PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK

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

Sullivan & Cromwell LLP
Robert J. Giuffra, Jr. (Partner; Permanent Commission Member)
Jessica Klein (Pro Bono Counsel)
Alana M. Longmoore (Associate)
Christopher King (Legal Assistant)
Emily McEvoy (Legal Assistant)
Ashley Storey (Legal Assistant)

Skadden, Arps, Slate, Meagher & Flom LLP
Robert C. Sheehan (Of Counsel; Permanent Commission Member)
Ronald J. Tabak (Special Counsel)
Carolyn F. Stoner (Associate)

Proskauer Rose LLP
Betsy B. Plevan (Member; Permanent Commission Member)
David A. Picon (Member)
Emily M. Cummins (Associate)
Adam Rhodes-Rogan (Associate)
Bianca D. Munoz (Associate)
Steven M. Czurlanis (Associate)
Bradley A. Schecter (Associate)
Michael A. Makinde (Associate)

Davis Polk & Wardwell LLP
Robert B. Fiske, Jr. (Senior Counsel; Permanent Commission Member)
Sharon Katz (Special Counsel for Pro Bono)
Qi Zhang (Associate)
APPENDIX 2:

2019-2020 Judiciary Civil Legal Services Allocations
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<th>PROVIDER NAME</th>
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PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK

APPENDIX 3:

Public Notice of the Chief Judge’s Hearing on Civil Legal Services

NOVEMBER 2019
The Chief Judge’s 2019 Hearing on Civil Legal Services in New York State

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

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

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

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

THE CHIEF JUDGE’S HEARING PANEL WILL CONSIDER BOTH ORAL STATEMENTS (BY INVITATION ONLY) AND WRITTEN SUBMISSIONS. Individuals interested in presenting oral statements or providing a written submission are asked to follow the procedures and to adhere to the deadlines described below. Please note that the Hearing Panel will not accept any comments, written or spoken, addressing details of pending litigation or comments about individual judges or attorneys.

Because of the limited time available for the hearing, oral presentations are by invitation only. If you are interested in being invited to present at the hearing, please send an email to accesstojusticecommission@nycourts.gov no later than August 23, 2019. Proposed statements should be no more than 10 minutes in length. If you are requesting an invitation, please (1) identify yourself and your affiliation (and, if you are requesting an invitation for someone else to present, that individual’s name and affiliation) and (2) attach a prepared statement or detailed outline of the proposed statement, specifying which of the topics described above will be addressed. In advance of the hearing, invitations to present will be issued with approximate time limits for each presenter’s statement. For persons not invited to present oral remarks, your proposed statement will be deemed a written submission.

Individuals unable to attend the hearing or interested only in providing a written submission may submit their remarks, to be received no later than September 13, 2019, by emailing them to: accesstojusticecommission@nycourts.gov or by mailing the submission to the New York State Permanent Commission on Access to Justice at the address below. The Permanent Commission is assisting the Chief Judge in preparing for the hearing and in reporting on its results.

Email: accesstojusticecommission@nycourts.gov
Mail: New York State Permanent Commission on Access to Justice
d/o Jessica Klein, Esq., Sullivan & Cromwell LLP, 125 Broadway, 32nd Floor, New York, NY 10004-2498
For further information, please visit the Permanent Commission’s website http://www.nycourts.gov/accesstojusticecommission/index.shtml
APPENDIX 4:

Presenter List for the Chief Judge’s Hearing
The Chief Judge’s
Statewide Hearing on Civil Legal Services
Monday, September 23, 2019 • 1:00 pm – 4:00 pm • Court of Appeals, Albany

LIST OF PRESENTERS

PANEL I

Hon. Edwina G. Mendelson (Deputy Chief Administrative Judge for Justice Initiatives)
Roger Juan Maldonado, Esq. (President, New York City Bar Association; Smith, Gambrell & Russell, LLP)
Jordan Dressler, Esq. (Coordinator, Office of Civil Justice, New York City Human Resources Administration, Department of Social Services)

PANEL 2

Hind Mohammed (Client of Legal Services of the Hudson Valley, accompanied by Danielle Brown, Esq.)
Barbara Finkelstein, Esq. (Chief Executive Officer, Legal Services of the Hudson Valley)
Mary Brown (Client of Legal Assistance of Western New York, Inc., accompanied by Lori O’Brien, Esq.)
C. Kenneth Perri, Esq. (Executive Director, Legal Assistance of Western New York, Inc.)
O.M.S. (Client of The Legal Aid Society, accompanied by Beth Krause, Esq.)
Adriene Holder, Esq. (Attorney-in-Charge, Civil Practice, The Legal Aid Society)

PANEL 3

Christopher B. O’Malley, Esq. (Executive Director, New York State Interest on Lawyer Account Fund)
Neil Steinkamp (Managing Director, Stout Risius Ross, LLC; Consultant, New York State Permanent Commission on Access to Justice)
Jennie G. Kim, Esq. (Senior Staff Attorney, Queens Legal Services; former Staff Attorney, Legal Hand Jamaica)
Professor Rebecca L. Sandefur (Arizona State University and American Bar Foundation)

PANEL 4

Donna and Donald Connors (Clients of Legal Aid Society of Northeastern New York, accompanied by Shruti Joshi, Esq.)
Lillian M. Moy, Esq. (Executive Director, Legal Aid Society of Northeastern New York)
Shanell Yarde (Client of Empire Justice Center, accompanied by Saima Akhtar, Esq.)
Kristin Brown (President and Chief Executive Officer, Empire Justice Center)
Linda Carrasquillo (Client of Legal Services NYC, accompanied by Johnson Tyler, Esq.)
Raun Rasmussen, Esq. (Executive Director, Legal Services NYC)

PANEL 5

Stacey Friedman, Esq. (Executive Vice President and General Counsel, JPMorgan Chase & Co.)

For information on the unmet needs for civil legal services in New York, please see the Annual Reports of the New York State Permanent Commission on Access to Justice, available at www.nycourts.gov/accesstojusticecommission.
APPENDIX 5:

Transcript for the Chief Judge’s Hearing
CHIEF JUDGE'S 2019 HEARING ON CIVIL LEGAL SERVICES IN NEW YORK

COURT OF APPEALS
20 Eagle Street
Albany, New York 12207
September 23, 2019

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

HENRY GREENBERG,
President of the New York State Bar Association
(Proceedings commenced at 1:02 p.m. as follows:)

CHIEF JUDGE DiFIORE: Good afternoon, please be seated. Welcome to the Court of Appeals Hall and to the 2019 Public Hearing on Civil Legal Services here in New York State. Joining me today are the leaders of the Judiciary and the Bar in the State. It is my privilege to introduce each of them to you. Starting on my right is Presiding Justice of the Appellate Division First Department, Justice Rolando T. Acosta, Jr. To my left is Presiding Justice of the Appellate Division Second Department, Alan Scheinkman. To Justice Acosta's right is Presiding Justice of the Third Department, Elizabeth Garry, in whose Department we are holding this Public Hearing. Presiding Justice of the Appellate Fourth Department is Justice Gerald Whalen. President of the New York State Bar, Hank Greenberg. And, of course, our Chief Administrative Judge of the State of New York, Larry Marks.

There is another person who is with us today, who probably certainly needs no introduction in the context of these hearings and work being done across the state, but who certainly does deserve our recognition and gratitude, and that is the Chair of the Permanent Commission on Access to Justice, Helaine Barnett, who is seated in the first row here. I think everyone here
would agree that the significant progress we have made to narrow the justice gap in New York would not have been possible without Helaine's tireless and dedicated leadership over so many years, virtually her entire career. Thank you for your leadership, Helaine.

Also deserving of our thanks and expressions of gratitude and appreciation are the 32 members of our Commission who have been so very generous with their time and expertise. Many of them are here today despite their busy day jobs, and I want to take the opportunity publically to acknowledge and thank them, as well. The Honorable Lucy Billings, Camille Siano Enders, Anne Erickson, Barbara Finkelstein, who will be presenting today, Adriene Holder, who will be presenting today, Sheila Gaddis, who is seated in the first row, our Deputy Chief Administrative Judge for Justice Initiatives, Edwina Mendelson, who will be presenting, Lillian Moy is here, also presenting, and Raun Rasmussen. Thank you so very much.

One other very special person in the courtroom, and she calls this her professional home, is my wonderful colleague, Leslie Stein, who is seated in the back. Thank you, Judge Stein, for being here, and I'm sure everyone appreciates that.

I also want to take a moment and acknowledge
and thank the Commission's excellent staff for organizing today's hearing, and, of course, all the support and wonderful and smart work they do throughout the year. From the Office of Court Administration, Barbara Mule, Rochelle Klempner, Barbara Zahler-Gringer, who will not be attending today, and Lauren Kanfer, who was a past member of our family here, and who has moved on to serve in her new position. We wish her well as Associate Director of the Feerick Center for Social Justice at Fordham Law School.

We also want to acknowledge and express our appreciation to the law firm of Sullivan & Cromwell. We owe such an enormous debt of gratitude and appreciation to them. In particular, Christopher King, Jessica Klein, and Alana Longmoore, who keeps us apprised of all of our needs and interests by email. So thank you all for that.

Now to the substance of our Public Hearing today. We are fortunate today to have a very diverse group of knowledgeable presenters. We have judges, bar leaders, government officials, legal service attorneys, and individual clients, very important individual clients, who offer their invaluable experiences and observations on the progress we have made to address civil justice needs of low-income New Yorkers, the real life impact of Civil Legal Services on the individuals
who are actually served, on the well-being of their communities and on our State's economy, and, of course, we will hear presentations regarding the existing deficiencies and challenges that do, indeed, lie ahead of us.

The information gathered today from the presenters' oral testimony, together with the significant written material that have been submitted to the Commission, and all of the additional work and research conducted by the Commission throughout the year, will form the basis for the mandated Chief Judge's Annual Report, which is submitted to the Governor and the New York State Legislature on December 1st of each year.

The Annual Report documents our findings and puts forward our considered recommendations about the monetary resources, as well as the non-monetary measures, that are essential to achieving a fair and accessible civil justice system for all New Yorkers.

Over the last decade, I think it's fair to say that New York State has become the acknowledged national leader in meeting the civil legal needs of low-income New Yorkers, thanks to the innovative programming and ideas that have frequently emerged after the testimony presented at these hearings. Thanks to the strong commitment and education of legal service providers and
their attorneys, the steadfast support from the Governor and the New York State Legislature, and, of course, the strong commitment and pro bono contributions of the New York Bar. The $100 million that has been provided annually in our Judiciary budget has had an enormous positive impact on the stability, the capacity and the quality, of our Civil Legal Service system, and together with IOLA, the Judiciary distributes grants to dozens of legal service organizations who provide legal assistance to low-income people in every county of our state in virtually all matters involving the essentials of life.

Each year, there are many complex factors that are carefully considered and weighed and evaluated before we make our funding recommendations. There are two constants in this equation that everyone here, and those tuning in, who will ultimately read our Annual Report should be aware of.

First, the Judiciary takes its grant-making and financial oversight responsibilities very seriously. Because we have a fiduciary duty to spend taxpayer dollars responsibly, we have adopted strong internal controls and audit procedures. All grantees and stakeholders understand that they are accountable for the wise and efficient use of our limited funding dollars.
Second, we have shown year after year how every public dollar invested in civil legal services is returned to our state many, many times over as a result of reduced social services expenditures and other public spending, as well as the increased flow of Federal benefits into our state.

But let's remember that money is only one part of the solution. The reason that New York is the national leader in expanding access to justice comes down to our vision and our broader pursuit of non-monetary measures, and very importantly, in our ability to leverage our limited funding through strategic planning, collaboration, innovation and technology.

We know that these efforts are, indeed, making a real difference in bridging the justice gap. We are encouraged, but we also need to be realistic because we still do have a long road ahead of us. The gap between the number of people who are in need of legal services and the resources available to meet their needs remains enormous. In Washington, D.C., we have an administration which appears to interested observers to be indifferent to the plight of millions of low-income people who cannot afford a lawyer to help them with life-altering legal problems, including children and families stuck in abusive homes and relationships, veterans seeking
benefits they earned through their military service, homeowners and tenants facing wrongful foreclosure and eviction, immigrants facing deportation, seniors dealing with consumer scams, or facing barriers to safe, quality elder care, and families trying to recover from recent devastating natural disasters, to name just a few.

As judges, lawyers, and people who believe in our nation's promise of equal justice under the law, we are cognizant of, and have accepted, our legal and moral obligation and responsibility to act.

And so, as we begin our 10th Annual Public Hearing on Civil Legal Services in New York, let us all carefully consider what our presenters will have to say to us about how we can all move forward together and take the actions that are necessary and appropriate to ensure that all New Yorkers have equal access to justice. Thank you all for being here.

Before we move along to the presenters, we have a very infamous timekeeping system here at the Court of Appeals. For those of you who have been lucky enough to argue before this Court, or simply observe an argument here, you are familiar with the system. For those who are first-timers here, we have two lights. We have a red light and we have a white light. The white light will come on to alert you that your time is coming to an end.
You actually have about two minutes between the white light and red light, and the red light will signal time has expired.

We ask you to please be conscious of your time and respectful of the timekeeping system so that we can give everyone an opportunity to have their full time allotment and be mindful of the train schedule back to New York for many of you.

Once again, thank you all on behalf of my colleagues and Judiciary and the lawyers across this state for being here and for your work.

Our first presenter will be Judge Edwina Mendelson. As I said, she is our Deputy Chief Administrative Judge for Justice Initiatives. She wears many, many hats for those of you who don't know her. She discharges all of her responsibilities exquisitely, including her leadership on Child Welfare Reform and her leadership in the area of Juvenile Justice Reform. She has just recently led the first portion, and will continue to follow through to its end, of the implementation of the Raise the Age legislation, and, of course, her primary responsibility is ensuring that our judges and our professional staff across the state have what they need to ensure meaningful access to justice for all New Yorkers and users of our civil, criminal and
family courts.

Judge Mendelson, it is a pleasure to see you here.

HON. MENDELSON: Thank you. Good afternoon, Chief Judge Janet DiFiore, Presiding Justices Acosta, Scheinkman, Garry and Whalen, Chief Administrative Judge Marks, and New State Bar Association President, Hank Greenberg.

It is my delight to be with you this afternoon. As the Chief had mentioned, I do lead the Office of Justice Initiatives. Our goal is to ensure meaningful access to justice for all court users in all types of court cases, regardless of background, income or special needs. We do this work in very close partnership with the Permanent Commission on Access to Justice.

The Permanent Commission examines the extent and nature of current unmet legal needs and makes thoughtful culture changing recommendations for system improvement. As part of the mission of the Office for Justice Initiatives, our job is to actualize, operationalize and implement these thoughtful system improvement recommendations.

As our Chief just mentioned, our State Judiciary, first under the leadership of Chief Judge Jonathan Lippman and expanded and strengthened under
Chief Judge Janet DiFiore, provides directly $100 million yearly from the Court's own budget to provide civil legal services for the essentials of life.

We are talking about assistance in housing, family matters, assistance income and access to health care and education. This funding is critical. The consequences of appearing in any of our courts without legal representation can be devastating, and we are grateful, deeply grateful, for this funding. It has enabled legal service providers to handle more than one-half million cases this past year. You will be hearing, and I am eager to hear from those clients, about the life-changing impact of these legal services. And they, who will be speaking today, are representatives of the thousands who have been helped directly by this funding.

However, for every person who is assisted, there are many, many more who are turned away; vulnerable populations, including the elderly, those with physical or mental disabilities, and individuals who reside in the rural areas of our state, are especially challenged in receiving access to legal assistance. Our court system does a great deal to try and close that justice gap.

We have found court resources to support and promote pro bono programs, self-help services,
technological tools, and outreach programs to help
overcome the barriers faced by so many who are pursuing
their civil justice needs.

Our staff, our Court staff in our 31
court-based help centers located throughout the State of
New York assist court users by providing free legal
information, procedural information, referrals, court
forms, and helpful explanatory publications.

In 2014, we assisted 135,000 people in our
court-based help centers. That number grew to 234,000 in
2018. The flood of people who are coming to our courts
for assistance attest to the vast unmet legal needs.
Many who are coming to our help centers are seriously
frightened. They're desperately seeking help with urgent
matters, such as child support, eviction from their
homes, bank accounts recently frozen by debt collectors,
and other matters. They are frightened, and they
should be frightened because we only can provide limited
assistance in our help centers.

Despite undergoing a life-impacting legal
crisis, they are most often not able to access full legal
representation and must continue on their own. We were
able in the New York State courts to open three new help
centers this year, and we plan to pilot our first remote
help center in Saratoga soon. But as we sit here today,
there are three judicial districts that do not yet have help centers, and so, we are not able to provide even that basic level of assistance.

We have other Access to Justice Program initiatives that we believe are helpful to our community. The do-it-yourself document assembly program generates completed personalized forms for self-represented users in matrimonial, consumer debt, family law, housing, name change, foreclosure, and small estates matters. I'm particularly proud of our CourtHelp website. It offers legal information and guidance in easy to understand language about the law, about court procedures, and also other matters that are helpful for our court users.

CourtHelp generated 10.8 million page views. 10.8 million, it's worth repeating, page views this past year. Our courts also oversee supervised volunteer attorney programs, volunteer law student programs, and our very popular Court Navigator Program. These are volunteer programs serving a variety of courts and with a variety of subject matter areas.

The assistance that we provide in our court-based programs range from legal information and advice, to document preparation, to actual representation through the Lawyer for the Day program. We also oversee
a volunteer Guardian Ad Litem Family Court program, and we collaborate with Center for Social Justice on the Attorney Emeritus program providing volunteer attorneys to many in need.

We are especially proud of our partnerships with Civil Legal Services funding providers, such as our court-based consumer debt volunteer Lawyer of the Day program. That program assisted 5,000 litigants last year.

So our overarching goal is to expand this very helpful Access to Justice program throughout the state and open more help centers. While these programs are very helpful, they do, as I mentioned, provide only partial relief. They cannot alone close the justice gap. That can only be achieved by funding Civil Legal Services attorneys to help our many New York residents facing these life-altering legal problems; those at risk of losing their home, their children, their income, their healthcare.

In my leadership role, Judge DiFiore, you mentioned the child welfare reform that I lead. I oversee our Statewide Child Welfare Court Improvement project, and just last week I received an example of the need that we are talking about today.

I was here in Albany, just a few miles from
where we are, at a statewide meeting of kin caregivers, many of them grandparents and great-grandparents. They told me about how desperate they are when they are trying to seek guardianship or custody of their loved ones when their parents are involved in the child welfare system. They cannot navigate our complicated family court system on their own.

The impact of the opioid epidemic on children and families has created a huge need for grandparents and other relatives to step in and care for children when their parents are simply unable to do so. Very few legal service providers provide representation for free to kin caregivers. One of those is the Empire Justice Center, a grantee of our judiciary Civil Legal Services funding. Today you will hear from one of its clients, Miss Shanell Yarde. She was able to gain emergency custody of her infant niece when the child's mother was unable to care for her.

Attorneys make a difference. Without legal representation, vulnerable children enter foster care to live with strangers instead of safely being cared for by loving kin. Additional funding would increase access to lawyers in this important area.

There is national context to this work. The Conference of Chief Justices and the Conference of State
Court Administrators of 2015 issued Resolution 5, providing for an aspirational goal of 100 percent access to effective assistance for essential civil legal needs through a continuum of meaningful and appropriate services.

Now, this esteemed group recognizes, and I'm going to directly quote from what they said: They recognize, "That the judicial branch has the primary leadership responsibility to ensure access for those who face impediments that they cannot surmount on their own."

You mentioned, Chief, that New York State is a leader in this area. We are the national access-to-justice leader by providing such substantial funding to provide direct legal services to those most in need. It is unique. It is powerful. It is significant, and it shows a true commitment to closing that justice gap. So, we do go further and deeper than any other state in this nation, and we should take great pride in that. I personally do, however, think we can go further. We cannot rest with the wonderful work we are doing because, as you mentioned, we are nowhere near our lofty yet increasingly critical goal of 100 percent effective and efficient legal assistance to every single person in legal need. That's our goal, and that is our mandate.

Hundreds of thousands of New Yorkers continue
to appear in our court unrepresented, intimidated by the court, lacking legal knowledge and procedure, suffering from low reading comprehension often, and many with limited English proficiency. When I think about the experienced attorneys who are often intimidated by coming into amazing courtrooms like this, let's just imagine an unrepresented person facing a life crisis having to go into court to try to secure the essentials of life without an attorney on their side and in their corner.

So, we are working toward a court system where everybody needs that type of legal assistance from an attorney who will receive that help, and further Judiciary funding from direct legal services is the means to reach our goals.

I look forward with all of you to listening directly from those who have benefited from our Court's leadership in this area. I'm going to end on a personal note, one of deep, deep gratitude, it is a privilege, it is an honor to do this great work. Thank you.

CHIEF JUDGE DiFIORE: Thank you, Judge Mendelson. I just want to exercise Chief Judge prerogative. Your professional plate is obviously very full. You oversee a lot. If we were to ask you which area you would prioritize going forward or within the new year, which area would it be? Would it be kinship?
HON. MENDELSON: I was just touched. It was just last week I was still reeling from the power of the words. The kinship work and the absence of attorneys to represent relatives ties very closely into other work that we are engaged in New York State, the interim report on Justice Peters' mission on parental representation. Later this week, we will be in Minneapolis at a National Chief Justice conference talking about the groundbreaking reports where it has been recommended in New York State that will increase and strengthen our representation that is entitled for parents in child welfare cases. There isn't a right to counsel with a kin caregiver, so I would focus on that because it actually ties into the other really important justice system work we are engaged in this area.

PRESIDING JUSTICE GARRY: I want to further address the help centers and the lack of them in three judicial districts. I was concerned. I believe that two of those are within my Third Department. I think the 6th and the 4th District, am I right about that?

HON. MENDELSON: You are correct.

PRESIDING JUSTICE GARRY: Do you know offhand what the third one is?

HON. MENDELSON: The 5th.

PRESIDING JUSTICE GARRY: So all really in
rural parts of New York State, and I'm wondering about whether you have considered partnering with the law libraries.

HON. MENDELSON: We are working on that.

PRESIDING JUSTICE GARRY: Because that would seem to be, perhaps, an effective way to reach the population since there are in most of the counties, at least in the 6th, public law libraries, with some hours, at least, of trained personnel being available there.

HON. MENDELSON: Yes, we are actually engaged in work with Mr. Huth, who leads our statewide library work. We actually were planning for the 6th as one of our early library help centers. There was a change in court leadership on the clerical side, and we decided to look at the pilot in Saratoga for the remote help center. We want to help every single judicial district in our state, and that is our goal, and we are looking at libraries.

PRESIDING JUSTICE GARRY: Thank you.

PRESIDING JUSTICE ACOSTA: My question is related to the help centers. It seems that the service need is there, right, from 2104 serving 135,000 folks to 2018 over 234,000. Maybe I'm begging the question. The need is increasing, isn't it?

HON. MENDELSON: The need is increasing, and I
believe our reach is increasing. We are increasing the number of publications we provide. We are updating our technological tools, but the need is absolutely there.

PRESIDING JUSTICE ACOSTA: So 100 million has not been sufficient to meet all those needs, right?

HON. MENDELSON: Right.

PRESIDING JUSTICE ACOSTA: Are there other partners we should be looking at in government, or other private sectors, etcetera, to partner with us in delivering justice to these folks?

HON. MENDELSON: I think that we already do partner with all of our government partners in this area, and I just think that it's a matter of the -- the need is great, and $100 million is a significant investment, and if we increase that investment we will be able to reach more people.

CHIEF JUDGE DiFIORE: Thank you, Judge, and thank you for appearing today.

HON. MENDELSON: My pleasure.

CHIEF JUDGE DiFIORE: Our next presenter is Roger Maldonado. Mr. Maldonado currently serves as President of the New York City Bar Association, and in particular, Mr. Maldonado has been a very important partner in our effort to bridge the justice gap. Of course, by the way, he does have a day job. He is a very
fine lawyer who practices at Smith, Gambrell & Russell.

Thank you for being here today, Mr. Maldonado.

MR. MALDONADO: Your Honor, it is an honor to appear before this Public Hearing on Civil Legal Services. Particularly so, accompanied by Judge Mendelson and Jordan Dressler. I say that because the combination of sustained funding from the Office of Court Administration for Civil Legal Services, together with the Access to Justice programs, and the implementation of the Right to Counsel for low-income tenants and eviction proceedings in New York City, has served to narrow the justice gap to a degree that I never would have imagined when I first set foot in Brooklyn Housing Court many, many years ago.

Chief Judge DiFiore, Chief Judge Mendelson, the Office of Court Administration, and everyone responsible for the passage, funding and implementation of the Right to Counsel Law, are to be commended for your vision regarding and your commitment to the attainment of justice in New York State.

I am prepared to summarize the key points in my testimony, however, I am open, as I did last year, too, receiving questions from the panel and getting to my testimony through that manner.

I do know that among the issues I would like
to focus on is the need for, believe it or not, improvement in the implementation of the Right to Counsel Law. As I think most persons know, right now we are in our second year of a five-year implementation. The Civil Legal Services providers are gearing up to be able to get to the point in 2022 to have the numbers of attorneys needed to be able to fully represent all low-income persons in eviction proceedings in New York City.

The problems that we are encountering, however, are several. One, are the courthouses themselves. When I was practicing in Brooklyn Housing Court in 1981, I was told then that that courthouse was slated to be renewed and changed within a matter of a few years. They're still in the same place, and it is equally inappropriate now as it was back then, and it's impossible for an attorney to have a confidential communication with his or her client because you're stuck in either a completely crowded hallway, or in a courtroom that is jam-packed. There is an absolute need for a change of circumstances.

PRESIDING JUSTICE WHALEN: Mr. Maldonado, just a quick question, and you invited questions.

MR. MALDONADO: Yes.

PRESIDING JUSTICE WHALEN: How does the deterioration of the facility impact the litigants
when they come in to have their cases heard, or does it?

MR. MALDONADO: I can give you a perfect example. In Bronx Housing Court, the City Bar has a Task Force on Civil Right to Counsel. Representatives went to that courthouse and observed a hearing, a trial, taking place in the hallway of the Bronx Courthouse. Beyond just the limitation on the ability for communication, there is the appearance of respect for the judges who sit in that courthouse, the attorneys who appear before the judges, but more importantly, the litigants. If you walk into a courthouse where, beyond having to go through a cattle line just to get in, you then are subject to what one former Chief Judge described as a bizarre-like atmosphere in the courthouse itself. You don't get the sense that you are in a place where justice is being done. You get the sense that you are just part of a mill that is being pushed through.

PRESIDING JUSTICE WHALEN: Thank you.

MR. MALDONADO: The other issue that needs to be addressed is the period of time prior to the first appearance by those to be represented by counsel, and to give them the opportunity to meet with their attorneys. Another observation of the Task Force on Right to Counsel was we went to a courthouse in Queens where the tenants who were entitled to the right to
counsel were being told to first go to put in an answer to the non-payment proceeding before being directed to meet with the attorneys who would end up representing them, which goes completely against the concept of right to counsel, when the key thing an attorney is supposed to do with their client is to assist them in the preparation of an answer and/or motion that fully presents the offenses and claims, and many of these tenants have claims for improper conditions in their apartment. So, there must be an opportunity for the tenants to be informed of the fact that they have a right to counsel. There are landlord attorneys who will target those zip codes knowing that they're going without an attorney, and they will talk to the tenant before they actually have been directed to the room where they can meet with counsel to try and get them to settle the case before they ever reach trial.

The third issue that needs to be addressed is increased funding for training. The Civil Legal Aid attorneys who are appearing in Housing Court now, many of them are recently hired, and they are in a position that I was not when I was in legal services. They must represent everyone who is from that particular zip code, and that means you have to take on cases that are no longer the slam dunk I'm going to win. You need to be
able to understand how to counsel a tenant in situations where there is no other possible viable results other than moving from the apartment, preferably at a point in time that makes sense, that works for the family.

You need to be able to have supervisors who can properly oversee the work being done by all these young attorneys, and right now there is not sufficient training available. These attorneys are being thrown in because of the increased need for assistance without having gone through the training that I received when I was in legal services. And among the reasons for increased funding from the Office of Court Administration is to ensure as Right to Counsel is fully implemented, that it is implemented in a way that works.

As you indicated, Judge DiFiore, New York State is the leader in access to justice right now, and New York City is being focused on by the rest of the nation in terms of how is this going to work. We need to ensure that it works well. We also need to ensure that we are able to communicate about its implementation in ways that are accurate and compelling, and for that we need better data. There has to be a mechanism by which the cases that are being heard in Housing Court now are differentiated. Are they within the zip codes? Did the attorneys meet with the tenant prior to submitting an
Answer? Did the tenant have an attorney? How long did it take for this case to be resolved, whether there was an attorney versus those cases where there was no attorney? What issues were being addressed? Among the benefits of Right to Counsel now is that the legal services and Legal Aid attorneys are raising issues in numbers that have never been dealt with before, to the point they are educating the court system, both the judges before whom they appear and the Appellate Term judges who hear the appeals from those cases brought. This is all to the benefit of the judicial system, and in order for the judicial system to be able to completely justify to itself and to the world the investment that it's making, it really needs to come up with a mechanism to be able to tell the story.

I want to further encourage the Office of Court Administration in terms of the increase in funding. It's not just because of all the benefits that have been described and will be described. It's because of your role as leaders. The sustained funding, the $100 million that the Office of Court Administration has allocated for the last few years to Civil Legal Services, is a signal to the rest of New York State as to how important access to justice is to the Office of Court Administration and the judges that work within it.
Absent continued leadership by the Office of Court Administration, my concern is that the rest of New York State will say they're satisfied with where they're at, we should be, too. And as everyone has testified here, we cannot be. There must be continued progress, and there must be continued support for Civil Legal Services. Unfortunately, the cost of doing business in New York State, notwithstanding all of the benefits of an economy that has been working well, continues to increase.

You can't just have flat funding. There must be increase in funding to be able to keep pace with the service needs.

CHIEF JUDGE DiFIORE: You raised some fair criticisms, a number of them. If there were increased funding or funding to remain constant, what would your order of priority be to address it?

MR. MALDONADO: I would focus first on the Civil Legal Services providers. As much as the bar associations of the world can do in conjunction with attorneys in private practice who do pro bono work, we cannot substitute for the work being done by the Civil Legal Services providers in certain areas where it's either complicated, holdover proceedings in Housing Court, or where there are perceived conflicts of interest, if not actual conflict, in consumer debt cases.
It is very difficult to get an attorney to represent an individual consumer debtor where the other side is a bank represented by that person's firm. So that is the priority, increased funding for Civil Legal Services.

PRESIDING JUSTICE ACOSTA: Do we know the latest numbers in terms of the percentage of tenants or litigants that are still not represented?

MR. MALDONADO: The answer is yes, and Mr. Dressler is going to address that in great detail, but I can tell you that when there was a prior report saying that something like one percent of tenants were represented by attorneys in Housing Court, that percentage has gone up to at least 30 percent, if not more. In the zip code areas where there is a right to counsel, it's closer to 50 percent.

It's making a difference, but that still leaves either 70 percent of all tenants or 50 percent of tenants in ZIP code areas without counsel. In theory, there will be more persons represented come 2022. However, that's only for persons at I think it's 20 percent of the poverty level. Anyone who has gone to Housing Court knows that it's impossible to hire a tenant's attorney in many cases, even if you have the money, because there are just not enough of them out there to do the work. So there is continued need for improvement in this area,
PRESIDING JUSTICE SCHEINKMAN: I was wondering if you can speak to the program that provides legal assistance by pro bono attorneys to visitors at the help center, and how well that works, and what are the pluses and minuses. The second part of it is, there will be later panels that are discussing the need for legal assistance proactively before a litigation arises, and whether the help center and pro bono assistance via the help center could be a vehicle for addressing that.

MR. MALDONADO: The answer is yes, Your Honor. The City Bar Justice Center has a hotline that, thanks in part to funding from OCA, now services 90 percent of the callers, and among the things that the hotline does is to alert them to the help centers. The Justice Center also now has, I think it's Kings County and Manhattan, we now send our attorneys, our full-time staff, to sit at the help center to provide advice and counsel to the persons who are appearing at the help center. What we do is we inform the public of the availability of the help center, and then we help staff the center itself.

On occasion, we will take cases online and actually provide some limited assistance in completing a pleading, which an attorney can do without having to worry about do-it-yourself ones. Then, we can actually
file these pleadings on behalf of the otherwise pro se litigants, but then they're on their own.

I think there is no question that the help centers are a vehicle to help assist, but if you could combine the help centers with the volunteer programs, or a volunteer lawyer for the day, or other volunteer programs, so that the help center can then direct those persons who really need a lawyer to go to another room to meet with a lawyer, and to be able to walk into a courtroom with them, even if it's just for that day, would make an enormous difference.

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

Our next presenter is Jordan Dressler, who is the Coordinator to the Office of Civil Justice, which is responsible for allocating and monitoring the City's investments in Civil Legal Services, and is here today to update us on the incredible progress that is taking place and challenges. Mr. Dressler, thank you for being here.

MR. DRESSLER: Thank you, Chief Judge DiFiore. My name is Jordan Dressler, and I am the Civil Justice Coordinator in New York City. In that capacity, I am honored to lead the City's Office of Civil Justice, New York City Human Resources, Department of Social Services.
Before I begin, I would like to thank the Office of Court Administration and Judiciary for its stalwart leadership in the area of improving access to justice in New York City and State, particularly as we implement the historic Universal Access to Counsel Initiative. We are especially grateful to Chief Judge DiFiore for convening the Special Commission on the Future of the New York City Housing Court last year to identify ways to reform and reinvigorate the Court, and for implementing reforms to improve efficiency and effectiveness in the delivery of justice in one of New York City's busiest courts. The New York City Housing Court, where we are implementing universal legal access to counsel, will be the focus of my remarks today.

In August of 2017, New York City made history and became the first city in the United States to make a commitment to every tenant facing eviction in Housing Court and public housing administrative proceedings that they would face this potentially life-changing legal challenge with the legal help and guidance they need, regardless of their means.

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

Two years later, the landscape for access to justice for tenants in New York City and elsewhere has been transformed, and for the better. Since New York City's enactment of Universal Access, Newark, New Jersey and San Francisco, California have enacted their own Tenants Right to Counsel legislation that resemble New York City's. Other cities, including Cleveland, Ohio, Philadelphia, Pennsylvania, and Washington, D.C. are exploring their own tenant legal services initiative.

In New York City, we have made substantial progress in bridging the justice gap for tenants facing potential eviction in court and displacement from their homes and neighborhoods, and these efforts in which OCJ, my office, has partnered with over a dozen nonprofit legal services organizations to make these critical services available, have already delivered positive and promising results.

In City Fiscal Year 2018, the last year for which we have analyzed data, OCJ-funded legal organizations provided legal assistance to 33,000 households across New York City facing housing challenges, providing representation or advice to over 87,000 New Yorkers. This includes 26,000 households facing eviction in Housing Court and NYCHA administrative
proceedings, 69,000 New York City residents who were able to face the threat of eviction with the assistance of a legal defender.

As of June 30, 2018, nearly a quarter-million New Yorkers have received free legal representation, advice or assistance in eviction and other housing-related matters since the start of the de Blasio Administration in 2014 through tenant legal services programs administered by the Human Resources Administration.

When the lawyers have represented tenants in court, they have been successful in preserving the homes of thousands. In Housing Court eviction cases resolved by OCJ's legal services providers, 84 percent of households represented in court by lawyers were able to remain in their homes, not only saving thousands of tenancies, but also promoting the preservation of affordable housing and neighborhood stability.

As New York City dramatically increased its investments in legal services for tenants, residential evictions by marshals in New York City have drop by 37 percent, representing an estimated 100,000 New Yorkers who remained in their homes as a result of decreased evictions.

In Housing Court, the uneven and unfair dynamic
that left so many tenants unrepresented by counsel is changing through OCJ's implementation of Universal Access. In the last quarter of Fiscal Year 2018, 30 percent of tenants appearing in Housing Court for eviction cases were represented by attorneys in court. This is a substantial increase from the representation rate for tenants of 1 percent in 2013 as reported by the State Office of Court Administration. We are also seeing that increases in housing legal services are having an impact in the courts. In York City Housing Court, the number of eviction cases filed continues to fall, with approximately 29,000 fewer eviction proceedings filed in calendar year 2018 than in calendar 2013, a decline of 12 percent.

At the same time, court statistics provided by the Housing Court reflect increased substantive litigation. The number of pretrial motions filed in 2018 was 19 percent higher than in 2014, while emergency Orders to Show Cause declined to 24 percent over the same period.

With these encouraging results, we are now looking forward toward the future as we continue our five-year implementation plan for Universal Access. The rollout is now under way. Currently, all low-income tenants facing eviction proceedings in Housing Court in
20 ZIP codes across the City, identified based on factors, including the number of evictions, the prevalence of rent-regulated housing, number of homeless shelter entries, and the number of eviction proceedings, have access to free full legal representation accessible in court and in the community. OCJ is establishing Universal Access through implementation by ZIP code, identifying neighborhoods across New York City where eviction and displacement risks and pressures are acute, and focusing first on these communities.

This ZIP-by-ZIP approach has enabled us to partner with the Housing Court administration and legal services providers to facilitate meaningful and effective methods for providing access to counsel, and we have seen a substantial impact in these communities in need. As Mr. Maldonado pointed out, whereas the legal services representation rate for tenants in Housing Court to face eviction cases was 30 percent citywide at the end of City Fiscal Year 2018, the rate was 56 percent for tenants in the fifteen zip codes targeted in the first full year of implementation of Universal Access.

In addition to expanding Universal Access for tenants in Housing Courts to additional zip codes later this year, we are also looking forward to gauging the impact of increased awareness of the availability of free
legal assistance through the Housing Court's new revised plain language Notice of Petition form. We are very grateful for the Judiciary and the Office of Court Administration for championing this critical reform, which was one of several key recommendations made by the Chief Judge's Special Commission on the Future of New York City Housing Court, and we appreciate the opportunity we have had to work with the Court on the new Notice. This will be the first thing a tenant sees in every eviction case properly filed in New York City Housing Court, and with the Court's leadership and assistance, it now includes information that will guide and encourage tenants to access OCJ's legal services.

Specifically, we have partnered with the court system to establish a telephone hotline that is included in the Notice of Petition for tenants to call and find out more about free legal assistance in New York City, learn about program eligibility, and connect with free counsel as quickly as possible. With use of the new form starting last week, we are now monitoring the impact that this new pathway to early access will have on demand for the legal services we provide.

Universal Access is expected to be fully implemented in 2022, and we are on track. At that point, every tenant in eviction proceedings in Housing Court and
at NYCHA will have access to free legal services.

I will conclude here. I see my light is on.

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

CHIEF JUDGE DiFIORE: You left us breathless. We thank you for your extraordinary work and leadership, and it's a privilege for us to work closely with you on the issues.

What has been the most significant implementation challenge, and does that continue today?

MR. DRESSLER: We've had several, some logistical, but the facilities issues, as Mr. Maldonado pointed out, are real. We understand they are in the process of changing. Just last week I was in Bronx Housing Court in, quote, unquote, the new building, which, of course, is an older building on the corner of 161st Street and the Grand Concourse in the Bronx, where I got to witness a trial in one of the new trial parts for Bronx Housing Court. So we know that is a work in progress. We know that Brooklyn is also in progress. It is the two largest Housing Courts in the City of New
York. Those logistical issues remain. Early access is an issue that we are eager to tackle through the implementation of the new Notice of Petition form, and we hope that will make for quicker access, more robust access, and a better job of connecting lawyers and clients earlier in those cases for better outcomes for all.

Probably the biggest challenge has been cultural. For so many years legal services providers, quite rightfully, have been saying no to so many cases due to a lack of resources, and a program approach that said use your powers, use your energies, and use your efforts where they can be most impacted. Shifting from that appropriate triage model to one that is an assigned counsel model, the kind we see in family court, like a neglect proceeding, and the kind we see in criminal court every day, is a cultural change to every stakeholder in the system.

Fortunately, the influx of new attorneys being hired by an array of new services providers, part of the culture is changing because those attorneys new to the work, they don't know any other way. They grow up in a world of assigned counsel for tenants facing eviction, and they know to come to court for their UA day. They know that they're on rotation, similar to the way we

BETH NEWTON, SENIOR COURT REPORTER
THERESA L. ARDIA, SENIOR COURT REPORTER
approach arraignments in all the city's criminal courts.

It is a work in progress. It is changing. We have to partner with the bar associations, with the Judiciary, most of all, the legal services providers. So we think we are on the right track to making that change.

CHIEF ADMINISTRATIVE JUDGE MARKS: Two questions. Mr. Dressler, you mentioned that there's some jurisdictions outside of New York that either have or are considering adopting the Universal Access Law. What about other municipalities in New York State, because aside from avoiding tremendous human toll that results from evictions, there obviously are tremendous Social Services costs that can arise when someone is evicted. So you would think an argument can be made that it's in the financial interest of a municipality to ensure that every tenant facing eviction has a lawyer. Have other municipalities reached out to you in your office to discuss doing something similar in their jurisdiction?

MR. DRESSLER: Yes. We've had good and I think productive conversations with folks from Westchester with some interest. We actually think that that is due to increase with the change in the rent laws recently. One of the major undertones of the Universal Access Law is the ability of lawyers to make the most of existing law. With the change in the law, and I'm not asking for
opining on this law, but we know that there are
procedural barriers that might have interfered with the
connection between lawyers and clients that are now
different. There is, of course, different bodies of
substantive law. There may be increased interest on the
part of other local governments. Our door is open. Our
phone lines are open. Our in-boxes are open to provide
any assistance that we can in terms of lessons learned,
partnership, and we are happy to have this conversation.

CHIEF ADMINISTRATIVE JUDGE MARKS: Okay, thank
you. The second question, you mentioned changing the
culture, and Mr. Maldonado mentioned the crowding in the
courthouses. Just by the way, I just want to make clear
that the state court's system does not maintain
courthouses, local governments do. We work very closely
with them, and there are plans in place to address the
most egregious problems with respect to the Housing Court
facilities. But, with changing the culture and
overcrowding in Housing Court, has any consideration been
given to, you know, now when a tenant is served with an
eviction petition, the first thing they do is they rush
to court to file an Answer themselves, and they return to
court for every court appearance, and anyone who has
practiced in civil courts in this state other than
Housing Court knows that the litigants themselves don't
necessarily have to be in court for every single court appearance. They have to be there when testimony is provided. They may have to be there when settlement negotiations are happening, but otherwise, they don't have to go to court for every single appearance.

With the advent of more and more lawyers representing tenants in Housing Court in New York City, has any thought been given to taking steps to not require that tenants immediately rush to court in the first instance, and then be there for every single court appearance where it's not necessarily required that they be there?

MR. DRESSLER: I think there are a few components there. One is the pre-answer period, and one is the post-answer period, and one when the case is calendared and moves through the court. In the pre-answer period, we are hopeful that between extension of times to actually submit an Answer and the introduction of an access point on a Notice of Petition that is much easier to understand, I cannot emphasize enough how critical we think it's going to be, to at least give tenants an opportunity to connect to the legal providers prior to that first interaction with the case in the court itself. So we are waiting on the scene. We are waiting to go with phone lines that are literally
open, and we look forward to monitoring that impact on that.

On the cases in court, Your Honor is absolutely right, there is no legal reason why a represented tenant needs to be in court. Because there has been decades of a certain kind of practice in Housing Court, even involving the lawyers themselves, there is the sense that if I don't have my client next to me, and perhaps some of the providers can speak more correctly, if I don't have my client next to me, I may not be in a position to execute a resolution in this case in my client's interest, if the landlord is okay with it, and most importantly, in an efficient way to the Court. I as counsel don't want to be on the wrong side of having to tell the Court that, yes, we can work this case out but for the fact I can't reach my client.

So we think that's something that is changing. We certainly hope it changes, and we are aware that whether it's a low-income tenant or a moderate income tenant, certainly the overwhelming majority of litigants in New York City Housing Court, that day in court may be a day out of work. That day in court may be having to move heaven and earth to have kids picked up from school. These are burdens that can be avoided with the connection between an attorney and a client and a culture that
allows for that kind of approach much in the same with
the other civil courts in the City of New York.

CHIEF JUDGE DiFIORE: Thank you, sir. That
concludes the first panel.

Our next group of presenters is Hind Mohammed.
Ms. Mohammed is a client at the Legal Services of the
Hudson Valley. She is accompanied here today by her
attorney, Danielle Brown, and Ms. Finkelstein, of course,
CEO of Legal Services of the Hudson Valley.

Ms. Mohammed, we'll start with you. Try to
speak into the microphone, because everyone wants to hear
what you have to say.

HIND MOHAMMED: My voice is loud. My name is
Hind Mohammed and I am a former Legal Services of the
Hudson Valley client. I am a resident of Yonkers, New
York and a mother of two girls. Thank you for letting me
speak today about the need for free legal help for
victims of domestic violence and their children.

I came to the United States with my husband
in 2012 as a refugee from Iraq. My husband started
abusing me soon after we got married, and it continued
even after we came to the United States and had two
beautiful daughters.

I lived in fear of my husband for years. He
beat me, raped me and he said he would kill me. One time
when he beat me, he also attacked me with a knife and he cut me.

My sister called the police that time and he was arrested. We were living in Colorado at the time and the Court there issued me an Order of Protection, but my husband, he didn't care and violated the order. My husband wanted me to leave Colorado so the criminal case against him would go away and said he would kill my family if I stayed in Colorado. So I left without my daughters. At this time, I had nothing. I was never allowed to get a job, or even learn English. My girls were two and three years old but my husband wouldn't let me see or speak to them.

I moved to Yonkers and started building my life in New York. I got an apartment, learned English and started working. I used all my savings to hire a lawyer in Colorado to file for custody of my daughters. But soon, I ran out of money and could not pay the lawyer anymore.

One day, my husband told me to take my daughters because he couldn't take care of them no more. I got my daughters back to New York and was so happy that I finally had my children back with me. But soon, my husband told me to bring the kids back to Colorado.

By this time, my daughters had told me that
he abused them, too, and they cried and said they were afraid to go back with him. I knew that I had to protect myself and my daughters, and so I filed for custody and an Order of Protection in Yonkers Family Court. The Pace Women's Justice Center helped me file my petition in court and then sent me to Legal Services of the Hudson Valley and Daniela Israelov, a staff attorney with the Domestic Violence Unit.

Daniela helped me in both my custody and family offense cases. Daniela filed papers and argued in court so that I was able to get temporary emergency custody of my kids and have the custody case heard in New York instead of Colorado.

Daniela also made sure that any visits that the children had with their father would be supervised so they could be safe. Then, for the next two years, Daniela and Legal Services of the Hudson Valley stood up for me and my children as my husband fought me at every turn, all the way to trial.

By this time, another staff attorney at Legal Services of the Hudson Valley, Danielle Brown, was also helping me in these cases. With their help, my children and I were able to get a five-year Order of Protection, and I was given sole physical and legal custody of my daughters with no visitation allowed for their father.
My daughters and I are so happy now that there is no more violence in our lives. We are able to laugh again. We help each other and are happier and healthier. I help them with their homework and they helped me study so I could finally get my citizenship on my own.

I know now that I have rights, that there are laws to protect me here. Legal Services of the Hudson Valley saved me and my kids. I am so thankful that I had access to free legal help in my cases. Not only did Legal Services of the Hudson Valley give me excellent legal help but also the support and understanding that helped me go through the court process and win.

I now believe in myself and know that my daughters and I will never go back to a situation like the one we were in. It is my hope that my testimony today shows how important it is that legal services programs in the state receive the funding they need so that the services I received are available to anyone and everyone who needs them. Thank you.

CHIEF JUDGE DiFIORE: Thank you. And thank you for traveling here to Albany from Yonkers. Tell me, Ms. Mohammed, what was the first inkling, what was the first piece of information that you had that there were legal services available for you? Where did you learn
about that? When you returned to New York, not in Colorado. Here in New York.

  MS. MOHAMMED: When I start first with them.

  CHIEF JUDGE DiFIORE: How did you learn about it? How did you know that the help was available to you?

  MS. MOHAMMED: I learned first from the Court, Yonkers Family Court, and I start from the probation side and then they send me to Legal Services of the Hudson Valley.

  CHIEF JUDGE DiFIORE: You made the connection by walking through the courthouse door?

  MS. MOHAMMED: Yes, Daniela, she took the case and she start with the case.

  CHIEF JUDGE DiFIORE: Okay, very compelling story. Very compelling story. You are the personification of why we are here doing this work. So thank you very much.

  Ms. Finkelstein.

  MS. FINKELSTEIN: Thank you, Chief Judge. And I think Ms. Mohammed points out the coordinated system we do have in Westchester County. As a former DA, we're very, very lucky to have that system.

  Thank you, Ms. Mohammed, for coming today and sharing your story. As you heard, Ms. Mohammed lived in constant fear of her husband while living in Iraq and
then in Colorado as a refugee. It was only when she was able to escape to Yonkers and obtain services through Legal Services of the Hudson Valley that she was able to consult with a lawyer and really begin to understand what her rights are and the full range of civil legal services that were available to her.

Like many Judiciary Civil Legal Services' providers, Legal Services of the Hudson Valley is able to provide holistic, comprehensive, free civil legal and advocacy services to victims and survivors of domestic violence like Ms. Mohammed, and it takes many years. And I think all of you know that the representation of victims of domestic violence is not a 30-day type of representation. Resources and time have to be available for the attorneys at legal services' programs to spend that kind of time and to work with victims of domestic violence. Without Legal Services of the Hudson Valley's ability to obtain temporary emergency custody of her children in Yonkers, and then a five-year Order of Protection and full custody, Ms. Mohammed would not have the safety and stability that she has today.

But it was the perseverance not only of her lawyers but of Ms. Mohammed that helped us to achieve that. Civil Legal Services' programs know that the work that we do has a ripple effect and a long-term effect on
the clients that we serve.

It is part of our charge and part of our mission to make sure that the clients we help achieve stability, achieve long term positive life-changing effects from our representation. This long-held belief really has been confirmed recently by a groundbreaking study that was done by the Center for Community Solutions which found that over half of the clients responding to the survey seeking information about impacts of civil legal representation by legal services' programs in Ohio reported long-term stability in one or more areas, including financial, family, health, housing, education and civic engagement.

I think Ms. Mohammed's testimony affirms those findings. She happens to be a unique person. I think she is an empowered person. Danielle is her attorney, but when I met her, I was immediately impressed with her determination to be empowered and to proceed. And even though Legal Services represented her in all of her family cases, she had she insisted on proceeding with her immigration proceeding on her own and so now she is a U.S. citizen.

She's very thrilled. She feels like she has control of her life. She's studying to be a real estate agent. And we really feel that she is empowered and she
will have stability for the remainder of her life.

But she's one of thousands of survivors who need our representation. And while we appreciate all of the funding that comes from the Judiciary Civil Legal Services' funding, there are so many more clients, so many more victims of domestic violence that need our help as the Chief Judge and Judge Mendelson acknowledged. We thank you for all the funding that you do provide.

CHIEF JUDGE DiFIORE: There are different layers of services in your provision of services with different providers, for example, and your organization. What efforts are made to avoid duplication of services? I mean, every dollar is needed, we know that, but what do you all do -- do you have stakeholder meetings? How do you make certain that there's no duplication?

MS. FINKELSTEIN: Well, in Westchester County, we all work very closely, so Legal Services of the Hudson Valley, Justice Center and My Sisters Place are really the organizations that provide free civil legal services to victims of domestic violence.

The JCLS funding in Westchester County flows through Legal Services of the Hudson Valley. We use the funding for My Sisters Place and Justice Center. They see the clients referred from probation, they do the temporary Orders of Protection and then immediately refer
the client to Legal Services of the Hudson Valley.

We will refer any overflow clients to My Sisters Place. And My Sisters Place, which is a domestic violence agency in Westchester County, represents the clients who are in their shelters. So we have a very coordinated system. We regularly meet. We have an Office for Women which many other counties don't have. So we meet regularly and we make sure we're not duplicating services.

PRESIDING JUSTICE SCHEINKMAN: You say in your testimony that New York State has had the highest demand for domestic violence services in the country. Why not other states? Is that because it's reported more or is that because there is a higher incidence of it in New York and what can we do about it?

MS. FINKELSTEIN: Well, I have statistics from the New York State Coalition Against Domestic Violence and so I think it's probably reported more. This is a very robust state and I think there's a lot of opportunity for people to report. I don't think it's a higher incidence than other places. I'm sure it's kind of a uniform problem around the country.

PRESIDING JUSTICE WHALEN: First, I'd like to commend Ms. Mohammed on her very courageous testimony here today. Thank you. It's important for our panel to
hear from those that are receiving the services and we do appreciate your attendance here today.

My question, though, is, Counsel Brown, if I could, do you find in your practice -- we have obviously a very vulnerable population that is coming in to seek services. Do you find that simply by having representation that that empowers and that makes the client in many instances more courageous and more able to move forward through the system? If you can talk to that a little bit, I'd appreciate it.

MS. BROWN: Absolutely. I think that in the relatively short time I've known Ms. Mohammed, and certainly, since my colleagues couldn't be heretoday, and going through this process with her, I've seen her transform. And I know she's always been a strong determined person, but I've seen her transform even more so into that.

And I think that the clients that come to us are oftentimes -- I mean, they're always in crisis, they're scared. They're facing a court process that they've never been through before as many of the panelists are speaking of today, and it's so important to have attorneys there as legal advocates, advocates for the court and just generally as resources for survivors of domestic violence to be able to guide them through
this process.
And I will say even in the last few days, I've had clients who have come back. It takes an average of about seven times for a victim of domestic violence to leave an abuser, and there are women that come back that choose not to go through the court process, ultimately. But if you have the time and the ability to build those relationships with the clients, they will come back to us. And a lot of times, they do eventually go forward with the process and obtain that sort of protection.

CHIEF JUDGE DiFIORE: You've attested that the provision of services on noncriminal domestic violence issues has helped you reduce your dismissal rate in the criminal cases for the services, helping to support the victims through a difficult process on the criminal side.

MS. FINKELSTEIN: Yes.

CHIEF JUDGE DiFIORE: Thank you so very much.

Our next group of presenters is Mary Brown and C. Kenneth Perri. Ms. Brown is a client of Legal Assistance of Western New York. She is accompanied by her attorney, Lori O'Brien who is the co-deputy director of operations of Legal Assistance of Western New York. And our second presenter is Ken Perri who is the
executive director.

Ms. Brown, I'm going to start with you.

MARY BROWN: Good afternoon, Your Honor.

Thank you for the opportunity to be here today and to allow me to speak about my experience. My name is Mary Brown. My apartment complex at 447 Thurston Road in Rochester had been in need of repairs for many years. Some of the problems in my apartment included mold in the bathroom, rodent infestation, clogged pipes and a ceiling in disrepair.

The landlord had failed to make repairs despite my repeated requests. I finally decided to withhold my rent until the problems were fixed. Unfortunately, my absentee landlord failed to make the repairs, instead, taking legal action to have me evicted from my apartment.

In February of 2018, I sought help from LawNY after receiving a lease termination notice from the landlord for nonpayment of rent. LawNY agreed to open a case on my behalf. They immediately notified the landlord of the outstanding violations and agreed to hold my rent in an escrow account for safekeeping.

In response to LawNY's intervention, my landlord finally responded but failed to fix the problems in my apartment. In September of 2018, my landlord
brought me to court seeking six months of back rent. Bob Vitale from LawNY appeared on my behalf at Rochester City Court. He argued that the landlord failed in his obligation to provide a safe home for me to live in.

Bob had gathered documentation showing the code violations to my apartment and provided them to the Court. The Court stopped the eviction and ordered the landlord to make repairs to my home. We went to court on many occasions to make sure that progress was being made to make repairs.

The Court allowed me to stay while the landlord attempted to fix the problems. Thanks to the efforts of the team at LawNY, the Court forgave eight and a half months back rent and I was moved to a new apartment while repairs were finished. With LawNY's efforts, my home was made more safe and I received justice for the years of neglect by the landlord.

During my legal battle, I realized that the issues within my apartment were part of a much larger problem. I knew that the problems I was dealing with extended to the building's common areas as well. Garbage cans overflowed because pickup service was irregular. Our common area floors, ceilings and steps were crumbling. The front and back entrances to the building had broken locks and door frames, allowing drug dealers
and squatters to enter our building and reside in vacant apartments.

I began speaking with other residents about the problems I was dealing with and what I saw in the common areas. What struck me was that other residents were experiencing similar problems that I was dealing with in my own home. One resident told me that her bathroom ceiling had caved in on her and her daughter. She was withholding rent and was being threatened with eviction.

Another resident told me that he had been without water for weeks. I was upset because many of my neighbors are vulnerable. They are elderly, disabled, single parents, most are on fixed incomes. If they complained to the landlord, they were being threatened with eviction. Without knowing their rights, they could be left homeless and in a shelter or on the streets.

Our landlord, Thurston Road Realty, and its New York City-based partner, Peter Hungerford, owns several other Rochester area complexes that are known to have health and safety violations. The tenants at my building were fed up with our landlord's neglect. We spoke with a tenant organizer to discuss the formation of a tenants association to protect all of our rights.
Bob at LawNY came to our building and gave presentations to the residents about tenants' rights and answered questions. Many of our residents were concerned about the landlord retaliating against tenants for asserting their rights.

Bob assured us that LawNY would represent the tenants association and individual tenants who were retaliated against by the landlord. LawNY followed through and represented many of my neighbors being threatened with eviction.

It was a great day when the 447 Thurston Road Tenants' Association was formed. Yes, I am the President of the Association. By that time, we had already repeatedly asked the City of Rochester to conduct inspections of the property. The City had done so before but nothing seemed to ever come of it. This time, with the help of LawNY, the City responded by filing a lawsuit against Thurston Road Realty, LLC, demanding they correct more than 175 code violations.

On behalf of our Tenants' Association, LawNY filed court paperwork for us to join the City's lawsuit to allow us to be heard. We became a plaintiff in the case and finally had a voice to demand justice.

Bob spoke up on our behalf and made the legal case but also fought for our dignity. The Judge
understood our arguments. The Judge threatened our
landlord with fines and with removing control over the
property. We appeared in court monthly to check the
progress. This all seemed too much for our landlord.

First, Mr. Hungerford was removed from his
position of overseeing the property for his company.
Then, our landlord sold the property to a responsible
local company. The first thing they did was make
temporary repairs to the common areas and provide new
locks for the main doors. They also provided security.

Then, the new landlord informed us and the
Court that they were going to do a complete
rehabilitation of our building. Work has already begun.
All the tenants have been transferred to safe apartments
elsewhere while the building is being renovated.

Our case has received media coverage online
and on TV. Even the Wall Street Journal has
interviewed me about our story. Our story is about
standing up for your rights and demanding to live this
life with dignity and respect.

I am grateful for all of the support LawNY
provided throughout this ordeal. They appeared at
dozens of court appearances, presentations and
conferences to make sure that we had a safe home to live
in. Bob and the team at LawNY gave us the knowledge and
confidence to recognize when our rights are being violated and that something can be done about it.

Without Bob Vitale and legal services from LawNY, I don't know where we would be living today. I can truly say that we all appreciate all of the support that was given to us by Bob and his associates. Myself and all of the tenants are living in better living conditions.

Thanks again to God, Bob Vitale and his team, our organizers, the City-Wide Tenants Union and the Rochester City Court Judge who handled this case. Thank you.

CHIEF JUDGE DiFIORE: Well, Ms. Brown, I have so many questions for you. First of all, how did you learn about LawNY? What brought you to them at the start of this code issue?

MARY BROWN: Because, as I said, we had many violations within the building, I decided to stand up and do something about it. So I began to decide how to organize the building.

CHIEF JUDGE DiFIORE: So who told you about LawNY? How did you learn about them?

MARY BROWN: Through the City-Wide Tenants Union, they saw me on TV because I had complained about everything, they came to my house and they told me about
CHIEF JUDGE DiFIORE: I think it's such a terrific story. Not, of course, every group of tenants in a building has a Ms. Brown there to start rabble rousing and focusing peoples' attention on the very real issues that arise by irresponsibly maintaining of a building.

And I think what you've done is really, really terrific. I'm sure on behalf of everyone up here, I commend you. Good for you.

MARY BROWN: Thank you.

CHIEF JUDGE DiFIORE: Mr. Perri, you have a real advocate here.

MR. PERRI: Yes. I have a red light, so I'll be very brief. So I just want to say first thank you for permitting me to provide brief comments today. My program is a sprawling 14-county service area that has offices in the 6th, 7th and 8th judicial districts, about 10,000 square miles, and I just want to talk about when Ms. Brown had a problem with private housing and substandard conditions that led to an eviction.

Our office also provides representation to tenants in federally subsidized housing, public housing and mobile home parks which are a huge issue in our area where owners of mobile homes rent the lot that they're
in. And mobile homes are really not mobile. So if they're evicted, there are all kinds of issues.

The need for services in our 14-county service area and throughout the state far outstrips our capacity to provide services.

There are some stats in my written submission. I just want to highlight some of them.

Eviction proceedings, as you know, are held in many parts of the state in town and village courts. There are more than 1,275 town and village courts in the 57 counties outside of New York City. In the LawNY service area, we have 450 town and village courts and 18 city courts.

In the 13 rural counties, those numbers compared to the 50 attorneys that we have in our six staffed offices that we have who, in addition to working in housing cases which are an incredibly important essential in life, are representing clients with government benefits, family law, health law, consumer law and employment law. So our capacity is far below what it needs to be in order for us to effectively service our clients.

I'm just going to give you a couple more statistics. There are no statistics that are compiled by town and village courts, but in the 37 counties that have city courts outside of New York City, there were 124,000
landlord-tenant cases disposed of in 2018.

In the LawNY service area, there are 450 town and village courts and 18 city courts. This is compared to a total staff of 50 attorneys, paralegals and support staff to handle a broad variety of cases. So we do need an increase in funding. I'm hoping that that would be given consideration as you make your recommendations in the fall.

To Justice Marks, there is a movement afoot in Rochester to develop an action plan to provide everyone in Monroe County with meaningful access to effective and fair resolution of housing matters. It's very preliminary and part of the Justice For All pilot that the Chief Administrative Judge is spearheading with the Permanent Commission on a number of panels.

It was noted earlier we do now have the new Housing Stability and Tenant Protection Act of 2019, new rights, procedural and substantive, resulting in the need for more attorneys to represent clients. And I will stop there.

PRESIDING JUSTICE WHALEN: Outside the city, the housing cases in town, village and city courts, what has been your experience as you've been trying to get basic information to people who have cases in those courts? Could you speak to the challenge that that
brings about?

MR. PERRI: It's nearly impossible in rural counties to get information to tenants about our services that are available. In the City of Rochester where cases are in City Court, the Center For Justice was mentioned, we do have a collaboration. All of those legal services providers are co-located in one building, and so we do coordinate our services.

Volunteer Legal Services Project has an attorney for the day program. Legal Aid Society of Rochester represents typically private tenants than LawNY. But to your point that tenants don't know that they have access to an attorney either, so I know we piloted a program in the City of Elmira with respect to tenant issues. I don't know that there's data on how effective that was.

CHIEF DiFIORE: Is the availability of services better in the community?

MR. PERRI: The plain language notice that was discussed today earlier that happened in New York City, statewide, that would be really an effective way to get information out there.

PRESIDING JUSTICE SCHEINKMAN: So even in the town and village courts, which are really controlled by municipalities, are they hard to even get information
through them to let people know what their rights are?

MR. PERRI: That's correct. And it's hard for us to even access documents. Some are so small that literally, the business hours are 4:00 p.m. to 6:00 p.m. Thursday and you have to physically go there to get copies of documents in cases.

PRESIDING JUSTICE ACOSTA: Is your representation limited to individual cases? I mean, it sounds like in Ms. Brown's case, it's something that she basically responded to by withholding rent. Are you able to represent tenants in all types of tenant-initiated proceedings?

MR. PERRI: We can represent individual tenants. We do triage and so we do, of course, give priority to particularly tenants in subsidized public housing whose rents are affordable and mobile homes that are in our rural counties.

As I said, if you're evicted from a mobile home park and your mobile home is not mobile, really, in most instances, there's limited access that you have.

CHIEF ADMINISTRATIVE JUDGE MARKS: In the town and village courts where many, if not most, of the judges are not lawyers, is it more difficult to litigate housing cases in courts where the judges are not lawyers?

MR. PERRI: I would say my gut reaction to
that years ago would have been yes. I really want to commend the Office of Justice Court Support for the training that they're doing and I think the level of practice. It's getting better because of the existence of that organization.

PRESIDING JUSTICE GARRY: I was going to say because I know that the town and village court resource center did embark on a really concerted effort to instruct all of the town and village judges about the changes in the law. And I was wondering about the opportunity that there might be to teach the judges about the availability of other resources, legal resources, for representation and having that, perhaps, become part of their training program. I don't know that that's being done.

When I was town judge, it was not done. The judges were not told about what the other resources might be.

MR. PERRI: And I just want to note there are other providers besides legal services providers that we work in concert with. So there are housing agencies that provide housing assistance to tenants who wind up getting evicted. So we do partner with our community organizations to address more than just the civil legal end.
CHIEF JUDGE DiFIORE: Thank you, Ms. Brown, Mr. Perri and Ms. O'Brien for all of your legal work. Excellent.

The next group of presenters is Ms. O.M.S., and Adriene Holder. Ms. O.M.S. is accompanied today by her lawyer, Beth Krause, who serves as supervising attorney to the Immigrant Youth Project. And of course, we all know Ms. Holder; she's the attorney-in-charge with The Legal Aid Society. Welcome and thank you.

Ms. O.M.S., we'll begin with you.

MS. O.M.S.: Good afternoon. Thank you for --

CHIEF JUDGE DiFIORE: Try to keep your voice up so that everyone can hear and appreciate what you've come to tell us.

MS. O.M.S.: When I was four years old, I came to the U.S. to be reunified with my parents. I don't remember much about the trip and I have never been back to Mexico since then. When I arrived to the United States, I lived with both my mother and my father for a short time.

My father had a lot of problems because he drank a lot of alcohol and was always drunk. At home, he was aggressive towards my mother and to me. I remember my father punching the wall and breaking things in the
kitchen or the living room. My father would hit my mom and she would get bruises on her body and, once, he left a bruise on her face.

During the time my father lived with us, he hit me, too. Almost every time my parents started fighting, my older sister would take me out of the room so that I wouldn't watch them fight, but I could still hear them fighting and I would cry in another room until it passed.

In about 2003, I was about five years old when my mom contacted the police after my father threatened her. My father ended up leaving and I continued to live with my mom. It wasn't until 2006 when my father was outside of our apartment yelling threats at her that she not only called the police again but filed for an Order of Protection to protect herself, my siblings and me.

Around that same time in 2006, the New York City Administration for Children Services came to my house. In 2007, when I was nine years old, the Family Court Judge gave my mom custody of me. The Judge ordered visitation for my father. I remember that the few times I saw him, I had to meet him in the police precinct to make sure he wasn't drunk.

By the time I was around 14 years old, my
father stopped visiting me almost completely. When I graduated from high school, my father did not attend. My father never helped pay for my school or clothes or necessities that I needed on a daily basis. My mom was my only source of support.

In 2016, my mother was appointed as my guardian, because even though I was 18, I still needed her help. She is the only person who has consistently taken care of me and been there for me. My mother encourages me to achieve better things. She always made sure that I was on track to finish school.

In 2016, I took the SAT and I applied to three colleges: Mercy College, New York City College of Technology and Borough of Manhattan Community College. My mom paid the application fees. I was accepted to all three of these schools, but I could not afford the tuition. My mom helps me with some of my college expenses but cannot afford to pay the full tuition.

In 2017, I applied for Special Immigrant Juvenile Status. Later, I was told by my attorney that U.S. Citizenship and Immigration Services wanted to deny my application. My Legal Aid attorney worked with me to provide USCIS with additional information. I waited for so long, more than a year from the time I submitted my application, for a response in my case. Then, I found
out that USCIS had denied my application in June of 2018. My attorney told me that USCIS was denying applications for most kids like me who applied after turning 18.

I was shocked and upset to learn that my SIJS application was denied. I felt upset given everything that my mom and I have gone through. I was sad because I felt that by denying my application, the government did not acknowledge what my mom and I have suffered. The denial was also disorienting for me because of the goals I have. I want to finish school, become more independent and begin my career.

SIJS would have provided me with a pathway to get permanent residence here in the United States and that would have meant a lot of security for me as I try to reach my goals. Though I did not choose to come to the United States, the United States has become my home and I want to be able to stay here.

Although I was granted protection under the Deferred Action for Childhood Arrivals, that status is only temporary. It does not provide me with any assurance that I can stay in the country long term with any form of permanent status. If I had to go back to Mexico, I wouldn't be able to go to school and it would be hard to work, because I struggle to speak Spanish. My grandmother, who I lived with as a child, passed away a
couple of years ago. It would be extremely difficult for me to live in Mexico, because almost all of my family lives here in the United States.

My Legal Aid attorney asked me if I would like to represent other young people, like myself, who had been denied SIJS in a class action lawsuit. I did, because I was angry and I thought what USCIS did was unfair. I met with more attorneys from Legal Aid and they explained what they were doing in court and what it would mean if we won and if we lost. Luckily, we won.

In August, I learned that my SIJS application was approved. Even though I'm not yet a permanent resident, to me, this felt like a new beginning, knowing that soon enough, I will be able to become a permanent resident. I finally feel like I will be able to finish my education and get the financial aid that I need to start my career.

I chose to study to become a paramedic at Borough of Manhattan Community College. I want to be a paramedic because I want to make a career of helping people. Thankfully, I still have my mom's support and the legal assistance of The Legal Aid Society.

I hope that The Legal Aid Society will be able to continue helping so many people, like myself, through continued funding for important work like their
SIJS lawsuit. Thank you.

CHIEF JUDGE DiFIORE: You are an extraordinary young woman.

MS. O.M.S.: Thank you.

CHIEF JUDGE DiFIORE: It sounds like you have a wonderful, wonderful role model in your mom. Does anyone have any questions for Ms. O.M.S.?

PRESIDING JUSTICE SCHEINKMAN: I wanted to ask: Did you find out about the SIJS process and did Ms. Krause's organization help you with the family court piece of it as well or was there a separate attorney?

MS. O.M.S.: So my mom got guardianship of me but we did not know -- we had no idea about applying for SIJS. When I graduated from high school, I was looking for college and they told me about the program, so I e-mailed them and I got into the program and I got to meet up with them. I was very happy and I got a job and I started working at Marshall's. And then after that, I was talking to my attorney more about my like personal stuff, because I was going through a lot, and she had like mentioned the application. I felt like my mom's the only person that helped me with everything. And she is the one that helped me and I'm really thankful. If not, I would never have been able to stay here.

PRESIDING JUSTICE SCHEINKMAN: Thank you for
your perseverance and for sharing your story.

CHIEF JUDGE DiFIORE: Ms. Holder, aren't these women extraordinary, Ms. Brown, Ms. Mohammed, Ms. O.M.S.?

MS. HOLDER: Oh, yeah, they're inspirational. I didn't get a chance to speak to Ms. Mohammed, but I did get a chance to speak to Mary Brown. She's an inspiration and an activist. She was able to pull together other folks to know they can be empowered in an association. She's moving on and she's doing a lot for her community. I feel blessed to be able to speak to her today and so very glad to meet her.

You see with Ms. Mohammed, you see with our client, O.M.S., you know, they are changing their lives with the assistance and the tools we're able to give them through court and having really good judges, but also with the legal services that are comprehensive.

And I just wanted to completely answer your question. The Legal Aid Society was able to represent O.M.S. through the immigration as well as the family court process and so, yes, we do appear in family court.

It's an honor and privilege to be here, it really is. We'd like to thank all of you for all of your wonderful work in supporting this wonderful initiative and we hope it continues flourishing under the Chief
Judge and really providing and making a real investment in civil legal services.

O.M.S.'s case really does show in many ways that this was a lawsuit in defense of the authority of the New York Family Courts and the legitimacy of New York law in order to ensure that young vulnerable immigrants throughout New York would be able to continue to benefit from their access to the New York Courts.

In 1990, Congress created Special Immigrant Juvenile Status, also known as SIJS, as a means to protect vulnerable immigrant youth who have been abused, abandoned or neglected by their parents, and to provide these vulnerable youth with a pathway to permanency in the United States.

In 2008, Congress expanded many important SIJS protections for vulnerable immigrant youth, including making explicitly clear that SIJS was available to immigrant children under the age of 21 years who were abused, abandoned or neglected by one or both parents.

For a young person in New York to apply for SIJS, a New York Family Court must first determine that the applicant was abused, abandoned, neglected or subjected to similar maltreatment under New York State law, that the applicant cannot reunite with one or both parents, and that it's not in the applicant's best
interest to be returned to the applicant's country of birth.

The Court must also declare that the applicant is dependent on the Court or place the applicant in the custody of a caretaker. In the case of O.M.S., it was her mother. This order is then submitted to the United States Citizenship and Immigration Services, USCIS, as part of the SIJS application.

Without any prior announcement, however, USCIS narrowed its interpretation of the law starting in 2017. Under the policy change, the federal government began to unlawfully deny class members' petitions for relief by refusing to recognize the authority of New York family courts to issue decisions for youth ages 18 to 20, even though New York State law authorizes the family courts to do so both pursuant to statute and a substantial body of appellate case law.

The USCIS policy change was implemented without any notice or any public announcement and undermined the current federal statute. The policy change effectively eliminated access to SIJS for vulnerable New York youth over the age of 18 despite there being no change in the federal law or regulations related to SIJS. This was a sharp departure from a decade of consistent policy, where SIJS applications
filed by young immigrants under the age of 21 in New York were consistently and properly granted.

In June of 2018, with the knowledge that dozens of our own clients and estimates that hundreds of young people statewide had been or would be impacted by this abrupt change in policy, The Legal Aid Society, with co-counsel, Latham & Watkins, filed a federal class action in Federal District Court of the Southern District of New York challenging USCIS's unlawful actions.

In March of this year, the Federal District Court found in favor of the plaintiffs, certifying the class and finding the government's new policy unlawful as having exceeded its authority and having misconstrued New York State law.

In May of this year, the Court issued an amended judgment, granting final declaratory and injunctive relief to the class. To class counsel's surprise, the government estimates that there are over 6,600 class members, over 6,600 young and vulnerable New Yorkers impacted by the government's unlawful policy that denied the authority of the New York Family Court.

This class action was the first of its kind and first litigated to completion. Several other advocate groups have filed similar challenges contesting USCIS's policy in California, Washington State,
Massachusetts and New Jersey. In each of these cases, the plaintiffs have heavily relied on the Court's findings that USCIS must defer to state courts in regards to the meaning of its own state law.

So much of this would not have been possible without the consistent investment of Judiciary Civil Legal Services' funding since 2011. This funding helped support the creation and expansion of our Immigration Youth Project at The Legal Aid Society to meet the increased needs of vulnerable young immigrants.

The exponential increase in the number of SIJS applications filed in New York State Family Court has skyrocketed over the past decade from 1,646 in fiscal year 2010 to over 21,000 applications in fiscal year 2018. This is enormous.

And so I thank you all again and I am so very proud of the work that we're doing here in New York State to continue to make this investment. In this particular case, you see what is happening to our clients, but overall, whether it's immigration law, whether it's in housing, whether it's tax consumer practice, this investment we're making here in New York is having a significant impact on a lot of New Yorkers and serving to be a model in which other parts of our country can learn.

So I thank you very much for allowing us to
provide you with remarks this afternoon.

CHIEF JUDGE DiFIORE: You have a right to be proud of your work, Ms. Holder. Is there any indication USCIS would be appealing the District Court's decision?

MS. HOLDER: No, they will not be appealing.

PRESIDING JUSTICE ACOSTA: Have we identified the 6,600 --

MS. HOLDER: Well, we're in the process of doing that.

PRESIDING JUSTICE ACOSTA: You did the hard work.

MS. HOLDER: Yes, we did. We did the hard work. We were very shocked, but we're very proud. And, again, we would not even have been in the game to be able to address this to have that kind of impact if The Legal Aid Society Immigration Law Unit hadn't been able to expand our Immigration Youth Project and bring over this wonderful supervising attorney, Beth Krause, to continue to grow this. She's a partner in helping us grow our immigrant youth practice at The Legal Aid Society. But yes, it's coming.

CHIEF ADMINISTRATIVE JUDGE MARKS: One quick question. Did The Legal Aid Society get money from Federal Legal Services Corporation?
MS. HOLDER: No, we do not. You're talking about legal services corporation funding?

CHIEF ADMINISTRATIVE JUDGE MARKS: Yes.

MS. HOLDER: No, we don't. We don't receive funding from -- we had a little bit, a very small amount of funding and we were able to -- you know, it was painful at the time, but at the time the decision came down, we opted out of receiving that funding.

Unfortunately, some organizations were not in a position to be able to do that.

CHIEF ADMINISTRATIVE JUDGE MARKS: That's what I was going to ask. If you were receiving the federal funding, you wouldn't have been able to bring the class action lawsuit you're describing, right?

MS. HOLDER: Not a class action lawsuit but we are very creative in the ways in which they are able to advocate, and we do so oftentimes in tandem. So there's a lot of things that are going on right now, whether it's challenges to improvements in the housing laws in the State of New York or other things where we are able to come together as a provider community in understanding how we all can come together as advocates and find creative ways in which to address these issues.

So despite the fact so many of them do have restrictions, they still are able to come together with
other stakeholders, other providers that have access in
the community. We find ways to address the issues our
clients have.

And I would like to on the record state as a
bit of a departure, but I'm providing an answer to a
question asked earlier. I feel very strongly when we
talk about expansion of a lot of services in the court
that our clients really do, if possible, attend those
courts.

Of course, we don't want our clients to have
to miss work and find themselves being penalized by their
employers or leaving children unattended or not being
able to be picked up or if they're sick, not having to
come and expose themselves to even more harm by going to
the forums when they actually have counsel, but it is
important.

And what I think so many of us recognize is
that with the expansion of rights to legal services in
these various forums, our clients and stakeholders,
whether they're activists like Ms. Brown, organizers and
others, come into the spaces and they're able to really
make sure that the assistance is going to be truly
representative of what their needs are and understand
them and also broadcast to other folks on how they can be
empowered through that process.
That's what all of this to us is about, the idea it's not going to be just about judges and lawyers on both sides but really have significant meaning and be responsive to the needs of our client community. These cases, in particular, the work we do through service providers, whether it's family, criminal or civil courts and have such a real impact on everyone's day-to-day life and we're seeing that through testimony here today.

CHIEF JUDGE DiFIORE: Thank you. That concludes this panel. We will move to Panel Number 3.

Good afternoon, panel. We will be starting with Mr. O'Malley, who serves as the Executive Director of the IOLA fund. I'm certain Mr. O'Malley will describe a little bit about who you are and what you do and what we do. I want to acknowledge how grateful we are to be a partnership.

MR. O'MALLEY: Thank you very much. Chief Justice DiFiore, Members of the Panel, I've been asked to present about the importance of infrastructure to Civil Legal Aid providers, both to individual organizations and to the entire network of organizations that provide civil legal aid throughout New York State, as well as the need for funders to appreciate and support infrastructure spending.

I'm aware that this is a topic that normally
is not considered scintillating, but that's one of the problems faced in talking about infrastructure. As you heard today from the client panel, the issues that Legal Aid organizations address are so vital, literally the essentials of life that the PCAJ has made its goal to support, and the results are so compelling. Domestic violence survivors whose lives have changed completely, families that avoid eviction and homelessness, that there is a tendency for funders to fund only the attorney salaries needed to serve these clients. But no organization, nonprofit or for-profit, can function in this manner.

I'd like to start by talking about what is infrastructure in the context of a nonprofit, look at what can go wrong when infrastructure is neglected, and then look at examples of where infrastructure is working to help bridge the access to justice gap.

Just like in the for-profit sector, nonprofits have indirect non-programming expenses; infrastructure. These include information technology, building maintenance, program evaluation, accounting and finance, employee training, all of which play a critical role in delivering services. But unlike the for-profit world, nonprofits are often asked by funders to minimize these costs so that 80, 85, even 90 percent of every
dollar goes to programming, but that's both unrealistic and unsustainable.

Let me provide an illustration. Let's say you purchase a $3.00 latte from a national chain. I suspect you won't be surprised that only about 77 cents goes directly to the cost of your latte, the expresso, the steamed milk, the cup. The rest, $2.23, goes to overhead, including marketing and sales, distribution, rent, labor, administrative costs, and, of course, profits, which is fine, as you might enjoy the convenience or the ambience of the coffeehouse. But crucially it's understood that the direct cost of a product is only a small part of what you pay for. Now, if instead, you went to the cashier and offered 80 cents with the explanation that you are only interested in the latte costs, most likely your offer would not be well received. But in effect, that's what many funders offer to nonprofits.

And this approach to funding nonprofits results in serious consequences. A 2018 national survey of over 3,400 nonprofit leaders found that 62 percent considered financial stability a top challenge; 75 percent had 6 months or less of cash on hand, and most importantly, only 43 percent of all nonprofits and only 35 percent of nonprofits working in low-income
communities were able to meet demand for their services. The dangers of this type of hand-to-mouth existence were shockingly demonstrated in March of 2015 when the Federation Employment and Guidance Service (FEGS), a $250 million nonprofit and one of the largest human service providers in New York State, filed for bankruptcy and closed. In response, a report by the Human Services Council highlighted the risk factors for FEGS and for all nonprofits, finding that government contracts and philanthropic grants rarely cover operating costs, and payment is often late and unpredictable resulting in chronic underfunding, which leads to inadequate and obsolete equipment and technology, understaffed and underskilled administrative offices, low staff salaries, and high turnover resulting in lower quality of services, and ultimately increased financial vulnerability and organizational failures.

In recognition of the importance of infrastructure in sustaining a vibrant Civil Legal Aid community, last year the Permanent Commission included as part of the Justice for All Strategic Planning Guidance Materials a section focusing on resource planning. It highlighted that for Civil Legal Aid providers to achieve the goal of effective assistance for 100 percent of those facing legal challenges, they must expand their capacity, and
this would require strong internal operations and infrastructure, as well as the recruitment, retention and development of a diverse Legal Aid workforce that will better represent the community it serves. The recommendation went beyond the infrastructure needs of organizations and embraced statewide, regional and collaborative efforts that strengthen the capacities of the overall delivery system.

Lastly, the PCAJ report requested that all Civil Legal Aid funders should consider this full spectrum of funding needs in formulating and awarding grants. What might this look like for funders? At IOLA, over the last decade it has meant the awarding of general operating support grants. This means that IOLA doesn't support a legal project. IOLA funds the entire organization and everything that goes into supporting the legal work. IOLA lets its grantees know that funding for the grants manager who can assure compliance with the often complicated requirements of government contracts, while also tracking results and helping assure cash flow, can be just as important for the success of a program as having the right attorneys in place.

IOLA has encouraged coalitions of organizations working either statewide or regionally to seek funding for infrastructure projects. One such project is led by
the New York Legal Services Coalition, 48 providers from across the entire state, who wanted to create a program around the critical infrastructure need of identifying, training and supporting diverse equal justice leaders. To give some context, for the last 10 years IOLA has been collecting employee diversity data at all levels from its grantees.

One encouraging trend over the last several years is that the number of staff attorneys identifying as people of color has more than doubled from 228 to 526. However, the challenge is how can organizations retain these attorneys and make sure that they become future leaders. The Coalition working with the Shriver Center developed an innovative program entitled Leadership for Justice.

This past spring, 30 public interest leaders from 17 legal service organizations from across the state became the first cohort to receive the training, which included an online program, as well as an intensive five day in-person training and group follow-up work. In October, another 30-member cohort will receive this training, with the program to continue next year and in the following years, with the goal to identifying and support a talented and diverse network of equal justice leaders.
While the initial evaluations of the program have been excellent, and participants have spoken with great enthusiasm about the skills they learned, the full benefits of this program almost by definition will not be realized for several years. But this type of infrastructure investment, and frankly, just as vitally, efforts to create competitive salary structures, are what's needed to develop the diverse leadership to best serve New York's communities.

Another exciting collaborative infrastructure project comes from Mobilization for Justice and Lenox Hill Neighborhood House, who have requested funding for a technology project that responds to the increased representation of low-income tenants in New York City Housing Courts spurred by the Universal Access program that you heard about earlier today.

Currently, there is a huge amount of building data publically available that attorneys could use to enhance representation: Housing violations, vacate orders, multiple dwelling registration information, and housing preservation and development litigation information. Right now, to get this information advocates must click through multiple websites to gather information, and there is no method for collecting or aggregating data to run reports and
identify trends.

Fortunately, technological advancements have made it possible for computer systems to communicate with each other through APIs, Application Programming Interfaces. This project seeks to use this technology to realize a number of important goals.

First, they will use an API with their case management system, in this case, Legal Server, used by many providers to quickly pull the available housing data directly into their case notes.

Second, they will develop an easy to use tool that gives an assessment of the eviction and housing violations of a client's address, as well as identify whether that client qualifies for Senior Citizen or Disability Rent Increase Protection.

Third, they will roll out this tool to all the New York City civil legal service organizations that also use Legal Server, and eventually to all agencies regardless of their case management system. This project has the potential to be an extremely useful tool for housing advocates, and likely would lead to time and cost efficiencies with tenant representation, but it can only be realized with infrastructure investment. These are just two examples of the many interesting infrastructure projects underway in New York.
But mindful of my time constraints, I hope this overview of the importance of infrastructure and how it can improve access to justice has been helpful to the panel.

CHIEF JUDGE DiFIORE: Thank you, Mr. O'Malley. You make a very important point by underscoring our relation between the infrastructure funding and the sustained ability to service and the equality of the service. Do you think providers are thinking -- I mean, everyone is very busy trying to make do with what they have. Do you think the providers need education about that correlation and the importance of advocating for that?

MR. O'MALLEY: To be perfectly frank, I think that funders need education about that issue. Whenever I meet with grantees, which I do frequently, they are keenly aware of their infrastructure needs, and they are, frankly, very grateful to receive general operating support and have the building to invest in particular areas that need support.

CHIEF JUDGE DiFIORE: Can you divvy up the available funding into different areas, one would be on the automatic side, and one would be on general operating support grants?

MR. O'MALLEY: In fact, what we do is all of
it is in the form of a general operating support. We ask for and obviously we get information about the specific programs and projects that they're going to be running. In fact, we gather quite a bit of data from all our grantees, as they will attest to. The money is released in a form that allows them to spend it across all of their needs, and we are very, frankly, a small minority of funders that do that. So for our grantees it's really a lifeline, really, to be able to have that flexibility.

CHIEF JUDGE DiFIORE: Any questions?

(No response.)

CHIEF JUDGE DiFIORE: Thank you. Neil Steinkamp is no stranger to this hearing and this courtroom and this business. Neil is the Managing Director of Stout Risius Ross, LLC. He is an extraordinary partner and extremely generous consultant to the Commission. Thank you, Mr. Steinkamp, for being here.

MR. STEINKAMP: Thank you, Your Honor. It is an honor for me to have the opportunity to provide remarks before you and the panel today. As you mentioned, my name is Neil Steinkamp. I am a Managing Director at Stout Risius Ross, LLC, and also lead the firm's pro bono and social consulting practice.

I am here to speak about the Commission's work
on the Justice For All Project, for which I and my
colleagues at Stout have been engaged as a consultant, as
well as to provide an update on our annual calculations
regarding the significant economic impact that
investments in Civil Legal Aid have in the State of New
York.

As I discussed in my remarks to you last year,
the Permanent Commission's Strategic Action Plan was
finalized in December of 2017. The year-long process of
developing that Strategic Action Plan focused on
acquiring a more in-depth knowledge and understanding of
the justice gap through research and analysis of the
current delivery system, and using this knowledge to
devise an integrated and coordinated framework for a
statewide Civil Legal Services delivery system that
provides for effective assistance to 100 percent of
low-income New Yorkers in need. In every phase of that
process, the development process, the extent of the
justice gap has been evident, and just as evident
was the realization that closing that gap is, indeed,
possible.

The Commission is now working closely with
stakeholders at both the statewide and local level
to develop Justice For All Initiatives designed to lead
the state toward that vision of effective assistance for
100 percent of people in need. Over the last year, the Commission, working with Administrative Judges in each Judicial District, has successfully launched local Justice For All Initiatives in all 8 Judicial Districts outside of New York City, and has launched an initiative within New York City to further explore ways to learn about access to justice gaps in the City, and to develop strategies to close that gap, working closely with both local stakeholders, as well as the City and its Office of Civil Justice Coordinator, Jordan Dressler, who just spoke earlier. This expansion of the local Justice For All Initiative represents an important new development on the path to comprehensive, integrated statewide network of Justice For All initiatives that will be able to inform the Commission's recommendations and work collaboratively to share best practices, identify systemic barriers, develop and evaluate new innovations, and develop measurements demonstrating progress toward closing the justice gap statewide.

Already, we are seeing how this statewide network and local efforts can provide opportunities for collaboration. Seven of the local Justice For All leadership groups are developing local resource guides to document the resources available in their communities, which identify ways to share that
information within the communities.

Six of them are developing plans for community outreach to communicate and improve accessibility to effective assistance. Three of them are collaborating to develop new programs to prevent the need to resolve issues with the court by addressing them at an earlier stage.

Three of them are working on plans to close the justice gap, specifically in landlord-tenant or other housing matters, by providing effective assistance and representation inspired, of course, in part by the success of Universal Access in New York City.

Local Justice For All leadership groups that have launched throughout the state are also working on new projects and programs related to consumer debt, family law, immigration, town and village courts, ADR, collaborations with initial points of entry, such as schools and libraries, providing effective assistance to persons of modest needs, developing new court staff education and training, conducting community needs assessments, developing a community justice council, analyzing city court data to better understand the unrepresented population, and expanding effective assistance through pro bono panels. There is a significant amount of great and new activity that is
happening across New York State through these local efforts.

The development of these initiatives, which did not previously exist across the state, represents an exciting indicator of the progress of the Justice For All initiative in closing the justice gap. These efforts have been done and developed and sustained to date without any supplemental funding, other than the initial $75,000 received from the National Center for State Courts associated with the initial implementation of the Suffolk County Library Project. No other funding specifically targeted toward these efforts.

However, there is still much work to do if the Commission seeks to expand this initiative geographically and into additional subject matters or initiatives. While the momentum developed to date has been tremendous and shows great promise to making a significant and permanent impact on the justice gap in New York, effectively sustaining and integrating such an effort statewide may require supplemental resources.

Initial progress which the Permanent Commission has been focused on over the course of this year, those have included things such as new community interaction and collaboration that have been created, programs that have been expanded and
new programs initiated, new data that has been collected
that has never before been collected, new materials
created and distributed to the community that has never
been created before, mechanisms for community feedback
that are new and being used within the communities, new
recommendations to the Permanent Commission, new
connections across the counties that have not existed
before as they work to collaborate on new initiatives,
measurements of progress toward effective assistance are
beginning to be developed, and written strategic plans
are being completed.

The objective of providing a quantitative
measurement of progress is one of the Commission's
primary focus in the coming year. The local JFA
leadership groups that have been active for the longest
period, Suffolk and Monroe counties, have both indicated
that the development of a quantitative measure of
progress is instrumental and critical to sustaining and
expanding their efforts, and to the development of new
priorities and strategies based on emerging gaps or
trends.

While this effort has only just begun, it has
already demonstrated the value of regular collection,
analysis and review of information to evaluate progress,
observe trends, identify opportunities for new
stakeholder engagement, and to develop new programs for community engagement, communication, or other efforts to reduce the justice gap in the county.

The court system has an important role to play in this effort. Local Justice For All leadership groups are working to develop strategies to be able to provide assistance to 100 percent of the people in need in their respective counties. In order to do this, they need to understand and know the number of persons who are not represented with as much supporting detail regarding the matter type and substantive issues as possible. If this information was made available quarterly for each county, in combination with data collected from other sources, the local Justice For All leadership groups will be able to measure the impact they are having, the areas in which further progress is needed, the ways in which their efforts are proving successful, and where new and emerging issues are developing.

Further, data of this type will enable regular discussion and collaboration among community stakeholders, creating a sustained and persistent effort toward achieving effective assistance for all. Data and related impact measures can then be shared and compared across the state, developing a state dialogue and culture of collaboration regarding common challenges and best
practices for addressing those challenges. By enabling this focus on quantitative measurement, collaboration and impact assessment opportunities to amplify the impact of funding can be identified, implemented and expanded.

Each year, as you know, I analyze the reasonably quantified economic benefits from investments and funding in Civil Legal Aid. Again, this year my analysis finds that for every dollar invested in Civil Legal Aid, there is a return on that investment of at least $10. That calculation of this benefit will be further detailed in the Permanent Commission's Annual Report to you later this year. As described above, it is important to note the Permanent Commission's Justice For All Strategic Action Plan, with local and statewide elements, may serve to significantly increase this return on investment. Particularly, I think it can be sustained and expanded and enhanced with an orientation toward quantitative measurement using data from the courts, from 2-1-1, from LawHelpNY, from local Legal Aid providers, and other local data. That is, with the full implementation of the statewide and local efforts detailed in the Permanent Commission's Strategic Action Plan, each dollar of current funding could have an even greater impact.

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

CHIEF JUDGE DiFIORE: Thank you. So ditto, ditto from me. Here is my question to you. How far away are we from developing statewide the quantitative measurement of progress? That's the first part of my question. The second part, can it be the same form no matter where we are geographically? Is there a foundational form for that?

MR. STEINKAMP: On the first question, how far away are we from having a real sense of the impact of quantitative measurement, I don't think we're far. I think the real issue is collection of data and understanding it, or making sure we understand the data we are getting. Suffolk County has effectively demonstrated it can be done. We are looking at monthly data in that county to identify what is being done, where
the gaps are, and where progress can still be made. Building capacity to address that is another question, but in terms of understanding it, I don't think we're far. I think with a focus on this year, by the time that I or others may be back here next year, we will have a very good understanding of that. In terms of whether it can be the same, I think a lot of it can be the same. I think there can be standardization across the state. The responses will need to be local, and that's one of the things we clearly see in the local Justice For All work, is that while there are similarities, consistency in the challenges faced by counties across the state, the way in which it responds is dependent on the resources and people and commitment in that county locally. So, people's response to the data, the strategies that they build to close that gap successfully will vary. The way in which you can understand the data, make it available, share it and analyze it can, I think, have a great deal of uniformity.

PRESIDENT GREENBERG: Mr. Steinkamp, I want to commend you, as well, for your extraordinary leadership. I want to follow up on a question the Chief Judge asked you with respect to the extraordinary, extraordinary diversity of the state geographically in every way, but especially with respect to the rural parts
of the state. 87 percent of the landmass is rural. Three and a half million New Yorkers live in rural settings. Our research at the State Bar Association is that the problems of rural justice and the justice gap in those communities is immense, unique, and wildly different from the experience of downstate, for example. The lack of broadband access, the depopulation, which is at an alarming rate, of attorneys in those communities, with more than half of the attorneys who practice in rural settings at or near retirement age, and I'm just wondering to what extent does your strategic plan take into account the really unique and different aspects of rural justice and the challenges.

MR. STEINKAMP: It's an eye-opening experience for me to be there and to hear from the local providers to simply say, as much as you will hear about issues of foreclosure and eviction and other matters that we have heard about, the fact that there just are not lawyers there to hear, representing obviously a significant, different and unique set of challenges. Transportation is another significant challenge. The opioid crisis is another significant challenge in rural areas, as well. There are so many unique factors, so, yes, absolutely, and it needs to continue to be an element of the strategic plan incorporation of the use of
those counties in part of what we are doing and enabling those counties to develop those unique strategies. So much of what we are doing in the strategic plan's focus is to enable local strategies to develop. That doesn't mean that it's easy, but to appreciate that this is not a perfect pattern. This is not going to be the same everywhere. It has to be different, and appreciating the significant challenges in rural communities is part of that.

CHIEF JUDGE DiFIORE: Thank you.

PRESIDING JUSTICE ACOSTA: Just to follow up on the question that was asked before. Do these challenges in rural areas impact the return on investment that you outlined in your testimony with respect to the return on investment of at least $10? I know in my days when I was in legal services, the return was expected to be less, and there were a lot of reasons that went into that analysis.

MR. STEINKAMP: Yes. I think the potential impact in the rural counties may be different. It's certainly something that I think as we continue to get data at the county level and analyzing that on the county level. Obviously, the return on investment is based on a variety of factors. One is direct funds available to people, which I think will also be the case in rural
communities, but also access to Social Services. So it depends on the local communities, you know, response to families in need on how that may be different. Of course it will be different, right? The ratio will be different in every county, and I think part of what we need to do as opposed to the local impact analyses and the ways to develop local strategies will be to understand how each county measures that impact a little bit differently. So, I think the answer is, yes, absolutely. The degree of magnitude of that, I'm not quite sure of that.

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

Our next presenter is Jennie Kim. She currently serves as Senior Staff Attorney at Queens Legal Services. She really got the start and foundation of her career as a coordinating attorney of Legal Hand. Miss Kim.

MS. KIM: Thank you, Your Honor. Good afternoon, Honorable Chief Judge Janet DiFiore and the distinguished guests. My name is Jennie Kim. You have already given an introduction to what I do, so thank you so much. I am deeply grateful for this opportunity to speak about the work of Legal Hand.

At Legal Hand, our trained community volunteers, who are not lawyers, provide free legal
information, assistance and referrals to help resolve
issues like housing, family law, immigration, domestic
violence, benefits, and prevent problems from turning
into legal actions.

The Legal Hand strives to address the unmet legal needs in New York State and break down the barriers to access to justice by educating and empowering people in low-income and disenfranchised communities. Legal Hand also works to unburden the New York State Court System by reducing the number of cases and unassisted prose litigants and ensure the fair administration of justice in New York State.

Legal Hand provides these services in, as you can already hear, a unique and very powerful way. We do this by operating accessible storefront walk-in sites in neighborhoods where people need us. We also do this by focusing on providing information and self-help strategies instead of legal representation. We do this by training community volunteers, who are not lawyers, who are going to listen to community visitors, conduct interviews, find information resources and referrals, and communicate the information effectively and respectfully to the visitors.

We do this by operating the site as a collaboration between Center for Court Innovation and
legal services providers. The organizations, legal
services providers, or organizations' attorneys train
community volunteers. They monitor and supervise
information that our volunteers provide, and also develop
Know-Your-Rights workshops for the community.

In the four years of this operation, and
that's already four years, Legal Hand has proven to be an
effective program in addressing unmet legal needs in
low-income communities. The numbers of sites that we
have developed and people served and issues handled by
Legal Hand is impressive. Legal Hand operates five sites
all over New York City where there are needs. Also,
Legal Hand handled 13,036 sessions in 2018, and 12,729
sessions in eight months of 2019. We are growing very
fast.

Issues handled were consumer law, housing,
family law, employment, immigration, government benefits,
senior citizen issues, and others, and many legal issues
under the bucket of others. In 2018 and 2019, Legal Hand
assisted with 8,403 housing issues. Even with universal
representation, housing issues that New York City
residents face is substantial. The Jamaica Queens site
alone handled over 10,000 issues in the last three years.
We hosted and participated in over 150 legal education
events with close to 2,000 Queens residents. We have

BETH NEWTON, SENIOR COURT REPORTER
THERESA L. ARDIA, SENIOR COURT REPORTER
trained over 60 community volunteers, 60 percent of whom stayed with the program for the three-month period that's allotted out for them, and had extended stays with us from over six months to three years.

Legal Hand Jamaica is well known in the community where we serve and receive referrals from 150 local organizations. And importantly, Legal Hand seeks to unburden the New York State Court System by reducing the number of cases and the number of unassisted pro se litigants. Legal Hand is most effective when engaging in preventative work. Legal Hand resolves problems before they turn into legal issues in the following way:

First, Legal Hand identifies and provides access to critical resources and programs to help people solve problems, such as government benefits, services targeted specifically for those issues and for certain populations, and legal assistance. So, for example, Legal Hand prevented evictions by connecting people who have fallen behind in rent payment to government assistance, and also, we provided people who are in unaffordable housing with financial counseling and assisting them in applying for more affordable housing.

We have prevented potential harm to seniors and people living with disabilities by connecting them to
resources to help them stay safe and healthy, independent, and keep them in their homes. We also prevented a multitude of problems stemming from having no income by assisting people who lost employment by applying for government assistance with job search and application, and discrimination complaints when necessary.

Also, we do this by helping vulnerable populations as they are facing problems, not when problems have festered into legal action. For example, Legal Hand helps seniors to respond to utility shut-off notices, bank and debt letters, property assistance recertification form, notice to cure, and more. We also assist people who are limited English proficient to respond to legal demands that would have negative consequences if they did not respond in a timely manner. We also have people write demand letters and respond to notices from landlords, credit card companies, banks, mortgage companies, and schools.

Also, and very importantly, Legal Hand educates and empowers people to exercise their rights as tenants, students, victims of crime, consumers, employees, persons with disabilities, and immigrants. Often, with the information, people prevent harm and further down the line, legal action.
We also reduce the number of unassisted pro se litigants. Local courts have referred pro se litigants to Legal Hand to assist them in filling out court forms and explain legal processes, such as, what forms to fill out, where to file them, and how to serve court papers. And very importantly, Legal Hand also finds and refers people to available legal services providers and lawyer referral services, and thereby better facilitating the court's efficiency.

Before I close my statement, I want to give you a glimpse of people we serve at Legal Hand: Residents in quickly gentrifying areas facing eviction and displacement, including elderly who lived in the community for over 30 years; people of color facing housing discrimination, and thereby bearing the most substantial burden of unaffordable housing; domestic violence survivors, including elderly and immigrant spouses of U.S. citizens who live in fear for their lives but don't know how to escape the situation; low-income immigrant workers who live without basic healthcare and don't know where to turn when they are injured; children with disabilities who are not getting the support to thrive at school; black and brown children facing school discipline and suspension unfit for their age and disproportionate to their actions, as some of the worst
forms of racial discrimination; and immigrant children
who are not getting the language support that are quickly
losing interest in school and an opportunity of their
American dream; elderly residents who are being scammed
of their greatest possession, their home, by mortgage
companies and their own families; people with criminal
histories who face barriers to work and sustain
themselves; and immigrants who face challenges due to
their unstable immigration legal status.

The challenges that indigent and disenfranchised
people in New York State face are seemingly
insurmountable, and the unmet needs for Civil Legal
Services in New York State are substantial, as this panel
knows very well. Legal Hand can provide the means to
meet these needs. We seek your continued and increased
support as Legal Hand aims to increase its presence in
more communities and its staff to meet these needs.

Thank you.

CHIEF JUDGE DiFIORE: Thank you, Miss Kim. I
think that you are aware that we are very supportive of
the prevention model, in particular the model that is
delivered through Legal Hand, and you cite as one of the
benefits of the work that is done through Legal Hand the
lessening of the burden on the Court.

MS. KIM: Right.
CHIEF JUDGE DiFIORE: And, of course, we agree with that, but some would argue that even more important than reducing the burden on the Court is reducing the toll that litigation has, particularly when litigation is unnecessary on individuals who seek their help. So, if you had one suggestion as to how to improve the prevention model that is delivered through Legal Hand, what would that be?

MS. KIM: Well, I think as I had just asked for, in looking to going into more communities, and hoping to also go into rural communities and support for us to expand our services. So that would be my number one ask.

One of the things that we have is a lot of court forms are not translated in many different languages. It's only in English, and that also puts a lot of burden on the people who are able to assist people in that process. So, that would be my second ask.

CHIEF JUDGE DiFIORE: I'm sorry, I missed that last part.

MS. KIM: That would be my second ask, that the court system becomes more accessible to people with limited English deficiency.

CHIEF JUDGE DiFIORE: So in Jamaica, Queens, I can't imagine how many. I don't know the number of how many languages.
MS. KIM: We have many. We have access to language line which speaks actually 180 languages, and we are a very active user of that service.

CHIEF JUDGE DiFIORE: So your experience has been good with the line?

MS. KIM: Yes.

CHIEF JUDGE DiFIORE: Not perfect.

MS. KIM: Yes, with the caveat, I think more and more of those services are getting better as we use them more, and for the Court and our system to use them and to facilitate language access in that way and making it acceptable everywhere, I think will also increase how the services will work better.

PRESIDING JUSTICE SCHEINKMAN: I was wondering how you coordinate court-based programs and your program in order to avoid duplication of effort, having people go from one place to another place in search of answers to their question.

MS. KIM: Very good question. We do get a lot of referrals from the Court to assist people not just with the court forms, but to try to get more resources for them. I think one of the things we definitely need to do is more coordination with the different kinds of programs out there, but I think one of the things that makes our site unique is that it's a storefront open site that
anyone in the community can come in. We provide services in many different areas. So, for example, if someone comes in with a housing issue, most often they have another government benefit issue, sometimes family issue, immigration issue, and many different issues going on at the same time. We are a site where we actually sit down with people to talk about all those issues together comprehensively. So, coordination is very important, but our site itself also is very unique in that it provides that kind of comprehensive service.

PRESIDING JUSTICE GARRY: You have described that the volunteers are trained by attorneys, but I'm wondering who is it that volunteers, and how do you recruit and find those people?

MS. KIM: That's a very good question. So, that is something that each site struggles with a little bit because as we go into these communities, and volunteers are from the community, so depending on how accessible we are, our community volunteers vary in many ways from all walks of life. So, we have some students who are interested in going to law school who are volunteering. We also even have high school students who became interested in our services through either their parents or someone who received our services and understanding that they can volunteer with us. We have a lot of
community activists who are in the area, and who became very emotional about our structure and legal system and how to effectively assist people with legal issues, so they are also with us. As I was talking about, many of our volunteers have stayed with us for three years, and these are activists in the area. So, it really will depend on the sites and where we are in the community, but it's the community folks that we are actually recruiting.

CHIEF JUDGE DiFOIRE: Thank you, Miss Kim.

Next, we have Professor Rebecca Sandefur. Thank you for traveling from Arizona. Professor Sandefur is a Professor at Arizona State University Sanford School of Social and Family Dynamics. She is a faculty fellow at the American Heart Foundation, a recipient of the MacArthur Genius Grant in her research of civil legal services. We thank you for traveling from Arizona to share your expertise with us.

MS. SANDEFUR: Thank you, Chief Judge DiFiore, distinguished panel. It's an honor to be speaking before you today, and I want to thank you for the opportunity to share some of the things that we are learning and research about civil legal needs and the kind of services that can assist people.

Everyone in this room knows that scores of millions
of Americans every year face civil justice problems that affect their ability to make a living, have a place to live, care for people in their life who cannot care for themselves. In our democracy, we have made laws that are meant to order these fundamental parts of human life, being able to secure basic needs like food and medicine, having shelter, caring for dependents, because we believe that these issues are so important that society as a whole has an interest in what happens to them. But many millions of people in this country struggle outside the protection of these laws that we have made about issues that we believe are so important.

Our best estimate suggests that low-income Americans in this year, the one we are about to come to the end of in a month or two, will experience 40 million new civil justice problems, and they will seek lawyers' help for less than 20 percent of those 40 million new civil justice problems.

