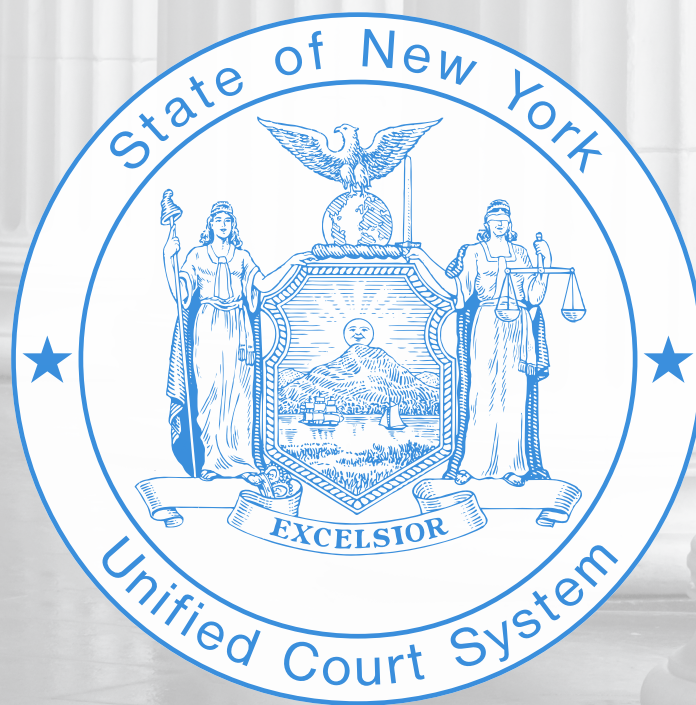


PERMANENT COMMISSION ON ACCESS TO JUSTICE

10th Anniversary

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK



NOVEMBER 2019



PERMANENT COMMISSION ON ACCESS TO JUSTICE

HELAINE M. BARNETT, CHAIR

November 29, 2019

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

Dear Chief Judge DiFiore:

I am pleased to forward to you the 10th Anniversary Report of the New York State Permanent Commission on Access to Justice.

Over the past decade, the Permanent Commission has made recommendations that have been adopted to help close the justice gap. While New York State has made great progress in closing the justice gap, more still needs to be accomplished.

This year, the Permanent Commission again arranged the annual public hearing on civil legal services, held at the Court of Appeals, at which you presided, along with the Presiding Justices of each of the Appellate Departments, the Chief Administrative Judge and the President of the New York State Bar Association. The remarks at the hearing compellingly detailed the meaningful assistance that civil legal services provide to low-income New Yorkers and the significant difference it makes in their lives. Substantial economic benefits to New York State from investing in civil legal services were also documented. At the same time, remarks demonstrated the extent and nature of the continuing unmet civil legal needs and underscored the importance of additional funding to meet those needs. Based upon these findings, the Permanent Commission, while grateful for the past years of significant funding for civil legal services in the Judiciary budget, recommends that the current level of funding for civil legal services be increased for fiscal year 2020-2021.

Our vision for expanding access to justice in our State is also focused on non-monetary measures, including strategic planning, promoting collaborations and supporting innovations in service delivery models. The Permanent Commission continues to focus on implementation of our strategic action plan, with the goal of providing effective assistance to all low-income New Yorkers facing civil legal matters involving the essentials of life. As part of our implementation efforts, the Permanent Commission has supported the continued local access-to-justice pilot programs in Suffolk County and Monroe County and the development of seven new local access to justice committees. The result is that there is now a local initiative being pursued in every judicial district outside of New York City and developments are also proceeding in New York City.

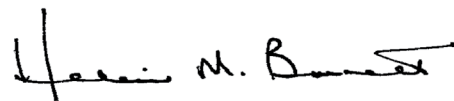
To promote collaboration, the Permanent Commission convenes three annual conferences, the Law School Conference, the Technology Conference and the Statewide Stakeholders Meeting, each bringing together a diverse group of stakeholders. This year, the Permanent Commission also proposes greater collaboration and involvement with the business community. In addition, we recommend innovations in service delivery models, focusing on the greater use of trained non-lawyers, as in the Legal Hand “prevention model” and the Court Navigator Program. Finally, the Permanent Commission fully supports your proposal for constitutional reforms to simplify the present court structure, which frequently impedes access to justice for low-income New Yorkers.

Members of the Permanent Commission represent a broad diversity of experience and backgrounds, have special insights and a commitment to increasing access to justice through creative solutions. They are unanimous in supporting the findings and recommendations in this Report. They have made significant contributions of time and energy to our work throughout the year. The Permanent Commission was ably assisted in its work by its counsel, Jessica Klein, as well as by Alana Longmoore and Chris King, all from Sullivan and Cromwell, and by Barbara Mulé, Barbara Zahler-Gringer and Rochelle Klempner from the New York State court system.

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

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

Respectfully submitted,

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

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

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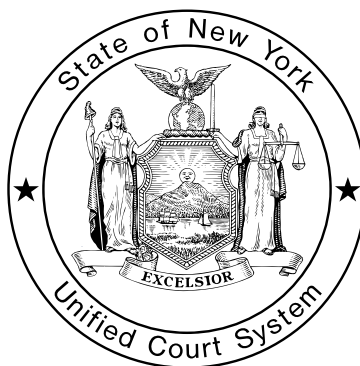
Executive Director, Legal Services NYC

Mary C. Mone

Special Counsel to the Chief Judge (Ret'd)

PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK



NOVEMBER 2019

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NOTE: Appendices can be viewed on the Permanent Commission’s website:
<http://ww2.nycourts.gov/accesstojusticecommission/annual.shtml>

EXECUTIVE SUMMARY

On this tenth anniversary of our first Report to the Chief Judge in November 2010, the Permanent Commission on Access to Justice (originally the “Task Force to Expand Access to Civil Legal Services in New York”) looks back at its accomplishments over the past decade, while looking ahead to the substantial work that remains to be accomplished.

As the Chief Judge has acknowledged, New York State is the national leader in addressing the civil legal needs of low-income New Yorkers. The Permanent Commission’s contributions to helping meet those needs have been amply documented in our prior Reports to the Chief Judge. They range from our first monetary recommendation for phased-in state funding for civil legal services of \$100 million annually (achieved in 2016); to a series of many non-monetary initiatives and collaborations that enhance the effectiveness of funding and improve access to justice; to the adoption (in 2014) of the goal of providing, to 100% of low-income New Yorkers in need, effective assistance, which encompasses the entire spectrum of help ranging from informational assistance to full representation. In 2012, we also began convening the annual Law School Conference and, in 2015, the annual Technology Conference, both of which have been a significant source of innovative ideas.

Those accomplishments became a foundation for developing a more long-term approach. We began by committing to a strategic planning process in 2016, then developed a Strategic Action Plan in 2017, and began implementing that Plan on both statewide and local levels in 2018. A key element in advancing the development of local strategic action planning has been the Annual Statewide Stakeholders Meeting, which brings together an array of stakeholders to share knowledge, strategies and best practices for the provision of effective assistance at the local level. Indeed, the 2018 Stakeholders meeting, which was attended by those at the highest levels of court leadership, focused on the pilots then underway in Suffolk and Monroe Counties and created momentum for development of local initiatives throughout the State during the past year.

As we enter our second decade, the Permanent Commission’s future work is well underway. Statewide Strategic Action Plan initiatives, detailed more fully in this Report, include continued support for full-service representation; development of plain-language court materials; expansion of court-based Help Centers and further development of remote Help Centers; design of court training programs relating to subjects such as cultural competency and implicit bias; and developing innovations in limited-scope representation and use of trained non-lawyers.

At the 2019 Stakeholders meeting, Administrative Judges gave presentations on the efforts being undertaken in their Judicial Districts. As this report will show, a wide variety of local

projects are underway or under development in every Judicial District outside of New York City, as well as within New York City. Fittingly, these projects are designed locally to meet local needs.

To date, our numerous access-to-justice initiatives have been having a significant impact. The number of New Yorkers with incomes up to 200% of the federal poverty level who received direct legal assistance through Judiciary Civil Legal Services (JCLS) grants increased by 162,418, from 384,974 cases in 2013-2014 to 547,392 cases in 2018-2019, an increase of 42%.

Presentations at the Chief Judge's annual public hearing on civil legal services on September 23, 2019, also demonstrated the positive impact of JCLS funding. Clients of JCLS grantees described their personal experiences and how the legal assistance they received had a life-changing impact. In addition, our economic consultant reported that the investment in civil legal services has a significant beneficial economic effect in New York; the State realizes a \$10 impact for every \$1 in funding invested in civil legal services.

Yet, as the Chief Judge acknowledged at the hearing, there is still a long road ahead of us, as the gap between the number of people who need legal services and the resources available to meet that need (the justice gap) remains significant.

Several presenters at this year's hearing spoke of the justice gap that remains. For example, JCLS grantees reported being able to meet less than half the needs of eligible low-income New Yorkers. A grantee serving rural areas reported that it was nearly impossible for his organization to get information to tenants about services that are available, as well as physically impossible to serve them all.

At the same time, we know that matters that reach lawyers and courts are only the tip of the iceberg of unmet needs. That is partially reflected in Legal Hand's five neighborhood storefront centers that are currently serving approximately 25,000 individuals annually by having trained community non-lawyer volunteers provide free legal information, assistance and referrals.

The need to ensure additional financial support for JCLS grantees was also highlighted at the hearing. Beyond the obvious need for continued and expanded funding of staff salaries, providers have growing, indirect, non-programming expenses that also play a critical role in delivering services, such as information technology, building maintenance, program evaluation, accounting and finance, and employee training. Additionally, hearing presenters demonstrated that additional resources are needed for them to address recent legal developments, such as changes in federal immigration law and policy, and new state housing laws granting greater protections to tenants. Similarly, fiscal stability is essential for providers to be able to respond in a timely manner to emergency or disaster situations.

For 2020, the Permanent Commission, first and foremost, recommends that State funding for civil legal services, now budgeted for the original goal set in 2010 of \$100 million annually, should continue to be allocated, but at a higher level, in order to enable providers to maintain and expand their capacity to help close the justice gap in New York State.

The Permanent Commission makes the following additional recommendations:

- Statewide and local Strategic Action Plan initiatives should continue to be implemented and expanded, with the goal to provide effective assistance to 100% of low-income New Yorkers in need;
- New York's law schools should continue to work together to leverage technology and data to expand access to justice;
- Effective technology initiatives that can increase access to justice and further leverage resources for the delivery of civil legal services to low-income New Yorkers should be supported;
- Non-lawyer initiatives that help bridge the access-to-justice gap should be expanded;
- A business council focused on expanding access to justice in New York should be established;
- Additional initiatives should be explored to address the justice gap in rural areas; and
- The Chief Judge's proposed constitutional reforms to simplify the New York courts are strongly supported by the Permanent Commission as they will facilitate access to justice for low-income New Yorkers.

We join the Chief Judge in expressing our gratitude to others in our State who have made our advances in access to justice possible, including the Governor and the New York State Legislature, as well as members of the New York bar for their strong commitment to providing pro bono. Of course, the Permanent Commission owes the utmost gratitude to the Chief Judge for her steadfast support for our work and her strong commitment to ensuring access to justice for all New Yorkers.

PART A

THE CHIEF JUDGE'S CIVIL LEGAL SERVICES INITIATIVE FOR NEW YORK STATE

The New York State Permanent Commission on Access to Justice (Permanent Commission) was established in 2010 to help address the crisis of unrepresented litigants in the New York State courts and the vast unmet civil legal needs of low-income New Yorkers. As Chief Judge DiFiore has said, “New York State has become the acknowledged national leader in meeting the civil legal needs of low-income New Yorkers.”¹ The work of the Permanent Commission has played an integral role in making that possible. Since its inception, the Permanent Commission has been led by Helaine M. Barnett, former President of the federal Legal Services Corporation, and has been composed of representatives from the Judiciary, the business and health communities, government, law firms, bar associations, civil legal services and pro bono legal assistance providers, law schools and funders.

Each year, New York’s Chief Judge, with assistance from the Permanent Commission, holds a public hearing to assess the unmet civil legal needs of low-income New Yorkers. Based on the public hearing and its ongoing work, the Permanent Commission issues an annual report to the Chief Judge of its findings and proposes recommendations for monetary and non-monetary initiatives to help close the access-to-justice gap in the State. The Chief Judge submits these annual reports to the Governor and Legislature pursuant to a 2010 Joint Legislative Resolution.² The result of this process has been the implementation of multifaceted initiatives to help bridge the justice gap.

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

I. A Decade of Accomplishments

Over the last ten years, the Permanent Commission has proposed numerous recommendations aimed at expanding access to justice for low-income New Yorkers that have been implemented as part of the Chief Judge's civil legal services initiative.

The key recommendations that have been implemented since our first report in 2010 include:

Funding for Civil Legal Services

- Attainment of the funding goal of \$100 million of dedicated annual state funding for civil legal services included in the Judiciary's budget;³

Legislative and Court Policy

- Adoption by the Legislature of our proposed concurrent resolution proclaiming it to be the State's policy that low-income New Yorkers facing legal matters concerning the essentials of life have effective legal assistance;⁴
- Amendment to the Code of Judicial Conduct clarifying that judges may make reasonable accommodations for unrepresented litigants to have their matters fairly heard;⁵
- Development of an online dispute resolution (ODR) pilot program by the court system to evaluate the efficacy of ODR to help bridge the access-to-justice gap;⁶
- Implementation of an Administrative Order by the Chief Administrative Judge declaring it to be the policy of the court system to support and encourage the practice of limited-scope representation in appropriate civil cases;⁷

Pro Bono Efforts to Increase Access to Justice

- Amendment of Section 6.1 of the New York Rules of Professional Conduct that increased the recommended annual pro bono service for New York lawyers from 20 to 50 hours;⁸
- Establishment of mandatory reporting of pro bono activities and financial support for civil legal services providers as part of biennial attorney registration;⁹
- Revision of a court rule to permit and encourage in-house counsel who are admitted out-of-state to register in New York for purposes of performing pro bono work;¹⁰
- Support for three additional, major non-monetary access-to-justice initiatives announced by then-Chief Judge Jonathan Lippman to expand pro bono legal services:
 - Adoption of the 50-hour pro bono service requirement for law graduates seeking admission to the New York bar;¹¹

- Formation of the Pro Bono Scholars Program, which enables law students to spend their final semester performing pro bono service and permits them to take the bar examination in the February prior to graduation;¹²
- Establishment of the Attorney Emeritus program, to encourage attorneys who are retired or are approaching retirement to provide pro bono legal assistance to low-income New Yorkers;¹³

Law School Involvement

- Commencement of an annual Law School Conference and establishment of the Statewide Law School Access to Justice Council, which have led to enhanced access-to-justice involvement by New York's 15 law schools and promoted collaborations with civil legal services providers, the bar, courts and community organizations;¹⁴

Technology Initiatives to Expand Access to Justice

- Commencement of an annual Statewide Technology Conference to promote and support knowledge-sharing and collaboration in order to leverage technology to improve and expand the capacity of the civil legal services delivery system;¹⁵
- Implementation and expansion of the Pro Bono Law Firm IT Initiative, which provides law firm IT staff to assess the technology needs of individual civil legal services providers and makes recommendations for enhancing and improving technology;¹⁶
- Support for the development of two pilot projects to create online intake portals in consumer matters to facilitate the dissemination of information and access to legal assistance;¹⁷

Role of Non-Lawyers

- Formation of an advisory committee to consider how non-lawyers can help bridge the justice gap, leading to the issuance of an administrative order authorizing creation of Court Navigator pilots in which community members are trained to assist unrepresented litigants in certain matters;¹⁸
- Opening of five Legal Hand neighborhood storefront centers that are staffed with trained community non-lawyer volunteers who provide free legal information, assistance and referrals to help resolve issues and try to prevent problems from turning into legal actions;¹⁹
- Development of a training program for librarians from public libraries statewide on online and community resources to enable them to assist library users seeking information about legal problems.²⁰

Strategic Action Planning and Implementation

- Development and implementation of a Strategic Action Plan that focuses on both statewide and local initiatives, with the goal to provide effective assistance to all low-income New Yorkers facing legal challenges impacting the essentials of life;²¹ and
- Convening of annual Statewide Stakeholders Meetings to bring together diverse stakeholders to share knowledge, strategies and best practices for developing local access-to-justice plans.²² Following the 2019 Meeting, local access to justice committees were formed in every judicial district outside New York City, under the leadership of the local Administrative Judge.

