

**In The Matter Of:**

v.

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*Hearing*  
*September 19, 2013*

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*Supreme Civil Court Reporters*

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STATE OF NEW YORK

FIRST DEPARTMENT

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THE CHIEF JUDGE'S HEARINGS  
ON CIVIL LEGAL SERVICES

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Appellate Division  
27 Madison Avenue  
New York, N.Y.  
September 19, 2013

B E F O R E:

HONORABLE JONATHAN LIPPMAN,  
Chief Judge of the State of New York

HONORABLE LUIS A. GONZALEZ,  
Presiding Justice, Appellate Division, First  
Department

HONORABLE A. GAIL PRUDENTI,  
Chief Administrative Judge

GLENN LAU-KEE, ESQ.,  
President-Elect, New York State Bar Association

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CAROLYN BARNA/MONICA HORVATH  
Senior Court Reporters

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W I T N E S S     L I S T:

MERRYL H. TISCH,  
Chancellor, New York State Board of Regents

DR. DAVID L. REICH, President and Chief Operating  
Officer, Mount Sinai Hospital

WENDY Z. GOLDSTEIN, President and Chief Executive  
Officer, Lutheran Healthcare

CYRUS R. VANCE, JR., District Attorney, New York County

DR. ELIZABETH BECKER, Senior Vice-President, NERA  
Economic Consulting

HONORABLE FERN FISHER, Director, New York State Courts  
Access to Justice Program;Deputy Chief Administrative  
Judge, New York City Courts

CAREY R. DUNNE, President, New York City Bar Association;  
Partner, Davis Polk & Wardwell LLP

C L I E N T     P A N E L:

JEROME YOUNG, Client of Legal Services NYC  
(Accompanied by Peggy Earisman)

MARIA PEREZ, Client of The Legal Aid Society's Harlem  
Community Law Office(Accompanied by Magda Rosa-Rios)

MIRIAM TANGARA, Client of Northern Manhattan Improvement  
Corporation(Accompanied by Danielle Salgado)

1                                   OPENING/HON. LIPPMAN

2                                   HON. LIPPMAN: Good morning. I am  
3                                   delighted to see all of you. I welcome you to this  
4                                   year's hearing on civil legal services.

5                                   I'm going to make a brief opening statement  
6                                   to give you some context of what this is all about  
7                                   and then we're going to start with our first witness,  
8                                   the Chancellor of the New York State Board of  
9                                   Regents, Merryl Tisch.

10                                  Let me first say to you that this hearing  
11                                  is a product of the joint efforts of the leadership  
12                                  of the judiciary and profession in this state. Seated  
13                                  with me is A. Gail Prudenti, the Chief Administrative  
14                                  Judge of the New York State Courts; Luis Gonzalez,  
15                                  the Presiding Justice of the Appellate Division,  
16                                  First Department; Glenn Lau-Kee, the President-Elect  
17                                  of the New York State Bar Association. And I want to  
18                                  thank them for being here.

19                                  I also want to thank the Task Force to  
20                                  Enhance Civil Legal Services in our State headed by  
21                                  Helaine Barnett, who is seated over there. Helaine,  
22                                  do you want to raise your hand? Okay. And others  
23                                  who are here from the Task Force and, by all means,  
24                                  stand and we will acknowledge you. Steven Banks;  
25                                  Carmen Beauchamp Ciparick I know will be here. Mark  
26                                  Cunha; Fern Fisher, who I just saw. She is right

1                   OPENING/HON. LIPPMAN

2           over there. Michael Fricklas. Mike, great to see  
3           you. Alex Forger, who I saw in the one, two, the  
4           third row. Thank you, Alex.

5                   Taa Grays, who is going to be here later.  
6           Denise Kronstadt; Marcia Levy. Lillian Moy is  
7           definitely here. Where are you, Lillian? There,  
8           okay. Christopher O'Malley. Good to see you, Chris.  
9           And Betsy Plevan.

10                   Let me start this off by saying there is a  
11           crisis in this State, in this city, in this country  
12           in civil legal services for the poor. What we're  
13           talking about are people fighting for the necessities  
14           of life, the roof over their head, their physical  
15           safety, health care, their livelihoods, the well-  
16           being of their family.

