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SUPREME COURT OF THE STATE OF NEW YORK
- FIRST DEPARTMENT -

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THE CHIEF JUDGE'S HEARINGS
ON CIVIL LEGAL SERVICES

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27 Madison Avenue
New York, New York
September 28, 2010

B E F O R E:

HONORABLE JONATHAN LIPPMAN,
CHIEF JUDGE
HONORABLE ANN PFAU,
CHIEF ADMINISTRATIVE JUDGE

HONORABLE LUIS A. GONZALEZ,
PRESIDING JUDGE, FIRST DEPARTMENT
STEPHEN P. YOUNGER, ESQ.,
NEW YORK STATE BAR PRESIDENT

VINCENT J. PALOMBO
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OFFICIAL COURT REPORTERS

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THE FIRST DEPARTMENT, SEPTEMBER 28, 2010

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2 JUDGE LIPPMAN: Ready to get started.

3 I just want to open by saying that no issue is
4 more fundamental to the courts and our constitutional
5 mission in ensuring equal justice for all, the
6 availability of affordable legal representation for low
7 income New Yorkers is indispensable to our ability as a
8 judiciary, as a profession to carry out our mission.

9 And that's why we are here today, to have the
10 first of four hearings, here at this beautiful courtroom
11 in the First Department.

12 I am so pleased that Presiding Justice Gonzalez
13 has agreed to let us use this beautiful courtroom where I
14 once had the pleasure of sitting, and thank you, Judge
15 Gonzalez.

16 JUDGE GONZALEZ: And we are delighted to be the
17 venue for this wonderful event.

18 JUDGE LIPPMAN: Thank you.

19 And the other hearings will be in the Fourth
20 Department on Wednesday, up in Rochester; in the Third
21 Department in Albany on October 5th; and in the Second
22 Department on October the 7th, and I want to thank all of
23 you for being here.

24 I recognize that Judge Ciparick from the Court
25 of Appeals is here, over there, as is the senior
26 associate at the court and I'm so glad you agreed to be a

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2 member of the task force; I see Justice Acosta sitting
3 next to her; the Deputy Chief Administrative Judge, Fern
4 Fisher next to him, and so many members of the task force
5 are here, too numerous to even introduce, but I do want
6 to recognize Helaine Barnett who is the chair.

7 Helaine, where are you?

8 Thank you for all your hard work leading up to
9 today. I want to thank everyone who is here, the members
10 of the task force, citizens, witnesses, and we will have
11 many, many witnesses over the first part of this hearing.
12 I would say about 20 or so, and we are so pleased with
13 that and I might also mention that Helen Weinstein, the
14 chair of the Assembly Judiciary Committee is here. I
15 can't see you, but they tell me you are here. Wonderful
16 for you to be here and thank you for your support.

17 What is clear in everything that has happened
18 so far in this issue of civil legal services is that the
19 economic collapse that has taken place in the City, State
20 and country is really -- has really had a devastating
21 effect on the courts, on the people who come into our
22 courts seeking justice, and the most vulnerable among us,
23 the poor, the elderly, struggling families, the disabled,
24 victims of domestic violence, are the ones who have
25 suffered the most.

26 There's been a tremendous rise in court

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2 proceedings, foreclosures, evictions, debt cases, family
3 offenses, matrimonial conflict, cases involving the very
4 necessities of life, the very roof over people's heads,
5 their livelihoods, their well-being, the well-being of
6 their family.

7 In the last year over two million people came
8 into our courthouses without representation, without
9 lawyers. Imagine the difficulties of that for people
10 untrained in legal protocols. There are -- with all the
11 pro bono work that we've had with over two million hours
12 given by the bar for pro bono activities, it is not even
13 close to meeting the gap in civil legal services.

14 For every one person that is accepted by a
15 legal service providers there are eight to ten that are
16 turned away. There is just no doubt in our minds that as
17 a profession, as a judiciary, that if we are to meet our
18 mission in providing equal justice for all, we must deal
19 with this whole issue of people coming to our courts,
20 dealing with the fundamentals of life and not having an
21 attorney, not having anyone you can turn to and it is our
22 belief it is up to all of us, if we're not going to stand
23 up to those who can't stand up for themselves, who is?

24 And that is why the judiciary has taken the
25 lead in this area. That's why so many of you have agreed
26 to testify. The information that comes out at the

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2 hearing will be supplemented by the task force's research
3 and surveys and the end result will be that we will be
4 making a recommendation to the Legislature, a report and
5 recommendation in the amount of monies needed to close
6 the gap on civil legal services and representation of
7 poor people and it is every bit, in my mind, and
8 certainly in the mind of the bar and the profession, that
9 as important as everything else that we prioritize in the
10 State and the City, whether it be schools or hospitals,
11 or all the other important things, it is our duty, it is
12 our obligation as a government, as a society to be
13 funding the poor who come into our courts with again
14 their very lives at stake and make sure that there is an
15 even playing field for everybody.

16 So we have a full plate today. I'm going to
17 introduce our panel members in a second, but I'd ask
18 everyone to, let's try and keep to schedule. You do not
19 have to read your remarks, you could summarize them.

20 We'll have a short question period after you
21 issue your remarks, and be assured that all of the
22 written statements will be in a record.

23 I do want to mention that Judge Leo Milonas,
24 one of my predecessors, the Chief Administrative Judge is
25 here with us today. So please -- he's here and has spent
26 much time in this beautiful courtroom, and I do want to

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1
2 introduce to you the panel which represents the
3 leadership of the judiciary and the leadership of the
4 profession in this State.

5 Of course on my right, our host Presiding
6 Justice Luis Gonzalez, who I've had the pleasure to know
7 for so many, many years and to serve on this court with.

8 To my far right is Steve Younger, our great
9 president of the State Bar Association who has had a long
10 and fruitful relationship with the court system, and
11 we're so pleased that he is here today representing the
12 profession in this State which is as committed as we in
13 the judiciary are to this issue of closing the gap in the
14 lack of funding for civil legal services in this state.

15 I'd also introduce to my left is the Honorable
16 Ann Pfau, who is the Chief Administrative Judge of this
17 State and who I have again had the privilege of working
18 with for the last 25 years or so, we lose count after a
19 while, right Judge Pfau, but I do want to point out that
20 the legislature has passed a joint resolution that has
21 endorsed the systemic process that we put into place of
22 holding these hearings around the State, doing a report
23 that summarizes what's going on and what we see as the
24 gap in civil legal services and asking us to recommend
25 the amount of monies needed to close that gap.

26 We are absolutely delighted by that. Again, we

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2 think it is up to all of the branches of our government
3 and the judiciary to ensure that everyone has their fair
4 day in court.

5 So without further delay, I am happy to
6 introduce our first witness who I am so delighted and
7 honored is here, Christine Quinn, the speaker of the City
8 Council and we're just delighted, couldn't be happier
9 that you are here and we are looking forward to hearing
10 your comments.

11 SPEAKER QUINN: Thank you very much, Judge
12 Lippman and everyone on the panel and everyone on the
13 task force.

14 Judge Lippman, I really do want to thank you.
15 We are very grateful at the council to be asked to
16 participate in today's hearing and my General Counsel is
17 with me and will submit my written testimony, but I'm
18 going to try to sum up some different points.

19 JUDGE LIPPMAN: Great.

20 SPEAKER QUINN: Every year since I've been on
21 the council, but certainly since I've been speaker we
22 have grappled with -- and of those years some we've had
23 surpluses and some we've had deficit budgets, but
24 nonetheless in all of those years we grapple with how
25 much money do we give to Legal Aid and Legal Services,
26 how much money do we give to other legal representation

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2 programs which have been created over the year, and there
3 are tough discussions, even in the years when there is
4 money because there's competing interest and there is no
5 clear standard.

6 That is challenging in and of itself because
7 with something like legal representation, it is good to
8 find ways to minimize the politics that are a part of any
9 of the discussions that go on in government and the
10 degree to which there are clear, set standards, the
11 easier those decisions are to make when you are weighing
12 good things against each other.

13 And, Judge Lippman, you mentioned -- and I was
14 struck by it in your openings statement -- this is as
15 important as other issues as education and I agree with
16 that.

17 There is much appropriate conversation about
18 the goal of making every school and in every neighborhood
19 equal, regardless of the economic makeup of that
20 neighborhood. I worry about that a lot, but I also worry
21 about if you live in a particular neighborhood, you might
22 live in a low to moderate income neighborhood with a
23 robust group of nonprofits in that neighborhood, where
24 you can turn if you are having a problem; or you may not.
25 That same makeup of neighborhood maybe just for whatever
26 historic reasons haven't had nonprofits that have cropped

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2 up.

3 Where you live determines what Legal Services
4 and support you have. That's not a plan for how we make
5 sure every New York -- in my case New York City --
6 resident has equal access to representation and we are
7 talking about mammoth issues here.

8 Are you going to lose your apartment? Are you
9 going to lose your child? I mean, the power the Court
10 has to take away things that define your freedom are
11 tremendous. And the terror that people are in in that
12 moment is something that they just need assistance with.

13 So, one, what's the standard? Right? Two,
14 what is our obligation as government; but three, where
15 are the areas that representation is needed?

16 One of the things that's happened in the past
17 maybe eight years in the council, particularly in the
18 years there were surpluses is in a great way council
19 members working with advocates who come up with ideas for
20 new representation programs to fill the gaps.

21 Immigration, domestic violence, families in
22 courts where situations, where they might lose their
23 children, and programs are created, monies given to
24 nonprofits, representation is given, representation is
25 taken away when we don't have the money, et cetera, et
26 cetera.

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2 None of these are areas that are bad to spend
3 money on, but there is no thoughtful overall process. Is
4 the domestic violence deficit in representation worse
5 than those of families in Family Court? Is the
6 immigration deficit worse than the domestic violence?

7 I don't know the answers to any of those
8 questions and we are making funding decisions about
9 precious resources that we don't have a lot of without
10 guidance.

11 So in addition, and I hate to suggest work, but
12 in addition to knowing what the money level is, I think
13 it would be useful for the Court to look at the areas
14 where service is needed, and where in those areas are we
15 coming close to doing a job and where aren't we.

16 And I'm a firm believer of let's make the
17 biggest list of what we need even if we can't fill it
18 right now, because if we don't know, we will never fill
19 it and we would be more than happy to have both the
20 General Counsel staff and the Council's finance staff
21 which might be more -- no offense to the lawyers -- more
22 illuminating to meet with you and your staff to show you
23 the different pocket-filling programs, so to speak, we
24 have created and the challenged way we have used to try
25 to determine how to prioritize funding.

26 So with the Immigrant Legal Services initiative

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2 we are forever reworking census data about where the
3 services should go, except that's ten year old data and
4 council members are saying, but my district has a lot of
5 immigrants, I'm not getting any of the funding and
6 they're not wrong, but any guidance we could get from the
7 courts in that would be enormously helpful and just my --
8 you know, two final thoughts are the level -- the areas
9 where people worry and feel they need legal
10 representation is seemingly endless.

11 We have a law pending now about guaranteeing
12 seniors representation in court. It is a well-
13 intentioned law and one that you'd love to do, but have
14 the resources now? Really, I want to reinforce that.

15 Lastly, this is an issue that needs money to
16 solve, in part, but it also perhaps needs us stepping
17 back and looking at whether there are, in fact, more
18 creative and different ways that we can deliver services,
19 and I'm not a lawyer, so I can say this with great --

20 JUDGE LIPPMAN: You are a pretty good lawyer --

21 SPEAKER QUINN: My partner is a lawyer and
22 sometimes tells me to stop pretending you're a lawyer
23 when you're down there. But maybe not every situation is
24 so complicated it needs a lawyer. Perhaps there is other
25 type of legal assistance that can be delivered by
26 paralegals or whatever the right gradation is that can

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2 give just as much and maybe that can allow us with an
3 amount of money to spread it more broadly across the City
4 or the State.

5 So thank you again for the opportunity and we
6 would be more than happy to have our staff meet with
7 yours to go to through some of the -- it really is
8 tortured, but I think that would be illuminating to all
9 of you.

10 JUDGE LIPPMAN: Thank you Madame Speaker. I
11 just want to say your testimony is right on the money --
12 right on the money is good today, to be right on the
13 money -- but everything that you said is exactly right.
14 And what we're trying to do is help to make that
15 prioritization because right now it's hit and miss.

16 SPEAKER QUINN: Correct.

17 JUDGE LIPPMAN: How it's funded, you can give a
18 little bit, get a little bit from members items, the
19 State legislature, a little federal money, IOLA gets a
20 certain amount of money depending on the interest rate
21 but it's catch is catch can and what the IOLA crisis
22 really showed all of us is that we can't continue to do
23 that.

24 SPEAKER QUINN: Right.

25 JUDGE LIPPMAN: And that again, if as a society
26 and as a government we are looking at the things that

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2 must be done, this is one of those things, I think is
3 general agreement that this is one of those links, legal
4 representation of the poor, but exactly the issues that
5 you raised is what we will be reporting on, where are the
6 gaps, where is it geographically, subject area, where is
7 it and make recommendations on how to fill it and your
8 last point I think is a very good one, too, which is it's
9 all part of a puzzle.

10 SPEAKER QUINN: Right.

11 JUDGE LIPPMAN: There's pro bono evidence
12 efforts by lawyers --

13 SPEAKER QUINN: Right.

14 JUDGE LIPPMAN: -- there's self help efforts
15 and of course this big item of providing funding for
16 legal service providers. So it's all part of a piece and
17 we hope to bring it together in a systemic way where the
18 whole thing -- build the plumbing where the funding is
19 available every year as a matter of course because every
20 year we go out, we're going to look at where the gaps
21 are, we're going to have testimony from witnesses like
22 you to give us the information, we're going to do surveys
23 and pull it all together in a way that hopefully will be
24 helpful to you and hopefully helpful to our partners in
25 Albany in State Government.

26 Other members of the panel?

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2 MR. YOUNGER: Just one quick question and thank
3 you for coming today, Speaker Quinn.

4 In your perspective as a funder, what kind of
5 arguments are most convincing to you in putting you over
6 the threshold between a case that may be needy and one
7 that is needy but deserving of funding? Because we
8 haven't been able to fund all the needy cases.

9 SPEAKER QUINN: There's a couple of different
10 things. One is the quality of the entity that will --
11 let me back up.

12 One thing that is always critical from our
13 perspective first is, you know, is this a core City
14 function? Is this a core requirement of the government
15 of the City of New York, whether that service is
16 delivered by a city agency or by an outside entity so
17 that we ask our council members to think of that. Is
18 this core?

19 Two, if is it a function delivered particularly
20 asked this question by an entity outside of city
21 government -- are they doing it well? Are there reviews
22 and analysis by the city agencies that oversee them, are
23 they doing it well and if they're not, who else in the
24 area geographically could do it better.

25 Three, what is the impact if this funding goes
26 away? Is there someone else or something else that can

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2 make it up? Is it just going to be that there are
3 slightly longer waits for whatever the service is or is
4 it that the service will disappear all together?

5 And kind of the last thing which I sum up as in
6 a time like this when you're in deficits, is it good, is
7 it great? Is it great or is it life-sustaining?

8 If it's good, it may not make it. If it's
9 great, it's more likely to make it. If it is literally
10 life-sustaining, then you are going to do everything you
11 can to keep it going. And the last test is can you go to
12 sleep at night knowing that you couldn't fund it.

13 JUDGE LIPPMAN: Judge Pfau.

14 JUDGE PFAU: Follow-up, when you started
15 talking about the geographic areas where some funding
16 provides for various supportive services and some not and
17 it would be very interesting to follow through to look at
18 that with case loads --

19 SPEAKER QUINN: Yes.

20 JUDGE PFAU: -- that we see certainly
21 county-based and we can break it down further to see,
22 because we know the core areas where case loads are
23 growing so dramatically.

24 You talk about is it life-sustaining --

25 SPEAKER QUINN: Right.

26 JUDGE PFAU: -- your family, your home, all of

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2 those are things we're seeing, so you would be very
3 helpful to put those puzzle pieces together, certainly in
4 New York City and match the two.

5 JUDGE LIPPMAN: We'd be happy to do that and
6 one of the things I think is -- particularly as it
7 relates to housing issues the geography becomes a
8 critical question. So you take an area like Hells
9 Kitchen in my district which is an area that has two very
10 good not-for-profit housing organizations that have
11 tenant lawyers, et cetera.

12 Now what Hells Kitchen was once is not what it
13 is now. You still though have a lot of long-time tenants
14 there who are under a lot of fear of displacement. We
15 still have urban renewal -- there's a lot of issues.

16 But how do you have a process where maybe at
17 some point their geographic area -- don't get mad at me
18 for saying this -- maybe needs to expand and includes
19 some other part of the borough where they hadn't been
20 before and how do you do that; or maybe what their
21 function was once around the urban renewal area and those
22 type of things needs to evolve to a different type of
23 legal representation, and how do we as government
24 appropriately guide private not-for-profits without
25 overstepping into their private affairs as well. Which
26 is a complicated question also.

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2 JUDGE PFAU: Thank you.

3 JUDGE LIPPMAN: Just one other point -- we'll
4 let you get back to your important work. You mentioned
5 standards before. And rest assured that one of the
6 things that the task force is working for is who does
7 qualify? What are the standards? What is the criteria?

8 The ABA has had -- done certain work in this
9 area, but the task force is very much focusing on that
10 because the funders, I think, have to have an idea what
11 are we paying for, who is it? And I think there are grey
12 lines there.

13 SPEAKER QUINN: Absolutely. And in addition to
14 the standards of quality of work that's delivered and how
15 do you define that and a challenge of Legal Services is
16 often, you know -- myself included -- you have nonlawyers
17 judging things. And what are the appropriate ways not --
18 you know, not-for-profit that represents tenants. You
19 may not be, in fact, able to judge them by their win/loss
20 rate. It may not be as simple as perhaps how you judge
21 other lawyers, so guidance and things like that, but also
22 a standard of who qualifies for the service.

23 So one of the initiatives the council created
24 before I was speaker was a housing representation for the
25 working poor. Folks who don't qualify.

26 JUDGE LIPPMAN: Exactly.

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2 SPEAKER QUINN: And who are just outside of it.
3 So things like that, I would love to look at also.

4 JUDGE LIPPMAN: There are a lot of these
5 wonderful programs for the working poor that are really
6 terrific and really need to be looked at with some focus
7 because they provide an invaluable service.

8 So anyway, we're delighted you are here. Thank
9 you for being such a champion in this area --

10 SPEAKER QUINN: Thank you guys.

11 JUDGE LIPPMAN: -- Look forward to working with
12 you.

13 SPEAKER QUINN: Thank you all very much.

14 JUDGE LIPPMAN: Next we're going to have a
15 panel of business leaders and I think you're all going to
16 sit down, I think, at one time. It's Kathy Wylde,
17 Michael Helfer, Michael Smith, Joe Strasburg and Kenneth
18 Raske. And -- well, they will introduce themselves, I'll
19 tell you who they are, but they will tell you who they
20 are exactly.