II. Judiciary Civil Legal Services Funding Is Having an Impact

For FY 2019–2020, Judiciary Civil Legal Services (JCLS) funding totaled \$100 million, which included a \$15 million allocation to the New York State Interest on Lawyer Account Fund (IOLA).²³ The remaining \$85 million was allocated to 78 legal services providers statewide, based upon the JCLS Oversight Board’s issuance of grant awards pursuant to the 2016 Request for Proposals that provided for five-year contracts covering the period January 1, 2017 to December 31, 2021.²⁴ Annual grants ranged from \$20,000 to \$9,786,789.²⁵

Data collected by the New York State Office of Court Administration shows that JCLS funding over time has increased the number of low-income New Yorkers benefiting from those funds.²⁶ The number of direct legal assistance cases handled by JCLS grantees has increased 42% from 2013–2014 to 2018–2019, as detailed in the following table:²⁷

JUDICIARY CIVIL LEGAL SERVICES GRANTEEES
Direct Legal Assistance - Cases Handled

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
First Department	108,350	128,095	133,743	139,576	150,624	169,373
Second Department	172,284	183,742	213,819	211,735 ²⁸	223,272	263,602
Third Department	40,482	42,907	36,660 ²⁹	43,247	35,347 ³⁰	39,461
Fourth Department	63,858	66,369	69,686	75,985	74,361 ³¹	74,956
Statewide Total	384,974	421,113	453,908	470,543	483,604	547,392

The significance of direct legal assistance also can be seen in the increased representation in specific case types, as detailed in the table below.³²

JUDICIARY CIVIL LEGAL SERVICES
Direct Legal Assistance – Cases Handled by Subject Matter

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Housing	112,318	127,573	134,903	139,265	154,796	172,711
Family	68,981	88,924	94,442	100,916	99,905	111,701
Subsistence Income	109,403	114,691	121,501	123,657	116,155	126,555
Access to Healthcare/Education	21,057	27,468	31,043	35,348	34,540	33,352
Other	73,215	62,457	72,019	71,357	78,208	103,073
Statewide Total	384,974	421,113	453,908	470,543	483,604	547,392

But the impact cannot be measured solely by the number of cases handled. In fact, the data indicates that the 547,392 direct legal assistance cases handled by JCLS grantees in 2018-2019 actually benefited an additional 3,393,801 individuals,³³ including family and household members, as well as members of class action litigation:

	Cases Handled 2018-2019	Persons Benefited 2018-2019
Housing	172,711	1,252,287
Family	111,701	196,615
Subsistence income	126,555	1,403,544
Access to Healthcare and Education	33,352	395,623
Other	103,073	145,732
Total	547,392	3,393,801

III. Judiciary Civil Legal Services Funding Resulted in Over \$1 Billion Flowing into New York State, Saved Communities Over \$700 Million in Emergency Shelter Costs Alone, Generated More Than 13,000 Jobs and Provided a Return of \$10 for Every \$1 of Funding

For the past nine years, the Permanent Commission has obtained pro bono assistance from four nationally recognized experts to analyze the cost savings and economic benefits resulting from funding civil legal services programs in New York State. This year, that assistance once again came from Neil Steinkamp of Stout Risius Ross, LLC (Stout), a global financial advisory firm, who has assisted the Permanent Commission since 2015. Mr. Steinkamp updated his previous analysis of the economic impact on New York State of federal benefits obtained through civil legal assistance. In addition, he analyzed data on the benefits received by low-income New Yorkers due to the provision of civil legal services by IOLA grantee organizations from 2005 to 2018.³⁴ Based on the foregoing, Mr. Steinkamp, among other things, made the following conclusions:

Civil Legal Services Providers Obtained Benefits for Their Clients and Families, Resulting in an Estimated Total Economic Impact of Nearly \$4.2 Billion

Mr. Steinkamp calculated federal award benefits to be \$1.47 billion in 2018 for programs such as Supplemental Security Income (SSI), Social Security Disability (SSD), Medicaid, the Earned Income Tax Credit and other federal benefits which, owing to the “economic multiplier effect”³⁵—that savings generate further economic activity by, for example, allowing clients to spend such savings in their community—produces an additional \$2 billion (as well as approximately 13,050 jobs). When added together with civil awards of \$88.1 million and indirect benefits and cost savings to the community of \$731.2 million from shelter avoidance, foreclosure property value decline avoidance, domestic violence avoidance, and increased wages due to work authorization, the total economic impact is estimated to be approximately \$4.2 billion. Thus, the \$490.4 million total civil legal services funding in 2018 resulted in a return of approximately \$4.2 billion, or roughly a return of \$8.56 for every \$1 of funding in 2018.³⁶ However, total program funding on \$490.4 million includes funding (approximately 20% of the total) to support legal assistance whose benefits are not captured in this analysis. Hence, the \$8.56 in economic return is using an inflated denominator because the full amount of the funding value is being used, but the benefits achieved from all the funding are not being calculated (largely because it is not practical or/and possible to do so). Adjusting the total program funding to include funding only for the services within the scope of this report results in a return of \$10.70 for every \$1 of funding in 2018. Based on these additions, Mr. Steinkamp ultimately concluded that a more reasonable estimate of such return was \$10 for every \$1 of funding in 2018.

Civil Legal Services Provided a Positive Economic Impact on the New York State Economy Owing to the Long-Term Financial Impact from Federal Benefits Obtained

In 2018, civil legal services for low-income New Yorkers provided substantial economic value to families in need, as well as to state and local economies and governments. As a result of legal representation in 2018, the economic value to clients and their families of federal benefits secured, including SSI and SSD awards, Medicare and Medicaid benefits and other federal benefits, was estimated to be approximately \$1.47 billion. These federal benefits also provide a significant overall stimulus to the New York State economy and create thousands of jobs. The overall impact, when also considering the “economic multiplier effect,” amounted to \$2.03 billion and resulted in the creation of approximately 13,050 jobs.

Total Estimated Cost Saving from the Avoidance of Emergency Shelter Increased to \$718.5 Million

In 2013, using state and local data from 2012 on the cost of providing shelter in New York State, as well as IOLA data on eviction prevention cases, Cornerstone Consulting concluded that anti-eviction legal services programs that receive IOLA funding saved the government approximately \$116 million annually in averted shelter costs. In 2014, IOLA analyzed updated data and estimated such annual savings had increased to more than \$220 million. In 2015, annual savings had increased to more than \$345 million. In 2016, annual savings had increased to more than \$397 million. In 2018, based on cost savings from brief representation cases (an estimated \$95.9 million) and extended representation cases (an estimated \$622.6 million), Mr. Steinkamp estimated cost savings to the government increased in aggregate to \$718.5 million, corresponding to shelter avoidance for approximately 38,807 individuals.

Present Value of Wage Increases Due to Work Authorization Assistance and Citizenship for Immigrants Was Estimated to Be \$95.6 Million and \$73.0 Million, Respectively

With the assistance of civil legal services providers, approximately 8,611 immigrant clients, applying for green cards, U visas, T visas, Violence Against Women Act (VAWA) self-petitions, or other long-term status, successfully achieved work authorization in 2018. Work authorization provides a significant wage increase to immigrants, amounting to an average increase of approximately \$1,499 per year for women and \$1,683 per year for men. Of the individuals who received work authorization under the green card, Deferred Action for Childhood Arrivals (DACA), or Deferred Action for Parents of Americans (DAPA) programs in 2018, 51% were estimated to be women.³⁷ For VAWA cases, 85% were estimated to be women.³⁸ The total net present value of wage impacts because of work authorization, assuming work authorization will continue for two-, four- and ten-year terms dependent upon the type of legal assistance provided to obtain work authorization, was estimated to be \$95.6 million for cases closed

in 2018. Additionally, approximately 4,809 clients of civil legal services providers attained citizenship in 2018. Citizenship provides a wage increase for former immigrants, amounting to an average increase of approximately \$862 per year for women and \$965 per year for men. Of the individuals who became citizens in 2018, 51% were estimated to be women.³⁹ As a result of attaining citizenship, annual wages of former immigrants were estimated in aggregate to increase by \$1.25 million for women and \$1.91 million for men in 2018. The total value of such wage impacts owing to citizenship in cases closed in 2018 was estimated to be \$73.0 million.

Additional Economic Benefit from Child and Spousal Support Payments to Recipients of Those Benefits and Their Families Was Estimated to Be \$44 Million in 2018

For 2018, IOLA data indicates retroactive awards of child and spousal support at approximately \$2.76 million and monthly payment awards at nearly \$579,500. The net present value of the monthly payments, based on a payment stream of nine years,⁴⁰ is approximately \$62.6 million. Thus, the total value of the child and spousal support awards for 2018 is approximately \$65.4 million. After deducting the estimated value of support payments not actually received, the estimated value of actual child and spousal support payments is approximately \$44.4 million.

Additional Economic Benefit from Affirmative Litigation of Disputes Against Other Individuals, Companies or Employers Was Estimated to Be \$88.1 Million

For 2018, IOLA data indicates awards obtained through affirmative litigation of civil disputes, including equitable distribution of assets in matrimonial matters and judgments in landlord/tenant and employment matters, to be approximately \$88.1 million.

IV. The 2019 Civil Legal Services Hearing Demonstrated the Impact of Judiciary Civil Legal Services Funding on Closing the Justice Gap, While Highlighting a Continuing Unmet Need

Following the posting of public notice on the New York State Unified Court System's website, Chief Judge Janet DiFiore conducted the tenth annual hearing on civil legal services at the Court of Appeals on September 23, 2019.⁴¹ Joining the Chief Judge in presiding over the hearing were Chief Administrative Judge Lawrence K. Marks and the Presiding Justices of the four Appellate Departments: First Department Presiding Justice Rolando T. Acosta, Second Department Presiding Justice Alan D. Scheinkman, Third Department Presiding Justice Elizabeth A. Garry and Fourth Department Presiding Justice Gerald J. Whalen. Completing the panel was New York State Bar Association President Henry M. Greenberg.

A total of 20 presenters offered remarks at the hearing and five individuals and organizations submitted written statements.⁴² The 2019 hearing presentations, both oral and written, added

to the extensive evidence from hearings over the past decade, documenting the access-to-justice gap. Historically, business leaders, state and local government officials, District Attorneys, labor leaders, medical providers, educators, religious leaders, judges and clients, all addressed the critical need for JCLS funding to bridge the access-to-justice gap for low-income New Yorkers in every part of the State. This year, for the first time, JCLS grantees were invited, along with business leaders, local government officials, judges, bar leaders, funders, financial consultants, educators and clients, to provide new evidence of the continuing and urgent need for governmental funding for civil legal services and outline innovative approaches to help close the justice gap in our State.

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

Over the last 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 . . . 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.⁴³

Chief Judge DiFiore cautioned, however, that even with leveraging our limited funding through “strategic planning, collaboration, innovation and technology,”⁴⁴ there is still a large unmet need for civil legal services throughout the State:

[W]e 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.⁴⁵

Chief Judge DiFiore concluded her remarks by asking everyone to listen to the presentations and consider what actions are necessary and appropriate “to ensure that all New Yorkers have equal access to justice.”⁴⁶

The Unmet Need for Civil Legal Assistance for Low-Income Families and Individuals in All Areas of the State Persists

Several presenters underscored the fact that, although much progress has been made in addressing the need for civil legal services, much more remains to be done. Hon. Edwina G. Mendelson, Deputy Chief Administrative Judge for Justice Initiatives, spoke of the dire circumstances of unrepresented litigants in our courts:

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[s] 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.⁴⁷

Several of the legal services providers addressed the challenges in assisting those in need in their service areas. Raun Rasmussen, Executive Director of Legal Services NYC, commented on the unmet need in New York City:

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.⁴⁸

Lillian M. Moy, Executive Director of the Legal Aid Society of Northeastern New York, pointed out the unmet need in the northeastern part of New York:

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.⁴⁹

C. Kenneth Perri, Executive Director, Legal Assistance of Western New York (LawNY), remarked about the impossibility of meeting the needs in western New York:

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.⁵⁰

Finally, Professor Rebecca L. Sandefur, School of Social and Family Dynamics, Arizona State University and Faculty Fellow, American Bar Foundation, explained that the unmet need is far greater than that identified by the legal services providers:

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 [W]e often use [as] 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.⁵¹

Non-Lawyers Are Working to Expand Access to Legal Information and Connecting Those in Need with the Resources and Referrals to Resolve Their Problems Before They Turn into Legal Actions

Jennie G. Kim, Senior Staff Attorney, Queens Legal Services and former Staff Attorney, Legal Hand Jamaica, described the work of Legal Hand storefront neighborhood centers:

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, divorce, domestic violence, and benefits, and prevent problems from turning into legal actions. Legal Hand strives to address unmet legal needs . . . and break down barriers to accessing 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 pro se litigants and ensure the fair administration of justice in [the] State.⁵²

Ms. Kim talked about the impressive numbers of people assisted by Legal Hand's five New York City sites, providing services to approximately 25,000 visitors annually. In addition, she pointed out that Legal Hand Jamaica hosted and participated in over 150 legal education events, reaching close to 2,000 Queens residents, as well as trained over 60 community volunteers, during 2018 and 2019.⁵³

In conclusion, Ms. Kim talked about the population served by 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.⁵⁴

Chief Judge DiFiore asked Professor Sandefur about non-lawyer collaborations, particularly those involving the faith communities. Professor Sandefur responded:

[There are] many partnerships . . . recognizing this idea that when we are in trouble[,] we go to the places who help us deal with ultimate issues. [We] are working to find ways to train church secretaries, in essence, to be issue spotters. So, not [to say] 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.⁵⁵

Professor Sandefur also identified schools as another place where non-lawyers can be used to provide assistance as people go there to find help because “teachers and principals and school counselors can be trusted sources of advice.”⁵⁶

Implementation of the Permanent Commission’s Strategic Action Plan Is Moving Forward

Neil Steinkamp, Managing Director at Stout Risius Ross, LLC and Consultant to the Permanent Commission, explained that the Permanent Commission is now working closely with stakeholders at both the statewide and local level throughout the State with the goal of providing 100% effective assistance to all low-income New Yorkers facing civil legal matters involving the essentials of life. Mr. Steinkamp informed the panel that, working closely with the Permanent Commission, each Administrative Judge in every judicial district outside of New York City, as well as New York City, under the direction of Judge Mendelson, has launched a local access-to-justice initiative. Mr. Steinkamp summarized the notable activities and collaborations that have occurred in the past year. He concluded his remarks with the Permanent Commission’s vision for the future:

[I]f 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.⁵⁷

Investing in Civil Legal Services Produces Significant Economic Returns

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

[M]y analysis finds that for every dollar invested in civil legal aid, there is a return on that investment of at least \$10 . . . [I]t is important to note the Permanent Commission's . . . Strategic Action Plan, with local and statewide elements, may serve to significantly increase this return on investment . . . [W]ith 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.⁵⁸

New York City's Universal Access Law Is Expanding Civil Legal Services to Housing Court Litigants

Jordan Dressler, the Civil Justice Coordinator, Office of Civil Justice, New York City Human Resources Administration, spoke extensively about the application of the Universal Access Law, now in its second year of implementation, and the benefits that are occurring. Mr. Dressler noted that access to justice for tenants has been “transformed” for the better:

[W]e 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.⁵⁹

Mr. Dressler shared impressive statistics on the number of tenants that have been assisted:

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.

. . .