17                   At best, the reports of the Task Force and  
18           so many of you members who are here tell us that at  
19           best they're meeting 20 percent of the needs for  
20           civil legal services in our state. I always use as  
21           an example, and Steve Banks is here today from The  
22           Legal Aid Society, The Legal Aid Society turns away  
23           eight of nine people who come to them for legal  
24           assistance, which is a pretty mind boggling  
25           statistic.

26                   The Legal Aid Society, I say it in the



1                                   OPENING/HON. LIPPMAN

2           understand that if we don't stand up for those  
3           people, no one else will. That is the nature of it.

4                        So, it is our special responsibility, and  
5           my special responsibility as the Chief Judge of the  
6           State of New York, to call out to the public to focus  
7           attention on this critical problem. This is all  
8           about equal justice. If we don't have equal justice  
9           in our State, we might as well close the courthouse  
10          doors.

11                       There's no reason for us to exist in these  
12          beautiful courtrooms, like this lovely courthouse  
13          here on Madison Avenue and 25th Street. But if what  
14          happens inside is if there's no level playing field,  
15          then there is no purpose to our doing what we are  
16          supposed to be doing every day in meeting our  
17          constitutional mission.

18                       We are proud in New York that we've set a  
19          template for helping to fund civil legal services.  
20          Pursuant to a joint resolution of the State  
21          Legislature, we hold hearings each year. We try to  
22          quantify the amount of monies that are needed for  
23          civil legal services. We put them in the judiciary  
24          budget. We put those monies in the judiciary budget  
25          and then we advocate for those monies before the  
26          Legislature and the Government.



1 M. TISCH

2 have to embrace the core values of our profession  
3 which, first and foremost, include service to  
4 others.

5 And as to older lawyers, baby boomers who  
6 are starting to look at retirement, we have a special  
7 program called Lawyers Emeritus where they contribute  
8 in their later years when they're cutting down on  
9 their practices 50 or more hours of pro bono work.

10 So, it's an effort across the board, get  
11 public funding and get lawyers to do volunteer work  
12 on behalf of the poor. We're focusing on the  
13 disconnect where so many kids come out of law school  
14 today, in great debt, there aren't a hell of a lot of  
15 jobs out there with a poor economy and yet, there is  
16 a tremendous need. There is something wrong with  
17 that and how we solve that disconnect is certainly  
18 something that we're all focusing on.

19 But all of this, in essence, relates to  
20 access to justice. Everyone should have their day in  
21 court. Everyone should have equal access to the  
22 courts. Every society is judged by how it treats its  
23 most vulnerable citizens. And we are no different  
24 and we can and should be judged by how we treat the  
25 least advantaged among us, those who really need a  
26 helping hand. And we're talking civil legal

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2 services. We're not just talking about the indigent,  
3 the poor who have no resources. We are talking about  
4 people of limited means, people who are working hard  
5 and come face-to-face with a great legal problem that  
6 affects their lives and that of their families, and  
7 if they don't get help, they wind up falling off the  
8 cliff into social services, their kids can't get the  
9 education they need, they lose the roofs over their  
10 heads. These are, again, we're talking about the  
11 fundamentals of life that we're all entitled to. So,  
12 today we start that effort this year to quantify what  
13 the need is and what we can do to narrow the justice  
14 gap in our State between the finite resources  
15 available and the tremendous desperate need that we  
16 have.

17 So, I welcome all of you.

18 I want to acknowledge the presence of  
19 Appellate Division Justice Angela Mazzarelli who we  
20 are so delighted to have with us.

21 We thank Judge Gonzalez for welcoming us to  
22 your home here in this beautiful courtroom.

23 And, without further adieu, I want to ask  
24 Merryl Tisch to come forward and give her testimony.  
25 And might I say first from a much professional and  
26 personal knowledge, Merryl Tisch is someone who I so

1 M. TISCH

2 greatly respect and admire and who I have known  
3 Merryl and her family for my entire life and I can  
4 say that she's done the Lower East Side of Manhattan  
5 proud.

6 And in becoming the Chancellor of New York  
7 State Board of Regents and every part of her public  
8 live, she has been concerned with giving everyone a  
9 chance to be a part of the American dream. That's  
10 what her professional role is in the Board of  
11 Regents, that we all deserve that and this really is  
12 what we're doing here in terms of legal services  
13 trying to explain everyone in life that it is not a  
14 question where only the rich and powerful have access  
15 to our courts.

