

Helaine M. Barnett:

Good morning. I am Helaine Barnett, Chair of the New York State Permanent Commission on Access to Justice. I am delighted to welcome each of you to the Commission's seventh annual Statewide Stakeholders Meeting, this time in June rather than in October. We have over 250 registrants for today.

The commission currently has 33 members appointed by the Chief Judge. They reflect a broad diversity of experience and background, similar in some ways to the composition of our local Access to Justice Committees. Throughout the year, the Commission's work encompasses study and consideration of monetary and non-monetary issues in order to make recommendations in its annual report to the Chief Judge. Starting in 2010, the Commission recommended the establishment of a dedicated funding stream for civil legal services through the judiciary budget to be increased gradually to reach 100 million dollars. That goal was achieved in 2016, and last year and this past year there have been a cost-of-living increase added to that amount.

We continue to work to support an increase in funding to be able to more clearly close the justice gap. We also assist the Chief Judge in holding an annual hearing to document the need for providing civil legal services in matters affecting the essentials of life. In addition, many of you may have attended the two annual conferences that the Commission convenes- our Technology Conference and our Law School Conference. As to the study and review of non-monetary issues, I am proud of our working groups which explore issues in depth, listen to experts on the topics, and analyze the best way that the Commission can be of help. As an example, we couldn't be more pleased with the passage of the bill currently sitting on the Governor's desk awaiting signature that would eliminate the need for notarization in civil matters.

The pandemic heightened awareness of the roadblock imposed on access to justice by the challenges to find a notary, particularly for those in rural areas or homebound, pay the fee and then get the notarized papers to court. The Commission studied the issue, supported the work of the court system and our civil legal services providers, recommended in several of our annual reports that the notarization requirement be eliminated, and wrote a memorandum in support of the legislation that was just passed. The elimination of this long, outdated requirement will bring New York State in conformity with federal civil practice and the many states already aligned with it.

Getting back to this morning's agenda. Each year, this virtual meeting provides an opportunity for the leaders of New York State's judiciary, our court administrators, and our diverse community stakeholders from around the state to come together to share their individual experiences, knowledge, strategies, and best practices for developing and implementing local access to justice initiatives. Those initiatives support our ongoing efforts to help to meet our goals of providing effective assistance to 100% of low-income New Yorkers facing civil legal problems affecting the essentials of life.

For today, we have shifted our focus just a bit. We know that during the height of the pandemic, the top priority for the courts was to ensure they met their mission to achieve the just, fair, and timely resolution of all matters before them. Now we want to help ensure that our local Access to Justice Committees are reengaged and have the tools they need to address ongoing local needs. We will still hear from a number of our local Access to Justice Committees about their work, if only briefly. The focus will be on identifying those issues challenging access to justice at the moment, and then hopefully providing some of the tools that our Committees can leverage to engage their local stakeholders to help identify and address the issues of local concern. We also will examine the nuts and bolts of putting together a successful program and sustaining it.

Looking at our agenda, I am confident that this will be an engaging program with many takeaways to share with your local Access to Justice Committees and enable you to forge ahead. The Commission has been truly fortunate that since its inception, it has had the ongoing and unwavering support of each of the state's Chief Judges. I want to thank Honorable Anthony Cannataro who is Interim Chief Judge, continued his longstanding commitment to access to justice issues and presided over last September's Chief Judge's Annual Hearing on Access to Justice as well as our 2023 Law School and Technology Conferences. We know that we can continue to count on his commitment as one of the newest members of the Permanent Commission.

Now it is indeed my honor and a true pleasure to introduce Honorable Rowan D. Wilson, the new Chief Judge of the Court of Appeals and the State of New York, to deliver opening remarks. Judge Wilson has served on the Court of Appeals since February 2017, when he was confirmed as an Associate Judge of the Court. On April 10th of this year, Governor Hochul nominated him to serve as Chief Judge, and his nomination was confirmed on April 18th. Prior to his judicial service, Judge Wilson was in private practice. He joined the firm of Cravath, Swaine & Moore as an associate in 1986 and was elected to partnership there in 1991.

Judge Wilson holds degrees from Harvard College and Harvard Law School. He began his legal career serving as a judicial law clerk for the Honorable James Browning, Chief Judge of the United States Court of Appeals for the Ninth Circuit. We could not be prouder of Judge Wilson's new appointment as he has served as a member of the Permanent Commission since 2017. Indeed, Judge Wilson and I together represented the New York State Permanent Commission on Access to Justice at several of the ABA national meetings of state Access to Justice Commission chairs. Now, please join me in welcoming Chief Judge Rowan Wilson, and thank you Judge Wilson for joining us live today to deliver your remarks.

Chief Judge Rowan D. Wilson:

Thank you, Helaine, for a very kind introduction, and welcome, everyone. It's wonderful to see so many people have joined today for the annual Stakeholders Meeting, which I've always thought is a little bit of an interesting name for this meeting because really, the people who show up for this meeting tend to be the people who are most interested in issues of civil justice and equal access to the courts and to legal services generally, but I think of everyone in the state of New York as a stakeholder. We all should be invested in the system, and let me explain a little bit why, and that takes us back, oh, 4,000 - 4,500 years.