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 dropped by 37 percent, representing an estimated 100,000 New Yorkers who remained in their homes as a result of decreased evictions.⁶⁰

Business Leaders Spoke About the Key Role That Judicial Civil Legal Services Funding Plays in Addressing the Needs of Low-Income New Yorkers

Stacey Friedman, General Counsel, JPMorgan Chase & Co., described how the JCLS funding helps corporate lawyers connect to pro bono opportunities:

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.⁶¹

Ms. Friedman pointed to several examples of the connection between pro bono efforts of lawyers in the corporate sector and JCLS grantees:

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.⁶²

Technology Is Essential to Make Access to Legal Services More Readily Available to Those in Need

Speakers addressed the importance of technology in expanding and improving access to justice. Professor Sandefur said that we must “recognize that more than lawyers and legal services from lawyers are necessary” to address civil justice problems.⁶³ She praised technology as a way of reaching those in need, noting that Pro Bono Net and its website, LawHelpNY, “provides a range of software applications that help people in handling immigration, citizenship, [and] elder abuse.”⁶⁴

Similarly, technology is also essential to assist the providers. Christopher B. O’Malley, Executive Director of IOLA, spoke about a collaborative technology project involving Mobilization for Justice and Lenox Hill Neighborhood House that will help New York City tenant attorneys easily aggregate and assess data from multiple sources. He said that this project may become “an extremely useful tool” and could “lead to time and cost efficiencies with tenant representation.”⁶⁵

Presenters and the Panel Brought Attention to the Challenges and Needs in Rural Areas in New York State

The special needs of New York State’s rural communities were raised at the hearing. When asking Neil Steinkamp about the extent to which the Strategic Action Plan accounts for the unique challenges presented by rural justice, New York State Bar President Henry M. Greenberg stated:

[Eighty-seven] 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.⁶⁶

Mr. Steinkamp responded to Mr. Greenberg as follows:

[T]here just are not lawyers there . . . , 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.⁶⁷

Lillian M. Moy commented on the difficulties of providing representation in Columbia County:

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 . . . at that moment of crisis.⁶⁸

When asked by Presiding Justice Whalen about the dissemination of basic housing information outside New York City, C. Kenneth Perri responded that “[i]t’s nearly impossible in rural counties to get information to tenants about our services that are available.”⁶⁹

Presenters Demonstrated the Need for Increased Judicial Civil Legal Services Funding to Provide Effective Assistance in Matters Involving the Essentials of Life

The Judiciary has generously provided civil legal services providers with a dedicated funding stream to help bridge the justice gap. This funding was increased gradually until reaching the goal of \$100 million in 2016 and has remained stable since. Presenters respectfully raised an array of reasons to increase the annual allocation of JCLS funding:

- **Increases in the Costs of Doing Business.** Roger Juan Maldonado, President of the New York City Bar Association, Smith, Gambrell & Fussell, LLP, stated that:

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 [an] increase in funding to be able to keep pace with the service needs.⁷⁰

Kristin Brown, President & Chief Executive Officer, Empire Justice Center, also addressed the difficulties in providing services as the cost of doing business increases:

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.⁷¹

- **Importance of Infrastructure Support.** Christopher B. O'Malley talked about the importance of infrastructure to a nonprofit and what goes wrong when infrastructure is neglected. He urged that JCLS funding support infrastructure spending:

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 [Permanent Commission on Access to Justice] 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 . . . nonprofits have indirect non-programing 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.⁷²

- **Changes in Law and Evolving Needs.** Presenters noted that recent federal and state law changes require additional resources to address the resulting increased need for services. Two of the presenters, Kristin Brown and Adriene Holder, Attorney-in-Charge, Civil Practice, The Legal Aid Society, pointed to the erosion of federal immigration protections in the current political climate. Ms. Brown stated:

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.⁷³

Ms. Holder also noted the increased need due to changes in immigration policies:

The exponential increase in the number of [Special Immigration Juvenile Status (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.⁷⁴

Two presenters, Mr. Perri and Mr. Maldonado, noted that new housing laws granting greater protections to tenants require the hiring of more attorneys. Mr. Perri submitted:

[Due to 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.⁷⁵

Mr. Maldonado explained:

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.⁷⁶

- **Success of New Initiatives.** Neil Steinkamp talked about the success of the local access to justice committees and the need for statewide expansion:

The development of these [local access to justice committees], which did not previously exist across the State, represents an exciting indicator of the progress . . . 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.⁷⁷

Jennie G. Kim also noted the need for increased support to allow for Legal Hand's continued success and expansion:

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 . . . to meet these needs.⁷⁸

- **Staffing Competent Attorneys in Rural Areas.** When asked by Chief Judge DiFiore if money is the best way to solve the need in rural New York to develop a pool of qualified lawyers, Lillian M. Moy replied:

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 . . . 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.⁷⁹

- **Disaster Preparedness.** In his written submission, Roger Juan Maldonado explained how the New York City Bar Justice Center springs into action when disaster strikes:

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.⁸⁰

Mr. Maldonado further submitted that additional JCLS funding is necessary to continue to deploy staff resources in the event of future disasters, stating, “[p]rograms that are stretched thin financially cannot innovate effectively and cannot be expected to spring into action when a disaster strikes.”⁸¹

- **Unmet Need.** Judge Mendelson succinctly explained that “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.”⁸²

The Presentations by Legal Services Clients and Their Legal Services Providers Demonstrate the Profound Impact of the Legal Assistance That They Received

Clients from Monroe, Westchester, Columbia, Rensselaer, New York and Queens Counties, accompanied by their legal services attorneys, described the life-changing help they received in resolving critical problems that they could not successfully have addressed without legal representation. The legal services providers highlighted the importance of JCLS funding to delivering comprehensive full-service representation.

- **Hind Mohammed** is a proud mother of two girls and a refugee from Iraq. Her husband started abusing her soon after they got married and continued to do so upon their arrival in the United States in 2012. During a particularly horrific incident that occurred while Ms. Mohammed and her husband were living in Colorado, Ms. Mohammed’s sister called the police and an order of protection was issued in Ms. Mohammed’s favor. After the issuance of the order of protection, in an attempt to avoid further legal issues for himself, Ms. Mohammed’s husband forced her to move to Yonkers and leave her two and three-year-old daughters in Colorado with him. Ms. Mohammed saved money while on her own and hired a lawyer to gain custody of her children but ran out of money to continue representation. Eventually, Ms. Mohammed’s husband sent the children to Yonkers and for some time Ms. Mohammed and her children were together in Yonkers. During this period the children revealed that their father had been abusing them.

For the next two years, Legal Services of the Hudson Valley helped Ms. Mohammed in both her custody and family offense cases while making sure that the children would be safe. Barbara Finkelstein, Esq., Chief Executive Officer, Legal Services of the Hudson Valley, stated that without the legal assistance she received, “Ms. Mohammed would not have the safety and stability that she has today.”⁸³ Ms. Mohammed was given sole custody, with no visitation allowed by the father, and she and her daughters are now “able to laugh again.”⁸⁴ She stated:

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.⁸⁵

- **Mary Brown** was living in an apartment complex in Rochester which was in a severe state of disrepair. Ms. Brown made repeated requests for repairs to make her apartment livable but was ignored by the landlord. Eventually, she decided to withhold rent until the repairs were made. In response, her landlord began the process of eviction. Ms. Brown sought out Legal Assistance of Western New York (LawNY) to help in her fight against her landlord. Ms. Brown and LawNY were successful in convincing a court to force the landlord to make repairs and waive the eight and a half months of rent Ms. Brown had withheld.

After her situation was resolved, Ms. Brown noticed that many others in the building had similar problems. With help from LawNY, Ms. Brown organized a Tenants’ Association, with LawNY representing the Association and the individual tenants threatened with eviction. LawNY was eventually successful in causing the landlord to sell the property to a responsible landlord who is currently in the process of rehabilitating the entire building. Ms. Brown expressed her feelings about the legal services she and the Association received as follows:

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 [Vitale] 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.⁸⁶

- **O.M.S.**, a client of The Legal Aid Society, immigrated to the United States when she was four years old to reunite with her parents. Throughout her childhood her alcoholic father often became aggressive towards her and her mother, beating them both and yelling threats. When she was nine years old, the New York County Family Court granted sole custody to her mother, who remained her only source of support.

When O.M.S. was 19 years old, she applied to the United States Citizenship and Immigration Services (USCIS) for Special Immigrant Juvenile Status (SIJS). SIJS status protects vulnerable immigrant youth under the age of 21 who have been found by the Family Court to have been abused, abandoned or neglected by one or both parents. After waiting for more than a year, the USCIS denied her application, as well as the applications of most children in her situation. This denial left her uncertain about her future in the United States.

The Legal Aid Society filed a federal class action in Federal District Court against the USCIS in Federal District Court challenging the denial of SIJS status for O.M.S., and others like O.M.S., and won. The court issued an amended judgment and final declaratory and injunctive relief to the class, estimated to include 6,600 young and vulnerable New Yorkers. Adriene Holder, discussing the importance of funding in connection with the class action, stated:

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.⁸⁷

O.M.S. told the panel that she can now finish her education. She said she has chosen to become a paramedic because she wants a career helping people.

- **Donna and Donald Connors** are homeowners in Claverack, New York, a rural town in Columbia County. When their business began to struggle in 2017, they faced foreclosure on their home. They were denied a loan modification by their bank and had given up all hope of keeping their home until their local housing resource agency referred them to the Legal Aid Society of Northeastern New York (LASNNY).

Their LASNNY attorney was ultimately able to negotiate a loan modification, a lower interest rate and lower payment amounts. The couple was able to restructure their lives and productively contribute to their community. The Connors highlighted the importance of the assistance they received:

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.⁸⁸

Lillian M. Moy stated that the Connors' story demonstrates 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."⁸⁹ She submitted:

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.⁹⁰

- **Shanell Yarde**, a resident of Rensselaer County, took emergency custody of her nine-month-old niece when her sister was unable to care for her. At the time, Ms. Yarde was pregnant herself, with two young children and going through a separation from her husband. To get any help available for her niece, she reached out to Rensselaer County Department of Social Services (DSS) and was told she could add her niece to her household for food stamp benefits. Despite asking if there was any other assistance, she was not informed that she was eligible for the "Other Than Guardian" (OTG) grant until more than a year after she had started borrowing money to provide for her niece. Ms. Yarde requested a fair hearing to claim past grants but did not know what questions to ask or how to tell her story. She did not have any assistance during the hearing and ultimately lost, which left her feeling like giving up.

After she lost, LASNNY referred her to Empire Justice Center, which appealed the Fair Hearing decision on her behalf and won. Ms. Yarde described how she felt about their assistance:

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... [The Judge] 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 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.⁹¹

Kristin Brown stated that Ms. Yarde's story:

[C]learly 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.

[Ms. Yarde's] 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.⁹²

Today, Ms. Yarde can tell her neighbor who is in a similar situation exactly what to do, the way she wishes someone would have done for her. As Ms. Brown stated, “thanks to the JCLS funding that we receive at Empire Justice, we were able to help.”⁹³

- **Linda Carrasquillo** is a 62-year-old mother living in Queens, New York. Earning a modest income, Ms. Carrasquillo applied for a \$4,000 Parent Plus loan in 2001 to help her daughter pay for college. Unfortunately, she injured herself on the job in 2005 and was no longer able to work. Because she was not able to afford to pay off the student loan, the government garnished her monthly social security checks. Even though she had paid a good deal toward the loan, Ms. Carrasquillo still owed more than what she had borrowed due to interest and penalties. Her financial problems worsened, and she could no longer pay her rent. Her landlord took her to court. Ms. Carrasquillo feared that she could lose her home of almost 20 years and end up sick and living on the streets.

She contacted Legal Services NYC, which helped her with her housing case, but also told her that she could apply for student loan forgiveness due to her disability. She was angry that she was not informed of the forgiveness program earlier. Legal Services NYC brought a suit against the U.S. Department of Education in Federal Court on behalf of Ms. Carrasquillo and eight others and won. The government returned over \$4,000 to Ms. Carrasquillo and another \$18,000 owed to the other plaintiffs. The government also had to inform over 200,000 other disabled recipients that they are entitled to have their student loans forgiven.

Raun Rasmussen stated that Ms. Carrasquillo’s case is representative of the widespread impact of the JCLS funding. He explained:

With funding from the Office of Court Administrative, we helped tens of thousands of clients, low-income New Yorkers . . . get and keep the essentials of life . . . 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.⁹⁴

Ms. Carrasquillo concluded her remarks with a plea to the panel:

So I am here now to thank the Legal Services 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.⁹⁵

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

In 2016, New York was awarded a \$100,000 grant—one of only seven states nationally to receive this funding—to develop a statewide strategic action plan that would ensure that every New Yorker confronting a challenge involving the essentials of life have access to effective assistance. Effective assistance contemplates the availability of a broad spectrum of services, ranging from informational services through full representation, to address an individual's needs most appropriately.⁹⁶ Since that time, the Permanent Commission's work has focused on strategic planning and implementation efforts to move New York towards its goal.⁹⁷

The Commission's initial year-long planning process involved three stages: (1) learning, organizing, assessing and community listening; (2) priority setting and initiating the strategic action planning; and (3) development of a strategic action plan. The Strategic Action Plan includes both statewide and local initiatives that seek to ensure the provision of effective assistance.⁹⁸

The statewide initiatives primarily focus on increasing access to the courts for unrepresented litigants. They also seek to support community stakeholder engagement and collaboration efforts. At the core of these initiatives is the annual convening of a Statewide Stakeholders Meeting which provides a forum for sharing knowledge, strategies and best practices for expanding access to justice.

The local initiatives began with the establishment in 2017 of a geographic pilot in Suffolk County to develop a local strategic action plan to serve as a model for similar efforts in communities around the State.⁹⁹ The successful implementation of that pilot created the impetus for the establishment of a second pilot in Monroe County in 2018.¹⁰⁰

The continued implementation of the statewide initiatives, along with expansion of the local initiatives throughout 2019, demonstrates the progress being made in closing the justice gap in New York. A description of the efforts undertaken in 2019 follows.

Statewide Initiatives

The Strategic Action Plan includes the following statewide initiatives, which are currently being implemented.

- **Full-Service Representation.** The Permanent Commission remains committed to increasing the availability of full-service attorney representation for low-income individuals in matters affecting the essentials of life.¹⁰¹ During 2019, the Permanent Commission continued its

support of civil legal services providers in their efforts to achieve efficiencies and increase capacity to expand the provision of this critically important type of representation.

- **Plain Language Court Materials.** Based on the Permanent Commission's 2017 recommendation,¹⁰² the court system established a Plain Language Committee, chaired by Hon. Edwina G. Mendelson, Deputy Chief Administrative Judge for Justice Initiatives. The Committee's first recommendation led to holding six, full-day training sessions (between 2018 and 2019), for court managers and staff tasked with writing materials primarily for unrepresented litigants. In 2019, the Committee focused on implementing a pilot project to convert into plain language a select number of family court forms most commonly used by unrepresented litigants. The pilot, which is currently underway, will test processes for implementing plain language forms and related documents, and provide guidance on best practices statewide.
- **Broad Self-Help Informational Services.** Help Centers are available in numerous courthouses around the State, providing invaluable legal and procedural information to unrepresented litigants in civil, family, housing and Surrogate's matters. In 2019, under the supervision of Judge Mendelson, the court system opened new Help Centers in the Surrogate's Courts in Bronx and Erie Counties, the Family Court in Chautauqua County (Eighth Judicial District) and in Ballston Spa (Fourth Judicial District). The Chautauqua County Help Center remotely connects volunteer attorneys from Erie County to provide legal assistance to litigants in Chautauqua Family Court.
- **Judicial and Court Staff Education.** The Strategic Action Plan identified the need for judges and court staff to understand the barriers faced by the unrepresented when navigating the courts on their own. Accordingly, the Permanent Commission recommended that the court system consider implementing educational programming on issues related to cultural competency.¹⁰³ In 2019, the Third Judicial District offered its training program, "Not so Blind Justice: Implicit Bias and the Legal System," to all court managers. It also provided the training to court personnel at various levels in a number of locations in the district and will train additional personnel in 2020. Similar training has been offered in the Ninth Judicial District. Judge Mendelson's office is now developing a strategic plan for providing ongoing bias training throughout the State and is working with court leaders to participate in this process.
- **Role of Non-Lawyers.** The Permanent Commission has long been a proponent of using trained non-lawyers to provide informational assistance to individuals in need.¹⁰⁴ Five Legal Hand neighborhood storefront centers are currently operating in New York City. Expansion of this program, as well as the Court Navigator Program, to areas outside New York City, is being considered by local access to justice committees. Further discussion about these expansion efforts can be found in Part B of this Report.
- **Limited-Scope Representation.** The Permanent Commission continues its support and encouragement of the use of limited-scope representation to serve low- and moderate-income individuals when confronting civil legal challenges.¹⁰⁵ Suffolk County has developed two limited-

scope projects, which are serving as models for other communities: the Community Legal Help Project, which provides on-site attorneys at the library one day a week to provide brief advice in areas of law involving the essentials of life, and a Citizenship Clinic, which assists lawful permanent residents seeking to become citizens. Monroe County is exploring the development of a landlord/tenant pilot project to provide limited-scope representation to tenants facing eviction in the Rochester City Court and select Town and Village Courts.¹⁰⁶

- **Resource Planning.** The Strategic Action Plan identified resource planning as a priority.¹⁰⁷ Resource planning encompasses the development of a long-term strategy for ensuring the availability of sufficient resources to provide a broad spectrum of assistance for 100% of those facing civil legal challenges impacting the essentials of life. The Permanent Commission will continue to support and promote its importance for individual legal services programs, including the need for funding to strengthen internal operations and infrastructure. The Permanent Commission also will continue to support statewide and regional collaborative efforts aimed at expanding the capacities of the overall delivery system.
- **The Permanent Commission's Website.** In its 2018 report, the Permanent Commission recommended that its website be enhanced to serve, among other things, as an easy-to-navigate repository for stakeholders to find the tools, resources and information to develop local initiatives to expand access to justice.¹⁰⁸ Efforts are underway to assess platforms and website designs that will best serve the needs of stakeholders. It is anticipated that an enhanced site will be rolled out in late Spring 2020.