21 Ms. Wylde, do you want to start?

22 MS. WYLDE: Hi, I'm Katherine Wylde and I am
23 president of the Partnership for New York City which is
24 the City's business leadership organization. We -- our
25 members employ 1.3 million New Yorkers and are
26 responsible for several hundred billion of our gross

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2 state product, so we are very concerned about the
3 efficiency, the functioning of our courts and also about
4 the justice and perceived justice of our overall legal
5 and judicial system.

6 So we thank you, Chief Judge, for calling
7 attention to this important issue.

8 JUDGE LIPPMAN: Thank you.

9 MS. WYLDE: Your statistic of about two million
10 unrepresented people in the civil system this year is
11 really a distressing number.

12 JUDGE LIPPMAN: And that's conservative.
13 That's a conservative number.

14 MS. WYLDE: So I was just going to make a
15 couple of points in the spirit of brevity and one is, of
16 course, that the stability, the efficiency, the quality
17 of the judicial system, it's fairness, it's equity to all
18 citizens is an important consideration for business, when
19 they look at investing, expanding, locating in any
20 jurisdiction.

21 So I think, number one, the importance of
22 assuring that as this -- that the representation in the
23 courts is clearly equitable and particularly low income
24 people are well represented is important to the
25 perception of our State, its stability and with that
26 comes the next point which is that our economy continues

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2 to grow based on the confidence of business in how our
3 systems are working.

4 As Speaker Quinn pointed out, this is one of
5 those core services that people look to and that business
6 looks to when they're making an investment. So I think
7 that's another important point.

8 In addition, I think as we've been -- as we
9 think about the stability of our society, recent
10 statistics that have come out on poverty rates
11 demonstrate that they're increasing, that over 15 percent
12 of our population in New York State is now below the
13 federal poverty level that that population is, in fact,
14 growing, and we really need to make sure that that
15 population is well represented or this will no longer be
16 a state where economic opportunity is perceived as a
17 reason why immigrants and why talent for the business
18 community should be coming here.

19 And so I think that all those reasons represent
20 important justification for even during the difficult
21 fiscal time or maybe especially during the difficult
22 economic and fiscal time we should be focusing on making
23 sure there is adequate representation for all New Yorkers
24 in our court system.

25 JUDGE LIPPMAN: Thank you. I just ask, I think
26 it's counterintuitive to some people that the business

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2 community would be so interested in providing legal
3 services for the poor. Explain why the court system that
4 functions for everybody is important. I mean, why does
5 the business community really care? What makes it
6 significant to you?

7 MS. WYLDE: Well, I think there's understanding
8 among business leadership, certainly, that if the system
9 breaks down for some, it is liable to break down for all.
10 And particularly in the capital of finance and global
11 commerce as New York is, confidence in our legal system
12 and its fairness and its quality is one of the critical
13 factors in what makes us a great global commercial
14 center. And this is just a piece of that.

15 In addition, part of business location
16 decisions really depends on projections of the political
17 and economic stability of those jurisdictions and
18 everybody knows that if you're talking about a place
19 where you don't have a strong legal system, it is the
20 potential of breakdown in other factors in society is
21 very large.

22 So I think that's the other piece that's very
23 important.

24 JUDGE LIPPMAN: When that breaks down, what's
25 the effect on the economy? I think the issue, which
26 maybe a lot of people don't realize is that if you have

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2 people who are poor and can't have their day in court and
3 they wind up God knows where on the street or certainly
4 with all the welfare services that are provided, is the
5 economy impacted by all of that; is that part of what the
6 business community will look at in this?

7 MS. WYLDE: Obviously the costs to society are
8 reflected in dollar expenses that if we don't pay for
9 adequate representation that solves problems, we're going
10 to pay for the consequences that the problems will
11 create --

12 JUDGE LIPPMAN: Who can say one way or the
13 other.

14 MS. WYLDE: -- so we will pay one way or the
15 other.

16 So I think that's the main point and people are
17 smart enough to realize that and when it reaches a point
18 where the courts are overwhelmed and where the sense of
19 justice for all disappears, then we have a real troubling
20 situation that will affect our economy and will affect
21 business decisions.

22 JUDGE LIPPMAN: Any other questions for Ms.
23 Wylde?

24 We appreciate it. Thank you.

25 Okay, Mr. Helfer.

26 MR. HELFER: Thank you Chief Judge.

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2 My name is Michael Helfer, I am General Counsel
3 for Citigroup. I appreciate the opportunity to testify
4 today/

5 JUDGE LIPPMAN: We are very pleased that you
6 are here.

7 Go ahead.

8 MR. HELFER: I was asked to focus my testimony
9 specifically on the unmet legal needs of consumer
10 borrowers who are facing foreclosure in New York.

11 JUDGE LIPPMAN: Which today I would gather is
12 more of an issue than ever before.

13 MR. HELFER: It is a very important issue,
14 absolutely. Mortgage delinquencies are decreasing, but
15 mortgage foreclosure remains an important issue for Citi
16 and other financial institutions.

17 We at Citi are guided by the principle that it
18 is in the interest of everyone involved, the lenders, the
19 borrowers, and the communities at large for mortgage
20 holders to keep their homes.

21 In January 2007 through June 2010, Citi has
22 helped approximately 990,000 homeowners nationwide in
23 efforts to avoid potential foreclosure.

24 During the same period -- during the same
25 period our programs have helped many families stay in
26 their homes in New York.

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2 In the second quarter of 2010, for example, the
3 number of borrowers in New York who man-- who we helped
4 stay in their homes exceeded the number of those against
5 whom foreclosure proceedings were initiated by 32 to one.

6 In fact, we have relatively few foreclosures in
7 New York, approximately only one tenth of one percent or
8 400 out of the 365,000 mortgages that we service.

9 We believe that there is an important role for
10 lawyers to assist borrowers in avoiding foreclosure in
11 New York, especially in the context of the mandatory
12 mediation programs that have been instituted in New York
13 and in certain other judicial foreclosures --

14 JUDGE LIPPMAN: Do they work --

15 MR. HELFER: I'm sorry.?

16 JUDGE LIPPMAN: Do those programs work?

17 Because we've been very pro-active in that
18 area, as has some other states and cities around the
19 country.

20 MR. HELFER: That's right, your Honor, and we
21 believe that these programs are working. We believe,
22 however, that they could work better if lawyers were
23 involved at the mediation or settlement conference step.

24 In our experience, one conference is often
25 insufficient to address the issues in a particular case
26 creating in many situations the need for multiple court

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2 conferences and delaying a resolution. There may be many
3 reasons for these delays, of course, but one contributing
4 factor that we have seen repeatedly is that borrowers
5 need assistance to prepare for the conferences in a way
6 that makes them productive.

7 We estimate that 70 percent of our cases in New
8 York require more than one settlement conference.

9 In the context of New York's mandatory court-
10 ordered settlement conferences, lawyers can help
11 facilitate communication and guide borrowers through the
12 process to work out solutions more quickly and without
13 the need for repeated sessions.

14 JUDGE LIPPMAN: What do you do when there isn't
15 a lawyer? How does it work? How do you deal with
16 someone who walks in and is on the verge of indigency?
17 How do you deal with that? Does it make your life more
18 difficult?

19 MR. HELFER: It certainly makes the life of our
20 lawyers and others involved in it more difficult and less
21 productive. And what we do is try to explain to them
22 exactly what -- it's typically a documentation problem,
23 exactly what documents are needed, where they might be
24 able to get the documents, if we can help them and
25 obviously we don't represent them, we can't advise, but
26 we try to describe that, make the arrangements to come

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2 back, sometimes they need a second and third or even more
3 conferences, and this imposes a lot of costs and burdens
4 on the borrower, on the judicial system and is extremely
5 inefficient for us.

6 So if we could get lawyers, to a greater
7 extent, to be involved in this mediation or settlement
8 conference process, we think that we could -- we,
9 collectively, the system would work a lot better.

10 Right now we estimate that only 30 percent of
11 the borrowers in the New York City area who are involved
12 in these processes have legal representation. The other
13 70 percent we're trying to work with them without legal
14 representation.

15 There is a program described in my materials
16 that the Federal Reserve Bank of New York has initiated,
17 called the Lawyers Foreclosure Intervention Network
18 which, I think, they and the City Bar Justice Center is a
19 very positive program. We provided waivers to our law
20 firms for them to be involved, and there are about 250
21 volunteers who have signed up to provide pro bono legal
22 services to consumer borrowers, but there are many more
23 who could and we reached out to law firms we hire to get
24 involved.

25 We have similar experience in Philadelphia
26 involving a Philadelphia pro bono organization called

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2 Philadelphia VIP. And in July 2009 Philadelphia VIP
3 reported that over 62 percent of their clients who had
4 assistance from volunteer attorneys obtain some form of
5 loan modification, workout loan payment or refinancing
6 and were helped to stay in their homes.

7 So it is a very high percentage. Obviously,
8 we'd like to drive them higher, but I think that the
9 involvement of lawyers as demonstrated by those
10 statistics is very positive.

11 JUDGE LIPPMAN: Talking about counterintuitive,
12 why don't you just want the property? Aside from your
13 good will, why isn't it better let the poor people, you
14 know, whoever can't pay -- why is it that you are
15 interested in this?

16 MR. HELFER: Foreclosure, aside from the public
17 policy issues that are involved, which are things that we
18 clearly do take into account simply as a business and
19 financial matter, foreclosure is expensive, it is value
20 destructive and we and the holders of the mortgage
21 itself, often investors, who are servicing the mortgage
22 are clearly much better off having people in the
23 property, taking care of the property, keeping it as
24 their own, creating more stable communities and making
25 payments that they can make, consistent with what their
26 economic situation is. It's no question that it's the

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2 right thing from the bottom line it's the right thing --

3 JUDGE LIPPMAN: From both sides?

4 MR. HELFER: -- from the social perspective.

5 MR. YOUNGER: Maybe you could take that a step
6 further. You referenced stable communities. What does
7 having people in their homes do for a community that's
8 vibrant?

9 MR. HELFER: Well, among other things it keeps
10 property values up in the entire community and we're
11 likely to have mortgages -- again, looking at it just
12 from a pure narrow financial Citi perspective, we're
13 likely to have other mortgages, we're likely to have
14 other financial relationships with consumers in those
15 communities.

16 And when people start to see the values of
17 their homes going down, for whatever set of reasons, it
18 obviously has an effect on their spending patterns and
19 their willingness and ability to maintain their homes.
20 So it's very important for us.

21 Just to finish, if I may?

22 JUDGE LIPPMAN: Sure.

23 MR. HELFER: Your Honor, there are obvious
24 obstacles to Citi internal lawyers providing
25 representation of foreclosure matters, as you can
26 understand, but I do want to stress that Citi lawyers are

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2 committed to doing what we can to meet other unmet civil
3 legal services needs in New York.

4 Our Citi legal pro bono initiative is a formal
5 management supported program through which Citi lawyers
6 provide pro bono Legal Services to individuals and
7 nonprofit organizations that serve them and Citi lawyers
8 provide advice to low income parents in New York's Family
9 Court, to homeless families applying for government
10 benefits, to micro entrepreneurs starting new business
11 and to nonprofit organizations, among others.

12 We know the importance of ensuring the
13 availability of civil legal services. We will continue
14 to try to do our share.

15 I appreciate the opportunity to appear before
16 you today.

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2 JUDGE LIPPMAN: Thank you so much.

3 And I would indicate that the pro bono-type
4 programs that you're talking about are wonderful programs,
5 and we need them and they are very much a part of this
6 puzzle, but do not replace, by any means can't, there's
7 just too much needed, the public funding that has to go to
8 the providers, but absolutely critically important.

9 MR. HELFER: Thank you. And I agree with you
10 completely, they cannot replace. They can assist, but they
11 cannot replace.

12 JUDGE LIPPMAN: Thank you.

13 Anything else?

14 JUDGE PFAU: I would just add we are looking at
15 this as well from the court system's perspective and we
16 have over 100,000 conferences to date and in some courts we
17 have the majority of the filings are foreclosures now. So
18 the idea that a lack of representation extends the
19 conferences makes this a more difficult process, is
20 something that we really feel every day.

21 MR. HELFER: I think it imposes a huge burden on
22 the judiciary in addition to the other inefficiencies that
23 are involved, your Honor.

24 JUDGE PFAU: Thank you.

25 JUDGE GONZALEZ: What percentage would you say, I
26 know you have a small number, but what percentage of

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2 foreclosures where people are represented, I mean the
3 mortgagors are represented by counsel and those that are
4 not represented by counsel, what percentage do you think
5 get a better deal, so to speak, when they are represented
6 by counsel as opposed to not represented by counsel?

7 MR. HELFER: Well, that's obviously a very
8 judgmental kind of a -- to give a response, I would say
9 that in our experience, having counsel involved will tend
10 to prolong and delay the process, that's what lawyers do
11 for defendants in these situations. I think that imposes
12 burdens on us and on the judiciary. But I do not believe
13 that we would see, in our experience anyway -- we don't get
14 that many actual foreclosures -- but in our experience I
15 don't think that we would see any material difference in
16 the end result.

17 JUDGE GONZALEZ: The reason I ask is because if
18 it can be shown that on foreclosures those that are
19 represented by counsel get a better deal than those that
20 are not represented, that may indicate as to whether or not
21 funding for counsel will be justified.

22 MR. HELFER: Yes, I understand the logic of the
23 point, your Honor. I just can't provide you any data on
24 it.

25 MR. YOUNGER: Let me ask a slightly different
26 question. We have all had pro bono clients come into our

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2 offices and tell long tales of woe that may have no
3 relevance to the question that you want to know, which is
4 what is the financial issue that can help you do a workout.

5 What are the skills that a lawyer brings to that
6 kind of a process?

7 MR. HELFER: Well, Mr. Younger, I think that the
8 critical skill, the one I think we all hopefully learned in
9 law school is to know the difference between what's
10 relevant and what's not relevant. I hope lawyers can also
11 bring some sympathy to the client, understand the difficult
12 situations many people face, but to bring a client back to
13 what it is that will actually be productive in getting to
14 a -- getting to a resolution and getting to a resolution as
15 promptly as possible. I think that's the key skill is
16 determining relevance and importance. I think the lawyer
17 can also help to present a case in the most effective way
18 for the client, which I think is also useful.

19 JUDGE LIPPMAN: Thank you so much. We appreciate
20 it.

21 Mr. Smith.

22 MR. SMITH: Thank you.

23 Chief Judge, Judge Pfau, Judge Gonzalez,
24 Mr. Younger, it's a privilege and an honor to be here
25 today. My name is Michael Smith. I'm the president and
26 CEO of the New York State Bankers Association. We

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2 represent approximately 160 commercial banks and 50
3 institutions operating throughout the State of New York
4 with over 200,000 employees and probably over 2500 branches
5 in the state. I might add at the outset just a couple of
6 observations, if I could.

7 JUDGE LIPPMAN: Sure.

8 MR. SMITH: And I'll abbreviate my comments.

9 One, I commend you for this fact-finding and what
10 appears to us sitting here today is this requires thinking
11 outside the box. I would also note that throughout the
12 crisis we have been going through recently and as a
13 representative of the banking industry, the term "bank" in
14 most aspects as you see in the newspapers is really a
15 generic term.

16 We represent the federally insured depository
17 institutions that are directly involved with IOLA, but I
18 might add there is a much broader segment of financial
19 services industry and we welcome the opportunity throughout
20 this period of your study to reach out and enlist them in
21 an effort to create solutions.

22 I just wanted to cite a couple of things in my
23 commentary, and I will summarize them, where the private
24 sector, our industry, working with the public sector has
25 created responses at times when public officials felt there
26 was an overwhelming need.

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2 First of all, stating for the record we believe
3 that legal representation for those who cannot otherwise
4 afford it in civil litigation not only enhances a fair
5 outcome, but decreases the amount of time needed to resolve
6 disputes and, quite frankly, it is in everyone's interest.
7 To your points earlier with Kathy that we are all part of
8 this community, we are all part of this society we live in
9 and we have an obligation to bring forward.

10 We have long worked, as I noted earlier, to
11 support financially-challenged New Yorkers. We are unique,
12 I believe one of the only states in the United States that,
13 for example, supported and helped shape what is called the
14 "basic banking account" for all New Yorkers. No New York
15 resident should be without a bank account and that exists
16 under New York law. We support that and it's been working
17 extraordinarily well.

18 We are now involved in efforts to protect the
19 elderly citizens of our state and what we are seeing is
20 growing financial abuse in that area. And we have also
21 worked diligently with the State of New York, the
22 legislature, and with the court system and Judge Pfau, on
23 an array of programs designed to help mortgage-related
24 issues and concerns.

25 I'm going to skip the basics of the basic banking
26 account other than to say that it takes literally one

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2 penny. And if you don't have a bank account, under New
3 York law you can set one up to set up a checking account in
4 New York.

5 We also work cooperatively with social service
6 providers and now law enforcement and legislative
7 initiatives in the area of financial abuse. Ultimately, we
8 believe very strongly, and this is not always -- there does
9 not have to be always a statutory response. We believe
10 financial literacy is the best safeguard to mitigate the
11 need for Legal Aid in the consumer area. This is why our
12 organization is a national partner with a financial
13 literacy operation, Operation Hope. And so far we have
14 deployed more than 12,000 volunteer bankers to go into our
15 school system to teach students and young adults the basics
16 of credit and money management. This program is targeted
17 to go to more than 2,000 students in New York City alone on
18 an annual basis.

19 We have worked diligently during this increased
20 foreclosure situation to work with various programs and
21 initiatives. In 2002, nine years ago, we joined with
22 Senator Schumer in a dialogue with local community leaders
23 and banks on the causes of many citizens choosing to enter
24 into high cost sub-prime mortgages with non-banks. And we
25 created a program to allow them to reach out to the
26 traditional banking system.

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2 In June of 2008, we supported a foreclosure
3 mitigation initiative by the Office of Court
4 Administration, spearheaded by your predecessor, Chief
5 Judge Judith Kaye, which started to make settlement
6 conferences more productive for all parties. This was a
7 precursor of subsequent state law. And we are still very
8 much, and I know that we have already had this discussion,
9 but the point I would make to some of the questions was,
10 banks do not want to own homes; they do not want to be the
11 owner of the property.

12 One thing that we would note, anecdotally -- and
13 again, just like Mr. Helfer a lot of this is based on
14 things that we know through our workings with the
15 industry -- we probably when we look at mortgage
16 mitigation, foreclosure mitigation, is to look at specific
17 geographic areas where the problem is the worst. New York
18 ranks 40th in the nation in foreclosures. The average
19 foreclosure in the State of New York is about 420 days, 440
20 days. However, we do have concentrations of particular
21 problems and why not take a look at what we can do
22 specifically in those areas and totally aligned with the
23 comments by Mr. Helfer that if we could get counseling up
24 front, even before the conference -- and I defer to the
25 judge here because she's an expert -- that would be great.
26 We are doing this now in an organized way with small

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2 business credit throughout the State of New York working
3 with the New York Business Development Corporation.

