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COURT OF APPEALS

ALBANY, NEW YORK

CHIEF JUDGE'S 2020 HEARING ON CIVIL LEGAL SERVICES

IN NEW YORK

COURT OF APPEALS
20 Eagle Street
Albany, New York 12207
September 21, 2020

B E F O R E: HON. JANET DiFIORE,
Chief Judge

HON. ROLANDO T. ACOSTA,
Presiding Justice of the First Department

HON. ALAN D. SCHEINKMAN,
Presiding Justice of the Second Department

HON. ELIZABETH A. GARRY,
Presiding Justice of the Third Department

HON. GERALD J. WHALEN,
Presiding Justice of the Fourth Department

HON. LAWRENCE K. MARKS,
Chief Administrative Judge

SCOTT M. KARSON,
President of the New York State
Bar Association

Sharona Shapiro
Official Court Transcriber



1 (Proceedings commenced at approximately 1:00 p.m., as
2 follows:)

3 THE CLERK: All please rise. Welcome to the 2020
4 open hearing on Civil Legal Services. President of the New
5 York State Bar Association, Scott Karson; Presiding Justice
6 of the Appellate Division, First Department, Judge Rolando
7 Acosta; Presiding Justice of the Appellate Division, Second
8 Department, Judge Alan Scheinkman; Presiding Justice of the
9 Appellate Division, Third Department, Judge Elizabeth
10 Garry; Presiding Justice of the Appellate Division, Fourth
11 Department Judge Gerald Whalen; Chief Administrative Judge
12 of the Unified Court System, Judge Lawrence Marks; and
13 Chief Judge of the State of New York, Judge Janet DiFiore.

14 CHIEF JUSTICE DIFIIORE: Good afternoon, everyone,
15 and please be seated. Welcome to our 2020 public hearing
16 on civil legal services. Joining me in person on today's
17 panel are the leaders of the Judiciary and the legal
18 profession. And while these folks need no introduction, it
19 is my privilege to acknowledge their presence and
20 participation in today's proceedings, starting with the
21 Chief Administrative Judge of the Courts, Lawrence Marks;
22 the Presiding Justices of the Appellate Division, Rolando
23 Acosta from the First Department; Alan Scheinkman from the
24 Second Department; Elizabeth Garry, the Third; and Gerald
25 Whalen, the Fourth; and President of the New York State Bar



1 Association, Scott Karson, representing, in his capacity as
2 President, the largest voluntary bar association in the
3 country and a most important partner to the courts and to
4 the profession, in ordinary times, and of course now, in
5 these extraordinary times we find ourselves in.

6 Today's hearing will be conducted in hybrid
7 fashion, virtually, and in person, with the leaders of the
8 Judiciary and the bar here present at Court of Appeals Hall
9 today. And while we have worked very hard throughout the
10 system to prudently and responsibly reduce density
11 throughout our courthouses, the presence of the leadership
12 here today, I believe, underscores our deep commitment to
13 the issues of access to justice, and particularly so at
14 this moment in history when we know that the consequences
15 of COVID-19 have greatly increased and intensified the
16 legal problems facing so many low-income New Yorkers. And
17 so, we thank the leadership for their commitment in being
18 here today. So, thank you for that.

19 Before we begin the substantive portion of
20 today's hearing, I want to express, on behalf of all of us,
21 our gratitude, our praise, our appreciation, to Helaine
22 Barnett, who is here in Albany with us today. Helaine, of
23 course, is the Chair of the Permanent Commission on Access
24 to Justice and has just provided extraordinary leadership
25 and service over many, many decades of her career. And so



1 much of the progress that we have made in New York to
2 narrow the justice gap over the last decade can be
3 attributed directly to Helaine's outstanding leadership of
4 our 32-member commission. So, thank you to you, Helaine.

5 And each one of the Commissions members also
6 deserves our thanks for the generous service and excellent
7 work to expand access to civil legal services for low-
8 income families and individuals throughout the State. A
9 special recognition to the Deputy Chief Administrative
10 Judge for Justice Initiatives, Edwina Mendelson, who also
11 joins us today, at the Court of Appeals Hall.

12 Judge Mendelson has done an excellent job of
13 making certain that the courts are not forgetting the needs
14 of unrepresented litigants who are seeking access to our
15 virtual court services during the pandemic. And, thank
16 you, Judge; you always keep us focused, so thank you for
17 that.

18 And, finally, we are keenly aware that the
19 Permanent Commission could not accomplish its mission
20 without the support of its outstanding staff, including,
21 from my own staff, my Counsel, Tony Galvao, from the Office
22 of Court Administration, Barbara Mulé, Rochelle Klempner,
23 Barbara Zahler-Gringer, and the fabulous, fabulous law firm
24 of Sullivan & Cromwell. It would be almost impossible to
25 carry out the important work of this Commission without the



1 very, very generous pro bono support and especially without
2 the assistance of two Sullivan & "Cromwellers," Jessica
3 Klein, and Alana Longmoore. So, thank you to the firm and
4 to Jessica and Alana.

5 Now, the big news today is that it is our
6 privilege to announce the creation of our new Business
7 Council for Access to Justice, made up of the general
8 counsel and the leaders of many Fortune 500 companies and
9 global business organizations who have agreed to contribute
10 their time, their experience, and their expertise to
11 support our efforts to expand access to civil legal
12 services. Co-chaired by Eric Grossman, the Chief Legal
13 Officer of Morgan Stanley, who we will be hearing from
14 shortly; and Kimberley D. Harris, Executive Vice President
15 and General Counsel of NBCUniversal; the Business Counsel
16 established as a part of and on the recommendation of the
17 Permanent Commission will provide strategic advice and
18 support on critical issues facing us, ranging from
19 educating policymakers and the business sector on the
20 importance of policy supporting equal access to justice, to
21 fostering pro bono service by corporate counsel, to
22 partnering with legal service providers on specific
23 projects that are designed to close the gap for low-income
24 communities.

25 And the commitment of this group of individuals



1 and entities is strong, and we do know that it has been
2 animated by the recognition that access to justice promotes
3 public trust and confidence in our legal system and in the
4 rule of law, and important, and I would suggest,
5 indispensable foundation necessary to foster private
6 investment, growth, and a strong economic climate.

7 And at a time when our justice system is up
8 against so many challenges arising from COVID-19, we are
9 fortunate to be able to call upon the expertise of business
10 leaders who know what it takes to successfully lead
11 complicated and complex organizations through turbulent
12 times. We could not be more grateful to Eric, to Kim, and
13 to the members of the Business Council for their service,
14 and we look forward to working with them, to learning from
15 them, and building toward the future with them.

16 And finally, a very, very special thank you to an
17 individual who has been an absolutely extraordinary model
18 of service, integrity, and honor in the legal profession,
19 and that's Bob Fiske of Davis Polk. We thank Bob for the
20 time and energy he has devoted to organizing the Business
21 Council and his typically excellent commitment to
22 everything he takes on, including the work of the
23 Commission. So, thank you from all of us, Bob.

24 I also want to acknowledge the presence in the
25 courtroom of my colleague on the Court, Judge Leslie Stein.



1 Thank you, Judge. You're here every year demonstrating
2 your support. We appreciate that. And, of course, the
3 Clerk of the Court, John Asiello, who runs everything here
4 at Court of Appeals Hall.

5 So, thank you, John, for being here as well.

6 So, during the course of today's hearing, which
7 is our eleventh, my fifth, our eleventh statewide, we will
8 hear oral presentations, we'll receive written statements
9 from knowledgeable and experienced individuals and
10 organizations. And all of this information that we gather,
11 together with the Commission's year-round research and
12 observations, will form the basis of the mandated Chief
13 Judge's Annual Report to the Governor and the Legislature,
14 which documents the Commission's findings concerning the
15 nature and extent of the justice gap in this State, and
16 advances our recommendations, both monetary and nonmonetary
17 recommendations, for the continued expansion and enrichment
18 of civil legal services throughout the State. And, each
19 year, we look forward to submitting these recommendations
20 because they are consistently smart, informed and
21 responsible recommendations.

22 And, we are fortunate today, to have as our
23 scheduled presenters a very diverse group of experts and
24 clients to tell us about their experiences in dealing with
25 pandemic-related legal needs and will help us to understand



1 the very serious challenges we are going through and what
2 it takes to provide legal services in this environment.
3 And, when we hear from our presenters and clients, be
4 mindful that there are literally tens of thousands of New
5 Yorkers who are facing eviction, foreclosure, unemployment,
6 consumer debt, bankruptcy, the fallout from domestic
7 violence, from poverty and other serious issues.

8 And, we are grateful, particularly today, to the
9 clients who are coming forward to present. It is not
10 always easy or comfortable to come forward and to present
11 your story. So, we are grateful that their experiences
12 will be shared and will inform our work.

13 And, coming to the end, I don't think it
14 immodest, and I do think it is fair and appropriate to say
15 in this forum that over the last decade New York State has
16 become the undisputed leader in the nation when it comes to
17 meeting the civil legal needs of low-income people, and we
18 will continue to work to maintain our prominence and
19 excellence in the field.

20 And, of course, we do remain mindful, always, but
21 particularly now that we are in a place and time that our
22 state and local governments are facing significant budget
23 deficits aggravated by the economic impact of COVID-19, and
24 we remain mindful of that, of course.

25 So, before we get on with our first presenter,



1 let me take care of a little bit of housekeeping here so
2 that we can proceed smoothly through the day and we can
3 stay on course and be respectful of everyone's time.

4 After our first presenter completes his in-person
5 presentation testimony, our IT staff will transfer the next
6 presenter from our virtual waiting room into our virtual
7 hearing room, and that process may take a few seconds.

8 I want to remind each presenter who is in the
9 queue, that when you are moved from the waiting room to the
10 hearing room, please remember to unmute your microphone and
11 make sure that you have turned on your video. Once you are
12 in the hearing room, I will briefly introduce you and
13 invite you to deliver your remarks.

14 At the conclusion of your statement, the Panel
15 may have some questions for you. We've asked each
16 presenter to limit their remarks to ten minutes. At the
17 ten-minute mark, our white light, right in front of me,
18 will come on, indicating that the presenter's time has been
19 used. We'll ask you to conclude your comments, if you
20 aren't mindful of the light, and we will then devote the
21 necessary time to any follow-up questions the Panel may
22 have.

23 So, I think that takes care of most of the
24 housekeeping. I would like to call our first, in-person
25 presenter to come to the table in front of us, and that



1 would be Judge Anthony Cannataro.

2 Judge Cannataro is the Administrative Judge of
3 the New York City Civil Court, a Court which, for all of
4 you who I know follow our work, is really and truly in the
5 eye of the storm during this pandemic. And it's located in
6 the eye of the storm because it encompasses our very, very
7 busy and complicated New York City Housing Court where
8 literally thousands of low-income tenants are facing the
9 prospect of eviction upon the expiration of the current
10 moratorium on evictions.

11 I would like to point out today, before he
12 begins, and I do this with enormous institutional pride and
13 appreciation, that notwithstanding the challenges that the
14 pandemic has presented, the New York City Housing Court has
15 made important strides under Judge Cannataro's leadership,
16 introducing E-Filing for the benefit and convenience of
17 lawyers and litigants, and pioneering some of the very
18 first in-person bench trials and virtual trials that have
19 been heard in our State.

20 Judge Cannataro, thank you for being here.

21 ADMINISTRATIVE JUDGE CANNATARO: Thank you very
22 much, Chief Judge. I first want to thank you for having me
23 here in-person during this session. And I would like to
24 thank all of you, not just Chief Judge DiFiore, but Chief
25 Administrator Judge Marks, and Presiding Justices Acosta,



1 Scheinkman, Garry, and Whalen, and President Scott Karson
2 for taking the time to focus on the important issue of
3 access to justice for low-income and other underserved
4 populations in New York.

5 In New York City, the Civil Court is probably the
6 epicenter or what bodes the word "the hurricane" analogy.

7 CHIEF JUSTICE DIFIORE: The eye of the storm.

8 ADMINISTRATIVE JUDGE CANNATARO: The eye of the
9 storm - - -

10 CHIEF JUSTICE DIFIORE: Um-hum.

11 ADMINISTRATIVE JUDGE CANNATARO: - - - Chief, for
12 the access to justice dialogue. Traditionally, the Civil
13 Court has had, by far, the highest proportion of
14 unrepresented and underrepresented litigants, out of all
15 the courts in the City, and I would dare say, the State.
16 Additionally, we contend, on a daily basis, with the many
17 challenges faced by high-volume courts, such as the
18 shortcomings of our facilities and the difficulties in
19 hearing and processing cases with limited judicial and
20 professional resources.

21 During this extraordinary year, I have
22 experienced, first-hand, the dramatic impacts of the
23 Coronavirus pandemic on New Yorkers, and more particularly,
24 on court personnel and court users. The pandemic has
25 highlighted, and in some cases, exacerbated the existing



1 challenges surrounding access to justice, but it has also
2 proven to be an opportunity for great change and innovation
3 in our Court.

4 On a positive note, during this time of upheaval,
5 we have motivated, like never before, to drastically
6 increase our reliance on technology to carry out the
7 business of the Court. The transition to becoming a more
8 technologically adept Court has had many positive effects.
9 We were able to advance our timeline for accepting
10 documents electronically, first through implementation of
11 the electronic document delivery system, or EDDS, and now,
12 in our Housing Parts, through the NYSCEF E-Filing system.
13 At long last, the Civil Court is attaining equal
14 technological footing with our sister courts, much to the
15 relief of the bar and other court users. NYSCEF will no
16 doubt simplify operations for our judicial and clerical
17 staff as well as for litigants, both represented and
18 unrepresented.

19 Our Judges and court personnel have also quickly
20 adapted to virtual court appearances using remote video
21 conferencing technology. Conferences, motions, and even
22 trials can now be held over Skype or Microsoft Teams,
23 rather than in our traditionally overcrowded courthouses.
24 Using videoconferencing and other remote technologies,
25 there have also been many efforts made to connect litigants



1 with attorneys prior to their virtual appearances, thereby
2 reducing the overall number of court appearances necessary
3 and speeding up the delivery of justice in our courts.

4 While there is certainly room for improvement in
5 these areas, one place where we have seen increased
6 representation is, in fact, in housing cases where, with
7 the cooperation of both the tenants' and landlords' bars,
8 new notices to tenants seek to connect litigants with
9 counsel online in advance of their court appearances.

10 There are still many old challenges to overcome,
11 however. The entrenched custom of waiting to get to a
12 courthouse before engaging in meaningful efforts to resolve
13 a case, a culture that I call the culture of litigation,
14 remains a stubbornly persistent problem and presents
15 difficulty for advancing the business of the court in the
16 digital space.

17 Moreover, the physical layouts of our courthouses
18 are simply untenable for use as a high-volume meeting space
19 at this stage in the pandemic cycle where so much progress
20 has been made through social distancing and density
21 reduction. I am hopeful that the health and safety needs
22 of our current situation will drive change in this
23 dysfunctional aspect of our court culture.

24 I believe it is this same unnecessary culture of
25 waiting to come to a courthouse before seriously



1 negotiating a resolution to a Housing Court or a consumer
2 credit matter that has given rise to a fairly significant
3 resistance, as well, to alternative dispute resolution,
4 both on the part of the claimants and on the defendants'
5 part.

6 The ADR initiative of 2018 seems like a hundred
7 years ago, after all we've been through recently, but ADR
8 still offers a unique opportunity to resolve a meaningful
9 proportion of cases that truly don't need extensive court
10 intervention or adjudication by a Judge or other jurist.
11 Hopefully, in the same way the current crisis has driven
12 the expanded reliance on technology in our courts, it will
13 similarly drive a renewed openness to ADR in these
14 remaining stubborn pockets of resistance to innovation and
15 change.

16 Lastly, the volume of cases that need to be
17 resolved and the procedural and technical difficulties that
18 have arisen due to the pandemic only underscore the
19 increased need for counsel for litigants in both general
20 civil, and housing matters.

21 Tenants and the Court had demonstrably benefitted
22 from the availability of free attorneys under New York
23 City's Right to Counsel Program. We need more lawyers,
24 whether pro bono or paid, for more indigent litigants in
25 the essential of life litigation around the State.



1 The City has shown how these services can be
2 successfully delivered by government, and the benefits to
3 the community that they bring. Recently, we have begun to
4 see the development of similar innovative programs such as
5 a right to counsel for residents in the Rochester City
6 Court. While I support the continued expansion of the
7 right to counsel, it must be noted that such an investment
8 comes with a significant expense.

9 The community of court employees, attorneys and
10 litigants that operate in the Civil Court have shown
11 tremendous resilience and adaptivity. And, I am sure that
12 our continued efforts to improve the methods of delivering
13 justice to the many in need at this critical time will
14 continue.

15 Thank you very much, Chief Judge. And I will
16 reserve the balance of my time for questions.

17 CHIEF JUSTICE DIFIORE: Thank you. So, Judge
18 Cannataro, there have been some virtual trials taking place
19 in the Housing Court?

20 ADMINISTRATIVE JUDGE CANNATARO: There have been
21 virtual trials that have recently begun in the Housing
22 Court, yes.

23 CHIEF JUSTICE DIFIORE: All right. So stacked up
24 against, of course, the expansion of the right to counsel,
25 do you see virtual trials in a busy Court like that as part



1 of a solution, or part of the ammunition we're going to
2 need to confront the expected surge in cases in that Court?

3 ADMINISTRATIVE JUDGE CANNATARO: In a high-volume
4 Court, leaving out the much-discussed surge, which I am
5 happy to say hasn't quite materialized just yet, I think
6 even in normal times, for a Court like ours, the ability to
7 conduct trials both virtually and in-person will only be a
8 benefit.

9 In a normal year, we handle 225,000 cases in the
10 New York City Housing Court. Virtual has been a great
11 benefit to us, and we are exploiting it, I think, for every
12 benefit it can deliver to us. But the truth of the matter
13 is we haven't become quite as adept and efficient at
14 virtual operations as we used to be with in-person
15 operations. So, I think the only way for a Court like ours
16 to survive is to develop our abilities on the virtual and
17 concomitantly, as long as circumstances permit, to also try
18 to reintroduce at least a bit of reliance on the in-person
19 trial front as well.

20 CHIEF JUSTICE DIFIORE: Thank you. Any questions
21 from the Panel?

22 PRESIDING JUSTICE GARRY: Chief, I have a
23 question.

24 CHIEF JUSTICE DIFIORE: Yes.

25 PRESIDING JUSTICE GARRY: You identify some



1 deficits in the ADR because of the underlying culture and
2 their reluctance to embrace that, have you been able to
3 develop any concrete plans to address that resistance?

4 ADMINISTRATIVE JUDGE CANNATARO: Within the
5 context of the ADR pre-pandemic program, you know, there
6 was a lot of talk of using what we call presumptive ADR,
7 which was bringing people, essentially, to the to the door
8 of the mediator or other alternative dispute resolution
9 modality and really trying to get them to understand what
10 it was before they simply opted out of it.

11 I also believe, you know, in much the same way
12 that the pandemic has driven an increased reliance on
13 technology to our benefit, it also has softened people's
14 resistance towards ADR as well. A lot of what's going on
15 in the New York City courts right now, or at least in the
16 New York City Civil and Housing Court, is motivated by a
17 desire, understandable, not to have to come to the
18 courthouse under all but the most necessary circumstances.
19 So, I think we are seeing a bit of a renewed interest in
20 ADR. The challenge for the pandemic, though, Judge Garry,
21 comes in trying to deliver those services during this time.

22 PRESIDING JUSTICE ACOSTA: Just to follow up on
23 that, I mean, I know you're a member of the Commission to
24 reimagine the court system, created by our very innovative
25 Chief Judge, but . . .



1 ADMINISTRATIVE JUDGE CANNATARO: I'm a proud
2 member of your subcommittee, Judge Acosta.

3 PRESIDING JUSTICE ACOSTA: Absolutely. And you
4 admit, as you should, that we absolutely need to rely on
5 technology to carry out the business of the Civil Court. I
6 mean, this is a high-volume Court. You're trying to deal
7 with a culture of litigation that you're calling Housing
8 Court. Do you see the use of ADR all at the front end of
9 the process? I mean, I don't want to say "mandatory", but
10 it clearly is an integral part of trying to resolve a
11 dispute before you get to a trial that will come after a
12 long, long, long litigation.

13 ADMINISTRATIVE JUDGE CANNATARO: It is, it is
14 hard in New York City to get the tenants' bar and the
15 landlords' bar to agree on much. But the one thing that
16 they do seem to agree on is that if there were a way,
17 understanding that there are a lot of tenants who simply do
18 not have the financial means to pay rental arrears, if
19 there were a way to more easily certify the arrears and get
20 them to the people who give grants to people in need, it
21 would have a significant impact on the number of cases that
22 are getting filed.

23 Now, I don't know if you call that ADR, but what
24 I call it is one less case for the New York City Housing
25 Court. And that's a good thing. So, we are going to



1 continue to focus, and technology could help in this
2 regard, on streamlining the grant application process and
3 the grant-giving process, so that these disputes never
4 actually become cases in our Court.

5 PRESIDING JUSTICE SCHEINKMAN: Counsel, I was
6 wondering if you could, I could draw you out a little bit
7 on the challenges in technology and underrepresented or
8 unrepresented parties and their ability to access counsel
9 prior to Court.

10 ADMINISTRATIVE JUDGE CANNATARO: That has been a
11 persistent and pernicious problem, Judge, Presiding Justice
12 Scheinkman. Unfortunately, and this goes a little bit to
13 Judge Acosta's question about the culture of litigation,
14 interestingly enough, people seem to only know how to do
15 things one way in our Court, and it's the way they've been
16 doing it for twenty years and, or more. And the tenants in
17 our Court simply, their first impulse is not to find a
18 lawyer, when they receive a petition, it's to come to the
19 courthouse and sometimes just to file an answer, but
20 sometimes to seek a stay of proceedings.

21 We do need to do more in terms of education, and
22 I know Judge Mendelson, and the Office Of Justice
23 Initiatives, has been working hard on this to help
24 litigants connect with lawyers who can help them and
25 resolve their cases faster and keep them from overcrowding



1 our courthouses, to be quite frank.

2 CHIEF ADMINISTRATIVE JUDGE MARKS: Question.

3 CHIEF JUSTICE DIFIORE: Judge Marks?

4 CHIEF ADMINISTRATIVE JUDGE MARKS: Is ADR
5 effective and fair where, let's say, the tenant is
6 unrepresented and the landlord is represented?

7 ADMINISTRATIVE JUDGE CANNATARO: I'm not sure,
8 Judge Marks. I don't have enough experiential data from
9 the New York City Civil Court to say conclusively that
10 these so-called, they called them power-imbalance cases,
11 where one side is represented by counsel and another side
12 isn't. I do know that there are many mediators who believe
13 that they can preserve the fairness and equity of the
14 mediation process even when one side is represented by
15 counsel and one side isn't. But the arguments in
16 opposition are serious ones, and they're meaningful, and
17 they have to be considered carefully, although I'm a great
18 experimenter, and I'd be willing to try and see if we get
19 the same level of justice outcomes with these imbalanced
20 mediations as we do with the two-attorney, or double pro se
21 mediations as well.

22 CHIEF ADMINISTRATIVE JUDGE MARKS: And what about
23 virtual mediation, is that effective?

24 ADMINISTRATIVE JUDGE CANNATARO: We're going to
25 learn a lot about that in the New York City Small Claims



1 Court coming up very soon. I just received a message from
2 the New York City ADR Coordinator, Lisa Denig, who told me
3 that there are upwards of a hundred virtual mediations
4 scheduled to take place in the New York City Small Claims
5 Court over the coming weeks, and I have every, every
6 expectation that those are going to go as well or maybe
7 even better than in-person mediations.

8 CHIEF JUSTICE DIFIORE: Excellent.

9 ADMINISTRATIVE JUDGE CANNATARO: Thank you.

10 CHIEF JUSTICE DIFIORE: Thank you, Judge, for
11 your time, and thank you for travelling to Albany. We
12 appreciate it.

13 ADMINISTRATIVE JUDGE CANNATARO: Thank you for
14 having me.

15 CHIEF JUSTICE DIFIORE: Our next speaker is Eric
16 Grossman.

17 Good afternoon, sir.

18 MR. GROSSMAN: Good afternoon. Apologies in
19 advance for not having on a jacket. I'm serving a
20 fourteen-day travel quarantine. I realized I had a
21 necktie, but no suit. I hope you'll forgive me for that.

22 CHIEF JUSTICE DIFIORE: You're forgiven. This,
23 for folks who have not met Mr. Grossman yet, Mr. Grossman
24 is Eric Grossman, he is a Managing Director of Morgan
25 Stanley. He's the firm's Chief Legal Officer and a member



1 of its operating and management committee. Prior to
2 joining Morgan Stanley in 2006, Eric was a partner at Davis
3 Polk & Wardwell. And now, in addition to his work at
4 Morgan Stanley, Eric is also serving as President of the
5 Board of Directors of Advocates for Children of New York,
6 and he has been a strong proponent of funding for civil
7 legal services.

8 As I mentioned earlier, during the introductory
9 portion of today's proceedings, Eric has generously agreed
10 to serve as one of the founding co-chairs of our new
11 Business Council for Access to Justice, and we thank him
12 for his service, as well as his participation in today's
13 hearing.