Local Initiatives

Local access-to-justice initiatives currently underway in all judicial districts outside New York City, as well as in New York City, include:

- **Suffolk County Access to Justice Committee.** In 2019, the Suffolk County Access to Justice Committee continued to build on its strong foundation of community stakeholders to expand and develop its initiatives. The Community Legal Help Project (CLHP), a collaboration of seven legal services providers with the Middle Country Library System, has been expanded to an additional location, the Brentwood Public Library. At each CLHP location, on-site attorneys provide brief advice services one day per week. In addition, a project coordinator triages the hundreds of calls received weekly, ensuring that county residents in need are directed to the most appropriate services. The success of this model has helped to establish similar efforts in other parts of the State.

In conjunction with CLHP, the Suffolk County Family Court is developing innovative technology to establish a remote Clerk's Office that will allow litigants to complete and file court documents from the library. Additionally, a communications campaign, Each One/Reach One, is being implemented, in partnership with Suffolk 2-1-1 and LawHelpNY, and with the assistance of community stakeholders, to create pervasive awareness that help is available in the community.

- **Monroe County Access to Justice Committee.** After an extensive planning process, the Monroe Access to Justice Committee has developed a local strategic action plan to close the local justice gap, with a four-pronged focus:¹⁰⁹
 - **Community Justice Council.** The Council engages community stakeholders in an ongoing dialogue and collaboration with the courts to address barriers that impede access to the civil justice system and to cultivate trust and confidence in the judicial system. Meetings are held quarterly to identify and respond to community-identified issues.
 - **Prevention.** Initiatives focus on early intervention and connection to services in order to resolve issues before they become court matters. Projects underway include a legal/education partnership to address the legal needs of at-risk youth and their families. In addition, a collaboration with Finger Lakes 2-1-1 is helping to ensure legal resources are included in their database and that call center representatives are trained and knowledgeable about those resources.
 - **Town and Village Courts.** Initiatives focus on seeking to make the courts more accessible, including the development of an online records access pilot that is expected to be launched in 2020; surveying court-users regarding their court experience; collection of data for landlord/tenant matters to assess unmet need; and exploration of projects to make public transportation available to litigants for their court appearances.
 - **Housing.** One of the greatest unmet needs in Monroe County is legal assistance for tenants facing eviction from their homes. To address this need, the local strategic action plan focuses on three main issues: establishing a right to counsel/universal access for landlord/tenant matters; establishing a Rochester Housing Court; and addressing the needs of unrepresented litigants through the development of plain language notices, court forms and informational materials, and through implementation of a Court Navigator Program to assist litigants through the court process.
- **New Local Access to Justice Committees and Initiatives.** Building on the success of Suffolk and Monroe Counties' pilots, seven Judicial Districts outside New York City launched local access to justice committees following the 2018 Stakeholders Meeting:
 - Third Judicial District, in Albany County;
 - Fourth Judicial District, in Schenectady County;
 - Fifth Judicial District, in Onondaga County;
 - Sixth Judicial District, in Tompkins County;
 - Eighth Judicial District, throughout the District;
 - Ninth Judicial District, in Westchester County; and
 - Tenth Judicial District, in Nassau County.

These efforts, led by the local Administrative Judges or their designees and guided by the Permanent Commission, focus on assessing the needs of their local communities and the resources available to meet those needs, and the barriers impeding access to resources and the civil justice system. They also are tailoring initiatives and strategies to close the local justice gap.

In addition, initiatives are underway to assess the justice gap in low-income communities in New York City, under the leadership of Hon. Edwina G. Mendelson. Hon. Anthony Cannataro, Administrative Judge of the New York City Civil Court, is assessing the barriers facing unrepresented litigants in consumer credit matters.

The seven new local initiatives, which are in various stages of development, have made significant progress to date, including:

- Seven of the local access to justice committees are developing local resource guides to document the resources available in their communities for the benefit of individuals in need of assistance, as well as to serve as the basis for understanding resource gaps and exploring opportunities for communication about available resources;¹¹⁰
- Seven of the local access to justice committees are developing plans to close the justice gap by expanding effective assistance in substantive areas of law including landlord/tenant, consumer debt, family and matrimonial, and immigration;¹¹¹
- Three of the local access to justice committees are developing communication plans for community outreach and improved accessibility to effective assistance;¹¹²
- Three of the local access to justice committees are developing prevention programs aimed at early resolution of issues to avoid their turning into court matters;¹¹³ and
- Three of the local efforts, including New York City, have held listening sessions to learn from diverse stakeholders and residents about the needs of, and resources in, their communities and to begin building collaborations and engagement among service providers and those to whom individuals turn in times of crisis.¹¹⁴

These initiatives represent an exciting gauge of the progress being made through implementation of the Strategic Action Plan. To keep the local committees abreast of the access-to-justice developments throughout the State, bi-monthly meetings of Judicial District leadership are being held. These meetings also serve as a critically important forum to share knowledge and experiences, and to collaboratively develop best practices.

Annual Statewide Stakeholders Meeting

To advance the local efforts underway, the Permanent Commission convened its third annual Statewide Stakeholders Meeting on October 28, 2019, at the State Bar Center in Albany. The

Stakeholders Meeting brought together members of the local access to justice committees, along with other stakeholders, to share knowledge, strategies and best practices for further developing local access-to-justice plans.¹¹⁵

The program opened with remarks from the Chief Judge in which she addressed the critical importance of civil legal services in New York and the historic progress that has been made to close the access-to-justice gap over the last decade through both monetary and non-monetary initiatives. She applauded the work of the Permanent Commission and the leadership of the Administrative Judges in assuming responsibility for the local access-to-justice efforts in their respective districts.

Chief Judge DiFiore was followed by Permanent Commission Chair Helaine Barnett who provided a brief update on the Strategic Action Plan implementation efforts, including the statewide initiatives underway to make the courts more accessible to unrepresented litigants.

The opening remarks were followed by presentations by each of the Administrative Judges on the efforts underway in their respective districts to provide a solid foundation that will ensure greater coordination and collaboration among stakeholders to address the access-to-justice gap. The judges also discussed common challenges, including the public's lack of knowledge and understanding about the law and the courts.

A lunchtime presentation by consultant Neil Steinkamp focused on three guidance documents prepared by the Permanent Commission to assist conference participants with their local planning and implementation efforts. The first, *Providing Effective Assistance*,¹¹⁶ describes and categorizes the broad spectrum of services that constitutes effective assistance, from informational resources through full-service legal representation. The second, *Assessing Progress: Strategic Action Planning and Initial Implementation*,¹¹⁷ identifies the factors that help demonstrate the progress being made in providing effective assistance. Finally, the third, *Communications Planning Considerations*, highlights the key considerations in developing communications strategies to ensure pervasive awareness in the community of available services and resources.¹¹⁸

In the afternoon breakout sessions, participants had the opportunity to interact with other stakeholders on a topic of greatest relevance to their local efforts. Facilitators led the discussions, generating a high level of engagement in all the breakout sessions. At the concluding plenary session, facilitators reported on the main take-aways from each session:

- **Prevention.** This session focused on exploring initiatives aimed at early intervention to resolve matters before they turn into legal or court matters. Much of the discussion focused on the highly successful New York City-based Legal Hand neighborhood storefront centers as a model to be considered for statewide replication. Legal Hand centers rely on trained non-lawyer community volunteers to provide free legal information, assistance and referrals to

resolve matters before they become court actions. A question was raised whether Legal Hand services can be provided in rural areas. Other initiatives discussed included community legal education programs that provide legal information to those in need or seek to address the public trust gap; relocation of Help Centers in proximity to, but not inside, courthouses; and additional DIY Forms (Do-It-Yourself) programs in substantive areas where limited services are available.

- **Community Outreach and Communications.** After an opportunity for participants to present their major concerns, discussion turned to the overriding theme: how do we create a system that ensures a pervasive awareness in the community that help is available for a broad array of issues and how to connect with that assistance. Participants discussed currently available statewide resources, such as 2-1-1 and LawHelpNY, and proposed ways to make those systems more effective, including expanded or complete community stakeholder integration and/or creation of a single point of access. In designing outreach or communications materials, consideration must be given to, among other things, involving stakeholders who can provide insights into the community's perceptions of the legal system; utilizing mobile technology that is accessible to low-income individuals, in addition to simple word of mouth; and providing training to front-line staff and "trusted sources of advice"¹¹⁹ so they can serve as issue spotters to ensure a delivery system that allows for "warm referrals."¹²⁰
- **Initial Points of Entry.** This session's theme was exploring innovations in the concept of initial points of entry for low-income New Yorkers to obtain effective assistance. The Monroe County Community Justice Council and the Suffolk County CLHP projects were discussed at length. Then, the conversation turned to other approaches that might be considered as a means to reach people who generally are unconnected to services. These approaches take the view that meeting people where they gather in the community can become very effective initial points of entry. For example, in the health care/medical models, coordinated referral networks connect health care entities with community-based organizations (including legal services) for the benefit of patients.¹²¹ Specific illustrations of this approach were the University of Rochester Medical Center programs that have included a pediatric resident rotation through Family Court; participation of judges in noon-time conferences with medical staff; and the Rochester in-hospital Heal Collaborative¹²² that provides victims of interpersonal violence access to social, emotional and legal services in one location. Another innovative point of entry includes Legal Hand neighborhood storefront centers. Additionally, faith leaders serve as an important initial point of entry. Court-sponsored Clergy Day events are helping to engage this group in access to justice; additional approaches could be explored to increase clergy involvement in the local access to justice committees' efforts. Further, it was noted that business locations, such as hairdresser salons and barbershops, might also serve as initial points of entry. Finally, challenges affecting all points of entry were raised, including the critical need for bilingual mobile apps to ease entry into the network of services, as well as expanded language access services, particularly for the deaf and hard of hearing.

- **Town and Village Courts.** This session began with an overview of the initiatives underway in Monroe County to address significant challenges within the Town and Village Courts. Participants then discussed other problems posed by the Town and Village court system, including limited incentives and insufficient funding from the localities to make the courts more accessible; the need for technological innovations, which are stymied by limited funding and a lack of high-speed or reliable internet service. Also significant is the burden on legal services providers to appear in a large number of courts that are geographically dispersed and do not have uniform hours of operation; and requests for expanded training for judges, particularly on procedural justice issues.
- **Housing and Right to Counsel/Universal Access.** This session focused on the programs underway or being considered around the State to provide counsel to tenants in landlord/tenant matters, including implementation of New York City's Universal Access Law.¹²³ New York City is making great strides in providing representation to tenants within the designated zip codes and can serve as a model for other jurisdictions, but its implementation is not without challenges to the courts and legal services providers. In other locations, including Rochester and Westchester, providers are partnering with the State and local Department of Social Services to try to avoid evictions. Legal Hand and Court Navigators are other models being considered, as well as alternative dispute resolution, including mediation.
- **Family Law.** This session began with defining "access to justice" in Family Court. Participants discussed that access to justice requires the ability to physically get to the courthouse; to find and complete necessary court documents; to be represented by effective appointed counsel when appointment is mandated; and to be provided services and assistance to navigate the court process when there is no right to counsel. Each of these issues presents challenges, from lack of or limited public transportation, to lack of computer terminals and kiosks in the courthouses to complete or print DIY documents, to insufficient numbers of attorneys to serve as appointed counsel representation, particularly in the rural areas, to lack of services to assist litigants where there is no right to counsel. Suggestions to address these challenges included: the expanded use of technology, such as video-conferencing and remote assistance, to avoid travel to the courthouse and to enable access to services in other parts of the State; specifically designed mediation programs for particular case types; revisions to the Family Court Act to eliminate discretionary appointment of counsel; increases to the assigned counsel rates; and inclusion of information in appropriate pleadings regarding the right to counsel in particular matters.

The discussion then turned to what constitutes "justice" in family law matters once there is initial access. The main concerns raised were overcrowded courthouses and inordinate delays in the clerks' offices and courtrooms, requiring many return trips to court to the great detriment of litigants and their families. Participants discussed the need for greater court efficiency and suggested an early intervention model be implemented to allow for triage and assistance prior to case initiation, as well as greater coordination among those working on family law issues in and outside the court system.

The Stakeholders Meeting once again demonstrated the value of bringing stakeholders together to share their knowledge and expertise. The extent of interaction and engagement throughout the meeting, particularly in the breakout sessions, reaffirmed the enthusiasm and optimism that is emanating throughout the State as local access to justice committees seek to address the justice gap and move New York closer to ensuring effective assistance for all.



As the implementation efforts continue and expand, the Permanent Commission will continue to serve as the umbrella entity to coordinate and oversee implementation of the Strategic Action Plan throughout the State.

PART B

RECOMMENDATIONS FOR 2020

Based on the Chief Judge's Hearing in September 2019 and our work over the past year, the Permanent Commission makes these recommendations for action:

Funding

- Additional funding is essential to ensure the stability of civil legal service providers in order to maintain and expand their capacity to help close the justice gap;

Strategic Action Plan Initiatives

- Statewide and local Strategic Action Plan initiatives should continue to be implemented and expanded, with the goal to provide effective assistance to 100% of low-income New Yorkers in need;

Non-Monetary Initiatives

- New York's law schools should continue to work together to leverage technology and data to expand access to justice;
- Effective technology initiatives that can increase access to justice and further leverage resources for the delivery of civil legal services to low-income New Yorkers should be supported;
- Non-lawyer initiatives that help to bridge the access-to-justice gap should be expanded;
- A business council focused on expanding access to justice in New York should be established;
- Additional initiatives should be explored to address the justice gap in rural areas; and
- The Chief Judge's constitutional reforms to simplify the New York courts are strongly supported by the Permanent Commission as they will facilitate access to justice for low-income New Yorkers.

As described below, increased JCLS funding, in combination with the Permanent Commission's continued implementation of its Strategic Action Plan and recommended non-monetary initiatives, will enable New York State to continue its progress toward providing effective assistance to 100% of low-income New Yorkers when facing civil legal challenges to matters affecting the essentials of life.

I. Additional Civil Legal Services Funding Is Essential to Continue to Close the Justice Gap in New York State

Evidence before the Permanent Commission documents a vast, continuing need for civil legal services for low-income New Yorkers. This Report, as well as previous reports, demonstrates that the access-to-justice gap negatively affects low-income New Yorkers, adversely impacts the functioning of the courts, and increases litigation and other costs for represented parties including private businesses and local governments.

Independent analyses establish that funding civil legal services is a sound public investment that brings federal benefits into the State. When low-income families and individuals are able to spend these additional federal benefits on goods and services in their communities, it stimulates the state and local economies and saves government expenditures on state and local public assistance and emergency shelter.¹²⁴ Most importantly, these analyses prove that civil legal services change lives by preventing evictions, providing safety from domestic violence, and helping children gain access to the healthcare and education they need to thrive. To achieve the best possible outcomes, some individuals will require full representation.

