

PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK

APPENDIX 5:

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

NOVEMBER 2018

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SUPREME COURT OF NEW YORK STATE
THIRD DEPARTMENT

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

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

- BEFORE: HON. JANET DiFIORE
Chief Judge
- HON. ROLANDO T. ACOSTA
Presiding Justice of the First Department
- HON. ALAN D. SCHEINKMAN
Presiding Justice of the Second Department
- HON. ELIZABETH A. GARRY
Presiding Justice of the Third Department
- HON. GERALD J. WHALEN
Presiding Justice of the Fourth Department
- HON. LAWRENCE K. MARKS
Chief Administrative Judge
- MICHAEL MILLER, ESQ.
President of the NYS Bar Association

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

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

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

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

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

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

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

2 more accessible for low-income New Yorkers.

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

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

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

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

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

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

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

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

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

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

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

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

2 the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 **HONORABLE CANNATARO:** Good afternoon.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3
4 And perhaps most encouraging, the Zip Code parts have
5 seen a noticeable reduction in Orders to Show Cause to stay
6 evictions and for other forms of post-eviction relief. One
7 likely reason for this is that there are fewer final judgments
8 coming out of the Zip Code parts overall, a result of more and
9 more favorable settlement agreements being reached.

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

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

25 Not only are more cases getting settled when attorneys

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

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

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

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

1
2 rising. Even more significantly, judges report that these
3 types of motions have become much more difficult to decide
4 because they are now better argued. Housing judges and their
5 court attorneys find themselves doing more research and
6 writing. I believe that Supervising Judge Schneider has also
7 identified what appears to be an increase in the numbers of
8 appeals taken from Housing Court orders, which under these
9 circumstances is an indicator that better law is being
10 developed.

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

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

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

2 integrity of the Court's deliberations and its decisions.

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

23 Thank you.

24 **CHIEF JUDGE DiFIORE:** Thank you, Judge.

25 So, Judge, as the Administrative Judge responsible for

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

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

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

11 There's no question that attorneys are better at
12 delaying proceedings when they want to than self-represented
13 litigants are. And it's exciting because I think the judges
14 who are now sitting in the Housing Court are going to learn a
15 whole different way of conducting their cases, the way that
16 judges who sit in many other trial courts where both sides are
17 represented do. They're going to learn when attorneys are
18 playing games, so to speak. And they're going to have to
19 learn to tell the difference between a serious request for an
20 adjournment or a good reason to delay a proceeding and when
21 the request is not serious or the reason is not that good.

22 This actually indicates a good movement towards the
23 development of our judges. So, the signs are encouraging.

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

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

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

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

8 And it's a great opportunity for us to teach them a
9 different way of doing things than the way they've been doing
10 things for the past few years. The statistic is that fully
11 20 percent of our bench has been appointed in the last year.
12 We had ten new judges appointed this year.

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

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

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

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

1 review is sought either by the landlord or the tenant?

2 **HONORABLE CANNATARO:** Appellate review?

3 **PRESIDING JUSTICE SCHEINKMAN:** Appellate review.

4 **HONORABLE CANNATARO:** I'll defer that to Mr. Dressler.

5 My understanding is that there's no appellate counsel
6 available at this time.

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

9 **MR. MILLER:** I had one, yes.

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

16 Having spent the first decade of my practice in
17 Housing Court, I'm very familiar with some of the challenges
18 that you face, and I think that Universal Access is an
19 extraordinary contribution. But, I was wondering, what is the
20 status of the expansion?
21

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

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

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

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

9 **CHIEF JUDGE DiFIORE:** Thank you, Judge.

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

14 Mr. Dressler, thank you for being here.

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

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

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

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

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

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

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

25 Providing civil legal services for New Yorkers in

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

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

13 Not only is preventing homelessness before it occurs
14 critical to meeting the overarching goal of New York City's
15 Turning the Tide plan to address homelessness that increased
16 115 percent from 1994 to 2014, it is also a cost-effective and
17 commonsense response to New York City's homelessness problem,
18 and it promotes a fair and equitable justice system,
19 particularly in the City's Housing Courts where tenants under
20 threat of eviction have long faced an uneven playing field
21 where the vast majority of landlords are represented by legal
22 counsel but most tenants are not.