16 Merryl will give you her perspective, the  
17 Chancellor will give you her perspective,  
18 particularly in relation to her present role.

19 So, Chancellor Tisch, great to see you.  
20 Thank you for coming.

21 CHANCELLOR TISCH: Thank you for having me.  
22 I am happy to see everyone. I am turning my back to  
23 some as I speak and I mean no disrespect.

24 Good morning, Chief Judge Lippman. We do  
25 go back sometime; Chief Administrative Judge  
26 Prudenti; Presiding Justice of the First Department

1 M. TISCH

2 Gonzalez; President-Elect of the New York State Bar  
3 Association, Glenn Lau-Kee. Thank you. Thank you for  
4 inviting me to testify before you today.

5 Can you all hear me? Okay.

6 I am honored to be the lead witness in your  
7 proceedings on this important issue and I will try to  
8 provide useful context and suggestions from my  
9 perspective both as an educator and Chancellor of the  
10 State Board of Regents.

11 As an educator and a Regent, I always do my  
12 homework, and I have done it to prepare for my  
13 testimony today. I know that you and the Task Force  
14 are rightly concerned with ensuring that our neediest  
15 and most vulnerable New Yorkers have access to civil  
16 legal services to ensure their children have, to use  
17 your term, the "essentials of life." And I know,  
18 because you invited me here today, that you realize  
19 the lack of such services has broad and far-reaching  
20 impacts not only on adults, but also on their  
21 children.

22 And I know that you, like the Board of  
23 Regents, sense the urgency with which this problem  
24 must be remedied. Your reports from hearings in  
25 previous years refer to the "Access to Justice Gap" -  
26 in education, we talk about the "Achievement Gap." No

1 M. TISCH

2 matter what we call it in our respective fields, our  
3 fundamental goal is the same - to ensure that all New  
4 Yorkers have fair and equitable access to services  
5 would enable them to live full and productive lives.

6 You have asked those who will testify  
7 before you today for a description of their "economic  
8 and social consequences of the lack of sufficient  
9 civil legal services in communities and for the  
10 courts." From an educator's perspective, I can tell  
11 you that the consequences of the unmet civil legal  
12 needs of New York's families are far-reaching and  
13 devastating for our students.

14 Some sobering statistics: Based on June of  
15 2012 data, New York's 4-year high school graduation,  
16 New York State's high school graduation rate was 74  
17 percent. When we adjusted those rates for college  
18 and career readiness, it is significantly lower. It  
19 is 35.3 percent. And the percentages of students  
20 from at-risk groups graduating college and career  
21 ready are staggering poor. (7.3 percent for English  
22 Language Learners, 4.9 percent for students with  
23 disabilities, 12.5 percent for our African American  
24 students, 15.7 percent for Hispanic students.)

25 And the consequences for these students  
26 don't end at high school. Over 50 percent of

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2 students in New York State's two year colleges, those  
3 are our community colleges, take at least one  
4 remedial course, which comes at a cost to both  
5 society and to these students in monies and time.  
6 The graduation rate after six years in a two-year  
7 institution is 24 percent.

8 The Board of Regents and the State  
9 Education Department have taken several steps to  
10 address these issues and to ensure that all students  
11 graduate from high school ready for college and  
12 careers. We are implementing higher academic  
13 standards known as the Common Core State Standards.  
14 We are preparing and training great teachers and  
15 leaders. We are turning around the lowest-achieving  
16 schools and we are building effective and  
17 instructional data systems.

18 But in a struggling economy- where jobs and  
19 homes have been lost, and access to health care and  
20 other services is all-too-frequently out of reach- we  
21 have to challenge ourselves further to ensure that a  
22 world-class education has a meaningful impact on all  
23 students, especially those most in need. We need to  
24 make sure that all students and their parents or  
25 caregivers are able to fully engage in and benefit  
26 from their educational experience - including those

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2 whose families are facing eviction or foreclosure;  
3 those who lack access to needed health services; and  
4 those whose families struggle unfortunately with  
5 domestic violence and addiction - all of whom can be  
6 helped with the provision of legal services.

7 We in the education field understand and  
8 support your initiative and the work of the Task  
9 Force to ensure that the civil legal needs of New  
10 Yorkers are met. We understand that without the  
11 "essentials of life," our most vulnerable students  
12 and families cannot take full advantage of the  
13 educational opportunities we as State leaders know  
14 are so important to their future and the future of  
15 this great country.