In 2010, the Permanent Commission recommended a multi-year plan to allocate resources for civil legal services within the Judiciary's budget, until reaching an annual allocation of \$100 million.¹²⁵ This goal was reached in 2016 and has remained a stable funding source for the past four years, enabling the State to take significant steps toward assisting low-income New Yorkers confronting challenges involving the essentials of life. However, as is more fully set forth in the sections below, additional JCLS funding is needed to address the continuing unmet need. In order to do so, civil legal services providers need sufficient funding for, among other uses, additional staff, infrastructure, emerging needs created by changes in law and policy, and for their ability to respond to disasters.

Eligible Clients Are Still Being Turned Away

Despite the positive impact of the JCLS funding, evidence before the Permanent Commission substantiates a continuing unmet need and confirms that more must be done to close the justice gap. Since 2016, JCLS providers have represented a significantly higher number of New Yorkers than prior years; during that time period, there has been an increase in the number of direct legal assistance cases handled annually despite no increases in funding.¹²⁶ Data suggests, however, that the number of unrepresented litigants statewide remains unacceptably high, with percentages in particular case types, such as child support and consumer debt, near or above 90%.¹²⁷

Further, presentations at the 2019 Civil Legal Services Hearing underscored the fact that although much progress has been made, legal services providers are still greatly challenged assisting those in need in their service areas. Several Executive Directors from legal services

providers around the State shared, that due to lack of resources, they are unable to assist a large percentage of the low-income individuals that come to them in need.

In New York City, Raun Rasmussen remarked that Legal Services NYC is meeting less than half the need.¹²⁸ In northeastern New York, Lillian Moy stated that LASNNY is turning away 66% of those who come for assistance.¹²⁹

C. Kenneth Perri and Lillian Moy, both lamented that they just do not have enough attorneys to meet the need in northwestern and northeastern New York.¹³⁰ Mr. Perri explained that it is physically impossible for LawNY's 50 attorneys to cover the 450 Town and Village Courts and 18 City Courts in the 14 counties that LawNY services.¹³¹ Ms. Moy shared that there are 17 people for every one lawyer in New York County, compared to 179 people for every one lawyer in LASNNY's 16 counties.¹³² She stated that the ratio is even more disparate in rural areas.¹³³

Scarcity of lawyers is not the only challenge that providers face in their efforts to close the justice gap. Many eligible low-income people navigate their problems on their own, and many do not even seek out a lawyer's help because they do not recognize the legal aspects of their justice problems.¹³⁴ These people are also part of the justice gap that remains large, despite the commendable efforts by the legal services providers serving great numbers of clients.

Poverty also continues to impact the need for civil legal services. The number of New Yorkers living in poverty statewide remains extremely high. According to the most recent data from the United States Census Bureau, an estimated 5.84 million New Yorkers (30% of the State's population) are living below 200% of the federal poverty level.¹³⁵ Data from 2017 indicates that percentages are even higher in some upstate cities, such as Buffalo (53%), Rochester (57%) and Syracuse (56%), where poverty levels are among the highest in the nation.¹³⁶ The 10 New York counties with the greatest number of people living in poverty, excluding the five counties of New York City, are, from highest to lowest: Erie, Monroe, Suffolk, Westchester, Nassau, Onondaga, Rockland, Orange, Oneida and Albany.¹³⁷ Additional funding is needed to meet the civil legal services needs of these low-income New Yorkers.

Additional Funding Is Needed for Infrastructure Costs

Non-profit organizations that have robust infrastructures are more likely to succeed than those that do not.¹³⁸ Yet most non-profits do not, and cannot, spend enough money on overhead due to infrastructure underfunding.¹³⁹

At the Hearing, Christopher B. O'Malley, Executive Director of IOLA, explained the importance of infrastructure, how IOLA funds infrastructure projects, and how other funders must support infrastructure spending. Additionally, Mr. O'Malley presented concrete examples of collaborative infrastructure projects underway in New York State that facilitate and improve

access to justice.¹⁴⁰ The projects demonstrate how statewide or regional infrastructure spending can foster a vibrant civil legal services community.

The Permanent Commission has similarly identified infrastructure as a priority in its Strategic Action Plan. In 2018, the Permanent Commission recommended in its Report to the Chief Judge that all civil legal services funders consider the full spectrum of resource planning needs in formulating and awarding grants. Specifically, the Report urged that “strong internal operations and infrastructure to support the provision of direct services, including appropriate technology, supervision, effective financial oversight, case management systems, and the recruitment, retention and development of a diverse legal aid workforce that better reflects the community it serves” was needed to strengthen the civil legal services delivery system and allow for the expansion of effective legal assistance.¹⁴¹ The Report urged civil legal services providers to allocate and seek funding for their essential internal operational needs.

The need for infrastructure stability persists and remains a key component of the Strategic Action Plan. Judiciary Civil Legal Services funding has remained at the same level since the 2016 award of \$100 million. Four consecutive years of unchanged funding, as infrastructure costs continue to grow, leaves JCLS grantees at risk of losing ground in their ability to provide services.¹⁴² The Permanent Commission recommends that consideration be given to the need to fund infrastructure costs.

Additional Funding Is Needed to Address Legal Needs Created by New Laws and Changing Policies

At the 2019 Hearing on Civil Legal Services, several providers discussed the impact of emerging and evolving legal needs on their programs caused by frequent changes in the legal landscape, and the importance of sufficient JCLS funding to counter that impact.¹⁴³ The case of The Legal Aid Society client who presented under the initials O.M.S. is a perfect example of this compelling need.

O.M.S. was brought to the United States when she was only four years old. She grew up in this country and has never been back to her place of birth. The Legal Aid Society was able to represent her in a Family Court proceeding to protect her from an abusive father, as well as a recent novel and impactful class action lawsuit challenging the federal government’s sudden policy change denying petitions for SIJS to applicants ages 18-20. Adriene Holder, Attorney-in-Charge, Civil Practice, The Legal Aid Society, stated that the decision in favor of the class is estimated to impact approximately 6,600 youth in New York.¹⁴⁴

It is noteworthy that legal services providers who receive funding from the federal Legal Services Corporation are restricted from pursuing class action lawsuits of this type.¹⁴⁵ This is a case where the JCLS funding clearly fills a need. In fact, Ms. Holder credits the JCLS funding with helping to open and expand Legal Aid’s Immigration Youth Project. She explained that the

number of SIJS applications filed in New York State Family Court has skyrocketed over the past decade.¹⁴⁶ Additional JCLS funding would help meet the increased needs of vulnerable young immigrants.

Changes in statewide housing laws are another example of how legal needs have increased. In June 2019, Governor Cuomo signed into law the Housing Stability and Tenant Protection Act of 2019.¹⁴⁷ The Act made sweeping changes to longstanding housing laws and provides tenants in New York State with enhanced procedural and substantive rights.¹⁴⁸ Tenants have newly created causes of action; newly created defenses; and new grounds to move for post-judgment relief. Legal services providers must, among other things, design and conduct legal trainings for existing staff, recruit, train and hire more attorneys, create templates and model documents for staff use, update guidance materials and websites, and hold informational clinics and community events in order to adapt their practice to the new laws. All this translates into a need for additional funding.¹⁴⁹

The Permanent Commission recommends an allocation of additional JCLS funding for providers, so that they have the resources to address these needs.

Additional Funding Is Needed for Timely Disaster Response

Over the last two decades, from the horrors of 9/11 to the devastation from Tropical Storm Irene and Superstorm Sandy, legal services programs have been called upon to provide legal assistance in times of disasters. Programs that are financially strapped, however, may not be in a position to spring into action when such a catastrophe occurs.¹⁵⁰

As disasters occur with greater frequency,¹⁵¹ taking a proactive, forward-leaning approach can make a major difference when emergency measures need to be quickly put into place. Civil legal services providers play an important role in getting disaster survivors back on their feet.¹⁵² Accordingly, the Permanent Commission recommends additional JCLS funding be provided for timely disaster response.



Based on the foregoing, the Permanent Commission recommends that the current level of JCLS funding be increased for fiscal year 2020-2021 in order to continue to build upon the progress made to date and work toward closing the justice gap. Chief Judge DiFiore stated it best at this year's Hearing on Civil Legal Services: "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."¹⁵³

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

Over the last two years, the Permanent Commission has devoted its work to implementing its Strategic Action Plan, with the goal to provide effective assistance to 100% of New Yorkers in need. In the last year, significant progress has been made as local access to justice committees have been established in every judicial district outside New York City and planning efforts and initiatives have begun in New York City. The annual Stakeholders Meeting provided greater insights into the realm of possible initiatives but also raised common challenges that will need to be addressed if New York is to reach its goal of providing effective assistance for all in need.

For 2020, the Permanent Commission recommends the continued implementation of the priorities identified in the Strategic Action Plan, as well as the recommendations contained in its 2018 report.¹⁵⁴ A discussion of the progress made to date can be found in Part A, Section V of this Report. In addition, it is recommended that the initiatives detailed below be implemented to address issues identified at this year's Stakeholders Meeting.

Town and Village Justice Courts Online Records Pilot Should Continue to Be Supported

To ensure full and complete access to justice, both litigants and attorneys need to be able to consult court records in a timely fashion. In the Town and Village Justice Courts, accessing these documents is extremely challenging, as court records are only available at the courthouses, many of which are located in remote areas, with limited hours of operation and limited court staff.

In 2018, the Town and Village Working Group of the Monroe County Access to Justice Committee identified this issue as its highest priority and the Permanent Commission, recognizing its importance, recommended that an online records pilot be established.¹⁵⁵ The court system's Department of Technology, working with the relevant stakeholders, is leveraging its E-Filing System for use as a document repository to carry out the pilot. In its initial phase, documents related to summary housing proceedings and small claims will be uploaded by court staff and made available to attorneys in three Town Courts within Monroe County: Chili, Mendon and Gates. The Permanent Commission continues to support the introduction of the pilot, which should go live sometime during the first half of 2020. Once in operation, the pilot will be evaluated for the possibilities of expansion to other courts and additional jurisdictional types, as well as to being made available to litigants.

Greater Stakeholder Engagement Should Be Fostered

From the outset of the strategic planning process, the Permanent Commission has focused on fostering stakeholder engagement. This engagement helps ensure that all community service providers and community members are aware of available resources and proactively collaborate to connect individuals in need with the most appropriate services as early in the process as possible. At the initial listening sessions, a diverse group of community stakeholders was invited to attend. Despite this, participation from important stakeholder groups (i.e., those who are viewed as “trusted sources of advice,” such as religious leaders, educators and healthcare providers¹⁵⁶) was limited. It is crucial that these stakeholders become actively engaged in the implementation efforts as they are more likely to have contact with community members who are otherwise unconnected to community services and resources.

Engaging these stakeholders, some of who may be unfamiliar with the legal system or other community services, may require additional effort and an outside-the-box approach. As was stated at the 2017 Stakeholders Meeting, there is no one cookie cutter approach to stakeholder engagement as “[c]ommunity members are unique, their problems are unique, and their solutions need to be unique.”¹⁵⁷ The local access to justice committees are seeking broader stakeholder engagement, including two innovative initiatives in the Seventh Judicial District: the Community Justice Council and the East High School Project.

The Community Justice Council is a stakeholder group composed of approximately 60 members, representing various segments of society beyond the legal and social services and advocacy communities, including local residents, clergy, educators, union leaders, librarians, and health care, business and media representatives. It meets quarterly to engage the stakeholders in ongoing dialogue and collaboration to address barriers that impede access to the civil justice system. The East High School Project, a legal/education collaboration between LawNY and the Rochester City School District, seeks to increase access to justice through the provision of assistance to students and their families at the high school, a familiar and convenient setting. The project includes outreach efforts, on-site intake, “warm referrals” to other community legal services and “Know Your Rights” seminars. To assist with this project, LawNY is hosting an AmeriCorpsVISTA member. Efforts in other jurisdictions could also be helpful in developing additional initiatives in New York.¹⁵⁸

In the coming year, the Permanent Commission will work closely with the local access to justice committees to support and promote expanded efforts to increase stakeholder participation and to develop initiatives that reach unconnected community members. This will include assisting local committees with developing communication plans that will engage greater numbers of stakeholders and create pervasive awareness throughout communities that help is available for a broad array of issues.¹⁵⁹

Informational Materials Should Continue to Be Developed and Expanded

For most unrepresented litigants, appearing in court is an overwhelming and frightening experience. Without knowledge of the law, court procedures and their rights, many choose not to appear in court, resulting in default judgments being entered against them. Those who do come to court must navigate all aspects of their cases with limited information and assistance.

Before litigants come to the courthouse, it is important that they have access to information about the court process and their rights so they can make informed decisions on how best to proceed. This information should be provided at the earliest possible stage in the litigation, i.e., when process is served. Plain-language initiating pleadings should clearly inform the litigant of, among other things, the basis for the lawsuit, the immediate steps to be taken, the consequences for not acting, and the availability of legal assistance and other resources and services. A pleading of this type was recently implemented in the New York City Housing Court.¹⁶⁰ The new notices of petitions for nonpayment and holdover proceedings were designed to provide the tenant/respondent with all essential information to initially proceed with the summary proceeding, including notice of the potential eligibility for appointment of counsel. Currently, efforts are underway to develop similar notices of petitions for summary proceedings outside New York City.¹⁶¹

Similar type pleadings should be considered for other substantive areas involving large numbers of unrepresented litigants. At the Stakeholders Meeting, participants discussed the need for such pleadings in family and matrimonial actions, particularly where there is a right to counsel. Stakeholders discussed the barriers that unrepresented litigants face when judges do not appoint counsel (primarily due to the lack of available attorneys) and the need for litigants to be informed so they can advocate to enforce their rights.

The Permanent Commission recommends that informational resources continue to be developed and expanded.

The Development of Data Tools in Civil Cases Is Encouraged to Support Implementation of the Strategic Action Plan

One of the Permanent Commission's primary objectives in the coming year is to assess the progress of the local access to justice committees' initiatives.¹⁶² Both the Suffolk and Monroe pilots already have found that data collection is critical to sustaining and expanding their efforts to close the justice gap. Data analysis and review provides an opportunity to observe trends, shape priorities, identify opportunities for new stakeholder engagement, develop new strategies and measure impact.¹⁶³

At the 2019 Hearing on Civil Legal Services, consultant Neil Steinkamp discussed the important role that the court system could play in helping the local access to justice committees by providing quarterly reports on the number of unrepresented litigants in various case types, courts and counties. The local committees could use this data, in combination with data collected from other sources, “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.”¹⁶⁴ In addition, this data could be shared and compared across the state to address common challenges and best practices.¹⁶⁵

The Permanent Commission understands that the court system is developing a data tool that will allow court personnel to generate reports on numbers of unrepresented litigants and percentages by case type, county and court (excluding the Town and Village Courts). These reports will be readily available to the Permanent Commission to share with its local access to justice committees. Since the generation, dissemination and review of regular data reports would allow for identification of areas of critical need and would be greatly beneficial to both the local access to justice committees and court administrators, the Permanent Commission encourages the continued development of data tools, as well as exploring implementation of other methods to collect data in civil cases.

Additional Local Access-to-Justice Initiatives Should Be Promoted and Supported

The Statewide Stakeholders Meeting provided the opportunity to learn about the extensive access-to-justice initiatives currently underway throughout the State.¹⁶⁶ Stakeholders shared their experiences and knowledge while brainstorming about closing the justice gap in their communities. The enthusiasm and commitment apparent from the opening plenary through the afternoon breakout sessions demonstrates the impact of local access-to-justice efforts in ensuring effective assistance.

In 2020, the Permanent Commission will continue to serve as the umbrella entity to promote and support the development of the local initiatives, the impact of which will expand the reach of the Strategic Action Plan and move the State closer to reaching its goal of providing effective assistance to 100% of low-income New Yorkers in need.