4 JUDGE LIPPMAN: Do you agree that your bottom
5 line is better if that process works, aside from the
6 commitment of trying to do the right thing?

7 By the way, we should speak as close to the mic
8 as you can.

9 MR. SMITH: Sure.

10 Absolutely. The system, first of all, there is
11 no positive result coming from the situation where you have
12 deterioration of properties, deterioration of communities
13 and deterioration of the loan. And in the very early
14 stages of the loan, the loan would have to be classified by
15 the regulators well before this 400-day period. And just
16 the dislocation within the community. I would like to
17 point out that in the mortgage arena, for example, in the
18 latter part 2008, 2007, the banking industry that we
19 represent had less than 50 percent, probably more like 40
20 percent of the mortgages in the United States. And it was
21 a predominantly heavy concentration in what would be
22 considered nontraditional lenders. That situation due to
23 federal action recently, that situation is probably going
24 to change. And now we are looking at our institutions
25 being more aggressive in the primary mortgage area. But
26 there's no question that there would be more. It's better

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2 for all.

3 We also are very much aware of the, again, the
4 lawyers' foreclosure prevention network, the Federal
5 Reserve Bank of New York, the New York City Bar and the
6 work of our individual members, Citi, J.P. Morgan Chase,
7 Rog Cohen is very active with us, a prominent member of the
8 Bar here in New York City. We're all active supporters of
9 the Legal Aid Society. And we are also very much aware of
10 the IOLA fund. Over 90 percent of our banks support IOLA.
11 And we are all --

12 THE COURT: What's happened with IOLA that's
13 caused this crisis?

14 MR. SMITH: Well, the interest rate, quite
15 frankly, your Honor.

16 JUDGE LIPPMAN: What is it? It's that the
17 economy then drives the interest rate and the interest rate
18 gets lower and that's why we have had this tremendous
19 shortfall in IOLA?

20 MR. SMITH: Yes, your Honor, absolutely. The
21 interest rate and market conditions generally have seen
22 anywhere from a 30 to 40 percent haircut in almost
23 everyone's investment portfolios. The interest rates which
24 banks use for setting demand account interest or
25 transactional account interest is attracting federal rates,
26 which now are below one percentage point. So it is not due

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2 to anything -- I'm not aware of anything untoward or
3 anything else. What I am aware of is we are all suffering
4 from this economy.

5 We believe strongly, to your comments earlier,
6 that we ought to be looking at this in terms of, well, what
7 do we do about this? What if we are in a prolonged
8 situation now of low interest rates which affects all of
9 us?

10 JUDGE LIPPMAN: We frame it sometimes by saying
11 that, you know, access to justice can't depend upon, you
12 know, good times or bad times. It's one of the
13 fundamentals of our society that people have access to the
14 courts. And IOLA accounts are wonderful, but they're
15 driven by the economy.

16 MR. SMITH: Exactly. Right at a time when
17 probably it's counter to the whole -- you know, when you
18 need it more you are going to get less because of the
19 economy. And I think it warrants a look.

20 So we look forward to working with you.

21 JUDGE LIPPMAN: And we do, too.

22 Any other or questions?

23 Thank you.

24 Joe Strasburg.

25 MR. STRASBURG: Thank you.

26 My name is Joseph Strasburg and I'm president of

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2 the Rent Stabilization Association. On behalf of our
3 25,000 members who own or manage approximately one million
4 apartments throughout the city, I appreciate the
5 opportunity to appear today before the Task Force to Expand
6 Assets to Civil Legal Services in New York.

7 All too often property owners and tenants,
8 through no fault of their own, end up as adversaries in
9 Housing Court because government agencies have failed to
10 properly administer their programs. From the perspective
11 of a property owner, the inability of individuals to
12 navigate successfully through the maze of government
13 bureaucracies has a most important and dire consequence:
14 The failure to receive the monthly rental payment due and
15 owing to the owner. Especially for the smaller property
16 owners throughout the city, each month that passes without
17 receiving rent from even a single tenant, jeopardizes their
18 ability to pay their mortgage, real estate taxes, water
19 bills, fuel bills and other mandatory expenses. Housing
20 Court only exacerbates the problem with delays compounding
21 the consequences for both the owner and the tenant.

22 While advocates for tenants and property owners
23 typically have few opportunities for common ground, we
24 believe that one area where the commonality of interest
25 does exist is in the interest of access to civil legal
26 services. The ability of tenants to access unemployment

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2 benefits, healthcare coverage, food stamps, public
3 assistance including Section 8, SCRIE and DRIE benefits and
4 other forms of support is inextricably linked to the
5 Housing Court case load. Simply stated, the more support
6 that is provided to individuals at the front end of this
7 process, the fewer cases property owners need to bring in
8 Housing Court for nonpayment of rents.

9 In these types of cases where public benefits are
10 at issue, the eviction of the tenant is not the owner's
11 goal, rather the goal is simply to obtain the funds which
12 are due and owing, not to see a change in tenancy.
13 Providing more access to civil legal services at the front
14 end will ease the burden at the back end.

15 While beyond the scope of this Task Force, we
16 strongly believe that to further ease the burden on both
17 property owners and low-income tenants and the courts as
18 well, the eligibility criteria of the SCRIE and DRIE
19 programs should be significantly broadened so that more
20 low-income tenants, regardless of their age or disability
21 status, can receive the benefits from those invaluable
22 programs so that the most vulnerable persons at the bottom
23 of the economic ladder can better be protected.

24 And if I just may, I just would like to make a
25 comment outside of my role as president of Rent
26 Stabilization, because in my previous life I used to be in

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2 the legislative sector of the City Council. And one thing
3 that I noticed, I focused on when Speaker Quinn testified
4 about the need to determine which groups get restored
5 during the budget process. I can only tell you from the
6 days of -- and this is going back to 1982 when I was
7 counsel and then the chief of staff -- there was always a
8 budget game. And it was really, in my opinion, a farce
9 that continues even to this day. And what happens is that
10 the mayor will submit a budget and it will cut out
11 intentionally certain groups with the full knowledge that
12 the burden is on the legislative end, the City Council, to
13 restore it. And that has historically occurred year and
14 year in and year out.

15 I think that if we are really going to commit
16 ourselves to protecting the poor, then it's incumbent upon
17 the executive to make sure that certain of these programs
18 do not get played in that kind of a power play between the
19 executive and the City Council.

20 JUDGE LIPPMAN: Joe -- you'll forgive me calling
21 you Joe we know each other for so many years -- I think
22 that's what Speaker Quinn was saying, you've got to get
23 this out of the politics. There's got to be some kind of
24 stability and that's what we are trying to do.

25 MR. STRASBURG: Unfortunately, it's occurred with
26 every executive going back from my days when it was Ed Koch

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2 to the present mayor. And you're right, to try to remove
3 certain groups -- certain groups from it. And
4 unfortunately, what occurs in an environment of diminishing
5 revenues, it ends up pitting all these great groups against
6 each other. And at the end of the day everybody gets hurt.

7 JUDGE LIPPMAN: I think you're right. And Joe, I
8 think it's so striking, too, that you are here today and
9 speaking on this issue because you would think, again --
10 you know, what people believe is so different from the
11 facts -- you would think that the landlord, would say, oh,
12 isn't it great. We're going to court. We have, you know,
13 some poor person who really is vulnerable and we have them
14 where we want them. That's not healthy for you or for
15 them, right, or for the real estate industry?

16 MR. STRASBURG: That's correct.

17 JUDGE LIPPMAN: Forgetting doing the right thing,
18 which we are all talking about, I assume everyone wants to
19 do the right thing, this is also about what's good for the
20 real estate industry, right, that people have legal
21 representation?

22 MR. STRASBURG: We are joined to the hip whether
23 we like it or not. We may have other issues involving the
24 process, but clearly I think it's in the interest of all of
25 us. And my advocacy has always been that we want to expand
26 many of the existing programs and to make sure that society

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2 as a whole ends up shouldering that responsibility rather
3 than putting the burden on one individual entity or
4 another. And to a large extent we have moved that ball
5 forward. Unfortunately, some of our other endeavors have
6 got caught up in a bigger fight in Albany on politics.

7 JUDGE LIPPMAN: But Joe, the real estate industry
8 supports society, you know, funding this. This is
9 important to the broad and not just the real estate
10 industry, everybody. This isn't -- you don't look at it as
11 a parochial way, you look at this is important, that this
12 is one of the things that government, society the
13 obligations that we have.

14 MR. STRASBURG: That's always been my position.

15 JUDGE LIPPMAN: Thank you. I appreciate it.

16 Any other questions?

17 JUDGE GONZALEZ: What people also do not realize
18 is that in addition to hurting everybody, from my selfish
19 perspective as a judge it also hurts the judiciary. It
20 hurts the judiciary's traditional role as the arbiter, the
21 impartial adjudicator of issues. And particularly in
22 Housing Court what happens is --

23 JUDGE LIPPMAN: This is spoken from a former
24 Housing Court judge.

25 JUDGE GONZALEZ: What happens in the Housing
26 Court is that sometimes the judge is forced to get involved

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2 sometimes in rather an impartial way because the uneven
3 situation with the lawyer for the landlord, whether it's a
4 good landlord or a bad landlord, small landlord, big
5 landlord, and the unrepresented. And sometimes in order to
6 balance the scales of justice, the judge gets involved, and
7 very often improperly, because that's not really the role
8 of the judge to become, quote unquote, a semi defender of
9 the lesser -- person with the lesser strength.

10 MR. STRASBURG: Let me just say that back in the
11 1980s, the industry, whether rightly or wrongly, had a
12 perception that they couldn't get a fair shake in Housing
13 Court because of the role of the Housing Court judge. And
14 to Judge Lippman's credit, he had -- and now being further
15 carried on by Judge Pfau -- is to change the perception of
16 Housing Court. Because whether it's -- if we believe that
17 it is biased, it doesn't matter whether you are telling us
18 it is not biased. And to a large extent it's an
19 educational process of explaining. And if there is a
20 belief that your role as a Housing Court judge is there to
21 be partial rather than what we, many of us, believe to be
22 impartial, then I believe justice gets served.

23 And that is why to a large extent many of the
24 legislative proposals raised by either Albany or the City
25 Council meet stiff opposition by the industry, because we
26 are never reached out to and brought in early in the

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2 process to be explained as to what you are trying to
3 achieve. And that's why there is this level of hostility.

4 Judge Lippman, to his credit, brought us in early
5 in the process and explained exactly what he was trying to
6 do and accomplish. And we actually worked very
7 cooperatively in that endeavor and we still continue in
8 that direction. And it was a very simple thing to do and
9 it was never done prior to that. And I advocate and I
10 truly believe that there is a greater need of dialogue
11 between those conflicting interest groups. And I will say
12 this publicly, there are those that we have worked with and
13 talked to privately and then there are others who would
14 like to throw in a hand grenade to prevent that from
15 occurring. It's because it's not in their interest to see
16 the ball moving forward and getting things accomplished.

17 JUDGE GONZALEZ: But notice that the proper
18 funding would tend to minimize if not eliminate this danger
19 that the judiciary finds itself in when it's faced with --

20 JUDGE LIPPMAN: Being an advocate.

21 JUDGE GONZALEZ: -- being an advocate.

22 So the proper funding I think would tend to help
23 that situation.

24 JUDGE LIPPMAN: We are supposed to maintain our
25 appropriate role.

26 JUDGE PFAU: And we are seeing it in so many more

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2 cases now in so many more courts. You know, it really was
3 Housing Court where you had so many unrepresented
4 litigants. It is now Supreme Court, the Family Court, it's
5 the rest of civil court.

6 JUDGE LIPPMAN: Because of the economy.

7 JUDGE PFAU: Yes.

8 JUDGE LIPPMAN: It's the same issue, but now it's
9 all over.

10 Mr. Raske.

11 Thank you, Joe.

12 MR. RASKE: Good morning, Chief Judge and good
13 morning to you, colleagues.

14 I'm Ken Raske, president of the Greater New York
15 Hospital Association. I have the privilege of representing
16 250 institutions, hospitals and nursing homes throughout
17 the Metropolitan area and throughout New York State.

18 JUDGE LIPPMAN: So why is civil legal
19 representation important to you? What's the relevance?

20 MR. RASKE: Well, sir, let me give you an
21 example.

22 About ten or twelve blocks from here is a 700-bed
23 hospital sitting shuttered. It's called Saint Vincent's, a
24 proud name in healthcare throughout the history of the City
25 of New York and New York State. It is empty. It is a
26 victim of a financial collapse. And the services that were

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2 rendered are no longer rendered by that institution. They
3 have to go to other institutions, sometimes farther, much
4 farther away.

5 Now, how does this interweave with the question
6 that you asked? Well, the answer is very simply, sir,
7 legal services assist the hospitals in getting our patients
8 eligible for Medicaid. And Medicaid becomes a significant
9 payer, particularly in areas of New York that are
10 safety-net institutions and are serving a large indigent
11 community. So getting them qualified for Medicaid helps
12 them access services and helps the institution survive.

13 JUDGE LIPPMAN: So again, the same theme.

14 MR. RASKE: Absolutely.

15 JUDGE LIPPMAN: It's not just about, gee, people
16 should have legal representation. It's about --

17 MR. RASKE: Sure. I could make a moral argument
18 and an ethical imperative, a biological ethical imperative,
19 but you know what? It's still in our interest. So let's
20 be clear.

21 JUDGE LIPPMAN: I think that's an important
22 point, especially in this octopus of an industry that you
23 are involved with --

24 MR. RASKE: Absolutely.

25 JUDGE LIPPMAN: -- so many technical aspects.

26 MR. RASKE: And to carry that theme a little bit

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2 further, sir, I will take actually two more steps with it.
3 One additional step is that it also -- legal services helps
4 for those that are insured, we have to do battle with
5 insurance companies for services to be rendered; whether
6 you are qualified; is this an experimental treatment or is
7 this not; can I have a transplant; am I within an age group
8 that would perhaps rule me out. And those individuals help
9 us make sure that benefits that were underwritten are
10 actually delivered. And I -- and that is the next step.

11 Now, let me take you two years from now, because
12 this is a forward-looking panel, the Task Force. In 2014
13 the United States will have the implementation of the
14 Affordable Healthcare Act. Right now it's being rolled
15 out, that act, pieces of it, such as, you know, having
16 individuals covered that -- dependents up to 26, 27.
17 Little pieces are now being, you know, rolled out in
18 Washington. But the big, big piece occurs in 2014.

19 In 2014, across the United States Medicaid
20 eligibility will set a new bar. But in addition, there
21 will be penalties and there will be subsidies for insurance
22 for individuals. It will be very, very complicated, sir,
23 very, very complicated. But we want to make sure that the
24 Affordable Healthcare Act reaches the people and gets those
25 who are eligible for insurance subsidies, gets them the
26 subsidies. The penalties that exist to make sure that they

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2 actually help work to force people who don't want insurance
3 to get on insurance, because it is in their self-interest,
4 and also to assist in getting people qualified for
5 Medicaid.

6 JUDGE LIPPMAN: This has the potential to be a
7 giant mess without people knowing what they are doing and
8 having some help in doing it.

9 MR. RASKE: I would say, sir, this is one of the
10 big challenges. You know, I could in sit in front of the
11 president of the United States and say the same thing.
12 It's true, this is what the challenge is to making this
13 thing work.

14 JUDGE LIPPMAN: Well, we understand the goals,
15 but how to get there.

16 MR. RASKE: Absolutely. Boy, you got to get --
17 the rubber has to hit the road here.

18 JUDGE LIPPMAN: And legal representation is
19 critical to getting it.

20 MR. RASKE: Absolutely, no question.

21 MR. YOUNGER: Just a quick question. Many in the
22 medical industry don't really like lawyers because they are
23 known for suing doctors.

24 MR. RASKE: Oh, you noticed.

25 MR. YOUNGER: You do refer in your written
26 remarks to what is known as medical/legal partnerships,

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2 where lawyers and doctors can get together to solve the
3 patient's full problems. Maybe you could just share for a
4 minute how that would work and how that helps somebody who
5 comes to your hospital with a medical problem but actually
6 has a legal problem.

7 MR. RASKE: You know, that's actually an
8 excellent point. It's the medical malpractice part of the
9 problem that creates the dynamic tension. But if you put
10 that aside, lawyers are extremely important to the
11 well-being of the healthcare community and to the
12 population overall.

13 And in partnering with lawyers, a number of our
14 institutions do it today. And it is extraordinarily
15 helpful to our patients as a result to make sure that they
16 get qualified for Medicaid, get qualified for other
17 insurance when, in fact, they are eligible for it and
18 receive their due benefits.

19 So we find a lot of our -- a lot of institutions
20 do do partnering. Around here, for example, Continuum --
21 Beth Israel, we know it as Beth Israel, it has a corporate
22 name called Continuum -- Mount Sinai, they deal with
23 something called Legal Health, an agency, I assume it's a
24 not-for-profit agency, that is -- that is extraordinarily
25 helpful. They do thousands of cases a year in conjunction
26 with the hospital. So partnering is very important.

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2 MR. YOUNGER: What are some of the legal problems
3 that a doctor can, in effect, diagnose but they can't
4 treat?

5 MR. RASKE: You know, that's an interesting
6 question.

7 If I understand it properly, and forgive me if I
8 misunderstand it, but the physician community is always in
9 a situation where they're practicing what is considered to
10 be defensive medicine. And they will take extraordinary
11 steps to make sure that everything is done that is proper
12 and in some cases even exaggerate it from a standpoint of
13 protocol for medicine in order to make sure that defensive
14 medicine standards are actually met.

15 So you know, in terms of the physician community
16 you are going to find that physicians are very much
17 concerned about the ability, the economics of the
18 individual patient to make sure that he or she gets the
19 proper amount of care.

20 JUDGE LIPPMAN: Okay, anything else? Oh, I'm
21 sorry, Judge Pfau.

22 JUDGE PFAU: I was just going to add what's been
23 so striking to me about this whole panel and the testimony
24 is traditionally when we think about civil legal service
25 needs, we think about representation in court. And so much
26 of what you're talking about for stability for the

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2 community is long before the court process, and hopefully
3 avoids the court process. And the civil -- the unmet needs
4 start so early on and it's really something that we
5 hadn't -- I hadn't focused on until I heard your testimony.

6 MR. RASKE: Well, you know, your Honor, if I may
7 just to add a little bit to that thought, because it's a
8 brilliant thought.

9 JUDGE PFAU: You must be a lawyer.

10 MR. RASKE: The fact of the matter is, is this,
11 that you take this example of Saint Vincent's Hospital. It
12 collapsed financially. It was serving the poor -- it was
13 serving a number of indigent patients. But you know what?
14 It was also serving rich patients and middle class patients
15 and now it's serving nobody.

16 JUDGE LIPPMAN: I want to echo Judge Pfau's
17 comment and just thank the business community in general
18 for your support on this issue. This is so critical.