What gets to courts and to lawyers right now is the tip of an enormous iceberg of civil justice activity, just a small proportion of the problems that people face. So in the access to justice policy world as everyone in this room knows, we often use a measure of unmet need, the people who are turned away. So the number of people who try to get help from some service get turned away for
lack of resources. Again, that's just at the tip of the iceberg.

We can think about this concretely if we think about New York State. So, in New York State you have nearly 3 million people who live below the federal poverty line, and using the statistics that we have, we know that these folks will experience between 2 and 2.3 million new civil justice problems this year. Think about the service numbers you've heard from the Courts and from Legal Aid offices. They're not serving most of those people, and they're turning half of the people who come to them away because they don't have the resources.

When New Yorkers and Americans confront civil justice problems, they navigate them on their own. This is not simply because of the scarcity of affordable lawyers, or because some people are suspicious of the justice system. Rather, Americans often do not recognize the legal aspects of their justice problems.

For example, they think that an employer's failure to pay overtime wages reflects his bad character, rather than the legal problem we know as wage theft. Or they believe that an informal eviction where a landlord tosses their belongings into the front yard and change the locks is not a violation of the law, but rather their bad luck in having that nasty landlord.
This is an enormous problem, and tackling it will require not only new resources but also new thinking. In particular, that thinking will require us to think more like the people who have the problems and less like the people who provide the services, and also to recognize that more than lawyers and legal services from lawyers are necessary to solve this problem.

We need to start meeting people where they are, and one place we can meet them is, of course, the courthouse. You heard earlier today about New York City's path for a Court Navigators Program. It is a tremendously effective and useful program that New York has started and is spreading around the country reflecting what Mary McClymont calls an emerging consensus that people who are not lawyers can provide meaningful and effective assistance to folks who are involved in a wide range of different kinds of problems; domestic violence, eviction, consumer debt, family issues, and more. Technology is another way of meeting people where they are. Our best research suggests that it works best when it has a human next to it, but often people would use it on their own.

New York City is a leader here, as well. I'm sure you're all familiar with probono.net, which provides many of the statewide Legal Aid websites in this country,
but also LawHelpNY, and it also provides a range of software applications that help people in handling immigration, citizenship, elder abuse.

New York City is home to one of the most creative and interesting technological intervention into the housing problems in this country, and that is JustFix. JustFix takes technology directly to people in communities to assist with issues of housing conditions, eviction, and systematically bad landlord behavior.

We heard today, and you all know if you ever practiced, it would be much better if many things never made it to court for many people and communities. Legal Hand does important work with non-lawyers and lawyers to serve people in neighborhoods around New York City.

So, when you're thinking about what you would like to fund, I would encourage to you to fund things that are not lawyers, in addition to things that are lawyers, not only because they expand the capacity of the programs that you fund to do more stuff, but they expand the entry points for people sitting out there who are not making it to the justice system or to address resolution now.

I would also like to make one more observation that relates to Chief Judge DiFiore's remarks about how there are monetary interventions that this body might
make, and then there are non-monetary things about it. I just want to offer one thing to you for your consideration. All of these programs that involve things and people that are not lawyers could be more effective than they are.

One thing that would, of course, make them more effective is funding to expand their reach, but they are also all hampered, even though they are very different from each other, by one thing, and that thing is the current regulation of the practice of law. None of these helpers are permitted to give even limited legal advice, yet research here and in other countries show that specialized helpers who have focused training, as well as sophisticated computer programs, could be sharing legal expertise with communities around the country. In many other countries, for example, the United Kingdom, people who are not lawyers are, in fact, permitted to give legal advice.

And so, the simple change allowing some people who are not lawyers to give some types of legal advice would empower individuals in communities to actively and effectively use the laws that they elected those representatives to write. Engaging with those laws might also encourage those communities to think about how to change them and so revitalize our democracy, as well as
expand access to justice. Thank you.

CHIEF JUDGE DiFIORE: Thank you, Professor. Before we get to the regulations, you said we should think more like the people who have the problem and less like the people that provide the services. In your work, have you seen any collaboration between the faith communities and programs like Legal Aid that try to keep people out of the court process and what that kind of collaboration might look like? Because my suspicion is many people when they have a terrible thing going on in their life turn to their faith leader, counselors.

MS. SANDEFUR: That's absolutely right. Folks who work in immigration will be familiar with the many partnerships between faith-based organizations and immigration citizens providers, both legal advocates and legal assistants of different kinds, but in different states around the country, Access to Justice commissions, which are kind of like the zero point zero of Justice For All, recognizing this idea that when we are in trouble we go to the places who help us deal with ultimate issues, are working to find ways to train church secretaries, in essence, to be issue spotters. So, not here is what we should do, but to say, wow, sounds like part of the problem you're describing might need the assistance of an attorney, and here is the number to the Legal Aid office.
I think there is a lot of scope there. It's a great example of a general thing we need to think about more ways to try, which is finding people where they already go when they're in trouble. Schools would be another place because teachers and principals and school counselors can be trusted sources of advice. So, what are those places in different communities where we can embed knowledge that there is help outside.

CHIEF JUDGE DiFIORE: Judge Marks.

CHIEF ADMINISTRATIVE JUDGE MARKS: I could not agree with you more. We have to make greater use of non-lawyers if we are going to end the justice gap, but there's not universal agreement on that, by any means. Lawyers, I think, look at that very parochially and think that's going to be bad for them in the long run. Also, some think that greater reliance on non-lawyers will undermine efforts to try to get more funding for lawyers.

Do you have any thoughts on that, how we can work to get more consensus on this that we need to make greater use of non-lawyers so that the legal profession can be much more like the medical profession, which strikes me as relying to a much greater extent on non-physicians than we in the legal profession rely on non-lawyers.

MS. SANDEFUR: The medical profession was just as
resistant at the beginning as lawyers are now. I think the different situation there was that there was a clear shortage of physicians, and so, being able to have a phlebotomist draw blood or a nurse practitioner prescribe something expanded access to medical care in many places where there were no or very few physicians.

I think what I would encourage lawyers to think about is two things. First, none of these people are being assisted by lawyers now. So if there is a parochial or market concern, the evidence suggests lawyers are not in that market anyway, and I think in terms of getting people on the same page and working together, there are examples even in the United States of how lawyers and non-lawyers working together can expand their capacity.

I'll give you an example from Washington State. Washington State was the first state to create something I often call a junior varsity lawyer. This is somebody who can give legal advice, who can prepare a document for you, and who can handle things in some ways but cannot represent you. They can't talk to the other side, and they can't appear in court and question. They gave this thing the name of limited license legal technician. At this time, they were only in family law, only in some areas of family law, assisting people with divorce
decrees, and so on. Of course, the state bar set this up. This is a for-profit independently practicing limited license lawyer. And, of course, there was tremendous resistance in some corners of the bar to this, and that resistance was countered at first by saying, listen, you're not serving these people anyway so this doesn't create any market excitement. But what Tom Clarke and I, who studied that program a few years ago, discovered was that there were many law firms that took this as a way of expanding their firm's market share. So now they could serve different groups of people at a lower rate than what a lawyer would serve, so they were actually getting more revenue by doing this. So finding a limited license legal technician, I help you with the part that I can help you with, but we really need to send a lawyer into the courtroom, or one of the lawyers in the firm takes up only that part of the case.

So, you get all the representation you need at a price that is much more affordable if you do it that way. I think there are many different instances where navigators and lawyers could work together, where Legal Hand and lawyers could work together in a kind of a tiered service structure.

I think there's a lot of opportunities there that most jurisdictions have not explored.
MS. KIM: If I may?

CHIEF JUDGE DiFIORE: Of course, Miss Kim.

MS. KIM: Thank you so much for that question. I know there's a lot of confusion about what Legal Hand itself does and our limits and if we are doing the work of lawyers. We are not. I do want to make that very clear. We supplement each other. Legal Hand is there to reach more people and empower and inform people. Most often they are in the court system and they do need a legal services attorney, and that's not something we take lightly. A lot of the things that we do at Legal Hand and why we try to make it 100 percent at the site is because we do monitor and supervise information that is provided.

For example, in housing situations, even if there are definitely defenses that people have, unfortunately they will not be able to assert on their own, even with the information, so in many ways what we do, the best work that we do is preventive work, which is not what lawyers do. We inform people, and even when people are in the court system, oftentimes what we find is that people are not really understanding what exactly is going on in court. In many ways we actually supplement that by informing and educating. That doesn't mean we are doing the same work.
CHIEF JUDGE DiFIORE: That's very important, the difference. Thank you very much to the panel.

The next panel up is Panel Number 4. In the interest of time, as Panel 4 is coming up, we're going to segue to our presenter from Panel Number 5, and we're a little bit out of order. Please come up and take your seat.

Stacey Friedman is Executive Vice President and General Counsel for JPMorgan Chase. We appreciate your time today, but more importantly, we appreciate your recognition of the value and importance of lawyer pro bono services and the ways in which JPMorgan Chase is honoring that responsibility and commitment. So thank you for joining us today.

MS. FRIEDMAN: Thank you for having me. Would you like me to give my remarks?

CHIEF JUDGE DiFIORE: Certainly.

MS. FRIEDMAN: Okay. Well, again, thank you to the Chief Judge and esteemed members and the Bar. My name is Stacey Friedman. I'm the General Counsel of JPMorgan Chase and I'm grateful for your public service and for all the work you do to promote justice in our state.

I'm honored to offer my personal support for the critical work of the Permanent Commission on Access to
Justice and its Chair, Helaine Barnett. I strongly believe that increased funding for civil legal services benefits our courts and individuals, families and businesses. It benefits each of us.

In 2010, when the Task Force to Expand Access to Civil Legal Services was created, our state faced a crisis of the unrepresented in our courts. Each year, more than 2.3 million New Yorkers tried to navigate our state's complex civil justice system without a lawyer.

In New York City, 99 percent of tenants were unrepresented in eviction cases; 99 percent of borrowers were unrepresented in consumer credit cases; 97 percent of parents were unrepresented in child support cases; and 44 percent of homeowners were unrepresented in foreclosure cases.

And what that meant were our courtrooms were full of frightened, unrepresented people facing the loss of a home, job or even a child.

But thanks to the efforts of the Task Force and the Permanent Commission, and with the support of our judiciary, we have begun to close that gap. Through the judiciary budget, the state now provides a hundred million dollars in critical funding to support civil legal services. In an effort to fulfill that obligation that everybody have access to justice regardless of
economic circumstances, the result is by 2018, the program that you have supported led to a half million cases involving disputes over the essentials of life, a half million cases where people had lawyers to assist them with this.

And you should also be commended as stewards of the state's very scarce resources. As set forth in the Commission's annual report, there's been a ten-dollar return to New York State for every dollar spent towards civil legal services. Experts estimate that roughly 10,000 jobs have been created as a result of this funding. It's led to retroactive awards of child and spousal support to benefit women and children that desperately need these funds.

There have been meaningful indirect benefits, including savings on shelter costs for families who can stay in their homes, fewer home foreclosures, less domestic violence and increased wages. All told, this funding has had an estimated positive economic benefit for New York State of close to three billion dollars.

But what I know personally, looking beyond the numbers, is we can clearly account for the significant positive impacts that flow from this funding that you have put forward is the backbone of pro bono services in New York.
At JPMorgan, like many other companies, we are blessed to have hundreds of lawyers in New York who dedicate thousands of hours of pro bono time to civil legal services. But it is very hard for those lawyers on their own to connect with clients in need. It is not something that just happens. It happens because those lawyers, whether at a company or the law firm, actually connect with the programs you fund and then get connected to people.

And so when I think of JPMorgan, and this is just one example, we have a program, a Legal Day of Service, where we take a day and we tell everybody in the department take the day off, spend time doing pro bono. This year in 2019, a thousand members of our legal department participated across 17 countries and 27 different cities, including New York.

When we went back and looked at the programs we worked with this year, we found nearly a dozen programs that you had funded. Thanks to your efforts and support, we had the opportunity to advise on visa applications at clinics run by Her Justice, Legal Services for New York City and Safe Horizon.

We had the opportunity to advise on housing, government benefits and wills under the leadership of the Volunteers of Legal Service. We worked closely with The
Legal Aid Society to provide for the needs of the poor and have worked to provide young immigrants with representation through the Safe Passage Project.

And finally, we assisted low-income LGBT immigrants who were victims of persecution in their home countries to gain legal status in the United States through Legal Services NYC.

So the work that these programs undertake is life-changing for those in need and it is entirely because of your support that those programs are there to help fill those needs. But despite these extraordinary efforts by these programs and our community, there remains a significant need for additional funding for legal services to assist low-income New Yorkers in meeting the essentials of life, and sometimes they tap into the legal system to get there.

So in addition to being here to thank you for all you have done, I'm here to support your efforts to do more to close the justice gap. There remains a vast unmet need for legal services in New York. And as the Chief Justice noted in the most recent report, legal service providers are still turning away far more people than they can serve.

Individuals in New York, as we see around the country, just do not have the means to retain an
attorney. According to the Federal Reserve, nearly 40 percent of Americans cannot cover $400 to meet an unexpected cost. The practical reality means that there isn't legal representation for most New Yorkers who are going in the justice system to meet their needs and there is much more to do.

If you go to the Supreme Court of the United States, we have a building that says "Equal Justice Under Law". I think this encapsulates what the Permanent Commission can do for New York, namely to ensure access to justice is the same for everyone, regardless of your economic status.

And this isn't just an inspiring goal. This is the way the legal system is supposed to operate. But there is work to be done. And so while I am deeply grateful for your efforts, I respectfully urge that you seek to increase the funding for the 2020 fiscal year for civil legal services.

Thank you for the opportunity to make these remarks and for your continued support and for supporting the mission to provide legal services. I'm happy to answer questions if you have them.

CHIEF JUDGE DiFIORE: Thank you for your testimony. My question is if we were to focus on future recruitment efforts of organizations such as
JPMorgan Chase, in your mind, is there a connection between the health and well-being of your organization and the work that we are doing to close the justice gap and what would you advocate as the most beneficial of that?

MS. FRIEDMAN: Yeah, it's hard to say, because it happens on many layers. I guess at the very, very top layer, a just civil society is essential to the economic well-being of business. So the access to justice cornerstone is a layer for sure.

That is where the ability of any business to successfully operate within the state, workers, employees, customers, they need access to justice. I think a fundamentally healthy economy has as one of the pillars a healthy access to justice and so a hundred percent, there's a benefit there.

But I think on the other side of the equation, on a more personal level, I think part of being a lawyer is pro bono, it is giving back. And I think part of a healthy legal department within any company, whether their legal department is five people or five hundred people, is making sure that the folks that do give back and provide pro bono services have the ability to serve the needs of the community.

That's where that intersection of programming
support is vital. I don't think a typical lawyer can find efforts and need without those programs in the middle to make that connection.

CHIEF JUDGE DiFIORE: Thank you, Ms. Friedman. Thank you for your time, for your interest and for your dedication, and thank you for your words.

Okay, back to our panel. We will start with Panel 4. The first presenters will be Mr. and Mrs. Connors, Donna Connors and Donald Connors. They're accompanied by their lawyer here today, Shruti Joshi and, of course, Lillian Moy, who we all know is Executive Director of Legal Aid Society of Northeastern New York. So let's start off with Mr. and Mrs. Connors.

DONNA CONNORS: Good afternoon. Thank you for inviting me to participate in this hearing. My name is Donna Connors and I am here with my husband Donald. I'm here today to tell you how Legal Aid Society of Northeastern New York secured our home and our future.

We are homeowners in Claverack, New York, a rural area of southern Columbia County. In 2017, we were facing foreclosure. Our involvement with the Legal Aid Society began when we were convinced our options to retain our home were at an end and we had reached a crisis point.

After being denied a loan modification by HSBC, we
reached out to a local housing resource agency. With their help and support, we submitted more documentation. But we were denied again. At this point, we felt our only choice was to face foreclosure and a bleak, uncertain future.

Our housing counselor advised us to contact the Legal Aid Society of Northeastern New York. It is with profound gratitude and respect for this amazing organization that I can say they saved our home and secured our future.

In 2004, my husband and I purchased a modest ranch house in Columbia County. Our small business was doing very well. We were confident this was the right decision. Not long after, several things happened to create the perfect storm that left us struggling to survive while drowning in insurmountable debt.

A few months after the closing, our variable rate mortgage was sold. Our payments nearly doubled and we began to despair. Our business, mainly centered on renovation and new installation, became focused on repair and maintenance. Many of our customers were struggling financially as well. We started falling behind on our mortgage payments and rapidly reached a point where we were too far behind to be able to catch up on our arrears. We could not afford an attorney and had given
up all hopes of keeping our home until we were advised to contact Legal Aid Society.

After we met Shruti Joshi, we began to feel a glimmer of hope. Our last scheduled settlement conference, which we assumed would be the final nail in the coffin, turned out to be the beginning of this awesome attorney's work to turn our lives around. At the time, our mortgage was in the process of being sold again. Ms. Joshi was up against two teams of attorneys from two different banks. Thanks to her diligence and skill, we were granted not only a modification but one with a lower interest rate and payments we could afford.

After this miracle, we were able to restructure our lives and move forward. My husband is the lead plumber at a local company. I started a doggie daycare where I get to play with dogs all day and actually get paid. Our two giant goofball dogs have become certified therapy dogs. They currently visit a local assisted living facility where we have been bringing therapy dogs since 2010.

Having a safe, secure home is the foundation for everything we're able to do. It allows us to remain productive members of our community. The Legal Aid Society gave that to us. The need is great. The Legal Aid Society strengthens communities and ultimately our
society as a whole by providing their services to people like us who may otherwise have nowhere to turn.

CHIEF JUDGE DiFIORE: Great story. Thank you. Anyone have any questions for Ms. Connors?

(No response.)

CHIEF JUDGE DiFIORE: Congratulations to you and congratulations to getting back to your strength and getting back to your feet and being productive. I see that smile on your face.

DONNA CONNORS: Thank you so much.

CHIEF JUDGE DiFIORE: Ms. Moy, Legal Aid Society.

MS. MOY: Thank you, Your Honor, and to the distinguished panel for your time and for your unwavering commitment to access to justice. I'll be brief; the hour is late. So thank you, Donald and Donna Connors, for sharing your story and to my colleague, Shruti Joshi, who's an awesome lawyer.

And I agree with so much of what Rebecca Sandefur said and I just want to have all of us recall there are still a few things that only lawyers can do. And I think other people might have been able to painstakingly review the Connors' application for budget modifications, but Ms. Joshi did those things by using that kind of detailed work and coupling it with the legal standard for providing a budget modification.
So I think it's just another point to make about the importance of the lawyers and especially given the crisis that clients in our rural New York face.

We gave you some statistics to consider. There are 17 people for one lawyer in New York County and 72 people for one lawyer in New York City. There's 179 people for one lawyer in all of northeastern New York and in your Columbia County, for every 229 people, there is one lawyer. And I think we all know that Columbia County is not the most rural county in the State of New York.

This is a crisis for rural New Yorkers, particularly for those who are low income and rural residents like the Connors at that moment of crisis.

Our 2019 intake census showed over a full period that we could not serve 66 percent or serve fully 66 percent of the people who applied for services and whose cases were determined. Over 12 months, that is about 816 cases.

And I'm skipping over the part where I describe the 16 counties where we serve in northeastern New York. But in terms you will understand very well, it's all of the Fourth JD and most of the Third JD, 35 percent of the square miles of the State of New York. And I think the Connors really represent about the 76 percent of rural New Yorkers whose legal problems center around real
property. Who is going to help them? The Connors have spoken about what our representation meant for them. I think now you see how legal services in rural New York contribute both to the local economy, to an individual life and to the emotional well-being of a small community.

Helaine asked me this question: What would you do if a miracle occurred and there was even more generous judiciary legal service funding? I know that for us at Legal Aid Society of Northeastern New York, we would try to put that money to support staff and provide representation to rural New Yorkers who need services.

It is obviously extremely needed and you've already seen, I think, the benefit of our work all around the state, in New York City and in rural New York.

So thank you for all you do for us and thank you for your time.

CHIEF JUDGE DiFIORE: So Ms. Moy, you heard what I believe was shared in this room, expressed by President Greenberg, about the lawyers in rural New York, and is money a way to solve that? I'm sure you've thought about that a great deal and how you develop a pool of lawyers.

MS. MOY: Well, I think money unfortunately does have something to do with it. Even for the publicly-minded lawyer here in Albany, it is difficult to
compete against New York State for those who have the heart for public service.

And honestly, we just lost someone to the Council for the Adirondack Park up north, so it's hard everywhere in rural New York. So money and stability does make a difference.

It's hard when I try to hire a gifted attorney and I can't have enough money for more than one year. Not everybody can do that over the long haul and it is the long haul that creates competence. Of course, we realize that's what we need more of at Legal Aid.

CHIEF JUDGE DiFIORE: Thank you very much, Ms. Moy.

MS. MOY: Thank you.

CHIEF JUDGE DiFIORE: Our next panel of presenters is Shanell Yarde and Kristin Brown. Ms. Yarde is a client of Empire Justice Center. She's accompanied by her attorney, Saima Akhtar. And Ms. Brown, of course, is the President and Chief Executive Officer of Empire Justice Center. Welcome. Thank you for being here. Ms. Yarde, you're up.

MS. YARDE: Hello. My name is Shanell Yarde. Thank you for giving me the chance to tell my story today about how having access to a lawyer was helpful to me and my family. In 2016, I was contacted by Child Protective
Services in Albany County and asked to take care of my niece when my sister was unable. CPS had asked several times and I was not willing because I was dealing with my own family.

But then there was a crisis and my infant niece was going to be removed from her mother and placed somewhere. I took emergency custody of my niece when she was just nine months old. The circumstances were not ideal. I was pregnant myself, with two small children and going through a separation from my husband.

I needed help to manage all of this and I needed to get help for this new child in my house. I reached out to Rensselaer County Department of Social Services, DSS, to get any help they could give for my niece. The worker asked me about what benefits I already had and I was told the child could be put on my SNAP case. No one said anything about cash assistance even when I asked if there was anything else.

I was in a really difficult place and had also called DSS in addition to talking to them in person, but I couldn't get any assistance for my niece. I was spending my own savings to make sure she had diapers and clothes that fit her. Months went by and I thought that if I got certified to be a kinship foster care provider, I could get some type of help.
After several months of classes and a home visit, I did finally get certified as a kinship foster care provider. It was only after I became a foster care provider that I was told I could not get the kinship foster care payments because I already had custody of my niece under Article 6, but the worker from the foster care office at Rensselaer County told me I could get what is called the Other Than Guardian, or OTG grant. The foster worker told me that I had to say the words OTG grant.

I went to DSS the next day after hearing about the OTG grant. I asked at the counter for an application to apply for an OTG grant and was given the form. I applied for the OTG grant and the DSS issued it promptly. But after that, I went back to ask a supervisor about why I could not get the grant all the times in the beginning I asked.

At that time, more than a year had passed and I had been borrowing money from my own mother to help support my niece. The supervisor said that I didn't get the grant because I didn't ask for it and I decided to call a fair hearing because that seemed unfair. How would I know what specifically to ask for when I don't work at DSS?

Before going to the fair hearing, I connected with
Kari Correa from the Kinship Navigator who helps support relative caregivers taking care of children in their homes. She came with me to the fair hearing for support, but I had to do the hearing all myself. DSS also brought in two people who work in the office who said it wasn't their job to tell me how to get the OTG grant for my niece.

The Administrative Law Judge asked the workers how was I supposed to know all the things that they knew about public assistance or where I could get the form to apply for the OTG grant. One of the workers said that kids in the DSS waiting room were playing with the forms so the staff just put all the application forms away.

I didn't know what questions to ask in my hearing, but I did my best to tell the story of how many times I had asked them for help and how no one actually told me anything about this grant.

At the end of the hearing, the Administrative Judge encouraged me to get help if I needed to keep fighting. I felt okay about the hearing when it was done, but I ended up losing the hearing and felt like giving up. I had a lot going on in my life and I had no idea what to do next. It was just a really bad time in my life where I needed help.

I had gotten contact information for the Legal Aid
Society of Northeastern New York when I was going through my separation and decided to give them a call to see if they could help me after I lost my fair hearing. The attorney at Legal Aid talked to me and made a referral to Empire Justice. I was so happy that someone was taking my case and would help me take the problem before a judge. Before this, I felt like I had been dismissed and how I was treated at DSS did not matter.

I met with Susan from Empire Justice and Liz from Legal Aid several times to draft my statement for the case and explain my story to them. And then we waited. It took another six months before I got into court and proceeded before a judge. But when I went to court, the attorneys from Empire Justice and Legal Aid met with me to prepare me and they all came with me to the hearing.

When I went to court, the Judge asked the lawyers from the State and the DSS a lot of really good, hard questions. He paid attention to what my lawyer was saying and knew the details of my case. It made such a huge difference for me, that someone was listening and thinking about what my family needed and would help me get it even if I couldn't pay.

With the help of my lawyers, I felt heard and I felt understood. If was a real turning point for me. We got a decision quickly and we won. The Judge awarded all
the money that DSS owed me, but the DSS appealed. Empire Justice was ready to take the appeal with me, too, but the county eventually withdrew its appeal and agreed to issue the assistance payment to me. I remember exactly where I was when Saima from Empire Justice called me to say the county would withdraw the appeal and we could get the payment, and what a relief it was to get the money for my niece.

I learned so much from this process. Just a couple weeks ago, I got to tell someone else how to do the same exact thing. My neighbor took in two kids as well. She was looking for help and I knew to tell her to add the kids to her SNAP case and go to DSS to apply for an OTG. I could tell her what to do the way I wish someone would have done for me.

CHIEF JUDGE DiFIORE: Thank you. So it's great that your neighbor had you to talk to. Now, looking back, you're stronger, smarter, you're more savvy for it. Looking back, what was it that could have helped you in referral in New York State when you were struggling?

MS. YARDE: Well, I would say DSS. I feel like it is DSS services. Because when I went there, they were like the first people I looked to for assistance, because that's what I knew, you know. When I first got my niece and I started going there, they just really were of no
help. They didn't really give me a place to go, a
direction and I advised this is my first time that I had
someone that was other than my child and I was looking
for more resources, you know, some type of help.

They said we can't help you. They didn't say but
you can go here or something like that. It was just kind
of like we can't help you and nothing else. I said
there's nothing else? They said, no, that's it.

But I trusted and believed them because they work
there for a living. So I just feel like them at the
front desk, they should have known more to help me or
send me to someone that could.

CHIEF JUDGE DiFIORE: You have four children in
your home?

MS. YARDE: Yes, I have more now, because I
foster.

CHIEF JUDGE DiFIORE: Good for you.

MS. YARDE: Thank you.

CHIEF JUDGE DiFIORE: Anything?

(No response.)

CHIEF JUDGE DiFIORE: Ms. Brown.

KRISTIN BROWN: Thank you, Chief Judge DiFiore and
esteemed panel. I want to thank you so much for creating
this forum for Ms. Yarde and for the others that we heard
from here today to bear witness to the ways in which
civil legal aid has made such a significant impact on their lives.

I also want to thank you, Ms. Yarde, for being here and for sharing your story with us. It really clearly illustrates the variety of barriers that were placed in your way by a system that is seemingly designed to make it difficult to access the assistance that you and so many others seek on a daily basis.

Your story also shows us all how having access to a lawyer can make all the difference in cutting through the confusion and getting meaningful results. Ultimately, thanks to the JCLS funding that we receive at Empire Justice, we were able to help. But at each point in Ms. Yarde's journey, her case got more complex and she and her family had to face avoidable stress and financial uncertainty that could and should have been avoided, which is not what we need to have happen here in New York State.

I want to touch quickly on some of the research that supports the essential role that civil legal aid plays in sustaining stability. Ms. Finkelstein mentioned earlier the Center for Community Solutions' study. There were a couple of impacts I thought were important to highlight once again.

So what the study found is that providing legal
assistance has immediate, intermediate and long-term impacts on individuals and families with some changes that were found to be just as strong or even stronger 10 years after services had been provided. That's particularly important.

The impacts were found to cut across intersectional stability for those served; for example, those helped with financial issues, such as wages, income supports and consumer debt. Those folks not only reported an increase in financial stability 10 years after the initial legal need was handled but they also reported greater stability in their health, which means that they're more stable and resulted in being able to take better care of their health and families' health.

Then, also in the specific area of family law, where we heard from Ms. Yarde and Ms. Mohammed, clients receive assistance in issues ranging from foster care, adoption and guardianship to domestic violence and divorce, the report found that not only did the majority of clients report having a positive impact in family stability but, again, they reported improvements in economic and health stability.

I just want to underscore that I think the most significant outcome in this report was that a greater percentage of clients that were part of the report found
that or shared that their financial stability in two to five years and six to ten years was more significant than at the initial day they received help.

So I also want to touch quickly on what's happening for the Legal Aid Society and Empire Justice Center specifically as the cost of doing business increases. We're absolutely incredibly proud that New York continues to lead the nation in its commitment to funding civil legal aid. I go to conferences in other parts of the country and they all are wowed by what you all have been able to do here in New York.

As we all know, the JCLS funding has been a game changer in terms of the ability to meet the legal needs of low-income New Yorkers. But as we heard so eloquently from Mr. O'Malley, each year, rents go up, the cost of health care rises, employee's salaries go up, the cost of making a living rises and it's getting more and more difficult for us to be able to be both a remote help center and meet both our employees' salary needs in terms of recruitment and retention as well as our client needs in terms of how many people we have to turn away that come to us for help.

So I just want to say that as we go into the fourth consecutive year of getting stable JCLS funding, which is entirely important in our world, we really want
to be able to continue the progress as we seek to close
the justice gap.

I also want to reference the new emerging and
evolving needs that are happening in the legal field that
are really critical for civil legal organizations to be
able to respond to, and we've heard about it a little bit
here today.

Policies are changing at the federal level left
and right and the basic protections from marginalized
client communities are being stripped on a daily basis.
Empire Justice Center is incredibly proud of our state's
efforts and steps that are being taken to provide
protections at the federal level, and we're also
incredibly proud of our goal helping the state to do that
through changes in the law.

But every time the federal laws change and new
state laws are enacted, the civil legal aid community has
to have the capacity to adapt, to learn the changes in
the law, to be nimble and, ultimately, we need the
resources to be able to enforce those new laws on behalf
of our client communities, particularly our client
communities who are increasingly targeted and at risk.

We heard earlier about The Legal Aid Society's
groundbreaking case in terms of representing immigrants
and the changes here in New York. The legal landscape
continues to shift and we need to be able to react. We also are seeing that the federal policies that are in place to provide rights and protections to communities of color and other marginalized communities are being eroded as well as consumers and homeowners are steadily being dismantled.

So just as New York is taking steps to expand our goal to pass groundbreaking laws, we really need to be sure that we can be able to monitor the laws as they're being implemented, particularly in the areas outside of New York City where we don't have as many resources and we don't have as many attorneys.

Clearly, there's much to be done and, once again, I want to thank you, Chief Judge DiFiore, for your leadership in this important area. Our community stands ready to do anything we can to help you all in being successful in closing the justice gap.

CHIEF JUDGE DiFIORE: Thank you. And to your points, I assure everyone up here and folks that they represent we are mindful and focused on the changing legal landscape and working double time to figure out ways that we honor our responsibility.

Any questions?

(No response.)

CHIEF JUDGE DiFIORE: Thank you so very much. We
appreciate it. Thank you.

Our final panel with just the two presenters is Linda Carrasquillo, who is a client of Legal Services in NYC, accompanied by Johnson Tyler, her lawyer, who is an attorney at Legal Services NYC; and Raun Rasmussen, Executive Director of Legal Services NYC. Thank you very much for being here.

MS. CARRASQUILLO: Thank you for inviting me here to testify on the very important issue of the legal services of New York City. I am 62 years old, and I live in Queens. Around 2001, my daughter called me up and said she needed some money so she could finish graduating college.

At that time, I worked for a bus company in Queens. I cleaned floors and windows and chairs. I cleaned the bus out. I made about 25,000 a year, so I decided to apply for a loan. So, I was given a $4,000 Parent Plus loan, and she was able to graduate.

Things were getting worse. About 2005, I got hurt on the job, so I was no longer able to work. It took about approximately two years for me to finally get my Social Security Disability check. So, I received it, and around 2010, I started to notice that my check was not increasing, even though every year the government gives you something more on
your check.

So, when I finally called the company, the non-profit student loan collection agency, I called them up and asked them why are you garnishing my check? I'm a disabled person. They said, well, even though you got paid more than what you have borrowed, you still owe more than what you borrowed. Very confusing. I said, Okay, let's see.

So, by then I got very ill. In 2012 I went into dialysis, so I definitely couldn't do anything. So, for many years I was on dialysis and dealt with it. I couldn't pay anything. I was a very low-income family, and I kept on.

By this time, my landlord -- this is around 2017, and I was behind. I was way behind, and he was ready to evict me and my daughter. By this time, I only had one in the house. So, I went to the court, and I realize I need help. I can't lose what I have been living at for almost 20 years. I can't be out on the streets. I'm sick. So, I went across the street. Fortunately, the Legal Aid Society of New York City was right across the street from the Housing Court.

So, I went across the street, and I went and made an appointment and asked for help. I ran into a paralegal, and she helped me with my housing issue. The
Legal Services of New York State saved my home of 22 years, and at the same time, they looked through my case and saw what my benefits were. She looked and said, Wait a minute, you could get all your benefits back to yourself. You can get them all. How? She said, You're disabled. The government. You qualify or you may qualify for forgiveness. Forgiveness? She said, Yes, didn't you ever hear of that? I said, No, I have called the company before.

They say that I paid a lot, but I still owe more than what I borrowed, which initially was $4,000. So she, Miss Pozel, passed me to the people that are with me now, that helped me in recuperating that money that the government had taken away from me, and we won our lawsuit, okay? We sued the Department of Education in Federal Court and won.

I got $4,000 back. There were eight other plaintiffs with me. They got $18,000 back between them, and we won. But not only did we win, but the government had to change. They had the chance to tell us, and they never did. There are over 200,000 disabled recipients that owe student loans and did not know that you can be forgiven. You may qualify because you're disabled to be forgiven for those loans, and they never told us. They never told us, but because of the Legal
Services of New York City, we knew, and they had to change their policy. So this was a victory. It made me angry, very angry that why hadn't the government told so many people that are on disability, apply and you might qualify. You may not, but you may. We never got that opportunity, and yet we struggled because in the beginning they took out $35.

At that point in my life, $35 was a lot of money for me. Things were cheaper. You got milk. You got eggs. You got things you needed for your child, and as the years increased, it kept on going up, almost to a $106 a month out of the $750 check. I never saw an increase in my check, and this was unfair not only to me but to a lot of other people, that are in my situation.

So, I feel that by having the Legal Services of New York City help me and a lot of other people in different aspects, and not only did they help, but the government had to tell their recipients on disability that they had an option, an option to apply to have their loans forgiven. They did wrong by us. It was an unconstitutional wrong.

So I am here now to thank the Legal Service of New York, and hopefully you can continue and help them continue helping disabled, abused, all kinds of people that need the services that cannot afford it. So please,
think of us. Think of everyone that you have heard today and help us. Help this society, and help the Legal Services of New York continue their work.

Thank you so very much for inviting me here to testify in front of you. Thank you.

CHIEF JUDGE DiFIORE: Thank you, Miss Carrasquillo, and you need not worry. We will continue our work, and we will continue to invite presenters such as yourself to remind itself every day about our obligation. Thank you for being here.

Mr. Rasmussen.

MR. RASMUSSEN: Yes. First, thank you, Miss Carrasquillo for telling your story, and thank you, Mr. Tyler, for your aggressive and highly effective litigation skills. Thank you everyone here today for your patience and for inviting us all to speak with you.

The case that you just heard about is a perfect example of the work of the Legal Services community statewide. With funding from the Office of Court Administration, we helped tens of thousands of clients, low-income New Yorkers, defined under the Federal Poverty Guidelines as $25,000 for a family of four, the same as the poverty level in Mississippi, by the way.

We help our clients get and keep the essentials of
life; shelter, safety from domestic violence, stable
incomes, immigration status, and access to health care
and education. We also work hard every day to try to
expand the impact of our services by bringing affirmative
litigation to challenge the roots of the problems our
clients face, changing the laws, practices and policy
that hold our clients back.

The continuity and holistic nature of the services
that we provide, which you have been hearing about today,
is what makes our work so powerful, and so cost
effective, whether there is legal information to help
people like Miss Carrasquillo solve their own problems,
paralegal assistants preparing forms for disability
waiver, awesome litigation skills by the lawyers suing
and defending against eviction in Housing Court,
bringing affirmative cases in Federal Court to collect
disability assistance, and to get affirmative relief for
thousands more throughout the state.

This afternoon and in hearings in previous years,
you have heard about the powerful partnerships between
the Courts, the private bar, corporations, health care
facilities, the religious institutions, and law school,
technology innovators, community based organizations, and
legal services providers like those you have heard from
today. We work together to solve the problems created by
poverty. We have a historic opportunity right now for you to make an even greater difference than ever before. With your help, we have built a powerful network of advocates and partnerships, but we are still meeting far less than half the need.

With the power of our staff, our partnership with the Courts, the private sector, our clients and their communities, and with the continued and increased support from the Office of Court Administration, there should be no end to what we can accomplish in attempting to achieve the core values of our country, fairness, equal opportunity, and justice for all.

Thank you all for making our work possible.

CHIEF JUDGE DiFIORE: Thank you. Any questions?

(No response.)

CHIEF JUDGE DiFIORE: Thank for your continued dedication and focus on the work that you all do together. I think that as anticipated, today's presenters, both the lawyers who presented and particularly the clients who presented, were compelling. They are inspirational stories. They are informative, and they will inform our work as we move forward.

On behalf of the panel here today, again, I want to thank the client presenters for coming here today
and sharing what are deeply personal and oftentimes difficult stories to tell in a public forum such as this one. So, thank you. I hope you have come to realize that it is your stories and your strength coming out to share them that inspires all of us and informs the foundation of the work that we do.

Thank you all very much. This concludes the 2019 Public Hearing on Access to Justice, and we thank you all for being here. Thank you very much.

(Whereupon, the proceedings concluded at 5:00 p.m.)
The Chief Judge’s Statewide Hearing on Civil Legal Services in New York

Monday, September 23, 2019 • 1:00 pm – 4:00 pm • Court of Appeals, Albany

Written Statements from Presenters

Hon. Edwina Mendelson (Deputy Chief Administrative Judge for Justice Initiatives)

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

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

Hind Mohammed (Client of Legal Services of the Hudson Valley, accompanied by Danielle Brown, Esq.)

Barbara Finkelstein, Esq. (Chief Executive Officer, Legal Services of the Hudson Valley)

Mary Brown (Client of Legal Assistance of the Western New York, Inc., accompanied by Lori O’Brien, Esq.)

C. Kenneth Perri, Esq. (Executive Director, Legal Assistance of Western New York, Inc.)

O.M.S. (Client of The Legal Aid Society, accompanied by Beth Krause, Esq.)

Adriene Holder, Esq. (Attorney-in-Charge, Civil Practice, The Legal Aid Society)

Christopher B. O’Malley, Esq. (Executive Director, New York State Interest of Lawyer Account Fund)

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

Jennie G. Kim, Esq. (Senior Staff Attorney, Queens Legal Services; former Staff Attorney, Legal Hand Jamaica)

Professor Rebecca L. Sandefur (Arizona State University and American Bar Foundation)

Donna and Donald Connors (Clients of Legal Aid Society of Northeastern New York, accompanied by Shruti Joshi, Esq.)

Lillian M. Moy, Esq. (Executive Director, Legal Aid Society of Northeastern New York)

Shanell Yarde (Client of Empire Justice Center, accompanied by Saima Akhtar, Esq.)

Kristin Brown (President & Chief Executive Officer, Empire Justice Center)
Linda Carrasquillo (Client of Legal Services NYC, accompanied by Johnson Tyler, Esq.)

Raun Rasmussen, Esq. (Executive Director, Legal Services NYC)

Stacey Friedman, Esq. (General Counsel, JP Morgan Chase & Co.)
Hon. Edwina G. Mendelson
(Deputy Chief Administrative Judge for Justice Initiatives)
Hon. Edwina G. Mendelson

In 2017, Deputy Chief Administrative Judge Mendelson was appointed to head the newly expanded Office for Justice Initiatives (OJI), which is tasked with ensuring meaningful access to justice for all New Yorkers in civil, criminal and family courts, regardless of income, background, or special needs.

In service of this mission, the OJI’s Access to Justice Program administers pro bono attorney and other volunteer programs, self-help services, Help Centers, and many other resources designed to serve unrepresented litigants. Additionally, Judge Mendelson directs several juvenile and family justice court initiatives, including the Office of Court Administration’s Child Welfare Court Improvement Project, and the implementation of the seminal new law raising the age of criminal responsibility in New York State.

Judge Mendelson also remains active on the bench. She travels to New York State’s correctional facilities to preside over pro se trials in her capacity as a Court of Claims judge and serves in Supreme Criminal Term, NY County. She most recently presided over the Youth Part in NY County Supreme Court, hearing cases of youth charged as adults.

After representing clients in New York City Housing Court, Supreme Court and Family Court, Judge Mendelson joined the court system as a Court Attorney-Referee in Queens County Family Court. She later became a Family Court Judge in 2003, a Queens County Supervising Family Court Judge in 2008, and a year later, she was elevated to Administrative Judge of all New York City Family Courts.

She maintains active membership and leadership positions in several bar associations and committees involving criminal law, family law, and juvenile justice.
Remarks for the Chief Judge’s Statewide 2019 Civil Legal Services Hearing
Hon. Edwina G. Mendelson, Deputy Chief Administrative Judge for Justice Initiatives
September 23, 2019

Good Afternoon Chief Judge DiFiore, Presiding Justices Acosta, Scheinkman, Garry, and Whelan, Chief Administrative Judge Marks, and New York State Bar President Greenberg.

I am privileged to serve as Deputy Chief Administrative Judge for Justice Initiatives—a position which I have held for two years now under the leadership of Chief Judge DiFiore and Chief Administrative Judge Marks. The mission of the Office for Justice Initiatives (OJI) is to provide meaningful access to justice in all New York State courts—for all court users, regardless of income, background, or special need—and to advocate for adequate funding to address the civil legal services needs of low-income New Yorkers.

We work very closely—and deeply value our partnership—with the Permanent Commission on Access to Justice. The Permanent Commission examines the extent and nature of current unmet legal needs and makes thoughtful culture-changing recommendations for system improvement. As part of our mission, the Office for Justice Initiatives works to implement and operationalize these policy recommendations.

Our State Judiciary, first under the leadership of Chief Judge Jonathan Lippman and continued and expanded under Chief Judge Janet DiFiore, now provides $100 million a year from the court’s own judiciary budget to directly provide for civil legal services for the essentials of life. The Judiciary Civil Legal Services Program (JCLS) helps low-income New Yorkers access legal assistance in the essentials of life categories including housing, family matters, subsistence income, and access to healthcare and education. New Yorkers with incomes up to 200 percent of the federal poverty level are eligible to receive direct legal assistance through the network of JCLS providers.

We are grateful for this critical funding, as the consequences of unrepresented litigants appearing in our courts are devastating. In 2018, the funding enabled legal services providers to handle more than half a million cases. Today you will hear from some of their clients about the life-changing impact of these services. These clients are representative of the many thousands who have been helped by this funding. Yet, for every person helped, there are so many more who are turned away for lack of resources. Vulnerable populations, such as the elderly and those with physical and mental disabilities, as well as individuals in rural areas of our state are especially challenged in accessing legal assistance.
Pursuant to Chief Judge DiFiore’s Excellence Initiative, we have harnessed court resources to support and promote pro bono programs, self-help services, technological tools and outreach programs to help overcome the barriers that so many of our court users face in pursuing their civil justice needs. Yet, the flood of people seeking help in our Courts attests to vast unmet needs.

Our staff in the 31 court-based Help Centers throughout the state assist court users by providing free legal and procedural information, referrals, court forms and helpful explanatory publications. In 2014, we assisted 135,000 people. In 2018, we assisted 234,000 individuals. Many of these individuals come into our Help Centers frightened and desperately seeking help with urgent matters such as child support, evictions from their homes and bank accounts frozen by debt collectors. They are right to be frightened because we can only give them limited assistance. While in the midst of a life-impacting legal crisis, they will not be able to access full legal representation and must continue on their own. Even though we opened three new Help Centers this year and will pilot our first Remote Help Center in Saratoga, there are still three Judicial Districts that do not have access to even this most basic level of assistance.

Our “DIY” Do-it-Yourself document-assembly programs generate completed personalized court forms for unrepresented court users in matrimonial, consumer debt, family law, housing, name change, foreclosure and small estates matters.

Our COURTHELP website offers legal information and guidance in easy-to-understand language to provide information about law and court procedures in all types of matters, generating 10.8 million page views this past year.

We also provide supervised volunteer attorney and law student programs in a variety of courts. The assistance provided includes free legal information and advice, document preparation services and lawyer-for-the-day representation. We oversee a volunteer guardian ad litem Housing Court program to assist vulnerable court users and collaborate with the Feerick Center for Social Justice on the Attorney Emeritus Program to provide volunteer attorneys to many in need.

We are especially proud of our partnerships with civil legal services-funded providers such as our court-based Consumer Debt Volunteer Lawyer for the Day program which assisted nearly 5,000 litigants last year.
Our goal is to expand these access-to-justice programs and initiatives and to open more Help Centers throughout the state. And while our pro bono programs, self-help services, and technological tools that I just described are enormously helpful, they can only provide partial relief. They cannot close the justice gap. This can only be achieved by funding enough civil legal services attorneys to help the vast number of low-income New Yorkers who face life-altering legal problems and who risk losing their homes, their children, their healthcare or their income.

In my leadership role connected with the New York State Child Welfare Court Improvement Project, I recently participated in a program where I heard from kin caregivers, many of whom are grandparents and great-grandparents, about how desperate they are to have attorneys help them in Family Court—which is too complicated for them to navigate on their own. The impact of the opioid epidemic on children and families has created a huge need for grandparents and other relatives to care for children when their parents are unable to. Very few legal service providers represent kinship caregivers for free, and one is the Empire Justice Center which is a grantee of our judiciary civil legal services funding. You will hear today from one of its clients, Ms. Shanell Yarde, who was able to gain emergency custody of her infant niece when her mother was unable to care for her. Without legal representation vulnerable children may enter foster care with strangers as opposed to being cared for by loving kin. Attorneys make a difference. Additional funding could provide more access to attorneys in this important area.

There is a national context and framework for our efforts: The Conference of Chief Justices and Conference of State Court Administrators in 2015 issued Resolution 5 which provides for “an aspirational goal of 100 percent access to effective assistance for essential civil legal needs . . . through a continuum of meaningful and appropriate services.” This esteemed group recognized that “the Judicial Branch has the primary leadership responsibility to ensure access for those who face impediments they cannot surmount on their own.”

There is no doubt that New York State is a national access-to-justice leader. The provision of such significant funding to provide direct legal services to those in need is, no doubt, the most significant, unique and powerful measure of our impact and efforts to close the justice gap. We go further and deeper than any other state in this regard. We should all take great pride in that. Our efforts have had impact, and we will hear about that impact from other presenters today.

However, we cannot rest, and should not rest here.

The truth is we are nowhere near our lofty, yet increasingly critical goal, to close the justice gap by providing effective and efficient legal assistance to 100 percent of those in need. That is our goal. That is our mandate.
Hundreds of thousands of New Yorkers continue to appear in our courts unrepresented. They are intimidated by the court, by a lack of legal knowledge and procedure, and often suffer with low-reading comprehension and low English language proficiency. We cannot abandon them.

Indeed, many experienced attorneys suffer some level of intimidation when appearing in court. Imagine trying to navigate the courts to address issues involving the essentials of life—something those of us with privilege take for granted—without a lawyer.

We are working towards a court system, where all who need assistance from an attorney will receive that help. Further Judiciary funding for direct legal services is the means to reach our goals.

I look forward with you all to hearing from those who have benefitted directly from our courts’ leadership in this area.

It is my privilege to do this work and I thank you all for the opportunity to speak with you about access to justice.
Roger Juan Maldonado, Esq.
(President, New York Bar Association; Smith, Gambrell & Russell, LLP)
Roger Juan Maldonado

Roger Juan Maldonado is a partner at Smith, Gambrell & Russell, LLP, where he represents musicians, publishers and record labels in litigation involving copyright and contractual matters, and corporate and commercial institutions in litigation on claims arising from software development/license disputes, lease agreements, and contract disputes. He also has extensive experience litigating, arbitrating, and mediating claims in employment matters, and represents students in federal class actions involving special education services.

At the New York City Bar Association, Mr. Maldonado currently serves as President of the New York City Bar Association. He previously has served as a Vice President and member of the Executive Committee, and as Chair of the Task Force on Puerto Rico, the Council on Judicial Administration, the Task Force on International Legal Services, the Task Force on Housing Court, and the Housing Court Committee.

Mr. Maldonado is a Referee for the New York State Commission on Judicial Conduct; a member of the Commercial Division Advisory Council; and a member of the Boards of Directors of the New York Community Trust, the American Museum of Natural History, the New York Bar Foundation and United Neighborhood Houses; a former member of the Department Disciplinary Committee, Supreme Court, Appellate Division, First Department; former Co-Chair of the Committee on Non-Lawyers and the Justice Gap; and has served on the Mayor’s Advisory Committee on the Judiciary. Mr. Maldonado is a graduate of Yale Law School and Yale College.
Remarks for the Chief Judge’s Statewide 2019 Civil Legal Services Hearing

September 23, 2019
Court of Appeals
20 Eagle Street
Albany, N.Y.

New York City Bar Association
By: Roger Juan Maldonado, President

As President of the New York City Bar Association, I am pleased to appear before you in support of the Judiciary’s annual allocation of $100 million of its budget to funding of civil legal services for low income New Yorkers who face threatened loss of the essentials of life. Not only was this a great idea, it has provided a strong foundation on which nonprofit legal services providers have been able to grow a stable team of legal professionals and embark on service improvements. We ask the Judiciary to evaluate the success of this programming and to consider increasing the allocation in the next budget year. The justice community looks to OCA for an increase in funding together with the ongoing dedicated pro bono service of New York lawyers and law graduates, and the continued efforts to find innovative community based solutions, to bring New York closer to access to justice for all low income persons in 2020.

The City Bar supports and applauds your ongoing efforts as Chief Judge to foster regional initiatives that respond to the needs that are identified through collaboration at the local level. In spring 2019, the City Bar was pleased to host the Civil Court Listening Session convened by New York City Civil Court Administrative Judge Anthony Cannataro and we know these important efforts have gone on throughout the state.

This statement addresses four matters: first, I will cover what the City Bar Justice Center, our 501c3 affiliate organization, has accomplished with the Judiciary Civil Legal Services (JCLS) funding; second, I will address disaster relief and what the civil justice community needs in terms of increased funding; third, I will speak to the value to the larger New York City community of steady court funding for nonprofits providing civil legal aid; and fourth, I will briefly address the landmark Right to Counsel Law which guarantees legal representation to low-income tenants facing eviction in New York City.
I.   CITY BAR JUSTICE CENTER ACCOMPLISHMENTS WITH JCLS FUNDING

Through significant leveraging of funding and pro bono volunteer time, the City Bar Justice Center (the Justice Center) annually delivers free legal assistance to more than 26,000 low-income New Yorkers from all five boroughs through limited and full scope legal representation, a focus on pro bono and a large legal hotline. The Justice Center provides assistance to tens of thousands of other New Yorkers through its online resources and significant community outreach and education efforts. During the last two reporting periods, with the support of JCLS funding, the Legal Hotline has increased its staffing while pursuing efficiencies which has steadily increased its ability to assist more clients. The Legal Hotline now answers 90% of calls that it receives as of 2018-19 up from 60% answered two years ago. The Legal Hotline also is able to respond to an increasing number of online applications for assistance which permits the public to apply for help anytime of the day or night. Many of the callers to the Legal Hotline received preventive advice with a smaller number receiving brief services involving writing a letter or filling in court pleadings. During the 2018-19 grant year, the Legal Hotline answered 100% of its online applications, in total helping over 21,000 people by answering legal questions and providing brief service on issues that relate to the basic needs of many NYC residents, such as landlord-tenant problems, custody and child support, consumer debt and employee rights.

The dozen projects of the Justice Center efficiently complement the brief services of the Legal Hotline. The Legal Hotline screens cases for the Consumer Bankruptcy Project (CBP), which in 2018 provided advice and counsel to 363 low income persons in 187 matters on their rights and options on consumer debt, including filing for bankruptcy, and assisted 62 individuals file for Chapter 7 bankruptcy relief. The same year, the Homeowner Stability Project, which helps low-income New York City homeowners at risk of losing their property, provided legal assistance to a total of 162 clients, including 27 senior citizen homeowners. It assisted 37 clients avoid foreclosure by obtaining loan modifications, bringing their mortgages current, satisfying their loans, selling their properties at a profit, getting their foreclosure actions dismissed, or refinancing their loans. Nine clients attained some other positive outcome, such as averting a default judgment or delaying foreclosure, and eight of those clients obtained interest-free government loans totaling $300,107 to prevent foreclosure.

In aggregate, this past year the Justice Center helped clients obtain over $10.3 million in benefits and monetary awards, including estate settlements; saved NY taxpayers an estimated $2 million by assisting clients obtain or maintain housing, employment, and appropriate government benefits; helped clients divest themselves of over $2.4 million in debt through consumer, bankruptcy and foreclosure prevention advocacy, and through avoidance of filing fees, estate taxes and tuition fees; and leveraged over $15 million in pro bono legal services for the poor and economically distressed. Of particular note, during this grant year, the Justice Center:

- Developed, in collaboration with the NYS Access to Justice Program, the Civil Court Project in which staff attorneys from the Justice Center’s Legal Hotline supervise pro bono attorneys providing legal assistance to visitors at the Help Centers in the New York and Kings County Civil Courts.
- Developed a CLE on diversity and inclusion in pro bono advocacy, which two Justice Center attorneys have presented to nearly 300 attorneys who volunteer with Justice Center projects, work with Justice Center pro bono partners, or are City Bar members.
- Secured $750,182 in retroactive Veterans Disability benefits and $27,536 in new,
ongoing, monthly VA benefits for disabled New York City veterans.

The Judiciary’s commitment to stable funding for civil legal services has been and will continue to be vital for the Justice Center and the civil justice providers in New York. This commitment translates into healthier and more stable communities, homes and families, it reduces the presence of unrepresented parties in court or keeps cases out of court altogether, and it helps to access and obtain federal benefits. We continue to advocate for justice solutions that match the need in local communities, because based on the data and experimentation done by the Justice Center and other providers, there is no silver bullet or one best way to close the justice gap. We applaud the ingenuity of the civil justice community and the approach of the Permanent Commission, with support from OCA, to harness all of these efforts into a coordinated strategic action plan. Now we ask OCA to consider an increase in funding given the success of the program and the increased operating costs that providers have with rent, salary and benefit increases. Moreover, an increase in funding will allow providers to continue playing a vital role in our collective pursuit of fully closing the justice gap for low-income New Yorkers.

II. JCLS FUNDING HELPS MEET EMERGING NEEDS IN DISASTERS

The Justice Center provides pro bono legal clinics when disaster strikes. From 9/11 to Superstorm Sandy, the Justice Center has trained volunteers and rapidly set up legal clinics after a disaster to assess legal needs and get people access to services and safety net benefits. Our free legal hotline helps to get clients in need to the right location for help and is particularly useful during the immediate aftermath, while the ABA Young Lawyers Division gets its FEMA contracted disaster hotline set up in far flung locations. When Hurricane Maria hit Puerto Rico and families fled to relatives in New York City, the JCLS funding helped support the Justice Center in recruiting and training 175 pro bono attorneys on FEMA appeals and holding four pro bono clinics to help Hurricane Maria victims who had relocated to NYC. Many of these families had disabled children and other disabled family members who could not function with the conditions on the island. Our volunteers were able to help clients prepare appeals on the same evening that we held a clinic regarding FEMA benefits, and our staff completed the filing of the appeal if the client needed to collect more evidence and return at a later clinic. We also helped to link the displaced clients with available local resources.

In order to continue to deploy staff resources in the event of future disasters and to continue to innovate, New York’s civil legal services programs, including the Justice Center, need increased funding that at least keeps up with costs of living. Programs that are stretched thin financially cannot innovate effectively and cannot be expected to spring into action when a disaster strikes. As costs increase and funding stays flat, the unfortunate but inevitable outcome will be an inability to afford to fill staff lines as people leave. This means programs may have to shrink.

Funding for JCLS has been flat for several budget cycles. Civil providers have worked hard to improve their use of technology, installing upgraded case management and document management systems as well as online applications, client texting capabilities and other efficiencies. An increase in JCLS funding will help providers to continue this important work. It is imperative that New York’s judiciary continue to take the lead and make this work sustainable.
III. A STABLE CIVIL JUSTICE COMMUNITY IS CRUCIAL

The New York civil justice community is at an interesting inflection point with the adoption of right to counsel initiatives at the New York City Council in the immigration removal defense and housing eviction contexts. While the parameters of this local funding are worked out and the programs are rolled out, it is crucial that JCLS funding continue as a stable source of funding for the civil providers. Just this year, the City Bar Fund has worked with IOLA and the Robin Hood Foundation to help develop a supervision, management and leadership skills training program for new legal services housing supervisors in collaboration with New York Law School. Rapid expansion brings its own possible problems in terms of training and supervision, so at this time it is doubly important that stable funding continue through the Office of Court Administration. But continuation of funding in this context does require an increase; otherwise the civil programs will have to meet cost increases from other funding sources, which will divert from the mission at hand.

The Judiciary’s commitment to legal services funding has helped to change hearts and minds when it comes to supporting legal services providers and maintaining a court system that is fair, just and efficient. A stable stream of funding has given people a real voice in the justice system, facilitated more efficient resolutions of conflicts, decreased the number of unrepresented parties, and leveled the playing field for low-income persons. We support and applaud the Chief Judge’s continuing commitment to this initiative. Although the justice gap is shrinking, it is still significant, and the City Bar stands ready to continue its partnership with the Judiciary to fully close the gap.

IV. UNIVERSAL ACCESS AND RIGHT TO COUNSEL FOR LOW-INCOME TENANTS FACING EVICTION IN NYC HOUSING COURT

I was asked to say a few words about the Right to Counsel in New York City Housing Court. Simply put, it is a game-changer. Central to the law is an acknowledgement of the importance of counsel in allowing tenants to fully assert their rights and defenses. It’s about due process and all that flows from that fundamental precept. Tenants have a greater sense that they are being treated with dignity and respect. The behavior of judges and opposing counsel is changing as the expectation changes that the litigation will require hearing from both sides in an equal manner. Many more important legal issues are being flagged and litigated - tenant attorneys are successfully raising issues that never could have been raised by pro se tenants.

Our Task Force on Civil Right to Counsel has been actively discussing, both with the Office of Court Administration and the Mayor’s Office of Criminal Justice, the physical conditions of the Housing Court. This is an important issue that we need to keep talking about. The physical conditions of the court could fairly be viewed as reflecting a lack of respect for the lives, homes and communities of low-income tenants, who are mostly people of color. Notably, there is a lack of space for confidential attorney/client communications in most of the boroughs (Queens is the exception). There have been promises made that the courts in the Bronx and Brooklyn (the worst

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1 New York City is the first jurisdiction in the country to ensure legal representation for all low-income tenants in eviction proceedings. As such, we are setting an example for the nation, and all eyes are on us. The Right to Counsel Law is currently in the second year of a five year roll out. Civil legal services are an essential component of meeting the expansion of the law.
of them) will be moved to new facilities, but this has gone on for years and it is unclear when we will see real change.

The need to connect tenants with their lawyers earlier in the process is also a very important issue to keep in mind. The measures adopted by the Housing Stability and Tenant Protection Act of 2019 (HSTPA) that passed in June will help. The time frame for many of the required pre-litigation predicate notices has been expanded, as has the time to answer a petition. Adjournments are now easier to obtain and for longer periods as a result of the reforms to the RPAPL. Our Task Force has been discussing whether to propose expanding the time to answer, and the changes in HSTPA are a good start - for nonpayments the time to answer has been increased to 10 days from 5, and for holdovers, the time to answer has been extended from between 5-12 to between 10-17 days. This change in the law is commendable, but this is still not enough time to get counsel and prepare an answer with counsel, as opposed to filing a pro se answer. We are studying suggestions that the time frames be even longer, mirroring other civil litigation.

It is so important to build a robust pipeline of lawyers who can provide the highest quality representation. The law schools have been taking up the challenge to some degree, with more clinical, externship and other experiential learning opportunities. As discussed earlier, we helped NYLS launch the Housing Justice Leadership Institute to train supervisors of housing rights work in supervisory, leadership and management skills, and there have been several presentations at career fairs, conferences, etc. to recruit, but more still needs to be done. Also, there is a need for more expansive and well-thought-out training for the lawyers who are doing the direct representation. This may be an area of funding that the Permanent Commission can explore further.

Finally, the courts should be encouraged to consider more efficient and effective data collection to assist the right to counsel efforts. There is much room for improvement in the courts’ use of data collection to ascertain such information as case outcomes and length of case. Also, we need to do a better job of understanding and conveying how tenants experience the current system. For example, in one court, tenants who have the right to counsel are "required" by the clerks to file their answer before they are directed to the room where they can meet with legal services lawyers. That is plainly counter-productive to the aims of the law.

V. CONCLUSION

We are proud to continue our collaboration with the court system and other stakeholders to address and, ultimately, close the civil justice gap faced by individuals who cannot afford legal representation in cases threatening the essentials of life. We thank the Court and the Chief Judge for their incredible leadership in addressing the complex problems of access to justice.

Respectfully,

Roger Juan Maldonado
President, New York City Bar Association

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2 I am grateful to staff of the City Bar Justice Center, to Andrew Scherer and Alison King, co-chairs of the City Bar’s Task Force on Civil Right to Counsel, and to Sara Wagner, chair of the City Bar’s Housing Court Committee, for their contributions to this statement.
Jordan Dressler, Esq.
(Coordinator, Office of Civil Justice, New York City Human Resources Administration, Department of Social Services)
Jordan M. Dressler, Civil Justice Coordinator,
Office of Civil Justice, New York City Human Resources Administration/Department of Social Services

Jordan Dressler is New York City’s first Civil Justice Coordinator. Established at the New York City Human Resources Administration (HRA), the Office of Civil Justice (OCJ) oversees the provision of free or low-cost legal services to low-income New Yorkers. OCJ makes sure that these programs are working effectively and regularly evaluates and reports on the legal assistance needs among vulnerable New Yorkers.

Prior to leading OCJ, Mr. Dressler served as Senior Advisor for Strategic Initiatives at HRA, where helped to oversee interagency and external affairs for HRA and helped to launch and manage operations for New York City’s municipal identification card program, IDNYC.

Before joining HRA in 2014, Mr. Dressler served as General Counsel at the Mayor’s Office of Criminal Justice where he managed New York City’s indigent criminal and family defense system. Prior to entering government service, Mr. Dressler spent more than a decade as a criminal defense attorney with the Legal Aid Society in the Bronx and in private practice. Mr. Dressler is a graduate of the Benjamin Cardozo School of Law and Brown University.
Statement Of Jordan Dressler, Civil Justice Coordinator, Office of Civil Justice, New York City Human Resources Administration/Department of Social Services
Before the Chief Judge’s Statewide Legal Services Hearing
September 23, 2019

Good afternoon, Chief Judge DiFiore, Chief Administrative Judge Marks, the Honorable Presiding Justices and the other esteemed members of this panel. My name is Jordan Dressler and I am the Civil Justice Coordinator for New York City. In that capacity I am honored to lead the City's Office of Civil Justice (OCJ), a unit of the New York City Human Resources Administration/Department of Social Services (HRA/DSS).

To start, I would like to thank the Office of Court Administration and the Judiciary for its stalwart leadership in the area of improving access to justice in New York City and State, particularly as we implement the historic universal access to counsel initiative. We are especially grateful to Chief Judge DiFiore for convening the Special Commission on the Future of the New York City Housing Court last year to identify ways to reform and reinvigorate the Court, and for implementing reforms to improve efficiency and effectiveness in the delivery of justice in one of New York City’s busiest courts.

Providing civil legal services for New Yorkers in need, in particular legal services for tenants, is a critical part of HRA’s efforts to advance our priorities of combatting income inequality and poverty, addressing homelessness and making New York City the fairest city in America. Expanding access to legal services for tenants facing potential eviction or displacement is not only a cost-effective and commonsense response to New York City’s homelessness challenge, it promotes a fair and equitable justice system, particularly in the City’s Housing Courts where tenants under threat of eviction have long faced an uneven playing field where the vast majority of landlords have been represented by legal counsel but most tenants have not been.

Our commitment to access to justice for tenants is reflected in a substantial increase in mayoral funding for these critical services. In City Fiscal Year 2013, mayoral funding for tenant legal services programs was approximately $6 million. As of City Fiscal Year 2020, tenant legal services programs are funded by the Administration at over $128 million. Along with that dramatic increase in investment, New York City established the Office of Civil Justice (OCJ) at the Human Resources Administration, creating for the first time a dedicated city office charged with implementing, allocating, overseeing and monitoring the impacts of these investments.

In August of 2017, New York City made history and became the first city in the United States to make a commitment to every tenant facing eviction in housing court and public housing
administrative proceedings that they would face this potentially life-changing legal challenge with the legal help and guidance they need, regardless of their means. New York City’s Universal Access law mandates that the City provide access to legal services for every tenant facing eviction in New York City Housing Court and at administrative proceedings at the New York City Housing Authority (NYCHA).

Two years later, the landscape for access to justice for tenants, in New York City and elsewhere, has been transformed, and for the better. Since New York City’s enactment of Universal Access, Newark, New Jersey and San Francisco, California have enacted “tenants’ right to counsel” legislation that resemble New York City’s, and other cities including Cleveland, Ohio, Philadelphia, Pennsylvania and Washington, DC are exploring their own tenant legal services initiatives.

In New York City, we have made substantial progress in bridging the “justice gap” for tenants facing potential eviction in court and displacement from their homes and neighborhoods, and these efforts – in which OCJ has partnered with over a dozen nonprofit legal services organizations to make these critical services available – have already delivered positive and promising results.

In City Fiscal Year 2018, that last year for which we have analyzed data, OCJ-funded legal organizations provided legal assistance to approximately 33,000 households across New York City facing housing challenges, providing representation or advice to over 87,000 New Yorkers. This includes 26,000 households facing eviction in Housing Court and NYCHA administrative proceedings – 69,000 New York City tenants who were able to face the threat of eviction with the assistance of a legal defender. As of June 30, 2018, nearly a quarter-million New Yorkers had received free legal representation, advice, or assistance in eviction and other housing-related matters since the start of the de Blasio Administration in 2014 through tenant legal services programs administered by the Human Resources Administration.

When lawyers have represented tenants in court, they have been successful in preserving the homes of thousands; in Housing Court eviction cases resolved by OCJ’s legal services providers, 84% of households represented in court by lawyers were able to remain in their homes, not only saving thousands of tenancies, but also promoting the preservation of affordable housing and neighborhood stability. As New York City dramatically increased its investment in legal services for tenants, residential evictions by marshals in New York City have dropped by 37%, from roughly 29,000 in 2013 to approximately 18,000 in 2018, representing an estimated 100,000 New Yorkers who remained in their homes as a result of decreased evictions.

In Housing Court, the uneven and unfair dynamic that left so many tenants unrepresented by counsel is changing through OCJ’s implementation of Universal Access. In the last quarter of Fiscal Year 2018, 30% of tenants appearing in Housing Court for eviction cases were represented by attorneys in court. This is a substantial increase from the representation rate for tenants of 1% in 2013 as reported by the State Office of Court Administration. We are also seeing that increases
in housing legal services are having an impact in the courts. In New York City Housing Court, the number of eviction cases filed continues to fall, with approximately 29,000 fewer eviction proceedings filed in calendar year 2018 than in calendar year 2013, a decline of 12%. At the same time, court statistics provided by the New York City Housing Court reflect increased substantive litigation: the number of pretrial motions filed in 2018 was 19% higher than in 2014, while emergency orders to show cause – requests by tenants for eviction cases to be returned to the court calendar after a judgment of eviction, to seek more time to pay outstanding rent or to raise new legal arguments newly identified – declined by 24% over the same period.

With these encouraging results, we are now looking towards the future as we continue our five-year phased implementation of Universal Access. This rollout is now underway. Currently, all low-income tenants facing eviction proceedings in Housing Court in twenty ZIP codes across the City, identified based on factors including the number of evictions, the prevalence of rent-regulated housing, numbers of homeless shelter entries and the number of eviction proceedings, have access to free full legal representation, accessible in court and in the community. OCJ is establishing Universal Access through implementation by ZIP code, identifying neighborhoods across New York City where eviction and displacement risks and pressures are acute, and focusing first on these communities.

This “ZIP-by-ZIP” approach has enabled us to partner with the Housing Court administration and legal services providers to facilitate meaningful and effective methods of providing access to counsel, and we have seen a substantial impact in these communities in need. Whereas the legal representation rate for tenants appearing in Housing Court to face eviction cases was 30% citywide at the end of City Fiscal Year 2018, the rate was 56% for tenants in the fifteen ZIP codes targeted in the first full year of implementation of Universal Access. Furthermore, earlier this year, the Community Service Society (CSS), a nonprofit advocacy and research organization, examined the growth in tenant legal representation in New York City Housing Court as a result of the Universal Access initiative, and the impact Universal Access has had on evictions in New York City. CSS compared ZIP codes that had already implemented Universal Access to similar ZIP codes that have not yet implemented Universal Access in an effort to evaluate impact. The key finding from the CSS study was that the majority share of New York City’s citywide eviction decline occurred in Universal Access ZIP codes – specifically, that evictions had fallen more than five times faster in ZIP codes covered by the city's Universal Access initiative than in similar ZIP codes without it.

In addition to expanding Universal Access for tenants in Housing Court to additional ZIP codes later this year, we are also looking forward to gauging the impact of increased awareness of the availability of free legal assistance through the Housing Court’s new revised “plain language” notice of petition form. We are grateful to the Judiciary and the Office of Court Administration for championing this critical reform, which was one of several key recommendations made by the Chief Judge’s Special Commission on the Future of New York City Housing Court, and we appreciate the opportunity we have had to work with the Court on the new Notice. This will be the first thing a tenant sees in every eviction case properly filed in New York City Housing Court,
and with the Court’s leadership and assistance, it now includes information that will guide and encourage tenants to access OCJ’s legal services. Specifically, we have partnered with the court system to establish a telephone hotline that is included on the Notice of Petition for tenants to call and find out more about free legal assistance in New York City, learn about program eligibility and connect with free counsel as quickly as possible. With the use of the new form starting last week, we are now monitoring the impact that this new pathway to early access will have on demand for the legal services we provide.

Finally, we are also monitoring the implementation of Universal Access legal services for tenants in NYCHA public housing facing administrative termination of tenancy proceedings. OCJ worked with legal provider partners and NYCHA to develop a program model to effectively provide comprehensive access to legal services for NYCHA tenants facing termination of tenancy proceedings. As part of the first phase of implementation, OCJ has launched a pilot program in partnership with legal services providers from across the city that provides access to legal services on site where NYCHA administers termination proceedings. In this first phase, all heads of NYCHA households who are seniors and who are facing termination of their tenancies in administration proceedings have access to these free legal services. This operational approach is expected to serve as a model for expansion for all NYCHA tenants facing termination of tenancy as Universal Access implementation continues.

Universal Access is expected to be fully implemented in 2022, at which point all tenants in eviction proceedings in Housing Court and at NYCHA will have access to free legal services. At full implementation, Universal Access will be supported by a projected $166 million in mayoral funding annually, and is expected to provide free legal services in approximately 125,000 cases per year to 400,000 New Yorkers.

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

(Client of Legal Services of the Hudson Valley, accompanied by Danielle Brown, Esq.)
Hind Mohammed

Remarks for The Chief Judge’s 2019 Statewide Civil Legal Services Hearing

My name is Hind Mohammed and I am a former Legal Services of the Hudson Valley Client. I am a resident of Yonkers, NY and a mother of two girls. Thank you for letting me speak today about the need for free legal help for victims of domestic violence and their children.

I came to the United States with my husband in 2012 as a refugee from Iraq. My husband started abusing me soon after we got married, and it continued even after we came to the U.S. and had two beautiful daughters. I lived in fear of my husband for years—he beat me, raped me, and said he would kill me. One time when he beat me, he also attacked me with a knife and cut me. My sister called the police and my husband was arrested. We were living in Colorado at the time and the court there issued me an Order of Protection, but my husband didn’t care and violated the order. My husband wanted me to leave Colorado so that
the criminal case against him would go away and said he would kill my family if I stayed, so I left without my daughters. At this time, I had nothing, I was never allowed to get a job or even learn English. My girls were 2 and 3 years old but my husband wouldn’t let me see or speak to them.

I moved to Yonkers and started to build my life in New York—I got an apartment, learned English, and started working. I used all my savings to hire a lawyer in Colorado to file for custody of my daughters, but soon I ran out of money and could not pay the lawyer anymore. One day my husband told me to take my daughters because he couldn’t take care of them. I got my daughters back to NY and was so happy that I finally had my children back with me, but soon my husband told me to bring them back to Colorado. By this time my daughters had told me that their father had abused them too, and they cried and said they were afraid to go back to him. I knew that I had to protect myself and my children, and so I filed for custody and an order of protection in Yonkers Family Court.
The Pace Women’s Justice Center helped me file my petitions in court, and then sent me to Legal Services of the Hudson Valley, and Daniela Israelov, a staff attorney with the domestic violence unit. Daniela helped me in both my custody and family offense cases. Daniela filed papers and argued in court so that I was able to get temporary emergency custody of my kids and have the custody case heard in New York instead of Colorado. Daniela also made sure that any visits that the children had with their father would be supervised so they could be safe. For the next 2 years, Daniela and Legal Services of the Hudson Valley stood up for me and my children as my husband fought me at every turn, all the way to trial. By this time, another staff attorney at Legal Services, Danielle Brown, was also helping me in these cases. With their help, my children and I were able to get a 5-year Order of Protection, and I was given sole physical and legal custody of my daughters with no visitation allowed from their father.

My girls and I are happy now that there is no more violence in our lives, we are able to laugh again. We help each other and are happier and
healthier; I help them with their homework, and they helped me study so
I could finally get my citizenship on my own. I know now that I have
rights, that there are laws to protect me here. Legal Services of the
Hudson Valley saved me and my kids. I am so thankful that I had access
to free legal help in my cases. Not only did Legal Services of the
Hudson Valley give me excellent legal help but also the support and
understanding that helped me go through the court process and win. I
now believe in myself and know that my girls and I will never go back
to a situation like the one we were in. It is my hope that my testimony
today shows how important it is that legal services programs in the state
receive the funding they need, so that the services I received are
available to anyone and everyone who needs them.

Thank you.
Barbara Finkelstein, Esq.
(Chief Executive Officer, Legal Services of the Hudson Valley)
Barbara Finkelstein oversees every aspect of Legal Services of the Hudson Valley (LSHV), the largest provider of free civil legal services to almost 600,000 poor and low-income individuals in Westchester, Putnam, Dutchess, Orange, Rockland, Sullivan and Ulster Counties.

Since Ms. Finkelstein became Executive Director in 1995 and now CEO, Legal Services of the Hudson Valley has increased its budget by eightfold, and has grown to a 154-person staff with a $18 million-dollar budget and ten offices. She is the first woman to lead the organization. She has expanded free civil legal services to the neediest and most marginalized communities in the seven-county region to make justice a reality for every member of society.

Among her many achievements are the creation of domestic violence, family law, children’s advocacy, veterans and military families, foreclosure and LGBTQ units. Significantly in 2014 Ms. Finkelstein created an LSHV affiliate, the Hudson Valley Justice Center, to serve clients without status whom LSHV cannot serve due to Legal Services Corporation restrictions.

In addition to her leadership of LSHV, Ms. Finkelstein is a member of Chief Justice Janet DiFiore’s Permanent Commission on Access to Civil Legal Services in New York, The New York State Bar Association’s Committee on Legal Aid, Vice President of the New York Legal Services Coalition, and Secretary of the Board of NonProfit Westchester.

Ms. Finkelstein received her J.D. from Rutgers School of Law – Newark, and her B.A. from Hunter College of the City University of New York.
Remarks for the Chief Judge’s Statewide 2019 Civil Legal Services Hearing

BARBARA FINKELESTEIN, CEO
LEGAL SERVICES OF THE HUDSON VALLEY
Presented Before

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

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

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

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

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

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

Henry M. Greenberg
President of the New York State Bar Association
Thank you, Ms. Mohammed, for sharing your story with us.

Hind Mohammed lived in constant fear of her husband while living in Iraq, and then as refugees living in Colorado (dates).

It was only when Ms. Mohammed escaped to Yonkers and was able to obtain free civil legal services at Legal Services of the Hudson Valley (LSHV) that she was able to contemplate seeking the full range of legal help she and her daughters needed.

Survivors of domestic violence face a number of civil legal issues stemming from their abuse, but lack of resources and knowledge can prevent them from obtaining the help they need.

LSHV, like many other Judiciary Civil Legal Services (JCLS) fund recipients, provides holistic, comprehensive, free civil legal and advocacy services to victims and survivors of domestic violence who need legal help but cannot afford a private attorney.

As Ms. Mohammed confirms, without LSHV’s ability to represent her to obtain temporary emergency custody of her children in New York and eventually permanent custody and a long-term order of protection she would not have achieved the safety and stability she enjoys today.

Civil Legal Services programs know that the work we do has a ripple effect on clients lives. By resolving legal problems, we know that our clients see positive, long term improvements in their family lives, finances, health and overall stability. This long held belief has been confirmed by a ground breaking new study done by the Center for Community Solutions which found that over half of the clients responding to a survey seeking information about impacts of civil legal representation by legal services programs in Ohio, reported long term stability in
one or more areas including financial, family, health, housing, education and civic engagement.

Ms. Mohammed’s testimony affirms those findings as she and her daughters have now finally found family stability, safety, psychological wellbeing, and an increased sense of empowerment as a result of legal representation.

LSHV worked with Ms. Mohammed for over two years, providing legal help she could never have afforded. We also supported her through every step of her journey, and she has given us all the joy of seeing her and her children thrive. She has control of her life and future and as evidence handled her own immigration proceeding. She is now proud to be a U.S. citizen and feels in control of her life.

For the past three years, New York State has had the highest demand for domestic violence services in the country. According to The National Network to End Domestic Violence for one 24-hour period on September 13, 2018 7,518 New York victims were served in one day and that 60% of them needed court accompaniment or legal advocacy.

Civil legal assistance is a proven tool to reduce the incidence of domestic violence. While the legal services community greatly appreciates the JCLS funding already provided the need is still growing and New York’s survivors of domestic violence need more assistance now.

Thank you.
Mary Brown

(Client of Legal Assistance of Western New York, Inc., accompanied by Lori O’Brien, Esq.)
Good afternoon, your honor. Thank you for the opportunity to be here today and to allow me to speak about my experience. My name is Mary Brown. My apartment complex at 447 Thurston Road in Rochester had been in need of repairs for many years. Some of the problems in my apartment included mold in the bathroom, rodent infestation, clogged pipes and a ceiling in disrepair. The landlord had failed to make repairs despite my repeated requests. I finally decided to withhold rent until the problems were fixed. Unfortunately, my absentee landlord failed to make the repairs, instead taking legal action to have me evicted from my apartment. In February of 2018, I sought help from LawNY after receiving a lease termination notice from the landlord for non-payment of rent. LawNY agreed to open a case on my behalf. They immediately notified the landlord of the outstanding violations and agreed to hold my rent in an escrow account for safe keeping.

In response to LawNY’s intervention, my landlord finally responded but failed to fix the problems in my apartment. In September of 2018, my landlord brought me to court seeking 6 months of back rent. Bob Vitale from LawNY appeared on my behalf at Rochester City Court. He argued that the landlord failed in its obligation to provide a safe home for me to live in. Bob had gathered documentation showing the code violations to my apartment and provided them to the Court. The Court stopped the eviction and ordered the landlord to make repairs to my home. We went to court on many occasions to make sure that progress was being made to make repairs. The Court allowed me to stay while the landlord attempted to fix the problems. Thanks to the efforts of the team at LawNY, the Court forgave eight and half months back rent and I was
moved to a new apartment while repairs were finished. With LawNY’s efforts, my home was made more safe and I received justice for the years of neglect by the landlord.

During my legal battle, I realized that the issues within my apartment were part of a much larger problem. I knew that the problems I was dealing with extended to the building’s common areas as well. Garbage cans overflowed because pickup service was irregular. Our common area floors, ceilings and steps were crumbling. The front and back entrances to the building had broken locks and door frames, allowing drug dealers and squatters to enter our building and reside in vacant apartments.

I began speaking with other residents about the problems I was dealing with and what I saw in the common areas. What struck me was that other residents were experiencing similar problems that I was dealing with in my own home. One resident told me that her bathroom ceiling had caved in on her and her daughter. She was withholding rent and was being threatened with eviction. Another resident told me that he had been without water for weeks. I was upset because many of my neighbors are vulnerable. They are elderly, disabled, single parents – most are on fixed incomes. If they complained to the landlord they were being threatened with eviction. Without knowing their rights they could be left homeless and in a shelter or on the streets.

Our landlord, Thurston Road Realty, and its New York City-based partner, Peter Hungerford, owns several other Rochester area complexes that are known to have health and safety violations. The tenants at my building were fed up with our landlord’s neglect. We spoke with a tenant organizer to discuss the formation of a tenants association to protect all of our rights. Bob at LawNY came to our building and gave presentations to the residents about tenants’ rights and
answered questions. Many of our residents were concerned about the landlord retaliating against tenants for asserting their rights. Bob assured us that LawNY would represent the Tenants Association and individual tenants who were retaliated against by the landlord. LawNY followed through and represented many of my neighbors being threatened with eviction.

It was a great day when the 447 Thurston Road Tenants’ Association was formed. Yes, I am the President of the Association. By that time, we had already repeatedly asked the City of Rochester to conduct inspections of the property. The City had done so before but nothing seemed to ever come of it. This time, with the help of LawNY, the City responded by filing a lawsuit against Thurston Road Realty LLC, demanding they correct more than 175 code violations.

On behalf of our Tenants Association, LawNY filed court paperwork for us to join the City’s lawsuit to allow us to be heard. We became a Plaintiff in the case and finally had a voice to demand justice. Bob spoke up on our behalf and made the legal case but also fought for our dignity. The judge understood our arguments. The judge threatened our landlord with fines and with removing control over the property. We appeared in court monthly to check the progress. This all seemed too much for our landlord. First, Mr. Hungerford was removed from his position of overseeing the property for his company. Then, our landlord sold the property to a responsible local company. The first thing they did was make temporary repairs to the common areas and provide new locks for the main doors. They also provided security.

Then the new landlord informed us and the Court that they were going to do a complete rehabilitation of our building. Work has already begun. All the tenants have been transferred to safe apartments elsewhere while the building is being renovated.
Our case has received media coverage online and on TV. Even the Wall Street Journal has interviewed me about our story. Our story is about standing up for your rights and demanding to live this life with dignity and respect.

I am grateful for all of the support LawNY provided throughout this ordeal. They appeared at dozens of court appearances, presentations and conferences to make sure that we had a safe home to live in. Bob and the team at LawNY gave us the knowledge and confidence to recognize when our rights are being violated and that something can be done about it. Without Bob Vitale and legal services from LawNY I don’t know where we would be living today. I can truly say that we all appreciate all of the support that was given to us by Bob and his associates. Myself and all of the tenants are living in better living conditions. Thanks again to God, Bob Vitale and his team, our organizers the City-Wide Tenants Union and the Rochester City Court judge who handled this case.

Mary Brown
C. Kenneth Perri, Esq.
(Executive Director, Legal Assistance of Western New York, Inc.)
Brief Biography of C. Kenneth Perri

Since 2004, C. Kenneth Perri has served as the executive director of Legal Assistance of Western New York, Inc.®, a not-for-profit corporation whose mission is to increase access to justice through excellent legal representation, advocacy and service. LawNY® provides civil legal services throughout a large 14 county service area in western New York with staffed offices in Bath, Elmira, Geneva, Ithaca, Jamestown, Olean and Rochester. Mr. Perri’s present responsibilities include managing the $12.3 million organization; resource development; working with funders, community groups, other civil legal service providers and the private bar; and supervising the management staff of deputy directors, managing attorneys and the chief fiscal officer. Presently, with a staff of approximately 145, including approximately 75 attorneys, LawNY® provides services to the residents of Allegany, Cattaraugus, Chautauqua, Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne and Yates Counties. In 2018, LawNY® closed 7,199 cases benefiting 15,471 people, including 29% in the area of government benefits, 24% in family law, 22% in housing, 11% in health law, 4% in consumer law, 4% in employment law and 4% other.

Mr. Perri is a 1978 graduate of the State University of New York at Stony Brook (B.A., Psychology) and a 1981 graduate of Boston University School of Law. He has worked with civil legal services programs his entire professional career. He began as a legal intern with Greater Boston Legal Services from 1980 - 1981. From 1982 - 1986, he worked as a staff attorney and then as a senior staff attorney with the Dothan Regional Office of the Legal Services Corporation of Alabama. In 1986, he became the managing attorney of Legal Assistance of the Finger Lakes in Geneva, New York. In 2002, he became the executive director of the program, overseeing the operations of the Geneva office and the larger urban office, Monroe County Legal Assistance Corporation, in Rochester, New York. In 2004, the program expanded from a six county to a 14 county service area and was renamed LawNY®.

Mr. Perri is a member of the American Bar Association, the New York State Bar Association, the Monroe County Bar Association and the Ontario County Bar Association. Within NYSBA, he presently serves on the Committee on Legal Aid, the President’s Committee on Access to Justice and the Task Force on Rural Justice. Within PCAJ, he chairs a subcommittee which seeks to increase pro bono by attorneys employed by government agencies and serves on the cy pres subcommittee. Within the Task Force on Rural Justice, he chairs the Funding Committee. He chaired the Committee on Legal Aid from 6/1/07 – 5/31/11. He is an active member of NYSBA’s New York Pro Bono Coordinators’ Network. He presently serves on the Statewide Law School Access to Justice Council and he served on the Independent Judicial Election Qualification Commission for the Seventh Judicial District from 6/2012 – 12/2018. He began serving on the Permanent Commission on Access to Justice’s Justice for All pilot project in Monroe County as a member of the leadership team in 3/2018 and he presently serves as the co-chair of the Town and Village Courts work group for that initiative.
REMARKS FOR THE CHIEF JUDGE’S STATEWIDE 2019 CIVIL LEGAL SERVICES HEARING

September 13, 2019

By: C. Kenneth Perri
Executive Director
Thank you to you, Chief Judge DiFiore and Justice Acosta, Justice Garry, Justice Scheinkman and Justice Whalen for permitting me to provide brief comments today on the extremely important topic of the high unmet need for civil legal services for low-income New Yorkers and the need for funding to enhance their ability to access the justice system. I extend my gratitude as well to Helaine Barnett, the Chair of the Permanent Commission on Access to Justice, for inviting me to speak today and for all of her work on behalf of low-income New Yorkers over many years.

Thank you, as well, to Ms. Brown for being here today to discuss her story and her experience with you.

My name is C. Kenneth Perri and I am the executive director of Legal Assistance of Western New York, Inc. (LawNY). LawNY is a 501(c)(3) not-for-profit law firm whose mission is to increase access to justice through excellent legal representation, advocacy and service. I have been a civil legal services practitioner for 37 years.

Ms. Brown’s story is illustrative of the types of legal problems in the area of housing with which Judiciary Civil Legal Services (JCLS) grantees provide legal services. In addition to the specific issues encountered by Ms. Brown – a summary proceeding and unsafe conditions in her private housing – JCLS grantees provide representation to tenants in federally subsidized housing, public housing and mobile home parks.

The need for services in this essential of life area far outstrips the capacity of the current legal services infrastructure to meet it.

For example, eviction cases outside of New York City are commenced in City Courts and in Town and Village Courts throughout New York State. There are more than 1,275 Town and Village Courts in the 57 counties outside of New York City, each of which has jurisdiction over summary proceedings. These are dispersed over 925 towns and 352 villages including suburbs with robust populations and sparsely populated rural communities.

In the LawNY service area alone, there are 450 Town and Village Courts and 18 City Courts. In the 13 rural counties outside of Monroe County, LawNY is the primary provider of civil legal services to low-income people. In our six staffed offices in those 13 counties, we presently employ 50 attorneys. In addition to work in housing cases, these attorneys also staff cases involving government benefits, family law, health law, consumer law and employment law. It is physically impossible for us to be able to provide services in eviction cases to all low-income people in our service area who need such representation. I would posit that our situation mirrors the situation in other regions of New York State outside of New York City.

In establishing our present priorities for the provision of services, initially adopted by our board of directors at a meeting held in December 2017, our board reviewed a report which, among other things, contained a summary of the responses of 307 human service providers, including LawNY staff members, who work with low-income people in a myriad of ways. With regard to housing, the percentage of service providers who
checked “yes - this has happened to a client or someone I know in the last two years” on the following issues was as follows: bad housing conditions other than lead paint – 92%; fell behind in rent – 90%; homelessness – 82%; eviction – 79%; no access to public or subsidized housing – 63%; need for special housing for persons with disabilities – 52%; and mobile home problems – 51%.

JCLS funding has stabilized the ability of the legal services community to provide representation in housing matters. At LawNY, in 2018, 1,365 cases were closed in the area of housing, not including mortgage foreclosures. This is 19% of the LawNY 2018 closed caseload. In New York State, in the 2017-18 fiscal year, Interest on Lawyer Account Fund grantees cumulatively closed more than 81,500 cases benefitting nearly 198,600 low-income New Yorkers with housing law problems.

The need for enhanced funding for JCLS grantees to further expand services in the area of housing is acute.

In the Justice for All pilot project in Monroe County chaired by 7th Judicial District Administrative Judge Craig J. Doran and spearheaded by the Permanent Commission on Access to Justice, housing issues have emerged as one of four areas of focus. The pilot’s Housing Work Group is doing its work through three subcommittees: Access to Counsel, Unrepresented Litigants and Rochester City Court. Its purpose is to develop an actionable plan that will provide all Monroe County residents with meaningful access to effective and fair resolution of housing matters.

Moreover, with the recent enactment of the Housing Stability and Tenant Protection Act of 2019, which provides renters in New York State with enhanced procedural and substantive rights, the need for more attorneys to provide legal services to low-income New York tenants has grown more pronounced.

Thank you again for permitting me, Ms. Brown and my colleagues from other legal services programs to speak with you here today. LawNY and the other civil legal services and pro bono providers throughout New York State welcome the opportunity to continue to work with the Court and with the Permanent Commission to achieve the goal of providing meaningful access to the justice system for all low-income New Yorkers who have civil legal problems in areas affecting the essentials of life.
O.M.S.

(Client of The Legal Aid Society, accompanied by Beth Krause, Esq.)
Hello and good afternoon. My name is O.M.S. I was born in 1997 in Mexico and I am 21 years old. Before coming to the United States, I lived in Mexico with my grandmother.

**MY EARLY LIFE**

When I was four years old, I came to the U.S. to be reunified with my parents. I don't remember much about the trip and I have never been back to Mexico since then. When I arrived to the U.S., I lived with both my mother and my father for a short time. My father had a lot of problems because he drank a lot of alcohol and was always drunk. At home he was aggressive towards my mother and to me. I remember my father punching the wall, and breaking things in the kitchen or the living room. My father would hit my mom and she would get bruises on her body and once he left a bruise on her face. During the time my father lived with us, he hit me too. Almost every time my parents started fighting, my older sister would take me out of the room so that I would not watch them fight, but I could still hear them fighting and I would cry in another room until it passed.

In about 2003, I was about five years old when my mom contacted the police after my father threatened her. My father ended up leaving and I continued living with my mom. It wasn't until 2006 when my father was outside of our apartment yelling threats at her that she not only called the police again, but filed for an order of protection to protect herself, my siblings and me. Around that same time in 2006, the New York City Administration for Children's Services ("ACS") came to my house. In 2007, when I was nine years old, the Family Court judge gave my mom custody of me. The judge ordered visitation for my father. I remember that the few times I saw him, I had to meet him in the police precinct to make sure he wasn't drunk.

By the time I was around 14 years old, my father stopped visiting me almost completely. When I graduated from high school, my father did not attend. My father never helped pay for my school, or clothes or necessitates that I needed on a daily basis. My mom was my only source of support.

In 2016, my mother was appointed as my guardian because even though I was 18, I still needed her help. She is the only person who has consistently taken care of me and been there for me. My mother encourages me to achieve better things. She always made sure that I was on track to finish school. In 2016, I took the SAT and I applied to three colleges: Mercy College, New York City College of Technology, and Borough of Manhattan Community College ("BMCC"). My mom paid the application fees. I was accepted to all three of these schools, but I could not afford the tuition. My mom helps me with some of my college expenses, but cannot afford to pay full tuition.
IMMIGRATION APPLICATION

In 2017, I applied for Special Immigrant Juvenile Status (“SIJS”). Later, I was told by my attorney that US Citizenship and Immigration Services (“USCIS”) wanted to deny my application. My Legal Aid attorney worked with me to provide USCIS with additional information. I waited for so long—more than a year from the time I submitted my application—for a response in my case. Then, I found out that USCIS had denied my application in June of 2018. My attorney told me that USCIS was denying applications for most kids, like me, who applied after turning 18.

EFFECT OF SIJS DENIAL

I was shocked and upset to learn that my SIJS application was denied. I felt upset given everything that my mom and I have gone through. I was sad because I felt that by denying my application, the government did not acknowledge what my mom and I have suffered. The denial was also disorienting for me because of the goals I have. I want to finish school, become more independent, and begin my career. SIJS would have provided me with a pathway to get permanent residence here in the United States and that would have meant a lot of security for me as I try to reach my goals. Though I did not choose to come to the United States, the United States has become my home and I want to be able to stay here.

Although I was granted protection under Deferred Action for Childhood Arrivals (“DACA”), that status is only temporary. It does not provide me with any assurance that I can stay in the country long term with any form of permanent status. If I had to go back to Mexico, I wouldn't be able to go to school and it would be hard to work because I struggle to speak Spanish. My grandmother, who I lived with as a child, passed away a couple of years ago. It would be extremely difficult for me to live in Mexico because almost all of my family lives here in the United States.

My Legal Aid attorney asked me if I would like to represent other young people, like myself, who had been denied SIJS in a class action lawsuit. I did, because I was angry and I thought what USCIS did was unfair. I met with more attorneys from Legal Aid and they explained what they were doing in court, and what it would mean if we won and if we lost. Luckily, we won!

In August, I learned that my SIJS application was approved. Even though I’m not yet a permanent resident, to me this felt like a new beginning, knowing that soon enough I will be able to become a permanent resident. I finally feel like I will be able to finish my education and get the financial aid that I need to start my career. I chose to study to become a paramedic at Borough of Manhattan Community College. I want to be a paramedic because I want to make a career of helping people. Thankfully, I still have my mom’s support and the legal assistance of The Legal Aid Society. I hope that The Legal Aid Society will be able to continue helping so many people, like myself, through continued funding for important work like their SIJS lawsuit.
Adriene Holder, Esq.
(Attorney-in-Charge, Civil Practice, The Legal Aid Society)
Adriene Holder, Attorney-in-Charge, Civil Practice
The Legal Aid Society

Adriene serves as Attorney-in-Charge of the Civil Practice of The Legal Aid Society and has devoted her entire professional career to challenging poverty and pursuing racial justice and equity. Adriene is responsible for managing the provision of comprehensive civil legal services through a network of neighborhood offices, courthouse based offices, and specialized city-wide units serving all five boroughs of New York City with nearly 500 staff working on more than 50,000 cases each year.

In addition to her formal duties, Adriene also serves as a member of the New York State Permanent Commission on Access to Justice, is the Co-Chair of the New York State Bar Association Committee on Legal Aid, is a member of the New York State Bar Association President’s Committee on Access to Justice, is on the board of the New York Legal Services Coalition, is an executive board member for Housing Court Answers, and previously served as a Tenant Representative on the New York City Rent Guidelines Board. Adriene has also served as an adjunct professor at The New School and as a volunteer instructor at Columbia Law School.

Adriene received her B.A. in Political Science from Spelman College, and received her J.D. from Columbia Law School.
Remarks for the Chief Judge’s Statewide 2019 Civil Legal Services Hearing

Good Afternoon, I am Adriene Holder, Attorney-in-Charge of the Civil Practice of The Legal Aid Society.

In many ways, this case you heard about from our client, O.M.S. was a lawsuit in defense of the authority of the New York Family Courts and the legitimacy of New York law in order to ensure that young vulnerable immigrants throughout New York would be able to continue to benefit from their access to the New York Courts.

In 1990, Congress created Special Immigrant Juvenile Status (“SIJS”) as a means to protect vulnerable, immigrant youth who have been abused, abandoned, or neglected by their parents, and to provide these vulnerable youth with a pathway to permanency in the United States. In 2008, Congress expanded many important SIJS protections for vulnerable, immigrant youth including making explicitly clear that SIJS was available to immigrant children under the age of 21 years who were abused, abandoned, or neglected by one or both parents.

For a young person in New York to apply for SIJS, a New York Family Court must first determine that the applicant was abused, abandoned, neglected or subjected to similar maltreatment under New York State law, that the applicant cannot reunite with one or both parents, and that it’s not in the applicant’s best interest to be returned to the applicant’s country of birth. The court must also declare that the applicant is dependent on the court or place the applicant in the custody of a caretaker. This order is then submitted to the United States Citizenship and Immigration Services (“USCIS”) as part of the SIJS application.

Without any prior announcement, USCIS narrowed its interpretation of the law starting in 2017. Under the policy change, the federal government began to unlawfully deny class members’ petitions for relief by refusing to recognize the authority of New York family courts to issue decisions for youth ages 18-20 years old, even though New York state law authorizes the family courts to do so both pursuant to statute and a substantial body of appellate case law. The USCIS policy change was implemented without any notice or any public announcement and undermined the current federal statute. The policy change effectively eliminated access to SIJS for vulnerable New York youth over the age of 18 despite there being no change in the federal law or regulations related to SIJS. This was a sharp departure from a decade of consistent policy, where SIJS applications filed by young immigrants under the age of 21 years in New York were consistently, and properly, granted.

In June of 2018, with the knowledge that dozens of our own clients and estimates that hundreds of young people statewide had been or would be impacted by this abrupt change in policy, The Legal Aid Society, with co-counsel Latham & Watkins, filed a federal class action in Federal District Court of the Southern District of New York challenging USCIS’s unlawful actions.

In March of this year, the Federal District Court found in favor of the Plaintiffs, certifying the class and finding the government’s new policy unlawful as having exceeded its authority and having misconstrued New York state law. In May of this year, the Court issued an Amended Judgment, granting final declaratory and injunctive relief to the class. To Class
Counsel’s surprise, the government estimates that there are over 6,600 Class Members – over 6,600 young and vulnerable New Yorkers impacted by the government’s unlawful policy that denied the authority of the New York Family Court.

This class action was the first of its kind, and first litigated to completion. Several other advocate groups have filed similar challenges contesting USCIS’s policy in California, Washington State, New Jersey, and Massachusetts. In each of these cases, the Plaintiffs have heavily relied on the Court’s findings that USCIS must defer to state courts in regards to the meaning of its own state law.

So much of this would not have been possible without the consistent investment of Judiciary Civil Legal Services funding since 2011. This funding helped support the creation and expansion of our Immigration Youth Project at The Legal Aid Society to meet the increased needs of vulnerable young immigrants. The exponential increase in the number of SIJS applications filed in the United States has skyrocketed over the past decade, from 1,646 in fiscal year 2010 to 21,800 in fiscal year 2018.¹ In the words of Nelson Mandela, “History will judge us by the difference we make in the everyday lives of children.” Thank you for the opportunity to offer remarks today.

¹ U.S. Citizenship and Immigration Services, “Number of I-360 Petitions for Special Immigrant with a Classification of Special Immigrant Juvenile (SIJ) by Fiscal Year, Quarter and Case Status Fiscal Year 2018.”
Christopher B. O’Malley, Esq.
(Executive Director, New York State Interest on Lawyer Account Fund)
Mr. O’Malley has been the Executive Director of the Interest on Lawyer Account Fund of the State of New York (IOLA), since May 2009. Mr. O’Malley has also been a member of the Permanent Commission on Access to Justice since its inception in 2010.

From 2002-2007, Mr. O’Malley was the Executive Director of Student Sponsor Partners (SSP), a scholarship-mentoring program serving over 1250 underserved children in New York City. SSP is one of the largest organizations of its kind in the nation, providing a quality education to financially disadvantaged New York City children.

Before entering the non-profit field, Mr. O’Malley had a fifteen-year legal career, which included six years in the General Counsel’s Office at Citigroup, four years as a litigation associate at McAloon & Friedman, and five years as an Assistant District Attorney in Brooklyn, New York.
Chief Justice DiFiore, members of the Panel, my name is Chris O’Malley and I am the Executive Director of the New York State Interest on Lawyer Account Fund, or IOLA, and a member of the Permanent Commission on Access to Justice. I have been asked to present about the importance of infrastructure to civil legal aid providers, both to individual organizations and to the entire network of organizations that provide civil legal aid throughout New York State, as well as the need for funders to appreciate and support infrastructure spending.

I’m aware that this is a topic that normally isn’t considered scintillating, but that’s one of the problems faced in talking about infrastructure. As you heard today from the client panel, the issues that legal aid organizations address are so vital—housing, family matters, access to health care and education, maintaining a living income, literally “the essentials of life” that the PCAJ has made its goal to support, and the results are so compelling --the veteran who receives appropriate health care, the family that avoids eviction and homelessness, that there is a tendency for funders to fund only a the attorney salaries needed to serve these clients. But no organization, nonprofit or profit, can function in this manner.

So, I’d like to start by talking about what is infrastructure in the context of a nonprofit, look at what can go wrong when infrastructure is neglected, and then look at examples of where infrastructure is working to help bridge the access to justice gap.

Just like in the for-profit sector, nonprofits have indirect non-programming expenses: infrastructure. These include information technology, building maintenance, program evaluation, accounting and finance, employee training— all of which play a critical role in delivering services. But unlike the for-profit world, nonprofits are often asked by funders to minimize these costs so that 80, 85 even 90% of every dollar goes to programming, but that’s both unrealistic and unsustainable.

Let me provide an illustration: Let’s say you purchase a $3.00 latte from a national chain. I suspect you won’t be surprised that only about 77 cents go to
direct costs of your latte, the espresso, the steamed milk, the cup. The rest, $2.23 goes to overhead including marketing and sales, distribution, rent, labor, administrative costs, and of course profits. Which is fine, as you might enjoy the convenience or the ambience of the coffee house. But crucially its understood that the direct cost of a product is only a small part of what you pay for. Now if instead, you went to the cashier and offered 80 cents with the explanation that you are only interested in the latte costs, most likely your offer would not be well received. But in effect, that’s what many funders offer to nonprofits.

And this approach to funding nonprofits results in serious consequences. A 2018 national survey of over 3400 nonprofit leaders found that 62% considered financial stability a top challenge, 75% had 6 months or less of cash on hand, and most importantly only 43% of all nonprofits, and only 35% of nonprofits working in low-income communities were able to meet demand for their services.

The dangers of this type of hand to mouth existence were shockingly demonstrated in March of 2015 when the Federation Employment and Guidance Service (FEGS) a $250 million nonprofit and one of the largest human services providers in New York State filed for bankruptcy and closed. In response, a report by the Human Services Council highlighted the risk factors for FEGS and for all nonprofits, finding that “Government contracts and philanthropic grants rarely cover operating costs, and payment is often late and unpredictable, resulting in... chronic underfunding”, which leads to “inadequate and obsolete equipment and technology, under-staffed and under-skilled administrative offices, low staff salaries and high turnover resulting in lower quality of services, and ultimately increased financial vulnerability and organizational failures”.

In recognition of the importance of infrastructure in sustaining a vibrant civil legal aid community, last year the Permanent Commission included as part of the Justice for All Strategic Planning Guidance Materials a section focusing on Resource Planning. It highlighted that for civil legal aid providers to achieve the goal of effective assistance for 100% of those facing legal challenges, they must expand their capacity, and this would require strong internal operations and infrastructure as well as “the recruitment retention and development of a diverse legal aid workforce that will better represent the community it serves”. The recommendation went beyond the infrastructure needs of organizations and
embraced “statewide, regional and collaborative efforts that strengthen the capacities of the overall delivery system”. Lastly, the PCAJ report requested “that all civil legal aid funders should consider this full spectrum of funding needs in formulating and awarding grants”.

What might this look like for funders? At IOLA over the last decade it has meant the awarding of general operating support grants. That means that IOLA doesn’t support a legal project, IOLA funds the entire organization and everything that goes into supporting the legal work. IOLA lets its grantees know that funding for the grants manager who can assure compliance with the often-complicated requirements of Government contracts while also tracking results and helping assure cash flow, can be just as important to the success of a program as having the right attorneys in place.

IOLA has also encouraged coalitions of organizations working either Statewide or regionally to seek funding for infrastructure projects. One such project is led by the New York Legal Services Coalition, 48 providers from across the entire State, who wanted to create a program around the critical infrastructure need of identifying, training and supporting diverse equal justice leaders. To give some context, for the last 10 years IOLA has been collecting employee diversity data at all levels, from its grantees. One encouraging trend over the last several years is the number of staff attorneys identifying as people of color has more than doubled from 228 to 526. However, the challenge is how can organizations retain these attorneys and make sure that they become future leaders? The Coalition, working with the Shriver Center developed an innovative program entitled Leadership for Justice.

This past Spring 30 public interest leaders from 17 legal service organizations from around the State became the first cohort to receive this training which included an on-line program as well as an intensive 5 day in person training, and group follow up work. In October another 30-member cohort will receive this training, with the program to continue next year with the goal to identify and support a talented and diverse network of equal justice leaders. While the initial evaluations of the program have been excellent, and participants have spoken with great enthusiasm about the skills they learned, the full benefits of this program almost by definition will not be realized for several years, but this type of
infrastructure investment, and frankly just as vitally, efforts to create competitive salary structures, are what’s needed to develop the diverse leadership to best serve New York’s communities.

Another exciting collaborative infrastructure project comes from Mobilization for Justice and Lenox Hill Neighborhood House, who have requested funding for a technology project that responds to the increased representation of low-income tenants in New York City Housing courts spurred by the City’s Universal Access program.

Currently there is a huge amount of building data publicly available that attorneys could use to enhance representation: Housing Violations, Vacate Orders, Multiple Dwelling Registration Information and Housing Preservation and Development Litigation Information. Right now, to get this information advocates must click through multiple websites to gather information and there is no method for collecting or aggregating data to run reports and identify trends.