III. New York's Law Schools Should Continue to Work Together to Leverage Technology and Data to Expand Access to Justice

On May 14, 2019, the Permanent Commission held its eighth Annual Law School Access to Justice Conference at Brooklyn Law School. Permanent Commission Chair Helaine M. Barnett welcomed attendees to the conference, which brings together members of New York's law school community, including deans, faculty, students, and Pro Bono Scholars, as well as lawyers, legal services providers and the Judiciary, to focus on ways that law schools can further their efforts to expand access to justice for low-income New Yorkers.¹⁶⁷

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."¹⁶⁸ She applauded the conference's "focus on leveraging technology and data to expand access to justice [as being] especially important to optimize the efficiency and impact of legal services."¹⁶⁹

Following the plenary session, this year's Conference Work Groups considered: how law schools and community practitioners are developing innovative technology solutions to address the justice gap; the expansion of access-to-justice research and its importance; collaborating and advocating in support of the implementation of New York City's Universal Access Law; and the role of law schools in helping to ensure access to counsel for immigrant communities.

Two of the Conference Work Groups focused directly on technology and research and their related roles in helping to close the justice gap. Of utmost importance to these groups is educating law students about the access-to-justice gap and the challenges faced by low-income New Yorkers in accessing the courts. Armed with this understanding, students, working within their law schools and with partners in the community, would benefit from carrying out research and developing projects to create tools to respond to the needs of that community and provide increased access for them. There are learning opportunities in all aspects of this work, even if the tech projects are not successful in practice. To help provide notice of these ongoing projects, and to ensure that there is no unnecessary duplication within the legal services community, it is suggested that a national database reflecting these efforts be established by the Legal Services Corporation.

These technology efforts would work in tandem with the extensive research being conducted on access to justice. Projects underway revolve around administrative data, survey methodologies, qualitative research and other approaches, in order to learn more about the circumstances of those low-income individuals in need of assistance, optimize allocations of resources and enforce the importance of access to justice. As students take an active role in the research and development of these projects, they should be made aware of today's job opportunities that merge law and technology.

A third work group discussed the importance of representation in housing matters, particularly in eviction proceedings. Well underway after year two of its five-year implementation, the Universal Access Law in New York City already has demonstrated the significant difference that representation makes: increasing the number of tenants represented, impacting the number of evictions and serving as a model for other areas around the State. The increased need for attorneys to handle these matters also offers significant opportunities for attorneys to work for civil legal services providers and highlights the need for increased training to prepare for these positions in law schools.

Additional work groups considered the increased problems and challenges faced by immigrants today and the role that technology platforms could play in providing non-attorneys with the tools to work with this population; as well as the need to train attorneys to provide assistance and representation, in both civil and criminal matters, to those returning to their communities after having been incarcerated.

Other matters considered at the conference included the need for plain language in court forms and decisions, along with training in law schools—for both students and professors—in order to help ensure understanding by parties involved in court matters; as well as the successful implementation of the Access to Justice Council's Diversity Pipeline initiative which has matched law students with almost 2,000 eighth graders in underserved middle schools to expose middle schoolers to the law and legal career opportunities.¹⁷⁰

Based on the work of the 2019 Conference participants, which is detailed in the Law School Conference Report,¹⁷¹ the Permanent Commission makes the following recommendations geared to informing the continued efforts of law schools to improve access to justice for those low-income New Yorkers facing civil legal challenges to life's essentials:

- **The Annual Law School Conference Should Be Continued.** The Conference promotes collaborations and communications among the law schools, the Judiciary, legal services providers and the bar. It is an opportunity for New York's legal services providers and pro bono organizations to engage in a meaningful dialogue about academic and experiential programming with members of the law school community, including students and Pro Bono Scholars;
- **The Statewide Law School Access to Justice Council Should Continue to Support Law School Efforts to Expand Access to Justice;**
- **Law Schools Should Expand Their Efforts to Educate Law Students about Their Role in Helping to Meet the Unmet Legal Needs of Low-Income New Yorkers.** As law schools integrate access to justice into the core curriculum, professors should involve law students in research projects to help collect and analyze empirical data in order to expand an understanding of the scope of unmet needs, the justice gap, and the barriers low-income individuals confront in accessing the civil justice system;

- **Law Schools Should Work Toward the Establishment of a National Clearinghouse That Categorizes Access-to-Justice and Technology Initiatives and Projects Under the Leadership of the Legal Services Corporation;**
- **Law Schools Should Increase Their Efforts to Prepare Attorneys to Represent Individuals in Eviction Proceedings.** 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 increase will help ensure that mandates of the Universal Access Law in New York City are carried out and that tenants in need throughout the State have access to effective legal assistance. This is especially important in light of the new statewide housing legislation enacted in 2019 affecting tenants, and efforts to adopt local laws modeled on the Universal Access Law in other areas of the State; and
- **Law Schools Should Focus Efforts on Preparing Attorneys to Work with Individuals Who Have Been Involved with the Criminal Justice System.** 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.

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

Technology can transform the delivery of civil legal services to low-income New Yorkers.¹⁷² Yet many civil legal services providers lack the knowledge, understanding and funding needed to fully incorporate technology into both their day-to-day internal operations and their client service delivery models.¹⁷³ To provide access to the expertise and resources necessary to educate providers about the benefits and efficiencies of technology and help support the integration of technology into client service delivery, the Permanent Commission convenes an annual Statewide Technology Conference.

On June 10, 2019, the Permanent Commission sponsored its fifth Civil Legal Aid Technology Conference, in collaboration with NYSTech and Cornell Tech. The conference was held on the Cornell Tech Campus on Roosevelt Island in New York City. More than 150 executive directors and technology staff from civil legal services providers, as well as representatives from law firms, law schools, funders, technology service providers and court administrators, were in attendance to share innovative ideas that can improve the delivery of civil legal services and the efficiency of provider operations. This year's theme, "The Information Society," focused on the importance of data in expanding access to effective assistance.¹⁷⁴

While showcasing innovative technology and delving into a variety of topics—from integrating technology systems, to best practice in data collection, to using technology to enhance client communication and collaboration, to leading technology change management, to leveraging academic and volunteer resources—the conference emphasized discussion and networking, including six “Rapid Fire” presentations and 12 Peer-to-Peer Strategizing sessions. The day ended with a “Top 10 List” for data project success.

Following the success of its 2013 survey,¹⁷⁵ in 2018, the Permanent Commission’s Technology Working Group conducted a second technology survey of all civil legal services providers that receive grants from JCLS or IOLA. The survey asked approximately 35 questions, roughly broken down into six categories: spending, 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. 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 funding.¹⁷⁶

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

- **Technology Evaluations Should Be Conducted Regularly.** The technology survey undertaken in 2018 provided invaluable information and feedback about technology needs and use in the civil legal services community. The findings from the survey were presented at the 2018 Partnership Conference in a “Rapid Fire” session but have not been shared extensively. It is recommended that the Technology Working Group continue to publicize the survey findings and recommendations throughout the New York State civil legal services community and consider appropriate initiatives to support the implementation of the recommendations;
- **The Statewide Technology Conference Should Continue to Be Convened Annually.** The five technology conferences organized by the Permanent Commission have proven extremely successful in bringing together civil legal services providers from across the State. By meeting with their colleagues and technology professionals, they learn about the latest technological initiatives to maximize efficiency and increase the number of individuals served. The Permanent Commission should continue to convene an annual statewide technology conference, with the goal of encouraging the civil legal services community to engage in sustained collaboration, best practices development, improved security measures, training, critical analysis and innovative thinking on the enhanced use of technology; and
- **The Development and Expansion of Technology Should Be Supported.** The Permanent Commission should continue to support civil legal services providers in their efforts to identify additional funding sources and dedicated funding streams that will support technology expansion and innovation to improve the delivery of civil legal services.

V. Non-Lawyer Initiatives That Bridge the Access-to-Justice Gap Should Be Expanded

Recognizing the extent of the justice gap, the Permanent Commission has consistently explored initiatives for expanding the level and types of services available for those with civil legal needs. Among the areas of exploration has been the role non-lawyers can play, which has led the Permanent Commission to help develop two significant models of non-lawyer assistance, the Legal Hand neighborhood storefront centers and the Court Navigator Program. For each of these models, the Permanent Commission offers recommendations for how trained non-lawyers can contribute to efforts to help close the justice gap.

Legal Hand

As noted in our prior annual reports, a visible, accessible, walk-in neighborhood storefront office where basic legal information can be obtained offers a tremendous benefit for people in need of assistance. Accordingly, the Permanent Commission supported the creation of Legal Hand neighborhood storefront centers staffed with trained community non-lawyer volunteers. Legal Hand provides free legal information, assistance and referrals to help low-income individuals with issues that affect the essentials of life, with the goal of trying to resolve problems before they turn into legal actions.

Supported by a significant grant from an anonymous donor, five Legal Hand centers were launched in New York City in Crown Heights (Brooklyn), Brownsville (Brooklyn), South Jamaica (Queens) and the Tremont and Highbridge sections of the Bronx. The Legal Hand storefront centers, which are visible from the street and welcoming, are open during regular business hours, with weekend and evening hours as well. The five Legal Hand neighborhood storefront centers are currently providing services at a rate of 25,000 visitors annually, primarily in the areas of housing, family and benefits.

Enormous prevention benefits flow from this initiative. Legal Hand centers provide a community-based location where those in need can get free legal information and assistance, which could make the difference in resolving problems before they erupt into much more serious issues that ultimately may result in full-scale legal proceedings. To assist with a range of legal problems, Legal Hand volunteers receive training from legal service providers in areas involving the essentials of life and, in particular, areas where emergencies commonly arise.¹⁷⁷

The overarching principle behind Legal Hand is the recognition that problems with possible legal components begin percolating long before a court case is filed. By providing legal information, assistance and referrals early in the process, Legal Hand can help people resolve their disputes before they escalate and require court intervention. This is beneficial not only to the individual, but also to our state and local governments which achieve monetary savings

from averted crises and litigation. Most importantly, these centers are contributing to the goal of providing equal access to justice.

The Permanent Commission recommends that the Legal Hand program be institutionalized and integrated into the court system's overall efforts to provide assistance in order to reduce the number of unrepresented litigants in the courts by preventing matters from turning into court actions.

Court Navigator Program

The Court Navigator Program operates in courthouses to help unrepresented individuals with their civil legal proceedings. The Program assists litigants in understanding the proceedings and helps them navigate the process. The Court Navigator Program builds on the successful model, developed by the NYS Courts Access to Justice Program, in which community members are trained to assist unrepresented litigants who appear in New York City Housing Court for summary nonpayment proceedings.¹⁷⁸

An evaluation of the Court Navigator Program operating in designated New York City Housing Court locations was conducted as part of a national study supported by the Public Welfare Foundation.¹⁷⁹ The evaluation established that the informational and emotional support provided by a non-lawyer, who is appropriately trained and supervised, results in better outcomes for unrepresented litigants and promotes the fair administration of justice.¹⁸⁰

The Permanent Commission continues to support the expansion of Legal Hand neighborhood storefront centers and the Court Navigator Program.

VI. A Business Council Focused on Expanding Access to Justice in New York Should Be Established

From its beginnings, the Permanent Commission has recognized the importance of involvement of the business community in access to justice. Members appointed to the Permanent Commission include business leaders; their perspectives on the importance of civil legal services to the business community help guide the Permanent Commission's work. In addition, at the Chief Judge's annual hearings, business representatives have made compelling presentations: they have spoken of the benefits of civil legal services to their individual companies and their broader community, as well as the roles their organizations have played in expanding access to justice. The Permanent Commission now recommends creating a more formal relationship that would directly involve even more of the State's business community in access-to-justice efforts.

In August 2019, the Business Roundtable, an association of chief executive officers of the country's leading companies that promotes a thriving economy and expanded opportunity for

all Americans, released a new “Statement on the Purpose of a Corporation.”¹⁸¹ This Statement commits the 181 signatory CEOs “to lead their companies for the benefit of all stakeholders—customers, employees, suppliers, communities and shareholders.”¹⁸² Alex Gorsky, Chairman of the Board and CEO of Johnson & Johnson, noted: “This new statement better reflects the way corporations can and should operate today. It affirms the essential role corporations can play in improving our society when CEOs are truly committed to meeting the needs of all stakeholders.”¹⁸³

Numerous other organizations and corporations have combined efforts to galvanize support for access-to-justice initiatives through funding, resources, pro bono service and other efforts. For example, the National Legal Aid and Defender Association (NLADA) maintains a Corporate Advisory Council that “unites distinguished legal executives from a wide variety of industries to help low-income people in need of legal services by strengthening pro bono programs, formulating national strategies in support of funding for legal representation and supporting resource development at NLADA.”¹⁸⁴

Given the new statement on corporate purpose and other models of corporate involvement in access to justice, the Permanent Commission recommends that the Chief Judge create a “New York State Coalition of Business Leaders in Support of Access to Justice.” The Coalition would work with the court system and the Permanent Commission to help coordinate ongoing local and statewide access-to-justice initiatives; the Coalition could also help identify opportunities to expand awareness of access-to-justice efforts through business networks.

With the formation of such a Coalition, New York will be able to benefit more directly from the perspectives, skills, experience, and pro bono interests of Coalition members and their employees. Coalition members could designate liaisons to work as part of local access to justice committees, as well as liaise with the Permanent Commission on statewide efforts. The new Coalition could be open to all businesses across the State. The opportunities presented by integrating the business community through a statewide Coalition are significant and would contribute to sustaining and expanding the efforts and impact of the Permanent Commission to ensure access to justice for 100% of low-income persons in New York.

VII. Additional Initiatives Should Be Explored to Address the Justice Gap in Rural Areas

The Permanent Commission’s strategic planning and implementation efforts have sought to identify ways to address the justice gap in rural communities. Through the work of the local access to justice committees, it has become apparent that the needs of rural areas are unique and require individualized approaches. In the coming year, the Permanent Commission will work with the local committees to explore potential initiatives that could benefit their rural communities, including:

- **Use of Online Dispute Resolution (ODR)** to provide an alternative to the court process to resolve matters, without the need to travel to a courthouse.¹⁸⁵ The first ODR pilot in New York County Small Claims Court is in the process of being implemented. The Permanent Commission recommends that this pilot be reviewed for insights as to its potential benefits to rural communities;¹⁸⁶ and
- **Further Development of Remote Help Centers** to provide court-based assistance and services directly to rural residents in their communities without the need to travel long distances to the courthouse.

