

I have been asked to address two topics this morning. I will first address how the \$16,949,999 in funding awards in the First and Second Departments to legal services providers and pro bono efforts has made a difference in closing the justice gap. Second, I will provide an update on efforts to standardize and simplify practices and forms throughout the State. The latter effort was proposed by the Task Force and is being carried forward by Deputy Chief Administrative Judge Michael Coccoma and me.

If you ask the individuals who have been assisted by legal services providers if their lives been changed by the assistance they received from the Civil Legal Services grant money, the answer would be a resounding yes. If you ask the provider organizations if the grants have made a difference in their ability to provide services, each program will uniformly answer yes. Both clients and providers are grateful that the New York State system is forward thinking in understanding the moral imperative to close the justice gap. Our government partners will be happy with the cost savings that legal assistance produces. I have provided examples to illustrate the impact of the funding. These examples are a mere snapshot of the total picture of the success of the funding via the work of legal providers and volunteers.

The Civil Legal Services funding provided critical support for Legal Services NYC's (LSNYC's) service delivery system in Fiscal Years 12 and 13, since the program suffered from drastic cuts to Legal Services Corporation funding during those periods. Overall, the Civil Legal Services funding supported the delivery of legal services to thousands of families and individuals in the areas of eviction prevention, domestic violence, health and education, and economic benefits.

The grants have allowed the New York Legal Assistance Group (NYLAG) to hire 15 additional attorneys, which resulted in the handling of 5,000 more cases. One of the 5,000 cases was Aron's. Aron is 80 years old, deaf, has limited mobility, and was living in a regulated apartment he had occupied since the 1960's. Aron's landlord was suing him and he was in danger of being evicted. As a result of a fire in the apartment below his, Aron had received a monthly rent reduction order until the landlord could complete repairs on his apartment, yet the landlord continued to charge him the full rent. Aron refused to pay and the landlord sued him. An attorney picked up the case for full representation, appearing on Aron's behalf in Housing Court, since he was unable to travel to the Court in person due to his mobility issues. He negotiated an agreement between Aron and his landlord that would allow Aron to stay in his apartment and pay an agreed upon monthly rent pending the outcome of the disputes before the Department of Housing and Community Renewal. As a

result, Aron has been able to stay in his rent regulated apartment and the attorney is continuing to monitor his case to ensure the repairs are completed. We were a kinder society by preventing an 80-year old from becoming homeless.

Another individual whose life was altered by NYLAG was Samah. Samah is a 24-year-old woman who came to the Mobile Legal Help Center this past spring. She had moved to Brooklyn from Tunisia two years ago for an arranged marriage. Within six months, her new husband had become physically abusive—pushing her, strangling her and repeatedly punching her in the face. After a year together, he decided to move the family to Virginia, forcing Samah to quit her job and leave the only home she had known in the United States. Once in Virginia, the abuse escalated, culminating in an incident where Samah's husband beat her badly and threw her out of their house in the middle of the night. Alone in the United States with no family to rely on, Samah returned to Brooklyn where she went to the police to report the abuse. At the police station she was instructed to go to Family Court, but she was scared of the process and afraid to go to the courthouse alone. Seeking out the comfort and familiarity of her peers, Samah contacted the Arab American Resource Center, which is one of the agencies with which the Mobile Legal Help Center partners. The vehicle was scheduled to visit the site a few days later, and the social worker at the agency contacted NYLAG to preschedule an appointment. When Samah appeared that day, she was terrified, broke, alone and without hope. A NYLAG Family Law attorney met with her, advised her what to expect on the first court date, and gave her concrete requests to make in court. As a result, she began to feel more confident and gained a clearer understanding of her situation and options. However, the assistance of the Mobile Legal Help Center did not end there. The attorney arranged for a law student volunteer, working under a student practice order and under the supervision of a NYLAG attorney, to accompany Samah to court on the following day to secure an Order of Protection. In addition, the law student spent the morning arguing with the husband's attorney - a difficult task that would have been left to Samah had she been on her own. The student was able to convince the opposing counsel to have the husband pay Samah's rent for the month of August. The case then went before the Judge at which point the student advocated for a free attorney to be assigned to Samah. An attorney was assigned and after much discussion Samah was awarded \$350 in addition to the rent money so that she had some money to live on until the next court date. After a very long day in court, the student reported that this "was one of the most difficult yet most rewarding experiences I've had as a law student," and stated that Samah "feels completely relieved now and is really optimistic about the future."

The grants have allowed providers to assist individuals who have multiple layers of legal problems. Ms. P.'s case was first identified from a Legal Aid Society Family Law and Domestic Violence Practice staff attorney in the Bronx Neighborhood Office who had assisted Ms. P in obtaining immigration status under the federal law based on the severe domestic violence suffered by Ms. P. as well as her two children. After escaping her abuser and entering a domestic violence shelter, Ms. P. had tried multiple times to add herself to the public assistance budget of her two children. She was illegally turned away each time. As a result of the intervention of Legal Aid with the City's Human Resources Administration, she received \$561.10 in retroactive cash assistance and eight months of retroactive Medicaid. She was also added on to her children's case. When she returned to reapply after her case was closed for an unrelated reason, she was again illegally turned away in violation of a federal court settlement in one of Legal Aid's cases. At that point, she was applying not only for ongoing cash assistance, food stamps, and Medicaid but also for an emergency grant that would enable her to move from shelter into a public housing apartment administered through the New York City Housing Authority and to address her family's lack of food. Legal Aid immediately filed an urgent relief request and reported to the City that it had violated the settlement agreement. Legal Aid simultaneously advocated with the New York City Housing Authority and obtained an extension of the deadline for Ms. P. to pay the money needed to secure her new apartment. The City issued the checks to the Housing Authority, and the family received expedited benefits to purchase food. As a result, Ms. P. and her children have moved into their apartment from the shelter. Ms. P's life and her children's lives were saved from not having to stay in a shelter any longer and the City of New York benefitted by the savings of no longer keeping the family in the shelter system.