16 As Regents, my colleagues and I often visit  
17 schools and students across the State. We know that  
18 students deal with issues such as poverty, hunger,  
19 homelessness, health, and domestic violence on a  
20 daily basis. We know that these problems impact  
21 their ability to learn and, in some cases, their  
22 ability or desire to attend school altogether.

23 We know that the financial consequences of  
24 obtaining only a high school diploma, as opposed to a  
25 college degree, are dramatic and enduring.

26 For example, the U.S. Census Bureau data

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2 shows that in Monroe County, which is in upstate New  
3 York, in 2011, the unemployment rate for individuals  
4 with a Bachelor's degree or higher was 2 percent; for  
5 those with only a high school diploma, the  
6 unemployment rate jumped to over 7 percent. And  
7 researchers have estimated that the academic  
8 underperformance costs our nation a trillion dollars  
9 a year annually.

10 At the State level, if New York increased  
11 its college attainment rate by just 1 percent - from  
12 33.8 percent to 34.8 percent - the State would  
13 capture \$17.5 billion in what we call a Talent  
14 Dividend.

15 With access to civil legal services,  
16 families facing issues that can disrupt their home  
17 life and educational opportunities - for example,  
18 homelessness, eviction, or foreclosure; termination  
19 of governmental benefits; immigration issues; or  
20 divorce or custody disputes - could find stability.  
21 And with such stability, students could better focus  
22 on education and parents and caregivers could be more  
23 engaged in their children's education.

24 Your efforts to ensure the civil legal  
25 services are accessible to New Yorkers in need will  
26 go far towards helping families provide safe, secure

1 M. TISCH

2 and stable home lives for their children, thereby  
3 increasing the chance that they will stay in school  
4 and go on to lead full and productive lives.

5 As you continue in your important work, I  
6 offer the Board of Regents and the State Education  
7 Department as a committed partner. We have long  
8 recognized that a school community must provide the  
9 right conditions for learning. Schools and  
10 communities support and sustain these conditions by  
11 ensuring that students are safe, supported, engaged,  
12 and healthy, in part by helping to ensure that  
13 students and their families have access to critical  
14 services - legal, health, mental health, dental,  
15 nutrition and counseling.

16 In coordination with the New York State  
17 Council on Children and Families, the Department is  
18 currently working on the new Community Schools  
19 Initiative, for which just \$15 million was included  
20 in the 2012-2013 Enacted State Budget. The goal of  
21 the program is to improve student outcomes through  
22 the implementation of community schools programs that  
23 use school buildings as community hubs to deliver  
24 co-located or school-linked academic, health, mental  
25 health, nutrition, counseling, legal and other  
26 services to students.

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I encourage the Task Force members to explore such potential partnership opportunities with our school communities and to provide these much-needed services.

I commend your efforts in this area and I welcome any questions that you may have.

I want to say that it is an honor for me to be here today to address this issue. It is also an honor for me to be here with Chief Justice Lippman, with Helaine Barnett, who is a long-time friend. And to be followed in my testimony by the new president of Mount Sinai Hospital. A hospital which is in the hub of communities in need of your services. A hospital for which I am so proud to say that last year my family gave a \$40 million grant to open the cancer center.

We could have opened it at any hospital and believe me, many were clammering for it, but we chose this hospital because of the leadership and its commitment to these communities.

So, I know you are going to have an outstanding Panel and I thank you for allowing me to be here with you today.

THE COURT: Thank you.

HON. LIPPMAN: Thank you, Chancellor.

1 M. TISCH

2 Thank you for your insightful testimony.

3 Let's see if we can more sharply explain to  
4 everybody what it is, why the Chancellor of the Board  
5 of Regents, and her testimony obviously says it,  
6 would come here to address civil legal services  
7 here. Do you think it's possible and what we're  
8 trying to do is to go beyond the obvious need which  
9 is to have legal service providers come and testify  
10 and say to you we need more money to help. We've  
11 made the argument that by providing civil legal  
12 services to the poor and those that are of limited  
13 needs we actually help the New York State economy.  
14 When you look at the education community in our  
15 State, is that possible, do you see a connection  
16 between getting families aid in terms of legal cases,  
17 legal representation, and what happens to the  
18 education field, that could hurt the New York  
19 economy, is there a connection?