VIII. The Chief Judge's Proposed Constitutional Reforms to Simplify the New York Courts Are Strongly Supported by the Permanent Commission

In September 2019, Chief Judge DiFiore proposed constitutional reforms to eliminate New York's complex maze of 11 separate trial courts and replace it with a simplified, three-level structure which will make the courts, among other things, easier to navigate. The Permanent Commission fully supports this proposal, as it will expand access to justice for all, but most importantly, for low-income New Yorkers who must appear in complex matters involving essential of life issues without representation.¹⁸⁷



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

ENDNOTES

- ¹ Chief Judge's 2019 Hearing on Civil Legal Services in New York 5:20-22 (Court of Appeals, Sept. 23, 2019) [hereinafter 2019 Chief Judge's Hearing] (opening remarks of Chief Judge Janet DiFiore) (The transcript of the 2019 Chief Judge's Hearing is at Appendix 5 to this Report.).
- ² N.Y. Legis. Assemb. Res. K1621, Sess. 2009–2010 (2010), <https://www.nysenate.gov/legislation/resolutions/2009/k1621>; N.Y. Legis. Assemb. Res. J6368, Sess. 2009–2010 (2009), <https://www.nysenate.gov/legislation/resolutions/2009/j6368>. The Joint Resolution was adopted by the State Senate on June 29, 2010 and the State Assembly on July 1, 2010.
- ³ See Permanent Commission on Access to Justice, Report to the Chief Judge of the State of New York 1, 22 (Nov. 2016) [hereinafter 2016 Annual Report], http://ww2.nycourts.gov/sites/default/files/document/files/2018-03/2016_Access_to_Justice-Report.pdf.
- ⁴ N.Y. Legis. Assemb. Res. C776, Sess. 2015–2016 (2015), <http://legislation.nysenate.gov/pdf/bills/2015/C776>. The Concurrent Resolution was adopted by the State Senate and State Assembly on June 18, 2015. The full text of the Resolution reads:

WHEREAS, This Legislative Body, by resolution adopted in 2010 (J.6368 and K.1621), recognized that the fair administration of justice requires that every person who must use the courts have access to adequate legal representation and, accordingly, invited the chief judge of the state to annually report to the governor and the legislature concerning the findings of his statewide hearings to assess the extent and nature of unmet civil legal services needs, and the work of the Task Force to Expand Access to Civil Legal Services in New York; and

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

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

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

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

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

- ⁵ In 2012, the Permanent Commission recommended to the Chief Judge a revision to Section 100.3 of the New York Code of Judicial Conduct regarding a judge's duty of impartiality and diligence, to provide that a judge does not violate Section 100.3 by making reasonable efforts to facilitate the ability of unrepresented litigants to have their matters fairly heard. Section 100.3 was subsequently amended in 2015. See N.Y. Comp. Codes R. & Regs. tit. 22, § 100.3(B)(12) (2015). See also The Task Force to Expand Access to Civil Legal Services in New York, Report to the Chief Judge of the State of New York 8 (Nov. 2013) [hereinafter 2013 Annual Report], http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-Taskforcereport_2013.pdf.
- ⁶ See Permanent Commission on Access to Justice, Report to the Chief Judge of the State of New York 31 (2015) [hereinafter 2015 Annual Report], http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/2015_Access_to_Justice-Report-V5.pdf.
- ⁷ See Permanent Commission on Access to Justice, Report to the Chief Judge of the State of New York, Appendix 11 (Nov. 2017) [hereinafter 2017 Annual Report], <http://ww2.nycourts.gov/sites/default/files/document/files/2018-03/2017-ATJ-Commission-Report.pdf>.
- ⁸ Joint Order of the Supreme Court, Appellate Division (Apr. 23, 2013), codified at 22 N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.0 Rules of Professional Conduct, Rule 6.1, <http://ww2.nycourts.gov/sites/default/files/document/files/2018-11/Rule6.1.pdf>.
- ⁹ Administrative Order of the Chief Administrative Judge of the Courts AO/135a/13 (Apr. 22, 2013), codified at 22 N.Y. Comp. Codes R. & Regs. tit. 22, § 118.1(e)(14), <http://ww2.nycourts.gov/rules/chiefadmin/118.shtml>.
- ¹⁰ See Advisory Committee on Pro Bono Service by In-House Counsel in New York State, Report to The Chief Judge of the State of New York and the Presiding Justices of the Four Appellate Division Departments (Sept. 2013), <https://ww2.nycourts.gov/sites/default/files/document/files/2018-03/IHC-ProBonoReport.pdf>. The amended rule is N.Y. Comp. Codes R. & Regs. tit. 22, § 522.8 (2015).
- ¹¹ See N.Y. Comp. Codes R. & Regs. tit. 22, § 520.16 (2015), <http://www.nycourts.gov/ctapps/520rules10.htm#B16>.
- ¹² The Pro Bono Scholars Program was announced by Chief Judge Lippman in his 2014 State of the Judiciary address. See Pro Bono Scholars Program – A Legal Education Initiative, N.Y. State Unified Court Sys., <http://ww2.nycourts.gov/attorneys/probonoscholars/index.shtml> (last visited Nov. 23, 2019).
- ¹³ See N.Y. Comp. Codes R. & Regs. tit. 22, § 118.1(g) (2015). See also Attorney Emeritus Program, N.Y. State Unified Court Sys., <http://ww2.nycourts.gov/attorneys/volunteer/emmeritus/index.shtml> (last visited Nov. 23, 2019).
- ¹⁴ Reports from the Annual Law School Conferences are contained in the Appendices of the respective Annual Reports to the Chief Judge: Permanent Commission on Access to Justice, Report to the Chief Judge of the State of New York, Appendix 11 (2018) [hereinafter 2018 Annual Report], http://ww2.nycourts.gov/sites/default/files/document/files/2019-10/18_ATJ-Comission_Report.pdf; 2017 Annual Report, *supra* note 7, at Appendix 9; 2016 Annual Report, *supra* note 3, at Appendix 10; 2015 Annual Report, *supra* note 6, at Appendix 15; The Task Force to Expand Access to Civil Legal Services in New York, Report to the Chief Judge of the State of New York, Appendix 15 (Nov. 2014) [hereinafter 2014 Annual Report], <http://www.nycourts.gov/accesstojusticecommission/PDF/CLS%20TaskForce%20Report%202014.pdf>; 2013 Annual Report, *supra* note 5, at Appendix 15; Task Force To Expand Access to Civil Legal Services in New York, Report to the Chief Judge of the State of

New York, Appendix 15 (Nov. 2012) [hereinafter 2012 Annual Report], http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/CLS-TaskForceREPORT_Nov-2012.pdf.

¹⁵ See 2015 Annual Report 29-30 & Appendix 16, *supra* note 6; 2014 Annual Report 29, *supra* note 14. See *also* 2018 Annual Report, *supra* note 14, at Appendix 12; 2017 Annual Report, *supra* note 7, at Appendix 10; 2016 Annual Report, *supra* note 3, at Appendix 11.

¹⁶ See 2014 Annual Report, *supra* note 14, at 28. See *also* 2018 Annual Report *supra* note 14, at 41-43; 2017 Annual Report, *supra* note 7, at 34-35; 2016 Annual Report, *supra* note 3, at 28-29; 2015 Annual Report, *supra* note 6, at 29.

¹⁷ See 2014 Annual Report, *supra* note 14, at 27-28. See *also* 2015 Annual Report, *supra* note 6, at 29-30.

¹⁸ Administrative Order of the Chief Administrative Judge of the Courts AO/42/14 (Feb. 10, 2014), <https://www.nycourts.gov/courts/nyc/SSI/pdfs/AO-42-14.pdf>.

¹⁹ 2017 Annual Report, *supra* note 7, at 36-37; 2016 Annual Report, *supra* note 3, at 30-31; 2015 Annual Report, *supra* note 6 at 35-36.

²⁰ 2017 Annual Report, *supra* note 7, at 35-36; 2016 Annual Report, *supra* note 3, at 32-33; 2015 Annual Report, *supra* note 6, at 34-35.

²¹ Permanent Commission on Access to Justice, Justice for All Strategic Action Plan (Dec. 2017) [hereinafter Strategic Action Plan], <http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/JFA-Report-122217.pdf>. See *also* 2018 Annual Report, *supra* note 14, at 20-24; 2017 Annual Report, *supra* note 7, at 21-23; 2016 Annual Report, *supra* note 3, at 23-24.

²² Strategic Action Plan, *supra* note 21, at 31-33. See *also* 2018 Annual Report, *supra* note 14, at 21-22; 2017 Annual Report, *supra* note 7, at 23, 29.

²³ L. 2019, c. 51 [Judiciary Budget] (signed 4/12/19), <https://www.nyls.org/2019.html>.

²⁴ See 2016 Annual Report, *supra* note 3, at Appendix 2.

²⁵ See 2019-2020 Judiciary Civil Legal Services Allocations (Appendix 2 to this Report).

²⁶ Based on information made available to the Permanent Commission by the Office of Court Administration (OCA), Division of Professional and Court Services, Grants and Contracts Office [hereinafter OCA Information].

²⁷ *Id.* Direct legal assistance refers to the provision of limited-scope or full representation within an attorney-client relationship in actual or potential actions or proceedings, or the rendering of brief advice services related to a specific legal matter.

²⁸ The slight decrease in the number of cases handled over the prior year was attributable to several factors, including: past grantees that did not apply for funding or requested less funding than prior years; new grantees that were delayed in hiring new staff; grantees who had staff turnover or attorneys on extended sick leave; and an increase in the handling of certain case types, which required significantly more attorney resources.

²⁹ This slight decrease in the number of cases handled in the Third Department was attributable to a shift of resources to address an increased foreclosure caseload, which required significantly more attorney resources.

- ³⁰ The slight decrease in the number of cases handled over the prior year was attributable to several factors, including grantees who had staff turnover or attorneys on extended sick leave; an increase in the handling of certain case types, which required significantly more attorney resources; and the implementation of new initiatives, which required diversion of resources to these efforts.
- ³¹ The slight decrease in the number of cases handled over the prior year was attributable to several factors, including grantees who had staff turnover or attorneys on extended sick leave; an increase in the handling of certain case types, which required significantly more attorney resources; and the implementation of new initiatives, which required diversion of resources to these efforts.
- ³² OCA Information, *supra* note 26.
- ³³ *Id.* Persons benefitted refers to the number of persons benefitted from direct legal assistance (i.e., class action members other than the lead plaintiff and household members in foreclosure or eviction proceedings).
- ³⁴ Stout Risius Ross received information and analysis from IOLA and The Resource for Great Programs, Inc. for this analysis.
- ³⁵ Values derived by The Resource for Great Programs for New York State in 2018 using U.S. Dept. of Commerce RIMS II regional economic multiplier model.
- ³⁶ Program funding provided by The Resource for Great Programs according to IOLA data obtained from the fundraising line of the revenue sheet of the GAR. The source of funding is tracked but the precise allocation of funds to specific types of legal services (such as those in scope for this report) cannot be estimated with available data.
- ³⁷ For this analysis, based on information from The Resource for Great Programs, Stout estimated that 51% of clients were female, based on data found in Furtuny et al., The Characteristics of Unauthorized Immigrants in California, Los Angeles County, and the United States Table 9 (2007) [hereinafter Furtuny]. This table shows the characteristics of foreign-born citizens, legal non-citizens and unauthorized immigrants.
- ³⁸ For this analysis, based on information from The Resource for Great Programs, Stout estimated that approximately 85% of VAWA clients are women based on program statistics cited in the U.S. Dep't of Justice Office on Violence Against Women, 2016 Bi-Annual Report to Congress on the Effectiveness of the Grant Programs under the VAWA (2016).
- ³⁹ For this analysis, based on information from The Resource for Great Programs, Stout estimated that 51% of clients were female, based on data found in Furtuny, *supra* note 37, at Table 9. This table shows the characteristics of foreign-born citizens, legal non-citizens and unauthorized immigrants.
- ⁴⁰ The estimated duration of child and spousal support is 9 years; this is the average time elapsed from the average age of children at divorce (9 years) to the age of majority (18 years). See Shirley H. Liu, The Effect of Parental Divorce and Its Timing on Child Educational Attainment: A Dynamic Approach, Department of Economics, University of Miami, 17 (Aug. 28, 2007) (average age of children at divorce is 9), http://moya.bus.miami.edu/~sliu/Research_files/divorcetiming.pdf.
- ⁴¹ See Notice of Public Hearing, The Chief Judge's 2019 Hearing on Civil Legal Services in New York State (Appendix 3 to this Report).
- ⁴² See List of Presenters, The Chief Judge's 2019 Hearing on Civil Legal Services in New York State (Appendix 4 to this Report); Written Statements from Presenters, The Chief Judge's 2019 Hearing on Civil Legal Services in New York State [hereinafter Written Statements] (Appendix 6 to this Report);

Written Submissions, The Chief Judge's 2019 Hearing on Civil Legal Services in New York State (Appendix 7 to this Report).

⁴³ 2019 Chief Judge's Hearing, *supra* note 1, at 5:19-24, 6:4-12 (opening remarks of Chief Judge DiFiore).

⁴⁴ *Id.* at 7:12-13.

⁴⁵ *Id.* at 7:16-20.

⁴⁶ *Id.* at 8:15-16.

⁴⁷ *Id.* at 12:9-22 (remarks of Judge Edwina G. Mendelson).

⁴⁸ *Id.* at 153:3-13 (remarks of Raun Rasmussen, Esq.).

⁴⁹ *Id.* at 133:14-17 (remarks of Lillian M. Moy, Esq.).

⁵⁰ Written Statements, *supra* note 42, Statement of C. Kenneth Perri, Esq., 2.

⁵¹ 2019 Chief Judge's Hearing, *supra* note 1, at 112:19-113:12 (remarks of Prof. Rebecca L. Sandefur).

⁵² Written Statements, *supra* note 42, Statement of Jennie G. Kim, Esq., 1.

⁵³ 2019 Chief Judge's Hearing, *supra* note 1, at 103:11-14, 103:24-104:1 (remarks of Jennie G. Kim, Esq.).

⁵⁴ *Id.* at 106:11-107:9.

⁵⁵ *Id.* at 117:13-25 (remarks of Prof. Rebecca L. Sandefur).

⁵⁶ *Id.* at 118:4-6.

⁵⁷ *Id.* at 97:1-10 (remarks of Neil Steinkamp).

⁵⁸ *Id.* at 96:7-24.

⁵⁹ *Id.* at 32:11-18 (remarks of Jordan Dressler, Esq.).

⁶⁰ *Id.* at 32:19-33:3, 33:11-18. See *also* Office of Civil Justice, N.Y.C. Human Resources Admin., Universal Access to Legal Services, A Report on Year Two of Implementation in New York City (Fall 2019), https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2019.pdf.

⁶¹ 2019 Chief Judge's Hearing, *supra* note 1, at 125:1-9 (remarks of Stacey Friedman, Esq.).

⁶² *Id.* at 125:17-126:7.

⁶³ *Id.* at 114:5-7 (remarks of Prof. Rebecca L. Sandefur).

⁶⁴ *Id.* at 115:1-3.

⁶⁵ *Id.* at 87:19-22 (remarks of Christopher B. O'Malley, Esq.).

⁶⁶ *Id.* at 99:1-10 (remarks of Henry M. Greenberg, Esq.).

⁶⁷ *Id.* at 99:18-100:2 (remarks of Neil Steinkamp).

⁶⁸ *Id.* at 133:4-13 (remarks of Lillian M. Moy, Esq.).

⁶⁹ *Id.* at 63:2-4 (remarks of C. Kenneth Perri, Esq.).

- ⁷⁰ *Id.* at 26:20-27:9 (remarks of Roger Juan Maldonado, Esq.).
- ⁷¹ *Id.* at 144:12-145:2 (remarks of Kristin Brown).
- ⁷² *Id.* at 81:3-12, 81:18-23 (remarks of Christopher B. O'Malley, Esq.).
- ⁷³ *Id.* at 145:25-146:6 (remarks of Kristin Brown).
- ⁷⁴ *Id.* at 76:11-15 (remarks of Adriene Holder, Esq.).
- ⁷⁵ Written Statements, *supra* note 42, Statement of C. Kenneth Perri, Esq., 3.
- ⁷⁶ 2019 Chief Judge's Hearing, *supra* note 1, at 25:5-14 (remarks of Roger Juan Maldonado, Esq.).
- ⁷⁷ *Id.* at 93:3-20 (remarks of Neil Steinkamp).
- ⁷⁸ *Id.* at 107:10-17 (remarks of Jennie G. Kim, Esq.).
- ⁷⁹ *Id.* at 134:23-135:10 (remarks of Lillian M. Moy, Esq.).
- ⁸⁰ Written Statements, *supra* note 42, Statement of Roger Juan Maldonado, Esq., 3.
- ⁸¹ *Id.*
- ⁸² 2019 Chief Judge's Hearing, *supra* note 1, at 20:13-16 (remarks of Judge Edwina G. Mendelson).
- ⁸³ *Id.* at 48:20-21 (remarks of Barbara Finkelstein, Esq.).
- ⁸⁴ *Id.* at 46:2-3 (remarks of Hind Mohammed).
- ⁸⁵ *Id.* at 46:7-20.
- ⁸⁶ *Id.* at 58:21-59:2 (remarks of Mary Brown).
- ⁸⁷ *Id.* at 76:5-10 (remarks of Adriene Holder, Esq.).
- ⁸⁸ Written Statements, *supra* note 42, Statement of Donna and Donald Connors, 1.
- ⁸⁹ 2019 Chief Judge's Hearing, *supra* note 1, at 134:3-6 (remarks of Lillian M. Moy, Esq.).
- ⁹⁰ Written Statements, *supra* note 42, Statement of Lillian M. Moy, Esq., 1.
- ⁹¹ *Id.*, Statement of Shanell Yarde, 2.
- ⁹² 2019 Chief Judge's Hearing, *supra* note 1, at 142:5-11 (remarks of Kristin Brown).
- ⁹³ *Id.* at 142:12-13.
- ⁹⁴ *Id.* at 151:19-152:7 (remarks of Raun Rasmussen, Esq.).
- ⁹⁵ *Id.* at 150:22-151:3 (remarks of Linda Carrasquillo).
- ⁹⁶ Permanent Commission on Access to Justice, New York Justice for All Providing Effective Assistance (Oct. 2019) [hereinafter Effective Assistance] (Appendix 11 to this Report).
- ⁹⁷ 2018 Annual Report, *supra* note 14, at 20-24; 2017 Annual Report, *supra* note 7, at 21-23.
- ⁹⁸ Strategic Action Plan, *supra* note 21.

