

**Written Statements Submitted at the
Second Department Hearing on October 7, 2010**

Statements of Testifying Witnesses

Jane Aoyama-Martin (Executive Director, Women's Justice Center, Pace Law School)

Mary A. Barbera (Chief, Rockland County Sheriff's Civil Division)

Hon. Kathie E. Davidson (Supervising Judge, Family Court, 9th Judicial District)

Rajiv Garg (President and CEO, Wyckoff Heights Hospital)

Gail Greene (Client of Legal Aid Society of New York City)

Hon. Fern Fisher (Deputy Chief Administrative Judge for the New York City Courts;
Director of the New York State Courts Access to Justice Program)

Hon. Charles Hynes (District Attorney, Kings County)

Victor A. Kovner (Chair, Fund for Modern Courts)

Chakiera Locust (Client of Legal Aid Society of Rockland County)

Christine Malafi (Suffolk County Attorney)

Hon. Eleanora Ofshtein (Kings County Housing Court)

William Schneider (Client of Nassau/Suffolk Law Services)

Lois Schwaeber (Director of Legal Services, Nassau County Coalition Against
Domestic Violence)

Brad Snyder (Representative of Network of Bar Leaders)

Hon. Norman St. George (Acting Supreme Court Justice; Nassau County Court Judge)

Alvin Thomas (Client of Legal Services of the Hudson Valley)

Rev. Terry Troia (Executive Director, Project Hospitality, Staten Island)

Jane Aoyama-Martin

Executive Director

Pace Law School, Women's Justice Center

**Task Force to Expand Access to Civil Legal Services in New York
Chief Judge's Hearing
Second Department – October 7, 2010**

Testimony Jane Aoyama-Martin

Good morning. My name is Jane Aoyama-Martin, and I am the Executive Director of Pace University Law School's Women's Justice Center in Westchester County, New York. I am also a former civil legal services attorney, having started my career 30 years ago in LSC-funded legal services offices in rural upstate New York as well as the Bronx. In addition, I practiced for ten years with the Civil Division of The Legal Aid Society in New York City.

I want to thank the Judiciary and the Task Force in particular for taking the lead in this important issue and for providing this forum to address the obligations of society, our legal institutions and our profession to protect the poor and society's most vulnerable by giving equal access and a fair chance in our justice system. Thank you for this opportunity to speak up for those who cannot speak for themselves, and I hope the message will be clear. There is dire need for a permanent funding source for civil legal services.

This written statement will briefly summarize our work at the Pace Women's Justice Center, describe Westchester County and civil legal services in the area of domestic violence, describe the impact of our services or lack thereof, and highlight the gaps in available service.

I. About the Pace Women's Justice Center

The Pace Women's Justice Center is a highly respected, multi-faceted legal services center. The Center's mission is to end abuse by providing innovative legal programs including direct legal representation for victims and survivors of domestic violence and elder abuse, specialized training, community education and outreach.

Each year, the Center serves over 2,800 victims and survivors of domestic violence and elder abuse in the Family and Supreme Courts in Westchester and Putnam counties. Our largest direct service program is our Pace Family Court Legal Program, a free legal services program that provides

representation on a walk-in basis in emergency protective orders cases in the White Plains and Yonkers Family Courts. Whenever the courts are open, we are open, and we are on the front lines providing free legal services in the Family Courts. In addition to providing legal services in the emergency protective order cases, we provide free legal assistance in longer-term matters involving custody/visitation, support, divorce, and other matters arising from the abuse.

In addition to direct civil legal services, the Center provides training programs, teaches law students, and operates a Moderate Means Divorce Panel, Elder Law Clinics, a Pro Bono Program, outreach programs, and a Legal Helpline that receives over 2200 calls per year. With an annual budget of 1.2M and an attorney staff of 10 FTEs, the Center can only serve this large number of clients through the extensive use of pro bono attorneys, students and volunteers. In 2009, our volunteers contributed over 6,119 hours in various programs.

Our clients are primarily poor, working poor, women with children, and all are victims and survivors of abuse.

II. Westchester County: Statistics and Civil Legal Services for Domestic Violence Victims

A. Poverty Statistics

In 2009, Westchester County had a population of almost 1 million residents, 52% women. It has the dubious distinction of being the highest taxed County in the nation for the 3rd year running, and a reputation for wealth. While admittedly there are some pretty swanky areas in Westchester, one should not be fooled because the statistics reveal a different reality.

The nation's poverty rate jumped to 14.3% in 2009, its highest level since 1994, and the 43.6 million Americans in need is the highest number in 51 years of record-keeping. Outside of New York City, the Hudson Valley has one of the highest rates of poverty per capita. According to the Census Bureau's 2008 Poverty and Median Income Estimates, the Hudson Valley counties served by Legal Services of the Hudson Valley had a total of

206,544 poor people in 2008.¹ In 2009 poverty increased throughout the Mid to Lower Hudson Valley with every county showing an increase in the percentage of individuals living in poverty.

In 2008 in Westchester County, 8.4% of the population, or over 80,000 individuals, were living in poverty. Twice as many live at or below 200% of poverty. What does living in poverty mean? It means that a household of one person lives on less than \$10,830 per year. It means that a single parent and two children, a household of three, live on less than \$18,310 per year. At 200% of poverty, a single parent and two children, live on less than \$36,320 per year.

B. Domestic Violence Statistics

No one is immune from interpersonal violence, and women and girls continue to be disproportionately affected by violence within the home and within the larger Westchester community. The Centers for Disease Control and Prevention estimate that nearly 25% of all women have been the victim of physical, sexual, or emotional abuse by an intimate partner. The estimate for unreported incidents is that 27% do not report; many victims never call the police. Based on the estimate that 1 in 4 women have experienced abuse, there are up to 123,000 women in Westchester who may have been victims of abuse.

Domestic violence is an epidemic and Westchester County is not exempt. Domestic violence incident reports (“DIRs”) are incident reports written by police when called to a domestic violence situation. In Westchester, the number of DIRs has increased from 7,754 in 2000 to 10,783 in 2008 (an increase of 39%). DIRs increased 45% in the largest cities (Mt. Vernon, New Rochelle, White Plains, and Yonkers) and represent 63% of the total DIRs in the county in 2008. DIRs are the tip of an iceberg; they only record incidents in which the police were called.

C. Free Civil Legal Services in Westchester

¹ 2008 Poverty and Median Income Estimates, U.S. Census Bureau, Small Area Estimates Branch, Internet Release Date 11.2009

Based on our experience in working with survivors of domestic violence and elder abuse, there is an inability of existing agencies to meet the demand for essential legal services. The domestic violence legal services providers in Westchester County all strive to work together in attempt to meet the demand for legal services, but the demand is high and the dearth of services particularly acute. There simply aren't enough free attorneys available because of the lack of resources – funding in particular. Access to free legal services for help with not only protective orders which address immediate safety issues, but also with issues of custody, child support, maintenance, housing, public benefits, and divorce, makes an often critical difference for women and their children in becoming truly free from their abusers and in moving forward with their lives.

In Westchester County, non-profit, free legal services providers are few² in number, Legal Services of Hudson Valley (“LSHV”) being the largest with the widest breadth of practice areas addressing the legal needs of people in poor communities. The remaining civil legal services providers in Westchester, like the Women’s Justice Center, are relatively small and serve specific targeted populations. As such, we work closely with LSHV, and in fact, partner with them in specialized programs and training events, and we rely on each other for cross-referrals when we are at capacity in our intake of new clients. Also, we have looked to LSHV to make referrals in other areas within their area of expertise – for example, public benefits, landlord-tenant, Medicaid and foreclosures.

III. Beneficial Impact of Civil Legal Services and Negative Impact Due to Lack of Funding

Access to free civil legal services makes a significant difference for domestic violence victims and survivors. In their article entitled, “Explaining the Recent Decline in Domestic Violence,” researchers Farmer and Tiefenthaler credit the increased provision of legal services for victims

² In Westchester County, LSC-funded Legal Services of the Hudson Valley is the largest general civil legal services program. The Pace Women’s Justice Center is the largest free legal services program for victims of abuse. The other legal services providers include the in-house legal department of My Sister’s Place (domestic violence) and a branch office of the Empire Justice Center (immigration).

of intimate partner abuse as one of three important factors that likely contributed to the decline in abuse:³

According to the Department of Justice, the incidence of domestic violence decreased during the 1990s. Understanding the causes of this decline could offer important insight into designing effective policies to continue this trend. In this paper, we use the Area Identified National Crime Victimization Surveys (NCVS), the same data used to generate the DOJ's national estimates, merged with county-level variables, to examine the determinants of women reporting abuse. Our results indicate that there are three important factors that likely contribute to the decline: (1) *the increased provision of legal services for victims of intimate partner abuse*, (2) improvements in women's economic status, and (3) demographic trends, most notably the aging of the population. (emphasis added)⁴

Domestic violence victims and survivors face myriad issues, many of which require legal services from attorneys well-versed in the dynamics of domestic violence. Often a victim's first encounter with the courts involves obtaining a protective order, or in the alternative, obtaining comprehensive legal advice so that the victim can fully understand the ramifications and reach an informed decision about whether obtaining a protective order is the safest course of action.

In addition to assisting a victim to obtain an order of protection for safety, attorneys are often needed for custody and visitation matters, financial issues (i.e., child support, maintenance/spousal support, housing, property and debt issues), divorce and other issues arising from the abusive relationship. Legal services are often essential in helping battered women to obtain the emotional and financial independence so essential to moving forward with their lives. Many of our clients are mothers, and helping these mothers achieve safety has long-term positive effects on their children as well. Additionally, civil legal representation also eliminates or reduces shelter,

³ Although the Farmer and Tiefenthaler study shows a decrease in domestic violence during the 1990's, during the current recession domestic violence increased nationally, and in NYS charges like assault by family members were up 18% statewide. William Glaberson, *The Recession Begins Flooding into Courts*, N.Y. Times, Dec. 27, 2009, http://www.nytimes.com/2009/12/28/nyregion/28caseload.html?_r=1

⁴ Amy Farmer & Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 *Contemporary Economic Policy* 158 (2003).

medical, unemployment, and educational costs for local, state, and federal governments.

The availability of free civil legal services for litigants who cannot afford private attorneys helps level the playing field, making equal access to justice a fairer proposition. It is an understatement to suggest that victims of domestic violence have difficulty leaving an abusive relationship. Financial security is one of the best ways that a victim can ensure a safe separation. Yet, leaving the abuser often causes greater financial insecurity for that victim.

Extensive research by Drs. Lundy Bancroft and Jay Silverman has established that divorced and separated abusers have more financial resources than their former partners, especially in the period immediately following separation. This financial advantage can make it possible for abusers to not only hire a more experienced and skilled attorney, but also to spend money on discovery, depositions, motions, hearings and trials. During the course of their research, Bancroft and Silverman received many reports from battered mothers of settling cases on terms that they considered detrimental to their children because they could not amass the resources to pay for litigation.⁵

Our experience mirrors these research findings. In our experience, abusers take advantage of the substantial inequities in the court system. We routinely see abusers using the legal system to further abuse their spouses.

We receive hundreds of calls from women who want to leave abusive husbands, but who first need to understand the legal system. Our callers want to know whether or not they will be able to financially care for themselves and their children and sometimes that is the deciding factor in their ultimate decision to leave or stay in a violent relationship. As Drs. Lundy Bancroft and Jay Silverman have also concluded, domestic violence is an important cause of homelessness for women and children. The risk of becoming destitute is very real for these survivors.

We have found that with appropriate legal assistance, many survivors are able to make the transition to independence from their abusers and to

⁵ Bancroft and Silverman, The Batterer as Parent, Addressing the Impact of Domestic Violence on Family Dynamics, at 117 (2002).

become economically self-sufficient to help ensure a safe and stable future for themselves and their children. But because of scarce resources and dwindling funding, the legal needs of survivors are not being met. We know that we can make a difference, sometimes between life and death, so we try our best to squeeze in every victim who comes to us. Yet our best efforts are not sufficient when the demand for services exceeds what we are able to provide; we quite plainly do not have enough attorneys for every victim and have had no choice except to turn away clients. In fact, all of the legal services providers in Westchester County have limited resources and often cannot accept all cases. Sadly, in Westchester County we know of few free or low cost legal services providers where we can refer clients.

Lastly, well-trained and competent attorneys save judicial resources by providing high quality representation; pleadings, motions and other written documents are clear and concise, and cases and arguments are presented to judges in a coherent and efficient way. Attorneys may also facilitate reasonable settlements. Most importantly, rights of the litigants are protected and they have their day in court. Our legal programs facilitate greater judicial economy by reducing the overall number of pro se domestic violence litigants in Family Court.

IV. Gaps in Service

There are gaps in service, simply because demand exceeds available resources. All of the legal services providers in Westchester County are at capacity, although we always manage to find ways to help meet the demand. We all have creative programs that recruit and use volunteers, but volunteers alone cannot close the gap in services or replace the need for staff attorneys and paralegals. It is a delicate balancing act – maintaining quality, avoiding burnout, but serving as many clients as possible. Still, dedicated and competent staff is not enough to meet the demand and clients are turned away.

Another gaping hole in services exists for the working poor who earn more than the 125% of poverty guidelines, often making them ineligible for LSC-funded civil legal services.

We receive over 2,200 calls per year on our Legal Helpline, a legal information and referral service serving Westchester County. The vast majority of calls are from women seeking information about family law

matters including custody, visitation, child support, spousal support, divorce, protective orders, debts, and other legal issues arising from familial relationships gone badly. The Center will pick up many cases and provide direct legal services for callers with legal issues that come within the scope of our programs; we represent domestic violence and elder abuse victims. For programmatically ineligible callers, we will provide free legal information and appropriate referrals. However, especially for the working poor, we are often at a loss for making appropriate referrals since they clearly cannot afford to hire a private attorney, yet do not qualify for LSC-funded legal services because they earn more than the 125% of the poverty guidelines.

Poverty, for a single parent and two children, a household of three, means living on less than \$18,310 per year. At 125% of poverty, a family of three lives on \$22,889 per year. Can a parent with two children making \$30,000 per year afford a private attorney? No.

Private attorneys charge \$400-\$500 per hour, and in family law/divorce cases, it is not unusual for attorneys to ask for a \$5,000-\$10,000 or more as the retainer fee. For the poor and working poor, it might as well be a million dollars – it is unaffordable and out of reach.

Lastly, there is dearth of free civil legal services in matrimonial actions. While we are able to assist clients, with the use of pro bono attorneys and volunteers, in uncontested and low-complexity level divorce actions, we do not have the resources to litigate high conflict or complex cases in Supreme Court. In our experience, the less-moneyed litigant is at a huge disadvantage in these cases because they cannot afford an attorney and the costs to litigate the issues. In short, the lack of free legal services makes it so impossible to litigate that we routinely see victims of domestic violence pay for physical safety by sacrificing financial security.

V. Need for Permanent Funding Source for Civil Legal Services

Like all nonprofit civil legal services providers, we are struggling with budget cuts due not only to decreased funding on the government level, but also to decreased private and foundation donations. Like everyone else, the recession has hit us hard. In order to try to maintain services, we have decreased our staffing and critical overhead costs needed to run healthy organizations. We are past the point of doing “more with less,” and now are

doing as best we can with our remaining dedicated staff; the true effect of loss in funding is the reality of reducing services and doing “less with less.” With nowhere else to cut, we will now be forced to do the inevitable—make cuts to or completely eliminate services.

As the frequency and severity of violence in the home continues to escalate during tough financial times, there are fewer and fewer options for victims to get the help they need to escape. Unless free civil legal services remain available, victims of domestic violence will continue to find themselves at a substantial disadvantage in New York State when trying to separate from an abuser. For many survivors, the availability of legal services significantly improves the likelihood that they will be able to realize genuine freedom from their abusers.

We ask you to help protect our clients and their children by supporting permanent funding for free civil legal services for victims of domestic violence and elder abuse.

Chief Mary Barbera

Rockland County Sheriff's Civil Division

Biography of Chief Mary Barbera (for Second Department Hearings)

Chief Mary Barbera is a twenty-five year veteran of the Rockland County Sheriff's Department, Civil Enforcement Division. Chief Barbera began her law enforcement career as the first woman hired by the Sheriff's Department Civil Division and the first woman promoted to the rank of Chief. She has led the Civil Division in her capacity of Chief since 1996.

Chief Barbera is charged with ensuring that the state mandated function of the Sheriff's Office to serve and enforce various court mandates issued out of Village, Town, County, State, or Federal courts is fulfilled. These mandates include Income Execution, Property Executions, Sheriff Sales of Real and Personal Property, Family Court Orders, Orders of Seizure, Orders of Attachment, Orders to Show Cause, Warrants to Remove and Warrants of Arrest. The Civil Division is tasked with the enforcement and service of all legal processes arising from Civil Court Actions. The Civil Enforcement Division directs the receipt and recording of all fees for legal mandates, garnishee payments, and other seizures. Under Chief Barbera's leadership, the Civil Enforcement Division became an accredited agency of New York State having received recognition for full compliance with the highest professional standards as established by the New York State Sheriff's Association.

Chief Barbera is a lifelong resident of Rockland County. She serves as the Vice President of the Rockland Association of Management and Secretary of the South Orangetown Sports Booster Club. Chief Barbera received her B.S. from Northeastern University.

**Testimony of Chief Mary Barbera
Rockland County
Sheriff's Civil Enforcement Division**

**For the Chief Judge's Hearings on
Civil Legal Services**

Presented before

**Hon. Jonathan Lippman, Chief Judge of the State of New York
Hon. Ann Pfau, Chief Administrative Judge
Hon. A. Gail Prudenti, Presiding Justice, Second Department
Stephen P. Younger, President New York State Bar Association**

**October 7, 2010
Appellate Division, Second Department Courthouse
Brooklyn, New York**

Thank you Judge Lippmann and esteemed panel members for this invitation to speak with you today on the topic of the future of civil legal services in New York State. In my capacity as the Chief of the Rockland County Sheriff's Civil Enforcement Division, I often see what happens when there is a lack of adequate legal representation in the cases I deal with. The adverse effects are felt by individuals and families in the county where I work and live.

The Rockland County Civil Enforcement Division serves and enforces court mandates issued by Village, Town, County, State, and Federal courts. The Civil Enforcement Division also directs the receipt and recording of all fees for legal mandates, garnishee payments, and other seizures.

Our work is not discretionary. I cannot stop an eviction. I cannot look at a family with young children and decide not to place a padlock on their door or remove their belongings and place them on the street. That is not our charge, nor our duty. It is especially critical to my job, and to my community's safety and economic well-being, that the rights of the individuals who are being evicted are protected to the fullest extent possible. And from my experience, the only way to make sure that those rights are protected is to provide legal representation to those individuals and families.

New York State law requires that a sheriff serve a 72-hour notice prior to the physical enforcement of the warrant of removal. 72 hours, that's a three-day notice for the defendants to vacate their home. We are aware that in certain instances service of that notice is the first time the tenant has come in contact with the legal system. By that I mean, I am sure they are aware that they are in arrears in their rent, but absolutely have

no idea of the hard reality of what an eviction really means. I do not know if you have ever witnessed the eviction process first hand. I have. It is a cold, harsh reality. I have personally held a 10-day old baby wrapped in a blanket in my arms on a snow covered November day, while the family scrambled to put what belongings they could fit into their car. Everything else they owned went onto the street. I have stood and watched young children get off the school bus at the end of the day to see the entire contents of their home on the lawn in front of their house. I witnessed parents, in their own highly emotional state, trying to explain what was going on -- to their 10-year-old child.

In Rockland we experienced one particularly dangerous situation when entering an apartment to do an eviction -- the defendant was sitting on the couch with a shotgun to her chin, threatening suicide. I could continue on with incidents that we have encountered first hand, that are all heart wrenching.

Please understand that I am best able to perform my duty when those I come in contact with have confidence in the system. In my 25-year experience in the Civil Enforcement Unit, the opportunities for fairness and due process are best met, and individuals whom I come in contact with most frequently believe that they have been treated fairly, when legal representation has been provided.

In Rockland County, tenants in evictions are usually represented by lawyers from the Legal Aid Society of Rockland County. I have long admired Legal Aid staff's expertise in stopping evictions even after the warrant had been issued, as well as their commitment and dedication to their clients.

Representation of poor families or individuals is important to the Sheriff's Office because it protects the individual from a wrongful eviction, or from an improper

garnishment. But it is also important for public confidence in the judiciary and in law enforcement. And frankly, empty houses, toys and clothing abandoned on the lawns are blight in a neighborhood. I am not suggesting that our judges do not follow the law. But it does seem clear to me that the protection of the law is best met when adequate legal representation is provided for those who cannot afford it.

Judging simply by the number of evictions executed by our office, the need for legal representation is greater than ever. From 2003 to 2009, the number of evictions has risen threefold. In 2003 we executed orders of eviction for individuals or families 473 times; in 2009 the number increased to 1423. Because of the economic downturn, the increase has been especially sharp in the last two years. In the first six months of 2010, we are already at a 10% increase over the same period in 2009. From January to June we evicted 781 families or individuals.

The economic crisis has also resulted in an extraordinary increase in the number of evictions resulting from foreclosure orders. We began keeping foreclosure statistics in 2007. The number of orders of foreclosure that we executed has increased 871% - from 7 orders in 2007 to 68 in 2009. And, in the first five months of 2010, the number of foreclosures (39) is already greater than it was in the first half of 2009.

As a public servant, an officer of this State, and as a concerned member of my community who has witnessed the heart-breaking sadness and turmoil of evicting a family, removing their belongings and placing them on the curb, I believe that providing funding that ensures adequate legal representation for tenants, those in debt, families suffering potential foreclosure and also victims of domestic violence, for whom we serve orders of protection, is imperative. From my perspective, it may be as imperative as

providing counsel to poor defendants in criminal cases. As Sheriff, I would rather be certain that when we evict a family, we do so only as a last resort - when all legal remedies and defenses and opportunities to fairly settle matters have been exhausted. Without counsel, we can never be certain that occurs.

Thank you.

Mary Barbera
Chief, Rockland County Sheriff's Civil Enforcement Division
October 7, 2010

Hon. Kathie E. Davidson

Supervising Judge,
Family Court, 9th Judicial District

HONORABLE KATHIE E. DAVIDSON
FAMILY COURT JUDGE
WESTCHESTER COUNTY, NEW YORK

Judge Kathie E. Davidson is currently Supervising Judge for the Family Courts in the Ninth Judicial District. Judge Davidson was elected in 2003 and currently presides over the Neglect and Abuse Permanency Part in White Plains. Since 2007, she has served as an Acting Supreme Court Justice.

Judge Davidson's legal career spans over two decades with a special focus on children and families. Her positions include a hearing officer with the Board of Education for the City of New York; law guardian with the Juvenile Rights Division of the Legal Aid Society; an investigative attorney with the State Education Department; a sole practitioner (Westchester County) specializing in Family Law.

Her last position before taking the bench was with the Westchester County Law Department as a Deputy County Attorney, where she was responsible for the implementation of the Westchester County Laws, 308, *The Majority and Women Owned Business Enterprise Law*. During her tenure at the County, she was a member of the County's first delegation to receive training in Hate Crimes at the Simon Wiesenthal Center Museum of Tolerance in Los Angeles, California.

Judge Davidson serves as a Trustee for the Board of Governors, Sound Shore Medical Center of Westchester. She is a member of the National Bar Association, Association of Black Lawyers of Westchester County, New Rochelle Bar Association, Family Court Advisory and Rules Committee, Westchester County Criminal Justice Advisory Board, Permanent Judicial Commission on Justice for Children, Chair of the Law Guardian Committee - Ninth Judicial District, Family Court Family Violence Task Force, Franklin H. Williams Judicial Commission on Minorities, and is a life member of the NAACP.

Judge Davidson received her Bachelor of Arts Degree at Simmons College in Boston, Massachusetts and her Juris Doctorate at Howard University School of Law in Washington, D.C.

Judge Davidson is the mother of one daughter, Raquel Davidson Brown, a 2003 graduate of the University of Michigan, and they both reside in Westchester County.



FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER
RICHARD J. DARONCO COURT HOUSE
111 DR. MARTIN LUTHER KING, JR., BOULEVARD
WHITE PLAINS, NEW YORK 10601-2597

CHAMBERS OF
KATHIE E. DAVIDSON
SUPERVISING JUDGE/FAMILY
COURTS
9TH JUDICIAL DISTRICT

MEMORANDUM

TO: Civil Legal Services

FROM: Hon. Kathie E. Davidson

DATE: September 29, 2010

RE: Task Force to Expand Access to Civil Legal Services in New York

Generally, low income or indigent litigants that come to Family Court are self-represented at the beginning stages of the legal process.. However, at some time during the pendency of the proceedings, these litigants receive assign counsel.

However , in support matters these same litigants are not entitled to legal representation and usually appear self-represented for the entire case .

Many of the complaint letters received by the Court are related to support matters. These complaint letters show that litigants are confused by the legal process and highlights the lack of access to legal services. For example, in DSS cases, the County is represented by counsel, Child Support Unit has a representative and the litigants, especially Respondents, appear self-represented, until the matter is referred to a Judge for a will fullness proceeding and by that time it is often to late.

In these troubling economic times, access to legal representation for child support matters is crucial to help families and children.

REVISED TESTIMONY OF JUDGE KATHIE E. DAVIDSON
OCTOBER 7, 2010
TASK FORCE TO EXPAND ACCESS TO
CIVIL LEGAL SERVICES IN NEW YORK

Good afternoon, and thank you for this opportunity to address the importance and necessity of providing access to civil legal services. As the Supervising Judge for the Family Courts in the 9th Judicial District and as the sitting Judge in the neglect and abuse part, I cannot imagine how the Family Courts would be able to dispense justice without litigants having access to civil legal services.

Family Court exists to provide a fair and efficient forum to resolve family legal matters; the ultimate goal is to improve the lives of all the families and children that appear before the Court. Family Court can provide such a forum only if justice is accessible to the ordinary citizen. Thus, access to civil legal services ensures justice for the families and children that come to Family Court seeking the Court's intervention and help.

In general, the majority of low income and indigent litigants that appear before the Family Court are self-represented. The issues that these individuals face affect the very core of their family and thus, their lives and their children. Eventually, in the majority of these Family Court proceedings, such as: family offense petitions, neglect/abuse cases, custody/visitation, juvenile delinquency and PINS (person in need of supervision) petitions, the low income and indigent litigants are assigned counsel or are referred to a civil legal service agency (for example, litigants represented by the Pace Women's Justice Center refer their clients to Legal Services of the Hudson Valley).

A review of the statistics for filings in each of the five counties in the 9th Judicial District indicates a steady increase in filings with the greatest increase in Dutchess and Westchester Counties. Thus, the caseloads have exponentially increased and more unrepresented litigants are seeking the

Court's assistance. Accordingly, the demand for civil legal services has also increased. While five counties saw steady increase over a decade, the most dramatic were found in Dutchess and Westchester. (*See attached*)

- (1) Dutchess filings have increased from 8,608 in 1990 to 16, 198 in 2009
- (2) Orange filings have increased from 11, 932 in 1990 to 13, 751 in 2009
- (3) Putnam filings have actually decreased from 2,278 in 1990 to 2,226 in 2009
- (4) Rockland filings have increased from 7,510 in 1990 to 8,841 in 2009
- (5) Westchester filings have increased from 21,872 in 1990 to 34,006 in 2009

However, there is one type of proceeding in Family Court that does not always provide for assignment of counsel. That is, child support proceedings. Many of the complaint letters received by the Court are related to support matters. These letters clearly indicate that litigants are often confused by the legal process and highlights the lack of access to legal services to these parents.

In support proceedings, assignment of counsel is appropriate in the case of a wilful violation proceeding (which is a proceeding where the parent is facing possible incarceration for failure to pay child support) and in paternity proceedings. A petitioner is not entitled to assigned counsel in either a willful or non-wilful violation proceeding. Also, there is no right to counsel for petitioners who are seeking to either set or modify an order of support. In cases where an initial order of support is sought, many custodial parents are left with inadequate orders, because they may not be able to show income due to lack of proper documentation as required by statute. Likewise, the non-custodial parent may not be aware of the reasons for deviation from guidelines where they would have a legal basis to argue for such deviation.

In modification proceedings, parties appearing pro se are often not aware of the burden of proof required for proving their petition, because this legal burden is very specific. Often, their petitions will be dismissed due to lack of evidence and generalized statements. This is very problematic for the Magistrates who can not act as the attorney for either side. The Support Magistrate cannot step in to elicit the testimony that they see is required for a modification.

As a result of the above, in an effort to address the dire financial status of many of the litigants that appear in Family Court, I have asked the Support Magistrates to take into account the the economy and the difficult conditions under which we are all operating. In fact, in some cases, in the interests of judicial economy, Magistrates will assign counsel where they feel that the litigant will benefit from legal representation. Ultimately, if counsel can not be assigned, the Court may refer a litigant to pro bono legal services. However, this may be too late for many families in economic crisis.

Family Court is probably one of the first courts to feel the effects of the economic and social problems we are now facing at a national level. This economic stress is felt by many families with the loss of homes due to mortgage foreclosure and loss of jobs. Westchester County has the highest property taxes in the nation. Businesses are finding it hard to remain in Westchester County. Many county sponsored day care programs have been cut, forcing families to choose between affordable and adequate daycare in order to maintain steady employment. These are but a few of the examples of the pressures faced here in the Ninth Judicial District. Unfortunately, many of the Family Court Judges have observed first hand how these economic pressures escalate to verbal and physical arguments. Thus, creating an increase in the filings of family offense petitions.