19 Again, we think the society and as well obviously
20 as the judiciary and the profession, I think it
21 highlights -- your support on this issue -- highlights the
22 importance of it to all, to every part of our community, to
23 our viability. And nothing is more important. And I think
24 Kathy Wylde indicated that the business community has to
25 have confidence in what goes on in our justice system, it's
26 so critical. And to have people, if half the people are

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2 walking around without representation and it's chaotic and
3 you wind up with great societal costs in terms of our
4 welfare services, we are not helping anybody and certainly
5 not the business community.

6 So thank you all so much. You were really very
7 helpful.

8 Thank you.

9 (continued on next page.)

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2 JUDGE LIPPMAN: Next we are going to have a
3 group of community leaders. They will introduce
4 themselves, but I'm going to ask them to come up, Benito
5 Romano, David Jones, Julie Kushner, Margarita Rosa, and
6 Samuel Seymour.

7 Okay, great to have you all and let me start
8 with Benito Romano. Introduce yourself.

9 MR. ROMANO: Thank you. Good morning. My name
10 is Benito Romano and I am the chair of the interest on
11 lawyer account fund for the State of New York.

12 JUDGE LIPPMAN: Currently known as IOLA.

13 MR. ROMANO: IOLA, yes.

14 I would like to first thank Chief Judge Lippman
15 for conducting these hearings and making access to
16 justice for the expansion of civil legal services to low
17 income New Yorkers, one of the signatures of his term as
18 Chief Judge.

19 JUDGE LIPPMAN: Thank you.

20 MR. ROMANO: IOLA is particularly grateful for
21 the Chief Judge's inclusion of \$15 million in emergency
22 funding for IOLA in his OCA budget at a time of increased
23 needs during the economic crisis, these funds are crucial
24 for IOLA's grantees. It allowed them to provide legal
25 services for at-risk New Yorkers while at the same time
26 bringing in hundreds of millions of dollars in direct

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2 benefits into New York, for all New Yorkers.

3 IOLA is one of the leading funders for
4 organizations that provide civil legal services in New
5 York. It collects data from all of its grantees
6 regarding the types of legal assistance they provide, the
7 outcomes and benefits won for their clients as well as a
8 host of other data such as other sources of funding.

9 Today I want to provide the panel with a brief
10 overview of the current sources of funding in New York,
11 and place that funding in the broader context of the
12 funding provided in other states and the current funding
13 crisis.

14 JUDGE LIPPMAN: I think that would be very
15 helpful.

16 MR. ROMANO: I also want to address the
17 current service levels of civil legal services assistance
18 for low income New Yorkers and the unmet needs in terms
19 of those services; and lastly, and perhaps most
20 importantly, I'd like to describe the significant
21 economic benefits realized as a result of civil legal
22 services in New York, as the prior panel made abundantly
23 clear, it's in everyone's interest.

24 Data gathered by the IOLA fund demonstrates
25 conclusively that the net economic impact of civil legal
26 services for low income New Yorkers is overwhelmingly a

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2 positive one, which in 2009 alone resulted in
3 \$361 million of federal funds entering the State. Adding
4 the federal dollars brought into the State along with the
5 direct savings to New York taxpayers for homelessness
6 prevention adds an additional \$100 million in benefits.
7 In all, the direct economic impact on New York from civil
8 legal services provided by IOLA grantees was over
9 \$600 million.

10 That amount rose even larger when you coupled
11 it with the economic stimulus effect of the federal funds
12 brought into New York. New Yorkers realized an
13 additional \$535 million in direct economic activity when
14 low income families who use their benefits to purchase
15 necessities like food, rent, medicines providing an
16 additional 5,600 jobs.

17 Funding for legal services programs in New York
18 State comes from IOLA and a number of different sources
19 including the Legal Services Corporation, private
20 foundations, state and local bar associations and state
21 and local funding.

22 There are two major related difficulties in
23 funding that have become acute in the current economic
24 crisis.

25 First, on a per capita basis, New York's
26 dedicated funding for civil legal services, that is money

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2 from the State general funds or court related fees is
3 significantly below that provided by other states in our
4 region.

5 In 2009, average per capita funding in New
6 York -- excuse me, in New Jersey, Connecticut and
7 Massachusetts and Vermont was \$23.51.

8 New York's per capita funding in 2009 was
9 \$3.68, 80 percent less than our neighboring states.

10 Second is a crisis in IOLA funding. After 26
11 years of providing general support, which by definition
12 allows grantees the flexibility to apply those funds in a
13 manner most needed over \$285 million in total, IOLA has
14 become a vital source of support for organizations
15 providing civil legal assistance in New York.

16 To generate this revenue, IOLA relies on the
17 interest rate provided by the banks holding IOLA accounts
18 and interest rates are often, as we know, volatile.

19 Compounding this problem, a decrease in the
20 interest rate is often associated with a downturn in the
21 economy, and thus during periods when both the need for
22 legal services and the actual number of indigent New
23 Yorkers increases, IOLA's ability to fund those services
24 decreases.

25 This scenario is exactly what has happened to
26 IOLA during the economic downturn. As a result of the

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2 economic crisis and the seizure of the credit markets
3 that became apparent in the fall of 2008, interest rates
4 dropped precipitously.

5 In 2007, the largest financial institutions
6 holding IOLA accounts were providing an average interest
7 rate of 2.25 percent.

8 By 2008 that rate was cut in half to one
9 percent.

10 And in October 2009 the rate dropped again to
11 .31 or 31 basis points.

12 And last month it was down to .25 percent or 25
13 basis points.

14 In total, 88 percent drop in interest rates.

15 In the impact on the funds available for IOLA
16 grantee, grant making has been devastating. During
17 IOLA's fiscal year 2008, IOLA accounts generated
18 \$32 million; fiscal 2009, \$23 million; and fiscal 2010 it
19 generated \$7 million, a 75 percent drop.

20 We predict that in 2011 it will be \$7 million
21 representing a decline of 80 percent.

22 JUDGE LIPPMAN: So the IOLA crisis is not over
23 by our getting funding this year with the legislature
24 coming through with that funding, that crisis is by no
25 means over.

26 MR. ROMANO: We just have our figurative finger

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2 it the --

3 JUDGE LIPPMAN: Okay.

4 MR. YOUNGER: I think we're all very grateful
5 to the Chief Judge for having gone to bat for the 15
6 million, but we all know it's not enough.7 If you were to have a number -- I don't want to
8 name a number -- but if you had more money, how would you
9 go about spending it? What would be the needs that you
10 think are the most critical needs that you can't pay for
11 right now.12 MR. ROMANO: Our grant system is quite good and
13 robust in identifying our needs. We've been doing it for
14 a long enough time, we track or guarantees, we get data
15 from them, we will still need to fund programs that
16 provide direct legal services which is about 80 percent
17 of our funding.18 And an additional 20 percent goes to access the
19 justice program, the kind of creative programs in which
20 you have intentional multiplier effects. So for small
21 investment, you can reach many more -- many more worthy
22 individuals in need.23 The -- as I'll get to in a moment, we know that
24 we are not meeting the needs of all those who are in need
25 of legal services. We know that there is a significant
26 percentage, perhaps 50 percent given some of the data we

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2 have collected that are out there.

3 We are constantly trying to find new ways of
4 reaching those individuals, particularly outside of the
5 urban centers where it's much more difficult to get to a
6 lawyer --

7 JUDGE LIPPMAN: And a lot of these providers
8 actually survive without your money -- some of them so
9 dependent on the money that they were fold up their --

10 MR. ROMANO: We hope that the infrastructure
11 will stay in place so we could patch together some
12 funding that will keep them in business. But many of
13 them will not survive. We've encouraged, in some
14 instances, for smaller programs to combine their
15 administrative overhead so that they can become more
16 efficient.

17 Of course, there's always a risk that you are
18 sacrificing access because they cannot reach as far
19 out -- it is our hope that we will be able to keep an
20 infrastructure in these programs in place --

21 JUDGE LIPPMAN: But it really is a life and
22 death situation --

23 MR. ROMANO: For many of them, we are it.

24 JUDGE LIPPMAN: This isn't like a couple extra
25 bucks here or there. These are people who, in large
26 degree -- services in large degree are dependent upon

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2 you.

3 MR. ROMANO: That's correct.

4 Just to give you a sense of how little -- how
5 much more there is to be done, prior to the economic
6 downturn, resources for civil legal services were
7 inadequate.8 In 2005 the Legal Services Corporation
9 completed a study on the justice gap in America and
10 established that for every eligible applicant who came to
11 their office, another eligible applicant was turned away.12 In 2009 LSC updated that study and reached
13 similar conclusions.14 Apart from turnaway data, which doesn't begin
15 to capture it because you have to get to the office to be
16 turned away, there are -- there's a landmark study done
17 by the Bar Association, 1994, which found that only --
18 that 80 percent of the legal needs of low income New
19 Yorkers were no-- low income Americans was not being met,
20 and these findings have essentially confirmed by later
21 studies, including the preliminary data from the study
22 commissioned by this task force.23 JUDGE LIPPMAN: And take -- they did not
24 take -- the earlier studies didn't take into account
25 what's going on in this the country economically and this
26 area of the world.

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2 MR. ROMANO: There's every reason to suspect
3 that it's deteriorating very rapidly given the economic
4 circumstances.

5 JUDGE LIPPMAN: We see it in the unrepresented
6 people who come into the courts, the numbers are just
7 going through the roof.

8 MR. ROMANO: One of the proposed solutions has
9 been the use of pro bono efforts to increase access to
10 justice, and New York lawyers, as you know have answered
11 this call to duty enthusiastically. In 2009 over 11,000
12 attorneys in New York volunteered their time with IOLA
13 grantees, donating about 450,000 hours of service. If
14 you value that conservatively, that is \$67 million
15 injection of value to legal services system in our State.

16 As bleak as this picture may appear, I don't
17 want to focus only on areas where civil legal services
18 providers have fallen -- efforts have fallen short due to
19 the lack of resources, because the results that these
20 providers obtained with limited resources also are
21 remarkable.

22 IOLA collects data on outcomes from all its
23 guarantees. In 2009 IOLA grantees closed over
24 264,000 cases benefiting 520,000 people in areas such as
25 housing, family law, income maintenance, Social Security
26 eligibility, Medicare and medicaid cases.

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2 One of the economic multiplier effects of the
3 federal funds brought into New York is added in, if you
4 add that in, the figure rises of benefits to over
5 \$1 billion annually.

6 Federal funds brought into the State were
7 calculated on Exhibit 1, you will see federal funds
8 brought into the State were calculated by looking at back
9 awards and monthly benefits won by clients in 2009 as
10 well as the benefits received in previous years that
11 would continue on an ongoing basis. Combining all of the
12 federal benefits brought into New York along with the
13 federal funding for civil legal services, you come to a
14 \$361 million gain.

15 There are also substantial savings realized by
16 state and local governments as a result of civil legal
17 services. For example, savings in emergency shelter
18 costs. Every year thousands of New Yorkers face the
19 threat of losing their home. The impact on families can
20 be monumental resulting in lost jobs, disruption of
21 education, and threatening stability of the families
22 involved.

23 JUDGE LIPPMAN: Let me just say that those of
24 you who can't see because the -- it's is blocked, it
25 should be in your packets if you picked them up. Most of
26 these charts are in the packets.

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2 MR. ROMANO: There are also the tremendous
3 costs for all of society in terms of lost productivity
4 and all of the ancillary damage. There are also more
5 direct -- directly captured costs such as the cost to
6 local governments involved in providing emergency shelter
7 costs.

8 By looking at the total number of cases in 2009
9 in which eviction was avoided, the total number of people
10 involved and the average cost to taxpayers in providing
11 emergency shelter in New York City suburban and upstate
12 areas, it becomes possible to calculate the savings to
13 taxpayer which total nearly \$100 million in 2009 and
14 \$355 million --

15 JUDGE LIPPMAN: So this is not just doling out
16 money for civil legal services. This is about that money
17 is -- over and over goes into society and we get the
18 benefits of it.

19 So I think the problem we all have to deal with
20 is in trying to get a prioritization of what's important,
21 I think -- you know in terms of funding in this
22 particular area every dollar spent is truly well spent,
23 is it multiplied?

24 MR. ROMANO: Correct. We can justify the
25 expenditure entirely without regard to cost because of
26 the compelling need. But -- but it pays for itself. It

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2 certainly can be justified as a good investment on which
3 there is a very substantial five-to-one return.

4 JUDGE LIPPMAN: Return. Right.

5 MR. ROMANO: Just in closing, one of the jobs
6 of the task force will be to produce a report with
7 suggestions on how to bridge the access to justice gap in
8 New York State, and that certainly is not something I can
9 address here.

10 It is my hope, however, that I've at least
11 identified some of those gaps and just as importantly
12 provided some of the data, some, by the way, that's never
13 been gathered to our knowledge before, which demonstrates
14 conclusively that the net impact of spending on civil
15 legal services for low income New Yorkers is an
16 overwhelmingly and positive one.

17 This argues that even in difficult times the
18 fiscally prudent course may be to look at the spending on
19 civil legal services as an investment which results in
20 increased federal dollars and a -- and is a positive for
21 the State's economy resulting not only in a better
22 outcome for lower income New Yorkers, but positive
23 benefits for all New Yorkers.

24 JUDGE LIPPMAN: Thank you and thank you for the
25 wonderful that IOLA does and certainly we are all very
26 much aware of the danger of IOLA being underfunded and

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2 also I -- we talked in the beginning, the problem that
3 we've had in funding really highlights this idea that you
4 can't have these unstable revenue streams that sometimes
5 are good and sometimes are not so good, and really meet
6 our mandate as a society if you are dependant on this
7 kind of up and down --

8 MR. ROMANO: This is not the only time in our
9 history we've ridden this volatile roller coaster. It's
10 happened once before and it is a terrible -- you can
11 imagine how difficult it is for our grantees to be
12 planning, hiring, training, all the things that you need
13 to run a public law office can't get done because of the
14 volatility of the source of funding --

15 JUDGE LIPPMAN: Let me just say, without
16 pontificating on this too much, this is one of the
17 reasons that we are so intent and so pleased about the
18 legislative resolution in this regard, asking us what we
19 need to get funding out of the general fund. That is one
20 of the priorities of our society that must be funded
21 rather than depending on the hodgepodge of whether it's
22 an interest rate or a benevolent legislator or some
23 dollars from the feds or some dollars from here -- we
24 need stable funding. That's what this is all about and I
25 think IOLA can't survive without it and this whole effort
26 can't survive without it without some kind of stability

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2 in terms of the funding.

3 MR. ROMANO: That's quite right.

4 JUDGE LIPPMAN: Any other questions?

5 JUDGE PFAU: I was struck at the beginning when
6 you were talking about the level of per capita funding in
7 New York compared to some of the surrounding states. In
8 those states, does that meet the civil legal services
9 needs? Are we so far below what other states are doing
10 and even that is -- we have so far to go --11 MR. ROMANO: Because the data is national, for
12 the most part, except for the work of this task force, we
13 will have better data for New York rather than
14 extrapolating from the turnaway data that we do have,
15 it's hard to say whether -- I would suspect that those
16 programs are not fully meeting the needs --

17 JUDGE PFAU: I would suspect --

18 JUDGE LIPPMAN: One of the benefits of the task
19 force, we hope to provide data that has never been seen
20 before in so many areas and I think that's maybe one of
21 the reasons why there hasn't been funding is because we
22 haven't been able to get the information out there about
23 what this is all about.24 Thank you again. Thank you for your efforts
25 and let's try both the panel and speakers to stay to
26 the -- to five minutes, then we'll give you five minutes

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2 of questioning, we're moving way, way behind schedule,
3 but all, I think, quite telling in terms of all of the
4 testimony and commentary, so I'm only half upset that
5 we're behind schedule, but let's try and stick it to a
6 little better.

7 All right, Mr. Jones, you are going to introduce
8 yourself.

9 MR. JONES: I'm David Jones, I am president and
10 CEO of the Community Service Society. CSS is among the
11 oldest charities in the country. We are 160 years old
12 plus, we've always dealt with issues of poverty in New
13 York. We deal with it from research base, which I'll
14 talk a little about here today. We were the founding
15 institution of the Columbia School of Social Works, we do
16 direct services, as well, and we founded the Hospital for
17 Special Surgery in New York, among other things.

18 But we also have a team of lawyers working on
19 critical issues. So, unlike most other charities we
20 have the luxury or role of playing all three roles --

21 JUDGE LIPPMAN: I know, you do great work --

22 MR. JONES: -- research, advocate and direct
23 service provider.

24 I'm just here, I'll cut short. Obviously,
25 we've been working regularly with Legal Aid and Legal
26 Services of New York, virtually, for my entire tenure

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2 there at CSS.

3 As you are aware from news reports, this
4 recession is tearing through poor communities that
5 represent more than a third of New Yorkers at a rate that
6 is unparalleled, certainly in my career. The national
7 numbers are also reflected in New York City.

8 We have tried to use data sets that no one else
9 has. We do an annual survey, I guess the only one in the
10 country which polls 1,800 people who are at or near
11 poverty every year and we've been trending that data.
12 The data sets we're getting back that were conducted in
13 July, August of this year are some of the worst we've
14 ever seen in the ten year history of looking at this.

15 JUDGE LIPPMAN: But all those people -- you
16 know, so much downer about poverty and I'm sure yours is
17 as you say, ahead of everybody else, do all those people
18 wind up in courts? What is happening out there that
19 makes it even more of an issue than it was previously?

20 MR. JONES: What's happening is, one of the
21 poll results we found that virtually two-thirds of the
22 people at or near poverty have less than \$500 in reserve
23 and about a third of them say they have zero, they have
24 nothing.

25 JUDGE LIPPMAN: Less than \$500 in reserve --

26 MR. JONES: In total reserves. So when

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2 something goes wrong, and we're starting to see that. In
3 the latest New York Times Article showing that about
4 22,000 people in NYCHA now are more than one month in
5 arrears, that's order of a bell weather for the whole
6 problem in the housing arena. So that's one area that
7 people are coming apart quickly. That's why we're seeing
8 a dramatic increase in the number of homeless families --

9 JUDGE LIPPMAN: And it's kind of the most
10 graphic area, if you can visualize, if you don't have --

11 MR. JONES: Right.

12 JUDGE LIPPMAN: -- roof over your head and
13 other consequences.

14 MR. JONES: And often without representation,
15 things that could be worked out to give people some
16 leeway, to hold them into a house which everyone realizes
17 is the most critical thing to do because without that,
18 once you destabilize housing, everything else can unravel
19 on you. You can end up homeless, you can lose a job, a
20 whole range of things can happen. So housing --

21 JUDGE LIPPMAN: So basically -- housing was the
22 touchstone of this whole collapse.

23 MR. JONES: The other area we're finding is
24 particularly in healthcare. We do an enormous amount of
25 work with Legal Aid Society on helping people navigate
26 the healthcare arena. You heard from Ken Raske one part

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2 of it, but what is also happening is people are finding
3 when they go to seek healthcare that either because
4 they're -- they haven't qualified for Medicaid, or the
5 HMO they're dealing with says they're not eligible for it
6 in some way, whether privately insured or not, they are
7 routinely building up incredible debt and not getting
8 adequate services.