20 CHANCELLOR TISCH: There is a huge  
21 connection. And this is something that the President  
22 of the United States is engaged with through the  
23 Department of Education. By linking the  
24 accountability from school systems, to community  
25 based organizations, to health care, to legal  
26 services, because we know that when youngsters do not

1 M. TISCH

2 have the ability to graduate from high school, for a  
3 variety of reasons, we know that they cannot partake  
4 in the American dream. They cannot go on to live  
5 full, productive and independent lives. And people  
6 are starting to grapple with the number. But for New  
7 York State, it's going to be hundreds of millions of  
8 dollars a year in lost opportunity both for what we  
9 spend in terms of people who don't complete college  
10 programs, don't complete high school programs, to  
11 their inability to find jobs. And, for us, it's a  
12 huge issue.

13 I would urge that if your Commission and  
14 your Task Force has an opportunity, I would go to a  
15 high needs school district in New York State and I  
16 would speak to the principals and the superintendents  
17 about how families struggle around their ability to  
18 meet the challenges of the students and families who,  
19 because of civil liberties issue, because of issues  
20 that would generally come before the court, are  
21 unable to produce results.

22 I would also remind us that New York State  
23 spends \$54 billion a year on education. And to have  
24 a graduation rate of college and career readiness  
25 that hovers below 34 percent, should tell you the  
26 dramatic impact on families and children throughout

1 M. TISCH

2 the State.

3 HON. LIPPMAN: It is really at both ends of  
4 the spectrum. In other words, it's that while  
5 they're in school, that families, they, you know, can  
6 become part of the public social services system,  
7 costing the State money, and then when they don't get  
8 the education that they need at the other end,  
9 they're not -- not a meaningful part of the  
10 community. They are not earning money, they are not  
11 getting into the stream of community life. So, it  
12 really is a two-fold thing in the long run and in the  
13 short-run economically that New York is hurt by not  
14 having.

15 CHANCELLOR TISCH: I couldn't agree with you  
16 more.

17 HON. LIPPMAN: And what about the issue of  
18 stability? I think it's hard for people to  
19 understand how a legal problem results in a child not  
20 being able to go to school. Does that happen that  
21 people run into legal problems and then the child is  
22 going to a neighborhood school or whatever it is, all  
23 of a sudden is somewhere else?

24 CHANCELLOR TISCH: One of the things that  
25 we've identified as a really serious legal issue is  
26 just how families who live in the shadows because of

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2 immigration status really struggle.

3 If you go into some communities in New York  
4 City where there are huge immigration panels that  
5 often times cause disruption in children's  
6 educational access, you would be amazed by how  
7 significant it is.

8 One of the things that really brought it to  
9 light for me is every Friday I have lunch with my  
10 mother and we go to the same luncheon place that  
11 we've gone to for 15 years. And there is a Mexican  
12 woman there who has served us lunch for 15 years. A  
13 very simple, lovely woman.

14 And about two years ago on a Friday, I saw  
15 that she was very teary and I said to her, "Nooney,  
16 what's the problem?" She said her daughter, who was  
17 graduating from high school, in New York City with  
18 honors, just discovered that they were a family  
19 living in the shadows.

20 Because when she applied to college, she  
21 simply could not get a scholarship stipend that the  
22 State would offer to a citizen and, therefore, going  
23 to college was going to be an impossible piece of her  
24 ability to break the glass ceiling for her family and  
25 be the first person to graduate from college.

26 You know, I remember I called Matthew

1 M. TISCH

2 Goldstein who was then the chancellor of City College  
3 and I said to him Matthew, what do we do about this  
4 kid graduating brilliantly from our high school who  
5 simply can't move further? And he said a large part  
6 of his budget on new incoming students is spent on  
7 legal services to these immigrants to help them come  
8 out of the shadows that have perplexed their  
9 families.

10 So, do I see it firsthand every day? I  
11 would say if you live in New York, you would have to  
12 have blinders on not to notice what a significant  
13 problem it is.