⁹⁹ *Id.* at 77-82; 2017 Annual Report, *supra* note 7, at 22-23.

¹⁰⁰ 2018 Annual Report, *supra* note 14, at 21.

¹⁰¹ See 2014 Annual Report, *supra* note 14, at 18-19, 34-39. See also 2018 Annual Report, *supra* note 14, at 31; 2017 Annual Report, *supra* note 7, at 28; 2016 Annual Report, *supra* note 3, at 6-7, 22-23; 2015 Annual Report, *supra* note 6, at 8-10; 2013 Annual Report, *supra* note 5, at 1-3; Task Force To Expand Access to 2012 Annual Report, *supra* note 14, at 1-2, 15-16; Task Force To Expand Access to Civil Legal Services in New York, Report to the Chief Judge of the State of New York 1, 38-39 (Nov. 2011) [hereinafter 2011 Annual Report], http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/CLS-2011TaskForceREPORT_web.pdf; Task Force To Expand Access to Civil Legal Services in New York, Report to the Chief Judge of the State of New York 37-40 (Nov. 2010) [hereinafter 2010 Annual Report], <http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/CLS-TaskForceREPORT.pdf>.

¹⁰² 2017 Annual Report, *supra* note 7, at 29.

¹⁰³ Strategic Action Plan, *supra* note 21, at 33-36, 38, 40.

¹⁰⁴ See 2012 Annual Report, *supra* note 14, at 36-39. See also 2015 Annual Report, *supra* note 6, at 35-36.

¹⁰⁵ See 2014 Annual Report, *supra* note 14, at 32-33. See also 2015 Annual Report, *supra* note 6, at 33-34.

¹⁰⁶ See Letter from Hon. Craig J. Doran, Administrative Judge, Seventh Judicial District, to Helaine M. Barnett, Chair, Permanent Commission on Access to Justice (Sept. 20, 2019) (on file with the Permanent Commission) [hereinafter Judge Doran Letter] (proposing recommendations for inclusion in the Permanent Commission's Annual Report to the Chief Judge).

¹⁰⁷ 2018 Annual Report, *supra* note 14, at 31-32.

¹⁰⁸ *Id.* at 33.

¹⁰⁹ Justice for All Initiative – 7th Judicial District, Monroe County Strategic Action Plan (Sept. 2019) (Appendix 8 to this Report) [hereinafter Monroe County Strategic Action Plan].

¹¹⁰ Permanent Commission on Access to Justice, New York Justice for All Local Access to Justice Committees Activities and Chart (Oct. 2019) (Appendix 10 to this Report).

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ Permanent Commission on Access to Justice, Program for the 2019 Statewide Stakeholders Meeting Program (Oct. 28, 2019) [hereinafter Statewide Stakeholders Meeting] (Appendix 9 to this Report).

¹¹⁶ Effective Assistance, *supra* note 96.

¹¹⁷ Permanent Commission on Access to Justice, New York Justice for All Guidelines on Assessing Progress: Strategic Action Planning and Initial Implementation (Oct. 2019) [hereinafter Assessing Progress] (Appendix 12 to this Report).

- ¹¹⁸ Permanent Commission on Access to Justice, New York Justice for All Communications Planning Considerations (Oct. 2019) [hereinafter Communications Planning] (Appendix 13 to this Report).
- ¹¹⁹ See Remarks of Prof. Rebecca L. Sandefur, *supra* note 56.
- ¹²⁰ Warm referrals involve direct personal contact from initial points of entry to service providers on behalf of individuals in need, to ensure that the service providers are best suited to address the individual's needs and will provide the appropriate level of assistance needed.
- ¹²¹ See, e.g., Sabina Loscalzo, United Way of North Carolina and Unite Us Announce Partnership to Deliver Next Generation Information and Referral System Statewide, Unite Us (Apr. 16, 2018), <https://blog.uniteus.com/united-way-of-north-carolina-and-unite-us-announce-partnership-to-deliver-next-generation-information-and-referral-system-statewide>; About NCCARE360, NCCare360, <https://nccare360.org/about/> (last visited Nov. 23, 2019).
- ¹²² HEAL Program Offers Holistic Care for Victims of Interpersonal Violence, University of Rochester Medical Center (Jan. 30, 2017), <https://www.urmc.rochester.edu/news/story/4721/heal-program-offers-holistic-care-for-victims-of-interpersonal-violence.aspx>.
- ¹²³ See OCJ Report, *supra* note 60.
- ¹²⁴ See 2017 Annual Report, *supra* note 7, at 5-8; 2016 Annual Report, *supra* note 3, at 5-9; 2015 Annual Report, *supra* note 6, at 25-26; 2014 Annual Report, *supra* note 14, at 21-23; 2013 Annual Report, *supra* note 5, at 23-27; 2012 Annual Report, *supra* note 14, at 18-25; 2011 Annual Report, *supra* note 101, at 23-29 (2012); 2010 Annual Report, *supra* note 101, at 20-26.
- ¹²⁵ 2010 Annual Report, *supra* note 101, at 39-40.
- ¹²⁶ OCA Information, *supra* note 26.
- ¹²⁷ 2018 Annual Report, *supra* note 14, at 29.
- ¹²⁸ 2019 Chief Judge's Hearing, *supra* note 1, at 153:1-5 (remarks of Raun Rasmussen, Esq.).
- ¹²⁹ Written Statements, *supra* note 42, Statement of Lillian M. Moy, Esq., 1.
- ¹³⁰ *Id.*, Statement of C. Kenneth Perri, Esq., 2; 2019 Chief Judge's Hearing, *supra* note 1, at 133:4-18 (remarks of Lillian M. Moy, Esq.).
- ¹³¹ Written Statements, *supra* note 42, Statement of C. Kenneth Perri, Esq., 2.
- ¹³² 2019 Chief Judge's Hearing, *supra* note 1, at 133:4-7 (remarks of Lillian M. Moy, Esq.).
- ¹³³ *Id.*
- ¹³⁴ *Id.* at 112:19-113:18 (remarks of Prof. Rebecca L. Sandefur) (stating that the numbers turned away by the legal services providers are "just the tip of the iceberg").
- ¹³⁵ Poverty Status in the Past 12 Months: 2017 American Community Survey 1-Year Estimates, U.S. Census Bureau: American Factfinder (2017), https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_S1701&prodType=table (table modified using "Add/Remove Geographies" feature to display New York-specific statistics).
- ¹³⁶ See Mark Weiner, Syracuse's alarming poverty rate keeps rising in 2016: 13th worst in U.S., Syracuse.com (Sept. 14, 2017), https://www.syracuse.com/politics/index.ssf/2017/09/syracuses_alarming_poverty_rate_keeps_rising_in_2016_13th_worst_in_us.html.

¹³⁷ New York State Community Action Association, New York Annual Poverty Report 108-109 (Mar. 2019), https://nyscommunityaction.org/wp-content/uploads/2019/05/Poverty-Report_2019_Final-for-Web.pdf.

¹³⁸ 2019 Chief Judge’s Hearing, *supra* note 1, at 81:13-83:17 (remarks of Christopher B. O’Malley, Esq.).

¹³⁹ *Id.*

¹⁴⁰ *Id.* at 84:23-87:25.

¹⁴¹ 2018 Annual Report, *supra* note 14, at 31-32.

¹⁴² 2019 Chief Judge’s Hearing, *supra* note 1, at 144:12-145:2 (remarks of Kristin Brown); *Id.* at 27:7-12 (remarks of Roger Juan Maldonado, Esq.).

¹⁴³ *Id.* at 145:3-146:12 (remarks of Kristin Brown); *Id.* at 76:5-10 (remarks of Adriene Holder, Esq.).

¹⁴⁴ *Id.* at 75:17-21.

¹⁴⁵ *Id.* at 78:11-23 (remarks of Chief Administrative Judge Marks and Adriene Holder, Esq.).

¹⁴⁶ *Id.* at 76:11-15 (remarks of Adriene Holder, Esq.).

¹⁴⁷ Housing Stability and Tenant Protection Act, 2019 Sess. Law News of N.Y. Ch. 36 (S. 6458) (McKinney’s).

¹⁴⁸ 2019 Chief Judge’s Hearing, *supra* note 1, at 62:16-20 (remarks of C. Kenneth Perri, Esq.).

¹⁴⁹ *Id.* at 145:16-22 (remarks of Kristen Brown).

¹⁵⁰ See Written Statements, *supra* note 42, Statement of Roger Juan Maldonado, Esq., 3.

¹⁵¹ “Since 2013, there have been 248 major natural disaster declarations by the federal government. This number does not include state or locally declared disasters or emergencies.” Disaster Task Force, Legal Services Corporation, <https://www.lsc.gov/disaster-task-force> (last visited Nov. 24, 2019).

¹⁵² Legal Services Corporation, Report of the LSC Disaster Task Force (2019), <https://lsc-live.app.box.com/s/vro33yjt6nlgurh434fw9jhb7npz4sh>. In May 2019, Congress appropriated \$15 million in supplemental funding for the Legal Services Corporation for disaster relief, recognizing that civil legal aid is an important part of the disaster recovery process. LSC Receives \$15 Million in Supplemental Disaster Funding Bill, Legal Services Corporation (June 4, 2019), <https://www.lsc.gov/media-center/press-releases/2019/lsc-receives-15-million-supplemental-disaster-funding-bill>.

¹⁵³ 2019 Chief Judge’s Hearing, *supra* note 1, at 8:7-10 (remarks of Chief Judge DiFiore).

¹⁵⁴ 2018 Annual Report, *supra* note 14, at 31-37; 2017 Annual Report, *supra* note 7, at 28-31.

¹⁵⁵ 2018 Annual Report, *supra* note 14, at 36-37.

¹⁵⁶ 2019 Chief Judge’s Hearing, *supra* note 1, at 118:4-6 (remarks of Prof. Rebecca L. Sandefur).

¹⁵⁷ Strategic Action Plan, *supra* note 21, at 37.

¹⁵⁸ For example, in Tennessee, a Faith and Justice Alliance has been established to connect those in need with pro bono attorneys. Operating on a referral model, faith leaders are trained about the resources in their communities in order that they can provide “warm referrals” when counsel

is sought. Faith Based Initiative, Justice for All: A Tennessee Supreme Court Initiative, <https://justiceforalltn.com/i-can-help/faith-based-initiative> (last visited Nov. 24, 2019).

¹⁵⁹ See Communications Planning, *supra* note 118.

¹⁶⁰ NYCourts.gov, Notice of Nonpayment Petition, <https://www.nycourts.gov/courts/nyc/housing/pdfs/notificationforms/Nonpayment-English.pdf> (last visited Nov. 24, 2019); NYCourts.gov, Notice of Holdover Petition, <https://www.nycourts.gov/courts/nyc/housing/pdfs/postcards/Holdover-English.pdf> (last visited Nov. 24, 2019).

¹⁶¹ See, e.g., Monroe County Strategic Action Plan, *supra* note 109, at 9-10 (the Monroe County Access to Justice Committee, through its Housing Working Group's Subcommittee on Unrepresented Litigants, recommended development of plain language notices of petitions for summary proceedings). See *also* Judge Doran Letter, *supra* note 106, at 1.

¹⁶² See Assessing Progress, *supra* note 117.

¹⁶³ 2019 Chief Judge's Hearing, *supra* note 1, at 94:12-95:3 (remarks of Neil Steinkamp).

¹⁶⁴ *Id.* at 95:4-18. See *also* Judge Doran Letter, *supra* note 106, at 2 (recommending collection of baseline data from the courts to identify gaps and concerns related to the justice system).

¹⁶⁵ 2019 Chief Judge's Hearing, *supra* note 1, at 95:19-96:4 (remarks of Neil Steinkamp).

¹⁶⁶ See Statewide Stakeholders Meeting, *supra* note 115.

¹⁶⁷ The Permanent Commission extends its heartfelt gratitude to Lauren Kanfer, former Staff Counsel to the Commission, for her outstanding work in coordinating the 2019 Law School Conference and her pivotal role in preparing the report of the conference, as she had done with each of the conferences and reports to date. Lauren's undaunted commitment to the work and goals of the Permanent Commission, along with her tireless efforts on behalf of the conference, always ensured its success and maximum impact.

¹⁶⁸ Chief Judge Janet DiFiore, Opening Remarks at the Eighth Annual Law School Access to Justice Conference (May 14, 2019) (on file with the Permanent Commission).

¹⁶⁹ *Id.*

¹⁷⁰ The Statewide Law School Access to Justice Council was established in 2013, based upon a recommendation from the 2012 Law School Conference and includes members from all 15 law schools in New York, representatives of legal services providers, members of the Permanent Commission and a representative of the New York State Bar Association. The Council spearheaded the Statewide Diversity Pipeline Initiative with Legal Outreach, Inc. during the 2018-2019 school year with funding from the Law School Admission Council (LSAC).

¹⁷¹ See Permanent Commission on Access to Justice, Report of the Working Group on Law School Involvement (2019) (Appendix 14 to this Report).

¹⁷² See Reports from the Technology Working Group contained in the Appendices of the respective Annual Reports to the Chief Judge: 2018 Annual Report, *supra* note 14, at Appendix 12; 2017 Annual Report, *supra* note 7, at Appendix 10; 2016 Annual Report, *supra* note 3, at Appendix 11; 2015 Annual Report, *supra* note 6, at Appendix 16; 2014 Annual Report, *supra* note 14, at Appendix 16; 2013 Annual Report, *supra* note 5, at Appendix 16.

¹⁷³ See 2013 Annual Report, *supra* note 5, at 32-36.

¹⁷⁴ Permanent Commission on Access to Justice, Report of the Working Group on Technology 2-8 (2019) (Appendix 15 to this Report).

¹⁷⁵ 2013 Annual Report, *supra* note 5, at 32-35.

¹⁷⁶ 2018 Annual Report, *supra* note 14, at Appendix 12.

¹⁷⁷ For further information about Legal Hand neighborhood storefront centers. See Written Statements, *supra* note 42, Statement of Jennie G. Kim, Esq.).

¹⁷⁸ See Court Navigator Program, NYCourts.gov, http://nycourts.gov/COURTS/nyc/housing/rap_prospective.shtml (last visited Nov. 24, 2019).

¹⁷⁹ Rebecca L. Sandefur & Thomas M. Clarke, Roles Beyond Lawyers (Dec. 2016) http://www.americanbarfoundation.org/uploads/cms/documents/new_york_city_court_navigators_report_final_with_final_links_december_2016.pdf.

¹⁸⁰ *Id.* at 4. See also Mary E. McClymont, Nonlawyer Navigators in State Courts: An Emerging Consensus (June 2019), <https://www.srln.org/system/files/attachments/Final%20Navigator%20report%206.11.pdf> (finding an emerging consensus that people who are not lawyers can provide meaningful and effective assistance in a wide range of problems).

¹⁸¹ Business Roundtable, Statement on the Purpose of a Corporation, <https://opportunity.businessroundtable.org/ourcommitment/> (last visited Nov. 24, 2019).

¹⁸² Business Roundtable Redefines the Purpose of a Corporation to Promote ‘An Economy That Serves All Americans’, Business Roundtable (Aug. 19, 2019), <https://www.businessroundtable.org/business-roundtable-redefines-the-purpose-of-a-corporation-to-promote-an-economy-that-serves-all-americans> (last visited Nov. 24, 2019).

¹⁸³ *Id.*

¹⁸⁴ Corporate Engagement, National Legal Aid & Defender Association, <http://www.nlada.org/issues-and-initiatives/corporate-engagement> (last visited Nov. 24, 2019).

¹⁸⁵ 2013 Annual Report, *supra* note 5, at 36.

¹⁸⁶ See 2019 Chief Judge’s Hearing, *supra* note 1, at 98:20-99:13 (remarks of Henry M. Greenberg, Esq.) (discussing rural justice and its challenges).

¹⁸⁷ The Permanent Commission has voiced its support for court consolidation in the past—particularly in 2016, when it advocated for the consolidation of family/matrimonial matters in one court part. 2016 Annual Report, *supra* note 3, at 25.