9 So this navigation problem of poor people who
10 either have Medicaid or are just above Medicaid as they
11 try to access adequate health care, and if that unravels
12 on people, if they can't get anything, again, you're
13 having a ripple effect in the ability to hold jobs.

14 JUDGE LIPPMAN: And you agree with one of the
15 earlier witnesses that even with the new healthcare bill
16 it only increases the need to navigate the system --

17 MR. JONES: Now you're going to need more help
18 because, I think, all of us have horror stories of
19 dealing with denials by HMOs, quite legitimately --

20 JUDGE LIPPMAN: Sure.

21 MR. JONES: -- the difficulty is if you're
22 someone who doesn't speak English as a first language or
23 if you have an elderly person who is poor, these denials,
24 basically, the ultimate result is, well, you should
25 appeal. If I'm a Korean speaker, good luck. You can't
26 do this without help and sometimes that takes legal

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2 representation.

3 We find that we do most of the cases -- Legal
4 Aid is one of our partners in something called MCCAP,
5 which is one of the largest Ombuds programs in the
6 country, that program has had about 180,000 client visits
7 over the last nine years. 99 percent of those are
8 resolved, but only by pressure, by having a better
9 understanding of the law, and the access point that
10 people have a right to that no layperson could hope to
11 cope with. And that's another catchment area.

12 The final one that we have been working heavily
13 on is the whole question which, sort of, takes in both of
14 your -- which is the question of people returning from
15 incarceration. We have, obviously, the fifth highest
16 recidivism rate in the country in New York. We have
17 somewhere around 60,000 people incarcerated, 23,000 on
18 parole, but they don't even keep records any more about
19 how many people have a serious criminal conviction.

20 The difficulty when they get out, even though
21 there are all sorts of antidiscrimination efforts, we're
22 starting to see for those hundreds of thousands of people
23 with a record, they are basically incapable of getting
24 work again. That it becomes, sort of, the final blow,
25 when I don't have a high school diploma, have an
26 incarcerated record, I want to turn it around, I can't

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2 get work.

3 And we're starting to realize that that's
4 having an enormous impact in destabilizing poor
5 neighborhoods, and we need and we've sought Legal Aid's
6 help and other help on trying to address this problem.

7 JUDGE LIPPMAN: It is so interesting, I think,
8 you're highlighting the linkage between criminal indigent
9 representation --

10 MR. JONES: Right.

11 JUDGE LIPPMAN: -- with civil legal services.
12 Almost 50 years ago we had Gideon versus Wainwright where
13 the U.S. Supreme Court said to them it's an obvious truth
14 that people who come into court in a criminal case
15 without a lawyer can't get a fair day in court, can't get
16 equal justice, and what this is all about is almost 50
17 years ago is the same issue when we come to the
18 necessities of life; that when people come into court or
19 encounter the legal system or all the things that require
20 legal representation, they can't get a fair shake without
21 having, again, someone to even playing field, to help
22 them, and the most vulnerable among us are the ones that
23 are obviously hurt the most.

24 MR. JONES: I absolutely agree.

25 I'd just like to leave the panel with one issue
26 that I don't think is getting enough attention, and I've

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2 been talking about this a lot now. We're just at the
3 beginning of the cycle. Despite the recession being
4 officially over as of June of this year, our last survey
5 is showing extraordinarily -- jumps in the number of
6 people without jobs. Of the people -- African Americans
7 surveyed and Latinos surveyed, of the 1,800, 21 percent
8 reported losing their job just in this last year.

9 So there's a lag time that's going on, even as
10 the recession ends, that the job loss is so huge and also
11 the length of time people are out of work are so huge,
12 67 percent of those out of work reported being out of
13 work more than a year, one to three years --

14 JUDGE LIPPMAN: Staggering numbers.

15 MR. JONES: -- and they're all going to be
16 funneling in ultimately to keep their housing, to keep
17 some modicum of healthcare, to keep intact families.
18 They're going to be coming into interaction with the
19 criminal justice system and without representation this
20 gets to be a bad situation becoming really dire for the
21 entire city.

22 JUDGE LIPPMAN: Thank you for your testimony.
23 Thank you.

24 Okay, Julie Kushner.

25 (Continued on next page)

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2 MS. KUSHNER: Good morning. My name is Julie
3 Kushner and I am the director of UAW Region 9A, which is
4 the United Auto Workers. And we represent over 60,000
5 active and retired members in New England, Puerto Rico and
6 in New York.

7 JUDGE LIPPMAN: So how do your people get their
8 legal services?

9 MS. KUSHNER: Well, hopefully, most of our
10 members earn enough through their good union contracts that
11 they don't come to Legal Aid and Legal Services.

12 JUDGE LIPPMAN: So they pay for, basically, your
13 average rank and file is able to afford legal services?

14 MS. KUSHNER: Most of them. Although, we clearly
15 represent people who you've heard about today are losing
16 their jobs, who are then out of work and we still consider
17 those members and they are in need and then they do end up
18 requiring the services of Legal Aid and Legal Services.

19 But what I'm here to talk about today is the
20 members we represent who work for Legal Aid and Legal
21 Services. We have two local unions, Local 2325, which is
22 the attorneys of the Legal Aid Society and Local 2320, the
23 National Organization of Legal Services Workers. And in
24 there we represent everyone who works for many of the
25 agencies here in the state, many of these programs.

26 We consider our members to be the first

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2 responders. They end up dealing with the people who are in
3 crisis, people who have lost their homes, people who have a
4 family crisis. And they've been through the system and
5 everything else has failed. And now they come our members
6 for representation.

7 Our members routinely avert catastrophes that
8 follow when a string of failures have occurred and they
9 have a lack of meaningful access to justice.

10 Statistics comparing the success rates of our
11 clients with those of the unrepresented are very clear.
12 For example, if you look at claimants needing unemployment
13 benefits, 80 percent win their hearings when they have
14 representation. And that's extremely important to us.

15 Additionally, you've heard a lot about -- I was
16 very happy that you covered the whole piece of the savings
17 that the state has, for instance, in emergency shelter
18 costs when our members protect their clients from
19 evictions.

20 JUDGE LIPPMAN: Your members protect those who
21 can't help themselves. What kind of income -- do you get
22 rich being a lawyer in a legal service provider?

23 MS. KUSHNER: I think you are going to hear from
24 some advocates and I think they could probably speak to
25 that better than I. But most of you know that, in fact,
26 the people we represent go into this work because they

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2 believe in it. And they aren't looking to get rich. And,
3 in fact, one of the things I wanted to highlight today is
4 that because of the difficulty in securing funds, we've had
5 layoffs, we've had members who've taken cuts in their
6 health benefits. And there have not been increases in
7 salary even though it's much more expensive to live.

8 And so one of the things I want to focus on is
9 that while it's really, really important to keep a stable
10 legal services work force, because that really helps in
11 representation, that people have expertise, they have
12 experience, they know the system, they know how to do this,
13 we don't want those very devoted, very committed advocates
14 to be forced out of Legal Services and Legal Aid because
15 they can't afford to be there and raise their own families.

16 And I think that's a really --

17 JUDGE LIPPMAN: If there's no continuity with
18 those kinds of people, you know, it's not money well spent
19 on anyone's part to be --

20 MS. KUSHNER: Absolutely. I mean, there are
21 people here in the room that I recognize. I have been
22 doing this work. I'm not a lawyer. I don't come from
23 Legal Services or Legal Aid, but fortunately my local
24 union, the attorneys of the Legal Aid Society affiliated to
25 my local union in 1979. So I see people in the room that I
26 met back then who are still doing this work. And they're

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2 extremely, extremely talented in what they do.

3 And I think that at that level of advocacy work
4 in Legal Aid and also in Legal Services is extremely
5 crucial. These programs are stable programs. The people
6 that have worked in them have been committed to this for,
7 you know, decades, for their entire life. And it's very
8 important to us to see that there is a steady stream of
9 funding so that we can keep this very talented pool of
10 workers, including everything from the lawyers to the
11 secretaries to the social workers, that really make sure
12 that these agencies are able to perform necessary
13 functions.

14 So I think that you've heard a lot about the
15 savings to the state. It's not just in the emergency
16 shelter cost, but it's, you know, when our members who do
17 family law work to stabilize families and keep children
18 with their parents, that avoids the cost of foster care
19 placement.

20 So there is lots of ripple effects beyond the
21 shelter work.

22 JUDGE LIPPMAN: So it's not just housing and
23 health --

24 MS. KUSHNER: Absolutely.

25 JUDGE LIPPMAN: -- it's people, it's families,
26 and their safety --

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2 MS. KUSHNER: It's families, it's displaced
3 workers and helping them in unemployment hearings, helping
4 people to gain access to public assistance dollars which
5 may keep them in their home.

6 So it really is --

7 JUDGE LIPPMAN: It all mushrooms out of control
8 if you don't have the appropriate representation.

9 MS. KUSHNER: It's tremendous.

10 I don't think any of these programs can afford to
11 cut any further. You already have people who have made
12 sacrifices in their personal lives.

13 In these programs you also have extremely
14 dedicated people who give many, many hours of work that is
15 not paid for because this is their cause, this is what they
16 believe in, and this is what they see as their avocation.
17 So I think it's really important to see that we can't cut
18 these dollars further and we can't take further cuts. We
19 can't cut the programs, we need to expand them.

20 And I think I want to, you know, just close by
21 saying that I've watched, I know you've talked about IOLA
22 funds. If the funding continues to be reduced, we are
23 going to see more bureaucratic mistakes and more -- greater
24 costs to the state. Without a permanent funding source,
25 programs like the ones we have representing -- our members
26 are represented, they'll no longer be able to keep up with

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2 the growing need.

3 You asked about other states and whether or not
4 they would say that they are funded to a proper level. I
5 have sat through hearings like this in the State of
6 Connecticut where we also represent Legal Services workers
7 and they are saying the same things, they're turning away
8 clients. And there is an emotional toll on our members for
9 having to turn away people that they know they could help.
10 And that toll cannot be measured. We need to make sure
11 these programs are funded.

12 I have been doing this work, as I said, for 30
13 years working side by side with the attorneys and the Legal
14 Services workers. There hasn't been a year where we
15 haven't joined them, either in Albany or at City Hall
16 asking for funding for Legal Services. There hasn't been a
17 single year where that hasn't been a critical issue. And
18 every year it's up in the air. And after all the competing
19 for funds, which you've heard about here today too, is
20 sorted out, some of our programs find they can't continue a
21 particular area of their work. And people are laid off.
22 And that work is lost and it's hard to get it back.

23 And so it's really critical today, I would just,
24 you know, we really want to thank you for what you are
25 doing here today in gathering all this information and
26 really put a plug in it, and say we fully support having

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2 Legal Services and funding continued on a steady basis and
3 really, really strongly advocate for Legal Aid and Legal
4 Services Corporation to get the bulk of that, because I
5 think that's where you see the really the best performance,
6 the best legal work on behalf of our clients.

7 JUDGE LIPPMAN: Thank you so much.

8 Margarita Rosa.

9 MS. ROSA: Good afternoon.

10 My name is Margarita Rosa and I am the executive
11 director of an organization that serves low-income people
12 located on the Lower East Side of Manhattan, the Grand
13 Street Settlement, it's one of the old established
14 settlement houses. It grew up when, at the turn of
15 century, when new immigrants were coming from south and --
16 Southern and Eastern Europe to settle in the United States
17 and struggled with many of the same issues that new
18 immigrants today struggle with, language barriers, finding
19 ways to ensure that they have access to decent housing,
20 medical care, obtaining employment, and finding ways to
21 live in stable communities.

22 Today Grand Street Settlement's programs that
23 range from early childhood services through after-school
24 services to senior services, serve approximately 10,000
25 people in the course of a year in Manhattan as well as in
26 the Bushwick section of Brooklyn.

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2 Some years ago we were fortunate to have -- to
3 partner with Single Stop, the Single Stop program, that
4 brought to us services that enable our constituents to
5 access social service benefits to which they have
6 legitimate entitlement, that enable them to obtain credit
7 counseling, to have income tax preparation services, to
8 access earned income tax credits, and to obtain access to
9 other social services and to legal services, which is the
10 issue that we are here to discuss.

11 Last year our Single Stop center served about a
12 thousand families. 150 received services from the lawyer
13 who comes from Legal Services of New York City and comes to
14 our agency every Thursday and sees people for three hours.
15 In the course of that three hours he sees all kinds of
16 people. I know that that's a day when we have a great deal
17 of traffic coming through because people are really, really
18 interested in obtaining the services of a lawyer that will
19 enable them to basically avoid having their lives become
20 further complicated by either the loss of benefits or the
21 loss of housing or some of the other issues that affect
22 low-income families.

23 Our Single Stop clients require a number of
24 different interventions depending on the circumstances of
25 their case and in all instances the Legal Services of New
26 York City lawyer reviews the problems that the client

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2 brings to them and then advises them as to either the
3 appropriate agency that they need to contact or the kinds
4 of documents that they need to fill out or the kinds of
5 other legal information that they may need to obtain in
6 order to insure that their matters are addressed.

7 Often clients --

8 JUDGE LIPPMAN: Can you have a viable community
9 with that kind of services --

10 MS. ROSA: Without those services?

11 JUDGE LIPPMAN: -- being provided? Yes, without
12 it.

13 MS. ROSA: I don't think so, Judge.

14 JUDGE LIPPMAN: In other words, our communities
15 in this city, in this state, what do they need? Is this a
16 vital -- when we talk about, gee, this is important funding
17 schools and funding hospitals and all the other things, is
18 this as important when you look at the community?

19 MS. ROSA: Absolutely, because it enables people
20 to navigate a system that many us who are actually better
21 equipped to navigate can be tripped up by. It's
22 complicated to navigate the system of benefits, to navigate
23 the courts if you're in an eviction proceeding or if you
24 have -- require a fair hearing because you are unjustly
25 being denied benefits to which you are entitled. And all
26 of that, as other speakers have noted, can destabilize

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2 entire families. And when entire families are
3 destabilized, neighborhoods are destabilized.

4 We sit in the middle of the largest housing
5 project in Manhattan. So when you talk about some of the
6 data that was mentioned earlier that, you know, thousands
7 of residents of public housing are more than two months
8 behind in paying their rent, you know that that's going to
9 give rise to the possibility of the loss of housing. And
10 therein begins a process that snowballs into the loss of
11 stability and just basic -- I guess the word is stability,
12 for entire families.

13 So the issues that most of our clients bring to
14 the attention of the lawyers often are landlord-tenant
15 issues and immigration-related issues. The percentage that
16 we see is something like 36 percent of the cases last year
17 involved housing issues; 13 percent involved family-related
18 issues like family violence and also just benefits for
19 family members.

20 We often find that we see a lot of our senior
21 citizens who are serving as parents to their grandchildren,
22 as caregivers to grandchildren, and in order for them to be
23 able to navigate the system not only in terms of what they
24 need and are entitled to, but also being able to access
25 those resources that will enable them to provide stability
26 for their grandchildren and the rest of their families, is

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2 really, really, really very critical. And we see that
3 often.

4 Income maintenance issues make up about
5 12 percent of that caseload. And then there are issues
6 involving consumer finance and other related matters. And
7 despite the fact that Legal Services of New York provides
8 excellent, excellent services for our clients, the reality
9 is that only 150 of them get to receive services and there
10 probably are four or five times that many people who don't
11 have access. I mean, three hours a week for those of us
12 who have done law we understand that that has its
13 limitations.

14 JUDGE LIPPMAN: Tip of the iceberg, yes.

15 MS. ROSA: That notwithstanding, we are very
16 grateful to have the services and we are very appreciative
17 of the work of this panel and the efforts it's making to
18 gather the data to ensure that there is a regular source of
19 support for these very, very critical services for
20 low-income New Yorkers.

21 JUDGE LIPPMAN: Thank you so much.

22 Anything else?

23 MR. YOUNGER: Just a quick question. I'll
24 disclose my bias along with our chief judge. We both hail
25 from the Lower East Side.

26 JUDGE LIPPMAN: Absolutely, and Grand Street in

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2 particular.

3 Go ahead.

4 MR. YOUNGER: In practical terms, you talked
5 about navigating the system. What does a lawyer do to help
6 you navigate the system that you just can't do without a
7 lawyer?8 MS. ROSA: Well, I think sometimes a lawyer,
9 first of all, helps a layperson sort out what are sort of
10 the relevant issues and concerns that they need to really
11 focus on in order to resolve a matter and helps them access
12 additional resource or services that might help them avoid
13 a bigger problem. And that's not something that comes
14 easily to people who aren't familiar with the system.15 So having someone help you understand what you
16 need to do or not do, what you should do or avoid in order
17 to achieve a positive outcome for yourself and your family
18 is critical. And I think someone with legal training can
19 provide that in ways that, you know, wouldn't be available
20 to laypeople otherwise.21 JUDGE LIPPMAN: Okay. Thank you. Appreciate it.
22 From Grand Street.23 (Continued on next page.)
24
25
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2 MR. SEYMOUR: Good morning, Chief Judge Lippman
3 and distinguished panels. Thank you very much for
4 letting me testify.

5 My name is Sam Seymour and I am president of
6 the New York City Bar Association. And at the outset I
7 want to thank you, in particular Chief Judge Lippman, for
8 bringing such a sharp focus to the vital need to provide
9 adequate funding for legal services and I should thank
10 all the members of the task force, particularly Helaine
11 Barnett for all the work that is going on.

12 The City Bar Association is an organization of
13 over 23,000 lawyers and judges dedicated to improving the
14 administration of justice.

15 In addition to having members who are active in
16 legal services, and a committee devoted to study ways to
17 improve the delivery of pro bono and legal services in
18 New York City, we have an affiliate called the City Bar
19 Justice Center which is mentioned in earlier testimony
20 today, whose mission is to leverage resources in the
21 City's legal community, to increase access to justice,
22 particularly for low income individuals.

23 The Justice Center does this by using a small
24 staff to carefully match pro bono lawyers with clients,
25 train the lawyers and supervise their work. And we
26 estimate that for every dollar that it spends, the City

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2 Justice Center is able to deliver up to \$9 worth of value
3 of legal services.

4 So back to the question of leverage that came
5 up earlier.

6 The Justice Center assists more than 20,000
7 clients per year, we assist immigrants who have been
8 victims of violence or crime and also conduct outreach to
9 immigrant communities regarding their rights and options.
10 We assist homeless individuals and families seeking
11 benefits, cancer survivors who have insurance and
12 employment issues, elderly New Yorkers who seek wills,
13 living wills, micro entrepreneurs seeking basic legal
14 help and veterans seeking disability benefits.

15 We also provide assistance to persons filing
16 for bankruptcy and those seeking to defend against or
17 prevent foreclosure, another program mentioned in earlier
18 testimony.

