this together? Those of us who are
22 fortunate enough to have jobs, fortunate enough to be
23 somewhat secure in our firms, don't we have an obligation
24 now that we have seen this kind of unfortunate economic
25 situation to help others? You know, that's a little bit of
26 a sense of what I get.

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2 Unfortunately I don't have any apparent skills to
3 do a study, but that would be my view, and, really,
4 starting with things like Carey Dunne's task force of how
5 do we help not just new lawyers who are without jobs. You
6 know, very experienced lawyers sat on that task force and
7 put their heads together about what do you do about all
8 these unrepresented people and these lawyers who are not
9 employed. So wiser heads at all levels of the profession
10 were thinking in those terms.

11 JUDGE LIPPMAN: Thank you, President Raskin.
12 Thank you again for your leadership and the bar's efforts.

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2 JUDGE LIPPMAN: Thanks. Sarah Moss, Executive Vice
3 President and General Counsel of The Estée Lauder Companies
4 which is a name that is familiar to all of us. Thank you
5 for your patience too as well. You are one of the latest
6 speakers before our client panel. We are delighted to have
7 you and we're so pleased to have the visions you represent
8 to me today.

9 MS. MOSS: Thank you, Chief Judge Lipmann and
10 distinguished panel. Thank you for the opportunity to speak
11 to you this morning. Chief Judge Lipmann, I want to echo
12 Mayor De Blasio and others who have thanked you for your
13 extraordinary leadership through our profession and it is
14 really an honor to be here.

15 I thank Chief Justice Lippman, you set the
16 framework right when several years ago you said that in
17 speaking of the importance of being the civil legal needs
18 for our citizens, quote, there are certain fundamentals for
19 a civil society, for a moral society, and this is one of the
20 priorities. That's exactly right. And I could not agree
21 more. That is a framework that I think we look at this and
22 the lens that we look at it through.

23 I am General Counsel, chief legal officer, of the
24 Estée Lauder Company and in that position I have a
25 responsibility for the role I have on legal functions for
26 the company. Throughout my career, I have a lifetime

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2 commitment to public service and pro bono work,
3 particularly, serving low-income New Yorkers. In my current
4 legal position, I supported providing legal counsel to a
5 wide variety of service organizations, including the women's
6 career and development programs, sexual assault crisis
7 centers, and substance abuse and rehabilitation centers.

8 I have the privilege of serving on a number of
9 non-profit boards including the Board of Directors of the
10 New York Common Pantry, the Board of Directors of M.A.C.
11 AIDS Fund, and the Board of Directors of NYU Law School and
12 I know John Sexton was here. I supported Nazareth Housing
13 which supports homeless women and through Estée Lauder I am
14 an active volunteer with The Young Women's Leadership School
15 in Harlem.

16 Throughout my legal career and my board and
17 volunteer work, I have seen firsthand how difficult it is to
18 see justice served when people do not have legal
19 representation. This is especially acute when the legal
20 issues impact low-income people who are facing eviction in
21 housing court or domestic abuse or struggling to access
22 public housing, disability and unemployment and other
23 benefits. And we all know as we see this every day.

24 Today there are more than 58,000 homeless
25 New Yorkers in the City shelter system, and we face an acute
26 affordable housing crisis. I see this at the New York

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2 Common Pantry, the working poor who have lost their homes
3 struggling to feed their families and house their families
4 and maintain their jobs. We see it in the M.A.C. AIDS fund,
5 many low-income people living with aids trying to find
6 stable, supportive and safe housing. Moreover, as the need
7 for affordable housing increases among this population, the
8 available resources have continued to lag behind. Legal
9 services are critical to secure an increase access to
10 government benefits, reduce barriers to health care and
11 treatment, and promote family stability for future care and
12 custody planning for families and pro bono assistance can
13 only do so much.