Family Court is the court that affects the lives of families and children. Many of the litigants generally have had little experience with the court system and are faced with legal issues affecting the very core of their family. In fact, we often hear the following questions: “Judge, I don’t even know why I’m here?”, then “I can not afford to take off from work. Can I just get this over with?”

These very basic constitutional due process questions, of notice and opportunity to be heard, requires the Judge to explain the various legal stages, to the unrepresented litigant in five minutes or less, which many of us take a course in law school to understand. These inquiries do not just begin in the court room, but they begin at the inception of the filing of the petition. As a result, it requires the entire court staff, beginning from the clerk’s office, to explain the legal process to the litigants and to help them understand the petition process. This poses a burden to judicial resources and to the system in general. Not to mention for the non-English speaking litigants which in and of itself raises other questions of the availability of adequate legal services. Front loading representation for these litigants at the outset is crucial. Such services will serve to shorten the number of court appearances, and provide for a quicker and/or more appropriate outcome.

Again, thank you for this opportunity, and I must stress how Family Court and civil legal services are inextricably intertwined.

1997
NEW YORK STATE UNIFIED COURT SYSTEM
FAMILY COURT
CASELOAD ACTIVITY REPORT - WESTCHESTER

RUN DATE: 03/27/2003
RUN TIME: 00:38:37

	1997												
	CASELOAD ACTIVITY REPORT - WESTCHESTER												
	YEAR TO DATE TERM 13 1997 01/06/1997 TO 01/04/1998												
	01/97	02/97	03/97	04/97	05/97	06/97	07/97	08/97	09/97	10/97	11/97	12/97	13/97
TOTAL NEW FILINGS*	1,357	1,769	2,021	1,760	1,803	2,018	1,831	2,102	1,950	1,931	1,694	2,082	2,036
CHILD PROTECTIVE	97	99	127	65	97	89	79	82	95	81	57	78	108
JUVENILE DELINQUENCY	95	92	50	106	81	62	73	73	80	87	61	61	66
PINS	44	50	52	52	55	43	43	42	34	33	61	46	73
CUSTODY	485	496	532	438	498	516	516	601	575	521	510	498	531
FAMILY OFFENSE	228	248	274	284	299	299	299	330	290	297	265	229	262
PATERNITY	148	305	365	315	267	378	283	389	303	372	314	546	498
SUPPORT	204	332	486	395	380	464	442	450	424	423	321	499	403
USDL	4	62	67	59	52	51	51	80	67	35	54	72	65
ALL OTHER	52	85	68	60	65	75	56	55	82	62	45	53	30
TOTAL DISPOSITIONS*	1,465	1,470	2,011	1,889	1,876	1,971	1,746	2,096	1,737	1,858	1,751	1,780	1,532
CHILD PROTECTIVE	79	59	129	71	113	88	80	100	85	85	66	73	81
JUVENILE DELINQUENCY	75	69	82	87	71	71	78	86	65	79	94	71	60
PINS	49	29	49	52	61	47	36	62	41	46	30	42	46
CUSTODY	545	429	596	492	510	614	458	563	530	433	480	472	425
FAMILY OFFENSE	274	275	249	322	284	318	318	316	299	250	254	254	219
PATERNITY	184	202	327	315	305	294	321	347	251	344	306	379	267
SUPPORT	209	293	426	435	400	416	440	484	334	501	406	385	363
USDL	7	56	59	64	66	59	33	73	65	51	61	55	40
ALL OTHER	43	58	94	51	66	64	57	65	67	69	63	49	31
TOTAL PENDING													5,270
PENDING OVER S&G													312

	YEAR-TO-DATE COMPARISON					% CHANGE
	1994	1995	1996	1997	1997	
TOTAL NEW FILINGS*	21,775	22,660	23,956	24,354	20,901	23,182
CHILD PROTECTIVE	1,026	928	1,082	1,154	1,029	1,109
JUVENILE DELIN	1,037	1,080	1,040	1,007	916	988
PINS	631	621	621	653	580	590
CUSTODY	5,548	6,122	6,426	6,727	5,271	6,014
FAMILY OFFENSE	3,407	3,593	3,620	3,575	3,244	3,548
PATERNITY	3,652	3,550	3,939	4,483	3,576	3,633
SUPPORT	4,273	4,885	5,314	5,223	4,088	3,842
USDL	1,196	996	968	744	1,218	5,092
ALL OTHER	1,005	885	946	788	1,058	689
JUDGE DAYS	1,937	1,933	2,084	2,015	1,796	1,172
APPEARANCES	47,451	48,609	51,242	49,517	48,609	51,144
TOTAL PENDING						4,627
PENDING OVER S&G						179
AS % OF TOTAL PENDING						3.9
AS % OF TOTAL PENDING						5.9

* FIGURES INCLUDE INITIAL AND SUPPLEMENTAL PETITIONS

NEW YORK STATE UNITED COURT SYSTEM
 FAMILY COURT ALL
 FAMILY COURT AND SUPREME IDV
 CASELOAD ACTIVITY REPORT - WESTCHESTER
 WEB

RUN DATE: 08/16/2010
 RUN TIME: 21:12:43

YEAR TO DATE TERM 13 2009, 01/05/2009 TO 01/03/2010

	01/09	02/09	03/09	04/09	05/09	06/09	07/09	08/09	09/09	10/09	11/09	12/09	13/09
TOTAL NEW FILINGS**	2,497	2,333	2,715	2,661	2,726	2,785	2,664	2,856	2,534	3,060	2,584	2,433	2,158
CHILD PROTECTIVE	213	137	218	210	204	234	267	242	199	161	152	156	177
JUVENILE DELINQUENCY	68	93	65	54	88	74	51	60	60	73	53	58	61
PINS	55	51	54	52	58	45	45	42	41	46	48	39	29
CUSTODY	576	584	654	597	680	630	715	800	763	747	574	544	501
FAMILY OFFENSE	158	195	157	217	180	239	208	233	261	240	201	186	158
PATERNITY	130	94	133	83	113	70	91	93	103	103	85	101	62
SUPPORT	1,177	984	1,202	1,193	1,164	1,248	1,070	1,119	961	1,421	1,203	1,115	963
USDL	47	50	65	70	60	55	48	62	54	94	73	46	46
ALL OTHER	58	49	67	65	63	58	51	77	37	59	93	45	43
PPH	15	96	100	120	116	151	95	137	55	116	102	143	118
TOTAL DISPOSITIONS**	2,657	2,239	2,793	2,503	2,366	2,773	2,266	2,383	1,929	3,085	2,375	2,733	1,999
CHILD PROTECTIVE	235	168	217	170	179	208	185	199	101	257	227	195	94
JUVENILE DELINQUENCY	82	41	103	71	82	53	72	64	64	52	50	68	63
PINS	66	51	63	51	66	58	54	47	40	63	21	53	31
CUSTODY	626	490	755	640	447	675	541	546	520	942	559	750	513
FAMILY OFFENSE	182	195	182	220	131	183	202	186	189	258	207	200	171
PATERNITY	89	96	111	106	104	93	83	78	65	130	78	79	47
SUPPORT	1,200	1,016	1,141	1,037	1,147	1,225	936	1,017	792	1,155	1,032	1,120	867
USDL	72	46	71	47	47	66	58	35	55	50	58	61	51
ALL OTHER	77	53	49	41	47	49	59	66	48	62	41	64	44
PPH	15	96	100	120	116	151	95	137	55	116	102	143	118
TOTAL PENDING													7,867
PENDING OVER S&G													558

YEAR-TO-DATE COMPARISON

	2006	2007	2008	2009	2008-	2009	% CHANGE	2008	2009	2008-	2009	% CHANGE	
TOTAL NEW FILINGS**	26,905	30,342	31,146	34,006	9.2	34,006	9.2	TOTAL DISPOSITIONS**	29,303	29,798	30,124	32,101	6.
CHILD PROTECTIVE	1,646	2,522	2,146	2,570	19.8	2,570	19.8	CHILD PROTECTIVE	1,653	2,320	2,250	2,435	8.
JUVENILE DELIN	951	900	868	853	-1.7	853	-1.7	JUVENILE DELIN	959	880	862	856	-0.
PINS	786	791	784	605	-22.8	605	-22.8	PINS	769	809	769	664	-13.
CUSTODY	7,836	7,639	7,418	8,365	12.8	8,365	12.8	CUSTODY	7,983	7,521	7,190	8,004	11.
FAMILY OFFENSE	2,555	2,220	2,363	2,633	11.4	2,633	11.4	FAMILY OFFENSE	2,531	2,233	2,205	2,517	14.
PATERNITY	1,080	1,070	1,061	1,261	18.9	1,261	18.9	PATERNITY	1,117	1,064	1,042	1,159	11.
SUPPORT	12,859	12,626	13,646	14,820	8.6	14,820	8.6	SUPPORT	13,069	12,419	13,054	13,685	4.
USDL	615	634	703	770	9.5	770	9.5	USDL	629	620	656	717	9.
ALL OTHER	557	567	696	765	9.9	765	9.9	ALL OTHER	593	519	635	700	10.
PPH		1,413	1,461	1,364	-6.6	1,364	-6.6	PPH	1,413	1,413	1,461	1,364	-6.
APPEARANCES	74,636	73,571	74,164	77,308	4.2	77,308	4.2	DISP OVER S&G	1,496	1,225	1,540	1,623	5.
								AS % OF TOTAL DISP	5.1	4.1	5.1	5.1	
								TOTAL PENDING	5,173	5,652	6,429	7,867	22.
								PENDING OVER S&G	292	474	422	558	32.
								AS % OF TOTAL PENDING	5.6	8.4	6.6	7.1	

** FIGURES INCLUDE INITIAL, SUPPLEMENTAL PETITIONS AND PERMANENCY PLANNING HEARINGS, WHICH ARE BASED ON CHILDREN AND NOT DOCKETS.

1993
NEW YORK STATE UNIFIED COURT SYSTEM
FAMILY COURT
CASELOAD ACTIVITY REPORT - ROCKLAND

RUN DATE: 03/27/2003
RUN TIME: 21:08:57

	1993												
	YEAR TO DATE TERM 13 1993, 01/04/1993 TO 01/02/1994												
	01/93	02/93	03/93	04/93	05/93	06/93	07/93	08/93	09/93	10/93	11/93	12/93	13/93
TOTAL NEW FILINGS*	577	495	562	577	577	521	618	625	527	479	498	428	439
CHILD PROTECTIVE	64	41	74	27	45	39	40	67	36	42	41	39	49
JUVENILE DELINQUENCY	24	15	21	25	18	12	11	18	7	17	18	27	17
PINS	15	16	15	12	24	14	11	17	13	10	14	11	15
CUSTODY	103	109	106	107	102	107	119	126	109	93	112	92	92
FAMILY OFFENSE	64	47	58	76	59	55	72	60	78	80	41	57	56
PATERNITY	84	78	84	92	81	83	83	86	93	68	69	63	55
SUPPORT	127	120	143	133	135	102	121	151	147	129	155	109	109
USDL	33	36	29	31	42	27	26	32	26	28	22	21	27
ALL OTHER	63	33	32	74	71	82	135	68	18	12	26	9	19
TOTAL DISPOSITIONS*	737	582	639	559	675	637	625	494	565	454	606	483	418
CHILD PROTECTIVE	74	58	70	62	57	44	68	41	69	24	41	50	45
JUVENILE DELINQUENCY	24	15	21	11	21	12	22	26	11	14	14	17	13
PINS	8	22	13	9	18	14	13	17	19	17	19	4	14
CUSTODY	207	116	99	137	157	96	70	101	125	56	139	104	75
FAMILY OFFENSE	76	78	89	63	76	57	66	45	64	39	93	61	44
PATERNITY	78	92	99	75	79	127	88	74	93	64	105	74	76
SUPPORT	112	135	167	106	160	174	134	107	142	157	139	133	118
USDL	41	35	28	27	50	31	32	25	16	36	30	18	21
ALL OTHER	117	31	53	69	57	82	132	58	26	22	26	22	12

TOTAL PENDING PENDING OVER S&G 1,621 224

	YEAR-TO-DATE COMPARISON														
	% CHANGE														
	1990	1991	1992	1993	1992 - 1993	1990	1991	1992	1993	1992 - 1993	1990	1991	1992	1993	1992 - 1993
TOTAL NEW FILINGS*	7,530	7,540	7,691	6,923	-10.0	7,250	7,258	7,128	7,474	4.9	7,250	7,258	7,128	7,474	4.9
CHILD PROTECTIVE	519	715	794	604	-23.9	477	657	763	703	-7.9	477	657	763	703	-7.9
JUVENILE DELIN	236	271	252	230	-8.7	219	235	277	219	-20.9	219	235	277	219	-20.9
PINS	161	173	161	187	16.1	160	174	168	187	11.3	160	174	168	187	11.3
CUSTODY	1,345	1,399	1,540	1,377	-10.6	1,207	1,356	1,370	1,482	8.2	1,207	1,356	1,370	1,482	8.2
FAMILY OFFENSE	963	932	944	803	-14.9	853	904	901	851	-5.5	853	904	901	851	-5.5
PATERNITY	1,268	1,094	1,045	1,019	-2.5	1,280	1,117	925	1,151	24.4	1,280	1,117	925	1,151	24.4
SUPPORT	1,936	1,868	1,810	1,681	-7.1	1,983	1,802	1,642	1,784	8.6	1,983	1,802	1,642	1,784	8.6
USDL	520	536	449	380	-15.4	527	494	448	390	-12.9	527	494	448	390	-12.9
ALL OTHER	562	552	696	642	-7.8	544	519	634	707	11.5	544	519	634	707	11.5
JUDGE DAYS APPEARANCES	15,129	15,228	16,636	16,661	0.2	541	597	744	1,062	42.7	541	597	744	1,062	42.7
						7.5	8.2	10.4	14.2		7.5	8.2	10.4	14.2	
TOTAL PENDING						1,657	1,515		1,621	0.0	1,657	1,515		1,621	0.0
PENDING OVER S&G						1,142	162		224	0.0	1,142	162		224	0.0
AS % OF TOTAL PENDING						8.6	10.7		13.8		8.6	10.7		13.8	

* FIGURES INCLUDE INITIAL AND SUPPLEMENTAL PETITIONS

1997
NEW YORK STATE UNIFIED COURT SYSTEM
FAMILY COURT
CASELOAD ACTIVITY REPORT - ROCKLAND

1997
RUN DATE: 03/27/2003
RUN TIME: 00:38:37

	1997															
	YEAR TO DATE TERM 13		1997, 01/06/1997 TO 01/04/1998		08/97		09/97		10/97		11/97		12/97		13/97	
	01/97	02/97	03/97	04/97	05/97	06/97	07/97	08/97	09/97	10/97	11/97	12/97	13/97	14/97	15/97	
TOTAL NEW FILINGS*	490	545	608	656	651	587	593	641	531	587	663	519	485			
CHILD PROTECTIVE	32	58	58	57	94	37	45	44	37	32	57	30	45			
JUVENILE DELINQUENCY	10	5	17	11	12	18	15	10	9	15	14	9	10			
PINS	14	14	23	13	12	27	23	9	12	12	18	20	13			
CUSTODY	147	124	153	160	154	157	151	181	141	133	156	118	122			
FAMILY OFFENSE	51	64	58	58	77	82	68	72	63	71	63	71	41			
PATERNITY	64	67	84	100	78	56	71	87	80	84	78	79	60			
SUPPORT	139	175	170	197	183	176	178	196	162	198	249	147	158			
USDL	16	14	25	16	20	21	25	25	10	20	12	19	17			
ALL OTHER	17	24	20	14	21	13	17	17	17	22	16	26	19			
TOTAL DISPOSITIONS*	641	652	696	572	696	687	526	598	547	657	602	574	378			
CHILD PROTECTIVE	50	76	44	75	66	69	52	29	36	48	44	66	26			
JUVENILE DELINQUENCY	12	14	11	17	15	15	15	14	5	15	15	11	9			
PINS	22	21	14	13	13	24	20	27	10	18	14	13	10			
CUSTODY	192	150	212	90	156	140	124	170	174	192	151	158	84			
FAMILY OFFENSE	70	61	59	67	67	96	62	56	78	75	78	73	43			
PATERNITY	73	86	107	110	113	63	50	79	57	95	62	63	46			
SUPPORT	176	182	211	157	209	238	177	180	144	177	192	157	134			
USDL	22	30	22	23	23	28	16	25	19	28	16	14	10			
ALL OTHER	24	32	16	20	34	14	10	18	24	9	30	19	16			
TOTAL PENDING													1,652			
PENDING OVER S&G													68			

	YEAR-TO-DATE COMPARISON					% CHANGE 1997
	1994	1995	1996	1997	1998	
TOTAL NEW FILINGS*	6,742	7,055	7,625	7,556	6,712	8.3
CHILD PROTECTIVE	602	650	636	626	597	14.1
JUVENILE DELIN	214	180	164	155	213	7.0
PINS	215	233	224	210	252	1.4
CUSTODY	1,546	1,666	1,819	1,897	1,509	10.0
FAMILY OFFENSE	854	854	879	869	824	-2.3
PATERNITY	983	1,015	1,096	988	993	-3.0
SUPPORT	1,616	1,844	2,206	2,328	1,686	18.1
USDL	385	345	324	240	386	5.5
ALL OTHER	327	268	257	243	309	12.2
JUDGE DAYS	777	764	739	759	797	16.3
APPEARANCES	17,026	16,638	16,513	16,552	11.9	9.0
TOTAL PENDING						
PENDING OVER S&G						
AS % OF TOTAL PENDING						
TOTAL PENDING OVER S&G						
AS % OF TOTAL PENDING						

* FIGURES INCLUDE INITIAL AND SUPPLEMENTAL PETITIONS

2001
NEW YORK STATE UNIFIED COURT SYSTEM
FAMILY COURT
CASELOAD ACTIVITY REPORT - ROCKLAND

RUN DATE: 03/06/2003
RUN TIME: 21:18:52

	2001												
	CASELOAD ACTIVITY REPORT - ROCKLAND												
	YEAR TO DATE TERM 13 2001, 01/01/2001 TO 12/30/2001												
	01/01	02/01	03/01	04/01	05/01	06/01	07/01	08/01	09/01	10/01	11/01	12/01	13/01
TOTAL NEW FILINGS*	545	560	631	670	603	579	604	616	559	563	698	534	591
CHILD PROTECTIVE	75	39	31	63	40	41	55	37	23	50	52	38	30
JUVENILE DELINQUENCY	18	17	25	23	9	24	28	20	16	21	23	11	14
PINS	20	15	19	25	20	21	16	10	5	8	8	21	18
CUSTODY	120	170	175	197	179	191	158	165	188	155	184	137	175
FAMILY OFFENSE	56	59	52	59	67	66	56	79	60	63	71	52	61
PATERNITY	51	75	64	73	61	55	78	71	56	80	80	72	72
SUPPORT	173	158	222	205	193	152	182	208	186	241	241	180	194
USDL	9	11	9	6	11	15	10	9	14	11	16	6	14
ALL OTHER	23	16	34	19	23	14	21	17	15	19	23	17	13
TOTAL DISPOSITIONS*	702	516	654	666	642	525	572	523	593	756	685	461	535
CHILD PROTECTIVE	85	43	73	42	30	59	57	32	28	53	39	19	42
JUVENILE DELINQUENCY	8	8	22	29	12	22	12	26	36	20	18	10	12
PINS	7	11	13	18	19	20	24	15	19	10	12	14	5
CUSTODY	187	151	139	183	210	144	193	138	182	226	214	111	146
FAMILY OFFENSE	55	51	66	66	56	46	56	67	65	69	41	41	62
PATERNITY	103	53	96	75	82	54	51	44	67	77	67	71	67
SUPPORT	225	171	218	215	208	149	153	159	163	244	237	170	175
USDL	17	12	5	10	8	7	3	13	15	10	17	14	5
ALL OTHER	15	16	22	28	17	24	23	29	18	35	12	11	21
TOTAL PENDING PENDING OVER S&G													1,627
													65

	YEAR-TO-DATE COMPARISON													
	% CHANGE													
	2001 - 2000													
	1998	1999	2000	2001	2000	1999	1998	1999	2000	2001	2000	1999	2000	2001
TOTAL NEW FILINGS*	7,852	8,396	8,059	7,753	-3.8	7,753	7,753	7,753	7,710	8,007	8,213	7,830	7,830	-4.7
CHILD PROTECTIVE	813	976	764	574	-24.9	574	574	574	762	940	845	602	602	-28.8
JUVENILE DELIN	182	182	151	249	64.9	151	151	151	179	182	156	235	235	50.6
PINS	176	162	177	206	16.4	177	177	177	191	154	184	187	187	1.6
CUSTODY	2,051	2,256	2,146	2,194	2.2	2,146	2,146	2,146	1,890	2,155	2,121	2,224	2,224	4.9
FAMILY OFFENSE	740	726	750	801	6.8	750	750	750	726	737	724	781	781	7.9
PATERNITY	1,061	955	1,101	858	-22.1	1,101	1,101	1,101	1,092	930	1,136	907	907	-20.2
SUPPORT	2,418	2,733	2,552	2,476	-3.0	2,552	2,552	2,552	2,446	2,452	2,615	2,487	2,487	-4.9
USDL	153	156	155	141	-9.0	155	155	155	158	175	162	136	136	-16.0
ALL OTHER	258	250	263	254	-3.4	263	263	263	266	282	270	271	271	0.4
JUDGE DAYS APPEARANCES	771	829	804	787	-2.1	804	804	804	731	682	522	536	536	2.7
	17,301	17,840	17,341	17,050	-1.7	17,341	17,341	17,341	9.5	8.5	6.4	6.8	6.8	
TOTAL PENDING PENDING OVER S&G														1,627
														65
AS % OF TOTAL PENDING	1,783	1,784	1,783	1,783	4.7	1,783	1,783	1,783	4.7	3.9	5.3	5.3	5.3	0.9
AS % OF TOTAL PENDING	85	85	85	85	5.3	85	85	85	5.3	5.3	5.3	5.3	5.3	-23.5

* FIGURES INCLUDE INITIAL AND SUPPLEMENTAL PETITIONS

NEW YORK STATE UNIFIED COURT SYSTEM
 FAMILY COURT ALL
 FAMILY COURT AND SUPREME IDV
 CASELOAD ACTIVITY REPORT - ROCKLAND
 2005

RUN DATE: 06/04/2006
 RUN TIME: 21:16:37

	YEAR TO DATE TERM 13 2005, 01/03/2005 TO 01/01/2006												
	01/05	02/05	03/05	04/05	05/05	06/05	07/05	08/05	09/05	10/05	11/05	12/05	13/05
TOTAL NEW FILINGS*	655	597	552	567	565	591	577	586	510	637	601	525	493
CHLD PROTECTIVE	77	56	42	34	59	28	40	34	47	54	41	30	24
JUVENILE DELINQUENCY	14	19	5	14	12	17	3	8	6	11	9	11	5
PINS	11	12	9	7	6	6	7	9	7	5	4	10	8
CUSTODY	159	179	158	171	150	168	171	168	145	186	159	187	126
FAMILY OFFENSE	36	45	49	62	56	53	56	44	42	63	61	50	41
PATERNITY	30	24	32	15	19	19	34	25	15	27	19	11	18
SUPPORT	290	227	230	229	241	276	245	251	229	271	282	205	252
USDL	13	13	11	11	10	11	8	13	6	12	17	7	9
ALL OTHER	25	22	16	19	12	13	13	34	13	8	9	14	10
TOTAL DISPOSITIONS*	632	565	579	598	652	619	559	602	530	553	578	570	443
CHLD PROTECTIVE	66	72	43	43	65	20	46	28	36	31	37	30	36
JUVENILE DELINQUENCY	7	20	14	14	6	16	11	8	10	6	5	7	7
PINS	19	11	11	10	6	11	7	11	4	4	2	6	6
CUSTODY	171	134	148	140	154	169	154	202	128	164	160	204	128
FAMILY OFFENSE	44	38	42	54	44	50	52	46	49	52	63	49	35
PATERNITY	28	35	25	28	24	34	12	28	20	24	23	24	11
SUPPORT	271	228	255	282	313	292	256	253	264	245	258	216	202
USDL	9	8	14	12	13	10	13	12	8	9	12	14	9
ALL OTHER	17	19	27	15	27	17	8	14	11	18	18	20	9
TOTAL PENDING PENDING OVER S&G													1,784
													92

	YEAR-TO-DATE COMPARISON						% CHANGE 2005	% CHANGE 2004-2005
	2002	2003	2004	2005	2004	2005		
TOTAL NEW FILINGS*	7,778	8,011	8,411	7,456	-11.4	7,650	7,480	-9.9
CHLD PROTECTIVE	650	946	824	566	-31.3	664	858	-35.2
JUVENILE DELIN	206	161	177	134	-24.3	203	164	-20.1
PINS	206	191	155	101	-34.8	213	152	-28.9
CUSTODY	2,184	2,140	2,236	2,127	-4.9	2,223	2,261	-9.1
FAMILY OFFENSE	697	705	698	658	-5.7	716	729	-15.2
PATERNITY	912	827	408	288	-29.4	867	500	-36.8
SUPPORT	2,475	2,662	3,529	3,228	-8.5	2,329	3,259	2.3
USDL	153	136	139	146	5.0	146	128	11.7
ALL OTHER	299	243	245	208	-15.1	289	257	-14.4
JUDGE DAYS# APPEARANCES	17,659	19,265	20,445	19,737	-15.1	414	546	68.1
					-3.5	5.4	6.6	12.3
TOTAL PENDING PENDING OVER S&G						1,760	1,849	-3.5
AS % OF TOTAL PENDING						91	153	-39.9
						5.2	8.3	5.2

* FIGURES INCLUDE INITIAL AND SUPPLEMENTAL PETITIONS
 # JUDGE DAY INFO CAN BE OBTAINED AT THE OFFICE OF COURT RESEARCH AT 212-428-2990

NEW YORK STATE UNIFIED COURT SYSTEM
 FAMILY COURT ALL
 FAMILY COURT AND SUPREME IDV
 CASELOAD ACTIVITY REPORT - ROCKLAND
 WEB

RUN DATE: 08/16/2010
 RUN TIME: 21:12:43

	YEAR TO DATE TERM 13 2009, 01/05/2009 TO 01/03/2010												
	01/09	02/09	03/09	04/09	05/09	06/09	07/09	08/09	09/09	10/09	11/09	12/09	13/09
TOTAL NEW FILINGS**	668	735	748	698	715	683	696	731	753	740	644	582	448
CHILD PROTECTIVE	47	44	56	30	46	58	33	57	40	29	31	32	15
JUVENILE DELINQUENCY	5	8	21	13	10	17	6	13	8	18	11	10	8
PINS	3	2	8	6	3	7	7	5	1	6	8	6	1
CUSTODY	206	226	184	185	168	143	206	228	255	208	187	135	114
FAMILY OFFENSE	63	59	76	63	74	81	85	71	72	72	65	69	48
PATERNITY	23	21	25	19	32	32	34	14	29	31	29	23	10
SUPPORT	288	329	329	325	322	300	282	289	308	330	270	258	224
USDL	6	20	15	12	8	9	13	10	11	11	10	11	7
ALL OTHER	20	8	18	27	21	13	14	22	14	20	17	13	11
PPH	7	18	16	18	31	23	16	22	11	15	16	25	10
TOTAL DISPOSITIONS**	618	727	698	679	771	713	635	647	695	823	738	738	457
CHILD PROTECTIVE	32	49	56	36	48	42	18	39	73	67	31	26	22
JUVENILE DELINQUENCY	8	10	2	9	17	17	13	12	10	15	14	10	10
PINS	6	5	5	6	6	3	4	5	4	6	5	5	5
CUSTODY	187	254	187	174	199	182	127	189	185	203	268	241	106
FAMILY OFFENSE	86	60	65	51	66	79	51	105	51	98	68	55	56
PATERNITY	24	16	29	13	29	28	26	26	39	14	16	30	29
SUPPORT	240	289	308	315	347	304	358	228	291	380	296	313	196
USDL	14	11	11	14	12	16	12	10	14	10	14	14	6
ALL OTHER	14	15	19	24	16	19	10	11	17	15	10	19	17
PPH	7	18	16	18	31	23	16	22	11	15	16	25	10
TOTAL PENDING													1,657
PENDING OVER S&G													45

	YEAR-TO-DATE COMPARISON												
	2006	2007	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	% CHANGE
TOTAL NEW FILINGS**	7,773	8,129	8,739	8,841	1.2	TOTAL DISPOSITIONS**	7,941	8,260	8,404	8,939	6.		
CHILD PROTECTIVE	410	387	566	518	-8.5	CHILD PROTECTIVE	448	413	538	539	0.		
JUVENILE DELIN	138	162	155	148	-4.5	JUVENILE DELIN	145	146	159	147	-7.		
PINS	57	54	68	63	-7.4	PINS	67	65	73	65	-11.		
CUSTODY	2,029	2,241	2,254	2,445	8.5	CUSTODY	2,065	2,219	2,137	2,502	17.		
FAMILY OFFENSE	709	710	737	898	21.8	FAMILY OFFENSE	731	731	665	910	36.		
PATERNITY	278	288	285	322	13.0	PATERNITY	275	288	282	319	13.		
SUPPORT	3,818	3,724	4,090	3,854	-5.8	SUPPORT	3,901	3,834	3,970	3,865	-2.		
USDL	177	136	183	147	-19.7	USDL	168	149	174	158	-9.		
ALL OTHER	157	214	177	218	23.2	ALL OTHER	164	202	182	206	13.		
PPH		213	224	228	1.8	PPH	213	213	224	228	1.		
APPEARANCES	19,691	18,542	19,923	19,973	0.3	DISP OVER S&G	830	453	484	630	30.		
						AS % OF TOTAL DISP	10.5	5.5	5.8	7.0			
						TOTAL PENDING	1,614	1,480	1,812	1,657	-8.		
						PENDING OVER S&G	49	63	96	45	-53.		
						AS % OF TOTAL PENDING	3.0	4.3	5.3	2.7			

** FIGURES INCLUDE INITIAL, SUPPLEMENTAL PETITIONS AND PERMANENCY PLANNING HEARINGS, WHICH ARE BASED ON CHILDREN AND NOT DOCKETS.