14 HON. LIPPMAN: I think what this crisis has  
15 done is it has taught us all it is all interrelated  
16 in all of the parts of the communities around the  
17 State, in New York City, whether it's schools,  
18 whether it's health care, whether it's businesses.  
19 This is not a foreign problem. This is not "Gee,  
20 wouldn't it be nice if poor people have legal  
21 representation." It really impacts together and I  
22 particularly appreciate your comments about  
23 partnership. And I think once we realize it affects  
24 all of us --

25 CHANCELLOR TISCH: It's a great State. And  
26 we shouldn't be delivering our services in silos.

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Legal; educational, family. I mean, the ability to integrate all of these fantastic competencies that we've developed in this State and break down these silos, I think, needs to be a major consideration.

I know people talk about it often and they find it very complicated, but if we do not manage to break down these silos, what will happen is we will continue to lose generations of children who are probably in their lives have such hidden gifts and competencies that will never be developed. Shame on us.

HON. LIPPMAN: Exactly.

Any other questions?

Thank you, Chancellor. It was a delight to have you. Really, you honor us by your presence.

CHANCELLOR TISCH: Thank you.

(Chancellor Tisch is excused)

(Continues on the following page)

1 REICH/GOLDSTEIN

2 HON. LIPPMAN: Okay.

3 The next testimony will be by Dr. David L. Reich,  
4 the President and Chief Operating Officer of Mount Sinai  
5 Hospital and Wendy D. Goldstein, President Chief Executive  
6 Officer of Lutheran Health Care.

7 Before we start do we have our electronics, in  
8 order?

9 Doctor, say something and let's make sure we can  
10 hear you.

11 DR. REICH: I will start by saying that soft  
12 spokenness is not one of my faults.

13  
14 HON. LIPPMAN: Okay, let's see if we can get this  
15 started.

16 So, we just talked about the relationship between  
17 education and Civil Legal Services. And how these different  
18 aspects -- when we talked about -- I always say that we want  
19 people to understand that this is a priorities, issue. That  
20 legal services, are as important as health, education,  
21 housing. The real truth is it's very hard to separate one  
22 from the other. So that is why I think it is so instructive  
23 that we have Chancellor Tisch here and the two of you.

24 Let's talk about the health industry and how that  
25 kind of intersects, with the issue of legal services for the  
26 poor and people of limited means.

1 REICH/GOLDSTEIN

2 This is a panel. You are a team. So however you  
3 want to proceed.

4 MR. REICH: We have worked together in Mount Sinai,  
5 for many years in the past as a team so we have been  
6 together for as long as I can remember.

7 MS. GOLDSTEIN: Right. I am a Mount Sinai graduate  
8 as well.

9 HON. LIPPMAN: And don't feel that you have to read  
10 your statement. It is totally, your call.

11 If you want to just tell us what your view is and  
12 we won't hesitate to ask you questions.

13 DR. REICH: I will begin by saying, first of all,  
14 really on behalf of both of us, it's an honor and a  
15 privilege to be addressing, this panel.

16 We really commend, the efforts that you are making  
17 to really make legal assistance, to economically  
18 disadvantaged, New York residents a priority.

19 Mount Sinai Hospital and Icon School of Medicine  
20 together have about 18,000 employees this week and with the  
21 health system that we anticipate, within the very near  
22 future, we will have 36,000 employees. I am told we will be  
23 one of the 15 largest employers, in New York State. And  
24 that combination, with continuing health partners puts in  
25 clear focus the issues at hand. In that we have a huge  
26 number, a very large number of employees and students that

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2 would benefit from Civil Service's legal funding for various  
3 reasons that I will elaborate on in the next few minutes.

4 Additionally, as an advocate, for the health of New  
5 York City residents a very large percentage of our patient  
6 population, would also benefit in legal funding in ways that  
7 absolutely would serve to improve the public health. At our  
8 medical center many good paying positions would still  
9 qualify, for legal assistance, under the guidelines, that  
10 exist in New York State.

11 Mount Sinai, cares passionately, about it's  
12 employees and tries to help. But as in other large work  
13 places, the absence of funded legal services could  
14 negatively impact, the work performance of our employees who  
15 would be consumed with pressing family issues.

16 HON. LIPPMAN: What happens when there are some  
17 complex legal issues?

18 If they have a legal problem, what happens to them  
19 in the work place?

20 DR. REICH: Well, we have absenteeism.

21 And absenteeism, leads to the need frankly for more  
22 employees. It is an inherently inefficient process to have  
23 more employees to accommodate for the social ills that cause  
24 the absenteeism.