Fortunately, technological advancements have made it possible for computer systems to communicate with each other through APIs (application programming interfaces). This project seeks to use this technology to realize a number of important goals. First, they will use an API with their case management system (in this case Legal Server – used by many providers) to quickly pull the available housing data directly into their case notes. Second, they will develop an easy to use tool that gives an assessment of the eviction and housing violations of a client’s address as well as identify whether that client qualifies for Senior Citizen or Disability Rent Increase protections. Third, they will roll out this tool to all the NYC civil legal aid organizations that also use Legal Server, and eventually to all agencies regardless of their case management system. This project has the potential to be an extremely useful tool for housing advocates, and likely would lead to time and cost efficiencies with tenant representation, but it can only be realized with infrastructure investment.

These are just two examples of the many interesting infrastructure projects under way in New York, but mindful of my time constraints I hope this overview of the importance of infrastructure and how it can improve access to justice has been helpful to the Panel.
Neil Steinkamp
(Managing Director, Stout Risius Ross, LLC; Consultant, New York State Permanent Commission on Access to Justice)
Neil Steinkamp  
Managing Director, Stout Risius Ross, LLC

Neil Steinkamp is a Managing Director at Stout and a well-recognized expert and consultant on a range of strategic, corporate, and financial issues for businesses, non-profit organizations, and community leaders and their advisors. Mr. Steinkamp has nearly 20 years of experience in the development of financial and impact analyses, strategic plans, and data evaluation methods. He has worked on hundreds of matters involving a wide range of industries and business and social issues. His work often includes assessments of data reporting, data collection processes, the interpretation or understanding of structured and unstructured data, the review of documents and databases, the development of iterative process improvement strategies, and the creation of data monitoring platforms to facilitate sustained incremental change toward a particular outcome. Mr. Steinkamp has been working as a consultant to the New York State Permanent Commission on Access to Justice since 2017. In this capacity, he has assisted with the development and implementation of a statewide strategic action plan to provide effective assistance to 100 percent of New Yorkers in matters affecting the essentials of life.
It is an honor for me to have the opportunity to provide remarks before you and the panel today. My name is Neil Steinkamp, and I am a Managing Director at Stout, and also lead the firm’s pro bono and social consulting practice. I am here to speak about the Commission’s work on the Justice For All (or, “JFA”) Project, for which I—and my colleagues at Stout—have been engaged as a consultant, as well as to provide an update on our annual calculations regarding the significant economic impact that investments in Civil Legal Aid have in the State of New York.

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

The Commission is now working closely with stakeholders at the statewide and local level to develop Justice For All (JFA) initiatives designed to lead the state toward the vision of effective assistance for 100 percent of people in need. Over the last year, the Commission, working with the Administrative Judges in each Judicial District, has successfully launched local JFA initiatives in all 8 Judicial Districts outside of New York City, and has launched an initiative within New York City to further explore ways to learn about access to justice gaps and to develop strategies to close that gap, working with local stakeholders as well as the City and its Office of Civil Justice Coordinator, Jordan Dressler. This expansion of the local Justice For All initiatives represents an important new development on the path to a comprehensive, integrated statewide network of JFA initiatives that will be able to inform the Commission’s recommendations, and can work collaboratively to share best practices, identify systemic barriers, develop and evaluate new innovations, and develop measurements demonstrating progress toward closing the justice gap statewide.

We have already begun to see how the creation of these local JFA efforts around the state provide opportunities for collaboration. For example:

- Seven of the local JFA leadership groups are developing local resource guides to document the resources available in their communities, which can serve as the basis for understanding resource gaps and exploring opportunities for communication about available resources.
Six of the local JFA leadership groups are developing plans for community outreach, communication and improved accessibility to effective assistance.

Three of the local JFA leadership groups are developing new programs to prevent the need to resolve issues in court by addressing them at an earlier stage.

Three of the local JFA leadership groups are developing plans to close the justice gap in Landlord-Tenant or other housing matters by providing effective assistance and representation, inspired, in part, by the success of Universal Access in New York City.

Local JFA Leadership groups are also working on new projects and programs related to Consumer Debt, Family Law, Immigration, Town and Village Courts, Alternative Dispute Resolution, Collaborations with Initial Points of Entry in their communities (such as libraries or schools), providing effective assistance to persons of modest means, developing new court staff education or training, conducting community needs assessments, developing a Community Justice Council, analyzing city court data to better understand the unrepresented population, and expanding effective assistance through pro bono panels.

The development of these initiatives or programs—which did not previously exist—across the state represents an exciting indicator of the progress of the JFA initiative in closing the justice gap. These efforts have been developed and sustained to date, without any supplemental funding (other than $75,000 received from the National Center for State Courts associated with the initial implementation of the Suffolk County Library Project). However, there is still much work to do as the Commission seeks to expand this initiative geographically (to incorporate additional counties) and into additional subject matter areas or initiatives. While the momentum developed to date has been tremendous and shows great promise to making a significant and permanent impact on the justice gap in New York, effectively sustaining and integrating such an effort statewide may require supplemental resources.

Assessments of Progress: Strategic Action Planning and Initial Implementation

Working with local JFA leadership and other stakeholders, the Commission has identified **factors for the assessment of progress toward effective assistance for 100% of people in need**, including, but not limited to:

- New Community Interaction, Collaboration, and Participation Has Been Created
- Programs Have Been Expanded or New Programs Have Been Initiated (Provider, Bar Association, Pro Bono)
• Data Has Been Collected That Was Not Previously Available or Collected
• New Materials Have Been Created and Distributed that Communicate Available Effective Assistance to the Community
• A Mechanism by Which Community Feedback is Gathered Regularly Been Has Created
• New Connections Have Been Made with JFA Initiatives in Other Counties
• New Recommendations Were Made to the Permanent Commission for Its Consideration
• A Measurement of Progress Toward Effective Assistance for 100% of Those in Need Has Been Created
• A Written Strategic Plan Was Completed

The objective of providing a quantitative measurement of progress is one the Commission will be particularly focused on in the coming year. The local JFA leadership groups that have been active for the longest period, Suffolk and Monroe counties, have both indicated that the development of a quantitative measure of progress is instrumental and critical to sustaining and expanding their efforts and to the development of new priorities and strategies based on emerging gaps or trends. In Suffolk County we have begun to develop a regular data packet bringing together data from the Courts regarding the number of cases and number of litigants without representation in the County, data from 2-1-1 regarding the number of calls it receives from the community monthly for various needs in the County, data from LawHelpNY regarding the requests for assistance from the County, data from Nassau Suffolk Legal Services (NSLS) regarding clients it served in the County, and data from the Suffolk County Community Legal Help Project (“the Library Project”) regarding the number of inquiries it received and clients it served.

While this effort has only just begun it has already demonstrated the value of regular collection, analysis and review of information to evaluate progress, observe trends, identify opportunities for stakeholder engagement, and develop new programs for community engagement, communication, or other efforts to reduce the justice gap in the County. As each local JFA leadership group develops its local strategic action plan, developing a data protocol to gather, synthesize and discuss data from multiple sources will be critical to sustaining and expanding the JFA effort.
The Court system has an important role to play in this effort. Local JFA leadership groups are working to develop strategies to be able to provide effective assistance to 100% of people in need in their respective counties. In order to do this, they each need to know and understand the number of persons who are not represented with as much supporting detail regarding matter type and substantive issues as possible. If this information were made available quarterly, for each county, in combination with data collected from other sources, local JFA leadership groups will be able to measure the impact they are having, the areas in which further progress needs to be made, efforts that are proving successful, and where new emerging issues are developing. Further, data of this type will enable regular discussion and collaboration among community stakeholders, creating a sustained and persistent effort toward achieving effective assistance for all. Data, and related impact measures, can then be shared and compared across the state – developing a state dialogue and culture of collaboration regarding common challenges and best practices. By enabling this focus on quantitative measurement, collaboration and impact assessment opportunities to amplify the impact of funding can be identified, implemented and expanded.

Each year I analyze the reasonably quantified economic benefits from investments and funding in civil legal aid. My analysis this year again concludes that for every dollar invested in civil legal aid, there is a return on investment of at least $10. The calculation of this benefit will be further detailed in the Permanent Commission’s annual report to you later this year. As described above, it is important to note that the Permanent Commission’s JFA strategic action plan, with local and statewide elements, may serve to significantly increase this return on investment – particularly if it can be sustained, expanded and enhanced with an orientation toward quantitative measurement using data from the courts, 2-1-1, LawHelpNY, local legal aid providers, and other local data. That is, with the full implementation of the statewide and local efforts detailed in the Permanent Commissions Strategic Action Plan, each dollar of current funding could have an even greater impact.

The vision of the Permanent Commission is that if all New York counties are developing and implementing local JFA plans, if we can encourage and cultivate statewide sharing of best practices and insights gained from the local efforts, if we can use data collected from these local efforts to inform ongoing enhancement of local and statewide strategies, and if we can amplify the work of local efforts with comprehensive statewide pilots and initiatives – the goal of effective assistance for 100% of New Yorkers in need can be achieved.
Jennie G. Kim, Esq.
(Senior Staff Attorney, Queens Legal Services; former Staff Attorney, Legal Hand Jamaica)
A Brief Background: Jennie G. Kim, Esq., Queens Legal Services

Jennie is a public interest and civil rights attorney who practiced over twelve years on many issues affecting indigent and disenfranchised people and communities.

Jennie is a Queens Legal Services attorney who coordinated Legal Hand site in Jamaica, Queens from January 2016 to March 2019. In that time, she, with the Legal Hand staff and volunteers, handled over 10,000 issues and hosted and participated over 150 legal education events with close to 2,000 Queens residents. Jennie has developed programs to address many important issues in the community, including unaffordable housing, racial discrimination, immigrants’ rights, and youth development.

She is currently a senior staff attorney in the Immigrant Advocacy Project of Queens Legal Services.

Before joining Queens Legal Services, Jennie worked at NYLAG in the Storm Response Unit representing victims of Hurricane Sandy. She also worked for a civil rights firm representing clients in federal and state courts in cases concerning civil rights violations. After law school, Jennie worked as a staff attorney at Legal Services of Hudson Valley, where she represented indigent clients, clients living with HIV/AIDS, and domestic violence survivors in many areas of law with a holistic approach. Jennie also founded and served in legal clinics for low-income residents and immigrants in Middletown, Newburgh, and Yonkers. Jennie is a proud alumna of CUNY School of Law and received her B.A. from the University of Chicago.
Good afternoon, Honorable Chief Judge Janet DiFiore and Distinguished Panel:

My name is Jennie G. Kim and I am a senior staff attorney with Queens Legal Services. For the last three years (2016-2019), I was the coordinating attorney for Legal Hand in Jamaica, Queens.

I am deeply grateful for this opportunity to speak about the work of Legal Hand. At Legal Hand, our trained community volunteers, who are not lawyers, provide free legal information, assistance and referrals to help resolve issues in areas like housing, family, immigration, divorce, domestic violence, and benefits, and prevent problems from turning into legal actions. Legal Hand strives to address the unmet legal needs in New York State (NYS) and break down barriers to accessing justice by educating and empowering people in low-income and disenfranchised communities. Legal Hand also works to unburden NYS court system by reducing the number of cases and unassisted pro se litigants and ensure the fair administration of justice in NYS.

About Legal Hand

Legal Hand provides these services in a unique and powerful way, making it a critical force in the communities we serve, by:

- Operating five accessible storefront walk-in sites in the neighborhoods where people need them;
- Focusing on providing information and self-help strategies instead of legal representation;
- Training community volunteers, who are not lawyers, to listen to community visitors, conduct interviews, find information, resources, and referrals (when necessary), and communicate the information respectfully and effectively to visitors.

Legal Hand’s Impact

In its four years of operation, Legal Hand has proven to be an effective program in addressing unmet legal needs in low-income communities. The numbers of sites in the community, people served and issues handled by Legal Hand are impressive.
• Legal Hand operates five sites all over the New York City. They are located in Crown Heights and Brownsville in Brooklyn, High Bridge and Tremont in the Bronx, and Jamaica in Queens.
• Legal Hand handled 13,036 individual sessions in 2018 and 12,729 sessions in the eight months of 2019.
• Issues handled were consumer law, housing, family law, employment, immigration, government benefits, senior citizens issues, and “others”, in that order.
• In 2018 and 2019, Legal Hand assisted with 8,403 housing issues.

The Jamaica Queens site alone handled over 10,000 issues in the last three years; hosted and participated in over 150 legal education events with close to 2,000 Queens residents; trained over 60 community volunteers, 60% of whom stayed with the program for over a three months period and many who stayed with the program for over six months to three years. Legal Hand Jamaica is well known in the community and receives referrals from over 150 local organizations.

Assisting Overburdened NYS Court System

Importantly, Legal Hand seeks to unburden the NYS court system by reducing the number of cases and the number of unassisted pro se litigants.

Reducing the Number of Court Cases Through Prevention

Legal Hand is most effective when engaging in preventive work. Legal Hand provides information and assistance to resolve problems before they turn into legal action in the following ways:

1. Legal Hand identifies and provides access to critical resources and programs to help people solve problems, such as government benefits, services, and legal assistance. For example, Legal Hand Prevented:

   • Eviction by connecting people who have fallen behind in rent payments to government assistance and by providing people in unaffordable housing with financial counseling and assisting them in their application to affordable housing programs;
   • Potential harm to seniors and people living with disability by connecting them to resources to keep them safe and healthy, independent, and keep them in their homes;
   • A multitude of problems stemming from having no income by assisting people who lost employment to apply for government assistance, with job search and application, and filing discrimination complaints.

2. Legal Hand helps people address issues before turning into legal actions for seniors, people with limited English proficiency, and others. For example, Legal Hand:

   • Helps seniors to respond to utility shut-off notices, bank and debt letters, government assistance recertification forms, Notice to Cure, etc.;
   • Assists people who are limited English proficient to respond to legal demands that would have negative consequences if they didn’t respond in a timely way; and
• Helps people write demand letters and respond to notices from landlords, credit card companies, banks, mortgage companies, and schools.

3. Legal Hand educates and empowers people to exercise their rights as tenants, students, victims of crimes, consumers, employees, persons with disabilities, and immigrants. Often, with the information, people prevent harm and legal actions.

Reducing the Number of Unassisted Pro Se Litigants

Local courts have referred pro se litigants to Legal Hand to assist them in filling out court forms and explain legal processes such as what forms to fill out, where to file, and how to serve court papers. Legal Hand also finds and refers people to available legal services providers and lawyer referral services.

Community Needs:

Before I close my statement, I want to give you a glimpse of people we serve at Legal Hand:

• Residents in quickly gentrifying areas facing eviction and displacement, including elderly who lived in the community for over 30 years;
• Domestic violence survivors, including immigrant spouses of U.S. Citizen and elderly, who live in fear for their lives but don’t know how to escape the situation;
• Low-income immigrant workers who live without basic healthcare and don’t know where to turn when they are injured;
• Children with disabilities who are not getting the support to thrive in school;
• Immigrant children who are not getting the language support that they are quickly losing interest in school and opportunities at their “American dream”;
• Elderly residents who are being scammed of their greatest possession, their homes, by mortgage companies and their own families;
• People with criminal histories who face barriers to work and sustain themselves; and
• Immigrants who face challenges due to their unstable immigration statuses.

Conclusion:

The challenges that indigent and disenfranchised people in NYS face are seemingly insurmountable and the unmet needs for civil legal services in NYS are substantial. Legal Hand can provide the means to meet these needs. We seek your continued and increased support as Legal Hand aims to increase its presence in more communities to meet these needs.
Professor Rebecca L. Sandefur
(Arizona State University and American Bar Foundation)
Rebecca L. Sandefur
Professor, Arizona State University and American Bar Association

Rebecca L. Sandefur is Professor in the School of Social and Family Dynamics at Arizona State University and Faculty Fellow at the American Bar Foundation. Her research investigates access to civil justice from every angle -- from how legal services are delivered and consumed, to how civil legal aid is organized around the nation, to the role of pro bono, to the relative efficacy of lawyers, nonlawyers and digital tools as advisers and representatives, to how ordinary people think about their justice problems and try to resolve them. In 2001, she received her PhD in sociology from the University of Chicago. She served on the faculties of Stanford University and the University of Illinois at Urbana-Champaign. In 2013, Sandefur was The Hague Visiting Chair in the Rule of Law. In 2015, she was named Champion of Justice by the National Center for Access to Justice. In 2018, she was named a MacArthur Fellow for her work on inequality and access to justice. She is currently Editor of Law & Society Review.
REBECCA L. SANDEFUR  
ARIZONA STATE UNIVERSITY AND AMERICAN BAR FOUNDATION  

REMARKS TO THE CHIEF JUDGE’S 2019 HEARING ON CIVIL LEGAL SERVICES IN NEW YORK STATE  

Chief Judge DiFiore, Presiding Justices, Judge Marks, President Greenberg, Chair Barnett and members of the Permanent Commission, thank you for this opportunity to speak.

The experiences of your own work and the remarks of experts today and on other occasions will have already made clear one vision of the crisis of civil justice that faces New York and the nation.

As you know, scores of millions of Americans every year face civil justice problems that affect their ability to make a living, to have a place to live, and to care for the people in their lives who cannot care for themselves. In our democracy, we have made laws that are meant to order these fundamental parts of human life – being able to secure basic needs like food and medicine, having shelter, caring for dependents – because we believe that these issues are so important that society as a whole has an interest in what happens with them. But many millions of people struggle outside the protection of the laws that we have made about issues so important.

The Legal Services Corporation, or LSC, is the single largest funder of civil legal aid for poor people in this country. In a recent year, the LSC estimated that income-eligible Americans sought help from LSC-funded lawyers for 1.7 million civil justice problems.¹ Most of those attempts to get help, well over three fifths, resulted in people getting no help or inadequate help. There are simply not enough legal aid and pro bono lawyers in this country to help everyone who reaches out.²

However, the fact that 60-70% of people who seek help don’t get it is just the tip of the iceberg. Americans who take their justice problems to lawyers seeking help are actually a small minority of those who face civil justice problems. Most Americans who face civil justice problems do not seek the help of lawyers, nor do they file lawsuits. Poor Americans will confront something on the order of 40 million new civil justice problems this year – and they will seek lawyers’ help for less than a fifth of them.³

A moment ago I used the expression “tip of the iceberg.” I used it advisedly. The civil justice problems of Americans are like an enormous iceberg, a small part of which is visible above the surface. Yet the invisible part causes serious problems – that’s what sinks the Titanic.

What courts and lawyers currently see is only a small percentage of the problems people face. In the access to justice policy world we often use a measure of unmet need some call “turnaway.” That is, we measure unmet need as the number of people who try to get help at legal aid offices but are turned away for lack of resources. This turnaway measure only tells us about the activity at the tip of that iceberg.

Many more people need help and are not getting it. Let’s focus on New York State. Nearly 3 million people live below the federal poverty line in New York State. They will experience between 2 and 2.3 million new civil justice problems this year alone. Most of those justice problems will not receive legal help.

Most New Yorkers who confront civil justice problems will navigate them on their own. They will not seek out the help of lawyers. They will not seek remedy from the courts. If they do reach out for help, it is to family and friends. This is not simply because of a scarcity of affordable lawyers or suspicion of the justice system. Rather, Americans often do not recognize the legal aspects of their justice problems. For example, they think that an employer’s failure to pay overtime wages reflects his bad character, rather than the legal problem of wage theft. Or they believe that an informal eviction, where a landlord tosses their belongings into the front yard and changes the locks, is not a violation of the law, but rather just their own bad luck.

Research from the LSC finds that 80% of the civil justice problems of poor Americans receive no or inadequate legal help. In New York State, in a single year, that’s almost 2 million unassisted new civil justice problems that can lead to eviction, homelessness, illness, lost custody of children, lost employment, and other harsh consequences for the individuals involved, their families, and their communities.

Tackling a problem this large requires not only new resources, but new thinking. In particular, it will require thinking more like the people who need help and recognizing that more than lawyers are necessary to solve this problem.

Experiences in New York are part of a growing evidence base that shows us two things very clearly: first, the justice gap can be bridged; and, second, it can be bridged only if we expand our thinking beyond the traditional solutions of lawyers and lawsuits.

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5 According the LSC’s 2017 ‘justice gap’ report, 71% of low-income households are experiencing at least one civil justice problem in a given year (supra note 1). Other surveys, that query individuals rather than households, find higher rates, with closer to 80% of low-income individuals reporting at least one new justice problem each year or 18 months (see, for example, Rebecca L. Sandefur, 2014, Accessing Justice in the Contemporary U.S.A: Findings from the Community Needs and Services Study, Chicago, IL: American Bar Foundation).
6 See Sandefur 2014, supra note 5.
7 See supra note 3.
8 See supra note 1.
If most people are not taking their justice problems to lawyers or to courts, sitting around in our offices waiting for them to drop by is not going to be effective. We need to think about ways to meet people where they are.\(^9\)

One place to meet them is of course the courthouse, where many people already show up without any lawyer to assist them. With my colleague Tom Clarke from the National Center for State Courts, I conducted a study of New York City Court Navigators who were not lawyers but instead trained social workers assisting unrepresented tenants facing eviction. These Navigators selected their cases based on criteria similar to those used by legal aid lawyers: tenant vulnerability, need, and the potential for providing meaningful assistance. If these Navigators ran into a complex legal issue or legal defense, they referred the case to legal aid; otherwise, they worked these cases themselves. In the first year of this Navigator project, operating at a pilot scale, the program achieved an eviction rate of 0\% --- that’s right, no one assisted by the program was evicted. This finding is strong proof of concept that, for some kinds of cases, lawyers are not necessary to effect real changes in legal and life outcomes.\(^10\)

Mary McClymont, past president of the Public Welfare Foundation and currently Senior Fellow at Georgetown Law Center, this summer published a report on the range of Navigator-like programs being developed around the country. These programs are, she writes, evidence of an “emerging consensus” that people who are not lawyers can provide meaningful, effective assistance to people involved in a wide range of different kinds of court cases – domestic violence, eviction, consumer debt, family law, and many more.\(^11\)

But if most people do not recognize the legal aspects of their problems, most of them are not taking those problems to courts or lawyers’ offices. Meeting them in the places where they already go is essential. Technology is one important resource for doing this.

You may know that the nonprofit probono.net was founded in New York City. Among many other activities, probono.net supports state-wide legal aid websites that make legal information and legal forms available to the public via the internet. It also supports the development of a range of software applications that assist people in handling issues such as immigration, citizenship, and elder abuse.

One of the most creative and promising solutions, also coming out of New York City, brings technology directly into the service of local communities. JustFix has created a suite of tools for identifying and taking action on problems with rental housing, including problems with housing conditions like rats, or mold, or a lack of heat, and the threat of eviction. The nonprofit provides applications that assist individual people in complaining to their landlords, filing repairs cases in

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Unfortunately, the Navigator program that achieved the 0\% eviction rate is no longer in operation.

housing court and answering eviction notices. It also provides tools and data analysis that support
ground organizations and city agencies in identifying and working with problem landlords. The
project combines sophisticated data science and user-centered design within a framework of
community-led development, where local communities decide what problems are important to them
and how to act on them. Since their founding a few short years ago, JustFix has helped over 10,000
people.¹²

Many of you who have worked in trial courts or in legal aid know that it would often be better if
some court cases never happened. For example, we would rather prevent the theft of wages from
working families than initiate a court action once it has occurred. We would rather landlords
respond to tenant complaints about conditions before tenants have to file lawsuits demanding
repairs. Indeed, research suggests that many problems could be prevented from becoming court
cases if intervention had been available earlier in the development of the issue. This kind of
prevention helps not only the people and communities affected by these problems, but also our
overloaded court systems.

In New York City, the Legal Hand program, run by the Center for Court Innovation, operates
storefront assistance centers in 5 different neighborhoods around the city. Here, trained and
supervised community volunteers help people with common problems like eviction, debt collection,
wage theft, poor housing conditions, divorce and more by providing free information, assistance and
referrals to services. For example, these volunteers help visitors understand confusing letters, or
explain and assist with the process of applying for benefits. Core to the Legal Hand model is the
idea that “with the right information you can solve problems before they get to court.”¹³ Since 2015,
these storefronts have received over 15,000 visits.¹⁴

Legal Hand draws inspiration from the United Kingdom’s extensive network of Citizens Advice
offices, where trained volunteers have for 80 years provided not only legal information, assistance,
and referrals, but legal advice to people facing common civil justice problems.

There is a great deal of promise in these new efforts, but all are less helpful than they could be. And
they are hampered in their helpfulness by precisely the same issue. While more funding would of
course be welcome for all of these efforts to expand access to justice, there is another key challenge
here: the current regulation of the practice of law. None of these helpers is permitted to give even
limited legal advice. Research shows that specialized helpers with focused training, as well as
sophisticated computer programs, could be sharing legal expertise with communities around the
country. In many other countries -- for example the United Kingdom -- people who are not lawyers
are permitted to give legal advice. The simple change of allowing some people who are not lawyers
to give some types of legal advice would empower individuals and communities to actively and
effectively use the laws that they elected representatives to write. Engaging with those laws might
also encourage those communities to think about how to change them, and so revitalize our
democracy as well as increase access to justice.

¹³ See http://www.legalhand.org/.
¹⁴ Legal Hand, 2017, Annual Report,
http://ww2.nycourts.gov/sites/default/files/document/files/2018-
05/Legal%20Hand%202017%20Annual%20Report.pdf.
Donna and Donald Connors
(Clients of Legal Aid Society of Northeastern New York, accompanied by Shruti Joshi, Esq.)
Good afternoon and thank you for inviting me to participate in this hearing. My name is Donna Connors and I am here with my husband Donald Connors. I am here today to tell you how Legal Aid Society of Northeastern New York secured our home and our future.

We are homeowners in Claverack, NY, a rural area of southern Columbia County. In 2017, we were facing foreclosure. Our involvement with the Legal Aid Society began when we were convinced our options to retain our home were at an end and we had reached a crises point.

After being denied a loan modification by HSBC, we reached out to a local housing resource agency. With their help and support, we submitted more documentation. But we were denied again. At this point, we felt our only choice was to face foreclosure and a bleak, uncertain future. Our housing counselor advised us to contact the Legal Aid Society of Northeastern New York. It is with profound gratitude and respect for this amazing organization that I can say they saved our home and secured our future.

In 2004, my husband and I purchased a modest ranch house in Columbia County. Our small business was doing very well and we were confident this was the right decision. Not long after, several things happened to create the perfect storm that left us struggling to survive while drowning in insurmountable debt.

A few months after the closing, our variable rate mortgage was sold. Our payments nearly doubled and we began to despair. Our business, mainly centered on renovation and new installation, became focused on repair and maintenance. Many of our customers were struggling financially as well. We started falling behind on our mortgage payments and rapidly reached a point where we were too far behind to be able to catch up on our arrears. We could not afford an attorney and had given up all hopes of keeping our home until we were advised to contact Legal Aid Society.

After we met Shruti Joshi at the Legal Aid Society, we began to feel a glimmer of hope. Our last scheduled settlement conference, which we assumed would be the final nail in the coffin, turned out to be the beginning of this awesome attorney's work to turn our lives around. At the time, our mortgage was in the process of being sold again. Ms. Joshi was up against two teams of attorneys from two different banks. Thanks to her diligence and skill, we were granted not only a modification, but one with a lower interest rate and payments we could afford.

After this miracle, we were able to restructure our lives and move forward. My husband is the lead plumber at a local company. I have started a doggie daycare business where I get to play with dogs all day and actually get paid! Our two giant goofball dogs have become certified therapy dogs. They currently visit a local assisted living facility where we have been bringing therapy dogs since 2010.

**Having a safe, secure home base is the foundation for everything we are able to do.** It allows us to remain productive members of our community. The Legal Aid Society gave that to us. The need is great. The Legal Aid Society strengthens communities and ultimately our society as a whole by providing their services to people like us who may otherwise have nowhere to turn.
Lillian M. Moy, Esq.
(Executive Director, Legal Aid Society of Northeastern New York)
Lillian M. Moy
Executive Director, Legal Aid Society of Northeastern New York

Lillian M. Moy became the Executive Director of the Legal Aid Society of Northeastern New York, Inc. in 1995. She is a 1981 graduate of Boston University School of Law. She is a former member of the Board of the National Legal Aid & Defender Association and past Chair of NLADA’s Civil Policy Group. Ms. Moy is Chair of the ABA’s Coalition on Racial & Ethnic Justice and is a past member of SCLAID, the Pro Bono and Public Service Committee and the Legal Access Job Corps Task Force. She serves on several NYSBA committees and is on the Board of Directors for the Albany Medical Center.
Statement of Lillian M. Moy, Executive Director, Legal Aid Society of Northeastern New York

September 23, 2019

My name is Lillian M. Moy and I am the Executive Director of Legal Aid Society of Northeastern New York (LASNNY; www.lasnny.org). LASNNY is the primary civil legal services provider to low income and vulnerable residents of 16 counties in Northeastern New York (Albany, Rensselaer, Schenectady, Columbia, Greene, Fulton, Montgomery, Schoharie, St. Lawrence, Clinton, Essex, Franklin, Hamilton, Saratoga, Warren and Washington). We provide the full range of civil legal services from information and referral, advice and brief service, negotiation, extended representation in court and before administrative agencies on behalf of our clients. We are grateful for the Court’s JCLS funding which allows us to provide legal services to meet our client’s essential legal needs. During the state fiscal year 2018-2019 we closed 11,261 cases to meet our clients’ essential needs.

You have heard from our client, Donna Connors, accompanied by her husband Donald Connors. Their full story can be read at http://www.lasnny.org/2019/05/02/the-connors-a-mortgage-modification-success-story/ and is also attached. Donna and Donald Connors were lucky that they were working with a community partner of the Legal Aid Society of Northeastern New York, Galvan Housing Resources in Columbia County. LASNNY, like many other JCLS grantees, is connected to the community of social, legal and lay advocacy providers who serve our client community to ensure that good mutual referrals are made. Such referrals are especially urgent in a rural county such as Columbia County. As noted, LASNNY serves 16 counties, most of the Adirondack Park. Our service area covers 16,264 square miles, 35% of the state of New York. According to the 2010 census, there are only 166 people per square mile in our service area, in contrast to 239 people per square mile who live in the Rest of State (outside of New York City).

There is a crisis in available civil legal services for rural clients. There are disproportionately fewer lawyers to serve clients with rural legal needs. Consider these statistics: there are 17 people for 1 lawyer in New York County and 72 people for 1 lawyer in New York City. There are 173 New Yorkers for 1 lawyer in the Rest of State, 178 people for 1 lawyer in all of Northeastern New York, but only 1 lawyer for every 229 people in Columbia County. The lack of lawyers falls hardest on low income people in particular. Indeed, our 2019 Intake Study shows LASNNY turns away or cannot fully serve 66% of all applicants for services. 31% of them had housing cases.

The Connors are emblematic of the 76.3% of all rural clients who cannot afford legal services. Their foreclosure case falls within the most prevalent area of legal needs for rural New Yorkers: real property. Around New York these cases are followed by family law, trusts and estates, and criminal cases. It is clear that funding for foreclosure/housing cases is urgently needed in rural New York. The impact of the legal services provided on the Connors’ lives highlights the critical importance of the JCLS investment.
The Connors symbolize a middle-class family’s descent into financial trauma. Legal services supported the Connors’ ability to climb back as working citizens: Donald works now as a plumber in a local company and Donna runs a doggy daycare from the home that Legal Aid helped them save. The Connors have trained their own dogs serve as therapy dogs and they regularly visit residents at both a local assisted living facility and a youth center. From the depths of financial loss to financial security, legal services helped support the Connors’ back into self-sufficiency. They can now contribute both to the local economy and the emotional wellbeing of their local community.

Increased JCLS funding would be used to serve more rural clients in need. JCLS funds support LASNNY’s expanded staff and organizational stability. Increased JCLS funding will allow us to better serve the poor and to serve more clients like Donna and Donald Connors.

During state fiscal year 2018-2019 LASNNY helped 1,317 homeowners facing foreclosure proceedings. Around New York State, JCLS grantees handled an estimated 41,442 foreclosure cases on behalf of homeowners like Donna and Donald Connors. The positive impact of these funds is clear.

Thank you for your support and especially for the opportunity to speak today. If I can provide you with any additional information, please do not hesitate to contact me.

Sincerely,

Lillian M. Moy
Executive Director
Legal Aid Society of Northeastern New York
Shanell Yarde
(Client of Empire Justice Center, accompanied by Saima Akhtar, Esq.)
Hello. My name is Shanell Yarde. Thank you for giving me the chance to tell my story today about how having access to a lawyer was helpful to me and my family. In 2016, I was contacted by Child Protective Services in Albany County and asked to take care of my niece when my sister was unable. CPS had asked several times and I was not willing because I was dealing with my own family, but then there was crisis and my infant niece was going to be removed from her mother and placed somewhere. I took emergency custody of my niece when she was just 9 months old. The circumstances were not ideal. I was pregnant myself, with two young children and going through a separation from my husband.

I needed help to manage all of this and I needed to get help for this new child in my house. I reached out to Rensselaer County Department of Social Services (“DSS”) to get “any help” they could give for my niece. The worker asked me about what benefits I already had and I was told the child could be put on my SNAP case. No one said anything about cash assistance even when I asked if there was anything else. I was in a really difficult place and had also called the DSS in addition to talking to them in person, but I couldn’t get any assistance for my niece. I was spending my own savings to make sure she had diapers and clothes that fit. Months went by and I thought that if I got certified to be a kinship foster care provider, I could get paid for that. After several months of classes and a home visit, I did get certified as a kinship foster care provider. It was only after I became a foster provider that I was told I could not get the kinship foster care payments because I already had custody of my niece under Article 6, but the worker from the foster care office at Rensselaer County told me I could get what is called the “Other Than Guardian” or “OTG” grant. The foster worker told me that I had to say the words “OTG grant.”

I went to the DSS the next day after hearing about the OTG grant. I asked at the counter for an application to apply for an OTG grant and was given the form. I applied for an OTG grant and the DSS issued it promptly, but I went back to ask a supervisor about why I could not get the grant all the times I had asked for help before—at this point more than a year had passed and I had been borrowing money from my own mother to help support my niece. The supervisor said that I didn’t get the grant because I didn’t ask for it and I decided to call a fair hearing because that seemed unfair. How would I know what specifically to ask for when I don’t work at the DSS?

Before going to the fair hearing, I connected with Kari Correa from the Kinship Navigator, who helps support relative caregivers taking care of children in their homes. She came with me to the fair hearing for support, but I had to do the hearing all myself. DSS also brought in two people who work in the office who said it wasn’t their job to tell me how to get the OTG grant for my
niece. The Administrative Law Judge asked the workers how I was supposed to know all the things they knew about public assistance or where I could get the form to apply for the OTG grant. One of the workers said that kids in the DSS waiting room were playing with the forms so the staff just put all the application forms away. I didn’t know what questions to ask in my hearing, but I did my best to tell the story of how many times I had asked them to help me and how no one actually told me about the OTG grant. At the end of the hearing, the administrative judge encouraged me to get help if I needed to keep fighting. I felt ok about the hearing when it was done, but I ended up losing the hearing and felt like giving up. I had a lot going on in my own life and I had no idea what to do next. It was a really bad time and I needed help.

I had gotten contact information for the Legal Aid Society of Northeastern New York when I was going through my separation and decided to give them a call just to see if they could help after I lost my fair hearing. The attorney at Legal Aid talked to me and made a referral to Empire Justice. I was so happy that someone was taking the case and would help me take the problem before a judge. Before this, I felt like I had been dismissed and how I was treated at DSS did not matter.

I met with Susan from Empire Justice and Liz from Legal Aid several times to draft my statement for the case and explain my story to them. And then we waited. It took another 6 months before I got into court and got to see the judge. When I went to Court, the attorneys from Empire Justice and Legal Aid met with me to prepare me and they all came with me to the hearing.

When I went to Court, the Judge asked the lawyers from the State and the DSS a lot of really good, hard questions. He paid attention to what my lawyer was saying and knew the details of my case. It made such a huge different for me—that someone would listen, think about what my family needed and help me get it even if I couldn’t pay. With the help of my lawyers, I felt heard and understood. It was a real turning point for me.

We got a decision quickly and we won. The Judge awarded all the money that DSS owed me, but the DSS appealed. Empire Justice was ready to take the appeal with me too, but the County eventually withdrew its appeal and agreed to issue the assistance payment to me. I remember exactly where I was when Saima from Empire Justice called me to say the county would withdraw the appeal and we could get the payment, and what a relief it was to get the money for my niece.

I learned so much from this process. Just recently, I got to tell someone else how to do this. My neighbor took in two kids also, and this time I knew to tell her to add the kids to her SNAP case and go to DSS to apply for an OTG. I could tell her what to do the way I wish someone would have done for me.
Kristin Brown

(President & Chief Executive Officer, Empire Justice Center)
Kristin Brown is Empire Justice Center's President & CEO. Empire Justice Center is a statewide civil legal aid organization focused on representing low income and marginalized New Yorkers in asserting and advancing their rights through systems change advocacy, individual legal representation and provision of high-quality training and technical assistance. A well-known and deeply respected presence in New York’s legal services community and within the state legislative process, before becoming President & CEO in August, 2019, Kristin led the organization’s extremely successful public policy and legislative advocacy since 2004. In this role she designed, organized, and advanced the annual budgetary and policy agenda of the organization, leading multimillion-dollar funding campaigns with community partners and advancing issues that expand access to justice. These efforts contributed to career successes such as the creation of the Legal Services Assistance Fund, creation of and continued funding of the Homeownership Protection Program, launching the coalition that has effectively doubled funding for the Disability Advocacy Program, as well as passage of dozens of state laws in the areas of public assistance, health care, domestic violence, employment and civil rights. A graduate of Hartwick College, Kristin worked in nonprofit direct service and small business management before returning to school in 1999 to attain a Master's Degree in Social Policy from Empire State College. Kristin was also a 2000 Center for Women in Government Fellow with the Rockefeller College of Public Affairs and Policy and has worked at Hunger Action Network of New York State as Upstate Public Policy Coordinator and American Farmland Trust as Senior Policy Manager.
Remarks of Kristin Brown for the Chief Judge’s Statewide 2019 Civil Legal Services Hearing

My name is Kristin Brown, and I am President & CEO of Empire Justice Center, a statewide civil legal aid organization with offices in Albany, Rochester, Yonkers, White Plains and Central Islip on Long Island.

I want to first, thank you, Ms. Yarde, for being here and for sharing your story with us. It so clearly illustrates the variety of barriers that were placed in your way by a system that is seemingly designed to make it difficult to access the assistance you and so many others seek on a daily basis. Your story also shows us all how having access to a lawyer can make all the difference in cutting through the confusion and getting meaningful results.

Chief Judge DiFiore, Judge Marx and panel, I want to thank you so much as well, for creating this forum for Ms. Yarde and others with similar experiences to bear witness to the ways in which civil legal aid has made such a significant impact on their own lives. Thank you also, for inviting legal aid providers to talk about how our services help to actively streamline administrative processes, efficiently solve issues well before the Courts need to be involved, work to break down systemic barriers and achieve best or at least better outcomes for hundreds of thousands of New Yorkers through our advocacy.

I want to highlight a few points from the story Ms. Yarde shared because they touch on steps along the continuum of legal aid that the Commission is working to address and underscore the need for continued investment and expansion of a range of resources that help meet the civil legal needs of New Yorkers. Simply put, if these resources were available, she would not have needed court intervention.

1. Continued investment and expansion of Know Your Rights trainings, access to basic information, and holding government agencies accountable for sharing accurate information.
   - With clear and accurate information about the benefits she could access, Ms. Yarde would have known what she needed to do rather than wasting time taking steps that were not helpful, and ultimately she may not have needed any further assistance.

2. Continued investment in closing the “justice gap” so that providers can serve more people.
   - If Legal Aid had had capacity, they could have accepted Ms. Yarde’s case when she first realized she needed a lawyer and her case would have been resolved at an earlier stage.

3. Continued investment in support for pro se litigants.
While it’s ideal to have a lawyer by your side, providing guidance for individuals who must represent themselves is an important way to achieve better outcomes. Ms. Yarde did a great job representing herself, but ultimately, she still needed Empire Justice Center’s assistance.

Ultimately, when we were referred to us, thanks to the support of our Judiciary Civil Legal Services funding, we were able to help, but at each point in her journey, Ms. Yarde’s case got more complex. She and her family had to face avoidable stress and financial uncertainty along the way that could and should have been avoided. And certainly, the court’s time used could have been used elsewhere.

**Research Supports the Essential Role Civil Legal Aid Plays in Sustaining Stability**

Providing access to justice, access to legal aid, helps not only with the immediate legal need, but has lasting impacts in the stability provided to those served.

A recent study by the Center for Community Solutions analyzing the impact of Legal Aid of Cleveland and Community Legal Aid, the two major programs serving 13 counties in Northeast Ohio including the cities of Akron, Cleveland and Youngstown, highlights this Stability/Instability dynamic. The researchers found two compelling impacts of providing legal aid:

1. Providing legal assistance has immediate, intermediate and long-term impacts on individuals and families with some changes still at play ten years after the services were provided. Furthermore, the impact cuts across significant areas of “intersectional stability” for those served. For example, those helped with financial issues (wages, income supports, consumer debt) not only reported an increase in financial stability ten years after the initial legal need was handled, they also reported greater stability in their health (health stability meaning that their health is more predictable, implying the proper conditions are in place to manage health).

2. In the specific area of Family Law, where clients like Ms. Yarde receive assistance in issues ranging from foster care, adoption and guardianship to domestic violence and divorce, the report found that not only did the majority of clients report a positive impact in Family Stability (consistent routines, reduced uncertainty in living arrangements) but they also reported improvements in health stability and financial stability. In fact, a greater percentage of clients reported more financial stability in 2-5 years and 6-10 years after receiving legal assistance than did those reporting an immediate impact.

Civil legal aid is a fundamental force in building family and community stability as well as providing cost effective services, leveraging an estimated $10 for every $1 invested.

**The Cost of Doing Business Continues to Rise**

We are all incredibly proud that New York continues to lead the nation in its commitment to funding civil legal aid. The Judiciary Civil Legal Services (JCLS) funding has been a game changer, moving the needle in meeting the civil legal needs of low income New Yorkers from just 20% to an estimated 37%. That said, the JCLS funding has remained at the same level since the 2016-17 state fiscal year, so that we are now in the fourth consecutive year of unchanged JCLS funding and providers are at risk of losing ground in our ability to provide services as costs continue to grow.
Each year as the rent increases, the cost of health care rises, typically by double digit percentages, our employee’s salaries go up and the overall cost of doing business continues to rise, making it increasingly difficult to balance the needs of our clients and our staff.

Thus while the significant investment of JCLS funding has allowed New York to make real progress, now is the time to take steps to ensure that we do not lose momentum in closing the justice gap. This is particularly critical because we still have so much more to do, with over 60% of the legal needs of low income households still unmet.

**New, Emerging and Evolving Needs**

As critical policies at the federal level buck and break, stripping basic protections from marginalized client communities, Empire Justice Center is proud of our state’s efforts to step in and strengthen our own laws. But as the federal laws change and new state laws are enacted, the civil legal aid community has to be able to adapt, learn, be nimble and ultimately, we need the resources to be able to enforce those new laws on behalf of our client communities who are increasingly targeted and at risk. For example:

- The constant changes in immigration policies have created urgent and expansive need for legal assistance for immigrant individuals and families with no end in sight.
- Federal policies put in place to provide rights and protections to communities of color and other marginalized communities, as well as consumers and homeowners are steadily being dismantled. At the same time New York is adopting new laws, expanding anti-discrimination and consumer protections. The new laws will offer new legal remedies, all of which will need to be monitored and enforced, requiring resources for learning, representation and increased vigilance.
- Expanded rights for tenants in eviction proceedings will demand new levels of assistance and legal services across the state will need to be there to challenge, defend and enforce.

Clearly there is much to be done and once again, I want to thank you, Chief Judge DiFiore, for your leadership in this important area. Our community stands ready to do all we can to support you and Permanent Commission in your efforts to close the justice gap and bring us another step closer to meeting the civil legal needs of all New Yorkers.
Linda Carrasquillo
(Client of Legal services NYC, accompanied by Johnson Tyler, Esq.)
Good afternoon, my name is Linda Carrasquillo. Thank you for inviting me to testify today about the importance of legal services to me and my family.

I am 62 years old and live in Queens. In 2001, my daughter needed help paying her tuition at a small college. At the time, I was working for a bus company in Queens, cleaning the floors and seats, earning only $25,000 a year. Despite my low income, I applied for and received a $4,000 Parent Plus loan to help my daughter pay for school.

Unfortunately, I injured myself on the job in 2005 and was no longer able to work. In 2007, I qualified for disability and started to receive Social Security disability checks, roughly $785 in 2010. However, I could not afford to pay my Parent Plus student loan on this income, so the government withheld $35 from my monthly Social Security checks. Thereafter, although my Social Security check would increase every year, the amount I took home, $750, never changed.

In 2012, I became gravely ill. My kidneys were no longer functioning and I had to go on dialysis. Over the next three years, I skimped on food and clothes and medicine, and even limited my visits to doctors to save on car fare.

By 2015, I was having so much trouble financially that I called the collection company that now was taking $103 from my $853 Social Security check. This was a non-profit student loan company in Texas that was supposed to help parents and young adults manage their student loan payments. I told them that I was disabled and poor and was falling behind on my bills because of the reduction in my Social Security payment. The operator said that even though I had paid a lot towards the loan, I still owed more than what I had borrowed due to interest and
penalties. This made me feel terrible and like I would always have my Social Security reduced for this debt.

In 2017, my financial problems worsened, I couldn’t pay my rent, and my landlord tried to evict me. Legal Services NYC helped me save my apartment in housing court.

At the same time as we saved my apartment, a paralegal at Legal Services NYC told me that I could increase my Social Security benefits to their full amount (now $856 a month) by applying for student loan forgiveness due to my disability.

This was life changing news. After I completed the paperwork, my Social Security check shot up to $856. With $106 more dollars each month, I felt far less vulnerable.

But I also felt angry. Why hadn’t the person in Texas, who was supposed to help borrowers with their debts, tell me I could get the loans forgiven? And why did the government take my disability check if the government was supposed to forgive my student loan debt if I was disabled? What happened to me seemed wrong and unfair.

With Legal Services NYC’s help, I and eight others sued the U.S. Department of Education in Federal Court for illegally taking our Social Security disability payments. After filing, we learned that our experiences were not unusual. Almost 200,000 Social Security recipients had their checks reduced by the U.S. to repay their student loans that year — more than half disabled and eligible for a loan discharge. None of them applied however because the government never told them about it.

Thankfully, justice prevailed and we settled our suit this year. The U.S. returned over $4,000 in Social Security payments it took from me, as well as another $18,000 owed to the other eight plaintiffs. I’m told this is unusual and only happens when the government acts really badly. In lawyer speak, that means “unconstitutional.”
More important than the money we received, however, is that the U.S. changed their notice to other Social Security recipients who owe student loan debts to inform them that they may qualify for a disability discharge. This is huge. I believe this information will help improve the lives of countless other disabled persons living from check to check like myself.

I am so very grateful for Legal Services NYC’s help. They not only fixed my problem, but gave life to my story to help others. Thank you again for inviting me to testify.
Raun Rasmussen, Esq.
(Executive Director, Legal Services NYC)
RAUN J. RASMUSSEN

Mr. Rasmussen was named Executive Director of Legal Services NYC in June 2011. He has been a member of the LSNYC family for over 30 years, serving as LSNYC’s Chief of Litigation and Advocacy since 2003. He began his career as a housing attorney at South Brooklyn Legal Services and later became SBLS’s Director of Litigation, supporting the development of affirmative litigation, helping to create one of the first foreclosure prevention projects in the country, and developing the Child Care Network Support Project, which provides legal services and training to home-based child care providers.

Mr. Rasmussen has written numerous articles on residential displacement, foreclosure, ethics, affirmative litigation and child care work, and has received several awards for his public service. He is a member of the Permanent Commission on Access to Justice and the Board of Directors of the New Economy Project. He holds a B.A. from Amherst College and a J.D. from Harvard Law School.
September 23, 2019

The Chief Judge’s 2019 Hearing on Civil Legal Services in New York State

My name is Raun Rasmussen, and I am the Executive Director of Legal Services NYC. Thank you for the opportunity to speak with you this afternoon.

You have just heard a moving story about the impact of the work that we do; work that is only possible because of the support of the Office of Court Administration.

Ms. Carrasquillo took out a small student loan for her daughter, but because of her limited income the repayment deductions were crippling and she could not afford her rent. Our advocates were able to halt her eviction and help her qualify for a full disability-related waiver for the loan repayment. Problems solved. Full stop.

But our lawyers—in particular Johnson Tyler, who is with us today—knew that there was more to this story. Ms. Carrasquillo had been eligible for the disability waiver for years, but did not know about it even after she called the program that was supposed to help her manage her loan. Had she known, she would not have lost thousands of dollars and been threatened with eviction. So we sued, on behalf of Ms. Carrasquillo and several other clients, to do what was right and fair for them, and for the thousands of others who, because of their disabilities, could qualify for a waiver from student loan repayments if only they knew about it. We settled that case—with payback of wrongfully garnished funds, and with an amended notice informing tens of thousands of others of their ability to keep the full monthly disability payments they are eligible to receive.
This case is a perfect example of the work that you have heard about this afternoon: the legal services community helps tens of thousands of clients throughout the State to get and keep the essentials of life—shelter, safety, access to health care and education, and stable incomes and immigration status—and also works every day to increase the impact of our litigation and advocacy by attacking the roots of the problems our clients face, changing the laws, practices and policies that hurt low-income people and create barriers to their success.

The continuity and holistic nature of the services that we provide is what makes our work so powerful, and so cost-effective: with legal information to help people like Ms. Carrasquillo solve their own problems; paralegal assistance in preparing and submitting forms for a disability waiver; eviction prevention litigation; consumer litigation to recover disability payments that were improperly reduced; and affirmative relief to fix problems for thousands more—the legal services community works to solve the many problems that keep people poor.

This afternoon, and at hearings in previous years, you have heard about the powerful partnerships between the courts, the private bar, corporations, health care facilities and religious institutions and law schools, technology innovators, community based organizations, and legal services providers like those you have heard from today. We work together to solve the problems created by poverty. Your Honors, without your support and that of the Office of Court Administration, we could not do what we do.

We have a historic opportunity right now to make an even greater difference than we have before: with your help we have built a powerful network of advocates and partnerships—but we are still meeting far less than half the need.
With the power of our staff, our partnerships with the courts, the private sector, our clients and their communities, and with the continued and increased support from the Office of Court Administration, there should be no end to what we can accomplish in attempting to achieve the core values of our country: fairness, equal opportunity, and justice for all.

Thank you for making our work possible.
Stacey Friedman, Esq.
(General Counsel, JP Morgan Chase & Co.)
Stacey Friedman is Executive Vice President and General Counsel for JPMorgan Chase & Co. She also serves as a member of the firm's Operating Committee.

Most recently, Friedman was the Deputy General Counsel for the firm and the General Counsel for the Corporate & Investment Bank. She joined the company in 2012 from Sullivan & Cromwell LLP, where she was a partner in the firm's Litigation Group, working on complex commercial litigation, including securities, class action, derivatives, bankruptcy, antitrust and employment. In this role, Friedman spent a year working with JPMorgan Chase fulltime as one of the principal architects of the firm's mortgage-backed securities litigation defense. She also served as a key advisor to the firm in its acquisition of assets from Washington Mutual.

Friedman is one of the industry's leading experts in securities litigation, and the investigations and enforcement proceedings relating to these matters. She brings tremendous experience working with the financial services industry and has represented numerous clients in federal and state litigation across complex commercial matters, including securities, class action, derivatives, bankruptcy, antitrust and employment litigation.

She is a member of the board for the National Women's Law Center, an organization dedicated to fighting for gender justice in the courts, in public policy and in society as a whole.

Prior to joining Sullivan & Cromwell, Friedman was a clerk for the Honorable Gary L. Taylor, United States District Court, Central District of California. She received her B.A. from the University of California, Los Angeles, and J.D. from Duke University School of Law. Prior to law school, she worked for Senator Dianne Feinstein.

Friedman has received numerous awards in recognition of her leadership across the legal and financial services industries, most recently ranking number two on the Financial Times' Leading LGBT+ Executives list and #12 on American Banker's “Most Powerful Women” list in both 2017 and 2018.

Friedman currently resides in Brooklyn, New York, with her wife and two children.
Statement of Stacey Friedman, General Counsel, JP Morgan Chase & Co.
Chief Judge DiFiore’s September 23, 2019 Civil Legal Services Hearing

Chief Judge DiFiore, Presiding Justices Acosta, Scheinkman, Garry, and Whalen, Chief Administrative Judge Marks, and New York State Bar Association President Greenberg, my name is Stacey Friedman. I’m the General Counsel of JPMorgan Chase & Co. I thank you for your public service and for all you do to promote justice in our State.

I’m honored to offer my personal support for the critical work of the Permanent Commission on Access to Justice and its Chair, Helaine Barnett. I strongly believe that increased funding for civil legal services benefits our courts and individuals, families and businesses. It benefits each of us.

In 2010, when the Task Force to Expand Access to Civil Legal Services was created, our State faced a crisis of the unrepresented in our courts. Each year, more than 2.3 million New Yorkers tried to navigate our State’s complex civil justice system without a lawyer. In New York City, 99 percent of tenants were unrepresented in eviction cases; 99 percent of borrowers were unrepresented in consumer credit cases; 97 percent of parents were unrepresented in child support cases; and 44 percent of homeowners were unrepresented in foreclosure cases. Our courtrooms were full of frightened, unrepresented people facing the loss of a home, a job or even a child.

Today, thanks to the efforts of the Task Force and the Permanent Commission, and with the support of our Judiciary, we have begun to close the justice gap in our State. Through the Judiciary budget, our State now provides $100 million in critical funding to support civil legal services. The effort to fulfill our obligation to ensure that everyone has access to justice, regardless of their economic circumstances, has been meaningful. By 2018, your
funding allowed lawyers to represent clients in nearly 500,000 cases involving disputes over the essentials of life.

You should also be commended as stewards of the State’s scarce resources. As set forth in the Commission’s most recent Annual Report, there has been a ten-dollar return to New York State for each dollar of funding for civil legal services. Experts estimate that roughly 9,960 jobs have been created as a result of this funding. The funding has led to retroactive awards of child and spousal support to benefit women and children that desperately need this money. There have also been meaningful indirect benefits, including savings on shelter costs for families who can stay in their homes, fewer home foreclosures, less domestic violence and increased wages. All told, this funding has had an estimated positive economic benefit for New York State of more than $3 billion.

And here is something else that I know personally, looking beyond the numbers, we can also clearly account for the significant positive impacts that flow from this funding, which is the backbone of pro bono services in New York. At JPMorgan, like many other companies, we are blessed to have hundreds of lawyers in New York who dedicate thousands of hours of pro bono time to civil legal services. But it is very hard for those lawyers, on their own, to connect with those in need. The way it actually works is that lawyers at companies and law firms volunteer with the programs you fund, who connect them with clients in need.

For example, each year, the JPMorgan Legal department hosts a Legal Day of Service where we dedicate a full day to pro bono service. In 2019, nearly 1,000 members of our Legal department participated across 17 countries and 27 cities, including in New York. All of this work is done with programs like the ones you support. Indeed, just this past year we worked with nearly a dozen programs you funded. We advised on visa applications at clinics run by Her
Justice, Legal Services for NYC and Safe Horizon. We advised on housing, government benefits and wills under the leadership of the Volunteers of Legal Service. We worked closely with the Legal Aid Society to provide for the needs of the poor and have worked to provide young immigrants with representation through the Safe Passage Project. And, finally, we assisted low-income LGBT+ immigrants, who were victims of persecution in their home countries, to gain legal status in the U.S. through Legal Services for NYC.

Despite the extraordinary efforts by these programs and our community, there remains a significant need for additional funding for legal services to assist low-income New Yorkers in meeting the essentials of life. So, in addition to being here today to thank you for all you have done – I am also here to support your efforts to do more to close the justice gap.

There remains a vast unmet need for legal services in New York. As Chief Judge DiFiore noted in the most recent report, legal service providers are still turning away far more people than they can serve. Individuals in New York, as we see around the country, do not have the means to retain an attorney, even when they face eviction, foreclosure or family violence. According to the Federal Reserve, nearly 40% of American adults cannot cover a $400 unexpected cost. This means that legal representation will remain beyond the reach of most New Yorkers without more support from the State. It means that there is much more to do.

If you go to the Supreme Court of the United States, you will see the caption on the front of the building that says: “Equal Justice Under Law.” This encapsulates what the Permanent Commission is seeking to do for New York, namely, to ensure access to justice is the same, for everyone, without regard to economic status. This is not simply an inspiring goal. It is how our legal system is supposed to work. But there is significant work yet to be done. So,
while I am deeply grateful for your efforts, I respectfully urge that you seek to increase funding for the 2020 fiscal year for civil legal services.

Thank you for the opportunity to speak with you and for your continued support for the mission of providing civil legal services.
APPENDIX 7:

Written Statements Submitted for the Chief Judge’s Hearing
The Chief Judge’s Statewide Hearing on Civil Legal Services in New York

Monday, September 23, 2019 • 1:00 pm – 4:00 pm • Court of Appeals, Albany

Written Submissions

Domestic Violence and Consumer Law Working Group, Fordham Law School Feerick Center for Social Justice (Written Submission by Dora Galacatos, Diane Johnston, Melissa Koven and Divya Subrahmanyam)

New York City Veterans Law Working Group (Written Submission by Kent Eiler and Peter Kempner)

New York Consumer Advocates (Written Submission by Gina Calabrese, Sidney Cherubin, Carolyn Coffey, Dora Galacatos, Tashi Lhewa, Mary McCune, Matthew Schedler, Daphne Schlick, Nasoan Scheftel-Gomes, Marcella Silverman, Mark Weliky, William Whalen and Claudia Wilner)

New York Legal Services Coalition (Written Submission by Maha Syed, Executive Director)

St. John’s University School of Law (Written Submissions by Professor Gina Calabrese and students Sara Krastins, Michael Ofori and Helen Wrobel)
Domestic Violence Consumer Law Working Group, Fordham Law School Feerick Center for Social Justice
(Written Submission by Dora Galacatos, Diane Johnston, Melissa Koven and Divya Subrahmanyam)
STATEMENT FROM THE DOMESTIC VIOLENCE AND CONSUMER LAW WORKING GROUP

We are honored to submit this statement as part of the Chief Judge’s 2019 Hearing on Civil Legal Services in New York State. We are members and the co-chairs of the Domestic Violence and Consumer Law Working Group—a Working Group established and supported by Fordham Law School’s Feerick Center for Social Justice. Our testimony is focused on the unmet civil legal services needs of victims and survivors of intimate partner violence in connection with economic abuse, consumer debt, and credit reporting issues, a topic on which we have submitted prior written testimony. In 2018, we submitted a copy of a report issued by three member organizations of the Working Group, which examined this civil legal services gap in New York City and which was titled *DENIED: How Economic Abuse Perpetuates Homelessness for Domestic Violence Survivors*. For ease of reference, we append a copy of the report to this written testimony. The *DENIED* Report and the Working Group’s prior testimony to the Permanent Commission describe the profound “justice gap” and deleterious consequences for survivors of economic abuse and intimate partner violence.

The civil legal services needs of victims of economic abuse exist in the context of broader consumer debt collection trends and developments. Notably, the number of filings of consumer credit actions in New York City Civil Court has increased sharply in recent years after a period of steady and marked decline. The number of filings more than doubled between 2016 and 2018, rising from 46,837 to 100,186 consumer credit actions in Civil Court. Moreover, the percent of represented defendants continues to be extremely low—just 3.88% in Civil Court for these actions in 2018. Economic abuse compounds the significant procedural and substantive defects endemic to these cases, including high default rates and prevalent substantive defects.

We have previously written about an effective model to reach and serve victims of economic abuse: the DV CLARO Program. Since 2014, advocates with expertise in both intimate partner violence and consumer defense have participated in once-monthly clinics at Sanctuary for Families’ Sarah Burke House in the Bronx. In 2018, the Working Group expanded the model to Safe Horizon’s Rose House in Manhattan. The DV CLARO Program brings advocates to shelters where they conduct one-on-one consultations with victims of economic abuse and survivors of intimate partner violence. As appropriate, advocates either take on the cases for full representation or refer them to other providers; in addition, advocates often provide brief service.

Given the limited number of practitioners with dual expertise in intimate partner violence and consumer defense, the Working Group often struggles to staff the DV CLARO schedules. Two service providers—the Urban Resource Institute in New York City and Pace Women’s Justice Center in Westchester—would like to replicate the DV CLARO Program in their organizations but are unable to do so due to inadequate staffing both within their organizations and also in the broader advocacy community. The *DENIED* Report argues that enhanced and expanded civil
legal services for this especially vulnerable population will increase the likelihood of economic self-sufficiency and housing stability for residents of domestic violence shelters—desired outcomes for clients, their families, and communities alike.

We hope that the New York State Permanent Commission and other New York State funders and policy makers might examine this area further and encourage funders to expand capacity in this critically important area.

Respectfully,

Dora Galacatos, Executive Director, Fordham Law School Feerick Center for Social Justice, Co-Chair
Melissa Koven, Supervising Attorney, CAMBA Legal Services, Inc., Co-Chair
DENIED!

HOW ECONOMIC ABUSE PERPETUATES HOMELESSNESS FOR DOMESTIC VIOLENCE SURVIVORS

September 2018

CAMBA Legal Services, Inc.
Fordham Law School Feerick Center for Social Justice
The Legal Aid Society
DENIED!

HOW ECONOMIC ABUSE PERPETUATES HOMELESSNESS FOR DOMESTIC VIOLENCE SURVIVORS

September 2018

CAMBA Legal Services, Inc.
Fordham Law School Feerick Center for Social Justice
The Legal Aid Society

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Diane Johnston, Staff Attorney with The Legal Aid Society, and Divya Subrahmanyam, Staff Attorney with CAMBA Legal Services, Inc., were the principal researchers and authors of this report. Dora Galacatos provided invaluable guidance, feedback and support throughout every stage of this project. The Domestic Violence and Consumer Law Working Group provided suggestions on the report and the survey throughout its development and implementation. In particular, we thank the following current and former Working Group members for their work on the report: Afua Afriye Fullwood, Philip Duncan, Jessica Fabian, Talia Gruber, Teal Inzunza, Jae Young Kim, Ariana Lindermayer, Mary McCune, Kimberly Morales, and Laura Russell.

Dora Galacatos, Kristy Milkov, Elizabeth Perez, Matthew Schedler, Olga Tomasello, and Joan Vermeulen provided editing assistance. Judith Rew designed the report. We are grateful for the crucial technical assistance provided by colleagues with the Center for Survivor Agency and Justice, New Destiny Housing, the New York City Human Resources Administration, including the Office of Civil Justice, and the New York City Mayor’s Office to Combat Domestic Violence. We thank all of the practitioners, nonprofit organizations, government officials, and experts who assisted with the design and dissemination of the survey and express our deep appreciation and gratitude to all of the service providers who completed the survey.
ABOUT THE ORGANIZATIONS

THE DOMESTIC VIOLENCE AND CONSUMER LAW WORKING GROUP

In 2006, Fordham Law School’s Feerick Center for Social Justice (the “Feerick Center”) launched its Domestic Violence and Consumer Law Project (the “Working Group”) at the request of social services organizations serving domestic violence survivors. The Center began by examining the unique financial issues frequently faced by domestic violence survivors, including economic abuse, inadequate financial literacy, accumulation of consumer debt, and identity theft, with a view towards helping expand service providers’ capacity to address these concerns. A 2007 survey conducted by the Center of seventeen domestic violence social and legal services providers in New York City revealed a growing recognition by practitioners that domestic violence survivors were presenting urgent, unmet, and often complicated economic and consumer debt-related issues. Respondents also indicated that, on the whole, service provider organizations often did not have either the expertise or the resources to help clients address these issues.

Since then, the Feerick Center and the Working Group have developed resources aimed at building domestic violence agencies’ service capacity to address consumer issues. The Center has organized numerous training programs, which have collectively attracted well over 500 attendees from over 70 service providers. In addition to resource development and training, the Working Group engages in fact finding and advocacy efforts. Working Group members operate and participate in the DV CLARO Project, which provides limited-scope consultations to domestic violence survivors in shelter on consumer debt, credit reporting, and related issues.

The Working Group is currently chaired by and composed of advocates from a variety of non-profit organizations, including both consumer legal services providers and domestic violence service providers.

CAMBA LEGAL SERVICES

CAMBA Legal Services, Inc. (“CLS”) is the legal services arm of CAMBA, a community-based non-profit agency located in Brooklyn that provides services connecting people with opportunities to enhance their quality of life.

A critical component of CAMBA’s 160+ programs, CLS provides free legal services in the areas of housing law, consumer law, immigration law, foreclosure prevention, domestic violence, and public benefits, serving over 4,500 low-income New Yorkers each year. Through zealous representation and expert legal assistance, CLS works to protect the rights of vulnerable New Yorkers and promote access to justice in the civil legal system and beyond.

In particular, CLS’ Consumer Law Project serves clients facing a broad range of consumer law issues, including representing them in debt collection proceedings, assisting with outstanding student loans, combating inaccurate credit reporting, and fighting debt collection abuse. The Consumer Law Project also focuses on serving the unique needs of domestic violence survivors, working together with other organizations to provide consumer legal assistance to survivors in a comprehensive effort to help them achieve financial stability and self-sufficiency.

FORDHAM LAW SCHOOL FEERICK CENTER FOR SOCIAL JUSTICE

The Feerick Center for Social Justice promotes the rights of and addresses the problems facing marginalized and low-income New Yorkers through the creation of strategies to reform policies, educate, and provide assistance to right wrongs.

1 DV CLARO replicated and adapted the CLARO (Civil Legal Advice and Resource Office) Program, which operates under the auspices of the New York State Unified Court System’s Office of Justice Initiatives and its Access to Justice Program. The CLARO Programs provide limited-scope legal assistance to consumers through court-based, weekly clinics that are staffed by volunteer attorneys and supervised and supported by consumer law experts, legal services programs, and law schools. See generally CLARO: Civil Legal Advice and Resource Office, http://www.claronyc.org/claronyc/default.html (last visited Aug. 30, 2018).

2 Currently, the organizational members of the Working Group are: Brooklyn Volunteer Lawyers Project, CAMBA Legal Services, Inc., The Financial Clinic, Fordham Law School’s Feerick Center for Social Justice, Her Justice, The Legal Aid Society, Manhattan Legal Services, Mobilization for Justice, New York City Anti-Violence Project, New York Legal Assistance Group, Northern Manhattan Improvement Corporation, Safe Horizon, Sanctuary for Families, Urban Justice Center, and Urban Resource Institute.
Highly regarded for its efficacy and dedication to combating inequities, the Feerick Center works with wide-ranging networks to rally partners in the legal community and beyond to respond to the challenges of those in need.

Fordham Law faculty and students involved at the Center collaborate with the city’s nonprofit, legal services, and public sectors to create long-term innovative solutions critical to real change.

THE LEGAL AID SOCIETY

The Legal Aid Society is the largest legal services provider for low-income families and individuals in the United States, handling roughly 300,000 individual cases and legal matters for low-income New Yorkers each year. In addition to individual assistance, The Legal Aid Society represents clients in law reform litigation, advocacy, and neighborhood initiatives, and provides extensive backup support and technical assistance for community organizations. The Society’s law reform work benefits some two million low-income families and individuals in New York City, and the landmark rulings in many of these cases have a national impact. Through a network of sixteen neighborhood and courthouse-based offices in all five boroughs and 23 city-wide and special projects, the Society’s Civil Practice provides direct legal assistance to low-income New Yorkers, helping them to obtain or maintain the basic necessities of life – housing, healthcare, food, public benefits, safety, employment, and means of self-sufficiency. The Legal Aid Society’s Civil Practice includes both a Family/Domestic Violence Project and a Consumer Law Project.
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**APPENDIX A – SURVEY QUESTIONS AND RESULTS**............................................................................... 26
New York City faces a crisis of domestic violence. In 2016, 11.6 percent of major crimes reported in the City were related to domestic violence, up from 4.8 percent in 2007. In 2017, the New York Police Department took 108,821 intimate partner domestic incident reports, up from 91,617 in 2016. Nationwide, an estimated one in four women and one in seven men have experienced some form of intimate partner violence.

But the harm of domestic violence extends far beyond physical trauma and sexual assault. Domestic violence is characterized by “coercive control,” or a pattern of behavior by which abusers exert pervasive control over their victims’ lives. This includes emotional abuse, verbal abuse, and the subject of this report – economic abuse.

Economic abuse is extremely common, with estimates ranging from 78 to as high as 99 percent of survivors. Abusers perpetrate economic violence in many ways, by stealing the victim’s identity and accruing debt; coercing the victim into spending money or taking out credit; blocking the victim’s access to accounts; providing a fixed allowance; interfering with employment; refusing to pay for necessities like rent or utilities; and more. Abusers often have complete control of the family’s finances, with victims having limited or no access to joint accounts, tax return filings, or even their own earnings.

These acts of abuse often damage survivors’ credit, resulting in far-reaching, devastating consequences that can be difficult, if not impossible, for them to undo. Over and over again, survivors who have experienced economic abuse are denied access and opportunities – like housing, credit, utilities, and banking – as a result of credit damaged by their abuser. In a tight housing market like New York City, where credit screening is a standard part of the rental application process, damaged credit can be a nearly insurmountable barrier for survivors trying to move into their own homes and become self-sufficient. As a result of economic abuse, fleeing survivors may think themselves finally free – only to discover they have a poor credit history and a high debt load, through no fault of their own. Damaged credit can be a matter of life or death: denied housing and with nowhere else to go, many survivors may be forced to return to their abuser, putting their lives and the lives of their children at risk. Other survivors and their children end up in substandard apartments or crammed into overcrowded units with other families because they are unable to secure safe and stable housing.

The financial consequences of abuse directly impact the ability of survivors to rebuild stable lives separate from their abusers. This area is understudied: although significant research has been done on the prevalence of economic abuse, no data appear to exist on the impact of this abuse on survivors’ ability to rebuild their lives after fleeing their abusive homes.

As a Working Group, we undertook a pair of data collection projects to better understand the extent of survivor need and organizational capacity in this area. First, we analyzed case files at The Legal Aid Society to capture the prevalence of consumer debt issues among domestic violence survivors.

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3 This report focuses on intimate partner violence, though economic abuse manifests in many different iterations of intra-familial violence. Additionally, our data collection sources elicited information about survivors of both intimate partner and familial violence. See infra note 26 (further discussing intimate partner violence and familial violence in the context of economic abuse).


7 Adrienne E. Adams et al., Development of the Scale of Economic Abuse, 14 VIOLENCE AGAINST WOMEN 563, 580 (2008) (“an astounding 99% of the women [surveyed in the study] were subjected to some form of economic abuse at some point during their relationships”); http://doi.org/10.1177/1077801208315529; Judy L. Postmus et al., Understanding Economic Abuse in the Lives of Survivors, 27 J. INTERPERSONAL VIOLENCE 411, 419 (2012) (“Of the 120 individuals who participated in the study, 94.2% experienced some form of economic abuse in their current relationship or, if no longer with the abusive partner, within the last year of their relationship.”).


Second, we surveyed staff at domestic violence shelters on their perception of clients’ experiences.

Our study confirmed our collective experiences: economic abuse frequently results in damaged credit, posing a significant barrier to survivor stability and independence. There is an urgent need for policy reforms and enhanced and expanded civil legal services in this area as well as additional fact finding and research.

**KEY FINDINGS**

- Over one in three survivors receiving legal services relating to domestic violence also have a consumer debt legal issue.
- Domestic violence survivors face challenges in securing permanent housing, with most staff reporting that over two-thirds of their residents require an extension past the shelters’ maximum length of stay.
- Poor credit is a frequent barrier to permanent housing. Survivors in shelter “often” or “very often” face challenges securing housing based on their credit history, according to 86 percent of staff respondents.
- As a result of poor credit, survivors may be unable to use a housing voucher: over half of staff respondents reported that, of the residents denied housing on the basis of their credit, 40 percent or more were recipients of a housing subsidy.
- While many shelter staff receive training on general topics relating to consumer debt and credit, this training does not equip them with practical strategies to advocate for clients. 57 percent of staff said they had been trained in how to pull a credit report, but only 25 percent had been trained in how to do so safely. Only 30 percent of respondents said they learned how to screen clients, and a full 32 percent of respondents said they received no training in this area.

**KEY POLICY RECOMMENDATIONS**

- New York State and City government agencies should expand legal services for domestic violence survivors related to economic abuse and consumer law, including by dedicating funding for training and staffing needs to increase the capacity of shelter-based models like DV CLARO.
- New York State and City government agencies should provide resources to expand training of social and legal services providers serving domestic violence survivors, including at Family Justice Centers, on consumer debt, credit reporting, and related issues.
- New York City government agencies that fund domestic violence social services programs and residential shelters should require and ensure that grantees include consumer debt and related issues in their initial client screening.
- New York City government agencies that serve domestic violence survivors should collect, track, and analyze data regarding clients’ consumer debt issues, including their impact on access to housing.
- The New York City Police Department should implement policies and procedures, including training, that ensure that victims of identity theft are issued police reports, to which they are entitled under New York law.
- New York State and City should develop and enact an alternative mechanism and procedures for identity theft victims, including domestic violence survivors, to obtain identity theft reports within the meaning of 15 U.S.C. § 1681c-2.
- New York courts and family lawyers should encourage the inclusion of the financial family offenses of identity theft, coercion, and larceny, and their corresponding remedies in litigation of orders of protection. Judges and court personnel should receive training on economic abuse and the available financial offenses, and the Family Justice Centers should continue to provide this training to advocates and other interested parties.

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10 Intake interviews, needs assessments, and screening instruments should be evaluated for opportunities to integrate and elicit consumer-related information.
• In the City’s continuing efforts to comply with recent federal regulations mandating that survivors are not denied subsidized housing based solely on poor credit or rental histories related to domestic violence, the City should prioritize developing policies and procedures that are not unduly burdensome and restrictive and that facilitate a survivor’s ability to access this vital protection.

• New York State legislators should pass legislation barring credit checks for employment statewide.

• New York State should develop and invest in more substantial housing subsidies that would make it possible for survivors of domestic violence, and other low-income New Yorkers, to leave the shelter system and move into permanent housing.

• Additional data collection and research that furthers our understanding of the issues in this complicated area should be conducted, including examination of elder and intra-familial economic abuse, and issues related to other forms of debt, like utilities, medical debt, and tax liability.

• The New York City Domestic Violence Task Force Housing / Economic Justice Subcommittee, which was convened in April 2018, should examine and prioritize policy and practice related to the consumer issues of domestic violence survivors, including problems with filing and receiving identity theft police reports.

• All recommended training should be culturally competent and address best practices for working with the diverse New York City survivor population.

11 See infra Part II.E.
13 Two members of the Domestic Violence and Consumer Law Working Group currently sit on this subcommittee. The Working Group appreciates the opportunity to have some of its members participate in this important subcommittee.
INTRODUCTION

The Domestic Violence and Consumer Law Working Group engages in training, advocacy, fact finding, and administering the DV CLARO Project\(^\text{14}\) – all of which seek to enhance the capacity of New York City service providers to address the consequences of economic abuse for domestic violence survivors. While service providers and experts increasingly recognize that domestic abuse frequently involves economic abuse in all of its forms, we do not yet have a body of research on the impact of economic abuse on survivors. Practitioners, however, see the collateral consequences of financial abuse on survivors’ lives – including damaged credit and debt collection – and the barriers they create to accessing safe, permanent housing. Moreover, the widespread problems associated with credit reporting and debt collection are compounded and more complex for domestic violence survivors. Domestic violence survivors experience significantly higher rates of homelessness than other sectors of the population and the impact of damaged credit on accessing stable, safe housing can be devastating and long-lasting.

To begin to better document the relationship between damaged credit and homelessness, in this report the Working Group presents and analyzes the results of two data collection efforts – a case sampling and a survey of domestic violence shelter staff – which together suggest that a significant percentage of domestic violence survivors – over one in three – have consumer debt issues and that there is an urgent need for expanded legal services, among other resources, to meet the consumer law needs of survivors.

STRUCTURE OF THE REPORT

In Part I, we describe our study and findings in more detail. We then use these results as an entry point into this complex issue, analyzing them and placing them in context.

In Part II, we investigate the relationship between domestic violence and homelessness; the nature of financial abuse; and the way it destabilizes survivors and exacerbates existing unfairness in the debt collection and credit providing industries. As a result of these dynamics, domestic violence survivors have unique and hard-to-address issues with debt and credit that create barriers to their search for stable housing and financial self-sufficiency.

Part III surveys the landscape of service providers and demonstrates the lack of providers with dual expertise in both domestic violence and consumer law.

In Part IV, we provide detailed policy recommendations to address the urgent needs identified in this report, in order to better support domestic violence survivors and maximize the City’s resources.

Finally, Part V explains our methodology and discusses the interpretive challenges posed by our data.

\[^{14}\] The DV CLARO Project brings consumer legal services into partner domestic violence shelters, providing one-on-one legal consultations for residents. See infra Part III.C.
I. FINDINGS

A. THE CO-OCCURRENCE OF DOMESTIC VIOLENCE AND CONSUMER DEBT: THE LEGAL AID SOCIETY CLIENT SAMPLE

To estimate the proportion of domestic violence survivors in New York City who are experiencing a consumer law need, we analyzed a sample of 300 clients being served by The Legal Aid Society’s Family Law and Domestic Violence Project, which provides legal representation to hundreds of domestic violence survivors each year on a range of family law matters as well as immigration and economic justice issues. For an explanation of our sampling method and a discussion of potential sources of error, please see Part V.A.

We found that:

• Over one in three survivors – 110 out of 300 – receiving legal services related to domestic violence had been sued at least once in New York City Civil Court for a consumer debt.15

• Of those clients, one in six – 53 total – had a consumer judgment against them.

These figures do not account for the many survivors with debts that have not yet proceeded to litigation, but that still may appear on the credit report or result in collection activity.

B. THE IMPACT OF ECONOMIC ABUSE ON SURVIVORS’ HOUSING SEARCH: A SURVEY

The Working Group also developed a 24-question online survey, directed to staff of domestic violence shelters throughout New York City, and collected responses between April 2016 and March 2017. The link was distributed via e-mail to shelter managers and domestic violence listservs, and we allowed multiple employees from the same organization and/or shelter to respond. We received 44 distinct responses, from staff working in at least 22 different shelters. For details about the survey design, see Part V.B; for the entire text of the survey, see Appendix A.

The survey responses show that poor credit and consumer debt issues are significant barriers for domestic violence survivors and suggest that providers lack the training and resources to connect these survivors with critical debt- and credit-related services.

1. Staff accounts of the challenges faced by shelter residents

Domestic violence survivors face significant challenges in securing permanent housing and exiting shelter.

• The majority of respondents – 82 percent – said that over two-thirds of residents stay in the shelter for the maximum length of stay permitted.

• Even more respondents – 84 percent – said that the same proportion of residents require a stay extension.

A negative credit history is a frequent barrier to permanent housing. Survivors also face a range of other obstacles to exiting shelter.

• A total of 86 percent of respondents said that residents “often” or “very often” face challenges in securing housing based on their credit history. No respondents reported that clients “never” or “rarely” deal with that obstacle.

• Over half of staff respondents said that at least one in three residents they worked with had a housing application rejected on the basis of their credit history.

• By contrast, only 37 percent of respondents said that residents “often” or “very often” face challenges in securing housing due to past involvement in housing court, which we expected would be a more significant barrier.

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15 For our study, we applied the designation “consumer debt case” to all cases filed by banks or other financial institutions, debt buyers, medical providers, educational institutions, and utility providers.
DENIED: HOW ECONOMIC ABUSE PERPETUATES HOMELESSNESS FOR DOMESTIC VIOLENCE SURVIVORS

Economic abuse is a common cause of clients’ poor credit.

- Although a survivor’s poor credit is not always related to their experiences with trauma, a total of 84 percent of respondents said that for some (64 percent), most (20 percent), or nearly all (7 percent) of their clients with negative credit history, that history is the result of domestic violence.

Survivors’ negative credit history undermines the effectiveness of housing subsidies.

- About 55 percent of staff reported that over 40 percent of residents whose rental applications were rejected on the basis of poor credit had already received a housing program voucher.

Shelter residents “very often” face challenges securing housing because the housing market is unaffordable, according to 81 percent of respondents.

Landlord rejections are not the only housing barrier created by poor credit: 59 percent of respondents said clients “often” or “very often” declined to even apply for mainstream housing options because of their negative credit history.

Economic abuse is a common cause of clients’ poor credit.

- One respondent reported that while a client was incarcerated, the client’s partner used her social security number to take out loans.

- Another respondent said that a “client’s ex-husband used her social security” so that “now she cannot move out due to ruined credit.”
I. FINDINGS

Most staff training on consumer debt and related issues is general rather than equipping staff with specific advocacy strategies.

- The most common training topics reported by staff were how to pull credit reports (57 percent), understanding economic abuse (48 percent), and when to make a referral (52 percent).
- Only 30 percent of respondents said they learned how to screen clients for consumer debt and credit issues.
- 30 percent of respondents said they received no training on consumer debt and credit issues.

Unsuccessfully, survivors may not discover their negative credit histories until their lives have been materially impacted.

- 57 percent of staff reported that clients “often” or “very often” first discover their negative credit history when they are rejected for housing.
- Another 33 percent of staff reported that this is true for their clients “sometimes.”

2. Staff capacity and access to resources

Although nearly all shelters offer some type of financial or credit-related services, few proactively screen for consumer debt issues.

- Only 25 percent of staff respondents said their shelter conducts individual debt or credit-related screening.
- 89 percent said they make credit-related referrals, 57 percent of staff said their shelter provides financial education, and 48 percent of staff said their shelter provides financial counseling.

Negative credit history diminishes survivors’ access to other necessities outside of housing.

- Staff respondents reported that as a result of bad credit, survivors “sometimes,” “often,” or “very often” have difficulty obtaining:
  - Student loans (61 percent of respondents)
  - A bank account (64 percent of respondents)
  - Utilities (59 percent of respondents)
  - Other necessary credit accounts (76 percent of respondents)

Unfortunately, survivors may not discover their negative credit histories until their lives have been materially impacted.

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- Only 30 percent of respondents said they learned how to screen clients for consumer debt and credit issues.
- 30 percent of respondents said they received no training on consumer debt and credit issues.

Staff overwhelmingly report that they would like more training in this area.

- 75 percent said they wanted to learn more about safety concerns relating to identity theft; the same percentage wanted help developing a strategic response to DV-related credit issues.
- Over half of respondents also wanted additional training on the resources and options available to residents.

Depending on the domestic violence survivor’s individual case, pulling a credit report can pose safety concerns. For example, some abusers access credit reports in order to ascertain the survivor’s physical location if he or she has relocated or review the report for a new place of employment. Doing so, of course, is illegal and violates the Fair Credit Reporting Act, 15 U.S.C. § 1681b(3) (Westlaw through Pub. L. No.115-140). The Domestic Violence and Consumer Law Working group has engaged in some advocacy with the Consumer Financial Protection Bureau related to these safety concerns. See infra Part II.F (discussing safety concerns surrounding credit reports).
Increased access to expert assistance in this area would be beneficial.

Nearly 40 percent of shelter staff respondents are unable to access expert legal consumer/credit assistance for their residents. The actual number is likely higher, since the respondents whom we reached with the survey through listservs are those most connected to the available resources. This is especially true since the majority of respondents were shelter directors/supervisors.17

66 percent of respondents said they wanted to be able to access legal services. Similar proportions reported wanting access to financial education, financial counseling, and economic empowerment and financial literacy training. One staff member shared her client’s positive experience with DV CLARO, the limited-scope, shelter-based legal assistance and referral project administered by the Working Group. Her account demonstrates the impact services in this area can have. Her client had fled from her abusive husband but when she began looking for an apartment, she found out that she was $20,000 in debt due to the acts of her abuser. With the help of DV CLARO, the situation was resolved. The client is now working and was able to purchase her home.

Staff highlighted a lack of expertise and resources and the difficulty of obtaining credit reports for survivors as major obstacles.

The survey posed several open-ended questions, such as what limitations the shelters face in dealing with residents’ consumer debt and credit needs. Ten respondents independently pointed to a lack of expertise, training, and resources, confirming our impressions. Eight respondents said that many clients have difficulty obtaining their credit reports, hindering their capacity to start the process. Others said that staff members lacked the time or availability

17 See infra Part V.B.
to help residents with these issues on top of their other responsibilities and demands. A few also pointed to a problem rooted in a common misconception: that their clients need money to improve their credit. In fact, consumer legal advocacy can be very effective in removing credit-related barriers to housing and employment.

**Based on their experiences, respondents shared their recommendations to improve their ability to advocate for survivors in shelter.**

When asked what supports would be most helpful in addressing the limitations faced by shelters to tackle residents' consumer debt and credit reporting needs, 20 respondents made suggestions along the same lines: increased access to legal services and financial counseling, whether through on-site services, online or phone referrals, or workshops. Six others hoped for additional training and supports for themselves. Others had suggestions for improving the quality of the consumer services available, including coordination with mental health services; improving supervisors’ understanding of clients’ mindsets and limitations; and enhancing language and cultural competency.

Staff respondents also suggested various policy changes that would improve consumer/credit assistance for residents of domestic violence shelters, including:

- Not holding survivors liable for unpaid rent accrued after they fled the home;
- Exempting survivors from credit screening as they seek new housing;
- Clearing abuse-related credit accounts from survivors’ credit history (similar sentiments were expressed by seven respondents);
- Eliminating the requirement of a police report to deal with abuse-related fraud and identity theft; and
- Increasing access to financial and consumer services, especially on-site services.
II. DISCUSSION

A. THE RELATIONSHIP BETWEEN DOMESTIC VIOLENCE AND HOMELESSNESS

Domestic violence is a leading cause of homelessness among women and women-headed households, with more than one in four families in New York City shelters becoming homeless because of domestic violence. Academic studies, too, have found that domestic or sexual violence was the immediate cause of homelessness for between 22 and 57 percent of homeless women.

The ability to secure financial essentials — like a job, housing, and insurance — is a key determinant of a survivor’s ability to escape domestic violence. In studies, domestic violence survivors who were forced to return to their abusers report that they were driven primarily by financial instability, including a lack of housing or the inability to obtain employment.

Though New York City provides its residents the guarantee of a right to shelter, it struggles to keep up with the demand, even for domestic violence survivors. In 2016, state-licensed domestic violence residential programs reportedly provided emergency shelter to roughly 5,500 adults and nearly 6,000 children, but were forced to deny emergency shelter to well over double that number. Families that are unable to access the domestic violence shelter system frequently end up in the City’s family shelter system, which often does not provide domestic violence-specific services.

Even in domestic violence shelters, emergency stays are limited to 180 days, and in 2016, only 310 adults and 449 children were able to enter transitional housing for domestic violence survivors. Survivors in shelter who are unable to secure permanent housing within the set six months have limited options: they may move into general population shelters, seek options from the non-traditional housing market, double up with friends or family, or return to their abusers. Rental assistance voucher programs are frequently available to those seeking permanent housing once they have been in a domestic violence shelter for 90 days, and in recent years, the City has introduced new rental subsidies and redoubled its efforts to help families and individuals transition from shelter to permanent, affordable housing. Still, these subsidies seldom fully meet the high rent costs in New York City, and the notoriously tight rental market allows landlords greater selectivity in accepting tenants. Landlords often reject survivors attempting to leave shelters for various flawed reasons, including their imperfect credit, the focus of this report.

18 National Alliance to End Homelessness, Domestic Violence, https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/domestic-violence/ (last visited Aug. 30, 2018) (reporting that “[r]esearch from a study in New York City indicates that one in five families experienced domestic violence in the five years before entering shelter[;] [a]mong families that reported domestic violence in the prior five years, 88 percent reported that it contributed to their homelessness “a lot”).


24 Id.

25 In 2014, the vacancy rate in New York City for low-rent units was just 1.8 percent. Coalition for the Homeless, supra note 19, at 5.
B. FINANCIAL ABUSE AND DOMESTIC VIOLENCE

For many survivors the ability to secure financial essentials is compromised by a history of financial abuse, which often leaves them with significant debt burdens and poor credit histories.26 Economic abuse is extremely common, with estimates ranging from 78 to as high as 99 percent of survivors impacted.27 This abuse can take many forms, including blocking access to joint accounts, earnings, and financial information, such as tax filings; controlling the families’ finances and disbursing a fixed allowance; taking out credit cards in a survivor’s name or forcing him or her to take out credit; and interfering with employment.28 Even after a survivor leaves, abusive ex-partners can continue causing harm by refusing to make payments as required in divorce judgments or using personal information to incur new, unauthorized debt.

Domestic violence victims are at a particularly high risk for becoming victims of identity theft, most frequently perpetrated by their abusers.29 Current and former intimate partners often have access to their partner’s personal identifying information, including all of the information required to fraudulently authorize a transaction or open a new line of credit – prior addresses, date of birth, social security number, driver’s license number, passport number, checks, bank account numbers, familiarity with the partner’s signature, and knowledge of the answers to security questions.30 Abusers may also open a business in the victim’s name and amass debts related to the business, file false employment documents to increase business tax deductions, or use the children’s personal information to open accounts.31

Abusers also often create coerced debt, a term coined by scholar Angela Littwin to encompass “all non-consensual, credit-related transactions that occur in a violent relationship.”32 Coercion has long been considered a key element of domestic violence, but in recent years, there has been increasing recognition of abusers using coercion to force victims to obtain credit, or using credit as a means of coercion.33 Coerced debt involves abusers using violence or threats of violence to force survivors to use their credit for the abuser’s benefit. Most often, the abuser physically takes the survivor’s credit card, forces the survivor to open credit accounts, or forces the survivor to use existing accounts to make purchases for the abuser.

Our study found that about a third of survivors being served by The Legal Aid Society had a consumer debt action filed against them, with many more likely to have other credit or debt issues not yet in litigation.34 Academic studies, too, have found that economic coercion is extremely common in abusive relationships, with multiple studies obtaining results similar to our own:

A. In a survey of 103 female residents at domestic violence centers in a Midwestern state, 39 percent of respondents reported that her abuser had fraudulently obtained credit under her name to obtain a house, car, and/or credit card; 51 percent said the abuser had deliberately damaged her credit by obstructing bill-paying; and 59 percent described fraudulent unauthorized use of credit by the abuser, such as running up credit cards or phone bills in the victim's name.35

B. In another study, 457 female survivors of intimate partner violence were surveyed on the types of abuse they had endured. 37.8 percent said the abuser had built up

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26 Intimate partner violence is one of the most-studied forms of domestic violence, and so in this report we chose to focus on economic abuse that occurs in that context. However, economic abuse can and frequently does occur in an array of other kinds of abusive intimate relationships that are also characterized by coercion and control. In fact, in our work, we have observed that these kinds of intra-familial abuses are becoming more prevalent: we see economic abuse committed by parents against children, by children against their elder parents, by in-laws against their children’s spouses, and by one sibling against another. We hope that our focus on intimate partner economic abuse serves as a lens on this important issue in the present, but that future work expands research and services in this area to help survivors of all kinds of economic abuse.

27 Adams et al., supra note 7, at 580; Postmus et al., supra note 7, at 419.


30 Id. at 4-6.


34 Adams Part I.A.

35 Adams et al., supra note 7, at 576.
denied financial information from her, and 55.2 percent said the abuser paid bills late or did not pay them at all.36

C. Analyzing a sample of 258 bankruptcy filers, researchers found that survivors of physical and sexual violence made up a disproportionately high percentage of the sample: 17.8 percent.37

These actions have devastating consequences for survivors. They may be sued in New York City’s Civil and Supreme Courts; because most lack representation or even proper notice of the lawsuit, these cases often result in judgments that allow creditors to garnish survivors’ wages or freeze their bank accounts, depriving them of funds vital to establish a life free from abuse. Even without a lawsuit, these debts pile up on survivors’ credit reports, lowering their credit scores38 and hindering their ability to secure safe, stable housing, as well as access to necessities like utilities, insurance and future credit.

Unfortunately, as our survey responses show, many survivors do not discover identity theft until long after the relationship has ended, or at critical moments when they are suddenly negatively impacted by the identity theft.39 Working Group members have seen this manifest in various ways. For example, false wage information might make a victim appear ineligible for Medicaid. Or a survivor may finally start a new job, only to find their wages immediately garnished based on a judgment they did not know existed. A poor credit history or rental history, even if directly related to the abuse, can result in an apartment denial. Even when a survivor is accepted for an apartment, a past due utility bill they thought their abuser was paying can keep them from initiating service unless they make a down payment they often cannot afford.

A poor credit score can also bar survivors from being approved for a credit card or car loan, forcing them to turn to subprime lenders charging exorbitant interest rates.40 A study about how domestic violence survivors participate in the economy found a strong statistical correlation between abuse and participation in what the author calls the “institutionalized informal economy,” including payday lenders and pawn shops.41 Survivors, the author suggested, “may be especially vulnerable to the predatory practices of the institutionalized informal economy.”42

In addition to debts created during the relationship, survivors who had limited or no access to funds before fleeing may incur debt as they struggle to exit their abusive relationship safely. For survivors who were denied access to household finances during the relationship and leave without any money of their own, even the cost of a bus ticket can be prohibitively expensive. After fleeing, these survivors may rely on credit to meet their necessities as they try to find steady employment, often a daunting task when survivors must simultaneously request time off for court appearances, explain spotty work histories, and potentially face credit checks by prospective employers.

C. BROADER ISSUES WITH CREDIT SCORING

The consequences of financial abuse are exacerbated by issues with credit scores in general.

Credit reports are often riddled with errors; a 2012 Federal Trade Commission study reported that about one in four consumers identified errors on their credit reports that might affect their credit scores.43 Indeed, after ongoing issues meeting the legal requirements for accuracy in reporting judgments and tax liens, the three major credit

37 Littwin, supra note 32, at 963.
38 Id. at 958, 1001 (explaining that the 55 domestic violence advocates whom the author interviewed “overwhelmingly reported damage to their clients’ credit scores”).
39 App. A, Question 12 (asking “[h]ow do residents typically discover that they have judgments or negative credit histories?”; 24 percent reported that residents sometimes or often discovered this from frozen bank accounts, 62 percent reported that residents sometimes or often discover this after being rejected for housing, and 17 percent reported that residents sometimes or often discover this from wage garnishment. See also id., Question 14 (when asked “[a]pproximately how many residents have negative credit history due to domestic violence”, 64 percent of respondents said some, 20 percent said most, and 7 percent said nearly all).
42 Id. at 120. Fortunately, payday lending is illegal in New York State. N.Y. Gen. Oblig. L. § 5-501.
reporting bureaus ceased including these line items on their reports in July 2017.\footnote{AnnaMaria Andriotis, Credit Reports to Exclude Certain Negative Information, Boosting FICO Scores, WALL ST. J., Mar. 12, 2017, https://www.wsj.com/articles/credit-reports-to-exclude-certain-negative-information-boosting-fico-scores-1489338002.} Despite this change, errors persist. Our experiences suggest survivors of domestic violence encounter even more incorrect and fraudulent information on their reports than the general population, especially given the problem of coerced debt.

Credit scores also reflect deeply embedded social inequality. They are associated closely with income and racial disparities, and numerous studies over the past two decades have consistently found that African-American and Latino communities tend to have lower credit scores than white and Asian-American communities.\footnote{See, e.g., NYC Comptroller Scott M. Stringer, Making Rent Count: How NYC Tenants Can Lift Credit Scores and Save Money 32 (Oct. 2017), https://comptroller.nyc.gov/wp-content/uploads/documents/Rent-and-Credit-Report.pdf (citing a 2007 Federal Reserve Board report that maintained that, according to their model, the mean credit score of African-American consumers was approximately half of white, non-Latino consumers); Nat’l Consumer L. Ctr., Past Imperfect: How Credit Scores and Other Analytics “Bake In” and Perpetuate Past Discrimination 1, 5-7 (May 2016), https://www.nclc.org/images/pdf/credit_discrimination/Past Imperfect050616.pdf; Consumer Financial Protection Bureau, Analysis of Differences between Consumer- and Creditor-Purchased Credit Scores 36 (Sept. 2012), https://files.consumerfinance.gov/f/201209_Analysis_Differences_Consumer_Credit.pdf (finding that the median FICO credit score for consumers living in majority minority areas was in the 34th percentile, while consumers living in low-minority areas had median FICO scores in the 52nd percentile).} These differences reflect existing disparities in income, access to affordable credit, and access to economic opportunities. As a result, for many domestic violence survivors who experience marginalization along multiple axes — such as those who are also low-income or people of color — their credit scores may be even less reflective of their true “creditworthiness.”

D. THE ABUSIVE CONSUMER DEBT COLLECTION INDUSTRY

Survivors dealing with debt related to domestic violence are also vulnerable to the generally abusive and deceptive practices pervading the debt collection industry that have allowed creditors to obtain default judgments against consumers for fraudulent or unsubstantiated debts.

In New York and elsewhere, debt collectors have a history of intentionally failing to serve process.\footnote{See The Legal Aid Soc’y et al., Debt Deception: How Debt Buyers Abuse the Legal System to Prey on Lower-Income New Yorkers 6 (May 2010), http://mobilizationforjustice.org/wp-content/uploads/reports/DEBT-DECEPTION.pdf.} They thereby obtain high rates of default judgments and streamline the path to enforcement without ever notifying the consumer of the lawsuit. The effects are particularly pernicious for communities of color: an investigation by ProPublica found that even controlling for income, the rate of judgments in debt collection lawsuits was twice as high in mostly black communities as compared to white ones.\footnote{ProPublica, The Color of Debt: How Collection Suits Squeeze Black Neighborhoods (Oct. 8, 2015), https://www.propublica.org/article/debt-collection-lawsuits-squeeze-black-neighborhoods (“ProPublica’s analysis found that majority black neighborhoods were hit twice as hard by the court judgments as majority white neighborhoods, even when adjusting for differences in income.”).} This practice became so common and so egregious in New
York State that it has been the subject of new regulations, numerous court directives, and a recently settled federal class action case.

Creditors often file these lawsuits despite a lack of documentation or proof of the accounts they seek to collect. Debt buyers purchase debts from original creditors for pennies on the dollar, without the underlying documentation or original account information, without guarantees as to accuracy, and under contracts that limit the buyer’s right to obtain additional information about the debt. Instead, debt buyers attempt to rely on questionable evidence, such as affidavits that may have been manufactured for litigation, to prevail in these cases and obtain judgments. They are often unable to substantiate their claims when pressed.

Many original creditors perpetrate equally deceptive practices. Chase, for example, has a history of taking procedural shortcuts, keeping faulty records, destroying documents helpful to consumers, including proofs of customer payments, and suing consumers for inaccurate amounts and/or for debts they did not owe. It ceased filing debt collection claims in 2011. Citibank, N.A., too, was accused by the Consumer Financial Protection Bureau of overstating the annual percentage rate (APR) on accounts it sold to debt buyers, resulting in inflated balances, and failing to provide debt buyers with account documentation corresponding to sold accounts.

Debt buyers frequently report these unsubstantiated debts to the Credit Reporting Agencies ("CRAs"). For survivors, both disputing reported debts and defending a consumer debt lawsuit can be particularly challenging. Survivors often move several times before establishing a safe, permanent home, making proper notice of a lawsuit and service of process even more unlikely than for other litigants. Even when they have notice, survivors risk re-traumatization by the court process. They may be hesitant to appear in court if the abuser is a joint debtor who may also appear in the case, or if the survivor is being sued in a borough from which he or she fled abuse. They may also struggle substantively because they lack access to financial records that could help them verify or disprove account information and important facts.

E. POOR CREDIT AS A BARRIER TO HOUSING AND OTHER NECESSITIES

Our survey confirmed that as a result of negative credit histories and the lack of resources to help improve them, many domestic violence survivors, including those with housing subsidies, face challenges in qualifying for housing that is appropriate, safe, and affordable.

Despite the problems with credit reports, landlords and their agents routinely run credit checks on potential tenants to determine whether they will offer a lease, or even whether

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52. See, e.g., Press Release, N.Y. State Office of the Attorney General, The Attorney General’s Enforcement Actions (Apr. 14, 2009), https://ag.ny.gov/debt-settlement/attorney-generals-enforcement-actions (“announcing” criminal charges against Long Island-based American Legal Process (“ALP”) and its CEO and President William Singler for a fraudulent business scheme in which the company allegedly failed to provide proper legal notification to thousands of New Yorkers facing debt-related lawsuits, causing them unknowingly to default and have costly judgments entered against them without the chance to respond or defend themselves.”).
53. Sykes v. Mel S. Harris & Associates LLC, 780 F.3d 70 (2d Cir. 2015).
55. Sykes, supra note 54, at 493.
56. Robert Martin, District Council 37 Municipal Employees Legal Services, Where’s The Proof? When Debt Buyers are Asked to Substantiate Their Claims in Collection Lawsuits Against NYC Employees and Retirees, They Don’t 3 (Dec. 2009), https://www.dcs37.net/wp-content/uploads/benefits/health/pdf/MELS_proof.pdf (finding that debt buyers were unable to substantiate their claims in 94.5 percent of cases reviewed).
58. Id. (detailing investigation of Chase by the federal Office of the Comptroller of the Currency).
60. See App. A, Questions 7-11.
they will allow the individual to fill out an application. Because housing programs typically do not cover the entirety of market rent for a family-sized apartment, even a survivor with a voucher must get past such a check in order to get an apartment. A landlord’s screening process typically includes ordering a traditional report from the big three CRAs (Experian, Equifax, and TransUnion) and often also includes ordering a report from a Tenant Screening Bureau (“TSB”).

Tenant screening reports, which tell the landlord if the potential tenant has ever been sued in housing court, are even more problematic, because they provide incomplete, out of date, and frequently inaccurate information. Typically, a tenant screening report only shows that a case was filed and rarely includes additional details. Thus, even if the tenant was sued after fleeing the apartment for safety reasons or for legally withholding rent for necessary repairs, was improperly sued for a meritless holdover or nonpayment claim, or otherwise ultimately prevailed in the case, these reports can damage the applicant’s chances of getting into a new apartment. In a class action case against one of the country’s major TSBs, one judge opined that the TSB had “seized upon the ready and cheap availability of electronic records to create and market a product that can be, and probably is, used to victimize blameless individuals. The problem is compounded by the fact that the information available to defendants . . . is sketchy in the best of cases and inaccurate and incomplete in the worst.”

Under the Fair Credit Reporting Act, CRAs, including TSBs, must provide a free copy of its report on a consumer who experiences an adverse action due to their report. However, while landords are required to notify applicants that they use a tenant screening report, they often do not disclose to applicants the reason for rejection. Other landlords may screen applicants before even offering them an application, and so do not ever provide an adverse action notice. Additionally, with nearly 650 TSBs in the United States providing reports, with information that may be different or incorrect, it is nearly impossible for consumers to ensure the accuracy of the report used by every landlord to whom they apply.

Poor credit is often a barrier to even government-subsidized housing, though recent federal and state efforts attempt to mitigate this. Recognizing that access to safe housing is critical for ensuring a survivor’s continued safety after leaving, the Violence Against Women Reauthorization Act of 2013 (“VAWA 2013”) expanded housing protections for survivors of domestic violence. In 2016, the United States Department of Housing and Urban Development (“HUD”) issued final regulations implementing these protections that clarify that covered housing programs cannot deny applicants or terminate tenant assistance for poor credit, rental, or eviction history directly related to domestic violence (the “Final Rule”). The Final Rule further details various ways for survivors to prove they have experienced abuse, including by submitting a statement from a third-party service provider or a self-certification form. While limited to specific types of housing programs, such regulations help to open housing options for domestic violence survivors who are struggling to mitigate the credit consequences of financial abuse. A number of federally-subsidized housing programs in New York City are still implementing the Final Rule, and as they do, it is critical that they implement proof requirements that are not unduly burdensome and restrictive.

Poor credit, as our survey showed, is also a barrier to other necessities. Although pre-employment credit checks are for

II. DISCUSSION


65 See App. A. Question 13 (“How frequently have residents had difficulty accessing the following other non-housing necessities because of bad credit?”; respondents reported that residents sometimes, often, and very often had difficulty accessing student loans (61 percent), bank accounts (64 percent), and employment (62 percent)).
the most part illegal in New York City, certain employers may run them for certain specified jobs, and they remain legal throughout the rest of New York State. A negative credit history can also result in the denial of credit – whether for utility service, a credit card, a private student loan, a car, or furniture – or it can be the reason an applicant is only offered a high, unaffordable interest rate. As the Office of the Comptroller observed:

“From housing to finance, an individual’s credit score can be the deciding factor between being denied a loan or securing a good rate, or between having a rental application rejected or put at the top of the pile. In short, a low credit score condemns an individual to worse loan terms, pricier credit cards and insurance policies, and higher utility bills.”

F. CONSUMER LAW NEEDS OF SURVIVORS

Because of the complexity of financial abuse, the consequences can be difficult for survivors to remedy on their own. In theory, the law should treat coerced debt and intimate partner identity theft no differently from other types of credit fraud and identity theft. Yet while advocates can often help address intimate partner identity theft under the existing legal framework, the legal status of coerced debt is more complicated. The concept is frequently rejected by creditors, courts and police officers, who often subscribe to the outdated and misguided idea that a couple is one financial unit with the right to use each other’s information to obtain debt and credit. This is not true: the use of personal information to open credit in someone’s name without their knowledge or permission – even by a legal spouse – is identity theft. Many survivors who are victims of intimate partner identity theft fail to assert the defense because they do not understand that this is a crime. Legal advice and representation is therefore especially critical for survivors of domestic violence to defeat a consumer debt action.

Beyond litigation, financial abuse can damage survivors’ credit and pose continuing risks to their safety. These ramifications are time-consuming and difficult for consumers to remedy on their own. In particular, for victims of financial abuse, “rehabilitating a credit report is a complex undertaking that requires intensive individual advocacy.”

Even the initial step of obtaining credit reports can be daunting and dangerous for survivors. Consumers must provide personal information to prove their identity to a CRA. For safety reasons, survivors often keep their current address confidential, and survivors residing in domestic violence shelters are not permitted to disclose these confidential locations. If they must reveal it to the CRA, the address will then appear on the credit report. A savvy abuser can then illegally access that report and track the survivor down. Additionally, having experienced tremendous instability in the aftermath of leaving an abusive relationship, many survivors are unable to recall all of their addresses, or have moved to a different address than is associated with their credit file, which makes pulling their credit reports difficult and sometimes impossible. They may also struggle


70 See Littwin, Coerced Debt, supra note 32, at 954. In the experience of Working Group members, intimate partner identity theft and coerced debt have not yet been widely accepted by creditors, courts, and police officers. This misconception is sometimes applied in the context of intra-familial economic abuse. Angela Littwin, Escaping Battered Credit: A Proposal for Repairing Credit Reports Damaged by Domestic Violence, 161 U. Penn. L. Rev. 363, 392 (Jan. 2013).