1993
NEW YORK STATE UNIFIED COURT SYSTEM
FAMILY COURT
CASELOAD ACTIVITY REPORT - PUTNAM

1993
RUN DATE: 03/27/2003
RUN TIME: 21:08:57

TOTAL NEW FILINGS*	YEAR TO DATE TERM 13 1993, 01/04/1993 TO 01/02/1994												
	01/93	02/93	03/93	04/93	05/93	06/93	07/93	08/93	09/93	10/93	11/93	12/93	13/93
TOTAL NEW FILINGS*	187	177	172	212	200	176	166	251	168	147	139	162	143
CHILD PROTECTIVE	7	9	7	1	5	4	4	2	4	4	3	4	5
JUVENILE DELINQUENCY	7	2	8	6	7	6	4	6	2	1	4	4	1
PINS	4	43	45	48	37	30	43	41	33	37	46	53	36
CUSTODY	38	29	21	28	38	22	27	30	28	17	27	25	24
FAMILY OFFENSE	13	10	11	19	17	14	12	27	17	12	8	16	9
PATERNITY	73	61	65	92	75	76	64	67	62	40	40	52	45
SUPPORT	9	13	6	8	11	15	3	14	13	11	4	6	5
USDL	4	10	9	9	10	6	8	59	6	5	2	6	5
ALL OTHER	177	199	179	151	207	163	178	134	270	172	181	134	113
TOTAL DISPOSITIONS*	4	9	4	3	7	3	1	5	3	2	2	6	3
CHILD PROTECTIVE	2	3	5	10	5	1	5	2	4	2	1	5	3
JUVENILE DELINQUENCY	36	42	35	29	59	24	41	43	54	36	45	32	26
PINS	27	35	28	20	31	31	31	29	30	20	18	21	26
CUSTODY	16	15	14	9	12	18	12	3	25	20	21	8	9
FAMILY OFFENSE	77	69	74	66	65	74	73	33	78	62	72	53	33
PATERNITY	10	12	11	6	12	2	8	7	12	10	12	4	6
SUPPORT	5	10	4	6	11	7	1	9	59	14	8	2	7
USDL													
ALL OTHER													

TOTAL PENDING
PENDING OVER S&G

367
6

TOTAL NEW FILINGS*	YEAR-TO-DATE COMPARISON												
	1990	1991	1992	1993	1992	1993	1992	1993	1990	1991	1992	1993	% CHANGE 1993-1992
TOTAL NEW FILINGS*	2,278	2,312	2,236	2,300	2,9	36.7	29	2,223	2,244	2,261	2,258	2,258	-0.1
CHILD PROTECTIVE	37	22	30	41	41	36.7	41	23	35	25	42	42	68.0
JUVENILE DELIN	68	65	36	40	11.1	11.1	78	78	50	47	45	45	-4.3
PINS	80	87	48	69	43.8	43.8	77	77	77	57	60	60	5.3
CUSTODY	494	401	381	530	39.1	39.1	451	451	393	374	502	502	34.2
FAMILY OFFENSE	358	314	343	348	1.5	1.5	333	333	325	324	343	343	5.9
PATERNITY	143	168	220	185	-15.9	-15.9	144	144	161	214	182	182	-15.0
SUPPORT	762	921	928	830	-10.6	-10.6	812	812	872	959	829	829	-13.6
USDL	146	139	128	118	-7.8	-7.8	120	120	133	134	112	112	-16.4
ALL OTHER	190	195	122	139	13.9	13.9	185	185	198	127	143	143	12.6
JUDGE DAYS	317	314	359	392	9.2	9.2	DISP OVER S&G	DISP OVER S&G	DISP OVER S&G	DISP OVER S&G	DISP OVER S&G	DISP OVER S&G	78.2
APPEARANCES	4,420	4,244	4,349	4,636	6.6	6.6	AS % OF TOTAL DISP	AS % OF TOTAL DISP	AS % OF TOTAL DISP	AS % OF TOTAL DISP	AS % OF TOTAL DISP	AS % OF TOTAL DISP	4.3
TOTAL PENDING							338	338	362	367	367	367	0.0
PENDING OVER S&G							46	46	11	11	11	11	6
AS % OF TOTAL PENDING							13.6	13.6	3.0	0.0	0.0	0.0	1.6

* FIGURES INCLUDE INITIAL AND SUPPLEMENTAL PETITIONS

1997
NEW YORK STATE UNIFIED COURT SYSTEM
FAMILY COURT
CASELOAD ACTIVITY REPORT - PUTNAM

RUN DATE: 03/27/2003
RUN TIME: 00:38:37

	1997												
	YEAR TO DATE TERM 13 1997, 01/06/1997 TO 01/04/1998												
	01/97	02/97	03/97	04/97	05/97	06/97	07/97	08/97	09/97	10/97	11/97	12/97	13/97
TOTAL NEW FILINGS*	157	113	168	129	164	137	153	171	166	157	165	130	105
CHILD PROTECTIVE	1	5	13	9	6	1	2	2	5	3	6	13	7
JUVENILE DELINQUENCY	10	20	46	36	52	41	61	41	59	50	43	36	34
PINS	45	21	31	24	24	15	18	22	30	20	25	13	19
CUSTODY	21	10	10	3	7	17	13	10	11	18	9	10	4
FAMILY OFFENSE	9	46	58	38	60	42	50	73	55	55	64	51	35
PATERNITY	54	6	4	5	8	2	3	1	1	3	3	3	3
SUPPORT	6	4	5	8	7	8	1	4	5	4	7	4	1
USDL	11	6	4	8	7	8	8	4	5	4	7	4	1
ALL OTHER													
TOTAL DISPOSITIONS*	160	138	121	120	169	123	150	118	135	187	156	129	133
CHILD PROTECTIVE	3	1	9	6	1	7	4	3	6	2	3	4	1
JUVENILE DELINQUENCY	2	11	38	39	45	36	37	36	46	6	3	4	1
PINS	8	44	18	25	29	18	13	12	16	30	46	42	56
CUSTODY	57	24	27	11	13	8	11	9	16	30	23	21	14
FAMILY OFFENSE	24	7	6	32	63	45	63	47	38	11	14	10	11
PATERNITY	8	40	33	1	6	4	4	2	6	67	60	40	36
SUPPORT	44	5	5	1	6	4	4	2	6	3	4	4	1
USDL	7	3	12	3	6	5	10	2	2	3	3	8	4
ALL OTHER													
TOTAL PENDING													365
PENDING OVER S&G													8

	YEAR-TO-DATE COMPARISON					
	1994	1995	1996	1997	1996-	1997
				% CHANGE	% CHANGE	% CHANGE
TOTAL NEW FILINGS*	2,147	2,113	2,005	1,915	-4.5	1,839
CHILD PROTECTIVE	42	27	42	18	-57.1	19
JUVENILE DELIN	38	27	22	23	4.5	23
PINS	91	76	90	97	7.8	91
CUSTODY	556	553	540	564	4.4	581
FAMILY OFFENSE	330	313	288	283	-1.7	270
PATERNITY	181	174	165	131	-20.6	129
SUPPORT	684	781	711	681	-4.2	608
USDL	102	85	85	49	-42.4	48
ALL OTHER	123	77	62	69	11.3	70
JUDGE DAYS	370	384	380	379	-0.3	62
APPEARANCES	4,756	4,592	4,610	4,494	-2.5	3.1
				AS % OF TOTAL DISP		4.7
				TOTAL PENDING		365
				PENDING OVER S&G		8
				AS % OF TOTAL PENDING		2.2

* FIGURES INCLUDE INITIAL AND SUPPLEMENTAL PETITIONS

2001
NEW YORK STATE UNIFIED COURT SYSTEM
FAMILY COURT
CASELOAD ACTIVITY REPORT - PUTNAM

RUN DATE: 03/06/2003
RUN TIME: 21:18:52

	2001														
	YEAR TO DATE TERM 13		2001, 01/01/2001 TO 12/30/2001		08/01		09/01		10/01		11/01		12/01		13/01
	01/01	02/01	03/01	04/01	05/01	06/01	07/01	08/01	09/01	10/01	11/01	12/01	13/01	12/01	13/01
TOTAL NEW FILINGS*	119	117	164	129	136	148	151	187	158	209	34	127	126	6	6
CHILD PROTECTIVE	8	7	11	6	1	7	7	1	1	8					
JUVENILE DELINQUENCY	4	2	3	2	2	2	1	3	2	6	1	5	2	7	2
PINS	6	44	57	36	41	55	55	69	67	80	11	41	44	7	7
CUSTODY	24	9	24	13	21	20	28	32	22	31	5	22	11	11	11
FAMILY OFFENSE	16	4	10	7	6	11	5	5	6	3		5	9	5	5
PATERNITY	4	29	50	52	46	46	41	59	54	68	14	50	35	3	3
SUPPORT	44	5	2	1	1	2	9	4	2	2	1	1	3	9	9
USDL	13	14	7	2	11	2	9	8	4	3		3			
ALL OTHER															
TOTAL DISPOSITIONS*	125	122	146	154	167	142	137	121	180	195	37	141	100		
CHILD PROTECTIVE	1	1	1	8	3	2	8	2	11	4		2	1		
JUVENILE DELINQUENCY	2	4	6	4	4	2	2	3	2	5	3	4	1		
PINS	5	8	6	10	4	2	5	5	4	4		4	1		
CUSTODY	50	34	41	44	63	45	32	43	76	84	20	41	31		
FAMILY OFFENSE	13	13	23	17	17	19	23	21	24	32	3	27	9		
PATERNITY	4	1	10	7	10	6	9	6	9	4	1	6	2		
SUPPORT	38	55	59	49	59	53	46	35	45	58	10	49	49		
USDL	2	1	1	1	2	3	4	4	4				5		
ALL OTHER	10	6	3	14	7	12	8	4	9	4		8	2		

	YEAR-TO-DATE COMPARISON		
	1998	1999	2000
TOTAL PENDING	367	342	360
PENDING OVER S&G	4,295	4,198	3,960

	YEAR-TO-DATE COMPARISON			% CHANGE 2000-2001
	1998	1999	2000	
TOTAL NEW FILINGS*	1,774	1,931	1,972	1,805
CHILD PROTECTIVE	35	64	41	55
JUVENILE DELIN	6	8	18	34
PINS	115	62	66	61
CUSTODY	485	542	673	624
FAMILY OFFENSE	264	281	299	254
PATERNITY	137	117	76	78
SUPPORT	650	754	669	588
USDL	28	32	21	25
ALL OTHER	54	71	109	86
JUDGE DAYS	367	342	360	401
APPEARANCES	4,295	4,198	3,960	3,968

	YEAR-TO-DATE COMPARISON			% CHANGE 2000-2001
	1998	1999	2000	
TOTAL DISPOSITIONS*	1,796	1,961	1,939	1,767
CHILD PROTECTIVE	25	64	57	38
JUVENILE DELIN	7	8	15	36
PINS	120	70	56	58
CUSTODY	489	566	620	604
FAMILY OFFENSE	284	276	309	241
PATERNITY	132	131	81	75
SUPPORT	657	739	670	605
USDL	30	37	21	23
ALL OTHER	52	70	110	87
DISP OVER S&G	111	82	118	90
AS % OF TOTAL DISP	6.2	4.2	6.1	5.1
TOTAL PENDING	339	316	357	368
PENDING OVER S&G	2	14	16	3
AS % OF TOTAL PENDING	0.6	4.4	4.5	0.8

* FIGURES INCLUDE INITIAL AND SUPPLEMENTAL PETITIONS

NEW YORK STATE UNIFIED COURT SYSTEM
 FAMILY COURT ALL
 FAMILY COURT AND SUPREME IDV
 CASELOAD ACTIVITY REPORT - PUTNAM

RUN DATE: 06/04/2006
 RUN TIME: 21:16:37

	YEAR TO DATE TERM 13 2005, 01/03/2005 TO 01/01/2006												
	01/05	02/05	03/05	04/05	05/05	06/05	07/05	08/05	09/05	10/05	11/05	12/05	13/05
TOTAL NEW FILINGS*	151	144	177	154	163	147	149	144	170	181	140	147	129
CHILD PROTECTIVE	5	14	13	14	4	9	5	9	12	14	11	19	6
JUVENILE DELINQUENCY	10	7	7	3	3	4	1	5	8	5	3	3	2
PINS	1	2	8	10	8	7	2	3	4	4	48	44	51
CUSTODY	56	24	56	37	44	54	46	30	62	58	16	13	11
FAMILY OFFENSE	17	17	23	27	15	21	19	21	22	23	4	4	4
PATERNITY	3	6	4	3	6	3	6	3	3	5	53	56	48
SUPPORT	47	58	53	64	82	43	53	63	53	64	3	1	3
USDL	2	2	2	1	3	3	3	1	5	6	5	6	3
ALL OTHER	12	10	11	1	4	3	14	9	5	2	5	6	3
TOTAL DISPOSITIONS*	177	168	121	157	158	153	134	150	135	185	154	138	163
CHILD PROTECTIVE	25	8	2	8	5	10	5	7	7	9	20	10	13
JUVENILE DELINQUENCY	2	6	2	5	2	3	4	1	7	1	1	4	4
PINS	5	6	2	6	7	4	8	4	3	3	1	1	3
CUSTODY	51	48	26	44	40	35	50	29	40	70	34	46	60
FAMILY OFFENSE	11	10	8	19	21	17	15	23	11	25	14	16	16
PATERNITY	4	4	6	2	2	1	2	2	2	3	5	5	4
SUPPORT	74	66	65	62	67	77	41	84	52	67	68	49	53
USDL	2	7	2	6	1	3	2	2	3	2	4	1	5
ALL OTHER	3	13	10	5	13	3	7	5	10	5	7	6	5
TOTAL PENDING PENDING OVER S&G													313
													22

	YEAR-TO-DATE COMPARISON						% CHANGE 2004-2005		
	2002	2003	2004	2005	2004	2005			
TOTAL NEW FILINGS*	2,115	2,102	2,023	1,996	-1.3	2,090	1,911	1,993	4.3
CHILD PROTECTIVE	81	63	103	135	31.1	73	86	122	41.9
JUVENILE DELIN	35	32	23	50	117.4	34	25	40	60.0
PINS	57	85	74	55	-25.7	65	80	53	-33.8
CUSTODY	725	612	650	610	-6.2	735	656	573	-12.7
FAMILY OFFENSE	251	244	208	245	17.8	242	218	206	-5.5
PATERNITY	69	63	51	45	-11.8	68	49	42	-14.3
SUPPORT	789	872	811	737	-9.1	762	704	825	17.2
USDL	26	33	37	34	-8.1	27	26	40	53.8
ALL OTHER	82	98	66	85	28.8	84	67	92	37.3
JUDGE DAYS# APPEARANCES	5,470	4,878	5,027	5,446	28.8	81	159	161	1.3
				8.3	AS % OF TOTAL DISP	3.9	8.3	8.1	
					TOTAL PENDING	387	419	313	-25.3
					PENDING OVER S&G	16	40	22	-45.0
					AS % OF TOTAL PENDING	4.1	9.5	7.0	

* FIGURES INCLUDE INITIAL AND SUPPLEMENTAL PETITIONS
 # JUDGE DAY INFO CAN BE OBTAINED AT THE OFFICE OF COURT RESEARCH AT 212-428-2990

NEW YORK STATE UNIFIED COURT SYSTEM
 FAMILY COURT ALL
 FAMILY COURT AND SUPREME IDV
 CASELOAD ACTIVITY REPORT - PUTNAM
 WEB

RUN DATE: 08/16/2010
 RUN TIME: 21:12:43

	YEAR TO DATE TERM 13 2009, 01/05/2009 TO 01/03/2010												
	01/09	02/09	03/09	04/09	05/09	06/09	07/09	08/09	09/09	10/09	11/09	12/09	13/09
TOTAL NEW FILINGS**	181	181	204	169	160	155	160	223	192	173	170	140	118
CHILD PROTECTIVE	1	1	6	5	3	22	2	25	2	4	10	7	
JUVENILE DELINQUENCY	6	5	5	1	1	1	4		2	2	2	4	
PINS	1	3	2	3	2			3	1	1	3	1	1
CUSTODY	67	49	45	36	40	39	54	60	51	36	44	49	40
FAMILY OFFENSE	13	23	22	29	16	9	22	27	30	20	26	12	16
PATERNITY	1	2	3	1	7	3	3	4	4	4	1	2	1
SUPPORT	83	84	94	78	82	73	61	87	87	90	75	54	55
USDL	3	3	6	3	3	6	3	4	2	4	4	2	2
ALL OTHER	1	2	8	5	3	4	9	4	8	1	1	3	3
PPH	6	9	13	8	4	1	2	8	5	12	4	6	
TOTAL DISPOSITIONS**	147	132	204	199	161	196	147	179	91	258	145	155	123
CHILD PROTECTIVE	2	4	9	12	3	2	7	14	3	7	4	6	9
JUVENILE DELINQUENCY	2	4	12	1	1	-2			1	4	2	4	
PINS	1	2	2	2	5	2	1	1	1	1	2	2	3
CUSTODY	29	35	43	37	38	53	34	59	29	86	22	40	25
FAMILY OFFENSE	18	20	19	17	22	17	20	21	11	32	20	17	21
PATERNITY	4	4	2	5	1	6	2	2	4	4	5	5	2
SUPPORT	87	56	95	109	81	104	76	66	39	107	78	69	57
USDL	1	1	7	4	4	3	3	4	3	3	5	1	3
ALL OTHER	1	2	4	4	2	6	2	4	2	2	5	5	3
PPH	6	9	13	8	4	1	2	8	5	12	4	6	

TOTAL PENDING
 PENDING OVER S&G

381
 28

YEAR-TO-DATE COMPARISON

	2009			2008			% CHANGE
	2009	2008	2007	2009	2008	2007	
TOTAL NEW FILINGS**	2,047	2,157	2,059	2,226	2,157	2,059	3.2
CHILD PROTECTIVE	95	102	91	87	87	87	-4.4
JUVENILE DELIN	23	33	20	33	65.0	29	3.2
PINS	27	34	26	21	-19.2	26	3.2
CUSTODY	591	535	580	610	5.2	578	3.2
FAMILY OFFENSE	225	260	275	265	-3.6	213	3.2
PATERNITY	41	41	49	33	-32.7	47	3.2
SUPPORT	974	946	976	1,003	2.8	938	3.2
USDL	27	27	35	45	28.6	25	3.2
ALL OTHER	44	38	49	51	4.1	47	3.2
PPH	42	42	56	78	39.3	42	3.2
APPEARANCES	6,165	6,472	6,389	6,719	5.2	76	3.2
DISP OVER S&G						49	3.2
AS % OF TOTAL DISP				3.8	4.2	2.4	3.2
TOTAL PENDING	321	318	318	321	318	318	3.2
PENDING OVER S&G	11	22	22	11	22	22	3.2
AS % OF TOTAL PENDING	3.4	6.9	6.9	3.4	6.8	6.8	3.2

** FIGURES INCLUDE INITIAL, SUPPLEMENTAL PETITIONS AND PERMANENCY PLANNING HEARINGS, WHICH ARE BASED ON CHILDREN AND NOT DOCKETS.

1997
NEW YORK STATE UNIFIED COURT SYSTEM
FAMILY COURT
CASELOAD ACTIVITY REPORT - ORANGE

RUN DATE: 03/27/2003
RUN TIME: 00:38:37

	1997												
	YEAR TO DATE TERM 13		01/06/1997 TO 01/04/1998		01/06/1997 TO 01/04/1998		01/06/1997 TO 01/04/1998		01/06/1997 TO 01/04/1998		01/06/1997 TO 01/04/1998		
	01/97	02/97	03/97	04/97	05/97	06/97	07/97	08/97	09/97	10/97	11/97	12/97	13/97
TOTAL NEW FILINGS*	1,044	1,034	979	1,006	1,062	982	955	1,129	953	1,103	841	965	757
CHILD PROTECTIVE	80	70	72	95	100	83	62	84	45	57	70	102	62
JUVENILE DELINQUENCY	24	20	20	32	40	28	20	48	28	27	28	28	24
PINS	30	32	21	22	20	25	20	28	16	27	27	36	26
CUSTODY	195	268	263	284	261	253	268	364	289	314	221	255	205
FAMILY OFFENSE	25	47	54	56	66	56	50	61	50	62	54	47	36
PATERNITY	63	71	70	98	64	70	80	84	65	96	65	65	56
SUPPORT	423	401	374	292	408	364	346	357	348	427	316	341	264
USDL	69	73	67	75	78	58	63	56	66	60	46	40	58
ALL OTHER	135	52	38	52	25	45	46	47	50	33	17	51	26
TOTAL DISPOSITIONS*	1,101	950	1,119	1,078	986	1,037	846	1,090	975	1,244	933	960	626
CHILD PROTECTIVE	91	105	47	78	78	94	49	108	86	99	44	71	38
JUVENILE DELINQUENCY	21	28	34	23	36	30	31	34	33	44	38	15	22
PINS	28	22	22	31	21	29	28	26	16	36	19	19	16
CUSTODY	305	311	258	301	252	277	253	291	276	335	259	257	171
FAMILY OFFENSE	59	43	49	45	48	70	47	57	44	56	55	65	33
PATERNITY	79	60	85	107	80	78	56	80	77	82	73	73	56
SUPPORT	412	287	434	405	369	350	301	370	337	460	348	370	229
USDL	59	73	76	81	65	65	55	80	70	72	55	39	43
ALL OTHER	43	35	48	38	37	44	26	44	36	60	42	51	18

TOTAL PENDING
PENDING OVER S&G

2,349
28

	YEAR-TO-DATE COMPARISON													
	1994		1995		1996		1997		1996-		1997		% CHANGE	
	1994	1995	1996	1997	1996	1997	1996	1997	1996	1997	1996	1997	1996	1997
TOTAL NEW FILINGS*	12,516	12,925	13,325	12,810	12,810	12,810	12,810	12,810	13,078	13,143	12,945	12,945	-1.5	-1.5
CHILD PROTECTIVE	868	829	923	982	982	982	982	982	846	857	1,005	1,005	17.3	17.3
JUVENILE DELIN	412	494	398	363	363	363	363	363	544	453	389	389	-14.1	-14.1
PINS	370	372	377	330	330	330	330	330	364	339	321	321	-5.3	-5.3
CUSTODY	3,443	3,617	3,617	3,440	3,440	3,440	3,440	3,440	3,563	3,455	3,546	3,546	2.6	2.6
FAMILY OFFENSE	618	648	626	664	664	664	664	664	665	593	671	671	13.2	13.2
PATERNITY	1,981	1,948	1,210	944	944	944	944	944	2,044	1,429	986	986	-31.0	-31.0
SUPPORT	3,415	3,650	4,816	4,661	4,661	4,661	4,661	4,661	3,627	4,651	4,672	4,672	0.5	0.5
USDL	848	919	953	809	809	809	809	809	953	915	833	833	-9.0	-9.0
ALL OTHER	561	448	455	617	617	617	617	617	472	451	522	522	15.7	15.7
JUDGE DAYS	1,118	1,143	1,154	1,103	1,103	1,103	1,103	1,103	805	310	252	252	-18.7	-18.7
APPEARANCES	27,580	23,777	23,977	23,903	23,903	23,903	23,903	23,903	6.2	2.4	1.9	1.9	-4.2	-4.2
									2,278	2,451	2,349	2,349	0.0	0.0
									28	28	28	28	1.1	1.1
									1.2	1.1	1.2	1.2		

* FIGURES INCLUDE INITIAL AND SUPPLEMENTAL PETITIONS

NEW YORK STATE UNIFIED COURT SYSTEM
FAMILY COURT ALL
FAMILY COURT AND SUPREME IDV
CASELOAD ACTIVITY REPORT - ORANGE

RUN DATE: 06/04/2006
RUN TIME: 21:16:37

	2005												
	01/05	02/05	03/05	04/05	05/05	06/05	07/05	08/05	09/05	10/05	11/05	12/05	13/05
TOTAL NEW FILINGS*	999	942	953	1,176	906	916	942	1,063	1,012	1,069	1,078	804	748
CHILD PROTECTIVE	100	115	99	119	115	102	96	81	121	97	75	89	59
JUVENILE DELINQUENCY	46	38	33	44	21	28	21	30	23	36	42	30	13
PINS	20	12	25	16	31	17	21	15	18	15	14	15	14
CUSTODY	248	244	250	280	247	252	272	274	287	306	280	240	238
FAMILY OFFENSE	56	61	72	77	48	50	47	71	69	70	59	42	55
PATERNITY	34	31	28	36	32	29	35	31	24	31	29	22	16
SUPPORT	396	356	344	506	341	339	359	452	378	442	486	295	304
USDL	40	33	28	49	46	34	34	46	35	34	32	25	26
ALL OTHER	59	52	74	49	25	65	57	63	57	38	61	46	23
TOTAL DISPOSITIONS*	918	1,015	1,206	1,225	1,133	1,063	1,024	1,015	911	1,016	887	902	745
CHILD PROTECTIVE	92	110	124	81	145	114	81	93	107	92	98	60	86
JUVENILE DELINQUENCY	26	20	40	38	40	31	31	31	21	32	30	23	25
PINS	27	15	24	17	21	31	24	14	31	18	17	10	11
CUSTODY	250	238	307	224	229	288	239	279	249	223	207	225	181
FAMILY OFFENSE	54	74	74	72	52	55	57	61	44	52	46	74	40
PATERNITY	37	32	40	65	35	37	34	35	33	26	28	42	21
SUPPORT	354	424	505	608	530	429	470	404	335	472	393	383	324
USDL	34	42	37	49	38	43	43	37	38	47	36	33	25
ALL OTHER	44	60	55	71	43	35	45	61	53	54	32	52	32
TOTAL PENDING PENDING OVER S&G													3,037
													1,140

	YEAR-TO-DATE COMPARISON						% CHANGE 2004-2005
	2002	2003	2004	2005	2004	2005	
TOTAL NEW FILINGS*	13,641	14,499	13,454	12,608	-6.3	13,880	-7.1
CHILD PROTECTIVE	1,181	1,315	1,350	1,268	-6.1	1,173	-9.8
JUVENILE DELIN	361	372	378	405	7.1	350	9.3
PINS	375	319	304	233	-23.4	362	-15.3
CUSTODY	3,550	3,591	3,279	3,418	4.2	3,487	-2.3
FAMILY OFFENSE	843	825	775	777	0.3	769	3.1
PATERNITY	1,313	1,311	876	378	-56.8	1,373	-61.0
SUPPORT	5,101	5,508	5,340	4,998	-6.4	5,450	-1.2
USDL	474	499	481	462	-4.0	508	-2.1
ALL OTHER	443	759	671	669	-0.3	408	2.2
JUDGE DAYS# APPEARANCES	31,043	31,549	31,214	40,017	28.2	505	-2.8
					AS % OF TOTAL DISP	3.6	5.8
					TOTAL PENDING	3,564	3.6
					PENDING OVER S&G	117	5.5
					AS % OF TOTAL PENDING	3.2	5.8

* FIGURES INCLUDE INITIAL AND SUPPLEMENTAL PETITIONS
JUDGE DAY INFO CAN BE OBTAINED AT THE OFFICE OF COURT RESEARCH AT 212-428-2990

NEW YORK STATE UNIFIED COURT SYSTEM
 FAMILY COURT ALL
 FAMILY COURT AND SUPREME IDV
 CASELOAD ACTIVITY REPORT - ORANGE
 WEB

RUN DATE: 08/16/2010
 RUN TIME: 21:12:43

	YEAR TO DATE TERM 13 2009, 01/05/2009 TO 01/03/2010												
	01/09	02/09	03/09	04/09	05/09	06/09	07/09	08/09	09/09	10/09	11/09	12/09	13/09
TOTAL NEW FILINGS**	1,114	1,028	1,083	1,216	1,224	997	1,092	958	1,106	1,158	957	1,046	772
CHILD PROTECTIVE	40	79	73	76	62	55	59	60	42	54	67	63	57
JUVENILE DELINQUENCY	46	32	33	30	38	29	25	30	43	64	29	24	20
PINS	7	9	8	16	11	10	13	14	7	4	11	11	9
CUSTODY	297	225	285	213	228	227	257	233	304	273	216	215	208
FAMILY OFFENSE	58	61	64	75	80	66	68	83	86	78	68	61	60
PATERNITY	40	32	49	51	55	44	59	38	55	34	34	36	20
SUPPORT	498	437	460	606	569	433	464	400	475	493	430	492	299
USDL	40	43	29	49	59	32	20	21	37	31	29	34	28
ALL OTHER	46	25	37	35	31	27	36	37	31	32	28	29	10
PPH	42	85	45	65	91	74	91	42	53	74	45	81	61
TOTAL DISPOSITIONS**	1,044	1,001	1,103	939	1,209	1,119	1,057	951	1,046	1,287	946	1,004	877
CHILD PROTECTIVE	73	58	54	48	105	45	66	41	50	93	38	47	33
JUVENILE DELINQUENCY	45	29	36	23	34	19	34	32	29	49	30	44	22
PINS	11	7	14	8	6	13	15	12	7	6	15	7	8
CUSTODY	247	206	255	219	257	305	222	180	269	286	200	245	224
FAMILY OFFENSE	86	66	78	68	65	70	61	56	86	96	48	69	63
PATERNITY	46	41	52	33	35	32	48	43	42	48	43	53	32
SUPPORT	436	436	510	402	530	476	451	475	457	563	473	416	372
USDL	26	46	30	35	53	44	35	33	28	46	25	16	34
ALL OTHER	32	27	29	38	33	41	30	32	25	26	29	26	28
PPH	42	65	45	65	91	74	91	42	53	74	45	81	61
TOTAL PENDING													3,025
PENDING OVER \$6G													139

YEAR-TO-DATE COMPARISON

	% CHANGE		
	2006	2007	2008-2009
TOTAL NEW FILINGS**	12,910	13,136	13,751
CHILD PROTECTIVE	843	755	787
JUVENILE DELIN	407	563	443
PINS	209	197	130
CUSTODY	3,306	2,844	3,181
FAMILY OFFENSE	688	728	908
PATERNITY	471	572	541
SUPPORT	6,061	5,769	6,056
USDL	467	435	452
ALL OTHER	458	345	404
PPH	928	928	849
APPEARANCES	33,004	30,279	28,697
TOTAL DISPOSITIONS**	12,646	13,669	12,646
CHILD PROTECTIVE	939	744	939
JUVENILE DELIN	390	575	390
PINS	219	208	219
CUSTODY	3,522	2,962	3,522
FAMILY OFFENSE	722	700	722
PATERNITY	426	541	426
SUPPORT	5,560	6,198	5,560
USDL	425	474	425
ALL OTHER	443	928	443
PPH	705	580	705
DISP OVER \$6G	5.6	4.2	5.6
AS % OF TOTAL DISP	5.3	5.3	5.3
TOTAL PENDING	3,265	2,714	3,265
PENDING OVER \$6G	187	123	187
AS % OF TOTAL PENDING	5.7	4.5	5.7

** FIGURES INCLUDE INITIAL, SUPPLEMENTAL PETITIONS AND PERMANENCY PLANNING HEARINGS, WHICH ARE BASED ON CHILDREN AND NOT DOCKETS.