14 We see the legal service programs, attorneys
15 triaging cases, making the difficult decision on who to
16 serve and who they cannot serve and turning away people who
17 need their help. The continuing unmet need for civil
18 assistance in all areas of the state has a negative impact
19 on businesses. There is a significant economic and social
20 value to providing services to poor New Yorkers to help them
21 deal with civil legal matters. As someone who works in the
22 business world, we appreciate the economic value that is
23 realized by expanding civil legal services in areas such as
24 housing, health immigration, family rights, housing, health
25 care, again, obtaining child care and education. The burden
26 that is placed on low-income New Yorkers who lack

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2 representation reduces their ability to contribute to our
3 economic growth, and surely limits their productivity
4 wherever they may work. My company, Estée Lauder, shares
5 these values and perspectives and we strive to be good
6 citizens of our city and our state by supporting legal
7 services which secure these essentials of life but no
8 company or pro bono work can do it and can do it alone.

9 The work of legal services organizations often has
10 far-reaching effects, well beyond a specific case, in
11 advocacy such as changing public policy or the law on issues
12 concerning low-income New Yorkers, the recent divorce law is
13 an example of that and these shifts in policies could not
14 happen without the advocacy of providers of direct legal
15 services with the hard evidence of the individual needs of
16 New Yorkers, especially vulnerable populations like domestic
17 violence survivors, who often find leaving a battering
18 partner subjects them to extreme poverty. Civil legal
19 services form a safety net that must be strengthened and
20 expanded. Increased support for these programs is essential
21 if those New Yorkers without resources are to be accorded
22 equal justice under the law.

23 Thank you again for your work Chief Judge Lippman
24 and the panel to meet the critical needs of the citizens of
25 our city and state. Thank you.

26 JUDGE LIPPMAN: Thank you so much for your

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2 testimony and again thank you for your patience. Let me ask
3 you one question. Why is legal services important to the
4 business community, what it would seem kind of
5 counterintuitive? Why do businesses in this city, the
6 state, this country, why do you care about legal services?
7 Why is that important?

8 MS. MOSS: Well, first of all, I started from the
9 fundamental panelist that I read in the beginning that this
10 is critical to a normal society, to a justice society. On a
11 more practical level --

12 JUDGE LIPPMAN: The bottom line.

13 MS. MOSS: The bottom line level, if someone loses
14 their home, they can't come to work. If someone -- if a
15 child doesn't have a home, can't get education, can't become
16 a productive member of society. If someone is the victim of
17 an abusive relationship, they can't come to work or they do
18 come to work and they can't function and we see this. How
19 many New Yorkers are there who have these tipping points
20 that something happens and they unjustly lose their housing
21 or their health care or whatever is keeping their family
22 together. We have workers at Estée Lauder in factories in
23 Melville, often tens of thousands of employees in this state
24 in Melville, primarily in Melville and New York City and
25 they can't support the work and the company if they don't
26 have these fundamentals and the civil legal services are

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critical.

JUDGE LIPPMAN: On two levels, you need people in the local communities who have money to put in the bank and go to the store and buy products, Estée Lauder products or some other products.

MS. MOSS: Not other products.

JUDGE LIPPMAN: And they can't do that if they don't have assistance with basic fundamental issues and on another level within your own family. You need your employees who have these different problems, housing, consumer credit, whatever it might be, healthy in the best sense in that way in getting the legal assistance that they need.

MS. MOSS: I have to say we are a great company and have great employers. We cannot provide those services. We simply cannot. They must be provided. Thank you again.

JUDGE LIPPMAN: Thank you so much. We appreciate your testimony. Okay. For our final witnesses, we are going to have our clients of panel and let's see. We are going to have Fatim Kamara, Stacy Snowden, Cassandra Wilson. Come up. Okay. Fatim, you are a client of The Door, a Center for Alternatives. You're accompanied by Rebecca Wilson Heller. Tell us how has legal services affected your life.

MS. KAMARA: I am going to start by saying good

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afternoon to you and the individuals. Thank you for having us be here today.

JUDGE LIPPMAN: Speak into the mic.

MS. KAMARA: My name is Fatim Kamara. Thank you for giving me the opportunity to tell you how the legal services at The Door, I received, have given me a secured guardian and for my life back on the right track.

I was born in Togo South Africa. I am 19 years old. I came to New York City with my father when I was 11 who returned back to Togo two weeks after. When I come to New York, I was living with my aunt and she and her husband had two kids but still treated me like a burden. She would start fights with me. She would argue with me about everything. And when I talk back or do not talk back, she will still hit me. Sometimes it left bruises but it got to the point where once she hit me I would just look at her and I couldn't cry anymore.