71 See, e.g., ELECTRONIC PRIVACY INFORMATION CENTER, IDENTITY THEFT AND DOMESTIC ABUSE, https://epic.org/privacy/dv/identity_theft.html (last visited Aug. 30, 2018) (observing that, for example, an abuser can use a survivor’s credit report to track her addresses and attempts to obtain credit, and use this information for surveillance, stalking, or harassment).


73 Littwin, Coerced Debt, supra note 32, at 1003.
to answer the identification questions posed by CRAs in issuing such reports, because details were withheld by the abuser, or because the questions may concern accounts the survivor does not know exist. Perversely, many of these issues mean that an abuser may be able to order a survivor’s credit report and use it to keep tabs on his or her whereabouts and activities.

Addressing identity theft can be a maddening process that often fails to provide a lasting resolution. Despite federal law providing that CRAs must block accounts resulting from identity theft from individual credit reports, CRAs often simply ignore disputes. If they do respond, the dispute process is lengthy, mostly automated, and often requires persistent and voluminous documentation, including police reports or affidavits. Police reports in particular are often impossible for survivors to obtain: many New York City police precincts refuse to take police reports for identity theft victims, especially when the survivor does not have the account documentation or a copy of his or her credit report. As a further challenge for survivors, marital status is often used, illegally, as a basis to deny police reports when the perpetrator was a spouse.

Multiple letters and complaints to CRAs are typically required, and sometimes even litigation. Creditors, too, may be unsympathetic and lack procedures for dealing with domestic violence related debt: in one study, researchers called the customer service numbers of 20 major credit card companies and found that none could identify any such policy.

As a result, the accepted best practice is for survivors to pull and review their credit reports as soon as possible after leaving an abusive relationship. With the help of an advocate, they can then begin disputing inaccurate or fraudulent accounts and removing errors from their credit reports, which is typically a lengthy process. A survivor’s credit could thereby improve significantly by the time they are actively seeking permanent housing. In practice, because of the myriad issues survivors face when they enter the shelter system and the limited resources and training of most shelter staff, this step is often taken only once the survivor has started applying for housing and has been denied. Delayed screening and action on consumer issues for survivors further prolong the survivor’s ability to secure safe, affordable, permanent housing.

74 In order to access a credit report online, users must answer a series of security questions about their history, including past accounts, past residences, and more.
75 The Domestic Violence and Consumer Law Working Group has raised these and other policy concerns with the federal Consumer Financial Protection Bureau.
77 Littwin, Escaping Battered Credit, supra note 70, at 384-89.
78 Id. at 384 n.133 (citing “Konter v. CSC Credit Servs., Inc., 606 F. Supp. 2d 960, 965 (W.D. Wis. 2009) (describing how the plaintiff and his lawyer filed five dispute letters before his twin sister’s information was removed from his credit report); Saenz v. TransUnion, L.L.C., 621 F. Supp. 2d 1074, 1078-79 (D. Or. 2007) (noting that the plaintiff filed two disputes and a lawsuit before false information was corrected); see also Chi Chi Wu & Elizabeth De Armond, Nat’l Consumer Law Center, Fair Credit Reporting § 4.5.1.1 at 156 (7th ed. 2010) (“Consumers often are forced to file multiple disputes, then file litigation, before their credit reports are corrected.”)).
III. CAPACITY AND LEGAL SERVICES GAPS

Despite the impact of financial abuse on credit and the impact of poor credit on survivors’ housing search, our survey reveals a significant gap in services in this area persists, preventing many survivors from connecting with the resources they critically need to exit shelter and become financially self-sufficient.80 While many providers specialize in domestic violence or in economic empowerment or in consumer law, few have the resources to proactively screen, build the expertise necessary to make targeted referrals, or achieve a final positive outcome for survivors with negative credit histories.

Over the last several years, New York City has demonstrated a commitment to reducing and preventing domestic violence and to supporting survivors. On the ground, the City funds 47 emergency shelters for domestic violence survivors, plus seven transitional shelters with apartment-style units. Many other organizations also provide non-residential services to domestic violence survivors.81 In 2001, the City chartered the Mayor’s Office to Combat Domestic Violence (“OCDV”), which is charged with “coordinating the delivery of Citywide domestic violence services and formulating policies and programs related to the prevention of domestic violence and raising awareness about domestic violence.”82 In particular, OCDV operates the New York City Family Justice Centers (“FJCs”), which provide social services, advocate training, civil legal services, and criminal justice assistance for survivors, all in one location in each of the five boroughs. In 2016, OCDV expanded the legal services available at FJCs by bringing in housing lawyers to provide assistance onsite. The FJCs have previously partnered with local experts to provide training on New York’s financial family offenses and other consumer issues. At the time of publication, OCDV and the Working Group have begun a new initiative to integrate consumer law trainings into the regularly offered advanced core training series in all five boroughs.

A. FEASIBILITY OF ECONOMIC ADVOCACY BY DOMESTIC VIOLENCE SERVICE PROVIDERS

The City’s FJCs host economic empowerment specialists,83 as do a number of domestic violence service providers. Depending on the organization, these specialists assist clients with a range of financial issues, including budgeting, applying for and managing public benefits, job training, financial literacy education, obtaining and reviewing credit reports, non-litigation advocacy related to credit reporting, and/or negotiation with creditors and debt collectors. Economic empowerment specialists are key to helping clients identify, understand, and address the consequences of financial abuse. Even across the most robust programs, there is little uniformity in training or resource building. Advocates have reported frustration with the financial literacy resources currently available to them that miss the mark on what their client populations need – often focusing too much on budgeting and saving when their clients are unable to even make ends meet.

Our survey showed that other advocates – like case managers, housing specialists, and social workers – also provide some level of assistance relating to financial, debt, and credit issues. Many report that they pull credit reports, but were not asked how frequently they did so, and the majority said they provide referrals.84 However, as our survey made clear, many domestic violence service providers and advocates lack expertise in debt and credit-related issues and are not able to rigorously screen clients to ascertain their consumer legal needs. Among domestic violence attorneys, funding is specifically intended for family and/or immigration law matters, and thus these programs are generally restricted from taking consumer cases even if they have the proper knowledge and training.

Nevertheless, even without dedicated government funding, some domestic violence shelter providers have increased their capacity to address the wide-ranging collateral damage

80 See App. A, Questions 19, 20 (asking about respondents’ ability to access expert legal consumer/credit assistance for shelter residents and the types of assistance they would like to be able to access).


83 Depending on the agency or site, these advocates may hold the title of Financial Empowerment Specialist, Economic Empowerment Specialist, Financial Coach, or Financial Counselor.

84 See App. A, Question 15 (57 percent of respondents reported that their shelter provided financial education; 48 percent of respondents reported that their shelter provided financial counseling; and 75 percent of respondents reported that their shelter pulled credit reports for residents).
residents experience as a result of economic abuse and in some cases have made it a priority. The Domestic Violence Economic Justice (“DVEJ”) Task Force and its Financial Development Subcommittee developed a financial safety planning screening tool, based on best practices, with technical assistance from The Financial Clinic, which they distributed among their group of residential and non-residential domestic violence service providers. The extent to which shelter providers are able to incorporate these resources into practice varies depending on the size and sophistication of the nonprofit organization. Only larger providers tend to be able to fundraise for dedicated, trained staff to focus in this area. However, even these staff members are often overwhelmed with large caseloads.

Moreover, multiple challenges exist in fully integrating economic abuse issues into shelter practice – from screening and case management through counseling, advocacy, and aftercare. First, during the initial shelter period, many clients are recovering from severe trauma. Second, the work with shelter residents is often crisis-driven, making it a challenge for both staff and residents to focus on medium- and longer-term issues such as consumer debt, identity theft, and credit reporting. Finally, the imperative to find housing and exit shelter places great pressure on staff, often at the expense of other social and legal service needs.

Among shelter operators, awareness of the prevalence and devastating impact of economic abuse has also grown. Despite this progress, best practices in this area have not been broadly adopted and integrated into shelter practice and capacity to do so is limited by multiple constraints, including expertise and staffing resources.

B. THE CAPACITY OF CONSUMER LEGAL ADVOCATES

While economic empowerment specialists and case managers play a critical role for domestic violence survivors, they are non-legal advocates and by their very nature they cannot help clients resolve all their debt and credit issues, particularly the most complex ones involving intimate partner identity theft and coerced debt. Ideally, legal services attorneys pick up these cases where the work of a financial specialist ends. Most frequently, attorney advocates will represent survivors in current debt collection litigation, or in actions to vacate a prior default judgment that has caused a bank restraint or wage garnishment.

Attorneys can also analyze a survivor’s student loan situation and help the client discharge the loan, obtain an affordable payment plan, or prevent the interception of much needed tax refunds. When necessary, attorneys represent survivors in bankruptcy proceedings, ensuring that they are successful in obtaining the fresh financial start they need without jeopardizing their safety. For survivors who have experienced intimate partner identity theft, an attorney can help to dispute the accounts with both the creditors and the CRAs, file reports with the Federal Trade Commission or other law enforcement entities, and analyze the facts for potential affirmative claims against the CRAs if they do not properly respond to the dispute. For extreme cases, attorneys may be able to help survivors to change their social security numbers to prevent future identity theft.

Unfortunately, while the advocacy needs of survivors in this area are significant, the free services to meet these needs remain extremely limited. Our survey found that about 40 percent of respondents could not access expert legal consumer/credit assistance for their residents. According to another survey of domestic violence service providers, conducted by the Office of the Manhattan Borough President, Sakhi for South Asian Women, the Cornell University ILR School, and The Worker Institute, over 50 percent of respondents said they were unable to help clients address longer-term economic impacts of abuse, including inability to open a bank account, filing for bankruptcy, or paying student loans.

The consumer practice area is chronically and severely under-resourced in New York City and across the state. As a result, the vast majority of defendants are unrepresented in consumer credit actions. While civil legal services funding

85 See App. A, Question 19.
overall has increased with the advent of state funding through the judiciary, an estimated nine in ten New York defendants remain unrepresented in these lawsuits. Data from the New York City Civil Court show that attorneys filed an answer in only 2 percent of consumer cases in 2010, 3 percent of cases from 2011 to 2015, and 4 percent of cases in 2016 and 2017. This small gain, during a time of expanded civil legal services, means tens of thousands of New York City residents remain unrepresented in these actions. Well under twenty-five legal services attorneys routinely file notices to appear on behalf of defendants in New York City Civil Court consumer credit actions—although in 2017, 75,633 such actions were filed. Based on the existing number of supervising and senior consumer law staff attorneys and the exceedingly small number of attorneys practicing in this area, capacity in New York City in the consumer law practice area could easily double, triple, or even quadruple.

Consumer attorneys are few and far between, and frequently lack the time and resources to tackle novel cases involving economic abuse in addition to their ordinary legal services caseloads. Many consumer advocates do not receive training on best practices for working with domestic violence survivors or the law surrounding coerced debt and intimate partner identity theft.

Outside the Working Group members, few organizations accept for full representation the cases that lie at the intersection of domestic violence and consumer debt. Without dedicated training, advocates may be unable to assert appropriate defenses or domestic violence-specific legal arguments or take the appropriate first steps that preserve the client’s legal rights while also ensuring their safety. As a result of the lack of training and resources, most of New

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87 See Permanent Commission on Access to Justice, Report to the Chief Judge of the State of New York 1 (Nov. 2017), https://www.nycourts.gov/accessojusticecommission/PDF/2017-ATJ-Commission-Report.pdf (describing the increase in civil legal services in New York State, including $100 million in 2016, which resulted in “the percentage of legal needs of low-income New Yorkers being met [increasing] significantly from 20% in 2010 to 37% in 2016”).

88 “Data suggests that the number of unrepresented litigants statewide remains unacceptably high, with the percentages in particular case types, such as child support and consumer debt, near or above 90%.” Id. at 27.

89 Data provided by the New York City Civil Court to the New York City Bar Association Civil Court Committee (on file with authors).

90 Id. In each of the five boroughs, there is a consumer debt limited-scope representation program that provides representation for an individual court appearance only in certain consumer credit actions.

91 Currently, only five citywide legal services programs routinely provide full representation to defendants in consumer credit actions: CAMBA Legal Services, Inc. (three full-time attorneys); Mobilization for Justice, Inc. (three full-time attorneys); The Legal Aid Society (two full-time attorneys); New York Legal Assistance Group (five full-time attorneys and one part-time attorney); and the Community Development Project at the Urban Justice Center (three full-time attorneys). Bronx Legal Services (with two full-time attorneys) and Manhattan Legal Services (with one full-time attorney) provide full-scope representation in their respective boroughs. Brooklyn Volunteer Lawyers Project and Queens Volunteer Lawyers’ Project have staff attorneys who occasionally provide full representation to defendants in consumer credit actions (the former primarily in Supreme Court); however these staff members are primarily focused on providing limited-scope assistance. Likewise, Brooklyn Legal Services and Queens Legal Services devote the equivalent of part of one staff attorney’s time to representing defendants in consumer credit actions; at Brooklyn Legal Services, one staff attorney devotes half of his time to student loan cases filed in Civil and Supreme Court and at Queens Legal Services three staff attorneys periodically handle a small number of Civil Court consumer credit actions but generally work on other types of cases, such as foreclosure. Brooklyn Volunteer Lawyers Project and New York Legal Assistance Group provide limited-scope representation to low-income consumers through the Volunteer Lawyer for the Day Program. Legal programs sponsored by unions limit their services to union members and retired union members. With the number of filings of consumer credit actions in New York City Civil Court in 2017 at over 75,000, the capacity of the legal services community to provide consumer debt defense is strikingly limited.

92 Data provided by the New York City Civil Court (on file with authors).
York City’s domestic violence survivors remain unable to obtain the assistance they need to deal with their consumer debt issues, holding them back from attaining financial independence and stability.

The Working Group and its member organizations have attempted to fill this gap, but continue to lack the capacity to comprehensively serve survivors with debt and credit legal needs.

**C. DV CLARO PROJECT: A PROMISING MODEL**

Since 2010, the Working Group has administered and supported the DV CLARO Project, which is a promising model for providing training and operating shelter-based legal advice clinics for domestic violence survivors with consumer debt issues. Attorneys provide training to staff members at domestic violence shelters on spotting consumer debt issues, safely pulling credit reports for survivors, and making appropriate referrals. Once trained, staff screen residents for consumer debt issues and assist them with safely obtaining a copy of their credit report before scheduling them for the DV CLARO Project clinic. Consumer and domestic violence advocates staffing the clinic then meet with survivors at the shelter and provide legal advice and other assistance, such as disputing items on a credit report, creating identity theft reports, sending verification demand letters to debt collectors, preparing an answer to a consumer debt lawsuit, or reviewing the survivor’s student loans for a possible defense to repayment or discharge option. Survivors are typically considered for full representation when they are experiencing active debt collection, require bankruptcy consultation, have credit report issues, are in the midst of an active Civil or Supreme Court consumer debt collection case, or have a default judgment against them. DV CLARO volunteer advocates often add these residents to their own case lists or refer to other providers when full representation is needed.

Since December 2013, the Project has operated monthly clinic sessions at only one shelter: Sarah Burke House, a Sanctuary For Families domestic violence Tier II shelter in the Bronx. Though it is by nature a limited-scope program, the former Manhattan Borough President has called DV CLARO a “best practice” strategy for dealing with the fallout of economic abuse in a domestic violence context. By identifying those survivors who need consumer legal assistance and connecting them with attorneys trained in both consumer law and domestic violence, DV CLARO enables survivors to repair their lives and secure economic independence while maintaining their personal safety. The shelter-based nature of the program ensures that residents are connected with services early on, so that they can begin improving their credit well before they become eligible for a housing voucher after 90 days in the shelter. The location also fosters client participation and close communication between attorneys and shelter staff.

The Project has recently begun a pilot partnership with a second shelter provider and is evaluating whether we have the resources to implement this expansion permanently. However, establishing a DV CLARO program with a new shelter requires significant commitment from the shelter, as shelter partners are expected to screen and refer clients, schedule and confirm appointments, provide private space for attorneys to hold confidential meetings with residents, and perform any necessary follow up. Because few attorneys possess the dual expertise in consumer law and domestic violence required to assist in DV CLARO, volunteer attorney training and recruitment remains a challenge as well.

Starting out as a pilot with just one shelter has allowed the Working Group to ensure the program’s needs did not exceed our capacity and has enabled us to tweak the program as needed. In general, pilots are a useful way of evaluating cost, scope, feasibility, and success of new programs, which is especially important when expanding into an area of need where almost no services currently exist.

Unfortunately, resource and capacity limitations have made it difficult to assess outcomes and expand the DV CLARO Project into more domestic violence shelters, to reach more survivors. We have learned, both from DV CLARO and from our own work as advocates, that debt and credit

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93 See supra note 1.
94 Tier II shelters are apartment-style transitional shelters for families that provide ongoing support and services to residents.
services should be an integral part of the services that all domestic violence survivors receive. Referral and advocacy is much simpler where screening is standard practice and advocates have a clear plan of action for clients with need. This screening, however, requires substantial time and expertise on the part of shelter staff, as does following up with clinic participants.

Significant capacity must be developed over time in both the consumer and domestic violence sectors to provide the integrated services the Working Group envisions, but such expansion will have a dramatic impact on survivors’ ability to access housing and other opportunities.
Economic abuse is extremely prevalent and has long-lasting, devastating consequences for domestic violence survivors. Increasingly, service providers and experts acknowledge this form of domestic abuse; however, research and data collection has lagged. This report describes two data collection efforts undertaken by the Domestic Violence and Consumer Law Working Group to begin to document this phenomenon. An analysis of two case samples from The Legal Aid Society and survey responses from 44 domestic violence shelter service providers working at 22 different shelters show that domestic violence survivors have serious unmet consumer legal services needs and suggest that this service gap contributes to housing instability and difficulty in securing safe, stable housing – an essential component in establishing self-sufficiency and freedom from abuse.

Below are our recommendations for policy makers and funders in New York City and New York State.

- New York State and City government agencies should expand legal services for domestic violence survivors related to economic abuse and consumer law, including by dedicating funding for training and staffing needs to increase the capacity of shelter-based models like DV CLARO.

- New York State and City government agencies should provide resources to expand training of social and legal services providers serving domestic violence survivors, including at Family Justice Centers, on consumer debt, credit reporting, and related issues.

- New York City government agencies that fund domestic violence social services programs and residential shelters should require and ensure that grantees include consumer debt and related issues in their initial client screening.\(^96\)

- New York City government agencies that serve domestic violence survivors should collect, track, and analyze data regarding clients’ consumer debt issues, including their impact on access to housing.

- The New York City Police Department should implement policies and procedures, including training, that ensure that victims of identity theft are issued police reports, to which they are entitled under New York law.

- New York State and City should develop and enact an alternative mechanism and procedures for identity theft victims, including domestic violence survivors, to obtain identity theft reports within the meaning of 15 U.S.C. 1681c-2.

- New York courts and family lawyers should encourage the inclusion of the financial family offenses of identity theft, coercion, and larceny, and their corresponding remedies in litigation of orders of protection. Judges and court personnel should receive training on economic abuse and the available financial offenses, and the Family Justice Centers should continue to provide this training to advocates and other interested parties.

- In the City’s continuing efforts to comply with recent federal regulations mandating that survivors are not denied subsidized housing based solely on poor credit or rental histories related to domestic violence,\(^97\) the City should prioritize developing policies and procedures that are not unduly burdensome and restrictive and that facilitate a survivor’s ability to access this vital protection.

- New York State legislators should pass legislation barring credit checks for employment statewide.

- New York State should develop and invest in more substantial housing subsidies that would make it possible for survivors of domestic violence, and other low-income New Yorkers, to leave the shelter system and move into permanent housing.\(^98\)

- Additional data collection and research that furthers our understanding of the issues in this complicated area should be conducted, including examination of elder and

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\(^{96}\) Intake interviews, needs assessments, and screening instruments should be evaluated for opportunities to integrate and elicit consumer-related information.

\(^{97}\) See supra Part II.E.

intra-familial economic abuse, and issues related to other forms of debt, like utilities, medical debt, and tax liability.

- The New York City Domestic Violence Task Force Housing / Economic Justice Subcommittee, which was convened in April 2018, should examine and prioritize policy and practice related to the consumer issues of domestic violence survivors, including problems with filing and receiving identity theft police reports.99

- All recommended training should be culturally competent and address best practices for working with the diverse New York City survivor population.

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99 Two members of the Domestic Violence and Consumer Law Working Group currently sit on this subcommittee. The Working Group appreciates the opportunity to have some of its members participate in this important subcommittee.
V. METHODOLOGY AND INTERPRETIVE CHALLENGES

A. DESIGN OF CLIENT SAMPLE ANALYSIS

To build our client sample, we first ran a query for all of The Legal Aid Society’s active cases as of December 2015 that were assigned a domestic violence funding code. The majority of these matters are contested divorce, uncontested divorce, and immigration cases, but they also include child support, custody, visitation, post-divorce judgment enforcement, and family offense cases. Next, we removed all duplicate cases and common names to prevent errors in the analysis. We then randomly selected 200 client names and searched them in the New York State Unified Court System’s eCourts Civil Court database as well as through Westlaw’s judgment and lien search of New York State. To compare this sample to another snapshot in time, we ran the same query and followed the same process again in January 2018, that time omitting any cases that had remained active since December 2015 so as to avoid any potential overlap of clients.

We included in our count of consumer debt cases all Civil Court cases filed by a bank, financial institution, debt buyer, medical or healthcare facility, utility provider, a landlord or housing development (if coded as a Civil Court case and not a case in the Housing Part), or educational institution. We did not include cases filed by insurance companies, individual plaintiffs, or other entities unidentifiable as belonging to one of the aforementioned categories.

We recognize that the file pull has room for inaccuracies. Both databases search by name only, so there is the possibility that a consumer case or judgment associated with a given name could pertain to another person by that name and not The Legal Aid Society’s client. Second, the fact that both domestic violence survivors and low-income individuals move more frequently than other individuals means our search may be under-inclusive: clients who have moved to New York from other states may have cases or judgments in those jurisdictions that we did not discover. Further, because the eCourts search was limited to Civil Court, any cases filed in Supreme Court were omitted.

Finally, the file pull is likely also an undercount since it would not match names that were misspelled in a pleading, a common error. Still, we believe that the case pull provides a suggestive representation of the percentage of domestic violence survivors who struggle with consumer debt issues.

B. SURVEY DESIGN

This survey was directed to residential domestic violence providers throughout New York City and was open for responses between April 2016 and March 2017.100 It was anonymous and did not seek a random sample. To solicit responses, we provided the 24-question survey link to every shelter manager and sent multiple e-mail reminders and requests to various list-servs containing shelter providers. We did not offer any incentives for participation and specifically allowed multiple employees from the same organization and/or shelter to respond. We also presented at a meeting of domestic violence residential providers convened by the New York City Human Resources Administration, which forwarded the survey to the same providers. Our goal with this survey was not to find out how many survivors actually had consumer law needs, but to determine shelter staff’s perception of that need and their capacity to meet it.

We received 44 responses, from at least 22 different shelters.101 About 60 percent were directors or supervisors, while about 40 percent worked directly with clients, including case managers, housing specialists, and economic self-sufficiency specialists. Three in four respondents said they worked at only one shelter, while the remaining quarter worked at multiple shelters.

In reporting our results, we rounded to the nearest whole percent. For exact figures, see Appendix A.

100 In developing the survey, we sought review and comment from several expert agencies and practitioners. In particular, the New York City Mayor’s Office to Combat Domestic Violence and two policy experts provided feedback and suggestions for improvements on the survey design. The authors and Working Group members thank all those who provided helpful advice and suggestions.

101 Because some respondents only identified the broader organization they worked at, we could not determine which shelter they worked at and omitted them from the total shelter count, but included their responses in the overall analysis.
APPENDIX A – SURVEY QUESTIONS AND ANSWERS

APPENDIX I: THE SURVEY

DV & Consumer Working Group Survey
Barriers to Housing: Domestic Violence and Consumer Credit

1. *What organization and/or shelter(s) do you work at?

2. *Do you work at one shelter or multiple shelters?
   - One shelter
   - Multiple shelters

3. *What is your title? (Note: If you work at multiple shelters or for an organization that operates multiple shelters, please generalize from your experiences to answer each question.)
   - Shelter Director
   - Director of Housing Placements / Case Management
   - Housing Specialist
   - Economic Self-Sufficiency Specialist
   - Other, please specify ___________________________________________________________________

4. *What percentage of residents stay in your shelter for the maximum length of stay permitted?
   - 0-33%
   - 34-66%
   - Over 66%

5. *What percentage of residents requires a stay extension?
   - 0-33%
   - 34-66%
   - Over 66%

6. *Please describe the housing placement services that your shelter(s) provides.

An asterisk (*) at the beginning of a question indicates that an answer to that question was required. If no answer choices appear after a question, the question was open-ended. Finally, the text of the questions and answers are copied directly from the original survey; any errors present here were present in the original.
7. *How often do residents face the following barriers to accessing housing?*

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Often</th>
<th>Very Often</th>
</tr>
</thead>
<tbody>
<tr>
<td>Credit history/judgments</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Discrimination (based on race/</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>ethnicity, receipt of public</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>benefits, household composition,</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
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<td>etc.)</td>
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<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Immigration status</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Landlords’ lack of willingness</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
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<tr>
<td>to accept housing subsidies</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Language barrier</td>
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<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Past involvement in housing</td>
<td>○</td>
<td>○</td>
<td>○</td>
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<tr>
<td>court</td>
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<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Unaffordable housing market</td>
<td>○</td>
<td>○</td>
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<td>○</td>
</tr>
</tbody>
</table>

Other (please specify) ___________________________________________________________________

8. *How often do residents face challenges in securing housing based on their credit history?*

- □ Never
- □ Rarely
- □ Sometimes
- □ Often
- □ Very often
- □ Not sure

9. *How often do residents NOT apply for mainstream housing options because of their credit history?*

- □ Never
- □ Rarely
- □ Sometimes
- □ Often
- □ Very often
- □ Not sure

10. *Approximately what percentage of residents has had a housing application rejected based on their credit history in the last year? Please estimate.*

- □ 0-20%
- □ 21-40%
- □ 41-60%
- □ 61-80%
- □ Over 80%
- □ Not sure
11. *Of residents denied housing based on their credit, approximately what percentage had previously been approved for subsidies? Please estimate.

- □ 0-20%
- □ 21-40%
- □ 41-60%
- □ 61-80%
- □ Over 80%
- □ Not sure

12. *How do residents typically discover that they have judgments or negative credit histories?

<table>
<thead>
<tr>
<th>Event</th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Often</th>
<th>Very Often</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank account frozen</td>
<td>○</td>
<td>O</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Pulled credit report (with or without service provider)</td>
<td>○</td>
<td>O</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Received notice of lawsuit</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
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<tr>
<td>Received notice of lawsuit</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Rejected for housing</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
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<tr>
<td>Wage garnishment</td>
<td>○</td>
<td>○</td>
<td>○</td>
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</tr>
</tbody>
</table>

Other (please specify): ____________________________________________________________________________

13. *How frequently have residents had difficulty accessing the following other non-housing necessities because of bad credit? Please estimate.

<table>
<thead>
<tr>
<th>Necessity</th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Often</th>
<th>Very Often</th>
</tr>
</thead>
<tbody>
<tr>
<td>To other necessary credit accounts</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>To student loans</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Bank account</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Employment</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Utilities</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>

Other (please specify) ____________________________________________________________________________
14. *Approximately how many residents have negative credit history due to domestic violence? For example, residents who were victims of intimate partner identity theft, have coerced debt (debt the resident took on because the abuser forced, threatened, or otherwise coerced the survivor into doing so), or otherwise have debt related to financial abuse.
   - None
   - Very few
   - Some
   - Most
   - Nearly all

15. *What consumer debt or credit-related services does your shelter provide? Please check all that apply.
   - Financial Education
   - Financial Counseling
   - Legal Services
   - Pulling credit reports
   - Referrals
   - Screening
   - None of the above
   - Other (please specify) ____________________________

16. *Do you or your staff members receive training on consumer debt and credit issues?
   - Yes
   - No

17. *What training on consumer debt and credit issues do you or your staff members receive, if any? Please select all that apply.
   - We do not receive any training on consumer debt or credit issues
   - Overview of economic abuse
   - How to screen
   - Practice using screening tools
   - How to pull credit reports
   - Safety concerns related to credit pulls
   - When to make a referral
   - Review of resources and options available to residents
   - Financial counseling
   - Financial safety planning
   - Developing strategic response to DV-related credit issues
   - How to provide economic empowerment & financial literacy training to residents
   - Other (please specify) ____________________________
18. *What training would most help you or your staff members in addressing residents’ consumer issues? Please select all that apply.

- Overview of economic abuse
- How to screen
- Practice using screening tools
- How to pull credit reports
- Safety concerns related to credit pulls
- Safety concerns related to addressing identity theft
- Safety concerns related to addressing defaulted accounts
- When to make a referral
- Review of resources and options available to residents
- Financial counseling
- Financial safety planning
- Developing strategic response to DV-related credit issues
- How to provide economic empowerment & financial literacy to residents
- Other (please specify)______________________________

19. *Are you able to access expert legal consumer/credit assistance for your residents?

- Yes
- No

20. *If you are not able to access expert legal consumer/credit assistance for your residents, what kinds of assistance would you like to be able to access? Please select all that apply.

- Legal services
- Financial education
- Financial counseling
- Financial safety planning
- Economic empowerment and financial literacy training
- Other (please specify)______________________________

21. What limitations does your shelter face in addressing the residents’ consumer debt and credit reporting needs?

22. What supports would be most useful in addressing these limitations?

23. What policy recommendations do you have for improving consumer/credit assistance for residents of domestic violence shelters, if any?

24. If possible, please describe a case on which you have worked involving credit as a barrier to housing. Alternatively, if you would prefer to tell the story over the phone, or if you have a client who is willing to speak with us directly, please provide your contact information and we will be in touch.
New York City Veterans Law Working Group
(Written Submission by Kent Eiler and Peter Kempner)
September 13, 2019

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

Via email: accesstojusticecommission@nycourts.gov

Dear Commission Members:

We are writing on behalf of the members of the New York City Veterans Law Working Group (“Working Group”) and write to advocate for increased civil legal services for the clients we serve. We are honored to be able to submit this statement as part of the Chief Judge’s 2019 Hearing on Civil Legal Services. We write to provide some background information regarding the justice gap for veterans and in particular to make the staff of the New York State Unified Court System and Office of Court Administration and the members of the New York State Permanent Commission on Access to Justice aware of a groundbreaking May 2019 report from the New York City Bar (“City Bar”) concerning inadequate financial support for legal services in connection with VA benefits.¹

The Working Group’s members include legal services advocates from a variety of civil legal practices that make serving veterans, military service members, and their families a focus of their work. The members provide civil legal services in a broad array of practice areas, including discharge upgrades, elder law, health law, landlord / tenant, public benefits, and VA benefits. Some advocates specialize in serving women veterans and veterans who are seniors and others work with clients who identify as LGBTQI+ and veterans who are incarcerated. Among other objectives, the Working Group aims to advocate for increased civil legal services to represent these critically important and vulnerable populations and to improve policy and practice as it relates to these clients. We serve as co-chairs of the Working Group. Fordham Law School’s Feerick Center for Social Justice and its Volunteer Lawyers for Veterans Program helped convene the Working Group and provides coordination support.

The Civil Legal Services Gap for Veterans, Military Personnel, and their Families is Well Established and Recognized

The Working Group members thank the members and staff of the Permanent Commission for the focus and attention placed on veterans and related populations in the past. As previous testimony and fact-finding by the Permanent Commission has shown, veterans and military families face significant barriers in accessing legal services to address their civil legal problems. The testimony of veterans advocacy organizations shows that civil legal services are one of the most sought out categories of services for veterans. Advocates additionally testified to the close relationship between veterans’ unmet civil legal needs and homelessness and economic instability.\(^2\) In 2015, the Permanent Commission hearings featured a Veterans’ Services Panel, in which providers testified to the unique set of challenges veterans face. Several veterans testified to the life-changing impact of civil legal services.\(^3\)

The data on the civil legal services gap for veterans is overwhelming and conclusive. For example, the Legal Services Corporation’s (“LSC”) June 2017 Report found that “71% of households with veterans or other military personnel have experienced a civil legal problem in the last year[;] they face the same types of problems as others, but 13% also reported problems specific to veterans.”\(^4\) Notably, 21% of respondents of households with veterans or other military personnel had six or more civil legal problems in the past year, with common areas including health (38%), consumer (36%), and employment (20%).\(^5\) Among those surveyed in the Report, 85% of respondents who reported that they had personally experienced a veterans’ issue within the past year reported that the civil legal problem had a “substantial impact” on their lives—the most of any civil legal category.\(^6\) Notably, the Report concluded that “[l]ow-income veterans and other military personnel received inadequate or no professional legal help for 88% of their civil legal problems in 2017.”\(^7\) The significant poverty rate among veterans makes this lack of access to civil legal services especially troublesome.\(^8\) Other studies have likewise concluded that there is a significant civil legal services gap for veterans.\(^9\)

U.S. Department of Veterans Affairs (“VA”) survey data also conclusively show that veterans’ civil legal services needs urgently warrant expanded resources. For example, the VA’s Community Homelessness Assessment, Local Education and Networking Groups for Veterans (“Project CHALENG”) conducts an annual survey. The 2018 CHALENG Survey found that


\(^{3}\) Id. at 16, 18-19.


\(^{5}\) Id. at 27.

\(^{6}\) Id. at 25.

\(^{7}\) Id. at 49.

\(^{8}\) Id. at 19 (stating that “[m]ore than an estimated 1.7 million veterans have family incomes below 125% of the [federal poverty level]”).

Access to Expert Legal Services is Life Changing for Low- and Moderate-Income Veterans With Civil Legal Problems

In the practice of Working Group members, we have seen time and again that representing veterans in civil legal matters can be life changing for our clients. This is especially true for indigent and otherwise vulnerable veterans, including those suffering from service-related disabilities. Outlined below are three client stories that illustrate the profound impact of civil legal services in helping veterans assert their legal rights and secure the benefits to which they are entitled.

Ms. S came to LegalHealth’s Women Veterans Clinic at the Bronx VA in January 2017. She was seeking assistance with her SSI appeal. Upon speaking with Ms. S, the LegalHealth attorney realized that the disabilities that were preventing Ms. S from working originally stemmed from the military. Ms. S had severe PTSD, depression, and anxiety, all stemming from a brutal gang rape that had occurred while she was in the Marines, stationed at Camp Lejeune, more than thirty years ago. Ms. S never knew she qualified for service-connected VA benefits, because she believed her injury would have had to occur during combat for it to “count.” Ms. S had never disclosed what happened to her to anyone, including her doctors. At the time of her intake, Ms. S was living in a studio apartment she shared with her son and granddaughter. The apartment was small—they could only fit two beds—so Ms. S shared a bed with her eight-year-old granddaughter.

Ms. S’ PTSD had fractured her memory, leaving her originally unable to remember many details of her service. But after countless hours with the attorney working alongside her psychology team, Ms. S was able to disclose her experiences. Ms. S had been gang raped by three men in her unit, and had become pregnant as a result of the attack. Despite her devout faith, she decided to have an abortion, which had further traumatized her. Since the attack, Ms. S had never held a job for more than a month. From 2014-2015 she was homeless, during which time she attempted suicide twice.

Together with the assistance of her attorney, Ms. S was able to apply for her benefits and put together a strong application, showing the markers required by the VA to prove that the attack had occurred, and the long trauma she had endured. In February 2018, Ms. S was granted 70% service-connection for her mental health, along with unemployability benefits, which allowed her to receive the highest level of disability pay from the VA. She received $15,000 in backpay, and now receives $3,057 every month, which will likely continue for the rest of her life. Ms. S was able to get her federal student loans discharged due to her proven disability. Additionally,

her disability level enabled her to qualify for a VA home loan at an extremely good rate, and in late summer 2018, Ms. S, her son, and her granddaughter, moved into their new, three-bedroom home in upstate New York.

Mr. X is an honorably discharged Army veteran who originally came to City Bar Justice Center’s Veterans Assistance Project in 2014 seeking assistance with appealing a denial of VA Disability Compensation. While stationed overseas in Iraq, Mr. X had been injured by heavy equipment, which resulted in a traumatic brain injury (“TBI”) but the incident had not been carefully documented in Mr. X’s military records. Mr. X had, for years, filed countless claims with the VA (pro se or, at times, with the assistance of non-attorneys) which claims were repeatedly denied. In 2013, Mr. X again filed a claim for his TBI, and was again denied when the VA argued his condition was not connected to his time in the service.

At a City Bar clinic almost a year later, in 2014, Mr. X met for the first time with his City Bar-assigned pro bono attorneys. After their initial meeting, Mr. X’s volunteer attorneys, with the assistance and oversight of the Project Director of the City Bar’s Veterans Assistance Project, assisted Mr. X to appeal the denial he had received. Volunteer attorneys through the City Bar continued to assist Mr. X throughout the duration of the appeals process, which spanned nearly five years and required his attorneys to represent Mr. X before the U.S. Department of Veterans Affairs’ Board of Veterans Appeals.

Finally, in late 2018, after years of persistence by his attorneys, Mr. X, who had been unable to work since leaving the Army and, at times during this process, had found himself dealing with homelessness, was granted the life-changing benefits to which he was entitled—over $174,000 in retroactive benefits and a 100% disability rating effective to the date Mr. X originally filed his 2013 claim. Mr. X now receives $2,906 every month, which monthly benefit will likely continue for the rest of his life.

Recently, the Volunteers of Legal Services (VOLS) Elderly Project, alongside co-counsel from the law firm of Alston & Bird LLP, in a lawsuit in the New York County Supreme Court, alleged source of income discrimination against the landlord of Mr. R, a 64-year old Vietnam-era veteran. The client had lived in the same rent-controlled apartment in Manhattan since 1963. After the passing of his family member, the tenant’s rent subsumed nearly his entire income from his Veterans Administration service-connected disability benefits and his pension from his time working for the United States Postal Service.

To remain in his apartment Mr. R had applied for the Senior Citizen Rent Increase Exemption (SCRIE), but he needed the landlord’s cooperation to acknowledge his tenancy after his family member passed away. Unfortunately, the landlord refused to help their tenant of over 53 years and created roadblocks to the process, causing the application for SCRIE benefits to be denied. VOLS believed that the landlord’s failure to cooperate with the SCRIE application process violated the New York City Human Rights Law and that the repeated and unwanted “buy-out” offers violated the anti-tenant harassment statute. After taking steps to avoid litigation, VOLS filed the lawsuit and the matter was settled shortly thereafter. The landlord conceded that they were required to cooperate with Mr. R’s SCRIE application and that they were not entitled to any increase in his rent. Mr. R was able to stay in his home.
Securing VA Benefits for Eligible Veterans Increases Household Incomes and Reduces Local and State Expenditures of Public Benefits

Earlier this year, in May 2019, a groundbreaking report from the New York City Bar was issued concerning inadequate financial support for legal services in connection with VA benefits. This report served as the impetus to this letter to the Permanent Commission. A copy of that report is attached. The report highlights several disturbing facts. New York State has the fifth largest veteran population in the country, but lags far behind other states in benefits received from the VA. Presently disabled and low-income veterans in New York each year receive approximately $2.6 billion from the VA. There are millions of federal dollars at stake for New York and its veterans in these numbers. Between the VA’s 2016 and 2017 Fiscal Years, New York’s veterans saw a drop statewide of $32 million dollars in VA benefits for its disabled and low-income veterans. Per the VA’s own reporting, less than 17% of veteran’s statewide and only 15.5% of NYC veterans received either Disability Compensation or Pension benefits, compared to 25% in California, 29% in Texas, and 24% in Florida, and an estimated 23 to 24% of veterans nationally. Additionally, per the VA’s own statistics, New York veterans have lower income and educational attainment than veterans in these other states, showing they probably need VA benefits more, not less, than veterans across the nation. If 23 to 24% of New York’s veterans received either Disability Compensation or Pension Benefits, just the national average (instead of the current 17%), it would mean more than fifty thousand additional New York veterans and their families would be receiving VA benefits worth tens of millions of dollars to fuel the state’s economy.

The City Bar’s report highlights that most veterans have to try to navigate the VA’s system pro se or with a non-attorney because of the lack of Veterans Law practitioners. Historically, this had been seen as adequate. Veterans, after all, until 1989, had no mechanism by which to legally challenge VA benefit decisions. Today, however, Veterans Law, as with federal administrative practice in both the Immigration and Social Security space, has become dramatically more complicated. Over the last thirty years, since the passage of the Veterans Judicial Review Act in 1988, lawyers have established a proven track record of assisting clients who were previously denied VA benefits. Today lawyers can appeal denials of benefits to the VA’s Board of Veterans Appeals, to the U.S. Court of Appeals for Veterans Claims (“CAVC”) (the nation’s newest federal court hearing over 4,000 cases every year on the nation’s busiest federal docket), to the U.S. Court of Appeals for the Federal Circuit and even to the U.S. Supreme Court. At the City Bar Justice Center’s Veterans Assistance Project where pro bono attorneys assist veterans with representation at both the agency level and at the CAVC, in 2018, City Bar volunteers obtained $34,418 in new, ongoing, monthly VA benefits and $731,307 in retroactive benefits in cases, most of which the VA had previously denied. The previous year, in 2017, City Bar volunteers obtained $47,804 in new, ongoing, monthly VA benefits and $1,119,197 in retroactive benefits. The cost to obtain those results? The City Bar’s program, which utilizes a pro bono model, is staffed by only one full-time attorney (the project director) and a full-time project coordinator. Outside of the pro bono model, similarly impressive statistics can and are obtained by legal service attorneys as well.
The New York State Disability Advocacy Program Offers a Cost-Effective Model for Potential Replication

In 1983, New York State had the foresight to introduce the Disability Advocacy Program (“DAP”). DAP was transformational. Legal Services NYC, a member of the New York City Veterans Law Working Group, successfully piloted DAP when it was initially established. In the 35 years since, the Commissioner of the New York State Office of Temporary and Disability Assistance (“OTDA”) has made grants to not-for-profit legal services corporations and not-for-profit agencies who assist New Yorkers to obtain federal benefits from the Social Security Administration. Per OTDA’s 2016 Report on DAP, in 2016, DAP cost New York state $7.76 million in tax revenue. In return on this investment, DAP recipients recovered:

over $18.3 million in retroactive benefits paid to successful claimants who in turn are more financially secure and able to boost the economy as they spend these federal dollars in their local communities, paying rent and buying basic necessities. As a further benefit to the State, the DAP program activity in 2016 resulted in an estimated $4.8 million public assistance cost avoidance realized by moving individuals from TANF/State/locally funded public assistance to more appropriate federal disability assistance.11

DAP provides an excellent model on which to replicate a similar “Veterans Disability Advocacy Program” (“VDAP”) with the U.S. Department of Veterans Affairs as opposed to the Social Security Administration. Just as DAP was expected to be cost neutral (and actually generates revenue) for New York, VDAP grantees, similarly, could and should be expected to demonstrate how they save New York taxpayers more in revenue than what they cost by transferring veterans and their beneficiaries from less generous state and city benefits to more generous federal benefits. A 100% service-connected disabled veteran with a dependent child presently receives $3,171 a month. This monthly compensation would be in addition to any entitlement to Social Security benefits a veteran may have. Indeed, it is often the case that a veteran may not be entitled to any benefits from Social Security but is entitled to benefits from the VA. It is simply unconscionable for New York taxpayers to bear the costs of caring for disabled and low-income veterans or their survivors when Washington D.C., who created the veteran in need, promised to absorb that cost and is required to do so by law, fails to do so. Based on the VA’s own statistics there are likely tens of thousands of veterans across the state not receiving VA benefits to which they are entitled. The data show that unrepresented veterans are too-often unable to successfully navigate the initial application process and the VA’s appeal process.

As DAP is administered by OTDA, so too could VDAP. Alternatively, the program could be co-managed by the Commissioner of OTDA and the Director of the New York State Division of Veterans’ Services (“NYSDVS”) or, perhaps, by the Director of NYSDVS exclusively. NYSDVS and its dozens of non-attorney benefits advisors across the state have, for decades, assisted veterans and their loved ones obtain VA benefits. Other Veteran Service Organizations (VSOs) such as the American Legion, Disabled American Veterans, and the Veterans of Foreign Wars to name a few, offer similar services. Both NYSDVS and VSOs are, for all intents and purposes, entirely dependent on their staff of non-attorneys to assist veterans and their survivors

in complex appeals of benefit denials. NYSDVS and VSOs typically don’t, and, in many instances, can’t, refer cases to attorneys due to historical tensions between the VSOs and the veterans serving bar.

Nonetheless, countless veterans are told (correctly) that they need the assistance of an attorney to help them with their VA claim and attempt to seek them out. Non-profit organizations that do the work such as the City Bar Justice Center’s Veterans Assistance Project and the Veteran Advocacy Project have waitlists that extend for months and, at present staffing levels, are in no way capable of handling dozens, let alone thousands of referrals. While there are other legal service providers providing targeted assistance to veterans, the legal services resources for VA benefit claims are extremely limited. Other organizations that do not have a waitlist either place strict criteria on either the type of VA benefit case with which they will assist or the type of assistance offered. Without a VDAP, a vicious cycle ensues for the unrepresented low-income, disabled veteran who has been unsuccessful with non-attorneys but cannot find a lawyer to take her case. Benefits advisors at NYSDVS and elsewhere need to be able to refer complex cases to lawyers and a VDAP program would incentivize non-profit legal service organizations to have the staff in place to take these cases.

On behalf of the following members of the New York City Veterans Law Working Group, we encourage the funders and policy makers in New York State, including the members of the New York State Permanent Commission on Access to Justice and decision makers with the New York State Unified Court System and Office of Court Administration, to take steps to help establish a VDAP as a pilot program.* The New York City Bar report highlights that the precise number of veterans who should be receiving VA benefits statewide is unknown but is likely in the tens of thousands given New York’s population of just over 800,000 veterans. Establishing VDAP as a pilot program would allow non-profit legal organizations to both demonstrate that 1) the VDAP budget is actually saving New York’s taxpayers money by transferring low-income and disabled New Yorkers from state and city benefits to federal benefits, and 2) the program budget and size should be expanded and adjusted so long as it remains the case that VDAP attorneys are saving New York City and New York State money by succeeding where non-attorneys earlier in the process failed.

Respectfully,

Kent Eiler, Project Director of the Veterans Assistance Project of the City Bar Justice Center
Peter Kempner, Legal Director and Elderly Project Director of Volunteers of Legal Services

*New York City Veterans Law Working Group Member Organizations:
Fordham Law School Feerick Center for Social Justice
City Bar Justice Center
Legal Services NYC
New York Legal Assistance Group
Veteran Advocacy Project
Volunteers of Legal Service
New York Consumer Advocates

(Written Submission by Gina Calabrese, Sidney Cherubin, Carolyn Coffey, Dora Galacatos, Tashi Lhewa, Mary McCune, Matthew Schedler, Daphne Schlick, Nasoan Scheftel-Gomes, Marcella Silverman, Mark Weliky, William Whalen and Claudia Wilner)
STATEMENT REGARDING CONSUMER DEBT DEFENSE AND RELATED ISSUES

We are honored to submit this statement as part of the Chief Judge’s 2019 Hearing on Civil Legal Services in New York State. We are consumer advocates serving New Yorkers in need in New York City and New York State. We thank the New York State Permanent Commission on Access to Justice (“Permanent Commission”) and Justice Anthony Cannataro for holding the May 17, 2019 Listening Session at the New York City Bar, which many of us attended. We greatly appreciated the opportunity to share concerns with Justice Cannataro; Justice Edwina G. Mendelson; Justice Lucy Adams Billings; Helaine M. Barnett, Chair of the Permanent Commission; Roger Juan Maldonado, President of the New York City Bar; and staff members of the New York State Unified Court System, the Office of Court Administration, and the Permanent Commission.

As we emphasized during the Listening Session, the “justice gap” in the consumer defense area is significant and has been sustained notwithstanding the historic and extraordinary expansion of civil legal services in New York State over nearly a decade. According to 2018 data from the New York City Civil Court, out of a total of 100,186 consumer credit filings, attorney answers were filed in only 3,892 actions -- which is a rate of representation of only 3.88%. (These figures do not include “broken lease” cases brought by landlords against tenants seeking money judgments--a type of consumer case of which we have seen striking increases during the past five years.) Notably, the number of filings of consumer credit actions has spiked during recent years, more than doubling since 2016 when creditors filed 46,837 consumer credit actions in New York City Civil Court. In addition, we estimate, conservatively, that creditors obtained more than 700,000 default judgments in consumer credit actions filed between 2008 and 2016. Prior to and during most of this time period, systemic and systematic improper service of process and substantive defects marked these cases. Although statistics are not readily available for consumer credit actions filed outside of New York City, we know from legal services organizations serving those communities that the “justice gap” there is just as acute, if not more so.

Consumer debt defense and related advocacy is life-changing for the New Yorkers in need served through our organizations. As noted during the Listening Session, defendants often have strong outcome-determinative defenses that require an experienced advocate to raise and litigate. For others, consumer bankruptcy is the only and best option based on their circumstances.

Unfortunately, without expert defense and representation, unrepresented defendants too often experience abusive, deceptive, and otherwise illegal debt collection practices; long-lasting economic hardship due to improper default judgments, including a 9 percent post-judgment statutory interest rate; and irreparable economic harm due to predatory lending and abusive debt collection practices of a wide array of actors in connection with consumer financial services and products, such as credit cards, auto loans and leases, rental arrears, student loans, and medical...
and nursing home debts. Some groups of defendants merit special consideration and often require specialized legal services, including victims of economic abuse (such as survivors of intimate partner violence), low-income veterans, and seniors.

Full representation in defensive and affirmative litigation is essential not only to assert the legal defenses and rights to which consumers are entitled, but also to assist the judiciary in reaching more just and fair outcomes, improving the administration of justice, and putting pressure on bad actors before, during, and after consumer debt litigation to reform their practices.

We sincerely hope that funders of civil legal services in New York State will consider ways to enhance and expand resources for full representation, as well as other legal supports, for the overwhelming and increasing numbers of New Yorkers who experience consumer debt collection.

We are available to answer any questions and can be most easily reached by contacting Dora Galacatos at galacatos@fordham.edu or 212-636-7747.

Respectfully,

Gina M. Calabrese, Professor of Clinical Education, St. John's University School of Law
Sidney Cherubin, Director of Legal Services, Brooklyn Bar Association Volunteer Lawyers Project
Carolyn E. Coffey, Director of Litigation for Economic Justice, Mobilization for Justice
Dora Galacatos, Executive Director, Fordham Law School Feerick Center for Social Justice
Tashi Lhewa, Staff Attorney, The Legal Aid Society
Mary McCune, Senior Staff Attorney, Manhattan Legal Services, Inc.
Matthew Schedler, Supervising Attorney, CAMBA Legal Services, Inc.
Daphne Schlick, Director, Consumer Protection Unit, NYLAG
Nasoan Sheftel-Gomes, Supervising Attorney Consumer Justice, TakeRoot Justice
Marcella Silverman, Supervising Attorney, Lincoln Square Legal Services, Inc. at Fordham Law School
Mark Weliky, Executive Director, Queens Volunteer Lawyers Project, Inc.
William Whalen, Director and Chief Counsel, District Council 37 Municipal Employees Legal Services
Claudia Wilner, Senior Attorney, National Center for Law and Economic Justice
New York Legal Services Coalition
(Written Submission by Maha Syed, Executive Director)
Chief Judge’s 2019 Hearing

Civil Legal Services in New York State

Albany, NY
September 23, 2019

Presented by:
Maha Syed
Executive Director
New York Legal Services Coalition
Thank you for the opportunity to submit written testimony at the Chief Judge’s 2019 Hearing on Civil Legal Services in New York State.

My name is Maha Syed and I am the Executive Director of the New York Legal Services Coalition. The New York Legal Services Coalition is a 501(c)3 nonprofit organization that consists of 49 civil legal services organizations serving every county in New York State. Passionate about ensuring access to civil legal assistance, our member organizations range from large multi-service, multi-county or citywide organizations, to pro bono programs, to neighborhood-based organizations meeting the needs of specific populations. Collectively, our members provide high quality civil legal services to hundreds of thousands of low-income New Yorkers in matters relating to the essentials of life. The Coalition works to ensure fairness in the judicial system, advocates on legal issues affecting low-income communities, identifies and promotes best practices in the civil legal aid profession, and provides technical assistance and capacity building resources for its members.

Legal service organizations have felt the pressures of maintaining services while costs have increased. We surveyed our members to identify the changing costs of providing services and the continuing need for civil legal services statewide. The results of our survey clearly demonstrate the need for increased Judiciary Civil Legal Services (JCLS) funding as our member organizations simply cannot keep up with increasing costs and rising demand of services without increased financial resources. We have highlighted some of our main findings below1.

The Importance of Civil Legal Services

Civil legal aid serves as the last line of defense for survivors of domestic violence seeking safety and stability, families facing eviction or foreclosure, elderly victims of financial abuse seeking restitution, and parents seeking health care for their children. Redress, protection, security and stability is often available – if one can navigate daunting legal systems against overwhelming odds. Few of us would attempt to resolve legal issues that put the roof over our head, our safety, or our children’s health at risk without the benefit of counsel and yet everyday across our state thousands of poor and low income families are doing just that.

According to the Office of Court Administration as reported by the Permanent Commission on Access to Justice, hundreds of thousands of litigants come into civil courts across New York each year without representation. And those are the individuals

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1 Survey findings are based on responses from 26 civil legal services organizations throughout New York State, who are members of the New York State Legal Services Coalition and who receive JCLS funding. On average, JCLS funding comprises 25% of responding organizations’ legal services budgets.
and families that actually make it to court. Thousands more undoubtedly give up before they ever get to the courthouse door.

**Impact of the Investment**

New York has made significant investments in closing the Justice Gap -- the gap between those who need legal aid and the number of those who can be helped by our legal aid providers. For decades, that gap remained at a heartbreaking 80%. Legal aid providers in New York State, and indeed across the country, were able to meet a bare 20% of the civil legal needs of those living at or below 200% of the federal poverty line.

With the ongoing support of the legislative funding, the grant-making of the IOLA fund and the stable and significant funding from the judiciary, civil legal aid providers have been able to reduce New York’s justice gap to an estimated 63% -- meaning we are now meeting approximately 37% of the civil legal needs of low and moderate income households.

The impact on the courts has been significant; reducing the number of unrepresented litigants in civil cases from 2.3 million in 2009 to an estimated 1.8 million in 2017.

The number of cases handled by legal services providers has increased steadily, rising from 384,974 in 2013 to 483,604 in 2018.

Legal services organizations are also major employers in the state, employing 3,656 attorneys, paralegals, and other administrative and support staff according to IOLA’s 2018 report. As a community, legal services organizations facilitated close to a million volunteer hours in providing legal assistance to those in need in 2018.

**A Positive Economic Impact**

Civil legal services funding also provides a positive economic impact on low income New Yorkers. The economic value to clients and their families of federal benefits secured as a result of legal representation in 2018 is estimated to be $1.08 billion. This comes to New York in the form of Medicare and Medicaid benefits, Supplemental Security Income (SSI), Social Security Disability (SSD) awards, and other federal benefits. These benefits for clients, in turn, help the state’s economy and create thousands of jobs.

In looking at the economic impact of investing in legal services, the New York State Permanent Commission on Access to Justice has engaged the help of leading research and accounting firms to undertake targeted analysis. For the past four years, Stout Risius Ross, LLC (Stout), a global financial advisory firm, reviewed and updated key data points. In 2018, the firm’s researcher, Neil Steinkamp, analyzed data on the benefits received by low-income New Yorkers due to the provision of civil legal services. This study found Investing in civil legal services saves New York State money. For every $1 New York State spends on civil legal aid, $10 in economic benefit is generated. This benefit is realized through decreased court and social services costs. Increased representation also
ensures efficient and smooth function of the courts and reduces court time in assisting pro se litigants.

**Overhead Costs**

The cost of doing business as a legal services organization has increased significantly statewide since 2016.

- Overall OTPS (Other Than Personal Services) expenses for civil legal service organizations have increased by an average of 26%;
- Rent burdens for organizations have increased 62%;
- Utility costs have increased by 28%;
- Liability/malpractice insurance costs have risen an astonishing 136%; and
- Other OTPS expenses, such as office supplies and technology costs have increased 41%.

These rising costs place a considerable strain on legal service providers. Most grants do not cover the full cost of services, including OTPS expenses, and many non-JCLS funding sources do not cover these costs at all. Moreover, as reliance on data analysis and compliance with considerable administrative grant requirements increase, administrative and technology costs will only continue to rise. Flat JCLS funding does not keep up with the increases in these operational costs.

Infrastructure and technological needs of our organizations often bear the brunt of the funding shortages. Often, technological resources that could serve to make organizations more efficient require funding that is not included in most grants. One member explained; “The biggest challenge we have is identifying and migrating to a new case management system. We would also like to implement a document management system, but that has to come later. There are a number of issues - the up front and ongoing expenses and the human capital to customize, manage and implement the change.”

**Personnel Costs**

The heart and soul of every civil legal services organization are our staff – dedicated attorneys, paralegals and administrative staff who fight each day to achieve access to justice for our clients. Since 2016, average starting salaries for attorneys have increased between 10-15%. However, 17% of organizations who responded to our survey were unable to increase their starting salaries by any amount in the most recent three-year period. Nearly every organization surveyed identified the inability to offer a competitive salary and benefits as a major source of staff turnover.

Our members speak directly about this challenge: “The biggest pressure is keeping up with the expenses related to increasing salaries, rents, overhead, health insurance
costs, etc." From another provider, "With flat funding, we predict losing 2 - 3 staff positions each year going forward."

While attorney salary levels vary based on region, the cost of employee benefits have uniformly increased dramatically statewide since 2016. The cost of healthcare alone has increased by 36% and other benefits such as dental, vision, life, disability insurance have increased 32%. These increased costs, without commensurate increases in funding, continue to put considerable pressure on all legal service providers. Organizations are forced to cut down on other critical costs, such as OTPS (e.g., technology, infrastructure), in order to keep pace with rising personnel costs.

**Unmet need**

Although New York State has made tremendous strides in closing the justice gap, the numbers of low-income individuals who are turned away from services remains steady. According to the IOLA Fund of the State of New York ("IOLA"), who collects data from providers as part of their annual reporting process, despite achieving the landmark funding increase to $100 million for civil legal services organizations, between 2011 and 2018, individuals who were turned away from any service remained steady. This was due largely due to programmatic limitations, including limited program priorities. Despite the increase in JCLS funding, As demand for services increased, legal services programs were still turning eligible clients away in part due to flat JCLS funding, and drastic increases in OTPS and personnel costs.

The lack of resources to serve all eligible clients forces organizations to make difficult decisions when taking on cases, as one provider states; “Our inability to fully staff projects due to financial pressure has forced [us] to turn to extreme forms of triage for some of our most requested services. For many projects we are no longer able to offer open intake hours and, instead, rely on scheduled hotline days in which callers are screened and triaged. In some extreme situations we have been forced to shut down intake entirely for a period of time due to insufficient staffing. The demand for our services remains high and our fiscal realities make it impossible to provide consistent access.” Another provider stated: “We handle about 15,000 cases a year,” and still, “[we] cannot even begin to meet the full need in our community.”

Additionally, recent changes in federal government policies, for example in the immigration practice area, are also drastically increasing need legal services throughout the state. One member reports: “There has always been a far greater demand for immigration services than we can accommodate. Given the current administration’s orientation toward immigrants, that has become even more of an issue.” This increase in demand is not limited to any part of the state. Empire Justice Center reports an increased demand in all five of their offices throughout New York State. Her Justice reports that calls to their helpline have increased 70% over the past year. This increased demand comes at a significant cost to the clients, as a member states “our immigration practice has had to stop taking certain kinds of cases because of increased demand coupled with the federal government’s delays in processing such that cases stay open much longer.”
In New York City, the groundbreaking progress made with Right to Counsel in housing court has provided a new infusion of funding, but this has come with its own challenges. Organizations report a greater need for "pre-legal" assistance in the form of advising and representing clients in pushing back on landlords before legal action can be used. Thus, in the case of Right to Counsel in New York City, this increased funding has only been met with an influx of unmet need.

**Conclusion**

In the past three years, JCLS funding has enabled organizations to provide life-changing legal services on matters of essentials of life to the most vulnerable members of our communities. With this critical support from the Judiciary, New York has been a national leader on access to justice. Yet, legal services organizations simply cannot keep pace with rising costs and the demand for services. Level JCLS funding increases attorney turnover rate and creates a renewed scramble to make up for the gaps created by increased costs and pressure on administrative staff. With flat JCLS funding, rising costs, and competitive markets for employees, the cost of doing business is born by the clients who do not receive services. A cost that is too critical for those trying to protect the essentials of life.

Chief Judge Janet DiFiore expressed her concern during the 2018 public hearing on Access to Justice:

> “We still have a long road ahead of us” to ensure that every New Yorker has access to effective assistance when facing a civil legal challenge that impacts the essentials of life.

We urge an increase in funding so that we can continue to make strides toward access to justice for all New Yorkers.
St. John’s University School of Law

(Written Submissions by Professor Gina Calabrese and students Sara Krastins, Michael Ofori and Helen Wrobel)
To the Esteemed Presiding Panel, Chief Judge DiFiore, Justice Rolando T. Acosta, Justice Alan D. Scheinkman, Justice Elizabeth A. Garry, Justice Gerald J. Whalen, Chief Administrative Judge Lawrence K. Marks, and NYSBA President Mr. Henry M. Greenberg:

I am a Professor Clinical Education at St. John’s University School of Law. For 18 years, I have taught a clinic now known as the Consumer Justice for the Elderly: Litigation Clinic (“CJELC”). I am also a Faculty Co-Director of our Public Interest Center, which, among other things, sponsors pro bono trainings such as CLARO-Consumer Debt. Students who enroll in CJELC represent older Queens residents in consumer matters such as consumer debt collection, foreclosure defense, deed theft, and home improvement contractor disputes. Through the clinic and otherwise, St. John’s is very active in providing civil legal services to consumers who are sued for consumer debt. Accompanying my statement is a “package” of statements by law students who have volunteered in programs to assist consumers and a statement by Helen Wrobel, who supervises St. John’s Volunteer Lawyer for the Day Programs (“VLFD”), generously funded by an Access to Justice grant from the Office of Court Administration (“OCA”). The statements offer different perspectives while echoing the same theme: OCA’s continued support for programs that provide legal assistance to consumer debtors is important and makes an impact in the delivery of justice. We appreciate the opportunity to submit these statements from the St. John’s Law School community.

Consumer debt litigation became a prominent legal services need in the early 2000s, when I began teaching at St. John’s. Older people frequently called CJELC for our help with restrained or “frozen” bank accounts. Typically, the bank account was restrained to enforce a default judgment from a consumer credit action brought by a debt buyer. And typically, the bank account contained all or almost all exempt income, such as a retiree’s modest monthly Social Security income, which the judgment creditor was not permitted to take to satisfy the judgment. The epidemic of frozen bank accounts was the “tip of the iceberg.” We eventually realized that many of our low-income clients had default judgments procured by debt buyers. We learned, along with our clients, of the new industry of debt buyers, which bought defaulted consumer credit debt from national banks for pennies on the dollar and then tried to collect the balances.
Banks had begun issuing subprime credit with onerous terms that led to inevitable default when financially struggling consumers could no longer keep up with minimum payments. And income inequality, which is now widely-acknowledged, has driven people to rely more and more on credit cards just to meet standard living expenses. It’s not uncommon for our clients to use credit cards for everyday necessities like groceries or medication because they don’t have enough income left over after paying for housing, insurance, and utilities. Because banks are permitted by federal law to charge interest rates that would be considered usurious under New York law, consumers’ credit card balances can rapidly balloon to levels they will never be able to pay down and cannot recognize as accurate after a long period of default. It’s typical for two-thirds or more of a credit card balance to consist of interest and fees. The Federal Trade Commission (“FTC”) observed in a 2009 publication, Collecting Consumer Debts: The Challenges of Change: A Federal Trade Commission Workshop Report, “Since the enactment of the FDCPA [1977], consumer debt has risen dramatically.” The FTC also noted that the nature of consumer debt had changed, with growth in revolving credit, educational loans and personal property, as well as mortgage loans. As the federal Consumer Financial Services Bureau observed, “The debt collection experience is a common one—approximately one in three consumers with a credit record reported having been contacted about a debt in collection in 2014.”1 This is also reflected in the size of the debt collection industry, which “is estimated to be an $11.5 billion-dollar industry employing nearly 118,500 people across approximately 7,700 collection agencies in the United States.”2 Finally, a significant factor contributing to the growth of the debt collection industry is the emergence of debt buying businesses. The sale and re-sale of debt can result in debt collection activities lasting over a decade, beyond any statute of limitations, as the account is passed along to multiple debt buyers (sometimes referred to as “zombie debt”).

Moreover, consumer credit reports are now put to many new purposes beyond the original purpose of evaluating one’s ability to pay a new loan. One’s ability to rent an apartment, obtain and/or afford insurance, and secure employment are all impacted by one’s credit report. In this context, debt collectors are able to wield considerable power over consumers, particularly those who have defaulted on debt.

Thus, indebtedness is “the new normal” as Americans rely on debt, often on onerous terms, to sustain a basic standard of living. That is relevant to this hearing because creditors and especially, debt collectors, file large numbers of lawsuits to collect defaulted debt. As this panel is aware, debt collection litigation heavily burdens New York’s under-resourced court system. This induces courts to expeditiously dispose of these relatively “low-dollar value” case. In the context of an individual consumer’s budget, though, these are not “low-dollar value” matters, and their impact can be devastating: onerous garnishments, erroneous credit reports, misleading information and practices from collection lawyers to pressure consumers into settlements.

In fact, because consumers rarely have attorneys and because debt collection cases are rarely scrutinized by courts, the cases are riddled with procedural and evidentiary deficits. One example is the epidemic of “sewer service” that could not be denied when it came to light in the proceeding filed by former Chief Administrative Judge Pfau to invalidate thousands of default judgments. Another example is that debt buyer plaintiffs typically lack sufficient evidence to prove the defendant’s liability for the debt as well as the amount of the debt. Federal regulators, such as the Office of Comptroller of the Currency, have found that banks transfer to debt buyers customer files that “lack information as basic as account

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2 Id. at 23276.
numbers or customer payment histories.” The OCC found that there was a direct relationship with the lack of information transferred in debt sales and inappropriate collection practices.\(^3\) We see those practices in New York courts.

The problems with debt collection are exacerbated by consumers’ lack of access to legal representation. If the consumer appears at all in the case, she or he must defend themselves against expert collection counsel. In about 96% of cases, the consumer has no attorney. With problems such as sewer service, debts that are sold from credit card issuers to debt buyers without accompanying documentation, the re-sale and transfer of debts and judgments without complete information about payments made, the enforcement of old default judgments even when underlying files are no long available, the Consumer Part is a minefield for the unrepresented consumer. We must dispose of the persistent misconception that consumer debt cases are merely about “people who don’t pay their bills.” It’s common for lawyers, policymakers and even court personnel to misguidedly view these cases as requiring nothing more than haggling over a settlement amount. Some public policy think tanks have referred to this as “Rubber Stamp Justice.”\(^4\)

Unfortunately, consumer debt litigation is characterized by extreme disparity in information and power. Expert debt collection attorneys who are in court daily employ overreaching and often misleading litigation tactics against unrepresented consumers, most of whom are interacting with the court system for the first time. This manifests in many ways. Although our system of civil justice places the burden of proof on plaintiffs, collection attorneys – who are admittedly functioning in a adversarial system of justice – presume that the consumers’ liability and the amount due are established, and it is the consumers burden to prove that it is not owed. Courts, whose role is that of a neutral decision-maker in an adversarial system -- can do more to address this. Also, because the consumer is rarely represented, when an Order to Show Cause to vacate a default judgment is briefed for the court, it is almost always only the plaintiff’s side that is fully briefed. In our practices, we have observed inaccurate or incomplete characterizations of the applicable law. Given the court’s caseload and the emphasis on settlement, judges and court attorneys usually do not have the opportunity to consider contravening legal arguments and unfortunately, reach decisions based on inaccurate presentations by collection lawyers.

Another example of abusive tactics by collection attorneys is making unverified or even false statements about the existence of evidence. In fact, in 2016, the Consumer Financial Protection Bureau took action against a collection law firm that files many cases in New York courts, Pressler & Pressler. It found that the firm had filed unsubstantiated lawsuits based on false information, without verifying the accuracy of the debt, and without reviewing pleadings, which were generated by automated methods and “robo-signed.” It would be interesting to research how many of these lawsuits were processed to judgment or settlement in New York courts. It might be time for our judiciary and our professional organizations to become more proactive in reining in such practices, rather than leave it to federal regulators. Faith in the integrity of our justice system is eroded when the bench and bar allow lawsuits to be disposed of in this manner.

More recently, our clinic is seeing the enforcement of old default judgments. Last spring, we assisted a consumer defendant in Queens Civil Court as part of VLFD. He was a retired police officer now working as a security guard and had received an income execution for a default judgment he was not aware of. The affidavit of service happened to be available (usually there is a long wait to retrieve them from old case files). It said the consumer defendant was personally served and had white skin


color. However, the consumer actually had black skin color. When we told the collection lawyer about the discrepancy, she asked for the consumer’s identification. He produced it. She then said she would have to discuss it with her office. Though faced with incontrovertible evidence of improper service and a consumer represented by counsel, this attorney employed tactics to delay and obstruct vacatur of the default judgment. Likely, she hoped to adjourn to increase the chances of the consumer not appearing on the next court date. Fortunately, we persisted, and the case was dismissed.

We’re also seeing more cases of default judgments being enforced although the judgment previously had been vacated and dismissed. This usually happens when the judgment is transferred to a new attorney for enforcement. Also, the attorney enforcing a default judgment is often not the last attorney of record, leading to further adjournments and uncertainty as to the enforcing attorney’s authorization to appear.

The kinds of issues outlined here cannot be managed by consumers without attorneys. Representation makes a difference. In nearly every case we’ve taken on for full representation (in contrast to limited scope), we’ve succeeded in obtaining dismissal for lack of jurisdiction or defeating the collector’s motion for summary judgment. This is largely because of fundamental procedural and evidentiary defects in the cases. Debt collectors do not anticipate meaningful legal opposition from the consumer and rely on being able to recover despite these defects. Even limited-scope programs like CLARO or Volunteer Lawyer for the Day make a big difference. The statements by other St. John’s representatives also describe the powerful impact of these programs. However, I’d also like to share a comment that a current clinic student wrote after our class to prepare students for VLFD. The student identifies the difference between what he’s learned should happen in civil litigation and what actually happens in consumer credit cases. His comment also shows the enthusiasm law students can bring to closing the civil justice gap:

The other thing that I was surprised by was the extent to which debt collectors are bringing debt collection suits without the proper underlying evidence AND the extent to which fraud exists in the process server industry. I think this is a travesty, and I was pleased to learn that we can play a role in getting debt collectors to drop cases when these things are present.

Finally, given our court systems recently implemented requirement that litigants avail themselves of Alternative Dispute Resolution, I urge you not to impose such a requirement in consumer debt cases. The main reason is, as many scholars have noted, ADR is not effective or fair when there is large disparity in power and information, as there is in consumer debt cases. In these settings, the weaker party – here, the consumer – tends to benefit from formal procedural protections. And to the extent Online Dispute Resolution may have some appeal as a potential way to use technology to expand access to justice, it would have the opposite effect. Instead of facing an experienced attorney in the courtroom, consumers would face them in an online chat room, wkh no oversight by the court. It would be disastrous. Again, it treats these cases as matters to be haggled over, rather than lawsuits that require fair process and notice.

Respectfully submitted,

Gina M. Calabrese
My name is Sara Krastins. I’m currently a third-year law student at St. John’s University School of Law. I’ve been volunteering at Queens Civil Legal Advice Resource Office (CLARO) since my first year of law school. CLARO is a legal clinic in Queens Civil Court that provides free legal advice to individuals who are being sued for consumer debt-related issues. As a volunteer, I assist with intake. During my second-year of law school, I took on the role of volunteers’ coordinator and have worked with my law school to encourage more students to volunteer at CLARO. CLARO is open once a week on Fridays, and I attend as frequently as I can.

I originally attended CLARO to gain a better understanding of how the court systems worked. I never imagined how moved I would be by the stories or people I encountered during my time volunteering.

We see anywhere from 20-40 individuals every Friday. It’s hard to pinpoint specific cases that are memorable because they all are. Every case has a face attached to it and a personal story. I think sometimes the court forgets this, that these are people’s lives. When the court schedules a first appearance for an individual’s case over a year away, no one thinks about the turmoil it causes. No one thinks about the stress that person feels as he or she waits over a year to defend the case. Imagine birthdays, holidays, and family celebrations with that hanging over your head. Imagine the stress of waking up every day not knowing what your future holds.
I remember one woman in particular who came to CLARO many times. The last time she showed up she brought a letter that she didn’t understand. The letter explained to her that the case against her had been dismissed; she had won. Despite this overwhelming relief she still didn’t completely understand. She was still scared that she hadn’t done something right and the case would come back, and she would spiral back into the turmoil she had experienced for so many years. She needed to check with us at CLARO to make sure she was safe. Can you imagine living your life in that kind of fear?

Overwhelmingly, the cases we can help with get dismissed. The scary part is that when people don’t come to us, they usually lose. How can this be justice? How can an individual’s access to resources determine the outcome of her case? An individual’s access to justice shouldn’t be restricted by whether or not she happened across a flyer advertising CLARO. There is a clear power disparity between the individuals we help and the plaintiffs suing them. More must be done to merge that gap and guarantee everyone has equal access to justice.

I also occasionally volunteer at Volunteer Lawyer For the Day (VLFD) in Queens Civil Court. At one particularly egregious hearing, I was helping an individual who was being sued by Chase Manhattan Bank. The individual didn’t live in the United States when the credit cards were allegedly opened in his name and he didn’t speak English, so his daughter was present to interpret. He was visiting the United States on a travel visa, and on a day he should have been visiting with his family—who he rarely saw—he was sitting in a courtroom in Queens. The judge’s clerk began running through his list to ensure plaintiffs and defendants from the cases on the docket were present. When he got to our case, we responded that we were present. When he asked if the defendants were present, no one answered. The clerk said he would put it to the side and wait for Chase’s attorney, out of courtesy to Chase. When a consumer defendant isn’t
present at the time the case is called, the court enters a default, and he loses. We waited for Chase for the entire day. We were the last case that day and only at the end of the day did someone show up from Chase. But it wasn’t a lawyer. It was a debt collector. Yet, the court still chose to treat that person as if he were a lawyer. He was permitted to appear before the judge on behalf of Chase and argue the case. This is the justice system in the Consumer Credit Part.

The people who banks and debt buyers target are working class New Yorkers. Not everyone gets vacation days. Many consumer defendants are giving up a day’s worth of pay to come to CLARO and come to court to defend themselves against cases from banks and debt buyers they’ve never heard of. And some people can’t take the day off from work. Sometimes they have to make the choice between their job and defending their case. The debt buyers and banks prey on these people and hope they don’t show up. They have built a business model where the more default judgments they get, the more wages they can garnish, the more money they can make. These multi-million dollar companies are built to take advantage of people, and we’re letting them. These companies are faceless but, as we see at CLARO and in VLFD, the people they prey on aren’t. Every dollar that contributes to the millions debt collectors make has most likely come from a New Yorker who is struggling to make ends meet. Consumer debt cases are not just low-value matters to be cleared from the court’s docket as fast as possible. We must remember that these matters cause hardship to real people, who the court is there to serve.
Dear Chief Judge DiFiore, Justice Rolando T. Acosta, Justice Alan D. Scheinkman, Justice Elizabeth A. Garry, Justice Gerald J. Whalen, Chief Administrative Judge Lawrence K. Marks, and NYSBA President Mr. Henry M. Greenberg:

Thank you for the opportunity to provide a written submission to the Chief Judge’s 2019 Hearing on Civil Legal Services. My name is Michael Ofori, I am a second-year student at St. John’s University School of Law, as well as the founder of the St. John’s Consumer Advocates organization. I am submitting a statement to discuss the important role that legal assistance programs play in addressing the unmet legal needs of many civil litigants in New York.

I and many other St. John’s students have had the opportunity to volunteer with the Civil Legal Advice and Resource Office (CLARO) in Queens. CLARO is an organization that provides advice to individuals who are facing legal action from debt collectors. All CLARO visitors are either low-income or modest income. Unfortunately, volunteer lawyers and students are frequently the only means for consumers to receive information on representing themselves in these cases. I was drawn to CLARO as a 1L because it was one of the few programs available that provided first year students the opportunity to gain practical experience, while also allowing us to observe experienced lawyers in their environment. Seeing how my eventual legal degree could be used to help people in need ended up providing consistent motivation during the few times I began to doubt that law was the career for me.

When I volunteer at CLARO, I work with a variety of people who feel trapped by collection agencies and are frequently thankful to receive any assistance at all. Student volunteers are able to assist by facilitating completion of the relevant forms, while attorneys provide guidance on what to bring to court and reassurance about what difficulties defendants actually have to face. In this context, a small amount of advice and support goes a long way in
preventing consumers from being taken advantage of when they appear in court alone to defend themselves in a consumer debt case.

Through CLARO, I’ve learned that many debt collectors rely on the assumption that consumer defendants will be so overwhelmed that they won’t challenge the claim. A couple of CLARO visitors I assisted were never served with a summons and complaint, and only found out they had been sued once they had already defaulted. The volunteer lawyers at CLARO informed them how to go about challenging the judgments for lack of service – which, as I learned in Civil Procedure last year, meant that the court did not have personal jurisdiction to render the judgment. In another case, the consumer was terrified because she repeatedly received letters threatening to garnish her wages for a debt she didn’t even owe. When the CLARO visitor was informed that she could seek relief from these abuses under the Fair Debt Collection Practices Act, she seemed overcome with relief. On one occasion, I worked with a consumer who believed that his civil suit would end with him in handcuffs. Once he learned there was no danger of going to prison, he resolved not to settle out of court after all.

A disparity in legal knowledge means that many people are at an inherent disadvantage in debt collection cases, regardless of culpability. Through the support of initiatives like CLARO, volunteers are able to make a difference by addressing this resource-based inequality. As a law school student and volunteer, I would like to encourage the maintenance of civil legal assistance programs that provide an opportunity for lawyers and future lawyers to counteract unethical and manipulative practices and ensure that low-income people have the information they need to protect themselves and their money in court. Thank you for the opportunity to share my CLARO experience with you.

Michael Ofori
St. John's University School of Law '21
On a continual basis since November 2012, St. John’s University School of Law has been a recipient of the New York State “Access to Justice” Program grant, funded by the NYS Office of Court Administration. St. John’s administers two programs under this grant: the Uncontested Divorce Program, and the Consumer Debt – Volunteer Lawyer for the Day (VLFD) Program. The mandate of VLFD is to provide pro bono limited representation to pro se defendants in consumer debt cases in New York City Civil Court, Queens County. VLFD currently operates three of the four mornings per week that the Consumer Debt pro se Part is in session in Queens; that is, on Monday, Wednesday, and Friday. Alumni attorneys, law school graduates, and law school students work to vacate default judgments, negotiate favorable settlements with opposing counsel, conference with court attorneys, argue before the judge, and advise clients on trial strategies, all in an effort to deliver the best possible outcomes for defendants.

The defendants, by and large, belong to some of the most disenfranchised and underserved groups in New York City. Many do not speak English as their first language and require the services of a court interpreter. Others are in a courtroom for the first time, and are bewildered and intimidated by the protocol, and by plaintiffs’ counsel - a clique of debt-collection attorneys who appear regularly and, often, “act” as court personnel (i.e., sitting at the counsel tables in front of the courtroom, calling out defendants’ names and asking them to confer outside of the courtroom), only adding to the defendants’ confusion.

Without VLFD in place, these debt-collection attorneys would take tremendous advantage of the defendants. The majority of the cases involve credit card debt, with a smaller percentage involving automobile loans and student loans. A large percentage of the plaintiffs are debt-buyer companies, as opposed to the direct lender. Defendants who do not have the benefit of even limited legal representation are at the mercy of plaintiffs’ counsel, who push hard for large settlements, often without providing a shred of evidence showing the defendants owe the debt, or that the debt-buyer companies actually own the debt they have sued on.

The aim of the VLFD volunteers is to level the playing field, representing as many defendants as possible each day, resulting in hundreds of represented cases per year, and thousands of represented cases since the initial grant funding in November 2012. In the last full grant year (April 1, 2018 through March 31, 2019) alone, the St. John’s VLFD Program represented 405 pro se defendants. This resulted in favorable settlements when warranted, the obtaining of Discovery Orders, the submission of Hardship Affidavits and, most importantly, the dismissal and discontinuance of actions for lack of personal jurisdiction and other legal defenses. It is simply a fact that pro se defendants are not aware of all of the possible claims they can make in these cases.
The significance of accessible, publicly funded civil legal services in the consumer debt arena cannot be overstated. We sincerely hope that funders of civil legal services in New York State will find ways to continue and expand civil legal assistance to all New Yorkers.

Thank you for the opportunity to submit this written testimony as part of the Hearing on Civil Legal Services in New York State. We are available to answer questions and to provide additional information and can be reached by contacting Helen Wrobel, Supervising Attorney and Coordinator, NYS “Access to Justice” Program at St. John’s University School of Law, at 718-990-661 or wrobelh@stjohns.edu.

Respectfully submitted,

Helen Wrobel
APPENDIX 8:

Monroe County Strategic Action Plan
I. Introduction
   a. Introduction JFA Initiative and Permanent Commission:

   The NYS Permanent Commission on Access to Justice has recognized that low-income New Yorkers with civil legal problems face barriers in trying to access the justice system to resolve their issues. While access to justice is a cornerstone of our legal system, without appropriate assistance, that access can be denied. Through its Justice for All Strategic Action Plan, the Permanent Commission seeks to address these issues and concerns supporting initiatives at the state and local level designed to offer a spectrum of assistance to those in need.

   Monroe County is the site of the Permanent Commission’s second pilot project, the 7th Judicial District Justice for All Initiative.

   b. Introduction Monroe County Project:

   Monroe County’s Justice for All Initiative is led by Administrative Judge of the 7th Judicial District, Hon. Craig Doran. Judge Doran is an effective and impactful leader who has the respect of the Judiciary and the community. In addition, Sheila Gaddis is a pivotal member of the Monroe County initiative. As liaison from the Permanent Commission to the 7th Judicial District JFA, Sheila Gaddis is a key to linking the work of the local initiative to the overarching goals of the Permanent Commission.

   The 7th Judicial District JFA Initiative is led by the Leadership Advisory Group consisting of community members, and leaders of the Judiciary who represent various aspects of the system and who have insight into the operations of the courts.

   The mission of the JFA, as stated by Judge Doran is that “when we are done, what we will have in place in this community is a trajectory that reaches the goal that everyone who needs access to justice has access to justice; That there is a place they can go to have their justice needs met.” The JFA initiative strives to accomplish its goals through several working groups that focus on what the Leadership Advisory Group has identified as key aspects that need to be addressed in order to reach our goals. Those working groups consist of: Prevention, Town and Village Courts, Housing, and the Community Justice Council.

   The strategic action plan for Monroe County (located in the 7th Judicial District) that will be used for continued implementation is divided into four phases:

   1. Phase I: Initiate Working Group Pilots, Projects, and Programs
   2. Phase II: Expand Working Group Pilots, Projects, and Programs
3. Phase III: Evaluate Working Group Pilots, Projects, and Programs
4. Phase IV: Refine Working Group Pilots, Projects, and Programs and Foster Concurrent Expansion

Each of the Working Groups will undertake this four-phase process, which is detailed below. Throughout each phase, data regarding the activities, initiatives, programs, or pilots should be collected for evaluation and refinement. The findings from this process will be used to inform the expansion of similar local efforts throughout New York.

II. Leadership-Advisory Group

Background/purpose of group
1. This group consists of the chairs/co-chairs of each working group and other community leaders. The Leadership-Advisory Group serves as the governing body of the 7th Judicial District (JD) JFA Initiative
2. Year 1: The Year 1 goals are to develop a methodology and process to measure the impact of various pilots, projects, and programs undertaken by the Working Groups on closing the access to justice gap in Monroe County and to ensure that the JFA initiative is integrated into other community-wide initiatives
3. Year 5: The Year 5 goals are to have a robust evaluation mechanism that monitors the access to justice gap in the 7th JD and progress toward closing the gap

III. Community Justice Council (“CJC”)

Background/purpose of group

The goal of this working group is to enhance the community’s trust in the justice system by creating a forum to which information can flow from the courts to the community and from the community to the courts. The CJC is a think tank; the eyes and ears of issues affecting access to justice. The CJC will inform the Leadership Advisory Group and the Judiciary on important issues that affect the community, bring questions from the community, and allow for an exchange of ideas with the community. The goal is to foster a higher level of trust between the community and the justice system.

The CJC is a dynamic group of people, representative of various segments of the community. The CJC consists of approximately 40 members who represent groups ranging from community members, attorneys, judges, and the healthcare community, to the business community, clergy, government, non-profit, and members of various constituency groups. The CJC will meet three to four times per year, but could meet more frequently if an issue arises that needs to be addressed.

Members will be ambassadors to the community, and the CJC will become part of the fabric of the justice system. The CJC working group will analyze issues raised at the CJC meetings and consider the nature of the issues raised, to determine the best means for resolution and develop
an action plan for response. The CJC working group will keep the CJC apprised of the results and action plans for the issues raised.

**Phase I: Initiate Working Group Pilots, Projects, and Programs (Year 1)**

**Completed tasks:**

The CJC working group developed the goals and operating principles of the CJC. Membership was identified and preliminary meetings were held. The CJC met 3-4 times during phase one and began the process of refining the purpose, to ensure that the group understood its role. A key component of future success will be to have an ongoing group of the same people committed to working and participating in the CJC.

Identified issues in the justice system that impact access to justice. Developed a process by which issues that can be identified are managed and resolved.

To date, the CJC has identified the following goals for Phase 1:

1. Advise and recommend strategies to:
   a. Increase public education and awareness of the legal system and access to legal resources
   b. Improve accountability for diversity, equity and inclusion
   c. Improve knowledge and accountability for grievance procedures and responsiveness to the community
   d. Identify areas where additional resources and capacity are needed

2. Provide feedback on strategies and actions adopted by J4A Working Groups

3. Continue to identify community issues and concerns related to the justice system

**Phase II: Expand Working Group Pilots, Projects, and Programs (Year 2)**

Expand the presence of the CJC in the community and in the justice system. Utilize social media to increase awareness and participation in the CJC. Develop and use social media platforms to further the work of the CJC by becoming a better-known presence in the community. Review the accomplishments of Year 1: were the issues raised by the community addressed by the CJC; what results? Expand the CJC if necessary to bring a broader scope of community representation.

**Phase III: Evaluate Working Group Pilots, Projects, and Programs (Year 3)**

Evaluate the impact of the CJC by reviewing and analyzing the issues that have been raised and their resolution. Answer the question: “What impact was made by the CJC?” Develop an assessment tool to be used with the CJC to gauge its assessment of what the CJC has accomplished and whether there has been an impact on the justice system.
Phase IV: Refine Working Group Pilots, Projects, and Programs and Foster Concurrent Expansion (Year 4)

Refine the CJC based on the results of the evaluation. Is it functioning as anticipating? Are the correct members participating? What do we need to do to get to our Year 5 goal of integrating the CJC as a reliable component of the justice system? Make changes necessary to meet our Goal 5 challenge.

Goal Year 1: The goal of Year 1 is to create awareness of the CJC in the community and ensure that CJC members who attend stay involved on an ongoing basis. It will be important to reiterate the significance of its role in, and contributions to, the justice system. A social media presence may assist with community awareness of the CJC and the JFA efforts.

Goal Year 5: After five years, the CJC, in cooperation with the JFA leadership and the working groups, will have helped to create a community where community members’ experiences with the justice system are transformed; community members’ concerns are addressed professionally, and they feel that their input is valued. The CJC will work to ensure that community members are thoroughly aware of their rights and feel empowered to exercise them. In addition, the CJC will have the flexibility and adaptability to address current and emerging community issues promptly.

Activities to date:
· The CJC met three times: October 2018, March 2019 and June 2019.
  · During the October 2018 meeting, attendees were asked to describe three positives and three negatives about the legal system from their and their constituents’ perspectives. The CJC leadership analyzed the responses.
  · The responses were grouped: (1) Policies; (2) Practices; (3) Resources; (4) Relationships and Connections; (5) Power Dynamics; (6) Mindsets, Perceptions and Held Beliefs; and (7) Diversity, Equity and Inclusion.
  · One issue that rose to the top was public education; community members do not understand how the system works, what their rights are, or what resources are available.
  · During the March 2019 meeting, the CJC leadership presented the analysis of survey results and asked attendees to break into groups to discuss the top three or four themes identified from the survey analysis.
  · The three primary areas identified for improvement were: (1) Resources; (2) Diversity, Equity and Inclusion; and (3) Practices.
  · An additional theme of Language Access (for the Deaf and hard-of-hearing community, and foreign language access) was identified.
During the June 2019 meeting, speakers brought information to the group regarding language access in particular, with Deaf and hard-of-hearing participants in the system. Several issues were sent to small groups for further clarification.

Next Steps:

CJC working group is in the process of developing the process by which issues that are identified are managed. The Workgroup will answer the following questions to develop this process:

- How do we determine to whom we refer an issue; which entity or work group?
- How is the issue referred to that entity or working group? What is the mechanism?
- What is the timeframe for the referral?
- How does the group that is handling the issue report back to the CJC working group?
- How does the working group report back to the CJC?
- What are the action steps and timeframe in which all of this happens?

V. Prevention Working Group

Background/Purpose of group

The Prevention Working Group was formed to develop strategies to assist community members with their legal needs before they require court involvement. To achieve this goal the Prevention Working Group will focus on tasks designed to achieve the following:

1. Ensure that community points-of-entry for services have available requisite knowledge and information about legal services.
2. Identify new service delivery strategies to connect high risk populations to appropriate legal services, earlier.
3. Improve communication and access between the legal system and the greater community.

The provider partners of the Prevention Working Group now regularly meet on the first Friday of each Month at 11am. In addition, the Prevention Working Group reports to the Monroe County Bar Association’s President’s Commission on Access to Justice (MCBA PCAJ) when broader input or feedback is necessary to move items forward. The MCBA PCAJ meetings are held on the second Wednesday of each month at 8am at the bar association.

The Legal Needs Assessment and the Resource Directory Working Groups were combined into the Prevention Working Group as the objectives of the groups overlapped.

Phase I: Initiate Working Group Pilots, Projects, and Programs

1. The Prevention Working group developed a survey to identify the unmet legal needs and gaps in knowledge about services available within the community.
2. The Prevention Working group began working with a VISTA member from LawHelpNY on data collection and visualization related to Monroe County community needs.
3. The Prevention Working group began working with Finger Lakes 2-1-1 to
- ensure the information contained in their database is consistent with the availability of legal services in the community.
- Coordinate and develop a training for 2-1-1 call center representatives related to legal needs inquiries.

2. The Prevention Working group, in collaboration with the Rochester-Monroe Anti-Poverty Initiative (RMAPI), is working on mapping community services, including legal services, to identify gaps and barriers, and to ensure that social services providers have the requisite knowledge to connect individuals-in-need to appropriate services.

3. The Prevention Working group will provide support to the establishment and ongoing work of the Monroe County Language Access Coalition and identify additional ways to improve access to services for both the limited English proficient populations and the Deaf and hard-of-hearing community.

4. The Prevention Working group began work to develop school-based pilot projects in order to reach at risk youth and their families.

Phase II: Expand Working Group Pilots, Projects, and Programs
1. Administer survey at community locations.
2. Continue to work with LawHelpNY on providing statistical information to the community and developing of materials to disseminate relating to legal needs.
3. Establish and administer training programs for stakeholder groups, building on the training of the 2-1-1 call center representatives.
4. Continue the development of the school-based pilot projects and identify additional service delivery strategies if feasible.

Phase III: Evaluate Working Group Pilots, Projects and Programs
1. Continue activities identified above.
2. Review data collected through Finger Lakes 2-1-1 to determine whether improvements made to the call center’s staff have increased the community’s use of the forum to access legal services.
3. Develop a data collection process to enable evaluation of pilot projects and training programs.
4. Conduct a brief survey of the program participants to assess the success of the trainings and pilot projects.
5. Develop a standard report for ongoing evaluation.

Phase IV: Refine Working Group Pilots, Projects and Programs and Foster Concurrent Expansion
1. Monitor emerging community issues that may provide an opportunity for further stakeholder training or development of new service delivery strategies.
2. Review data collected through trainings and pilot projects to determine if adjustments to the projects are needed (e.g., more focus on a particular need, different days/hours of operation, additional partnerships with social services providers).

Year 1: The Year 1 goals are to: establish a baseline for how knowledgeable the community is about resources; develop trainings for the community; prepare for the school pilot program;
conduct an inventory assessment of providers’ projects to ensure no duplication of efforts; identify community points-of-entry; coordinate efforts with community initiatives; and identify access and communication barriers between the legal system and the community at large.

Year 5: After five years, the Prevention Working Group is: using information gathered to develop new programs, including community programs with initial points-of-entry, to prevent or resolve civil legal problems before they require court intervention.

Significant Activities to date:

1. The prevention working group held multiple mapping sessions of legal services available in RMAPI-identified areas.

2. Representatives from LawNY, the Legal Aid Society of Rochester, and community providers participated in a full-day mapping session.

3. Representatives from the Telesca Center and the Court participated in a business process interview with Systems Integration staff. The business requirement interview lasted for roughly two hours, and included discussions of the project’s vision and commitments, the current and future state of provider data, technology infrastructure, reporting requirements, barriers to sharing of information, and data needs from the legal services sector.

4. Finger Lakes 2-1-1 provided data regarding community needs and requests for legal assistance.

5. An AmeriCorps VISTA member requested that legal provider agencies update their 2-1-1 information, and provided assistance in doing so to those who requested it.

6. A proposed new site map for legal information was submitted to the 2-1-1 contact (waiting for an update from 2-1-1).

7. LawNY successfully applied to host an AmeriCorps VISTA member to assist with the development of projects focused on at risk/school aged youth.

8. In collaboration with MCBA Lawyers for Learning, LawNY conducted a program at School 29 of the Rochester City School District. LawNY staff gave a group presentation about legal services, and then parents and students met in breakout rooms with staff attorneys to discuss housing, family law, government benefits, and health issues. Lawyers for Learning provided food for the event and a VISTA member brought donated coats for parents and their children. The event was highlighted on a local podcast.

9. In collaboration with East High and Connected Communities, discussions began regarding the implementation of a pilot program at East High. During that process stakeholders met with Atlanta Volunteer Lawyers Foundation staff members to discuss the Foundation’s school-based project. They talked about the project’s staffing model, successes, and challenges.
Since that time discussions have continued. In May, LawNY submitted a description of services to be used in the development of a Memorandum of Understanding with East High.

**IV. Town and Village Courts Working Group**

Background/purpose of group
1. Improve the processes within town and village courts and ensure justice is accessible in these courts.

Phase I: Initiate Working Group Pilots, Projects and Programs
1. A pilot to provide online access to pleadings in summary proceedings and small claims (one small court, one medium court, one large court)
   a. Made recommendation to New York Permanent Commission on Access to Justice that was included in the Commission’s Annual Report to Chief Judge DiFiore
   b. Implementation of the recommendation is currently being discussed within the Department of Technology of OCA and it is hoped that this pilot project will be launched during the first half of 2020

2. Three-month uniform data collection pilot
   a. Paper form has been created.
   b. Results from the pilot will be used to inform legal services providers about how to allocate resources to town and village courts.
   c. The Magistrates Association has taken lead on collecting data, beginning April 1, 2019 in six courts.
   d. Working Group to compile and analyze data by December 2019.

3. Court-monitoring pilot
   a. Gathering feedback from town and village court litigants through a survey
      i. The survey is not about legal needs, rather it is about the experiences that litigants are having when they go to town and village courts - including ADA accessibility.
      ii. Survey was developed in Summer, 2019.
      iii. Goal is to roll out in several courts on a rolling basis by December 2019.
      iv. Initial data collection and analysis to be complete by March 2020.

4. Develop plan to provide limited-scope representation to tenants in eviction proceedings in Town and Village Courts in Monroe County.
   a. At the request of town and village court justices, develop an action plan to provide limited scope (“eviction night”) representation to tenants in eviction proceedings. Counsel will attend initial court appearance, negotiate settlements with opposing counsel, and assist with mediation where applicable. Currently, the only town court which has this program is Irondequoit, which is staffed by volunteers.
      i. Goal for developing plan for expansion of program to additional courts by March 2020.
Phase II: Expand Working Group Pilots, Projects and Programs
1. Seek to expand the online access pilot to all town and village courts in the 7th JD

Phase III: Evaluate Working Group Pilots, Projects and Programs
1. Analyze the data collected from the two-month uniform data collection pilot and the court-monitoring pilot

Phase IV: Refine Working Group Pilots, Projects, and Programs and Foster Concurrent Expansion
1. Use the evaluation of the two-month uniform data collection pilot and the court-monitoring pilot to determine if additional data is needed to have a better understanding of town and village court operations

Year 1: The Year 1 goal is to collect and analyze data from the town and village courts to ascertain case type concentrations, levels of representation, and litigants’ experiences in town and village courts. This baseline information will be presented to legal services providers to enable them to provide appropriate assistance for matters heard in town and village courts.

Year 5: After five years, every town and village court has representation coverage on the nights where there are eviction proceedings being heard, and technology will be effectively utilized in the delivery of this service.

V. Housing Working Group

Background/purpose of group

1. The Housing Working Group includes local tenants’ rights advocates from the community, public and private landlords’ and tenants’ attorneys, representatives from human services coalitions including the RMAPI Housing Policy Task Force, legal services providers and the courts. The work of this group is carried out by three subcommittees: Access to Counsel, Unrepresented Litigants, and Rochester City Court. The purpose of the Housing Working Group and its sub-committees is to develop an action plan that would provide all Monroe County residents with meaningful access to effective and fair resolution of housing matters.

Phase I: Initiate Working Group Pilots, Projects, and Programs
1. Access to Counsel Sub-Committee
   a. Goal is to be the first upstate NY jurisdiction to provide a universal right to counsel in landlord-tenant matters.
      i. NYC is currently the only jurisdiction in the state that has adopted the universal access to counsel model for evictions. Rochester is an ideal location for an upstate pilot as the legal services providers already collaborate on a number of other similar initiatives and are well-placed to provide a comprehensive plan county-wide. This effort ties into several statewide coalition efforts to bring universal access to counsel in eviction proceedings to everyone in NY state. The Access to Counsel sub-committee is focusing on
gathering data in order to develop an action plan to provide counsel to all low-income litigants in landlord-tenant and foreclosure cases.

b. Current initiatives:
   i. Compiling and analyzing baseline data about landlord-tenant cases in Monroe County
      a. Specific activity: reaching out to courts and legal aid providers for data about the volume and types of matters being filed in City, County, and Town and Village Courts.
      b. Goal for completion: October 2019
   ii. Developing a framework to estimate the costs and benefits of providing representation to all low-income tenants in Monroe County
      a. Working with local community partner organizations to develop an independent report to demonstrate the cost-savings and improved results of having legal assistance in eviction proceedings. It is assumed that the study will show, as it has in other jurisdictions such as NYC, that the costs (to the City and County) of homelessness and housing instability as a result of immediate evictions, is far greater than the cost of providing legal information, assistance and representation to tenants.
      b. Goal for completion: December 2019

2. Unrepresented Litigants Sub-Committee
   a. Goal is to provide fairness to individuals who are unrepresented in housing cases by ensuring tenants come to court to avoid defaulting in eviction proceedings.

b. Current initiatives:
   i. Establish a Court Navigator program at the Hall of Justice.
      a. The program would be modeled after a similar program in NYC using volunteers. Navigators would be located on the first floor of the Hall of Justice and trained to speak briefly with court users to determine the nature of their issue, and to direct them to the appropriate court, clerk’s office or to the District Help Center.
      b. Goal to draft an action plan by March 2020
   ii. Develop a plain language form Notice of Petition for summary eviction proceedings in Rochester City Court.
      a. The new language for the Notice of Petition would be developed in consultation with the Rochester City Court and the Office of Court Administration, with the hope that the form would ultimately be used throughout the district as well as in the town and village courts.
      b. Goal for completion of Working Group proposal - December 2019

3. Rochester City Court Sub-Committee
   a. Goal is to improve fairness and access to justice for housing matters in Rochester City Court
b. Current initiatives:
   i. Developing a checklist of common issues present in landlord-tenant cases for judges who do not always hear landlord-tenant cases
      a. Draft completed March 2019, awaiting court implementation
   ii. Developing a proposed solution to allow tenants to affirmatively enforce the warranty of habitability in City Court
      a. Goal for completion: September 2019
   iii. Exploring the feasibility of having Monroe County Department of Human Services present in City Court
      a. Goal for completion: October 2019
   iv. Exploring the feasibility of creating a certificate of occupancy/habitability
      a. Goal for completion: December 2019
   v. Establish a “Housing Part” for landlord-tenant cases so that judicial expertise (preferably before a single judge) can be developed
      a. Goal for completion: March 2020

Phase II: Expand Working Group Pilots, Projects and Programs
1. Develop checklists for other court personnel interacting with litigants in landlord-tenant proceedings.
2. Develop drafts of the form notices and certificates of occupancy/habitability.
3. Expand the use of alternative dispute resolution to effectively resolve landlord-tenant disputes.
4. Consider developing draft legislation that provides low-income tenants a right to counsel in landlord-tenant proceedings.

Phase III: Evaluate Working Group Pilots, Projects and Programs
1. Collaborate with legal services providers to receive data about how a potential client with a landlord-tenant case was made aware of the legal services provider. Indications that the form notice prompted clients to seek legal services will be helpful in evaluating the effectiveness of the notice.
2. Once the certificates of occupancy and habitability have been adopted, collaborate with the courts to receive data regarding how many landlord-tenant cases had defenses citing the lack of these certificates.
3. Gather data on the effectiveness of ADR in landlord-tenant disputes. Continue to refine and expand the use of ADR, as appropriate.

Phase IV: Refine Working Group Pilots, Projects, and Programs and Foster Concurrent Expansion
1. Using the data received from the legal services providers and courts, consider improvements to the form notice and certificates, to enhance their effectiveness in educating and protecting tenants.

Year 1: The Year 1 goals are:
   c. Access to Counsel Sub-committee: Develop proposal analyzing the cost/benefit of establishing a right to counsel in eviction proceedings in Monroe County.
d. Unrepresented Litigants Sub-committee: Develop court navigator program and plain language Notice of Petition, test and successfully implement them in City Court.

e. Rochester City Court Sub-committee: Have one judge hearing cases; develop and institute warranty of habitability and certificate of occupancy; establish co-location of crisis service providers on the first floor of the court.

Year 5: After five years, there is a right to counsel in eviction cases in Monroe County and a robust alternative dispute resolution process as appropriate.

VI. Conclusion – Strategic Action Plan - Monroe County (7th Judicial District) JFA Initiative

The JFA Initiative for the 7th Judicial District will create systemic change that will transform the community’s experience with the justice system, increasing access and creating a “trajectory that reaches the goal that everyone who needs access to justice has access to justice; that there is a place they can go to have their justice needs met.”

Summary of all Phase I activities for all Working Groups and the anticipated result of these activities

· The CJC working group developed the goals and operating principles of the CJC. Membership was identified. CJC will increase public education and awareness of the legal system, identify community issues and concerns related to the justice system.

· The Prevention working group has worked on a series of initiatives to help inform strategies to assist community members with their legal needs before they require court involvement. This includes a legal needs survey, and cooperative work with 2-1-1, the Language Access Group and the Rochester-Monroe Anti-Poverty Initiative.

· Town and Village Court working group will develop a two-year pilot to provide online access to pleadings in summary proceedings and small claims matters, to monitor the experience of litigants who appear in these courts, and to develop a plan to provide limited-scope representation to tenants in landlord-tenant matters.

· The Housing working group will develop an action plan to improve fairness and access for tenants in Monroe County by establishing: universal access to counsel; court navigators, and creating a “housing part” in Rochester City Court.

Summary of all Phase II activities for all Working Groups and the anticipated result of these activities

· Expand the presence of the CJC in the community and in the justice system. Utilize social media to increase awareness and participation in the CJC.
The Prevention working group will administer the legal needs survey and continue to strengthen its relationship with LawHelpNY and 2-1-1 including training and workshops with stakeholders.

The Town and Village Court working group will seek to expand the online access pilot to all town and village courts in the 7th Judicial District.

The Housing working group will develop checklists to assist court personnel interacting with litigants in landlord-tenant proceedings, and draft form notices and certificates of occupancy/habitability. Further, this group will expand ADR and work on legislation that provides low-income tenants a right to counsel in landlord-tenant proceedings.

**Summary of all Phase III activities for all Working Groups and the anticipated result of these activities**

- Develop an assessment tool to be used with the CJC to gauge its assessment of what the CJC has accomplished and whether there has been an impact on the justice system. Evaluate the impact of the CJC by reviewing and analyzing the issues that have been raised and their resolution.

- The Prevention working group will review data collected through Finger Lakes 2-1-1 to determine whether improvements made had the desired effect, and develop an ongoing data collection process.

- The Town and Village Court working group will analyze the data collected from the two-month uniform data collection pilot and the court-monitoring pilot.

- The Housing working group will gather data to determine how potential clients were made aware of legal services and the effectiveness of the notices, the effect of the certificate of occupancy and habitability on landlord tenant cases, and the effectiveness of ADR in landlord tenant disputes.

**Summary of all Phase IV activities for all Working Groups and the anticipated result of these activities**

- Refine the CJC based on the results of the evaluation; Make changes necessary to meet our Goal 5 challenge.

- The Prevention working group will monitor emerging community issues that may provide an opportunity for further stakeholder training or development of new service delivery strategies, and will review data collected through trainings and pilot projects to determine if adjustments to the projects are needed.

- The Town and Village Court working group will use the evaluation of the two-month uniform data collection pilot and the court-monitoring pilot to determine if additional data is needed to have a better understanding of town and village court operations.
· The Housing working group, using the data received from the legal services providers and courts, will consider improvements to the form notice and certificates, to enhance their effectiveness in educating and protecting tenants.

Summary of one-year and five-year goals as an integrated strategic plan

Year One Goals:

· Create awareness of the CJC in the community and ensure CJC members who attend stay involved on an ongoing basis.

· Prevention working group will establish a baseline for how knowledgeable the community is about resources, and identify access and communication barriers between the legal system and the community at large.

· The Town and Village Court working group’s goal is to collect and analyze data from the town and village courts to ascertain case type concentrations, levels of representation, and litigants’ experiences in town and village courts. This baseline information will be presented to legal services providers, to enable them to provide appropriate assistance for matters heard in town and village courts.

· The Housing working group will develop initiatives to increase access and fairness to tenants in Monroe County including a proposal and analysis of universal right to counsel, court navigator, and plain language notice of petition. This group will assist in the creation of a Housing Part in Rochester City Court and co-location of crisis services providers.