1993
NEW YORK STATE UNIFIED COURT SYSTEM
FAMILY COURT
CASELOAD ACTIVITY REPORT - DUTCHESS

RUN DATE: 03/27/2003
RUN TIME: 21:08:57

	1993												
	CASELOAD ACTIVITY REPORT - DUTCHESS												
	YEAR TO DATE TERM 13 1993, 01/04/1993 TO 01/02/1994												
	1993												
	01/93	02/93	03/93	04/93	05/93	06/93	07/93	08/93	09/93	10/93	11/93	12/93	13/93
TOTAL NEW FILINGS*	705	751	838	848	824	831	884	905	838	772	683	665	704
CHILD PROTECTIVE	38	38	30	51	41	23	36	70	35	36	31	25	28
JUVENILE DELINQUENCY	28	38	59	43	39	33	54	20	22	53	39	37	23
PINS	19	20	20	17	27	26	20	27	12	27	23	12	15
CUSTODY	145	134	169	149	174	151	164	145	174	176	151	157	145
FAMILY OFFENSE	81	112	82	121	108	90	127	118	134	101	85	96	83
PATERNITY	111	113	125	121	102	146	113	139	119	80	86	64	111
SUPPORT	212	195	248	242	254	243	230	275	243	219	171	182	208
USDL	25	33	41	30	36	32	27	54	47	34	38	46	59
ALL OTHER	46	68	64	70	43	87	113	57	42	46	38	46	32
TOTAL DISPOSITIONS*	881	805	833	845	966	860	725	639	667	899	746	811	658
CHILD PROTECTIVE	85	50	34	60	68	90	41	43	32	45	39	57	22
JUVENILE DELINQUENCY	55	27	47	36	45	55	38	35	23	47	30	42	47
PINS	13	17	27	13	17	25	27	21	27	14	18	23	23
CUSTODY	171	194	178	206	160	172	150	92	85	182	144	155	151
FAMILY OFFENSE	124	125	112	107	152	95	107	84	77	134	91	99	97
PATERNITY	111	110	123	95	133	110	84	95	132	110	114	115	50
SUPPORT	223	201	216	239	283	219	203	189	204	213	226	239	168
USDL	29	30	34	34	31	43	30	45	45	43	43	44	47
ALL OTHER	70	51	62	55	77	51	45	35	46	111	41	37	53
TOTAL PENDING PENDING OVER S&G													2,302
													264

	YEAR-TO-DATE COMPARISON														
	% CHANGE														
	1990	1991	1992	1993	1992-1993	1990	1991	1992	1993	1992-1993	1990	1991	1992	1993	1992-1993
TOTAL NEW FILINGS*	8,608	9,519	9,896	10,248	3.6	8,837	9,393	9,949	10,335	3.9	8,837	9,393	9,949	10,335	3.9
CHILD PROTECTIVE	640	689	577	482	-16.5	927	927	462	527	14.1	927	927	462	527	14.1
JUVENILE DELIN	550	524	457	488	6.8	558	522	462	527	14.1	558	522	462	527	14.1
PINS	189	228	218	265	21.6	204	213	212	265	25.0	204	213	212	265	25.0
CUSTODY	1,533	1,659	1,828	2,034	11.3	1,568	1,519	1,740	2,040	17.2	1,568	1,519	1,740	2,040	17.2
FAMILY OFFENSE	1,970	1,096	1,350	1,338	-0.9	1,042	1,068	1,217	1,404	15.4	1,042	1,068	1,217	1,404	15.4
PATERNITY	1,232	1,447	1,458	1,430	-1.9	1,131	1,425	1,510	1,382	-8.5	1,131	1,425	1,510	1,382	-8.5
SUPPORT	2,261	2,680	2,836	2,922	3.0	2,170	2,600	2,859	2,823	-1.3	2,170	2,600	2,859	2,823	-1.3
USDL	432	427	443	532	20.1	428	392	454	494	8.8	428	392	454	494	8.8
ALL OTHER	801	769	729	757	3.8	809	727	717	734	2.4	809	727	717	734	2.4
JUDGE DAYS APPEARANCES	22,061	24,478	28,460	28,904	1.6	451	692	997	787	-21.1	451	692	997	787	-21.1
						5.1	7.4	10.0	7.6		5.1	7.4	10.0	7.6	
TOTAL PENDING						1,615	2,163		2,302	0.0	1,615	2,163		2,302	0.0
PENDING OVER S&G						60	181		264	0.0	60	181		264	0.0
AS % OF TOTAL PENDING						3.7	8.4		11.5		3.7	8.4		11.5	

* FIGURES INCLUDE INITIAL AND SUPPLEMENTAL PETITIONS

2001
NEW YORK STATE UNIFIED COURT SYSTEM
FAMILY COURT
CASELOAD ACTIVITY REPORT - DUTCHESS

2001
RUN DATE: 03/06/2003
RUN TIME: 21:18:52

	2001														
	YEAR TO DATE TERM 13		01/01/2001 TO 12/30/2001		08/01		09/01		10/01		11/01		12/01		13/01
	01/01	02/01	03/01	04/01	05/01	06/01	07/01	08/01	09/01	10/01	11/01	12/01	13/01	13/01	13/01
TOTAL NEW FILINGS*	723	857	967	1,003	993	947	947	1,317	863	1,035	835	838	772	835	772
CHILD PROTECTIVE	57	46	50	52	41	60	60	88	76	59	45	54	55	45	54
JUVENILE DELINQUENCY	42	26	33	28	14	28	28	64	27	36	29	21	17	21	17
PINS	25	28	23	34	38	30	30	32	12	12	15	22	29	15	22
CUSTODY	102	169	197	152	157	156	271	202	202	214	178	203	194	178	203
FAMILY OFFENSE	82	89	67	76	85	99	99	138	73	97	68	91	87	97	91
PATERNITY	81	105	127	137	131	115	113	113	304	111	86	74	74	86	74
SUPPORT	262	334	412	465	474	404	404	513	304	438	346	298	265	346	298
USDL	13	15	17	20	14	14	14	21	18	17	13	24	16	13	24
ALL OTHER	59	45	41	39	39	41	41	77	64	51	55	51	35	55	51
TOTAL DISPOSITIONS*	762	798	848	966	1,018	923	923	911	791	972	1,043	867	894	1,043	867
CHILD PROTECTIVE	50	54	82	47	73	71	71	64	79	61	63	69	34	63	69
JUVENILE DELINQUENCY	28	35	25	37	25	31	31	34	27	30	37	41	26	37	41
PINS	28	24	22	32	31	27	27	21	14	14	21	33	18	21	33
CUSTODY	210	174	128	146	145	139	139	161	192	148	194	145	242	194	145
FAMILY OFFENSE	75	113	90	74	77	68	68	85	90	111	89	78	77	89	78
PATERNITY	79	75	88	132	151	127	127	86	85	109	93	99	100	109	99
SUPPORT	242	258	348	437	446	385	385	403	239	413	462	337	348	462	337
USDL	8	18	28	17	21	21	21	17	6	23	16	11	13	16	11
ALL OTHER	42	47	37	44	49	54	54	40	46	63	68	54	36	68	54

TOTAL PENDING
PENDING OVER S&G

2,146
77

	YEAR-TO-DATE COMPARISON													
	1998		1999		2000		2001		2000-		2001		% CHANGE	
	1998	1999	2000	2001	2000	2001	2000	2001	1998	1999	2000	2001	2000-	2001
TOTAL NEW FILINGS*	11,496	11,690	11,539	12,097	12,097	12,097	12,097	12,097	11,867	12,312	11,694	11,716	0.2	2001
CHILD PROTECTIVE	546	527	483	743	743	743	743	743	837	757	729	818	12.2	2001
JUVENILE DELIN	475	408	370	393	393	393	393	393	477	382	399	407	2.0	2001
PINS	251	319	301	330	330	330	330	330	253	290	306	325	6.2	2001
CUSTODY	2,344	2,273	2,222	2,351	2,351	2,351	2,351	2,351	2,343	2,194	2,270	2,163	-4.7	2001
FAMILY OFFENSE	1,741	1,797	1,680	1,151	1,151	1,151	1,151	1,151	1,703	1,783	1,742	1,095	-37.1	2001
PATERNITY	1,407	1,315	1,313	1,356	1,356	1,356	1,356	1,356	1,400	1,522	1,235	1,351	9.4	2001
SUPPORT	3,957	4,244	4,319	4,919	4,919	4,919	4,919	4,919	4,010	4,617	4,156	4,703	13.2	2001
USDL	225	154	195	216	216	216	216	216	296	169	162	220	35.8	2001
ALL OTHER	550	653	656	638	638	638	638	638	548	598	695	634	-8.8	2001
JUDGE DAYS	1,029	1,027	1,064	1,152	1,152	1,152	1,152	1,152	602	467	436	503	15.4	2001
APPEARANCES	8,234	10,951	28,958	28,876	28,876	28,876	28,876	28,876	5.1	3.8	3.7	4.3	4.3	4.3
TOTAL PENDING									2,389	2,070	2,016	2,146	6.4	2001
PENDING OVER S&G									0.0	52	30	77	156.7	2001
AS % OF TOTAL PENDING									0.0	2.5	1.5	3.6	3.6	3.6

* FIGURES INCLUDE INITIAL AND SUPPLEMENTAL PETITIONS

NEW YORK STATE UNIFIED COURT SYSTEM
 FAMILY COURT ALL
 FAMILY COURT AND SUPREME IDV
 CASELOAD ACTIVITY REPORT - BUTCHESS
 WEB

RUN DATE: 08/16/2010
 RUN TIME: 21:12:43

YEAR TO DATE TERM 13 2009, 01/05/2009 TO 01/03/2010

	01/09	02/09	03/09	04/09	05/09	06/09	07/09	08/09	09/09	10/09	11/09	12/09	13/09
TOTAL NEW FILINGS**	1,157	1,190	1,274	1,357	1,228	1,356	1,263	1,322	1,408	1,356	1,160	1,164	963
CHILD PROTECTIVE	67	48	94	76	66	83	57	100	53	131	99	89	52
JUVENILE DELINQUENCY	23	27	24	22	24	20	20	19	93	26	22	28	32
PINS	10	17	19	14	13	11	23	15	9	14	16	16	13
CUSTODY	271	272	234	260	238	314	280	320	332	276	267	240	230
FAMILY OFFENSE	113	139	149	135	128	143	142	136	155	144	125	115	108
PATERNITY	47	45	37	48	36	42	43	23	33	39	29	25	27
SUPPORT	546	506	587	669	600	644	601	591	583	598	496	560	401
USDL	16	14	9	26	17	17	20	11	18	17	15	9	21
ALL OTHER	46	74	79	79	56	46	53	57	86	66	46	40	43
PPH	18	48	42	28	50	36	24	50	46	45	45	42	36
TOTAL DISPOSITIONS**	1,301	1,205	1,303	1,110	1,286	1,156	1,083	1,176	1,267	1,598	1,386	1,300	868
CHILD PROTECTIVE	58	50	73	82	85	58	46	53	76	132	67	50	66
JUVENILE DELINQUENCY	29	21	23	27	25	25	17	12	27	26	18	111	12
PINS	12	18	12	12	16	12	20	11	19	10	7	13	21
CUSTODY	288	259	283	253	261	226	239	274	286	343	296	339	182
FAMILY OFFENSE	112	150	143	118	121	135	137	133	122	153	153	115	100
PATERNITY	48	55	34	44	44	34	35	28	39	45	42	31	20
SUPPORT	561	540	605	465	616	563	500	547	544	733	666	517	371
USDL	24	12	15	16	15	15	17	12	13	24	15	21	16
ALL OTHER	51	51	64	65	53	52	48	56	95	85	77	61	44
PPH	18	48	42	28	50	36	24	50	46	45	45	42	36

TOTAL PENDING
 PENDING OVER S6G

3,013
 161

YEAR-TO-DATE COMPARISON

	2006	2007	2008	2009	2008-	2009	2008-	2009	2008-	2009	2008-	2009	2008-	2009	% CHANGE
TOTAL NEW FILINGS**	13,378	14,213	14,945	16,198	8.4	16,198	8.4	16,198	13,164	14,163	14,346	16,040	11.1	16,040	11.1
CHILD PROTECTIVE	785	775	777	1,015	30.6	1,015	30.6	1,015	769	797	691	896	29.3	896	29.3
JUVENILE DELIN	393	394	294	380	29.3	380	29.3	380	376	418	313	373	19.1	373	19.1
PINS	166	166	196	190	-3.1	190	-3.1	190	178	152	189	182	1.1	182	1.1
CUSTODY	2,860	2,938	3,031	3,534	16.6	3,534	16.6	3,534	2,834	2,946	2,845	3,529	24.1	3,529	24.1
FAMILY OFFENSE	1,298	1,370	1,444	1,732	19.9	1,732	19.9	1,732	1,257	1,306	1,405	1,694	20.1	1,694	20.1
PATERNITY	384	447	541	474	-12.4	474	-12.4	474	370	448	517	499	-3.1	499	-3.1
SUPPORT	5,517	6,788	7,263	7,382	1.6	7,382	1.6	7,382	6,371	6,791	7,038	7,328	4.1	7,328	4.1
USDL	210	196	179	210	17.3	210	17.3	210	206	209	160	215	34.1	215	34.1
ALL OTHER	765	707	716	771	7.7	771	7.7	771	803	664	684	804	17.1	804	17.1
PPH	432	432	504	510	1.2	510	1.2	510	432	432	504	510	1.1	510	1.1
DISP OVER S6G									337	376	480	609	26.1	609	26.1
AS % OF TOTAL DISP									2.6	2.7	3.3	3.8		3.8	
TOTAL PENDING	37,807	40,388	40,018	45,987	14.9	45,987	14.9	45,987	2,345	2,348	2,915	3,013	3.1	3,013	3.1
PENDING OVER S6G									35	69	100	161	61.1	161	61.1
AS % OF TOTAL PENDING									1.5	2.9	3.4	5.3		5.3	

** FIGURES INCLUDE INITIAL, SUPPLEMENTAL PETITIONS AND PERMANENCY PLANNING HEARINGS, WHICH ARE BASED ON CHILDREN AND NOT DOCKETS.

Hon. Fern Fisher

Deputy Chief Administrative Judge for the
New York City Courts, and

Director of the New York State Courts Access
to Justice Program

**Closing Statement of Justice Fern Fisher
Deputy Chief Administrative Judge for New York City Courts
Director, New York State Courts Access To Justice Program**

Initially, I want to acknowledge the hard work of Helaine Barnett, Marcia Levy and all the Task Force members who contributed to insuring that many voices have been heard at the four hearings across this state on this most important issue of stable and adequate funding for civil legal services. Today, I would like to add the voice of the New York State Courts Access to Justice Program and my personal voice as the Deputy Chief Administrative Judge of New York City Courts to the harmonious choir. The primary mission of the Access to Justice Program is to ensure equal access to justice to everyone who has a case in one of our courts or a legal problem outside of the our courts' jurisdiction. Our number one goal is finding long term solutions to chronic lack of civil legal assistance for people of low-income and modest means in New York including and foremost, finding a permanent public funding stream for civil legal services.

At a time when many in this country are expressing discontent with government, it is essential that the third branch of government, the judiciary, address the inherent inequity that individuals experience when they must deal with life affecting legal issues without access to civil legal assistance. The most compelling voices that we have heard at all the hearings are the clients whose lives would have been dramatically impacted had they not have been fortunate in obtaining legal assistance. I am proud to be part of a Court system lead by a Chief Judge who understands the human consequences of injustice.

Our court statistics support that New Yorkers are in crisis. The crisis is reflected by the volume of cases filed that affect everyday peoples lives. Family cases, matrimonials, consumer credit, foreclosures and landlord-tenant cases comprise 70% of our civil cases. Growing foreclosure filings from 2005 to 2009 are illustrative of the increased pressures the economic downturn has caused for individuals. In Kings County filings increased 200% from 1,827 to 5,484, in Nassau filings increased 319% from 1,310 to 5,487, in Suffolk the increase was 274% from 2,016 to 7,531, and in Queens the increase was 217% from 1,842 to 5,839.¹ This year foreclosures continue to increase. In Queens this year approximately 5000 conferences have been held with only 3000 homeowners represented. Since legislation was enacted requiring preliminary conferences in

foreclosures, there have been over 75,000 conferences in the Second Department alone, and the numbers are growing throughout the state. For example, in Orange County there were 129 conferences in February of 2010. Last month there were 750. In the Civil Court of the City of New York in 2009, 241,594 consumer credit cases were filed. The inability to pay debts starts the spiraling down of people's lives leading them to other legal problems such as evictions and foreclosures. Economic pressures are effecting families. Judges and clerks see more angry, crying, desperate, hopeless litigants. Family Court statistics are staggering.² We are seeing more people of all incomes faced with potentially life altering legal problems. In a recent survey of our judges, 42% indicated that there has been an increase of chronic low income unrepresented litigants in their courtrooms, 67% indicated that there has been an increase of unrepresented litigants who have recently become low income due to the economic downturn and 53% indicated that there has been an increase in unrepresented litigants of moderate income. The human consequences of the outcomes of these cases have been amply established by the oral and written testimonies of clients and legal service providers.

It should be noted that the Access to Justice Program staff uses the term unrepresented litigants and not self-represented litigants. The latter term seems to indicate that individuals who appear without attorneys, have elected not to be represented and not that they have no access to one. It is a misconception that litigants choose to be pro se; the overwhelming majority have no choice. The numbers of unrepresented litigants in the courts are tremendous.³ In Family Court in the City of New York 93% of both petitioners and respondents in child support cases are completely unrepresented; another 4 to 5% had counsel for part of the case. Effectively, 97 to 98% of individuals dealing with child support issues in New York City do so without full benefit of counsel.⁴ In 2009, in New York City consumer debt cases approximately 1% of consumer defendants had counsel while 100% of plaintiffs were represented by counsel. A five day survey in Richmond County showed no defendants had counsel. In New York County a small number of litigants were represented by the Volunteer Lawyer of the Day Program co-sponsored with the New York County Lawyers Association, but no other defendants had counsel. The statistics for the five day period on unrepresented consumer debt defendants in the remaining counties are almost the same.⁵ The numbers in landlord tenant cases are similar, with most tenants appearing without an attorney.⁶ It should be noted, however that there is an increase in the number of lower income small owners who appear without an attorney.⁷ Owners are now frequent users of our Help Centers. The economic

crisis has long tentacles. There are many unlikely individuals affected by the economic crisis.

The consequences of unrepresented litigants appearing in our courts are many. The negative effect of unrepresented litigants on the efficiency of court operations has been supported by the testimony of trial judges. I wish however, to focus more on indicia that unrepresented litigants have difficulty obtaining equal justice. A recent survey of judges indicated the following: 63% of judges responding felt that it was difficult to ascertain facts as evidence is not properly presented, 73% indicated unrepresented litigants failed to present necessary evidence, 64% felt there was ineffective witness examination, 67% felt there were ineffective arguments, 70% felt there was confusion over issues and 84% felt there was lack of knowledge about the law. While nationally, the role of a judge in an unrepresented litigant case is slowly evolving to be a neutral but engaged figure, neutrality is central to judging. Many judges feel it stretches neutrality when they attempt to be engaged in a case involving unrepresented litigants. When a judge is unengaged a litigant without a lawyer will have great difficulty. Judges are grappling with where the line should be drawn and they are stressed by the difficult decisions they must make.

The court system also understands that the legal problems that individuals struggle with in our courts are only a partial reflection of the legal problems experienced by individuals who have no access to civil legal services. Problems individuals have with administrative agencies or private entities prior to litigation require lawyers. Our judges are flooded with cases such as landlord tenant cases which would not have ripened into litigation if government benefits, unemployment insurance, wage and immigration issues were resolved by lawyers. For example, numerous cases in the New York City Housing Part would disappear if individuals had adequate access to a lawyers to resolve financial issues that fuel non-payment housing cases. The court system, owners and tenants all benefit when underlying legal issues are resolved by attorneys without the need to file a housing case. The court system would see far less cases in other substantive areas if lawyers were available pre-litigation to assist individuals. Civil Legal Services attorneys are necessary to insure that rights are achieved that are intended and guaranteed by our State legislature in housing, foreclosure, family and other areas.

You have heard references to pro bono efforts to assist unrepresented litigants and self-help measures. We are pleased with the progress of court-sponsored volunteer programs such as the Volunteer Lawyer for the Day Program, however, these programs address only limited types of uncomplicated cases and reach a small percentage of the total need of litigants. We have learned that pro bono attorneys are excellent resources in limited types of cases. The more complicated cases with multiple legal issues require attorneys who are both experienced and knowledgeable and have the time to devote to such cases. Civil legal services attorneys are uniquely able to address the full range of legal problems experienced by their clients. In the Second Department, pro bono attorneys from local bar associations such as the Nassau County Bar, Suffolk County Bar, Queens County Bar and Brooklyn Bar and the Richmond Bar have devoted numerous pro bono hours to foreclosure cases. Bar associations and other pro bono attorneys must be applauded for their efforts. Those attorneys will soon be exhausted as foreclosure filings continue to increase. Even with the surge of pro bono and legal service providers' efforts in foreclosure, 44% of defendants remain unrepresented state-wide. A bar leader yesterday sent me an e-mail which stated "Foreclosure litigation is highly complex and the stakes are extraordinarily high. The well being of individual families and entire communities are at issue....it has become increasingly clear that representation by attorneys is vital if litigants hope to navigate effectively through the legal technicalities and the federal and state programs intended to alleviate the crisis."⁸ In other areas of need, such as unemployment, immigration, housing, consumer, divorce and family, there are far fewer pro bono attorneys. In some areas of the state, particularly rural areas, the private bar is insufficient to meet the ever growing need. While we must continue to encourage attorneys to serve, we can not rely on pro bono services to stem the crisis. Nor can we rely on self-help measures. The Help Centers operated by the Courts provide some basic relief to unrepresented litigants, but staff there can only provide legal information. In some courthouses the need is so great we are forced to turn litigants away. In most counties there are no Help Centers or the Help Center is able only to provide assistance in certain types of cases. The Do-It Yourself computer programs offered by the Court provide legal information and help litigants fill out forms, but a computer can not give legal advice, nor can it calm the fears of an individual facing crisis. Pro Bono and self-help measures while necessary and helpful can not insure equal access to justice. Civil Legal Services attorneys alone are able to shoulder the majority of the need; they must do the heavy lifting.

Obtaining a stable state funding stream in New York State for Civil Legal Services must be our first priority. Legal Services programs should not be forced to guess each year if they can continue to remain open. We must as a state accept that there is a price to pay when individuals are denied equal access to justice in civil cases. The price includes the cost of cleaning up the results of cases when people could not access assistance, but most important those denied justice lose faith in our system of government.

In figuring out what the dollar amount should be, using the Chief Judge's words, we must put together the pieces of the puzzle. We must fit together the civil legal services needs of the public with setting priorities and exploring all models of delivery of legal services via legal service providers. We must fit in maximizing the use of pro bono attorneys and self-help measures where appropriate and insure that all civil legal services are delivered efficiently and effectively.

In closing, I quote from the last speech of Hubert Humphrey in 1977. "...the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadows of life; the sick, the needy and the handicapped. "⁹ Our justice system must meet the moral test of providing equal access to justice which can only be achieved through stable and adequate civil legal services funding. Our citizens and residents who face loss of health care, home, child or United States residency, who are unable to protect their incomes, or who are trapped in untenable violent marriages are as in danger of being imprisoned in their lives as Mr. Gideon was in jeopardy of being put in prison. The time is now to embrace the spirit of Gideon in the civil arena and move forward to a more perfect world.

1. Foreclosure have increased throughout the State. Foreclosure statistics are attached.
2. There were 742,365 Family Court Filings.

3. Unrepresented Litigant Estimates (based on data in case management systems): See Attachment.
4. In Family Court matters where assigned counsel is not provided, there were 611,768 filings. Approximately 74% of litigants in those cases were unrepresented. See Attachment.
5. There were 1,027 consumer credit cases calendered throughout New York City during the 5 days the survey was conducted. Only 26 defendants were represented by private counsel. A smaller number were represented by the Volunteer Lawyer For the Day Program.
6. Outside of the City of New York 98% of tenants are unrepresented. Inside the City of New York 99% of tenants are unrepresented.
7. Outside the City of New York 30% of owners are not represented.
8. E-mail 10/6/2010 from Emily Franchina, former president of the Nassau County Bar Association.
9. Last Speech of Hubert H. Humphrey November 1, 1977, Washington, D.C. at a dedication of a building by the United State Senate.

New York State Unified Court System Foreclosure Cases Filed 2005 - 2009					
County	Year				
	2005	2006	2007	2008	2009
Albany	424	502	554	520	645
Allegany	79	84	82	80	77
Bronx	686	892	1,250	1,589	1,901
Broome	328	313	309	287	299
Cattaraugus	157	148	167	129	120
Cayuga	176	171	166	149	142
Chautauqua	304	308	272	255	236
Chemung	160	195	174	174	166
Chenango	74	96	89	91	95
Clinton	100	100	122	97	105
Columbia	74	92	107	151	171
Cortland	47	107	81	77	84
Delaware	52	85	88	96	102
Dutchess	276	445	667	871	1,052
Erie	2,726	2,285	2,187	1,971	1,743
Essex	49	59	50	66	65
Franklin	63	58	55	60	74
Fulton	160	159	161	206	186
Genesee	137	181	153	124	97
Greene	65	76	83	121	181
Herkimer	118	164	146	120	181
Jefferson	106	122	143	139	164
Kings	1,827	2,299	3,128	3,791	5,484
Lewis	40	48	34	22	37
Livingston	135	145	131	125	122
Madison	120	131	134	140	139
Monroe	1,917	1,988	1,917	1,902	1,698
Montgomery	96	83	43	167	155
Nassau	1,310	1,781	2,852	3,920	5,487
New York	209	161	258	285	581
Niagara	530	719	571	440	379
Oneida	393	421	414	342	413
Onondaga	1,053	975	882	1,080	995
Ontario	205	233	208	214	182
Orange	8	15	371	1,200	1,629
Orleans	171	204	126	113	111
Oswego	289	292	302	287	312
Otsego	81	90	102	111	118
Putnam	1	6	8	53	331
Queens	1,842	2,397	4,007	5,453	5,839
Rensselaer	315	339	383	402	439
Richmond	594	671	960	1,366	1,631
Rockland	183	282	410	676	979
Saratoga	155	223	315	302	384
Schenectady	332	428	463	481	563
Schoharie	66	60	65	73	74
Schuyler	41	27	24	25	23
Seneca	73	92	78	52	60
St Lawrence	119	135	118	120	106
Steuben	204	186	175	179	136
Suffolk	2,016	2,862	4,679	7,111	7,531
Sullivan	126	213	301	394	435
Tioga	72	80	91	78	79
Tompkins	78	71	67	50	60
Ulster	190	295	410	521	630
Warren	87	106	150	160	168
Washington	129	157	166	163	184
Wayne	293	269	241	220	199
Westchester	565	883	1,239	1,676	1,970
Wyoming	72	90	89	79	70
Yates	52	46	46	55	45
Total	22,350	26,145	33,064	41,201	47,664

**New York State Unified Court System
Representation of Parties in
Supreme Civil, Family and Local Civil Court Cases
14 October 2010**

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•	Supreme Civil	Page 3
•	Family Court	Page 6
•	New York City Civil Court and 44 City Courts outside New York City	Page 9

Introduction

Tables for each court are preceded by an explanation of the data source and the methodology used to compile the data. All data reported here are collected from the Unified Court System’s centralized case management systems. These data are reported to court personnel on an ongoing basis as cases are commenced, processed and disposed.