I take time to take care of the house, clean, take care of the kids and go to school. I was in high school. I was very uncomfortable at her house, but I had nowhere else to go. One day at school, one of my classmates told me about The Door and brought me over to become a member. There I was able to talk to a lawyer who told me that I could qualify for Special Immigrant Juvenile status but that I need a guardian because I was too young.

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2 Happily, I went home. I asked my aunt if she could
3 be my guardian. She said that she was too busy and like
4 always that I was going to get myself into more trouble. I
5 was very discouraged by her answer. And I abandoned my case
6 for a year now. I kept living at her house because I had
7 nowhere else to go.

8 So one day I was on the train and I ran into a
9 friend of mine from Togo she told me that her family had
10 moved to New York City and she invited me over to her house.
11 So there I was explaining to them how life was at my aunt's
12 house. And her father decided to be my guardian from there.
13 So he came to the The Door. He spoke with my lawyer who
14 explained to him how everything would work. He also invited
15 me to come and live with them at their house but first we
16 had to go to the Family Court.

17 At the Family Court, my lawyer filed a petition in
18 Bronx Family Court to have my friend's father appointed as
19 my guardian and to let the special factor findings that
20 would allow me to petition for an immigrant award, Special
21 Immigrant Juveniles status or SIJ.

22 The SIJ is a way for children who have been abused,
23 neglected, abandoned to receive protection of the Family
24 Court that will eventually help them obtain a Green Card.
25 The process was confusing at first, but my lawyer took care
26 of everything. My guardian needed a French interpreter

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1 which the Court had. My lawyer conducted the hearing. The
2 judge granted the guardianship and special findings. It was
3 wonderful to have a place -- safe place to live at and also
4 a family that welcomed me. The Door helped me with my
5 immigration application. I didn't have the document so I
6 couldn't have worked and supported myself so I had to -- and
7 or go to file financial aid for college. After The Door
8 filed my SIJ application, I got my work authorization and
9 everything started to flourish.
10

11 I started working for \$8.25 an hour. I started
12 buying myself clothes, food, school supplies. I was a much
13 more happier person because I knew everything was going to
14 be okay and the same year I graduated from high school.
15 When I got my Green Card, wow, by then I moved out on my own
16 with my own roommate. The Green Card made me realize I
17 could do so much better in life, so I start by getting a job
18 at a restaurant on 42nd Street but still that job wasn't
19 enough for me to support myself. So a lawyer told me at The
20 Door that the health center was hiring. The health center
21 at The Door was hiring peer educators. I went down. I
22 present myself and I got the job.

23 I am going to Bronx Community College now. I am
24 studying biology. I have a lot of ideas for my future, to
25 finish college, be a doctor and volunteer in non-profit
26 organizations. I am grateful that I found The Door and that

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2 the findings and the capacities they had to help me obtain a
3 guardian in Family Court and immigration status that allowed
4 me to become working and support myself. Without the legal
5 services I received at The Door, I wouldn't be where I am
6 today. Thank you. Thank you so much for providing funding
7 for civil legal services in our state and thank you so much
8 for the opportunity you have given me to testify before you
9 today. Thank you.

10 JUDGE LIPPMAN: Thank you for telling us your
11 story. It's fair to say that legal services changed your
12 life.

13 MS. KAMARA: It did. Thank you so much.

14 JUDGE LIPPMAN: Such a great example of why you are
15 seeking this funding and this help so legal services can
16 help people who just need a hand and we thank you for
17 coming.

18 MS. KAMARA: Thank you.

19 JUDGE LIPPMAN: Stacy Snowden, client of The Legal
20 Aid Society, Harlem Community Law Office, accompanied by
21 Evan Hasbrook.

22 Stacey, move the mic close to you.

23 MS. SNOWDEN: Thank you for this opportunity to
24 speak. I want to thank you for this opportunity to speak
25 about the help I received from The Legal Aid Society. It
26 was a very frightening experience to almost be homeless.