19 We also operate a legal hotline that has
20 assisted thousands of low income callers on a wide range
21 of issues every year.

22 Despite all of this work, the need for civil
23 legal services among those who cannot afford it far
24 exceeds our ability to serve them.

25 The recession has had a major impact on our
26 work particularly for clients dealing with debt. Our

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2 bankruptcy program is busier than ever and the number of
3 consumer debt calls to our hotline have increased
4 40 percent in the last year.

5 Our new foreclosure project is totally booked
6 up. We have all the work we can take.

7 JUDGE LIPPMAN: Sam, why is it important to the
8 legal community in New York, which the city bar in so
9 many ways represents, to have the poor, the vulnerable
10 have representation; what is it to the profession as a
11 whole -- you see all these terrific things the city bar
12 does, why is that important to have legal services for
13 the poor? What does it mean for the profession?

14 MR. SEYMOUR: I think what it means is the
15 profession operates on a lot of different levels. It's
16 part of our professional obligation, it is one of the
17 proud traditions of the American legal tradition and bar,
18 it's one of the most wonderful things about lawyering is
19 the ability to take your services and share them with
20 those who can't afford it and we as an organization and I
21 think all the bar associations in New York State fulfill
22 that very well. It's never enough.

23 But I think the real professional, and indeed
24 the social benefit comes from the results that are
25 obtained when counsel is involved. And that's a topic
26 that's been touched on a number of times today.

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2 Let me just move to one program that we're most
3 deeply involved in, which is involved with the immigrant
4 community. There are three million people in New York
5 City who are born outside of the United States. That's a
6 very large community.

7 JUDGE LIPPMAN: It is such an important issue
8 around the country, not just --

9 MR. SEYMOUR: It is a major social issue,
10 political issue and economic issue. We are dealing with
11 it every day as many others are in New York City, and
12 that community, like others, has special legal needs and
13 we have an immigration program directed to that group.
14 We help them with -- some of them are victims of domestic
15 violence or trafficking, they have other legal problems,
16 they have prior convictions which complicate the
17 immigration issue they may be facing, but we've worked in
18 particular on asylum.

19 I want to turn to that because I think it
20 answers one of the basic questions underlying this.

21 If we take the asylum cases that the City Bar
22 Justice Center has worked on and analyze the results, we
23 have found that among asylum seekers -- and looking at
24 the group now that is not in detention, so people who are
25 free --

26 JUDGE LIPPMAN: Right.

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2 MR. SEYMOUR: -- who are seeking asylum -- if
3 they are represented by counsel, they will receive asylum
4 through this process 39 percent of the time.

5 If they are unrepresented, that group will
6 receive asylum 14 percent of the time.

7 You have almost a three times increase in the
8 ability -- and let me just say, your Honor, those cases
9 are not cherry-picked, counsel are not picking the
10 stronger cases. They are assigned cases.

11 So what that tells you surely is that there are
12 people unrepresented who should have gotten and would
13 have gotten asylum, but they were unrepresented by
14 counsel.

15 Think of the social and economic cost of that
16 process of having people -- apart from the morality of it
17 on a sort of philosophical level -- being direct social
18 cost. Immigration is one of ten programs. We are one of
19 hundreds of providers, really looking at one tile in a
20 giant mosaic of legal services, but it is demonstrable
21 that the assistance of counsel will make a positive
22 difference in serving justice and ultimately making right
23 on the sort of economic and social contract we have with
24 our own citizens.

25 That is a professional aspect of the answer,
26 but it's also a social one that involves all of us and

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2 I'm very proud of the work we're doing and I think that
3 the results of it underscore the need for greater
4 services.

5 There's no question, it's been said many times
6 in testimony, the gap between what's needed and what's
7 provided.

8 JUDGE LIPPMAN: What's the mix, though, Sam,
9 between -- I know the city bar and the state bar and so
10 many of the professional groups around the State are
11 doing so much wonderful pro bono work, what's the mix
12 between that and the public funding that we need for
13 civil legal services? How do you look at the frame of
14 this whole issue?

15 MR. SEYMOUR: I think the figure of sort of
16 80 percent of unmet needs is really a starting point and
17 how that unmet need could be addressed through both
18 volunteers, peer volunteers, volunteers who are trained,
19 that is the sort of leverage model that I described and
20 the direct delivery of legal services is a pie chart that
21 remains to be drawn.

22 But I think --

23 JUDGE LIPPMAN: Do you think there's much
24 more -- and I say this not rhetorically, I don't know the
25 answer -- the bar around the State, the latest number is
26 over two million hours. Do you think there's much more

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2 we can get from that?

3 I think we all recognize that a significant
4 amount of public funding for services is essential no
5 matter what, we get a tremendous amount of pro bono, are
6 there more hours, is there more to the puzzle from the
7 pro bono side or have we kind of exhausted --

8 MR. SEYMOUR: I would never want to say we hit
9 bottom, your Honor. Things like the emeritus program
10 that you sponsored I think are great ways of innovation
11 of increasing efficiency.

12 The leverage model is another way to do it
13 where you can train people more effectively to take on,
14 in effect, more work, but it's not a bottomless source
15 of --

16 JUDGE LIPPMAN: It's almost finite.

17 MR. SEYMOUR: It is finite. I'm very proud of
18 the record of the New York Bar and there will be more to
19 come, but the solution is going to have to come from
20 other sources of funding. This cannot be solved purely
21 by volunteer work.

22 So it is a very important issue, we're proud to
23 be working on it, but one of the things it underscores is
24 how great need really is.

25 JUDGE LIPPMAN: Thank you. Thank you all of
26 you for your terrific testimony and your terrific work,

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2 each and every one of you. Thank you.

3 We are now going to have a panel of clients
4 which is a little different from the kind of testimony
5 we've had thus far, and I think you'll find very
6 interesting, that includes Catherine Johnson, John Brown,
7 Yulia Abayeva, Lars Anderson, Juliet D'Souza and Melanea
8 Richardson.

9 All right. Let's see. We'll start with -- why
10 don't we start with this end first, Melanea Richardson,
11 who is a client of the legal services for New York City.
12 Melanea Richardson who is a client of Legal Services of
13 New York City.

14 (Melanea Richardson gave testimony through a
15 Spanish interpreter.)

16 MS. RICHARDSON: Yes.

17 JUDGE LIPPMAN: Do you want to tell your story?

18 MS. RICHARDSON: Good morning. Good morning.

19 My name is Melanea Richardson and I am grateful that I
20 have been invited.

21 JUDGE LIPPMAN: You also should get close to
22 the Mike. Share it.

23 MR. SEYMOUR: I am grateful to have been
24 invited. I am the mother of three children and I have a
25 very low income job.

26 In 2005 I was a victim of domestic violence and

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2 for this reason I was able to apply for Section 8
3 subsidy. By way of domestic violence, I was able to get
4 the voucher for Section 8.

5 On the 15th of April of 2009, I was given the
6 voucher that was due to expire in 2009, October of 2009.
7 They asked me to find an apartment as quickly as
8 possible, because otherwise they would suspend my
9 subsidy.

10 At the end of August of 2009, I found an
11 apartment through a real estate, who put me in contact
12 with an apartment owner, and she accepted the Section 8.

13 We immediately began preparing the paperwork
14 for Section 8. On October 9th I handed in all of my
15 papers to Section 8 to accept it, who accepted them and
16 said everything was fine.

17 In November of 2009 Ms. Nilson, she is my
18 supervisor, informed me that she had been told that my
19 apartment had passed inspection. Later on in December I
20 called her to ask when I should move in, but I was never
21 able to contact her during the month of December.

22 I did not receive any notice from her during
23 that month.

24 Later on in January of 2010 -- later in January
25 of 2010 she called, Ms. Nilson called me and informed me
26 that my voucher had been suspended because there was no

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2 funding for it.

3 At the end of January 2010 Ms. Nilson told me
4 that my voucher had expired in October of 2009.

5 Shortly after receiving this notification, I
6 contacted Queens Legal Service to get help and I spoke
7 with an attorney about my situation. I saw many people
8 sitting at the waiting area, waiting to speak with
9 someone from Legal Services. I saw that they were so
10 overloaded with people that they were sending people home
11 because there were just too many there.

12 Fortunately, Queens Legal Services accepted my
13 case. They represented me and we started a legal case
14 against Section 8, and the Court for Section 8 said that
15 they had canceled my subsidy, that when I had submitted
16 my rental package, that the paperwork that -- that the
17 paperwork had already expired.

18 Nonetheless, my attorney showed proof that the
19 deed had been registered up to four months prior to
20 handing in the package.

21 After a legal battle of eight long months, the
22 judge rendered a decision ordering -- ordering the
23 Section 8 and I was given the voucher again.

24 Queens Legal Services worked very hard to
25 defend this program. I am very grateful for their help,
26 they helped me save my voucher.

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2 I know that there are many in my same
3 situation, but they do not know what to do because they
4 do not have money to pay an attorney. Legal Services
5 needs more money to be able to hire more attorneys to
6 help people out.

7 If I had not found Queens Legal Service, I
8 would have lost my case: But I thank God and Legal
9 Services for having won this case.

10 JUDGE LIPPMAN: Let me ask you something, what
11 would -- ask her what would have happened to her if she
12 didn't have their help?

13 MS. RICHARDSON: If I had not had their help, I
14 would have been in a very grave situation, I would still
15 be assaulted by my husband, because I didn't have -- I
16 have a part-time job, and I do not make enough to pay
17 rent.

18 And I thank them for having helped me and thank
19 you all.

20 JUDGE LIPPMAN: And tell her we thank her very
21 much for coming in and telling her story.

22 Lars Anderson, is a client of MYF Legal
23 Services.

24 MR. ANDERSON: Yes. Good afternoon, now.

25 JUDGE LIPPMAN: Good afternoon.

26 MR. ANDERSON: I will read this.

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2 My name is Lars Anderson. Thank you for the
3 opportunity to tell you about how legal assistance I
4 received from MFY Legal Services saved my home and may
5 have saved my life.

6 I am 48 years old and have lived alone in my
7 coop apartment building in Manhattan since 1997.
8 Beginning in September 2004, I became seriously ill with
9 a chronic medical condition and was unable to work. As a
10 result, my small business collapsed and I began living on
11 my savings and retirement account until November 2007,
12 when the money and my credit was exhausted.

13 I had never previously been late with a single
14 monthly mortgage or maintenance payment, but at that
15 point I could no longer keep up with my payments.

16 I discovered through the New York City Human
17 Resource Administration or HRA, a program that would
18 cover my housing costs by paying my monthly mortgage
19 payment and maintenance fees going forward so long as I
20 met a certain eligibility criteria and provided evidence
21 documenting my medical disability.

22 I applied for the HRA assistance program on
23 February 21, 2008, and my application was accepted. In
24 May 2008, the bank company servicing my mortgage loan
25 began nonjudicial foreclosure process against my coop
26 apartment, a nonjudicial foreclosure sale of my apartment

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2 was scheduled for May 29, 2008.

3 Once HRA issued the checks to bring my account
4 current I thought that everything would be all right.
5 Unfortunately, I was wrong. Although HRA was willing to
6 pay all arrears on the mortgage and make all required
7 payments going forward, the bank servicing company
8 returned the payments twice. The first time the bank
9 servicing company stated that the payments were being
10 returned because they did not have the loan number on the
11 check. The second time the bank servicing company
12 returned the payment stating that the funds were
13 insufficient.

14 My apartment was sold in a nonjudicial
15 foreclosure sale on May 29, 2008, and the bank purchased
16 the apartment at the auction. After the sale, the bank
17 quickly commenced an eviction action against me in
18 housing court. The housing court judge dismissed the
19 first action but the bank commenced a second eviction
20 against me immediately after the first eviction action
21 was dismissed.

22 In order to stop the eviction action and on the
23 advice of MFY Legal Services, I filed a pro se lawsuit in
24 the New York County Supreme Court against the bank
25 servicing company for negligent servicing in violation of
26 New York deceptive practices of act.

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2 I obtained a temporary stay of housing court
3 eviction action from the Supreme Court justice but soon
4 realized that I would not be able to handle the
5 litigation on my own because the legal process and
6 procedure was too complex for me to navigate on my own.

7 I returned in early in 2009 to MFY Legal
8 Services, which agreed to represent me in the litigation.
9 Over the course of the next 15 months MFY aggressively
10 pursued the bank servicing company to, A, set aside the
11 sale of my coop apartment to itself; two, reinstate my
12 mortgage loan with the funds from HRA; and C, accept
13 future monthly payments from HRA going forward; and D, to
14 discontinue the housing court eviction action.

15 MFY filed a number of motions, appeared at over
16 15 court appearances on my behalf in Supreme Court and
17 engaged in countless hours of settlement negotiations
18 with both the servicing company and HRA.

19 It was a very hard battle. At first the bank
20 servicing company was unwilling to admit that it was
21 wrong and give back my home, but MFY continued to press
22 until the bank loan servicing company relented.

23 In November, 2009, MFY obtained a settlement
24 and loan modification on my behalf. MFY was able to
25 negotiate a settlement in which the bank loan servicing
26 company agreed to set aside the foreclosure sale, restore

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2 my ownership of the apartment, accept only half of the
3 arrears up front, reduce the interest rate on the loan to
4 3.207 percent until the end of the loan term and
5 discontinued the hosing court eviction action.

6 HRA has continued to make the monthly payments
7 and the bank loan servicing company is now accepting
8 them.

9 I am indeed extremely grateful for the hundreds
10 of hours of work that MFY dedicated to my case. There is
11 no way that I could have reached a successful resolution
12 of this problem on my own.

13 MFY's work enabled me to remain in my home and
14 has removed a major source of stress in my life enabling
15 me to focus on maintaining my physical and mental health.
16 Without a safe and stable home, I literally don't know if
17 I would still be alive to be telling you this story
18 today.

19 And it does break my heart to think there are
20 tens of thousands of New Yorkers every year who need this
21 kind of help I received but who do not receive it because
22 of insufficient state funding of legal services.

23 I urge all the branches of New York's
24 government to come together to find a fair and permanent
25 solution to the problem for inadequate funding for civil
26 legal services in our State.

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2 Thank you once again for allowing me the
3 opportunity to testify.

4 JUDGE LIPPMAN: Let me ask you one question.
5 What's your educational level, if I might ask?

6 MR. ANDERSON: I have a BFA from the
7 University of Nebraska.

8 JUDGE LIPPMAN: So Legal Services is not just
9 for people who are uneducated or maybe have language
10 problems. In your case it was really a lifesaver and
11 nothing to do with that you couldn't read the papers, but
12 to navigate the legal system is not so easy.

13 MR. ANDERSON: No. Indeed, and actually, I
14 came from a very poor family in the Midwest and worked
15 very hard to achieve self sufficiency, and had a very
16 strong 27 year work history until 2004. And I actually
17 exhausted all of my own savings, retirement plans, and
18 credit basically out of pride because I didn't want to go
19 to -- have to ask for help or seek help. And you know, I
20 did.

21 And I have such an understanding now what it's
22 like for people who do not have -- you know, an education
23 or the opportunities that I had, or, like this woman here
24 who cannot even speak the language, it was a very tough
25 fight and if I did not know enough about how to -- or
26 have enough friends who even when everyone told me it was

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a hopeless case, you cannot fight a bank, you are going to lose, I had other people who said, no, just go and start a process yourself.

I found that once I actually got into the courtroom before a judge, and the judge ordered the stay in housing court, that that opened a lot of doors for me, especially with MFY, who said, wow, you got this far on your own, let's pick up the ball and, you know, get it over the --

JUDGE LIPPMAN: Great. Thanks so much for coming to tell us your story.

Juliet D'Souza.

(Continue on next page)

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2 JUDGE LIPPMAN: Juliet D'Souza.

3 MS. D'SOUZA: Thank you. Good afternoon.

4 JUDGE LIPPMAN: Juliet D'Souza is a client of the
5 Legal Aid Society.

6 MS. D'SOUZA: My name is Juliet D'Souza. I was
7 born in Mangalore, Karnataka in India. When I came to the
8 Legal Aid Society for help, I had recently escaped from my
9 former employer's home. I needed help with my immigration
10 status and I wanted to claim wages that my former employer
11 owed me.

12 My former employer's are a wealthy family who
13 brought me to the United States to care for their baby. I
14 agreed to come to U.S. to work for them because after my
15 husband died in 2002, I was left alone to support my son
16 and my parents. My husband had brain cancer and died after
17 four years of being sick, leaving me with a large amount of
18 medical debt. The debt caused great stress for me. I
19 began looking for opportunities to earn more money to pay
20 off this debt.

21 This family told me I would be paid well and that
22 I would work a normal work schedule during a week, with
23 days off on the weekends. However, once I arrived they
24 required me to care for the baby at all hours of day and
25 night, to clean and to cook their meals. At first I was
26 paid only \$600 a month. I was very isolated and I was only

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2 left alone at their home with the baby so I could not
3 leave. There was no public transportation and since they
4 sent my wages to India for my son, I didn't have much money
5 in hand.

6 I spoke to a mutual friend in India about the
7 situation. And when my employers found out I had told her
8 what I was paid and that I wanted more, they accused me of
9 being greedy and threatened that they could make me pay
10 back all the money they spent to bring me here if I left
11 their home. They also told me that because I did not have
12 valid immigration status, I could be arrested if I went
13 outside their home. I did not know at the first time that
14 there are laws here which protect people like me. I felt I
15 had to stay there and keep working for them. I thought I
16 had no other options.

17 I knew the name and phone number of one person in
18 the United States. A friend in India had given me the
19 information of a relative of hers who lived outside New
20 York City. I contacted her and she offered to help me
21 escape. However, each time I asked for one day off my
22 employer said no. And since I was always with the baby, I
23 could not leave. Finally, after a few months they agreed
24 to give me one day off as long as I agreed to return that
25 night. My friend relatives sent her husband to pick me up.
26 I snuck a bag of clothes into his car and we left. I did

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2 not return.

3 My new friends put me in touch with a friend of
4 theirs who had been through a similar situation. She knew
5 of an organization called NYANA and I contacted them and
6 was assigned a social worker. My social worker got me an
7 appointment with Legal Aid.

8 The Legal Aid helped me to apply for a T-visa as
9 a victim of trafficking. After interviews, fingerprints
10 and lots of paperwork, my visa was granted. Now my son is
11 waiting for his visa and he should be able to join me here
12 soon.

13 Together with the Asian American Legal Defense
14 and Education Fund, Legal Aid also filed a case in court
15 against my former employers. I claimed my unpaid wages at
16 the minimum wage and overtime rates the law requires. I
17 also included a claim under the Federal law against
18 trafficking. I wanted to do what I could to make sure that
19 my employers did not do the same again to anyone else. The
20 case is over now and I can't discuss the result because it
21 is confidential.

22 I am now able to work legally here and support my
23 son and parents in India. I never actually dreamed that
24 all this would come true. I would not have had the courage
25 to stand and talk here about what happened to me if it were
26 not for the service I received. I really appreciate the

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2 services that Legal Aid was able to provide me. I'm very
3 thankful for their assistance.