14 Mr. Grossman, you have the floor.

15 MR. GROSSMAN: Chief Judge, Presiding Justices
16 Acosta, Scheinkman, Garry, and Whalen, Chief Administrative
17 Judge Marks, New York State Bar President Karson, and other
18 distinguished guests, it is my privilege to speak to you
19 today about the critical importance of civil legal services
20 to the business community and the role that businesses can
21 play in helping to increase access to justice in our fine
22 State. So, I thank you for inviting me here today.

23 As you may be aware, Morgan Stanley is a leading
24 global financial services firm providing investment
25 banking, securities, investment management, and wealth



1 management services. We have offices in more than 41
2 countries, and the firm's employees serve clients
3 worldwide, including corporations, governments,
4 institutions, and individuals.

5 The Company opened its doors 85 years ago at 2
6 Wall Street, and our headquarters has remained in New York
7 ever since. We're in Times Square now.

8 At the outset, I would like to thank Chief Judge
9 DiFiore for creating the New York State Business Council on
10 Access to Justice, which I am under (break in caller audio)
11 friend and former colleague, Kim Harris, General Counsel of
12 NBCUniversal. (Break in caller audio) The businesses from
13 across the state will act as a voice and a source of
14 strategic (break in caller audio) for expanding access to
15 civil justice.

16 It also will enable collaborations with the
17 Judiciary on important initiatives, such as educating
18 policymakers and the business community about the
19 importance of supporting equal access to justice, pro bono,
20 and partnering on specific projects (break in caller audio)
21 to close the access to justice gap. Members of the Council
22 will be available to partner with local access to justice
23 efforts. (Break in caller audio)

24 CHIEF JUSTICE DIFIORE: Eric, let me - - - if you
25 can hear me, let me interrupt for a moment. We seem to be



1 experiencing a little technical difficulty. We just need
2 to wait.

3 MR. GROSSMAN: Did you lose me?

4 CHIEF JUSTICE DIFIORE: Now we have you. Can you
5 hear us?

6 MR. GROSSMAN: I can hear you. You lost me.
7 When did you, should I just jump back in there?

8 CHIEF JUSTICE DIFIORE: Yeah, where you were.
9 Actually, I immediately alerted you when we lost you.

10 MR. GROSSMAN: Let me just jump in here in my
11 remarks and apologize for that; my Internet has been
12 unstable all day today. Access to civil legal services
13 promotes public trust and confidence in our legal system
14 and the rule of the law, providing the necessary stability
15 that supports investment, growth, and a strong economic
16 climate.

17 Businesses, especially financial services
18 companies, cannot flourish in communities that lack this
19 stability. If communities do not flourish, neither do
20 potential customers. It's that simple. In communities
21 across the country, successful legal aid programs support
22 veterans, the elderly, children with special needs,
23 survivors of domestic violence and trafficking, families
24 who are involved in custody and support disputes, and small
25 businesses, and in doing so, strengthen communities and



1 create the environment in which businesses can prosper.
2 But there are not enough legal aid and pro bono lawyers to
3 help all of those in need, and millions of Americans lose
4 meritorious civil cases every year because they are unable
5 to navigate our judicial systems on their own.

6 This state of affairs has created an access-to-
7 justice gap that we perpetually struggle to close. Given
8 the pandemic, the increased demand for civil legal services
9 has the potential to increase the gap exponentially, absent
10 continued and additional funding for civil legal services.

11 As the Permanent Commission's most recent Report
12 to the Chief Judge makes clear, legal services assistance
13 provides a significant economic benefit to the State.
14 Judiciary Civil Legal Services funding in 2018 resulted in
15 over \$1 billion flowing into the State, saved communities
16 over \$700 million in emergency shelter costs, generated
17 more than 13,000 jobs, and provided a return of ten dollars
18 for every single dollar of funding. This is obviously good
19 for business.

20 To the extent that company employees are the
21 beneficiaries of increased access to justice, there also is
22 a direct benefit in the areas of avoidance of lost time and
23 employee morale.

24 (Break in caller audio) acting to improve the
25 ratio of economic inequality that is at the forefront of



1 public discussion, improving access to justice for
2 communities of color, it is a meaningful opportunity to
3 accomplish a positive change in our society. In recent
4 years, the business community has effectively embraced
5 support for access to justice. When Congress was
6 considering proposals to defund the federal Legal Services
7 Corporation in 2017 over (break in caller audio).

8 CHIEF JUSTICE DIFIORE: We lost you again, Eric.
9 (Pause)

10 CHIEF JUSTICE DIFIORE: Can you hear me, Eric?

11 MR. GROSSMAN: Yeah, I don't know if this is me
12 or - - -

13 CHIEF JUSTICE DIFIORE: You cut out when you were
14 speaking about Congress defunding legal services.

15 MR. GROSSMAN: Okay. So, we sent a letter in, a
16 100 General Counsels signed a letter supporting continued
17 funding for LSC. And when, several years ago, New York
18 City's Council considered, in past legislation, to provide
19 counsel to people facing eviction from their homes who
20 could not afford (break in caller audio) as likely to
21 (break in caller audio) resolution of this initiative
22 already fair and more efficient process for both (break in
23 caller audio) and landlord.

24 I will note, as the Chief Judge noted, I had the
25 privilege of serving as the President of the Board of



1 Directors of Advocates for Children, a New York-based legal
2 services organization that is dedicated exclusively in
3 every (break in caller audio) child to an education,
4 focusing on children from low-income backgrounds who are
5 struggling in school or experience school discrimination

6 CHIEF JUSTICE DIFIORE: You're out again,
7 unfortunately. We'll give it another minute or two. Oh,
8 there you are.

9 MR. GROSSMAN: I'm going to see if this works.
10 If not, with apologies, I really, this pains me.

11 I was just talking about my work in Advocates for
12 Children.

13 And now I'm going to turn to Morgan Stanley.
14 Since 2013, on a pro bono basis, Morgan Stanley attorneys
15 have partnered with attorneys from the private bar,
16 including from Davis Polk & Wardwell and Greenberg Traurig,
17 on cases for Advocates for Children and provided meaningful
18 legal assistance that has changed the educational
19 trajectory of special education in at-risk students who
20 otherwise would have been lost in the morass of the New
21 York City Public School System.

22 Legal representation for children with special
23 educational needs is even more acute given the current
24 pandemic. For example, thousands of New York City public
25 school children are likely entitled to compensatory



1 services, given the shutdown of essentially all schools in
2 the spring. And, given future uncertainty, that number
3 will only increase.

4 Remote learning did not go well and was in fact
5 disastrous for many students with disabilities and students
6 experiencing homelessness. And, given that all students
7 will continue to learn remotely, to some extent, for the
8 foreseeable future, students with disabilities need to have
9 attorneys ready to help them navigate future challenges to
10 ensure that they receive the services that they are
11 entitled to under the law.

12 One of Morgan Stanley's five core values is that
13 of giving back. As a corporation and as an individual
14 employee, we commit to serving our communities with our
15 expertise, our time, and our money. With respect to civil
16 legal services, I'm pleased to let you know that we have a
17 robust pro bono program through which hundreds of Morgan
18 Stanley employees have provided thousands of hours of free
19 legal services to those who could not otherwise afford
20 them.

21 Our company, and many others, do what we can
22 through pro bono service, but our efforts, and those of our
23 law firm colleagues, would fall flat without the incredible
24 legal service organization partners, including Legal
25 Services of New York City, The Legal Aid Society, the City



1 Bar Justice Center, New York Lawyers for the Public
2 Interest, Start Small, Think Big, Sanctuary for Families,
3 and countless others who bring us clients, training, and
4 supervision so that we can render effective volunteer
5 representation to New Yorkers in need. Now, more than
6 ever, these organizations need civil legal services
7 funding.

8 Since early April this year, pro bono attorneys
9 from private law firms and corporate legal departments,
10 including my own, have provided thousands of hours of pro
11 bono legal assistance to projects focused on assisting New
12 York small businesses and nonprofits that are reeling in
13 the wake of the pandemic.

14 Our attorneys have volunteered, through the City
15 Bar Justice Center's COVID-19 Small Business Initiative,
16 which matches volunteers with small businesses in the five
17 boroughs of New York City for brief consultations by Zoom
18 or phone. In a similar vein, we join the Small Business
19 Legal Relief Alliance, along with a host of private law
20 firms, to provide free consultations to small business
21 owners. At their heart, these programs have the goal of
22 extending the lifeline of small businesses by helping them
23 avoid pitfalls that can accelerate closure, suggesting
24 alternative strategies, guiding loan applications, and
25 providing sound resources for references going forward.



1 In closing, the need for access to free legal
2 services has never been greater than it is now, and that
3 need will only continue to grow in the face of this
4 pandemic. It's time for corporations to join our law firm
5 colleagues in continuing to make a sustained and impactful
6 contribution to the provision of these services, often in
7 matters that are life altering to those who are in need.

8 I urge my fellow chief legal officers and general
9 counsels to join the New York State Business Council for
10 Access to Justice and to support our effort to work towards
11 closing the justice gap across the State of New York.

12 Thank you for providing me the opportunity to
13 share my thoughts with you today. I apologize that I've
14 been going in and out, but I think I'm here now to stay.

15 CHIEF JUSTICE DIFIORE: Thank you, Mr. Grossman.
16 Thank you. And again, we, on behalf of the Panel today,
17 the Permanent Commission, the Unified Court System, and the
18 people of the State of New York, we thank you and Kim
19 Harris for your leadership in stepping forward and
20 organizing the Business Council for us.

21 My first question to you is, when you think about
22 preparing for your first meeting of the Business Council,
23 what ideas are coming to you about how you can harness all
24 that talent and apply it to serving the justice gap in the
25 State?



1 MR. GROSSMAN: Well, you know, I think it's, you
2 know, law firms have had a rich and long tradition, as the
3 Court knows, in providing pro bono legal services to those
4 in need. Corporations have not. It's a relatively new
5 phenomenon for in-house pro bono legal groups. We only, at
6 Morgan Stanley, have had one for eight years, which I say
7 is relatively new, certainly relative to the law firm
8 community. And I suspect, as we make our way through the
9 general counsel and chief legal officers, we will find an
10 uneven participation amongst the many, many, many in-house
11 lawyers and compliance professionals. And providing a road
12 map and a framework to provide legal services beyond just
13 the traditional courtroom-type pro bono that we've seen,
14 but the kinds of things that we, in financial services, and
15 frankly the whole corporate community in New York, can
16 provide. I suspect we have supply that can meet the demand
17 and that just, to date, has not found that ability to
18 connect. And so, I look forward to galvanizing that group
19 to galvanize their departments, as we have at Morgan
20 Stanley, and I know some of my fellow general counsels
21 around, finance, the financial services community have over
22 the last couple of years.

23 CHIEF JUSTICE DIFIORE: Thank you. Any questions
24 from the panel?

25 MR. KARSON: I would.



1 CHIEF JUSTICE DIFIORE: Yes, of course.

2 MR. KARSON: Mr. Grossman, this is Scott Karson
3 from the State Bar. You made the case that there's a
4 correlation between access to justice and economic
5 development, particularly in the financial service area.
6 And I'm wondering, isn't that an excellent selling point
7 that we should all be exploiting when we go to our
8 legislators, or to Congress, or to private funding sources
9 as well, to indicate that in the long run, this is going to
10 be putting money into the economy, not simply drawing money
11 out. I wonder if you could comment on that.

12 MR. GROSSMAN: Oh, a hundred percent. Just think
13 about why New York, the State and the City, is the great
14 financial capital of the world. It has been the rule of
15 law, and the consistency of justice over 200 years now,
16 that have allowed corporations to comfortably do business
17 in the State of New York, and indeed, to elect New York law
18 as the law of choice in the resolution of disputes.

19 It, that, of course, that continued reliance is
20 dependent on the smooth functioning of courts for
21 ourselves. And we know that justice for non-corporate or
22 non-wealthy litigants in the state court system contributes
23 significantly to gridlock in the court system, and court
24 outcomes for employees and their family members, and the
25 like.



1 And so, you know, anything that helps deliver
2 fair, equitable justice for citizens of the State of New
3 York is good for business. It attracts human capital to
4 the State of New York, and if you have human capital,
5 particularly in human-capital-intensive businesses like
6 Morgan Stanley, then we continue to view it as the place to
7 do business.

8 So yes, I couldn't agree with you more. I think
9 that every dollar spent is multiplied in terms of the
10 economic benefit to the State, and I would advocate as
11 such.

12 MR. KARSON: Thank you.

13 PRESIDING JUSTICE WHALEN: Chief, if I could, one
14 - - -

15 CHIEF JUSTICE DIFIORE: Of course.

16 PRESIDING JUSTICE WHALEN: Mr. Grossman, first of
17 all, thank you for your commitment to this program. A
18 person of your stature putting in and bringing people
19 together, it's incredibly valuable, and so I want to thank
20 you.

21 My question, though, before I was a judge, I was
22 in a large firm, private practice, and we attempted to get
23 our lawyers involved in pro bono work, and we had to figure
24 out a way to incentivize them to do that so that the time
25 they spent, which we knew that they'd find the work itself



1 rewarding, we didn't want them to feel that we were taking
2 away from their ability to make money and contribute
3 financially to the firm. And so, we had an incentive. I
4 put an incentive in there to allow them to know that the
5 time they spent was going to be valued by us as a firm.

6 Have you given thought to that at all? I mean, I
7 find that to be a problem in the business community. Or is
8 it, is the business relationship to the law firm, not
9 analogous?

10 MR. GROSSMAN: You know, it's slightly different,
11 but as I noted in my remarks, if it was, unless it was one
12 of the parts that got lost there in transmission, is that
13 at Morgan Stanley, we have five core values, and one of
14 them is giving back. And that means giving back to the
15 communities in which we operate globally, of which New York
16 is the most important.

17 And so, we tend to think at Morgan Stanley, we
18 attract and retain the kinds of folks who recognize the
19 importance of serving their community, not just their place
20 of work. And so we found, when we created the pro bono
21 program, that we didn't have to use the stick, that folks
22 were actually craving a place that they could go to, to do
23 pro bono with, without having to go outside the firm.

24 Having said that, of course, we take great note
25 for members of the legal and compliance division at Morgan



1 Stanley at year end as to whether or not they fulfilled the
2 five core values, when we think about things like
3 promotion, advancement, and ultimately, compensation. And
4 in doing so, our employees are encouraged to list all of
5 their activities, just as a law firm associate or partner
6 would do, and their manager is, not only encouraged, but
7 is required to consider those in making determinations
8 about that person's future.

9 And so, the combination of just opening the door
10 and then having a few carrots has led to overwhelming sign-
11 ups from my folks at Morgan Stanley, and my sense is that
12 that largely replicates itself across those firms that have
13 had established pro bono programs. And as I noted before,
14 we're hoping to export that to a broader business community
15 across the State.

16 PRESIDING JUSTICE WHALEN: Thank you, Mr.
17 Grossman.

18 CHIEF JUSTICE DIFIORE: And we look forward to
19 that, Mr. Grossman. So, thank you for agreeing to serve as
20 a founding member of the Council in driving that work
21 forward. Thank you so very much.

22 MR. GROSSMAN: It's my honor. Thanks for having
23 me today.

24 CHIEF JUSTICE DIFIORE: You're very welcome.
25 Thank you for being here.



1 Our next presenter is Kristen Clarke.

2 Ms. Clarke, can you hear me?

3 MS. CLARKE: Yes, I can.

4 CHIEF JUSTICE DIFIORE: Excellent.

5 This is Kristen Clarke. She is the President and
6 Executive Director of the Lawyers' Committee for Civil
7 Rights Under Law, a national civil rights organization
8 focused on strengthening democracy by combating
9 discrimination and pursuing equal justice for all, including
10 in the areas of fair housing and community development,
11 equal educational opportunity, and criminal justice reform.

12 Ms. Clarke is no stranger to the issues facing
13 our State, as she previously served as the head of the
14 Civil Rights Bureau, under New York State Attorney General
15 Eric Schneiderman.

16 Ms. Clarke, thank you for being here.

17 MS. CLARKE: Chief Judge DiFiore, members of the
18 Court, and other distinguished guests, thank you so much
19 for the opportunity and privilege to present testimony
20 during this critical hearing today.

21 The Lawyers' Committee for Civil Rights Under Law
22 has been a leader in the battle for equal rights since it
23 was created in 1963, at the request of President John F.
24 Kennedy, to enlist the private bar's leadership and
25 resources in combatting racial discrimination. A rallying



1 cry, where are all the lawyers, is what gave birth to the
2 Lawyers' Committee, a charge that remains just as relevant
3 today.

4 For more than 57 years, the Lawyers' Committee
5 has worked in New York and across the nation to protect and
6 defend the civil rights of African Americans, and other
7 people of color, in the areas of fair housing, economic
8 justice, criminal justice, education, voting rights, and
9 more. All areas of our work have been impacted by the
10 pandemic. All of our work is carried out in partnership
11 with the private bar and fueled by the critical pro bono
12 support provided for our work.

13 The pandemic has had a devastating impact across
14 New York and the nation, and a disproportionate impact on
15 Black people, Latinos, and other communities of color. We
16 are focused on bringing a racial justice lens to the issues
17 that these communities are facing, and are committed to
18 ensuring that courts, civil and Constitutional rights are
19 respected. It is critical that fiscal austerity not be
20 used to halt bold and courageous reforms that can ensure
21 that vulnerable communities have access to justice at this
22 moment.

23 We know that Black people and other people of
24 color remain disproportionately represented among those who
25 are incarcerated in our jails and prisons, those who are



1 homeless or who face eviction, and those on the other side
2 of the digital divide. Given this reality, it's critical
3 that we work to ensure that our responses to the crisis
4 provide equal justice and equal opportunity for all.

5 We applaud the leadership role that New York has
6 played to date in addressing these issues. Many of the
7 great law firms in New York partner with us in our work,
8 and we rely on their pro bono support to promote justice
9 and safeguard civil rights at this moment, but you deserve
10 great praise for incredible strides already taken.

11 In June, for example, ahead of the change made in
12 August by the ABA, the Judiciary amended Ethics Rule
13 1.8(e), which now allows public interest attorneys to give
14 financial support to litigation clients. And you
15 successfully mobilized law firms to encourage that they
16 deploy attorneys to legal services providers.

17 We also applaud the New York City initiative to
18 provide a lawyer to all tenants facing eviction making less
19 than \$49,000 a year. We believe this is a model for the
20 country and should be replicated nationally.

21 We've recently signed on to the resolution by
22 Congressman Joseph Kennedy that would, for the first time,
23 recognize a right to counsel in civil cases, involving
24 basic human needs, defined as health, safety, family,
25 shelter, and sustenance. While the idea of a civil Gideon



1 certainly is not new, this right has never been recognized
2 at the federal level, and given the dire circumstances, and
3 the drastic need for investment in civil legal aid, we
4 think this is a moment to reignite a call for recognition
5 of this right to counsel.

6 I want to turn now to proposals or reform. Today
7 we urge the leadership of New York State to go further than
8 advocating for providing counsel. While evictions have
9 been halted, rents have not been abated. And the real
10 crisis is that many tenants will not be able to pay their
11 rent when the moratorium ends, since many have lost their
12 jobs. We encourage income maintenance for those in need,
13 where grants would be made to forestall evictions. The
14 failure to do so may exacerbate homelessness, with
15 attendant cost of rehousing families in shelters. This, in
16 turn, stands to further interrupt the education of
17 children.

18 Because of the looming eviction crisis, the
19 Lawyers' Committee for Civil Rights Under Law recently
20 launched the national anti-eviction project in several
21 cities, where we are recruiting and training pro bono
22 lawyers and law students to provide direct legal
23 representation to tenants. We're also working with local
24 housing and policy groups to advocate for policy changes to
25 improve outcomes for tenants and to promote fair housing.



1 We believe this project can serve as a model to provide
2 support for vulnerable families on the brink of
3 homelessness.

4 I want to also encourage the Court to focus on
5 the imposition of fines and fees in this area. We're aware
6 that the State Department of Health recently issued an
7 amendment to public health regulations related to COVID-19,
8 allowing for the imposition of fines where people fail to
9 comply with social distancing guidelines or mask-wearing
10 requirements. These are important public health steps, no
11 doubt.

12 That said, we have found that missed payments are
13 a common occurrence, particularly for those who live in
14 poverty, and we note that these guidelines are being
15 administered on a local level. Missed payments may result
16 in process-based charges, like failure to pay and failure
17 to appear that could result in additional fines and
18 penalties. The poor often pay more for fines and fees than
19 those who are financially well off. We would anticipate
20 that those without counsel would face an even greater risk
21 of incarceration.

22 Thus, we encourage reexamination of the
23 imposition of fines and fees amid the pandemic across the
24 State. We also encourage study of local law enforcement
25 practices to determine whether people of color are subject



1 to higher rates of enforcement. This is one discrete
 2 example. We urge the courts to discourage reliance on an
 3 imposition of new fines and fees at a moment in which so
 4 many are experiencing great financial distress.

5 I want to turn now briefly to education. We know
 6 that in New York State, 60,000 students are suspended each
 7 year and the vast majority are students of color. These
 8 suspensions happen almost five times more in schools that
 9 are considered high need. Given reports of Zoom
 10 suspensions across the country, we encourage close
 11 examination of persisting racial disparities and steps that
 12 would ensure that students and parents are aware of their
 13 due process rights in these scenarios.

14 The digital divide stands to exacerbate
 15 educational gaps along lines of race, but also leave Black
 16 students and students of color more vulnerable when it
 17 comes to imposition of discipline. Guidance from this
 18 Court for the State Department of Education on how to
 19 handle suspensions and protect due process rights may yield
 20 more holistic outcomes for young people.

21 The digital divide looms heavy over this
 22 testimony, over this hearing today. We know that many
 23 communities of color are disproportionately without access
 24 to high-speed Internet, and according to the Federal
 25 Communications Commission, at the end of 2017, more than



1 twenty-one million Americans lacked access to high-speed
2 Internet. We also know that there are challenges tied to
3 the use of broadband services provided in public spaces
4 during the pandemic.

5 This reality may require flexibility with court-
6 imposed deadlines and compassion in how we treat and view
7 parties virtually appearing before the court under these
8 challenging conditions. We must ensure that the digital
9 divide does not become a justice divide across New York
10 State.

11 Finally, I applaud the Court for taking steps to
12 essentially toll the statute of limitations for certain
13 civil offenses and hope that the Court will continue to
14 give even greater attention on how we can protect people's
15 ability to invoke the protections of civil rights and human
16 rights laws as we move forward.

17 Whether we're talking about victims of employment
18 and housing discrimination, victims of domestic violence,
19 victims of police violence, the pandemic should not impair
20 their ability to eventually safeguard their important
21 rights. This moment is one that requires steadfast
22 partnership between the courts, the civil legal services
23 community, the private bar, and civil rights organizations,
24 like the Lawyers' Committee for Civil Rights Under Law.

25 I end by reaffirming our desire to be an ally in



1 all that you do. We remain committed to being a referral
2 agency to help mobilize law firms, including virtually all
3 of the major New York law firms that are represented on our
4 Board. Our history and track record make us an ideal
5 partner with the Judiciary in these incredibly difficult
6 times.

7 Thank you so much for the honor to participate.

8 CHIEF JUSTICE DIFIORE: Thank you, Ms. Clarke,
9 and thank you for appearing today.

10 We also are very pleased that you've referenced
11 Rule 1.8(e), and can you give us a little insight into the
12 importance of the Rule, and how that's played out, what the
13 Rule allows as played out in the pandemic. Any concrete
14 examples come to your mind?

15 MS. CLARKE: I, what I can say is that many of
16 our law firms are deploying attorneys to support the work
17 that we do at the Lawyers' Committee for Civil Rights Under
18 Law, and to many of our sister organizations that provide
19 critical legal services. They're stepping in to fill
20 critical voids and gaps. And Ethics Rule 1.8(e) indeed has
21 been critical at this moment, and a model for other states.

22 CHIEF JUSTICE DIFIORE: Thank you.

23 Any questions from the panel?

24 MR. KARSON: State Bar has a question.

25 CHIEF JUSTICE DIFIORE: Proceed.



1 MR. KARSON: Ms. Clarke, you spoke about in the
2 eviction process, you mentioned income maintenance grants
3 as a means of forestalling eviction by providing the
4 necessary funds to enable a tenant to pay her rent. Are
5 those grants being used today and are they readily
6 available in New York and elsewhere?

7 MS. CLARKE: I deem this a true area of crisis.
8 There does not seem to be a holistic focus on what we do on
9 the back end of the moratoriums. I do think that this is
10 an area that requires greater attention. I know that there
11 has been some resistance from umbrella organizations
12 representing landlords, but I just deem it really critical
13 that we figure out how tenants who have lost their jobs and
14 are becoming increasingly tied up in debt, you know, it's
15 important that we think about what happens on the back end
16 of that.

17 MR. KARSON: Thank you.

18 CHIEF JUSTICE DIFIORE: Thank you, Ms. Clarke,
19 and thank you for appearing today.

20 MS. CLARKE: Thank you for the opportunity.

21 CHIEF JUSTICE DIFIORE: Our next presenter is
22 Leonard J. Elmore.

23 MR. ELMORE: Oh, there I am.

24 CHIEF JUSTICE DIFIORE: And I introduce our next
25 presenter, Leonard J. Elmore, a gentleman known to, I would



1 guess, all of us, a man who has enjoyed an extraordinary
2 career as a veteran of the NBA, former member of the New
3 York Knicks, color commentator on NBA and college
4 basketball broadcasts, graduate of Harvard Law School,
5 Assistant District Attorney in Kings County, Special
6 Counsel to the law firm of LeBoeuf, Lamb, Greene & MacRae,
7 and Senior Lecturer at Columbia University's Master of
8 Science Program in Sports Management.