CAMBA used Civil Legal Services Funds last year to provide direct legal services to eligible clients in 1,112 legal matters in "essentials of life" categories including housing, family law and subsistence income, including consumer debt litigation. The majority of these services were provided to people living in Brooklyn. However, the consumer law program provides services citywide and the Housing Unit provides legal services in Staten Island and Brooklyn.

In the 8-month grant period from last year, Civil Action Practice staff at The Bronx Defenders opened or closed 2,206 "essentials of life" legal matters benefitting 3,531 people. They represented an additional 1,563 people on other legal matters ranging from immigration issues to individual rights. Their early intervention model, assisted in keeping many legal issues from ripening.

With Civil Legal Services funds last year, The Center for Family Representation (“CAR”) provided the interdisciplinary services, of a lawyer, social worker, and parent advocate, to indigent families who face separation by the children’s welfare system. CFR also educates child welfare practitioners and community agency partners about family court, our services, and best practices for supporting families, as well as provide outreach to families in the community to help prevent them from becoming involved in the court system. From August 1, 2011 to March 31, 2012, CFR maintained an open caseload of more than 1,700 clients in both Manhattan and Queens. During this time they opened cases for 419 clients in Manhattan and 372 in Queens, and the program closed cases for 316 clients. In the past year, CFR kept 73% of the children of their clients out of foster care entirely. The children of their clients who did enter care “stayed for a median of just 2.2 months, which is significantly shorter than the New York State average of 29 months and the City median of 6.4 months.” Furthermore, their services produce notable significant cost savings. CAR’s services cost just \$6,000 per family regardless of the number of children. The minimum cost to keep a child in foster care in New York State is \$29,000 per year. CAR estimates that their services generated taxpayer savings of approximately “\$6.9 million in a single year.”

Legal services provider attorneys and support staff are the under-paid over-worked heroes and heroines of New York State. Their dedication to service often is unrecognized, but the Court system knows they make a difference every day life by life. We applaud them. I want however, to also recognize the volunteer efforts that the Civil Legal Services funding has produced. These volunteer lawyers and law students have halos over their heads and deserve angel status in my opinion.

The Civil Legal Services funding provided \$162,588 for all departments for NYLAG, The Brooklyn Bar Association Volunteer Lawyer Project and The New York County Lawyers Association, to partner with the Court’s Volunteer Lawyer For the Day Program to provide limited scope representation to Consumer Credit defendants in Civil Court. In 2011 3,577 defendants were assisted and through July of 2012 2,666 defendants have been assisted using volunteer lawyers and law students. The results of representation are stark compared to the experience of an un-represented defendant. This effort has national attention for its success with limited-scope representation and the use of volunteers. With just a little bit of money and a productive partnership thousands of lives have been improved.

With the numbers of unrepresented litigants still coming to court in unabated

numbers, the Task Force urges the simplification of forms and procedures and processes throughout the State to provide further access to courts. In addition the Task Force urges uniformity taking into consideration local needs, in order to insure equal justice across the State.

The simplification and uniformity journey is on-going. Judge Coccoma and I have formed sub-committees in the following areas : Landlord and Tenant, foreclosure, family, consumer credit, small claims, Surrogates Court, Supreme Court and divorce. The sub-committees each have judges or court clerks and bar leaders from across the state. Each sub-committee and the main committee has a New York State Bar representative. The landlord and tenant sub-committee is tweaking a final draft of a tenant answer in a non-payment proceeding, the family committee has finished a child support modification form that can be used to develop a new DIY program, the foreclosure committee is working on a foreclosure handbook for owners and a uniform settlement conference order, the consumer credit committee is reviewing all consumer credit practices and forms to insure that defendants receive uniform access to justice and plaintiffs can rely on uniformity, the divorce committee is tackling simplifying the morass of the uncontested divorce process and forms, the Supreme Court is looking first at a uniform Poor Persons petition and procedure and the Surrogates committee is reviewing the Article 81 system. All forms will be made into plain language. Each sub-committee will send their work product to the main committee chaired by Judge Coccoma and me, and then on to Judge Prudenti and/ or the Administrative Board as required.

In the words of the Carpenters “we have only just begun”. Courtrooms are still filled with thousands of unrepresented litigants. In some areas, the additional funding has produced an insignificant statistical change in the percentages of people represented in court. Legal services providers still turn away more people than a democratic society should abandon. Without the funding that Judge Lippman has obtained thus far the thousands served would be living different lives. However, we still have far to go before we can rest at our destiny’s end: an adequate permanent stream of funding for civil legal services. Judge Lippman the Task Force and I wish you good health and sustained and abundant energy so that you may lead us to journey’s end.