The data in this report reflect: 1) the limitations of the attorney representation data collected in these systems; 2) inconsistencies in reporting to the court by litigants and counsel; and 3) differences in local data entry practices. Thus, numbers and percentages in this report provide a general picture of representation but should not be treated as definitive or final numbers of unrepresented litigants.

Executive Summary

In each court, data that point to representation status are collected differently.

Supreme Civil

Reporting Context - After a steady decline from 2004 to 2007, new case filings recently increased. In 2009 there were 197,030 new filings, an increase of 8% over 2008, which saw an increase of 6% over 2007.

Methodology Summary - Each attorney/firm who enters an appearance is marked in the Case Management System as P if representing one or more Plaintiffs or D if representing one or more Defendants. A party who informs the court of self representation is listed as pro se. Representation data are not always reported in full to the court by litigants or by counsel. Each side may have multiple parties, each of whom may be represented by counsel or self-represented. Data in this document were compiled by side.

Plaintiffs - Statewide, in 83% of Supreme Civil cases, **at least one attorney or firm** was reported to represent at least one plaintiff and none was pro se. Reported plaintiff representation was higher outside New York City (88%) than in New York City (76%). Statewide, in 17% of cases, no attorney was reported representing a plaintiff; there may or may not have been pro se representation in those cases. In 52% of uncontested matrimonial cases, no attorney was reported to be representing a plaintiff.

Defendants - Statewide, in 53% of Supreme Civil cases, at least one defendant was represented by counsel and none was pro se. In 44% of Supreme Civil cases, **no attorney was reported representing a defendant**. There was no reported representation for defendants in 91% of uncontested matrimonial cases and in 70% of foreclosure cases statewide.

Caution is advised in citing Supreme Civil data reporting "no attorney representation." This group includes some who are self-represented and others for whom there is no representation information.

Family Courts

Reporting Context - In 2009, the number of new filings reached the highest ever at 742,365.¹ However, this includes all case types. For case types reported here, the total in 2008 was 606,910 and in 2009 was 611,768.

Methodology Summary - In Family Court, attendance is recorded for each appearance. Attendance data were collected only for cases where litigants are *not presumed represented by counsel*, including Support, Guardianship, Family Offense, Paternity,

¹ This includes all Family Court filings including case types (e.g. Neglect, Abuse, Termination of Parental Rights) where representation of all parties is required. These case types are not included in the representation data reported below.

Uniform Interstate Family Support Act and Custody/Visitation cases. Attorney attendance data were summarized by party. Frequency of attendance is reported by cases and by appearances.

Petitioners - An attorney was present for the petitioner for every appearance in 6% of Family Court cases. An attorney was present for the petitioner in 20% of New York City Family Court appearances and in 29% of Family Court appearances outside New York City. Petitioners are represented in 36% of custody/visitation cases appearances.

Respondents - An attorney was present for a respondent for every appearance in 5% of the cases and in 24% of the appearances. Respondents outside of New York City were represented slightly more frequently (26% of appearances) than were New York City family court respondents (18% appearances). Respondents are represented in 35% of custody/visitation appearances.

Local Civil Courts

Reporting Context - New filings for New York City Civil Courts were 909,064 in 2009; down from a high of 969,654 in 2006. In Local Civil Courts outside New York City, new filings reached a high of 382,171 in 2008, and declined 6% to 358,529 in 2009.

Methodology Summary - Representation data are available for 49 local civil courts, including the five New York City Civil Court locations. Data are recorded for each party in three categories: Represented by Counsel, Self Represented, or No Appearance. A party is marked "No Appearance" when the court has not been notified of representation by counsel or by self.

Plaintiffs - In 97% of New York City Civil Court cases, plaintiffs are reported as represented; outside New York City plaintiffs are reported represented in 79% of local civil court cases.

Defendants - In New York City Civil Court 15% of defendants are reported represented; outside of New York City 2% of defendants are reported represented in local civil courts. One exception to this pattern is in New York City no fault cases where 81% of defendants are reported represented.

New York State Unified Court System Representation of Parties in Supreme Civil Methodology Used To Compile Data

Attorney representation data were compiled from the Supreme Civil Case Management System (CMS) for all Motor Vehicle, Medical Malpractice, Other Tort, Contract, Contested and Uncontested Matrimonial, Tax Certiorari, Foreclosure and Other cases disposed in 2009.

For each case, attorney data indicates whether the attorney represents a plaintiff or a defendant or whether the party is pro se. Data were compiled separately for each side, and categorized as follows:

- **At Least One Attorney** represented at least one party on this side and no party was pro se.
- **Mixed** At least one attorney represented at least one party on this side and at least one party was pro se.
- **No Attorney** was reported to represent any party on this side; and, pro se may or may not be recorded.

**NEW YORK STATE UNIFIED COURT SYSTEM
SUPREME CIVIL CASES DISPOSED IN 2009
Representation of Plaintiffs**

Case Type	Total Cases	At Least One Attorney No Pro Se		At Least One Attorney and One Pro Se		No Attorneys Possible Pro Se	
		#	%	#	%	#	%
NYC							
Motor Vehicle	16,905	16,831	100%	15	0%	59	0%
Medical Malpractice	2,497	2,443	98%	5	0%	49	2%
Other Torts	16,405	16,147	98%	34	0%	224	1%
Contracts	4,179	4,018	96%	11	0%	150	4%
Contested Matrimonial	3,255	2,806	86%	112	3%	337	10%
Tax Certiorari	3,608	3,595	100%	0	0%	13	0%
Foreclosure	6,055	6,002	99%	5	0%	48	1%
Uncontested Matrimonial	23,458	7,139	30%	15	0%	16,304	70%
Other	21,533	15,033	70%	54	0%	6,446	30%
Total Cases	97,895	74,014	76%	251	0%	23,630	24%
Outside NYC							
Motor Vehicle	10,594	10,457	99%	28	0%	109	1%
Medical Malpractice	1,605	1,536	96%	18	1%	51	3%
Other Torts	8,102	7,882	97%	42	1%	178	2%
Contracts	11,811	11,443	97%	20	0%	348	3%
Contested Matrimonial	10,826	10,212	94%	334	3%	280	3%
Tax Certiorari	14,094	14,014	99%	7	0%	73	1%
Foreclosure	18,523	18,273	99%	5	0%	245	1%
Uncontested Matrimonial	19,880	13,363	67%	110	1%	6,407	32%
Other	28,336	21,684	77%	94	0%	6,558	23%
Total Cases	123,771	108,864	88%	658	1%	14,249	12%
STATEWIDE							
Motor Vehicle	27,499	27,288	99%	43	0%	168	1%
Medical Malpractice	4,102	3,979	97%	23	1%	100	2%
Other Torts	24,507	24,029	98%	76	0%	402	2%
Contracts	15,990	15,461	97%	31	0%	498	3%
Contested Matrimonial	14,081	13,018	92%	446	3%	617	4%
Tax Certiorari	17,702	17,609	99%	7	0%	86	0%
Foreclosure	24,578	24,275	99%	10	0%	293	1%
Uncontested Matrimonial	43,338	20,502	47%	125	0%	22,711	52%
Other	49,869	36,717	74%	148	0%	13,004	26%
Total Cases	221,666	182,878	83%	909	0%	37,879	17%

Supreme Civil Data Note: Attorney/firm names are listed in case files in CMS. Each listed attorney/firm is marked P for representation of one or more Plaintiffs or D for representation of one or more Defendants. Any party who informs the court of pro se appearance is listed as pro se. Representation data are not always reported in full to the court by litigants or by counsel. In particular in contract and contested matrimonial cases an attorney representing a party may not be identified when an RJ1 is filed and then is subsequently identified for the County Clerk's records but not for the court's records. In the final column above: "No Attorneys" means that no attorney/firm name appears in the file for this side; "Possible Pro Se" means that there may or may not be a pro se party listed for the cases in this column.

**NEW YORK STATE UNIFIED COURT SYSTEM
SUPREME CIVIL CASES DISPOSED IN 2009
Representation of Defendants**

Case Type	Total Cases	At Least One Attorney No Pro Se		At Least One Attorney and One Pro Se		No Attorneys Possible Pro Se	
		#	%	#	%	#	%
NYC							
Motor Vehicle	16,905	15,073	89%	858	5%	974	6%
Medical Malpractice	2,497	2,282	91%	90	4%	125	5%
Other Torts	16,405	14,557	89%	749	5%	1,099	7%
Contracts	4,179	2,435	58%	116	3%	1,628	39%
Contested Matrimonial	3,255	2,030	62%	231	7%	994	31%
Tax Certiorari	3,608	3,481	96%	0	0%	127	4%
Foreclosure	6,055	886	15%	140	2%	5,029	83%
Uncontested Matrimonial	23,458	366	2%	14	0%	23,078	98%
Other	21,533	8,218	38%	410	2%	12,905	60%
Total Cases	97,895	49,328	50%	2,608	3%	45,959	47%
Outside NYC							
		#	%	#	%	#	%
Motor Vehicle	10,594	9,536	90%	299	3%	759	7%
Medical Malpractice	1,605	1,493	93%	31	2%	81	5%
Other Torts	8,102	6,937	86%	335	4%	830	10%
Contracts	11,811	5,301	45%	324	3%	6,354	54%
Contested Matrimonial	10,826	7,876	73%	1,331	12%	1,619	15%
Tax Certiorari	14,094	13,419	95%	6	0%	669	5%
Foreclosure	18,523	5,490	30%	814	4%	12,219	66%
Uncontested Matrimonial	19,880	3,255	16%	207	1%	16,418	83%
Other	28,336	14,674	52%	587	2%	13,075	46%
Total Cases	123,771	67,981	55%	3,934	3%	52,024	42%
STATEWIDE							
		#	%	#	%	#	%
Motor Vehicle	27,499	24,609	89%	1,157	4%	1,733	6%
Medical Malpractice	4,102	3,775	92%	121	3%	206	5%
Other Torts	24,507	21,494	88%	1,084	4%	1,929	8%
Contracts	15,990	7,736	48%	440	3%	7,982	50%
Contested Matrimonial	14,081	9,906	70%	1,562	11%	2,613	19%
Tax Certiorari	17,702	16,900	95%	6	0%	796	4%
Foreclosure	24,578	6,376	26%	954	4%	17,248	70%
Uncontested Matrimonial	43,338	3,621	8%	221	1%	39,496	91%
Other	49,869	22,892	46%	997	2%	25,980	52%
Total Cases	221,666	117,309	53%	6,542	3%	97,983	44%

Supreme Civil Data Note: Attorney/firm names are listed in case files in CMS. Each listed attorney/firm is marked P for representation of one or more Plaintiffs or D for representation of one or more Defendants. Any party who informs the court of pro se appearance is listed as pro se. Representation data are not always reported in full to the court by litigants or by counsel. In particular in contract and contested matrimonial cases an attorney representing a party may not be identified when an RJ is filed and then is subsequently identified for the County Clerk's records but not for the court's records. In the final column above: "No Attorneys" means that no attorney/firm name appears in the file for this side; "Possible Pro Se" means that there may or may not be a pro se party listed for the cases in this column.

New York State Unified Court System Representation of Individual Petitioners and Respondents in Family Courts Methodology Used To Compile Data

Data were collected from the Universal Case Management System (UCMS-Family) for Support (F), Guardianship (G), Family Offense (O), Paternity (P), UIFSA (U, Uniform Interstate Family Support Act) and Custody/Visitation (V) cases,¹ for:

- all appearances² for
- all original and supplemental petitions disposed in 2009 involving
- individual (non-agency) petitioners and respondents.

Data were examined separately for petitioners and for respondents for each case type. Representation of a Family Court litigant can be inferred by attorney attendance, which is recorded for every Family Court appearance. Attendance data are reported in three categories:

- An attorney was present for this party for **all appearances**.
- An attorney was present for this party at **one or more appearance, but not all** appearances.
- **No attorney was present for this party** at any appearance.

The data were also analyzed to determine the total number of appearances in which a party did or did not have an attorney present.

¹ Excluded from this analysis are case types where litigants are presumed to be represented by counsel, including: Adoption (A), Adoption Surrender (AS), Termination of Parental Rights (B), Abuse (NA), Neglect (NN), Juvenile Delinquency (D), Designated Felony (E) and PINS (S).

² Appearances for control purposes were excluded.

**NEW YORK STATE UNIFIED COURT SYSTEM
ORIGINAL AND SUPPLEMENTAL F, G, O, P, U AND V FAMILY COURT CASES DISPOSED IN 2009
Representation of Individual Petitioners**

Case Type	Attorney for Petitioner Present For							Petitioner Appearances				
	Total Cases	All Appearances		One or More But Not All Appearances		No Appearances		Total Appearances	Attorney Present		No Attorney Present	
		#	%	#	%	#	%		#	%	#	%
NYC												
Support (F)	62,716	1,408	2%	2,743	4%	58,565	93%	140,450	11,549	8%	128,901	92%
Guardianship (G)	2,709	65	2%	248	9%	2,396	88%	9,906	1,177	12%	8,729	88%
Family Offense (O)	28,119	447	2%	5,813	21%	21,859	78%	95,500	19,762	21%	75,738	79%
Paternity (P)	10,035	174	2%	405	4%	9,456	94%	22,572	1,728	8%	20,844	92%
UIFSA (U)*												
Custody/Visitation (V)	52,671	1,982	4%	12,152	23%	38,537	73%	226,304	65,491	29%	160,813	71%
Total Cases	156,250	4,076	3%	21,361	14%	130,813	84%	494,732	99,707	20%	395,025	80%
Outside NYC		#	%	#	%	#	%		#	%	#	%
Support (F)	139,370	6,585	5%	12,453	9%	120,332	86%	306,829	41,903	14%	264,926	86%
Guardianship (G)	1,757	111	6%	304	17%	1,342	76%	5,048	1,043	21%	4,005	79%
Family Offense (O)	37,705	1,763	5%	15,794	42%	20,148	53%	136,604	44,730	33%	91,874	67%
Paternity (P)	11,475	679	6%	1,118	10%	9,678	84%	26,898	3,726	14%	23,172	86%
UIFSA (U)	4,817	643	13%	577	12%	3,597	75%	11,527	3,041	26%	8,486	74%
Custody/Visitation (V)	144,588	16,783	12%	50,034	35%	77,771	54%	489,542	191,275	39%	298,267	61%
Total Cases	339,712	26,564	8%	80,280	24%	232,868	69%	976,448	285,718	29%	690,730	71%
STATEWIDE		#	%	#	%	#	%		#	%	#	%
Support (F)	202,086	7,993	4%	15,196	8%	178,897	89%	447,279	53,452	12%	393,827	88%
Guardianship (G)	4,466	176	4%	552	12%	3,738	84%	14,954	2,220	15%	12,734	85%
Family Offense (O)	65,824	2,210	3%	21,607	33%	42,007	64%	232,104	64,492	28%	167,612	72%
Paternity (P)	21,510	853	4%	1,523	7%	19,134	89%	49,470	5,454	11%	44,016	89%
UIFSA (U)	4,817	643	13%	577	12%	3,597	75%	11,527	3,041	26%	8,486	74%
Custody/Visitation (V)	197,259	18,765	10%	62,186	32%	116,308	59%	715,846	256,766	36%	459,080	64%
Total Cases	495,962	30,640	6%	101,641	20%	363,681	73%	1,471,180	385,425	26%	1,085,755	74%

*There were 6,276 Uniform Interstate Family Support Act cases disposed in 2009. There is a presumption of representation by Corporation Counsel for petitioners in these cases.

Family Court Data Note: These data are based on attendance records which are recorded in UCMS-Family by court personnel for every Family Court appearance. They are not based on notices of appearance or statements by litigants or counsel concerning representation.

NEW YORK STATE UNIFIED COURT SYSTEM
ORIGINAL AND SUPPLEMENTAL F, G, O, P, U AND V FAMILY COURT CASES DISPOSED IN 2009
Representation of Individual Respondents

Case Type	Attorney for Respondent Present							Respondent Appearances				
	Total Cases	All Appearances		One or More But Not All Appearances		No Appearances		Total Appearances	Attorney Present		No Attorney Present	
		#	%	#	%	#	%		#	%	#	%
NYC												
Support (F)	77,460	1,423	2%	3,874	5%	72,163	93%	169,555	14,069	8%	155,486	92%
Guardianship (G)	2,694	22	1%	246	9%	2,426	90%	9,857	935	9%	8,922	91%
Family Offense (O)	28,120	83	0%	5,690	20%	22,347	79%	95,518	17,468	18%	78,050	82%
Paternity (P)	21,140	257	1%	665	3%	20,218	96%	45,799	2,268	5%	43,531	95%
UIFSA (U)	6,308	1,035	16%	651	10%	4,622	73%	17,454	3,364	19%	14,090	81%
Custody/Visitation (V)	52,602	1,718	3%	12,358	23%	38,526	73%	226,110	64,076	28%	162,034	72%
Total Cases	188,324	4,538	2%	23,484	12%	160,302	85%	564,293	102,180	18%	462,113	82%
Outside NYC												
Support (F)	196,837	7,029	4%	21,359	11%	168,449	86%	427,922	58,790	14%	369,132	86%
Guardianship (G)	1,637	173	11%	363	22%	1,101	67%	4,734	1,441	30%	3,293	70%
Family Offense (O)	37,731	1,226	3%	15,262	40%	21,243	56%	136,717	40,740	30%	95,977	70%
Paternity (P)	19,675	664	3%	1,986	10%	17,025	87%	49,660	5,176	10%	44,484	90%
UIFSA (U)	5,825	270	5%	636	11%	4,919	84%	14,157	2,024	14%	12,133	86%
Custody/Visitation (V)	143,551	15,996	11%	50,349	35%	77,206	54%	485,979	186,929	38%	299,050	62%
Total Cases	405,256	25,358	6%	89,955	22%	289,943	72%	1,119,169	295,100	26%	824,069	74%
STATEWIDE												
Support (F)	274,297	8,452	3%	25,233	9%	240,612	88%	597,477	72,859	12%	524,618	88%
Guardianship (G)	4,331	195	5%	609	14%	3,527	81%	14,591	2,376	16%	12,215	84%
Family Offense (O)	65,851	1,309	2%	20,952	32%	43,590	66%	232,235	58,208	25%	174,027	75%
Paternity (P)	40,815	921	2%	2,651	6%	37,243	91%	95,459	7,444	8%	88,015	92%
UIFSA (U)	12,133	1,305	11%	1,287	11%	9,541	79%	31,611	5,388	17%	26,223	83%
Custody/Visitation (V)	196,153	17,714	9%	62,707	32%	115,732	59%	712,089	251,005	35%	461,084	65%
Total Cases	593,580	29,896	5%	113,439	19%	450,245	76%	1,683,462	397,280	24%	1,286,182	76%

Family Court Data Note: These data are based on attendance records which are recorded in UCMS-Family by court personnel for every Family Court appearance. They are not based on notices of appearance or statements by litigants or counsel concerning representation.

New York State Unified Court System Representation of Parties in Local Civil Courts Methodology Used to Compile Data

Of the 72 City and District Civil Courts, 49, including the five New York City Civil Court locations, have implemented the Universal Case Management System for Local Civil (UCMS-LC).¹ Data were collected for these 49 courts for:

- cases disposed in 2009
- Civil, Replevin, Supreme Court Transfer, and Landlord and Tenant in all 49 courts²
- Commercial Claims, Small Claims in the 44 courts outside New York City,³ and
- Name Change cases for New York City Civil Court only.
- For all 49 courts, civil cases were categorized as: Commercial, Consumer Credit, Ejectment, General, No Fault, Tort, or Not Specified.

In UCMS-LC representation status of the parties is marked as follows: Counsel, Self Represented or No Appearance. A party is coded “No Appearance” when the court has not been notified that the party is represented by counsel. For this report parties marked “No Appearance” were combined with cases marked “Self-Represented.” Thus, representation of parties in local civil courts is reported in two categories:

- Represented
- Self Represented/No Appearance

¹ Because Nassau and Suffolk District Courts have not implemented UCMS-LC they are not included.

² New York City Civil Court Landlord and Tenant Data is not obtained from UCMS-LC and is based on cases filed, not cases disposed.

³ New York City Civil Court has not implemented UCMS-LC for these case types.

**NEW YORK STATE UNIFIED COURT SYSTEM
LOCAL CIVIL COURT CASES DISPOSED IN 2009
Representation of Parties**

Case Type	Plaintiff					Defendant				
	Represented		Self-Represented/ No Appearance		Total	Represented		Self-Represented/ No Appearance		Total
NYC*	#	%	#	%	%	#	%	#	%	
Civil Total	366,487	99%	4,867	1%	371,354	97,112	26%	279,224	74%	376,336
Commercial	2,246		28			266		2,524		
Consumer Credit	215,153		409			2,178		216,597		
Ejectment	142		151			5		349		
General	22,013		3,029			6,515		24,973		
No Fault	97,710		167			74,551		17,724		
Tort	30		5			17		30		
Not Specified	29,193		1,078			13,580		17,027		
Landlord and Tenant	297,005	96%	11,706	4%	308,711	2,320	1%	306,401	99%	308,721
Name Change	151	8%	1,844	92%	1,995	0	0%	0	0%	0
Replevin	90	99%	1	1%	91	15	15%	83	85%	98
Supreme Court Transfer	4,476	96%	200	4%	4,676	5,979	83%	1,260	17%	7,239
Total	668,209	97%	18,618	3%	686,827	105,426	15%	586,968	85%	692,394
Outside NYC**	#	%	#	%	%	#	%	#	%	
Civil Total	74,788	99%	674	1%	75,462	1,055	1%	77,869	99%	78,924
Commercial	13		2			0		19		
Consumer Credit	4,576		43			48		4,820		
Ejectment	2		0			0		2		
General	238		5			15		295		
No Fault	2		0			2		0		
Not Specified	69,961		624			990		72,724		
Commercial Claim	701	17%	3,522	83%	4,223	188	4%	4,603	96%	4,791
Landlord and Tenant	23,442	70%	9,940	30%	33,382	822	2%	38,885	98%	39,707
Replevin	639	100%	0	0%	639	0	0%	650	100%	650
Small Claim	929	7%	12,212	93%	13,141	1,256	9%	13,219	91%	14,475
Supreme Court Transfer	18	82%	4	18%	22	4	13%	28	88%	32
Total	100,517	79%	26,352	21%	126,869	3,325	2%	135,245	98%	138,579

* In New York City, UCMS-LC has not been implemented for Small Claims, Commercial Claims or Landlord and Tenant. New York City Landlord and Tenant data are collected from a separate data base system.

** These data are from the 44 local courts outside of New York City that have implemented UCMS-LC. Nassau and Suffolk District Courts have not yet implemented UCMS-LC.

UCMS-LC Data Note: Representation status of parties in Local Civil Courts is marked as follows: Counsel, Self-Represented or No Appearance. A party's representation status is marked as No Appearance when the court has not been notified that the party is represented by counsel.

Rajiv Garg

President and CEO,
Wyckoff Heights Hospital



Wyckoff Heights Medical Center

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Member:

NewYork-Presbyterian Healthcare System
Affiliate: Weill Medical College of Cornell University

**Testimony of Rajiv K. Garg
President and CEO
Wyckoff Heights Medical Center**

**For the Chief Judge's Hearings on
Civil Legal Services**

Presented before

**Hon. Jonathan Lippman, Chief Judge of the State of New York
Hon. Ann Pfau, Chief Administrative Judge
Hon. A. Gail Prudenti, Presiding Justice, Second Department
Stephen P. Younger, President New York State Bar Association**

**October 7, 2010
Appellate Division, Second Department Courthouse
Brooklyn, New York**

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Chief Judge Lippman, Presiding Justice Prudenti, Chief Administrative Judge Pfau, and New York State Bar Association President Stephen Younger, my name is Rajiv K. Garg. I am the President and Chief Executive Officer of Wyckoff Heights Medical Center. I appreciate the opportunity to testify today on the unmet need for civil legal services and importance of free civil legal services to the community I serve.

Wyckoff Heights Medical Center is a 350-bed teaching hospital located in an ethnically diverse residential neighborhood directly on the border of northern Brooklyn and western Queens. A dedicated staff of 1,800 physicians, nurses and support personnel represent thirty-five distinct languages and cultures.

Wyckoff Heights Medical Center has been providing medical care to the community since 1889. Today, we see 75,000 visits annually in our Pediatric/Adult Emergency Departments, deliver 2,000 babies, offer outpatient services to thousands at our network of community ambulatory care centers and present extensive community health education and screening programs.

As CEO of Wyckoff Heights Medical Center I understand the depth of the financial crisis and its impact on individuals and communities. Wyckoff Heights is seeing more uninsured and underinsured patients, as well as a higher Medicaid caseload due to the recession. My biggest concern is for the poor, uneducated and language deficit patients who are hampered in their ability to comply with treatment plans. This mainly happens because of lack of insurance



Wyckoff Heights Medical Center

Member:

NewYork-Presbyterian Healthcare System
Affiliate: Weill Medical College of Cornell University

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coverage and benefits such as Medicaid, supplemental security income, public assistance and food stamps. Increasingly our hospital is looking towards civil legal services as a critical support service to identify and represent patients with legal issues that have a negative impact on health. The healing process can be more efficient. Most of the low- income patients we serve do not even know that a lawyer could help them manage issues related to and affecting their health such as insurance coverage. When lawyers, doctors, social workers, and others work together to address patients' health concerns, patients are better served and their illnesses are better managed. There is no question that legal and medical collaborations have proved effective in fighting socio-economic impediments to health.

Some areas where we believe legal services lawyers working with health care providers promote patients' health and well being include:

- Substandard housing conditions such as mold in an asthmatic patient's apartment that the patient's landlord refuses to remove;
- Eligibility for health insurance coverage;
- Eligibility for employment benefits such as Family and Medical Leave Act to allow a family member to care for sick loved ones;
- Eligibility for income supports such as Supplemental Security Income or food stamps;
- Domestic Violence to provide for the physical safety of women and children;

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- Family law to arrange for guardianships, custody and child support to stabilize a patient's living situation;
- Elder law to insure appropriate supports to enable patients to live at home;
- Special Education to secure appropriate education for chronically sick or disabled children; and
- Immigration services for low- income immigrants and refugees to ensure safety and family reunification.

From a hospital's perspective, lack of civil legal services for those unable to afford a lawyer usually results in relapses and return visits to the emergency room. These repeated visits impose additional expenses on hospitals and third-party payers. Additionally, legal services also help hospitals recover state and federal dollars for treating Medicaid and Medicare patients who might otherwise fall through the cracks. These are critical dollars for a hospital such as Wyckoff Heights. Many hospitals are in financial trouble because they provide care for patients which is not reimbursed. Civil legal services providers assist hospitals in getting patients eligible for safety net services and accessing the insurance benefits to which they are entitled but have to battle insurance companies for. We believe that civil legal services is a critical service for patients which helps hospitals survive. When hospitals cannot get the appropriate financial support everyone in the community suffers if hospitals have to close or reduce services because of lack of funds.

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Looking towards the future, we also see the need for civil legal services when the federal Health Care Reform Act is fully instituted in 2014. At that time many low- income people will be eligible for subsidies in order to obtain medical benefits. We believe the patients served at Wyckoff Heights Medical Center will need legal assistance to be able to access benefits or subsidies available to them under this Act. We hope by then the efforts of the Judicial Branch to ensure stable state funding for civil legal services in New York will be a reality. If it is, more patients at Wyckoff Heights Medical Center will have civil legal help available to them so they can maintain their health, and the hospital can maintain its services.

Thank you for giving me the opportunity to discuss this issue with you. We at Wyckoff Heights Medical Center are committed to working with the Chief Judge to help develop solutions to benefit patients, hospitals and the community at large.