Year Five Goals:

· The CJC goal is that there be a vehicle whereby community members’ concerns about the justice system are addressed professionally, and they feel that their input is valued. The CJC will be a mechanism to ensure that community members are thoroughly aware of their rights and feel empowered to exercise them.

· Prevention working group will use the information gathered to develop new programs, including community programs with initial points-of-entry, to prevent or resolve civil legal problems before they require court intervention.

· Town and Village Court working group’s goal is that every town and village court has representation coverage on the nights where there are eviction proceedings being heard, and technology will be effectively utilized in the delivery of this service.

· The Housing working group’s goal is that there is a right to counsel in eviction cases in Monroe County and a robust alternative dispute resolution process as appropriate.
APPENDIX 9:

2019 Statewide Stakeholders Meeting Program
Working Together to Expand Effective Assistance for All Low-Income New Yorkers

Convened by the New York State Permanent Commission on Access to Justice

New York State Bar Center
October 28, 2019
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<tr>
<th>Time</th>
<th>Session</th>
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<tr>
<td>9:30 – 10:30 am</td>
<td>Registration and Light Refreshments</td>
<td>Great Hall</td>
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<td>10:30 – 11:00 am</td>
<td>Welcome and Introductions</td>
<td>Great Hall</td>
<td>Helaine M. Barnett</td>
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<td>Helaine M. Barnett, Chair, New York State Permanent Commission on Access to Justice</td>
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<td>Henry M. Greenberg, President, New York State Bar Association</td>
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<td>Opening Remarks</td>
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<td>Hon. Janet DiFiore, Chief Judge of the State of New York</td>
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<td>Strategic Action Plan Update</td>
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<td>Helaine M. Barnett</td>
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<td>11:00 – 12:45 pm</td>
<td>Updates on Local Access to Justice Initiatives</td>
<td>Great Hall</td>
<td>Helaine M. Barnett</td>
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<td>Judicial Districts Reports</td>
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<td>• Hon. Craig J. Doran, Administrative Judge, Seventh Judicial District (Monroe)</td>
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<td>• Hon. Thomas Breslin, Administrative Judge, Third Judicial District (Albany)</td>
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<td>• Hon. Felix Catena, Administrative Judge, Fourth Judicial District (Schenectady)</td>
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<td>• Hon. James Murphy, Administrative Judge, Fifth Judicial District (Onondaga)</td>
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<td>• Hon. Molly R. Fitzgerald, Administrative Judge, Sixth Judicial District and</td>
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<td>Hon. John Rowley, Judge, Tompkins County Multi-Bench Court (Tompkins)</td>
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<td>• Hon. Norman St. George, Administrative Judge, Tenth Judicial District (Nassau)</td>
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<td>• Hon. C. Randall Hinrichs, Administrative Judge, Tenth Judicial District (Suffolk)</td>
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<td>New York City Reports</td>
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<td>• Hon. Edwina Mendelson, Deputy Chief Administrative Judge for Justice Initiatives*</td>
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<td>• Hon. Anthony Cannataro, Administrative Judge, Civil Court of the City of New York</td>
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<td>12:45 – 1:30 pm</td>
<td>Working Lunch</td>
<td>Great Hall</td>
<td>Neil Steinkamp</td>
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<td>Neil Steinkamp, Managing Director, Stout; Consultant, Permanent Commission on Access to</td>
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<td>• Communications Planning Considerations</td>
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<td>1:30 – 3:00 pm</td>
<td>Breakout Sessions on Suggested Local Access to Justice Initiatives</td>
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<td>Facilitator: Lillian Moy, Executive Director, Legal Aid Society of Northeastern New York*</td>
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<td>Jennie G. Kim, former Staff Attorney, Legal Hand Jamaica</td>
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<td>Exploring initiatives, such as Legal Hand, for the early identification of legal or related</td>
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<td>problems to try to resolve them before they turn into court actions.</td>
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<td><strong>Community Outreach &amp; Communication</strong></td>
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<td>Hon. Lucy Billings, Justice, New York County Supreme Court*</td>
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<td><strong>Reviewing issues and initiatives related to increasing awareness among individuals in need of assistance that many problems involve legal issues and that there are local services available to help resolve them.</strong></td>
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<td><strong>Facilitators:</strong></td>
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<tr>
<td>Sheila Gaddis, Partner, Barclay Damon*</td>
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<tr>
<td>Myra Berman, Associate Dean for Academic Affairs and Director of the Collaborative Court Programs, Touro Law Center</td>
<td></td>
</tr>
<tr>
<td><strong>Preparing local stakeholders or entities who community members frequently turn to in times of crisis (e.g., faith leaders, librarians, educators) to be better informed to assist community members in need.</strong></td>
<td></td>
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</tbody>
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<table>
<thead>
<tr>
<th><strong>Town &amp; Village Courts</strong></th>
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<tbody>
<tr>
<td><strong>Facilitators:</strong></td>
<td></td>
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<tr>
<td>Camille Siano Enders, Senior Assistant Public Defender, Schenectady County Public Defender’s Office*</td>
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<tr>
<td>Ken Perri, Executive Director, Legal Assistance of Western New York</td>
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</tr>
<tr>
<td><strong>Examining issues and initiatives to address the barriers to justice that exist for litigants seeking to resolve their legal matters in the Town and Village Courts.</strong></td>
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<table>
<thead>
<tr>
<th><strong>Housing &amp; Universal Access/Right to Counsel</strong></th>
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<tr>
<td><strong>Facilitators:</strong></td>
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<tr>
<td>Hon. Fern Fisher, Special Assistant to the Dean for Social Justice Initiatives, Maurice A. Deanne School of Law at Hofstra University*</td>
<td></td>
</tr>
<tr>
<td>Barbara Finkelstein, CEO, Legal Services of the Hudson Valley*</td>
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<tr>
<td><strong>Evaluating initiatives that can best address the barriers to justice that exist for unrepresented tenants in landlord/tenant matters, including the need for increased attorney representation to enforce the new State rent law, as well as the establishment of dedicated funding streams.</strong></td>
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<table>
<thead>
<tr>
<th><strong>Family Law</strong></th>
<th>City View</th>
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<td><strong>Facilitators:</strong></td>
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<tr>
<td>Anne Erickson, former President &amp; CEO, Empire Justice Center*</td>
<td></td>
</tr>
<tr>
<td>Mike Williams, Chief Clerk, Suffolk County Family Court</td>
<td></td>
</tr>
<tr>
<td><strong>Identifying initiatives that can best address the needs of unrepresented litigants in family matters, including child support and divorce.</strong></td>
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<tr>
<th><strong>3:00 – 4:00 pm</strong></th>
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<tr>
<td><strong>Facilitator:</strong></td>
<td></td>
</tr>
<tr>
<td>John Kiernan, Partner, Debevoise &amp; Plimpton*</td>
<td>Great Hall</td>
</tr>
</tbody>
</table>

**Concluding Remarks**

Helaine M. Barnett

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ACKNOWLEDGMENTS

The New York State Permanent Commission on Access to Justice gratefully acknowledges the generosity of Debevoise & Plimpton for the meeting refreshments.

It also extends its sincere appreciation to the New York State Bar Association: Henry M. Greenberg, President, for hosting this event; and Thomas Richards, Deputy General Counsel & Director of Public Interest, and Eunice Bencke, Public Interest Program Coordinator, for their invaluable assistance.
APPENDIX 10:

Local Access to Justice Committees Activities and Chart
3rd Judicial District: Albany County

Three Working Groups:

- Community Resources
  - identifying platform for resource directory
  - exploring collaboration with LawHelpNY and 2-1-1
- Modest Means collaboration with Albany County Bar Assn
  - focusing on Surrogate’s Court
- Education/Training on Access to Justice and Implicit Bias for Court Staff
  - create a receptive and welcoming atmosphere for court users, current focus on non-judicial staff

4th Judicial District: Schenectady County

Four Working Groups:

- Enhancing Communication
  - identifying platform for resource guide
- Enhancing Access to Legal Services
  - developing monthly law community day events, which will include legal information session on specific topic as well as a legal advice clinic
- Sustainability
  - developing a Community Network of Volunteers
  - maintaining currency of county resource guide and map:
    - [https://www.schenectadycounty.com/res_map](https://www.schenectadycounty.com/res_map)
  - mentoring programs
- Substantive Law
  - Landlord & Tenant
  - Help Center opened in Ballston Spa; will serve as remote Help Center for district until other physical locations are opened
5th Judicial District: Onondaga County
Two Working Groups:

- Civil Legal Needs
  - Initial assessment identified greatest need in landlord & tenant, child support modification and consumer debt; exploring initiatives to address default rates across all three case types, as well as the incarceration of noncompliant parents in child support cases

- Civil Legal Resources
  - established a Civil Legal Advice and Resource Office (CLARO) to assist unrepresented litigants with consumer debt matters
  - exploring other initiatives to provide effective assistance to unrepresented litigants

6th Judicial District: Tompkins County

Three Working Groups:

- Inventory of Existing Resources
  - developing a community resource guide

- Substantive Legal Issues
  - initial assessment found largest need in family law, landlord & tenant, employment discrimination, immigration and driver license suspensions.
  - considering training for judges on interacting with the unrepresented, as well as substantive training on new rent law
  - Bar Association is taking active steps to create a sustainable organizational structure that will promote expansion of access to justice efforts; establishing a joint pro bono committee with the Finger Lakes Women’s Bar Association; creating a lawyer referral service

- Outreach/Accessibility
  - community meetings held/planned; considering collaboration with 2-1-1; possible collaborative project with public libraries and law libraries, including development of a public librarian toolkit
7th Judicial District: Monroe County

Written strategic plan drafted, to serve as template for other Judicial Districts to adapt.

Four Working Groups:

- **Community Justice Council**
  - entity whose purpose is to engage community stakeholders in an ongoing dialogue and collaboration with the courts to address barriers to justice and cultivate trust and confidence in the judicial system

- **Prevention**
  - initiated a legal services project in high school (modeled after a program in Atlanta), using AmeriCorp volunteers to triage legal needs and referrals at-risk youth and their families
  - developed a survey to identify the unmet legal needs and gaps in knowledge about services; working on mapping community services; developing resource guide
  - working with a VISTA member from LawHelpNY on data collection and visualization
  - collaboration with Finger Lakes 2-1-1 to coordinate and develop a training for 2-1-1 call center representatives and ensure legal services/resources are included in database
  - working to improve access to services for both the limited English proficient populations and the deaf and hard-of-hearing community.

- **Town and Village Courts**
  - recommended online record access pilot, which will be implemented in 2020
  - data collection for L&T matters currently underway
  - survey of court users currently underway
  - transportation barriers subcommittee formed
  - consolidation of L&T cases to one night

- **Housing (three subcommittees)**
  - Right to Counsel
  - Establishing a Rochester Housing Court
  - Addressing the Needs of Unrepresented Litigants
    - exploring implementing a court navigator program
    - developing additional notices for tenants
8th Judicial District: Erie County

Four Working Groups:

- Rural Needs
  - Establishing a remote help center in conjunction with the Erie Bar Association, in Chautauqua Family Court;
  - Implemented Lackawanna City Court Attorney for the Morning Program
- Resource Guide
  - The resources from around the District have been compiled and the information is being reviewed, prior to the next meeting.
- Child Support Proceeding Pilot Project in Family Court
  - Support Magistrates are developing pilot, to start in one of the smaller Family Courts.
  - Exploring Presumptive ADR for child support matters
- Evaluation of Data
  - needs in Family Court (child support/modification), City Court (consumer debt/landlord-tenant) and Supreme Court (divorces); evaluation of data has led to focus on child support initiatives

9th Judicial District: Westchester County

Six Working Groups:

- Right to counsel in Landlord & Tenant cases
  - pilots in Yonkers and Mount Vernon working with County DSS for payment of rent arrears; foreclosure to be added
- Family Court
  - child support pilot in White Plains; court navigator program
  - adoption; develop lunch and learns or law a night programs to train attorneys
  - create a child support clinic through Pace Women’s Justice Center
- Outreach and Communication using Technology
  - law librarians to work with public library and Help Center
  - Resource Guide to be developed with assistance of Pace law students
- Immigrants’ Rights and Services
  - Education and Training
- SIJS Training during Mandatory Training for AFC 2020 (will also include a section on how to use interpreters effectively)
- SIJS Training for outside agencies and practitioners - specific court procedure Training
- SIJS Community engagement and Education: Schools, church and libraries – Agencies and Immigration Practitioners to have a “Road Show”
  - Resource Guide for Unaccompanied Minors
  - Professional and Agency Immigration Day at the Westchester County Center
  - Court process – Streamline and develop uniform procedures for SIJS applications for Family Court
  - Sustainability – establish a Westchester County Latino Bar Association
- Foreclosure
  - Pro bono project focusing on seniors
- Prevention
  - establish Legal Hand neighborhood storefront centers

10th Judicial District: Nassau County

Two Working Groups:
- Community Legal Help Day Committee
  - Hosted two evening legal help programs at the Hempstead Public Library for housing, immigration and public assistance matters; assistance provided by members of the Nassau County Bar Association, Nassau Suffolk Law Services and Hofstra Law School; hosting third program in November at Uniondale Public Library
- Resource Guide Committee
  - Resource Guide completed in collaboration with the County Attorney’s Office

10th Judicial District: Suffolk County

Three Working Groups:
- Outreach and Prevention
  - Created resource directory; available online at http://www.nycourts.gov/courts/10jd/suffolk/PDF/ResourceGuide.pdf
- developed training for front-line staff and librarians (held on April 8 and June 18, 2019, respectively)
- developed one pager for front-line staff (Legal Help at a Glance)
- actively working with LawHelpNY and 2-1-1- to create awareness of resources in county
- implementing a communication plan with the assistance of stakeholders (Each One/Reach One)

- **Community Legal Help Project**
  - developed library project where a collaborative of seven local providers rotate weekly to deliver brief advice services to residents at two public libraries
  - developing a virtual Family Court Clerk that will allow litigants to file DIY petitions from the two public libraries

- **Legal Representation**
  - legal services providers and county bar association collaborate to meet community needs, e.g. Pro Bono Citizenship Project where volunteer attorneys and Nassau Suffolk Law Services staff, accompanied by Spanish language interpreters, assist low-income Legal Permanent Residents apply for citizenship

**New York City**

**Two Working Groups:**

- **Consumer Debt**
  - Following Listening Session of defendants’ advocates, Administrative Judge of the New York City Civil Court is considering operational changes, including rotation of judges, extension of service period and inclusion of defenses in form answers, as well as judicial education

- **Bronx Outreach and Prevention**
  - Plans to develop Resource Guide
  - Stakeholder Listening Session held in Bronx County on June 5; stakeholders subsequently surveyed on needs in community; request for resource guide which is in planning state; legal clinic planned with LIFT
  - Next Listening Session being planned in collaboration with the Brooklyn Public Library
# Summary of Local Access to Justice Committees Activities as of October 25, 2019

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<tr>
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<th>4th JD - Schenectady</th>
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<td>Communication / Outreach and Accessibility [b]</td>
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<td>Assistance in Substantive Area - L&amp;T/Housing/Foreclosure</td>
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<td>Assistance in Substantive Area - Family [c]</td>
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**Footnotes:**

[a] 3rd JD - identifying platform for resource directory, 4th JD - maintaining currency of County resource guide and map (Sustainability Working Group); 6th JD - considering community guide; 7th JD - Prevention Work Group is developing a resource guide, 8th JD - resource guide to be developed with assistance of Pace law students and establishing Legal Hand storefront; 10th JD (Nassau) - developing resource guide in collaboration with County Attorney's Office; NYC - development of resource guide and informational sheet(s) focused on the Bronx underway as summer associate project

[b] 8th JD - focusing on rural needs; 9th JD - law librarians to work with public library and Help Center; 10th JD (Suffolk) - training for initial points of entry and working with LawHelp and 211 to create awareness of resources; NYC - held listening session in the Bronx on community needs and in Manhattan on consumer debt

[c] 8th JD - focusing on evaluating data for child support, modifications, and divorces; 9th JD - focusing on child support and adoption

[d] 10th JD (Suffolk) - expanding legal representation through the use of modest means panels

[e] 10th JD (Suffolk) - evaluating Family court data
APPENDIX 11:

Providing Effective Assistance Guidelines (developed by the Permanent Commission on Access to Justice)
New York Justice for All
Providing Effective Assistance

This document offers guidance to local leadership committees on providing effective assistance to low-income New Yorkers facing challenges in civil matters involving the essentials of life. While the committees are encouraged to develop strategies to maximize the availability of full representation, the entire spectrum of services and resources that constitute effective assistance should be considered.

Effective assistance contemplates access to an array of services and resources, ranging from the one-time provision of information to full legal representation by an attorney, that meet the needs of low-income individuals facing civil legal issues impacting the essentials of life. Along the spectrum, a lower level of assistance may be enough to solve the problem, or a higher level of assistance may be necessary. For example, the receipt of information may be enough for an individual to resolve a legal issue without the need for further assistance or intervention; or someone seeking help from a non-lawyer trained to assist may determine that assistance from an attorney is needed.¹

Below are examples of the types of assistance that may be available and the providers of that assistance. The local leadership committees should modify the list of providers to reflect the providers in their communities as well as to identify the need for additional resources.

Types of Effective Assistance

1. Sources of General Information
   Information may be provided through several possible formats, including written (online or in print), auditory or audio-visual, or directly, either in person or by telephone.
   - LawHelpNY website
   - Referral resources (2-1-1, 3-1-1 [in N.Y.C.], Resource Directories)
   - Videos providing introductory information
   - Trusted community groups, including faith leaders, librarians and local government officials

2. Provision of Specific Self-Help Materials
   - Substantive written print or online materials, including referral resources
   - Substantive informational videos
   - LawHelpNY website
   - UCS CourtHelp website

¹ The Permanent Commission on Access to Justice developed a framework to analyze the minimum necessary level of effective assistance for individuals facing challenges in matters involving the essentials of life. See The Task Force to Expand Access to Civil Legal Services in New York, Report to the Chief Judge of the State of New York 36-39 (2014).
• Online programs provided outside the court system that help individuals complete court forms, prepare other documents or provide specific assistance (e.g., JustFix app [provides preventive assistance; notifies landlord of repair issues via United States Post Office Certified Mail])
• Triage and referral portals (e.g., Western New York and New York City Consumer Help Finders)
• UCS Do-It-Yourself (DIY) online programs (user-friendly programs that walk users through a series of questions in order to generate a pleading or information sheet)
• Courthouse-based Help Centers and court law libraries

3. Non-lawyers Trained to Provide Informational Assistance
   • Legal Hand Neighborhood Storefront Center Volunteers
   • Human Services Professionals and Social Workers
   • Court Navigators (provide general information, written materials and one-on-one assistance and support during court appearances in landlord-tenant and consumer debt cases in New York City Civil Court)
   • Courthouse-based Help Centers staff and volunteers
   • Court law librarians
   • Hotlines (e.g., domestic violence, others)
   • UCS Help Line, 1-800-COURTNY (268-2869) (telephone help provided by court system librarians, including court website navigation assistance)
   • UCS DIY and similar online applications that require advocate assistance (e.g., DIY Temporary Order of Protection program; Upsolve Chapter 7 Bankruptcy program that includes no-cost attorney review prior to filing)
   • Community Dispute Resolution Centers
   • Community legal education classes taught by supervised law students

4. Representation by Non-lawyers
   • Non-lawyer representation at federal agencies
     o Immigration
     o Social Security
   • Non-lawyer representation at state and local agencies
     o NYS Department of Social Services
     o Unemployment Insurance Board
     o Public Housing Authorities
   • Law students authorized by student practice orders
5. **Brief Advice Services** (services provided by a legal services attorney, pro bono attorney, or private attorney, with mutual agreement that the attorney is providing only limited advice with no expectation of future representation)
   - Legal Services, Pro Bono or Bar Association programs, including Legal Hotlines, ABA’s Free Legal Answers, New York City Bar Justice Center Monday Night Law, New York State Bar Association and New York City Bar Association Lawyer Referral Services (reduced fee initial consultations, with possible representation if appropriate), “Know Your Rights” clinics
   - Court-based Volunteer Lawyer Programs, including New York City Civil Court and Family Court programs and CLARO (Civil Legal Advice and Resource Center)
   - Pleadings and documents prepared by attorneys for litigants who appear in court without representation.

6. **Limited-Scope Representation** (services provided by a legal services attorney, pro bono attorney, or private attorney, with mutual agreement that the attorney is providing only limited services with no expectation of future representation)
   - Letters written on client’s behalf advocating for their claim(s)
   - Lawyer for the Day Programs (attorney representation on the day the case is scheduled on the court’s calendar; usually limited to pre-trial matters)
   - Motion practice (at any stage of a proceeding)
   - Settlement negotiations
   - Mediation
   - Post-judgment/post-settlement matters

7. **Full Representation** (services provided by a legal services attorney, pro bono attorney, or private attorney from initial intake through hearing or trial and possibly appeal)
APPENDIX 12:

Assessing Progress Guidelines (developed by the Permanent Commission on Access to Justice)
New York Justice for All
Assessing Progress: Strategic Action Planning and Initial Implementation

The New York State Permanent Commission on Access to Justice continues to work closely with stakeholders at the state and local level to develop Justice for All (JFA) initiatives designed to lead New York toward the goal of effective assistance to 100% of low-income persons in need in civil legal matters affecting the essentials of life. Over time, we have developed a better understanding of the factors that demonstrate progress toward that goal through local JFA strategic planning efforts. Those efforts in every judicial district have created new justice initiatives and awareness of effective assistance.

Working with local JFA leadership and other stakeholders, we have identified factors for the assessment of local JFA strategic action planning efforts, including, but not limited to:

1. Obtaining the Commitment and Leadership of the Judiciary – An active, supportive judiciary is leading and guiding the local JFA initiative, demonstrating the importance of and commitment to providing effective assistance to 100% of persons in need in civil legal matters affecting the essentials of life. Judiciary leadership and support assists in reaching an array of stakeholders and aids in the creation of strategic networks.

2. Developing a Leadership Group and Working Groups – An active leadership group of diverse stakeholders which understands the community’s needs is formed. The judiciary, bar associations, legal services providers, and law schools are all included in the leadership group, in addition to other community stakeholders. Working groups also are formed, comprised of both members of the leadership group and other stakeholders.

3. Involving a Broad Range of Stakeholders – Stakeholders beyond legal services providers and the courts are engaged throughout the strategic planning process, incorporating the perspectives of librarians, educators, religious leaders, health care providers, government and nonprofit social services providers, LawHelpNY, and 2-1-1.

4. Convening Regular Meetings of the Leadership Group and Working Groups – Regular leadership group and working group meetings are convened to create consistent communication and collaboration within and among the groups. The topics discussed at these meetings will evolve, but initially, the goal is to identify existing community resources and gaps, set priorities, and define the action steps to address them.

5. Conducting an Inventory Assessment – An Inventory Assessment of available community resources has been completed to evaluate the current landscape of access to justice, identifying strengths and weaknesses, gaps in services, and opportunities for local JFA priorities and strategies.
6. **Setting Priorities** – Using the inventory assessments, each working group set priorities for Year One. Factors considered during priority setting include: (1) sustainability, measurability, and expected impact; (2) ease of implementation; (3) stakeholder support; and (4) funding.

7. **Developing and Implementing a Communication and Outreach Plan** – The local JFA initiative has developed a plan to communicate effectively with community members and stakeholders about local resources that can provide effective assistance with civil legal needs. This plan provides that, over time, a pervasive sense of awareness will develop about resources available to assist community members in need with civil legal matters affecting the essentials of life.

8. **Defining Action Steps for Initial Implementation and Year One Goals** – For each priority, the working groups developed detailed action steps for implementation. The action steps serve as a roadmap during implementation. Because of the importance of quantitatively measuring impact and effectiveness, an action step for developing a process for data collection, assessment of progress, and refinement is included. Year One goals are developed that will establish accountability and inform implementation efforts.

9. **Participating in the Annual Statewide Stakeholder Meeting** – Each year, the Commission convenes a statewide stakeholder meeting to solicit input from stakeholders throughout New York about the unmet needs in their communities, to share best practices and to learn about the implementation of access to justice initiatives across the State. Members of the leadership group attend this meeting to learn from and collaborate with other stakeholders.

10. **Developing Recommendations for Commission Consideration** – The leadership group and working groups develop recommendations for the Commission to consider for inclusion in its recommendations to the Chief Judge. Pilots, projects, or programs that could be replicated in other parts of the State or serve as a model for statewide implementation are the most impactful recommendations.

11. **Preparing a Written Strategic Action Plan** – A written strategic action plan is created that provides a roadmap for implementation and establishes systems and processes that will aid with assessment of progress, future refinement, and identification of areas for additional priorities and strategies.

Working with local JFA leadership and other stakeholders, we have identified *factors for the assessment of progress toward 100% effective assistance*, including, but not limited to:

- **New Community Interaction, Collaboration, and Participation Has Been Created** – The local JFA initiative has convened at least one listening session that includes a broad, diverse group of stakeholders from the community. Invitees to the listening session may include representatives from legal services providers, other non-profits serving low-income residents, the courts (including town and village courts), bar associations, social services providers, the
faith community, schools, healthcare providers, law school administrators or faculty, government officials, and other valued community stakeholders.

- **Programs Have Been Expanded or New Programs Have Been Initiated** – New partnerships with existing legal services providers, bar associations, law schools, or other pro bono providers were created to expand current programming to community members who are in need or to initiate new programs, such as Legal Hand neighborhood storefront centers, to serve those in need.

- **Data Has Been Collected that Was Not Previously Available or Collected** – A need for data collection to inform an inventory assessment, priority setting, or initial implementation steps has resulted in plans to gather and analyze data not previously available. The findings of the analysis could then be used to develop additional strategies or refine current strategies.

- **New Materials Have Been Created and Distributed that Communicate Available Effective Assistance to the Community** – A new poster, pamphlet, letter, or social media initiative has been created and distributed to stakeholders throughout the community (e.g., librarians, religious leaders, social services providers, healthcare providers) about the availability of effective assistance.

- **A Mechanism for Collecting Feedback Has Been Created** – A system, process, or tool to collect regular feedback and ideas from the community and its low-income residents has been created. The feedback and ideas should be evaluated by the leadership group and considered for prioritization by the relevant working group(s).

- **New Connections Have Been Made with JFA Initiatives in Other Counties** – The local JFA initiative has contacted local JFA leaders in other counties to discuss similar initiatives, challenges, opportunities, and best practices, as well as identified possible opportunities for coordination, communication, and collaboration.

- **New Recommendations Were Made to the Permanent Commission for Consideration** – The local JFA initiative has drafted and submitted recommendations to the Commission for consideration of inclusion in the Commission’s annual recommendations to the Chief Judge.

- **A Measurement of Progress Toward Effective Assistance for 100% of those in Need Has Been Created** – Progress toward effective assistance to 100% of those in need is critically important to measure. While qualitative impacts are acceptable in the short term, the local JFA initiative should develop quantitative measures to complement qualitative assessments. The local JFA initiative should strive to share with providers and the courts non-confidential aggregate data (e.g., number of clients/inquiries by matter type, number of unrepresented litigants by matter type, number of defaults by matter type) on a monthly basis. This information can be combined with data from other sources (local government, social service providers, LawHelpNY, 2-1-1 etc.) in order to understand both the progress toward serving those with a known civil legal need and estimating the population of people that may not know they have a civil legal issue. Monthly data collection and review processes will assist in facilitating dialogue regarding progress toward
effective assistance for 100% of those in need, and in identifying strategic priorities that will guide the development of new initiatives.

- **A Written Strategic Plan Was Completed** – A written document was developed detailing the strategic planning process, the results of each working group’s inventory assessment and priority-setting processes, and action steps it will take to implement strategies to provide effective assistance to 100% of persons in need with civil legal problems affecting the essentials of life. The strategic plan also should include one- and five-year goals.
APPENDIX 13:

Communications Planning Considerations Guidelines (developed by the Permanent Commission on Access to Justice)
New York Justice for All
Local JFA Communications Planning Considerations

Providing effective assistance to 100% of low-income New Yorkers who have civil legal needs involving the essentials of life requires a common awareness that many problems involve legal issues and that effective assistance is available to help with resolution. Effective communication to the community – both to individuals in need of assistance and those providing guidance, referrals, or services – is a critical part of closing the justice gap in New York and ensuring effective assistance to 100% of those in need.

To be effective, local JFA strategic action planning should incorporate communication action steps. Programs and initiatives developed by local JFA leadership groups can be used as a foundation on which to build and integrate an effective JFA communications plan. Such plans can be customized for each local JFA initiative to adapt to provider capacity constraints, local demographics, local communication platforms, and other local factors.

Working with local JFA leadership and other stakeholders, we have identified considerations for the development of communications’ strategies for local JFA strategic action planning efforts, including, but not limited to:

1. **Broad, diverse stakeholder engagement creates effective communication opportunities:** Engaging a broad group of diverse stakeholders throughout the local strategic planning process can create a connected group of community stakeholders that may not have existed before. This connected group of community stakeholders can become valuable messengers for JFA communications as local JFA initiatives are developed and implemented.

2. **JFA communication plans should leverage existing materials and customize and revise them over time to be most effective:** Materials designed to be used in local communities to raise awareness about available resources in the local community may already exist. Local organizations, as well as LawHelpNY and 2-1-1, have created materials that can be used in local JFA communications efforts. In some instances, these materials can be customized for particular initiatives or communities. Based on feedback from those in need, as well as from providers and other stakeholders, these materials can be revised in order to be most effective.

3. **Dissemination of JFA communications should be gradual to ensure the availability of sufficient resources to meet the community needs:** Community stakeholders frequently indicate that capacity constraints may limit their ability to respond to increased community demand for effective assistance. Communications effort should be carefully planned with a gradual dissemination of information. This will enable providers of effective assistance to
respond to increased community engagement and to collaborate with other stakeholders to identify appropriate responses to community needs.

4. **Data collection should be an essential component of any communication plan:** Creation of monthly data reporting process will be an important element of communications planning, launch, and expansion. Data from local providers, the courts, community stakeholders and other platforms (such as LawHelpNY and 2-1-1) can assist in providing an assessment of current community needs and available effective assistance. If baselines are developed prior to launch, the impact of the gradual expansion of community outreach can be monitored and reviewed. This will enable greater collaboration regarding observed community needs and ways to provide effective assistance. It can also provide the opportunity to identify segments of the community that need to be targeted with more effective or customized outreach. Data tracking will also create opportunities for quantifying the impact of this communication and can be integrated with other local JFA impact measurements and assessments.

5. **Communication plans should consider other local JFA initiatives:** Each local JFA initiative provides an opportunity for unique communication materials to be developed and shared in the community. Including members from the local JFA working groups in the communication planning will lead to regular collaboration and feedback, and the establishment of local communication best practices. In this way, the communication effort becomes an element of sustaining local JFA initiatives as well.

6. **Feedback from those in need, as well as from JFA leadership, working groups and community stakeholders, allow communication efforts to evolve and adapt to be most effective:** Communications plans should include a process for gathering regular feedback from those in need as well as from the stakeholders and local JFA leadership that are implementing the communication plan. Using the JFA initiatives to provide feedback on justice gaps, community needs, fears to be overcome, barriers to accessing justice, etc. can provide opportunities for effective dialogue among all stakeholders regarding ways to enhance the effectiveness of the community outreach and other JFA initiatives.

7. **Gradual community outreach can be effectively complemented through stakeholder group trainings or other group settings:** In many communities, stakeholders or networks of stakeholder groups meet on a regular or periodic basis. These quarterly, semi-annual, and annual gatherings can serve as valuable opportunities to introduce and discuss the local JFA initiatives, solicit feedback, and request assistance in community outreach. In addition to planned stakeholder meetings, impromptu meetings can be organized by local JFA leadership specifically for this purpose. Such larger group meetings can complement the effective outreach achieved through the engagement of a broad, diverse group of stakeholders, each assisting with community outreach.
APPENDIX 14:

Report of the Permanent Commission’s Working Group on Law School Involvement
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2019 KEY RECOMMENDATIONS TO THE PERMANENT COMMISSION

1. The Annual Law School Conference should be continued. The Conference promotes collaborations and communications among the law schools, the judiciary and the bar. It is an opportunity for New York’s legal services providers and pro bono organizations to have meaningful discussions about academic and experiential programming with members of the law school community, including students and Pro Bono Scholars.

2. The Statewide Law School Access to Justice Council should continue to support law school efforts to expand access to justice.

3. As law schools integrate access to justice into the core curriculum, professors should involve law students in research projects, including service-learning projects, to simultaneously (a) educate students about the civil justice system and access to justice, and (b) expand our understanding of the scope of unmet needs, the justice gap, and the barriers low-income individuals confront in accessing the civil justice system, including those based on language, disability and geographic location.

4. A national clearinghouse that categorizes access-to-justice and technology initiatives and projects should be established under the leadership of the Legal Services Corporation (LSC).

5. Law schools should continue to increase capacity for empirical and data-based access to justice research to identify community needs and service gaps more precisely.

6. Law schools, legal service providers and bar associations should increase their collaborations to train recently admitted lawyers and supervisory lawyers to provide the highest quality representation in eviction proceedings. That will help ensure that mandates of the UAL are satisfied and all tenants in need have access to effective legal assistance.

7. Law schools and legal services providers should use technology platforms to engage non-lawyers to work with immigrants, drawing on models such as Villanova’s Interdisciplinary Immigration Studies Training for Advocates (VIISTA) program.¹

8. Law schools should lead the profession in training students and practitioners to provide comprehensive assistance and representation, both civil and criminal, to individuals who have had any interaction with the criminal justice system. An individual’s ability to reengage with the community and integrate into society is essential to reduce recidivism.
OVERVIEW OF THE EIGHTH ANNUAL CONFERENCE

Each spring, the Permanent Commission convenes New York’s legal community to focus on the role of our State’s law schools and law students in helping to meet the essential civil legal needs of low-income New Yorkers. On May 14, 2019, Helaine M. Barnett, Chair of the New York State Permanent Commission on Access to Justice (Permanent Commission), opened the Eighth Annual Law School Access to Justice Conference at Brooklyn Law School. She welcomed New York’s law school community (including deans, faculty, Pro Bono Scholars and law students from all 15 law schools) and representatives of the judiciary, legal services providers, and the private bar.

As Chief Judge Janet DiFiore observed in her opening remarks, “This conference … reflects a collective belief … in New York that training and preparing future lawyers to be public citizens who care about issues like access to justice is at the heart of the educational mission of our law schools.” The Chief Judge also recognized that prior conferences “generated creative non-monetary programs and initiatives” that are “steadily expanding access to justice” and that this year’s focus on leveraging technology and data to expand access to justice is especially important to optimize the efficiency and impact of legal services. Research and data demonstrates, as the Chief Judge remarked, that “investing in civil legal services [for low-income New Yorkers] is good fiscal policy” and ensures New York’s funding commitment for civil legal services inures to the benefit of the State’s most vulnerable residents.

On behalf of Brooklyn Law School, Interim Dean Maryellen Fullerton expressed the law school’s historic commitment to access to justice dating to its foundational mission to provide access to legal education to individuals from backgrounds underrepresented in the profession, such as women, people of color, and veterans. Dean Fullerton echoed the Chief Judge’s reference to technology as a valuable tool for understanding the myriad issues involved in expanding access to justice. She spoke of Brooklyn Law School’s cutting-edge work to integrate technology into the law school, noting that several student-created projects would be showcased in the Conference demonstration room later in the day.

PLENARY SESSION

LAW SCHOOL INNOVATIONS: LEVERAGING TECHNOLOGY AND DATA TO EXPAND ACCESS TO JUSTICE

In introducing the plenary panel, Fordham University School of Law Dean Matthew Diller, Chair of the Permanent Commission’s Law School Involvement Working Group, challenged law schools to lead the legal profession by engaging in research and data collection and leveraging technology to enhance the delivery of legal services. Technology enables us, as legal thinkers, to solve long-standing access to justice issues in new ways by aggregating and analyzing data and organizing communities in transformative ways. Law schools have a treasure trove of digitally nimble students who are poised to expand the legal profession’s technological imprint. Dean Diller introduced the plenary panel to address how law schools and the broader justice community can meet the challenges of integrating technological innovations into the delivery of legal services and into expanding data collection and research.
Maurice A. Deane School of Law at Hofstra University Professor Jennifer Gundlach, moderator of the plenary panel, identified four core issues to consider that would ensure “thoughtful implementation” of technology projects: (1) building partnerships to develop legal tech projects; (2) planning and evaluating those projects; (3) educating and engaging law students in the projects; and (4) identifying risks and addressing concerns related to those projects.

Partnerships to Develop Legal Tech Projects

Albany Law School Professor Raymond Brescia recognized that key partners to enable law schools to develop effective legal tech projects and tools would include computer science departments at universities, law librarians, legal services lawyers, and clients.

Lillian Moy, Executive Director of the Legal Aid Society of Northeastern New York, Inc., and Quisquella Addison, Program Director of LawHelpNY at Pro Bono Net, commended the work of law students who assisted clients and staff alike with tech usage and, in several instances, developed apps to address needs identified based on their own experiences working with the providers and clients.

Renee Danser, Associate Director of Research and Strategic Partnerships at Harvard Law School’s Access to Justice Lab, pointed out that a successful partnership, and the key to developing realistic projects, requires a baseline understanding of the needs of the community and the types of technology that are readily accessible.

Planning and Evaluating Legal Tech Projects

Ms. Danser emphasized the importance of strategic planning for collaborative access to justice tech projects and the need for definitive, assigned benchmarks to be met. To assess feasibility, Ms. Danser indicated that frequent user evaluations throughout the development process are necessary, and that the integration and use of existing tools is invaluable.

Ms. Addison added that evaluating the implementation of a tech project by both users and providers, and staff training on usage and application, must be built into the development process and project budgeting. Ms. Addison stressed the importance of sustainability of technological projects; they must continue to evolve to meet the needs of the community and its providers, as well as adapt to statutory or regulatory changes.

Professor Brescia cautioned that project testing and evaluation should be limited, perhaps even to lawyers alone, to minimize any potential harm to already vulnerable client populations. Ms. Moy suggested collaborating with funders, in developing and refining assessment guidelines, to account for the diversity of users and stakeholders.

Equally important to project development and evaluation is communicating the value of the technological tool or project, Ms. Moy explained. A project’s viability is contingent upon adoption and use by the community. Ms. Moy stated that incorporating training into orientation and incentivizing use of technological tools can be effective. Staff resistance to a new project, Ms. Moy remarked, sometimes is indicative of its feasibility rather than staff unwillingness.

James Sandman, President of the LSC, stated that important assessment measurements included: (a) court evaluations; (b) outcome measurements (on whether the technology project achieves the intended result); and (c) feedback from judges on whether technology is helping...
self-represented litigants. Mr. Sandman explained that user testing will reveal whether the technology is actually accessible. It is critical that bad processes not be automated, and that implicit biases not be built into algorithms, Mr. Sandman cautioned.

**Educating and Engaging Students in Legal Tech Projects**

Professor Brescia stressed the importance of engaging students from all disciplinary backgrounds in legal tech projects and ensuring that every student engage comfortably with technology. Interdisciplinary collaboration across the university can promote tech integration into the law school curriculum. Clinical programs are important platforms for integrating technology to provide and enhance access; the context of disability representation and advocacy is a good example.

Professor Brescia believes integrating a tech-based project into a course empowers the students. If the project extends beyond the semester, students may be able to continue work through an independent study option. Technology offers tremendous opportunity to improve language access, Ms. Moy added, which law schools can facilitate.

Mr. Sandman asserted that law schools should be required to educate students about the current state of access to justice in this country, where nearly 50% of cases in state courts involve unrepresented litigants. Mr. Sandman said that law school textbooks typically contain cases where both parties are represented, which is not an accurate reflection of today’s legal landscape.

**Identifying Risks and Assessing Concerns Related to Legal Tech**

Ms. Addison and Ms. Moy both emphasized that in developing and using new tech applications, it is crucial that providers advise clients why they need requested information and how it will be used. This type of self-policing, particularly regarding visibly posting clear, understandable privacy policies, will help guard against misuse of personal and/or confidential information that may be captured in ordinary data collection, such as “accept cookies” prompts to continue. Management and protection of data must be an organizational priority. Similarly, universal standards, best practices, and informed sharing of data are recommended and worthy of special attention.

Significantly, Mr. Sandman observed that the vast unmet demand presents an urgent need for priority setting. Numerous duplicative projects are a symptom of the lack of coordination and communication. Statewide efforts are underway to collaborate and communicate, as in New York, yet the need for a central, national clearinghouse to set priorities and match areas of greatest need with promising projects, is evident. The Legal Services Corporation (LSC) can lead this effort; LSC is currently coordinating with for-profit companies to provide free technology to providers.

**Final Plenary Reflections**

Mr. Sandman urged participants to be mindful of technology’s limitations: technology is part of the solution, not a panacea capable of fixing complicated systems.

Professor Brescia explained that expanding access to justice should be the inspiration for legal tech innovations.
Ms. Addison encouraged participants to create projects with longevity and share successful projects with colleagues to eliminate duplication.

**MID-MORNING BRIEFING**

The plenary session was followed by a mid-morning briefing to update participants on the work of the Permanent Commission.

**Implementing the Permanent Commission’s Strategic Action Plan to Provide Effective Assistance to All New Yorkers in Need: Report on Local Access to Justice Initiatives**

As outlined in the Permanent Commission’s 2017 Strategic Action Plan, Ms. Barnett reported that New York is working toward its goal of providing effective assistance to 100% of low-income residents facing essentials of life challenges. Based on recommendations to the Chief Judge in the Permanent Commission’s 2018 Annual Report, statewide efforts to increase the use of plain language in court forms and materials are underway; a pilot remote help center will be established in the 4th Judicial District; training and educational programming on access to justice issues for court staff has increased; and, informational videos on court processes are being produced for public viewing in courthouses.

On the local level, the Permanent Commission is supporting access to justice committees in every judicial district, which follow successful pilots in Suffolk and Monroe Counties. Ms. Barnett detailed the Community Legal Help Project now operating in two public libraries in Suffolk County, where seven local legal services providers rotate on a weekly basis to personally assist residents with challenges to essentials of life matters. In Monroe County, Ms. Barnett highlighted the Community Justice Council, which inspires collaboration and communication among the stakeholders in furtherance of myriad local initiatives already underway.

Ms. Barnett commented on the value of law school involvement in the local access to justice committees, highlighting the opportunity for law student participation in the Suffolk County Legal Help Project.

Ms. Barnett projected that the upcoming October 28, 2019 Statewide Stakeholder Meeting will be an important convening of all the judicial districts and will inspire innovative, creative initiatives to provide effective assistance to all low-income New Yorkers confronting essentials of life challenges.

**Integrating Plain Language in New York’s Law Schools**

The use of plain language is vital to breaking down barriers to access to justice. Advocating for plain language in court forms and information and judicial decisions since her days as the Director of the New York Courts’ Access to Justice Program, the Honorable Fern Fisher, now Special Assistant to the Dean for Social Justice Initiatives at the Maurice A. Deane School of Law at Hofstra University, implores law schools to integrate and promote plain language in legal writing and instruction. Simplifying language so it is easily and readily understood by the public is at the core of plain language philosophy and critical to improving access to the justice system.
Recommendations developed at a plain language conference held at Hofstra this Spring include suggestions for law schools. Judge Fisher reported that the working group recommended that: (a) faculty be encouraged to use plain language; (b) plain language be incorporated across the curriculum; (c) legal writing courses emphasize the use of plain language; (d) CLE courses on the use of plain language be required for admitted attorneys; and (e) bar examination questions and answers of test takers be required to be written in plain language. These recommendations, and those issued by the four other working groups, will be memorialized in a report due later this year.

Significantly, Judge Fisher announced that a proposed resolution will be presented to the Conference of Chief Justices to declare that the use of plain language is fundamental to the accessibility of our justice system.

Diversity Pipeline Initiative in Collaboration with Law School Admission Council (LSAC), Legal Outreach and New York’s 15 Law Schools

The 2018 Law School Conference focused on strengthening the pipeline to law school and presenting the opportunity to pursue a legal education to middle and high school students. The Statewide Law School Access to Justice Council (Council) coordinated with New York’s 15 law school deans to spearhead the Diversity Pipeline Initiative (DPI) to expose eighth-grade students in underserved middle schools to the law and legal career opportunities. Each law school dean appointed a designee to work with the Council and Legal Outreach, Inc., to recruit law students to serve as Diversity Pipeline Instructors. Based on participation of all 15 law schools, the Council secured funding from the Law School Admission Council (LSAC) for Legal Outreach to support the Initiative and Diversity Pipeline Instructors.

In her opening remarks, the Chief Judge recognized this initiative as “exactly the kind of program we need, not only to improve the diversity of our profession, but to increase civic knowledge about our government, our democratic institutions, our courts, and the importance of the Rule of Law.”

James O’Neal, Co-Founder and Executive Director of Legal Outreach, a college preparatory and diversity pipeline program, applauded the collaboration and described the DPI as fulfilling a worthy goal from last year’s Conference. Mr. O’Neal indicated that as of the Conference date, 35 law students were selected as Diversity Pipeline Instructors tasked with teaching a lesson about the pathway to law school and the role of lawyers in our society. The Diversity Pipeline Instructors began sessions across the State in March, and as of this Conference date, 45 sessions have been conducted for approximately 1700 eighth-grade students.

Mr. O’Neal reported that based on surveys completed by the eighth-grade students after the sessions, 77% were able to correctly identify the pathway to law school and 71% indicated that they had a better understanding of the role of a lawyer.

Eighth-grade students in the New York City metropolitan area who participated in a session became eligible to apply for one of Legal Outreach’s six Summer Law Institutes held at city-based law schools. The Institutes provide intensive instruction to prepare rising ninth-graders for high school, with an emphasis on debate and mock trial work.

Mr. O’Neal welcomed three of the Diversity Pipeline Instructors who taught eighth-grade students in the Bronx, Brooklyn, lower Manhattan and Queens, to share highlights of their experiences.
Miyoshie Lamothe-Aime, a 3L at Fordham University School of Law, explained that the Diversity Pipeline Instructors told the students about law school and how lawyers can work to improve society and preserve rights. The Instructors introduced the case, The Queen v. Dudley and Stephens, and assigned students one of three roles to conduct a mini-trial. Ms. Lamothe-Aime described enthusiastic student participation and eagerness to learn more about the law and how to pursue opportunities with Legal Outreach. Ms. Lamothe-Aime noted that the interactive nature of the session was exciting for the students--and for her.

Isadora Jaffe, a 1L at CUNY School of Law, described how the students were empowered by being cast as an advocate or judge. Ms. Jaffe noted that students who were reserved at the start of the lesson became very engaged once they recognized their voices were important to the process.

Pharoah Sutton-Jackson, a 1L at St. John’s University School of Law, explained that once he introduced himself as a law student and Diversity Pipeline Instructor, it became obvious to him that the eighth-grade students realized it was possible for people of color, just like them, to become lawyers. Mr. Sutton-Jackson reported that the sessions provided a unique opportunity to engage with eighth-graders about diversity, representation, and the legal profession. He indicated that the students relished the chance to act as a lawyer in the mini-mock trial. Mr. Sutton-Jackson recognized the mentor who instilled him with the confidence and support to pursue law school and added that he now felt like a mentor to the students in his sessions. Mr. Sutton-Jackson expressed the hope that some of the students would pursue law school under his mentorship.

**REPORTS FROM THE CONFERENCE WORK GROUP SESSIONS**

**WORK GROUP 1:**

**HOW LAW SCHOOLS AND COMMUNITY PRACTITIONERS ARE DEVELOPING INNOVATIVE TECHNOLOGY SOLUTIONS THAT ADDRESS THE JUSTICE GAP**

**Facilitator:**

Raymond H. Brescia, Hon. Harold R. Tyler Chair in Law and Technology & Professor of Law, Albany Law School

**Panel:**

Felicity V. Conrad, Co-Founder & Chief Executive Officer, Paladin

Matthew M. D’Amore, Associate Dean, Cornell Tech & Professor of the Practice, Cornell Law School

Dan Jackson, Executive Director, NuLawLab, Northeastern University School of Law

Ignacio Jaureguilorda, Director, Jonathan Lippman Access to Justice Fellowship & Legal Hand
Overview

The panel discussed some of the opportunities and challenges law schools are facing—and will face—when trying to incorporate technology to address access to justice issues. Echoing themes from the plenary discussion, the panelists stressed the importance of educating students about the access-to-justice crisis facing the United States. They also emphasized that access issues should infuse the curriculum, and not just be the focus of clinical or technology-themed classes. The Work Group viewed as critical the idea that the law schools expose students to the scope and cost of the access-to-justice crisis and to the structural barriers caused by poverty in the United States.

Recommendations

1. Law schools and legal services providers should expand collaborations to refine technological platforms and, recognizing that legal needs should drive the use of technology not vice versa, develop technological tools that both (a) respond to genuine community needs; and (b) effectively serve individuals confronting essentials of life challenges.

2. Technology initiatives should focus on utility and practicality for improving access a legal service delivery by integrating “human-centered design” theory, recognizing that:
   • Clients are the consumers of the technology;
   • Clients should be included in the design process from the outset; and
   • Any initiatives should ensure clients can use technology easily and effectively.

3. A national clearinghouse that can highlight access-to-justice and technology initiatives and projects should be established under the leadership of the LSC.

Synopsis of Work Group 1 Discussion

Those currently teaching in law schools stressed the need for integrated and interdisciplinary efforts that engage practitioners, faculty and students from non-legal disciplines, particularly computer engineering and art and design. In undertaking access-to-justice-through-technology programming, a “user-centered design” approach that focuses on the client’s interaction with the application or product should inform efforts by schools and community partners. One panelist, representing a non-profit providing technology solutions for the access-to-justice crisis, explained that she likes to think of her clients as customers; she coaches the many law student volunteers in her organization who have client contact to serve clients in an empathetic way and, to the degree possible, reflect that approach in their technology initiatives.
The panelists discussed the importance of rapid prototyping and experimentation of legal tech, even when experimentation leads to “failure” or programming does not serve its intended purpose. Students gain valuable insights into the process of legal innovation and technology whether or not the project results in client success. One panelist, a law professor, indicated his belief that students learn a bias against imperfect solutions and experimentation from professors who want student work product to be “polished and perfect.”

Panelists expressed that the importance of teaching students early in their law school careers about the growing employment opportunities in legal technology. All panelists expressed their strong support for the idea that LSC, under the leadership of Mr. Sandman, establish a national clearinghouse to “catalogue” existing projects, applications, and inventions, as well as legal technology projects currently under development. This type of database is important for law schools as well as practitioners to obviate wasteful replication and “re-invention of the wheel.”

Panelists noted that faculty and community partners could encourage law school administrations to embrace legal tech projects because they often bring attention to the schools, which leads to dedication of increased resources both within the law school and from the community at large. It was suggested that websites or podcasts that feature legal tech applications or projects could be developed by law schools to create community awareness of what is available to aid in representing oneself and/or explain basic court processes and legal principles.

To develop successful projects, schools should collaborate with community partners to ensure that the initiatives that are undertaken are responsive to community needs and are led in a community-based process. There is “plenty of work to go around” as one panelist posited, and law schools should embrace these opportunities in partnership with community leaders and academics from other disciplines. At the same time, schools should consider taking on these initiatives only with a clear sense of the commitment and time-frame it requires to see them through to completion; few can be completed in just one semester.

**WORK GROUP 2:**
**ACCESS-TO-JUSTICE RESEARCH IS EXPANDING: WHAT’S NOW, WHAT’S NEXT AND HOW IT MATTERS TO US ALL**

**Facilitator:**

David Udell, Executive Director, National Center for Access to Justice at Fordham University School of Law

**Panel:**

Colleen F. Shanahan, Associate Clinical Professor of Law, Columbia Law School

James J. Sandman, President, Legal Services Corporation

Neil Steinkamp, Consultant, New York State Permanent Commission on Access to Justice; Managing Director, Stout Risius Ross, LLC
Victor D. Quintanilla, Indiana University Bicentennial Professor; Professor of Law, Co-Director Center for Law, Society & Culture, Indiana University, Maurer School of Law

Overview

In response to continuing concern that civil legal problems are a substantial factor in disrupting the lives of massive numbers of individuals, families, and communities, and that the causes, consequences, and solutions are insufficiently understood, research on civil justice is in a period of expansion.

Recommendations

1. Involve Law Students in Research and in the Study of Access to Justice. As law schools integrate access to justice into the core curriculum, professors should involve law students in research projects, including service-learning projects, to simultaneously (a) educate students about the civil justice system and access to justice, and (b) expand our understanding of the scope of unmet needs, the justice gap, and the civil justice system.

2. Encourage Participation in Diverse Research Initiatives, including Randomized Control Trials (RCTs) and other Research Initiatives. Courts, legal service providers, law schools, and other justice system institutions are encouraged to consider participating in research projects, including RCT studies, while also learning about the limitations of RCTs and of other forms of research.

3. Support New Studies on Unmet Legal Needs. To understand the level and types of unmet legal need in our communities and to pursue research opportunities, the Permanent Commission should explore the possibility of using “spatial-microsimulation data analytics” shown to be useful in describing unmet legal needs that may allow reliable inferences to be drawn about legal needs in New York by relying on data contained in independently researched multi-state studies, such as the LSC’s Justice Gap report and the United States census reports.

4. Engage in Civil Justice Policy Mapping and Reform. As is currently among the goals of the Permanent Commission through its Justice for All Strategic Action Plan, it is essential to engage in the: (a) collaborations and statewide inquiry to “map” the presence (and absence) of best civil justice policies, practices, and models in the New York; (b) determine, on an ongoing basis, the degree to which they are adequately established, funded, and staffed in the State; and to enlist stakeholders from all sectors of the civil justice community to help identify policy gaps and then to work together on initiatives to fill those gaps.

5. Pursue Accuracy in Civil Justice Research. While research findings can and should be used to support specific advocacy toward specific goals, it is important for the civil legal aid community to adopt best research practices as a means of producing an accurate picture for the civil justice community of the degree to which civil justice interventions are making a difference in case outcomes and in people’s lives. Best practices should include standardizing benchmarks among funders and across provider programs and building a culture within organizations that is open to the implications of research.
6. Increase Capacity for Civil Justice Research. Civil legal aid organizations, courts, academic institutions, access to justice commissions, and funders have not typically possessed adequate capacity or adequate funding to carry out civil justice research. Collaborative work to build such capacity should be expanded by, for example, expanding administrative data tracking; expanding data analytics capacity; involving staff in decision-making on the uses for research and on the conclusions to be drawn from research; partnering with national organizations such as Self Represented Litigants Network (SRLN)\textsuperscript{19} and the National Center for Access to Justice (NCAJ)\textsuperscript{20}; and partnering with legal academics and social scientists.

7. Build an Access to Justice Data Commons. The Permanent Commission, in coordination with all stakeholders, should explore developing a data research commons that can help to facilitate access to justice research by offering a single, unified, online source of information about research initiatives and research findings established to date.

Synopsis of Work Group 2 Discussion

At the outset, to highlight the robust nature of research related to access to justice and civil justice generally, the panel described the current state of research.

Research methodologies, new and traditional, are being actively deployed, including: unmet legal needs surveying, court observing, administrative data tracking, outcomes tracking, people-centered surveying about quality of the justice system, geographic Information System (GIS) geo-spatial mapping, policy and practice mapping, scraping of new data from the internet, relying on existing big data sets, using automated (AI) systems to garner feedback on what works, relying on novel crowd-sourcing technologies (for example, software applications that collect tenant-generated data on landlords' failures to provide heat and hot water), conducting randomized controlled trials, justice system indexing, engaging in service learning projects, and combining research on access to justice done by researchers from across academic disciplines.

Law professors and social scientists are carrying out research initiatives using diverse methodologies to enhance access to justice. Researchers are studying civil justice interventions (in such areas as public education, brief service, traditional representation by lawyers, assistance provided by non-lawyers, technologies that assist self-represented litigants, legal education, and pro bono service). They are also studying issues concerning systems design (e.g., how courts work) and numerous other issues, such as analyzing characteristics of populations with unmet legal needs.

Civil legal service providers are at the heart of some of the new research initiatives, undertaking projects using administrative data, survey methodologies, qualitative research, and other approaches. These research initiatives aim to learn more about recipients' circumstances, to optimize allocations of resources, and to make the case to funders and the public about the importance of access to civil justice.

Courts and access to justice commissions, like the Permanent Commission, are actively undertaking new approaches to track the course of cases and to increase court officials' and the public's understanding of the circumstances of people facing civil legal challenges without legal representation.
Funders are carrying out and supporting research, seeking data from grantees that illuminates trends in needs, in quality of services, and in outcomes achieved.

Global and domestic institutions are pursuing access to justice research. The United Nations has adopted Goal 16 of the Sustainable Development Goals, exhorting nations to use data and indexing to promote progress on access to justice and rule of law as a means of ending extreme poverty by 2030. The Organization for Economic and Cooperative Development (OECD) is evaluating the business case for access to justice. The American Academy of Arts & Sciences is working to establish consensus data points for tracking progress on access to justice. The National Science Foundation is funding social science research projects on diverse aspects of access to justice.

Subsequently, the panelists engaged in dialogue with one another and the participants on topics concerning access to justice research, including:

- **Randomized Control Trials (RCTs)**
  
  RCTs offer a methodology for examining whether or not specific models of service are effective in making a difference in the outcomes of civil legal disputes and in individuals’ lives. The panelists spoke of the unique strengths of RCT in both documenting the difference that legal assistance makes and ruling out alternative explanations for why individuals win or lose their claims. The panelists also spoke of the limitations posed by RCT methodologies, not only with respect to the time, labor, costs and scalability of the approach, but also with respect to the common difficulty in extending RCT findings to predict outcomes in similar but different settings — different locations, parties, advocates, decisionmakers, economic circumstances and other factors. The panelists and participants also discussed the risk of error resulting from such issues as contamination of control groups. The A2J Lab at Harvard Law School was identified as an important resource for carrying out RCTs.

- **Unmet Legal Needs Survey Studies**
  
  Legal needs research has always been considered important, although it has also sometimes been considered prohibitively expensive. A new approach carried out by Professor Quintanilla has shown that the LSC’s Justice Gap report can have an extended impact as the basis for a “spatial-microsimulation” methodological approach that is relatively low cost and potentially replicable in multiple jurisdictions. This approach relies on using the data from the Justice Gap report, in combination with US Census data, to enable researchers to deepen understanding of multiple aspects of unmet legal need in a given state, as has been done in Indiana, and would potentially be valuable to do in New York.

  The approach is relatively low cost compared to other initiatives to measure unmet need and suggests that LSC’s investment in national research can be leveraged by many states to develop their own respective findings on unmet need by relying on the data that LSC is able to generate.

- **State Research on Policies, Practices, Models, and Conspicuous Gaps and Opportunities**
  
  As a participant in the Justice for All project, New York State has been able to draw on the power and expertise of stakeholders in the justice system in New York to deepen the understanding of progress to improve civil justice policies, practices, and models in New York. This understanding can then be used to inform strategic decision-making about goals and novel approaches to be pursued at the state level by all stakeholders. Such efforts,
reliant on coordination of statewide access to justice coalitions with research organizations, law schools, and other parties of interest, can help to secure important answers to hard questions, such as rural and urban differences, county-by-county differences, and more.

Also discussed was the Justice Index, which presents selected best policies in an online 50-state matrix, showing which states have adopted which policies, thereby offering a menu of policy reform models to legal aid leaders, access to justice commission leaders, court officials, legislators, and others. The Work Group participants agreed that access to justice groups, local, national, and global entities, and academic institutions should band together to close the justice gap.

• **Objectivity v. Advocacy in Research**

The value of data is increasingly appreciated in the civil justice community, as are the ways in which data can be misused to create false impressions about many phenomena. The Work Group discussed the relationship between objectivity and advocacy.

Mr. Steinkamp explained that research itself does not advocate for one side or the other, rather it provides information that can guide thinking on how to move forward. He noted that a cost/benefit analysis he had done for New York City in connection with the UAL showed that it would be less expensive to provide low-income New Yorkers with legal representation in eviction hearings than not to do so.

Professor Shanahan observed that, even when research provides the community with uncomfortable data and changes our perceptions and approach, it can ultimately lead to certain advocacy, even if not in the direction originally intended.

The Work Group discussed the importance of recognizing that, in matters in which a client wins with representation by a legal services lawyer, representation is not always the cause of the victory, just as an unfavorable outcome is not always causally related to the work of the lawyer. RCTs can help to illuminate causation, but administrative data can also be illuminating, especially if data practices are transparent and findings are considered in combination with dialogue, debate, reflection, and other sources of information. The National Center for Access to Justice has published a guide for civil legal aid providers and funders that offers recommendations on how best to use data to track outcomes; it includes discussion of the relationship between data and advocacy.

• **Capacity of Civil Legal Aid Organizations and Courts to Conduct Research**

Civil legal aid programs and courts historically have not possessed a robust capacity to track data. This is starting to change.

LSC now operates a data analytics department with a chief data officer, who routinely collects data about many factors pertaining to provision of civil legal services, working increasingly with civil legal aid recipients around the country to promote best practices. The department also carries out data analytics about the work of the grantees. The Work Group included several expert data analysts for civil legal aid organizations and civil legal aid organizations; they indicated that their organizations are interested in working toward adding capacity for using data. Involving staff in decision-making on which data to track and how to interpret findings is an important step toward expanding the capacity of civil legal aid organizations to work with data productively.
Mr. Steinkamp observed that engaging administrative staff and legal practitioners in the process makes them more willing to tolerate the burdensome aspects and to appreciate that the collection of the data is worthwhile. At a national level, the SRLN\textsuperscript{26} supports local data analysis by offering resources to the access to justice community that include GIS geospatial mapping.

The NCAJ offers a Guide to using data to track outcomes and maintains the Justice Index, offering data on national adoption of best policies for access to justice.\textsuperscript{27}

While individual civil legal aid providers and courts are currently limited in their ability to work with data, Work Group participants were supportive of the call for carrying out more civil justice research and expanding data tracking and data analytics capacity. Additionally, while there was acknowledgment of the unique strengths and limitations of RCT methodology, several individuals spoke of the value of alternative research approaches that can provide sufficient information for use in improving access to justice. Capacity can be extended by collaborating with others in the provider community and by partnering with law professors and social scientists in the broader university community both in New York and nationally. Research entities and academics who conduct research may be able to do more to make their expertise available to the access to justice community.

- **Involving Students in Research Conducted by Law Professors**

  Professor Shanahan works actively with Columbia Law School students on research projects partnering with courts, civil legal aid organizations, and advocacy organizations.\textsuperscript{28}

  Professor Shanahan observes that among the many benefits of research projects for law students are expanding their awareness of the importance of civil justice and civil legal aid and demonstrating that they can make important contributions to the research. Professor Quintanilla at the Maurer School of Law at Indiana University also works closely with students on research initiatives and service-learning projects. He made a qualitative study recently that involved law students in an examination of the value of clinics. The students conducted listening tours in underserved communities, spoke with court personnel, and compared the opinions of national with local views.

- **Data Commons**

  At a more macro level, an additional challenge for New York’s civil justice community is that many civil legal services providers do not regularly coordinate with other civil legal services providers, nor even know of the research efforts being made by civil legal services providers and by other institutions in the State and across the country.

  Currently, no universal database or coordinating platform exists for these types of efforts. Creating a data commons or other web-based vehicle for gathering research studies, their findings, and other data, can help to foster a more collaborative and communicative community and improve efficiencies.
WORK GROUP 3:
INNOVATIVE APPROACHES TO HOUSING JUSTICE ADVOCACY:
COLLABORATING TO FULFILL THE PROMISE OF NEW YORK CITY’S
RIGHT TO COUNSEL IN EVICTION PROCEEDINGS

Facilitator:
Andrew Scherer, Policy Director, Impact Center for Public Interest Law & Visiting Associate Professor, New York Law School

Presenters:
William Whalen, Director, Municipal Employees Legal Services
Jessica Penkoff, Pro Bono & Strategic Initiatives Coordinator, Pro Bono Net

Roundtable Panelists:
Marika Dias, Director of the Tenant Rights Coalition, Legal Services NYC; Member, Advisory Committee, Housing Justice Leadership Institute
Dan Kass, Co-Founder & Executive Director, JustFix.nyc
Hon. Jean T. Schneider, Citywide Supervising Judge, New York City Housing Court
Kerri-Ann Wright, Director of Training, The Legal Aid Society; Member, Advisory Committee, Housing Justice Leadership Institute

Overview
As increasing numbers of tenants are represented by counsel in New York City under the Right to Counsel/Universal Access Law (RTC/UAL), and the culture in Housing Court consequently transforms, collaborations among law schools, legal services providers, and other advocates are striving to support effective advocacy and make Housing Court a place of fairness and justice.

Recommendations
1. Law school curricula should incorporate principles governing landlord-tenant proceedings and housing law, the impact of access to the justice system on tenants, and the history of the RTC/UAL. This should be tested on the New York component of the bar exam.

2. Experiential learning should be part of New York law school curricula.

3. Access-to-justice principles should be embedded throughout the law school curriculum.

4. Law schools, legal services providers, and bar associations should increase their collaborations to train recently admitted lawyers and supervisory lawyers to provide the highest quality representation in eviction proceedings.
5. Funding should be increased for “holistic” representation by legal services providers, including support for social workers and public benefits lawyers to help tenants maintain income to pay rent.

6. Concerted efforts should be undertaken to improve the physical conditions of Housing Court, including, at minimum, adequate space for confidential attorney-client communications.

7. Concerted efforts should be expanded and promoted to improve the climate and culture within Housing Court, with a particular focus on race and gender issues, for example through anti-bias trainings.

8. Technology in Housing Court and for advocates needs significant modernization.

Synopsis of Work Group 3 Discussion

This is year two of the UAL in New York City. And, without doubt, the collective efforts of city and state governmental, judicial and bar leaders, law school deans, professors, administrators and students, and tenant organizations have markedly improved access to justice for low-income individuals in New York City.

Remarkably, in 2013, only 1% of tenants appeared in New York City housing courts with counsel. Currently, 56% of individuals who appear in housing courts in the 20 zip codes covered by the UAL are represented by counsel, and all individuals in covered zip code regions have access to assistance for housing matters.

The Right to Counsel NYC Coalition (RTC NYC Coalition) estimates that legal and social services organizations now employ more than 400 lawyers assigned to provide assistance under UAL. This presents a unique challenge for law schools as the results of two surveys confirm.

- **RTC NYC Coalition Survey of New York’s Law Schools**

  The update of the 2018 survey of the nature and extent of New York’s law school curricular and clinical housing offerings revealed that 11 of the 15 New York law schools updated their curricular materials to include instruction on the UAL and established and/or expanded clinics and externships to respond to demand, increasing student exposure. Students reported that there was no instruction on tenants’ rights in their first-year property classes.

- **RTC NYC and Pro Bono Net Survey of Housing Lawyers with Up to Five Years’ Experience in Practice**

  When surveyed about how law schools and legal services providers can best train and support staff attorneys to ensure they can deliver the highest quality representation to tenants, 164 housing staff attorneys, with up to five years’ experience in practice at nonprofit legal services providers across New York City, indicated:

  - Preparedness for housing practice:

    - When they were in law school, housing clinics were available to fewer than one-half (<80) of respondents, 90% believe every law school should have a housing clinic;
• Law school courses should present the reality of housing practice: only 34% received practical skills training yet 60% believe training accounts for the ability to deliver high-quality representation;

• Fewer than 50% believe that “leadership” understands the challenges of right to counsel work; and

• CLE courses are inadequate to teach substantive law on the right to counsel.

■ Housing Court environment:
  • 95% experienced or witnessed bias in housing court;
  • 77% believe the physical condition of housing court is inappropriate to allow for quality representation; and
  • No safe space to meet with clients that preserves and ensures client confidentiality.

■ Realizing goals of RTC/UAL:
  • 40% indicated opportunities existed to address policy reform and/or legislative issues; and
  • 30% reported that referrals to other organizations were easy.

■ Wellness in practice and longevity of service:
  • Mental health services should be made available in courts and provider organizations for all staff, 45% of respondents strongly disagreed or disagreed that wellness support was offered, most respondents reported anxiety about support for housing lawyers;
  • 60% indicated interest in continuing to practice on staff and 35% expressed willingness to become a supervisor, lack of support discouraged respondents from pursuing supervisory positions.

Without question, the RTC/UAL is changing the “hallway culture” in housing court and altering the relationship between landlord and tenant advocates. Recent graduates practicing in housing court are credited with disrupting the “toxic” atmosphere. The time is ripe to train newer practitioners, cultivate leaders, and develop a supportive infrastructure that helps lawyers handle issues presented in representing individuals marginalized by structural racism and cultural bias.

The RTC NYC Coalition developed a history of the tenant movement. Law students and the public alike must be educated about the role and importance of tenants as leaders in the efforts over the years; they helped secure laws, policies, and practices that support safe, affordable housing that preserves communities, which in turn supported the right to counsel movement. Tenant organizations, working with legal services and community organizations, provide the lens into the realities of housing and communities, and can educate community members about their rights. By reducing the number of evictions, some precipitated by willful property neglect that force tenants to vacate, lawyers have the opportunity to pursue policy reform that will benefit low-income tenants.
Contributing to improved responsiveness and transparency from landlords are data-driven policy and the introduction of technological tools in the form of apps that allow tenants to report harassment or service lapses or to request repairs.35 This presents an opportunity for law schools, clinics, and students to innovate and shape the next chapter in landlord-tenant law and practice.

WORK GROUP 4:
CHALLENGES AND OPPORTUNITIES IN TODAY’S IMMIGRATION LANDSCAPE: THE ROLE OF LAW SCHOOLS IN ENSURING ACCESS TO COUNSEL FOR IMMIGRANT COMMUNITIES

Facilitators:

Beth Lyon, Clinical Professor of Law & Director, Farmworker Legal Assistance Clinic, Cornell Law School

Sarah Rogerson, Clinical Professor of Law and Director of the Immigration Law Clinic, Albany Law School

Panel:

Nermeen Arastu, Co-Director, Immigrant and Non-Citizen Rights Clinic & Associate Professor of Law

Dora Galacatos, Executive Director, Feerick Center for Social Justice, Fordham University School of Law

Dr. Laura V. González-Murphy, Director of Immigration Policy & Research, New York Department of State

Theo Liebmann, Clinical Professor & Director of Clinical Programs, Maurice A. Deane School of Law at Hofstra University

Michele R. Pistone, Director of Clinic for Asylum, Refugee and Emigrant Services (CARES) & Professor of Law, Charles Widger School of Law, Villanova University

Carmen Maria Rey, Assistant Clinical Professor of Law, Brooklyn Law School

Overview

In response to the federal government’s anti-immigrant agenda, New York’s law schools, immigration service providers, and state government stakeholders have led the nation in delivering legal services to immigrant communities in creative and innovative ways. Over the last three years, the Conference Immigration Work Group has highlighted collaborations such as the legal response to the travel ban at JFK International Airport in 2017, the legal response to the largest influx of refugees in New York from the border at the Albany County jail in 2018, and the continuous response of New York law schools, lawyers and legal services providers at the US-Mexico border. Capacity for handling the increased need has also expanded over the last three years with the creation of the New York Immigrant Family Unity Project (NYIFUP)
that guarantees counsel to individuals facing removal and deportation proceedings in New York City, and its statewide expansion through dedicated funds in the State budget over the last two years.

With more programs and resources committed to increasing access to justice to low-income immigrant New Yorkers, this year, the Work Group focused on access to counsel. Although immigrants, documented and undocumented, are constitutionally entitled to obtain legal counsel, they are not guaranteed representation. Given the current quasi-criminal nature of immigration enforcement, the facilitators felt it particularly important to examine how the Permanent Commission could assist law schools and their partners to fill this gap.

In addition to supporting the New York State Bar Association’s call36 for statutorily guaranteed counsel for immigrants facing removal, the Work Group highlighted unique models to expand access to legal representation for law schools, state government stakeholders, interdisciplinary partnerships, and collaborations with non-profit legal service organizations (including Department of Justice Accredited Representatives who are enhanced immigration paralegals). After briefings on innovative law school projects expanding access to counsel and know-your-rights programs, the Work Group developed several recommendations.

**Recommendations**

1. Instruction on immigration law and policy should be integrated across the curriculum to ensure law students understand how immigration issues arise in many practice areas and impacts access to justice.

2. Technology should be used to expand student access to opportunities for pro bono representation, particularly for immigrant communities, as early as possible in their academic careers.

3. The New York State bar examination and multi-state bar examination should include questions and fact patterns that address access to justice and immigration principles.

4. A review of student practice orders across the State should be undertaken with two goals: (a) consistency across the four appellate departments and practice areas; and (b) authorization of students to represent clients after their first semester of law school.

5. The Permanent Commission should encourage Local Access to Justice Committees in each judicial district to include immigration issues in their goals and projects.

6. A court-appointed commission or advisory board that includes scholars should be established to review existing policies for bias against immigrants and the collateral consequences of immigration enforcement in New York State courts.

7. Law schools and legal services providers should use technology platforms to engage non-lawyers to work with immigrants, drawing on models such as Villanova’s Interdisciplinary Immigration Studies Training for Advocates (VIISTA) program.
8. In addition to engaging students in direct legal services work, law schools should undertake policy work to support New York in building on good practices in other states with, for example, practices and/or policies related to separated families, Unaccompanied Child (UAC) placement, immigration sponsorships, and universal representation.

9. Law schools should work with undergraduate institutions and community colleges to (1) develop live-client, for-credit curricula that train, field, and supervise bilingual undergraduate students as community interpreters, and (2) create volunteer projects fostering community-based student interpretation work.

Synopsis of Work Group 4 Discussion

Professor Liebmann articulated the peril for immigrants who appear in state court proceedings without counsel, particularly when the matter is not specifically about their immigration status. Judicial findings rendered in family and/or criminal courts can result in deportation; such findings can impact issuance of U- or T-visas and/or special immigrant juvenile status (SIJS), which, in the interests of fairness, demand access to effective assistance, at a minimum, and, ideally, to legal representation. Currently, the policy in the New York state courts is that Immigration and Customs Enforcement (ICE) agents must have a judicial warrant to proceed with an arrest of an individual appearing in a state court matter.

Dr. Gonzalez-Murphy described the impactful work of the Office of New Americans (ONA), established in 2013 by Governor Andrew Cuomo. The work ranges from assistance with languages and naturalization processes, to referrals for resources, as well as legal services provided through the Liberty Defense Project. Local Community Opportunity Centers assist immigrants and new Americans to ensure they become proud, productive New Yorkers. Dr. Gonzalez-Murphy reported that law students assist by creating informational materials in plain language or multiple languages, preparing policy briefs, monitoring legislation, and collecting data. Dr. Gonzalez-Murphy indicated that she hoped to involve law students in research on the impact of a question on immigration status on the census.

Dr. Gonzalez-Murphy explained that ONA is part of a national network that provides comments to the federal administration on the consequences of immigration policies, works with state agencies responding to the federal pronouncements, and works with the United Nations.

Professor Rogerson outlined the development of a virtual call center, formed in coordination with legal services providers and Albany law students; it connects detainees with lawyers, interpreters, and representatives from the Department of Justice to help detainees prepare for credible fear interviews (CFI). A customer service platform, Zen Desk, establishes secure telephone connections for the calls and permits lawyers to record notes. The system is in use throughout the State and the number of lawyers answering calls is increasing. Best practices created by the lawyers working at JFK to help individuals ensnared by the “Muslim Ban” have been incorporated to govern the operations of the virtual call center.

The Dilley Pro Bono Project, under the guidance and direction of Dora Galacatos, provides training and support for current and former Fordham law students to provide pro bono legal services to mothers and children detained at the South Texas Residential Center in Dilley, Texas. A primary focus is preparing women for their CFIs, peaking at 90 consults per day.
Morgan Barrett, a Fordham Law School student, recounted the dire conditions at the Dilley detention center and credited her training before the Dilley service trip and at the Feerick Center for Social Justice with giving her the ability and confidence to prepare women for their CFIs. Ms. Barrett said that she accompanied two women to their interviews.

Ms. Galacatos secured a grant for a pilot project to develop best practices for telephonic CFI preparation for detainees that would help meet the need for legal services at Dilley through remote services available in multiple languages. This is a model that holds potential for replication. After a six-week period of extensive outreach and user testing, several common themes emerged: (a) the technology must be simple, (b) the platform must be sustainable, and (c) appropriate supervision is necessary to ensure delivery of high-quality services. A structured interview protocol, complete with scripts and templates for the CFI, are accessible through Google Suite, which can collect and aggregate data. The telephone calls are conducted over DialPad, which protects identities and supports multiple callers, which enables family to participate. Review and evaluation of the project continues, including surveys of individuals served. Ms. Galacatos projects that their capacity will expand by the fall; increased trainings will enable more law students and pro bono lawyers to prepare individuals for CFIs.

Under the direction of Professor Nermeen Arastu, CUNY Law School’s Immigrant and Non-Citizen Rights Clinic is studying how South American immigrant communities, particularly on Long Island, are targeted for detention and deportation under federal actions alleging gang affiliation. By identifying patterns in the pleadings and court proceedings, the Clinic is working on advocacy strategies and know-your-rights projects to inform and assist vulnerable communities on strategies to protect their rights. To reduce the strain on already burdened resources, the Clinic is developing a toolkit of templates and practice guides to aid practitioners. The Clinic also presents “train the trainer” workshops to prepare community members and advocates for encounters with ICE.

Professor Arastu emphasized the importance of developing interdisciplinary projects as a tool to help close the justice gap. In a partnership with CUNY School of Medicine, the Clinic is identifying legal defense strategies that arise in the context of health care to aid in assisting immigrants.

While the need for legal assistance by immigrants is alarmingly high, the influx of dedicated state and local funding to ensure immigrants have access to legal assistance creates a tremendous opportunity for law students and graduates to serve in this field. Assistant Professor Carmen Maria Rey stated that law schools must endeavor to educate and motivate law students to pursue access-to-justice work, particularly in remote and rural communities and on immigration issues. This can be accomplished by (1) offering students opportunities to work with community organizations and non-profits on visa assistance and naturalization processes and to offer more service trips to assist vulnerable immigrant communities over school breaks; (2) collaborating among intra-law school clinics to expose all students, particularly those not working in immigration, to the range of issues immigrants confront; and (3) expanding experiential programs like the Pro Bono Scholars to enable more law students to immediately enter practice following graduation.

Professor Michele Pistone described the online educational program known as Villanova Interdisciplinary Immigration Studies Training for Advocates (VIISTA). She spearheads VIISTA in partnership with Villanova’s College of Professional Studies, to train non-lawyers as accredited
representatives. It has a projected goal of providing an advocate for each person with an immigration matter. The program is being piloted with an inaugural group of students; Professor Pistone anticipates that 10,000 advocates will be trained through this online platform.

Professor Pistone explained that the program is learner-centered, interdisciplinary, and problem-based; it aims to provide an understanding of cross-cultural issues, communal care, and other issues unique to immigrants seeking citizenship, while offering an understanding of court processes. The coursework helps participants build their professional portfolios to facilitate entry into immigration work.

Professor Pistone outlined the three modules in the virtual training program and noted that participants are eligible to receive a certificate after each Module but are not required to proceed to the next Module if it does not suit their needs:

1. Module 1 provides (a) instruction on working with immigrants, including training on how to interview, and (b) background on the context of global migration and immigration ecosystem.

2. Module 2 works with participants on the skills needed to represent immigrants in citizenship proceedings and leads to partial accreditation to represent immigrants if partnered with a legal services organization.

3. Module 3 includes a rigorous instructional program and culminates in full accreditation to represent immigrants if partnered with a legal services organization.

The Work Group discussed the value of collaborative clinical experiences for students as a realistic way to expose them to the intersection of practice areas, particularly in immigration matters. Specifically, the Work Group identified partnerships with medical schools, where collaborative work to identify defenses is beneficial and efficient.

The Work Group considered how language can be a barrier to access to justice. Law schools should offer language training as a one-credit add-on to immigration classes or clinics. Legal services providers should use law students who are proficient in other languages to work with clients, and consideration should be given to offering pro bono credit under the 50-hour pro bono bar admission rule for language access work. Undergraduate institutions and community colleges should (1) develop live-client, for-credit curricula that train, field, and supervise bilingual undergraduate students as community interpreters, as is currently occurring at Villanova University and the University of Tennessee, and (2) create volunteer projects fostering community-based student interpretation work, such as Project Totem at University of Albany.

The access to justice community should develop a database of trained volunteers with multi-language fluencies to answer access to justice questions. Lawyers who volunteer should be eligible for CLE credit based on hours served.

Law schools should create training/certification programs for non-lawyer “reputable individuals” who would be able to provide some assistance for immigrants who were not able to receive full representation (two or three cases a month). These “reputable individuals” could be supported by the supervising lawyers through technology.
The Work Group discussed translation of know-your-rights pamphlets and other distributable legal materials into languages most commonly spoken in a community. The New York State Office of New Americans (ONA) has county-by-county information on language usages, and the kinds of services requested in certain languages. Know-your-rights documents are currently translated into numerous languages, and all documents issued by the Governor’s or other executive offices are required to be translated into the top six languages in a particular county. It was suggested that the State Judiciary should consider adopting a similar mandate. The fact that no central repository exists for translated documents presents its own barrier to access. It was recommended that the access to justice community and/or the law schools develop an online repository that links these resources.

It was suggested that the State should create a system to connect asylum-seeking children up to age 21 with families who are willing to foster them to establish Special Immigrant Juvenile Status (SIJS) eligibility.

WORK GROUP 5:
LAW SCHOOLS WORKING IN THE COMMUNITY: ADDRESSING CIVIL LEGAL NEEDS ARISING FROM ENTANGLEMENT WITH THE CRIMINAL JUSTICE SYSTEM

Facilitators:

Connie Mayer, Associate Dean for Academic Affairs; Raymond & Ella Smith Distinguished Professor of Law; Director, Law Clinic & Justice Center, Albany Law School

Lillian M. Moy, Executive Director, Legal Aid Society of Northeastern New York, Inc.

Panel:

Bernadette Gargano, Vice Dean of Student Affairs; Director, Reentry Practicum, University of Buffalo Law School

Adriene Holder, Attorney-in-Charge, Civil Practice, The Legal Aid Society

Elena Kilcullen, JD & MSW Candidate 2019, Albany Law School

Nicole Smith-Futrell, Co-Director, Defenders’ Clinic & Associate Professor of Law, CUNY School of Law

Overview

The Work Group explored the civil consequences of entanglement with the criminal justice system and the lack of civil legal services available to address them. When a formerly incarcerated person returns home, that individual confronts a myriad of legal and social barriers to reentry and reintegration into the community, ranging from access to health care, to housing and employment; such challenges are heightened for immigrants who have interacted with the criminal justice system. The Work Group identified challenges unique to individuals involved with the criminal justice system, the paucity of available legal services, and the resultant urgent need for such services.
Recommendations from Work Group 5

1. Law schools should lead the profession in training students and practitioners to provide comprehensive assistance and representation, both civil and criminal, to individuals who have had any interaction with the criminal justice system. An individual’s ability to reengage with the community and integrate into society is essential to reduce recidivism.

2. Reentry and reintegration services should be provided prior to and upon discharge from the criminal justice system:

   - Law schools can facilitate coordination of service efforts among providers, justice system leaders, and community groups, and can engage in advocacy to improve process and practices arising from interactions with the criminal justice system, by addressing these issues:
     - Close the gap between reentry and readiness to be reintegrated into the community. The gap is especially evident regarding access to identity documents, which should be prepared prior to discharge and reentry.
     - Close the enormous technology gap for individuals discharged after lengthy prison terms; such individuals are unable to manage basic technologies like ATMs or self-checkout counters.
     - Provide access to instruction on employment rights and elements of employment discrimination, and to training on how to navigate a post-conviction job search.
     - Promote understanding of child support arrears: individuals who were incarcerated are often unaware that they can modify child support agreements while in jail; many do not even think about the interaction between family court matters and criminal issues.
     - Promote adoption of automated systems for record sealing and expungement in the State.
     - Bridge the communication gap between clients and practitioners: lawyers must know how to communicate with these clients in a way that is understandable to them.

Synopsis of Work Group 5 Discussion

Anyone who has interacted with the criminal justice system, particularly following conviction and discharge after time served, has a difficult time securing the most basic needs. For example, a formerly incarcerated parent may be barred from living with family members in public housing or denied eligibility for public assistance based on a felony conviction.

Even if a person is not convicted, contact with the criminal justice system often has a devastating impact on an individual’s civil legal rights. For example, if an individual who resides in public housing is arrested but never charged, that person can still be permanently excluded from public housing. Consequently, the permanent bar against that person entering the former home can lead to the eviction of an entire household.

These entanglements disproportionally affect minority communities. Recognizing that the inability to reengage with the community is an underpinning of recidivism is critical.
The panelists described their efforts and projects underway in their communities that address reentry issues:

**Buffalo**

The University of Buffalo School of Law has a Post-Incarceration Reentry Practicum that addresses barriers to reentry and explores potential solutions. Students actively participate in the civil representation of convicted individuals in the Western District of New York’s Federal Reentry Court, where they gain legal experience addressing the civil legal needs of clients who have criminal justice issues.

**Albany**

“New Beginnings” is a reentry program for inmates in the Albany County jail to assist in navigating the civil disabilities that occur as a collateral consequence of arrest and conviction. The program aims to reduce recidivism by providing inmates with resources prior to release to secure housing, employment, health care and other benefits.

New Beginnings is based on a tablet program created by Albany Law School student Elena Kilcullen to provide inmates with information on finding housing, support services, and a job. The tablet also provides website links for essentials of life services. The program is loaded onto a tablet that is provided to each inmate. Significantly, the county jail assigns a case worker to each inmate shortly after arrest, and with the aid of the New Beginnings tablet, aims to set up employment and housing prior to release. New Beginnings is one of the first programs in New York State that provides reentry services prior to release.

**Queens**

CUNY School of Law has a program to train students on how to address civil issues arising in the context of criminal justice matters. The Defenders Clinic represents clients in a variety of criminal-related contexts.

In the Defenders Clinic’s misdemeanor practice, students are exposed to the civil impact of criminal involvement. Clients often face collateral consequences, such as suspension from employment and/or school, and can be subject to proceedings in immigration and family courts. Students help their clients navigate these related systems. As a separate component of work, students help to mitigate the long-term effects of criminal involvement by assisting clients with applications for sealing decades-old criminal convictions under newly enacted sealing provisions.

Students in the Defenders Clinic provide holistic, parole and clemency representation to clients who have been sentenced to long periods of incarceration in New York prisons. As part of the representation, students help clients begin to develop a reentry plan for life after incarceration. Once clients are released, students assist them in navigating the barriers they face in obtaining housing, benefits, employment, and medical care.

**New York City**

The Legal Aid Society (LAS) has developed many tools to educate clients about the civil ramifications of their conviction. For example, immigration specialists at LAS are available 24/7, to provide guidance, as soon as arraignment, on the immigration consequences associated
with criminal charges. Similarly, employment specialists are available to assist criminal defense attorneys with information about employment rights. At Rikers Island, civil practitioners are available to connect inmates with community resources. Because many individuals at Rikers are being detained prior to any court proceeding, civil practitioners can assist with essential civil legal needs during detention, such as childcare. The Returning Home Project connects individuals leaving prisons with the services they will need to manage collateral consequences resulting from incarceration.

Each of these programs is collaborative. Partnerships with other service providers are crucial to their ability to provide services. The Work Group explored new ideas for expanding the role of law schools, in partnership with legal services providers, to effect positive change through direct services, advocacy, and policy reform proposals as detailed in the recommendations.

JOINT SESSION OF WORK GROUPS 1 & 2

**Introduction:**

Raymond H. Brescia

**Facilitators:**

Jonathan Askin, Founder & Director, Brooklyn Law Incubator and Policy Clinic & Professor, Brooklyn Law School

John Rudikoff, Chief Executive Officer & Managing Director, Center for Urban Business Entrepreneurship (CUBE), Brooklyn Law School

In the afternoon, Work Groups 1 and 2 convened for a Joint Session to address specific legal technology needs identified by two community organizations in response to a statewide Call for Challenges. Professors Jonathan Askin and John Rudikoff facilitated the Joint Session. The two challenges presented were how to: (1) improve tech-based communication with clients, including text messaging or other mobile apps; and (2) track outcomes of limited-scope work, such as brief advice, performed on behalf of clients.

Legal Assistance of Western New York, Inc. and Her Justice are each exploring innovative ways to integrate technology into client communications and outcomes tracking of limited-scope work. To promote discussion with participants to identify potential solutions, a representative from each organization described projects underway, as well as the successes and challenges encountered in introducing technology tools and platforms into practice. They also shared anecdotal experiences.

Based on the discussion, the following challenges were presented during the closing plenary session:

- Identify a mechanism to assess outcomes and impacts of legal services. Legal services providers are serving more clients, often in limited capacities, and need methods for evaluating and tracking the outcomes of these services.

- Identify a mechanism for secure, simple and reliable communications between service providers and clients. Leverage current text messaging practices.
• Create a statewide repository for the access-to-justice community to share best practices that serves to improve efficiencies by reducing replication and redundancies, while preserving client confidences.

• Support creation of a national clearinghouse of successful models of technology platforms and tools.

• Build a global data commons to enable providers to share information to advance technology and research efforts focused on access to justice.

CLOSING PLENARY SESSION

Dean Diller thanked all the participants, panelists and facilitators for the important work at the Conference that will inform law school efforts and projects to advance access to justice. He then invited the Work Group facilitators to report on their sessions and present their groups’ recommendations as detailed in this report. In conclusion, Dean Diller encouraged participants to continue their conversations throughout the year to advance collaborations among legal service providers, community organizations, technology innovators, and law schools.

Ms. Barnett closed the Conference remarking that this was the best one yet, applauding Dean Diller for his leadership, recognizing the organizers, facilitators, panelists and presenters for their hard work, and thanking the participants for their enthusiastic participation.
ENDNOTES

1. See Synopsis of Work Group 4 Discussion, infra at 24-27.

2. The Permanent Commission encourages all stakeholders in New York’s legal system to work together to expand access to justice and has convened the annual law school conference to encourage and promote collaborations among New York’s law schools, and among legal services providers, the private bar and the courts. In 2011, a survey of New York’s 15 law schools showed that law schools have great range and depth in programming that address access to justice issues, including curricular offerings, student pro bono projects, and law school support for summer and post-graduate legal work on behalf of low-income clients. In 2012, the inaugural conference was convened at the Benjamin N. Cardozo School of Law, entitled “A Conversation About the Role of Law Schools in Helping Meet the Essential Civil Legal Needs of Low-Income New Yorkers.” That Conference, organized into Work Groups that examined various aspects of law school programs and activities that broaden community access to justice, produced recommendations for further action. This became the model for the annual law school access to justice conference. It was at the 2012 Law School Conference that then-Chief Judge Jonathan Lippman announced the 50-hour pro bono work requirement for all law graduates seeking admission to the New York bar. Reports from the Annual Law School Conferences are contained in Appendix 15 to the respective Annual Report to the Chief Judge from 2012–2015, in Appendix 10 to the 2016 Annual Report, Appendix 9 to the 2017 Annual Report, and Appendix 11 to the 2018 Annual Report, all available at http://ww2.nycourts.gov/accesstojusticecommission/annual.shtml.

3. The 2019 Conference Program is annexed as Exhibit 1.


5. Id.

6. Id.


8. See List of Student Tech Project Demonstrations annexed as Exhibit 2.


11. See id., at 20-21.


14. The Statewide Law School Access to Justice Council was established in 2013 based on a recommendation from the 2012 Law School Conference and includes members from all 15 law schools, representatives of legal services providers, members of the Permanent Commission, and a representative of the New York State Bar Association.

15. Data available from Legal Outreach at https://legaloutreach.org/.

16. See supra note 2.

17. The Queen v. Dudley and Stephens is available at https://la.utexas.edu/users/jmciver/357L/QueenvDS.PDF.

3.2 The New York City Office of Civil Justice (OCJ) overseeing the rollout of RTC/UAL has focused on providing representation for litigants in eviction proceedings in certain zip codes for ease of implementation because the court system collects data by zip code. The zip codes guaranteed representation (which cover 20-30% of the City) were selected based on the actual number of evictions by City Marshals, the prevalence of rent-regulated housing, and shelter entry rates. According to the OCJ, 250,000 people have received assistance with housing cases since the RTC/UAL was implemented. See Minutes from May 16, 2019 Permanent Commission meeting on file with the Permanent Commission.

RTC NYC Coalition Law School Survey annexed in Exhibit 3.

RTC NYC Coalition and Pro Bono Net Practitioner Survey annexed in Exhibit 4.

See, e.g., https://www.justfix.nyc/.


See https://www.newamericans.ny.gov/about/governor.html.


See Brooklyn Native Faras ’17 Helps Immigrants Achieve Legal Status, available at https://www.albanylaw.edu/students/spotlight/Pages/Brooklyn-Native-Faras-17-Helps-Immigrants-Achieve-Legal-Status.aspx.

As defined by the Immigration and Nationality Act at 8 USC Section 1292.1[a][3] (essentially a person of “good moral character.”)

The Call for Challenges circulated by Professor Brescia is annexed as Exhibit 5.
EXHIBIT 1:
EIGHTH ANNUAL LAW SCHOOL
CONFERENCE PROGRAM
EIGHTH ANNUAL LAW SCHOOL ACCESS TO JUSTICE CONFERENCE

THE ROLE OF NEW YORK’S LAW SCHOOLS IN HELPING MEET THE ESSENTIAL CIVIL LEGAL NEEDS OF LOW-INCOME NEW YORKERS

CONVENED BY THE NEW YORK STATE PERMANENT COMMISSION ON ACCESS TO JUSTICE AT BROOKLYN LAW SCHOOL BROOKLYN, NEW YORK

MAY 14, 2019
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<td>Executive Director, Legal Aid Society of Northeastern New York, Inc.</td>
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11:20-11:50 am  Mid-Morning Briefing  
Implementing the Permanent Commission’s Strategic Action Plan to Provide Effective Assistance to All New Yorkers in Need: Report on Local Access to Justice Initiatives
Helaine M. Barnett  
Chair, New York State Permanent Commission on Access to Justice

Integrating Plain Language in New York’s Law Schools
Hon. Fern A. Fisher  
Special Assistant to the Dean for Social Justice Initiatives,  
Maurice A. Deane School of Law at Hofstra University

Statewide Law School Access to Justice Council’s Diversity Pipeline Initiative in Collaboration with Law School Admission Council (LSAC), Legal Outreach and New York’s 15 Law Schools
James B. O’Neal  
Co-Founder and Executive Director, Legal Outreach, Inc.

Isadora Jaffee  
J.D. Candidate, CUNY School of Law, Class of 2021;  
Diversity Pipeline Instructor, Legal Outreach, Inc

Miyoshie Lamothe-Aime  
J.D. Candidate, Fordham University School of Law, Class of 2019;  
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Pharaoh Sutton-Jackson  
J.D. Candidate, St. John’s University School of Law, Class of 2021;  
Diversity Pipeline Instructor, Legal Outreach, Inc.

12:00-1:30 pm  WORK GROUP SESSIONS: PART I  Concurrent Sessions

**Work Group 1**  
How Law Schools and Community Practitioners are Developing Innovative Technology Solutions that Address the Justice Gap  
Room 601

**Facilitators**  
Raymond H. Brescia  
Hon. Harold R. Tyler Chair in Law and Technology & Professor of Law, Albany Law School

Felicity V. Conrad  
Co-Founder & Chief Executive Officer, Paladin

Matthew M. D’Amore  
Associate Dean, Cornell Tech & Professor of the Practice, Cornell Law School

Dan Jackson  
Executive Director, NuLawLab, Northeastern University School of Law

Ignacio JaureguiLorda  
Director, Jonathan Lippman Access to Justice Fellowship & Legal Hand

Aimee Latorre  
LiveHelp Program Coordinator, LawHelpNY.org, Pro Bono Net

Joseph Rosenberg  
Professor, CUNY School of Law & Supervising Attorney, Main Street Legal Services, Inc.

The Work Group panelists are engaged in innovative projects designed to harness advances in legal technology to promote access to justice. The panelists will discuss their experiences using legal technology to further the goal of closing the justice gap. The panelists will explore best practices, challenges, cautions, risks, rewards, the skills law students need to develop and the future of legal tech to expand access to justice, with the Work Group participants.
Work Group 2  Access-to-Justice Research is Expanding: What’s Now, What’s Next and How it Matters to Us All  Room 603

Facilitators  David Udell  Executive Director, National Center for Access to Justice at Fordham University School of Law

Panel  Colleen F. Shanahan  Associate Clinical Professor of Law, Columbia Law School  James J. Sandman  President, Legal Services Corporation  Neil Steinkamp  Consultant, New York State Permanent Commission on Access to Justice; Managing Director, Stout Risius Ross, LLC  Victor D. Quintanilla  Indiana University Bicentennial Professor; Professor of Law; Co-Director, Center for Law, Society & Culture, Maurer School of Law at Indiana University

Research on access to justice is suddenly robust. Methodologies in the field include court observing, administrative data tracking, outcomes tracking, people-centered surveying, geographic information system (GIS) mapping, policy mapping, internet scraping, relying on big data, using automated systems and other new technologies, conducting randomized controlled trials, and integrating perspectives of researchers from across academic disciplines.

Projects led by law professors and social science researchers, often involving students, are evaluating unmet needs, studying how legal assistance makes a difference and examining the importance of models for legal education and pro bono service. Legal aid providers are undertaking projects to learn more about clients’ circumstances, to consider desirable allocations of resources and to make the case to funders and the public about the importance of civil justice. Courts are considering new methods for tracking and understanding the concerns of people without legal representation. Funders are seeking data to illuminate trends in need, quality of services, and outcomes achieved.

The Work Group will address the questions we most want answered: what’s missing, what’s happening now, what’s likely to happen next and how the new research matters.
Work Group 3  Innovative Approaches to Housing Justice Advocacy: Collaborating to Fulfill the Promise of New York City’s Right to Counsel in Eviction Proceedings

Facilitator  Andrew Scherer
Policy Director, Impact Center for Public Interest Law & Visiting Associate Professor, New York Law School

As increasing numbers of tenants are represented by counsel and the culture in Housing Court transforms, collaborations among law schools, legal services providers and other advocates are striving to support effective advocacy and make Housing Court a place of fairness and justice.

In the first segment of the Work Group session, there will be presentations on two recent studies: (1) an update to the 2018 survey on how New York law schools are training housing lawyers that will provide a reference point to evaluate changes and adaptations by the law schools over the past year, and (2) the findings of a Right to Counsel NYC Coalition survey of housing attorneys, with up to five years’ experience in practice at nonprofit legal services providers, on their views of what is needed from law schools and the legal services providers to ensure they can deliver the highest quality representation to tenants.

The presentations will be followed by a roundtable discussion on how to best collaborate and respond to the need for preparation, training and support for advocates; the success of new models and best practices; and the changes in the Housing Court and housing practice already underway and those projected to come.

Presenters  William Whalen
Director, Municipal Employees Legal Services

Jessica Penkoff
Pro Bono & Strategic Initiatives Coordinator, Pro Bono Net

Roundtable Panelists  Marika Dias
Director, Tenant Rights Coalition, Legal Services NYC

Dan Kass
Co-Founder & Executive Director, JustFix.nyc

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

Kerri-Ann Wright
Director of Training, The Legal Aid Society; Member, Advisory Committee, Housing Justice Leadership Institute
Work Group 4  Challenges and Opportunities in Today’s Immigration Landscape: 
The Role of Law Schools in Ensuring Access to Counsel 
for Immigrant Communities

Facilitators
Beth Lyon
Clinical Professor of Law & Director, Farmworker Legal Assistance Clinic, Cornell Law School
Sarah Rogerson
Clinical Professor of Law & Director of the Immigration Law Clinic, Albany Law School

Panel
Nermeen Arastu
Co-Director, Immigrant and Non-Citizen Rights Clinic & Clinical Law Professor, 
CUNY School of Law
Dora Galacatos
Executive Director, Feerick Center for Social Justice, Fordham University School of Law
Dr. Laura V. González-Murphy
Director of Immigration Policy & Research, New York Department of State
Theo Liebmann
Clinical Professor & Director of Clinical Programs, Maurice A. Deane School of Law at Hofstra 
University
Michele R. Pistone
Director, Clinic for Asylum, Refugee and Emigrant Services (CARES) & Professor of Law, 
Charles Widger School of Law, Villanova University
Carmen Maria Rey
Assistant Clinical Professor of Law, Brooklyn Law School

The persistent federal attacks on immigrants’ rights ignite chaos and destabilize lives. As there is 
no right to government-funded representation for immigrants, New York’s law students are 
filling significant service gaps. This Work Group challenges law schools to expand their special 
role as research centers and practice laboratories to move the State more quickly toward the goal 
of universal representation. The session will begin with a panel to set forth issues and challenges, 
highlight projects and engage the participants in developing the milestones toward a goal of 
universal representation.
Work Group 5  Law Schools Working in the Community:  
Addressing Civil Legal Needs Arising from Entanglement  
with the Criminal Justice System

Facilitators
Connie Mayer
Associate Dean for Academic Affairs; Raymond & Ella Smith Distinguished Professor of Law;  
Director, Law Clinic & Justice Center, Albany Law School
Lillian M. Moy
Executive Director, Legal Aid Society of Northeastern New York, Inc.

Panel
Bernadette Gargano
Vice Dean for Student Affairs; Director, Re-Entry Practicum, University of Buffalo Law School
Adriene Holder
Attorney-in-Charge, Civil Practice, The Legal Aid Society
Elena Kilculen
JD & MSW Candidate, Albany Law School, Class of 2019
Nicole Smith-Futrell
Co-Director, Defenders’ Clinic & Associate Professor of Law, CUNY School of Law

The Work Group panel will discuss the civil consequences of entanglement with the criminal  
justice system, such as barriers to employment and housing, health care issues, and immigration  
issues, among many others, and the lack of civil legal services available to address these issues.  
The panel will highlight several law school programs that are designed to address these civil legal  
needs and explore new ideas for expanding the role of law schools, in partnerships with legal  
services providers, to effect positive change through direct services, advocacy and policy reform  
proposals.

1:35-2:15 pm  Lunch
Demonstration of Student Tech Projects
Joint Session of Work Groups 1 and 2

Introduction
Raymond H. Brescia

Facilitators
Jonathan Askin
Founder & Director, Brooklyn Law Incubator & Policy Clinic & Professor of Clinical Law, Brooklyn Law School

John Rudikoff
Chief Executive Officer & Managing Director, Center for Urban Business Entrepreneurship (CUBE), Brooklyn Law School

Participants in Work Groups 1 and 2 will convene for a joint session to consider technology-based solutions to challenges selected from the Call for Challenges circulated throughout the legal services community in early spring.

The two challenges to be addressed are: (1) how legal services providers can use text messaging and other digital services to stay in touch with and track the outcomes of services provided to clients who receive only brief advice and assistance, and (2) what it might take for New York's legal services providers and law schools to consider the creation of a “Data Commons for Law” that would generate data regarding legal needs and services for low-income and working-poor New Yorkers. Goals of the joint session include considering ways to address these issues and possibly assembling interdisciplinary teams from participants who could pursue development of proposed technology-based solutions to such challenges after the Conference.

Work Groups 3, 4 and 5
Participants in Work Groups 3, 4 and 5 return to original rooms to develop recommendations and action steps.

Work Group 3: Housing
Room 602

Work Group 4: Immigration
Room 605

Work Group 5: Civil Consequences
Room 604

4:05-4:30 pm
Closing Plenary Session
Jerome Prince Moot Court Room

Dean Matthew Diller
Reports from Facilitators of Work Group Sessions

Concluding Remarks
Helaine M. Barnett
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Managing Attorney New York Legal Assistance Group (NYLAG)

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Professor of Law Albany Law School

**JOE ROSENBERG**
Professor CUNY School of Law

**KATHLEEN RUBENSTEIN**
Associate Director Skadden Foundation
### PARTICIPANTS

<table>
<thead>
<tr>
<th>Name</th>
<th>Title and Affiliation</th>
</tr>
</thead>
</table>
| JOHN RUDIKOFF                  | Chief Executive Officer & Managing Director  
Center for Urban Business Entrepreneurship (CUBE),  
Brooklyn Law School               |
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& Visiting Associate Professor  
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Davis Polk & Wardwell               |
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Touro Law Center                     |
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Brooklyn Law School                 |
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Columbia Law School                                                                  |
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Housing Conservation Coordinators                                                    |
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National Center for Access to Justice at Fordham  
University School of Law                                                       |
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CUNY School of Law                                                                  |
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Columbia Law School                                                              |

PERMANENT COMMISSION ON ACCESS TO JUSTICE  12
LAW SCHOOL CONFERENCE PLANNING COMMITTEE

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Raymond H. Brescia, Hon. Harold R. Tyler Chair in Law and Technology & Professor of Law, Albany Law School

Kim Diana Connolly, Professor of Law; Vice Dean for Advocacy & Experiential Education, Director, Clinical Legal Education; University at Buffalo School of Law, Co-Chair, Statewide Law School Access to Justice Council

Matthew Diller, Dean and Paul Fuller Professor of Law, Fordham University School of Law; Chair, Law School Involvement Working Group, NYS Permanent Commission on Access to Justice

Jennifer Gundlach, Emily and Stephen Mendel Distinguished Professor of Law; Clinical Professor of Law, Maurice A. Deane School of Law at Hofstra University; Member, Statewide Law School Access to Justice Council

Lauren Kanfer, Staff Counsel, NYS Permanent Commission on Access to Justice & Statewide Law School Access to Justice Council

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Danielle Sorken, Executive Director, Public Service Law Center, Brooklyn Law School

David Udell, Executive Director, National Center for Access to Justice at Fordham University School of Law
ACKNOWLEDGMENTS

The Law School Conference Planning Committee gratefully acknowledges the generosity of Skadden, Arps, Slate, Meagher & Flom LLP for the Conference refreshments catered by Ruth Rosania, Sterling Affair Caterers.

The Law School Conference Planning Committee extends its appreciation to Brooklyn Law School for the expert assistance in preparation for the Conference provided by Linda Harvey, Chief Operating Officer & Chief of Staff; Chris Gibbons, Director of Events & Community Relations; Michael Lacari, Student Events Director; Danielle Sorken, Executive Director of the Public Service Law Center; Alejandra Collado, Program Coordinator of the Public Service Law Center and Jacqueline Cheney, Director of Community Engagement of the Public Service Law Center.

The Committee expresses its thanks to Christopher King, Emily McEvoy and Emma Needham, Litigation Legal Assistants at Sullivan & Cromwell, LLP, and Brooklyn Law School students Kyleen Breslin and Maria Fitzgerald for recording notes during the Conference.
EXHIBIT 2:
LIST OF STUDENT TECH
PROJECT DEMONSTRATIONS
MAY 14 LAW SCHOOL ACCESS TO JUSTICE CONFERENCE

STUDENT TECH PROJECT DEMONSTRATIONS 1:35-2:15 PM

Gratis: Stanton Burke, LL.M Candidate 2019, Cornell Tech and Chris Kruger, M.Eng. Computer Science Candidate 2019, Cornell Tech

Gratis is a software that matches attorneys with pro bono clients. Gratis provides a platform for these parties to communicate and give organizations and clients the tools they need to track and measure their pro bono outcomes. Gratis amplifies pro bono work and increases access to justice.