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2 Without their help, I might have been homeless and me and my
3 son wouldn't have a place to go. I want to say good morning
4 or good afternoon now. My name is Stacy Snowden and a
5 lifelong New Yorker who came to The Legal Said Society for
6 help. I had been living at 485 Lenox Avenue with my son for
7 more than 17 years. And I'm also a former health care
8 worker that became disabled so I was getting help to pay my
9 rent through the Section 8 program.

10 Last year we got new management and out of nowhere
11 they said I owed them arrears of like \$10,000 and they took
12 me to Housing Court to evict me. My son and I, we were
13 terrified. My son was in his senior year of high school.
14 He was thinking about having to quit high school to get a
15 job. He wanted to help me. I was afraid. I was ill. We
16 didn't know what we were going to do; we were going to be on
17 the street. They were like you got to get out now. You got
18 to get the money. They had a three-day notice on the door.

19 The next thing you know, I was in court. I had to
20 sign some paperwork saying I had to move because Social
21 Service gave me 30 days or get out, but, luckily, there was
22 a lady in court. She told me not to sign anything. I came
23 home. I told my son I was going to try to get help at The
24 Legal Aid Society and that he should focus on going to
25 school finishing high school and not worry about getting a
26 job but I was going to try to get some help.

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2 When I met with my Legal Aid Society, my lawyer
3 explained to me that the most rent I could owe was a couple
4 of hundred dollars. They said \$10,000. No, they said a
5 couple of hundred dollars and that the landlord had not,
6 they thought, not legally entitled to the money because the
7 arrears that have piled up was because they had lost their
8 subsidy to collect the rent because of penalties that they
9 received for repairs that were not made in my apartment.

10 So The Legal Aid Society agreed to take my case and
11 to fight for me in the court. And after we went to court
12 and The Legal Aid Society raised this defense in court about
13 the subsidy and that they weren't entitled to the money,
14 they gave me back my Section 8 and my son finished high
15 school and now he finished his first few weeks in college so
16 I am so grateful to The Legal Aid Society for helping us
17 because without them I could have been evicted. I could
18 have signed that paper. I could have probably been homeless
19 and The Legal Said Society is an incredible resource to New
20 Yorkers like me and people that experience difficult times.

21 You don't know how scarey it is you are going to
22 come home and you are not going to have no place to go and
23 you have no one to help you and there is no resources and
24 you have no money and I just want to tell you how grateful I
25 am for The Legal Aid Society helping me and my attorney
26 explained to me that this investment from you guys, the

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2 Chief Judge and OCA, for increased funding, I'm just -- you
3 don't know how difficult it was for me, it was for the
4 increased funding and to make this help work. It was the
5 reason why I was able to get assistance and other families
6 will be able to get assistance because it was a dramatic,
7 dramatic experience for me and without someone's help, I am
8 so grateful that The Legal Aid Society -- and I hope you
9 give the guys more funding and more help so that they can
10 help other families that may have the same situation and may
11 not know where to go and might not have funding or services
12 to get help and move on so I am most grateful. Thank you.

13 JUDGE LIPPMAN: We are most grateful to you for
14 coming in and, you know, you see these ads on television
15 about health care and so and so, hospital give me back my
16 life, legal services can give you back your life, right?

17 MS. SNOWDEN: Yes. Thank you.

18 JUDGE LIPPMAN: Thank you. Thank you very much for
19 coming in. Cassandra Wilson, client of Legal Services NYC,
20 accompanied by Tanya Douglas.

21 MS. DOUGLAS: Good afternoon. I am actually Tanya
22 Douglas. Miss Wilson had a medical emergency and were not
23 able to come today.

24 JUDGE LIPPMAN: We are happy to have you here.

25 MS. DOUGLAS: I am happy to read her testimony or
26 submit it. You tell me what fits.

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2 JUDGE LIPPMAN: However you want to do it. You can
3 read it, whatever works for you.

4 MS. DOUGLAS: I will read it. It is an classic
5 example of the holistic work that we do at Legal Services.
6 Miss Cassandra Wilson came into our office for help, to
7 present an eviction, and also to submit social security
8 benefits. She is 50-years-old and had worked for over
9 20 years as a security guard. She lives at 163 West 133rd
10 Street, apartment 3C, New York, New York and had lived there
11 for over a couple decades.