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

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

2 funding for tenant legal services programs was approximately
3 \$6.4 million. As of City Fiscal Year 2018, tenant legal
4 services programs were funded at over \$77 million, a
5 twelve-fold increase. And during that time, the New York
6 City Council passed and Mayor de Blasio signed legislation to
7 establish New York City's Office of Civil Justice, a new
8 municipal office tasked with implementing, allocating,
9 overseeing and monitoring the impacts of these investments.

10 I am happy to report that these efforts have already
11 delivered positive and promising results. For example, in
12 2013, an estimated 1% of tenants facing eviction in New York
13 City Housing Court had legal representation in court, but in a
14 2016 analysis the Office of Civil Justice found that the legal
15 representation rate for tenants in Housing Court had grown to
16 27%; more than one in four tenants facing eviction in Housing
17 Court had counsel. As New York City dramatically increased
18 its investment in legal services for tenants, residential
19 evictions by marshals in New York City dropped by 27%, from
20 roughly 29,000 in 2013 to approximately 21,000 in 2017,
21 representing an estimated 70,000 New Yorkers who remained in
22 their homes as a result of decreased evictions. At the same
23 time, in the New York City Housing Court, the number of
24 eviction cases filed declined, with approximately 17,000 fewer
25 eviction proceedings filed in 2017 than in 2013, a decline of

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Karen Kolterman
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1 *Public Hearing on Civil Legal Services (9/24/18)*

2 7%.

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

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

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

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

2 approximately \$50,000 annually for a household of four.

3 The law further provides that OCJ will establish a
4 program to provide free brief legal assistance for those
5 households whose income exceeds 200% of the Federal Poverty
6 Guidelines, and will implement a Universal Access to Legal
7 Services program for tenants facing eviction in administrative
8 proceedings in NYCHA.

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

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

Suzanne Harrington
Karen Kolterman
Senior Court Reporters

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

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

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

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

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

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

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

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

**Suzanne Harrington
Karen Kolterman
Senior Court Reporters**

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

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

13 In the first quarter of City Fiscal Year 2016, roughly
14 16% of tenants in these zips facing eviction had counsel in
15 Housing Court. Just two years later, in the beginning of City
16 Fiscal Year 2018, the rate of representation for tenants in
17 these zip codes had tripled, with 48% of these tenants in
18 court having counsel. The highest representation rate we
19 found was in Brooklyn where 66% of eviction cases in the two
20 targeted zip codes in that borough involved tenants
21 represented by an attorney in court, up from 32.5% two years
22 prior. The largest increase came in the Bronx, where the rate
23 grew from about 12% in the first quarter of 2016 to over 46%
24 in the same period for 2018. We are encouraged by these
25 findings and we are grateful for the collaborative work with

Suzanne Harrington
Karen Kolterman
Senior Court Reporters

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

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

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

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

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

**Suzanne Harrington
Karen Kolterman
Senior Court Reporters**

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

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

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

10 **CHIEF JUDGE DiFIORE:** Thank you, Mr. Dressler.

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

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

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

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2 **CHIEF JUDGE DIFIORE:** Thank you.

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

16 **MR. DRESSLER:** Thank you.

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

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

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

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

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

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

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

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

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

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

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

1
2 community and across the city.

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

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

10 **HONORABLE SCHNEIDER:** Thank you.

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

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

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

1
2 saying that RSA is supportive of expansion of counsel,
3 believes that everyone should have counsel. Their
4 representatives have testified at hearings like this to that
5 effect. He expressed a concern that the court would be
6 overwhelmed by the addition of so many new lawyers for
7 tenants.

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

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

**Suzanne Harrington
Karen Kolterman
Senior Court Reporters**

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

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

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

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

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

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

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

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

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

1
2 not have lawyers are watching. They have the opportunity to
3 observe and to learn, and they see an even playing field. So
4 the litigant maybe becomes a little bit bolder about raising
5 issues, him or herself, perhaps learns something that he or
6 she didn't know before listening to another argument, and the
7 Court in addition to being fairer also looks fairer. And I
8 think that that's very important, as well, because perceptions
9 are always tremendously important.

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

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

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

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

3 Thank you very much.

4 **CHIEF JUDGE DiFIORE:** You're welcome, Judge.

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

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

22 And so what the activity in the courtroom looks like
23 now is very different from what it looked like five years ago.
24 There is a real give and take, there is real exchange of
25

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

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

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

8 Anyone else? Judge Marks?

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

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

2 Court judgeships, which finally happened a few years ago.

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

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

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

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

2 other work. So there has been some shifting there.