Gratis was awarded first place in the 2019 CUBE Innovators Invitational.

RAP Revise: Chynna Foucek, Brooklyn Law School

RAP Revise is an online database and tool that allows individuals and their attorneys to access a digital copy of their RAP sheet to review and ensure that updates or changes to an individual’s criminal record are properly entered. RAP Revise aims to streamline the process for the review of RAP sheets and rectification of errors by consolidating a series of steps within a single, accessible platform. By creating an online tool for individuals to access their RAP Sheets, RAP Revise seeks to address the inefficiencies within the court system and minimize the negative impact of errors on an individual’s livelihood.

RAP Revise was awarded second place in the 2019 CUBE Innovators Invitational.

Blockchain to Narrow the Justice Gap: Steven Deolus, JD Candidate 2020, Brooklyn Law School

One way to address the justice gap is to provide an efficient way to connect available practitioners and low-income Americans. Blockchain would be a solution to help track, connect, and implement smart contracts for services provided to low-income clients. The goal is to use Blockchain as the backbone infrastructure for a front-facing service that categorizes a pre-determined list of legal issues that pro bono clients can select to identify their issues. The legal issues on the Blockchain would be associated with a unique identifiable token that could be transferred to other clients on the occasion that the legal service goes unused. Ultimately, a Blockchain solution would ensure that services do not go unmet and that pro bono hour requirements are fulfilled efficiently.

Legally Found: Dana Lesham, Seray Nalbantoglu & Marisha Thakker, Cornell Tech

Legally Found is a mobile-based platform that gamifies legal information to make it approachable and understandable. It empowers users by creating localized games that inform them about their legal rights in fields like employment and immigration and can also be used to aid in understanding legal processes involved in activities such as starting a business. Conceptualized by a global team of eight women, Legally Found aims to make the law approachable and accessible in an interactive and educational way to increase access to justice.

New Beginnings: Elena Kilcullen, JD/MSW Candidate 2019, Albany Law School

New Beginnings is a unique re-entry program for inmates in the Albany County jail to assist them in navigating the civil disabilities that occur as collateral consequences of arrest and conviction. Inmates are provided with a pre-loaded tablet programmed with information on how
to find a job, housing, support services, as well as website links to other resources. Inmates are assigned a case worker and by using the table-based program, can set up employment and housing before release, instead of being released and then trying to find resources. New Beginnings is one of the first programs in New York to provide re-entry services prior to release. The program aims to reduce recidivism by providing inmates with resources to find housing, employment, healthcare and other benefits prior to release.

**Warranty of Habitability Damages Calculation Tool: Jordan Fruchter, JD Candidate 2020, Albany Law School**

This web-based application is designed to provide low income tenants living in uninhabitable conditions meaningful access to the justice system. A web-based warranty of habitability calculator helps tenants seek damages in the form of a percentage of rent previously paid. Based on the particular issue the tenant is facing and the date notice was provided to the landlord, the program will automatically calculate damages based on New York case law. The program generates an application for the tenant to initiate the suit and a document summarizing the nature of the claim, the applicable law, and a detailed explanation of the damage’s calculation for the trial, complete with relevant case citations.

**Non-Profit Document Assembly Tool: Julia Kosineski, Pro Bono Scholar, JD Candidate 2019, Albany Law School**

Using the A2J Author platform of the Center for Computer-Assisted Legal Instruction (CALI), this web-based tool, designed to be used by lawyers, generates a certificate of incorporation and set of by-laws for a non-profit organized under New York law. The end-user answers a series of questions about the organization the individual wants to form, and the document assembly tool generates the documents in a format that can be filed with the New York Department of State (think Turbo Tax for non-profit incorporation).


The Columbia Law School Lawyering in the Digital Age Clinic, now in its 19th year, is engaged in a multi-phase project with The Legal Aid Society to help their attorneys meet the many challenges posed by NYC’s historic Right to Counsel initiative (RTC). As part of this first phase, the Clinic was asked to create “free” document assembly processes that allow attorneys in the Bronx office to quickly create well-constructed amended answers that fully leverage the law in the many eviction cases they take on each week to meet their RTC responsibilities. In addition to creating answers quickly, remotely and securely, one of the processes also automatically compiles data generated by the answers that can be used to track trends related to landlords, commonly used defenses and other issues that will become increasingly important as the RTC initiative moves to full scale.
EXHIBIT 3:
RIGHT TO COUNSEL NYC COALITION
LAW SCHOOL SURVEY
ARE LAW SCHOOLS IN NEW YORK STATE AND THE METRO NYC AREA PREPARED FOR THE ROLL OUT OF “RIGHT-TO-COUNSEL: AN INVENTORY OF LAW SCHOOL CURRICULUM AS IT PERTAINS TO LANDLORD-TENANT LAW AND RELATED HOUSING ISSUES.

May, 2019

Part 1: Methodology

The information presented in this report provides an overview of all landlord-tenant related instruction that NY State and NYC metropolitan area law schools are currently offering their students. All of the information gathered in this report was retrieved through common research methods, mainly through conducting simple online searches and by surveying public interest advisors at each respective law school by email or over the phone. The information gathered was then combined through quantitative methods, to provide aggregate findings. The following table lists the law schools researched in this report.

<table>
<thead>
<tr>
<th>Law School</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.  Albany Law School</td>
<td>Albany, NY</td>
</tr>
<tr>
<td>2.  Brooklyn Law School</td>
<td>Brooklyn, NY</td>
</tr>
<tr>
<td>3.  Columbia Law School</td>
<td>New York, NY</td>
</tr>
<tr>
<td>4. Cornell Law School</td>
<td>Ithaca, NY</td>
</tr>
<tr>
<td>5.  CUNY School of Law</td>
<td>Queens, NY</td>
</tr>
</tbody>
</table>

1 Note: Cornell has since been removed from the survey because they were unreachable by phone and email and there were no findings on their school website to suggest they engage in Housing related studies. Furthermore, Cornell, was not included in the original report.
6. Fordham University School of Law  
New York, NY
7. Hofstra University School of Law  
Hempstead, NY
8. New York Law School  
New York, NY
9. New York University School of Law  
New York, NY
10. Pace University School of Law  
White Plains, NY
11. Rutgers Law School  
Newark, NJ
12. St. John's University School of Law  
Queens, NY
13. Seton Hall University School of Law  
Newark, NJ
14. Syracuse University College of Law  
Syracuse, NY
15. Touro College Law Center  
Central Islip, NY
16. University at Buffalo School of Law  
Buffalo, NY
17. Yeshiva University Benjamin N. Cardozo School of Law  
New York, NY

The responses gathered from last year’s survey were sent to representatives from each individual law school listed, in order to determine whether any changes have been made since their original response to the survey was collected. The survey collected in 2018 asked the following questions:

1. **List courses that include an exclusive or significant focus on landlord-tenant law.** Briefly describe the content and frequency of the course offering. Approximately how many students, on average, take the course each year?

2. **List in-house clinics that in whole or in part include landlord-tenant matters, including litigation or other client services.** Briefly describe types of matters, cases and fora handled by the clinic. Approximately how many students participate in the clinic each year?

3. **List externships that include landlord-tenant matters.** List placements and briefly describe matters covered. State approximately how many students participate in these externships each year.

4. **List any extracurricular activities that include a significant focus on landlord-tenant law such as student-run projects or moot court fact patterns and approximately how many students are involved in these activities each year.**

5. **List any other experiences provided by the law school that might prepare students for landlord-tenant litigation.** Briefly describe each.
Part 2: Aggregate Findings

The graphs presented below were compiled by combining the information found online with information provided in response to surveys. These statistics provide a general overview on how much landlord-tenant instruction is being offered at NY State and NYC metropolitan area law schools. *Note: Each law school listed in this report provides a mandatory property law course, which touches upon landlord-tenant law. This report is only concerned with courses that provide a significant focus on the landlord-tenant relation specifically. Therefore, mandatory property courses were excluded from the study.*
PERCENTAGE OF LAW SCHOOLS THAT OFFER EXTERNSHIPS THAT INCLUDE LANDLORD-TENANT MATTERS

- Yes, 19%
- No, 81%

PERCENTAGE OF LAW SCHOOLS THAT OFFER COURSES THAT EXCLUSIVELY OR SIGNIFICANTLY ADDRESS LANDLORD-TENANT LAW

- Yes, 56%
- No, 44%
Please note there was no standard created to determine how to evaluate whether a school's clinics, courses', externships or extracurricular activities were “exclusive”, “substantial” or “partial” and the pie graphs may vary from year to year.

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2 Please note there was no standard created to determine how to evaluate whether a school’s clinics, courses', externships or extracurricular activities were “exclusive”, “substantial” or “partial” and the pie graphs may vary from year to year.
CHANGES IN LANDLORD-TENANT RELATED INSTRUCTION:

Since publication of the May 2018 Inventory of Landlord-Tenant Law Related Instruction at New York State and Metro NYC Area Law Schools, the following Schools have implemented or offered new Clinics, Courses, Externships, Extracurricular Activities, Post-Graduate Mechanisms or other Additional Resources:

1. **Brooklyn Law School**:  
   i. Clinic: CED  
   ii. Courses:  
      1. Advance Civil Litigation  
      2. NY Civil Practice  
   iii. Extracurricular Activities:  
      1. Pro- Bono Project with the Pro-Se Landlord Harassment and Repair Clinic

2. **Columbia Law School**:  
   i. Clinic:  
      1. Tenant Rights Project works with SRO Law Project  
      2. Manhattan Legal Services Housing Intake Clinic  
      3. Lenox Hill Neighborhood House  
      4. Tenant Advice Clinic

3. **Fordham Law School**:  
   i. Courses:  
      1. State and Government Law  
   ii. Externship:  
      1. Housing Litigation Externship  
   iii. Post Grad:  
      1. Bi-weekly Trainings which are geared toward practicing attorney’s although students are invited.  
      2. HJI- attorney mentorship program  
      3. Public Interest Resource Center  
   iv. Additional Resources:  
      1. “Kirpalani Summer Fellowship” in housing law.
4. **Hofstra Law School**:
   i. Clinic:
      1. CED
   ii. Courses:
      1. Housing Litigation Skill Course
      2. Special Problems in Housing Course

5. **New York Law School** now offers a night Landlord & Tenant course.

6. **New York University Law School**:
   i. Externship:
      1. Housing Law internship

7. **Saint John’s University School of Law**:
   i. Externship:
      1. JASA/Legal Services for the elderly, which will focus on Landlord and tenant/ housing issues
   ii. Extracurricular:
      1. Real Property Law Society hosts a number of events, some of which focus on housing topics

8. **Seton Hall University School of Law**:
   i. Clinic:
      1. Health Justice, which deals with housing issues, so long as the housing issue is intertwined with health justice issues. (i.e. danger to life conditions)
   ii. Courses:
      1. Landlord and Tenant Law
         a. NOTE: Their property law required 1L course contains Landlord & tenant aspects

9. **Touro College Law Center**:
   i. Post-Graduate Mechanisms:
      1. Pro-Bono Scholars geared toward alumni – currently discussing Civil Right to Council Issues [Guest speaker: Andrew Scherer]

10. **CUNY School of Law**:
    i. Course:
       1. N.Y. Landlord and tenant law
    ii. Clinic:
       1. Housing Justice Practicum (Clinic +Externship placement)
       2.
11. University at Buffalo School of Law:
   i. Externship:
      1. Center for Elder Law and Justice (specifically geared to clients 60+ years of age facing housing matters, which include eviction)
      2. Legal Aid Bureau of Buffalo
      3. **Pro-Bono Scholar** - is an intended program which would place students that have taken the February Bar Exam in a full-time job placement in a legal services organization from March to May
   ii. Extracurricular:
      1. Attorney of the Morning (in Buffalo City Court)- students do intake for the limited scope legal service program
      2. Housing Helpline at Volunteer Lawyers Project – for individuals outside the city of Buffalo facing eviction in Erie County.
APPENDIX: Law School Profiles

Albany Law School

Note: The following information is based on the 2018 survey responses. The listed contact, Nancy Mauer, was unreachable. Contact: Nancy Mauer: Director of the Field Placement Clinic: nmaur@albanylaw.edu

<table>
<thead>
<tr>
<th>Clinics</th>
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<tbody>
<tr>
<td>• Albany does not provide clinics with an exclusive focus on landlord-tenant law, however the following clinics do touch upon landlord-tenant law incidentally:</td>
</tr>
<tr>
<td>• 1) Family Violence Litigation Clinic, 2) Health Law Clinic, 3) Immigration Law Clinic, &amp; 4) Community Development Clinic</td>
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<tr>
<td>• 8 students participated in each clinic each semester (64/year)</td>
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<tr>
<th>Courses</th>
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<tr>
<td>• Poverty Law Seminar: includes a significant focus on “Eviction Defense” - This is a new course beginning in the Spring of 2018</td>
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<thead>
<tr>
<th>Externships</th>
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<tbody>
<tr>
<td>• The following externships are offered each semester and provide a significant focus on landlord-tenant matters: Legal Aid Society of NENY, Empire Justice Center, The Legal Project (foreclosure relief), Disability Rights NY, Albany Housing Authority - Approximately 1-5 students each semester</td>
</tr>
<tr>
<td>• Pro Bono Scholars Program: 2 full-time placements each year from the focus on Landlord-Tenant Law</td>
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<thead>
<tr>
<th>Extracurricular Activities</th>
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<tbody>
<tr>
<td>• Albany Law Landlord-Tenant Pro Bono Society Project</td>
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<tr>
<td>• Albany County Family Court Helpdesk</td>
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<thead>
<tr>
<th>Post Graduate Mechanisms</th>
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<tr>
<th>Additional Resources</th>
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<tbody>
<tr>
<td>• Moot Court Program: Students compete in Arbitration, Civil and Criminal trial teams, and Appellate practice</td>
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</table>
# Brooklyn Law School

*Note: The following information was collected based on the 2018 survey responses and 2019 email correspondence. Contact: Danielle Sorken: Executive Director, Public Service Law Center; danielle.sorken@brooklaw.edu*

## Clinics
- The Housing Rights Clinic with MFJ, 6 students
- Helping Elders Through Litigation and Policy, 5 students
- Disability and Civil Rights Clinic - students work in teams of 2
- Community Development Clinic

## Courses
- The Landlord/Tenant Litigation Seminar, (the Fall Semester is tenant-oriented) and Spring Semester (landlord oriented), 15-25 students
- Advanced Civil Litigation
- New York Civil Practice

## Externships
- Brooklyn Law provides housing externship placements with Legal Services, Legal Aid, NYLAG, MFJ, HCC, Goddard Riverside, CAMBA, among others; usually have 5 or 6 students in these placements

## Extracurricular Activities
- Brooklyn has a pro bono project with Brooklyn Legal Services that works on HP Actions, 6-12 students: Pro bono project with the Pro Se Landlord Harassment and Repairs Clinic

## Post Graduate Mechanisms
- Brooklyn Law provides a BLS Graduates program for 10 months where students work in the public sector part time; usually 1-2 students out of a dozen use their placement in housing; they also usually have 1-2 Pro Bono Scholars working in housing

## Additional Resources
- Brooklyn Law provides Trial Advocacy, which teaches lawyering skills that could be helpful in housing court
- The Edward V. Sparer Public Interest Law Summer Fellowship, which prepares lawyers to work for social justice and the greater good.
- Brooklyn Law also provides an introduction to Public Interest Lawyering Course, which examines the history, strategies and ethics of public interest lawyers
Columbia Law School

Note: The following information was collected based on the 2018 survey responses and 2019 email correspondence. Courses and Additional Resources have been omitted. Contact: Laren Spirer, Director, Pro Bono Programs; laren.spirer@law.columbia.edu; (212) 854-1448

Clinics

- The following clinics partly focus upon landlord-tenant matters: Immigration Rights Clinic, and Lawyering in the Digital Age Clinic
- The Lawyering in the Digital Age Clinic is limited to 16 students per semester (32 per year)
- Tenant rights project works with SRO Law Project. The Legal Aid Society and NMIC Legal Services to allow students to participate at local community organizations in all aspects of low-income tenant representations. (students are selected based on their application and the clinic’s needs)
- Manhattan Legal Services HOusing Intake Clinic (4 students)
- Lenox Hill Neighborhood House: Lawyer-For-the-Day Clinic at the Harlem Community Justice Center (3-5 Students)
- Tenant Advice Clinic (4 students)

Externships

- The Bronx Defenders Externship works holistically, and one of the issues they focus on is housing

Extracurricular Activities

- The Tenants’ Rights Project is a student group that runs two pro bono projects related to landlord/tenant law: 1) SRO Law Project and NMIC Legal Services, and 2) Manhattan Legal Services Housing Intake Clinic
- Approximately 12 students participate in each project per semester

Post Graduate Mechanisms

- Columbia works with students to apply for EJW and Skadden Fellowships, both of which could focus on landlord-tenant matters
- Columbia offers the following post-graduate fellowships that focus upon public interest matters: 1) Herbert and Nell Singer Social Justice Fellowship (2018), 2) Kirkland & Ellis New York City Public Service Fellowship (2018), and 3) Public Interest and Government Fellowship (2018)
CUNY School of Law

Note: The following information was collected based on the 2018 survey responses and 2019 email correspondence. Contact: Donna Lee, Associate Dean of Clinical Programs, lee@mail.law.cuny.edu

Clinics

- Community Economic Development Clinic - partners with community led organizations to address structural inequalities in NYC through transactional representation, litigation, community legal education, and policy reform. Students provide legal assistance to tenant organizations that are fighting to preserve affordable housing, particularly in gentrified areas of the city.
- Housing Justice Practicum - Offered to 3L students for the purpose of training students to become effective tenant advocates upon graduation. The course is comprised of a seminar and an externship at a legal services provider.

Courses

- "New York Landlord-Tenant Law" which specifically focuses upon landlord-tenant matters in New York

Externships

- CED Clinic provides housing in various firms that are involved with litigation on behalf of Tenant Organizations as well as placement at DC37.

Post Graduate Mechanisms

- N/A

Additional Resources

- N/A
**Fordham University School of Law**

*Note:* The following information was collected based on the 2018 survey responses and 2019 email correspondence. “Clinics” category has been omitted. Contact: Leah Horowitz, Director of Student Organizations and Publicity, Public Interest Resource Center; lhorowitz2@law.fordham.edu

### Courses
- Affordable Housing, Law Practice & Policy
- Land Use Law
- Law of the City of New York
- State and Government Law

### Externships
- Housing Litigation Externship -NEW- students work at Bronx Legal Services or Housing Conservation Coordinators, Inc. to represent low income tenants in eviction proceedings. Externship provides direct clinic contact and court appearances in NYC housing courts. The seminar portion of the externship explores the history of rent regulation in NYC, new regulation and basic principles of Landlord-tenant law.

### Extracurricular Activities
- The Housing Advocacy Project (HAP), has an active board comprised of seven student leaders. They have approximately 63 student members. HAP regularly hosts events and panels related to landlord-tenant law, and they have also been involved in larger school efforts to get the word out about this work and coordinate programs such as the externship housing program.
- In Partnership with HAP, HCC invites interested students to shadow attorneys at their weekly Monday Night intake clinic.
- Fordham also has the Urban Law Center which hosts programming related to this work. Its newly created Housing Justice Initiative is a collaboration of the Urban Law Center, the Public Interest Resource Center and HAP.

### Post Graduate Mechanisms
- HJI (Housing Justice Initiative) provides an attorney mentor.
- Public Interest Resource Center
- Bi-weekly trainings that focus on numerous areas related to housing law practice. (open to students but geared toward practicing attorney's)

### Additional Resources
- Fellowship Opportunity -“Kirpalani Summer Fellowship in Housing Law- grants a stipend between $4500 and $5000 to do housing related work with a non-profit or government agency for the summer.
- HJI attorney mentorship program
New York University School of Law

Note: The following information was collected based on the 2018 survey responses and 2019 email correspondence. “Clinic” category omitted. Contact: Sarah Hudson-Plush; Associate Director Public Interest Law Center; sarah.hudsonplush@nyu.edu; 212.992.6177

Courses

• 1L Reading Group: Housing Court and Housing Instability: Evictions, Legal Services for Tenants, and Court Reform - “The reading group will explore the causes and consequences of housing instability for low and moderate income families, and assess the role that landlord tenant law, the structure and procedures of housing court, and the presence or absence of legal assistance for tenants play in housing instability”

Externships

• Students participating in the Pro Bono Scholars Program have the option of partnering with organizations that provide housing legal services
• Housing Law Externship with Legal Aid Society - students will learn Housing Court Procedure, substantive laws pertaining to the various types of housing in NYC, ethical rules in working with low-income clients, the role of historic pattern of inequality based on race, gender combined with economic inequality to compound the impact of impending eviction. (limited to 10 students)

Extracurricular Activities

• Research, Education & Advocacy to Combat Homelessness (REACH) is a student organization dedicated to directly serving the local homeless community and raising the profile of poverty law issues within the law school. REACH operates 2 weekly clinics in soup kitchens near NYU, where law students provide advice and referral on a wide range of issues including housing, public benefits, and health-related matters. REACH also publishes a comprehensive manual and organizes speakers and panels on issues relevant to poverty law
• 1L Reading Group: Gentrification and its Challenges to the Law and Fair Housing Act

Post Graduate Mechanisms

• NYU has had several Poverty Justice Solutions Fellows and has had Equal Justice Works and Skadden Fellows who focus on housing work. NYU also has fellowships restricted to NYU graduates including the Kirkland & Ellis Public Service Fellowship, the NYU Public Interest Project Fellowship, and the NYU Reproductive Justice and Women’s Rights Fellowship, all of which provide the option of pursuing landlord-tenant-related work

Additional Resources

• NYU Furman Center- a joint center of the NYU School of Law and Robert F. Wagner Graduate school of public service
St. John's University School of Law

Note: The following information was collected based on the 2018 survey responses and 2019 email correspondence.

Contact: Robert Sein: Director, Mattone Family Institute for Real Estate Law; seinr@stjohns.edu

<table>
<thead>
<tr>
<th>Clinics</th>
<th>• N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Courses</td>
<td>• N/A</td>
</tr>
</tbody>
</table>
| Externships      | • St. John's students have participated with the following organizations that have a significant focus on landlord-tenant matters: NYC Housing Court: Queens County, Brooklyn Legal Services, Queens Legal Services, Brooklyn Volunteer Lawyers Project, NYLAG and Legal Aid Society - Housing Unit.  
• One student per externship  
• JASA/Legal Services for the Elderly in Queens, which will focus on landlord-tenant/housing issues. |

Extracurricular Activities

• Dispute Resolution Society (DRS) educates students about negotiation and mediation, and in recent years there have been competition fact patterns that relate to landlord-tenant matters.  
• The Real Property Law Society hosts events on real estate topics, which may include landlord-tenant and Housing Court matters. For example, in February 2019, the Honorable John S. Landsden, Supervising Judge of Queens County Housing Court, gave a talk to students regarding career paths in landlord-tenant law, including in the field of tenant advocacy, and Housing Court practice. Topics discussed included the RTC legislation and career opportunities for students arising therefrom.

Post Graduate Mechanisms

• The Public Service Fellowship Program: Placements in this program may include organizations with a focus on landlord-tenant matters. In recent years, one student was placed in NYC Housing Court.

Additional Resources

• The following in-house organizations prepare students on areas of property law and in some instances landlord-tenant law: The Mattone Family Institute for Real Estate Law, Real Property Law Society (100 students), Public Interest Fellowships, and the Pro Bono Service Project.
• We have included a link to the RTC Jobs Board on our student jobs board.
University at Buffalo School of Law

Note: The following information was collected based on the 2018 survey responses and 2019 email correspondence.

Contact: Melinda R. Saran: Vice Dean for Social Justice Initiatives (Externship Director); saran@buffalo.edu

Clinics

• N/A

Courses

• N/A

Externships

• Center for Elder Law & Justice - for individuals aged 60 and older, housing matters including eviction and landlord/tenant disputes
• Legal Aid Bureau of Buffalo - landlord/tenant matters
• Neighborhood Legal Service: Attorney of the morning in Buffalo City Court - evictions & condition defense
• Volunteer Lawyers Project: Attorney of the morning in Buffalo City Court - evictions & condition defense
• 4-5 students per year; 1-2 per semester, including summers
• Also may be a Pro Bono Scholar - NYS Court Program where students take the bar in February and then work full-time in a legal services organization from March - May

Extracurricular Activities

• Attorney of the Morning in Buffalo City Court. Run alternately by Volunteer Lawyers Project and Neighborhood Legal Services, students do the intakes for this limited scope legal service program for income-eligible individuals facing eviction in Buffalo. - 10 Students per semester outside of Externs
• Housing Helpline at Volunteer Lawyers Project for individuals outside the City of Buffalo facing eviction in Erie County. At least one student helps with intakes each semester.

Post Graduate Mechanisms

• N/A

Additional Resources

• Students are exposed to landlord-tenant instruction when participating in Fighting Poverty in Buffalo, Local Government Law, Regional Economic Development and the Pro Bono Scholars Seminar, and Greening Buffalo
**Yeshiva University Benjamin N. Cardozo School of Law**

*Note: The following information was collected based on the 2018 survey responses and 2019 email correspondence. Contact: Jackie Cheney: Director, Center for Public Service Law; Jacqueline.cheney@yu.edu*

### Clinics

- Cardozo’s Bet Tzedek Civil Litigation Clinic has 14-16 law student participants each year and handles a limited number of landlord-tenant and related matters for individuals with disabilities or older adults.
- Additionally, in the Alternative Dispute Resolution Seminar/Mediation Clinic, students serve as mediators in different types of disputes, including disputes between landlords and tenants.

### Courses

- Housing Policy
- Community Development
- Children/Race/Poverty
- Poverty & the Law
- Skills-based courses like Trial Advocacy, Negotiation, Interviewing & Counseling, etc.
- Cardozo has traditionally offered a course in Landlord-Tenant Law, and it will likely be offered again in future years.

### Externships

- Students can intern with virtually any nonprofit organization or government agency through our Public Sector Externship Program. Past students have externed with organizations including NYLAG, The Legal Aid Society’s Civil Practice, Brooklyn Legal Services Corp. A, NMIC, MFY Legal Services (now Mobilization for Justice), The Bronx Defenders Civil Action Practice, New York State Homes and Community Renewal (which houses the Tenant Protection Unit), the Urban Justice Center, and Legal Aid of Rockland County.
- Additionally, Cardozo’s Pro Bono Scholars Program has been exclusively landlord-tenant-focused since the program began a few years ago, with Cardozo students placed for their full-time externships with The Legal Aid Society’s Housing Help Program.

### Extracurricular Activities

- In the past, Cardozo students assisted in the Resolution Assistance Program in New York City Housing Court. Cardozo is also working on establishing another housing-related project.

### Post Graduate Mechanisms

- Cardozo has a Bridge-to-Practice Post-Graduate Fellowship program, in which recent graduates can receive a stipend for work in the nonprofit or government sectors. We have also had several Poverty Justice Solutions Fellows.

### Additional Resources

- Cardozo’s 2018 and 2019 Public Law Advocacy Week (P*LAW) included a panel discussion on the rights of low-income tenants in New York, tenant organizers, housing attorney’s, NYC Councilwoman, Carlina Rivera, and others.
- Cardozo’s 2018 INSPIRE! Awards honored Sheila Garcia of Community Action for Safe Apartments, which was instrumental in getting the right to counsel legislation passed in New York City, as well as alumni engaged in tenant advocacy work.
Hofstra University School of Law

Note: The following information was collected based on the 2018 survey response, email correspondence and by phone. Contact: Hon. Fern Fisher, Professor; Fern.A.Fisher@hofstra.edu; (516) 463-5159

- **Clinics**
  - CED Clinic

- **Courses**
  - Landlord Tenant Law, 7 students
  - Access to Justice: students will be assigned for 50 hours to work with the local Legal Service provider handling housing cases in the District Court
  - Housing Litigation Skills Course
  - Special Problems in Housing Course

- **Externships**
  - Hofstra provides 3 Pro Bono Scholars with externships in housing matters

- **Post Graduate Mechanisms**
  - In January, Judge Fern Fisher conducted an information session for students on careers in housing

- **Additional Resources**
  - Hofstra offered a panel of speakers on the Right to Counsel in Housing Court in October of 2017
New York Law School

Note: The following information was collected based on the 2018 survey response and phone correspondence. Contact: Andrew Scherer, Policy Director of the Impact Center for Public Interest Law; andrew.scherer@nyls.edu; (212) 431-2144

**Clinics**

- Housing Rights Clinic: Started in 2017, the clinic works with Manhattan Legal Services; students assist MLS attorneys in representing low-income tenants in eviction proceedings, mostly in Manhattan Court
- The seminar component of the clinic addresses housing law, policy and practice issues to prepare students for tenant representation and to support them in their work on behalf of clients
- 5 students in the first year

**Courses**

- NYLS offers a two-credit course in landlord-tenant law that covers eviction proceedings, rent regulation and other related matters
- NYLS now also offers Landlord Tenant class at night

**Externships**

- Students are able to choose externships with legal organizations that provide legal assistance with landlord-tenant matters and the Pro Bono Scholars externships often involve placements in organizations that provide legal assistance with landlord-tenant matters

**Extracurricular Activities**

- The NYLS Impact Center for Public Interest Law has a Right to Counsel project that has involved student interns in advocacy to establish the right to counsel for tenants in NYC
- About 7 students have interned with the project

**Post Graduate Mechanisms**

- N/A

**Additional Resources**

- N/A
Seton Hall University School of Law

Note: The following information was collected via online research and phone survey response. “Post Graduate Mechanisms” and “Additional Resources” have been omitted. Contact: Laurie Borgen: (973) 761-9000 ext. 8500

<table>
<thead>
<tr>
<th>Clinics</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Civil Litigation and Practice Clinic primarily focuses on housing related consumer matters and foreclosure cases. Students may handle various aspects of civil cases, which range from the initial interview to arguing a motion.</td>
</tr>
<tr>
<td>• Clinical Law Practice sometimes litigates fair housing cases alleging discriminatory practices such as refusal to rent/sell property. This clinic also participates in various non-litigation advocacy efforts such as drafting model legislation and assisting non profit groups.</td>
</tr>
<tr>
<td>• Health Justice. (NOTE: this clinic does take housing cases however the case must be intertwined with health justice issues such as danger to life conditions.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Courses</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Landlord and Tenant Law (first offered Fall of 2018)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Externships</th>
</tr>
</thead>
<tbody>
<tr>
<td>• N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Extracurricular Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>• N/A</td>
</tr>
</tbody>
</table>
Touro College Law Center

Note: The following information was collected via phone survey. Contact: Thomas Maligno, Director of Public Interest and Pro Bono, Thomasm@tourolaw.edu (631) 761-7033.

**Clinics**

- Touro offers the Veterans’ and Servicemembers’ Rights Clinic, which may handle landlord-tenant issues and eviction

**Courses**

- N/A

**Externships**

- The Senior Citizens Law Program at Touro Law Center handles landlord-tenant matters frequently
- The Law Office of the Public Advocacy Center focuses on matters where the courts have recognized a significant lack of attorney access, including landlord-tenant matters for undocumented and low-income clients

**Post Graduate Mechanisms**

- Pro Bono Scholars: which discusses Housing issues, the course is currently discussing Civil Rights to Council Issues. (course currently has an enrollment of 8 students (alumni) who have already taken the bar)
ENDNOTES:

1 The Right to Counsel NYC Coalition gratefully acknowledges the pro bono assistance of Skadden Arps Legal Practice Assistant Nicholas Liotta in preparing the original report in 2018. The assistance was arranged by and at the request of Skadden’s Pro Bono Special Counsel, Ronald Tabak. The Coalition is also grateful to the members of the law school community who responded to the survey that gathered much of the data on which this report is based. The survey questions were developed by a subcommittee of the Coalition. The subcommittee includes Paris Baldacci of Cardozo Law School, Sergio Jimenez of Brooklyn Defender Services, Kat Meyers of the Legal Aid Society and Andrew Scherer of New York Law School.

REFERENCES:

1. Rutgers https://law.rutgers.edu/ (last visited April 24, 2019)

2. Pace Elisabeth Haub School of Law https://law.pace.edu/academics/juris-doctor-program (last visited April 24, 2019)

3. Syracuse University College of Law http://law.syr.edu/ (last visited April 24, 2019)

4. Housing Court Answers, http://housingcourta... (last visited April 17, 2019)


EXHIBIT 4:
RIGHT TO COUNSEL NYC COALITION
AND PRO BONO NET PRACTITIONER SURVEY
Q1 How long have you been working as a housing attorney (or law graduate)?

Answered: 158  Skipped: 6

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 year or less</td>
<td>20.89%</td>
</tr>
<tr>
<td>1 to 2 years</td>
<td>22.78%</td>
</tr>
<tr>
<td>2 to 3 years</td>
<td>20.25%</td>
</tr>
<tr>
<td>3 to 4 years</td>
<td>13.92%</td>
</tr>
<tr>
<td>4 to 5 years</td>
<td>22.15%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>

1 / 91
Q2 Which borough do you practice in?

Answered: 161    Skipped: 3

- Bronx (26.09%) - 42 responses
- Brooklyn (29.19%) - 47 responses
- Manhattan (19.25%) - 31 responses
- Queens (8.07%) - 13 responses
- Staten Island (3.73%) - 6 responses
- I practice in more than one borough (please see comment box below): (13.66%) - 22 responses

# IF YOU PRACTICE IN MORE THAN ONE BOROUGH, PLEASE STATE WHICH BOROUGHS AND THE APPROXIMATE DIVISION OF YOUR TIME BY PERCENTAGE.

<table>
<thead>
<tr>
<th>#</th>
<th>If you practice in more than one borough, please state which boroughs and the approximate division of your time by percentage.</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bronx, 95% Brooklyn, 5%</td>
<td>5/2/2019 5:51 PM</td>
</tr>
<tr>
<td>2</td>
<td>Bronx (50%), NY (40%), Brooklyn (10%)</td>
<td>5/2/2019 3:44 PM</td>
</tr>
<tr>
<td>3</td>
<td>Manhattan 85%, Bronx 15%</td>
<td>5/2/2019 3:44 PM</td>
</tr>
<tr>
<td>4</td>
<td>Bronx (20%), Brooklyn (10%), Queens (10%), Manhattan (60%)</td>
<td>5/2/2019 3:43 PM</td>
</tr>
<tr>
<td>5</td>
<td>Manhattan 75%, Bronx 25%</td>
<td>5/2/2019 3:13 PM</td>
</tr>
<tr>
<td>6</td>
<td>Manhattan and Brooklyn</td>
<td>4/29/2019 8:56 PM</td>
</tr>
<tr>
<td>7</td>
<td>Manhattan, Brooklyn and Bronx</td>
<td>4/29/2019 8:48 PM</td>
</tr>
<tr>
<td>8</td>
<td>Brooklyn (10%); Bronx (15%); Manhattan (75%)</td>
<td>4/26/2019 3:43 PM</td>
</tr>
<tr>
<td>9</td>
<td>Manhattan, Brooklyn</td>
<td>4/26/2019 11:44 AM</td>
</tr>
<tr>
<td></td>
<td>Boroughs Distribution</td>
<td>Date</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>10</td>
<td>40% NY, 25% Kings, 25% Bx, 10% Queens</td>
<td>4/26/2019 9:50 AM</td>
</tr>
<tr>
<td>11</td>
<td>50% Manhattan; 30% Brooklyn; 20% Bronx</td>
<td>4/26/2019 8:51 AM</td>
</tr>
<tr>
<td>12</td>
<td>Brooklyn (95%), Manhattan (5%)</td>
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<tr>
<td>13</td>
<td>NA</td>
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</tr>
<tr>
<td>14</td>
<td>Brooklyn: 50%, Manhattan: 50%</td>
<td>4/23/2019 12:37 PM</td>
</tr>
<tr>
<td>15</td>
<td>Manhattan - 60% Bronx 40%</td>
<td>4/23/2019 10:45 AM</td>
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<tr>
<td>16</td>
<td>Bronx one-third, Manhattan one-third, Queens one-third</td>
<td>4/23/2019 10:38 AM</td>
</tr>
<tr>
<td>17</td>
<td>Bronx 80, Manhattan 10, Brooklyn 10</td>
<td>4/23/2019 10:03 AM</td>
</tr>
<tr>
<td>18</td>
<td>Manhattan (40%), Bronx (40%), Brooklyn (20%)</td>
<td>4/22/2019 6:13 PM</td>
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<tr>
<td>19</td>
<td>Kings (50), NY (25), Bronx (15), Queens (10)</td>
<td>4/22/2019 5:27 PM</td>
</tr>
<tr>
<td>20</td>
<td>Brooklyn- 30%, NY- 30%, Queens- 20%, Bronx- 20%</td>
<td>4/22/2019 4:51 PM</td>
</tr>
<tr>
<td>21</td>
<td>Bronx 60%, Brooklyn 40%</td>
<td>4/22/2019 3:15 PM</td>
</tr>
<tr>
<td>22</td>
<td>Bronx, Brooklyn, Manhattan</td>
<td>4/22/2019 1:44 PM</td>
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</table>
### Q3 Do you represent tenants under the new Right to Counsel (Universal Access) law?

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
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<tbody>
<tr>
<td>Yes</td>
<td>66.88%</td>
</tr>
<tr>
<td>No</td>
<td>16.88%</td>
</tr>
<tr>
<td>Partially (see below)</td>
<td>16.25%</td>
</tr>
</tbody>
</table>

**TOTAL** 160

**#** IF YOU REPRESENT TENANTS LESS THAN FULL TIME UNDER THE NEW RTC LAW, APPROXIMATELY WHAT PERCENTAGE OF YOUR TIME/CASELOAD DO YOU SPEND REPRESENTING TENANTS UNDER RTC?

<table>
<thead>
<tr>
<th>#</th>
<th>IF YOU REPRESENT TENANTS LESS THAN FULL TIME UNDER THE NEW RTC LAW, APPROXIMATELY WHAT PERCENTAGE OF YOUR TIME/CASELOAD DO YOU SPEND REPRESENTING TENANTS UNDER RTC?</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>25</td>
<td>5/3/2019 2:13 PM</td>
</tr>
<tr>
<td>2</td>
<td>I only represent low-income tenants through either UA or my project's HHP grant</td>
<td>5/3/2019 12:00 PM</td>
</tr>
<tr>
<td>3</td>
<td>75%</td>
<td>5/2/2019 6:19 PM</td>
</tr>
<tr>
<td>4</td>
<td>70% RTC 30% Other</td>
<td>5/2/2019 5:51 PM</td>
</tr>
<tr>
<td>5</td>
<td>i did until recently</td>
<td>5/2/2019 4:24 PM</td>
</tr>
<tr>
<td>6</td>
<td>80%</td>
<td>5/2/2019 4:13 PM</td>
</tr>
<tr>
<td>7</td>
<td>80 - 90%</td>
<td>5/2/2019 4:11 PM</td>
</tr>
<tr>
<td>8</td>
<td>60-80%</td>
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</tr>
<tr>
<td>9</td>
<td>about 50%</td>
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<tr>
<td>10</td>
<td>10%</td>
<td>5/2/2019 4:01 PM</td>
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<tr>
<td>11</td>
<td>90</td>
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</tr>
<tr>
<td>12</td>
<td>0%</td>
<td>5/2/2019 3:43 PM</td>
</tr>
<tr>
<td>13</td>
<td>15%</td>
<td>5/2/2019 3:40 PM</td>
</tr>
<tr>
<td>14</td>
<td>RTC Law 75%, Other 25% (Our Bronx grant isn't UA-related)</td>
<td>5/2/2019 3:13 PM</td>
</tr>
<tr>
<td>15</td>
<td>I represent through a Union</td>
<td>5/2/2019 3:13 PM</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Date</td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>16</td>
<td>70%</td>
<td>5/2/2019</td>
</tr>
<tr>
<td>17</td>
<td>Not sure--sometimes we get UA-eligible cases through our out-of-court intake process.</td>
<td>5/2/2019</td>
</tr>
<tr>
<td>18</td>
<td>30%</td>
<td>5/2/2019</td>
</tr>
<tr>
<td>19</td>
<td>75%</td>
<td>5/2/2019</td>
</tr>
<tr>
<td>20</td>
<td>5%</td>
<td>4/30/2019</td>
</tr>
<tr>
<td>21</td>
<td>50%</td>
<td>4/30/2019</td>
</tr>
<tr>
<td>22</td>
<td>15%</td>
<td>4/26/2019</td>
</tr>
<tr>
<td>23</td>
<td>15%</td>
<td>4/26/2019</td>
</tr>
<tr>
<td>24</td>
<td>65-70%</td>
<td>4/26/2019</td>
</tr>
<tr>
<td>25</td>
<td>Approx. 20% are true RTC / UA intake referrals, others are through other HRA contracts in non-UA zip-codes</td>
<td>4/26/2019</td>
</tr>
<tr>
<td>26</td>
<td>20% from Assigned Counsel Project (ACP for elderly)</td>
<td>4/25/2019</td>
</tr>
<tr>
<td>27</td>
<td>10</td>
<td>4/25/2019</td>
</tr>
<tr>
<td>28</td>
<td>Less than 5% are RTC</td>
<td>4/25/2019</td>
</tr>
<tr>
<td>29</td>
<td>60-70%</td>
<td>4/24/2019</td>
</tr>
<tr>
<td>30</td>
<td>50% - but the rest is HPLP, so non-mandatory HRA referred cases</td>
<td>4/24/2019</td>
</tr>
<tr>
<td>31</td>
<td>75%</td>
<td>4/23/2019</td>
</tr>
<tr>
<td>32</td>
<td>100</td>
<td>4/23/2019</td>
</tr>
<tr>
<td>33</td>
<td>35%</td>
<td>4/23/2019</td>
</tr>
<tr>
<td>34</td>
<td>90</td>
<td>4/23/2019</td>
</tr>
<tr>
<td>35</td>
<td>25%</td>
<td>4/23/2019</td>
</tr>
<tr>
<td>36</td>
<td>40</td>
<td>4/23/2019</td>
</tr>
<tr>
<td>37</td>
<td>40</td>
<td>4/22/2019</td>
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<tr>
<td>38</td>
<td>40</td>
<td>4/22/2019</td>
</tr>
<tr>
<td>39</td>
<td>65%</td>
<td>4/22/2019</td>
</tr>
<tr>
<td>40</td>
<td>80-90%</td>
<td>4/22/2019</td>
</tr>
<tr>
<td>41</td>
<td>25%</td>
<td>4/22/2019</td>
</tr>
<tr>
<td>42</td>
<td>~30% from RTC</td>
<td>4/22/2019</td>
</tr>
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</table>
Q4 Did you attend law school in New York State?

Answered: 161  Skipped: 3

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>67.70%</td>
</tr>
<tr>
<td>No</td>
<td>32.30%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>
Q5 Did you participate in a housing clinic in law school?

Answered: 152  Skipped: 12

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes.</td>
<td>17.11% 26</td>
</tr>
<tr>
<td>No. My school had a clinic...</td>
<td>28.29% 43</td>
</tr>
<tr>
<td>No, but I did housing work...</td>
<td>0.66% 1</td>
</tr>
<tr>
<td>No. I did not attend a law...</td>
<td>53.95% 82</td>
</tr>
<tr>
<td>TOTAL</td>
<td>152</td>
</tr>
</tbody>
</table>

# PLEASE PROVIDE ANY ADDITIONAL RELEVANT INFO/COMMENTS. IF YOUR SCHOOL HAD A HOUSING CLINIC AND YOU DID NOT PARTICIPATE IN IT, WHY NOT?

<table>
<thead>
<tr>
<th>#</th>
<th>DATE</th>
<th>PLEASE PROVIDE ANY ADDITIONAL RELEVANT INFO/COMMENTS. IF YOUR SCHOOL HAD A HOUSING CLINIC AND YOU DID NOT PARTICIPATE IN IT, WHY NOT?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5/3/2019 9:45 PM</td>
<td>Immigration clinic instead</td>
</tr>
<tr>
<td>2</td>
<td>5/3/2019 3:27 PM</td>
<td>I participated in a practice based clinic in family law where I had an externship with a non-profit legal services organization. At the time the CED clinic was being offered housing was not its main focus (I could be wrong).</td>
</tr>
<tr>
<td>3</td>
<td>5/3/2019 12:07 PM</td>
<td>We had a child advocacy clinic that handled at least one housing court case, but there was no specific housing clinic that I was aware of.</td>
</tr>
<tr>
<td>4</td>
<td>5/3/2019 10:08 AM</td>
<td>The clinic was available for the first time during my final semester of school, and I had already planned my course schedule and had been matched with a different clinic.</td>
</tr>
<tr>
<td>5</td>
<td>5/2/2019 4:26 PM</td>
<td>I participated in the Asylum clinic.</td>
</tr>
<tr>
<td>6</td>
<td>5/2/2019 4:15 PM</td>
<td>Maybe my law school had a housing law clinic, but I don’t remember it being an option.</td>
</tr>
<tr>
<td>7</td>
<td>5/2/2019 4:09 PM</td>
<td>Also, at the time I attended law school, housing law was a very small subset of practitioners. I was not at all familiar with it.</td>
</tr>
<tr>
<td>8</td>
<td>5/2/2019 3:41 PM</td>
<td>I did other clinics.</td>
</tr>
<tr>
<td>9</td>
<td>5/2/2019 3:12 PM</td>
<td>There was no housing-specific clinic and I was interning in housing for a nonprofit</td>
</tr>
<tr>
<td>10</td>
<td>5/2/2019 3:08 PM</td>
<td>I was interested in immigration and did that clinic.</td>
</tr>
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</tr>
<tr>
<td>11</td>
<td>I was not interested in the practice area while in law school.</td>
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</tr>
<tr>
<td>12</td>
<td>My school had a general civil legal services clinic but I had opted for a public policy clinic and an appellate law clinic.</td>
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</tr>
<tr>
<td>13</td>
<td>But did internships</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>No I did not, however, after law school I volunteered with Volunteer Lawyers for a Day</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Was not planning on doing housing law</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>It was an economic development clinic that had an inaugural housing docket the year I participated in my clinic - I opted to do gender justice work</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Didn't know that I would practice housing law; I was interested in other clinics.</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>I was a paralegal at a housing firm before law school.</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Brooklyn Law School elder law clinic</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>My school did not have a housing law clinic, but I am not sure I would have participated in it even if it did because I had not considered practicing housing law when I was in law school. I did not become interested in this practice until after I graduated and worked in private practice for 2 years.</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>There may have been a housing clinic or a clinic that did some housing, but I don’t recall exactly. Clinics were very difficult to get into.</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Topic didn’t appeal to me.</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>I participated in our school’s Civil Rights Clinic.</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Did not think I was interested in housing specific work at that time, after an internship in it where it did not particularly strike my fancy.</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>I had extensive prior tenant advocacy experience, and clinic was too basic</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>CUNY Law had a focus/concentration but not a full housing clinic. There was better opportunity for hands-on training in the immigration clinic.</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>I wanted to practice criminal defense.</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>I chose to participate in an Asylum Law clinic because I preferred the educational model of that clinic better than that for the Housing Clinic.</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>My law school previously had a housing clinic but had ended it by my 1L year.</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>I had housing experience prior to going to law school, and I was interested in exploring other areas of law.</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>CUNY School of Law - they had a “project” within a Clinic that touched on housing, but nothing devoted to it exclusively.</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>I didn’t yet have an interest in housing law, so I did other clinics that were of interest to me at the time.</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>I did not know about it at that time.</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>I had a housing internship the summer after my 1L year and also had housing experience prior to attending law school.</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>No in-house housing clinic but I was a Pro-Bono Scholar and was placed at Legal Aid in the Housing Helps Program for 4 months.</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>My clinic was “elder law” but primarily involved housing.</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>NYU Law did not have a Housing Clinic when I attended</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Although my school did not have a housing clinic, I wound up participating in a landlord-tenant trial through another clinic. However the state I was in had totally different laws and protections for tenants so the process was quite different.</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Not a housing-specific clinic, but a sub-section of community development clinic</td>
<td></td>
</tr>
</tbody>
</table>
Q6 My law school housing clinic helped to prepare me for my position as a housing staff attorney/law graduate. (Answer only if you participated in a housing clinic through your law school).

**Answered: 84**  **Skipped: 80**

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>9.52%</td>
</tr>
<tr>
<td>Agree</td>
<td>15.48%</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>69.05%</td>
</tr>
<tr>
<td>Disagree</td>
<td>4.76%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>1.19%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100%</td>
</tr>
</tbody>
</table>

**PLEASE EXPLAIN YOUR ANSWER: WHAT DID YOUR CLINIC DO WELL? WHAT COULD HAVE BEEN IMPROVED?**

<table>
<thead>
<tr>
<th>#</th>
<th>PLEASE EXPLAIN YOUR ANSWER: WHAT DID YOUR CLINIC DO WELL? WHAT COULD HAVE BEEN IMPROVED?</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>I did a clinic that prepared me for the social work aspects of my work: working with clients in crisis.</td>
<td>5/3/2019 12:07 PM</td>
</tr>
<tr>
<td>2</td>
<td>Although we didn't cover as much L&amp;T cases, I did acquire a lot of knowledge of the FHA.</td>
<td>5/3/2019 10:28 AM</td>
</tr>
<tr>
<td>3</td>
<td>NA</td>
<td>5/2/2019 4:15 PM</td>
</tr>
<tr>
<td>4</td>
<td>Did not attend a housing law clinic. That said, other clinics did lend some hands on experience that I feel have informed my current practice.</td>
<td>5/2/2019 4:09 PM</td>
</tr>
<tr>
<td>5</td>
<td>Assisting with more intake days would have been better. I only got a chance to do it once.</td>
<td>5/2/2019 3:07 PM</td>
</tr>
<tr>
<td>6</td>
<td>I was able to participate in intakes, writing motions and doing research. I could have had more independent work with clients, like my own cases to work on throughout the semester.</td>
<td>5/2/2019 2:53 PM</td>
</tr>
<tr>
<td>7</td>
<td>I went to law school in Chicago, where there are fewer resources for tenants sued in nonpayment proceedings. As such, my clinic did not handle nonpayment cases; the clinic only accepted unusual holdover cases (the type that would likely be assigned to senior staff attorneys at my current organization).</td>
<td></td>
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<tr>
<td></td>
<td>Response</td>
<td>Date/Time</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>8</td>
<td>I learned how to work with clients</td>
<td>4/29/2019 5:58 PM</td>
</tr>
<tr>
<td>9</td>
<td>Did not participate</td>
<td>4/26/2019 5:18 PM</td>
</tr>
<tr>
<td>10</td>
<td>The clinic provided lawyering skills / direct rep preparation, but it was not a housing clinic.</td>
<td>4/26/2019 6:12 PM</td>
</tr>
<tr>
<td>11</td>
<td>n/a</td>
<td>4/26/2019 2:56 PM</td>
</tr>
<tr>
<td>12</td>
<td>Attended CUNY Law Housing Docket. Helped prepare me greatly for affirmative work. But was not a full clinic and didn't have focus on defensive cases. CUNY still sorely needs a full housing clinic.</td>
<td>4/26/2019 11:50 AM</td>
</tr>
<tr>
<td>13</td>
<td>The work was relevant And I only worked on housing cases, but since the focus was not entirely exclusive to housing some of the classroom portion was connected to other issues. I actually think this clwas mix better prepared me for some aspects of my job (i.e. working with vulnerable populations) but it did not have the classroom component focused on teaching housing law. I understand that BLS has since started a housing-specific clinic, and think the two would be very complimentary to each other.</td>
<td>4/26/2019 10:04 AM</td>
</tr>
<tr>
<td>14</td>
<td>n/a</td>
<td>4/24/2019 11:43 AM</td>
</tr>
<tr>
<td>15</td>
<td>I did not take a housing clinic at my law school.</td>
<td>4/23/2019 4:21 PM</td>
</tr>
<tr>
<td>16</td>
<td>N/A</td>
<td>4/23/2019 12:40 PM</td>
</tr>
<tr>
<td>17</td>
<td>N/A</td>
<td>4/23/2019 11:43 AM</td>
</tr>
<tr>
<td>18</td>
<td>I didn't participate in a housing clinic</td>
<td>4/23/2019 10:37 AM</td>
</tr>
<tr>
<td>19</td>
<td>Learned to coordinate with organizers, handle diversity of cases (non-pay, holdover, group) and most importantly had support for hallway negotiations (can’t emphasize this enough, nothing else in law school prepares you to negotiate with bullies), motion practice, and trials.</td>
<td>4/23/2019 10:07 AM</td>
</tr>
<tr>
<td>20</td>
<td>N/A</td>
<td>4/23/2019 9:43 AM</td>
</tr>
<tr>
<td>21</td>
<td>My professor focused on “interesting” cases, especially succession cases where he had some expertise. I’m sure it served him well, but it meant students only got a snippet of a case that dragged out in court for years. In retrospect, the students would have been better served just handling a straightforward nonpay or no lease holdover.</td>
<td>4/22/2019 9:18 PM</td>
</tr>
<tr>
<td>22</td>
<td>n/a</td>
<td>4/22/2019 6:43 PM</td>
</tr>
<tr>
<td>23</td>
<td>It was in California, so helpful, but not as helpful as if I was working in the same forum/jurisdiction</td>
<td>4/22/2019 6:33 PM</td>
</tr>
<tr>
<td>24</td>
<td>I learned a lot about applying housing law to real situations, but did not have enough full representation clients to actually experience much of the court room or negotiating</td>
<td>4/22/2019 5:02 PM</td>
</tr>
<tr>
<td>25</td>
<td>N/A</td>
<td>4/22/2019 4:35 PM</td>
</tr>
<tr>
<td>26</td>
<td>My supervisor was excellent and worked hard to familiarize students with housing court practice. She is a full time LT practitioner.</td>
<td>4/22/2019 1:15 PM</td>
</tr>
<tr>
<td>27</td>
<td>Agree to the extent of placing me in an externship. Not housing-focused curriculum</td>
<td>4/22/2019 11:38 AM</td>
</tr>
<tr>
<td>28</td>
<td>No Housing Clinic at CUNY</td>
<td>3/21/2019 9:38 AM</td>
</tr>
</tbody>
</table>
Q7 I participated through my law school in opportunities to serve low-income clients in housing or other matters other than through a housing clinic, such as other clinical opportunities, externships, doctrinal courses, or other volunteer opportunities.

**ANSWER CHOICES**

| Yes | 86.49% | 128 |
| No. My school had other opportunities to serve low-income clients but I did not participate in them. | 8.78% | 13 |
| No. I did not attend a school that had such opportunities. | 4.73% | 7 |
| TOTAL | 148 |

**PLEASE EXPLAIN YOUR ANSWER AND BRIEFLY DESCRIBE YOUR EXPERIENCE.**

<table>
<thead>
<tr>
<th>#</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5/3/2019 3:27 PM</td>
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<tr>
<td>2</td>
<td>5/3/2019 3:07 PM</td>
</tr>
<tr>
<td>3</td>
<td>5/3/2019 12:07 PM</td>
</tr>
<tr>
<td>4</td>
<td>5/3/2019 11:58 AM</td>
</tr>
<tr>
<td>5</td>
<td>5/3/2019 10:28 AM</td>
</tr>
<tr>
<td>6</td>
<td>5/3/2019 10:10 AM</td>
</tr>
<tr>
<td>7</td>
<td>5/3/2019 10:08 AM</td>
</tr>
<tr>
<td>8</td>
<td>5/2/2019 6:24 PM</td>
</tr>
<tr>
<td></td>
<td>Description</td>
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<tr>
<td>---</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>9</td>
<td>Asylum clinic (represented individual seeking Asylum before an immigration hearing officer), Defender Association of Philadelphia (certified legal intern representing individuals in preliminary hearings and misdemeanor bench trials), Montgomery County Public Defender (certified legal intern representing individuals in Juvenile Delinquency proceedings), ACLU of PA (volunteer), PA Innocence Project (volunteer), Legal Aid Society in NYC (summer intern under practice order in Housing Court), Community Legal Aid Society, Inc. in DE (summer intern), Farmworker Legal Aid Clinic (volunteered with law school clinic DACA applications)</td>
</tr>
<tr>
<td>10</td>
<td>I participated in my school's employment law clinic</td>
</tr>
<tr>
<td>11</td>
<td>In law school my internship / clinic experiences included public defense and assisting the unemployed seek unemployment insurance.</td>
</tr>
<tr>
<td>12</td>
<td>My law school funded my 2L summer working for housing court in Manhattan, Queens, and Brooklyn thru VLFD and ACP</td>
</tr>
<tr>
<td>13</td>
<td>I was engaged in internships/externships</td>
</tr>
<tr>
<td>14</td>
<td>Clinics for immigrants rights and employment (discrimination complaint before NYC human rights commission and unemployment insurance benefits hearing)</td>
</tr>
<tr>
<td>15</td>
<td>Represented kids in child protective proceedings, defendants in federal sentencing proceedings, and immigrants in asylum and post-asylum cases.</td>
</tr>
<tr>
<td>16</td>
<td>Impact litigation work and immigration defense clinic, as well as internships</td>
</tr>
<tr>
<td>17</td>
<td>I interned in an impact litigation clinic as well as a child advocacy clinic</td>
</tr>
<tr>
<td>18</td>
<td>I did an externship my 3L year</td>
</tr>
<tr>
<td>19</td>
<td>I participated in another legal clinic and an externship.</td>
</tr>
<tr>
<td>20</td>
<td>I did a year long clinic, a year long externship and both summers at legal services orgs.</td>
</tr>
<tr>
<td>21</td>
<td>I represented clients in administrative fair hearings regarding public benefits during law school. I had my own caseload and worked under the supervision of attorneys at NYLAG who ran our seminar as well.</td>
</tr>
<tr>
<td>22</td>
<td>I did a criminal appeals clinic during my third year of law school.</td>
</tr>
<tr>
<td>23</td>
<td>I participated in a general civil legal services legal clinic where we provided a wide range of legal services, but not housing.</td>
</tr>
<tr>
<td>24</td>
<td>I volunteered at the Legal Aid Society of Middle Tennessee</td>
</tr>
<tr>
<td>25</td>
<td>I volunteered through our student run organizations to assist people filing for TOPs and OPs in Family Court</td>
</tr>
<tr>
<td>26</td>
<td>Summer internships at a legal services provider</td>
</tr>
<tr>
<td>27</td>
<td>I participated in another clinic and an externship.</td>
</tr>
<tr>
<td>28</td>
<td>Family defense</td>
</tr>
<tr>
<td>29</td>
<td>While in law school I interned at SBLS and Legal Aid housing practice</td>
</tr>
<tr>
<td>30</td>
<td>Participated in wrongful eviction clinic. Also did prisoners' rights advocacy during law school.</td>
</tr>
<tr>
<td>31</td>
<td>I focused on disability, aging, and mental health.</td>
</tr>
<tr>
<td>32</td>
<td>I practiced in my law school's criminal appeals clinic and in various public defender offices as well as representing individuals seeking orders of protections in family court.</td>
</tr>
<tr>
<td>33</td>
<td>I participated in REACH, a club dedicated to issues of homelessness. I did tabling at food pantries and provided people with legal information.</td>
</tr>
<tr>
<td>34</td>
<td>Elder law clinic, pro bono projects, internships in worker protection and public benefits at NYLAG and MFY respectively. Pro bono scholars program on MFY housing project.</td>
</tr>
<tr>
<td>35</td>
<td>I participated in a clinic that served low-income families who needed representation against the DOE to receive reasonable accommodations for their children due to physical or mental disabilities. It was a terrific opportunity that taught me about non-profit work and representation of low-income communities.</td>
</tr>
<tr>
<td>36</td>
<td>I did a field clinic (essentially an externship with a classroom component) that was a partnership with a legal services provider. Although the focus wasn’t only housing this was my first exposure to civil law service and housing law and is how I ended up doing the work I did.</td>
</tr>
<tr>
<td>37</td>
<td>Human rights clinic, homeless veterans legal services internship, many other human-rights based internships</td>
</tr>
<tr>
<td>38</td>
<td>Immigration Justice and Asylum Cases</td>
</tr>
<tr>
<td>39</td>
<td>Civil Rights Clinic-- assisted clients in federal court, assisted in writing an amicus brief to SCOTUS on housing issue.</td>
</tr>
<tr>
<td>40</td>
<td>Represented Low-Income clients in family court and supreme court for uncontested divorces</td>
</tr>
<tr>
<td>41</td>
<td>I attended CUNY Law which focuses on public interest lawyering. I participated in two clinics (public benefits/superintendent suspensions and parental defense). I also had an internship at a legal service provider every semester of law school. These experiences were integral in gaining skills that the classroom cannot teach and probably a major reason I had a job at a legal service provider prior to graduation.</td>
</tr>
<tr>
<td>42</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>I did a welfare advocacy clinic &amp; got experience w/representing clients before ALJs. Also did internships - at LSHV (elder law/gen. practice) and Bronx Defenders (Civil Action Practice) - both internships had housing components.</td>
</tr>
<tr>
<td>44</td>
<td>I interned during law school for Housing Works (summer) and Make the Road NY (semester) but it was not coordinating through the school.</td>
</tr>
<tr>
<td>45</td>
<td>I interned at legal aid providers.</td>
</tr>
<tr>
<td>46</td>
<td>I participated in two other law school clinics focused on environmental and veterans rights. I chose these clinics over the housing clinic based on personal interest, supervision, and variety of legal work.</td>
</tr>
<tr>
<td>47</td>
<td>My law school focused very heavily on international law and human rights issues more generally; I don’t think we had housing law-related options</td>
</tr>
<tr>
<td>48</td>
<td>I participated in other law school clinics where I served low-income clients, and also volunteered with several student organizations, including one that helps low-income debtor-defendants, one that helps Housing Works with its client intakes, and one that provides referrals and brief (non-legal) services to homeless clients.</td>
</tr>
<tr>
<td>49</td>
<td>In a more general clinic, I assisted in representing community groups opposed to gentrification/developments.</td>
</tr>
<tr>
<td>50</td>
<td>I took a clinic in law school that I thought would help low-income people in other countries, but it ended up being useless. I didn’t really understand what a clinic was or what kind of experiential work I should be looking for. I don’t have close relatives who went to law school and I was a little in the dark.</td>
</tr>
<tr>
<td>51</td>
<td>I interned at several domestic violence organizations in law school and represented domestic violence survivors for 2 1/2 years after law school</td>
</tr>
<tr>
<td>52</td>
<td>Immigration</td>
</tr>
<tr>
<td>53</td>
<td>I participated in an asylum clinic, a prisoner’s rights volunteer project, a legal services clinic where I did intake, civil rights classes, and a housing discrimination internship. I also did an externship at the NAACP Legal Defense Fund.</td>
</tr>
<tr>
<td>54</td>
<td>I did a family defense field clinic assisting in the representation parents in abuse and neglect proceeding as well as an in-house civil rights clinic that worked on police brutality and prison conditions cases. I also did the Suspension Representation Project.</td>
</tr>
<tr>
<td>55</td>
<td>I participated in a criminal defenders clinic.</td>
</tr>
<tr>
<td>56</td>
<td>I was able to participate in clinics/externships every semester starting 2L fall. Even 1L I could participate in lower level volunteer/training opportunities at non-profits. It made a big difference</td>
</tr>
<tr>
<td>57</td>
<td>Clinical opportunities - Economic Justice Project</td>
</tr>
<tr>
<td>58</td>
<td>Post-conviction clinic, internship at bail fund, LAS employment law unit, reentry at the Bronx defenders</td>
</tr>
<tr>
<td></td>
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<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>59</td>
<td>Consumer debt, immigration and worker rights work</td>
</tr>
<tr>
<td>60</td>
<td>Interned at a legal aid organization.</td>
</tr>
<tr>
<td>61</td>
<td>I participated in a refugee and human rights clinic focused on asylum.</td>
</tr>
<tr>
<td>62</td>
<td>I worked at the Tenant Advocacy Project at Harvard Law School, which represented clients facing eviction from public housing in administrative hearings</td>
</tr>
<tr>
<td>63</td>
<td>My school offered a general civil clinic through which I represented a client in a prisoner’s rights case. I also worked for the Ohio Public Defender and Disability Rights Ohio during law school.</td>
</tr>
<tr>
<td>64</td>
<td>Pro-Bono Scholar program. 1L summer at NYLAG.</td>
</tr>
<tr>
<td>65</td>
<td>I worked at a public defender office as part of a clinic, did summer internships in civil legal services (foreclosure prevention in NYC and housing law in Philadelphia), and started a law school organization working with injection-drug users in Washington Heights.</td>
</tr>
<tr>
<td>66</td>
<td>I participated in a trial through my law school clinic related to rural landlord tenant law. Otherwise my volunteer experiences related to employment law.</td>
</tr>
</tbody>
</table>
Q8 Other opportunities I had in law school helped prepare me for my position as a housing staff attorney/law graduate. (Answer only if you participated in such opportunities.)

Answered: 144  Skipped: 20

- Strongly agree: 34 (23.61%)
- Agree: 72 (50.00%)
- Neither agree nor disagree: 21 (14.58%)
- Disagree: 13 (9.03%)
- Strongly disagree: 4 (2.78%)

Please explain your answer:

1. My law school, Northeastern University SOL, had an excellent "coop" program by which all students alternated during 2L and 3L years being in school and on the job every 3 months. That gave me a chance to try multiple ways of being a lawyer and to graduate with 1 year practical experience. I also participated in local housing rights groups (Project No One Leaves, Right to the City, City Life/Vida Urbana). I took coursework in ADR, which taught me how to communicate better across differences. I took Spanish for Lawyers. I took Legal Research.

2. Law school academics aside from my clinic did very little to prepare me for my work.

3. Clinic experience that included being in front of a judge and working with clients; federal externship.

4. Other than clinics, Property, Contracts and Legal Writing were the most relevant and helpful classes.

5. I took a trial and appellate litigation simulation course which taught skills not otherwise covered in doctrinal courses.

6. I went to law school over 40 years ago.
| 7 | I believe a lot of the opportunities were happenstance and only through clinical work or externships that students sought out for themselves. | 5/2/2019 6:24 PM |
| 8 | I participated in the Pro Bono Scholars Program. As such I completed my 12 weeks internship in an organization that provides legal representation to clients facing eviction. | 5/2/2019 5:17 PM |
| 9 | I participated in an intensive civil rights clinic with the NYCLU (clients were not low income necessarily, but it covered many relevant skills) | 5/2/2019 4:30 PM |
| 10 | I had numerous opportunities speaking in court (motions, trials, arguments), drafting pleadings and motions, and client interviewing. | 5/2/2019 4:26 PM |
| 11 | My clinic helped me prepare | 5/2/2019 4:20 PM |
| 12 | I did VLFD for my 3L | 5/2/2019 4:14 PM |
| 13 | I took a landlord/tenant seminar that was a good introduction to housing law | 5/2/2019 4:09 PM |
| 14 | I participated in internships in civil legal services. | 5/2/2019 4:04 PM |
| 15 | The immigration clinic I did prepared me with cultural competency training and client interview skills. Law school also prepared me to do legal research. | 5/2/2019 3:17 PM |
| 16 | I interned in for a legal services provider in their housing unit | 5/2/2019 3:12 PM |
| 17 | I learned to conduct intake and interviews with low-income tenants, and other general legal skills (such as research and writing) | 5/2/2019 3:10 PM |
| 18 | I got experience dealing with clients through these experiences, particularly clients with trauma. | 5/2/2019 3:06 PM |
| 19 | I found property, civil procedure and NY Practice to be very boring. Now, I realize that I retained a lot from those classes. | 5/2/2019 2:53 PM |
| 20 | Our property law professor spent an entire year without devoting a single class or reading assignment to L&T even though every single student was a renter. | 5/2/2019 2:44 PM |
| 21 | Got to experience day to day of housing court and direct client services. Also got exposed to interesting parts of law | 4/30/2019 3:53 PM |
| 22 | To practice in housing court you have to gain the actual experience of going to Court and litigating the cases. Each case poses it’s own unique set of challenges and requires the attorney to think of creative resolutions. | 4/30/2019 1:42 PM |
| 23 | trial skills course. poverty law course. | 4/30/2019 12:50 PM |
| 24 | Internships | 4/29/2019 6:58 PM |
| 25 | the litigation experience I learned in criminal internships helped me practice in housing | 4/29/2019 5:06 PM |
| 26 | Not much was touched upon regarding landlord-tenant law. | 4/26/2019 5:12 PM |
| 27 | Emphasis on writing and client-facing communication | 4/26/2019 3:45 PM |
| 28 | unsure | 4/26/2019 2:56 PM |
| 29 | I think that my experience in court and assisting low income individuals in general prepared me for my position. | 4/26/2019 12:55 PM |
| 30 | When I attended CUNY 2012-15, there were no L&T classes or really much focus on housing work. John Whitlow’s housing docket was the one exception, and it got off the ground mainly due to student organizing! | 4/26/2019 11:50 AM |
| 31 | I have felt comfortable in court and oral arguments in part because of practice I had on moot court. | 4/26/2019 9:32 AM |
| 32 | I do not feel that my law school gave me any practical preparation for law practice. | 4/25/2019 3:30 PM |
| 33 | Interned with Legal Services both in Louisiana and Illinois representing low-income clients | 4/25/2019 12:27 PM |
| 34 | Law Review assisted with writing skills. | 4/24/2019 6:21 PM |
| 35 | I worked for the public defenders office in Boston, MA. | 4/24/2019 1:58 PM |
| 36 | | 4/23/2019 4:21 PM |
| 37 | Litigation practice, legal writing, NY rules of procedure, etc. All the generalized stuff that applies equally to housing | 4/23/2019 1:54 PM |
| 38 | My work in the veterans clinic helped prepare me for client interviewing, legal research, and writing. Procedurally the cases were much different, however, and I was less prepared for the pace of cases in housing in NYC. | 4/23/2019 12:44 PM |
| 39 | I had other learning experiences in law school, but don't think any of them prepared me particularly well to be a practicing attorney | 4/23/2019 12:40 PM |
| 40 | Working with low income clients in crisis helped prepare me | 4/23/2019 10:37 AM |
| 41 | I did a Negotiations Workshop and Trial Advocacy Workshop and I still rely on what I learned. | 4/23/2019 10:07 AM |
| 42 | N/A | 4/23/2019 9:43 AM |
| 43 | They helped prepare me for the emotional weight of this kind of work and dealing with clients who have experienced trauma. | 4/23/2019 9:12 AM |
| 44 | My housing clinic was useless, but my externships were excellent. I feel like being embedded inside an existing org worked much better than a law school clinic. | 4/22/2019 9:18 PM |
| 45 | I took a lot of federal and constitutional law courses that were relevant to public interest but not particularly to housing. I was also part of a program for law students dedicated to public interest law and public service. | 4/22/2019 6:48 PM |
| 46 | I agree in that my internships all were with various legal services providers, but aside from my New York Practice course none of my course were particularly helpful to my current practice. | 4/22/2019 6:43 PM |
| 47 | Economic Justice Project often ended up touching on public benefits that interconnected with housing, so I caught a glimpse of it through that clinic | 4/22/2019 5:31 PM |
| 48 | I did two semester-long externships for two federal judges. Both experiences were extremely helpful in exposing me to civil procedure and motion practice | 4/22/2019 5:21 PM |
| 49 | It helped me become a lawyer generally, but nothing specific to housing | 4/22/2019 5:19 PM |
| 50 | My internship helped prepare me for the environment of working at a legal aid organization, but it was not directly related to housing law. | 4/22/2019 5:06 PM |
| 51 | The refugee and human rights clinic prepared me to only a small extent. Other opportunities that I didn’t participate in, like trial advocacy, could’ve been helpful. | 4/22/2019 5:04 PM |
| 52 | Got lots of practical hearing experience, client advising experience, and gained a good understanding of federal regulations that control in NYC too | 4/22/2019 5:02 PM |
| 53 | I had simulation courses, doctrinal courses, and internships sponsored by my law school that helped prepare me for my position, but really only in a general sense. I did the vast majority of my learning- both of the law and of all the other skills that you need to practice in this area- on the job. | 4/22/2019 4:57 PM |
| 54 | In law school, I worked with indigent clients in a variety of settings. That helped prepare me to work with clients as a housing attorney. | 4/22/2019 4:18 PM |
| 55 | I pursued housing related internships for the entirety of my law school career. However, these were not via the school- I sought them out. There were very few connections available between my law school and the places I interned. | 4/22/2019 1:15 PM |
| 56 | A course on Poverty Law provided me with a background in U.S. welfare policy. My clinic on Criminal Defense and Reentry taught me about collateral consequences to incarceration and intertwined legal issues stemming from poverty. | 4/22/2019 12:55 PM |
| 57 | I interned at NYC housing nonprofits both summer in law school. | 4/22/2019 12:53 PM |
| 58 | Again, largely though assistance getting external placements | 4/22/2019 11:38 AM |
Q9 Law schools in New York State that do not have housing clinics should create them.

Answered: 151  Skipped: 13

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>64.90%</td>
</tr>
<tr>
<td>Agree</td>
<td>23.84%</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>9.27%</td>
</tr>
<tr>
<td>Disagree</td>
<td>1.99%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

TOTAL 151

# PLEASE EXPLAIN YOUR ANSWER.

1. Practicing in housing court versus what is taught in a generic property class is insufficient to understand the complexities of RPAPL and RPL. More attention should be given to the nuances of the law and how it is applied in practice versus theory. This type of experience can really only be gained through a clinic or internship - not by traditional law school classes.

   DATE 5/3/2019 3:27 PM

2. Housing is a human right. We need to—at the very least—provide easy and free access to people defending eviction cases and bringing HP actions, 7A's, rent strikes, etc.

   DATE 5/3/2019 3:07 PM

3. I think my housing specific skills can be learned on the job. I think law schools need to focus on providing opportunities for students to interact with low-income or otherwise disadvantaged clients in crisis, regardless of the area of law.

   DATE 5/3/2019 12:07 PM

4. Clients receive assistance they need and law students have the opportunity to flex and develop important legal skills

   DATE 5/3/2019 11:56 AM

5. Having a housing clinic in every NY law school would help law students prepare for careers in housing and would help with implementing RTC in that more graduates would have experience in the field.

   DATE 5/3/2019 10:10 AM
I believe that, due to the immense demand for legal assistance for tenants, a lot of the burden would be shifted to law students and this would create a problematic dynamic where it is reinforced that low-income, disadvantaged New Yorkers who are entitled to free legal service are really only entitled to representation by inexperienced interns who are often trying to figure out whether they want to do this work or not. I believe it’s important to have representatives for tenants who truly believe in right to counsel and tenants’ rights in order to fully vindicate the goals of the law.

The training is dependent on your supervisor with legal services organizations and can be stressful for those without experience or without a competent supervisor. Having a foundation in a less stressful environment would be very useful.

It is a good opportunity to learn litigation skills and the court system as well as how to interact and assist clients.

It’s absolutely necessary. Tenants face great adversity and NY should lead the way in ensuring their rights.

my long term plan is to be a housing clinic teacher - so many jobs in the area now and the need is only going to grow

Housing clinics would introduce people to the practice of law in housing court, making it easier for them to jump in and start working in the area straight out of law school. It would also help fill gaps in representation during the implementation phase for out-of-zipcode clients.

There is a shortage of both graduates and attorneys to meet the demand of the RTC law. Sure, but law schools are interested in making money, not helping people.

It’s a very good experience to be in court for summary proceedings and understand something that is so basic to human life: having a place to live and feel secure and safe.

Housing law, specifically, knowing how to use the law to help people keep their homes, is of utmost importance in NY nowadays.

We should be encouraging housing defense as much as we encourage criminal defense.

It is a growing area of the law where a lot of new attorney hiring is done. It would be helpful to the students, the organizations, the clients and the legal profession to have new attorneys begin with some level of comfort and basic knowledge of the law.

There is a shortage of attorneys with housing experience to meet the demand of Right to Counsel. There is a need for more attorneys who focus on housing. It would be beneficial if supported with actual experience in housing court.

Law schools have their own niche and they should be able to choose them.

We need more trained housing attorneys. This seems obvious. The haphazard nature of "learning by doing" once attorneys actually start working is inadequate, especially with the dearth of experienced supervisors in the field.

With RTC, it seems housing will be an entry point for most direct civil legal services attorneys for the coming years.

Housing Court is probably the busiest court in NYC and more law students need exposure to Housing.

With RTC, law schools must begin training and preparing law students for housing work.

only if they have experienced housing/poverty law practitioners teach them-- academic background not helpful

CUNY Law School should have a robust housing clinic closer to the model at NYLS.

With Right to Counsel, there is going to be a growing demand for young lawyers with knowledge and interest in housing. Law school clinics would help law students become/determine if they are interested in working on housing as an issue and better prepare them for the experience.
<p>| | | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>31</td>
<td>It's so necessary</td>
<td>4/23/2019 12:40 PM</td>
</tr>
<tr>
<td>32</td>
<td>There's so much need among tenants.</td>
<td>4/23/2019 10:41 AM</td>
</tr>
<tr>
<td>33</td>
<td>N/A</td>
<td>4/23/2019 9:43 AM</td>
</tr>
<tr>
<td>34</td>
<td>I didn't have the best clinic experience. We were limited to the views of one professor with his quirks and idiosyncrasies. I think his academic ambitions and desire for interesting cases/articles he can publish outshadowed the desire to do good. We frequently turned down decent cases to hold out for a &quot;good case&quot; that would last much longer than our one semester. By contrast, I had fantastic experiences with my externships.</td>
<td>4/22/2019 9:18 PM</td>
</tr>
<tr>
<td>35</td>
<td>Housing law is very specific in NYC and clinical programs would be helpful in preparing graduates.</td>
<td>4/22/2019 6:48 PM</td>
</tr>
<tr>
<td>36</td>
<td>I think it's a great way to learn, but can also be a burden on the orgs in terms of supervision if the model depends on internships. If supervised within the university, this would be great.</td>
<td>4/22/2019 6:33 PM</td>
</tr>
<tr>
<td>37</td>
<td>The time is now for an immediate groundswell of support from NY Law Schools in support of this effort to revolutionize Housing Court and bring parity to the imbalanced world of landlord/tenant law.</td>
<td>4/22/2019 5:31 PM</td>
</tr>
<tr>
<td>38</td>
<td>I think it can be learned on the job and law will change a lot</td>
<td>4/22/2019 5:19 PM</td>
</tr>
<tr>
<td>39</td>
<td>This is going to be a growing practice. Law schools should anticipate that many graduates might work in this field.</td>
<td>4/22/2019 5:06 PM</td>
</tr>
<tr>
<td>40</td>
<td>It may depend on the region of NYS. NYC law schools should definitely have housing clinics. Law schools upstate may not necessarily have as much use at this point (though depending on possible changes in the law, maybe they will soon).</td>
<td>4/22/2019 5:04 PM</td>
</tr>
<tr>
<td>41</td>
<td>There is no replacement for practical experience. People who do housing clinics in NY will be even more prepared than I was to practice in NY courts.</td>
<td>4/22/2019 5:02 PM</td>
</tr>
<tr>
<td>42</td>
<td>We need to recruit and train great lawyers to serve our client populations, and that process should start as early in a lawyer's career as possible.</td>
<td>4/22/2019 4:57 PM</td>
</tr>
<tr>
<td>43</td>
<td>There is an immense need for new lawyers to have even a SMIDGE of housing experience. I couldn't support this more.</td>
<td>4/22/2019 1:15 PM</td>
</tr>
<tr>
<td>44</td>
<td>Housing work moves quickly so it is great for semester-long clinics, and provides opportunities for research, litigation, client interaction, and motion practice.</td>
<td>4/22/2019 12:55 PM</td>
</tr>
</tbody>
</table>
Q10 Please provide any additional thoughts you have about what law schools should be doing to help prepare students for representing tenants in eviction proceedings.

Answered: 66  Skipped: 98

<table>
<thead>
<tr>
<th>#</th>
<th>RESPONSES</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Classwork on negotiating, classes in Spanish or other needed languages available for law school credit, and classes centering on dealing with clients with mental issues, particularly hoarding.</td>
<td>5/3/2019 9:45 PM</td>
</tr>
<tr>
<td>2</td>
<td>Teach RPAPL and RPL. Stop focusing on what will be tested on the bar. There is bar prep for that.</td>
<td>5/3/2019 3:27 PM</td>
</tr>
<tr>
<td>3</td>
<td>Since this is an area where there's a lot of hiring, law schools should consider funneling student interest into housing law.</td>
<td>5/3/2019 12:07 PM</td>
</tr>
<tr>
<td>4</td>
<td>I think it's incredibly important for law students to have direct client interactions and time in court—these are the skills that give newly practicing attorneys an edge and make them marketable in job searches.</td>
<td>5/3/2019 11:58 AM</td>
</tr>
<tr>
<td>5</td>
<td>There should be a class that teaches basics like preparing pleadings, arguing motions, and negotiating.</td>
<td>5/3/2019 10:10 AM</td>
</tr>
<tr>
<td>6</td>
<td>If they can't bring in full time faculty, have Staff Attorneys work part time to mentor students in a clinic setting. This will also help organizations meet their numbers under Universal Access and contribute to better work life balance for existing staff attorneys, if law students can take on some cases (assuming adequate supervision and class credit!)</td>
<td>5/2/2019 6:13 PM</td>
</tr>
<tr>
<td>7</td>
<td>Practicums, clinics and anything that can give them practical experience.</td>
<td>5/2/2019 5:53 PM</td>
</tr>
<tr>
<td>8</td>
<td>Substantially increase clinical opportunities and requirements across the board.</td>
<td>5/2/2019 4:30 PM</td>
</tr>
<tr>
<td>9</td>
<td>Legal writing is very important. Many junior attorneys struggle with the amount of writing that is required in this position. I also think law schools need to stress the importance of participation in externships or clinics that give individuals experience before judges.</td>
<td>5/2/2019 4:26 PM</td>
</tr>
<tr>
<td>10</td>
<td>not thinking of housing court as a bad place. Schools need to start selling how working in this field is a great career builder, not only to you have jobs out of law school, but other cities will start their own programs making more long term careers, also there will be a huge need for supervisors and professors of housing once RTC is fully rolled out</td>
<td>5/2/2019 4:14 PM</td>
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<tr>
<td>11</td>
<td>Teach about community lawyering and importance of race and intersectionality.</td>
<td>5/2/2019 4:02 PM</td>
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<tr>
<td>12</td>
<td>Advertise more public interest jobs.</td>
<td>5/2/2019 3:52 PM</td>
</tr>
<tr>
<td>13</td>
<td>Invite housing attorneys to the schools for panels, to teach clinics, work to place students in externship manor internships.</td>
<td>5/2/2019 3:12 PM</td>
</tr>
<tr>
<td>14</td>
<td>Schools should, aside from clinics, also provide courses on NYC housing law.</td>
<td>5/2/2019 3:10 PM</td>
</tr>
<tr>
<td>15</td>
<td>Negotiation seminars, drafting settlements, and understanding the rent stabilization code and tenants’ rights as well as concerns on the landlord attorney side of things.</td>
<td>5/2/2019 3:07 PM</td>
</tr>
<tr>
<td>16</td>
<td>There could be a clinic where students help pro se litigants fill out pro se answers. This would require students to spot legal issues and draft legal pleadings that will have direct and immediate effects on protecting the legal rights of litigants. There could be a clinic where a case with strong legal defenses could be used as an opportunity for students to draft a motion to dismiss or a motion for summary judgment. During the course of a semester, students can shadow an attorney for a particular case. They will get to observe probably 3-4 court appearances, hallway negotiations, in court conferences and other courtroom advocacy.</td>
<td>5/2/2019 2:53 PM</td>
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<tr>
<td>17</td>
<td>More poverty law classes in each place to address the admins they will be dealing with</td>
<td>5/2/2019 2:53 PM</td>
</tr>
<tr>
<td>18</td>
<td>More practical courses such as practice preparing and arguing motions, negotiation skills, and mock trials.</td>
<td>5/2/2019 2:50 PM</td>
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<tr>
<td>I graduated from Law School in 2000 and have been practicing more than 5 years in L&amp;T. Most of the NY Law Schools that consider themselves to be &quot;National&quot; or &quot;International&quot; law schools do not require or encourage students to take NY Practice and do not teach L&amp;T law. It is a complicated area of the law that is rapidly developing and is hard to learn well without a thorough grounding. The learning curve for new attorneys is steep.</td>
<td>5/2/2019 2:44 PM</td>
<td></td>
</tr>
<tr>
<td>Classes on housing law! It's incredibly complex!</td>
<td>5/2/2019 2:42 PM</td>
<td></td>
</tr>
<tr>
<td>Law schools should be present in housing court through clinics and/or visiting as part of classes. Law schools should allow for students to spend their time on committees such as BTLN and should be more active in changing housing court's racist, classist, sexist, xenophobic, homophobic, etc. culture. Law students should be able to observe the courts and be given credit for writing reports that highlight the issues present in court, or if not writing, organizing work to change the culture.</td>
<td>4/30/2019 3:18 PM</td>
<td></td>
</tr>
<tr>
<td>20 Classes on housing law! It's incredibly complex!</td>
<td>5/2/2019 2:42 PM</td>
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<td></td>
</tr>
<tr>
<td>Classes on housing law! It's incredibly complex!</td>
<td>5/2/2019 2:42 PM</td>
<td></td>
</tr>
<tr>
<td>Send them to Court to experience housing court first hand and how it operates. In addition remind them they must be flexible and adaptable in finding resolutions for their clients, a holistic approach is superior to a transnational approach.</td>
<td>4/30/2019 1:42 PM</td>
<td></td>
</tr>
<tr>
<td>Offer classes in housing law or include fair housing law discussion in constitutional or admin law courses</td>
<td>4/29/2019 8:50 PM</td>
<td></td>
</tr>
<tr>
<td>Teach housing law, teach client interviewing, how to be a defender</td>
<td>4/29/2019 5:58 PM</td>
<td></td>
</tr>
<tr>
<td>More negotiation clinics focused on housing</td>
<td>4/29/2019 5:06 PM</td>
<td></td>
</tr>
<tr>
<td>Emphasis on writing, and writing quickly.</td>
<td>4/26/2019 3:45 PM</td>
<td></td>
</tr>
<tr>
<td>I think law schools should continue to focus on encouraging students to participate in clinics geared towards helping low income individuals. Schools should also appropriately advertise the pro-bono scholars program.</td>
<td>4/26/2019 12:55 PM</td>
<td></td>
</tr>
<tr>
<td>Full clinical options. Doctrinal law classes for L&amp;T, admin law, etc. Develop relationships with judges/state agencies as well as nonprofits. Support student organized projects and initiatives.</td>
<td>4/26/2019 11:50 AM</td>
<td></td>
</tr>
<tr>
<td>We need to be careful to avoid just using clinic students as extra unpaid labor. They're not a replacement for adequately staffed and funded (including para and support staff) legal services.</td>
<td>4/26/2019 10:04 AM</td>
<td></td>
</tr>
<tr>
<td>Learning court procedure and how to enter into agreements that best serve your client are two skills that law schools do not teach enough. This would come with practice through a clinic, but could be taught in a classroom setting alongside a clinic to ensure that best practices are being learned and performed.</td>
<td>4/26/2019 9:32 AM</td>
<td></td>
</tr>
<tr>
<td>I think my law school did an OK job of exposing people to the idea of pro bono; however, I think more emphasis could be made on careers in civil legal services and the skills needed to perform the job. Although our jobs do require the traditional legal skills of writing motions, arguing, conducting trials, there is also a lot of this job that is not covered by any law school class.</td>
<td>4/26/2019 9:08 AM</td>
<td></td>
</tr>
<tr>
<td>Housing law courses</td>
<td>4/25/2019 6:12 PM</td>
<td></td>
</tr>
<tr>
<td>Law schools should work with judges on providing clerkship opportunities so that students are aware of the types of decisions coming out of housing court and should be appraised of opportunities to work in housing after school.</td>
<td>4/25/2019 12:27 PM</td>
<td></td>
</tr>
<tr>
<td>Law school is a mess and I have a lot of thoughts about it. For now, I'll say that my property class never once mentioned landlord tenant law and barely mentioned a single case from this century. The only useful class was the one practical skills, speaking and writing class.</td>
<td>4/24/2019 6:29 PM</td>
<td></td>
</tr>
<tr>
<td>Law schools should have housing clinics that place students with legal service providers. In house clinics will not be enough</td>
<td>4/24/2019 6:21 PM</td>
<td></td>
</tr>
<tr>
<td>Have classes geared towards negotiation skills and dealing with difficult opposing counsel. Have classes geared towards client counseling.</td>
<td>4/24/2019 3:38 PM</td>
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<tr>
<td>Focus significantly more evenly on public interest work, rather than the general 80-20% investment ratio that is common.</td>
<td>4/24/2019 1:58 PM</td>
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</tr>
<tr>
<td>Don't link it with prestigious programs like pro bono scholars-- it self selects a group of people who chose it because of prestige of program, not out of dedication to housing/anti-poverty work require a year of welfare law, one semester studying the law, 2nd semester doing HRA advocacy (EJP at CUNY is great); structure clinical work to skills applicable to high volume practice</td>
<td>4/24/2019 11:43 AM</td>
<td></td>
</tr>
<tr>
<td>Pairing students with tenant-side lawyers for internships/externships</td>
<td>4/23/2019 6:45 PM</td>
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<tr>
<td>40</td>
<td>Partnering with legal services groups. It is the perfect way to provide experienced attorneys with supervision training to pair them with law students who will get hands-on housing court training.</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>More internship opportunities should be available at all city agencies related to housing, including NYCHA, HUD, DOB, HPD, etc.</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Housing clinics. More LL/T stuff in Property Law. Special class on Housing in NYS</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>Trainings on serving clients in crisis, including mental health crises</td>
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<tr>
<td>44</td>
<td>CLINICS. This is the biggest thing law schools should be focusing on. Also, getting students into scenarios where they actually get to practice real-life lawyering, not just learning things in a classroom out of books</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Law schools should have housing clinics as well as substantive classes on housing law.</td>
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</tr>
<tr>
<td>46</td>
<td>Negotiations simulations as practice.</td>
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<tr>
<td>47</td>
<td>The reality of social issues in housing court needs to be addressed, especially to young women of color who aspire to be housing attorneys. There is clear disrespect daily in housing court to people in lgbtq communities and to people of color. I was told in law school that it was &quot;getting better&quot; and I am told that this is &quot;hazing&quot; and that everyone goes through it. I find this unacceptable and should not be tolerated.</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Look at housing court as an amazing way to teach your students all aspects of procedure as well as how most administrative and lower courts function - federal courts are put on a pedestal in law school, but that's not where most of us practice.</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>More of an emphasis on New York Civil Procedure.</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Did not attend law school in NYS nor did i participate in a housing clinic during law school.</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>I think law schools should offer legal Spanish language classes and workshops or seminars about best practices when interacting with suicidal clients and clients with severe mental illness.</td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>Externships were the best things I ever did in law school. Students should be embedded within an existing legal service provider to get a first hand look on how things work in housing court.</td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>There should be more school-sponsored field trips to courts to observe proceedings, and to meet with judges and practitioners in housing and other state/local areas of law.</td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>Aside from learning substantive LL/T issues, I think getting a firmer grasp on civil procedure as it relates to special proceedings would be helpful.</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>I have found myself surprised by how much I rely on contracts, property, and civil procedure that I never thought I'd need that much. Professors of those big doctrinal classes should be encouraged to help make the subjects more relevant for public interest driven students.</td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>Working hand in hand with organizations to provide 3rd year externships, volunteer positions, and even bringing in attorneys from the organizations to do one day or more lectures / topics.</td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>More clinics, more classes on substantive NY state law.</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>They should help connect law students as interns in housing programs. Many law students are uninterested in housing internships because they are unfamiliar with the field and have not been encouraged to consider housing internships.</td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Trial advocacy programs are also helpful</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>I would love to see more doctrinal classes about landlord/tenant law. Most of the real property classes at my school focused heavily on sales, deeds, etc.</td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>There are a lot of jobs going so all law schools should be building relationships with providers so that students can get access to these job opportunities</td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>Have a class on it or devote clinic time to it.</td>
<td></td>
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<tr>
<td>63</td>
<td>Understanding the public policy issues regarding poverty and benefits and how that affects people housing.</td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Housing clinics; internship pipelines and concerted recruiting efforts. Look to the public defender organizations for an excellent recruitment model.</td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>Running clinics and classes that expose students to welfare policy and benefits regulations, which are a huge part of housing work and poverty law in general.</td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>Schools should also prepare students for the emotional toll that bulk practice may have on students after law school. Tools and best practices for coping would be helpful.</td>
<td>4/22/2019 12:53 PM</td>
</tr>
</tbody>
</table>
Q11 I received comprehensive substantive law training as a newly hired attorney.

Answered: 135  Skipped: 29

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>8.15%</td>
</tr>
<tr>
<td>Agree</td>
<td>32.59%</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>14.81%</td>
</tr>
<tr>
<td>Disagree</td>
<td>24.44%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>20.00%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100%</td>
</tr>
</tbody>
</table>

PLEASE EXPLAIN YOUR ANSWER. IF YOU DIDN'T RECEIVE THIS TRAINING WHEN NEWLY HIRED, DID YOU RECEIVE IT EVENTUALLY? AND IF SO, WHEN?

1 I work in an amazing office and have the most amazing colleagues and supervisor. I was provided in depth training that lasted almost a month long and have continuous meetings with my supervisor and colleagues to discuss not only the practice area, but how to navigate the first year of being an attorney. I always have the opportunity to be trained.

2 Legal Aid Society had us in training for 1.5 months before taking on cases. This might have been improved by having a more robust shadowing program for even 2 weeks and then classroom time.

3 I received some formal training a month into my job. Much of my learning had to be self-initiated.

4 A lot of my training is on the job.

5 I never received training.

6 I received training, but a lot of it was surface-level and highly inadequate or inapplicable to my actual caseload.

7 For the first year, I was under a new supervisor who did not supervise his new staff. I was then transferred to a new supervisor when the units were reshuffled. My new supervisor re-trained me to the extent needed. I now feel as though I received a comprehensive substantive law training.
8. I was a pjs fellow - the fellowship dropped us with little explanation and also didn't really train us.

5/2/2019 4:21 PM

9. I did not sit in a "classroom" type experience in learning substantive law or legal practice after I was hired. It has been a learn as you go approach with ample supervision where my caseload built until I reached what is considered our agency cap on cases.

5/2/2019 4:20 PM

10. After 7 months

5/2/2019 4:15 PM

11. I had a fairly thorough 2 week course

5/2/2019 4:09 PM

12. I was hired and went immediately into training. I should have had experience and training concurrently to make the training more useful.

5/2/2019 4:05 PM

13. I was provided with printouts of trainings when I first started and was supervised by someone who taught me some things, but I would not call it comprehensive. I've developed my knowledge as I go through my career as a housing attorney and filled in the gaps that were left by my non-comprehensive training.

5/2/2019 4:00 PM

14. I was not hired with a class. I was the only new attorney in the entire office when I started. There were no training classes offered until I had two years of experience. And then, I could not attend them because I had an excessively high case load.

5/2/2019 3:49 PM

15. Very basic training at the beginning, nothing since then.

5/2/2019 3:42 PM

16. My organization has never provided me with comprehensive substantive law training. I have taken CLEs on my own time and read up on substantive areas of law on my own to feel prepared to represent my clients, but not all of my colleagues have taken the time to do that. This applies both to substantive and procedural rules.

5/2/2019 3:32 PM

17. I had some experience with substantive housing law from practice outside of NYC.

5/2/2019 3:19 PM

18. We did have organized training but much of the housing practice is learned in practice.

5/2/2019 3:18 PM

19. I got a real crash course in housing law from a supervisor who worked with me one-on-one.

5/2/2019 3:12 PM

20. I've worked at my organization for about a year and half. We begin receiving additional new-attorney training next week.

5/2/2019 2:58 PM

21. I started in a small organization that had poor training and had to rely only on outside trainings and by the time I was hired at a larger organization I was not considered a new attorney and not given time to go to trainings.

5/2/2019 2:56 PM

22. I received training but there was room for improvement.

5/2/2019 2:53 PM

23. There were substantive in-house trainings when I first started as a staff attorney covering most housing topics.

5/2/2019 2:46 PM

24. I went to trainings one Friday a week for the first two months. The trainings were very broad and didn't necessarily gel into the specifics we were facing with our cases.

4/30/2019 3:29 PM

25. I received formal training about 6-8 months into my 1st year. I appreciated having real world context for the training.

4/30/2019 8:58 AM

26. Learned as I went. Training became available a few months after.

4/26/2019 5:15 PM

27. Nonprofit did not have the resources to give comprehensive substantive law training. My immediate supervisors have been doing their best.

4/26/2019 3:23 PM

28. At court, through my own research, and from many of my colleagues.

4/26/2019 2:19 PM

29. I received 2-3 trainings only, rest was self-education and supervision.

4/25/2019 6:15 PM

30. I mainly was self taught on the substantive law; attended CLEs, read treatises, researched, etc. Some CLEs were provided by my organization but I mainly learned the substantive law on the fly.

4/25/2019 3:42 PM
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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>34</td>
<td>Unfortunately, given the stressful nature and the fast pace in which new hires have to work, there is not much time to give them training on substantive law. It is very much learn as you go. I have been practicing for three years and I’m still learning. 4/25/2019 12:55 PM</td>
</tr>
<tr>
<td>35</td>
<td>I was provided virtually no training and only one day of observation before I got my first cases, and my caseload grew rapidly in amount and complexity of cases. I still have received only a couple of brief training sessions because other new hires and I asked for them, and I have had to seek out my own opportunities to learn. 4/24/2019 8:07 PM</td>
</tr>
<tr>
<td>36</td>
<td>My organization failed to provide substantive legal training. Instead, I have to rely on LEAP trainings/other CLEs; conducting my own legal research; and speaking with my colleagues to learn substantive law. 4/24/2019 6:40 PM</td>
</tr>
<tr>
<td>37</td>
<td>I received two weeks of training, having only clerked previously. I received various types of training after, but almost everything I know has been through trial and error, by fire. It has been highly stressful, to say the lease 4/24/2019 2:06 PM</td>
</tr>
<tr>
<td>38</td>
<td>no organized training, I was told to watch videos on shared drive on my down time 4/24/2019 11:56 AM</td>
</tr>
<tr>
<td>39</td>
<td>I went to occasional CLEs, but learned mostly from being thrown into the fire and teaching myself and asking questions when I realized I didn’t know something. I wish there had been something more than just the occasional CLE to teach us substantive law as CLEs are just brief summaries that skim the surface of any given topic. 4/24/2019 10:04 AM</td>
</tr>
<tr>
<td>40</td>
<td>It’s a steep learning curve and I learned a lot from my superviser during the time she was my superviser, but I heavily rely on training myself, asking a lot of questions, and doing a lot of leg work on my own. 4/23/2019 4:31 PM</td>
</tr>
<tr>
<td>41</td>
<td>I was paid to read through Scherer when I was first hired. I shadowed an attorney. I slowly started taking on my own client over months. 4/23/2019 1:56 PM</td>
</tr>
<tr>
<td>42</td>
<td>I received substantive training around two months after I started. 4/23/2019 12:48 PM</td>
</tr>
<tr>
<td>43</td>
<td>No. I’ve been trying to navigate the ins-and-outs of being a housing court attorney on my own and I honestly think it’s a bit ridiculous. 4/23/2019 12:47 PM</td>
</tr>
<tr>
<td>44</td>
<td>I received little to no training. My immediate supervisor is unfamiliar with the substantive law that is needed to practice in housing court. I have learned vital information about both substantive law and best practices in court in passing from colleagues with more experience, or sometimes from practitioners at other organizations. I often feel unprepared, and I worry constantly that there are tools that I don’t know about that could help my clients. I attended a training recently that was sponsored and led by supervisors in my office. They could not answer fundamental questions raised and contradicted one another. 4/23/2019 12:38 PM</td>
</tr>
<tr>
<td>45</td>
<td>I have gradually received training throughout my experience, but never had a comprehensive training program 4/23/2019 11:52 AM</td>
</tr>
<tr>
<td>46</td>
<td>No, never. 4/23/2019 10:43 AM</td>
</tr>
<tr>
<td>47</td>
<td>I had tangential supervision, but was largely pushed into the deep end. If I didn’t have my clinic knowledge to fall back on, I would have been committing malpractice. 4/23/2019 10:13 AM</td>
</tr>
<tr>
<td>48</td>
<td>Little to no comprehensive substantive training 4/23/2019 9:45 AM</td>
</tr>
<tr>
<td>49</td>
<td>I received eight days of training, some of which was substantive law. 4/22/2019 6:53 PM</td>
</tr>
<tr>
<td>50</td>
<td>I attended a couple of trainings upon starting, but mostly I learned through my cases. Because I had worked as a housing paralegal and tenant organizer in the past, I was able to pick up the topics fairly quickly. 4/22/2019 6:46 PM</td>
</tr>
<tr>
<td>51</td>
<td>I got some in the beginning, some trickling in. A lot has had to be self-taught or through supervision on a case by case basis. 4/22/2019 6:36 PM</td>
</tr>
<tr>
<td>52</td>
<td>Some training, although primarily sink or swim model. Eventually, self-taught / learned through experience. 4/22/2019 5:37 PM</td>
</tr>
<tr>
<td>53</td>
<td>Never received it, self-taught, and informal help from colleagues 4/22/2019 5:21 PM</td>
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<tr>
<td>55</td>
<td>Legal aid organizations do not have consistent training programs or procedures. Rarely if ever is a new hire trained when they are hired unless it coincides with the organization's schedule. Some providers have an annual “crash course,” some don't. Very rarely is holistic training (PA, rent stabilization, lawyering) provided up front.</td>
</tr>
<tr>
<td>56</td>
<td>Housing law is just one of the practice areas I had to learn. I got some training from staff to orient me to the landscape of housing law/housing court, but I also did a lot of reading on my own and took CLEs to get myself up to speed.</td>
</tr>
<tr>
<td>57</td>
<td>Did receive substantive training on the areas that my practice has special knowledge/expertise in, but my case load often has types of cases I was not trained for.</td>
</tr>
<tr>
<td>58</td>
<td>I received it through a series of trainings that were held once a month through the LEAP coalition. The trainings were helpful, but they were very spread out, and for that reason, not intensive enough.</td>
</tr>
<tr>
<td>59</td>
<td>Learned it on the job!</td>
</tr>
<tr>
<td>60</td>
<td>I attend the monthly LEAP trainings but my organization has devoted very few resources to substantive training on housing law.</td>
</tr>
<tr>
<td>61</td>
<td>MFJ held in-house trainings for law graduates, one-on-one meetings with supervisors to answer specific questions, and linked us with outside trainings run by other organizations.</td>
</tr>
<tr>
<td>62</td>
<td>My training was quite piecemeal; most of it was acquired on the job, directly from my supervisor.</td>
</tr>
<tr>
<td>63</td>
<td>Through the LEAP coalition, attorneys were able to take advantage of relevant law training, when available.</td>
</tr>
<tr>
<td>64</td>
<td>Mostly self-learning, but I was directed towards CLEs and online courses that were helpful.</td>
</tr>
</tbody>
</table>
Q12 I received comprehensive practice skills training as a newly hired attorney.

Answered: 138  Skipped: 26

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
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<tbody>
<tr>
<td>Strongly agree</td>
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</tr>
<tr>
<td>Agree</td>
<td>26.81%</td>
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<tr>
<td>Neither agree nor disagree</td>
<td>21.01%</td>
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<tr>
<td>Disagree</td>
<td>28.26%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>16.67%</td>
</tr>
</tbody>
</table>

**PLEASE EXPLAIN YOUR ANSWER. IF YOU DIDN'T RECEIVE THIS TRAINING WHEN NEWLY HIRED, DID YOU RECEIVE IT EVENTUALLY? AND IF SO, WHEN?**

1. We received training on our conflicts/case manager, negotiation, writing, HRA advocacy, etc. I would have loved much more focus on ways to organize and schedule your practice to stay afloat in the frenetic setting of housing court practice. Most of what I learned about this I learned from peers.
   
   Date: 5/3/2019 3:19 PM

2. I received opportunities that forced me to learn skills. But I didn't learn many skills formally. For instance, we have not received a substantive trial training or real coaching on writing.
   
   Date: 5/3/2019 12:12 PM

3. A lot of my training is on the job.
   
   Date: 5/3/2019 12:04 PM

4. I never received training.
   
   Date: 5/3/2019 10:59 AM

5. I have only been working for three weeks - my understanding is that I may receive such skills training as the occasions to use them arise.
   