9 Throughout Mr. Elmore's many, many phases of his
10 professional life, there's been one constant for Mr. Elmore
11 that I know he's very proud of and passionate about, and
12 that is his commitment to equal justice, and that is why we
13 thank you, sir, for appearing today. So, you have the
14 floor.

15 MR. ELMORE: Thank you, Chief Judge DiFiore, and
16 distinguished Judges of the Court, and other leaders of the
17 legal profession present today.

18 As you know, my name is Leonard Elmore. Yes, I
19 am a native of New York City, born and reared in Brooklyn
20 and Queens. I'm a graduate of the University of Maryland
21 in College Park, and my background includes, as mentioned,
22 ten years of professional basketball for both the American
23 and National Basketball Associations.

24 And, upon my retirement, I was fortunate enough
25 to be accepted to the Harvard Law School, where I earned my



1 degree in 1987. And I'd probably say my first job after
2 law school was as an assistant district attorney in Kings
3 County, under the Honorable Elizabeth Holtzman, where I
4 served proudly for over four years, before embarking on a
5 career path that afforded other and different experiences,
6 that include several private sector law firms, leadership
7 of a number of business enterprises, a sports broadcasting
8 career, and now as an academic.

9 I relate my biography in the hope of establishing
10 standing to address you today. I consider my life story,
11 including my academic and professional experience, as my
12 expertise. Through my varied experience, I've come to
13 understand the need for and support of the continued
14 funding of civil legal services that provide the necessary
15 and often vital legal assistance for those who are
16 disadvantaged and certainly underserved by our justice
17 system.

18 First, let me say that it is highly commendable
19 that New York State was the first state to provide funds
20 for civil legal services through its Judiciary budget.
21 And, it is in that spirit that I am here to support
22 advocacy for the continuation of this program that aids so
23 many, including those who currently may not even know that
24 they require such assistance until the need lands on them
25 and threatens their very basis existence in an environment



1 already hostile to that existence.

2 Now, historically, systemic racism and economic
3 caste systems often prevented the disadvantaged from
4 accessing civil justice as often as it has denied criminal
5 justice. Of course, funding in the criminal justice system
6 has mitigated some of the injustices that occurred as a
7 result of inadequate representation.

8 Equally, the annual civil legal aid funding has
9 mitigated injustices in areas concerning tenants' rights,
10 family and other domestic issues, consumer protection,
11 particularly as it relates to debt collection and relief
12 and employment rights. Now, while some are able to access
13 the assistance they need, far too many others are denied
14 such assistance because they lack knowledge, information,
15 and/or the necessary resources.

16 Now, beyond representation before the courts,
17 another vital need in my opinion is education for the
18 community, allowing the needy to access information that
19 helps identify issues that may culminate in legal
20 consequences that might have been prevented with knowledge,
21 understanding, and foresight. To further express why I'm
22 involved in this advocacy, let me tell you a little more
23 about my origins.

24 I grew up in public housing in East New York
25 during the 1950s. My mother was from a small Louisiana



1 town. She possessed a high school diploma, and as
2 salutatorian of that high school, she was offered a
3 scholarship to an HBCU institution, but because of her
4 family poverty, she had to decline, migrated to New York
5 City to work as a cleaner to send subsistence money back to
6 her family.

7 My father was from Harlem. He never got passed
8 the tenth grade. He was a World War II veteran and
9 returned home to be a truck driver. The 1950s labor market
10 was adverse and unforgiving to black workers. Everyday
11 living was a survival for a family of four on one meager
12 salary. I remember Christmases where my three siblings and
13 I settled for little or nothing because of family debt
14 incurred just from that everyday existence.

15 Good fortune, though, later smiled upon us as
16 both parents passed the civil service exam and became City
17 employees. My dad became a sanitation worker, and my mom
18 was hired as a clerical worker. The turn in the economy of
19 the 1960s allowed us to join with my retired grandparents
20 and buy a modest two-family house in Springfield Gardens,
21 Queens. Through frugality and good fortune, we were able
22 to escape serious civil legal jeopardy from the debt
23 incurred.

24 I found work while I attended high school. I was
25 lucky enough to earn an athletic scholarship to college, as



1 did my youngest brother. And, ultimately, as a
2 professional athlete, I could pay off that debt for my
3 parents, including the large mortgage that threatened to
4 sink them as they grew older.

5 Now, our story in escaping the crush of legal
6 entanglements that would have strangled my family is the
7 exception, not the norm. Many of my relatives and families
8 in my Queens neighborhood weren't as fortunate, and we saw
9 dispossessions, the impact of predatory lending, and the
10 effects those losses had on employment, the family
11 structure and stability, and on the ability of black
12 families to accumulate wealth. The attendant pressures
13 tore families apart and encouraged regrettable conduct and
14 pain that continues to afflict these communities to this
15 day.

16 The same rang true in my experiences as a first-
17 year law student intern for several programs that served
18 the disadvantaged. In representing low-income tenants in
19 Cambridge, Massachusetts, I saw firsthand the anguish these
20 folks suffered when faced with wrongful eviction based on
21 fraud, greed, lease exploitation, or rent gouging. And, I
22 also understood the importance of effective civil
23 representation against landlord legal teams.

24 As an investigator for the state agency charged
25 with rooting out discrimination in employment and housing,



1 I witnessed the vulnerability of individuals and families
2 who were not cognizant of the law or didn't have the
3 resources to hire legal representation to contest hiring
4 discrimination, wrongful termination, redlining, and other
5 discriminatory practices that destroyed families and lives.

6 Now, that was almost forty years ago. Of course,
7 in today's environment, the urgency in providing critical
8 civil legal service and representation has increased
9 exponentially, particularly with the advent of the COVID-19
10 pandemic that is set upon us. We know the pandemic's
11 adverse consequences are not relegated to just health.
12 Those consequences are added to the hardships low-income
13 and otherwise disadvantaged populations already experience
14 resulting from civil legal jeopardy.

15 In my 2L's summer internship with the Boston
16 Public Defender's office, I also witnessed the relationship
17 between extreme civil case pressures and criminality. It
18 was the same with my experience as an ADA in Brooklyn. All
19 too often, the combination of financial and economic
20 pressures ran parallel to engagement with the criminal
21 justice system. Those otherwise indisposed to criminal
22 activity turned to illegal behavior because of their
23 inability to solve or resolve civil difficulties, such as
24 debt, unemployment, domestic disputes, and more.

25 I currently live on the Upper West Side with my



1 family. And, my neighborhood has been in the news because
2 of a perceived turf war between a group of residents and a
3 large number of displaced and otherwise homeless, some of
4 whom have mental issues and others have criminal records.
5 And while threats of litigation are aimed at the city
6 government, the potential of individual civil ligation
7 against these people looms large.

8 Already the imbalance of resources for legal
9 representation has pressured the City to relocate these
10 individuals. And, now, whether that is a just outcome
11 remains to be seen. However, the situation screams for
12 access to civil legal services by the least fortunate among
13 us, who seek vindication of their rights, including the
14 right to exist.

15 Breaking this existing and continued cycle
16 demands a continued balancing of the scales of justice
17 resulting from the provision of legal representation and
18 services for those most in need. The inequities and
19 bargaining power in civil legal representation for many
20 evoke a desperation that invites wayward conduct. While it
21 is certainly not an excuse for such conduct, any
22 correlation is an explanation. These inequities are but
23 another significant reason to continue funding for civil
24 legal services, as it offers hope and peaceful coexistence.

25 So, I urge anyone who will listen and anyone with



1 the power to help realize the continued and expansion of
2 civil legal services funding. I will tell them that such
3 funding assistance is absolutely vital. And, with that, I
4 thank you very much for your attention. It's been an honor
5 to present.

6 CHIEF JUSTICE DIFIORE: Thank you, sir.

7 Any questions from the panel?

8 Mr. Elmore, I have a question for you. So, you
9 and other presenters so far have spoken about how civil
10 legal services does promote family and social stability.
11 How would you suggest, you're an influential person; you're
12 a communicator, how would you suggest we go about educating
13 policymakers to the importance of what we're trying to do
14 here foundationally?

15 MR. ELMORE: Well, Judge, the absolute beginning
16 would be the hearing that we're having here, and to be able
17 to have folks who have visibility to be able to speak and
18 act as advocates.

19 More than anything else, though, an outreach to
20 those communities with representatives that explain what is
21 available to them, because what I have found, even today,
22 is that there are so many people in need, but without a
23 knowledge of how to get access. And, that's the first and
24 foremost piece of education: access in what the solution
25 can be with the proper representation.



1 So, I think that kind of motivation and that kind
2 of education would certainly go a long way to people
3 availing themselves of what is being offered.

4 CHIEF JUSTICE DIFIORE: Well, your answer sort of
5 backs into a curiosity. I would like to hear your thoughts
6 on this, on social activism by professional athletes.

7 MR. ELMORE: Yes, ma'am.

8 CHIEF JUSTICE DIFIORE: You have been around the
9 sports world for a long time, do you see a real opportunity
10 for our professional athletes to lead the way on some real,
11 meaningful social changes and reform?

12 MR. ELMORE: Well, I'm sure it's not ironic that
13 you asked that question. One of the courses that I teach
14 at Columbia is entitled "Athlete Activism and Social
15 Justice." And, what we do is we look at the social,
16 political, and economic backdrop against which athletes
17 have, since post-Civil War, stood up for social justice and
18 for, you know, specifically equal rights under the law.

19 And, today, we see athletes exercising, you know,
20 those opportunities to be able to convince people of the
21 need for it. Look at the NBA players who have essentially
22 developed a drive to get out the vote. You know, that's
23 obviously something that is highly needed. If you look at
24 the NFL, who has a social justice initiative that covers a
25 number of areas and the commitment of resources to that is



1 undeniable.

2 And, overall, I think that even individual
3 athletes have found it extremely important for them to
4 accept the responsibility. I mean, I can only look at
5 Colin Kaepernick, who, as a true activist, has sacrificed
6 his career, but in doing so, he's been able to establish
7 programs for young people, such as Know Your Rights; he's
8 been able to help with other educational, as well as
9 provision of elements, for folks who are in need, for them
10 to subsist.

11 So yes, I think it is incumbent upon athletes,
12 particularly those who have the platforms that they have,
13 to be able to step out, speak up, in subjects such as the
14 one we're discussing here today.

15 CHIEF JUSTICE DIFIORE: Perhaps going forward,
16 sir, we find a way to harness that passion and that
17 efficiency and efficacy in terms of educating policymakers
18 on the importance of supporting civil legal services.

19 MR. ELMORE: Absolutely. I think that it is
20 something that, if brought to the attention of the various
21 players and their unions, that I think that they would
22 certainly adopt it, because many of them have had the same
23 experiences as I have, coming from a pretty much meager
24 existence to a point where you are recognized and you do
25 have a platform. You know, they recognize the



1 responsibility. And, while it's not incumbent on any
2 individual to stand up for that, I think most people
3 recognize how important their voices are and are beginning
4 to exercise it.

5 So, yes, absolutely, it is something that I think
6 that young men and young women who are professional
7 athletes will start to embrace.

8 PRESIDING JUSTICE SCHEINKMAN: Can I ask a
9 question?

10 CHIEF JUSTICE DIFIORE: Yes, of course. Judge
11 Scheinkman?

12 PRESIDING JUSTICE SCHEINKMAN: First, I have to
13 say, as a graduate of George Washington, I didn't always
14 appreciate the talent that you brought to the basketball
15 court on behalf of the University of Maryland. And I do
16 remember those days.

17 In light of your family's experience, I was
18 wondering if you could, do you have any thoughts about how
19 civil legal services could be brought to bear to provide
20 advice and assistance to those dealing with issues of
21 predatory lending before they sign their names to the piece
22 of paper?

23 MR. ELMORE: Well, Judge, I believe that first
24 and foremost, from a legislation standpoint, maybe there
25 has to be some way to provide admonition to educate those



1 before they sign their names on any type of contract. I
2 think that public service announcements for those who are
3 thinking about it would probably ring true if they're
4 entertaining enough, and if they're catchy enough. I mean,
5 we understand that that's where we are in today's society.

6 And, I think it's highly important that banks
7 have some way, shape, and form, or whoever the lender might
8 be, have some way, shape, or form, that they're compelled
9 to provide disclaimers. And also, finally I think at least
10 giving a period of time to be able to give thought to be
11 able to allow, you know, others to take a look at the
12 agreement before the agreement is consummated. Again,
13 that's a legislative function. You know, I think that
14 those would help terrifically, in reducing the carnage from
15 predatory lending.

16 PRESIDING JUSTICE SCHEINKMAN: Thank you.

17 CHIEF JUSTICE DIFIORE: Thank you, sir. And thank
18 you, Mr. Elmore, for devoting your time and attention to
19 this very important topic. We look forward to working with
20 you in the future, sir.

21 MR. ELMORE: It would be my honor, thank you.

22 CHIEF JUSTICE DIFIORE: Thank you.

23 Our next presenter is Wes Moore.

24 Good afternoon.

25 This is Wes Moore, our next presenter. Mr. Moore



1 is the CEO of Robin Hood, the largest anti-poverty
2 organization in New York State. Mr. Moore, who spent his
3 childhood growing up in the Bronx, is a social
4 entrepreneur. He is a decorated Army combat veteran.
5 Thank you for your service, sir.

6 MR. MOORE: Thank you very much.

7 CHIEF JUSTICE DIFIORE: And a bestselling author.

8 During the pandemic, Robin Hood has provided,
9 under Mr. Moore's leadership, tens of millions of dollars
10 in financial support to frontline nonprofit organizations
11 that are providing emergency assistance to New York City
12 residents in need of food, housing, and healthcare.

13 Thank you for your time today, Mr. Moore. We are
14 anxious to hear your presentation.

15 MR. MOORE: Thank you so much, and indeed, the
16 honor's all mine. And first, I want to thank all of you
17 for your service here, Chief Judge DiFiore, to Judges
18 Acosta, Scheinkman, Garry, Whalen, to Chief Administrator
19 Judge Marks, to Bar Association President Karson.

20 Thank you for this remarkable opportunity to
21 address this hearing today on the vital importance of JCLS
22 funding for New Yorkers, which is something that takes up a
23 very high priority for us as an organization, because I
24 know, as this esteemed panel knows, the State of New York
25 truly faces an unprecedented economic crisis from COVID-19.



1 And, I'm here today as a leader of an
2 organization that invests millions of dollars every year in
3 funding legal service organizations, to underscore that
4 this moment requires significant reinforcement of the
5 State's public investment in civil legal services and that
6 now is not the time to cut funding for JCLS. We really
7 need to be doubling down.

8 Robin Hood grants between \$120 and \$140 million
9 every single year to more than 250 nonprofit organizations,
10 and this past year, it's been double that. It's been over
11 500 organizations that are fighting poverty and supporting
12 economic mobility in New York City, and funding civil legal
13 services resides at the heart of our strategy to support
14 low-income New Yorkers.

15 This past year alone, we made nearly \$7 million
16 in grants to organizations providing legal services, yet
17 the philanthropy that we are giving, it pales in comparison
18 the State's \$100 million commitment to closing the civil
19 legal services gap, which is one of the most effective ways
20 to deal with public interventions in dealing with this
21 level of poverty.

22 The vast need for JCLS funding and its return on
23 investment to reinforce the point that all fiscal and
24 budgetary cuts are not created equally, and we're seeing
25 that on the ground. And, so, it's important for us to



1 share today for this panel just how fragile the communities
2 most affected by COVID-19 pandemic were even before the
3 outset of this.

4 You know, we have a partnership at Robin Hood
5 with Columbia University, where we have something called a
6 poverty tracker, which is a longitudinal data set, where we
7 survey 4,000 New Yorkers. And really, the thing is, it's
8 able to give us real-time data analysis of where people are
9 and understanding the trends.

10 And one of the things that the data showed us was
11 that a staggering fifty percent of adult New Yorkers lived
12 in poverty for at least a year over the past four-year
13 period. And that's not fifty percent of a borough or a
14 demographic. It's fifty percent of the City lived in
15 poverty for at least a year, over the past four years.

16 In 2018, one in three households with children
17 experienced material hardships, like not being able to
18 afford basic necessities. We found that the number of
19 people that were skipping meals in order to provide for
20 their children, that the total unemployment rate jumped
21 from 4.3 percent in July 2019, to 20 percent in July 2020.

22 And with all that, and with all that as context,
23 we just had continued to see how legal services become even
24 more essential to ensure that individuals and families that
25 are straining for the necessities, still have a fighting



1 chance.

2 And, take one example. It's just eviction
3 prevention, where it's not just a simple symptom of
4 poverty, it is the absolute driver of it. And, eviction
5 causes multi-generational harm to families. More than one
6 quarter of all families that enter the New York City
7 shelter system have identified eviction as the immediate
8 cause of homelessness.

9 And, so, the studies provide, the studies
10 continue to show that there, you know, this causal evidence
11 of how a neighborhood a person grows up in can and will
12 impact their potential for significant economic mobility.
13 And even a few blocks will and can have a tremendous
14 impact.

15 And, so, moving from a below-average to an above-
16 average economic-opportunity neighborhood can increase
17 lifetime earnings for a child from a low-income family by
18 \$200,000; and evictions destabilize families.

19 And, so, driving families away from economic
20 opportunity, hindering children's potential at their future
21 earnings, these are all the consequences of things that we
22 continue to see when it comes to this issue of just
23 eviction, as just one example. And we are on the cusp of
24 the worst eviction crisis in the history of this country.

25 And so I, we look at this work where, and you



1 can see how even the data continues to reinforce it where
 2 according to the Census Bureau, you know, almost half,
 3 forty-six percent of all renting households in the New York
 4 State are not able to pay rent. They're not, they all find
 5 themselves at the risk of eviction. This is incredibly
 6 color-coded, where Black and Latino tenants are three to
 7 four times more likely than White tenants to have a slight
 8 or no confidence they'll be able to pay next month's rent.

9 And, as courts expand their operations, it is
 10 estimated that there will be more than one million eviction
 11 cases filed in New York over the next four months. And,
 12 this can mean hundreds of thousands of families that are
 13 violently removed from their homes in the midst of a
 14 pandemic, in the midst of a winter coming, in the midst of
 15 a school and educational crisis, and it is
 16 disproportionately, when you're thinking about the impacts
 17 of COVID-19, - - disproportionately killing Black and Brown
 18 families.

19 With that, legal representation is our best
 20 weapon against eviction. In 2018/2019, eighty-four percent
 21 of tenants in New York City who had a lawyer, through the
 22 Universal Access to Counsel program, were able to remain in
 23 their homes. It's the strongest weapon we have.

24 And, more people than ever are in need of legal
 25 counseling to navigate the complex legal and bureaucratic



1 regimes, such as sick and family leave, and the recent
2 expansion of the federal unemployment insurance benefits.
3 And, we can expect a surge of demand for legal services as
4 debt collectors begin filing their cases.

5 The vital civil legal service also is needed to
6 extend into the life-and-death work of immigration cases.
7 Immigrants and their children make up nearly half of New
8 Yorkers who are living in poverty. Non-citizens are poor
9 at a much higher rate than New Yorkers overall. Legal
10 assistance provides an effective means to which we can lift
11 these families out of poverty. And we see the profound
12 impact of all the societal benefits, where one of our
13 partner organizations at the Furman Institute found that if
14 all of New York City's naturalized eligible immigrants were
15 to become citizens, then annual City, State, and federal
16 tax revenue would increase by \$789 million, and public
17 benefits costs alone would decrease by \$34 million.

18 So, immigration and legal services for thousands
19 of unaccompanied minors who have fled violence and other
20 trauma, particularly from the northern triangle of Central
21 America, it really is life-saving work. And these children
22 would not be able to navigate the complex legal processes
23 necessary to secure special immigration juvenile status,
24 which is the critical legal step to prevent them from
25 removal from their country without this form of civil legal



1 aid.

2 JCLS funding is critical for survivors of
3 domestic violence. We see how the legal services providers
4 that have continually emphasized how JCLS funding is one of
5 the largest most flexible sources of support through a
6 whole variety of different mechanisms. And, we're
7 confronting with the greatest public health and economic
8 crisis that this country has ever faced.

9 So, the provision of civil legal services cannot
10 hold the line for our most vulnerable communities without
11 this level of increased support and particularly as it's
12 happening at a time when it is needed most.

13 So, I want to just close with a, and leave the
14 panel with a very stark warning, that JCLS funding and the
15 work of the Permanent Commission on Access to Justice has
16 led the nation in its efforts to close the civil legal
17 services gap, but there is a real threat that this vital
18 work, over the next decade, could literally be eroded
19 overnight.

20 And, so, I want to thank this panel, I want to
21 thank the Chief Judge, again, for your incredible
22 leadership in addressing these complex problems, and really
23 help to access the justice and the opportunity for all
24 people within our society, because we know that this issue
25 is going to become an increasing issue within our larger



1 framework, that we, as an organization, we're incredibly
2 proud of our ability to be able to respond in this measure
3 of crisis.

4 But we also know that when we're looking at the
5 wave, when we're looking at the size of the challenge that
6 we have coming on board, when we're looking at the personal
7 stories that we have to deal with every single day, that
8 without this level of support, without truly thinking about
9 ways that we cannot only avoid cutting but really think
10 about ways to reinforce and double down, it's going to make
11 the challenges that we, as a society, are facing, it's
12 going to make them impossible for philanthropy or
13 individual social service organizations to be able to deal
14 with that on an individual basis.

15 And, I'll say for each and every one of us, we
16 understand the role that housing and secure housing plays
17 in all of our lives.

18 I know, and it was one of the reasons, one of the
19 motivations, when I first moved up to New York, that when
20 my mother moved us up to live with my grandparents, up in
21 the South Bronx, it was one of the things that actually
22 truly helped to change the destiny of our lives.

23 And, it is the thing that we know is going to
24 have a distinct impact on not just the populations that we
25 are serving right now, but frankly on generations that we



1 might not ever even meet. And, this moment is a chance to
2 provide that pathway for them to be able to do that just.

3 So, I remain grateful and thankful for the
4 opportunity not just to testify in front of you today, but
5 truthfully, I remain grateful and thankful for all of your
6 leadership now and beyond, to be able to address these
7 issues that unfortunately continue to show themselves and
8 show themselves in not just incredibly prescient, but in
9 incredibly dire ways, at this moment.

10 CHIEF JUDGE DIFIORE: Thank you, Mr. Moore. Any
11 questions for Mr. Moore?

12 PRESIDING JUDGE ACOSTA: Yeah.

13 PRESIDING JUSTICE GARRY: I, you, go ahead.

14 PRESIDING JUDGE ACOSTA: No, go ahead, go ahead.

15 PRESIDING JUSTICE GARRY: Okay. Thank you, Mr.
16 Moore. I found your presentation both powerful and
17 compelling, and so I want to open with that.

18 The funding that's being distributed by the
19 organization, Robin Hood, if I understood it correctly, is
20 aimed and distributed solely within New York City.

21 MR. MOORE: That's correct, Your Honor.

22 PRESIDING JUSTICE GARRY: And that's part one. I
23 think that's true. But, so, I wanted to confirm that and
24 then ask of you: the data, the research that you've
25 shared, some of that is clearly also New York City. But



1 specifically, you know, in 2018, one in three households
2 with children experienced material hardships. You know
3 that?

4 MR. MOORE: Yes.

5 PRESIDING JUSTICE GARRY: Is that New York City,
6 sir, or is that statewide or nationally? You know, what's
7 our view on this?

8 MR. MOORE: Thank you. Thank you very much,
9 Judge. And so, yeah, so Robin Hood's catchment area is, is
10 primarily focused on New York City, even though so much of
11 the work that we do also has ways of penetrating, you know,
12 in terms of our philanthropy. But frankly, much of our
13 work actually expands well past the five boroughs, simply
14 because so much of the impacts that we're looking for will
15 expand well past the five boroughs.

16 The statistics you were talking about, there
17 about the material hardships, that was New York City data.
18 But, in fact, if you look at much of the data that has been
19 cited earlier, much of it completely masks what's happening
20 on the state and also on the federal level. But that
21 specific statistic was individual City data.

22 PRESIDING JUSTICE GARRY: Thank you.

23 MR. MOORE: Thank you.

24 PRESIDING JUSTICE ACOSTA: My question, and I
25 also find your testimony particularly compelling.



1 You said that legal representation is the biggest
2 weapon that we have. And I happen to agree both on a
3 personal level, (break in audio) being represented by Legal
4 Aid with my family. I understand what that did for me,
5 what that did for us.

6 But we also heard from Judge Cannataro, a concern
7 about the culture of litigation, in most people's courts,
8 but particularly the Housing Court in New York City.

9 Are there other weapons that are available to us,
10 both from your Foundation's point of view, as well as just
11 the court system, in dealing with just the sheer volume of
12 litigation that exists, that we cannot get to?