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

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

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

23 At this point, we'll await Panel 2.

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

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

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

5 **MS. WHITE:** Good afternoon.

6 **CHIEF JUDGE DiFIORE:** Good afternoon.

7 **MS. WHITE:** Thank you for having me.

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

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

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

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

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

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

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

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

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

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2 medications but they did not help my symptoms.

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

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

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

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

25 I tried calling private attorneys but no one knew

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

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

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

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

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

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

2 Even though I had to spend more on rent, I felt better
3 once I adopted Fiona, my now eleven-year-old longhaired
4 Chihuahua. I've attached a photo of my Fiona. In January
5 2018 the State Division of Human Rights found probable cause
6 to believe that the Housing Authority may have engaged in
7 unlawful discriminatory practice by refusing to allow me to
8 have an emotional support animal as an accommodation for my
9 disability.

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

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

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

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

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

3
4 **CHIEF JUDGE DiFIORE:** Thank you, Miss White.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2 Salvador when I was a teenager and I am now a US citizen. In
3 2004, I married my wife, Janet Villalta, we worked hard,
4 started a family, and bought a home. I thought I was living
5 the American dream, but our dream soon turned into a nightmare
6 that we thought would end in foreclosure. Thank you to
7 Nassau/Suffolk Law Services, that nightmare is over and we
8 have a second chance to keep our home.

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

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

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

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

1 I didn't realize that I should have been suspicious
2 when the mortgage broker told me to come to a closed office
3 after business hours to sign my loan documents, and I didn't
4 realize something was wrong when I was never able to speak to
5 the lawyer the mortgage broker assigned to me.
6

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

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

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

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

25 I thought they were taking care of everything for me,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **CHIEF JUDGE DiFIORE:** Thank you.

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

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

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

18 **CHIEF JUDGE DiFIORE:** Any questions?

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

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

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

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

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

6 **MR. VILLALTA:** Thank you.

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

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

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

16 **CHIEF JUDGE DiFIORE:** Of course.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1
2 between three and six p.m. where they offer services related
3 to – and I am going to read this because it's really important
4 to see the scope of services that may be available on any
5 particular Thursday – public benefits, Social Security and
6 Medicare, landlord and tenant housing, foreclosure,
7 bankruptcy, consumer debt, collection, child support, child
8 custody, divorce, domestic violence, criminal records and
9 that's the reentry program in particular, school discipline,
10 educational services, immigration, elder law, veterans'
11 services. We encourage persons to call the central number and
12 make an appointment, but walk-ins are always seen. This is
13 meant to be a place that welcomes residents of the community
14 that have issues that relate to law; any issues. And so while
15 they may not be seen for full representation, they will be
16 seen for some kind of consultation as they walk into the
17 library and enter the place.

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

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

1 glass doors, and there's a garden in the back that is also
2 used as a playground for many of the children and families
3 that come. And the oak tree was bare, and it was winter; and
4 on one Saturday the librarians invited members of the
5 community to come, and they hired a woman with her teenage
6 children to come and teach the members of the community how to
7 knit a square patch. And the woman and her children would
8 then sew together the patches kind of like a quilt and would
9 protect the limbs of the tree by putting these quilts around
10 every tree limb. And they had no idea what to expect. On
11 that Saturday 300 or more members of the community showed up
12 at that library and sat there, and in one day they created
13 enough patches for the quilts to be wrapped around every limb
14 on that tree. And don't you know that that tree flourished
15 over the winter, and these community members returned to the
16 library regularly – I have to stop talking soon – returned to
17 the library regularly to see their tree. It is the community
18 tree, and the branches reach out to every member of the
19 community.
20

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

**Suzanne Harrington
Karen Kolterman
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1 *Public Hearing on Civil Legal Services (9/24/18)*

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

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

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

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

1
2 healthcare facilities.

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

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

17 If I may briefly conclude?

18 **CHIEF JUDGE DiFIORE:** Please do.

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

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

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

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

15 **CHIEF JUDGE DiFIORE:** Thank you, Professor, and that
16 final statement is a perfect segue to Laurette Mulry.

17 Laurette, welcome. Laurette is the attorney in charge of the
18 Legal Aid Society of the United Suffolk Counties, the largest
19 indigent defense program outside of New York City, and I can
20 attest personally that she's a powerhouse. Welcome, Miss
21 Mulry.