4 Thank you.

5 JUDGE LIPPMAN: Thank you for telling us your
6 story. And I think that you are not the only one in this
7 situation. You are not the only one who has immigration
8 issues which is very difficult to, again, to deal with the
9 system and how you navigate it.

10 So thank you so much for coming. We appreciate
11 it. Okay.

12 John Brown is a client of Legal Services in New
13 York City.

14 MR. BROWN: Yes, sir.

15 JUDGE LIPPMAN: Go ahead, John.

16 MR. BROWN: Good morning.

17 My name is John Brown and that's my wife Tiffany
18 behind me.

19 We are clients of Legal Services NYC Bankruptcy
20 Assistance Project. In February 2010 I just returned from
21 seven months in the army and was struggling to find steady
22 work, stable work as a civilian. I had worked as a
23 construction worker, a salesman and a truck driver, but the
24 work did not last long and I was constantly looking for the
25 next job. Tiffany was in college and had a very low-paying
26 internship at the garment industry. Tiffany's parents were

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2 unemployed at the same time, and whenever we had a little
3 money, we tried to help them out as we could. Because our
4 income was low to begin with, the job losses really set us
5 back, and we were forced to use credit cards to make ends
6 meet.

7 When my wife and I came to the Bankruptcy
8 Assistance Project in November 2009 --

9 JUDGE LIPPMAN: John, move the mic a little
10 closer to you.

11 MR. BROWN: When my wife and I came to the
12 Bankruptcy Assistance Project in November 2009, our burden
13 of debt had reached over \$70,000. Volunteers at the
14 project had worked with us to prepare our bankruptcy
15 petition, but our case was complicated because I received a
16 lump sum bonus that made us look better off than we really
17 were.

18 The Bankruptcy Project attorneys didn't give up.
19 They found a special protection in the law for veterans
20 that allowed us to proceed. These attorneys went the extra
21 step to help us to correctly file the petition. We have
22 now completed our creditor meeting and other steps and are
23 now waiting for our debts to be discharged.

24 Tiffany was recently laid off from her
25 internship, but she is going back to school to finish her
26 degree. She is working -- but I have just completed by

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2 Bachelor's in International Law at Queens College and look
3 forward to going back to active duty in the army early next
4 year.

5 Going forward we are in a much better position
6 now to support ourselves and to help Tiffany's parents.
7 It's a really big relief and we thank the NYC's Bankruptcy
8 Assistance Project for all they have done for us. Without
9 the Legal Services, I don't know how my wife and I would
10 have dealt with our financial situation.

11 Thank you for holding these hearings and
12 listening to our story.

13 JUDGE LIPPMAN: Thank you so much and thank you
14 for telling how Legal Services came to your rescue.

15 How does one find legal assistance? How did you
16 actually find them --

17 MR. BROWN: Well --

18 JUDGE LIPPMAN: -- Legal Services Assistance.

19 MR. BROWN: There is the military account, the
20 AKO account, and on there, there is a list of places you
21 can go and where you can get help for military personnel.

22 JUDGE LIPPMAN: Terrific. And there are many
23 people in the same situation, many veterans in the same
24 situation.

25 MR. BROWN: Actually, yes.

26 When you come back from active duty, all

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2 insurance, all benefits are taken away. So you lose all of
3 that when you come home.

4 JUDGE LIPPMAN: So you have this whole support
5 system that kind of isn't there anymore.

6 MR. BROWN: It goes away. And then you really
7 don't know what to do because when you're trying to look
8 for a job, you're going from job to job. And if you find
9 one and the company shuts down, then you got to look for
10 another one. That takes two, three months. Then you've
11 got to find that job and if that company shuts down, you've
12 got to look for another one. And even though you have a
13 college education, it becomes very, very difficult going
14 from job to job, because each lapse in paycheck you're
15 taking out of your bank account, you're taking out of your
16 savings. So you can save money, but then it's gone in
17 three months and then you've got to start stockpiling
18 again.

19 JUDGE LIPPMAN: So again, Legal Services is not
20 just for the people who either have language problems or
21 immigrants new to the country, people have problems and
22 people don't necessarily have the financial means to deal
23 with them or to, again, to interface with the legal system.

24 MR. BROWN: Oh, yes, definitely.

25 JUDGE LIPPMAN: Thank you. Thanks for telling us
26 your story.

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2 JUDGE LIPPMAN: Yulia Abayeva is a client of New
3 York Legal Assistance Group -- good, you have the mic
4 right there. Go ahead.

5 MS. ABAYEVA: Hi. I appreciate that you let me
6 to talk today. My language is not perfect, but I try and
7 explain everything what happened.

8 So I'm here today to talk to you about my story
9 and how the lawyers from NYLAG -- who I call my angels --
10 changing my life and help find safety for me and my
11 daughter.

12 I was married in Uzbekistan in 2002 and
13 immigrated to USA in 2004 to be with my husband who
14 immigrated several years before me. We had the couple --
15 become couples since we were 17 years old.

16 Prior to living in Uzbekistan my husband beat
17 me regularly and severely, and one occasion I was even
18 hospitalized two weeks, because of injuries what he did
19 to me. My husband was arrested over there, but he was
20 release from police station because he pay \$50 to tear up
21 the police report.

22 I followed my husband to United States even he
23 was hitting me because I was believe he's going to
24 change. He promise me he's going to change, he's going
25 to be different and so I trust him and I come here to
26 live with my husband.

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2 So, once -- I arrive in New York, the beatings,
3 verbal and emotional abuse become worse. My husband was
4 extremely controlling and would not even let me leave the
5 house or make friends. I had nothing in New York. I
6 spoke only Russian language and no English at all and no
7 money at all. So, he never let me talk on the phone.
8 Every time he used to lock me in the home. I didn't know
9 even how to take a subway.

10 My husband used to have special shoes, heavy,
11 heavy shoes, which he use, he used to put -- this was
12 special shoes to kick me, that was special shoes to
13 hitting me if I did something wrong.

14 Wrong is what? If I didn't properly clean the
15 apartment or I breathe loud or, I do something wrong,
16 from his opinion I do something wrong, he used to hit me
17 with the shoes.

18 And also my husband used to make -- when he
19 used to hit me he took my parents on the speaker and he
20 let them listen how he hit me and how I'm screaming.
21 They ask him please stop, stop, don't hit her and he ask
22 money. That, because I'm eating, I live in his
23 apartment, so my parents supposed to pay for this if they
24 want him hit me -- if he hit me.

25 So, first two, three months I get pregnant.
26 Since I come America, I got pregnant. Even though I was

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2 pregnant, he continue hit me. I have record everything.
3 Plus, he tried many times to leave my husband, but I
4 didn't know my rights. I didn't have language, I didn't
5 have money. Several nights I spent at night, was cold
6 outside, was wintertime. One night was in the Time
7 Square here in Manhattan. One time I spend it in
8 Brighton Beach, it was very disaster.

9 I knock a lot of doors, nobody was helping me.
10 Until I was entering domestic violence shelter, but still
11 my husband, he find me there, so the staff who is working
12 in the shelter, they relocated me a few times.

13 So 2005 I file first time order of protection
14 but I didn't get -- I didn't go to court after first
15 appearance because I was scared and I was alone. I
16 didn't know my rights and nobody was who help me explain
17 nothing, nothing, nothing. Just only that I have only
18 one chance, just hide myself and my daughter, jump from
19 shelter to shelter, and I was even afraid to go outside
20 because every time he 2008 to find me, was even afraid to
21 go outside to with my daughter to playground because
22 being shooting by my husband.

23 Why I believe I can be shoot, because my
24 husband has criminal connections in my country and some
25 over here.

26 So -- but everything change in 2008, when I

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2 meet my parents in airport. My husband, he find me there
3 and he start threatening me again. I was afraid to call
4 police, everything what he did, he went to police and lie
5 about me and police lock me up, they put me in a jail.

6 So after this I went to the Jewish Community
7 Center. I explain because he told me he going to lock me
8 up time by time every time like this and end up in
9 desert, he going to give me a bullet in my -- over here,
10 I don't know how it's called, sorry.

11 And so, I went to Jewish Community Center.
12 Right away they connect me with the NYLAG Center and
13 since then everything change. So, change in a very, very
14 good way and very quick.

15 First of all, they give me lady who speak my
16 language who explain me from A to Z. Yulia, this, this,
17 this. You have to do this, not this. You have to do
18 this.

19 I believe I am first -- not first, one of the
20 million people of domestic violence victim who has a lot
21 of evidence which is -- how do you -- records of hours of
22 threatening, he kill me, he kill my daughter and plus I
23 have video of bruises of hitting me, and many other
24 evidence, and just, I was near the people, the right
25 people who can help me to bring to the judge who can
26 believe, who listen this and decide if accept it or not.

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2 I hope you understand me.

3 JUDGE LIPPMAN: We do. We do.

4 MS. ABAYEVA: And so in NYLAG, they help me
5 because the worst record was in my language, in Russian
6 language, so right away they send it straight to the
7 right people who translate everything.8 So they convince -- not convince, they make
9 understand the judge that this is very important and this
10 is very, very serious case.11 So, and what I like by this group, you know,
12 before trial, each trial, it's very hard to have trial,
13 to have testimony. Especially my husband, he was
14 afraid that I'm going to say a lot of bad things about
15 him, he was afraid to go jail and he was trying many
16 times to stop me.17 So, and I was afraid every time to go police.
18 So the NYLAG, they make me not to make police report, go
19 straight to District Attorney office, to meet officer,
20 District Attorney and make -- make my testimony in the
21 grand jury in front of to testify, in front of grand
22 jury.23 So each documents which they used to give me
24 which we used to bring to the Court, they give me two
25 language. One is English and one is Russian, which is
26 mine. Every time I used to understand what is going on,

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2 and they used to prepare me a lot. They work with me
3 very hard.

4 So my husband currently faces in Manhattan
5 felony charges for the intimidation and harassment of me
6 during the Family Court trial. Plus we won the case in
7 July, we won the case. I got my full custody. My
8 husband has no visitation to my daughter. Plus I get my
9 child support on time. I get my money back, which he
10 never paid for my daughter account.

11 So, what I can tell you, this is group is very
12 good. They are doing good and don't cut this one,
13 please.

14 JUDGE LIPPMAN: You've told us plenty.

15 MS. ABAYEVA: It's little bit, you know.

16 JUDGE LIPPMAN: We're glad to see that there is
17 a ray of sunshine that's coming, things are better.

18 MS. ABAYEVA: Thank you.

19 JUDGE LIPPMAN: Thank you so much and thank you
20 all for telling us your story and I don't think it takes
21 much translation or imagination to see what the Legal
22 Services has done for all of you and the different
23 organizations and providers that were able to help you --

24 MS. ABAYEVA: Before nobody help. I used to
25 knock many organization, I don't want to call names, but
26 only NYLAG respond right away and they help me a lot.

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2 JUDGE LIPPMAN: I can see it and we can see it
3 in all of you, in your faces and your stories, so thank
4 you all so much. You've drawn a picture that needs not
5 much explanation, so thank you.

6 Thank you all.

7 Our next panel is the judge's panel which
8 includes Honorable Jeffrey Oing, Honorable Jaya Madhavan
9 and Honorable Rubin Martino.

10 (There is a pause in the proceedings.)

11 JUDGE LIPPMAN: Your Honors, it is a pleasure
12 to see all of you. You are the closing panel here. And
13 Judge Gonzalez is getting a little nervous because he's
14 supposed to preside at 2:00 over this courtroom, but we
15 want to hear your story because you have such a critical
16 part of what this is all about.

17 Where does the judge fit into all of this and
18 what do you see in terms of legal services and what do
19 they provide that is so dynamic of the justice system and
20 this whole issue of providing equal justice to all.

21 So let's start with Judge Oing and tell us.

22 JUDGE OING: Good afternoon, members of the
23 task force. My name is Jeffrey Oing and I am the
24 supervising judge of New York County Civil Court located
25 at 111 Centre Street.

26 I want to thank the Chief Judge Jonathan

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2 Lippman, Chief Administrative Judge Ann Pfau and Deputy
3 Chief Administrative Judge Fern Fisher and presiding
4 Justice Luis Gonzalez for giving me the opportunity to
5 testify today on this very important issue.

6 This morning you've heard the opportunity to
7 hear the testimony from the litigants' side and the legal
8 service providers with respect to the issues that come
9 before the Court.

10 This afternoon the three of us will give you,
11 from our perspective from the bench side and what we face
12 on a day-to-day basis.

13 The goal of my testimony is to give you a
14 glimpse of the other side and what judges see on a
15 day-to-day basis.

16 JUDGE LIPPMAN: Jeffrey, let me give you a
17 bit -- summarize, why do legal services matter? Why does
18 it matter? You are there every day trying to dispense
19 justice. Why does this matter. Why -- if you have an
20 attorney, you don't have an attorney, you are still the
21 judge, you are still going to try and do justice, why
22 does it matter?

23 JUDGE OING: Well, it's very important, Chief,
24 from where I sit because particularly in the consumer
25 credit part that we've established there at 111 Centre
26 Street. That part is --

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2 JUDGE LIPPMAN: Particularly important today,
3 the economy --

4 JUDGE OING: Particularly important today,
5 that part, even before the economy started tanking, we
6 were noticing at 111 Center Street the slow uptake of the
7 number of cases coming into the consumer credit part and
8 what happens in those cases, virtually about 99 percent
9 of the litigants the defendants are unrepresented.

10 JUDGE LIPPMAN: 99 percent?

11 JUDGE OING: Yes. Pretty much every case
12 that's called up before me, they're all unrepresented
13 defendants.

14 And I'll tell you just a statistic to give you
15 a real quick number, in the year 2009, we had about
16 approximately 250,000 consumer credit filings, with
17 consumer credit cases, and of the 250,000, approximately
18 150,000 default judgments were issued.

19 And then what we had from that number is
20 virtually all the order to show causes coming in to
21 consumer credit parts seeking to vacate the default
22 judgments were brought by self represented litigants and
23 many times they come into court, they're scared, they're
24 frightened because the bank accounts have been frozen,
25 because their employers are garnishing their wages, some
26 employers use that as an excuse of firing or terminating

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2 their employment because they have these bad -- they have
3 these debt situations and they're not resolved.

4 So we're facing a crisis in the sense that, you
5 know, the economy is bad enough but with this credit
6 crisis going on, it's actually putting more people out of
7 work.

8 MR. YOUNGER: What is the impact to you and
9 your staff of dealing with someone who is unrepresented
10 as opposed to someone who has a lawyer?

11 JUDGE OING: It is very difficult from a
12 judge's point of view because we had a very, very -- we
13 straddle the fence. We -- where is our ethical
14 obligations in terms of what advice we can give to the
15 self represented defendant, because virtually all the
16 time the plaintiff, debt collector or bank or what have
17 you has an attorney. And we sit there and we hear what
18 the plaintiff is telling us, yet at the same time we are
19 really hamstrung in terms of what we can tell or offer to
20 the self represented defendants.

21 JUDGE LIPPMAN: Because you are supposed to be
22 the neutral in this and not the lawyer.

23 JUDGE OING: Exactly. Exactly. So we have a
24 very, very tight line to draw there, except for one thing
25 Justice Fisher has implemented in New York County and I
26 think in the other five counties, the Volunteer Lawyers

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2 For the Day program.

3 JUDGE LIPPMAN: What do they do?

4 JUDGE OING: That is an excellent program. It
5 really takes the onus off of us, because we have
6 volunteer lawyers coming in on a daily basis signing up
7 to actually represent the self represented defendant for
8 the day, with respect to the conferences, and with
9 respect to any order to show causes that they brought.10 Now I say that's important because what the
11 volunteer lawyer can do, what the attorney can do that --
12 where we are reluctant or not ethically -- or ethically
13 challenged in the sense what we can't say is that these
14 attorneys tell the defendants their defenses.15 JUDGE LIPPMAN: Can you really have -- can you
16 be self represented as a general manner rather than the
17 aberrational case where you have someone who can really
18 articulate their position in general, is there such a
19 thing as being -- truly representing yourself effectively?20 JUDGE OING: You know, you can represent
21 yourself only to a point where when it gets down to the
22 legal issues and the defenses -- you have to understand
23 the folks I see coming into my courtroom, they're not
24 sophisticated individuals, they're working class, many
25 are immigrants, many don't speak the language, so they
26 are already behind the eight ball in that sense.

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2 JUDGE LIPPMAN: So self represented is often a
3 nonrepresented?

4 JUDGE OING: Exactly. It gets to a point where
5 there is no representation at all. It is a critical
6 problem because these people, these folks, you know,
7 they're up against the wall, some of them are trying to
8 face paying off debt or putting food and keeping a roof
9 over their head and they have children and the other part
10 that I see is they're in our courtroom and they can ill
11 afford to be there for any length of time because if
12 they're working, they're going to lose their job, and
13 it's really very stressful from where I sit to try to
14 move the calendar along and it's hard to move the
15 calendar along when you have 100 cases and everybody
16 needs at least a minute of your time just to figure out
17 what's going on.

18 So what the volunteer lawyers do is they're
19 able to capture many of these cases ahead of time -- many
20 times they do acknowledge the debt. Don't get me wrong.
21 The defendants for the most part do acknowledge they owe
22 the debt. So what these lawyers end up doing is helping
23 them work out a workable payout schedule or workable plan
24 to settle the case.

25 Then there are defendants who don't know they
26 even have the debt or thought they never had a debt and

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2 they're saying, this is 15 or 20 years ago, I don't
3 understand why all of a sudden they're coming after me --

4 JUDGE LIPPMAN: Can you calculate, if you look
5 at this particular volunteer program, and you look at the
6 results that you get when they do have someone to
7 represent them, if you had to calculate how that sets up
8 versus when they don't have it and the consequences of
9 not having and not being able to work something out, how
10 do those two set up in terms of society and the costs?

11 JUDGE OING: That's a really easy question
12 because what we have at 111 is two personal appearance
13 parts. We have one person appearance part dedicated
14 solely to consumer credit and we have one personal
15 appearance part dedicated to nonconsumer credit cases,
16 and I'll tell you from my experience in sitting in both
17 parts, with respect to the consumer credit cases, we try
18 to get them done and get them -- and end them as soon as
19 possible, because that's only going to help the
20 litigants. Prolonging and protracting that litigation
21 only hurts society and hurts the defendant in more
22 particular ways because they will lose their job.

23 If you contrast that to the nonconsumer credit
24 part where it's also self represented, those cases get
25 dragged on, they -- I mean you have the self represented
26 defendants not having a lawyer, they get into discovery

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2 process where they get bogged down in discovery so
3 there's no attorney there helping them try to move the
4 case along, and sort of ending that kind of case.

5 So in terms of speed, in terms of getting
6 things done, when we have a volunteer lawyer working for
7 the day in the consumer credit part and the volume of
8 cases, we really get it done -- to answer you question,
9 it is a matter of efficiency.