13 MR. MOORE: Another great question. There are
14 other tools and mechanisms that we can and that we do, you
15 know, put into place. And, whether it was, whether it was
16 thinking about and advocating earlier for moratoriums on
17 evictions and utility shutoffs, because we know the most
18 effective thing that we can do to be able to keep this from
19 happening is to make sure we're keeping people inside of
20 the homes.

21 We know that we do and we can fund other
22 mechanisms that are supporting individuals who are inside
23 of homes now, and thinking about how can we use things like
24 even, you know, pro bono legal services to be able to help
25 close the gap in responding to the needs.



1 You know, many of our community partners have
2 established partnerships with law firms to supplement their
3 ability to meet the legal needs of communities. And, so we
4 know that there are certain pieces that also can be
5 supplementary, but you know, your question is a really
6 important one, because it is one of the things that shows
7 the measure and the level of divide that exists between
8 those who have access to those legal services and those who
9 do not.

10 And, where these, where those structures and
11 where those supports of the civil legal services becomes so
12 important, is because for those who can afford them, this
13 type of mechanism is something that they can use and
14 utilize, and are repeatedly used and utilized to be able to
15 come up with the results that they deem to be beneficial in
16 their case.

17 And it's for the most vulnerable. It's for the
18 people who we have to kick and fight for and serve, where
19 that oftentimes does not become the direct result.

20 And, so, I think we're all very cognizant of the
21 challenges that come both with a bloated system, or the
22 hyper-litigation, and we understand; but, at the same time,
23 the different type of tools and levers that we can have,
24 even as the largest philanthropic organization within the
25 State, they're relatively limited when it comes to the type



1 of challenges that our families are going to face on the
2 issue that ends up having cascading impacts on every other
3 facet of their life.

4 PRESIDING JUSTICE SCHEINKMAN: Can I follow up on
5 that, if I may?

6 MR. MOORE: Please.

7 PRESIDING JUSTICE SCHEINKMAN: We presently have
8 a moratorium on evictions that is in place. What, if
9 anything, can be done during this time when evictions are
10 frozen, to try to address the problems that these folks
11 have so, that when this lifts, people aren't suddenly, on a
12 massive scale, threatened with mass eviction?

13 MR. MOORE: Yeah. So, I think there's a few
14 different elements that we could zero in on and focus on,
15 you know, during this time, and to your point, and during
16 this window. There is a tenant education program that, you
17 know, could prevent people from entering inside the system.

18 Many of the evictions that will take place are
19 things that happened without an actual order for eviction.
20 And, so part of the thing that we think we can put our
21 resources towards and part of things that we can actually
22 drill in on is actually making sure we can increase the
23 educational, you know, just basically for people knowing
24 what their individualized rights are.

25 There have been informal evictions that, you



1 know, these informal evictions that we're then seeing,
2 really have been, could be avoided with basic aspects of
3 tenant education, and these are things that we can drill in
4 on, at this moment.

5 Part of it, also, and we see this as a really
6 important mechanism and a place for us, is also the larger
7 education for our greater society.

8 You know, think about the last testimony, when we
9 were talking about how can we help people to understand the
10 measures and the impact of what we're talking about, where
11 there are things that we can do to help people understand
12 just the nature of the problem, the size of the problem,
13 and the only kind of unique measures and levers that we
14 could have, not just organizationally, but just us as a
15 larger, you know, structure, to be able to address it.

16 The only, you know, final point that I would make
17 that actually could be useful and helpful, particularly
18 during this time of the eviction moratorium, is just
19 thinking about how federal aid, and the role that federal
20 aid will play for rental assistance, how that is going to
21 be absolutely key, particularly as we're moving on in the
22 timelines and the deadlines for some of these eviction
23 mechanisms start to come up.

24 CHIEF JUDGE DIFIORE: So, Mr. Moore, you're
25 obviously very passionate about these issues that bring us



1 all together today. And Robin Hood is a, how should I say
2 it, enlightened member of the philanthropic community. My
3 concern is maybe we haven't done enough to educate the
4 other members of the philanthropic community to the
5 importance of the issues we're talking about today.

6 And, I don't know if you were with us earlier,
7 but we've just created a Business Council as part of our
8 Permanent Commission, and I'm wondering if the
9 philanthropic community doesn't have a similar shared
10 purpose and there could be some ways in which we could
11 bring these groups together and figure out if we are
12 leveraging the importance of philanthropic funding as it
13 relates to our issues.

14 MR. MOORE: I could not agree with that more.
15 And, I think that it does become incredibly exciting that
16 for us, I think, in a collaborating and coordinating
17 fashion around this.

18 You know, one of the things that I think about,
19 this nexus that Robin Hood helps to bring, is the fact that
20 it really is, and we strive to be, a combination of whether
21 it's philanthropists and corporate partners and family
22 offices, and also the community; because you're absolutely
23 right. Where, and these issues, these are issues that are
24 not going to impact one segment of our society any more
25 than the other. They're going to impact all of us.



1 Each and every one of us have to understand the
2 consequences of having the kind of tsunami of evictions
3 that we are at risk of seeing in the State of New York.
4 And, so, the ability to be able to align to think about
5 what are the unique levers, that whether it's philanthropy
6 or corporates, or governments, or the law, or community
7 members have to be able to poll and think about this, I
8 believe deeply are going to be crucial, because I,
9 actually, it's been very inspiring to see members of the
10 philanthropic community understanding how important this
11 is, wanting to find ways of getting involved and getting
12 engaged.

13 I think they, the thing that we want to make sure
14 that we're all doing, is making sure that we have that
15 central focus point that if all of us say this is a
16 priority, if all of us say this is an issue that we all
17 should be working on and thinking about, that we can think
18 about whether it's the usage of our capital, usage of our
19 voice, or usage of our push-pull mechanisms in the work
20 that we're doing in all of our, all of our measurements,
21 that we can then have that unified goal in order to get
22 this work done.

23 CHIEF JUDGE DIFIORE: Thank you, sir.

24 MR. KARSON: May I ask one more question?

25 CHIEF JUDGE DIFIORE: Yes, Mr. Karson.



1 MR. KARSON: Yeah. Mr. Moore, I also thank you
2 for the good work of Robin Hood, and I'm wondering, you
3 said with great certainty, that the best way to deal with
4 eviction is to provide a lawyer. And, I assume that Robin
5 Hood funds programs that provide legal services to people
6 in eviction cases.

7 I'm wondering, is there a distinction to be made
8 between staff programs and pro bono programs which, after
9 all, do have at least administrative costs associated with
10 them, and do you, as a provider of funding, distinguish
11 between one, have a preference between one or the other, or
12 do you fund both?

13 MR. MOORE: Great, great question. And, you
14 know, I think the answer is, particularly when we're
15 thinking about the complexity of the issues, because when
16 we're talking about the complexity of the issues, we're
17 dealing with issues with respect to housing and debt
18 collection and domestic violence and a collection of other
19 areas, I feel like every single one of these places do play
20 a unique and important role, whether it's, you know, pro
21 bono, or whether it's assistance structure, that kind of
22 thing.

23 And, so, I think all of them do play a unique
24 role, and you know, and I think, and I take the pro bono as
25 just one example, you know, but these services, you know,



1 they cannot replace funding for lawyers and other legal
2 staff with experience and expertise, as you mentioned, in
3 the complex areas of the law.

4 You know, it can also be challenging for these
5 organizations to invest in training up pro bono and legal
6 providers, if those resources are not committed for an
7 extended period of time. And, so, the investment in the
8 training, it really does then become lost.

9 We think about other states, though, whether it
10 is Texas, California, Florida, that have actually looked
11 and moved to pass legislation to allow for, you know, for
12 immigrant households to access short-term public
13 assistance. And, so, there are actually some good, other
14 good examples of how we can think about this through a
15 variety of different standpoints, where it's not just going
16 to be the pro bono, even though it, you know, it plays an
17 important space, it's not just going to be the structural,
18 even though, you know, even though they have a clear role,
19 but it really is going to be, from our opinion and
20 experience, how we're going to have to think holistically
21 about being able to deal with these issues, because they
22 just, we see them from such a variety of different
23 complexities on the issues that our constituents are
24 working with.

25 MR. KARSON: Thank you.



1 CHIEF JUDGE DIFIORE: Thank you, sir. And thank
2 you for your time today and for your excellent work and
3 commitment. Thank you.

4 MR. MOORE: Bless you. Thank you.

5 CHIEF JUDGE DIFIORE: Our next presenter is . . .
6 Good afternoon.

7 MS. BOSTON: Good afternoon.

8 CHIEF JUDGE DIFIORE: Our next presenter is
9 Sheila Boston. Sheila is very well known to the legal
10 community. She is an accomplished litigator. She is a
11 partner at Arnold & Porter; the 69th president of the New
12 York City Bar Association; the first woman of color to lead
13 that association. And, under Ms. Boston's leadership, the
14 New York City Bar has established a COVID recovery project.

15 The project has provided a range of very critical
16 services, including a legal hotline where low-income
17 individuals facing COVID-related housing, employment, and
18 consumer issues can receive assistance from volunteer
19 attorneys.

20 The project has established a free life-planning
21 legal assistance program for front-line New York City
22 healthcare workers, and good for you for doing that, and a
23 COVID-19 small business legal clinic.

24 Thank you for your work. Thank you for appearing
25 here today. We are anxious to hear your presentation.



1 MS. BOSTON: Well, thank you, Chief Judge
2 DiFiore, and I appreciate all of your service and hard
3 work.

4 Good afternoon to our New York State Bar
5 Association President Karson, and may it please the Court,
6 I'm pleased to appear before you today in support of the
7 Judiciary's annual commitment of \$100 million in funding of
8 civil legal services for low-income New Yorkers with legal
9 needs, affecting their essentials of life.

10 When I assumed the role of President, we were in
11 the midst of and we continue to be in the midst of three
12 major crises: the COVID-19 health pandemic, a severe
13 economic downturn, and civil unrest, or what you may deem
14 as racial justice crises.

15 Three major crises. And that's why I can't
16 imagine a more important time to ensure that this funding
17 is provided to the legal services programs throughout our
18 great State.

19 As the City Bar Justice Center is our 501(c)(3)
20 affiliated organization, I'll focus upon its extraordinary
21 work, as that is the legal services, frankly, with which I
22 am most familiar. And, let me take a moment to publicly
23 thank Lynn Kelly, the Executive Director of our Justice
24 Center, for her outstanding leadership and commitment to
25 the work of the Center, as well as for her assistance in



1 preparing me for today.

2 I'd also like to thank Judge Cannataro for his
3 steadfast leadership of the New York City Civil Court and
4 for his willingness to have frank discussions and to answer
5 the questions of members of the bar.

6 Now, for my tenure as President, I have
7 established six main priorities for the New York City Bar
8 Association, three of which include COVID-19 recovery
9 projects; diversity, equity, and inclusion; and access to
10 justice, all three of which I believe intersect with the
11 purpose of today's hearing.

12 So, let me start with the COVID-19 recovery
13 projects and what the Justice Center has accomplished so
14 far this year with the Judiciary Civil Legal Services
15 funding it receives.

16 Now, notably, the Justice Center's experiences do
17 not stand alone, for the entire legal services and pro bono
18 community has responded quickly and in a targeted way to
19 address the most pressing concerns of our clients.

20 At the start of 2020, with support of the JCLS
21 funding, the Justice Center was providing legal services
22 across all ten of its pro bono projects. But, then,
23 earlier this year, when the pandemic arrived, the Justice
24 Center provided disadvantaged New Yorkers with additional
25 life-essential services by launching three COVID-19



1 initiatives which the Chief Judge just announced.

2 They include the Legal Hotline COVID-19
3 Expansion, was one. The Neighborhood Entrepreneur Law
4 Project's Small Business Remote Legal Clinic, was the
5 second. And third, the Planning and Estates Law Project's
6 Remote Legal Services for frontline healthcare workers.

7 Between March 15 and August 15, the Justice
8 Center assisted over 5,600 New Yorkers with the generous
9 support of almost 1,000 volunteer attorneys.

10 The Justice Center's Legal Hotline is the largest
11 operation of its kind in New York. It's staffed by
12 attorneys who handle about 1,000 calls a month, ordinarily
13 providing advice on a range of civil legal issues, such as
14 family law, housing law, domestic violence, bankruptcy, et
15 cetera.

16 Now, luckily our Legal Hotline had already moved
17 its operations to a remote platform in 2019, with many of
18 the hotline staff attorneys working part time. So, the
19 COVID-19 crisis did not cause major work slowdown of any
20 kind. But, eventually, due to the pandemic, it was
21 apparent that we would have to work remotely for a much
22 longer period of time, as we all know. And the move to one
23 hundred percent remote work presented a large challenge for
24 the Justice Center's top ten already existing pro bono
25 projects.



1 The first few weeks were challenging, as our
2 staff mostly used their cell phones to speak to clients.
3 But, fortunately, a COVID-19 foundation grant enabled us to
4 purchase paid Zoom accounts and other necessary equipment
5 for remote services.

6 The Justice Center also reassigned staff and
7 created the three new COVID-19 pro bono projects, and they
8 were fully operational by April 2020. Now, of course, we
9 would not have been able to do it without New York's legal
10 community generously volunteering to work with us to get
11 these projects up and running.

12 Through our Legal Hotline, about 3,300 low-income
13 New Yorkers have received answers to their pressing legal
14 questions, most of which were related to the pandemic.
15 And, about 1,100 clients obtained free legal services
16 through these newly created COVID-19 programs.

17 Now, in the coming months, the Justice Center
18 staff anticipates an increase in cases involving landlord-
19 tenant, bankruptcy, and foreclosure, as well as issues
20 affecting small businesses. Having stable, Judiciary legal
21 services funding, along with IOLA, enables legal services
22 offices like the Justice Center, to plan ahead and deploy
23 staff and pro bono resources to meet the anticipated needs
24 for our upcoming winter.

25 Now, those are COVID-19 projects. Let me hasten



1 to mention the second one I mentioned: diversity, equity,
2 and inclusion or racial justice. The COVID-19 pandemic has
3 affected all New Yorkers, for sure. But it has inflicted
4 even worse harm on communities of color, the very same
5 communities that our legal services lawyers are
6 representing.

7 For example, the City Bar Justice Center's
8 personnel have engaged in community outreach, including by
9 partnering with advocacy groups and local elected
10 officials, to ensure that small businesses, particularly
11 minority-owned small business and those in under-resourced
12 communities, are aware of the resources that the Justice
13 Center and its pro bono partners have made available. This
14 targeted outreach is an important component of the work,
15 because studies are showing that COVID-19 has exacerbated
16 pre-existing challenges faced by minority-owned small
17 businesses, those such as not having established
18 relationships and lending base, not having access to
19 financial and legal expertise, or being confronted with the
20 wealth and health gaps that their white-owned small-
21 business counterparts are less likely to face.

22 In addition, it's well known that a significant
23 number of our frontline workers are members of the
24 communities of color. So, the work in which the Justice
25 Center engages to provide trust and estate counseling to



1 healthcare workers on the front line has had a positive
2 impact on communities of color.

3 In addition, the Justice Center has been
4 providing training for our volunteer partners in diversity,
5 inclusion, and elimination of bias, to enhance their
6 competence in pro bono advocacy.

7 These are projects representative of racial
8 justice components in legal services work, which we all
9 should acknowledge and can continue and should continue.

10 And, finally, that third pillar, the City Bar's
11 platform during my tenure, is that of access to justice.
12 As I share with audiences as much as I can, my personal
13 mantra in life is to whom much is given, much is required.
14 And I do believe that I am my brothers' and sisters'
15 keeper. And, to that end, I believe that the legal
16 community, especially in New York, is blessed with
17 intelligence, talent, and resources, and we have an
18 obligation to participate in the betterment of our
19 community and to give back to assist those in our society
20 who are most vulnerable and who are in need of legal
21 services to maintain and provide their life essentials.

22 We, at the City Bar, are committed to access to
23 justice, and we consistently send out a clarion call for
24 volunteers in this important work. However, the fact of
25 the matter is, law firms, like other businesses, are



1 struggling and have their own business needs. Some more
2 than others, but we're all struggling to get and work at
3 more productive levels.

4 So, please understand that the private bar will
5 certainly continue to do its part, but if the legal
6 services budget is cut, we unfortunately will not be able
7 to make up that gap. And that's what worries me.

8 Stable funding makes stronger legal services
9 organizations and enables them - - - people who are experts
10 in these types of services - - - to pivot quickly, as they
11 have had to do during this triple crisis involving our
12 health, economy, and racial injustice.

13 Please know that the bar is grateful for this
14 crucial funding stream, and for the way that all of us
15 together have continued to increase representation and
16 successful outcomes for low-income New Yorkers facing
17 essential legal problems.

18 We, of course, are very much aware of State
19 budget challenges ahead, but we stand firm in our belief
20 that now is not the time to cut back on legal services to
21 low-income New Yorkers.

22 I think we need to take heed of that old adage,
23 it's more of a British one, but it says, you know, a penny
24 wise, a pound foolish. The success of these programs
25 translates into positive outcomes for communities and New



1 Yorkers as a whole, and that is a goal which I believe we
2 all share.

3 We therefore ask the Judiciary to evaluate the
4 success of this proven lifeline of funding for New York's
5 stalwart legal services providers and to maintain or even
6 frankly consider increasing funding levels in the next
7 budget year.

8 The justice community looks to the Judiciary for
9 this essential funding, along with the ongoing dedicated
10 pro bono service of New York lawyers, and the continued
11 efforts to find innovative community-based solutions so
12 that we all can work together and bring this State closer
13 to full access to justice for low-income persons in 2021
14 and beyond.

15 It is indeed an honor to be with all of you
16 today, and I thank you so much for this time and your
17 consideration.

18 CHIEF JUDGE DIFIORE: Thank you, Ms. Boston.

19 Any questions for Ms. Boston?

20 CHIEF ADMINISTRATIVE JUDGE MARKS: Question.

21 THE COURT: Judge Marks?

22 CHIEF ADMINISTRATIVE JUDGE MARKS: Ms. Boston,
23 given the massive demand for legal services and attorneys,
24 you know, which is daunting enough during normal times, but
25 is, you know, dramatically more daunting these days, under



1 the pandemic, should the legal profession be considering
2 what the medical profession has done for many years now,
3 which is to make use of quasi-professionals or, you know,
4 lay-trained people to address the justice gap?

5 MS. BOSTON: Judge Marks, that's a very good
6 question, and I thank you for posing it. I know that it's
7 controversial and a lot of people are talking about it
8 right now. And, I do believe it is worthy of studying.
9 However, I must say that I am very, this is me personally
10 speaking, I'm very wary of doing so. I think that there
11 are specific areas of the law where maybe we may be able to
12 utilize such persons, and it can be helpful; but I'm wary
13 of creating like a two-tier legal system, quite frankly.

14 So, personally, I am very cautious about that,
15 and I believe that it would have to be studied very
16 carefully. And, again, I just don't want to create this
17 dual level, if you will, of a justice system.

18 CHIEF JUDGE DIFIORE: Thank you.

19 Ms. Boston, I think you accurately characterized
20 the history of New York's lawyers and their generosity with
21 their pro bono service. I think you also accurately paint
22 a dire picture of the State's financial health.

23 Should we not be in a position to achieve the
24 levels of funding that we hope to achieve, are you a
25 proponent of enhancing this targeted approach that you



1 spoke about earlier in your testimony?

2 MS. BOSTON: I am indeed, because I just really
3 believe that efficiency is important and that you can have
4 a greater impact. So, yes, I am.

5 CHIEF JUDGE DIFIORE: Thank you. We may follow
6 up with you a little bit on that after the hearing. Thank
7 you very much - - -

8 MS. BOSTON: Sure, sure.

9 CHIEF JUDGE DIFIORE: - - - for your time today
10 and thank you for your excellent presentation. We
11 appreciate it.

12 MS. BOSTON: Thank you all. Take care. God
13 bless.

14 CHIEF JUDGE DIFIORE: Thank you.

15 Our next presenter is Neil Steinkamp.

16 Good afternoon. Our next presenter, well-known
17 to all of us, is Neil Steinkamp. He is a Managing Director
18 at Stout Risius Ross, which, as we all know, is a global
19 financial advisory firm, which serves as a consultant,
20 thankfully for us, to the Permanent Commission on Access to
21 Justice.

22 Neil is a veteran of these public hearings, and
23 we greatly appreciate not only his participation today, but
24 through valuable pro bono assistance to the Commission over
25 many years.



1 Thank you very much, Neil, and welcome back.

2 MR. STEINKAMP: Thank you, Your Honor. Can you
3 hear me okay?

4 CHIEF JUDGE DIFIORE: Yes, we can hear you just
5 fine.

6 MR. STEINKAMP: Great. Chief DiFiore and members
7 of the Court and other distinguished guests, it's an honor
8 for me to have the opportunity to provide remarks before
9 you and the panel today.

10 My name, as you mentioned, is Neil Steinkamp.
11 I'm a Managing Director at Stout, where I lead the firm's
12 transformative change practice and pro bono practice. I'm
13 here today to speak about the impact that COVID-19 is
14 having on eviction and housing instability in New York.

15 Like the rest of the country, New York is facing
16 a public health crisis and an economic crisis creating an
17 even greater access-to-justice crisis. Like the rest of
18 the country, Black and Brown New Yorkers are disparately
19 impacted, not only by COVID-19, but also by the economic
20 and access-to-justice fallout of the crisis, especially the
21 eviction crisis.

22 As COVID-19 spread throughout New York late this
23 spring, approximately 2.5 million New Yorkers filed for
24 initial unemployment claims, an understated estimate, as it
25 does not include all workers who had their hours and/or



1 salaries reduced for people participating in the State's
2 Shared Work program.

3 During April of 2020, the State lost more than
4 1.7 million private sector jobs, a decline of twenty-two
5 percent since April of 2019. Unemployment rates
6 skyrocketed throughout the State: Albany at thirteen
7 percent; New York City at fifteen percent; and Buffalo at
8 nineteen percent.

9 The economic fallout of COVID-19 has strained
10 renter households throughout New York, especially low-
11 income Black and Brown renter households. Even before
12 COVID-19, these New Yorkers faced significant financial
13 strain and housing instability. COVID-19 has exacerbated
14 these challenges.

15 Before COVID-19, approximately twenty-eight
16 percent of all New York renter households had extremely low
17 incomes, meaning that they had incomes of less than thirty
18 percent of the area median income. Of these renter
19 households with extremely low incomes, approximately
20 seventy percent were also severely rent burdened, paying
21 more than fifty percent of their income toward rent.

22 These dire circumstances of the lowest-income New
23 York renters, who are disproportionately Black and Brown,
24 were only made worse by the pandemic.

25 In New York, nearly seventy-five percent of



1 renter households with an annual income of less than
2 \$15,000 paid more than half of their income towards rent in
3 2018. Approximately fifty-three percent of renter
4 households with an annual income between \$15,000 and
5 \$30,000, were severely rent burdened, as were twenty
6 percent of renter households with annual incomes between
7 \$30 and \$50,000.

8 At the end of April, New York had one of the
9 lowest portions of tenants who made a rent payment, ninety
10 percent; and one of the highest portions of uncollected
11 rent in the country. These rent burden statistics
12 highlight the significant number of renter households
13 throughout the State who were already at risk of
14 experiencing housing instability before COVID-19.

15 A recent national survey by Propertynest found
16 that approximately thirty-nine percent of respondents
17 indicated they would be unable to pay their rent if they
18 lost their job during the pandemic. And, the National
19 Association of Realtors estimated that forty-two percent of
20 households across the country would struggle to pay for
21 housing solely with unemployment benefits.

22 This combination of severe rent burden, job loss,
23 and little to no emergency savings, is likely to result in
24 widespread housing instability and could result in an
25 increase in the number of New Yorkers experiencing



1 homelessness.

2 As New York renters, particularly low-income
3 Black and Brown renters, continue to express low levels of
4 confidence in their ability to pay rent, the New York
5 eviction moratorium continues to be extended. Most
6 recently, Governor Cuomo signed an executive order
7 extending that eviction moratorium until October 1st and
8 gave the court system authority to consider how to move
9 forward.

10 This moratorium was recently complemented by the
11 CDC's eviction moratorium, which is set to temporarily stop
12 certain residential evictions through the end of this
13 calendar year.

14 To better understand how the economic impact of
15 COVID-19 was creating eviction risk for New York renter
16 households, I analyzed publicly available weekly survey
17 data compiled by the U.S. Census Bureau during the
18 pandemic. From this analysis, I estimated that as of
19 September 9, 2020, between 890,000 and 1.2 million renter
20 households, or approximately twenty-eight to thirty-eight
21 percent of all renter households throughout New York, may
22 not be able to pay their October rent.

23 I also estimated that as of September 9th, after
24 lifting the eviction moratorium, New York could experience
25 somewhere between 600,000 and 833,000 eviction filings in



1 the months immediately following the lifting of any
2 moratorium. That would be in January, with the lifting of
3 the CDC moratorium.

4 By comparison, there's an estimated 580,000
5 eviction cases disposed of in New York each year, or
6 approximately 48,000 each month.

7 As of July 2020, approximately twenty-seven
8 percent of New York renter households indicated that they
9 were unable to pay their rent in the prior month. Of New
10 York renter households who did not pay their previous
11 month's rent and had incomes of less than \$35,000,
12 approximately eighty-two percent had no or slight
13 confidence in their ability to pay the next month's rent as
14 well.