Gail Greene

Client of the Legal Aid Society
of New York

Introduction by Sumani Lanka

Good morning Chief Judge Lippman, and members of the Task Force Committee and thank you for this opportunity. My name is Sumani Lanka. I am a Foreclosure Prevention Attorney with The Legal Aid Society, Queens Neighborhood Office. I am here today with my client, Gail Greene. Gail is just one of the many clients facing foreclosure today. The number of individuals needing assistance in this area, as well as other civil litigation areas such as consumer law, bankruptcy, family law and housing law, increase daily. The Legal Aid Society is only able to assist a small fraction of New Yorkers seeking our assistance, an extremely unfortunate fact considering many individuals cannot afford their own legal representation and are unaware of their legal rights.

Ms. Greene, like so many of my other clients, is a victim of predatory lending practices that have come under immense scrutiny by both governmental agencies and legislators. After representing Gail in a foreclosure action and successfully dismissing the case against her, I am currently representing Ms. Greene in an affirmative action against the originating lender and broker for their fraudulent practices in federal court in the Eastern District of New York. Ms. Greene will now tell her story.

Testimony of Gail Greene Task Force Hearing on Civil Legal Services

Good Morning. My name is Gail Greene. I am currently a client of The Legal Aid Society. I am here today to share my experience with you, and in doing so, I hope to convince you of the importance of continued funding for the The Legal Aid Society and other civil legal services programs. I currently reside in East Elmhurst, Queens, with my 25-year-old son and 19-year-old disabled daughter. I have lived in my home for over 10 years. My home is extremely important to me because it is handicap-accessible for my daughter, who suffers from spinal bifida, a birth defect that involves the incomplete development of the spinal cord.

My troubles started in 2007, when I was looking to refinance my home. The mortgage broker, Atlas Home Equities, promised me a fixed rate mortgage of 8% and mortgage payments of approximately \$3,000 per month, including taxes and insurance. Instead, I was tricked into taking out an adjustable rate mortgage with a bank at an initial rate of 12% and mortgage payments starting at approximately \$5,000, which included taxes but not insurance, despite the fact the lender and broker knew that I would be unable to afford to make such payments. Inevitably, I ended up defaulting on my mortgage payments, and the bank instituted an 18% default interest rate on the loan. At that point, I knew that I would never be able to catch up on my mortgage payments. Despite my attempts to work something out with the bank, I ended up in foreclosure.

When I first came to The Legal Aid Society for assistance, I was in foreclosure proceedings. I was desperate to save my home, but I did not know my legal rights or

even if I had any rights. My friend advised me to go to The Legal Aid Society, and I am so grateful that I did. I met with a prevention foreclosure attorney, who reviewed my case, patiently answered my questions, and explained my legal rights.

The Legal Aid Society agreed to represent me in the foreclosure action. The Legal Aid Society submitted defenses on my behalf and, as a result of their representation, the bank decided on its own to dismiss the foreclosure action against me. Without Legal Aid's direct representation, assistance, and advocacy, I have no doubt that my family and I would have already lost our home.

The Legal Aid Society later informed me that many homeowners had similar stories to me, that they were also deceived into taking out high interest adjustable rate loans with this bank. However, due to the lack of resources, many of those homeowners would not be able get much needed legal representation. The Legal Aid Society is now representing me in an affirmative litigation case against this bank and Atlas Home Equities in the Eastern District of New York, in the hopes that the rights of other homeowners may be protected.

I am extremely lucky to have a Legal Aid Society attorney represent me, because, otherwise, I would not have a home and my daughter would be at a huge disadvantage. I feel that The Legal Aid Society provided me the support and knowledge to fight back against the injustice that was done to me. All I wanted was the opportunity to save my home, and thanks to The Legal Aid Society I believe that I am being given that chance. However, I know that there are many other individuals out there, not just homeowners, that need access to legal resources in order to protect their rights.

The Legal Aid Society is an extremely important resource for New Yorkers who would otherwise lack the ability to obtain representation or gain legal assistance in a variety of civil litigation issues. I am here today in support of continued and increased funding to civil legal services in New York.

Thank you.

Hon. Charles Hynes

District Attorney, Kings County

Testimony of D.A. Charles J. Hynes
Chief Judges' Panel – Access to Civil Legal Services Task Force
(Testify at 11:30 a.m.)
Appellate Division, Second Department
45 Monroe Place – Main Courtroom, Brooklyn, NY
Thursday, October 7, 2010 @ 11:15 a.m.

Chief Judge Lippman, Presiding Justice Prudenti, Chief Administrative Judge Pfau, and New York State Bar Association President Younger – thank you for inviting me to address this panel of the Civil Legal Services Task Force. As a former lawyer for the Legal Aid Society, I am happy to appear this morning. Although the Task Force has heard from many in the civil law arena, including indigent clients of civil legal services, my guess is that you haven't heard from many practitioners of criminal law. And yet, those of us in the criminal justice system certainly do have a significant stake in the issue before you – namely ensuring that the poor have access, and continue to have access despite the economic downturn, to the civil legal services they require.

Just last week, I was in Washington, D.C. participating in a forum on the role of the 21st century prosecutor. District attorneys around the country are now embracing the new paradigm of “community prosecution.” I'm proud to say that it has already been two decades since my office adopted this pro-active, collaborative strategy for reducing crime and enhancing public safety. Community engagement is a critical part of that strategy's success. It is clear to me that a Chief Prosecutor must care about the health and welfare of community members, because a healthier and more stable community inevitably enhances public safety. That's why access to civil legal services becomes so important. By providing to those who can't afford lawyers advice and representation in court regarding a broad range of life-affecting issues, civil legal service providers help keep families and communities secure, healthy, and stable.

As the District Attorney of Kings County, I have implemented many innovative programs to protect crime victims and help rebuild their lives; for example, to divert non-violent offenders into treatment in lieu of prison; and to assist the formerly incarcerated to successfully reenter their communities. All of these individuals, as well as their families, are often wrestling with underlying civil legal issues – family law and immigration matters; housing problems resulting in homelessness; wrongful denials of unemployment, disability, or other subsistence benefits; and wrongful denial of health care assistance – particularly mental health services. The administrative agencies involved in many of these issues have forms, rules, procedures, and bureaucracies that can be very confusing and daunting for any lay person to navigate without the guidance of an attorney. Unfortunately, if the civil legal issues go unaddressed, they will tear down the fragile lives that these impoverished individuals are struggling to reconstruct. To ignore their need for professional assistance is to deny them justice and weaken the social fabric that community prosecution depends upon for enhancing public safety.

Testimony before you has already revealed that the single largest group using free legal services is women, many of them struggling to protect themselves and their children from the violence of an intimate partner. My office prosecutes roughly 10,000 domestic violence cases each year. These victims all too often desperately need civil legal services.

Our Family Justice Center, which the Mayor and I opened in July 2005, includes a broad group of service providers and is located on the same floor as our Domestic Violence Bureau. It is heavily used by the victims in cases handled by my office. Since its inception, the Family Justice Center has seen over 36,000 clients. Currently, the Center has approximately 550 – 750 new clients per month. Roughly 45% of these clients receive on-site civil legal advocacy services and advice, including:

- paralegal screening and linkage to services,
- help drafting family court orders of protection petitions,
- advocacy with family court issues, and
- assistance obtaining U-Visas.

Among its fifteen on-site agencies, the Center has four legal services partners: South Brooklyn Legal Services, Sanctuary for Families, Urban Justice Center, and the Jewish Association of Services for the Aged (JASA). These four partner agencies also provide a much smaller percentage of clients with actual legal representation in immigration, family court, and matrimonial matters. While advocacy services are important, legal representation is a vital and necessary service for clients seeking economic justice and safety from abusive relationships. And frankly, the current legal service agencies have difficulty meeting the Center's demand.

We've also seen a need for civil legal services for clients of my re-entry program which partners with the Counseling Services of Eastern District New York (an out-patient drug treatment provider), the Doe Fund (a provider of transitional employment and housing), the New York State Division of Parole, and numerous community-based social services providers. The re-entry program targets Brooklyn residents who are on parole and who have been mandated to substance abuse treatment. Our re-entry initiative, which has been validated by Professor Bruce Western of Harvard University as a successful and cost-effective crime-reduction strategy, aims to prevent recidivism and thereby increase public safety. Many our clients have a need for civil legal services to deal with such matters as landlord / tenant issues, family court issues, child support payments, and obtaining public assistance benefits. Frequently, they were given referrals to an attorney connected with a special re-entry initiative sponsored by the City Bar.

But that initiative lost funding in 2009, and of late, referrals are made to an over-worked Legal Aid Society's Civil Division.

The criminal justice system is extremely expensive. The cost of housing a person at Rikers Island is close to \$200 per day. While providing free civil legal services to the indigent also carries a price-tag, the investment is sound. Seen in this light, the Chief Judge's initiative to increase access to civil legal assistance State-wide through funding in the Judiciary's budget is not only the right thing to do in terms of fairness and access to justice -- it can also have a very positive impact on services to assist the victims of crime, and on services to assist the formerly incarcerated.

I commend Chief Judge Lippman for this effort and I am certainly available to provide additional information to help in this effort to meet the unmet need for civil legal assistance.

Victor A. Kovner

Chair, Fund for Modern Courts

Victor A. Kovner Biography (Second Department Hearings)

Victor A. Kovner is the Chair of the Fund and Committee for Modern Courts. He is a partner in the law firm of Davis Wright Tremaine and is one of the nation's most prominent First Amendment lawyers. Mr. Kovner is counsel to major national and regional broadcast and print media and also includes among his clients independent film makers, cultural institutions and museums.

Mr. Kovner served as Corporation Counsel for the City of New York and was a member and Chair of the New York State Commission on Judicial Conduct. Mr. Kovner has also served as Secretary and Chair of both the Committee on the Judiciary and Committee on Communications Law of the New York City Bar Association. Mr. Kovner is the Chair of the Legal Affairs Committee of Magazine Publishers of America, serves on the Lawyer's Committee of the Association of American Publishers and was the co-founder of the Media Law Resource Center.

The Fund for Modern Courts is a nonpartisan, nonprofit, statewide court reform organization founded in 1955 committed to a highly qualified, diverse and independent judiciary. As Chair of the Fund for Modern Courts, Mr. Kovner leads the organization's commitment to a commission-based appointment system for selecting judges, its citizen court monitoring program, citizens' jury project, and legislative agenda including its access to justice advocacy.

Mr. Kovner received his B.A. from Yale College and his J.D. from Columbia University School of Law.



**Testimony of Victor A. Kovner
Chair
The Committee for Modern Courts**

Hearings to Expand Access to Civil Legal Services in New York

Presented before:

**Hon. Jonathan Lippman, Chief Judge of the State of New York
Hon. A. Gail Prudenti, Presiding Justice of the Second Department
Hon. Ann Pfau, Chief Administrative Judge
Stephen P. Younger, President of New York State Bar Association**

**Appellate Division Second Judicial Department
Brooklyn, New York Hearings
October 7, 2010**



I want to thank the Chief Judge and this esteemed panel for providing Modern Courts with the opportunity to present testimony today on this important issue – civil legal services. By holding these hearings and creating the Task Force to Expand Access to Civil Legal Services in New York you not only recognize that government should provide access to justice for low income New Yorkers, but you also show support for the tireless work of civil legal service providers across this state. Continuing that support will assist families in crisis and avoid enormous further burdens to our court system and the administration of justice.

The Committee for Modern Courts is an independent nonpartisan statewide court reform organization committed to strengthening the court system for all New Yorkers, we support a judiciary that provides for the fair administration of justice, and equal access to the courts. By research, public outreach, education and lobbying efforts, Modern Courts seeks to advance these goals.

To date, your hearings have offered a wealth of testimony on the need for civil legal services across this state. Everyone agrees that, providing legal representation for low income New Yorkers is important for many segments of our society – business interests, communities,

healthcare providers, educational institutions, law enforcement, local and state government, families, and the judiciary as a whole.

I am here today to outline the civil legal needs survey conducted by Lake Research Partners in August of this year, which demonstrates the significant civil legal services that low-income residents across our State require. The research for the survey is complete; the final report will be submitted to the Task Force shortly. This survey polled a sample of low-income New Yorkers, defined as people living at or under 200% of the federal poverty guidelines. This represents a family of four earning \$44,100.00 or less a year. Those surveyed were asked about specific legal problems, including housing, finances, employment, health insurance or medical bills, public benefits, domestic and family issues, immigration, and issues with schools affecting their households over the past year.

When the representative population was presented with a list of specific legal problems, nearly half (47 percent) said they have experienced at least one of these problems. Applying this percentage to all New Yorkers who live at 200% of the federal poverty guidelines or below, this translates into almost three million low-income residents of New York State who have legal problems. Within that number 2.98 million experienced at least one legal problem in the past year; 1.2 million people experienced three or more legal problems.

The most significant legal problems are in the areas of health insurance or medical bills, followed by finances, employment, and housing. Those low-income New Yorkers most in need of legal assistance are the young, parents of children under age 18, African Americans, Latinos, immigrants, the unemployed, uninsured, and disabled.

For example, forty-seven percent of disabled low-income New Yorkers, or those living in a household with someone who is disabled, reported having legal problems. Their problems are varied and include problems in employment (25 percent), public benefits (23 percent) and problems with health insurance or medical bills (25 percent). Fifty-eight percent of those households with a disabled family member reported having one or more legal problems, with 29% having three or more problems.

Sixty percent of poor women under the age of 60 reported having at least one legal problem in the past year. Sixty percent of parents with children under the age of eighteen reported having at least one legal problem, as well, with 27% reporting three or more problems. Twenty-nine percent of unemployed New Yorkers surveyed reported have three or more legal problems.

In every part of New York State - urban, suburban or rural, in downstate, New York City, the eastern part of upstate New York or the Western part of the state - poor individuals face legal problems.

Legal representation is the best means of ensuring adequate resolution of the legal problems of low-income individuals and families. Our goal, as a society of laws, must be to mitigate the dangers these legal problems pose and the consequences legal problems cause. Providing a significant portion of low income New Yorkers with access to equal and fair justice can only be met when the state offers secure and consistent funding for civil legal services as a core program of the state.

The Lake Research survey further quantifies the specific legal needs found among low-income residents in our state. Our justice system cannot function efficiently and effectively when there is a lack of consistent and secure resources for civil legal services for low income New Yorkers.

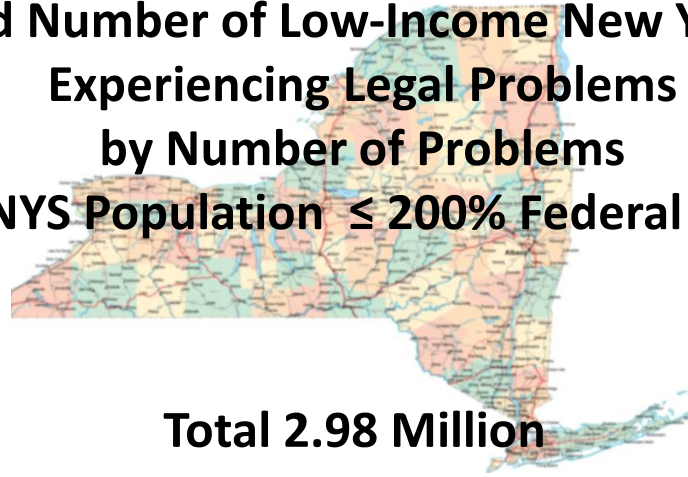
Thank you for your leadership on these issues.

Respectfully submitted,

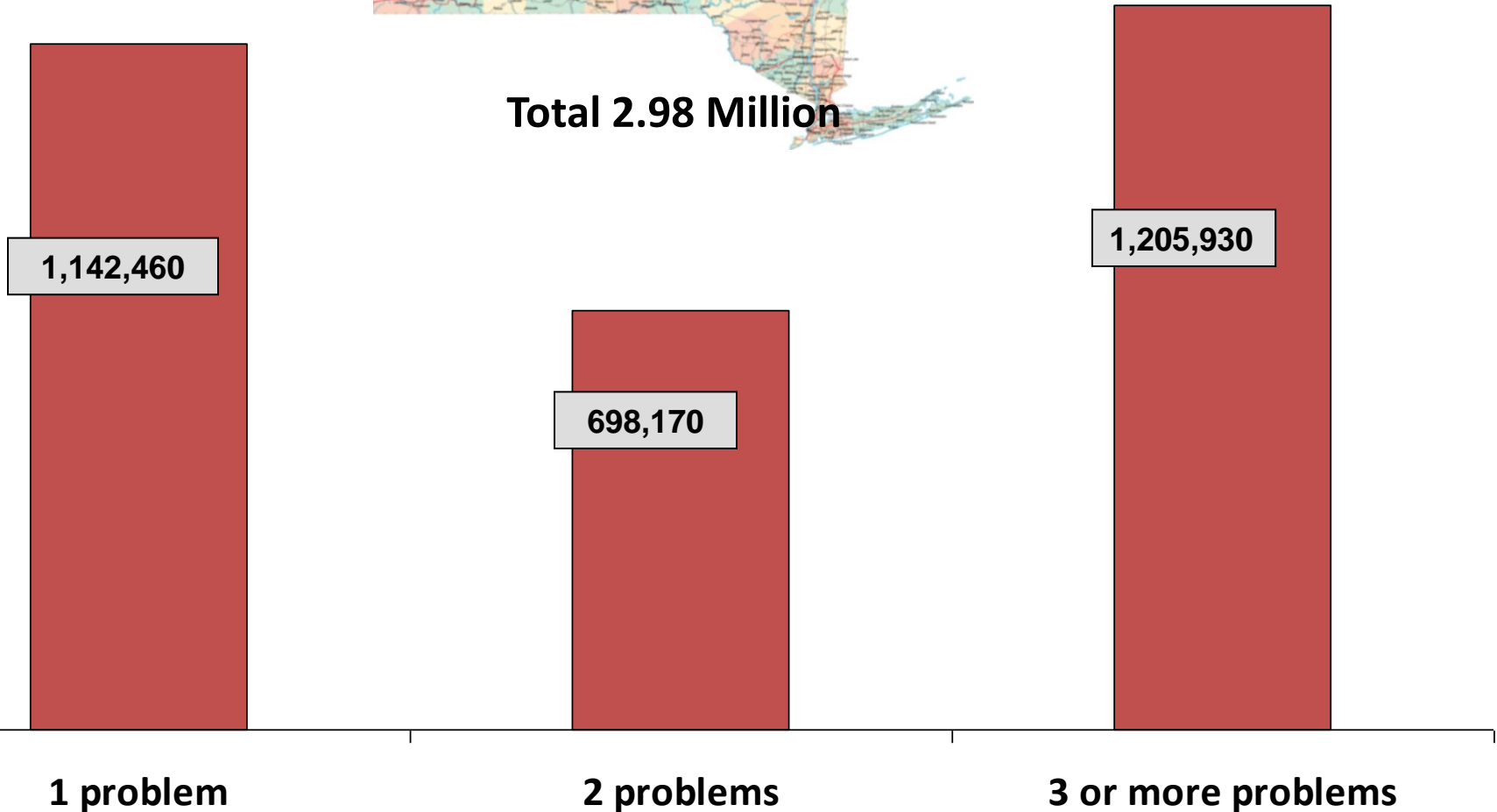
Victor A. Kovner
Chair, Committee for Modern Courts

Estimated Number of Low-Income New York State Residents Experiencing Legal Problems by Number of Problems

Extrapolation to NYS Population $\leq 200\%$ Federal Poverty Guidelines



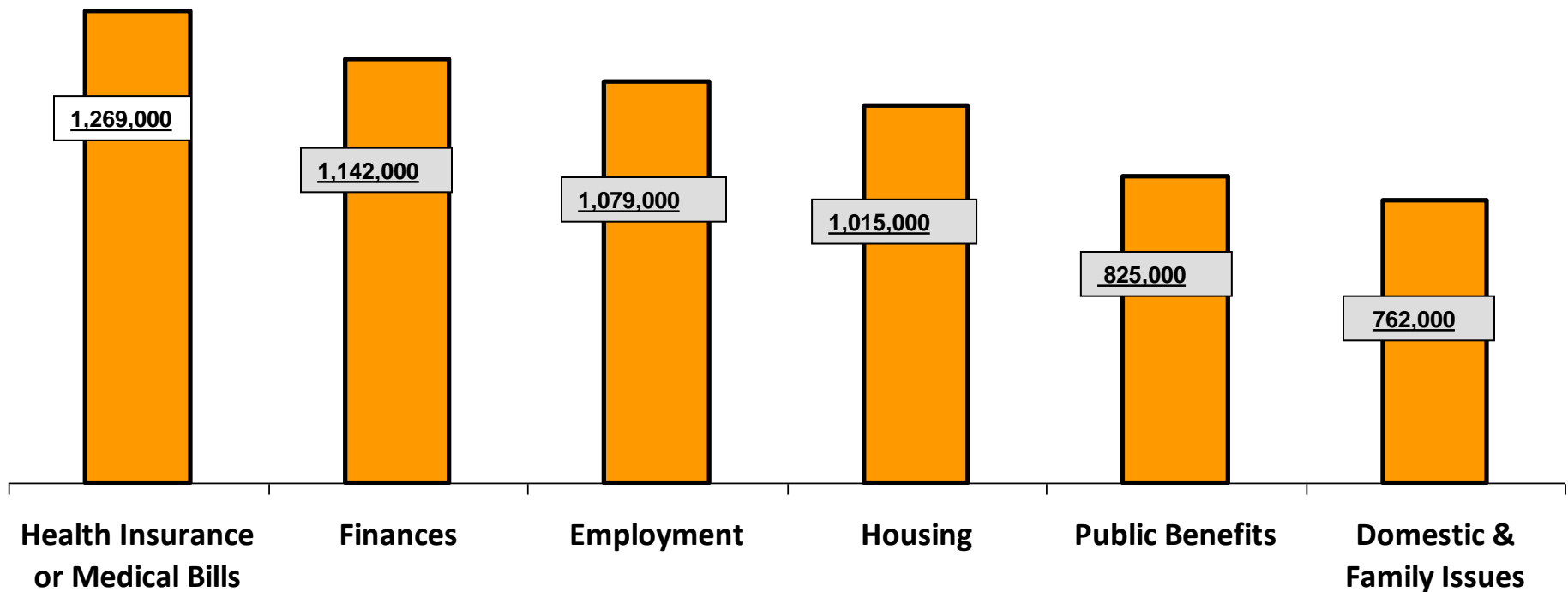
Total 2.98 Million



Based on data from the U.S. Census Bureau's Current Population Survey: Annual Social and Economic Supplement for 2009

Estimated Number of Low-Income New York State Residents Experiencing Legal Problems by Problem Group

Extrapolation to NYS Population \leq 200% Federal Poverty Guidelines



Chakiera Locust

Client of Legal Aid Society of Rockland
County

Testimony of Chakiera Locust

Hearings to Expand Access to Civil Legal Services in New York

Presented before:

Hon. Jonathan Lippman, Chief Judge of the State of New York
Hon. Luis A. Gonzalez, Presiding Justice of the First Department
Hon. Ann Pfau, Chief Administrative Judge
Stephen P. Younger, President of New York State Bar Association

Appellate Division Second Department
Brooklyn, New York Hearings
October 7, 2010

Testimony of Chakiera Locust

Good afternoon. My name is Chakiera Locust and I am pleased to tell you how the Legal Aid Society of Rockland County was there for me when I needed help.

I live in Rockland County, New York, with my two children – my son, Xavier, age five, and my daughter Kaylah, who is two. I had been working as a telemarketer in order to make ends meet but in 2008 things started to fall apart. First, I lost my job when the business was closing. One day, my boss told me to pack up my belongings and leave. I applied for unemployment benefits. Even though I told unemployment exactly what happened, I was denied when my boss said that I had quit, which was not true. I called the Legal Aid Society of Rockland County for help. That's when I met Mary Wallace, the advocate assigned to my case. She represented me at the unemployment hearing and fought for my rights. I was finally awarded benefits in the spring of 2009, but not before the ordeal had had an effect on the rest of my life.

You see, I had fallen behind in my rent payments to my landlord while the unemployment case was going on. My children and I live in a private rental apartment, one of the few we can afford. The Section 8 waiting list is closed and we have few affordable options, so it was critical that we be able to stay in our home. My landlord brought an eviction proceeding against me in Spring Valley Justice Court in May, 2009, and I contacted Legal Aid again. This time I was represented in court by Mary Ellen Natale, who negotiated enough time for me to be able to pay off the back rent with help from Social Services, and I was able to pay the ongoing rent now that I was finally receiving unemployment benefits thanks to Ms. Wallace. I felt that I was back on my feet and thought everything would be OK from that point on. I was wrong.

In November, 2009, I was served with another eviction petition even though I had been paying my rent. This time I was sued by someone I had never met, a "Temporary Receiver" for my building. My landlord was in foreclosure and a receiver had been appointed. My landlord was supposed to be turning over my rent payments to the receiver, but he didn't, and the receiver thought I didn't pay. I didn't know any of this until I contacted my lawyer at Legal Aid again, and she did some investigating to find out what was going on. Ms. Natale represented me again in court and the eviction was dismissed – plus, the Judge told the receiver he had to find someone to manage the property as long as we were renting there. I was thrilled that the eviction was dismissed, but my problems were not over. A few weeks later, the furnace broke and my landlord refused to fix it. I

called Legal Aid again. Ms. Natale put me in touch with the Health Department and contacted the receiver, and before the day was over we had heat again.

But my housing problems still were not resolved. In May, my landlord filed an eviction proceeding against me. He claimed I had not been paying my rent when in fact I had been paying the court-appointed receiver. I contacted Legal Aid once more and Ms. Natale represented me. She contacted my landlord's attorney and the case was withdrawn without my having to go to court again – which was important to me because I could not afford to miss a day

of work. She also advised me on my legal rights against my landlord and told me that Legal Aid would help me if I wanted to pursue them.

I am hopeful that things will be looking up for my children and me. We are still in our apartment, and it is a comfort to know that I have affordable housing at least for now. In the past year I obtained my G.E.D. and am hoping that this will help to open doors for me. In the meantime, I found another job as a telemarketer. I don't know what would have happened to us if Legal Aid hadn't fought for my unemployment benefits or prevented our eviction or helped make sure that the heat is on through the winter. If I have legal problems in the future, I know that I can count on Legal Aid to fight for me to make sure that our rights are protected.

Christine Malafi
Suffolk County Attorney

Christine Malafi has been the Suffolk County Attorney since January 2004. As Suffolk County Attorney, Christine oversees the Suffolk County Department of Law, administers a budget of over \$15,000,000, and oversees a staff of over 117 positions, of which 66 are lawyers.

Her duties as Suffolk County Attorney are to act as the attorney and counsel for the county, and she has charge of all the law business of the county and its agencies. She prosecutes and defends all civil actions and proceedings brought by or against the County and all of its elected officials, in areas as diverse as the civil rights law, contract law, civil service law, constitutional law, environmental law, employment law, public officers law, social services law, and torts claims. She provides legal opinions and gives legal advice to all elected officials and departments of the County, prepares all County contracts, leases, and agreements, and closes on all properties purchased by the County, including open space acquisitions. She also prosecutes petitions for Juvenile Delinquency, Child Abuse and Neglect, Persons in Need of Supervision (PINS), Termination of Parental Rights, and Review of Foster Care.

In October of 2008, the Suffolk County Department of Law received the 2008 Children's Advocate of the Year Award from the Marcie Mazzola Foundation, presented by the Education & Assistance Corporation. The award recognizes the advocacy of Christine's Family Court Bureau, protecting children every day from abuse and neglect at the hands of their parents/guardians and for aggressively prosecuting juveniles who commit crimes against other children.

Prior to 2004, she was a partner with Lewis Johs Avallone Aviles & Kaufman, LLP, a large defense firm in Melville, New York, where her practice focused on insurance coverage and contract analyses, appeals, insurance fraud issues, general liability, municipal work, and environmental defense work. Christine is rated BV by Martindale-Hubbell, a rating evincing high to very high legal ability, a reflection of exemplary professional expertise, experience, and stature, as well as the highest professional and ethical standards.

In February 2006, Christine was named one of Long Island Business News' 40 Rising Stars under 40. In May 2009, she was named one of Long Island's Top 50 Most Influential Women in Business. In June 2010, she was honored with the Paul S. Miller "With Liberty & Justice for All" Award from Touro College, Jacob D. Fuchsberg Law Center.

She has presented numerous seminars to various County of Suffolk departments, insurance company personnel, bar associations, County departments, and groups on various topics such as Indemnification in the Public Sector, Discrimination Claims, Employment law, Wrongful Death, Investigative Practices, and Coverage Claims Handling.

Christine was admitted to practice in both New York and Connecticut in 1991, and she is also admitted to the United States District Court for the Eastern District of New York and the Second Circuit Court of Appeals.

Ms. Malafi received her Juris Doctor in 1991 from Touro College, Jacob D. Fuchsberg Law Center, magna cum laude. She served as the Managing Editor of the *Touro Law Review*. She was awarded her Bachelor's Degree in Liberal Arts from Dowling College in 1988.

Christine and her husband, Suffolk County Legislator Lou D'Amato, are the proud parents of two boys, Louis, age 9, and Alexander, age 6.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CHRISTINE MALAFI
COUNTY ATTORNEY

DEPARTMENT OF LAW

October 7, 2010

Task Force to Expand Access to Civil Legal Services in New York
Appellate Division, Second Department
Brooklyn, New York

Statement of Christine Malafi, Suffolk County Attorney

Thank you for inviting me to address you today on this important topic. I am honored to be here.