   Date: 5/3/2019 10:12 AM

6. I would not characterize it has "comprehensive", but I did receive practice skills trainings.
   
   Date: 5/2/2019 6:31 PM

7. Not offered, although it used to be offered.
   
   Date: 5/2/2019 4:34 PM

8. small office - on the job training
   
   Date: 5/2/2019 4:21 PM
<table>
<thead>
<tr>
<th></th>
<th>See above</th>
<th>5/2/2019 4:20 PM</th>
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</thead>
<tbody>
<tr>
<td>10</td>
<td>Mostly learned on the job.</td>
<td>5/2/2019 4:09 PM</td>
</tr>
<tr>
<td>11</td>
<td>The training could have been better</td>
<td>5/2/2019 4:05 PM</td>
</tr>
<tr>
<td>12</td>
<td>Some of the practice skills I had already from being an attorney in other substantive areas. I learned as I went along for the rest</td>
<td>5/2/2019 4:00 PM</td>
</tr>
<tr>
<td>13</td>
<td>I took a trial advocacy course several months into my time in the office. It was my third trial advocacy course and it was not as good as the first two I took.</td>
<td>5/2/2019 3:49 PM</td>
</tr>
<tr>
<td>14</td>
<td>Very basic training at the beginning, nothing since then.</td>
<td>5/2/2019 3:42 PM</td>
</tr>
<tr>
<td>15</td>
<td>I did not receive anything remotely akin to &quot;comprehensive training.&quot; When I took this job, I already had 3 years of legal experience, without which I would have been entirely lost. I actively sought out training by shadowing my colleagues, and then I just started to figure things out on my own.</td>
<td>5/2/2019 3:32 PM</td>
</tr>
<tr>
<td>16</td>
<td>I received some training, but there was a shortage of attorneys so mostly it was learning by working.</td>
<td>5/2/2019 3:19 PM</td>
</tr>
<tr>
<td>17</td>
<td>There were several changes in management within my first year of being hired.</td>
<td>5/2/2019 3:18 PM</td>
</tr>
<tr>
<td>18</td>
<td>I was advised to find my own style of case handling and was given responsibilities immediately to better understand housing court procedures.</td>
<td>5/2/2019 3:12 PM</td>
</tr>
<tr>
<td>19</td>
<td>There was not enough practical training</td>
<td>5/2/2019 2:53 PM</td>
</tr>
<tr>
<td>20</td>
<td>I learned practical skills such as motion writing, oral argument, negotiation, and trial advocacy as I went along with varying levels of support from my supervisors (I had 4 different supervisors in my first 18 months of practice)</td>
<td>5/2/2019 2:46 PM</td>
</tr>
<tr>
<td>21</td>
<td>There should be more benefits training to ensure we are maximizing our clients income. In addition, there should be city-wide banks of model answers, motions, bills of particulars for all the issues that have come up.</td>
<td>4/30/2019 3:29 PM</td>
</tr>
<tr>
<td>22</td>
<td>I received good training in motion practice when I was newly hired and extensive trial training after about 2 years of practice.</td>
<td>4/30/2019 11:57 AM</td>
</tr>
<tr>
<td>23</td>
<td>I've been litigating for 8+ years in non-housing practice</td>
<td>4/29/2019 8:53 PM</td>
</tr>
<tr>
<td>24</td>
<td>Nonprofit did not have the resources to give comprehensive substantive law training. My immediate supervisors have been doing their best.</td>
<td>4/26/2019 3:23 PM</td>
</tr>
<tr>
<td>25</td>
<td>I am learning on the spot in court or supervision</td>
<td>4/26/2019 2:40 PM</td>
</tr>
<tr>
<td>26</td>
<td>See above.</td>
<td>4/26/2019 2:19 PM</td>
</tr>
<tr>
<td>27</td>
<td>Most of my training focused on the law and less on practice skills training, interacting with clients, court procedure, etc.</td>
<td>4/26/2019 1:09 PM</td>
</tr>
<tr>
<td>28</td>
<td>No, I never did. About 1.5 years into practicing I did attend a trial skills training.</td>
<td>4/26/2019 12:41 PM</td>
</tr>
<tr>
<td>29</td>
<td>My organization allowed me to attend a trial training but I did not receive lots of knowledge.</td>
<td>4/26/2019 9:21 AM</td>
</tr>
<tr>
<td>30</td>
<td>not enough trainings</td>
<td>4/25/2019 6:15 PM</td>
</tr>
<tr>
<td>31</td>
<td>See above.</td>
<td>4/25/2019 3:42 PM</td>
</tr>
<tr>
<td>32</td>
<td>Same as above, skills were learned as I went. I continue to learn practice skills, and supervisors advise as problems arise.</td>
<td>4/25/2019 12:55 PM</td>
</tr>
<tr>
<td>33</td>
<td>Again, I was provided little to no training when hired straight out of law school. I was assigned cases and work immediately and expected to ask coworkers for templates to work from and figure it out on my own.</td>
<td>4/24/2019 8:07 PM</td>
</tr>
<tr>
<td>34</td>
<td>I have received no training regarding practice skills. My organization does not supervise new hires in court during arguments - instead they stand behind you without prepping you prior to the argument. There is no training or assistance for trials - instead you are told that &quot;to prepare&quot; without any assistance or consideration of how to preserve things for the record in case an appeal is needed. If it was not for the trial practice clinic during law school I would be struggling much more.</td>
<td>4/24/2019 6:40 PM</td>
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<tr>
<td>35</td>
<td>Practice skills training, other than a very helpful week long trial workshop (though it was geared much more to criminal attorneys than housing), has been ad hoc, and I have needed to ask for it and schedule it myself to get it.</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>none - learn on the job If you didn't have them already</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>I received training from CLEs and watching other attorneys - esp. regarding how to negotiate a good settlement - but have always felt like I have no idea what I am doing and mostly just learn from my mistakes</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>I received practice skills training around two months after I started.</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>I shadowed an attorney. I slowly started taking on my own client over months.</td>
<td></td>
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<tr>
<td>40</td>
<td>I received practice skills training around two months after I started.</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>No, I've never received this training.</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>I have received little to no skills training. I recently prevented an eviction thanks to a practice tip I learned from a practitioner at another organization. I was embarrassed to not have already known the practice.</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>I have gradually received training throughout my experience, but never had a comprehensive training program</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>No, never.</td>
<td></td>
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<tr>
<td>45</td>
<td>I didn’t get anything like this until the NITA training a year after I was hired.</td>
<td></td>
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<tr>
<td>46</td>
<td>While my supervisor is excellent, supervision alone cannot substantive for practice skills training, which, as mentioned, I received only eight days total.</td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>Same as above</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Same as above - some limited training, but primarily learn by experience.</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>The legal aid organizations that do have training programs generally focus on substantive law. Lawyering skills are not taught except on special occasions.</td>
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</tr>
<tr>
<td>50</td>
<td>Learned some skills (writing stips and trial advocacy) but was not trained in others (negotiating, conducting depositions, etc)</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>I went to a couple of skills trainings that were excellent, but I wish there were more of them.</td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>Learned it on the job!</td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>Much of the training was on-the-job after a short period of shadowing staff attorneys.</td>
<td></td>
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<tr>
<td>54</td>
<td>My skills are somewhat limited by the nature of the practice, which is limited to motions to and stips. I haven't done discovery, a trial, a deposition and as a result I haven't acquired any practice skills in this area.</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>Same as answer above.</td>
<td></td>
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</table>
Q13 My organization has a supervisory system in place to assure high quality representation that includes, for example, regular case file reviews and regular performance reviews.

Answered: 136  Skipped: 28

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
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<tr>
<td>Strongly agree</td>
<td>15.44%</td>
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<tr>
<td>Agree</td>
<td>44.12%</td>
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<tr>
<td>Neither agree nor disagree</td>
<td>18.38%</td>
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<tr>
<td>Disagree</td>
<td>17.65%</td>
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<tr>
<td>Strongly disagree</td>
<td>4.41%</td>
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**# PLEASE EXPLAIN YOUR ANSWER:**

<table>
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<tr>
<th>#</th>
<th>PLEASE EXPLAIN YOUR ANSWER:</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Weekly meetings, annual reviews</td>
<td>5/3/2019 9:51 PM</td>
</tr>
<tr>
<td>2</td>
<td>I meet at least once per week with my supervisor to go through everything on the ~1-month horizon. He is also available for drop-ins. I feel very satisfied with my access to him and the latitude he gives me.</td>
<td>5/3/2019 3:19 PM</td>
</tr>
<tr>
<td>3</td>
<td>My supervisors want to review my written work before I serve and file it but in practice my supervisors OK any decision that I make without much pushback.</td>
<td>5/3/2019 12:12 PM</td>
</tr>
<tr>
<td>4</td>
<td>We have weekly team meetings and my supervisor has an open door policy. Seasoned attorneys on my team are also always available to assist</td>
<td>5/3/2019 12:04 PM</td>
</tr>
<tr>
<td>5</td>
<td>There is no clear system but there are supervisors. The supervisors should be trained before they start supervising.</td>
<td>5/3/2019 10:59 AM</td>
</tr>
<tr>
<td>6</td>
<td>My supervisor and I touch base regularly, but there is no particular structure or system.</td>
<td>5/3/2019 10:12 AM</td>
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<tr>
<td>7</td>
<td>We have a supervisory system with regular case file reviews, but much of it is pro forma and not substantive. Many of my supervisors do not have adequate knowledge or interest in the law and their supervisees are often tasked with &quot;figuring it out for themselves&quot; or crowdsourcing information from their colleagues who are also learning it as they go.</td>
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<td>5/2/2019 6:31 PM</td>
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<tr>
<td>8</td>
<td>I think the organization has good supervisors and bad supervisors. The supervisory system depends on your direct supervisor.</td>
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<td>5/2/2019 4:34 PM</td>
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<tr>
<td>9</td>
<td>there aren't enough supervisors - I love my supervisor but he doesn't have a crazy amount of experience and the gap in our knowledge is closing quickly</td>
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<td>5/2/2019 4:21 PM</td>
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<tr>
<td>10</td>
<td>I agree. My supervisors are competent and ensure that I provide quality representation. That said, my agency had to adapt to the demands of RTC as supervisors carry their own case load and affording time to both carry a caseload and provide supervision was at least initially something that needed to be addressed.</td>
<td></td>
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<tr>
<td>5/2/2019 4:20 PM</td>
<td></td>
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<tr>
<td>11</td>
<td>It's a work in progress.</td>
<td></td>
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<tr>
<td>5/2/2019 4:09 PM</td>
<td></td>
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</tr>
<tr>
<td>12</td>
<td>Some supervisors are better than others.</td>
<td></td>
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<tr>
<td>5/2/2019 4:05 PM</td>
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<tr>
<td>13</td>
<td>The supervisors are free to structure their supervision and tailor it to the attorneys they supervise, which can be good, but can also lead to things like irregular case reviews. My organization has an annual performance review for all employees.</td>
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<td>5/2/2019 4:00 PM</td>
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<tr>
<td>14</td>
<td>I have 15 years of experience. So I do not need much supervision. But the system that exists is poor. Many of my colleagues come to me for supplemental supervision.</td>
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<tr>
<td>5/2/2019 3:49 PM</td>
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<tr>
<td>15</td>
<td>Sometimes there is good supervision, sometimes not.</td>
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<td>5/2/2019 3:42 PM</td>
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<tr>
<td>16</td>
<td>Some individuals at my organization get this kind of attention, but for those of us who are not straight out of law school we do not get that much time with our supervisors. There is a system in place, but does not allow supervisors enough time to actually spend time with their supervisees equally on a regular basis.</td>
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<td>5/2/2019 3:32 PM</td>
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<tr>
<td>17</td>
<td>No case file reviews are in place. A system for general performance review is being developed.</td>
<td></td>
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<tr>
<td>5/2/2019 3:19 PM</td>
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<tr>
<td>18</td>
<td>We meet weekly regarding new cases, meet weekly for supervision on ongoing cases, and have performance reviews every 6 months as well as monthly check-ins regarding our stress management and overall concerns.</td>
<td></td>
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<tr>
<td>5/2/2019 3:12 PM</td>
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<tr>
<td>19</td>
<td>It's supposed to be done, and my supervisor now is good about doing it, but this is not uniform across the agency.</td>
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<td>5/2/2019 2:46 PM</td>
<td></td>
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<tr>
<td>20</td>
<td>I have file review once a week, but it is usually once every two weeks. I have not had a performance review and I am not sure there is such a mechanism.</td>
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<tr>
<td>4/30/2019 3:29 PM</td>
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<tr>
<td>21</td>
<td>We have a system in place but effectiveness depends on the supervisor you are assigned</td>
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<tr>
<td>4/29/2019 8:53 PM</td>
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<tr>
<td>22</td>
<td>They do this well.</td>
<td></td>
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<tr>
<td>4/26/2019 3:23 PM</td>
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</tr>
<tr>
<td>23</td>
<td>I have a direct supervisor who I meet with weekly. Our office also has an open door policy and all attorneys, interns, etc. are open to discuss cases, questions, concerns, etc.</td>
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<tr>
<td>4/26/2019 1:09 PM</td>
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<tr>
<td>24</td>
<td>Some other teams in our unit have more structured supervision, but ours does not. We do not have case review.</td>
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<td>4/26/2019 12:41 PM</td>
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<tr>
<td>25</td>
<td>My organization is very concerned about supervision, but it often feels more like this is just malpractice reasons and not about providing the best services to our clients.</td>
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<tr>
<td>4/26/2019 9:21 AM</td>
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<tr>
<td>26</td>
<td>Very strong supervisory system where I'm at, though that's not a replacement for comprehensive training</td>
<td></td>
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<tr>
<td>4/25/2019 6:15 PM</td>
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<tr>
<td>27</td>
<td>I recently left an organization that failed to regularly review my case files and failed to give me regular performance reviews, but both are being provided to me at my current job.</td>
<td></td>
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<td>4/25/2019 12:55 PM</td>
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<tr>
<td>28</td>
<td>I have a supervisor who is a wonderful person who tries very hard to be there to help me, but she herself is very busy and overworked. We try to meet once a week for urgent questions, but there is limited time for me to get the help I need, especially given the lack of training.</td>
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<td>4/24/2019 8:07 PM</td>
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<tr>
<td>29</td>
<td>My supervisors do not invest time in my work. They are not substantively involved in my cases, they do not review the legal documents to ensure that I have not missed defenses or arguments; they do not edit my motions but instead give general feedback in the bodies of emails; and I have not had a single performance review.</td>
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<td>4/24/2019 6:40 PM</td>
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</table>
30 We have an hour a week of supervision time. It can be difficult to get questions answered outside of that time because of the serious time constraints of all my superiors, so we are constantly in “I need help right now” positions and can’t get the urgent help we need. Performance reviews are extremely rare. Technically 1-2 times a year, but not very comprehensive.

31 Yes regular case reviews and in court support; however substantively it’s more wishful thinking, unsustainable standards given caseloads.

32 The supervisory system in place assures there are no fires to put out. But I wouldn’t say the system in place ensures high quality representation.

33 I have access to supervisors for questions/feedback as issues arise, but there is not much discussion/review after the fact.

34 My case reviews are often cancelled. My supervisor regularly has little to no information about the issues I raise in meeting. They will sometimes offer to ask a professional connection a question or look into something for me, but they rarely follow through. We had a performance review that was not followed up on or discussed at all.

35 We do have a supervisory system in place; I don’t think that my supervisor does a particularly great job of teaching and mentoring me.

36 My supervisor holds regular case file reviews (which includes “performance” in that she evaluates our execution of strategy), but not all of the supervisors in my office do the same.

37 Organization is not prepared for sudden influx of cases, which is why we’ve currently denied Right to Counsel funding.

38 They are competent but not true experts and overstretched.

39 Supervisors appear overworked and as a consequence are at times unresponsive. Some organizations have regular case and performance reviews, while others leave it up to the Staff Attorney. This makes for different style or even quality of representation depending upon which lawyer represents a client at the organization.

40 I haven’t seen my supervisor in over a week, and this is not uncommon.

41 I get great supervision. I feel supported and appropriately challenged.

42 We do not get performance reviews or case file reviews. Supervision is as needed, and typically we need to initiate.

43 It could be better but there is nevertheless a system in place and my supervisor is competent. However my supervisor maintains a continuing case load and cannot always be available for regular meetings.
Q14 My supervisor has the substantive and practical knowledge as well as the supervisory skills required to competently supervise.

Answered: 137 Skipped: 27

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<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
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<tbody>
<tr>
<td>Strongly agree</td>
<td>40.88%</td>
</tr>
<tr>
<td>Agree</td>
<td>32.85%</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>10.22%</td>
</tr>
<tr>
<td>Disagree</td>
<td>13.14%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>2.92%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>137</td>
</tr>
</tbody>
</table>

# PLEASE EXPLAIN YOUR ANSWER. DATE

1. My supervisor is beyond brilliant. Other supervising attorneys in housing court go to my supervisor for their questions. She is beyond well versed in the area of housing law and her knowledge and experience should be the standard we all strive to reach. 5/3/2019 3:34 PM

2. See directly above. He provides praise and feedback where needed. 5/3/2019 3:19 PM

3. Our supervisors seem to never have received formal training in management. With one exception, they have a robust knowledge base and base of experience with client interactions. But that doesn't necessarily mean they're skilled at managing. 5/3/2019 12:12 PM

4. My supervisor is a wealth of knowledge and he has lots of practice teaching new attorneys how to best represent clients. 5/3/2019 12:04 PM

5. My supervisor does not have a lot of substantive knowledge about housing law. 5/3/2019 10:59 AM

6. I am learning from my supervisor and love the support and an extra ear - but more like a mandatory person to talk thru my cases with rather than real supervision. 5/2/2019 4:21 PM
My supervisor in particular comes from a generalist practice that included housing court, so my supervisor has a broad substantive and practical knowledge, but had gaps in their knowledge specific to certain parts of law relevant to our housing court cases. My supervisor does have the supervisory skills to competently supervise.

My supervisor has more experience than me and has been a supervisor for several years.

My supervisors is currently taking this new RTC supervision training, which he's finding useful. That said, he never really gives me feedback at all. I have to actively seek feedback to get anything from him. He does have 5+ years of housing court experience, though, which means that he has a fair amount of knowledge—again, the gap seems to come in with more complicated questions that he hasn't seen before. which he doesn't always know how to help you address. He's still finding his way as a supervisor and had no supervisory experience coming into this job. He's been here for almost a year.

We were eventually assigned to a supervisor but only after several months of being new attorneys with minimal supervision.

My supervisor has been practicing housing law for 25 years and is great at explaining the nitty gritty of housing practice. She is also astute in thinking through legal problems both substantive and procedural.

Doesn't know more than I do. Better supervisors have 20 plus years of experience

My supervisor has the substantive and practical knowledge, but has not been trained on supervisory skills required.

Other supervisors do, mine is lackluster

Supervisory skills yes, but they don't know a ton about substantive law. Still, they're good.

He has decent substantive knowledge, but not strong supervisory skills. Our unit director substantively knows the law, but has never practiced in housing court so doesn't have good practical skills.

My new supervisors have great insight into procedural next steps. Each have not been practicing as long as my former supervisors, but the skills and knowledge they have gained has helped me more in my few months here than the few years under my last direct supervisor.

My supervisor is one of few experienced and competent people where I work, she is very dedicated, but unfortunately has very little time due to her many supervisees on top of her already large caseload.

I have had two direct supervisors in a year and a half and neither have substantive and practical knowledge or supervisory skills required to provide competent supervision. Both my supervisors have less than four years of legal experience. Neither have had trials and discouraged me to make arguments and preserve defenses that may lead to trial because they could not and did not want to go to trial with me. When I had substantive questions both supervisors refused to collaborate on the legal research and investigation on the case and told me to figure it out and upon "figuring it out" and including the case law for the argument - no edits or feedback would be given.

Substantive and practical knowledge, definitely. Supervisory skills, no.

My supervisor is great but often he doesn't have time to give detailed feedback on my arguments or skills

We are at the same level.

My supervisor has a lot of general legal knowledge, but not a lot of housing law knowledge.

He definitely has the knowledge necessary; however, he definitely does NOT have the necessary supervisory skills.

see previous responses

My supervisor knows less about housing court than I do.

My supervisor has the knowledge and skills but not the time

Mine does. Seems like some others are promoted to the position because a gap needs filling and it's too hard to get rid of them.

My previous supervisor was amazing. Jury's out on current supervisor, who is new.
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<thead>
<tr>
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<tbody>
<tr>
<td>30</td>
<td>She's great.</td>
<td>4/22/2019 6:53 PM</td>
</tr>
<tr>
<td>31</td>
<td>Most of the time</td>
<td>4/22/2019 6:36 PM</td>
</tr>
<tr>
<td>32</td>
<td>Supervisor primarily worked with experienced attorneys previously, and is unprepared for sudden influx of NEW attorneys with needed coaching and guidance.</td>
<td>4/22/2019 5:37 PM</td>
</tr>
<tr>
<td>33</td>
<td>My supervisor has a wide breadth of substantive knowledge that is very helpful, but did not have previous supervisory experience. I am lucky enough that my supervisor has transitioned well to the role, but this was not due to any training on the part of the organization.</td>
<td>4/22/2019 5:16 PM</td>
</tr>
<tr>
<td>34</td>
<td>At some point I started to know more about some areas of substantive housing law than my supervisor. But she is always knowledgeable enough to give helpful feedback and flag potential issues, so I don't think it really affects the quality of the supervision I get.</td>
<td>4/22/2019 5:13 PM</td>
</tr>
<tr>
<td>35</td>
<td>My supervisor was very effective at teaching me at the beginning; now that I have progressed in my knowledge and skills, often when I need help my supervisor cannot give guidance</td>
<td>4/22/2019 5:10 PM</td>
</tr>
<tr>
<td>36</td>
<td>My supervisor did not know some of the nuts and bolts of practice in housing court, such as how and where to file motions.</td>
<td>4/22/2019 1:03 PM</td>
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Q15 My supervisor is accessible and provides the support I need to do my job well, both in and out of court.

Answered: 138  Skipped: 26

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<tr>
<th>ANSWER CHOICES</th>
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<td>35.51%</td>
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<tr>
<td>Neither agree nor disagree</td>
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<tr>
<td>Disagree</td>
<td>13.04%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>3.62%</td>
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TOTAL 138

# PLEASE EXPLAIN YOUR ANSWER. DATE

1. My supervisor is there for me at the drop of a hat. All I have to do is ask. 5/3/2019 3:34 PM
2. See directly above. He is available in the office for dropping by and by phone when he is in court. 5/3/2019 3:19 PM
3. My supervisor is available but it is difficult for her to provide support sometimes because of her lack of substantive knowledge about the law. 5/3/2019 10:59 AM
4. Sometimes true, sometimes not. 5/2/2019 6:31 PM
5. It varies, sometimes shes great and sometimes she isn't 5/2/2019 4:05 PM
6. My supervisor is accessible, either in person or by email/phone/text if we are in different locations. My supervisor provides support to me in substantively supervising me as well as encouraging me and supporting me through the stress/potential burnout/etc. 5/2/2019 4:00 PM
7. As I answered previously, I have ample experience and do not need much supervision. My supervisory support is mostly adequate for me. I would probably feel differently if I had 15 weeks or 15 months of experience. 5/2/2019 3:49 PM
8. He just does not have time to dedicate to all 8 attorneys + 2 paralegals he manages in a comprehensive manner. That said, if I call he answers. I certainly feel supported in some of the more emotionally taxing elements of this job. 5/2/2019 3:32 PM
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<thead>
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<tbody>
<tr>
<td>9</td>
<td>My supervisor is basically available to me at all times and has dropped what she's doing in order to help me out on many occasions.</td>
<td>5/2/2019 3:12 PM</td>
</tr>
<tr>
<td>10</td>
<td>I seek out other supervisors</td>
<td>4/30/2019 3:58 PM</td>
</tr>
<tr>
<td>11</td>
<td>My supervisor tried their hardest to provide support, but is too overwhelmed with managerial duties such as meetings with upper management in addition to meetings with HRA/other UAC providers that takes up most of their time.</td>
<td>4/30/2019 3:29 PM</td>
</tr>
<tr>
<td>12</td>
<td>She's not great with substantive and hands on advise</td>
<td>4/29/2019 8:53 PM</td>
</tr>
<tr>
<td>13</td>
<td>We're at capacity.</td>
<td>4/26/2019 5:15 PM</td>
</tr>
<tr>
<td>14</td>
<td>Yes, this is true.</td>
<td>4/26/2019 3:23 PM</td>
</tr>
<tr>
<td>15</td>
<td>He is often out of the office and did not appear in court with me after the first couple of weeks, even prior to my being admitted.</td>
<td>4/26/2019 12:41 PM</td>
</tr>
<tr>
<td>16</td>
<td>My current supervisor is generally accessible, and now that I have closer to 5 years of experience I do not need the same day to day contact with my supervisor as I did when I started in this line of work (at which point I had a lot less supervision). As a young attorney it was a really a balancing act of figuring out how often I could bother supervisor(s) at my office, how often I could bother more senior colleagues, how often I could ask questions on the listserv, etc. I had tons of questions and did not always feel like I had sufficient avenues to get support. Although to some degree this forced me to be self sufficient and come up with my own answers, there are certain questions that cannot be answered</td>
<td>4/26/2019 9:21 AM</td>
</tr>
<tr>
<td>17</td>
<td>Same as above, supervisors are always available by phone and email, and do not hesitate to answer any questions I have.</td>
<td>4/25/2019 12:55 PM</td>
</tr>
<tr>
<td>18</td>
<td>My supervisor tries her best to be very helpful to me, but is extremely busy and overworked herself.</td>
<td>4/24/2019 8:07 PM</td>
</tr>
<tr>
<td>19</td>
<td>Hard to access, largely because of his own extreme time constraints, but also because of social skills that make it hard to access comprehensive advice, or social/ emotional support, though he definitely tries to the best of his ability.</td>
<td>4/24/2019 2:06 PM</td>
</tr>
<tr>
<td>20</td>
<td>See above</td>
<td>4/24/2019 10:04 AM</td>
</tr>
<tr>
<td>21</td>
<td>He is supportive and helps me cover cases where needed.</td>
<td>4/23/2019 4:43 PM</td>
</tr>
<tr>
<td>22</td>
<td>My supervisor is at work and present and available to talk anytime, and allows me to go to trainings I find that I feel I need to grow as an attorney, so I feel like I have the support I need to do my job well.</td>
<td>4/23/2019 4:31 PM</td>
</tr>
<tr>
<td>23</td>
<td>He rarely comes to court with me, and while he'll answer my questions, I feel very unsupported most of the time.</td>
<td>4/23/2019 12:47 PM</td>
</tr>
<tr>
<td>24</td>
<td>My supervisor is reasonably accessible, but does not offer any substantive or skills-based assistance. They often tell me to do things &quot;just to be safe&quot; that end up being unnecessary.</td>
<td>4/23/2019 12:38 PM</td>
</tr>
<tr>
<td>25</td>
<td>My supervisor is great and very accessible, she just doesn't know much about this area of law.</td>
<td>4/23/2019 10:43 AM</td>
</tr>
<tr>
<td>26</td>
<td>It is nearly impossible to find a supervisor when you need one</td>
<td>4/23/2019 10:38 AM</td>
</tr>
<tr>
<td>27</td>
<td>Again, previous supervisor - amazing. Current - not sure yet.</td>
<td>4/22/2019 9:22 PM</td>
</tr>
<tr>
<td>28</td>
<td>My supervisor is stretched thin and at times has to devote time to administrative duties that take her away from supervision.</td>
<td>4/22/2019 6:53 PM</td>
</tr>
<tr>
<td>29</td>
<td>Most of the time</td>
<td>4/22/2019 6:36 PM</td>
</tr>
<tr>
<td>30</td>
<td>Supervisor is accessible and available for the most part.</td>
<td>4/22/2019 5:37 PM</td>
</tr>
<tr>
<td>31</td>
<td>He has a very high and demanding caseload so outside of weekly supervision it is not always possible to discuss last minute matters as they arise</td>
<td>4/22/2019 5:25 PM</td>
</tr>
<tr>
<td>32</td>
<td>Supervisors appear overburdened, especially as the organization hires new attorneys to handle more Universal Access cases. As a consequence supervisors are sometimes unresponsive or unavailable.</td>
<td>4/22/2019 5:16 PM</td>
</tr>
<tr>
<td>33</td>
<td>My supervisor will be available if I ask, but is often too busy so I am reluctant to burden her</td>
<td>4/22/2019 5:10 PM</td>
</tr>
<tr>
<td>34</td>
<td>My supervisor is accessible but the supervision model is reactive rather than pro-active in that I can approach with any questions but am not affirmatively trained. I am left to learn by doing.</td>
<td>4/22/2019 3:22 PM</td>
</tr>
<tr>
<td></td>
<td>My supervisor is available any time to talk. As a newly hired law graduate, I feel that I required a supervising attorney to be physically present with me for all court appearances, especially interactions with opposing counsel, judges, and court attorneys.</td>
<td>4/22/2019 1:03 PM</td>
</tr>
</tbody>
</table>
Q16 The number of attorneys and law graduates supervised by housing supervisors in my organization is:

![Survey Results]

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fewer than 6</td>
<td>35.04%</td>
</tr>
<tr>
<td>6-8</td>
<td>27.01%</td>
</tr>
<tr>
<td>8-10</td>
<td>12.41%</td>
</tr>
<tr>
<td>10-12</td>
<td>10.95%</td>
</tr>
<tr>
<td>More than 12</td>
<td>14.60%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>#</th>
<th>IS THIS RATIO SUFFICIENT OR INSUFFICIENT? PLEASE EXPLAIN.</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>So far, this ratio seems sufficient. See directly above. My motions, etc., are edited in a timely fashion.</td>
<td>5/3/2019 3:19 PM</td>
</tr>
<tr>
<td>2</td>
<td>I think it's insufficient because the new people really need a lot of coaching. The supervisors are forced to staff our office in the housing court, so their availability for supervision is very limited. I think that HRA and court demands that someone from our unit always be available at certain times are unrealistic and unfair to our organization.</td>
<td>5/3/2019 12:12 PM</td>
</tr>
<tr>
<td>3</td>
<td>I think it's sufficient because we also help each other when the supervisor is not available</td>
<td>5/3/2019 12:04 PM</td>
</tr>
<tr>
<td>4</td>
<td>This ratio is sufficient if the attorneys are new and do not require training but insufficient if all the attorneys are new.</td>
<td>5/3/2019 10:59 AM</td>
</tr>
<tr>
<td>5</td>
<td>Insufficient. While I have regular case reviews, many of my colleagues do not because their supervisors are overworked and unavailable.</td>
<td>5/2/2019 6:31 PM</td>
</tr>
<tr>
<td>6</td>
<td>Insufficient but that is about to change within the next day or so.</td>
<td>5/2/2019 5:20 PM</td>
</tr>
<tr>
<td></td>
<td>Response</td>
<td>Date/Time</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>7</td>
<td>I think 5 is a good number. But, the number depends on the experience of the attorneys within the unit as well. We have a fairly experienced unit at 6, with one attorney with less than a year experience, and the rest have around 3 or more years. The more attorneys there are, the harder it is to seek assistance or schedule trials. When my supervisor is overwhelmed, she misses parts of my emails and sometimes provides the incorrect advice.</td>
<td>5/2/2019 4:34 PM</td>
</tr>
<tr>
<td>8</td>
<td>no</td>
<td>5/2/2019 4:06 PM</td>
</tr>
<tr>
<td>9</td>
<td>YES!!! Max attny should be 5 or 6</td>
<td>5/2/2019 4:05 PM</td>
</tr>
<tr>
<td>10</td>
<td>It should probably be fewer attorneys to supervisors. I know that supervisors in my organization are straining to get everything done that needs to be done with the number of supervisees they have</td>
<td>5/2/2019 4:00 PM</td>
</tr>
<tr>
<td>11</td>
<td>I think it is insufficient. I have 15 years experience. The staff attorney with the second most seniority in my unit has 2 years of experience. That means my supervisor has to supervise several people who have two years or less experience. The turnover is high so the avg amount of experience constantly drops. This stresses the entire unit. Attorneys with less experience are being transferred cases, with less staff while an even newer attorney gets enough training to start taking cases.</td>
<td>5/2/2019 3:49 PM</td>
</tr>
<tr>
<td>12</td>
<td>Insufficient.</td>
<td>5/2/2019 3:42 PM</td>
</tr>
<tr>
<td>13</td>
<td>My team is about 30 staff attorneys wide, with about 10 paralegals. There are 5 supervisors and 1 director. This might be more functional if we had any training at all, but as it is they do not have enough time to dedicate to their employees.</td>
<td>5/2/2019 3:32 PM</td>
</tr>
<tr>
<td>14</td>
<td>Is this question asking about the ratio of attorneys to supervisors or the overall number of attorneys?</td>
<td>5/2/2019 3:18 PM</td>
</tr>
<tr>
<td>15</td>
<td>There are layers of assistance in this organization, in addition to strong lateral support, we have senior attorneys and then supervisors. Having both be accessible is very helpful and means that you have a choice as to who you approach. More support from the top on handling cases for newer attorneys can be very helpful.</td>
<td>5/2/2019 3:13 PM</td>
</tr>
<tr>
<td>16</td>
<td>Sufficient. I am the only staff attorney and we also have a law graduate with us, which makes the ratio 2:1.</td>
<td>5/2/2019 3:12 PM</td>
</tr>
<tr>
<td>17</td>
<td>It's sufficient depending on who the supervisor is. I've had no problems with my current supervisor, but I have had issues with a previous supervisor.</td>
<td>5/2/2019 2:58 PM</td>
</tr>
<tr>
<td>18</td>
<td>The number is usually around 1 supervisor for 10 staff. It can be higher or lower. It is too high if a lot of the staff are new hires.</td>
<td>5/2/2019 2:56 PM</td>
</tr>
<tr>
<td>19</td>
<td>I think there should be fewer attorneys per supervisor since there are many new attorneys that require more supervision.</td>
<td>5/2/2019 2:53 PM</td>
</tr>
<tr>
<td>20</td>
<td>insufficient, supervisors are very burdened with administrative tasks and many of them are inaccessible when needed</td>
<td>5/2/2019 2:46 PM</td>
</tr>
<tr>
<td>21</td>
<td>yes, very insufficient</td>
<td>5/2/2019 2:43 PM</td>
</tr>
<tr>
<td>22</td>
<td>sufficient</td>
<td>4/30/2019 12:58 PM</td>
</tr>
<tr>
<td>23</td>
<td>insufficient. our office is really struggling to attract quality supervisors</td>
<td>4/30/2019 8:58 AM</td>
</tr>
<tr>
<td>24</td>
<td>insufficient given they also supervise paralegals</td>
<td>4/29/2019 5:06 PM</td>
</tr>
<tr>
<td>25</td>
<td>Sufficient.</td>
<td>4/26/2019 3:47 PM</td>
</tr>
<tr>
<td>26</td>
<td>It's okay, except that they are also expected to train new attorneys, which is a little too much to ask.</td>
<td>4/26/2019 3:23 PM</td>
</tr>
<tr>
<td>27</td>
<td>This ratio feels sufficient to me because I have no had any problems accessing my supervisor.</td>
<td>4/26/2019 1:09 PM</td>
</tr>
<tr>
<td>28</td>
<td>The ratio is sufficient and it allows the supervisors to handle cases as well which I think is important so they are continuing to go to court and keeping up with the work themselves.</td>
<td>4/26/2019 9:21 AM</td>
</tr>
<tr>
<td>29</td>
<td>It's fine</td>
<td>4/25/2019 6:15 PM</td>
</tr>
<tr>
<td>30</td>
<td>There is a supervisor for about every 5 attorneys.</td>
<td>4/25/2019 3:42 PM</td>
</tr>
<tr>
<td></td>
<td>Sufficient, I do not believe supervisors need more than 2-3 employees to supervise, that way they can each employee more time to talk about their cases thoroughly without rushing or neglecting anyone.</td>
<td>4/25/2019 12:55 PM</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>31</td>
<td>No but most likely due to our supervisors inexperience.</td>
<td>4/24/2019 6:40 PM</td>
</tr>
<tr>
<td>32</td>
<td>This ratio is insufficient - the ratio should be smaller.</td>
<td>4/24/2019 3:43 PM</td>
</tr>
<tr>
<td>33</td>
<td>I'm confused by the question because it is not a ratio question, but we have a drastically insufficient supervisor to supervisee ratio. We have about 12 attorneys, and 3.5 supervisors with full caseloads.</td>
<td>4/24/2019 2:06 PM</td>
</tr>
<tr>
<td>34</td>
<td>It's good for teams that are all new; it's wasteful now that most of our teams are folks with 3+ years of experience who require minimal supervision</td>
<td>4/24/2019 11:56 AM</td>
</tr>
<tr>
<td>35</td>
<td>Objectively seems sufficient, but it does seem that my supervisor is busy enough to not have enough time to give detailed feedback at times</td>
<td>4/24/2019 10:04 AM</td>
</tr>
<tr>
<td>36</td>
<td>The deputy directors have more than 8. The newer supervisors have about 4. It is always better to have more supervisors.</td>
<td>4/23/2019 4:43 PM</td>
</tr>
<tr>
<td>37</td>
<td>Hard to say.</td>
<td>4/23/2019 4:31 PM</td>
</tr>
<tr>
<td>38</td>
<td>Sufficient</td>
<td>4/23/2019 1:56 PM</td>
</tr>
<tr>
<td>39</td>
<td>This ratio is sufficient most of the time, but there have been times where I have struggled to find a free supervisor for a pressing question.</td>
<td>4/23/2019 12:48 PM</td>
</tr>
<tr>
<td>40</td>
<td>I think it's currently ok, but anything more than this (and it might be a bit less, in the 8-10 range, actually) would be too many people for one supervisor to oversee.</td>
<td>4/23/2019 12:47 PM</td>
</tr>
<tr>
<td>41</td>
<td>I am not sure if this would be a sufficient ratio if the supervisors had adequate knowledge.</td>
<td>4/23/2019 12:38 PM</td>
</tr>
<tr>
<td>42</td>
<td>It's higher than it should be, especially because in addition to that number, supervisors also supervise about 2 paralegals per person. I think that 5 or 6 supervisees per supervisor would be ideal.</td>
<td>4/23/2019 11:52 AM</td>
</tr>
<tr>
<td>43</td>
<td>Insufficient. We are in multiple courts, they're spread too thin.</td>
<td>4/23/2019 10:13 AM</td>
</tr>
<tr>
<td>44</td>
<td>There is about 3 or 4 attorneys per supervisors</td>
<td>4/23/2019 10:12 AM</td>
</tr>
<tr>
<td>45</td>
<td>Sufficient</td>
<td>4/23/2019 9:45 AM</td>
</tr>
<tr>
<td>46</td>
<td>I think this means per supervisor? I believe supervisors are supposed to have eight staff attorneys and two paralegals each.</td>
<td>4/22/2019 6:53 PM</td>
</tr>
<tr>
<td>47</td>
<td>Good ratio</td>
<td>4/22/2019 6:36 PM</td>
</tr>
<tr>
<td>48</td>
<td>It would be sufficient if supervisor was more experienced with supervising NEW attorneys.</td>
<td>4/22/2019 5:37 PM</td>
</tr>
<tr>
<td>49</td>
<td>No, because supervisors also have administrative duties, cannot be in multiple places at once.</td>
<td>4/22/2019 5:21 PM</td>
</tr>
<tr>
<td>50</td>
<td>Insufficient. Supervisors are forced to address complicated questions from staff attorneys with experience in the same breath as training new graduates from scratch. They do not have the time to assist everyone. If they treat their job as a 9-5, they would likely be overlooking some provision of services that was severely insufficient.</td>
<td>4/22/2019 5:16 PM</td>
</tr>
<tr>
<td>51</td>
<td>My supervisor has 5 people to supervise. Feels like a good ratio to me.</td>
<td>4/22/2019 5:13 PM</td>
</tr>
<tr>
<td>52</td>
<td>Sufficient - would be easier if supervisors had lower caseloads themselves.</td>
<td>4/22/2019 5:10 PM</td>
</tr>
<tr>
<td>53</td>
<td>sufficient</td>
<td>4/22/2019 4:29 PM</td>
</tr>
<tr>
<td>54</td>
<td>Sufficient.</td>
<td>4/22/2019 1:03 PM</td>
</tr>
<tr>
<td>55</td>
<td>I would prefer a smaller ratio just because we're all at different levels; in addition certain work product must be reviewed my supervisor before I can send it out which slows down th epipeline.</td>
<td>4/22/2019 12:58 PM</td>
</tr>
<tr>
<td>56</td>
<td>Supervising more than six attorneys, while managing your own caseload, seems burdensome.</td>
<td>4/22/2019 12:32 PM</td>
</tr>
<tr>
<td>57</td>
<td>Yes</td>
<td>4/22/2019 11:40 AM</td>
</tr>
</tbody>
</table>
Q17 Leadership at my organization understands the challenges I and my colleagues face in the course of our RTC work and tries to address them.

**Answered:** 136  **Skipped:** 28

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>13.97% 19</td>
</tr>
<tr>
<td>Agree</td>
<td>31.62% 43</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>27.21% 37</td>
</tr>
<tr>
<td>Disagree</td>
<td>18.38% 25</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>8.82% 12</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>100% 136</td>
</tr>
</tbody>
</table>

**PLEASE EXPLAIN YOUR ANSWER. WHAT DOES YOUR ORGANIZATION DO TO ADDRESS CHALLENGES? WHAT SHOULD IT DO?**

<table>
<thead>
<tr>
<th>#</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5/3/2019 9:51 PM</td>
</tr>
<tr>
<td>2</td>
<td>5/3/2019 3:19 PM</td>
</tr>
<tr>
<td>3</td>
<td>5/3/2019 12:12 PM</td>
</tr>
<tr>
<td>4</td>
<td>5/3/2019 12:04 PM</td>
</tr>
<tr>
<td>5</td>
<td>5/3/2019 10:59 AM</td>
</tr>
<tr>
<td>6</td>
<td>5/3/2019 10:12 AM</td>
</tr>
<tr>
<td></td>
<td>Some supervisors/managers are aware of the problems we face because they are current and/or former case handlers. However, we do have some managers who have never practiced housing law or have not done so in a long time and had minimal experience with it. This significantly undermines their ability to understand what the staff experience, especially amongst staff of color who have predominantly white supervisors who do not experience the same discrimination commonly experienced by attorneys of color in housing court.</td>
</tr>
<tr>
<td></td>
<td>I think middle management understands and upper management does not even attempt to understand. Before doubling caseloads, they need to speak to the staff and explain why they believe we have capacity. I would counter that argument.</td>
</tr>
<tr>
<td></td>
<td>our director has no idea what our daily work looks like .... she thinks we have extra time when really i always take work home and work on weekends</td>
</tr>
<tr>
<td></td>
<td>I think the leadership understands the challenges. They are attempting to address the challenges in lack of training by establishing better training and the supervisor to supervisee ratio by hiring more supervisors. They are trying to address burnout/stress through team building type of events/meetups, though nearly all of them revolve around alcohol, which has its own problems.</td>
</tr>
<tr>
<td></td>
<td>I am in a specific unit and we do not take RTC cases.</td>
</tr>
<tr>
<td></td>
<td>Within the housing unit, some supervisors do, some don't. Some have almost no housing court experience. Leadership who do not work in housing know nothing about our work and seem entirely disinterested in how we are taught and managed. They do not see housing as a priority, despite the increasing money coming into the field for UA.</td>
</tr>
<tr>
<td></td>
<td>There has been a slow but gradual acknowledgement of the difficulties in RTC work and slow shift in handling the work.</td>
</tr>
<tr>
<td></td>
<td>Everyone here has experience and boots on the ground understanding of the situations we face as attorneys both with clients and in courts. They are supportive and provide practical procedural and strong legal advice on a regular basis.</td>
</tr>
<tr>
<td></td>
<td>Our organization does not seem to fully grasp everything that is involved in our practice and is more numbers-driven. We try to come up with case studies to show examples of a typical trajectory of a housing court case and help management understand our work better.</td>
</tr>
<tr>
<td></td>
<td>Orgs receiving this money are beholden only to the funders. The funders (NYC) are not actually interested in having tenants receive adequate representation. This is all a farce so that city officials can pretend they are doing something about the housing crisis, but HRA and other leaders are not actually interested in making our orgs the best equipped for actual, meaningful RTC or housing reform.</td>
</tr>
<tr>
<td></td>
<td>Leadership seems burned out and/or lacks the required skills to roll out and address the many problems RTC raises.</td>
</tr>
<tr>
<td></td>
<td>My organization has an unrealistic expectation of how many cases an attorney can handle annually</td>
</tr>
<tr>
<td></td>
<td>They refuse to hire non-attorney staff, and place low value on such workers. They refuse to staff a social work program, which would be incredibly helpful, and rely on volunteers who are unprepared to practice, and thus require additional supervision and just take up space rather than being helpful.</td>
</tr>
<tr>
<td></td>
<td>Management appears to be taking the city grants and making up a organization structure as it goes. It neglects crucial aspects like training for new attorneys, managing office space, and hiring a sufficient number of paralegals and attorneys.</td>
</tr>
<tr>
<td></td>
<td>direct supervisors are supportive, higher up can be less understanding.</td>
</tr>
<tr>
<td></td>
<td>I don't think management has a good plan to address volume and changes in practice. At my org, they continue to shuffle attys between practices due to volume. Many attorneys now have high-volume caseloads in THREE BOROUGHs, which is unsustainable. Additionally, there is a severe lack of non-attorney staffing. Our support staff is badly overwhelmed. We have no intake paralegals or screeners. Attorneys regularly have to waste hours on new administrative tasks required by HRA and other funders.</td>
</tr>
<tr>
<td></td>
<td>I think the challenge of accepting unwinnable cases is a new one for the organization, and they are aware of the difficulty surrounding this. They do their best to offer us advice on how to guide our clients through these situations. I think it would be good to also have us consider creative arguments to try to make these cases more &quot;winnable.&quot;</td>
</tr>
<tr>
<td></td>
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<td>---</td>
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</tr>
<tr>
<td><strong>24</strong></td>
<td>Our organization is not in contract with the city for UA, so the burden/challenges are fewer than most. I am a relatively new hire, so the challenges that other attorneys face here are not known to me at this time. The only challenge I face now is with clients who are in multiple courts with multiple attorneys, their housing issues seem to not be as important as their criminal or family issues. My organization tries to hold trainings for other departments so they know when to look for a housing issue and when to refer to our unit.</td>
</tr>
<tr>
<td><strong>4/25/2019 12:55 PM</strong></td>
<td></td>
</tr>
<tr>
<td><strong>25</strong></td>
<td>Our program director is rarely in court and avoids work, and thus does not always understand how the demands of this work have changed since right to counsel. She is unwilling to truly listen to her workers needs. The organization as a whole is driven entirely by greed and will do anything to get more money from the city contracts. Upper management doesn't give a fuck about our clients or workers and will take the money from the city for their own bloated salaries and not invest it where it is needed. Their approach to our work is based on getting as much profit margins as possible and nothing else.</td>
</tr>
<tr>
<td><strong>4/24/2019 8:07 PM</strong></td>
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<tr>
<td><strong>26</strong></td>
<td>Leadership has ZERO idea of the challenges face by myself and colleagues. They have no idea the number of intakes each week that our team does during housing court intake, the stress of housing court intake, the stress of trying to triage cases on the spot, and generally our leadership is disrespectful and insulting when they say we can handle the caseloads. We are harming our clients with our large numbers under RTC (and likely committing malpractice) and our leadership does not care. RTC is suppose to assist tenants in housing court and preserve the housing stock but our leadership merely views clients as numbers and do not care if we are zealous advocates - this upssets the attorneys and law graduates.</td>
</tr>
<tr>
<td><strong>4/24/2019 6:40 PM</strong></td>
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<tr>
<td><strong>27</strong></td>
<td>There is surely an understanding about how hard the job is, and that we are underresourced, but there is a general attitude that those who quit for those reasons are &quot;not cut out for the job&quot; rather than organizational accountability for the lack of structural support.</td>
</tr>
<tr>
<td><strong>4/24/2019 2:06 PM</strong></td>
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<tr>
<td><strong>28</strong></td>
<td>Direct supervisors yes, higher level managers are taking the money but not pushing back on caseloads, funding depending on how much work goes into a case, funding for support staff on par with expansion of attorneys, increased admin burden and short vouchering turnarounds</td>
</tr>
<tr>
<td><strong>4/24/2019 11:56 AM</strong></td>
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<tr>
<td><strong>29</strong></td>
<td>I'd say my organization understands that the caseloads are extremely high, but I have no idea if they're doing anything to address that issue. However I doubt that they are because leadership seems mostly interested in numbers and just opening &amp; closing as many cases as humanly possible.</td>
</tr>
<tr>
<td><strong>4/24/2019 10:04 AM</strong></td>
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<tr>
<td><strong>30</strong></td>
<td>I don't do RTC/UAC, but rather TRC (tenant rights coalition)</td>
</tr>
<tr>
<td><strong>4/23/2019 6:48 PM</strong></td>
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<tr>
<td><strong>31</strong></td>
<td>They try to push back on the numbers, and have supported us in closing down or limiting community intake.</td>
</tr>
<tr>
<td><strong>4/23/2019 4:43 PM</strong></td>
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</tr>
<tr>
<td><strong>32</strong></td>
<td>They profess to, but the practice is growing so quickly and these growing pains mean we are not always supported</td>
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<td><strong>4/23/2019 1:56 PM</strong></td>
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<tr>
<td><strong>33</strong></td>
<td>Our supervisors have held regular meetings regarding RTC work, listened to staff problems, and proposed and implemented solutions to address these issues.</td>
</tr>
<tr>
<td><strong>4/23/2019 12:48 PM</strong></td>
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</tr>
<tr>
<td><strong>34</strong></td>
<td>My organization seems to understand that there are myriad challenges facing us in our RTC work; however, it seems a bit slow to help us meet those challenges. TRAINING is so necessary!</td>
</tr>
<tr>
<td><strong>4/23/2019 12:47 PM</strong></td>
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</tr>
<tr>
<td><strong>35</strong></td>
<td>Most immediate supervisors understand the challenges my colleagues and I face, however, the director of our program is very ignorant to the time limitations we work under, as well as the practical realities of housing court.</td>
</tr>
<tr>
<td><strong>4/23/2019 12:38 PM</strong></td>
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<tr>
<td><strong>36</strong></td>
<td>N/A</td>
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<tr>
<td><strong>4/23/2019 10:13 AM</strong></td>
<td></td>
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<tr>
<td><strong>37</strong></td>
<td>There is almost no support for poc and lgbtq attorneys facing discrimination. This is not addressed unless someone who experiences discrimination addresses it, which puts the responsibility on those who have had negative experiences and may not want to share or bring attention to this, or are afraid that the response will be &quot;you're just being hazed because you're new&quot;</td>
</tr>
<tr>
<td><strong>4/23/2019 10:12 AM</strong></td>
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<tr>
<td><strong>38</strong></td>
<td>I guess. I think they're trying, in that they're always soliciting feedback. But the bottom line is we need more staff, more support, more space, and it's just not happening.</td>
</tr>
<tr>
<td><strong>4/22/2019 9:22 PM</strong></td>
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<tr>
<td><strong>39</strong></td>
<td>We are able to discuss issues with supervisors and management.</td>
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<td><strong>4/22/2019 6:53 PM</strong></td>
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<tr>
<td><strong>40</strong></td>
<td>I would say the middle managers understand, but upper management at my organization has no clue whatsoever.</td>
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<tr>
<td>41</td>
<td>Not applicable at current organization; at prior organization, organization attempted to “solve” the pressure by hiring new attorneys to assist with caseload, but lack of permanent/consistent supervision just led to many new attorneys practicing without a lot of guidance (sink or swim)</td>
</tr>
<tr>
<td>42</td>
<td>My organization hired a paralegal to assist with filing and conforming OSCs, scanning court files during UA intake. They also hired an administrator to deal exclusively with conflict checks and file management for U cases</td>
</tr>
<tr>
<td>43</td>
<td>From a political and policy perspective leadership understands the challenges well and cares about providing good services. The problem is that staff attorneys do not have the support they need to focus on legal work. There are few social work resources available, for instance.</td>
</tr>
<tr>
<td>44</td>
<td>We’re not doing RTC work.</td>
</tr>
<tr>
<td>45</td>
<td>Direct supervisors are supportive. Leadership is nonresponsive to needs, including staffing needs and quality of life concerns.</td>
</tr>
<tr>
<td>46</td>
<td>Some, but not all, leadership understands, but the difficulties are not usually addressed.</td>
</tr>
<tr>
<td>47</td>
<td>we do not take RTC cases</td>
</tr>
<tr>
<td>48</td>
<td>My organization hired someone to track our UA grant data, which makes it much easier for us to focus on representation without worrying about reporting. Our organization also respects our need to cap our caseloads so we can provide high-quality representation to each client, while informing us of what we need to do to satisfy our HRA grants.</td>
</tr>
<tr>
<td>49</td>
<td>My organization could do a more comprehensive job of discussing the challenges we face day to day. We get emails and CLEs but there has never been a comprehensive discussion about reform.</td>
</tr>
<tr>
<td>50</td>
<td>I think upper management could be slightly more in touch with what staff attorneys do on a day to day basis.</td>
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</tbody>
</table>
Q18 What additional thoughts do you have about what legal services organizations could/should be doing to provide sufficient support for high quality representation?

<table>
<thead>
<tr>
<th>#</th>
<th>RESPONSES</th>
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<tbody>
<tr>
<td>1</td>
<td>The job has changed as a result as RTC to include cases that in the past may have been rejected for lack of value-added by attorneys. Case loads have grown as we must hit case loads that are artificially high due to the atrociously-low amount the city pays per case. The former requires training, even for experienced attorneys, in dealing with cases where the goal is a more pleasant moveout. The latter requires lobbying.</td>
<td>5/3/2019 9:51 PM</td>
</tr>
<tr>
<td>2</td>
<td>We should be asking clients who is supportive in their lives that could come to their housing court appearances with them. We need to start destigmatizing housing court cases. We should also be asking clients to speak with neighbors whenever they have conditions and get more funding to bring group cases. The judges in the HP part need to not provide so many adjournments; life-threatening conditions require decisive action, not endless adjournments. We should be focusing more on 7As, rent strikes, and other ways to build tenant power: it is not possible to take power back from the landlords by always playing defense...Housing Court was originally envisioned as a place mainly for HPs. How far it's come!!</td>
<td>5/3/2019 3:19 PM</td>
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<tr>
<td>3</td>
<td>There needs to be more supervision and formal training. I think social work assistance is also an issue since even when we have social workers, we aren't always trained in how to effectively use them.</td>
<td>5/3/2019 12:12 PM</td>
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<tr>
<td>4</td>
<td>Training is first and foremost, qualified supervisors are important and case caps are necessary.</td>
<td>5/3/2019 10:59 AM</td>
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<td>5</td>
<td>Either employ or contract logistical coordination experts to provide guidance and support on tracking and organizing UA work and case flow.</td>
<td>5/2/2019 6:52 PM</td>
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<td>6</td>
<td>I believe they should not bow to the demands of HRA and leverage their power together as organizations that want to provide HIGH QUALITY representation. At the moment, it appears as if we are all jockeying for grants and afraid to say no in case another organization says yes. I believe this creates a race to the bottom for the entire legal services community and will negatively impact the populations we serve.</td>
<td>5/2/2019 6:31 PM</td>
</tr>
<tr>
<td>7</td>
<td>We need case caps. Attorneys who have been here for a long time now frequently have 45 or even 50 housing court cases open at a given time. This is not sustainable and will lead to sub-optimal outcomes for the client, or burnout for the attorneys. The organizations need to push back against HRA for more realistic numbers goals per funded attorney.</td>
<td>5/2/2019 6:15 PM</td>
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<td>8</td>
<td>Training - more practical training. Supervisors - we lack supervisors (and those who want to supervise). We need upper management to incentivize people to be supervisors (more pay). Smaller caseloads</td>
<td>5/2/2019 4:34 PM</td>
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<tr>
<td>9</td>
<td>week long training for new attorneys hired into small offices ... some kind of crash course. also organizations need to work together to ensure our caseloads stay manageable ... directors need to understand they cant keep dumping more and more cases on the same number of people as the roll out continues</td>
<td>5/2/2019 4:21 PM</td>
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<tr>
<td>10</td>
<td>Administrative support staff and benefits paralegals dedicated to housing issues</td>
<td>5/2/2019 4:09 PM</td>
</tr>
<tr>
<td>11</td>
<td>Paying the attorneys more</td>
<td>5/2/2019 4:05 PM</td>
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<td>12</td>
<td>Management views staff as robots who can be replaced--they do not value human capital. They do not treat staff like they are whole people, but as a means to an end which is getting numbers of cases counted for funding.</td>
<td>5/2/2019 4:04 PM</td>
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<tr>
<td>13</td>
<td>There should be more structured/institutionalized training. There should be more inter-agency meetings and sharing of information. Case caps are important.</td>
<td>5/2/2019 4:00 PM</td>
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<tr>
<td>14</td>
<td>Intake relief and varied caseload</td>
<td>5/2/2019 3:55 PM</td>
</tr>
<tr>
<td>15</td>
<td>additional funding for hiring more attorneys</td>
<td>5/2/2019 3:51 PM</td>
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</table>
Increase pay. Increase paralegal support. Do not treat staff attorneys simply as tools to meet grant numbers. Treat them as burgeoning professionals that need ample support and development. I would guess that several happier, experienced, adequately supported attorneys could do more and better work than a dozen confused, overwhelmed and disgruntled attorneys.

Training. All new staff should start on the same day and go through a one-two week boot camp on housing law and practice. As it is, though, supervisors are too overloaded with supervisees to prepare substantive, comprehensive materials like that. Training is something that must be funded and supported by the RTC coalition or whomever is running those supervisory trainings—it’s not enough for supervisors to learn how to be better supervisors. The attorneys need to be competent litigators as well, and improving one-on-one supervision can only go so far in this fast-paced area of law.

Grooming talented attorneys to become supervisors; providing us with enough admin support (secretaries, paralegals and investigators) so we can focus on the work, negotiate fair contracts with HRA and other funders. HRA should provide us offices to work or at least provide funds to get downtown office space so attorneys are near housing court.

More supervisors with more experience. It appears that a lot of staff attorney have been hired, but not a great deal of senior attorneys or supervisors, further more attorneys with experience in working with clients in varied and difficult situations.

Have more supervisors, more time for newly hired attorneys to acclimate to housing practice and shadow more experienced attorneys, and have less of a caseload for supervisors so they can keep up with the demands of supervising multiple attorneys and law graduates as well as administrative tasks.

LSOs should be pushing back against HRA more. Now more people have lawyers, sure, and that is helping lower evictions, but people are also get overburdened lawyers who are doing the bare minimum bc their caseloads don’t allow for anything else. Stabilized housing is still being lost because advocates don’t have time to do meaningful legal work that could in fact slow the rampant unlawfulness that landlords and their attorneys are doing.

Helping new attorneys realize that they must foster professional relationships with Petitioner's attorneys as it is highly likely they will have more than 1 case with them.

We need case load caps like criminal defense attorneys

ensuring ongoing substantive training's to new hires and middle attorneys

Better onboarding training. Assign a mentor besides a supervisor

More benefit support

Push back on HRA regarding case caps. Get rid of liquidated damages clauses in all RTC contracts.

Maybe this organization needs more money from the city to be effective, and maybe it's a failing of leadership. I'm not sure.

Sample stipulations would be helpful to me or a list of commonly used phrases or phrases one should try to avoid to include at all costs.
There are many trainings provided for staff attorneys to learn basic level substantive law, but it would be useful for supervisors to attend trainings as well to stay current and knowledgeable about changes in or nuances of the law that they do not know. It would also be useful for supervisors to have practiced housing law themselves and or have had their own case loads at some point in their careers to understand the work and challenges attorneys face.

Comprehensive trainings are essential but absent.

There should be monthly trainings on the law and important cases to know for housing, there should be trainings on Public Benefits and what to look for. Trainings for supervisors and trainings on procedure and skills, just trainings overall. Supervisors should not be allowed to supervise more than 2 or 3 attorneys at a time, and should have little to no caseloads. There should be caps on the amount of cases organizations take, and those caps should be strictly enforced.

Case caps to prevent overwork and ensure high quality representation and attention to each client. Training and investment in keeping workers long term. We are not able to handle a hundred cases a day like the landlords attorneys do, our work is very different than theirs. Additionally, respect and raises for the paralegals too! They do excellent work, not just in helping the attorneys out, but in advocating with hra for clients, hearings, and other work like interpretation to other languages.

We need social workers. We also need more responsive contacts within HRA. We also need to put more pressure on the court to give us sufficient time to review cases after our initial screening of the client, even over the objection of the landlord's attorneys.

We need more tools and trainings on how to navigate different agencies. For example, I need to pull some blue prints from before construction and after construction. How do I do this quickly? Where do I even go? DOB? HPD? I need administrative support to help me do that. I need stuff from the discovery documents redacted, but I have no administrative support to help me do that. So i'm going to spend six hours redacting things. I wish I had an intern to do that.

More support staff.

Again, training. A specific, week-long program (at least!) should be implemented at every legal services organization to at least walk through the details. It’s not fair to our clients if we need to learn on the fly.

Staff attorney need comprehensive training. Organizations should be required to demonstrate that they have the infrastructure in place to support staff attorneys before they are given grant money for RTC.
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<tr>
<td>47</td>
<td>Caseloads need to be lowered. This is the only way that new hires can be trained appropriately and develop the skills and work-life balance necessary for a lifelong commitment to housing law. As it currently stands, caseloads are too high for our attorneys and ALSO too high for our supervisors -- the more cases that supervisees have, the harder it is for our supervisors to have time to supervise all of us effectively. This is leading all of us to feel lost, untrained, stressed out, and burnt out. If Right to Counsel is going to be implemented successfully, we need to develop staff who will work in housing law for years to come, so that they can one day train new attorneys. Manageable caseloads are critical to fostering a culture in which staff feel like housing law can be a long-term career.</td>
<td>4/23/2019 11:52 AM</td>
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<tr>
<td>48</td>
<td>Open trainings to people like me who only represent a smallish number of housing court clients per year.</td>
<td>4/23/2019 10:43 AM</td>
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<tr>
<td>49</td>
<td>Comprehensive negotiation, motion, and trial practice for new hires. Supervision in court in the beginning. Then Co-counseling.</td>
<td>4/23/2019 10:13 AM</td>
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<tr>
<td>50</td>
<td>Abusive practices are not normal and should not be tolerated.</td>
<td>4/23/2019 10:12 AM</td>
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<tr>
<td>51</td>
<td>More holistic/ substantive training would be extremely beneficial.</td>
<td>4/23/2019 9:45 AM</td>
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<tr>
<td>52</td>
<td>Providing additional training on working with clients going through evictions. having attorneys discuss that many clients in the position they are in are at risk of eviction and might be.</td>
<td>4/23/2019 9:37 AM</td>
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<tr>
<td>53</td>
<td>Staff &amp; office space. We need more of both.</td>
<td>4/22/2019 9:22 PM</td>
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<tr>
<td>54</td>
<td>We need more supervisors with more housing experience who are also trained in the particular skills that supervisors need (which are different from those of litigators generally).</td>
<td>4/22/2019 6:53 PM</td>
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<tr>
<td>55</td>
<td>Supervisors need trainings on how to supervise the sudden way of incoming new attorneys.</td>
<td>4/22/2019 5:37 PM</td>
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<tr>
<td>56</td>
<td>High-quality CLEs that assume no knowledge.</td>
<td>4/22/2019 5:21 PM</td>
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<tr>
<td>57</td>
<td>Consistent with whatever is possible through funding, organizations need to have social workers and/or sufficient paralegal casehandlers on staff who can handle aspects of housing court cases that are not directly related to litigation.</td>
<td>4/22/2019 5:16 PM</td>
</tr>
<tr>
<td>58</td>
<td>Provide adequate pay and benefits to attract and retain excellent lawyers who are passionate about the work. Supervisors and organizational leadership should be knowledgeable about burnout and vicarious trauma.</td>
<td>4/22/2019 5:13 PM</td>
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<tr>
<td>59</td>
<td>Provide sufficient, well-paid support staff and stability in expectations and cases (no sudden transfers before court dates, etc)</td>
<td>4/22/2019 5:10 PM</td>
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<tr>
<td>60</td>
<td>Housing litigation can be extremely complex and work-intensive. Legal services organizations need to provide the resources necessary to do that level of work. Some orgs do not put housing litigation on the same level as other types of litigation, and therefore don't provide the level of resources needed.</td>
<td>4/22/2019 5:09 PM</td>
</tr>
<tr>
<td>61</td>
<td>Better access to case management software and digital intake procedures. HRA should be doing all income screening.</td>
<td>4/22/2019 4:29 PM</td>
</tr>
<tr>
<td>62</td>
<td>Taking into account vicarious trauma, burn out, and harassment by landlord attorneys and the lack of support we receive from Judges and court staff.</td>
<td>4/22/2019 2:16 PM</td>
</tr>
<tr>
<td>63</td>
<td>I am honestly grateful every day that I do not work at a UA provider. I feel that my supervisors are not overworked and have appropriate experience level to be supervising, etc. As far as I can tell, this is not the case in most UA offices.</td>
<td>4/22/2019 1:16 PM</td>
</tr>
<tr>
<td>64</td>
<td>Legal service organizations need to have sufficient paralegals on staff to handle benefits advocacy so that attorneys can focus on litigation. Our access to the New York Law Journal and the Housing Court Reporter is instrumental in performing proper research.</td>
<td>4/22/2019 1:03 PM</td>
</tr>
<tr>
<td>65</td>
<td>Standardized case-caps and support staff</td>
<td>4/22/2019 11:40 AM</td>
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Q19 I have experienced bias or witnessed my colleagues, clients, and/or other litigants experiencing bias in Housing Court, such as sexual harassment, race- and/or gender-based discrimination.

Answered: 134 Skipped: 30

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
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<tbody>
<tr>
<td>Strongly agree</td>
<td>64.93%</td>
</tr>
<tr>
<td>Agree</td>
<td>29.85%</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>3.73%</td>
</tr>
<tr>
<td>Disagree</td>
<td>0.75%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>0.75%</td>
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TOTAL: 134

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<tr>
<th>#</th>
<th>PLEASE EXPLAIN YOUR ANSWER.</th>
<th>DATE</th>
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<tbody>
<tr>
<td>1</td>
<td>Latina lawyers assumed to be tenants, fairly blatant sexist and racist language from landlord attorneys</td>
<td>5/3/2019 9:53 PM</td>
</tr>
<tr>
<td>2</td>
<td>Landlords, OPA, and court officers CONSTANTLY disparage tenants based their race and/or ethnicity. Landlords feel empowered to call our clients trash, refer to their money as “garbage money,” threaten to call ACS to report the conditions in the apartment to evict them, use racial slurs, make comments on tenant’s appearance or body odor if any. All of this happens while the judge is on the bench. It is disgusting.</td>
<td>5/3/2019 3:45 PM</td>
</tr>
<tr>
<td>3</td>
<td>I have heard and overheard misogynist, ableist, transphobic, and racist comments made mainly by the landlord bar.</td>
<td>5/3/2019 3:26 PM</td>
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<tr>
<td>4</td>
<td>My colleagues that are female and/or of color are just treated differently, usually worse.</td>
<td>5/3/2019 12:15 PM</td>
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<tr>
<td>5</td>
<td>I often see attorneys use traditional gender norms in their interactions in hopes of exerting power in a situation— for example, an older male attorney leaning into a younger female attorney's space as they conference a case.</td>
<td>5/3/2019 12:10 PM</td>
</tr>
<tr>
<td>6</td>
<td>A court interpreter interrogated me about my ethnic background.</td>
<td>5/3/2019 10:24 AM</td>
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<tr>
<td>7</td>
<td>White men are treated better by landlord's attorneys.</td>
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</tr>
<tr>
<td>8</td>
<td>par for the course. But the worst is when the court attorneys and officers teach me like a landlord attorneys secretary because I am a small young women. Also most of my clients are treated like shit from everyone they interact with</td>
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</tr>
<tr>
<td>9</td>
<td>Clients and pro se litigants are routinely mistreated in housing court on the basis of gender and race.</td>
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<tr>
<td>10</td>
<td>ALL THE TIME. LL attorney told me I smelled good today :)</td>
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<tr>
<td>11</td>
<td>It's oftentimes unconscious or implicit bias, it's the microaggressions and disrespect or general insults about you or your clients that track onto stereotypes</td>
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<tr>
<td>12</td>
<td>This happens on every floor, in and out of every part, every day in Bronx Housing Court.</td>
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<tr>
<td>13</td>
<td>It's everywhere. From court attorneys to opposing counsel to clients to judges to court officers--I've been sexually harassed by everyone.</td>
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<tr>
<td>14</td>
<td>Some landlord attorneys are extremely aggressive towards female tenant attorneys.</td>
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<tr>
<td>15</td>
<td>Racism is common, as is bullying and intimidation and lack of civility. Male aggression!</td>
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<tr>
<td>16</td>
<td>Housing court itself is a racist institution. Most of the litigants are black women who are abused, harassed, not believed regularly. Judges and most LL attorneys engage in racist, sexist and abusive behavior that goes wildly unchecked. Everyone knows who is , and judges laugh off his behavior, while black women such as myself and our clients are expected to just accept his abuse. He files fraudulent cases, does poor legal work, behaves like a spoiled child, and no one cares.</td>
<td></td>
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<tr>
<td>17</td>
<td>I have been treated differently as a young female attorney as opposed to older male attorneys and even younger male attorneys. I have been antagonized on multiple occasions.</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>The advocates in the Bronx have been raising this issue with the court for a year. While the initial response was to hold a meeting to address our concerns and schedule a CLE, there has been little meaningful response since then. We have formed committees but until recently only one judge was part of a committee and most had not been meeting regularly. The court has not shown leadership at all in addressing the hostile work environment created by the biased conduct and bullying behavior on display in housing court.</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>I mean, where even to begin. The landlord's bar (and to some extent, the private tenant's bar) is full of older men who have ideas about what LS providers are, as well as all sorts of gender norms and gross racial and gender politics.</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>I have heard about this happening to my colleagues and I have seen landlord's attorneys treat my clients poorly. I am a cis white man for the record, so I haven't really experienced discrimination myself.</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>I am new to this roll and haven't (yet) noticed this in housing court.</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>This happens everyday. I have frequently seen tenant's attorneys assumed by landlord's attorneys to be litigants based on their race/gender. Plus, our clients face a huge amount of discrimination on many fronts, particularly limited-English proficient clients and immigrants.</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>I know that my clients are better served because I am a moderately attractive female communicating with mostly older male LL attys, which puts me in the position of having to perform that role to get the best deals for my clients or not perform it and be ignored by OPA. Have heard OPA refer to T attys as &quot;baby&quot; , etc. Stark and Lazarus are incredibly unprofessional (ripping up settlement agreements in my face, using court papers as kleenex in front of housing court part attorneys).</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>It is pervasive.</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>As an attorney identifying as a woman, I've been hit on by men (attorneys, landlords and tenants), I've been harassed about my personal life when I'm trying to divert the conversation to the work we're doing in court, I've been cursed at and yelled at by men in court.</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Daily. The latest personal example was when I was called an asshole and &quot;not my mother&quot; by because I told him to stop screaming at a tenant who was in the doorway of the attorney room.</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>A lot of landlord attorneys exhibit racist and or sexist behaviors, to tenants and to tenant attorneys. A bit less common, but court attorneys and judges sometimes do also.</td>
<td></td>
</tr>
</tbody>
</table>
Opposing counsel constantly comment on my perceived age/youth as well as my body/appearance and my marital status (one attorney asked me why I did not have children yet when he saw my wedding ring). Opposing counsel constantly discuss my body and appearance -- in an extreme case, I refuse to speak with one opposing counsel without being in front of the judge.

Many landlord's attorneys are bullies. I believe that some are belligerent towards me because of my gender (and perhaps age/experience) and they think they can take advantage of me or try to intimidate me. I've heard some landlord's attorneys discuss other women's physical appearance in court.

Some landlord's attorneys are miserable assholes who also have long tenures practicing. This relative degree of power/experience + assholery can make them toxic.

Nicolle Lee, Esq., who appears to be white and an LL's attorney in Staten Island, spoke in a mocking Chinese accent when I spoke to her. I am not Chinese, but apparently people like me think I am Chinese and think it's professional to mock a Chinese accent when speaking to someone who may be Chinese. Judge told opposing counsel to "stop speaking to that pretty lady and get up here" when I was involved in settlement negotiation with the opposing counsel. A court attorney in Manhattan asked me if I was the Chinese interpreter when I am an attorney and I don't speak Chinese. A court officer handed me the wrong file because the case file had a Chinese name on it and the attorney handling the case is Chinese American. Again, I am not Chinese nor of Chinese heritage.错误 in Queens wrote and sent me an email at 6 am where he went off on a tirade and told me he doesn't want me in "his court house." He is not a Judge, just a Queens landlord's attorney, but he thinks the Queens housing court is his court house. He also made some North Korean jokes to me because he wanted to make fun of my ethnic heritage. A litigant in the elevator, probably suffering from stress and mental health issues, yelled out loud in a crowded elevator where I was standing next to him that he didn't want a Chinese doctor or a Chinese lawyer. The list goes on, and will probably continue to grow, unfortunately. A landlord's attorney's paralegal wished me Happy Chinese New Year. The correct term is Lunar New Year, and against, I'm not Chinese. Two men thought it was okay talking disparagingly about Chinese people because their "wife is Chinese" or their "wife is from Trinidad."

I have heard call a tenant and attorney of color a 'black bitch' and heard management agents say racist things.

Experienced ageism. Witnessed sexism and racism.

I have personally experienced gender discrimination from landlord attorneys.

I am a woman, and male landlords' attorneys treat me as a lesser attorney on a constant basis. I've seen lots of race-based discrimination as well (or, at the very least, talking down to certain people more than others).

Landlord attorneys frequently comment on female attorneys' looks (both tenant and other landlord attorneys)

I have been sexually harrassed several times during the four months I have practiced in housing court

Bronx HC landlord attorneys bully. It's a boys club.

Sexual harassment of female attorneys and staff is rampant, as is mistreatment of tenants (which I perceive to be both race- and gender-based). My colleagues of color have also experienced racial discrimination (disparate treatment).

Colleagues have experienced sexual harassment, bullying, screaming, and targeted insults by landlord attorneys. A lot of resentment that RTC has changed the paradigm and culture of Housing Court.

I have witnessed sexual harassment of women who are tenant-side attorneys.

Lots of sexist treatment of female colleagues, non-English speakers often treated with contempt by court

Housing Court is an inherently oppressive institution. The culture that has developed there over the years is sexist, racist, and discriminatory in other ways. While no one is exempt from bias, this is largely due to the landlord's bar and to some court personnel.
<table>
<thead>
<tr>
<th></th>
<th>Statement</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>44</td>
<td>Surprisingly, the most derogatory comments (towards my clients) I have heard in court have come from Guardians ad Litem - referring to clients as &quot;mendicants&quot; and other derogatory and dismissive words and making generalized racist statements.</td>
<td>4/22/2019 6:15 PM</td>
</tr>
<tr>
<td>45</td>
<td>As a visibly Hispanic woman, I constantly experience race and gender based discrimination.</td>
<td>4/22/2019 1:21 PM</td>
</tr>
<tr>
<td>46</td>
<td>This is pervasive and endemic in Brooklyn housing court.</td>
<td>4/22/2019 1:18 PM</td>
</tr>
<tr>
<td>47</td>
<td>I have seen and heard comments made that are sexist, racist, and insensitive toward mental illness.</td>
<td>4/22/2019 1:06 PM</td>
</tr>
<tr>
<td>48</td>
<td>I have been sexually harassed in housing court or otherwise treated inappropriately due to my gender.</td>
<td>4/22/2019 1:00 PM</td>
</tr>
<tr>
<td>49</td>
<td>Older male attorneys are especially awful. They are most definitely racist and sexist, and it shows in the ways they speak to women and people of color, and the fact that they have no problem screaming at those people, and/or speaking badly of our clients in front of us and sometimes our clients.</td>
<td>3/21/2019 9:43 AM</td>
</tr>
</tbody>
</table>
Q20 The physical conditions of Housing Court are adequate for me to provide high quality representation to my clients.

Answered: 131  Skipped: 33

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>3.05%</td>
</tr>
<tr>
<td>Agree</td>
<td>12.98%</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>6.87%</td>
</tr>
<tr>
<td>Disagree</td>
<td>35.88%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>41.22%</td>
</tr>
</tbody>
</table>

Please explain what conditions foster high quality representation?

1. No place to hide when a sensitive convo is necessary 5/3/2019 9:53 PM
2. There is no space to meet in private with your client. The elevators don't work, making it very difficult to move around with disabled clients, where necessary. The room I work out of in court (Room 540 in Bronx Housing Court), while we are lucky relative to other orgs that have no dedicated space, is totally inadequate. It seats 3 people at desks with computers, only one of which can meet with a client at a time (why is it permissible to have privileged conversations in the hallway within earshot of 35 people?). There needs to be scanners on each floor at least. This is critical at RTC recruitment days. There is simply no time to scan the file. The vision of being able to work on the case before intake is unrealized because of this. 5/3/2019 3:26 PM
3. There is nowhere to speak to a client in a way that protects their confidentiality. 5/3/2019 12:15 PM
4. I really like the large windows in Queens Housing Court and the court rooms are manageable even when busy. The court room doors in Queens Housing Court are NOT accessible for people with assistive medical devices or baby carriages, they really should have an automatic option. Room 454 for universal access participating legal services is VERY NICE and much appreciated. 5/3/2019 12:10 PM
<table>
<thead>
<tr>
<th>No.</th>
<th>Comments</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>There should be designated areas where attorneys can discuss confidential info with clients and a quiet area for attorneys to negotiate. There should also be a system whereby attorney do not have to waste hours trying to locate and communicate with landlords’ attorneys.</td>
<td>5/3/2019 10:59 AM</td>
</tr>
<tr>
<td>6</td>
<td>The hallways are frequently so packed that there is not even a semblance of having space to have a confidential conversation. The bathrooms are not only frequently dirty but in disrepair.</td>
<td>5/3/2019 10:24 AM</td>
</tr>
<tr>
<td>7</td>
<td>Lack of privacy, lack of reliable bathroom and elevator facilities, no place to peaceably advise the client in court without dragging them up and down flights of stairs—which is an impossibility for physically-impaired clients.</td>
<td>5/2/2019 6:32 PM</td>
</tr>
<tr>
<td>8</td>
<td>Cannot interview clients on RTC screening days (1) near the courtroom, and (2) without discussing confidential information in the hallway.</td>
<td>5/2/2019 4:36 PM</td>
</tr>
<tr>
<td>9</td>
<td>wrong signs, no one know where they are going, our intake room for UA is a 15 min walk from the courtroom, there is no water, there is no toilet paper halfway thru the day.</td>
<td>5/2/2019 4:24 PM</td>
</tr>
<tr>
<td>10</td>
<td>It is extremely difficult to have any confidentiality in intake conversations.</td>
<td>5/2/2019 4:08 PM</td>
</tr>
<tr>
<td>11</td>
<td>Bronx Housing is awful</td>
<td>5/2/2019 4:06 PM</td>
</tr>
<tr>
<td>12</td>
<td>Overcrowded</td>
<td>5/2/2019 4:05 PM</td>
</tr>
<tr>
<td>13</td>
<td>High quality representation requires private space for attorney/client conversations. The long-coming move to e-filing will help foster high quality representation by removing the tension the court feels when files are borrowed from the court (often, the court loses the file, blames our organization, and then finds the file within the court without acknowledging that it was not our fault).</td>
<td>5/2/2019 4:04 PM</td>
</tr>
<tr>
<td>14</td>
<td>Tenant attorneys need adequate space to meet clients, to do work, to seek refuge from the chaotic environment and disgusting behavior that exists in housing court. Also, the clerical processes of housing court impact effective representation. For example, there should be a way for clerks to consistently find files or not lose motions.</td>
<td>5/2/2019 3:56 PM</td>
</tr>
<tr>
<td>15</td>
<td>I’d love more space to actually speak with my clients confidentially. I also hate that I can never find opposing counsel–it wastes my time and my client’s time. That everything is in paper is a mess; the court loses files all the time and scolds legal service providers for taking files to make copies, and then for un stapling them so they can actually see what they’re trying to copy. Also it is foul and dirty.</td>
<td>5/2/2019 3:38 PM</td>
</tr>
<tr>
<td>16</td>
<td>The hallways are extremely crowded with people trying to work on cases, and there is a lack of privacy for confidential discussions.</td>
<td>5/2/2019 3:30 PM</td>
</tr>
<tr>
<td>17</td>
<td>no private place for discussion; often a lack of resources for interpretation, copying files/documents; lack of space to even write stipulations/review documents</td>
<td>5/2/2019 3:19 PM</td>
</tr>
<tr>
<td>18</td>
<td>Dirty bathrooms, not enough bathrooms, no daycare options, not enough seats in court, no confidential places to meet, too few elevators, too hot in the summer</td>
<td>5/2/2019 3:16 PM</td>
</tr>
<tr>
<td>19</td>
<td>Brooklyn Housing Court might as well be a jail.</td>
<td>5/2/2019 3:15 PM</td>
</tr>
<tr>
<td>20</td>
<td>We need meeting rooms for settlement negotiations, more desks to write on, and more seating for tenants and attorneys in the hallways.</td>
<td>5/2/2019 3:14 PM</td>
</tr>
<tr>
<td>21</td>
<td>some privacy rooms would be helpful.</td>
<td>5/2/2019 3:13 PM</td>
</tr>
<tr>
<td>22</td>
<td>The housing court is a perfect storm of conditions that create high stress, anxiety and distraction. The tenants often don’t have the resources to obtain child care so have to bring their children which causes the adults to be distracted and often distressed when children predictably are not able to remain quiet and out of the way. The halls are crowded and loud so they are hard to navigate and since that is where most negotiations take place it can be hard to hear so people end up yelling to be heard. Since there are so many pro se litigants (almost exclusively tenants) there is a tremendous power imbalance between the parties. There are not sufficient translators in the many parts for the most common languages and the less common languages are have translators available only one or two days a month.</td>
<td>5/2/2019 3:12 PM</td>
</tr>
<tr>
<td>23</td>
<td>It is too crowded, there are not enough writing surfaces</td>
<td>5/2/2019 2:54 PM</td>
</tr>
<tr>
<td>24</td>
<td>private spaces, access to computers/technology, adequate space for writing</td>
<td>5/2/2019 2:45 PM</td>
</tr>
<tr>
<td>25</td>
<td>The entire court house in Brooklyn needs to be moved to an actual court house. There is barely any cell phone reception, it’s cramped, and there is no where to actually sit down and write except in side of Court rooms or the only alcove with a table on the fifth floor.</td>
<td>4/30/2019 1:46 PM</td>
</tr>
</tbody>
</table>
There should be more room to meet with clients, especially a dedicated intake room on the same floor as the courtroom for UA and NYCHA.

No privacy

There is absolutely no space for me to speak privately with my clients.

There's nowhere to speak privately with clients - not all LS providers have courthouse offices, and you often wind up speaking with your clients about the merits of their cases in a crowd of people.

General layout of housing court is intimidating to a newcomer - deals made in the busy hallway, personal details on display, confusing calendar and referral systems. The courthouse office for the organization that I work at is a closet and therefore difficult to work out of.

Housing Court is extremely difficult to work in. There is no writing space for drafting stipulations and there is not sufficient space for completing client intakes. We are not provided with copies of documents nor is there access to copiers so we have to download apps to scan documents and turn them into PDFs. Cases take many hours to resolve because it is difficult to find opposing counsel.

Manhattan is OK. Brooklyn is a nightmare.

I am often meeting with my clients for the first time in a crowded hallway. Not all organizations have court offices to use if we need a space to work last minute or between appearances. There is also an issue with confidentiality when we meet clients in the hallways to discuss their cases.

There is insufficient space to speak with clients in private given how many decisions must be made on the fly in court.

Hilarious question. Physical conditions don't provide for atty-client privacy; I am often speaking to my clients w LL attys around, physically exhausting to stand all day and wait for OPA to show up, walking up and down stairs; my arms often ache for days after housing court intake bc I carry files around in the hallway all day on those days.

There is nowhere to sit to talk to my client, and the judges discourage talking in court.

The building is often hot in the summer and cold in the winter, there is no space for attorneys to speak to their clients confidentially. There is nothing positive to say about Housing Court concerning the conditions.

The chaos of working in the hallways significantly adds to the hostility and stress of everyone involved.

There have been improvements lately with the addition of a meeting room on the 9th floor, but the courtrooms and facilities are still very outdated, extremely overcrowded, and generally unpleasant. A few weeks ago a colleague found bedbugs on the 5th floor and an exterminator had to be called. The room we were supposed to be able to use on the 5th floor is unsafe and unusable, so we just have a little table in a corner. Honestly even the landlord attorney room us not in good condition. Also most rooms have more windows which adds to the depressing and oppressive nature of housing court. But really I cant emphasize enough we usually meet with new clients standing in dirty overcrowded hallways which besides being annoying is bad because landlord attorneys, other tenants, and landlords themselves are standing all around so there is no confidentiality.

Kings County Housing Court is horrible - the physical building is not equipped to hold the large number of tenants and attorneys; there is no private meeting space for clients and attorneys; the elevators are slow; there is NO ACCESSIBLE BATHROOM ON THE 6TH FLOOR WHICH IS A UA PART; it is constantly too hot; there is not enough seating in the court part; there is not enough space for attorneys to negotiate.

There is no privacy or space to have confidential conversations with clients or even with other colleagues. Sometimes I need to be able to sit down to think about something or draft but often there's no space to sit down. It's very loud. I find these conditions in particular inhibit my ability to do math (for nonpayment cases) which is hard enough already.

Bathroom needs working paper towel dispensers and working and locking doors.

The only issue is why is the intake room on the 11th Fl????

We need private meeting rooms.
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Date</th>
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<tbody>
<tr>
<td>45</td>
<td>The chaos of meeting and screening clients in the hallways with hundreds of other people around is very difficult. Further, the difficulty of finding opposing counsel/tracking them down in crowded hallways and multiple floors, takes an outsized amount of time away from my duties of actual representation.</td>
<td>4/23/2019 12:52 PM</td>
</tr>
<tr>
<td>46</td>
<td>Trying to hold a conversation in the halls of Brooklyn Housing Court, specifically, is appalling. There's no place to go that makes my clients feel comfortable and it really inhibits my ability to serve them to my fullest capacity.</td>
<td>4/23/2019 12:51 PM</td>
</tr>
<tr>
<td>47</td>
<td>It is way too crowded. There is no place to have a private conversation with clients, and everyone feels more stressed out due to the physical crowdedness.</td>
<td>4/23/2019 11:53 AM</td>
</tr>
<tr>
<td>48</td>
<td>It is impossible to have a confidential conversation with a client.</td>
<td>4/23/2019 10:50 AM</td>
</tr>
<tr>
<td>49</td>
<td>There is no private place to speak with clients</td>
<td>4/23/2019 10:39 AM</td>
</tr>
<tr>
<td>50</td>
<td>Having toilet paper consistently.</td>
<td>4/23/2019 10:16 AM</td>
</tr>
<tr>
<td>51</td>
<td>People with diabetes cannot bring food in, the elevators are terrible</td>
<td>4/23/2019 10:13 AM</td>
</tr>
<tr>
<td>52</td>
<td>No Space/ Poor layout</td>
<td>4/23/2019 9:46 AM</td>
</tr>
<tr>
<td>53</td>
<td>Having to chase opposing counsel and run up and down stairs is degrading and a waste of time.</td>
<td>4/23/2019 9:30 AM</td>
</tr>
<tr>
<td>54</td>
<td>There is no place to have private conversations.</td>
<td>4/22/2019 6:56 PM</td>
</tr>
<tr>
<td>55</td>
<td>Need privacy, need office space, need to not be shouting in hallways</td>
<td>4/22/2019 6:36 PM</td>
</tr>
<tr>
<td>56</td>
<td>With so many new attorneys, the current model of stand outside the court room and yell out the name of the client (practice in the Bronx) is highly inefficient. More space for providers is necessary, confidential spaces for intakes that are required to be done immediately.</td>
<td>4/22/2019 5:40 PM</td>
</tr>
<tr>
<td>57</td>
<td>Adequate space to meet with clients and negotiate with opposing counsel. Room for clients who are wheelchair users to navigate in the courtroom. The occasional table or desk would be great.</td>
<td>4/22/2019 5:29 PM</td>
</tr>
<tr>
<td>58</td>
<td>Good that we have an office, need more space.</td>
<td>4/22/2019 5:23 PM</td>
</tr>
<tr>
<td>59</td>
<td>Legal services providers do not have adequate space to serve clients consistent with ethical obligations.</td>
<td>4/22/2019 5:20 PM</td>
</tr>
<tr>
<td>60</td>
<td>Concerned by the difficulty of obtaining privacy and the ease with which landlord attorneys can grab unrepresented tenants who qualify for right to counsel and convince them to enter a stipulation before they are ever referred is disturbing</td>
<td>4/22/2019 5:15 PM</td>
</tr>
<tr>
<td>61</td>
<td>Brooklyn Housing Court is an affront to justice.</td>
<td>4/22/2019 5:11 PM</td>
</tr>
<tr>
<td>62</td>
<td>Rooms are so crowded, you can never find opposing counsel, and things are generally fairly disorganized.</td>
<td>4/22/2019 4:20 PM</td>
</tr>
<tr>
<td>63</td>
<td>There is a need for more benches in the hallways, food should be allowed in the courthouse for clients forced to wait for hours.</td>
<td>4/22/2019 3:25 PM</td>
</tr>
<tr>
<td>64</td>
<td>All court rooms should be on the same floor, or at the very least two floors.</td>
<td>4/22/2019 1:21 PM</td>
</tr>
<tr>
<td>65</td>
<td>There are no conditions in Brooklyn housing court that foster quality representation. The facilities are old and worn down, there are no meeting areas, there is no privacy, and there is no formality.</td>
<td>4/22/2019 1:18 PM</td>
</tr>
<tr>
<td>66</td>
<td>The bathrooms are clean and the water fountains function. It would be helpful to have more tables/writing surfaces for legal work to be done. More seating is needed in courtrooms.</td>
<td>4/22/2019 1:06 PM</td>
</tr>
<tr>
<td>67</td>
<td>There is no secure location in the courthouse for me to leave personal items like a coat or backpack. As a result I must carry these with me at all times. There is also no where for me to meet clients at the courthouse with a modicum of privacy.</td>
<td>4/22/2019 1:00 PM</td>
</tr>
</tbody>
</table>
Q21 Appropriate steps are being taken to address bias and other problematic conditions in Housing Court.

**Answered: 134**  **Skipped: 30**

### Answer Choices and Responses

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
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<tr>
<td>Strongly agree</td>
<td>1.49%</td>
</tr>
<tr>
<td>Agree</td>
<td>10.45%</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>34.33%</td>
</tr>
<tr>
<td>Disagree</td>
<td>31.34%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>22.39%</td>
</tr>
</tbody>
</table>

### Total

- Strongly agree: 2
- Agree: 14
- Neither agree nor disagree: 46
- Disagree: 42
- Strongly disagree: 30
- **TOTAL: 134**

### PLEASE EXPLAIN WHAT STEPS ARE BEING TAKEN AND WHAT STEPS DO YOU THINK SHOULD BE TAKEN?

<table>
<thead>
<tr>
<th>#</th>
<th>Answer</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Meetings with judges have essentially ended with the situation is what it is</td>
<td>5/3/2019 9:53 PM</td>
</tr>
<tr>
<td>2</td>
<td>Committees. We need investigations of specific instances of conduct and referral for attorney discipline where necessary. Another condition is the way a large part of the landlord bar treats our clients: it is dehumanizing, rude, and unnecessary. Same with how they treat us.</td>
<td>5/3/2019 3:26 PM</td>
</tr>
<tr>
<td>3</td>
<td>There was a set of guidelines issued but I'm not sure what effect they will have.</td>
<td>5/3/2019 12:15 PM</td>
</tr>
<tr>
<td>4</td>
<td>It seems that court personnel and some regular attorneys speak up when someone is being mistreated. I think the Housing Court Answers volunteers that circulate on the 4th floor are very helpful for pro se tenants who are intimidated by the whole process.</td>
<td>5/3/2019 12:10 PM</td>
</tr>
<tr>
<td>5</td>
<td>I am not aware of any initiatives.</td>
<td>5/3/2019 10:59 AM</td>
</tr>
<tr>
<td>6</td>
<td>I do not know.</td>
<td>5/3/2019 10:24 AM</td>
</tr>
<tr>
<td>7</td>
<td>I am aware that there are committees in Housing Court to address these issues but I think it remains to be seen what the effects of those committees really are.</td>
<td>5/2/2019 6:32 PM</td>
</tr>
<tr>
<td>8</td>
<td>I don't know if steps are being taken.</td>
<td>5/2/2019 5:21 PM</td>
</tr>
</tbody>
</table>
Court staff needs training on how to be sensitive.

I have no confidence that anything will change.

I see no steps taken.

I know of no effect to improve conditions. There has been talk about the court moving to another courthouse. But I do not know if/when the move will actually take place.

No steps have been taken at all as far as I can tell. I saw a flyer in the Bronx for a round table discussion or something, but it was all men. I'm not sure what the solution is, but I do think court staff (clerks, attorneys, judges, and officers) could use a reminder that their days will be better too if they abuse attorneys less.

Committees have been appointed to address the issues, but I am not aware of what they are doing.

There is no meaningful way to complain about judges. The court takes no responsibility for addressing the behavior of bad attorneys. Victims are expected to police the bad actors.

There are some committees in place for increasing the quality of the atmosphere in housing court and elevating the practice as a whole but not much has come of these efforts as of yet.

I believe that the Kings County committees are making slow but steady progress.

Despite the report issued last year the pace of change is glacial. The changes that they are focused on don't seem to be the most important. It seems that some of the judges are hostile to the changes and have not embraced the need to change. There appears to be a generational issue as well where the more senior judges and attorneys feel that they survived the chaos for years and everyone else can too.

I am not aware of any steps that are being taken. All housing lawyers should be required to take a CLE that addresses housing discrimination and poverty law.

Not familiar with the steps being taken. Probably a lot of major changes are needed. If we're talking big picture, I'd like to see significant overhauls to L/T doctrine such that most of the cases we get could not be brought in the first place.

Too new to the field to have an opinion one way or another.

Landlords attorneys do not appreciate the position of many tenants and have made racist and sexist remarks to me on numerous occasions. They should be required to attend trainings about the conditions and situations of many tenants, as well as trainings about implicit bias, appropriate conduct, courtroom etiquette, and tolerance.

I think it's been acknowledged but not sure besides that what steps are being taken.

If they really want to do something that makes sense, they will immediately place judges in offices and re-purpose the courtroom space for Ts and LLs to negotiate. Long term plans are not good enough; conditions are so bad that changes are needed immediately. This could definitely happen in current space if judges were walled off in the big courtrooms, leaving the rest of the space, with adequate bench space, for Ts to speak with attorneys. And using an elevator on intake day to speak with clients on a different floor will only make intake more time intensive and terrible, not any better.

The housing court committee is helping, but there needs to be actual discipline of problem lawyers.

There are specific offenders in Housing Court and NOTHING is being done to alleviate the issue or reprimand the offenders. The power dynamic between these offenders and (mostly) the women in housing court is off balance and a GROSS demonstration of the apathy of Housing Court employees.
<table>
<thead>
<tr>
<th>Page</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>Lately some of the most frustrating bias I have experienced has been from court attorneys who reprimand or silence me when I respond to hostility from landlord's attorneys but say nothing to them for their original hostility. For example, the other day a landlords attorney pushed his chair back and threw down his glasses and said &quot;If you say that one more time&quot; to me saying that his client &quot;potentially got my client arrested for trying to access the property with an access order in place&quot;, and when I responded to him asking why I was not allowed to say that to a court attorney while making my argument, the court attorney started silencing me and telling me that I was &quot;losing focus&quot; and when I said he just yelled at me for making my argument she said &quot;well, he didn't get loud. not yet.&quot; Unreal double standard. Neither of us raised our voice, but what I meant by yell was more like verbally accosted.</td>
</tr>
<tr>
<td>29</td>
<td>There are some steps being taken as referenced but it is nowhere near enough.</td>
</tr>
<tr>
<td>30</td>
<td>I hear that there are groups of attorney's trying to make conditions better and I've heard things are much better than in the past, but it's hard to see the outcome of things like lunch conversations about civility in the courtroom and effective communication skills. The landlord's attorneys who are the problem are clearly not attending these events and don't care (or only care if you're a white man). I would like to file bar complaints but I've heard colleagues express concern that that could lead to retaliation. Even so, it seems like the only way to get the attention of the really bad actors.</td>
</tr>
<tr>
<td>31</td>
<td>I'd like to see more Asian court officers because there's only one in Manhattan right now, more Asian judges because there are literally zero in Manhattan right now, and just more Asian lawyers in court generally. Also, court staff and court attorneys need better customer service training. Some are very nice and professional but others are crotchety, rude and not helpful.</td>
</tr>
<tr>
<td>32</td>
<td>They could be better addressed, but I haven't been that involved so it's possible the issues are being addressed.</td>
</tr>
<tr>
<td>33</td>
<td>I know that trainings are being given and moves to a new courthouse considered, but I do not know if these trainings/relocations will be adequate.</td>
</tr>
<tr>
<td>34</td>
<td>I think there's a study happening (or that just happened) addressing this exact topic. That's a great first step, but there needs to be actual consequences for attorneys or judges who engage in biased or problematic behaviors.</td>
</tr>
<tr>
<td>35</td>
<td>to my knowledge, no steps are being taken.</td>
</tr>
<tr>
<td>36</td>
<td>I don't know of anything that is being done</td>
</tr>
<tr>
<td>37</td>
<td>CLEs are going to do it. We all need to bring sanctions motions, over and over.</td>
</tr>
<tr>
<td>38</td>
<td>The truth is, we see microaggressions everywhere but no one has the time to address it. We have way too much going on.</td>
</tr>
<tr>
<td>39</td>
<td>Some steps are apparently being taken, such as the forming of committees, and there is an upcoming panel related to communication in housing court, and there was a truly atrocious CLE on bias and harassment that took place but these steps are insufficient. Court staff need to be trained to treat people respectfully, to de-escalate tense/abusive situations, and to intervene when the landlord's bar is acting uncivilly or worse.</td>
</tr>
<tr>
<td>40</td>
<td>Some solutions have been proposed, for example BTLN has proposed a gender justice committee to report on issues, but more needs to be done by Judges and the Court itself to curb negative behavior and encourage the actual practice of law instead of blatant hostility.</td>
</tr>
<tr>
<td>41</td>
<td>I don't think enough has been done to address the needs of people with disabilities and serious illness who end up in housing court. Clients who need APS services or a GAL are particularly poorly-served. The buildings are barely accessible. I've seen clients who need wheelchairs be told they have to wait in the hall because there is no room for them in the part. Many of my clients with disabilities struggle to endure hours of sitting in hot court rooms on hard benches, waiting for their cases to be called or for lawyers to be ready for them. Their only other option is often to stand out in a noisy hallway (there are never enough benches for all the people who need to sit) and hope they hear their name called over all the other voices.</td>
</tr>
<tr>
<td>42</td>
<td>Never heard of any productive steps.</td>
</tr>
<tr>
<td>43</td>
<td>I am aware of some committees in some boroughs formed to address these issues, but unaware of a situation in which any problematic behavior was actually sanctioned or punished by the court.</td>
</tr>
<tr>
<td>44</td>
<td>I know there are conversations happening but have not seen concrete results.</td>
</tr>
<tr>
<td></td>
<td>Remarks</td>
</tr>
<tr>
<td>---</td>
<td>---------</td>
</tr>
<tr>
<td>45</td>
<td>There have been some steps taken in Brooklyn Housing Court, mainly because of the work of the Brooklyn Tenant Lawyers Network. Not all of the action is the best course, but at least there is recognition that there is a problem.</td>
</tr>
<tr>
<td>46</td>
<td>BK has started a good new program but it is not a total solution. The judges are part of the problem.</td>
</tr>
<tr>
<td>47</td>
<td>Judges should call out unacceptable behavior more often and with stronger consequences.</td>
</tr>
<tr>
<td>48</td>
<td>There are committees in place, but they are pointless because there is no real accountability enforced by Judges and court staff when it comes to bias and abuse by landlord attorneys and court staff and other problematic conditions.</td>
</tr>
<tr>
<td>49</td>
<td>I don’t see anything being done.</td>
</tr>
<tr>
<td>50</td>
<td>I think the Brooklyn Housing Court committee convened by J. Gonzales is a good FIRST step.</td>
</tr>
<tr>
<td>51</td>
<td>Judges are verbally expressing the requirement of civility and decorum in courtrooms, which is hugely helpful. A Judge also issued sanctions against an attorney who was behaving improperly in a case, which I think helped to raise the general level of discourse in the Court.</td>
</tr>
<tr>
<td>52</td>
<td>Our supervisor is part of the civility in the courts committee (not sure if that is the official name).</td>
</tr>
</tbody>
</table>
Q22 The Right to Counsel NYC Coalition campaigned for the Right to Counsel ("Universal Access") Law to create a "a tool to build tenant power, challenge landlord intimidation and harassment and to build the movement to fight gentrification and displacement", and to contribute to creating "a more equitable and just city" (https://www.righttocounselnyc.org). I have been aware of these goals.

**Answered: 134 Skipped: 30**

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**ANSWER CHOICES**

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neither agree nor disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>33.58%</td>
<td>47.76%</td>
<td>5.97%</td>
<td>11.19%</td>
<td>1.49%</td>
</tr>
</tbody>
</table>

**RESPONSES**

| Strongly agree | 45 |
| Agree          | 64 |
| Neither agree nor disagree | 8 |
| Disagree       | 15 |
| Strongly disagree | 2 |
| TOTAL          | 134 |

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**PLEASE EXPLAIN YOUR ANSWER:**

1. I do not have enough experience to fully know the impact of UAC. However, from what I do see UAC has definitively begun to level the playing field between tenants and landlords. Landlords no longer run the court room.

   **DATE:** 5/3/2019 3:49 PM

2. I don’t know that I knew that was the mission of the RTC NYC Coalition. Those are efforts of housing activists.

   **DATE:** 5/3/2019 3:33 PM

3. My team and I live and breath these goals—everyday we go to work we discuss our clients and how to fight for equitable treatment in court and in the community. I've never been a part of a practice that acknowledges the deeper historical-social-economic context for our clients and feels so dedicated to evening the playing field.

   **DATE:** 5/3/2019 12:20 PM
<table>
<thead>
<tr>
<th></th>
<th>Comment</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>I'm aware of that because I made myself aware of that. My organization has not done enough to remind me why I'm fighting day in and day out for my clients, and I'm quickly becoming jaded about our ability to do anything other than keep clients inside their homes (repairs, harassment, etc.) because the priority has to be preventing eviction and the grant only funds defensive work, we cannot really ever get into a position to actually challenge intimidation and harassment without putting our clients at risk of homelessness. More funding for affirmative litigation would fix this problem.</td>
<td>5/2/2019 3:44 PM</td>
</tr>
<tr>
<td>5</td>
<td>We speak almost daily about the RTC law and all the good that it brings, as well as challenges we will face as the program expands.</td>
<td>5/2/2019 3:16 PM</td>
</tr>
<tr>
<td>6</td>
<td>I have been aware.</td>
<td>4/26/2019 3:32 PM</td>
</tr>
<tr>
<td>7</td>
<td>I was involved with RTC in a previous job.</td>
<td>4/26/2019 2:54 PM</td>
</tr>
<tr>
<td>8</td>
<td>Knew about intimidation, didn't realize text re power and building movement to fight gentrification and displacement</td>
<td>4/25/2019 6:24 PM</td>
</tr>
<tr>
<td>9</td>
<td>I have worked in Housing since RTC Law was passed, I am aware of the goals they are seeking to attain.</td>
<td>4/25/2019 1:10 PM</td>
</tr>
<tr>
<td>10</td>
<td>Did not know there was an explicit anti-gentrification goal, and am happy to hear that.</td>
<td>4/25/2019 10:09 AM</td>
</tr>
<tr>
<td>11</td>
<td>I just want to note that I heard that someone from your organization once said that tenant attorneys were just there to stand next to the tenant and prevent the landlord attorney from intimidating the tenant. This is one thing we do, but we do a hell of a lot more! We research the law, write motions, argue before the judge, advocate for benefits, and much, much more. This takes a lot of time and skill and work not to be reduced to solely preventing intimidation.</td>
<td>4/24/2019 6:21 PM</td>
</tr>
<tr>
<td>12</td>
<td>I'm aware of them but my job is to prevent eviction. I don't feel I have room or time to do things like affirmatively build tenant power or build the movement to fight gentrification and displacement.</td>
<td>4/24/2019 1:15 PM</td>
</tr>
<tr>
<td>13</td>
<td>We all fought hard for it. The reality of taking a higher volume of cases without merit is difficult, though still important.</td>
<td>4/23/2019 4:47 PM</td>
</tr>
<tr>
<td>14</td>
<td>I know these are the goals</td>
<td>4/23/2019 12:53 PM</td>
</tr>
<tr>
<td>15</td>
<td>I am aware of this from reading the website and following updates from RTC, but not from my employer</td>
<td>4/23/2019 12:46 PM</td>
</tr>
<tr>
<td>16</td>
<td>There is only so much our work can do. UAC offers no long term solutions</td>
<td>4/23/2019 10:15 AM</td>
</tr>
<tr>
<td>17</td>
<td>Makes sense but I didn't know.</td>
<td>4/23/2019 9:47 AM</td>
</tr>
<tr>
<td>18</td>
<td>I'm aware but wonder if its effective without solving the affordability crisis.</td>
<td>4/22/2019 6:38 PM</td>
</tr>
<tr>
<td>19</td>
<td>As part of Bronx Defenders at the time, I was aware of the goal.</td>
<td>4/22/2019 5:42 PM</td>
</tr>
<tr>
<td>20</td>
<td>I'm aware of these goals, but restrictions on funding (e.g., the incentive to not do a lot of affirmative litigation because the organization won't get paid for it) creates serious obstacles to meeting these goals.</td>
<td>4/22/2019 5:26 PM</td>
</tr>
<tr>
<td>21</td>
<td>The RTC Coalition is great about hosting events and sending out emails to explain its goals and message.</td>
<td>4/22/2019 1:14 PM</td>
</tr>
<tr>
<td>22</td>
<td>Our organization had Susanna come and speak to us about RTC, its origins, and where the coalition sees it going.</td>
<td>3/21/2019 9:46 AM</td>
</tr>
</tbody>
</table>
Q23 My organization provides opportunities for me to address broad based housing issues (e.g. working with tenant organizations, bringing strategic appeals, advocating for legislative or policy changes, drafting amicus briefs, etc.)