15 Of New York tenants who did not pay their
16 previous month's rent and had incomes between \$35 and
17 \$50,000, approximately sixty-five percent had no or slight
18 confidence in their ability to pay next month's rent too.

19 My analyses of publicly available data indicated
20 that New York households who identified as African American
21 alone, not Hispanic, were least confident in their ability
22 to pay next month's rent, with an estimated forty-four
23 percent having no or slight confidence in their ability to
24 pay rent as of September 9th of 2020.

25 Approximately thirty-five percent of Hispanic or



1 Latinx and thirty percent of Asian renter households in New
2 York had no or slight confidence in their ability to pay
3 next month's rent respectively, as of September 9, 2020.

4 These metrics are contrasted against
5 approximately nineteen percent of White renter households
6 in New York having no or slight confidence in their ability
7 to pay next month's rent.

8 Additional data from the U.S. Census Bureau
9 indicated that half of Black renter households in New York
10 fell behind on their rent in May and June, the highest of
11 any identified race. Twenty-two percent of Latinx renters
12 throughout the State fell behind their rent during the same
13 period, the second highest of any race, while White renter
14 households in New York fared best, with only six percent
15 falling behind on their rent.

16 Over the past six weeks, African American and
17 Hispanic or Latino households have consistently expressed
18 significantly less confidence in their ability to pay next
19 month's rent compared to White households.

20 The U.S. Census Bureau added a question very
21 recently to its week 13 household poll survey, which ran
22 from August 19th through August 31st of this year, asking
23 tenants who were not current on their rent the likelihood
24 of them leaving their home in the next two months due to
25 eviction.



1 It's important to note that this question was
2 asked just prior to the CDC moratorium, but while the New
3 York moratorium was certainly in place. These responses
4 are indicative of renters' sentiment at a time when many
5 local eviction moratoria had either expired or would
6 expire, although the moratorium in New York had been
7 continued.

8 Of New York renters who are not current on their
9 rent as of August 19th through the 31st, approximately
10 fifteen percent indicated they were very likely to leave
11 their current home due an eviction in the next two months.
12 An additional seventeen percent indicated they were
13 somewhat likely. So, a combined thirty-two percent of
14 survey respondents indicated that they were somewhat or
15 very likely to leave their home, due to an eviction, in the
16 next two months.

17 People of color, particularly those who are two
18 or more races or other races, indicated significantly more
19 frequently than White people that they are very likely to
20 leave their current home due to an eviction, in the months
21 ahead. Again, this question was asked to renters
22 throughout New York who are not current on their rent and
23 before the CDC moratorium was in place.

24 In addition to analyzing confidence levels by
25 race, I analyzed confidence levels by household income, and



1 found that many New York renter households that are already
2 financially strained are facing additional challenges
3 paying their rent amid the pandemic and its economic
4 repercussions.

5 Unsurprisingly, New York renter households in
6 lower-income brackets have the least confidence in their
7 ability to pay next month's rent. Over the past six weeks,
8 households with the lowest incomes, particularly those with
9 incomes of less than \$35,000, have consistently expressed
10 significantly less confidence in their ability to pay next
11 month's rent, compared to higher-income households.

12 Two additional analyses I performed were how the
13 presence of children in the household affected renter
14 confidence and how sources of income effects renter
15 confidence. I analyzed confidence levels by the presence
16 of children in the household and found that households with
17 children have lower levels of confidence in their ability
18 to pay next month's rent than those without. Approximately
19 forty percent of renter households with children expressed
20 no or slight confidence in their ability to pay next
21 month's rent, compared to twenty-three percent of renter
22 households without children.

23 I also analyzed confidence levels by the sources
24 of income used in the last seven days to meet spending
25 needs. One of the most telling trends was that for New



1 York renters using stimulus payments to meet their spending
2 needs, the confidence in their ability to pay next month's
3 rent declined significantly between July 22nd and July
4 29th, which was the week where there was an additional \$600
5 coming from the federal government, but was expiring.

6 For the month of July, on average, approximately
7 twenty-two percent of renter households who were using
8 stimulus payments to meet their spending needs had no or
9 slight confidence. However, the following week, when that
10 federal stimulus expired, approximately fifty-four percent
11 of these renters expressed no or slight confidence in their
12 ability to pay next month's rent, emphasizing and
13 amplifying the importance of emergency rental assistance in
14 this time.

15 New York residential renters are not the only
16 ones expressing an inability to pay their rent. More than
17 eighty percent of restaurants, bars, and night clubs in New
18 York City could not pay their full rent in July, and nearly
19 forty percent were unable to pay anything.

20 According to a report by the Partnership for New
21 York City, an expected one-third of New York City's 240,000
22 small businesses may never reopen. Even though New York is
23 home to more Fortune 500 headquarters than any city in the
24 country, small businesses are ninety-eight percent of the
25 employers in New York City and provide jobs to more than



1 three million people.

2 The Census Bureau, in addition to the household
3 poll survey, also launched a bi-weekly survey of small
4 businesses called the Business Poll Survey. I analyzed
5 those results for September 9th and found that nearly forty
6 percent reported that the coronavirus pandemic has had a
7 large negative effect on their business. An additional
8 forty-three percent indicated that it had had a moderately
9 negative effect; a combined eighty-three percent with a
10 moderate or severe negative effect.

11 Not only does this indicate the financial stress
12 that small businesses in New York are having, but it
13 reflects the employment impact affecting New York renter
14 households as well.

15 Ninety-six percent of New York small business
16 survey respondents indicated that since March 13th, their
17 business has missed a loan payment. Ninety-six percent.

18 Over fifty percent of New York small business
19 survey respondents indicated that it will be more than six
20 months before the business returns to its normal level of
21 operations. And an additional 13.3 percent expect it will
22 be between four and six months.

23 Small business owners in New York, like
24 residential renters, are likely unable to afford
25 representation should they need it, when their businesses



1 are faced with eviction. Furthermore, when these small
2 businesses close or are negatively impacted by the
3 COVID-19-induced recession, a significant number of New
4 York residents would be left without employment.

5 Without employment, residents will face
6 significant economic and financial challenges, which could
7 quickly cascade into legal issues, such as eviction and
8 foreclosure, issues receiving benefits, or having access to
9 healthcare.

10 Furthermore, survey results indicate that four
11 months afforded by the limited CDC moratorium, may not
12 sufficiently allow for an economic recovery that would
13 alleviate the risks of an unprecedented number of evictions
14 when that moratorium lifts in January.

15 The impact COVID-19 has had on low-income New
16 Yorkers, particularly Black and Brown New Yorkers, cannot
17 be understated. An unprecedented number of renter
18 households throughout the State are facing economic
19 hardships that are putting one of life's necessities,
20 shelter, at risk.

21 I estimated that between 890,000 and 1.2 million
22 New York residents may be unable to pay their rent and are
23 at risk of eviction without the protection of a moratorium
24 and/or significant rent relief. Low-income Black and Brown
25 New Yorkers have consistently indicated particularly low



1 levels of confidence in their ability to pay next month's
2 rent, a trend that does not hold true for White New
3 Yorkers.

4 The CDC has issued an eviction moratorium through
5 the end of 2020, and while it's unclear what will happen
6 when the moratorium is lifted, it is clear that legal
7 representation for tenants facing eviction will be
8 absolutely critical to maintaining housing stability and to
9 avoid the damaging and traumatic impact of the eviction
10 process. Thank you for allowing me to present to you
11 today.

12 CHIEF JUDGE DIFIORE: Thank you.

13 It's a lot to digest. Any questions for Mr.
14 Steinkamp?

15 So, Neil, I have a question for you. So, if you
16 were to have a magic wand and you were to be the ultimate
17 arbiter, and you had a tranche of funding for these
18 services, would you skew toward an approach that serves to
19 match tenants with the provision of rent subsidies rather
20 than on the legal services side?

21 MR. STEINKAMP: I think what we're facing here is
22 really an unprecedented circumstance. We're going to have
23 to develop solutions that we've never considered before.
24 It's a problem we've never had to approach before.

25 I don't think it's a one or the other situation.



1 I do think that legal representation alone will not be
2 enough to stabilize these families. By January, you'll
3 have far too many months of rental arrears that will have
4 accumulated, and rental assistance is going to be
5 absolutely key.

6 Time is going to be key. Even with an economic
7 recovery, we need to be thinking about how do we extend the
8 amount of time that people can have to either repay debts,
9 repay rental arrears, or find another place to live in a
10 safe and stable environment for their family.

11 Legal representation is absolutely and
12 unequivocally a critical part of that solution. But I
13 don't think it can be the only part. We need to use the
14 many resources that are available to us, as evidenced by
15 this incredible hearing – the business community, the
16 philanthropic community, the legal aid community, the
17 courts, government, the bar association –, to take this
18 time that we have, afforded by the CDC moratorium, to
19 develop a new solution or a new package of solutions so
20 that when January arrives, we're prepared with a package of
21 responses, not just rental assistance, or not just legal
22 aid. But appreciating the limited resources that we may
23 have; how do we best address that solution?

24 And it may be targeting or focusing certain
25 resources towards certain situation and other resources or



1 solutions to other situations.

2 PRESIDING JUSTICE SCHEINKMAN: Can I ask a
3 question?

4 CHIEF JUDGE DIFIORE: Yes, Judge Scheinkman.

5 PRESIDING JUSTICE SCHEINKMAN: As we approach the
6 winter, with the severe curtailment in the ability to pay
7 rent, do you foresee an increase in the number of landlords
8 who are either unable or unwilling to provide services and
9 how that might impact the courts when people are seeking to
10 provide warmth and suitable environments?

11 MR. STEINKAMP: Yeah, it's a great question, if I
12 understand it correctly. It is a unique consideration
13 here. In a colder-climate winter state, as we are
14 approaching these colder months, we have to appreciate that
15 the rental arrears are accumulating.

16 Again, barring significant economic recovery,
17 which all of the survey data and economic data doesn't
18 indicate is going to happen in the next four months, we're
19 going to have a time period in which a significant amount
20 of rental arrears is accumulated. And unless we have a
21 means by which to alleviate that situation, the landlords
22 are also in a very, very difficult situation, at a time
23 when we really need people to be providing safe, warm, and
24 stable housing for people.

25 So, it is going to be a very, very difficult



1 tension, as we get into those winter months, where
2 residents have not just missed a month or two. The CDC
3 moratorium will provide us time. But unless we're
4 providing economic relief along the way, what you're doing
5 is creating an accumulation of rental arrears that will
6 become unbearable for many landlords.

7 CHIEF JUDGE DIFIORE: Thank you, Mr. Steinkamp.

8 MR. STEINKAMP: Thank you.

9 CHIEF JUDGE DIFIORE: And thank you again for all
10 of your work on behalf of and for the Permanent Commission
11 and the people of the State of New York. And thank you for
12 your presentation today. Very informative.

13 MR. STEINKAMP: Thank you.

14 CHIEF JUDGE DIFIORE: Thank you.

15 Our next presenter is Emily Benfer.

16 Good afternoon, Ms. Benfer.

17 MS. BENFER: Good afternoon.

18 CHIEF JUDGE DIFIORE: Emily Benfer is a visiting
19 professor of law at Wake Forest School of Law. She is the
20 founding director of the law school's health justice clinic
21 and a leading scholar in the field of health and housing
22 justice.

23 Professor Benfer currently serves as the chair of
24 the ABA's COVID-19 task force committee on evictions, and
25 she is integrally involved in a national study of COVID-19



1 eviction moratoriums and housing policies.

2 Professor Benfer, thank you for being here. You
3 are well-positioned to speak to us about the challenges
4 that are facing us in the housing and eviction crisis.

5 So, thank you for being here.

6 MS. BENFER: Thank you for the opportunity to
7 describe my assessment of the COVID-19 eviction crisis. I
8 am honored to be here.

9 Across the country, the pandemic has increased
10 housing and economic hardship, especially among low-income
11 and historically marginalized communities. And you've
12 heard this echoed throughout the panels today.

13 Unprecedented rates of displacement are expected
14 and will expose millions of New Yorkers to substantial
15 harm, threatening their health, their well-being, and their
16 livelihood. Without rental assistance to cover the
17 mounting rental debt, the pandemic could precipitate a
18 surge in eviction filings, and the housing crisis will fall
19 to the civil legal system, particularly county and
20 municipal level courts, to respond.

21 The Judiciary and access to civil legal services
22 is essential to preventing eviction, housing displacement,
23 and the cascade of related and overwhelmingly negative
24 outcomes. While this has always been the case, its
25 importance cannot be overstated in the pandemic setting.



1 When COVID-19 struck, thirty-two percent of
2 renter households in New York, the whole state, were
3 already rent burdened and living perilously close to
4 eviction. During the pandemic, New York lost over 1.3
5 million jobs. New York's leisure and hospitality industry,
6 the industry employing the majority of low-wage workers,
7 lost forty-four percent of jobs, almost double the United
8 States' loss.

9 As a result, the economic downturn took a toll on
10 New York families and their ability to meet basic needs.
11 Demands for financial assistance are at an all-time high
12 and exceed national spikes.

13 At the outset of the pandemic, housing and
14 shelter requests across New York increased by a 152 percent
15 from this time last year. Food assistance requests
16 increased by 860 percent from the same period last year,
17 with the greatest hardship falling on people of color in
18 the State.

19 The proportion and Black and Hispanic populations
20 suffering food insecurity is over three to four times
21 higher than that among White households in the State. This
22 means that the rent is eating first, that people are
23 shifting their food budgets toward the rent.

24 With the expiration of extended unemployment
25 insurance benefits in July, we can expect this financial



1 strain to continue to increase among unemployed renters and
2 with the risk of eviction and associated harms increasing a
3 well.

4 As you heard in detail from Mr. Steinkamp, in New
5 York, up to 1.2 million renter households may be unable to
6 pay next month's rent, with the risk of eviction falling
7 disproportionately on Black and Latino renters, who have
8 twice the risk of White households.

9 Families are also at heightened risk, as over
10 half-a-million households with children have slight or no
11 confidence in their ability to pay next month's rent. New
12 York is facing an urgent and unprecedented eviction crisis
13 that is disproportionately affecting people of color.

14 For these families and individuals, housing
15 instability and eviction will have profound and lasting
16 negative consequences. The mere threat of eviction
17 increases stress levels, anxiety, and depression, weakening
18 the immune system and increasing the risk of COVID-19
19 contraction.

20 Eviction itself is associated with mortality,
21 emergency department usage, mental health hospitalization,
22 and suicide. It is also associated with respiratory
23 disease, a well-known risk factor for COVID-19
24 complications and mortality.

25 Mothers who are evicted during pregnancy are more



1 likely to experience adverse health and birth outcomes,
2 such as newborns with low birth weight or pre-term
3 pregnancies.

4 In children, eviction is a trauma that affects
5 emotional and physical development and wellbeing for years,
6 if not for a lifetime. Among children, eviction is a cause
7 of lead poisoning, food insecurity, and academic decline.
8 As schools reopen, especially, and as they adopt policies
9 to prevent COVID-19 spread, students coping with housing
10 insecurity may struggle to adapt and experience even
11 further educational setbacks.

12 As you can see, housing is a pillar of
13 resiliency, without which nothing else is possible. In
14 turn, eviction is a jagged and steep slide with no ladder
15 back up. It jeopardizes a family's future housing
16 security, access to opportunity, and any attempts to piece
17 their life back together. Eviction is both a barrier to
18 employment and a cause of unemployment.

19 Eviction is a legal record that permanently scars
20 a tenant's rental history, plummets credit scores, and
21 prevents families from relocating to safe and healthy
22 housing, or even qualifying for public housing.

23 Even when an eviction case is dismissed, the mere
24 fact of filing can result in denial of rental housing
25 applications for affected families in the future. As a



1 result, eviction almost always leads to a downward move, to
2 substandard housing, to communities with underfunded
3 schools, higher crime rates and poverty. In this way,
4 eviction permanently alters a person's life for the worse.

5 All of the conditions associated with eviction
6 also increase a person's vulnerability to future housing
7 instability. In this way, eviction perpetuates the
8 cyclical pattern of economic and housing precarity and poor
9 health on individual levels. On a societal level, if the
10 eviction crisis is not stopped, the cost of eviction for
11 COVID-19, due to the expensive shelter, medical costs,
12 child welfare, and juvenile delinquency alone, will amount
13 to over \$13 billion in New York.

14 These costs will be absorbed by taxpayers and
15 other systems, including the justice system, because the
16 consequences and comorbidities of eviction have multiple
17 nexus points with civil legal justice and may strain
18 multiple other legal systems, such as family, juvenile,
19 housing (due to the conditions issues), public benefits,
20 bankruptcy, criminal, among others.

21 Preventing eviction not only protects the health
22 and well-being of the adults and children at risk, it also
23 prevents strain on an already overtaxed system.

24 The courts' swift response to the pandemic
25 through the postponement of nonessential cases, including



1 forcible entry and detainer cases, enabled families to
2 safely shelter in place at the outset of the pandemic. And
3 it provided time for state and local officials to devise a
4 response to the crisis.

5 As the Center for Disease Control and Prevention
6 identified when issuing a nationwide moratorium on
7 eviction, halting the eviction process could prevent the
8 spread of COVID-19 by facilitating self-isolation, where an
9 individual becomes infected, and decreasing the likelihood
10 of overcrowded living situations due to homelessness and
11 doubling up after eviction occurs.

12 The CDC and New York eviction moratoriums have
13 the potential to protect the public health, if they are
14 bolstered with wider application, tenant education, and
15 uniform implementation and enforcement.

16 However, without rental assistance, moratoriums
17 only forestall the crisis, and in both urban and rural
18 areas, the eviction crisis remains ominous. And without
19 legal representation, renters may struggle to understand
20 and access their rights.

21 In the vast majority of cases, the people most in
22 need of legal representation that would ensure access to
23 justice do not have it. The role of legal representation
24 in preserving housing, as you know, is well documented. In
25 2018, when New York City enacted universal counsel for



1 income-eligible tenants, it prevented evictions for over
2 22,000 households.

3 Overall, eighty-four percent of tenants who are
4 represented by counsel remain in their homes. Since 2013,
5 as legal representation in eviction cases rose from fifteen
6 to thirty-eight percent, eviction rates dropped by forty-
7 one percent, with eviction filings and default judgments
8 both dropping by thirty-four percent; staggering outcomes.

9 The evidence makes it clear that access to civil
10 legal counsel is an important and highly successful
11 intervention in the effort to close the justice gap.

12 In light of the overwhelming and unprecedented
13 magnitude of the risk of eviction among New Yorkers, the
14 need for expanded universal counsel across the State is
15 extraordinary and urgent. The expansion of right to civil
16 counsel increases fairness, equity, and access to justice.
17 It protects many families and individuals, who are facing
18 eviction, from devastating harm, and it reduces the burden
19 on the civil justice system.

20 Other evidence-based approaches, such as
21 diversion programs, just cause and clean-hands policies,
22 altering the eviction process itself and redacting
23 identifying information from eviction records, can also
24 prevent or mitigate the harm of eviction.

25 All of these measures move the state upstream by



1 preventing substantial societal costs and high healthcare
2 expenditures and strain on the judicial system. For the
3 millions of adults and children at risk of losing their
4 homes, these interventions mean escaping the long shadow of
5 eviction over their lives, their well-being, their health,
6 and their safety.

7 The State and the civil courts' responses to the
8 COVID-19 eviction crisis have the potential to affect the
9 housing security, pandemic recovery, and public health
10 across New York. The Judiciary and civil legal services
11 are bastions of equal justice. In the eviction context,
12 justice is inseparable from health and well-being,
13 especially among low-income and traditionally marginalized
14 communities.

15 Thank you for the opportunity to provide remarks
16 today, and especially for your stalwart commitment to
17 closing the justice gap. It has never been more important
18 than it is today. I welcome your questions.

19 CHIEF JUDGE DIFIORE: Any questions for Professor
20 Benfer?

21 MR. KARSON: Chief, I have a question.

22 THE COURT: Yes.

23 MR. KARSON: Professor, I'm Scott Karson from the
24 New York State Bar Association.

25 You spoke of the essential need for legal



1 representation as a key towards preventing eviction, better
2 outcomes in the cases, although I assume that there's some
3 class of cases where rent isn't being paid and there's no
4 prospect of rent being paid, where even with the best legal
5 representation, there are no defenses, and eviction is
6 going to result.

7 You mentioned something about government programs
8 to provide rent subsidies to tenants in that situation. To
9 your knowledge, is that something that is currently being
10 done, or is it feasible to consider doing that?

11 MS. BENFER: There are rental assistance programs
12 that have been developed due to the CARES Act funding, and
13 distributed across the State and across the country as
14 well.

15 However, most of those are depleted, and they
16 were depleted within hours of opening, because of the
17 overwhelming need. So, the funding that's required to
18 cover the accumulated back rent is not available at this
19 moment. And in the meantime, the access to counsel is
20 critical.

21 In many of these cases, especially in New York,
22 where we have significantly old housing stock, we have high
23 exposure of hazards such as lead hazards or mold or other
24 issues that might cause asthma symptoms. Sometimes the
25 rent that's due is not necessarily the rent that is owed,



1 and access to legal counsel can help work that out. It can
2 help defend and raise a tenant's rights in those
3 situations. And it also makes sure that due process was
4 followed and that if someone was eligible for one of the
5 moratoriums that those are also applied at that time.

6 MR. KARSON: Got it. Let me just follow up with
7 that with one other question.

8 Do you perceive a preference between legal staff
9 programs providing the kind of assistance you're talking
10 about as opposed to pro bono volunteer programs?

11 MS. BENFER: Let me ask a follow-up question. Do
12 you mean pro bono versus legal aid counsel?

13 MR. KARSON: Or any kind of a staffed program.
14 Legal Aid is probably the best example. But I'm talking
15 about attorneys who get paid to do this kind of work as
16 opposed to finding volunteers who need to be recruited,
17 trained, and then matched up with clients.

18 MS. BENFER: The extent of the eviction crisis
19 today will require that the pro bono bar respond in
20 addition to Legal Services. However, I think that it's
21 essential to have as many paid legal services attorneys as
22 possible representing people who are facing eviction at
23 this time, because they will become experts in that subject
24 matter and they will be able to handle those cases,
25 especially the ones that are more nuanced, in a more

1 detailed way.

2 However, it is critical to include pro bono bar
3 in this response. And New York City in particular, and New
4 York State has done a really exceptional job setting a
5 model in terms of putting out the call for pro bono
6 volunteers and also providing the training and the access
7 to legal services attorneys who are experts in this field.

8 MR. KARSON: Thank you.

9 CHIEF JUDGE DIFIORE: One final question,
10 Professor. So, in your work across the country, have you
11 come across any programs or measures that you think are
12 particularly smart or informed or innovative that we should
13 be looking at?

14 MS. BENFER: So, as you know, I partnered with
15 the eviction lab at Princeton University to create the
16 COVID-19 Housing Policy Scorecard, based on our evaluation
17 of interventions across the country.

18 Each state is scored on five stars. New York
19 currently only has one star. So, I think that there is a
20 lot of room for improvement across the State to both issue
21 moratoriums that are effective in buying the most amount of
22 time for tenants to cure the back rent that's owed and also
23 to ensure that it's an equitable process and that there are
24 as many housing supports as possible in place to prevent
25 the need for interventions from the court in the first



1 place.

2 So, diversion programs are incredibly beneficial,
3 especially when they involve the representation of counsel
4 and when they are coupled with rental assistance programs.
5 Those, especially the ones that happen before the
6 interaction with the court, because you want to avoid the
7 eviction on a tenant's record as much as possible.

8 Ultimately, this crisis has really emphasized the
9 impact of housing injustice on communities of color and on
10 low-income and marginalized communities. And I think that
11 this is an opportunity. If we can put into place robust
12 eviction moratoriums that are coupled with rental
13 assistance to lift up the issue and address this immediate
14 need, we can start to address the root causes of the
15 problem. And that is going to have to involve home
16 ownership. It will involve community development, really
17 infusing the communities that are most at risk with the
18 supports that they need to ensure that they have a right to
19 safe, decent, habitable housing now and well into the
20 future.

21 CHIEF JUDGE DIFIORE: Thank you, Professor. And
22 thank you for your presentation today and taking the time
23 to share your expertise with us. Thank you very much.

24 MS. BENFER: Thank you.

25 CHIEF JUDGE DIFIORE: You're very welcome.



1 So, at this point in the proceedings, we'll take
2 a short break, a ten-minute break. We will return at 3:50.
3 And when we return, we will continue with the presentations
4 from some of our clients from around the State. Thank you.

5 (Recess)

6 CHIEF JUDGE DIFIORE: Okay. Good afternoon,
7 everyone. Portion two of our public hearing, our next
8 presenter is Evelicia Rodriguez. She is a client of the
9 Legal Services of the Hudson Valley. And Ms. Rodriguez
10 will be joined by Barbara Finkelstein, the chief executive
11 officer of Legal Services of the Hudson Valley.

12 Welcome to both of you. Ms. Rodriguez.

13 MS. RODRIGUEZ: Thank you. My name is Evelicia
14 Rodriguez, and I am a former Legal Services client of the
15 Hudson Valley. I am a resident of Mount Vernon, New York,
16 a mother of three children, and a preschool teacher. Thank
17 you very much for letting me speak today about the need for
18 free legal help for tenants across the region suffering
19 housing injustices.