“Liberty and justice for all,” a phrase we have all repeated since we were five years old while reciting the Pledge of Allegiance, is preserved only if there is meaningful access to both the criminal and civil justice systems by all people. The definition of meaningful access changes, dependent upon the circumstances existing at any moment in a person’s life. It may be representation by counsel, or physical ability to enter a courthouse, or to be able to understand legal proceedings, or to have the opportunity to be heard. The forfeiture of rights by unrepresented litigants, either due to ignorance or inability, denies litigants meaningful access.

Never having practiced criminal law, I am happy to limit my comments to legal services in the civil context.¹

Providing justice through legal representation or self-help assistance, affects not only the people being provided with the legal representation or self-help assistance. It affects and makes a difference to society, government, businesses, the economy, and the court system itself. How?

¹ Although the cost of wrongful convictions, defense costs, appeals, and incarceration are high, they will not be addressed by me.

Providing these services:

- avoids social service and welfare benefits paid for by the government and taxpayers (societal cost is lowered if individuals can resolve legal problems)
- avoids use of social service workers, probation officers, police officers, and other government workers to assist those in need;
- creates jobs in legal representation;
- helps business and the economy by avoiding decreased productivity and increased absenteeism;²
- helps pro bono cases flow through the court system faster;
- allows the judiciary to act as the legislative and executive branches of government for the benefit of everyone;
- legitimizes the government in general; and
- avoids tragedies and reduces incidents of domestic violence.³

It also affects the practice of law. Prior to my current position as Suffolk County Attorney, I was an attorney in private practice. It is extremely difficult to handle a case or a matter where the person on the other side of the table or “v” is not represented. It is difficult whether it is a lawsuit, or the sale of a house, or a debt matter. It causes more billable time and effort for those who are represented, and puts attorneys and judges in untenable situations.

It is difficult to defend against facts and claims made by pro se litigants which make no sense, and it takes an exorbitant period of time to digest, make sense of, and respond to such allegations. Judges are forced to do the same, and often walk the line between judging and providing legal assistance in order to give the pro se litigation his or her “day in court.” As County Attorney, we have tried more cases than I care to admit against pro se litigants, cases which should have been dismissed on motion, but were not because it is so difficult to “win on paper” against a non-attorney.

Even on transactional matters (i.e., the sale or purchase of land, etc.) it is difficult to proceed without a lawyer on the other side. Do we tell the owner/seller of land what they should be doing to protect themselves? Do we take “advantage” of the situation by putting in terms more beneficial for our client? Some of the lack of legal representation is the fault of the people on the other side—we’ve had closings where the sellers have walked away with checks in the hundreds of thousands of dollars, but those people refuse to pay a lawyer.

² Udell, David S. & Rebekah Diller, ACCESS TO THE COURTS: AN ESSAY FOR THE GEORGETOWN UNIVERSITY LAW CENTER CONFERENCE ON THE INDEPENDENCE OF THE COURTS, *Georgetown Law Journal*, Vol. 25, p. 1127, 1136 (2007).

³³ *Id.* at p. 1135.

So, there are people who cannot afford a lawyer under any standard applied, there are those who could afford to pay something, and there are those who can afford it entirely, but may not want to pay and make the choice not to have representation.

While some programs require those to qualify for assistance under strict financial parameters, I believe that the average person and average families who do not qualify for general social service assistance, sometimes called the “working poor,” should also be considered and assisted in obtaining access to the justice they deserve. It has been suggested that something as simple as permitting a personal tax deduction for legal fees (a “business” expense already permitted as a tax deduction) would create greater use of lawyers by the public.⁴

Those who cannot afford lawyers for “routine” civil matters, such as purchasing a home, name changes, uncontested divorces, child custody, support proceedings, housing disputes, foreclosure proceedings, and the like, may be in desperate need of such services for their own benefit, as well as for society’s overall benefit. For example, a battered spouse lives in a continuous cycle of abuse when he or she is unable to get a divorce and sell the family home. That person, in continuing to reside with the abuser, may need additional emergency medical expenses at an emergency room. Children residing in that home may be abused and require foster care placement due to the family situation. A person who is wrongly evicted may become homeless, and need shelter at taxpayer expense.

Making sure citizens can use self-help methods and navigate the court system is important, and the New York State Courts have worked to make the Court system “friendly” to non-lawyers, by providing on-line access to calendars, basic legal forms, publications describing the court process to lay persons, and a referral system to help people retain lawyers where possible.

The private sector has created pro bono programs to help people get lawyers when needed, but securing stable and adequate not-for-profit resources through government funding is important.

In Suffolk County, we have made tremendous efforts to ensure access to justice, recognizing that the overall cost of running the County government is lowered, and, therefore, the cost to taxpayers is lowered, by providing attorneys to those in need.

⁴ Id. at p. 1133.

Suffolk County does the following to increase our residents' access to justice:

Domestic Violence. Suffolk County has a contract with a local attorney to provide attorney services to commence divorce proceedings on behalf of victims of domestic violence who meet certain financial needs, after being screened by the Suffolk County Office of Women's Services. Cost to the County: Over \$160,000 per year. Another attorney organization provides services to victims of domestic violence, through County funding of over \$46,000 per year, by helping families obtain orders of protection and assisting with child custody, child support, and visitation issues.

Pro Bono Foreclosure Settlement Conference Project. The County entered into a contract, contributing \$20,000 to recruit volunteer attorneys to participate in the project, open to any county resident whose house is in foreclosure. The County has also entered into a second contract, contributing \$22,000 to provide legal assistance to any county resident whose house is in foreclosure and/or is in need of bankruptcy legal advice.

Elder Law Assistance. The County has a contract with Touro Law School, enabling the School to provide legal services, by students under the direction of a Staff Attorney, to the elderly. The County provides \$210,000 a year for these legal services.

Community Mental Hygiene Services. The County has contracts and pays for attorneys to represent persons receiving SSI and/or SSD benefits due to primary diagnosis of mental illness and persons who qualify for CSS services.

Child Support Services Programs. The County pays over \$45,000 per year to a group that provides paralegal services to all residents of the county on matters of child support, enforcement of court orders for child support, maintenance issues, and paternity issues. The group also provides information concerning those areas, and divorce and separation issues, under the guidance of a panel of volunteer attorneys.

The County Attorney's Office, pursuant to NYS Social Services Law § 111-c, represents the interests of DSS by establishing paternity, and establishing, modifying, and enforcing child support orders, beneficial to the person receiving money from the owing parent as well. To "apply" for an attorney to do this, a member of the public visits DSS and signs an application for legal services. There has not been a charge for this service to the public for many years, but State law was just amended and an hourly fee must now be charged in the future. Suffolk County is working out that hourly fee, but it is anticipated that it will be under \$95 per hour.

Criminal Defense Services. The County contributes over \$10 and a half million dollars a year to provide criminal defense legal services to the poor of the county, through the

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Legal Aid Society. Additionally, over \$3.5 million dollars a year is spent on the retainment of attorneys under the 18B Program.

My recommendations to address some of these issues are to:

1. Create a sliding scale tax deduction for personal legal expenses, based upon the ratio of the legal expenses to income;
2. Permit tax credits to law firms which contribute significant staff and attorneys to participate in pro bono activities;
3. Allow Legal Aid Societies to participate in New York State government health insurance plans, rather than purchase their own health insurance at a higher cost; and
4. Give CLE credits to attorneys who do significant pro bono work.

Thank you again for the opportunity to participate in this important event. I am available to answer any questions you may have.

Hon. Eleanora Ofshtein

Kings Housing Court

September 29, 2010
Brief Summary of Background and Testimony:

Summary of Background:

Eleanora Ofshtein, Housing Court Judge, Kings County:

Appointed in 2007 as a judge in the Housing Court, I currently preside in a resolution part in Kings county which also includes the military and rent deposit parts. I have also presided in the Cooperative/Condominium part in Kings County and the HHP part in Bronx County.

Prior to my appointment, I served for nine years as a Court Attorney to many Housing Court Judges in New York County and often volunteered as a Small Claims Arbitrator. As a litigant in private practice for two years prior to joining the Civil Court family, I gained legal and litigation experience working for a small firm handling landlord/tenant cases in Brooklyn, Manhattan and the Bronx. Prior to admission to the New York State Bar, I worked for a New York real estate company handling their rent arrears department.

While attending Law School, I participated in a variety of internships including a six-month Prisoners' Rights internship at a Massachusetts medium-security prison and as an assistant in the Brooklyn District Attorney's Office. Admitted to practice law in both New York and New Jersey, I earned my JD at New England School of Law and visited out to New York Law for a one-year program. I am a graduate of New York University with a BA in Philosophy.

My family and I emigrated to the United States from Ukraine when I was a child and I speak Russian fluently.

Summary of Testimony:

With the economy struggling to recover and people trying to stay afloat, the Court seems to be inundated with the unrepresented working poor and middle class, all of whom are struggling to navigate the world of Landlord/Tenant Court.

Whether it is unrepresented owners attempting to bring their own cases due to a lack of funds, and often under the imminent threat of foreclosure, or the unrepresented tenants who are struggling to express their frustration with finances, public assistance, loss of employment, section 8 or conditions in the apartment, the lack of representation in the face of a myriad of statutory requirements and legal and personal decisions, adds to the financial frustrations and strains felt by all litigants.

Unrepresented litigants are often asked to make on-the-spot personal choices and legal decisions which have far-reaching repercussions for their cases as well as their lives when legal assistance is unaffordable or the wait for legal services is too long to be of any assistance. Litigants must decide whether to appear in court instead of at work, while being paid on an hourly basis; whether to wait their turn while the Court tries to deal with 60-80 cases a day and potentially miss other important appointments such as medical needs, picking up their children or required public assistance appointments; and whether to bring up legal issues/questions which may antagonize the opposing side or keep silent because they cannot afford representation. These issues become far more complex when the Court must also handle language, cultural and documentary challenges while attempting to balance legal issues and fairness without advocating for any one side.

Hearing Testimony: October 7, 2010:
Eleanora Ofshtein, Judge, Housing Court:

As a Practitioner in Housing Court coming to do your very best for your clients and your firm, you are often faced with numerous unrepresented adversaries who present a myriad of dilemmas and legal issues which have never been vetted by an attorney for your adversary. A great majority of Landlord/Tenant cases include unrepresented respondents, and an increase in unrepresented petitioners, who are unable to navigate the Summary Proceeding.

When dealing with an unrepresented adversary, that thin and often wavering line between being an advocate for your client, an officer of the court and a genuine human being, sensitive to the questions and frustrations of your adversary, begins to interfere with your objectives and duties. Suddenly you are not just responsible for being an attorney, you must also explain procedural consequences so that an agreement may be reached, but without overstepping the line of giving legal advice to your adversary, all the while still advocating for your client. Furthermore, you must express yourself professionally but without the legalese terminology for which you have been trained and for which the few minutes given can never be a sufficient amount of time for explanation. And finally, you must sift through your adversaries language, educational, cultural and personal barriers in order to attempt to have a meeting of the minds.

Such tensions place the attorney in an environment of conflicting duty and place the unrepresented litigant in an environment where practically every decision is at the whim of the attorney's interpretation of duty and professionalism. The imbalance adds undue stress on all those involved and is often rife with abuses and intimidation which may add to the appearance of impropriety and the court's inability to appear neutral and efficient.

As a Court Attorney in Housing Court handling a case with an unrepresented litigant, the

need to become involved in some form of social work becomes an inevitable reality without which important and potentially life-changing decisions would never be made and agreements between both sides could not be reached. The court relies on these settlements by stipulation for a great majority of the cases but the goal must also be agreements made with a level of understanding which allow for a meeting of the minds. Yet the unrepresented litigant, whether landlord or tenant, who must navigate the realm of public assistance, foreclosure law and the statutory obligations of summary proceedings without having spoken with an attorney about their rights and responsibilities, formulate their decisions within a world of very limited understanding. Such decisions are often made due to the stress of the situation, due to intimidation or perceived injustice or due to fear or timidity which, in turn, limits the ability to reach a meeting of the minds.

Whether dealing with an unrepresented litigant who is returning for an order to show cause without proper good cause, attempting to make a pro se motion for relief, making important decisions while attempting to rush to get back to work or attend to family or medical issues, or dealing with someone elderly, disabled or mentally ill, the court attorney has little time to get the information, facts and decisions necessary to figure out whether the unrepresented litigant has made an informed choice about the case. However, with the assistance of an attorney, these issues can often be assessed and diffused.

As a Judge in Housing Court the substantial increase of the working poor and of owners of property under imminent threat of foreclosure is obvious. The requests for loans from Public Assistance programs such as the '1-shot deal' seem to have greatly increased and other programs,

such as Worker's Advantage and Children's Advantage, originally planned as temporary assistance until Section 8 vouchers were granted, have left an increasing population confused and under the threat of homelessness once the programs ended and Section 8 vouchers were frozen. Often told to return with an agreement in order to get assistance, an unrepresented litigant will agree to anything so as not to antagonize the adversary.

The result in cases where even a small amount of assistance is given can be clearly seen in the HHP parts where a few attorneys and paralegals are assigned to a zip code which has been assessed as high risk and appear before one judge in a part dedicated for that geographic area. Although the HHP attorneys are stretched far too thin and funding is an ongoing need, the differences can be immediately felt by all involved in the case.

While the Judge is attempting to ensure fairness, assess if there can be a meeting of the minds and interrupt any abuses or intimidation in cases where one party is unrepresented, tensions and inefficiencies will often arise. These tensions seem far less evident when the litigant is represented by an attorney who has fact-checked the rent history, read the proposed agreement, assessed the repairs needed, inquired about basic public assistance eligibility, sifted through the language, cultural and procedural challenges faced by the litigant, explained the legal and procedural consequences and weighed the common-sense and legal issues needed to come to an informed strategic decision on how to proceed with the litigation. It is with this assistance that the unrepresented litigant stands a chance to make an informed decision.

William Schneider

Client of Nassau/Suffolk Law Services

My name is William Schneider; I am 84 years old and a life long resident of Nassau County. I am a World War II Veteran and I have a Master's degree in Education from the Harvard Graduate School. I was married to Adele and I have two daughters, Linda and Catherine.

Sometime in 2008, I was referred to Nassau/Suffolk Law Services because I was seeking help with my credit card debt which had accumulated to about \$100,000. Before the credit card debt problem I had sought help from many Nassau County officials, but I received none. Nassau/Suffolk Law Services was my last hope.

My financial difficulties were increased by my mentally ill wife who for years was unable to see the reality that we could not afford to live in our home on our \$20,000 income.

When I met with Rose Caputo at Nassau Suffolk Law Services, I made her aware that it was becoming increasingly difficult to make my minimum payments to the credit card companies, and I was afraid that I was going to lose my home because I could not afford to pay the taxes any longer. Eventually my fear came closer to reality when a tax lien was placed on my home in 2008. In addition to this, because my wife, owing to her illness refused to cooperate with me in securing her income statement from Social Security to show that we met the eligibility requirement. As result, I was forced to pay full real estate taxes and did not get any tax exemption on my home that it is enjoyed by many seniors on Long Island. The Nassau County Assessor's office refused to make any reductions for my property taxes with out the proper documentation.

Because of the above mentioned circumstances, Ms Caputo advised me to sell my home or get a reverse mortgage. However, I was not able to sell or obtain a reverse mortgage because my wife refused to sell, to sign any applications to obtain a reverse mortgage. In addition, my wife refused to sign forms required to obtain a senior and low income tax reduction on our home.

Ms. Caputo also advised me to contact the credit card about my financial hardship and difficulty in making the minimum payment. I could not afford to make any settlement offers at that time. In addition, we discussed various options to resolve the home situation. After careful consideration of my options including guardianship and divorce, I opted to file for divorce. While the divorce proceeding was in progress, my wife's behavior became increasingly erratic. With the help of Mrs. Caputo a referral to the Mental Health Unit was made. My wife was admitted to the hospital and was diagnosed with severe tachycardia, congestive heart failure, hypertension, dementia in addition to being bipolar. As result, she was admitted in a nursing home where she was well cared for until her death on September 23, 2010.

Ms. Caputo has been involved in various legal issues since my first meeting about my credit card debt. She urged that I keep my daughter Linda informed, facilitated the approval of the Medicaid application, provided a list of nursing homes for my wife, facilitated the guardianship application, discontinued the divorce action once it become

apparent that the guardianship would go forward, provided me with a listing of senior housing and encouraged me to apply, transferred the marital home in my name, negotiated the sale of the home, prepared all the documents for the closing and attended the closing. Also, she has since referred me to non-profit agency to settle my credit card debt. As result, I am closer to being debt free, and live in affordable apartment in a private house as I wait for a senior housing to become available and no longer have the responsibility of a home that I could not afford to maintain. Most importantly, my wife was in a safe place and I and my daughter were able to enjoy the last two years with her.

Planned Testimony of Testifying Witness William Schneider,
former client of Nassau/Suffolk Law Services Committee, Inc.
Hempstead, New York 11550

Hearing Date: October 7, 2010
Location: Appellate Division, Second Department
45 Monroe Place, Brooklyn, NY

Submitted by: Jeffrey A. Seigel, Executive Director
Rose Caputo, Staff Attorney

My name is William Schneider. I am 84 years old and I have lived most of my life in Long Island, New York. I have an undergraduate degree from Suny Albany in math and science and I have a teaching degree from Harvard graduate school. I worked as a mechanical draftsman since the early 1950's. I was married to Adele and I have two daughters, Linda and Catherine.

About 10 years ago, when I was 74, I became employed as a consultant to develop a marine avoidance system based on infrared radiation. Although the inventor of the device had procured funding for the project for several years, in 2003, the project was shelved because the inventor was unable to obtain additional funds to move forward. As a result, I lost an additional source of income to supplement my social security income. Nevertheless, I voluntarily continued my consulting work hoping that the inventor would be able to secure additional funding until 2006. The project was never fully realized, and I was never paid. While I was working on this project without pay about 3 years, during this time I was desperately seeking other employment.

I went on numerous interviews, but despite my efforts in seeking employment, I was unable to find another job. As a result of not finding work, I began to run into financial difficulties in meeting my household expenses, especially my real estate taxes.

My financial difficulties were increased by my relationship with my wife, which had been adversarial in nature for many years. My wife, who had been diagnosed with Bipolar disorder in 2003, was unable to see the reality that we could not afford to live in our home on our \$20,000 social security income alone. In addition, she refused to contribute her social security income toward the household expenses. Our financial situation got progressively worse because she refused to provide any of her financial information to the Nassau County Assessor so that we could obtain a significant reduction on our real estate property taxes.

By the year 2008, our property taxes had increased to about 11,000 thousand per year, and I had accumulated about \$100,000 worth of credit card debt to maintain our home. Although I was able to make minimum payments on my credit cards for many years, it was becoming increasingly difficult to make the monthly minimum payment to my credit card debtors. Since none of my employment prospects materialized, I became

alarmed at the amount of debt that I had accumulated. I knew that I could not afford to get cash advances any longer and I could not afford to meet my household expenses on my social security income alone, especially my real estate property taxes.

I sought help from my County legislator and the Nassau County Assessor about my inability to get my wife to provide the required documentation to obtain the property tax abatement. They failed to offer me any solutions. As a result, I paid the full tax bill for over 10 years, while other low income seniors were able to benefit from the County's real property, tax reduction programs. In addition, I consulted with many private attorneys to obtain a divorce. No one took my circumstances seriously.

Sometime in 2008, I was referred to Nassau/Suffolk Law Services by another agency. Nassau/Suffolk Law Services was my last hope.

I first met Rose Caputo, an attorney in the senior project, in April 2008. I made her aware of the circumstances of my credit card debt. Most importantly, I made her aware that I was unable to pay the real estate property tax bill for the 2008 year. Although I filed for an extension of time to pay the 2008 tax bill, a lien was placed on my home. If I failed to pay my property taxes with interest within two years, my home was going to be foreclosed by the lien holder.

First, Rose assigned a volunteer attorney to help resolve the credit card debt. Second, Rose advised me convince my wife to sell the home, or to get a reverse mortgage. However, when I was not able to convince my wife to sell or obtain a reverse mortgage, Rose advised me of other legal options to resolve my home situation, including filing a petition for guardianship or divorce. After careful consideration of my options, I opted to file for divorce.

Several months after Rose filed for divorce, my wife's behavior became increasingly erratic. Sometime in December of 2008, after attending a church function, my wife left her car in a parking lot and walked to a nearby hotel. While at the hotel she told the hotel staff that she was there to meet some rich relatives who were going to give her money. Because her behavior was disruptive, the hotel staff called the police. The police arrived, removed her from the hotel premises and instead of bringing her to the hospital, they brought her back to the church parking lot. An officer came to my house to notify me and I was driven back to the parking lot to drive her back to our home. Later that evening, I went to the police to get a police report, but they were not responsive to my request until Rose called them the next day. Shortly after the police incident, my wife appeared for a scheduled court date about our divorce. Rose observed my wife's erratic behavior in court as well as her unkempt appearance. On the same day, with my permission, Rose made a referral to the Nassau County Department of Mental Health. On December 29th 2008, the department of mental health came to our home. As result, my wife was involuntarily admitted to the hospital psychiatric unit where she was treated for

her bipolar disorder. In addition, she was diagnosed with severe tachycardia, congestive heart failure, hypertension and the advanced stages of dementia. Subsequently, the hospital filed for guardianship on behalf on my wife, Rose was able to facilitate the filing of the guardianship and once the guardianship appeared to be secured, Rose discontinued the divorce action.

Rose has been responsible for the successful resolution of various legal issues at the very critical time of my life. In addition to filing the divorce and filing the subsequent dismissal, facilitating the filing of the guardianship, Rose facilitated the approval of my wife's Medicaid application for admission in the nursing home, provided me a list of nursing homes, provided me with a list of low income senior housing and encouraged me to apply, drafted a will, health care proxy and power of attorney, transferred the title of my home to me to facilitate the sale, she took over the negotiation of the contract for the sale of my home from an unscrupulous realtor, prepared all the documents for the closing and attended the closing. Also, she has since referred me to non-profit agency to settle my credit card debt. As result of Rose's involvement, I avoided foreclosure, I currently live in affordable apartment and I am closer to being debt free. I am no longer burdened by the responsibility of maintaining a home I could not afford. Most importantly, my wife received essential professional help for her mental and many of her other physical health issues for the first time in many years in the safe environment of a nursing home until her death on September 23, 2010. Also, my wife's safety and health needs were enhanced by the appointment of my daughter Linda as her guardian in April of 2009. Linda spent a lot of time with my wife in the last 18 months of her life and I was able to use the proceeds of the sale of our home to pay for outings for my wife and daughter that greatly enhanced my wife's quality of life. In addition, despite the difficult years of our marriage, freed from numerous financial worries, I too was able to visit and care for my wife in the way she deserved. She received the necessary treatment that allowed her to understand why my daughter and I, working together with Rose, sought to ensure that she received proper medical treatment. My wife, too, had a difficult life, but thanks to Rose Caputo's intervention, she was able to have some moments of happiness with me and my daughter over the past 18 months.

In closing, I wish to thank Nassau Suffolk Law Services for helping me through a very difficult time. Without this free legal service in my community, seniors and other Long Island residents in need would not be able to afford an attorney to help them with their legal problems.

Lois Schwaeber

Director, Nassau County Coalition Against
Domestic Violence

CURRICULUM VITAE

Lois Schwaeber is the Director of Legal Services with the Nassau County Coalition Against Domestic Violence. Ms. Schwaeber has been working in the field of domestic violence since 1993, first supervising and administrating a domestic violence clinic for law school students in Suffolk, County, New York, then providing direct representation to Coalition's clients and finally as Director of Legal Services.

Ms. Schwaeber is the author of *Domestic Violence: The Special Challenge in Custody and Dispute Resolution*, p. 141, *Divorce Litigation*, Vol. 10, No.8 (August 1998); *Representing the Domestic Violence Client in Matrimonial Actions*, Chapter 6, 1999 Wiley Family Update, Aspen Law and Business and "*Domestic Violence in Custody and Visitation Proceedings*", *Nassau Lawyer*, Vol. 52, No. 9. p. 2 (May 2003); and "Recognizing Domestic Violence: How to Know It When You See It and How to Provide Appropriate Representation," Chapter 2, pp. 2-1 - 2-29, *Domestic Violence, Abuse, and Child Custody: Legal Strategies and Policy Issues*, 2010 (Mo Therese Hannah, Ph... D. and Barry Goldstein, J.D. Eds.)

Ms. Schwaeber has organized, conducted and participated in many professional forums and trainings. She has also participated in numerous workshops on domestic violence and lectured to many community organizations on this subject. She has also appeared on several television programs addressing intimate partner violence and custody/visitation.

In 2006 Ms. Schwaeber was the recipient of the Nassau NOW Women's Equality Award as an Advocate for Survivors of Violence against Women and in June 1998, Ms. Schwaeber was the recipient of the Nassau County Women's Bar Associations: Virginia C. Duncombe, Esq., Memorial Award for Exceptional Contributions to Women's Legal Education. She graduated from Queens College and was awarded her JD from Touro Law Center, *cum laude*. Ms. Schwaeber is admitted to practice in both the State of New York and the State of Connecticut and in all the Federal Courts.

Ms. Schwaeber is a member of several committees, task forces, work groups and advisory committees. A sampling includes:

- Co-chair of the Domestic Violence Committee of the Women's Bar Association of the State of New York
- Co-chair of the Nassau County Bar Association's Community Education and Public Relations Committee
- Nassau County Executive's Family Violence Task Force
- Lawyer's Committee Against Domestic Violence
- Nassau County Bar Association's We Care Fund's Advisory Board

TESTIMONY ON CIVIL LEGAL SERVICES

OCTOBER 7, 2010

Good morning, Chief Judge Lippman, Chief Administrative Judge Ann Pfau, Justice Prudenti, NYSBA President Steven Younger, and members of the Task Force. Thank you for giving me the opportunity to testify before you today.

My name is Lois Schwaeber and I am the Director of Legal Services for the Nassau County Coalition Against Domestic Violence. The Coalition is the only provider of comprehensive domestic violence and rape/sexual assault services in Nassau County. We maintain the county's only Safe Home for Abused Families and the county's only domestic violence and rape/sexual assault 24 hour hotlines. We are also the only provider of civil legal services to victims of domestic violence, dating violence, elder abuse, and rape/sexual assault in Nassau County. There are no fees for any of our services. Coalition is a 501(c) (3) private-not-for-profit corporation and is totally dependent on grants, awards, and donations to provide all our services.

Research has shown that the availability of legal services decreases the likelihood that women will be battered. Providing representation can help change the balance of power in these relationships. A National Institute of Justice study showed that legal representation helped improve the victims' sense of well-being: 80 percent felt safer after six months and 85 percent said that life had improved. According to a Harvard University 2004 study, over 54

percent of custody cases involving documented abusers results in the father being awarded custody. Without representation by an attorney or assistance of a court advocate trained and well versed in the issues, the safety of victims of intimate partner violence is severely compromised.

For many, many years we have been the recipient of NYS Civil Legal Services funds. This funding, supplemented by member item appropriations by individual lawmakers, has provided most of the funding for our court advocate services. In 2009 the court advocates provided services to 642 victims. The court advocates are available every day at Family Court, and at least two to three times a week in the two Nassau County Dedicated Domestic Violence Parts and the Integrated Domestic Violence Court, to assist any petitioner walk-ins and other victims, regardless of their income, with Coalition's court advocacy services by a bi-lingual paralegal/court advocates well versed in the complex dynamics of family abuse. These victims are predominantly women in trauma and are experiencing intense emotional and psychological abuse and often physical harm as well. Most victims are referred to our court advocates by our hotline, the Family Court intake department, judges, court officers and other court personnel, as well as private attorneys and attorneys for the children. Bi-lingual signs hang in each courthouse advising victims of the availability of court advocate assistance for the asking. Coalition also utilizes Language Line to communicate with clients in any one of 170 languages. All Coalition services are available to both men and women, unless there is a conflict of interest.

With the greater awareness of domestic violence present in society today, victims are encouraged to petition for orders of protection, and most often turn to the Family Court for assistance. These petitioners, alone and often in crisis are in need of support by a knowledgeable and informed court advocate to assist them in presenting their case and in following through with the legal process. These victims are predominantly women in trauma and are experiencing intense emotional and psychological abuse and often physical harm as well. Designed to meet this need, the Coalition's Family Court Advocacy Project started in the mid 80's and expanded with the introduction of two Dedicated Domestic Violence Parts and the Integrated Domestic Violence Court.

The court advocates are available every day at Family Court, and at least two to three times a week in the two Nassau County Dedicated Domestic Violence Parts and the Integrated Domestic Violence Court, to assist any petitioner walk-ins and other victims, regardless of their income, with court advocacy services by bi-lingual paralegal/court advocates well versed in the complex dynamics of family abuse.

The Court Advocacy Project of Coalition Legal Services includes three full-time bi-lingual advocates, plus student interns and court advocate volunteers. Most victims are referred to our court advocates by Coalition's 24-hour hotline, the Family Court intake department, judges, court officers and other court personnel, as well as private attorneys and attorneys for the children. Bi-lingual signs hang in each courthouse advising victims of the availability of court advocate assistance for the asking. Coalition also utilizes Language Line to communicate

with clients in any one of 170 languages. All services are available to both men and women, unless there is a conflict of interest.