12 In January of 2013, she was diagnosed with Stage IV
13 uncurable breast cancer and underwent major surgery. She
14 had no other source of income and, therefore, had to go back
15 to work after the surgery. She was unable to meet the
16 demands of work. However, her employer accommodated her
17 disability by cutting her hours and reducing her duties but
18 that led to her falling behind in her bills including her
19 rent and her Con Edison.

20 Over time she was became sicker and sicker,
21 suffered from fatigue, shortness of breath and was in severe
22 pain due to her Stage IV cancer. She had to stop working
23 because she applied for social security and SSI benefits.
24 Her case was denied, her applications. She filed an appeal
25 and was waiting for a decision. Then she was brought -- she
26 received -- brought to court for nonpayment of rent. She

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1 attempted to represent herself in Housing Court but to no
2 avail. By the time she came to Manhattan Legal Services,
3 her case had been adjourned nine times for her to pay back
4 rent and she couldn't get the money. She had went to public
5 assistance for help but was turned down because she could
6 not afford to pay the future rent because she wasn't working
7 at the time.
8

9 She was desperate to have the social security case
10 approved. And while she was waiting, she received a notice
11 from the city marshal stating that she would be evicted.
12 She could not afford to pay for an attorney. Manhattan
13 Legal Services staff was able to help her. Our housing
14 attorney, Miss Patel, filed emergency papers in Housing
15 Court to demonstrate her severe illness and that we were
16 trying to help her get money through social security and
17 social security benefits.

18 Miss Patel was able to hold off her eviction and
19 provide -- the Court provided more time for her to pay her
20 arrears. Miss Valentine, who's a volunteer in the
21 Disability Law Unit, fought with the social security
22 administration to get a hearing. Miss Valentine was able to
23 gather all of the necessary medical documents including
24 reports from the doctors. It's often difficult to get a
25 doctor to write a report.

26 Then the social security administration said it

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2 would take months or years before a hearing would occur.

3 Miss Valentine requested an expedited hearing and was able
4 to submit evidence so that her case would be approved on the
5 record without waiting for months or up to a year for a
6 hearing. She now receives social security and SSI benefits
7 so she can prove that she can pay her rent going forward and
8 was able to get a one-shot deal from public assistance with
9 help from Manhattan Legal Services. So money from the
10 one-shot deal combined with the retroactive social security
11 and SSI benefits allowed her to pay for rent arrears and
12 save her home.

13 Manhattan Legal Services is now working with her
14 for her to qualify for disability, rent increase exemption,
15 to keep her rent affordable. We, Manhattan Legal Services,
16 were each able to help her get money to pay her Con Edison
17 arrears. Legal Services has made a huge difference in her
18 life and she knows that many other people were able to get
19 help because of Legal Services. She fully supports
20 continued funding with civil legal services in New York
21 City.

22 JUDGE LIPPMAN: Thank you for coming in and telling
23 us this. There is another story of life, being imaginably
24 helped by New York City. We greatly appreciate you coming
25 in.

26 MS. DOUGLAS: Thank.

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2 JUDGE LIPPMAN: That's our last witness. I want to
3 thank all of you, the stewards who stayed to the very end.
4 This is not for the short winded and, you know, rest
5 assured, we are going to go through these next three
6 hearings in different parts of the state and I have every
7 confidence that the Commissioner is going to come up with a
8 great report. And as we indicated earlier, while we are
9 very pleased and happy that you have been able to achieve,
10 much more needs to be done and we are all going to work
11 very, very hard, including the State Bar Association, and
12 all of us working together, to get where we need to go which
13 is every person in need of legal assistance get the
14 representation that they deserve. So thank you all.
15 Greatly appreciated. Thank you.

16 * * * *

17 Certified to be a true and accurate transcript of
18 the stenographic minutes taken within.
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22 RACHEL SIMONE, CSR, RMR, CRR
23 SHAMEEKA HARRIS, CSR, RMR, CLR
24 Senior Court Reporters
25
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