25 HON. LIPPMAN: Aside from the quality, of  
26 healthcare, that you provide does it hurt your bottom line?

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2 DR. REICH: Yes. It absolutely does.

3 As an employer the health and well being of the  
4 employees is definitely aided by the Civil Services or I  
5 should say the legal services that are provided. And  
6 therefore I think there is no question, although, I can't  
7 quantify the number because it is very difficult to get at  
8 this from an HR stand point, there is no question in my mind  
9 as we deal with a very large work force, that there are many  
10 employees that cannot come to work due to issues that could  
11 be solved by Civil Service's funding.

12 THE COURT: Good.

13 Let me ask you another question doctor.

14 You have such a vast operation. What do you do  
15 when you know there is a problem with legal representation?  
16 You know your employee, students, have a real problem, who  
17 do you go to and how do you deal with it?

18 Do you have people on staff, do you have a legal  
19 service provider; how do you try to help your employees  
20 solve these problems that get in the way of the service you  
21 provide, hurting your financial, you know, bottom line?

22 How do you do that; what do you do?

23 DR. REICH: Well, I think that we try with whatever  
24 means that we have in terms of administrative personnel and  
25 our really amazing, Human Resources staff, our Vice  
26 President for Labor Relations. They devote a tremendous

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2 amount of time for dealing with the issues of employees that  
3 have pressing family problems. And we extend every effort  
4 to try to make time for people to deal with their issues, to  
5 give them even -- there are contracts that govern how these  
6 things work -- but essentially we bend over backwards to  
7 never terminate anyone as to absenteeism.

8 HON. LIPPMAN: You try to connect them to a legal  
9 service.

10 DR. REICH: We provide them through our employee  
11 assistant services with knowledge of how to approach --

12 THE COURT: How to access help.

13 DR. REICH: Right.

14 And within our own team we have a lot of  
15 experience. So often we can direct the people in the right  
16 way and sometimes we can with our own expertise not  
17 overburden that system. But there are certain things that  
18 we could not do as employers.

19 We cannot help someone get a restraining order if  
20 there is domestic violence, or, abuse.

21 HON. LIPPMAN: Exactly. You don't have the ability  
22 or expertise, to provide, them with the help they need in  
23 those kinds of issues.

24 DR. REICH: Correct.

25 HON. LIPPMAN: You think it would be a wise  
26 investment for the State of New York to provide funding, to

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2 Legal Services to be provided so if you urge someone through  
3 the Legal Aid Society or all the wonderful providers that we  
4 have in New York City that that would be a good thing, a  
5 good investment for our state?

6 DR. REICH: In the written comments I sort of  
7 summarize by talking about how an as an executive in the  
8 medical center I have to make investments. And sometimes I  
9 have to bring in a doctor who by their own receipts for  
10 patient revenue for example would not be in any way a  
11 benefit for the medical center but they help in many ways.  
12 They help our social mission, and they provide services, in  
13 other areas and essentially create a medical infrastructure.  
14 So I will often invest in something which on its surface at  
15 face value does not seem to be a good investment but I know  
16 that that returns in investment.

17 It is like building a road. You know. Why does  
18 the State of New York invest in roads? We invest in roads  
19 because it improves, our economy and helps our people. It  
20 is the same thing with this type of legal assistance. It  
21 definitely helps the health of our population and it helps  
22 the productivity of our employees.

23 THE COURT: At Lutheran Hospital, it is the same  
24 basic premise?

25 MS. GOLDSTEIN: Well, we are a little bit  
26 different. I think because we are a system, and we are very

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2 community based.

3 I had the privilege of working, at Mount Sinai,  
4 with David, for 16 years and went on to run this  
5 unbelievably, committed, community organization, for the  
6 last 40 years. Lutheran, moved itself from a fairly nice  
7 Brooklyn community to what was at that point a gang strife,  
8 very unstable area. We got it by buying the building.  
9 Mayor Lindsey, gave it to us for a dollar because it had  
10 been abandoned.

11 So we came into a community with the commitment, to  
12 be the foundation of a renaissance, of that community. And  
13 so we bring not only medical services. And we do this --  
14 actually, we are an affiliate, of Mount Sinai. And we bring  
15 in these expert medical services. But we understand that  
16 the health of an individual goes far beyond the medical  
17 care. So we provide housing. We provide job counseling.  
18 We provide day care centers to children. We are the largest  
19 provider, of health care in school based clinics, as the  
20 Chancellor, was talking about. We are in 22 school based  
21 clinics, around the state. We are in 14 homeless shelters.