20 I live with my three children in an apartment in
21 a multi-family house in Mount Vernon. In February of this
22 year, we lost gas service after a dangerous leaking pipe in
23 the basement of the house was discovered by Con Edison.
24 The leaking pipe was so hazardous that Con Ed had to turn
25 it off.



1 As a result, we lost heat, hot water, and gas for
2 cooking. Our landlord sent a plumber to deal with the gas
3 leak, but because the landlord was violating building codes
4 for illegal construction in the basement, the Mt. Vernon
5 Department of Buildings would not approve any repairs.

6 For the Buildings Department to approve repairs,
7 the landlord had to fix the illegal condition in the
8 basement, but he didn't. For heat, I borrowed a space
9 heater from my employer. For bathing, I used my coffee pot
10 to make hot water to pour into the tub. I couldn't use my
11 oven or stove. If we wanted hot meals, we had to make
12 microwaveable meals or venture out to local delis and
13 diners for takeout.

14 I had lost some income as a result of the
15 pandemic because the preschool I work at became remote, and
16 I no longer had the opportunity to pick up extra before- or
17 after-school shifts. By mid-March, COVID-19 struck Mt.
18 Vernon hard, and it became increasingly dangerous and
19 unaffordable for us to venture out to get hot food.

20 I was especially worried about getting food from
21 outside, because my seven-year-old autistic son has severe
22 peanut allergies. At first, I tried to be very patient
23 with my landlord, but as time went on, I realized he was
24 not being honest with me. Whenever I asked him about the
25 status of the gas, he told me Con Ed and the Buildings



1 Department were closed because of the pandemic. This was
2 not true.

3 As time went by, the situation became unbearable,
4 and I grew increasingly worried for my family's health and
5 safety. Additionally, near the end of April, the ceiling
6 in my hallway collapsed due to a leak during a rainstorm,
7 and the repairs done by the landlord were inadequate and
8 left holes between the floors. On at least one occasion, a
9 rodent fell from the hole onto the floor.

10 By this point, we had been without gas for over
11 two months. I tried explaining to my landlord that our
12 situation was an emergency, but he would not listen.

13 To make matters worse, starting around May, he
14 began responding to my pleas for help by ordering me to
15 leave my apartment. He made bullying comments and
16 threatened that I would be without gas for a long time if I
17 stayed in my home. I became extremely nervous.

18 Fortunately, it was at this time Legal Services
19 of the Hudson Valley became involved with my case. I
20 called Legal Services of the Hudson Valley toll-free intake
21 line and was referred to Barbara Reilly of the Mount Vernon
22 office. When I told her about my situation, she
23 immediately filed an emergency order to show cause with the
24 court to have our gas service restored, for the landlord to
25 repair the ceiling, and for the landlord to refrain from



1 engaging in threats.

2 A virtual hearing was scheduled before Judge
3 Nichelle Johnson of the Mt. Vernon City Court. Barbara
4 argued that I was being constructively evicted from my home
5 by being denied essential services and by my landlord's
6 threatening comments.

7 The judge was horrified at the conditions in my
8 home and ordered that my gas be restored, my ceiling
9 repaired, and that my landlord refrain from threatening me
10 to move out.

11 Immediately, workers came and adequately repaired
12 the ceiling. My landlord stopped contacting me about
13 moving out. And most importantly, after multiple follow-up
14 telephone conferences to make certain that the landlord was
15 taking all necessary steps to ensure Con Edison restore
16 service to the apartment, gas was finally turned back on.
17 I was at last with cooking gas, heat, and hot water.

18 We breathed such a sigh of relief when the gas
19 came back on. I celebrated by cooking a lasagna in the
20 oven for my family.

21 Even though things on the outside were not
22 totally back to normal with the virus still at large, the
23 next few months were so much less stressful. We could
24 safely social distance from the comforts of our new
25 restored home.



1 Legal Services of the Hudson Valley made this
2 happen. Words cannot express my appreciation for Barbara's
3 work. Thank you is not enough. I fully believe that if it
4 were not for Legal Services, I would still be without gas
5 in my home and probably would be desperately trying to find
6 shelter elsewhere.

7 I know that there are other tenants like me whose
8 landlords do not provide adequate housing. It is my hope
9 that my testimony today shows how important it is to have
10 legal services programs in the State receiving the funds
11 they need so that the services I received are available to
12 anyone and everyone who needs them. Thank you.

13 CHIEF JUDGE DIFIORE: Thank you, Ms. Rodriguez.
14 And we do appreciate your testimony today.

15 MS. RODRIGUEZ: No problem.

16 CHIEF JUDGE DIFIORE: Ms. Finkelstein?

17 MS. FINKELSTEIN: Thank you, Judge. Thank you
18 for holding this hearing today and for ensuring that
19 there's adequate time to hear not only from the wonderful
20 panelists we've heard from, but from clients and directors
21 of programs.

22 And thank you, Ms. Rodriguez, for sharing your
23 story with us.

24 Ms. Rodriguez's case illustrates a particularly
25 onerous problem facing tenants during the pandemic, which



1 is constructive eviction. The wrongful acts of Ms.
2 Rodriguez's landlord endangered her and her family by
3 trying to force them to leave their apartment and
4 endangered their health. Were it not for Legal Services of
5 the Hudson Valley, Ms. Rodriguez and her family could very
6 well be homeless now.

7 During the COVID-19 pandemic, Legal Services of
8 the Hudson Valley has been a legal emergency room for those
9 affected by the crisis who have nowhere else to turn. This
10 pandemic has been a devastating catastrophe for the many
11 New Yorkers who are already living on the edge of poverty
12 and instability.

13 The COVID-19 crisis and the ongoing civil unrest,
14 nationwide, have exposed years of systemic racially
15 insensitive policies that have unduly harmed communities of
16 color.

17 Beginning on March 16, 2020, Legal Services of
18 the Hudson Valley moved to a remote model of service
19 delivery using multiple technological platforms. By July
20 6th, we opened our offices to ensure the availability of
21 essential services to our client population.

22 Throughout the pandemic, the Hudson Valley's low-
23 income population has sought help from Legal Services of
24 the Hudson Valley, with critical legal issues such as
25 unemployment, food insecurity, increased risk of domestic



1 violence, and the need for help with healthcare issues.
2 But the number one area of need and the most urgent calls
3 come from tenants afraid of losing their homes.

4 As you've heard prior speakers attest, the loss
5 of one's home is the leading cause of homelessness and
6 contributes to poverty through cascading disruptive
7 effects, such as job loss, adverse health effects, and
8 negative consequences for children.

9 As Neil Steinkamp and Emily Benfer just
10 testified, over 1.2 million households in New York State
11 cannot pay their rent. And these accumulating rent
12 shortfalls will very likely lead to a potential avalanche
13 of eviction cases and resulting judgments which will most
14 heavily fall on people of color, people with disabilities,
15 seniors, veterans, and low-income New Yorkers, who
16 constitute the vast majority of respondents in eviction
17 cases, and who are the most critically affected by the
18 COVID-19 pandemic.

19 Recovery from the pandemic in New York State
20 cannot happen without civil legal services. Legal Services
21 of the Hudson Valley is the only comprehensive provider of
22 free civil legal services in the Hudson Valley where there
23 are almost 600,000 individuals eligible for our assistance.

24 Given the enormous rate of unemployment and
25 people who need our help now, we know that more services



1 are going to be needed for the clients in the Hudson
2 Valley. Civil legal problems will spike, especially for
3 those already struggling to make ends meet.

4 Yet, Legal Services of the Hudson Valley along
5 with other civil legal providers are on the receiving end
6 of budget cuts, underscoring the importance of the civil
7 legal services Judiciary funding that is provided by OCA.
8 And we want to thank you very, very much for your continued
9 support of our work.

10 Addressing the legal issues of an individual not
11 only keeps them from falling further into poverty and
12 despair, but it also saves communities the high cost of
13 providing shelter, increased social services, and acute
14 care that often became necessary when legal intervention
15 cannot be secured.

16 Given the moral imperative, evidence supporting
17 the effectiveness of right to counsel in housing matters,
18 the probable long-term impact of COVID-19, and the cost
19 savings, I join with other panelists asking for an increase
20 in funding for civil legal services to prevent evictions
21 and the COVID-19 housing work group's call for a statewide
22 expansion of the right to counsel for tenants facing
23 eviction. Thank you.

24 CHIEF JUDGE DIFIORE: Thank you, Ms. Finkelstein.

25 I have a question for Ms. Rodriguez. Ms.



1 Rodriguez, how did you learn about the services that are
2 provided through LSHV, and how did you come to access those
3 services?

4 MS. RODRIGUEZ: Initially, I was looking for
5 legal help to eventually sue the landlord so that he can
6 make the repairs. A lot of the lawyers were charging a
7 really high fee that I couldn't afford.

8 So, I Googled "Legal Aid", and Legal Services of
9 the Hudson Valley County came up. So, I called, and they
10 took my information down to refer me to my lawyer, who was
11 Barbara Reilly.

12 CHIEF JUDGE DIFIORE: Thank you.

13 MS. RODRIGUEZ: You're welcome.

14 CHIEF JUDGE DIFIORE: Anything for either Ms.
15 Rodriguez or Ms. Finkelstein?

16 PRESIDING JUSTICE ACOSTA: Yeah, I have a
17 question for Ms. Finkelstein. Ms. Finkelstein, have you
18 seen a change in the nature of the cases that are being
19 brought? And what I mean by that is, is there a higher
20 proportion of non-payment of rent cases as opposed to
21 holdover proceedings, etc.?

22 MS. FINKELSTEIN: During the pandemic, we've
23 seen illegal lockouts and constructive eviction cases. And
24 what we're seeing now is landlords and their attorneys
25 starting to file cases, again, and they're mainly non-



1 payment cases. And there are many, many cases, pre-COVID
2 cases that are holdover cases, that still need to be
3 resolved.

4 But what we find is that when a landlord gets
5 frustrated and they can't pursue a non-payment case, they
6 will often bring a holdover case.

7 PRESIDING JUSTICE ACOSTA: Okay.

8 CHIEF JUDGE DIFIORE: Thank you. And thank you
9 both for appearing, particularly you, Ms. Rodriguez. And
10 good luck to you and your family. You live in and hail
11 from my city, the city of Mt. Vernon. And good luck to you
12 there.

13 MS. RODRIGUEZ: Thank you so much.

14 MS. FINKELSTEIN: Thank you.

15 MS. RODRIGUEZ: I appreciate it.

16 CHIEF JUDGE DIFIORE: Thank you.

17 Good afternoon, sir.

18 MR. WEFUM: Good afternoon, distinguished panel
19 of judges.

20 CHIEF JUDGE DIFIORE: May I take a moment and
21 introduce you, sir?

22 Our next client presenter is Joy Wefum. Mr.
23 Wefum is a client of Legal Services New York City, and he
24 is joined today by Raun Rasmussen, who's just appeared on
25 the screen. Raun is the executive director of Legal



1 Services NYC.

2 Welcome to both of you.

3 MR. WEFUM: Thank you.

4 CHIEF JUDGE DIFIIORE: Please proceed.

5 MR. WEFUM: My name is Joy Kwesi Wefum. I grew
6 up in Ghana in a very strict Christian household. My
7 mother was a disciplinarian. She strongly believed that
8 homosexuality was immoral and a sin against God.

9 When I started to realize that I have feelings
10 for men, there was no way I would openly admit that I am
11 gay. My religion is against it. My culture is against it.
12 The law in my country is against it. And I could face jail
13 time or prosecution if I was ever caught in the act.

14 I knew Ghana would be a living hell for me if, as
15 a young gay man, if I didn't find an escape route. I could
16 be ostracized from home and church or sent to a prayer camp
17 where there are lots of barbaric practices, all in attempt
18 to cure people of what they consider "spiritual filth".

19 So, while I was in university, I used connections
20 through my cohorts to visit the United States during my
21 summer holidays, and right when I got done, decided to stay
22 in the United States for a safer fresh start.

23 Fast forward a few years. Whilst I was living in
24 New Jersey, I got diagnosed with HIV. Shortly after, I
25 lost my job, my apartment, and had to move into a homeless



1 shelter in New York. That was the most difficult time of
2 my life as I could not share the news of my health with my
3 family or even close friends.

4 I thought I had completely failed at life. I
5 attempted suicide three times during that period, as I
6 didn't see any hope for my life. A caseworker who helped
7 me in securing emergency housing advised me that I may be
8 eligible for asylum to live legally and permanently here in
9 the United States. I was very unsure about the process,
10 considering the current political climate on immigration
11 here and also because of how long I'd been living
12 illegally, which was nearly six years.

13 But all the same, I began to hunt for a legal
14 services provider who could help me. Many said no, because
15 I had been here for so long, and they didn't think I had a
16 chance. But Legal Services NYC said yes.

17 I still remember that phone call with Sean Dong,
18 a Legal Services attorney, who invited me to a pro bono
19 LBGTQ/HIV asylum clinic. I went for my screening, and
20 after a few weeks, I got a call informing me that I could
21 maybe be helped, and the next steps was to pair me with a
22 law firm that could give me representation.

23 After a couple of months, I got the golden call
24 which was to inform me that Legal Services NYC would
25 partner with Gibson, Dunn & Crutcher to represent me in my



1 asylum case. That call changed my destiny and my life
2 forever.

3 My attorneys met with me once a week over four
4 months and provided me with all the insight and resources I
5 needed, including getting me affidavits from a clinical
6 psychiatrist, a professor at NYU, and a few of my friends
7 from Ghana. They provided me dinner and refreshments at
8 every meeting and also Metro cards whenever I needed them.
9 My attorneys worked tirelessly, every week, as though I was
10 their only client, or was paying so much money for their
11 time, when in fact, I didn't pay a penny.

12 I know all this was made possible because of the
13 vision and goals of Legal Services NYC and its commitment
14 to fighting poverty and seeking racial, social, and
15 economic justice for low-income New Yorkers.

16 I am a proud beneficiary of this commitment.
17 Legal Services NYC partnered with Gibson Dunn to fight for
18 me relentlessly, until my affirmative petition was granted.
19 Unexplainable joy radiated from my heart when I was told
20 that I was granted asylum to live in the United States
21 permanently and legally.

22 I can now enjoy benefits that I once thought were
23 only a dream, like affordable healthcare to better manage
24 my now-undetectable HIV condition and many other
25 immigration benefits.



1 My whole life has changed thanks to Legal
2 Services NYC and my pro bono attorneys. Their work ensures
3 that people like me get the help they need. Thank you.

4 CHIEF JUDGE DIFIORE: What a fantastic story.
5 And, I think I could safely say on behalf of the entire
6 panel, that we admire your strength and your courage.

7 Raun?

8 MR. WEFUM: Thank you, thank you.

9 CHIEF JUDGE DIFIORE: Unmute yourself. There you
10 go.

11 MR. RASMUSSEN: I thought I was being controlled
12 by someone else.

13 CHIEF JUDGE DIFIORE: Not today.

14 MR. RASMUSSEN: Good afternoon and thank you so
15 much for this opportunity to appear before you. My name is
16 Raun Rasmussen, and I'm the executive director of Legal
17 Services NYC.

18 You've just heard a really moving story about the
19 impact of the work that we do in partnership with the
20 private sector, but it's work that's only possible because
21 of Judiciary Civil Legal Services funding.

22 I want to start by acknowledging the powerful pro
23 bono legal work that Gibson Dunn did for Mr. Wefum, by
24 helping him win asylum. You have heard his story, now let
25 me a little bit more about the infrastructure behind that



1 legal success, because it illustrates the potential for
2 creating highly effective pro bono representation.

3 Mr. Wefum is one of nearly one hundred LGBTQ
4 asylum seekers that LSNYC has partnered with Gibson Dunn to
5 represent over the past several years. To make it work, we
6 provide regular CLE trainings at the firm, along with
7 template materials for pro bono attorneys to work from.

8 We screen and vet the clients. Our immigration
9 attorneys carefully mentor each team, review all papers
10 before they are filed, and follow up on outcomes. By
11 targeting a particular law firm for a significant volume of
12 the same type of case, we also create a huge cohort of
13 experienced and enthusiastic attorneys, this time at
14 Gibson, who've grown to be skilled immigration
15 practitioners.

16 That's a description of just one initiative at
17 one law firm. We have more than fifteen such initiatives
18 across nearly one hundred law firms and corporations that
19 provide pro bono legal assistance in the areas of domestic
20 violence, disability, housing repairs and tenant
21 harassment, student debt, unemployment, bankruptcy, and
22 special education.

23 Collectively, these pro bono partnerships help
24 thousands of New Yorkers every year, who we would otherwise
25 have to turn away for lack of resources.



1 Mr. Wefum is one among these thousands. His
2 story illustrates why pro bono matters, and what a model of
3 ensuring expert pro bono legal assistance can achieve.
4 It's critical, of course, to underline that law firm
5 success requires a significant investment of resources by
6 LSNYC to intake clients, to mentor teams, to create samples
7 and conduct trainings, to provide ongoing supervision, and
8 to administer the program.

9 While pro bono means free legal services for our
10 clients, it is not free for legal services organizations.
11 With the proper investment, it's a force multiplier that
12 enables us to serve many more clients than we otherwise
13 could.

14 This afternoon and at hearings in previous years,
15 you've heard about the powerful partnerships between the
16 courts, the private bar, corporations, healthcare
17 facilities, religious institutions, law schools, technology
18 innovators, community-based organization, and legal
19 services providers like us.

20 We work together to solve the problems created by
21 poverty. Your Honors, without your support and Judiciary
22 Civil Legal Services funding, we could not do what we do.
23 This pandemic has presented inconceivable challenges to our
24 clients, most of whom are Black and Brown, and many of whom
25 have lost their incomes, their health, educational



1 opportunities for their children. They may next lose their
2 housing if the tsunami of evictions that many have
3 testified about this afternoon is permitted to occur.

4 We have a historic opportunity right now to
5 address those challenges and to continue to make a
6 difference in the lives of those who need us most. With
7 your help, we've built a powerful network of advocates and
8 partnerships, but we are still meeting far less than half
9 the need, and we're concerned that cuts to our funding will
10 reduce our ability to help.

11 In closing, I'd be remiss if I did not commend
12 Chief Judge DiFiore for charging Jeh Johnson to review and
13 make recommendations about how to address racism in the
14 courts. We have appreciated the opportunity to talk at
15 length with his team about our experiences.

16 The civil legal services community and especially
17 our clients face racial justice challenges daily in the
18 courts, whether they are caused by court personnel, our
19 adversaries, the systemic underfunding of the courts, or
20 even by judges.

21 We join you in taking on this challenge, and with
22 the power of our staff, our partnerships with you, the
23 private sector, our clients, and their communities, there's
24 no end to what we can accomplish in achieving the core
25 values of our country: fairness, equal opportunity, and



1 justice for all. Thank you for making our work possible.

2 CHIEF JUDGE DIFIORE: Thank you, sir.

3 Are there any questions from the panel, either
4 for Mr. Wefum or for Mr. Rasmussen?

5 PRESIDING JUSTICE GARRY: I have a question for
6 Mr. Rasmussen. Can you hear me?

7 MR. RASMUSSEN: Yes.

8 PRESIDING JUSTICE GARRY: Thank you. I
9 appreciate how well you described in your materials and
10 your statement the partnership between your legal services
11 attorneys and the law firm team members, but I wondered if
12 it were, if it would be possible to do so, what is the
13 ratio, you know, how many legal services attorneys does it
14 need to operate a team that is effective, you know, given
15 all of what you described of, you know, setting up the
16 education and monitoring, the paperwork and so on, how many
17 legal services attorneys to get the job done with a team of
18 corporate or other lawyers?

19 MR. RASMUSSEN: Well, it's of course always a
20 question of scale. We are very fortunate, with funding
21 from the Chief Judge's initiative and also from the Legal
22 Services Corporation, to have a pro bono team of about five
23 full-time lawyers working with, you know, as I mentioned,
24 more than a hundred corporations and law firms.

25 So, some of the initiatives, particularly in the



1 early stages, take a very intensive commitment of
2 resources. When they're further developed, we're able to
3 back-off a little bit and rely a little more heavily on the
4 expertise that is built in the law firms themselves.

5 So, one of the benefits, as I mentioned in my
6 testimony, is that when we concentrate on a particular
7 initiative with a particular firm, that firm can develop
8 its own expertise. And though the program never runs
9 completely on its own, it runs a lot more effectively, and
10 with more resources coming from the firm to ensure that the
11 work, you know, continues at a higher quality than what
12 would otherwise, you know, than what would be necessary
13 when you're first ramping up.

14 PRESIDING JUSTICE GARRY: Mr. Rasmussen, so a
15 follow-up question. So, if I understood what you're
16 describing now, with five legal services attorneys, you're
17 operating fifteen initiatives across those hundred firms?

18 MR. RASMUSSEN: That's right.

19 CHIEF JUDGE DIFIORE: Thank you.

20 PRESIDING JUSTICE GARRY: Impressive, thank you.

21 MR. RASMUSSEN: Thank you.

22 CHIEF JUDGE DIFIORE: Mr. Wefum, I have a
23 question for you, sir. I think I understood you correctly
24 saying that you had a difficult time searching for legal
25 assistance, correct?



1 MR. WEFUM: Yes, ma'am.

2 CHIEF JUDGE DIFIORE: Had you not been brought
3 together with competent legal services, what was the plan?
4 What were you thinking in your head?

5 MR. WEFUM: I don't know. Actually, that's a
6 good question. Thank you for your question. I'm not sure.

7 I don't know. I know that time was a very, very
8 pivotal time in my life, where I just had to do -- it was
9 like a "do and die" for me. I was like I'll keep searching
10 till something works out. So, I was very, very determined.
11 I didn't care how long it was going to take, because at
12 this point, I had nothing to lose. It was either that, or
13 I go back home. And I couldn't afford to go back home, as
14 an HIV gay man.

15 So, it was going to be a "do or die." I would
16 have kept searching till, if I had to relocate to another
17 state to find help, but I know that all these helps are
18 made possible here in New York City. It's very easy for us
19 to find things like this in New York. So, I was very
20 determined to find something.

21 CHIEF JUDGE DIFIORE: Well, good for you. Your
22 tenacity and your strength are very obvious. And your
23 positivity just exudes from your presentation. Good luck
24 to you.

25 MR. WEFUM: Thank you.



1 CHIEF JUDGE DIFIORE: Good luck to you.

2 And thank you Raun. Thank you very much.

3 MR. RASMUSSEN: Thank you.

4 CHIEF JUDGE DIFIORE: Our next presenter -- we
5 will go slightly out of order to accommodate technology --
6 we will move to Sandra Southwell and Alexia Mickles, along
7 with Kristin Brown.

8 Ah, there you are. Okay, good afternoon,
9 everyone.

10 The next speakers at today's public hearing are
11 Sandra Southwell, the daughter of Catherine Braithwaite,
12 and they are both clients of the Empire Justice Center.

13 Ms. Southwell is accompanied today by Alexia
14 Mickles, her lawyer. And joining them is Kristin Brown,
15 who is the president and CEO of Empire Justice Center.

16 Ms. Southwell.

17 MS. SOUTHWELL: Good afternoon, everyone. My
18 name is Sandra Southwell, daughter of former client of
19 Empire Justice, Catherine Braithwaite. My mother is 82
20 years old, with complicated medical ailments, including
21 end-stage dementia, and is currently in hospice in our
22 home.

23 It has been my family's goal to keep my mom
24 safely in her home for as long as possible. In order to do
25 so, we needed adequate home care services. She was



1 therefore enrolled in a Medicaid-managed long-term care
2 program for five years.

3 As her disease progressed, her aide service hours
4 were steadily increased to up to fifty-six hours per week,
5 through the consumer directed program. My mother needed
6 every hour of those aide service hours, as she required
7 care 24/7. We therefore hired an aide to take care of her
8 in the home for forty hours per week while I worked, and
9 then I provided care for Mom for the rest of the time when
10 I was not at work. I was only paid for sixteen hours, as
11 her paid aide.

12 In October 2019, my mom was reassessed by
13 Nascentia, her MLTC provider, for home care hours
14 authorization. I was present for the process and discussed
15 her increasing physical and cognitive decline due to her
16 Alzheimer's. While the nurse verbally sympathized with the
17 situation, she also advised that due to the new Medicaid
18 rules, my mom's hours were most likely going to be reduced.

19 I immediately expressed my concern to the nurse
20 and explained that I did not want my mom's care reduced at
21 this time in her life when she needed it the most, in her
22 home. Then on December 2, 2019, I received a phone call
23 from Venture Forthe, the city's past provider of the
24 service that managed payroll, advising that Mom's hours had
25 been reduced retroactively to thirty-five hours, effective



1 November 20th.

2 This meant that the aide and I would not be paid
3 for those extra twenty-one hours per week worked between
4 November 20th and December 2nd, or those extra hours moving
5 forward.

6 This was the first time I was hearing that Mom's
7 hours were reduced from fifty-six to thirty-five.
8 Nascentia never sent any formal notice or even called about
9 the number of reduced hours.

10 Our family was now faced with an impossible
11 situation. With only thirty-five hours of authorized care
12 a week, my mom, who needs 24/7 hours of extensive and
13 unscheduled care, would have to either be moved to a
14 nursing home or I would have to pay privately for the extra
15 twenty-one hours, or decrease my work hours, neither of
16 which I could afford.