Answered: 134  Skipped: 30

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>10.45%</td>
</tr>
<tr>
<td>Agree</td>
<td>30.60%</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>18.66%</td>
</tr>
<tr>
<td>Disagree</td>
<td>20.15%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>20.15%</td>
</tr>
</tbody>
</table>

TOTAL 134

# PLEASE EXPLAIN YOUR ANSWER. DATE

1 While I have a permissive supervisor, many in management at Legal Aid are timid about bringing sanctions, appeals, etc. While I could refer clients to tenant orgs, there should be a concerted effort to have more of an organizing mindset within the work we do. 5/3/2019 3:33 PM

2 My supervisor encourages me to reach out to other organizations who also advocate for low income tenants. 5/3/2019 12:20 PM

3 There are very few opportunities to do impact litigation or policy work. Our office asks us for tenants that are willing to share their stories, but staff involvement in comments to legislation or agency regulations is very minimal, and staff involvement in any larger scale litigation is minimal. There was a lawsuit on behalf of individuals that were placed by DHS in scatter sites, but the actual litigation work was done by pro-bono attorneys at the big law firm that I guess gives us some money. Our staff did the crappy benefits work for the case and was not allowed to participate in a way that was more substantive or assisted in their professional development. 5/3/2019 12:20 PM

4 The housing unit of my organization mostly focuses on eviction prevention—specifically, representing tenants who are in housing court for non-pays and holdovers. 5/3/2019 11:04 AM
<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>No, that is only reserved for &quot;elite&quot; attorneys who work on law reform exclusively. Staff attorneys in Housing Court are not included in bigger picture issues or more complex cases or campaigns.</td>
<td>5/2/2019 4:08 PM</td>
</tr>
<tr>
<td>6</td>
<td>Wish they did these things more - it would make the job more dynamic</td>
<td>5/2/2019 4:07 PM</td>
</tr>
<tr>
<td>7</td>
<td>As staff attorneys, we are very focused on our individual eviction defense caseload and there is not much, if any, chance to work on anything broader.</td>
<td>5/2/2019 4:07 PM</td>
</tr>
<tr>
<td>8</td>
<td>Never. Never. Never. If it exists, we don't find out until it's too late to do anything about it (ex. 3pm email saying &quot;you should go to this meeting tonight!&quot;).</td>
<td>5/2/2019 3:44 PM</td>
</tr>
<tr>
<td>9</td>
<td>There are so many cases and not enough staff that every day is triage.</td>
<td>5/2/2019 3:32 PM</td>
</tr>
<tr>
<td>10</td>
<td>Staff attorneys don't individual cases don't have time for systemic advocacy</td>
<td>5/2/2019 3:25 PM</td>
</tr>
<tr>
<td>11</td>
<td>My organization is open to me taking those opportunities but does not necessarily promote these activities as an integral part of the work.</td>
<td>5/2/2019 3:16 PM</td>
</tr>
<tr>
<td>12</td>
<td>The caseloads are too burdensome to have time during the workday for policy work</td>
<td>4/30/2019 12:01 PM</td>
</tr>
<tr>
<td>13</td>
<td>Most of these besides appeals have not been discussed with me. Then again, I haven't asked anyone about them. To its credit, the job affords me time to work on housing advocacy outside independently of work.</td>
<td>4/26/2019 3:32 PM</td>
</tr>
<tr>
<td>14</td>
<td>We often shy away from these opportunities due to funding limitations.</td>
<td>4/26/2019 9:53 AM</td>
</tr>
<tr>
<td>15</td>
<td>My organization does not just focus on representing tenants in housing court, we also work with attorneys on filing amicus briefs, appealing denials, and policy advocacy</td>
<td>4/25/2019 1:10 PM</td>
</tr>
<tr>
<td>16</td>
<td>There are some opportunities, but zero capacity to take part in them.</td>
<td>4/25/2019 10:09 AM</td>
</tr>
<tr>
<td>17</td>
<td>My organization does virtually none of this. I do it on my own time unpaid mostly. We have asked our org to do more of thus many times, but as referenced earlier, they only care about money. We workers care about our clients and communities and would like to do more of this. But it doesn't get money from the city like that.</td>
<td>4/24/2019 8:21 PM</td>
</tr>
<tr>
<td>18</td>
<td>My organization does nothing to contribute to the betterment of housing issues. They exclusively care about numbers.</td>
<td>4/24/2019 6:55 PM</td>
</tr>
<tr>
<td>19</td>
<td>I signed up to lobby with my organization but have never been contacted about lobbying opportunities. The other opportunities in the prompt (working with tenant orgs, bringing appeals, drafting amicus briefs etc) haven't been presented as opportunities available to me.</td>
<td>4/24/2019 1:15 PM</td>
</tr>
<tr>
<td>20</td>
<td>Theoretically it's an option, but impossible to do/prioritize it given urgency &amp; high volume of eviction cases; I think organizationally, we would prioritize this more if we got paid more for complicated cases, so that we can allocate resources to fully litigate cases, rather than feeling pressured to settle cases</td>
<td>4/24/2019 12:13 PM</td>
</tr>
<tr>
<td>21</td>
<td>They provide it, but it's hard to prioritize these things with our caseloads.</td>
<td>4/23/2019 4:47 PM</td>
</tr>
<tr>
<td>22</td>
<td>My organization takes on broad based housing issues, but there is a distinct staff that works on these issues. Working on RTC, I do not participate in these broader initiatives more than make referrals.</td>
<td>4/23/2019 12:57 PM</td>
</tr>
<tr>
<td>23</td>
<td>I don't think I've ever been made aware of these types of opportunities at my organization.</td>
<td>4/23/2019 12:53 PM</td>
</tr>
<tr>
<td>24</td>
<td>We have none of these options.</td>
<td>4/23/2019 12:46 PM</td>
</tr>
<tr>
<td>25</td>
<td>We are somewhat siloed in our units. I do eviction prevention primarily, almost exclusively.</td>
<td>4/22/2019 6:58 PM</td>
</tr>
<tr>
<td>26</td>
<td>We work on so much that often we're just focused on putting out small fires, but we do engage in coalition-building and policy work when we have the capacity.</td>
<td>4/22/2019 5:32 PM</td>
</tr>
<tr>
<td>27</td>
<td>My organization provides a lot of latitude with what staff attorneys are allowed to do, but this isn't the same everywhere.</td>
<td>4/22/2019 5:26 PM</td>
</tr>
<tr>
<td>28</td>
<td>Rarely do we participate in these, other than showing up at some coalition meetings</td>
<td>4/22/2019 5:16 PM</td>
</tr>
<tr>
<td>29</td>
<td>There are opportunities at my organization, just not always all the tools necessary to take advantage of the opportunities.</td>
<td>4/22/2019 5:13 PM</td>
</tr>
</tbody>
</table>
30. I am encouraged to spot trends in my individual cases, such as a type of case, a common violation, or a certain landlord committing widespread fraud.

31. In many ways we are so focused on preventing immediate evictions (that are rooted in financial problems) that it is hard to address related issues stemming from conditions or harassment. Without all the funds there is little leverage.

32. We have a tenant organizing unit that we are strongly encouraged to work together with. Additionally, we are encouraged to respet clients in different ways such as admin. hearings, article 78 hearings, and appeals.
Q24 I can easily refer clients to other organizations/individuals within my organization to address my clients’ non-legal needs (e.g. mental health services, public benefits issues, etc.)

Answered: 134  Skipped: 30

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>9.70%</td>
</tr>
<tr>
<td>Agree</td>
<td>28.36%</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>17.91%</td>
</tr>
<tr>
<td>Disagree</td>
<td>25.37%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>18.66%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>134</td>
</tr>
</tbody>
</table>

# PLEASE EXPLAIN YOUR ANSWER, AND IF YOU DISAGREE, PLEASE PROVIDE ANY SUGGESTIONS YOU HAVE FOR MAKING REFERRALS EASIER.

<table>
<thead>
<tr>
<th>#</th>
<th>PLEASE EXPLAIN YOUR ANSWER, AND IF YOU DISAGREE, PLEASE PROVIDE ANY SUGGESTIONS YOU HAVE FOR MAKING REFERRALS EASIER.</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Somewhat internal failings, somewhat city agencies not being effective at their jobs</td>
<td>5/3/2019 9:55 PM</td>
</tr>
<tr>
<td>2</td>
<td>I handle my client’s public benefit work or enlist the help of our paralegal case handler. I cannot speak as to mental health services.</td>
<td>5/3/2019 3:49 PM</td>
</tr>
<tr>
<td>3</td>
<td>The Housing Unit at Bronx Legal Aid does not have a single social worker. Perhaps this is because middle- to late-career social workers here get paid $20,000-$30,000 less than at other area orgs...</td>
<td>5/3/2019 3:33 PM</td>
</tr>
<tr>
<td>4</td>
<td>I find it incredibly difficult to successfully refer my client to a qualified social worker or even a case worker who can assess my client for public benefits. I've used Access NYC in the past but the organizations I was referred to never called myself or my client back, which felt like a waste of time after calling and Access NYC and then calling the organization.</td>
<td>5/3/2019 12:20 PM</td>
</tr>
<tr>
<td>5</td>
<td>We pretty much only assist with legal matters and each unit has their own funding restrictions. I routinely have clients with unmet needs.</td>
<td>5/3/2019 12:20 PM</td>
</tr>
<tr>
<td></td>
<td>We need a comprehensive list of where and to whom we should refer clients for mental health and other issues. We have an internal referral system but often other units will not accept the clients for services.</td>
<td>5/3/2019 11:04 AM</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>7</td>
<td>There is no referral system, even internally within our organization. Management has not bothered to set up partnerships or relationship with other organizations so staff will try their best on an ad hoc basis.</td>
<td>5/2/2019 4:08 PM</td>
</tr>
<tr>
<td>8</td>
<td>Its extremely difficult to refer tenants to legal services providers, and other providers. Very difficult.</td>
<td>5/2/2019 4:07 PM</td>
</tr>
<tr>
<td>9</td>
<td>First, I disagree that public benefits issues are non-legal. If they are, though, my organization has a public benefits unit that we refer to all the time. Referral for mental health services is non-existent.</td>
<td>5/2/2019 4:07 PM</td>
</tr>
<tr>
<td>10</td>
<td>Everything is so hierarchical that I cannot do that unless I already happen to know someone at another organization. The internal referral process is quite complex, but I’ve figured out how to make it work. Most people don’t bother.</td>
<td>5/2/2019 3:44 PM</td>
</tr>
<tr>
<td>11</td>
<td>Information is not readily available.</td>
<td>5/2/2019 3:32 PM</td>
</tr>
<tr>
<td>12</td>
<td>I can but it’s not made easy. We don’t say do holistic screening at intake.</td>
<td>5/2/2019 3:25 PM</td>
</tr>
<tr>
<td>13</td>
<td>we often have to address any public benefits issues ourselves if we have capacity and there are no resources available for mental health services</td>
<td>5/2/2019 3:23 PM</td>
</tr>
<tr>
<td>14</td>
<td>We have a good internal referral system and a whole constellation of services that address many different needs, from showers and haircuts to providing a mailing address to clients, to employment development, social workers, and an in-building medical clinic as well as immigration advocates.</td>
<td>5/2/2019 3:16 PM</td>
</tr>
<tr>
<td>15</td>
<td>Of course not, because this is not about the clients. It’s about doing what the funders ask of us. The funders are not concerned about the actual lives of tenants and are uninterested in their wellbeing.</td>
<td>5/2/2019 3:16 PM</td>
</tr>
<tr>
<td>16</td>
<td>We don’t have the resources to meet all of our clients needs or serve the needs of all our colleagues’ referral. Additionally, our obligations under the RTC have meant that we have to turn away a lot of meritorious cases from other parts of the borough because they don’t live in the correct zip codes and we have limited capacity to take other cases at this time.</td>
<td>5/2/2019 3:14 PM</td>
</tr>
<tr>
<td>17</td>
<td>I’d say some of the time</td>
<td>4/29/2019 8:55 PM</td>
</tr>
<tr>
<td>18</td>
<td>Internal referrals are easy, but if this organization does not provide the service, I’m not sure how to refer to other organizations.</td>
<td>4/26/2019 3:32 PM</td>
</tr>
<tr>
<td>19</td>
<td>We need more mental health services and referrals.</td>
<td>4/26/2019 9:53 AM</td>
</tr>
<tr>
<td>20</td>
<td>There are simply just insufficient resources for mental health needs. Also, navigating the public benefits available to tenants should be full time job and is nearly impossible to stay on top of in addition to litigating our cases. I can file countless motions, argue, etc. but often at the end of the day if we cannot get someone into an appropriate rental subsidy, e.g. CityFHEPS, it’s impossible to keep them in their home. Similar, with nuisance cases, if someone does not get the mental health treatment they need, or get services with de-cluttering, etc., my hands as an attorney are tied.</td>
<td>4/26/2019 9:31 AM</td>
</tr>
<tr>
<td>21</td>
<td>My organization is an integrated group of attorneys and social workers who provide a true holistic approach. Clients with multiple issues are able to work with those attorneys and social workers as needed.</td>
<td>4/25/2019 1:10 PM</td>
</tr>
<tr>
<td>22</td>
<td>We deal with so many issues, and have so little time for bureaucracy that we don’t understand, it can be hard to figure out who or how we can refer things.</td>
<td>4/25/2019 10:09 AM</td>
</tr>
<tr>
<td>23</td>
<td>We have some ability to refer, but very little and for limited purposes.</td>
<td>4/24/2019 8:21 PM</td>
</tr>
<tr>
<td>24</td>
<td>My organization only employs 1 social worker part time. When she was out on leave we had no replacement. We so rarely have social work interns that I can very rarely make referrals for my clients. I try to refer clients to our public benefits project but it is a small project with little capacity. I Also don’t have enough time frequently to determine if a referral might be appropriate and don’t always know when it is appropriate to do so.</td>
<td>4/24/2019 1:15 PM</td>
</tr>
<tr>
<td>25</td>
<td>as housing funding has ramped up, our funding for employment, disability, discrimination issues has not ramped up, and we’re unable to provide holistic services to address out clients other needs</td>
<td>4/24/2019 12:13 PM</td>
</tr>
<tr>
<td>26</td>
<td>This would be great to have. Unless its internal for PA issues, I don’t know where to refer people.</td>
<td>4/23/2019 4:47 PM</td>
</tr>
<tr>
<td></td>
<td>Statement</td>
<td>Date and Time</td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>27</td>
<td>My organization does not have funding for many non-legal staff. I can easily make referrals on other legal issues (benefits, family law, immigration, etc), but for social services or mental health services, I have to do extensive research of outside organizations.</td>
<td>4/23/2019 12:57 PM</td>
</tr>
<tr>
<td>28</td>
<td>For the most part, referrals are pretty straightforward within my organization for other legal matters, though I'd LOVE to have more resources for mental health and social work services.</td>
<td>4/23/2019 12:53 PM</td>
</tr>
<tr>
<td>29</td>
<td>We have no infrastructure in place for these types of referrals.</td>
<td>4/23/2019 12:46 PM</td>
</tr>
<tr>
<td>30</td>
<td>We don't have any social workers or paralegal support, so referrals are extremely difficult to make</td>
<td>4/23/2019 10:40 AM</td>
</tr>
<tr>
<td>31</td>
<td>This is very difficult at my organization.</td>
<td>4/22/2019 6:58 PM</td>
</tr>
<tr>
<td>32</td>
<td>Holistic legal services that work in conjunction with social support mechanisms is a necessity in the field; unfortunately, too few of these organizations currently exist.</td>
<td>4/22/2019 5:42 PM</td>
</tr>
<tr>
<td>33</td>
<td>My organization has an arcane and ineffective referrals process that results in me having to become an expert on different areas of law just to get things done for my clients in the most efficient way. Most employees from other units do not want to handle work that is not easily fundable under their respective grants. Mental health services and public benefits referrals are indeed the most necessary help a lot of the time.</td>
<td>4/22/2019 5:26 PM</td>
</tr>
<tr>
<td>34</td>
<td>We make referrals but does not mean that they are successful.</td>
<td>4/22/2019 5:16 PM</td>
</tr>
<tr>
<td>35</td>
<td>Some services, like health care info, are easy. Other services, like mental health services, are extremely difficult to find for my clients.</td>
<td>4/22/2019 5:13 PM</td>
</tr>
<tr>
<td>36</td>
<td>My office has no social workers on staff. We need social workers and people who can actively help clients find apartments if they need to move. As far as I am aware that resource is virtually absent unless a client ends up in shelter.</td>
<td>4/22/2019 3:31 PM</td>
</tr>
<tr>
<td>37</td>
<td>I am lucky, again, because I am not a UA provider, that I can work on other issues with my client such as public assistance issues.</td>
<td>4/22/2019 1:20 PM</td>
</tr>
<tr>
<td>38</td>
<td>There are few people with this expertise. I am learning as I go.</td>
<td>4/22/2019 1:02 PM</td>
</tr>
<tr>
<td>39</td>
<td>It's not always clear where, if any place I can send clients for other services. APS seems to be the go-to but that is not effective or enough.</td>
<td>3/21/2019 9:46 AM</td>
</tr>
</tbody>
</table>
Q25 What is being done and/or could be done by law schools and provider organizations to support the goals of the right to counsel movement?

<table>
<thead>
<tr>
<th>#</th>
<th>RESPONSES</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Admit NYC-native and low-income students at higher rates, offer housing clinics, better LRAP reimbursement and advising for public interest attorneys</td>
<td>5/3/2019 9:55 PM</td>
</tr>
<tr>
<td>2</td>
<td>Teach movement lawyers; approach client interactions with an awareness of building tenant power; step back and see individual cases as part of a more systemic issue; have a case managing platform that would more readily draw connections of issues faced by different clients in the same building.</td>
<td>5/3/2019 3:33 PM</td>
</tr>
<tr>
<td>3</td>
<td>I think it would be helpful to have a clear path to a social worker or public benefits analyst to refer my clients to for needed support outside of housing court. Often times my clients are eligible for PA/SNAP, which would help their housing case, but they flounder in applying for public benefits. I also wish that HRA did a holistic screening of its clients and then help clients apply for important benefits like PA/SNAP, SCRIE, DRIE, MSP, etc.</td>
<td>5/3/2019 12:20 PM</td>
</tr>
<tr>
<td>4</td>
<td>I want to see more technology used to assist in this movement. For instance, I want someone to analyze data of building rent rolls with DHCR to search for abnormalities. In order to get the courts to look back more than four years, we need to show indicia of fraud, which is typically impossible for an individual tenant. If we can show systemic fraud, perhaps we'd be able to fight for tenants to address historic overcharges and unlawful, but baked in, deregulation.</td>
<td>5/3/2019 12:20 PM</td>
</tr>
<tr>
<td>5</td>
<td>More classes and clinics that focus on (practical) civil litigation (legal writing, preparing pleadings, motion practice, negotiating) and housing law as it applies to NY specifically.</td>
<td>5/3/2019 11:04 AM</td>
</tr>
<tr>
<td>6</td>
<td>More clinics and easier referrals between LSPs</td>
<td>5/2/2019 7:22 PM</td>
</tr>
<tr>
<td>7</td>
<td>Law schools can create housing law clinics to assist with the number of cases.</td>
<td>5/2/2019 4:38 PM</td>
</tr>
<tr>
<td>8</td>
<td>set up classes and start working with organizations (like Fordham)</td>
<td>5/2/2019 4:25 PM</td>
</tr>
<tr>
<td>9</td>
<td>We need more benefits case handlers. We are so busy addressing our clients' public benefits issues we cannot engage a litigation strategy to fight for our clients to get repairs or affirmatively assert their rights.</td>
<td>5/2/2019 4:08 PM</td>
</tr>
<tr>
<td>10</td>
<td>Address burnout, stress, depression, and other mental health issues. Promote stronger unions in the workplace to address the problems at organizations and to better empower staff.</td>
<td>5/2/2019 4:08 PM</td>
</tr>
<tr>
<td>11</td>
<td>Provide Law School Clinics</td>
<td>5/2/2019 4:07 PM</td>
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<tr>
<td>12</td>
<td>Identify gaps where pro se litigants tend to fail. Use law students to help fill those gaps and support the pro se litigants. Hopefully this support would “bridge the gap” between a litigant’s confusion and protecting their rights until they are represented by counsel.</td>
<td>5/2/2019 4:03 PM</td>
</tr>
<tr>
<td>13</td>
<td>More housing clinics</td>
<td>5/2/2019 4:02 PM</td>
</tr>
<tr>
<td>14</td>
<td>Training for new attorneys is the most important thing that is missing right now. There also needs to be more emphasis placed on managing case loads and providing diversity of opportunities (HP cases, affirmative litigation, policy work, etc) to retain experienced attorneys.</td>
<td>5/2/2019 3:44 PM</td>
</tr>
<tr>
<td>15</td>
<td>Negotiate better contracts with HRA to provide for overhead, space for all providers in housing ct with computers and printers</td>
<td>5/2/2019 3:25 PM</td>
</tr>
<tr>
<td>16</td>
<td>Assist with benefits work as related to housing cases</td>
<td>5/2/2019 3:23 PM</td>
</tr>
<tr>
<td>17</td>
<td>Law schools should make students aware of the movement and encourage students to take part in it.</td>
<td>5/2/2019 3:16 PM</td>
</tr>
<tr>
<td>18</td>
<td>I have no idea</td>
<td>5/2/2019 3:13 PM</td>
</tr>
<tr>
<td>19</td>
<td>Clinics, more supervisors, more administrative staff</td>
<td>5/2/2019 2:55 PM</td>
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<tr>
<td></td>
<td>Comments</td>
<td></td>
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<tr>
<td>20</td>
<td>The RTC training should be offered twice a year in each school, and as an incentive, students should receive certificates that say they're ready to offer the training themselves.</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Public Slideshow on history of the movement</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>It would be nice to be able to bring more affirmative cases (HP, harassment, Supreme Court actions, etc.).</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>The regular trainings and listserv are helpful. It would also be useful to have a more easily searchable database than the listserv when ideas are discussed. I would like to partner with non-legal providers more often, such as mental health and decluttering/cleaning services.</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>The RTC movement needs to be more realistic. It is not realistic to ensure RTC for every zip code in Brooklyn when the legal organizations are already overwhelmed with 4 zip codes. The goals need to also ensure that the attorneys are provided with adequate training and supervision, and need to work with law schools and housing court judges to get more law students interested in housing and ensure that the attorneys who are hired are adequately prepared and desire to do the work.</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Take some of these cases!!! There are a lot of them, and we need support.</td>
<td></td>
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<tr>
<td>26</td>
<td>Housing clinics or one-day volunteer in housing court options for law students.</td>
<td></td>
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<tr>
<td>27</td>
<td>More support overall. Reminder of the purpose of the law amid the day-to-day work.</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>The collection of data on the implementation of RTC - its effectiveness, problem areas and actors - would/has helped prove the importance of this program and areas where it can be improved. (Thank you for organizing this survey!) I think that surveys of tenants about their knowledge of the program and their experience using it would also be especially important.</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Just, more information! People should know this is a thing and how they can participate or help.</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Organizations need to lobby the first progressive state legislature in a long time to change the parts of the law that were procedurally designed by a conservative legislature to get tenants evicted for the sake of landlord profit. They also need to lobby for funding that would help provide holistic services to clients.</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>More policy work to develop and support regulatory and legislative proposals that strengthen tenants' rights.</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Encourage a culture of: zero-tolerance for unethical tactics used by landlords' attorneys, vigorous litigation rather than the easier path of settlement, taking repairs and conditions as seriously as evictions (since they also lead to displacement), provider organizations could also pay us adequately so we don't have to go on strike to get better working conditions to enable us to best represent our clients.</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>educate all those involved on the ultimate goal of the movement.</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Organizations should reach out to law schools, and vice-versa, for more student involvement through internships and externships.</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>More training of current staff attorneys and incoming law students would be beneficial. If NYC will really have a right to counsel in housing court, this should be as popular a career choice as public defense in area law schools, and they should treat the field as such.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Provider organizations are working together to address systemic issues, which is necessary to fight the larger obstacles to fair housing. Provider organizations are also trying to help city agencies such as HPD and DHCR with performing their monitoring and enforcement work. Law schools should teach the history of gentrification and real estate policy in New York State.</td>
<td>4/22/2019 1:14 PM</td>
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<tr>
<td>43</td>
<td>Hire public assistance/paralegal experts.</td>
<td>4/22/2019 1:02 PM</td>
</tr>
</tbody>
</table>
Q26 My organization provides opportunities to engage in activities that promote wellness and/or supports staff members' efforts to promote their own wellness.

Answered: 133  Skipped: 31

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>5.26%</td>
</tr>
<tr>
<td>Agree</td>
<td>22.56%</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>26.32%</td>
</tr>
<tr>
<td>Disagree</td>
<td>30.08%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>15.79%</td>
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</table>

TOTAL 133

# PLEASE EXPLAIN YOUR ANSWER.

<table>
<thead>
<tr>
<th>#</th>
<th>PLEASE EXPLAIN YOUR ANSWER</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Our staff attorneys build their own nurturing culture but immediate supervisors are ambivalent and central management is actively hostile, in pay and other behavior, to retention</td>
<td>5/3/2019 10:00 PM</td>
</tr>
<tr>
<td>2</td>
<td>Upper management needs to let the investigators unionize. They need to continue to negotiate ALAA and 1199 contracts on the same time frame. I'd take better benefits over an extra $30.00/mo for gym membership any day.</td>
<td>5/3/2019 3:39 PM</td>
</tr>
<tr>
<td>3</td>
<td>There's very little provided to our staff. Perhaps there's pizza for lunch a few times a year but nothing else. There's no funding made available for social activities and no real effort to connect our staff with wellness activities. Some staff have taken their own initiatives to negotiate for better rates at wellness institutions like the YMCA, with no management or organizational support.</td>
<td>5/3/2019 12:29 PM</td>
</tr>
<tr>
<td>4</td>
<td>In my time I feel very supported and cared for as an attorney and a human being--I think the larger administration could do a much better job of retaining paralegals and hard working attorneys by offering promotions and room for growth or expertise.</td>
<td>5/3/2019 12:25 PM</td>
</tr>
<tr>
<td>5</td>
<td>The Organization as a whole has very few activities for this, but my unit frequently has such activities.</td>
<td>5/2/2019 5:25 PM</td>
</tr>
</tbody>
</table>
6 We have a meditation group at our organization. We have had vicarious trauma trainings that we were encouraged to go to.

5/2/2019 4:13 PM

7 The question is too broad.

5/2/2019 4:11 PM

8 No explanation necessary. They do nothing. Sometimes we go for drinks, but we have to pay for it ourselves.

5/2/2019 3:47 PM

9 The legal team as a whole meets monthly to address issues of stress management and personal issues we may be facing. We are also encouraged to take flex time for mental health purposes.

5/2/2019 3:19 PM

10 organization has limited licenses to an online meditation app. insufficient and beside the point because fails to address underlying condition of vicarious trauma etc

5/2/2019 2:24 PM

11 This is not a real thing. The only way to promote wellness is to reduce caseloads and increase salaries so people can afford good gym memberships, etc.

4/30/2019 1:07 PM

12 No such initiatives that I know of besides in office wine and cheese where people clique together

4/29/2019 8:57 PM

13 No explanation necessary. They do nothing. Sometimes we go for drinks, but we have to pay for it ourselves.

4/26/2019 3:47 PM

14 The legal team as a whole meets monthly to address issues of stress management and personal issues we may be facing. We are also encouraged to take flex time for mental health purposes.

4/26/2019 3:19 PM

15 My organization provides gym and pool access and access to exercise classes. I have yet to engage in these.

4/26/2019 3:01 PM

16 I think everyone would say they do, but when cases are being assigned, you are repeatedly being asked to chase data needed for City contracts, etc., it is often difficult to maintain a good work life balance.

4/26/2019 10:02 AM

17 At the end of the day, work completion is still top priority. If free time, sure, be well!

4/25/2019 6:25 PM

18 There aren't many opportunities here that promote wellness, but my organization, particularly my supervisors, promote our efforts to ensure mental and physical wellness.

4/25/2019 1:18 PM

19 I have a huge issue with my organizations attitude to wards self repair. There should be therapists on staff to deal with the trauma we experience, not in the sense that they guarantee confidentiality, more like a supervisor that is trained to deal with the emotionally challenging parts of our job, only.

4/25/2019 10:12 AM

20 They give us pizza once in a while. But not much else.

4/24/2019 8:25 PM

21 I have very little time for anything other than work. My job is unionized but I don't have any time to participate in union activities. I frequently feel like I have no time for doctor's appointments or to exercise or even CLEs!

4/24/2019 1:21 PM

22 We have happy hours, but we have a lot of staff with little work experience and think they can treat work like college, and they bring in a lot of the drama from college, which creates a toxic work environment. I think professional development classes for the younger folks would help everyone.

4/23/2019 4:52 PM

23 Yes and no. It could be more. There is once and a while a wellness program. We need more meditation.

4/23/2019 4:48 PM

24 This is a work in progress.

4/23/2019 1:03 PM

25 Every so often, we get an email about a discounted gym membership. I don't think that's sufficient. It could be more.

4/23/2019 12:55 PM

26 My organization does not formally do this. However, a colleague of mine, a paralegal and WOC, was treated very poorly by a male attorney recently. When she told our supervisors, she was allowed to take the day off without needing to request vacation or personal time.

4/23/2019 12:49 PM

27 My office has wellness events, but I would rather work fewer hours.

4/23/2019 9:36 AM

28 In theory, yes. I think we even have a wellness committee. But that's for the other practices. Housing attorneys don't have time for that.

4/22/2019 9:30 PM

29 We have access to a year free of the Headspace app! That's it.

4/22/2019 7:02 PM

30 Self care is not usually the biggest priority.

4/22/2019 5:43 PM

31 There are trainings/events on occasion, but no one really takes them seriously.

4/22/2019 5:29 PM

32 No wellness other than happy hours...
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>33</td>
<td>Our office culture of support rather than competition, and providing room for individual needs and preferences is hugely helpful in handling a large and difficult caseload. 4/22/2019 1:36 PM</td>
</tr>
<tr>
<td>34</td>
<td>This is not even a topic of conversation. 4/22/2019 1:04 PM</td>
</tr>
</tbody>
</table>
Q27 I plan to practice housing law for more than a few years.

Answered: 133  Skipped: 31

![Bar Chart]

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
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<tbody>
<tr>
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</tr>
<tr>
<td>Agree</td>
<td>53</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>30</td>
</tr>
<tr>
<td>Disagree</td>
<td>15</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>9</td>
</tr>
<tr>
<td>TOTAL</td>
<td>133</td>
</tr>
</tbody>
</table>

# PLEASE EXPLAIN YOUR ANSWER AND MAKE ANY SUGGESTIONS FOR MEASURES THAT COULD/SHOULD BE TAKEN TO SUPPORT RETENTION.

1. If I am able to maintain a standard of living where I am not living pay check to pay check as an attorney, pay my rent, and other bills and enjoy a work-life-balance I won't have to stop practicing. 5/3/2019 3:52 PM

2. Better benefits are critical to retention. This includes higher salaries, better health care, defined benefit pensions, employer matching for contributions to 403b accounts, more periodic training, student loan forgiveness, etc. 5/3/2019 3:39 PM

3. I'm tired of this work. It alternates between being exciting and stressful, and then being super boring with only benefits advocacy. I want the opportunity to actual participate in systemic change or at a minimum other areas of law. 5/3/2019 12:29 PM

4. I am not sure but I understand why the burnout rate is so high in this area. 5/3/2019 11:08 AM

5. I am not sure where life will take me but if I can, I will. 5/2/2019 5:25 PM

6. I have 15 years of experience. 5/2/2019 4:32 PM

7. I want this to be my career for life 5/2/2019 4:30 PM
<table>
<thead>
<tr>
<th></th>
<th>After some struggle, I have come to a place where I like (or at least don't dislike) housing court and landlord/tenant law. I know a lot of people who have left for positions that are not housing because they don't like the practice. I'm not sure how much has to do with housing specifically or general new attorney burnout that they are attempting to ameliorate by switching substance area or doing more policy work. I think addressing &quot;civility&quot; (as much as I hate that phrasing) in the court would go a long way to retention. However, it also is a practice area that is fast moving and has frequent emergencies, which is not something that can be changed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>I already have, but I do not know how long I will stay in it.</td>
</tr>
<tr>
<td>10</td>
<td>I do not know. I feel burned out.</td>
</tr>
<tr>
<td>11</td>
<td>Too stressful in Bronx Housing Court. Too much turnover, not enough pay.</td>
</tr>
<tr>
<td>12</td>
<td>I cannot keep managing a caseload of 40+, especially given the redundancies between the cases--it's boring. I need more.</td>
</tr>
<tr>
<td>13</td>
<td>I plan to leave soon. Burnout!</td>
</tr>
<tr>
<td>14</td>
<td>management should show staff that they are working in staff's best interest and will have their backs</td>
</tr>
<tr>
<td>15</td>
<td>I believe this work is very important and, although stressful, is worthwhile.</td>
</tr>
<tr>
<td>16</td>
<td>I have already left the practice.</td>
</tr>
<tr>
<td>17</td>
<td>This one's complicated. A higher salary would be a big help.</td>
</tr>
<tr>
<td>18</td>
<td>Focus on supporting professional and personal growth, provide access to professional education, support work/life balance, support team-wide social events, provide raises and promotions.</td>
</tr>
<tr>
<td>19</td>
<td>There needs to be adequate training and the influx of cases needs to be severely reduced. As mentioned before, the amount of cases required in order to meet contracts is unattainable, and attorneys do not have time to sit for proper trainings. Attorneys also need to be fairly compensated to where they aren't forced to strike for fair benefits.</td>
</tr>
<tr>
<td>20</td>
<td>Some days I agree, some days I am days from quitting.</td>
</tr>
<tr>
<td>21</td>
<td>I want to but we will see.</td>
</tr>
<tr>
<td>22</td>
<td>More support from management.</td>
</tr>
<tr>
<td>23</td>
<td>Interacting with landlord's attorneys and HRA is so horrible that I don't think I'm going to be able to continue as a housing attorney for long. Taking case load caps seriously would support my retention. Beyond that I'm not sure what could be done to make landlord's attorneys and HRA less horrific.</td>
</tr>
<tr>
<td>24</td>
<td>I was a tenant advocate for nearly a decade, went to law school specifically to practice housing law</td>
</tr>
<tr>
<td>25</td>
<td>Depends.</td>
</tr>
<tr>
<td>26</td>
<td>Supervision training.</td>
</tr>
<tr>
<td>27</td>
<td>Reasons I may not continue practice in housing law include plans to move to the South, to areas where there is not significant funding for housing representation; interest in pursuing more direct environmental and broader impact advocacy; the stress and mental fatigue of housing work. Measures to support retention would include more active wellness promotion including training on dealing with mental fatigue and the ability to participate in broader advocacy initiatives in addition to RTC.</td>
</tr>
<tr>
<td>28</td>
<td>It's not my ultimate career goal, but I think even people who want to practice in housing court long-term get burned out really easily. Hire more attorneys to help lighten the caseloads!</td>
</tr>
<tr>
<td>29</td>
<td>I graduated from law school with the intention of practicing housing law. I cannot continue working at my organization for much longer, but I would like to work for another organization.</td>
</tr>
<tr>
<td>ID</td>
<td>Response</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------------------------------------------------------------</td>
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<tr>
<td>30</td>
<td>Housing Court is brutal and the practice feels almost non-legal at times. When there are interesting cases, there are few resources to support us. I would strongly prefer to co-counsel more cases, and I think co-counseling is a more efficient model than individual attorney representation. Separately, our salaries are low and the student debt burden for many attorneys is high. That makes retention more difficult. Plus the supervisor track is not desirable due to the low pay and high responsibility of supervisors at my organization. Also, this work doesn't create much systemic change. Hopefully it can change outcomes for tenants and the culture of housing court, but regarding the latter, I'm not optimistic.</td>
</tr>
<tr>
<td>31</td>
<td>undecided</td>
</tr>
<tr>
<td>32</td>
<td>Explicit discouragement of a highly toxic environment by landlord practitioners.</td>
</tr>
<tr>
<td>33</td>
<td>I would love to keep doing this work, but I want to have children soon and I don't know if I'm going to be able to support my family on my current salary.</td>
</tr>
<tr>
<td>34</td>
<td>I enjoy the actual litigation aspect of the work, but do not have the professional training to handle tasks that are better handled by a social worker or mental health professional.</td>
</tr>
<tr>
<td>35</td>
<td>undecided</td>
</tr>
<tr>
<td>36</td>
<td>At this point I am not positive, but have no immediate plans to leave. More ability to buy-in to the organization and work towards strategic goals beyond daily cases would encourage me to stay.</td>
</tr>
<tr>
<td>37</td>
<td>More attorneys will continue to do this work if they are allowed to cap their cases at an amount that they can reasonably handle without consistently having to work at nights and on weekends. More support in benefits advocacy will also help attorneys avoid burnout due to frustration with bureaucracies.</td>
</tr>
<tr>
<td>38</td>
<td>I went to law school to be a housing lawyer, and I do not feel burnt out. I think I am in the minority on both counts.</td>
</tr>
<tr>
<td>39</td>
<td>I find housing law interesting and like the work that I have been doing. I'm not sure I see myself in this practice for ever, but I would like to build my skills and knowledge within NYC housing law over the next few years. I also see how access to attorneys in housing court can significantly change a tenant's ability to remain in their home, or be safe in their home. This motivates me to do the work for at least a few years.</td>
</tr>
</tbody>
</table>
Q28 I would like, at some point, to become a supervisor.

Answered: 130  Skipped: 34

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>11.54%</td>
</tr>
<tr>
<td>Agree</td>
<td>23.85%</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>33.08%</td>
</tr>
<tr>
<td>Disagree</td>
<td>16.92%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>14.62%</td>
</tr>
</tbody>
</table>

TOTAL: 130

# PLEASE EXPLAIN YOUR ANSWER.   DATE

1. I feel apathetic about being in management, but do love to brainstorm ideas with people. I think I’d miss the writing, though.   5/3/2019 3:39 PM

2. Their job seems to be absolute shit. The supervisors have no union protections and have to kiss the asses of the other supervisors in order to safeguard their jobs. Some supervisors are great but there’s no incentive for the direct supervisors to stand up for what’s right. Furthermore the salary bump is minimal, for at least 50% more work. At my office the salary bump is only $8,000. Considering LRAP and taxes that easily eat up 2/3 of any salary increase, it would take at least $24K or so to even feel that your salary has gone up $8,000, yet alone gone up enough to be worth it. Furthermore, being a supervisor seems to be a dead end professionally. There’s little opportunity for professional growth in management since you’re never really trained in how to be a supervisor. Your skills as a litigator diminish since you’re doing administrative bullshit. You have fewer opportunities to deepen your understanding of any laws. It seems like you would stay a mediocre litigator and a mediocre supervisor if you were to become a supervisor at my office.   5/3/2019 12:29 PM

3. I may--after working in housing for two years I will evaluate whether I want to stay in Housing or move into another practice area.   5/3/2019 12:25 PM

4. Supervisor is usually the next step for a staff attorney in a legal services organization but Supervisors are under immense pressure and not everyone wants to fill that role. There should be other opportunities for upward mobility.   5/3/2019 11:08 AM
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<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>5</td>
<td>I'm a supervisor</td>
<td>5/3/2019 8:20 AM</td>
</tr>
<tr>
<td>6</td>
<td>I am unsure if it is worth the added stress. I am also in a union and do not want to lose those protections.</td>
<td>5/2/2019 4:42 PM</td>
</tr>
<tr>
<td>7</td>
<td>I dont want to be magement - I like teaching but I 100% feel I need my union in this enviroment - Ill become a coach or a teacher - but I will not leave my union</td>
<td>5/2/2019 4:30 PM</td>
</tr>
<tr>
<td>8</td>
<td>I am about to start a position as supervisor</td>
<td>5/2/2019 4:13 PM</td>
</tr>
<tr>
<td>9</td>
<td>Not sure yet.</td>
<td>5/2/2019 4:11 PM</td>
</tr>
<tr>
<td>10</td>
<td>The management team is dysfunctional. I do not want to be part of that system. There are few good managers who model or inspire attorneys to want to join their ranks.</td>
<td>5/2/2019 4:10 PM</td>
</tr>
<tr>
<td>11</td>
<td>Too much non-legal work without the client interaction.</td>
<td>5/2/2019 4:09 PM</td>
</tr>
<tr>
<td>12</td>
<td>If things change maybe. If things don’t improve then no.</td>
<td>5/2/2019 4:09 PM</td>
</tr>
<tr>
<td>13</td>
<td>If nothing changes and supervisors continue to be overworked such that they cannot provide adequate supervision to their staff, absolutely not.</td>
<td>5/2/2019 3:47 PM</td>
</tr>
<tr>
<td>14</td>
<td>At some point I feel like I will have a duty to help develop the new housing hires.</td>
<td>5/2/2019 3:19 PM</td>
</tr>
<tr>
<td>15</td>
<td>Why would anyone do that to themselves?</td>
<td>5/2/2019 2:43 PM</td>
</tr>
<tr>
<td>16</td>
<td>I enjoy working with clients and legal work and it is what I went to school for. I did not learn how to be a supervisor in any schooling I went through and currently, the organization does not provide a supervisor track that would train me on how to be a supervisor.</td>
<td>4/30/2019 3:33 PM</td>
</tr>
<tr>
<td>17</td>
<td>I have no desire to become a supervisor as it seems to be a stress filled position.</td>
<td>4/30/2019 1:49 PM</td>
</tr>
<tr>
<td>18</td>
<td>I do not want to leave the union</td>
<td>4/30/2019 12:02 PM</td>
</tr>
<tr>
<td>19</td>
<td>I am in a union and being in middle management seems like the third circle of hell.</td>
<td>4/26/2019 4:04 PM</td>
</tr>
<tr>
<td>20</td>
<td>Sometimes awful, longer hours not adequately compensated by the salary increase, and you have to deal with upper management.</td>
<td>4/26/2019 3:36 PM</td>
</tr>
<tr>
<td>21</td>
<td>I hope to be able to continue to grow as an attorney, both generally and in the field of housing specifically.</td>
<td>4/26/2019 3:01 PM</td>
</tr>
<tr>
<td>22</td>
<td>I am not in a place right now where I would be made a supervisor any time soon, but I would at some point like to be trained to supervise a team of 1-2 attorneys.</td>
<td>4/25/2019 1:18 PM</td>
</tr>
<tr>
<td>23</td>
<td>If I can stay long enough without my mental health imploding.</td>
<td>4/25/2019 10:12 AM</td>
</tr>
<tr>
<td>24</td>
<td>Not the way things are now.</td>
<td>4/24/2019 8:25 PM</td>
</tr>
<tr>
<td>25</td>
<td>I don't have any particular feelings on the subject.</td>
<td>4/24/2019 1:21 PM</td>
</tr>
<tr>
<td>26</td>
<td>I am not interested in disciplining my peers, and prefer to do client work rather than admin work; I am always available to provide support for my peers, talk through cases, help with court appearances and tough opposing counsels/judges</td>
<td>4/24/2019 12:18 PM</td>
</tr>
<tr>
<td>27</td>
<td>But only if I can still have cases of my own (and a workload that allows it)</td>
<td>4/23/2019 7:26 PM</td>
</tr>
<tr>
<td>28</td>
<td>I like supervising but don’t like the idea of leaving the Union</td>
<td>4/23/2019 1:58 PM</td>
</tr>
<tr>
<td>29</td>
<td>Perhaps. I haven’t given it much thought, and I definitely don’t know enough about Housing Court/housing laws right now to entertain the option.</td>
<td>4/23/2019 12:55 PM</td>
</tr>
<tr>
<td>30</td>
<td>It is important to me to remain in the union</td>
<td>4/23/2019 10:41 AM</td>
</tr>
<tr>
<td>31</td>
<td>undecided</td>
<td>4/22/2019 6:39 PM</td>
</tr>
<tr>
<td>32</td>
<td>I think so? Maybe? Or maybe to move into a more policy-focused role.</td>
<td>4/22/2019 5:35 PM</td>
</tr>
<tr>
<td>33</td>
<td>Too much responsibility. To actually do your job well as a supervisor you have to work corporate law firm hours, and you obviously don’t get paid nearly as much.</td>
<td>4/22/2019 5:29 PM</td>
</tr>
<tr>
<td>34</td>
<td>While I do not feel knowledgeable or experienced enough at present, I enjoy mentoring and teaching and looking out for a team.</td>
<td>4/22/2019 5:19 PM</td>
</tr>
<tr>
<td>35</td>
<td>I don’t know if it will be in housing</td>
<td>4/22/2019 4:31 PM</td>
</tr>
<tr>
<td>36</td>
<td>No union for supervisors</td>
<td>4/22/2019 3:38 PM</td>
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<tr>
<td>37</td>
<td>I would like to mentor new attorneys and make bigger policy impacts in the housing law arena.</td>
<td>4/22/2019 1:36 PM</td>
</tr>
<tr>
<td>38</td>
<td>I don't want to supervise any time soon (I have 4 years of experience now and would prefer to wait until I have at least 6). I want to develop my own practice much more.</td>
<td>4/22/2019 1:23 PM</td>
</tr>
</tbody>
</table>
Q29 What could/should programs do to support and promote attorney well-being and retention as housing attorneys?

Answered: 70  Skipped: 94

<table>
<thead>
<tr>
<th>#</th>
<th>RESPONSES</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>On the criminal side, there is a push for PD pay to equal prosecutor pay. An analogous matching of criminal to civil pay (so prosecutor to housing attorney pay) would be helpful. Nonprofit work should not be a mendicant vow even as we understand we may never make first-year BigLaw salaries in our career. Beyond that, case loads matter to avoid burnout. Quality supervision helps attorneys become more efficient at managing their caseloads sooner, again avoiding burnout</td>
<td>5/3/2019 10:00 PM</td>
</tr>
<tr>
<td>2</td>
<td>Give staff attorneys higher salaries. Our client already feels as though we are second rate attorneys because we are up against private attorneys.</td>
<td>5/3/2019 3:52 PM</td>
</tr>
<tr>
<td>3</td>
<td>See answer to Question 27.</td>
<td>5/3/2019 3:39 PM</td>
</tr>
<tr>
<td>4</td>
<td>Give each attorney a generous stipend for wellness, professional development, and self-improvement. This could be used for CLE's, language learning, development of professional skills that are not necessarily directly relevant to the work, counseling, therapy, and the like.</td>
<td>5/3/2019 12:20 PM</td>
</tr>
<tr>
<td>5</td>
<td>I think it's the little things that matter the most. Work can be stressful and unexpected, so when my administration doesn't provide small luxuries like proper office supplies at satellite offices and working computers, it feels overwhelming to ALSO have to deal with that. I also think instituting summer Fridays where work ends at 2pm or 3pm is a nice salute to all of the early mornings or late nights we all work.</td>
<td>5/3/2019 12:25 PM</td>
</tr>
<tr>
<td>6</td>
<td>Be more creative in terms of implementing RTC and providing unique opportunities and positions aside from staff attorney and supervisor. Provide training for attorneys and Supervisors prior to starting work or soon thereafter.</td>
<td>5/3/2019 11:08 AM</td>
</tr>
<tr>
<td>7</td>
<td>Better pay and working conditions (investment into the housing court infrastructure).</td>
<td>5/3/2019 10:27 AM</td>
</tr>
<tr>
<td>8</td>
<td>Internal policies should encourage flex time and institute remote working policies as well as work retreats and workshops for wellness and self care and trainings to battle vicarious trauma</td>
<td>5/3/2019 8:20 AM</td>
</tr>
<tr>
<td>9</td>
<td>Provide quality supervision and mentorships.</td>
<td>5/2/2019 6:33 PM</td>
</tr>
<tr>
<td>10</td>
<td>Hire more supervisors so there will be a lower supervisor/attorney ratio. Promote fun team building activities that are not related to work such as social events.</td>
<td>5/2/2019 5:25 PM</td>
</tr>
<tr>
<td>11</td>
<td>Help attorneys support their clients who are difficult. Ensure that attorneys do not get overwhelmed, or are not already overwhelmed, before assigning new cases.</td>
<td>5/2/2019 4:42 PM</td>
</tr>
<tr>
<td>12</td>
<td>Mentorship Increased support from supervisors to be able to take mental health days.</td>
<td>5/2/2019 4:32 PM</td>
</tr>
<tr>
<td>13</td>
<td>1) train housing court staff on sensitivity and equality 2) make housing court a better place for clients so they aren't so upset 3) make sure organizations are organized together to push against HRA attempts to overwork us 4) get one shot deals preapproved so we can go to trial and assert warranty of habitability claims 5) more trainings on the more complex issues in housing - like appeals - so that I can continue to grow my knowledge</td>
<td>5/2/2019 4:30 PM</td>
</tr>
<tr>
<td>14</td>
<td>Better pay; train new attorneys sooner</td>
<td>5/2/2019 4:17 PM</td>
</tr>
<tr>
<td>15</td>
<td>Staff need time off, paid sabbatical, expanded benefits with paid sick leave, family leave policies and so forth. We are underpaid and overworked, giving staff more time and flexibility would help a lot.</td>
<td>5/2/2019 4:10 PM</td>
</tr>
<tr>
<td>16</td>
<td>Pay us more. Plain and simple. People (even those who feel burn out) would be more willing to stay if the salary was competitive. We love our clients but we can't afford to live in the city where we are fighting for equal housing access. Sad.</td>
<td>5/2/2019 4:09 PM</td>
</tr>
<tr>
<td>17</td>
<td>Attorneys need opportunities to grow their skills as attorneys. Settling per stipulation and writing an RAU letter is not why I went to law school. Settling per move out stip and writing an order to show cause is not why I went to law school. I want to be able to affirmatively advocate for my clients' housing rights.</td>
<td>5/2/2019 4:09 PM</td>
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</tr>
<tr>
<td>18</td>
<td>PAY PARITY and professorial development</td>
<td>5/2/2019 4:03 PM</td>
</tr>
<tr>
<td>19</td>
<td>increase salaries and allow practitioners into contract negotiation process</td>
<td>5/2/2019 3:53 PM</td>
</tr>
<tr>
<td>20</td>
<td>Training. Reduce case loads. Provide psychological and other resources. Team building activities. Office space in or near housing courts, even in distant boroughs. E-filing. Opportunities for career growth other than just becoming supervisors.</td>
<td>5/2/2019 3:47 PM</td>
</tr>
<tr>
<td>21</td>
<td>Less cases, more support</td>
<td>5/2/2019 3:25 PM</td>
</tr>
<tr>
<td>22</td>
<td>curb harassment in court, better attention to staff by management, better managers</td>
<td>5/2/2019 3:24 PM</td>
</tr>
<tr>
<td>23</td>
<td>Be realistic about the conditions of housing court and challenges that housing attorneys face. Develop zero-tolerance policies for disrespect and cruelty within the court and increase resources allocated to tenants’ attorneys in particular.</td>
<td>5/2/2019 3:19 PM</td>
</tr>
<tr>
<td>24</td>
<td>Continuous, high quality substantive trainings for different levels of attorneys. Pay for membership in professional organizations that are relevant to the practice. Pay for management trainings and prioritize effective management techniques. Provide a clear path for staff to become supervisors with the skills necessary to be effective attorney/managers. Make it clear that you value worker satisfaction and retention while also valuing quality service to clients. Provide staff with opportunities to work on systemic issues, community education/outreach or other matters that staff identify as relevant to their practice.</td>
<td>5/2/2019 3:18 PM</td>
</tr>
<tr>
<td>25</td>
<td>It sounds like the methods of intake are painfully bad and the judges, in their efforts to speed cases along, are unwilling to provide these attorneys opportunity to provide meaningful representation. It looks like they are on attack from all sides, as the Courts are making their job much more difficult, rather than aiding this program.</td>
<td>5/2/2019 3:14 PM</td>
</tr>
<tr>
<td>26</td>
<td>Have more paralegal support with benefits issues so that attorneys can focus more of their energy on the legal aspects of the case. Also, programs should provide more substantive training opportunities.</td>
<td>5/2/2019 3:02 PM</td>
</tr>
<tr>
<td>27</td>
<td>Opportunities to do more affirmative litigation, community outreach, research projects</td>
<td>5/2/2019 2:56 PM</td>
</tr>
<tr>
<td>28</td>
<td>Make HRA pay more per case and actually care about the quality of rep that poor people receive.</td>
<td>5/2/2019 2:46 PM</td>
</tr>
<tr>
<td>29</td>
<td>Literally anything would be better than what is happening now. I believe the model for legal services providers is to reset their housing practice every few years so that they can cap salary expenses.</td>
<td>5/2/2019 2:43 PM</td>
</tr>
<tr>
<td>30</td>
<td>Provide meaningful case caps to allow for better-than-adequate representation in court, including motion practice and trial when appropriate. Provide experienced and knowledgable supervision to develop attorney skills. Provide opportunities for attorneys to move to other practice areas at some reasonable stage in career.</td>
<td>5/2/2019 2:24 PM</td>
</tr>
<tr>
<td>31</td>
<td>Organizations need to support lawyers who want to challenge racist/oppressive opposing counsel and judges instead of just paying lip service. Organizations need to up their own HR departments and do the necessary work of building up their infrastructures to meet the growth in staff that RTC has brought.</td>
<td>4/30/2019 3:33 PM</td>
</tr>
<tr>
<td>32</td>
<td>Meditation classes, gym memberships, and less days in court</td>
<td>4/30/2019 1:49 PM</td>
</tr>
<tr>
<td>33</td>
<td>Implement case load caps</td>
<td>4/30/2019 12:02 PM</td>
</tr>
<tr>
<td>34</td>
<td>more substantive and ongoing training and the opportunities to work on affirmative litigation and legislative advocacy so that our skills are improving and developing in new areas as well</td>
<td>4/30/2019 9:00 AM</td>
</tr>
<tr>
<td>35</td>
<td>Better onboarding training to lessen the high pressures and unpleasantries of housing court.</td>
<td>4/29/2019 8:57 PM</td>
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<tr>
<td>36</td>
<td>Better wellness check ins from Supervisors, and lawyer support group services</td>
<td>4/26/2019 4:13 PM</td>
</tr>
<tr>
<td>37</td>
<td>Adequately train supervisors; concentrate on development of attorneys rather than making numbers; allow for flexible work schedules and locations</td>
<td>4/26/2019 4:04 PM</td>
</tr>
<tr>
<td>38</td>
<td>Probably salary increase is number 1.</td>
<td>4/26/2019 3:36 PM</td>
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<tr>
<td>39</td>
<td>Support orgs that are unionizing. Support union orgs in their contract negotiations. Mentorship. Non-CLE trainings.</td>
<td>4/26/2019 2:22 PM</td>
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<td>40</td>
<td>Variety in caseloads, sufficient vacation time when attorneys are not expected to work, support systems within the office, support systems between organizations to have court camaraderie with other tenants’ representatives.</td>
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<td>41</td>
<td>It does not always feel like my organization cares about retention; it sometimes seems like they would be happy to have us burn out and replace us with newer (and cheaper) attorneys. I'm not sure that this is true but well-being just does not seem to be a focus. My organization could recognize that we are skilled attorneys, we are passionate about our work, and are dedicated to our clients, and that we get our work done. The organization could make working remotely or flexible hours options without getting lots of pushback. Sometimes we work late nights, sometimes we go to tenant association or clinics at night, sometimes we come in on weekends to prep for trials or work on motions. My organization basically expects you should be in the office for the core hours of the day 9-5 or so, unless you are in court. In this day and age this is not generally expected in other fields. These hours are also not often great for our clients who work. If it was recognized that we could have more flexibility with hours, etc. that would definitely improve well-being and retention.</td>
<td>4/26/2019 10:02 AM</td>
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<td>42</td>
<td>Comprehensive training</td>
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<td>43</td>
<td>As mentioned before, TRAIN your attorneys. Also, make sure they are fairly compensated with fair benefits. Supervisors need less attorneys to supervise. Housing Court employees have to do better about controlling the environment in Housing Court, the abuse and discrimination from landlord's attorneys is appalling and the employees have a reputation of turning the other cheek rather than putting abusers in their place.</td>
<td>4/25/2019 1:18 PM</td>
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<tr>
<td>44</td>
<td>We need more people so that the work load can become more manageable. We should have WAY more front end training and way less train by fire.</td>
<td>4/25/2019 10:12 AM</td>
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<tr>
<td>45</td>
<td>Show that they care about us in actual material ways. Pay a living wage, give parental leave so we don't have to worry about how to care for our families. Give good health insurance and retirement plans. Give case caps so we aren't over stressed. These are the material ways we can be supported and retained in this field.</td>
<td>4/24/2019 8:25 PM</td>
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<td>46</td>
<td>Work with attorneys more on case loads and managing difficult cases and clients. Raising salaries to compensate for the amount of work done. More events to boost morale in the office (e.g., free lunch, social hours, trainings on managing trauma and stress). Acknowledging the good work done on cases by attorneys.</td>
<td>4/24/2019 3:47 PM</td>
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<td>47</td>
<td>Case load caps and hiring more paralegals and support staff. I don't understand the point of being an attorney when half the time I'm just doing math to try to figure out whether my client owes any money. That eats into time I could use to prepare for trials, motions, or really anything else.</td>
<td>4/24/2019 1:21 PM</td>
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<td>48</td>
<td>Establish reasonable case load limits.</td>
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<td>49</td>
<td>Better pay, better and more support staff, more tools, more trainings.</td>
<td>4/23/2019 4:52 PM</td>
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<tr>
<td>50</td>
<td>More meditation. More healthy food and snacks. More focus on flex time and working from home.</td>
<td>4/23/2019 4:48 PM</td>
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<td>51</td>
<td>Offer opportunities to be part of broader housing advocacy so that the work done in RTC does not feel like just a Band-Aid. Activities and trainings on coping with stress and mental fatigue.</td>
<td>4/23/2019 1:03 PM</td>
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<tr>
<td>52</td>
<td>Lighten caseloads by hiring more attorneys. Hire better supervisors who can provide better oversight.</td>
<td>4/23/2019 12:55 PM</td>
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<td>53</td>
<td>As I wrote earlier in this survey, caseloads need to be decreased so that people have more manageable work-life balance and also so that they get better supervision. Additionally, I think it would be helpful if legal services organizations had some sort of on-site counseling service. My law school had a wellness center with a counselor who specialized in working with law students, and it seems like large legal services organizations could do the same.</td>
<td>4/23/2019 11:55 AM</td>
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<tr>
<td>54</td>
<td>Case caps, unionization, not gobbling up as many deliverables as possible without a plan for how you'll meet them.</td>
<td>4/23/2019 10:26 AM</td>
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<tr>
<td>55</td>
<td>POC attorneys should have POC supervisors if possible</td>
<td>4/23/2019 10:16 AM</td>
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<td>56</td>
<td>Better pay, providing opportunities for attorneys to work on more complicated cases rather than really being hra one shot applicant letter writers.</td>
<td>4/23/2019 9:38 AM</td>
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<tr>
<td>57</td>
<td>higher salary and more training/support</td>
<td>4/23/2019 9:29 AM</td>
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<tr>
<td>58</td>
<td>Reduce workload.</td>
<td>4/22/2019 9:30 PM</td>
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<tr>
<td>59</td>
<td>Provide better-trained supervisors who are dedicated to actually mentoring and supervising newer attorneys. Pay more. I'm sure there are other things to do but that's all I've got at the moment.</td>
<td>4/22/2019 7:02 PM</td>
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<tr>
<td>60</td>
<td>-better/more training. -start with reduced case loads</td>
<td>4/22/2019 6:39 PM</td>
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<td>Adequate pay, reasonable family leave policies, encouraging attorneys to actually use the vacation and sick time we get (my organization does this well and I'm grateful for it), involving staff attorneys in decisions that affect the organization as a whole, transparency in general from organizational leadership.</td>
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<td>Hire social workers. Let staff attorneys know where to refer people for assistance with mental health issues. Train support staff like paralegals adequately to handle public benefits issues so that staff attorneys can focus on litigation.</td>
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<td>Case caps, much tighter supervision.</td>
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<td></td>
<td>Ensuring manageable case loads and necessary support staff. Connecting attorneys with other housing attorneys at other orgs to promote camaraderie and exchange of ideas.</td>
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<td></td>
<td>Invest in changing the culture of housing court (less racist/sexist/aggressive). Ensure social workers are available to help tenants get the benefits they require so attorneys don't have to do that job as well.</td>
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<td>Address the daily abuse, harassment and push back we get from landlord attorneys and judges, which has increased as a result of the implementation of the program.</td>
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<td>I don't know exactly what &quot;programs&quot; means, but if attorneys and their time is respected, and they are given freedom to pursue cases and issues that interest them in addition to standard UA cases, then I think they will be more likely to stay with this work.</td>
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<td>Provide attorneys with support staff and more pay.</td>
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<td>As I stated this isn't something that is impacting my life so much, but I think managing caseloads and providing adequate supervision are the keys here.</td>
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<td>Schedule mental health awareness trainings. Schedule trainings on when to disconnect from challenging cases. Hold appreciation days for attorneys and clients alike.</td>
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Q30 Finally, what additional recommendations do you have for measures that would help law schools and legal service providers support the highest quality services for clients who face eviction?

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<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>Clients are best served by attorneys who are from their community and/or, for non-English speakers, actually speak their language. This should be factored in as soon as the law school admissions process.</td>
<td>5/3/2019 10:02 PM</td>
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<td>2</td>
<td>Law school: practical application of the law. I did not even learn about evictions in law school. Whether this is by offering a NYC housing practicum course, clinic, volunteer work - whatever it is real-world application has to be taught. Not theory.</td>
<td>5/3/2019 3:54 PM</td>
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<td>3</td>
<td>Too many things to name: meaningful laws that actually protect tenants without giving landlords as many loopholes, ongoing rental assistance based on 2019 rents and cost of living standards, more public housing, private communication intake rooms or &quot;boxes&quot; in housing court to facilitate intake and confidential communication, citywide training opportunities instead of just piecemeal organization by organization trainings, etc.</td>
<td>5/3/2019 12:33 PM</td>
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<td>4</td>
<td>I think it's important to have seasoned housing attorneys who are knowledgeable in multiple areas of law (public benefits) to teach law students and new attorneys as they jump into practicing. Housing Court can be tricky, but the best way to learn is by doing, that said, it's important to have the resources and wealth of knowledge while working on cases as someone new to the field of Housing Law.</td>
<td>5/3/2019 12:27 PM</td>
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<td>5</td>
<td>Better compensation.</td>
<td>5/3/2019 11:08 AM</td>
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<td>6</td>
<td>Beyond doing thorough trainings of the law, it is important that practitioners actually make home visits to the domiciles of the populations we serve to truly and fully understand the impact of their work and what a dire human right they hold in their hands to shape</td>
<td>5/3/2019 8:22 AM</td>
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<td>7</td>
<td>Caseload caps are essential. All the organizations need to agree on best practices and present them to HRA so that they can provide a united front in setting funding and hiring goals so that attorneys can continue to do this work long term without getting burnt out.</td>
<td>5/2/2019 6:17 PM</td>
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<td>8</td>
<td>Implement programs to educate the public.</td>
<td>5/2/2019 5:25 PM</td>
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<td>9</td>
<td>Retention of highly skilled attorneys. When experienced attorneys leave, the organization and the clients suffer. So, legal services providers need to ensure they are protecting retention of staff by ensuring that staff can still have a work life balance.</td>
<td>5/2/2019 4:43 PM</td>
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<td>10</td>
<td>make all directors spend a day shadowing attorneys and train them on what our jobs. Also we need to push back against this idea we should be like the criminal system - we have a chance to make a system that actually works for clients - we shouldn’t emulate a broken system</td>
<td>5/2/2019 4:34 PM</td>
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<td>11</td>
<td>Connect clinics and legal service providers with big firms. They get pro bono hours while we get their support.</td>
<td>5/2/2019 4:33 PM</td>
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<td>12</td>
<td>Better pay to attract candidates juggling student loans</td>
<td>5/2/2019 4:18 PM</td>
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<td>13</td>
<td>Understanding this work in the broader political context of racial justice and economic justice. Staff need to be able to connect their work to a broader purpose and not just &quot;helping people.&quot; After a while, &quot;helping people&quot; starts to feel limited and ineffective. We need to be able to see our work within a broader context and struggle for human dignity.</td>
<td>5/2/2019 4:12 PM</td>
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<td>14</td>
<td>Pay the attorneys more. We would retain better people and institutional knowledge is precious in the niche field of housing. This isn't criminal with tens of thousands of people with criminal experience. We need to retain people - for office culture and overall morale. Pay us more, and we will stay. Because we love our clients and we love our jobs. But we don't want to die under the crushing debt of living in the city with loans, bills, and rents. You get what you pay for.</td>
<td>5/2/2019 4:11 PM</td>
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<td>15</td>
<td>Again, I think the number one thing supervisors can do is to support staff growth. If we're not going to grow as attorneys, this job will be a resume padder.</td>
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<td>16</td>
<td>Great Training and Supervision</td>
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<td>17</td>
<td>Better referral networks to provide a more holistic defense; lobbying for welfare reform and better rent subsidies (especially for singles); more inter-agency cooperation between the different HRA offices- FHEPS Unit, RAU, and the Centers do not make it easy for either clients or their attorneys to get things done remotely, and don't collaborate to make sure things get done (FHEPS mods, etc.)</td>
<td>5/2/2019 3:56 PM</td>
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<td>18</td>
<td>Representation before someone gets into housing court. Affirmative litigation funding. Training for staff attorneys, not just supervisors and directors. Training for paralegals. Funding for case managers and case handlers who are social workers and can assist with non-legal work (i spend at least 60% of my time on benefits advocacy work). More resources to help clients who must move find affordable housing.</td>
<td>5/2/2019 3:51 PM</td>
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<td>19</td>
<td>direct legal services clinics, this gives students hands on experience working with clients and in court; and also allows them to be supervised more closely by a professor</td>
<td>5/2/2019 3:26 PM</td>
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<td>20</td>
<td>Law schools should offer courses in NY civil procedure, a survey course of Housing Law in NYC/NY State with a comparative law component so that students can appreciate the strengths of our laws and where other places are doing things better. Law schools should partner with legal services providers to develop clinics, internships and eventually successful job placements. Law schools and providers should regularly survey clients and other interested parties to learn the strengths and weaknesses of their programs and the services they offer. All pro-tenant parties should focus on advocating for universal rent subsidies along the lines of a state-wide Section 8 voucher program or commit to development of a lot more deeply affordable housing so that we can cut the number of non-payment cases substantially and improve stability for our clients and our communities.</td>
<td>5/2/2019 3:25 PM</td>
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<td>21</td>
<td>Clinical experience during law school is a big leg up for anyone going into the housing law world and it is important for students and new hires to learn the fundamentals of a summary proceeding and basic negotiation techniques. Either seminars or required clinics can increase these skills.</td>
<td>5/2/2019 3:20 PM</td>
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<td>22</td>
<td>The Courts are currently undercutting the program. The new staggered calendar, with calendar call, is an additional burden that means attorneys have to sit in courtrooms and wait for 20-30 for a status to be called, as they are generally late, when they could be working with clients or landlord's attorney. this wastes the time of all concerned. If intake is going to be done in the court room on the first court date, then the adjournment should be automatic, rather than forcing attorneys to spend valuable time hunting down landlord's attorneys. Even better, have referrals be made in non-pays when tenants go to the clerks office. Then plans can begin before the first court date.</td>
<td>5/2/2019 3:15 PM</td>
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<td>23</td>
<td>the city needs to fund UAC in a way that supports building teams -- especially public benefits advocacy</td>
<td>5/2/2019 2:48 PM</td>
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<td>24</td>
<td>We need to fix ourselves before we can fix the systems we fight against. Our organizations have grown exponentially with the funding, but have not invested in physical space, HR, management trainings, systems (such as practice guides, model banks, etc.), anti-oppression practices, etc.</td>
<td>4/30/2019 3:36 PM</td>
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<td>25</td>
<td>collaborate together to strengthen attorney skills</td>
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<td>26</td>
<td>Better conditions in housing court. More power to the courts to hold accountable/ to hand out actual repurcussions to horribly unprofessional landlord attorneys and firms.</td>
<td>4/29/2019 8:59 PM</td>
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<td>27</td>
<td>Increase the number of supervisors</td>
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<td>28</td>
<td>Provide better support for the attorneys. We are on the front line dealing with the court staff, public benefits workers, judges, and opposing counsel every day. We have chosen to do this work because it is important and actually changes lives, but often times it heavy work to do. We are in the trenches every day, all day, fighting everyone just for our clients to get a fair shot. So it is absolutely imperative we get the support we need, whether it is time off, less cases, or simply just having a supervisor check in.</td>
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<td>29</td>
<td>Besides what I've mentioned already, law schools should offer intro Spanish to 2l/3ls for full credit.</td>
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<td>30</td>
<td>The courthouse needs to open up space for attorneys to work and meet with clients. I also cannot stress enough the importance of legal service providers partnering with mental health services and providing training for supervisors.</td>
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<td>31</td>
<td>Comprehensive training</td>
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<td>Clients facing eviction should be able to meet with an attorney BEFORE they have to go to court. When a client goes to answer a non-payment, or when the landlord files a holdover, the first date should be a meeting date with a legal service provider. That way the legal service provider can assess what options the client has and whether or not the legal service provider can appear and help the client. Also, there should be more space in housing court for attorneys to meet with clients in housing court, maybe client meeting rooms like in other courts. Clients should immediately be put on notice (like in the Notice of Petition) that they may qualify for free legal services.</td>
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<td>33</td>
<td>Law schools are so shitty i dont even know how they could do better. Legal service providers need to invest in their workers and not just use them to pump out numbers for city contracts. And listen to what we say we need.</td>
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<td>Hire more social workers, paralegals, interpreters, and support staff. Take case load caps seriously.</td>
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<td>Recruit people who have experience with poverty— either personally or through extensive professional experience. Support them through law school; provide them with adequate salary and benefits (including good medical insurance and family/disability leave policies) so that folks who don't have financial support from family can sustain doing this work</td>
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<td>Treat people (clients among them, of course) with respect and dignity at all times. Don't shy away from 'difficult' clients — they're usually the most vulnerable.</td>
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<td>Legal language classes in Spanish and French.</td>
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<td>Train students early with hands on clinics. Provide more trainings for new attorneys. Mentorship programs. Supervision training for experienced attorneys.</td>
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<td>39</td>
<td>Law schools should fill the gap citywide on cases that are not currently being covered by universal access. This includes zip codes that universal access does not currently cover, and affirmative litigation to advance tenants' rights.</td>
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<td>Self-care is not possible if the work requires being in court until 4:30 and then working on motions until 9:00pm. Mistakes do and will continue to happen. Give all attorneys who want it the opportunity to work with organizers and do at least 1 group case, go to the RGB, go to Albany. You lose sight of the point when you're grinding cases every day.</td>
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<td>The truth needs to be explained to law students and law students need tools to combat the discrimination that they will face as new housing attorneys. This will help their clients.</td>
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<td>Staff should get paid higher. Providing growth opportunities to staff attorneys.</td>
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<td>43</td>
<td>We are at a unique moment in time where locally and at the state level, the political winds are in our favor to try to get the support we need, and the systemic change we need, to help make better lives for our clients. We need to take advantage of this opportunity by making sure that staff attorneys can focus on doing the work they were trained to do—litigate, by providing them with adequate training, supervision, and support.</td>
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<td>44</td>
<td>Very comprehensive training at the start, very tight and formalized supervision.</td>
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<td>45</td>
<td>Trainings!!</td>
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<td>46</td>
<td>There needs to be a broad program integrating theory and practice and studying poverty law as it is manifested in NYC. Students need to understand the theoretical structure of poverty law and housing and then move to understand the nuanced and very technical field of housing law. It is all about the way it is taught. Housing law can be very dull or incredibly enriching.</td>
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<td>47</td>
<td>Law students and new attorneys should be trained in anti-racism/anti-oppression principles and be encouraged to view the housing crises holistically to address its root causes.</td>
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<td>48</td>
<td>Be more educated about how benefits policies and practices affect peoples housing situations.</td>
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<td>49</td>
<td>Trial training through simulations is very important, because a lack of fear of going to trial makes your negotiating position stronger in every single case.</td>
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<td>See earlier answers.</td>
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Comprehensive training at the beginning and more regular training throughout. In addition, the process of meeting clients at intake is not effective. Things are too chaotic and tenants do not bring all their documents, many show up empty handed. It is hard to responsibly retain individuals without knowing all the underlying facts. In addition, with non-payment cases it is a challenge that answers are always submitted pro se. It would be better to meet with tenants beforehand.
EXHIBIT 5:
CALL FOR CHALLENGES
CALL FOR CHALLENGES

The Concept: The theme of this year’s Access to Justice and Law Schools Conference, hosted by the NYS Permanent Commission on Access to Justice, which is being held at Brooklyn Law School on May 14th, is how advances in technology can help address the justice gap, through improving service delivery, managing data, conducting research, establishing metrics and reporting outcomes as they relate to identifying client needs and understanding the justice gap. Because this is the focus, we expect that the conference will attract an interdisciplinary audience of academics, legal services providers, researchers, law students, and technologists, among others. In an afternoon session at the conference, we hope to harness the diverse knowledge and experience in the room by hosting a brainstorming conversation to address a small number of real-life challenges that legal services providers are facing when it comes to using technology to address issues of critical importance, like service delivery, outcome measurement, data management, and/or needs assessment. In order to bring the expertise and creativity possessed by those in attendance to bear on these challenges, we are reaching out to you in the hope that you might consider submitting a challenge your program may be interested in discussing with those in attendance that might lend itself to a technology-based solution. The goal is to identify perhaps two challenges that will serve as the objects of our efforts not just to brainstorm solutions that could help address them, but also, hopefully, to leave the session with interdisciplinary teams from among the participants who would be willing to work with these programs to bring the solutions that emerge in the brainstorming session to life.

What You Can Do to Take Advantage of this Opportunity: If this opportunity is of interest to you, please send us a one-paragraph description of a challenge you would like to tackle that you might be willing to have us make the focus of this expert discussion in an effort to develop a technology-based solution to address it. It does not have to be lengthy for now, but we will likely reach out to you to discuss the challenge before we determine which of the challenges we receive that we will select for this brainstorming session. In any event, regardless of whether your challenge is selected, we will do our best to link you up with someone who might be willing to explore potential solutions with you, whether at the conference or after.

Who Do I Contact? For more information, or to submit your one-paragraph challenge, please email Ray Brescia at rbres@albanylaw.edu.
APPENDIX 15:

Report of the Permanent Commission’s Working Group on Technology
MEMBERS OF THE WORKING GROUP ON TECHNOLOGY

PERMANENT COMMISSION MEMBER

Deborah L. Wright
Chair of the Working Group on Technology
United Auto Workers, Region 9a

PERMANENT COMMISSION STAFF COUNSEL

Barbara Mulé

VOLUNTEER ASSISTANCE

Christine M. Fecko
IOLA Fund of the State of New York

John Greiner
Anna Steele
Just Tech, LLC

Jeff Hogue
LegalServer

Christopher Schwartz
City Bar Justice Center

Matt D’Amore
Cornell Tech

Quisquella Addison
Tim Baran
LawHelpNY

Lillian Moy
Legal Aid Society of Northeastern New York

Rebecca Widom
Bronx Defenders

Tina Foster
Bryan Babcock
VLSP of Monroe County

Glenn Baum
Legal Aid Bureau of Buffalo
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Executive Summary

During the year, the Working Group on Technology (“Working Group”) continued to advance programs and initiatives that leverage technology to improve the quality and efficiency of legal services and help close the justice gap. The New York State Permanent Commission on Access to Justice (“Permanent Commission”), with support from NYSTech\(^1\) and Cornell Tech Campus, sponsored its fifth annual Statewide Technology Conference. The event brought together directors and technology staff from civil legal aid providers, law firms, law schools, legal funders and technology service providers to share innovative ideas that can improve the delivery of civil legal services and the efficiency of provider operations.

In 2018, the Working Group conducted a technology survey of all civil legal aid providers funded by Judiciary Civil Legal Services (“JCLS”) and IOLA, similar to the survey it conducted in 2013.\(^2\) The survey asked questions related to spending and staffing, policies, training, infrastructure, and public facing tools. It also asked about current technology projects, challenges and aspirations. The emerging themes related to improving case management systems and training, increasing collaboration and integration, and building online referral and intake systems. The greatest challenges related to change management and funding. In October 2018, the survey findings were presented at NYSBA sponsored Legal Assistance Partnership Conference in Albany, New York.

The Working Group continues to recognize that effective technology initiatives require dedicated funding to enable civil legal aid providers to integrate those systems into their operations and client service delivery.

**The Working Group offers the following recommendations to the Permanent Commission:**

1. **Technology Conference**
   The Permanent Commission should continue to convene an annual statewide technology conference, with the goal of encouraging the civil legal aid community to engage in sustained collaboration, best practices development, improved security measures, training, critical analysis and revolutionary thinking around the improved use of technology to increase access to effective legal assistance by low-income New Yorkers. Stakeholder participation in the conference should be expanded to include additional representatives from technology companies.

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\(^1\) NYSTech is a voluntary collaboration of legal services providers from across New York that convenes technology leaders regularly for information sharing and training.

2. Funding:
The Permanent Commission should continue to support civil legal services providers in their efforts to identify dedicated funding streams that will support technology expansion and innovation to improve delivery of civil legal services.

In addition, the Working Group commits itself to the following projects:

1. **Advance the Technology Aspects of the Strategic Action Plan**
The Working Group will continue to advance the technology aspects of the Strategic Action Plan. For example, the Working Group will endeavor to convene webinars of stakeholders to discuss initiatives they have worked on or adopted in connection with the goals and challenges articulated at the annual technology conference. Additionally, the Working Group will support the continued collaboration among current online triage and intake projects. Such collaboration may lead to an eventual statewide screening, referral, and intake system that includes a shared governance model able to address funding, decision-making, data ownership, and system maintenance, etc.

2. **Technology Survey**
The Working Group will endeavor to publicize the findings and recommendations from the 2018 Technology Survey. As more fully described in the Working Group’s 2018 Report, the themes that emerged from the survey related to improving case management systems and training; increasing collaboration and integration; and building online referral and intake systems.

**Technology Conference**

**Overview**
The Permanent Commission convened the Fifth Statewide Civil Legal Aid Technology Conference on June 10, 2019 to educate stakeholders and promote collaborative and sustainable use and support of technology among civil legal services providers. The Conference, which took place at the Cornell Tech Campus, was planned by the Permanent Commission’s Working Group on Technology, with assistance from NYSTech and other justice community partners. Our goal was to bring together stakeholders to learn about the latest technological initiatives, share opportunities to collaborate on technology projects currently underway, and foster planning for coordinated service delivery methods that leverage technology.

The Conference was attended by over 150 people, including executive directors, technology managers and other leaders representing dozens of civil legal aid providers from around the State, technology directors and staff from law firms, technology leaders from law schools,
administrators from the NYS Unified Court System, major funders and technology service providers. Chief Judge Janet DiFiore opened the conference by recognizing the challenges that legal aid clients face and praising the conference’s focus on working together, as providers, to leverage technology in our efforts to increase access to justice. The agenda boasted two plenary panels, facilitated small group discussions on twelve topics, six rapid-fire technology presentations, and eight topical panels divided among morning and afternoon break-out sessions.¹

**Opening Plenary**
The morning began with an update from Helaine M. Barnett, Chair of the Permanent Commission, on the Strategic Action Plan as it relates to technology strategies and initiatives. Ms. Barnett reported that New York is working toward its goal of providing effective assistance to 100% of low-income residents facing essentials of life challenges. Statewide efforts to increase the use of plain language in court forms and materials are underway; a pilot remote help center will be established in the 4th Judicial District; training and educational programming on access to justice issues for court staff has increased; and, informational videos on court processes are being produced for public viewing in courthouses. Ms. Barnett also described some of the efforts undertaken by the local access to justice committees in every judicial district. She then projected that the October 28, 2019 Statewide Stakeholder Meeting will be an important convening of all the Administrative Judges from every judicial district that will inspire innovative and creative projects, many incorporating the use of technology.

Next, the plenary turned to this year’s theme: **The Information Society**. Beyond our legal expertise, empathy and passion for advocacy, we primarily engage in the creation, analysis, manipulation and distribution of data. Christopher Schwartz, Deputy Director, City Bar Justice Center, oriented the conference attendees’ focus on data and provided an overview of the projects to be highlighted during the conference. This session included presentations by Angela Lloyd and Susan Choe from the Ohio Legal Assistance Foundation about their statewide technology landscape review and their next steps. Rebecca Widom, Chief Data Scientist, The Bronx Defenders, talked about best practices in data collection.

**Morning Breakout Sessions**

**Session Title: Online Systems -- Client Intake & Pro Bono Management**
**Presented by:** Anna Steele, Director of Consulting, Just-Tech, Christopher Schwartz, Deputy Director, City Bar Justice, Bryan Babcock, IT Director, Volunteer Legal Services Project of Monroe County, Sally Curran, Executive Director, Volunteer Lawyers Project of Onondaga County, Mirjam Grunenfelder-Reig, Special Projects Manager, Catholic Charities

³ The Conference program, including a list of participants, is attached as Exhibit A to this Report.
The panel covered both client intake, where applicants for service could be directed appropriately through an online interface, and pro bono management, where volunteer attorneys could view, select and be assigned to available cases through a secure system. One key takeaway from this session is that while many projects are exploring the addition of online intake and management to their practices, many find the scope of implementation to be daunting, and the prospect of “always on” intake to have great disruptive potential for their already overtaxed resources. The panelists emphasized some creative ways to carve out pilot projects of smaller scope, and that implementing online systems need not be an enormous, expensive undertaking requiring additional staff.

**Session Title: Accessing Data Through APIs**

**Presented by:** Jeff Hogue, Operations and Community Relations, LegalServer, Mallory Curran, Mallory Curran Consulting, LegalServer & MLP Consultant, Simon Rah, Senior Technical Project Manager, Pro Bono Net, Nate Vogel, Director Law & Technology, Community Legal Services of Philadelphia. This panel explored how organizations are using APIs (Application Programming Interfaces) to get different software platforms to work together and to surface data that informs the work they do. The key takeaway from this session is that we need to standardize the data that we are collecting so that it can be universally integrated. When building systems, consider the other systems used in your community and those that will be developed in the future. Develop standards for technological systems and data collection that everyone can follow.

**Session Title: Data Science, Systems Analysis, and Program Improvement**

**Presented by:** Hamra Ahmad, Legal Director, Her Justice; Mary O’Shaughnessy, Information Services, Her Justice; Glenn Baum, Data & Technology Manager, Legal Aid Bureau of Buffalo; Kevin Stadelmaier, Chief Attorney, Legal Aid Bureau of Buffalo; Caitlin McTiernan, Data Analyst, New York Legal Assistance Group; Lisa Rivera, Managing Attorney, New York Legal Assistance Group; Rebecca Widom, Chief Data Scientist, The Bronx Defenders; Sarah Deri Oshiro, Immigration Practice, The Bronx Defenders

Organizations are integrating data scientists and system analysts into their internal program improvement. Pairs of executives and analysts from four organizations shared their experiences with projects ranging from impact litigation to case management system migration, as well as approaches from Six Sigma to data empowerment. The overall takeaway from this session is that data integration and data collection practices across diverse practices is time consuming but invaluable. Systematically collected data, processed into meaningful information, can help us assess progress towards our goals and choose our next steps strategically.
Session Title: Tech for Enhanced Client Communication & Collaboration  
Presented by: Susan Choe, Deputy Director and General Counsel, Ohio Legal Assistance Foundation; John Greiner, President, Just-Tech, LLC; Maire O’Malley, Chief Operating Officer, Youth Represent; Sienna Fontaine, Co-Legal Director, Make the Road New York

This session started with the idea that meeting clients where they are (on their smartphones) and being able to collect and store necessary data, is the way to serve clients well. The panelists shared the tools they use, explanations as to why the tools were chosen, and lessons learned, including how to manage photos and other media files that clients want to send via text. The key takeaway from this session is that people are using a variety of applications to respond to client needs. These applications can cause issues that we need to be thinking about, including how we are storing data on our devices and the ethical concerns that come with this. We need to think more about integration by looking at how people in different offices are using tools, how they are integrated with case management systems and how they can work together.

The final morning presentation, Understanding the Impact of Technology on Intimate Partner Violence, was given by Nicola Dell, Assistant Professor at Cornell Tech. Increasingly, intimate partner violence (IPV) exploits the technology that our lives depend on. Professor Dell presented her research on understanding technology’s role in IPV and her development of tools that better equip victims of IPV, and advocates working on their behalf, to navigate the complex socio-technical challenges encountered in IPV contexts.

Rapid Fire Presentations
Six very short presentations helped provide introductory glimpses of additional topics, namely:

- Welcome to RIO, presented by Craig Newton, Associate Director for Content Development, Legal Information Institute at Cornell Law School. The presentation showed Cornell’s RIO, “Read It Online,” tool that creates a link for any U.S. legal citation.
- IOLA’s Data Journey, presented by Colleen Fehringer, Grant Manager, IOLA Fund of the State of New York. The presentation walked you through the steps IOLA took to improve its data infrastructure.
- Game theory: Improving Access to Justice Through Mobile Based Gaming, presented by Marisha Thakker, Student, Cornell Tech. The presentation gave an overview of how gamifying legal information can improve client understanding.
- Auditing & Security: Back to Basics, presented by Joseph Melo, Director of Engineering, Just-Tech LLC. The presenter discussed basic and critical security measures, e.g., firewalls, antivirus software and preventative measures.
- The Computer Did It: Implications of the Artificial Intelligence Revolution for Civil Justice, presented by David Udell, Founder and Executive Director, National Center for
Access to Justice at Fordham Law School. This presentation discussed algorithms and legal research and the arguments for and against their use.

- **Access to Justice and Real-Time Information Processing**, presented by Jeff Hogue, Operations and Community Relations, LegalServer. The presentation gave an overview of the ways that existing technology systems can be woven together for cooperative leverage, if we insist they be designed for interoperability.

**Peer-to-Peer Discussions**
Small-group conversations were facilitated by experts on twelve topics. Participants inspired by the rapid-fire talks asked follow-up questions of those presenters, who each led a small group. Participants were able to attend two conversations of their choice in this session, which included:

- Change Management
- Project Management: Who’s the Boss?
- Online Intake using LegalServer Module
- How to Approach Technology Training
- Client Communication Tools - Apps and SMS
- Considering a Change in Your IT? In-House vs. Outside Vendors
- How to Create a Strategic Technology Plan
- The Computer Did It: Implications of the AI revolution for civil justice
- Cornell Projects: Student Developed Apps and RIO
- IOLA’s Data Journey
- Access to Justice and Real-Time Information Processing

**Afternoon Breakout Sessions**

**Session Title: Launching a Successful Technology Improvement Plan**
**Presented by:** Glenn Baum, Data & Technology Manager, Legal Aid Bureau of Buffalo; Lauren Breen, Executive Director, Neighborhood Legal Services; Elizabeth Grossman, Legal Advocacy Director, Lenox Hill Neighborhood House; Tina Foster, Executive Director, Volunteer Legal Services Project of Monroe County

In this session, Executive Director & IT staff from different sized programs described how they created technology improvement plans. The panelists shared what motivated them to make improvements, described the process that they went through, if/how they funded it, and offered some lessons learned. Detailed elements of a tech plan were described and an electronic copy of one provider’s template was shared. Audience engagement included discussions around sizing of projects, funding opportunities, experiences with consultants and plan templates. The session takeaways included the understanding that one approach will not fit all situations, that funding is available for assessments, and increasing all employees’ knowledge of technology supports effective change management.
Panelists in this session shared how their programs have expanded their technology capacity, developed technical awareness among program staff and program awareness among technology staff and consultants. The panelists also discussed concrete ways that technology and program leaders can work together effectively. Key takeaway is that organizations can improve when all the departments understand one another’s contributions to the larger mission.

Session Title: Tech for Enhanced Staff Communication

Presented by: Quisquella Addison, LawHelpNY Program Director, Pro Bono Net; Andrew Sta. Ana, Director of Legal Services, Day One; Tim Baran, LawHelpNY Program Manager, Pro Bono New; Sateesh Nori, Attorney-in-Charge, Queens Neighborhood Office, The Legal Aid Society; Rodrigo Camarena, Director, Immigration Advocates Network, Pro Bono Net; Christopher Schwartz, Director, Legal Hotline, City Bar Justice Center; Susan Choe, Deputy Director and General Counsel, Ohio Legal Assistance Foundation

Panelists discussed the challenges in meeting clients where they are (on their smartphones) while collecting and storing the data you need to serve them well. The panelists shared the tools they use, why the tools were chosen, and lessons learned, including how to manage photos and other media files that clients want to send via text. The key takeaway is that there are a variety of voices to hear from on technology in civil legal services. Productivity and efficiency allow us to better serve the community and better collect data on outcomes. You should be the advocate for new technology in your organization.

Session Title: Leveraging Academic and Volunteer Resources: Creating a Sustainable Tech Development Ecosystem

Presented by: Mark O’Brien, Executive Director, Pro Bono Net; Matthew D’Amore, Associate Dean and Professor of Practice, Cornell Tech; Conrad Johnson, Clinical Professor of Law, Columbia Law School
Panelists discussed law school tech development efforts and other volunteer resources that support the civil legal aid delivery system, including the challenges in translating student work into production and use by organizations and clients. Key takeaway is that organizations face diverse technology challenges. Academic programs can be a valuable resource to the legal community. Academic institutions should refine guidelines to make clearer what they can help with and should work to address the sustainability of projects after the semester is over.

Closing Plenary
Reflections on Data: Next Steps and A Vision for the Future
Presented by: Christine Fecko, General Counsel, IOLA Fund of the State of New York and John Greiner, President, Just-Tech, LLC

The Closing Plenary invited the moderators from each breakout session to report out (a) one key takeaway from the panel discussions, (b) how the conversation related to the larger community and (c) a recommendation for the next step. This Plenary also reiterated the conference themes, by highlighting projects that had been featured, including those aimed at improving internal efficiency, making use of public data, speeding client services, integrating client voices, and empowering clients. Finally, the Plenary offered a “Top 10 List” for data project success.

10. Plan: Planning is key in all projects. A good plan includes securing buy-in from leadership and maintaining their involvement.

9. Budget: Budget time, staffing, necessary tools, and sustainability of data projects.

8. Collaborate: To avoid building silos, identify others with similar projects and find ways to learn from each other.

7. Incorporate Client & User Voices: Collect and incorporate client and user voices so that the resulting tools and data are more valuable.

6. Security: Starting a data project is a time to consider data security, including specific security needs around safeguarding client data and obtaining consents.

5. Training: Include staff training as part of a data project.

4. Public Data: Explore using available public data that can improve legal services.

3. Growth: As data systems grow, the data should be used to learn more about the client population, demographics, and unmet needs.

2. Iteration: Improve your processes and then reevaluate processes constantly.

1. Share: Share successes and failures that help the whole community to improve.
Ms. Barnett closed the Conference by thanking all the presenters and Working Group members for their important work making the Conference a success. She thanked the participants for their enthusiastic participation and encouraged everyone to continue their conversation throughout the year.

**Recommendations**

The Permanent Commission should continue to convene an annual statewide technology conference, with the goal of encouraging the civil legal aid community to engage in sustained collaboration, best practices development, improved security measures, training, critical analysis and revolutionary thinking around the improved use of technology to increase access to effective legal assistance by low-income New Yorkers. Stakeholder participation in the conference should be expanded to include additional representatives from technology companies.

The Working Group further recommends convening a webinar of stakeholders to discuss initiatives they have worked on or adopted in connection with the goals and challenges articulated at the annual technology conference.

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2018 Technology Survey

**Overview**

In 2018, the Working Group conducted a technology survey of all civil legal aid providers that receive grants from JCLS or IOLA. The survey asked about 35 questions, roughly broken down into six categories: spending and staffing, policies, training, infrastructure, and public facing tools. The survey also asked about current tech projects, challenges and aspirations. Seventy-eight providers responded and their responses were analyzed by the Working Group. As more fully described in the Working Group’s 2018 Report,\(^4\) the themes that emerged from the survey related to improving case management systems and training; increasing collaboration and integration; and building online referral and intake systems. Aside from needing more technology staff, the biggest challenge seems to be change management and, of course, funding. The Working Group issued the following specific recommendations for providers:

**Recommendation #1: Spending & Staffing**

Providers should integrate technology planning as an integral part of all program planning and operations. Providers should also cultivate support for technology with their staffs, boards, funders and partners.

**Recommendation #2: Technology Policies**

It is essential for all providers to have appropriate written technology policies to ensure that their own systems, which contain sensitive client information, are as secure as possible.

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The slides, including speaker notes, are attached as Exhibit B to this Report.

**Recommendation #3: Training**
Providers should assess the skill requirements and the skill gaps among their staff, specifically in the areas of security and core competencies. Providers should increase the regular technology training for their staffs to ensure that best practices are being followed and to ease the implementation of technology changes.

**Recommendation #4: Infrastructure**
Providers should continue to explore cloud-based technologies, with appropriate oversight and security, to improve their operating efficiency. All providers should consider utilizing true case management systems with the capability of transferring data within the emerging online triage, referral and intake systems.

**Recommendation #5: Online Interfaces**
Providers should recognize the need to make resources available to clients online. Providers should improve the language accessibility of their websites with human translation as much as possible. Providers should consider developing online triage and intake projects as well as pro bono case availability and assignment systems that are compatible with emerging systems.

In October 2018, Christine Fecko provided an overview of the survey findings at a “Rapid Fire” presentation during the NYSBA sponsored Legal Assistance Partnership Conference in Albany, New York.\(^5\)

**Recommendation**
The Working Group should continue to publicize the survey findings and recommendations throughout the New York State civil legal aid community and consider appropriate initiatives to support the implementation of the recommendations.

**Expanding Technology Funding**

The Commission’s research, as well as its experience in seeking to implement its technology recommendations, has demonstrated the need for dedicated, stable funding for technology expansion and innovation.

In its 2015 Report, the Permanent Commission recommended that the Oversight Board to Distribute Judiciary Civil Legal Services Funds in New York consider innovative technology projects in its funding decisions for Judiciary Civil Legal Services Awards (“JCLSA”). This recommendation was implemented in the 2016 Judiciary Civil Legal Services Request for Funding.

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\(^5\) The slides, including speaker notes, are attached as Exhibit B to this Report.
Proposals through expansion of the selection criteria for services that enhance access to justice beyond the provision of direct services and the awarding of higher points for demonstration of effective and innovative use of technology.

**Recommendation**

The Permanent Commission should continue to support civil legal services providers in their efforts to identify dedicated funding streams that will support technology expansion and innovation to improve the delivery of civil legal services.
Exhibit A
THE ROLE OF TECHNOLOGY IN PROMOTING ACCESS TO JUSTICE

Cornell Tech Campus, New York City
June 10, 2019

Convened by the New York State Permanent Commission on Access to Justice and co-sponsored by Cornell Tech, Cornell Law School and the Legal Information Institute
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<th>Time</th>
<th>Session</th>
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<tr>
<td>8:00 – 8:45 am</td>
<td>Registration and Light Refreshments</td>
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<td>8:45 – 9:20 am</td>
<td>Welcome and Introductions</td>
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<td>Helaine M. Barnett, Chair, New York State Permanent Commission on Access to Justice</td>
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<td>Daniel P. Huttenlocher, Jack and Rilla Neafsey Dean and Vice Provost, Cornell Tech</td>
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<td>Opening Remarks</td>
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<td>Hon. Janet DiFiore, Chief Judge of the State of New York</td>
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<td>9:20 – 9:30 am</td>
<td>Update on Strategic Action Plan</td>
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<td>Helaine M. Barnett</td>
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<td>The Permanent Commission on Access to Justice has developed a statewide Strategic Action Plan with the goal of providing effective assistance to 100% of low-income New Yorkers confronting civil legal problems impacting the essentials of life. This brief presentation will provide an update on the implementation of the plan, including the important role of data in assessing need and evaluating impact.</td>
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<td>9:30 – 10:15 am</td>
<td>Opening Plenary: The Information Society</td>
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<td>Susan Choe, Ohio Legal Assistance Foundation</td>
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<td>Angela Lloyd, Ohio Legal Assistance Foundation</td>
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<td>Christopher Schwartz, City Bar Justice Center</td>
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<td>Rebecca Widom, The Bronx Defenders</td>
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<td>The legal aid community derives tremendous benefits through the effective use of integrated data from numerous sources. This opening plenary will provide an overview of the various types of data created, analyzed and distributed by legal services providers and how this data is being used to further expand access to justice in New York. It also will include a presentation by the Ohio Legal Assistance Foundation on its Statewide Technology Landscape Report.</td>
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<td>10:15 – 10:25 am</td>
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Morning Breakout Sessions

These breakout sessions will examine how data is being used to identify needs to better serve diverse communities, advance legislative and litigation advocacy, increase public support and funding, and train and supervise advocates.

1A: Online Systems – Client Intake and Pro Bono Management

Moderator: Christopher Schwartz, City Bar Justice Center
Panelists: Bryan Babcock, Volunteer Legal Services Project of Monroe County
Sally Curran, Volunteer Lawyers Project of Onondaga County
Mirjam Grunenfelder-Reig, Catholic Charities
Anna Steele, Just-Tech, LLC

This panel will explore online systems currently in development or in use, and discuss the aspects of project planning, design and implementation.

1B: Accessing Data Through APIs

Moderator: Jeff Hogue, LegalServer
Panelists: Mallory Curran, Mallory Curran Consulting
Simon Rah, Pro Bono Net
Nate Vogel, Community Legal Services of Philadelphia

This session will focus on how organizations are using APIs to enable different software platforms to work together and to leverage data to inform their work.

1C: Data Science, Systems Analysis and Program Improvement

Moderator: Rebecca Widom, The Bronx Defenders
Panelists: Hamra Ahmad and Mary O’Shaughnessy, Her Justice
Glenn Baum and Kevin Stadelmaier, Legal Aid Bureau of Buffalo
Caitlin McTiernan and Lisa Rivera, New York Legal Assistance Group
Sarah Deri-Oshiro and Rebecca Widom, The Bronx Defenders

How are organizations integrating data scientists and system analysts for internal program improvement? Pairs of executives and analysts from four organizations will share their experiences with projects ranging from impact litigation to case management system migration, as well as approaches from Six Sigma to data empowerment.

1D: Tech for Enhanced Client Communication and Collaboration

Moderator: John Greiner, Just-Tech, LLC
Panelists: Susan Choe, Ohio Legal Assistance Foundation
Sienna Fontaine, Make the Road New York
Maire O’Malley, Youth Represent

Legal service providers must communicate and meet with their clients, often on their smartphones, while collecting and storing the data needed to best serve their needs. The panelists will share their tools, including why these tools were selected and how to manage photos and other media files that clients send via text. The panel also will discuss best practices and lessons learned.
### 11:25 - 11:35 pm  
**Break**

### 11:35 am - 12:05 pm  
**Understanding the Impact of Technology on Intimate Partner Violence**  
*Auditorium*  
Nicola Dell, Assistant Professor, Cornell Tech  

Intimate Partner Violence (IPV) is widespread, affecting nearly one out of four women and one out of six men at some time in their lives. Increasingly, this violence exploits technology. Research is underway to develop an in-depth understanding of technology’s role in IPV and develop tools that better equip victims of IPV, and advocates working on their behalf, to navigate the complex socio-technical challenges encountered in IPV contexts.

### 12:05 - 12:55 pm  
**Lunch**  
*Lobby*

### 1:00 - 1:40 pm  
**Rapid Fire**  
*Auditorium*  
Facilitator: Anna Steele, Just-Tech, LLC  

A series of brief presentations will highlight technologies currently in use or available for integration by the New York civil legal aid community.  

**Welcome to RIO**  
Craig Newton, Legal Information Institute  

**IOLA’s Data Journey**  
Colleen Fehringer, IOLA Fund of the State of New York  

**Game Theory: Improving Access to Justice Through Mobile-Based Gaming**  
Marisha Thakker, Cornell Tech  

**Auditing & Security: Back to Basics**  
Joseph Melo, Just-Tech, LLC  

**The Computer Did It: Implications of the Artificial Intelligence Revolution for Civil Justice**  
David Udell, National Center for Access to Justice  

**Access to Justice and Real-Time Information Processing**  
Jeff Hogue, LegalServer

### 1:45 - 2:45 pm  
**Peer-to-Peer Discussions**

Attendees will have the opportunity to attend two of the thirty-minute targeted conversations identified below. Each facilitated conversation will max out at about ten people to allow for a one-on-one exchange of information and experience. See handout for descriptions of the discussions and room numbers.

- Change Management  
- Project Management: Who’s the Boss?  
- Online Intake Using LegalServer Module  
- How to Approach Technology Training  
- Client Communication Tools - Apps and SMS  
- Considering a Change in Your IT: In-House vs. Outside Vendors  
- How to Create a Strategic Technology Plan  
- Implications of the AI Revolution  
- Cornell Projects: RIO and Mobile-Based Gaming  
- IOLA’s Data Journey  
- Access to Justice and Real-Time Information Processing
2:45 - 2:55 pm | Break

2:55 - 3:55 pm | Afternoon Breakout Sessions

These sessions will explore opportunities to develop partnerships and collective approaches to client services and data systems to reduce service gaps, anticipate clients’ needs, including how to overcome barriers to accessing services, and improve efficiencies of legal services programs.

2A. Launching a Successful Technology Improvement Plan

- **Moderator:** Brian Babcock, Volunteer Legal Services Project of Monroe County
- **Panelists:**
  - Glenn Baum, Legal Aid Bureau of Buffalo
  - Lauren Breen, Neighborhood Legal Services
  - Tina Foster, Volunteer Legal Services Project of Monroe County
  - Elizabeth Grossman, Lenox Hill Neighborhood House

Executive Directors and IT staff from different-sized programs will describe how they created technology improvement plans and expanded their staff’s tech IQ. Panelists will share their motivations for making improvements, describe the process that they went through, including funding considerations, and offer lessons learned.

2B. Building and Integrating Technology Leadership into Your Program

- **Moderator:** Mary O’Shaughnessy, Her Justice
- **Panelists:**
  - Hamra Ahmad, Her Justice
  - John Greiner, Just-Tech, LLC
  - Mirjam Grunenfelder-Reig, Catholic Charities
  - David Schopp, Legal Aid Bureau of Buffalo
  - Carolyn Silver, Lenox Hill Neighborhood House

Panelists will share their experiences in expanding their organization’s technology capacity by developing technical awareness among program staff and program awareness among technology staff and consultants. They will also discuss ways that technology and program leaders can work together effectively.

2C. Tech for Enhanced Staff Communication

- **Moderator:** Tim Baran, LawHelpNY, Pro Bono Net
- **Panelists:**
  - Quisquella Addison, LawHelpNY, Pro Bono Net
  - Rodrigo Camarena, Immigration Advocates Network
  - Susan Choe, Ohio Legal Assistance Foundation
  - Sateesh Nori, The Legal Aid Society, Queens Neighborhood Office
  - Andrew Sta. Ana, Day One
  - Christopher Schwartz, City Bar Justice Center

The panel will discuss and demonstrate tools such as Slack, MS Teams, Trello and Google Hangouts which providers are using to move beyond email and provide more nimble communications for their staff.
### 2D. Leveraging Academic and Volunteer Resources: Creating a Sustainable Tech Development Ecosystem

**Room 081**

**Moderator:** Matthew D’Amore, Cornell Tech

**Panelists:**
- Conrad Johnson, Columbia Law School
- Mark O’Brien, Pro Bono Net

Panelists will discuss law school tech development efforts and other volunteer resources that support the civil legal aid delivery system, including the challenges in translating student work into production and use by organizations and clients.

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<th>Time</th>
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<td>3:55 - 4:05 pm</td>
<td>Break</td>
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<td>4:05 – 4:55 pm</td>
<td>Closing Plenary: Reflections on Data: Next Steps and a Vision for the Future</td>
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<td>Facilitators will report out the key points from their breakout sessions, including most promising action items. This will be followed by a wrap-up discussion, including next steps to focus on in the coming year.</td>
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<td>Jonathan Askin</td>
<td>Professor, Incubator &amp; Policy Clinic, Brooklyn Law School</td>
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<td>Bryan Babcock</td>
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<td>Glenn Baum</td>
<td>Data &amp; Technology Manager, Legal Aid Bureau of Buffalo</td>
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<td>Nancy Larcher</td>
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Exhibit B
My name is Christine Fecko and I’m the General Counsel of the NYS IOLA Fund.

Today, I’m going to speak on behalf of the Technology Working Group of the Permanent Commission on Access to Justice and I’m going to tell you about the results of a technology survey that was taken of NYS civil legal aid providers.

Before we get into details about the survey, I want to give you some background.
In 2010, Chief Judge Jonathan Lippman formed the Task Force to Expand Access to Civil Legal Services. Later, it became the Permanent Commission on Access to Justice and has been continued by the new Chief Judge Janet DiFiore.

Every year, the Commission conducts hearings, issues reports, sponsors conferences, and brings $100 million in funding to Civil Legal Aid.
In 2013, the Commission formed a Technology Working Group.

This Group conducted an initial survey of providers, developed technology baselines, encouraged online intake projects, developed a partnership with law firm IT leaders, organized the tech conferences and recently conducted another provider survey.

Now, let’s see the highlights of the 2018 survey.
The survey went to OCA and IOLA grantees. 78 replied out of about 90.

This pie chart shows who responded, broken down by size.
- small groups have budgets under $500,000
- medium are $500,000 to $2 million
- large are $2 to $10 million
- And very large are over $10 million

-- the same definitions and about the same distribution as in 2013.
The 2018 survey asked about 35 questions, roughly broken down into these 6 categories.

It was a lot smaller than the 2013 survey, which asked nearly 100 questions, but I still can’t cover it all today.

A more complete analysis will be in the Permanent Commission’s 2018 report due out in late fall.
Median spending on technology is about $67,000 per year and accounts for 3% of operating budgets.

The numbers have held roughly steady since 2013.

What does this mean? It means that most organizations are not spending a lot of money on technology, a fact that hasn’t changed much in 5 years.
Good news: spending on IT staffing is up.

This graph shows those groups with less than 1 full time IT employee, spending on all IT staffing, and total operating budgets.

The median for IT staffing is nearly $25,000, an increase of $10,000 increase over 2013.

That's still probably not enough, but it's moving in a good direction.
Who has a plan? After 5 years, almost 1/2 of all providers have a strategic technology plan.

Having appropriate written policies tells you something about how technology change is being managed.

Having a strategic plan suggests that there’s management buy-in.

We also asked about 8 other technology policies and many groups have adopted or revised their policies since 2013.
Having appropriate technology policies is about security.
It’s about protecting electronic data.
It’s about guiding your staff to mitigate risky behavior.

These graphs show improvement since 2013.

But when groups have been hit by natural disasters and ransomware attacks, why do 14 still not have back up policies and 18 still not have policies to protect their client records?
Policies are not enough. You need regular training to teach staff the protocols.

Yet, training seems to be a low priority. Most groups provide few hours of training and many others provide no tech training or don’t track it.

We asked about training methods and only a handful reported using the cost-effective web-based tools recommended by our law firm partners.
One piece of technology infrastructure is video conferencing and a huge proportion of organizations -- 80% -- have it.

This can be expected to facilitate efficient communications and reduce costly travel.

This will be especially true for the 30 organizations that are using video conferencing for their internal staff and connecting externally, such as with clients.
A bigger piece of technology infrastructure is the case management system.

This is a list of the most common case management systems or databases in use and the number of IOLA grantees surveyed that use each one.

One note -- 3 to 4 TIME users reported plans to shift to Legal Server over the next year.
This chart shows how many cases were closed by IOLA grantees and in which case management system.

Legal Server now accounts for about 40% and will reach 50% next year.

Groups with Legal Server can electronically send and receive case referral data, and a few are now using these functions.

That functionality will be critical to growing an online triage system.
The most common public facing technology is a website.

60% of providers reported English only websites, which presents obstacles to LEP communities.

Internal staff and professional translators do the overwhelming majority of translation work. But 21 organizations rely solely on machine translation, which is NOT a best practice.
Many providers are using their websites to start the intake process.

This is a partial screen shot of a static form that collects basic information. But the information is not tied to a case management system and will need to be retyped when a staff member calls the person back. So, it’s not the most efficient way to start an intake.

24 providers use similar static forms.
Here’s a screen shot of an online intake project where data can sync with the case management system.

This is the one run by the City Bar Justice Center in coordination with MFJ, CAMBA, UJC and the Feerick Center.

Other online intake projects are underway by LSHV, LawNY and the Volunteer Lawyer Projects of Monroe and Onondaga Counties.
In addition to the person’s name and contact information, the City Bar’s system collects

- legal problem information, coded to IOLA categories
- household information, and
- financial information

This early data collection will enable the person to be handed off directly to an appropriate provider and allow the provider to more quickly determine eligibility.
For the first time, in 2018, IOLA asked its grantees to classify how they did intake -- in person, over the telephone or via an online system.

You can see that online intake is a tiny fraction of all intakes -- only 0.5%.

This is our starting point and we will monitor this data to see how online intake develops.
Lastly, the survey also asked about current tech projects, challenges and dreams.

The emerging themes related to improving case management systems and training. Increasing collaboration and integration. Building online referral and intake systems.

Aside from needing more tech staff, the biggest challenge seems to be change management -- otherwise known as the process of wrangling colleagues who cling desperately to their dictaphones.

And, of course, everyone wants more funding.

Now that the IOLA grant applications have been submitted, I'm sure I'll be reading all about your funding needs over the next several weeks!