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

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

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

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

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

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

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

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

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

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

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

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

25 Also, I believe Suffolk Legal Aid is an initial point

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

1
2 of entry, especially for indigent clients who, when we see
3 them and we assess them, our social workers assess them, it is
4 found that they are burdened by a myriad of issues. And those
5 issues threaten public welfare and undermine the ability to
6 assure the basic necessities of life for the most vulnerable
7 in our county.

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

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

20 I believe that John Jay's sentiments actually guide us
21 in Suffolk County. Suffolk was chosen as the local pilot for
22 a number of reasons. We are a large and diversely populated
23 county with over 1.5 million residents, 68% whom are White,
24 19% Hispanic and 7.2% Black.

25 We are also a geographically challenging area and I

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

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

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

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

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

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Karen Kolterman
Senior Court Reporters

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

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

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

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

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

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

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Senior Court Reporters

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

2 interpreters, criminal immigration specialists.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Karen Kolterman
Senior Court Reporters**

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

2 Commission need only stoke the fire.

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

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

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

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

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Senior Court Reporters**

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

2 justice.

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

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

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

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

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

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

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

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

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

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

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

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

2 Neil?

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

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

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

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

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

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

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

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

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

1
2 efforts can take many forms, several key leadership themes
3 have been apparent in our work. One key theme has been the
4 importance of thoughtful consideration of the development of a
5 leadership group that will assist in leading local activities,
6 planning activities, creating task forces, identifying
7 community needs, identifying the priorities that should be
8 addressed and the processes that will need to be implemented
9 in order to create sustainability. By creating and leading a
10 leadership group of key legal and community stakeholders, a
11 local JFA leader can develop a process that demonstrates a
12 commitment to regular progress meetings, involvement of a
13 diverse group of community stakeholders, and a commitment to
14 listening and learning from perspectives of those
15 stakeholders.

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

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

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

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

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

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

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

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

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

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

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

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

1
2 should seek to create a pervasive sense of awareness in the
3 community regarding these resources. To achieve this
4 objective, planners can coordinate and consider developing a
5 communication and outreach plan to various community
6 stakeholders who may be engaged to inform local residents of
7 available resources and provide feedback.

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

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

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

2 availability of effective assistance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Suzanne Harrington
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1 *Public Hearing on Civil Legal Services (9/24/18)*

2 Thank you.

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

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

25 **PRESIDING JUSTICE WHALEN:** If I could briefly.

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

2 **CHIEF JUDGE DIFIORE:** Yes, of course.

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

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

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

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

4 **PRESIDING JUSTICE WHALEN:** All right. Thank you.

5 **CHIEF JUDGE DiFIORE:** Thank you.

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

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

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

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

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

2 and probably would be dead.

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

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

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

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

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

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

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

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

19 He had accrued support arrears of \$36,000, daycare
20 arrears of \$15,000 and distributive award arrears of \$7,700.
21 After Lisa filed the motion, my ex-husband swiftly made a
22 \$30,000 payment to me and Lisa negotiated a final settlement
23 which required him to stay current with his support, satisfy
24 his remaining support arrears, and provide a payment schedule
25 that enabled him to pay his distributive award obligation of

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

2 \$38,500 over a four and a half year period.

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

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

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

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

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

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

1
2 myself, I couldn't afford it. I just needed the guidance and
3 support. And just for people to have that, and knowing to
4 have that, it's just -- I was scared. I didn't know what to
5 do. And if it wasn't for them, I would -- I wouldn't be here,
6 probably. But I would just -- just tell them it would be very
7 important, the support for them to help people like myself.

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

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

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

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

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

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

1
2 Neighborhood Legal Services in Buffalo and she is accompanied
3 today by Penny Selmonsky, supervising attorney in the Office
4 of Public Benefits Unit. Miss Moore.

5 **MS. MOORE:** Hello everyone.

6 **CHIEF JUDGE DiFIORE:** Good afternoon.

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

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

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

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

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

2 communicate well with others at that time in my life.

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

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

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

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

25 Penny helped me with the situation. She was able to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 I have learned that most of my issues and the issues
13 of others who live in poverty are the result of public policy.

14 That's why public policy is where I need to be, to make
15 change. I would eventually like to work my way into public
16 policy and focus on the policies that are injustices for
17 people living in poverty and covert institutionalism.

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

25 The CAG was comprised of a group of six women who

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

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

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

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

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

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

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

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

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

6 **MS. MOORE:** Thank you.