17 Meanwhile, her condition continued to decline,
18 and Nascentia failed to acknowledge the written,
19 substantiated statements provided by her doctors and by her
20 family, who asked for an increase instead of a decrease in
21 hours.

22 Distressed, I reached out to Empire Justice in
23 December 2019 for advocacy. They immediately assisted with
24 filing a fair hearing and an "Aide to Continue Rendering of
25 Services" so that the fifty-six hours remained unchanged



1 until the outcome of the fair hearing.

2 The attorneys on Empire's Health Law Team worked
3 with my family, carefully reviewing the MLTC appeals
4 process to discuss reasons why an MLTC plan may reduce care
5 and also to develop a record of Mom's declining health.
6 They prepared extensively for the hearing and helped me
7 gather supporting documents for the appeal, which included
8 medical documents from her doctors, a daily log of her
9 care, including medical needs, and they responded promptly
10 to any questions I had.

11 Now, I'm a medical social worker for UR Medicine
12 Home Care, and I'm very familiar with the healthcare
13 system, and I'm used to dealing with the healthcare plans.
14 However, even with my level of experience and knowledge, I
15 realized what a daunting task it would have been to
16 navigate the appeals process and prepare for the hearing on
17 my own.

18 My mom and family greatly benefited from the
19 legal services and guidance we received from Empire
20 Justice. The fair hearing was held February 27, 2020, with
21 the attorneys present with me. They argued that the MLTC
22 plan did not meet its burden of proof to reduce my mother's
23 care for a variety of technical and legal reasons, which
24 they identified in their preparation.

25 They systematically referenced the various



1 discrepancies through Nascentia's contract, the medical
2 records, her daily needs, and my testimony, in their
3 presentation to the judge. This outstanding effort by
4 Empire Justice resulted in a favorable decision on March
5 the 6th, 2020, from the Department of Health.

6 My mother has been, up to today, able to remain
7 in her home. This was my goal from the outset, to keep her
8 in her familiar surroundings, maintain her quality of life,
9 and avoid nursing home care.

10 When the pandemic hit, later that month, and we
11 saw the devastating impact that COVID-19 had on nursing
12 home care residents and their families, I knew that we had
13 made the right decision to fight for my mom's right to
14 remain safely in her home. And I want to thank Empire
15 Justice for the effort and the significant role they played
16 in this. Thank you.

17 CHIEF JUDGE DIFIORE: Thank you, Ms. Southwell.
18 Ms. Brown?

19 MS. BROWN: Good afternoon. My name is Kristin
20 Brown. I am the president and CEO of Empire Justice
21 Center, which is a statewide civil legal aid organization
22 with offices in Albany, Rochester, Yonkers, White Plains,
23 and Central Islip, on Long Island.

24 We are an organization that seeks to focus on
25 areas of law where we can have the most impact with a goal



1 of addressing the root causes of injustice through a blend
2 of direct services, targeted legal training, and systems
3 change advocacy.

4 Chief Judge DiFiore, Judge Marks, Presiding
5 Justices, and New York State Bar President Karson, I want
6 to thank you all for your ongoing support of our civil
7 legal services provider community and the clients we serve.
8 Without Judiciary Civil Legal Services funding,
9 particularly this year, as COVID-19 has devastated our
10 client communities, the essential services we provide:
11 access to housing, food, healthcare, and other benefits,
12 would not have been available to low-income New Yorkers in
13 their time of need.

14 Ms. Southwell, thank you for taking the time to
15 share your story, the story of your family and your mom.
16 Your experience is a powerful example of why funding civil
17 legal services truly matters. Our involvement in people's
18 lives is the difference between having inadequate care and
19 being able to age at home with dignity.

20 Ms. Southwell's mother's story also shows just
21 how difficult it is to navigate the healthcare system, even
22 with someone who knows the system well, and a dedicated
23 family with members who are willing and able to put in the
24 time and effort to make it work at home.

25 As it stands now, the managed long-term care



1 system is set up to fail people at every turn for the sake
2 of cost savings, even when such savings are unjustified and
3 even when lives are at stake. Just last month, Alexia
4 Mickles, who represented Ms. Southwell's mother, testified
5 at a joint legislative hearing, making the point that
6 stable funding for civil legal services is an absolute
7 necessity for people in long-term care settings who need to
8 fight against systemic unfairness.

9 Without attorneys who can help people with the
10 complicated appeals process, it's close to impossible for
11 anyone to navigate the complexity, timeline, and arguments
12 necessary to survive the process.

13 This has become even more pronounced during the
14 pandemic when families who lose homecare hours must move
15 their loved ones into institutional settings where they
16 can't visit, they're unable to monitor the care provided,
17 and fear exposure to the virus through other residents and
18 healthcare providers.

19 In these cases, civil legal services advocates
20 who are supporting families in keeping their loved ones
21 safely cared for at home, are literally saving lives, and
22 we need to keep it that way.

23 During the pandemic, Judiciary Civil Legal
24 Services funding provided stability that has allowed Empire
25 Justice the flexibility to shift gears and provide the



1 services that are needed by our client communities when
2 they are needed.

3 At the onset of COVID-19, Empire Justice received
4 crisis funding from the United Way of Greater Rochester and
5 the Rochester Area Community Foundation that enabled us to
6 quickly launch an unemployment and Family Medical Leave Act
7 hotline. We used these funds along with our Judiciary
8 Civil Legal Services funding to run the hotline and to
9 produce a series of eighteen different resources in
10 English, Spanish, Korean, and Chinese, that are helping
11 people cope with anything from job loss, to food
12 insecurity, to questions related to accessing healthcare.

13 During the pandemic, we've received hundreds of
14 phone calls from people from every corner of the State on
15 the helpline, and our online resources have been accessed
16 by over 106,000 people.

17 Thanks to the Judiciary Civil Legal Services
18 funding, we were able to keep our hotline open once the
19 crisis funding ran out, and without this flexibility and
20 the stability from the funding from OCA, we would have had
21 to shut down the hotline, and at least 150 families, to
22 date, would not have been helped.

23 This leads to my final point. Judiciary Civil
24 Legal Services and other contracts with the State allow
25 legal services organizations like Empire Justice to perform



1 essential functions during times of crisis. Currently,
2 over seventy-five percent of Empire Justice Center's
3 funding comes through contracts with New York State.

4 We have contractual obligations with almost a
5 dozen state agencies. However, due to the funding
6 challenges New York State is facing, not-for-profit
7 providers like us are currently facing a twenty percent
8 funding cut for services already rendered on some
9 contracts, some of them even going back into the previous
10 State fiscal year.

11 At the same time, we're all dealing with
12 significant delays in payment for those services, and
13 significant insecurity, not knowing the fate of
14 longstanding contracts.

15 So, we're exceedingly grateful that the Judiciary
16 Civil Legal Services fund have not been subject to these
17 delays and retroactive reductions. This has allowed us to
18 maintain our cash-flow and services, as we manage through
19 all these dynamics with our other contracts during these
20 incredibly challenging times.

21 The level of uncertainty facing civil legal
22 services and not-for-profit providers cannot be
23 understated, nor can the legal needs of our clients. The
24 Permanent Commission has done an amazing job documenting
25 why civil legal aid is a good investment and is essential



1 to ensuring that those without financial resources do not
2 go without justice.

3 Today we stand in a position where New York could
4 move backward in its nationally recognized gains in closing
5 the justice gap. Providers like Empire Justice Center face
6 cutting staff and services at the very moment they're
7 needed most, particularly in the Black and Brown
8 communities that have been hit hardest by the pandemic.

9 This pandemic has put a spotlight on the two
10 Americas that we live in today, one where those that have
11 the most see the pandemic as a safe investment opportunity
12 to scoop up deals, while those that have the least risk
13 daily exposure to a deadly virus while they work and
14 still can't make enough money to put food on the table to
15 stay in their homes.

16 The pandemic has also clearly shown that legal
17 services organizations perform an essential function by
18 mitigating and helping people cope with unemployment
19 eviction, and illness. Reduced funding to these
20 organizations would result in a loss of jobs and services
21 and would perpetuate a dismal cycle of instability and loss
22 of accountability, leading to further marginalization of
23 low-income and underserved communities.

24 I'll end my testimony now by stressing just how
25 devastating the consequences can be for people in



1 situations like Ms. Southwell's mother, Catherine, and
2 client communities across our vast State when they don't
3 have access to a lawyer.

4 The courts and legal services organizations
5 remain one of the most effective structures in fighting
6 back against systemic inequities like those that have been
7 identified during the pandemic and we've heard about here
8 today.

9 In New York, where we're a beacon of justice, we
10 must do all we can to keep it that way. Thank you for your
11 time.

12 CHIEF JUDGE DIFIORE: Thank you, Ms. Brown.

13 Are there any questions from the panel?

14 So, let me state the obvious, Ms. Brown. Your
15 lawyers have performed very admirably in a very complicated
16 case, on behalf of this family.

17 And Ms. Southwell, your mom is the beneficiary,
18 obviously, of a very loving and committed daughter.

19 MS. SOUTHWELL: Thank you.

20 CHIEF JUDGE DIFIORE: But to your point, you are
21 not the average bear here. You are a more sophisticated
22 consumer of these services than the average person, myself
23 included.

24 So, let me ask you this question. Assume we're
25 all on the same page about the importance of funding. As



1 you have gone through this process on behalf of your mom
2 and you tried to access the right services and the right
3 people to get what your mom needs and to keep her in her
4 home, are there things that have come to your mind that we
5 could be doing? Granted, the funding is important to help
6 and assist people who find themselves in your position with
7 their families, but not with your knowledge or your
8 tenacity.

9 MS. SOUTHWELL: I think that I knew, as a medical
10 social worker, where to go, as you mentioned. I have seen
11 people who are unable to understand the paperwork, do all
12 of that. It should be an automatic thing, I think, where
13 there should be some kind of, you know, if you disagree
14 with this, you can file for an appeal.

15 Why not have something set where there is a
16 direct link to places like Empire Justice, so that at least
17 they have numbers they can call for someone, for them to
18 just not have to think about it, but automatically call
19 these people, to have them come in, sit with them, or do
20 whatever it is, remotely, as we're doing now.

21 So that's a link, a very important link that's
22 missing.

23 CHIEF JUDGE DIFIORE: I'm sorry if I missed this
24 during your presentation. How were you linked up with the
25 agency?

1 MS. SOUTHWELL: Because I've always referred
2 people to Empire Justice, so I knew that they existed, but
3 I never experienced it personally. And it was so
4 remarkable that I'm still, I was just extremely impressed
5 by their professionalism.

6 CHIEF JUDGE DIFIORE: Yes, we agree with you on
7 that.

8 Thank you very much. Thank you for coming and
9 sharing your family's story. And send your mother every
10 good wish.

11 MS. SOUTHWELL: Thank you.

12 CHIEF JUDGE DIFIORE: You're very welcome. Thank
13 you.

14 I think we will try to double back now to Mr.
15 Lathers, make sure that he has the technology to be here
16 today. Thank you.

17 Great, okay. We're going to try this, Mr.
18 Lathers. First, allow me to introduce you, sir.

19 First of all, you are on mute, so unmute yourself
20 or have your assistant unmute you. Thank you.

21 This is our next client presenter. I think
22 you're unmuted now. Thank you.

23 This is Mr. William Lathers, who received legal
24 assistance from the Legal Aid Society of Northeastern New
25 York.



1 MR. LATHERS: That is correct.

2 CHIEF JUDGE DIFIORE: He is joined today by
3 Lillian Moy, the Executive Director. And, are we waiting
4 for Ms. Moy?

5 No, next one. Okay.

6 Mr. Lathers, please proceed.

7 MR. LATHERS: Thank you.

8 CHIEF JUDGE DIFIORE: You're welcome.

9 MR. LATHERS: My name is William Lathers, and I'm
10 here today to share my story as a client of Legal Aid
11 Society of Northeastern New York.

12 I never thought I would need help. I always had
13 a lot of pride in my self-sufficiency. I own my own house
14 and had been employed ever since my first job at seventeen
15 years old. But in 2013, at fifty-seven years old, my boss
16 called me in and said my services were no longer needed at
17 the Albany International Airport. And just like that, I
18 was out of work after forty years of making a wage.

19 Days without a job stretched into weeks and then
20 into months. Managing the best I could on money my wife
21 and I had put away and her income as a hairdresser, which
22 was pitiful, my wife and I wondered what would happen to us
23 if we didn't, if I couldn't get another job. How was I
24 supposed to get another job and handle kidney failure at
25 the same time?



1 Well, my medical issues didn't end there. I
2 eventually had melanoma, and the resulting surgeries led to
3 my inability to work at all. As my taxes on my home became
4 due year after year, we were unable to pay them. The
5 stress I felt every single day continued to mount until it
6 was nearly unbearable.

7 I never would have harmed myself, but you do get
8 into a place where you do think about it. I just could not
9 believe how my life went from being okay, and loss of job,
10 and then unable to get another one, and then my loss of
11 health, and now I was about to lose my home.

12 Fortunately, my medical issues were being treated
13 by St. Peters Health Partners, a health system which has a
14 relationship with the Legal Aid Society of Northeastern New
15 York. Through the medical legal partnership, their
16 partnership bridged the gap between medical and legal
17 services that help people like me to obtain legal
18 assistance when our legal problems are related to our
19 health problems.

20 In June of 2019, I was referred to Legal Aid by
21 my hospital social worker and began working with Legal Aid
22 attorneys Alex Pappas and Michelle Browne. Today I tell
23 you, with all my heart, they are my angels.

24 Ms. Browne gave me advice on tax foreclosure in
25 general, went over the type of mortgage I had on my



1 property. My biggest need was income. Ms. Pappas and Ms.
2 Browne said that I had the right to claim Social Security
3 Disability income, which would provide me with much needed
4 financial support.

5 At first, I didn't want to apply for SSDI,
6 because I couldn't think of myself as disabled. But I
7 trusted Ms. Pappas and Ms. Browne. They told me that I had
8 been paying into the Social Security system since I was
9 seventeen years old, and so absolutely, I had the right to
10 Social Security Disability Insurance.

11 They helped me understand the rules, the
12 guidelines the social services office would need to know,
13 and accompanied me at every step of the way of this
14 proceeding.

15 In three-and-a-half months, Alex and Michelle
16 turned my life around. I'm now receiving ongoing SSDI
17 benefits, and got a lump sum of back benefits, so I could
18 pay all three years of back taxes on my home. I also
19 qualified for early retirement.

20 The worries that I would not be able to afford
21 food, medical treatment, or my home, no longer accompanied
22 my thoughts, thanks to the resources and wisdom and
23 assistance I received through Legal Aid Society of
24 Northeastern New York.

25 The benefits that they provided kept me from



1 being homeless. It was astonishing, because I thought
2 within three months, I was going to be homeless. And I am
3 so grateful that they have these services. I think that
4 they need to stay in place for people like me that need
5 them.

6 Thank you for your time.

7 CHIEF JUDGE DIFIORE: Thank you, Mr. Lathers, and
8 thank you for sharing your story with us.

9 We'll hear now from Ms. Moy. And then we will
10 come back to you if the panel has any questions for you,
11 sir.

12 MR. LATHERS: Thank you.

13 CHIEF JUDGE DIFIORE: You're welcome.

14 Good afternoon, Ms. Moy.

15 MS. MOY: Hello, Judge. Thank you for keeping us
16 in the mix here. And hello to you and to the entire panel.
17 My thanks to all of you and especially to William Lathers.

18 I think most of you do know, I'm Lillian Moy, the
19 director at the Legal Aid Society of Northeastern New York,
20 based here in Albany. I'm very grateful for this chance to
21 speak with you about how the whole community responded to
22 COVID-19.

23 I do think that the expression "we pivoted" has
24 lost some of its luster, you know, as in enough already.
25 Certainly COVID-19 was not in anyone's long-range plan --



1 none of us were prepared to become sick or to go remote or
2 to respond every day to daily changes and announcements
3 from the CDC, the governor, or the courts.

4 You'll remember that from mid-March, every day
5 was different. Plans and decisions we made twenty-four
6 hours earlier were suddenly out-of-date. On March 13th, we
7 ran a pilot remote day, one week later we were totally out
8 the door.

9 I learned that in basketball "pivot" refers to a
10 movement in which the player holding the ball can move in
11 any direction, with one foot, all the while keeping the
12 pivot foot in contact with the floor.

13 Mr. Lathers' case is the best example of why we
14 always had to have one foot on the floor. We had thousands
15 of open and pending cases on the day we went remote,
16 statewide. So, we had to fulfil our obligations to our
17 current clients and at the same time respond to new calls
18 from new clients facing the pandemic, scared and confused
19 every day, just as we were.

20 We sent our staff home with their own office
21 phones. We collected and shared legal resources about
22 COVID-19 for both attorneys and clients. LASNNY set up a
23 toll-free sixteen-county phone number for COVID-19 cases,
24 the COVID-19 legal line. And we did all of this with
25 outdated equipment and very few resources.



1 Working from less than optimal laptops, the
2 management team met three times a week, and we met weekly
3 with our union, our middle managers, and all the staff in
4 each office. And all of my colleagues around New York
5 responded with the same type of stepped-up and improved
6 communication, internally and externally.

7 Legal services, we've always been good at doing
8 more with less, and now we created virtual events for
9 relatively little money using Facebook Live, reaching
10 thousands with urgent deadlines about changes in the law.

11 The energy remains high. We continue to follow
12 New York's Guidance Plan for safe work from our offices,
13 provide remote work opportunities for those who still need
14 them, and maintain good communication, as well as
15 representing clients in both virtual and physical hearings
16 before the courts.

17 So, we think it's still pretty important to keep
18 one foot on the ground and be ready to turn in any
19 direction. I hope that you agree that legal services has
20 proven to be a resilient and responsive partner to both the
21 courts and our communities, and please know how grateful we
22 all are for your ongoing and continued support of our work.
23 Thank you.

24 CHIEF JUDGE DIFIORE: Thank you. Are there any
25 questions for either Mr. Lathers or Ms. Moy?



1 PRESIDING JUSTICE GARRY: I have a question for
2 Ms. Moy. Can you hear me all right?

3 MS. MOY: Yes, I can.

4 PRESIDING JUSTICE GARRY: We've been hearing this
5 afternoon from several people, and one of the themes that
6 I've been hearing is that housing is really a central,
7 compelling legal issue of these times. There are certainly
8 other compelling legal concerns, and I wonder if you feel,
9 from your experience in this field, is there sort of a
10 central or compelling, you know, if we were forced to rank
11 what are the most important things to deal with, can you
12 address that?

13 MS. MOY: Well, I can. We've been looking at
14 COVID-19 intake all through the last several weeks. We
15 know that many of our callers are calling because they have
16 a COVID-related problem, and it's ranged from forty-two
17 percent to, now we're down to about twenty percent, COVID-
18 19 cases.

19 Housing cases have consistently stayed either
20 first in number of calls or second. It just rotates. So
21 yes, I think I would say housing, of all of them, it's
22 about shelter, right? And as we've heard so much, the loss
23 of shelter creates incredible instability, impediments for
24 the whole family, whether adults trying to get to work or
25 children trying to be educated.



1 So, if I had to pick, that's a Sophie's choice,
2 right, but if I had to pick, I would pick housing. Thanks,
3 Judge Garry.

4 PRESIDING JUSTICE GARRY: Thank you.

5 CHIEF JUDGE DIFIORE: Thank you very much.

6 And Mr. Lathers is not on the screen, but I hope
7 that he could hear us, if he cannot, please, Ms. Moy,
8 relay our appreciation. I think his story is a
9 really compelling story that underscores the importance of
10 the funding of civil legal services and why we all do this
11 work. So, thank you.

12 MS. MOY: Thank you all.

13 CHIEF JUDGE DIFIORE: And thank you.

14 MS. MOY: Thanks so very much. Bye-bye.

15 CHIEF JUDGE DIFIORE: You're welcome.

16 Our next presenter will be Andrea.

17 Okay, our next presenter today, we will refer to
18 her as Andrea. She is a client of The Legal Project. And
19 Andrea has agreed to tell her story today on the condition
20 that her identity not be revealed and that her image not
21 appear on our screen.

22 Andrea is accompanied by her lawyer, Mevlude
23 Akay, and they are both joined by Michele Pollock Rich, the
24 executive director of The Legal Project. Welcome to all of
25 you.



1 Andrea, while we don't see your image, hopefully
2 we will be able to hear you. The floor is yours.

3 ANDREA: Okay. Thank you for having me here
4 today. My name is Andrea, and I'm from Trinidad and
5 Tobago. I met my husband Martin, who turned out to be my
6 abuser, when I was twenty-one. He was a U.S. citizen on
7 vacation in Trinidad.

8 I knew he was much older than me, but he lied to
9 me about his age, and I didn't learn that he was actually
10 forty years older than me until our marriage.

11 I had a very traumatic childhood. My mother gave
12 me over to my grandmother when I was two years old, and I
13 was later passed on to family friends and eventually left
14 to fend for myself when I turned sixteen.

15 When Martin asked me to marry him, I accepted.
16 Martin made me feel safe and secure, and I was flattered by
17 his interest in me.

18 I wanted to stay in Trinidad, but he told me if I
19 really loved him, I would come to the U.S. with him. He
20 did my immigration paperwork for me, and two years later, I
21 got a spouse visa to come to the U.S.

22 I began living with him in Louisville, Kentucky,
23 in May 2014. After I arrived, I soon realized just how
24 violent and controlling he was. He physically abused me
25 many times and strangled me. He had fourteen guns in the



1 house, and he would threaten to use them on me.

2 He wouldn't let me leave the house in the
3 beginning, and he only let me call my family one time in
4 the six months I lived with him.

5 One time when I went to the store without telling
6 him, he got so angry, he locked me out of the house. He
7 refused to add me to his bank accounts or give me any
8 money, so I had to beg him for money for every little thing
9 I needed.

10 He had a sex addiction and sometimes made me have
11 sex many times a day. He would humiliate me and insult me.
12 He was addicted to pornography and would meet with
13 prostitutes.

14 He had an image of what he wanted Black women to
15 look like, and he used to try and make me straighten my
16 hair and change my image into how he wanted me to look.

17 When he had to go away overnight, he would give
18 the mailbox key to a neighbor and have the neighbor spy on
19 me and report back to him.

20 I didn't know anyone in Kentucky, and I felt so
21 isolated, scared, and trapped.

22 He used to abuse me psychologically and tell me
23 to go back to Trinidad. Several times he told me he had
24 bought me a ticket to send me back. I would pack my bags
25 and be ready to go, and then he would say he was pretending

1 and he hadn't actually bought a ticket.

2 The only other person I knew who lived in the
3 U.S. was a cousin who lived in Brooklyn. I confided in her
4 about the abuse and she found a domestic violence shelter
5 in Kentucky on the internet and told me to call them. The
6 shelter paid my bus fare so that I could escape Martin and
7 go to New York.

8 The first time I left, Martin called and begged
9 me to come back. He manipulated me to return to him.
10 After I returned to him, I found out one day that he had
11 divorced me without telling me, and that was after I left
12 him.

13 I had been trying to make our marriage work but
14 didn't even know we were actually divorced. Eventually, I
15 got the courage to escape from him for good. I made a
16 friend in Brooklyn who helped me to move to Albany, where I
17 could afford to live and work and take classes.

18 My conditional Green Card had expired by then,
19 and I thought that once it expired, I couldn't get
20 immigration status anymore, because I was now divorced from
21 my husband.

22 I got help from a domestic violence shelter in
23 Albany that helped me find The Legal Project. The Legal
24 Project enabled me to live without fear of deportation.
25 They helped me and gave me confidence to work and live in



1 this country.

2 There were times I felt as though I would never
3 succeed. Trying to describe the abuse I went through and
4 show evidence of it was very difficult. Martin had
5 purposely kept me off any official paperwork, so I didn't
6 have the kind of evidence that the immigration agency was
7 asking for. And it was very hard to prove I lived with
8 him, through official documents.

9 My lawyer was not only helpful with her advice,
10 she was also like a counselor, a cheerleader, keeping me
11 from giving up on life. The Legal Project helped me to put
12 all my documents together and explained to me the legality
13 of everything, without me paying a dime.

14 I honestly thought I would not get a Green Card,
15 and I was so relieved and grateful when I eventually did
16 get it. I was so broken and confused about my situation. I
17 could never have gotten my Green Card without
18 representation from an attorney, and I didn't have the
19 money to pay for a private attorney.

20 Now that I have my Green Card, I can work and
21 live a better life, independently, and free from my abuser.
22 I bought a car; I live in an apartment; and I am a teacher.
23 With the help of my lawyer, I'm able to support myself and
24 contribute to my community.

25 Getting a Green Card has helped me to work and



1 enabled me to get a stimulus check that I wouldn't have
2 been eligible for otherwise.

3 I'd like to thank The Legal Project for all that
4 they have done for me, and I truly appreciate everything
5 that they stand for. Thank you.

6 CHIEF JUDGE DIFIORE: Thank you, Andrea.

7 Ms. Rich?

8 MS. RICH: Thank you, Chief Judge DiFiore and
9 members of this panel, for the opportunity to provide
10 remarks today on behalf of The Legal Project. And Andrea,
11 thank you for sharing your story with everyone today.

12 I joined The Legal Project in May of 2019, and I
13 continue to be humbled every day by the incredible
14 commitment of our staff and the immense courage and
15 fortitude of our clients, many of whom, who have endured
16 horrific abuse and injustice.