The earliest legal codes that we know of, the Code of Ur-Nammu and the Code of Hammurabi, people, I think, characteristically think of them as having penal provisions in them, which they do. But they have an equal number of civil provisions in them, at least as best as we can interpret the Code of Ur-Nammu. When you move forward to Roman law, which is much more highly codified and has many more rules in it, is when you see the advent of lawyers who are paid for their services. Flipping forward another couple thousand years with the rise of the regulatory state, not just here but worldwide, lawyers are needed not simply for appearances in court in civil matters, but to help people navigate things that never wind up in court.

There are entitlements that... people who are *in extremis* are entitled to certain types of government services, and some of those are not straightforward to know about or to apply for. Even people who are not in need of a government-provided lawyer may have a great difficulty figuring out what forms to fill out or how to meet regulatory requirements for things that they would like to do in business. So that

when we think about the society, how it has developed... human society over the last 5,000 years, we've wound up with a highly complicated, highly sophisticated rule of law that owes its origins to systems from thousands of years ago, but now really requires expertise in being able to deal with what we would ordinarily think of as commonplace activities.

The other alarming trend, I think, is that the distribution of wealth and the poverty level has increased over the last decade or so, so that New York, every year since 2014, the fraction of the population in our state that is below 125% of the federal poverty line has increased up to... Currently, it's at about 14%. And there's a huge body of literature demonstrating that people in those situations are both most in need of help with civil matters -one out of every two persons below that level has a civil legal problem every year- and that they are also the least educated, the least able to navigate the increasingly complex systems we have in place, whether legal or regulatory or administrative, and are most in need of assistance.

New York has been a leader in... as compared to our sister states, in providing legal assistance. When Helaine Barnett and I have gone to conferences and we have told people that New York State provides 100 million dollars a year, which is now more than that, for civil legal assistance, a lot of states, the representatives' jaws drop and they'll say maybe they can get a million or two dollars. But this isn't a matter of comparing ourselves to other states.

Not only do we want to be a leader in the provision of civil justice, but the most important metric is- are we meeting the needs of the people in our state? We're not. We need to do better, and that's what this conference and the Permanent Commission and various things that all of you do every year are trying to do- to take the money that we do have, take the resources that we do have, which includes human resources, and try to meet that gap, try to make New York not simply the leader, but the state that can eventually get to the point where we're providing the type of assistance for people who need it so that civil justice can be delivered to them.

Thank you all very much for attending. Thank you all for what you do every year, and know that you can count on me in the struggle to make our system the best it possibly can be. I'm going to turn this back over to Helaine, who is one of the people, perhaps the person I know who has done the most for civil justice over her career. Thank you.

Helaine M. Barnett:

Thank you, Judge Wilson, for those inspiring words, and the Permanent Commission looks forward to continuing to work with you in your new capacity as Chief Judge. Before we begin our three plenary sessions, I want to take a moment for some important thank yous to those who have made it possible. I am pleased to welcome our new Chief Administrative Judge, the Honorable Joseph Zayas, to the meeting, and thank him for pinch-hitting for the Court Systems Deputy Chief Administrative Judge for Justice Initiatives, the Honorable Edwina Richardson-Mendelson who was unable to join us today. Thank you so much for stepping in, Judge Zayas. We welcome you.

I want to give a special thank you also to the Staff Counsel of the Permanent Commission- Rochelle Klempner, Barbara Mulé, and Barbara Zahler-Gringer, for going above and beyond to make today happen. Please know how much your efforts are greatly appreciated. A major thank you to our tech wizards- Pete Nowacki, Matt Shkaf, and Brendan Burke, for making this virtual meeting possible, and in particular for the personal attention provided to me for which I am most grateful.

Also, a special shout out to Danielle Elyce Hirsch from the National Center for State Courts and one of our presenters today for her gracious assistance in helping to form today's agenda. I want to thank all of our presenters, speakers, and moderators for participating today as I know that demands on everyone's time are significant. In particular, I want to thank our three moderators- all members of the Permanent Commission. Two of them are brand-new members, and as you can see, we put them right away to work.

Our veteran Commission member is the Honorable Fern Fisher, Visiting Professor at the Maurice A. Deane School of Law at Hofstra University, and retired Deputy Chief Administrative Judge for New York City Courts, and Director of the New York State Courts Access to Justice Program. She will be moderating the "Nuts and Bolts" session. Our new members are Kim Diana Connolly, Professor of Law and Vice Dean of the Buffalo Law School, and Sal Curran. Sal is a new member of the Permanent Commission as well, and of course is a longstanding Executive Director of the Volunteer Lawyers Project from Central New York.

Just before we begin, a couple of quick reminders. This meeting is being recorded in order to make it available on our website. Please note that the audio and video for participants except for our presenters has been turned off. We do welcome your questions- please enter them in the chat. We have a packed agenda. There is so much we want to cover, and I will apologize in advance if we don't get to all the questions during the meeting, but we certainly will review and consider all of them.