The advocates interview the client to gather facts necessary for the preparation of the petition. During this interview, the client is given information regarding the family offense court proceeding and informed of her additional legal rights and options.

The advocate also gives support and encouragement to the victim, who may be frightened by her experience, unfamiliar with, and intimidated by the court procedures. The advocate explains the process at every step, and reviews the various reliefs available, such as a "vacate" or "stay away" order, or temporary order of custody; so that this needed relief will be requested at the time of the intake interview. Empowering the client to make informed and appropriate decisions in each case is an important goal of the Project.

After the preparation of the petition, the advocate accompanies the petitioner throughout the process and accompanies her into the courtroom. With the permission of the judge, they may also assist her in her presentation to the court. This assistance often helps to clarify the evidence, making it more likely that a temporary order with the exact relief requested will be granted. When a temporary order of protection is granted and issued, the advocate checks the order to be sure it is correct and explains its use and enforcement to the client. If the client receives a vacate order she is escorted by the advocate to the Sheriff's Office to facilitate the procedure. If a petitioner is need of a 911 telephone the advocate will supply one on the spot.

The court advocates provide on-site supportive services to victims of domestic violence and rape/sexual assault to promote victim safety. This includes information and referrals to the Coalition, for counseling, emergency safe housing, safety planning, and social services referrals. They provide information to the victim about court dispositions, conditions imposed on the respondent/defendant and, with the client's permission; they maintain contact with the victim to obtain information about the client's on-going needs for services and about the respondent/defendant's compliance with the court mandates to assure victim safety.

All clients assisted by an advocate receive a printed brochure describing Coalition's comprehensive services; these include the 24-hour hotline, emergency safe housing, both individual and group counseling for both victims and child witnesses, free legal consultations and direct legal representation. Victims are encouraged to contact the Coalition for further assistance. Referrals may be made to other appropriate social service agencies. In 2009 the court advocates provided services to 642 victims.

In addition, last year Coalition's five attorneys provided 950 clients with free consultations and advocacy with the civil and criminal justice systems. The lawyers provided direct representation to almost 500 clients referred by the court advocacy programs or our counseling and hotline staffs. Our bi-monthly "Legal Question and Answer Clinic" provided information about divorces, orders of protection, child custody/visitation, and child support to 131 clients.

Between 2008 and the end of 2009 Coalition had more than 30 clients waiting to be assigned to a matrimonial attorney. (A waiting list that would be about a year's wait to initiate a divorce action). All unserved clients, depending on their incomes, were referred to Nassau/Suffolk Law Services, (which has a two to three year wait and is sending all their domestic violence clients to us), The Nassau County Bar Association Referral Service, or their Reduced Fee Panel. We do not refer to any private attorneys.

Nassau County is viewed by the rest of the world as a "wealthy" county, but in reality almost five percent of our 1,357,429 residents are below the poverty line. Of the 3646 victims of domestic violence and rape/sexual assault seen at Coalition in 2009 70 percent to 84 percent are TANF-eligible, 275 are Limited English proficient people and 125 are undocumented residents, who do not qualify for any congressionally funded Legal Services. (Coalition's Legal Department saw 106 Limited English proficient people and 65 undocumented clients).

Recent census poverty statistics show rising numbers of poor people. Using the federal poverty threshold a family of **four** earning \$21,756 would be considered indigent making them eligible for federal government assistance programs. (Most government benefits are only available to people who earn between 150-200 percent of the federal poverty guidelines.)

However these figures do not take into consideration the actual cost of living in Nassau County. In fact a 2010 report "Self Sufficiency Standards for NYS" (University of Washington) calculated that an adult with two children (**a family of**

three not four) living in Nassau needed an income of \$74,000 to meet just their basic needs. Thus, over 45 percent of Nassau families fall between the federal poverty level and the self-sufficiency level. These people struggle to make ends meet and cannot find the funds to obtain legal services.

The Nassau County Department of Social Services reported a 21 percent increase in temporary assistance and Medicaid caseloads, and a 33 percent increase in food stamp recipients between 2008 and 2009. Family Court filings reached a record high of 750,000 statewide in 2009 and family violence filings increased 30 percent in the last two years.

A recent report prepared by the Nassau County Task Force on Family Violence documented a 25 percent increase from 2008 to 2009 in domestic violence reports by police, a 4 percent increase in physical abuse reported by children, and a 58 percent increase in domestic violence arrests. After reviewing the report, Nassau County Executive Edward Mangano stated, "These numbers are shocking, and today I am declaring this a 'public health emergency.'"

Coalition Legal Services Centers employs five attorneys who provide direct legal representation in family offenses, child custody/visitation, immigration, paternity, divorces, child support, (Since Nassau Suffolk Legal Services lost funding for their child support project we are seeing many more clients in need of representation in child support litigation), and any other issues that arise as a result of the abuse. Coalition provides legal representation to victims within 250 percent of the federal poverty guidelines.

Coalition is seeing more and more clients who are unemployed, who have spouses or partners that are unemployed, and/or have houses already in foreclosure. Many other clients come to my office in the middle of a divorce, ready for trial, who have already exhausted their bank accounts, borrowed money for retainer fees, and still owe their attorneys \$30,000 or \$40,000, and whose attorneys have been relieved by the judges because of the amount still owed. They are desperate for representation, afraid of losing their children, afraid of being left homeless and poverty-stricken (just as the abuser has always told her she would be). They are doubly afraid to go to trial without an attorney because then the abuser would have the right to cross examine them. They are frightened to show up in court without an attorney because the judge has told them that they must get one within 30 days. Every legal service agency has said that they cannot help, either because they don't do divorces, (*i.e.*, Legal Aid of Nassau County); or because the agency has a two to three year wait for assignment to a matrimonial attorney; or because she still is on the deed of a house from which she fled for her safety; and which is worth less than the money owed on the mortgage because the value of the house has gone down and/or her husband has taken out all the equity; or because her disability payments are too high, so she doesn't qualify for any services.

Without adequate legal representation a self-represented individual doesn't understand the legal jargon or procedure; doesn't have the know-how to respond to legal papers or make legal arguments; doesn't realize the necessity for taking prompt procedural action to avoid a default or other possible consequences.

Without representation by a competent attorney a *pro se* client will be at a greater risk of losing her job because she will need to spend more time figuring out how to navigate the legal system. Her employer's business will suffer from loss of productivity and her excessive absenteeism. If she loses her job she is at greater risk of becoming a public charge and being homeless, potentially putting a greater financial burden on the county, the state and the federal government. The county's health system is affected because she is under greater stress, exacerbating her underlying medical problems, and requiring more doctor or hospital visits. The judicial system is affected because *pro se* clients consume an inordinate amount of judicial time and patience and consume valuable court resources.

Coalition is currently working with volunteer attorneys, mostly the unemployed and underemployed, to learn the nuances, and understanding of the impact and complex dynamics of domestic violence in contested divorces. (Few, if any, domestic violence cases are ever uncontested). We hope the training and mentoring that we provide will enable the *pro bono* attorneys to provide survivors sensitive, competent legal representation. Coalition has also created a website and listserv to provide the volunteers with on-going information, social research, and case law updates, as well as a forum to network.

I understand that with the current economic conditions, hard choices had to be made, however, without funding for Civil Legal Services the Coalition will be unable to staff the Dedicated Domestic Violence Courts and Family Court on a

daily basis and we will be unable to meet the increased need for our legal services.

Without this funding we will be unable to help survivors get access to equal justice.

Without this funding we cannot help to balance the scales of justice.

Without this funding Nassau will continue to have growing unmet legal needs.

Without this funding, Nassau County's most vulnerable citizens will sink further and further into poverty and homelessness.

Brad Snyder

Representative of the Network of Bar Leaders

Brad Snyder
Executive Director
LeGaL

Brad Snyder is currently Executive Director of LeGaL (the Lesbian, Gay, Bisexual & Transgender Law Association of Greater New York), a bar association dedicated to serving the LGBT legal community and the public. Prior to becoming Executive Director, Brad served as President of the organization for two years and has served on the Board of Directors for the last five years. Brad is also a former member of the Government Ethics Committee of the New York City Bar Association and was a principal author of a report on the creation of an independent ethics commission at the federal level.

Prior to assuming his current position with LeGaL, Brad was a Senior Counsel in the Legal Counsel Division of the New York City Law Department where he advised City agencies and the Mayor's Office on a variety of policy, legislative and regulatory initiatives. Brad frequently advised on issues relating to business improvement districts and with respect to charter schools.

Prior to joining Legal Counsel, Brad worked for nearly four years in the Law Department's Affirmative Litigation Division where he worked on matters including the City's tax claims against several foreign countries (a case in which the City prevailed on jurisdiction in the U.S. Supreme Court), the City's claims against cigarette sellers for evasion of local taxes and the *CFE* education litigation in which the City appeared as an *amicus* party.

Brad worked as a corporate associate in the New York office of Skadden, Arps, Slate, Meagher & Flom LLP prior to joining the Law Department in 2004.

Brad graduated from Tufts University in 1998 and NYU School of Law in 2002.



Network of Bar Leaders

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My name is Brad Snyder. I am the Executive Director of LeGaL, the Lesbian, Gay, Bisexual & Transgender Law Association of Greater New York and the representative to the Network of Bar Leaders.

The Network consists of 46 bar associations throughout New York City and the State of New York. Our mission includes “to advance commonly shared views pertaining to the administration of justice . . . pertaining to the delivery to the public of legal services.” Our member associations are diverse: we are the county bars, the women bars, the people of color bars, practice specialty bars, and LGBT, cultural and religious bars. Our members serve communities who may be particularly impacted by reductions in support for legal services. Indeed, our member associations provide or facilitate the provision of legal services and assistance to communities of color, the LGBT community, women and children, all of who would be disproportionately impacted by cuts in support for legal services.

When funds are scarce, the front line public interest organizations providing legal services are forced to make tough choices. Unfortunately, these choices usually result in the reduction or the elimination of services. For example, those impacted greatly by these cuts are women and children. As noted by the written testimony of our member association, the State Island Women's Bar Association, “The client populations of New York State’s civil legal services programs are women and women with families over 70% of the time.”

When these reduction or elimination occur, the bar associations as well as private bar lose their conduit to offer the services of its members pro bono.

-----MEMBER ASSOCIATIONS-----

Asian American Bar Association of New York, Association of Black Women Attorneys, Assoc. of Law Secretaries to the Justices of the Supreme & Surrogate’s Court in the City of NY, Association of Small Claims Arbitrators, Association of Trial Lawyers of the City of New York, Black Bar Association of Bronx County, Brandeis Bar Association, Brehon Law Society, Bronx County Bar Association, Bronx Women’s Bar Association, Bronx Family Court Bar Association, Brooklyn Bar Association, Brooklyn Women’s Bar Association, Catholic Lawyers Guild of Brooklyn, Columbian Lawyers Association-First Judicial Department, Dominican Bar Association, Federal Bar Association, Federal Bar Council, Great Neck Lawyers Association, Hispanic National Bar Association, Jewish Lawyers Guild, Latino Lawyers Association of Queens County, The Lesbian, Gay, Bisexual and Transgender Law Association of Greater New York, Macon B. Allen Black Bar Association, Metropolitan Black Bar Association, Metropolitan Women’s Bar Association, Muslim Bar Association of New York, Nassau County Womens Bar Association, National Employment Lawyers Association/New York, New York City Bar Association, New York County Lawyers Association, New York Criminal Bar Association, New York State Administrative Law Judge Association, New York State Association of Criminal Defense Lawyers, New York State Trial Lawyers Association, Pakistan Bar Association (Honorary), Protestant Lawyers Association, Puerto Rican Bar Association, Queens County Bar Association, Queens County Women’s Bar Association, Real Estate Tax Review Bar Association, Richmond County Bar Association, Staten Island Women’s Bar Association, Suffolk County Bar Association, The South Asian Bar Association of New York, Westchester County Bar Association, Westchester Women’s Bar Association of the State of New York.

Our member association, the Brooklyn Bar Association provided the following example: "Volunteer Legal Program (VLP) in Brooklyn is staffed by three full-time employees and three part-time employees in one room. The program of the VLP are made possible by the dedicated service of 175 active pro bono attorneys, recruited, trained and supervised by the VLP." The Association provides further information about the VLP in its written testimony.

Another example is provided by the State Island Women's Bar Association in its written testimony:

"In June 2010 the SIWBA Board of Directors voted to become a sponsor of the Staten Island Civil Legal Advice and Resource Office (CLARO). CLARO is an innovative program which provides legal assistance to unrepresented defendants in civil court. The help is desperately needed in the overburdened civil court system – because consumer credit card debt continues to escalate in this difficult economic period, Civil Court cases, where most credit card debt actions occur, ballooned to 577,000 in 2009, up from 200,000 10 years ago. CLARO operates through collaborations among law schools, legal services organizations, and bar associations. The legal services programs are an essential ingredient to the project, as they provide training, support and mentorship to the pro bono private bar attorneys."

The pro bono services provided by members of the Network's 46 member associations is an essential ingredient to providing legal services to low income New Yorkers. As noted by member association Richmond County Bar in its written testimony, "Judge Lippman called on bar associations and community groups to respond to the foreclosure crisis and help alleviate the overwhelming burden on the court system; organizations like the RCBA VLP have answered that call but cannot continue to adequately meet the demands for pro bono legal services without continued support from the legislature."

But all of these efforts are of course dependent in large measure on funding. When our bridge to those who need our help – the VLPs or CLARO – are forced to shut their doors due to lack of funding, the economic and social harm to our communities, including frequently women with families is the loss of a home, benefits, perhaps even the cohesion of a family. Consistent with our mission, we support Judge Lippman's effort to keep this vital patchwork in place.

-----MEMBER ASSOCIATIONS-----

Asian American Bar Association of New York, Association of Black Women Attorneys, Assoc. of Law Secretaries to the Justices of the Supreme & Surrogate's Court in the City of NY, Association of Small Claims Arbitrators, Association of Trial Lawyers of the City of New York, Black Bar Association of Bronx County, Brandeis Bar Association, Brehon Law Society, Bronx County Bar Association, Bronx Women's Bar Association, Bronx Family Court Bar Association, Brooklyn Bar Association, Brooklyn Women's Bar Association, Catholic Lawyers Guild of Brooklyn, Columbian Lawyers Association-First Judicial Department, Dominican Bar Association, Federal Bar Association, Federal Bar Council, Great Neck Lawyers Association, Hispanic National Bar Association, Jewish Lawyers Guild, Latino Lawyers Association of Queens County, The Lesbian, Gay, Bisexual and Transgender Law Association of Greater New York, Macon B. Allen Black Bar Association, Metropolitan Black Bar Association, Metropolitan Women's Bar Association, Muslim Bar Association of New York, Nassau County Womens Bar Association, National Employment Lawyers Association/New York, New York City Bar Association, New York County Lawyers Association, New York Criminal Bar Association, New York State Administrative Law Judge Association, New York State Association of Criminal Defense Lawyers, New York State Trial Lawyers Association, Pakistan Bar Association (Honorary), Protestant Lawyers Association, Puerto Rican Bar Association, Queens County Bar Association, Queens County Women's Bar Association, Real Estate Tax Review Bar Association, Richmond County Bar Association, Staten Island Women's Bar Association, Suffolk County Bar Association, The South Asian Bar Association of New York, Westchester County Bar Association, Westchester Women's Bar Association of the State of New York.

Hon. Norman St. George

Acting Supreme Court Justice,
Nassau County Court Judge



**CHAMBERS OF THE SUPREME COURT
COUNTY OF NASSAU**

**COUNTY COURT JUDGE, NASSAU COUNTY
ACTING SUPREME COURT JUSTICE**

**HON. NORMAN ST. GEORGE
MINEOLA, NEW YORK 11501
(516) 571-3560**

September 29, 2010

Chief Judge Jonathan Lippman
Chief Administrative Judge Ann Pfau
Presiding Justice A. Gail Prudenti
Stephen P. Younger, Esq.

RE: Access to Civil Legal Services in New York

Dear Esteemed Panel:

Thank you for inviting me to give testimony during your hearing on Access to Civil Legal Services in New York. Pursuant to the request of Helaine M. Barnett, the following is a summary of my background and testimony.

Judicial Background:

After practicing law as a civil and criminal litigation attorney for 16 years, I was elected to the Office of District Court Judge for the County of Nassau. I served as a District Court Judge from 2004 to 2008. While in District Court, in addition to establishing Nassau County's first Domestic Violence Misdemeanor Part and a Driving While Intoxicated Hearing and Trial Part, I presided over approximately 160 civil and criminal trials. In 2009, I was elected to the Nassau County Court, was designated as an Acting Supreme Court Justice, and served in the Nassau County Family Court for one year. In January, 2010, I began presiding over the Integrated Domestic Violence Court for Nassau County, hearing criminal Domestic Violence cases, Family Court cases and Divorce actions.

Testimony:

The unavoidable and unsurprising fact is that litigants who appear in Court without an attorney, and represent themselves, receive an inferior result. We accept this premise in criminal cases and therefore ensure that indigent defendants are represented by Counsel. Such representation is equally important in civil matters. In many instances these cases severely impact the lives of the litigants and their children, i.e., Family Court cases involving custody and visitation issues, Family Offense petitions, Violations of Family Court Orders of Protection and Divorce issues.

The reasons for the inferior results begin at the inception of the various actions, continue through each stage of the litigation, and culminate at trial. At the commencement of each type of civil action, the unrepresented litigant has a fundamental lack of familiarity with the correct filing procedures and pleading requirements. Although there are clerks who may assist litigants at this stage, they are not attorneys, and are not acting as the litigants' representative. Consequently, incorrect dates are often alleged in the complaints and

allegations are poorly and incompletely drafted. The Court is ultimately limited by the allegations contained in these documents. I have had Family Offense petitions before me that allege that an incident occurred on a date that is in the future. I have had to dismiss petitions which allege that an Order of Protection was violated on a date that occurred before the Order of Protection was issued by the Judge. Many Family Offense petitions drafted by unrepresented litigants simply do not make out family offenses. Valuable Court time is spent on cases which are ultimately dismissed. Moreover, these types of cases would not be brought if the parties consulted with and were represented by attorneys.

Similarly, an unrepresented litigant's lack of familiarity with various discovery procedures, processes and techniques often leads to the litigant's inability to obtain information vital for the successful prosecution or defense of their case. Many civil cases are won and lost at the discovery stage of the proceeding. Unrepresented litigants often lose their cases at this stage of the proceeding and are completely oblivious to that fact.

Finally, during trial, the unrepresented litigant's lack of familiarity with Courtroom protocol, procedure, decorum, and rules of evidence, often proves detrimental to their case. Unrepresented litigants are rarely aware of the burden of proof associated with their case. Unrepresented litigants cannot be expected to prove their cases without having the slightest idea about what they have to prove and how to accomplish it. Unrepresented litigants seldom raise legal arguments in cases where the legal issues are paramount, and are generally unfamiliar with the appropriate and requisite case law. An unrepresented litigant's inability to subpoena witnesses and documents results in that individual's case relying exclusively on their uncorroborated testimony at trial, which is often an uncensored and unedited stream of consciousness. I have had many unrepresented litigants, in both Family Court and in Divorce actions, conclude their testimony simply because an objection was sustained by an attorney representing the other side, notwithstanding the fact that they had not yet testified about any points relevant to the case. When asked by me if they wanted to testify further about any other issues involved in the case, they declined. Whether they were flustered, embarrassed or simply lost their train of thought is unknown, the fact is that they ended their testimony and their case without addressing key issues. Obviously, the Court, as a neutral arbitrator, is prohibited from assisting either side in any way. Unfortunately, unrepresented litigants end up losing their cases not based on the merits, but based on their Courtroom conduct, lack of experience and lack of knowledge. I have found that the majority of cases involving unrepresented litigants would have resulted in different outcomes if both sides were represented.

The irony is that any money purportedly saved by decreasing Legal Services for the indigent is expended tenfold by the Courts in increased work and excessive backlogs. There has been a major increase in civil cases due to the downturn in the economy. Specifically, there has been an increase in Domestic Violence cases and Divorce actions, which has increased the caseload in the I.D.V. Courts. It is my experience that cases involving unrepresented litigants take three to four times as long to process as cases where both sides are represented by Counsel. Each step in the litigation process is unduly delayed because the unrepresented litigant is completely unfamiliar with the process. There are rarely meaningful settlement discussions with unrepresented litigants; therefore, cases that can and should be settled proceed unnecessarily to trial. Moreover, in cases where there is an Order of Protection in place, no settlement discussions can occur between the parties. Once the cases are on trial, the trials last substantially longer than those involving represented litigants because the Court has to explain matters that would otherwise not be discussed, such as the trial process, the meaning of evidentiary rulings, and why evidence was not admitted. The testimony from an unrepresented litigant is usually excessive and mostly unrelated to any of the issues at trial. There are rarely objections by unrepresented

litigants resulting in long winded extraneous and irrelevant matters being presented by each side. Consequently, the time burden on the Courts from unrepresented litigants dwarfs any savings realized by reducing Legal Services to the indigent.

It is my opinion that reducing Legal Services to the indigent in civil matters has and will continue to have a counterproductive effect on our legal system, will continue to severely overburden the Courts, and will directly lead to unfair results.

Respectfully Submitted,

Norman St. George

Hon. Norman St. George

Alvin Thomas

Client of Legal Services of the Hudson Valley

Testimony of Alvin Thomas

**For the Chief Judge's Hearings on
Civil Legal Services**

Presented before

**Hon. Jonathan Lippman, Chief Judge of the State of New York
Hon. Ann Pfau, Chief Administrative Judge
Hon. A. Gail Prudenti, Presiding Justice, Second Department
Stephen P. Younger, President New York State Bar Association**

**October 7, 2010
Appellate Division, Second Department Courthouse
Brooklyn, New York**

Good morning. My name is Alvin Thomas and I live in Mt. Vernon in Westchester County. I served in the US Army from 1972-1979 when I was honorably discharged and received a Medal of Good Conduct. After my discharge I was admitted to Medical Pavilion Hospital where I underwent inpatient psychiatric treatment for more than one and a half years. Over the next two decades I endured between one hundred and one hundred and fifty hospitalizations. It is only recently that I have been able to put the pieces of my life back together and I truly believe that if not for the compassion and representation that I received from Legal Services of the Hudson Valley I would not have been able to do so.

I first came to Legal Services of the Hudson Valley with eviction papers in 2007 at 5:30 pm the night before I was due in court. Although the office was closed, they opened the door for me. An attorney met with me and prepared papers for court. He then accompanied me into court the next morning to negotiate a successful end to the case, buying me the time to move into another apartment. Unfortunately, this eviction was just the beginning. Over the next three years I was forced to relocate three more times, each time the attorney, Trevor Eisenman, was there to represent me in court to allow me to maintain stability while dealing with difficult situations. The first time legal services represented me I was in my apartment for four months when the landlord sent me eviction papers. I had paid two months security and the first month rent and then fell behind in rent. I had sufficient income to pay my rent because of my Veteran's benefits but the landlord would not work out a payment schedule with me. The Department of Social Services refused to give me a one shot deal so I could get back on my feet. My legal services attorney got me time to move and I found a new apartment. My new apartment turned into a nightmare after I moved in. I had only seen the apartment in the morning and realized after I moved in that the building was a hang out for

prostitutes, drug dealers and gangsters. I was frightened to leave my apartment. Again legal services came to my rescue. They helped me break the lease and bought time for me to find a new apartment. The next time I used a realtor so I would make sure I got the right apartment. The realtor showed me one apartment, took my money, and gave me the keys to an abandoned, unlivable apartment. I withheld my rent while Legal Services assisted me in finding a safer apartment. Legal Services also represented me in small claims court against the unscrupulous realtor and got my realtor fees returned to me.

I realized that without an attorney the judge in housing court was unwilling to hear the details of my situation. My attorney advocated for me when I was denied needed assistance by the Department of Social Services. He got me help even when social services and the Veterans Administration refused me. As a service connected veteran I was surprised at how difficult it was to get help from these agencies when I needed it most.

My housing problems lasted for more than three years because each time I was forced out, I was hurried into another bad situation. By the end I know that the housing court judge recognized me and offered little sympathy. The caseworkers at social services offered no compassion and unfortunately the workers at the local VA offered only accusations and little support. My legal services attorney offered the most basic courtesies and in a difficult situation he always listened to the details of my situation and offered encouragement when I became angry or lost hope. After fighting through impossible living conditions and unhelpful and sympathetic caseworkers, I have finally found a clean and comfortable apartment. The stability has allowed me to put my life back together again and I was recently married. But I cannot forget the ordeal that I suffered and I hope that I can speak on behalf of my brothers and sisters returning from overseas.

That is why it is my pleasure to testify on behalf of Legal Services and more specifically on behalf of all of the soldiers who require and who will benefit from this work. Just like me, these soldiers are coming home in the same boat, with PTSD or schizophrenia. For these soldiers their battle begins when they return while they try to get a life back. On the holidays I now cook for over 500 veterans and I see the conditions that they live in. I realize the support they are not getting. These veterans are angry and defeated. They can't understand how they could have given so much to our great country but that when they return they still can't get help. Given all the money that is spent sending our soldiers to do what they do, it is a tragedy that so little is available when we return.

Legal Services is very important to protect people's quality of life and human rights. Without representation by legal services by this time I would have lost the will to live. They gave me a chance to put my life back together and be married at the age of 51. I'm here to ask you to provide more money for legal services so people who can't afford lawyers can be heard.

Rev. Terry Troia

Executive Director,
Project Hospitality, Staten Island

Biographical sketch of
The Reverend Terry Troia
Executive Director
Project Hospitality

The Reverend Terry Troia is the Executive Director of Project Hospitality, one of Staten Island's largest nonprofit providers of human services. Her involvement with Project Hospitality began in 1983 when the agency began as an interfaith effort in response to homeless people sleeping in the church yard and begging at the door for food.

In 1986 the agency began working with New York City to open its first shelter for homeless families. Along with other programmatic initiatives instituted by Reverend Troia, this quickly catapulted Project Hospitality into a multi-program agency with its own continuum of services.

Reverend Troia is a well known spokesperson advocating interfaith efforts to shelter the homeless, feed the hungry, care for the sick, and recognize the rights of immigrant workers. In 2004 she was honored by the Office of Borough President James P. Molinari with the prestigious Maniscalco Community Service Award for her inspired leadership by growing Project Hospitality to the most comprehensive continuum of care program for homeless and hungry people in New York City. In 2003 Reverend Troia was named to Mayor Michael R. Bloomberg's Commission to End Homelessness. In 2004, Mayor Bloomberg appointed Reverend Troia to his commission on AIDS, and in 2006 to a special commission to develop strategies to help the City's poorest residents.

The Reverend Troia is also one of the Ministers at The New Utrecht Reformed Church in Brooklyn, New York.

Outline of testimony for Rev. Terry Troia

Chief Judge Lippman and distinguished panelists.

Thank you for the opportunity to testify on the important topic of civil legal services in New York. My name is Terry Troia. I am the Executive Director of Project Hospital in Staten Island, and one of the Ministers at the New Utrecht Reformed Church in Brooklyn.

Describe what Project Hospitality is and does

Low-income New Yorkers need free civil legal services to ensure that their basic human needs are met.

There aren't nearly enough services to help the many people in need, particularly on Staten Island.

Our free legal services offices are forced to turn away at least 5 people in need for every one they can help-- even though lawyers work long hours with high case loads.

This is a huge problem on Staten Island where the low-income population is rapidly expanding while services of all kinds remain extremely limited. Legal Services and Legal Aid do not have the resources to help everyone in need and, unlike other boroughs, there is nowhere else to refer clients. No other Staten Island agency provides free legal help to the poor, homeless and hungry.

The current economic crisis has had a harsh impact on low-income people as services they rely on are cut or eliminated. Cuts to legal services mean that many more who need access to the justice system to feed and house their children are simply turned away. The situation on Staten Island is perilous.

- Cuts have drastically reduced the availability of help for people who need government benefits to survive—the number of families facing homelessness and hunger will go up.
- The unemployed and disabled may not get legal help when they are erroneously denied unemployment or disability benefits, even though an attorney's intervention significantly increases the likelihood that they will collect essential benefits.
- Although more than 70% of Staten Island own their own homes and Staten Island has one of the highest foreclosure rates in NY State, free lawyers turn away at least 10 people every week because they lack the resources to assist the overwhelming number of needy homeowners.
- Housing lawyers are already forced to turn away dozens of potential clients in order to provide any meaningful help to those whose cases they take.
- Despite the high rate of fatal domestic violence incidents on Staten Island, many survivors do not have the legal protection they need because of insufficient resources. (Although 18b lawyers can be appointed, survivors fear confronting their batter without a lawyer who has spent time preparing them for the court proceeding.)

Those who are turned away have no place to go for help on Staten Island. Decreased civil legal services will undermine the Island's stability at a time when the overall population and the poverty rate are growing more rapidly than the rest of NYC . More people will lose their homes—increasing the numbers of homeless people and eroding the stability of our neighborhoods; without vital benefits such as food stamps and unemployment benefits a higher number of people will plunge into deep poverty; more domestic violence survivors will risk serious harm to themselves and their children.