17 The COVID-19 pandemic has not weakened our
18 resolve to help vulnerable members of our community access
19 justice. Our clients, like Andrea, depend on us.

20 For twenty-five years, The Legal Project has
21 provided free, civil legal services to the capital region
22 of New York State. We were founded in 1995, by members of
23 the Capital District Women's Bar Association, who had been
24 providing pro bono services to victims of domestic
25 violence, trying to navigate the Family Court system alone.



1 These pioneering attorneys witnessed firsthand
2 the harm that can occur when a victim of domestic violence
3 goes unrepresented, and they founded The Legal Project in
4 response. The Legal Project serves clients who are over-
5 income qualified for traditional legal aid services, but do
6 not have the resources for a private attorney, sometimes
7 referred to as the working poor. They were falling through
8 the cracks and unable to access justice.

9 Today we provide representation in areas of
10 domestic violence and crime victims civil legal services,
11 immigration matters, family law, foreclosure defense, and
12 bankruptcy. By using a holistic approach and trauma-
13 informed care, we evaluate and respond to the multiple
14 legal needs a client may be facing.

15 As experts in domestic violence, we provide
16 training for the local legal community. And as part of our
17 COVID response we launched our popular DV 101 training for
18 pro bono attorneys, on a private YouTube channel, so we
19 could continue to educate about the unique needs of
20 domestic violence system in the legal system.

21 We also offer advice in other areas of law
22 through legal clinics which have gone virtual as well, and
23 they've served nearly 130 clients, with others on a waiting
24 list, since the middle of March.

25 When the COVID-19 pause began, we adapted



1 quickly. We already used Zoom technology for our rural
2 outreach legal program. So, we were able to transition
3 pretty smoothly to virtual lawyering.

4 At first, call volume was lower than usual. For
5 victims of domestic violence forced to shelter with their
6 abusers, it wasn't safe to reach out for help. Some were
7 afraid, afraid to leave abusers and seek other housing
8 because of concerns that they or their children would
9 become infected with COVID-19.

10 Most of the calls early on were related to
11 matters of custody and visitation, including DV victims
12 concerned that abusers were not taking COVID seriously and
13 were putting their children's health at risk, or abusers
14 were using COVID-19 as a pretext not to return children to
15 their mothers after their visitation time was concluded.

16 As the summer went on, however, calls increased
17 dramatically and are currently still running higher than
18 normal for this time of year. Our domestic violence intake
19 coordinator reports receiving and responding to 648 calls
20 since March 22nd, including 25 calls in one day on
21 September 14th. Our crime victims' coordinator is seeing
22 similar call volume.

23 On average, they are fielding twenty-five to
24 sixty calls each per week in our domestic violence program.
25 Help is sought with Family Court, divorce, safety, housing,



1 disability, and all civil legal issues. Our clients
2 initially faced some challenges in Family Court, but for
3 some domestic violence clients, the existence of virtual
4 court has been a blessing in disguise. They are no longer
5 forced to wait hours in the courthouse waiting room across
6 from their abuser but can instead appear from the comfort
7 and safety of their own homes.

8 For parents of children who are out of school or
9 out of daycare, the ability to appear at court from home or
10 to meet with their attorney from home has lessened some of
11 the logistical issues surrounding access to justice, while
12 also parenting young children.

13 Through it all, we have been impressed by the
14 heroic efforts of all of our colleagues in domestic
15 violence services in the courts, in law enforcement, and
16 all of our partners, for the resilience and determination
17 to continue to provide domestic violence victims the best
18 options for safety.

19 Finally, as others have mentioned, The Legal
20 Project, too, is dependent on funding from JCLS and other
21 state agencies, to provide these critical services.
22 However, we are hearing many rumors of potential funding
23 cuts, and we are being severely impacted by late State
24 payments, which are causing us unprecedented cash-flow
25 concerns, even for a small non-profit.



1 As a small non-profit, we have always run lean
2 and are careful stewards of our limited resources. We have
3 already reduced our administrative staff by two full-time
4 positions, but if payment issues are not resolved soon, we
5 may be forced to reduce hours of legal staff as well.

6 Our employees are affected too. Just this month,
7 we have seen experienced family law attorneys resign to
8 take positions in the private sector because they are
9 concerned about funding cuts and worry about providing for
10 their own families.

11 As a result, at a time when clients' needs are
12 increasing, we find our capacity to meet that need
13 compromised by this economic uncertainty. And even as we
14 interview attorneys to replace the departed ones, we lack
15 assurances that these positions are secure.

16 Our clients, like Andrea, need us. We need to be
17 able to tell them that they can rely on us. We need
18 increased funding to meet increasing need, not reductions
19 or uncertainty. And we are so grateful for everything that
20 all of you do to help ensure that all legal services
21 providers are properly funded.

22 The past six months, while difficult, have given
23 us, at The Legal Project, the opportunity to recommit
24 ourselves to our core mission of providing access to the
25 protections of the law, to advance the safety, stability,



1 and independence of the people we serve and to strengthen
2 our communities.

3 Thank you again for the opportunity to provide
4 these remarks. It has been my honor to address the panel.

5 CHIEF JUDGE DIFIORE: Thank you very much, Ms.
6 Rich.

7 First, to you, Andrea, we want to thank you for
8 coming forward and sharing your story, and we congratulate
9 you on your demonstrated strength and persistence, and on
10 your ultimate success. And good luck to you in your
11 teaching career. A very important profession, obviously.
12 And we thank you for that.

13 Ms. Rich, I have a question for you. You spoke
14 about being engaged in virtual lawyering, and in the near
15 and distant future, the court will find where we need to be
16 in terms of providing virtual services to consumers.

17 Do you have any suggestions as you come through
18 this initial period as to how we can improve our virtual
19 services?

20 MS. RICH: One thing that we were concerned with
21 early on was the ability of our clients to access
22 technology, such as Zoom technology. We know it sometimes
23 throws us curveballs. Even smart phones or telephone
24 technology.

25 So far, in our domestic violence programs, our



1 clients haven't had difficulties with that kind of access
2 to technology, but in our immigration programs, they have.
3 And we are somewhat concerned that this will become a
4 technology gap between those that have the technology to
5 access the courts in this way and those that perhaps do
6 not.

7 We're fortunate, at The Legal Project, that we
8 can offer our clients the ability to access the technology
9 from our offices, because we do have it there.

10 And I appreciate the question. We have been
11 surprised ourselves at how responsive our clients have been
12 to using conferencing such as Zoom. For many of our
13 clients, especially now, still with the COVID
14 uncertainties, they tend to prefer the option to Zoom into
15 a call with their attorney, if possible. I think they find
16 that it feels safer. And it also reduces some of the
17 transportation barriers, and as I mentioned earlier, the
18 childcare barriers that some people might face.

19 Our attorneys have found that without the travel
20 time or, you know, the reduced court time, that they can
21 actually serve more people.

22 So, I would hope that moving forward the court
23 perhaps would continue some of the virtual lawyering that
24 is working for our clients and for our attorneys. We've
25 seen changes in the healthcare system -- if you've



1 experienced Telehealth, where you log in and speak to a
2 doctor - - and it's made some of us wonder if perhaps in
3 the legal services arena, we might be able to follow some
4 of their lead, at least.

5 CHIEF JUDGE DIFIORE: Yes, well, we are focused
6 on finding that right balance, moving forward.

7 So, thank you very much. Thank you to Andrea.
8 Ms. Akay, thank you very much. Ms. Rich, thank you, as
9 well.

10 MS. RICH: Thank you.

11 THE COURT: You're very welcome.

12 Our next and final presenters are Roslyn Grimes
13 and her attorneys.

14 Ms. Grimes? Oh, there you are.

15 Okay, our final presenters, and thank you for
16 your patience, are Roslyn Grimes, a client of The Legal Aid
17 Society. And Ms. Grimes is accompanied by Her attorney,
18 Gabriela Torres-Lorenzotti; and they are joined by Adriene
19 Holder, who is the attorney in charge of the civil practice
20 division of The Legal Aid Society.

21 Welcome to the three of you. Ms. Grimes, please.

22 MS. GRIMES: These words are from a well-known
23 gospel group called Mary Mary, "I just can't give up now.
24 I have come too far from where I started from. No one told
25 me the road was easy, and I don't believe he's brought me



1 this far to leave me.”

2 Good afternoon, everyone. My name is Roslyn
3 Grimes, and until August of this year, I was living in a
4 homeless shelter in Long Island City. My story starts in
5 2012, in the Bronx, where I was living in my own three-
6 bedroom, two-bathroom apartment, with my two children.

7 I started to feel ill and thought my allergies
8 were acting up. My symptoms worsened until one day I woke
9 up coughing up blood.

10 My daughter accompanied me to the doctor where I
11 was sent directly to the E/R and admitted. I found out
12 that there was mold in my apartment that made me extremely
13 sick. I was diagnosed with asthma, chronic asthma, and
14 chronic pneumonia, which led to a pulmonary embolism and a
15 deep vein thrombosis.

16 After several hospitalizations, my family and I
17 had no choice but to leave our apartment and to enter
18 shelter. Since then The Legal Aid Society has helped my
19 family on numerous occasions when there was no one else.
20 There are many experiences I can share with you, but today
21 I will share my journey moving into permanent housing
22 during the COVID pandemic.

23 The eight years that my family and I lived in
24 shelter took a strenuous toll on us. My personal health
25 suffered as a result of shelter conditions, lack of proper



1 accommodations, and the ongoing stress of living in
2 shelter.

3 There were multiple occasions where we were not
4 supported by the shelter system. Our personal space was
5 invaded by shelter staff who entered the room without
6 warning.

7 My daughter was denied a late-night pass to
8 perform in her orchestra. The definition of shelter is
9 meant to feel safe and protected. My experience was far
10 from that.

11 Still, we persevered. My daughter graduated with
12 an advanced Regents diploma from the High School of
13 American Studies at Lehman College, and was awarded
14 valedictorian of the Board of Education Office of Home
15 Schooling. She went on to pursue a college degree,
16 majoring in music and minoring in sociology and African
17 studies.

18 My son attended Lehman College, and while in
19 shelter was offered an opportunity to participate in the
20 Gear Up program. Upon completion of the program, he has
21 been working as an IT technician at NBC.

22 Unfortunately, in December of 2019, the trauma of
23 living in shelter forced my daughter to exit the system.
24 To separate was one of the hardest decisions we had to make
25 as a family.



1 After years of applying for the NYC Housing
2 Lottery and conducting an interview with no luck, in
3 January of 2020 I sought the services of a professional
4 realtor to help me apply to the SOTA program, also known as
5 the Special One-Time Assistance Program. We felt as though
6 that was the only viable option we had left to pursue.

7 I found an apartment in New Jersey that was
8 physically accessible, due to my disabilities, and close to
9 my church family and support network. I submitted all of
10 the paperwork with a February 1st lease start date and was
11 told that the approval process would be complete in about
12 two weeks.

13 I was eagerly awaiting to exit shelter and enter
14 my new home. At this point, my doctors were greatly
15 concerned for my physical health, as my most recent shelter
16 placement had no cooking facilities. Due to my autoimmune
17 disease and my need to be on a special diet, we were forced
18 to purchase food daily, which became extremely expensive
19 and not sustainable.

20 After weeks of DHS delays, COVID hit in March. I
21 was told that everything was at a standstill, the city had
22 stopped. I was told no one would be able to move into
23 permanent housing. March passed, then April.

24 In May, I was informed that the offices had
25 reopened. Whatever documentation my housing specialist



1 requested of me, I gave it to him.

2 May turned into June. The lease was rewritten
3 for July 1st start date. We were told that we would be
4 moving in any day now. At this point, the landlord gave us
5 an ultimatum. She threatened to withdraw the apartment
6 from the program if back rent was not provided.

7 My housing specialist suggested I give up the
8 apartment and that he would personally help me to find
9 another apartment, because DHS would never pay back rent.

10 My family was devastated, because we had invested
11 so much, only to be told, at no fault of our own, that we
12 might lose our new home. I found that apartment with the
13 help of no one. It was close to my church and my support
14 network. I had a village there. I was not going to give
15 up that easily. I had worked too hard and come too far.

16 After trying different avenues, I once again
17 turned to The Legal Aid Society Homeless Rights Project for
18 help. Ms. Gabriela reached out and she was an absolute
19 godsend. I explained to her what was going on, and her
20 team quickly agreed to assist my family. For the first
21 time in a very long time, I felt hopeful that there would
22 be light at the end of the tunnel.

23 In the following weeks, Ms. Gabriela and her team
24 negotiated with attorneys at the Department of Social
25 Services and the landlord. Finally, in August, DSS agreed



1 to reimburse two months of back rent to the landlord,
2 something they had never done before.

3 On August 14, 2020, my family moved into our new
4 home. For the first time in eight-and-a-half years, we had
5 our own keys. It was the most emotional time of our lives.
6 Entering the space, we were able to exhale. It felt as
7 though the weight of the whole world was lifted from our
8 shoulders.

9 This is only the beginning of our journey. We
10 are finally free.

11 During the whole experience, what has kept me
12 alive is my faith in God, my support system, and the help
13 of The Legal Aid Society. We are extremely grateful to
14 Gabriela and the Homeless Rights Project, who helped
15 advocate on our behalf.

16 This service is absolutely imperative for people
17 like me who had no other options and who would have
18 otherwise fallen through the cracks.

19 Thank you for allowing me to share my story with
20 you all. God bless you.

21 CHIEF JUDGE DIFIIORE: Thank you, Ms. Grimes. And
22 you have indeed come very, very far. And we will be back
23 to you in a second. We're going to hear from Ms. Holder.

24 MS. GRIMES: Thank you.

25 MS. HOLDER: Thank you, Ms. Grimes, for sharing



1 your very personal journey, and also thank you for allowing
2 me, over a week-and-a-half ago, to actually visit you and
3 be invited, properly PPE'd and all, to your home. And I
4 really do appreciate you being here with us.

5 MS. GRIMES: You're welcome.

6 MS. HOLDER: Good afternoon. I'm Adriene Holder.
7 I'm sorry, hold on. Something is wrong with my connection.
8 Can you all hear me?

9 CHIEF JUDGE DIFIORE: Yes, we can hear you.

10 MS. HOLDER: Okay, it said it was unstable. I'm
11 sorry.

12 Good afternoon. I'm Adriene Holder, Attorney in
13 Charge of the Civil Practice of The Legal Aid Society. I
14 first want to thank Judge DiFiore, Presiding Justice
15 Acosta, Presiding Justice Scheinkman, Presiding Justice
16 Garry, Presiding Justice Whalen, Chief Administrative Judge
17 Marks, and New York State Bar President Karson for the
18 opportunity to add our voice, as we talk about New Yorkers
19 and the need to transition out of poverty.

20 So, everyone has testified, and you all know very
21 well, that the COVID-19 pandemic is having an unprecedented
22 impact on New York City and everyday lives of millions of
23 New Yorkers. And as significant numbers of New Yorkers
24 experience job loss from the resultant cross-sector
25 economic collapse, the impact of the crisis is set only to



1 deepen as a likely long-term future recession takes hold.

2 During this crisis, vulnerable New Yorkers and
3 those in economically unstable positions, the populations
4 at which we all, as providers, target our services, will
5 experience unparalleled disruption to their lives.

6 Our work has always taken an explicit racial and
7 social equity lens, and the current crisis has further
8 focused our efforts to advocate for the needs of New York's
9 marginalized communities. The majority of our clients
10 currently live in poverty, and the majority identify as
11 people of color.

12 We represent significant numbers of low-wage and
13 service workers. All these groups are populations that are
14 disproportionately impacted by COVID-19 infections in New
15 York City and throughout the State, and are far more likely
16 to experience serious medical issues or fatalities, and
17 will continue to be impacted by future economic downturns,
18 long after the initial crisis subsides.

19 In addition to my role at The Legal Aid Society,
20 I serve as a board member of the New York State Legal
21 Services Coalition and also co-chair the New York State Bar
22 Association's Committee on Legal Aid. In these capacities,
23 I see what the legal services providers throughout the
24 State are able to accomplish for their struggling low-
25 income client communities, and I could not be any more



1 proud of how our collective legal services communities rose
2 to the challenges of responding to this horrific pandemic.

3 At The Legal Aid Society, building on our
4 experience of responding to crises such as 9/11 and Super-
5 storm Sandy, and utilizing the strength of staff working in
6 comprehensive practice areas, our responses combine high-
7 level advocacy efforts with rapid scaling up of our
8 capacity to assist our clients and the emergent changing
9 needs, remotely.

10 Today I'll share some of these efforts by The
11 Legal Aid Society -- just some specific examples that
12 actually reflect more generally the comprehensive civil
13 legal services that other legal services providers were
14 able to provide throughout the State.

15 Working together with partner organizations, we
16 immediately advocated for a residential and commercial
17 eviction moratorium that since has been extended twice,
18 first by executive order, and most recently by
19 administrative order, to October 1st, that ensures that
20 individuals unable to make rent, due to reduced income, not
21 face being made homeless during a major public health
22 crisis.

23 We also immediately began assisting state
24 legislators and city councilmembers, as they drafted and
25 introduced new COVID-19 response legislation. We advocated



1 for the expansion of voucher programs, the enactment of
2 good-cause legislation to protect New Yorkers in market-
3 rate housing from eviction, robust rent protections for
4 tenants, and safe-harbor legislation.

5 Over the summer, the Safe Harbor Act was enacted,
6 limiting a landlord's ability to secure a possessory
7 judgment against a tenant who has been unable to pay the
8 rent, due to COVID-19-related income losses. Rather than
9 putting a tenant and their family out on the street, a
10 landlord will be able to secure only a monetary judgment.
11 Importantly, this Safe Harbor Act protects all households,
12 including immigrant families.

13 Simultaneously, The Legal Aid Society has
14 successfully advocated for providing shelter residents and
15 street homeless individuals with hotel isolation
16 accommodation provided by the New York City Department of
17 Homeless Services, due to the risks inherent in congregant
18 housing.

19 We strongly advocated and won the release of more
20 than one hundred detained immigrants who are especially
21 vulnerable to infection and serious health issues during
22 the pandemic and in New Jersey and Upstate New York jails.

23 And our specialized domestic violence team
24 advocated for survivors of domestic violence during the
25 current crisis, both pushing for systemic changes to ensure



1 their safety and simultaneously continuing to provide
2 support to clients remotely.

3 Survivors, already typically a marginalized
4 population as you all are very well aware, are uniquely
5 vulnerable during the current crisis. In the early stages
6 of the crisis, we advocated, together with our community
7 partners, for blanket expansions of temporary orders of
8 protection until the courts resume full operations,
9 ensuring the survivors of domestic violence continue to be
10 protected from their abusers.

11 Given that this unprecedented public health
12 crisis originally brought our economy to a virtual halt,
13 with unemployment rates soaring, requests for services from
14 our employment law unit have exploded.

15 We share our technical expertise on a range of
16 issues, including unemployment benefits; protection for
17 whistleblowers and from retaliation for seeking a safe work
18 environment; increased health and safety standards,
19 including increased use of personal protective equipment;
20 rules and requirements around testing and tracking;
21 exploitation of workers through misclassification as
22 independent contractors.

23 Our staff have also conducted virtual trainings
24 for the New York State Bar Association, community members,
25 legal advocates, elected officials, workers' centers, PTAs,



1 synagogues, and trade groups.

2 Our community development project, which is part
3 of the New York City Crisis Management System, has helped
4 small business owners and non-profits who experience legal
5 issues stemming from the pandemic and closure of non-
6 essential businesses.

7 Furthermore, our consumer law project continued
8 to lead and collaborate on advocacy for a moratorium on
9 consumer debt collection, with legislators and agencies, to
10 protect vulnerable consumers, many of whom were on the
11 brink of poverty before the crisis, and are now unable to
12 pay bills in the face of crushing debt.

13 And our government benefits, disabilities
14 systems, health law, and low-income taxpayer staff have
15 directly advocated with all levels of government to expand
16 access to benefits for clients who were both previously
17 receiving benefits, and those who are now eligible as a
18 result of the pandemic, including those very vulnerable
19 clients that needed to have assurances that they would be
20 able to continue to receive some type of home healthcare.

21 As we continue to move through the many stages of
22 this crisis, we remain on the front line of efforts to
23 ensure that the needs of New York's marginalized
24 communities are met. We will continue to make the case for
25 justice and equity, as our clients undergo this



1 unparalleled crisis, we stand there beside them.

2 I also believe that during this triple pandemic
3 of COVID-19, the severe economic downturn, and the
4 reckoning of racial unrest, there's no better legal
5 services community to meet these challenges. As legal
6 services providers, we are not only first responders for
7 our client community during disasters, but we are an
8 essential part of the social and economic recovery for all
9 New Yorkers.

10 So much of what we have been able to respond to,
11 to date, would not have been possible without the
12 consistent investment of Judiciary Civil Legal Services
13 funding since 2011. All cuts are not created equal. And
14 investing in legal services is a long-term investment in
15 the fight against injustice and poverty.

16 We ask that Judiciary Civil Legal Services
17 funding not be cut, so we can service and support
18 vulnerable New Yorkers as they transition out of poverty;
19 mitigate the effects of systemic racism and inequality; and
20 enhance the legal rights of low-income people overall.

21 On behalf of The Legal Aid Society, I thank you
22 for your continued support and again for the opportunity to
23 appear here with Ms. Grimes, before all of you today.

24 CHIEF JUDGE DIFIORE: Thank you, Ms. Holder.

25 Are there any questions from the panel for either



1 Ms. Grimes or Ms. Holder?

2 PRESIDING JUSTICE ACOSTA: Yeah, I have a
3 question. Ms. Holder, what should we do differently, if
4 anything? Obviously, what we should be doing differently
5 depends on what's different during the pandemic. So, my
6 question to you is, are we seeing an exacerbation existing
7 in the quality that may result, you know, in an expansion
8 of the type of services that you're currently providing, or
9 is it going to lead to you expanding into new areas that
10 have been exposed by the pandemic?

11 MS. HOLDER: Thank you - - -

12 PRESIDING JUSTICE ACOSTA: We're going to do a
13 survey at the end of the year to determine the community
14 needs, so what is your educated guess about what those
15 needs are, based on what you've already done this year?

16 MS. HOLDER: So, thank you for that question.
17 It's really interesting. The biggest need really is
18 housing. And you know, you've heard the testimony, and I
19 know I'm at the end of the day, so I understand that I
20 probably have a very tired audience, and I thank you all
21 for your patience, this early evening.

22 But it really is housing, and it is frightening,
23 because even with the extension of the moratorium - - and I
24 thank the court system for making sure that this last
25 extension went through -- you know, at the end of the day,



1 when we think about what is going to happen, the idea that
2 if we don't get some additional rent arrears or some type
3 of assistance to actually help with people who've fallen
4 behind in rent, you know, you still have an eviction at the
5 end of any time that is delayed.

6 And, with the economic downturn being the way it
7 is, it's hard to believe that the people, especially our
8 clients, are not going to be in a position to actually
9 catch up, given the fact that they were already low-income
10 or low-wage workers, in the beginning, prior to the
11 pandemic.

12 And we all know adequately priced, affordable,
13 habitable housing is good healthcare, it's good education
14 policy, it's good employment policy. It just does all of
15 those things for a family, and you see that with Ms.
16 Grimes' family. The Grimes family is an amazing family in
17 what they were able to accomplish even while in shelter but
18 definitely at this point, now, are really able to thrive,
19 because they have affordable and habitable shelter. It's
20 quite beautiful in fact, and thank you again, for allowing
21 me in your home.

22 So, I think housing is still going to be the
23 largest thing that we see, but yes, there is going to
24 continue to be a need for us, as a state, to talk about
25 what it is that we do.



1 We saw when the pandemic hit, how the federal
2 government was willing to stand up and actually give people
3 some guaranteed minimum weekly income, and it seems that
4 when people are hurt, there are times when the government
5 and others can come together and rise together and decide
6 that they're going to assist people.

7 I'd like to believe that that could be extended
8 for some of the most marginalized and some of the most
9 vulnerable of Americans. And that's low-wage and low-
10 income people here in our country, and particularly here in
11 New York State.

12 CHIEF JUDGE DIFIORE: Thank you.

13 Any other questions?

14 Thank you, once again, Ms. Grimes, for sharing
15 your story; and we are very happy and pleased that you have
16 found some equilibrium in your life.

17 MS. GRIMES: Thank you for giving me this
18 opportunity to share my story.

19 CHIEF JUDGE DIFIORE: Thank you for being here.

20 So, that concludes the 2020 Statewide Hearing on
21 Civil Legal Services. We thank each of our presenters.
22 And we look forward to continuing our work with all of the
23 agencies and organizations.

24 The presentations and the written submissions
25 from today's proceedings will help to formulate our



1 findings and recommendations to the Governor and the
2 Legislature. I look forward to presenting them and
3 advocating for all that is necessary and responsible.

4 And I want to thank the Chief Administrative
5 Judge of the State of New York; I want to thank the PJs of
6 the Appellate Division; I want to thank President Karson;
7 the staff; Helaine Barnett for her extraordinary work,
8 leading the Permanent Commission.

9 And the proceedings will stand adjourned. Thank
10 you.

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C E R T I F I C A T I O N

I, Sharona Shapiro, certify that the foregoing transcript of the 2020 Civil Legal Services Hearing was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

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