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

9 **PRESIDING JUSTICE WHALEN:** Can I just briefly?

10 **CHIEF JUDGE DiFIORE:** Yes, please.

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

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

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

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

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

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

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

10 Are we prepared to do that?

11 (Skype technology was activated.)

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

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

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

17 **CHIEF JUDGE DiFIORE:** Excellent.

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

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

25 So, thank you, sir.

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

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

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

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

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

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

2 Council of the Legal Services Corporation.

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

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

20 And while we have been recognized for our work in this
21 area, the recognition is certainly not our primary motivation.

22 Rather, we do it because we believe it is the right thing to
23 do for ourselves and for our communities, whether it is
24 helping veterans with appeals to obtain much needed benefits,
25 staffing housing clinics to assist families facing eviction,

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

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

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

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

Suzanne Harrington
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1 *Public Hearing on Civil Legal Services (9/24/18)*

2 investment being made by the state and federal government.

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

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

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

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

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

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

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

Suzanne Harrington
Karen Kolterman
Senior Court Reporters

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

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

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

Suzanne Harrington
Karen Kolterman
Senior Court Reporters

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

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

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

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

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

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

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

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

Suzanne Harrington
Karen Kolterman
Senior Court Reporters

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

1
2 advances. So, ensuring access to justice is not only the
3 right thing to do, it is also the smart thing to do.

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

7 Thank you.

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

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

25 As I said in my remarks, the partnerships between the

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

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

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

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

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

22 **MR. SCHULTZ:** Thank you very much.

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

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

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

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

12 **CHIEF JUDGE DiFIORE:** Yes, of course.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1
2 certain areas. And they say, I have a problem, and they are
3 frequently overwhelmed. And if you tell someone from the
4 outset, "Hey, here's assistance," it makes it much more likely
5 for that person to actually do something about it; and,
6 secondly, it's not just avoiding defaults, it's avoiding these
7 onerous settlements that are commonplace in consumer debt
8 cases.

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

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

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

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

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

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

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

1 settlements, settlements that are arrived at pre-suit? Are
2 these settlements that are arrived at before court? Are these
3 as a result of court conferences? Is there some way to have
4 this process regulated?
5

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

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

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

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

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

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

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

11 **MR. MALDONADO:** My pleasure.

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

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

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

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

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

4 Jason is a participant at PathStone Program.

5 Following a series of life events, he ended up in the criminal
6 justice system. He is enrolled in a program called Court to
7 College. He is unemployed, living with his girlfriend and,
8 according to his counselor, committed to becoming a
9 responsible young adult.

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

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

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

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

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

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

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

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

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

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

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

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

2 2016 and '17. The eviction rate in Rochester is nearly
3 seven percent, or ten evictions per day.

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

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

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

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

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

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

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

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

25 Structural racism institutionalized over decades has

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

1
2 segregated our communities by race. This segregation has
3 created separate and unequal community support systems that
4 perpetuate privilege and poverty.

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

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

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

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

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

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

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

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

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

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

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

2 the people who make these decisions, funding decisions?

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

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

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

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

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

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

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

12 **CHIEF JUDGE DiFIORE:** Thank you.

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

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

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

23 **MR. MITCHELL:** Thank you very much.

24 **CHIEF JUDGE DiFIORE:** Our final panel. Our final
25 presenter is Altagracia Tejada, a client of the Brooklyn

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

1
2 Tenant Rights Coalition at the Legal Aid Society. And she is
3 accompanied by her lawyer who is with her today, Morenike
4 Fajana, and also by --

5 **INTERPRETER CARDONA:** Lourdes Cardona.

6 **CHIEF JUDGE DiFIORE:** Thank you very much. Good
7 afternoon.

8 **INTERPRETER CARDONA:** Good afternoon.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 and respect.

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

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

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

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

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

1 money? He said, She doesn't have money to pay me. And I
2 showed them all the checks that he returned to me, and the
3 Judge told him, Take it.
4

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

7 **INTERPRETER CARDONA:** Yes, and very good.

8 **CHIEF JUDGE DiFIORE:** Anyone else?

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

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

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

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

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

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

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

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

20 **MS. FAJANA:** That's right.

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

24 **INTERPRETER CARDONA:** Thank you for supporting this
25 organization.

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

2 **MS. FAJANA:** Thank you.

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

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

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

18 (Whereupon, the public hearing was concluded.)

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