10 JUDGE GONZALEZ: So the impact on judiciary is
11 that you are not able to accomplish as much as you could
12 if they had been represented in terms of number of cases?
13 If you have say 100 cases and you have a nonrepresented
14 person, more likely than not --

15 JUDGE OING: It's going to grind to a halt.

16 JUDGE GONZALEZ: That's right. You're not
17 going to be able to take care as much of the calendar as
18 you could otherwise.

19 JUDGE OING: Without the volunteer lawyers for
20 the day, I can tell you a lot of these cases will have to
21 come back twice, two times or three times over, which is
22 unthinkable for many of these defendants.

23 With the volunteer lawyers in place I can
24 safely say that we get done very quickly and we move the
25 cases. Because when one case moves off, another case
26 comes up. That's how -- that's what is going on.

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2 JUDGE GONZALEZ: This program with voluntary
3 lawyers, is that enough to take care of the load or would
4 you be able to use --

5 JUDGE OING: As a judge we always want more
6 lawyers.

7 JUDGE GONZALEZ: -- other help.

8 JUDGE OING: We always want more people.

9 JUDGE GONZALEZ: For example, legal services,
10 et cetera. So the voluntary program by itself is not
11 enough to meet the needs of the Court?

12 JUDGE OING: It is not enough, but we're
13 cognizant of the fact that the legal services already out
14 there are stretched thin. They're doing other work, and
15 you know, unfortunately, it is what it is in terms of
16 what we have to deal with, what we work with.

17 JUDGE GONZALEZ: No question. For example,
18 additional funding of more lawyers for legal services
19 would definitely help to move the cases along?

20 JUDGE OING: Right, because right now we're
21 operating on the sheer basis of good will by these
22 attorneys who recognize what we're facing with and are
23 stepping up to the plate and helping out.

24 If we get the funding, I can assure you that
25 our calendars will move faster and more efficiently.

26 (Continued on next page)

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2 JUDGE LIPPMAN: Thank you.

3 Judge Madhaven, where are sitting now, and --

4 JUDGE MADHAVEN: I'm in the Bronx Housing Court.
5 In my prior life I was a Legal Aid lawyer for about ten
6 years, so I share both perspectives. And, you know, in my
7 view nowhere has the dearth of legal services been felt for
8 as hard or as long as the New York State Housing Court.

9 Back in 1993, a study found that over 97 percent
10 of landlords in Housing Court were represented by counsel
11 and just about 12 percent of the tenants were represented
12 by counsel. You know, that chasm has only widened in the
13 current economic climate. What we see now are increasing
14 numbers of low- and moderate-income folks coming into
15 Housing Court, trying to save their homes, trying to
16 navigate the court system without counsel.

17 JUDGE LIPPMAN: Why can't they do that in Housing
18 Court? What is so difficult about Housing Court?

19 JUDGE MADHAVEN: By definition New York City
20 Housing Court and the nature of Housing Law is highly
21 regulated, even for lawyers who come in. When you were
22 talking about, you know, are volunteer lawyers a solution?
23 To some degree, yes, but by the time you get up to speed on
24 the law in Housing, you know, it's kind of hard to just
25 jump in and assume a full caseload that can deal with the
26 unprecedented demand that you are seeing in Housing Courts,

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2 especially now.

3 We have more folks of moderate income in Housing
4 Court than ever before, co-op and condo parts.5 JUDGE LIPPMAN: Do you find it odd that in a
6 society like ours when people are dealing with, you know,
7 their very basic need for housing, for a roof over their
8 head, that there isn't representation, overwhelmingly isn't
9 representation in Housing Court cases?10 JUDGE MADHAVEN: Well, it's kind of ironic when
11 you think about it that, you know, even if you commit a
12 crime, you not only have counsel, you have a roof over your
13 head. But here you are and your only crime really in
14 Housing Court is that you're poor or that you just fell
15 into a bad economic situation and you find yourself
16 homeless.17 Do we know that counsel is the answer to that
18 problem, and the answer is clear. We in the Bronx had a
19 study recently done in conjunction with the New York City
20 Department of Homeless Services and The United Way, which
21 initially funded a Housing Help Program. It's a simple
22 premise. The idea is you take the folks in the poorest
23 neighborhood in the City of New York, you give them counsel
24 from the very outset of the case and we see what happens.25 And I can tell you between 2005 and 2008, the
26 Housing Help Program provided legal services to 1388

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2 families in zip code 10456. In three years the Housing
3 Help Program prevented 91 percent of those families from
4 losing housing and prevented 94 of its clients from
5 entering the New York City shelter system. And when you
6 consider the cost/benefit of that, you can get a lawyer
7 from a legal services organization to represent a family
8 for anywhere from about a thousand to \$2,000 a case. The
9 cost in fiscal year 2009 of housing a family in the New
10 York City shelter system was \$38,405.

11 JUDGE LIPPMAN: So what's the case for legal
12 services? Is it the efficiency? It is the moral
13 obligation to represent these people? Is it the cost
14 savings?

15 JUDGE MADHAVEN: It's all of those things and
16 much more. It's not just a cost savings. It's also the
17 exponential value to the family who's not displaced, to the
18 children whose education is not disrupted. It's, you know,
19 the value to the court system in terms of efficiency. If
20 you take an average calendar of 60 cases or so where you
21 have two attorneys and compare that to 60 cases where only
22 one side is represented, it's clear that each case is going
23 to take a lot longer when you have one side being
24 unrepresented.

25 Families that come to Housing Court as well as
26 single adults are often in crisis, not simply an economic

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2 crisis but there may be underlying crises, whether it be a
3 Family Court crisis. Some of the testimony you heard today
4 involved folks who had domestic violence issues and other
5 kinds of things. You know, it's not uncommon for litigants
6 in Housing Court to also suffer other kinds of crises.
7 They can be in Family Court at the same time that they're
8 in Housing Court as well as Criminal Court.

9 So the goal is for us as certainly Housing Court
10 judges to try to figure out what the crises are and figure
11 out what we as judges can do without entering into the
12 judge advocate role that, Justice Gonzalez, you had alluded
13 to, because there is always that inherent tension between
14 us as judges ensuring that justice is done but not crossing
15 that line.

16 JUDGE LIPPMAN: Let's talk about that for a
17 second then.

18 It really puts the judge in a strange position.
19 You think you can -- are you meeting your responsibilities
20 as a judge when you do have to be an advocate? One would
21 think, what's the difference? You have sympathy for
22 somebody who is going to lose their apartment or their home
23 or their house. Why is it bad for you to be sympathetic
24 and want to, you know, play that role? Is there something
25 wrong with that?

26 JUDGE MADHAVEN: Well, in terms of -- look, we're

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2 all human beings. I mean, judges don't stop being human
3 beings, but yes, there is a limit --

4 JUDGE LIPPMAN: But you have responsibilities
5 other than being a human being, a caring human being.

6 JUDGE MADHAVEN: Well, you know, you have an
7 obligation to ensure justice is done. When you see that
8 there is clearly a claim that needs to be articulated but
9 the litigant is unable to because he or she is just not
10 familiar with the court or how to go about doing things or
11 is overwhelmed, you know, it's not our obligation to
12 certainly assume the role of the advocate for the litigant,
13 but it may be --

14 JUDGE LIPPMAN: But is it bad for you to assume
15 that role? Does it twist the system? In other words, is
16 the message here that everybody has their role?

17 JUDGE MADHAVEN: Everyone has a role, that is
18 clear. The system works best when both sides are
19 represented. We know that. And the goal is to get to that
20 point.

21 JUDGE LIPPMAN: Is justice better done when both
22 sides are represented?

23 JUDGE MADHAVEN: It's always better done when
24 both sides -- you know, I don't have to sort of spend the
25 time figuring out how to deal with these little crises that
26 folks may be dealing with, some not so little. Where I

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2 have two lawyers, I am just dealing with the legal issues.
3 I have an argument and I decide the case and it's easier.

4 When I was a Legal Aid lawyer my job was simple.
5 The judges didn't hear about those crises because I dealt
6 with that end of things. The role for the judge was simply
7 to decide the narrow legal issue that was before the judge.
8 I mean, that's how the court should function.

9 However, we're not at that point. We're at a
10 point where judges have to be sensitive to certainly the
11 litigants and the needs that they are facing, but also
12 respectful of the fact that we have a system which is an
13 advocacy system and the role of the judge is certainly not
14 to be the advocate.

15 JUDGE LIPPMAN: To be neutral.

16 JUDGE MADHAVEN: Right.

17 JUDGE PFAU: In Housing Court particularly, Judge
18 Fisher's Lawyer for a Day Program, volunteer program, has
19 been the focus of a lot of attention and a lot of resources
20 going that way. Is that enough? Does it make a dent in
21 what you are seeing every day?

22 JUDGE MADHAVEN: Those programs are valuable.
23 And they have significantly changed the climate in Housing
24 Court. However, given the numbers of folks that we are
25 dealing with, you can't possibly absorb all of that into a
26 volunteer program.

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2 All of the programs that the courts have created,
3 you know, are wonderful. But they are never a substitute
4 for the direct individualized assistance that you are only
5 going to be able to be obtain from a civil services legal
6 provider. The bottom line is, courts couldn't do it alone.
7 We need civil legal services providers to be the vital
8 partners in our mission to ensure that everyone gets access
9 to justice. And it's really the time now, it's really a
10 star opportunity to make civil Gideon a reality in New York
11 State and a model for national reform.

12 MR. YOUNGER: Just earlier today we heard from
13 the head of the Rent Stabilization Association who
14 represents landlords in your court. And one of the points
15 he made was that many of the people who can't -- who
16 haven't paid rent actually may qualify for government
17 benefits to pay that rent.

18 Do you see that as a frequent problem in your
19 court?

20 JUDGE MADHAVEN: It is. I mean, you know, one of
21 the things that we certainly share with Mr. Strasburg is a
22 view that you sometimes need lawyers to navigate that
23 system. And that's how both sides benefit.

24 I mean, if you look at what we have in Housing
25 Court, you have two sides really who want the same thing;
26 tenants who essentially want to pay the rent and landlords

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2 want the rent. It's just a question of how do you make
3 that happen. And the real key to that is lawyers on both
4 sides. Because as you just saw with the Housing Help
5 Program, the cases where there were lawyers on both sides,
6 the outcomes were not successful just for one side but for
7 both sides, because both sides ended up getting what they
8 ultimately wanted in the first place.

9 JUDGE LIPPMAN: Judge Martino.

10 Thank you, Judge Madhaven.

11 Where are you sitting today?

12 (Continued on next page.)
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2 JUDGE MARTINO: I am presiding in the Harlem
3 Community Justice Center, a problem solving community
4 court, but before that I was in Family Court for about a
5 year, and before that I was in Housing Court for about
6 ten years, so I am very happy to be here testifying and
7 this is a topic that is pretty close to my heart, but I
8 actually thought about a story that I wanted to share
9 with you apart from my written remarks --

10 JUDGE LIPPMAN: Yes, sure. Bring the mic a
11 little closer.

12 JUDGE MARTINO: -- and this happened actually
13 when I was a senior supervising attorney at the Legal Aid
14 Society's Bronx civil office in Hunts Point in the South
15 Bronx, and we had an intake system and I changed -- I'll
16 tell you why after the story -- where people come first
17 come, first serve basis Tuesday mornings, and because of
18 our limited attorneys they could see maybe 25 or 30
19 people by the end of the day.

20 I soon found out that people were lining up at
21 midnight to be the first ones when I opened, and I came
22 early, I would be there at 7:00 in the morning. The
23 first half hour of my job was sorting out who were the
24 first 25 people. There were fistfights I had to mediate.
25 People got smart, they figured out let's get a list and
26 write down names on the list. But often I'd come in and

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2 say well, wait a second, there was a list but then that
3 person over there came too late, grabbed the list, tore
4 it up, started his own list and put the first name on and
5 that's what I had to do every Tuesday morning.

6 JUDGE LIPPMAN: These people were so desperate
7 for legal services.

8 JUDGE MARTINO: How desperate people were for
9 those 25 or 30 spots. So that just sort of came to mind
10 when I was hearing people talking about Legal Aid, Legal
11 Services experiences.

12 I invite all of you and us to imagine what
13 would happen if for some unknown reason we lost our jobs.
14 And because of the economy we couldn't get another job.
15 And after our savings -- like the gentleman who testified
16 about using up all his savings -- after we did that and
17 we were served with either the foreclosure or with the
18 eviction case and you're sitting there in the quiet of
19 your home watching your children sleeping or your wife or
20 your significant other wondering what's going to happen
21 to me, who among us would not need or want to get an
22 attorney to represent us.

23 Or another scenario. Suppose we were
24 transported to another country, forgetting about
25 language, one that had a totally different justice system
26 and we were sued and summoned to appear in court.

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2 Would any of you not get an attorney who was
3 familiar with the court systems so you can kind of
4 navigate through?

5 This is exactly what the pro se litigants in
6 our courts are facing. These are very important,
7 substantial rights that people have at stake --

8 JUDGE LIPPMAN: Where do you draw the line?
9 You say people have rights, you are dealing with cases
10 that are very important to them, one of the things that
11 we're grappling with and the task force is grappling with
12 is, where is it that you -- as the counterpart to Gideon
13 on the criminal side, we know when your liberty is at
14 stake you need to have a lawyer, where does "the right,"
15 in quotes, come in when you are talking about the civil
16 side, what kinds of things are we talking about when I
17 always use the term, oh, we're dealing with the
18 necessities of life, people have to have a lawyer, how do
19 you draw that line?

20 Where do people have to have a lawyer if we're
21 going to be a just society if we're going to provide --
22 if we in the courts are going to provide equal justice to
23 all?

24 JUDGE MARTINO: That's a very difficult
25 question for me to answer off the top of my head -- of
26 course housing, I wouldn't want people to be in shelters,

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2 living in the street, losing their homes in one way or
3 another, family cases, we don't want people's rights --
4 their parental rights terminated, losing children,
5 custody battles, orders of protection, things like that,
6 forfeiture of property, I guess, in civil forfeiture
7 cases, I think that would be a significant area, so those
8 are some --

9 JUDGE LIPPMAN: Debt collection.

10 JUDGE MARTINO: What's that?

11 JUDGE LIPPMAN: Debt collection.

12 JUDGE MARTINO: Debt collection. Also if it's
13 going to leave one -- I guess becoming a public ward,
14 going on welfare, lose everything that you have --

15 JUDGE LIPPMAN: Personal safety -- these are
16 rhetorical questions. We're trying to grapple with what
17 are the different areas.

18 MR. YOUNGER: Government benefits.

19 JUDGE MARTINO: Yes. Government benefits as
20 well, of course. If it is going to leave you without a
21 way to survive and eat and feed your family.

22 JUDGE LIPPMAN: We're talking about a broad
23 your cross-section of cases that come into our civil
24 justice system that really affect the fundamentals of
25 life.

26 JUDGE MARTINO: I believe you are correct.

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2 That's a good way of expressing it.

3 JUDGE LIPPMAN: Do you have anything else?

4 JUDGE MARTINO: Oh, so why civil legal service
5 is important to us, we mentioned very important rights
6 are at stake, but also people, many people do not know
7 what they're doing when they're in a courtroom. As a
8 court we try to help. How is that? We have help
9 centers, we have computer programs, we have pamphlets, we
10 even have pro se attorneys who, of course, cannot give
11 legal advice but can give information and all these
12 things help tremendously.13 But when a person steps in that courtroom it is
14 a totally different world. People don't know court
15 procedure, not only do they not know how to present their
16 rights, they don't know what their rights are. They're
17 really just kind of going along and trying to do the best
18 they can, but it's something that --19 JUDGE LIPPMAN: Do you think that it is an
20 equally obvious truth as the Supreme Court said in Gideon
21 that you know, you can't -- we all -- when you are hauled
22 into court -- I forgot what the exact language is -- when
23 your liberty is at stake, you have to have a lawyer, is
24 it equally obvious that --

25 JUDGE MARTINO: I believe that it is.

26 JUDGE LIPPMAN: -- on the civil side?

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2 JUDGE MARTINO: I think we've bent over
3 backwards tremendously to try to compensate for that --

4 JUDGE LIPPMAN: We're doing handstands to try
5 and compensate.

6 JUDGE MARTINO: Absolutely. And we were
7 talking about that, the dual role of a judge. What do we
8 do in the middle of a trial when a litigant turns to you
9 and says: Judge, I don't know how to question this
10 witness.

11 JUDGE LIPPMAN: And you are the judge and you
12 are supposed to --

13 JUDGE MARTINO: That's right. Or when they
14 have a piece of evidence that you know is important in
15 the case and the other side, let's say, is represented,
16 they're objecting, they don't know how to lay a
17 foundation: Judge, I don't know what to do.

18 What do we do?

19 Well, we bend over backwards, we find a way to
20 get it in. We find a way to get the witness to come out
21 with their story, but is that something that we should be
22 doing?

23 JUDGE LIPPMAN: The desired result to properly
24 fund the legal service system for the poor in this state.

25 JUDGE MARTINO: Correct.

26 JUDGE LIPPMAN: And I thank you, Judge Martino,

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2 and I thank all of you, and I think the sense of the
3 testimony that we've heard from so many different
4 perspectives, from the business community, from the
5 providers, from the clients, from the judge, to me it
6 seems obvious that there is very much a counterpart to
7 Gideon, on the civil side of the equation and it is an
8 equally obvious truth that you need to have a lawyer when
9 you're dealing with the fundamentals and the necessities
10 of life and the spirit of Gideon is certainly one that
11 should prevail throughout our court system and I think
12 these hearings -- or at least this first hearing has been
13 absolutely elucidating in terms of the information that
14 we received.

15 What we're going to be doing is taking all of
16 this information and putting it together from all of the
17 four hearings, from all the different perspectives and
18 we're going to combine that with a lot of the really
19 diligent work that the task force has done in terms of
20 surveys and research and I think we're going to --
21 certainly is our every intention to have the most
22 comprehensive report of its kind in the history of this
23 State and this country, that will make the case to the
24 policy-making branches of government of the need for the
25 permanent funding of civil legal services through the
26 public fisc and not through the unreliable catch as catch

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2 can kind of funding that we've had in the past.

3 So I thank you all, I thank the members of the
4 judiciary and all the other witnesses today, I thank our
5 terrific task force and everyone who attended these
6 hearings today and we're going to let Judge Gonzalez
7 actually go and sit at 2:00, but it couldn't be a bet, I
8 know he agrees with me, as our great State Bar President
9 and our Chief Administrative Judge that there couldn't be
10 a better use of this magnificent courtroom than
11 highlighting the need for the funding for civil legal
12 services in this State and trying to identify where the
13 gaps are. There is such -- we just talked about that
14 there is such a broad spectrum of need, and we have to
15 identify it, we have to be able to articulate what that
16 need is, and we have to be able to bring home the funding
17 that is going to over and over again be repaid in terms
18 of the benefits to society, both from an ethical
19 perspective and from a very much bottom line perspective.

20 So thank you all, and this hearing is
21 adjourned.

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