22 THE COURT: So why do people need legal services?  
23 What is the connection?

24 MS. GOLDSTEIN: Because in order -- every patient  
25 comes to us burdened with a suitcase, full of issues.  
26 Whether those issues are language or culture or whatever.

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2 And if they carry with them the burdens of unresolved legal  
3 issues it impacts their ability to follow direction from a  
4 doctor. If you are concerned about domestic violence you  
5 are not filling prescriptions, you are not taking your kids  
6 back to the clinic, for asthma. You are not really being  
7 able to participate, in these kinds of things. So we know  
8 that without Legal Service's help that victim of domestic  
9 violence is not going to be able to be a patient who  
10 engages, in their care.

11 HON. LIPPMAN: So you can't do your job unless they  
12 have to have legal representation.

13 MS. GOLDSTEIN: Exactly.

14 HON. LIPPMAN: That then allows them to be healthy,  
15 and to receive medical care that is going to work.

16 MS. GOLDSTEIN: Exactly.

17 And we have a very large percentage of employees --  
18 we are the largest employers in south west Brooklyn -- and  
19 we have a very large percentage of our employees from the  
20 local community. So they come to us very similarly with  
21 legal problems as well. And, again, it is an issue of  
22 absenteeism, and so on. And the impact is on the quality of  
23 care that we can provide because it is inconsistent, because  
24 of being able to really focus on problems of our patients,  
25 when you have a different provider all the time because it  
26 is not a thing.

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2 We did have an incident actually in one of our  
3 sites where one of our employees was actually shot by a  
4 domestic partner. She had been unable to get a restraining  
5 order. You know, the typical horrible, horrible things.  
6 And it traumatized, the site. And we have become really  
7 quite active in Brooklyn on domestic violence issues with  
8 the courts because of what that did.

9 HON. LIPPMAN: But you both heard as the Chancellor  
10 said, you know, we talked about partnerships. And it might  
11 be counterintuitive, for people to think, gee, why don't  
12 these leading people in the health care community, the chief  
13 operating officers, the president, the huge entities, why is  
14 this important?

15 And I think, you know, maybe it starts to come  
16 together when we hear from the two of you on why we all, you  
17 know, in our different walks of life can all focus on this  
18 particular issue as being part of the puzzle.

19 DR. REICH: With your permission I would actually  
20 like to give an example. Not an actual patient example, but  
21 we have a post acute care program at Mount Sinai, where we  
22 actually send volunteers into the community to try to make  
23 certain that patients, do not unnecessarily return to be  
24 readmitted, to our hospitals. Which is extraordinarily,  
25 expensive. And so the example that I would give is of  
26 someone who has become disabled, by virtue of their disease

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2 and we have a landlord who is not maintaining ramp access to  
3 a building. And we have actually had many circumstances  
4 where our volunteers, in our "PAC" program in this acute  
5 care program will have to deliver pharmaceuticals and  
6 medical supplies to the home because the person is immobile  
7 and unable to enter, or exit, the building without extensive  
8 assistance. That person will not be able to come back for  
9 proper follow-up care. These readmissions, are  
10 extraordinarily, expensive and since this is largely going  
11 to be a Medicaid population the cost of those readmissions,  
12 comes to New York State.

13 So going back again to the concept, of the  
14 investment. The investment in the Legal Services cures the  
15 issue of the inability, to access medical care. It avoids  
16 expensive readmissions, which are completely -- sorry, I  
17 don't want to be redundant, here -- but completely,  
18 avoidable and therefore, costing, the state more money. So  
19 once again we would argue being pennywise and pound foolish  
20 by scrimping, on the legal services that would save us tens  
21 of thousands of dollars related to unnecessary medical care.

22 MS. GOLDSTEIN: And I think on a similar kind of  
23 situation where we have come across it is with landlords,  
24 again that are not maintaining, the buildings. So there is  
25 a very high incidence, of mold, and dust and mites. And  
26 here we are we are trying to educate, a parent -- a parent

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2 that probably is not American born, probably not English  
3 speaking -- that it is very important that her child with  
4 asthma be in an environment that is not exposed to all these  
5 pollutants, and yet she has no ability to impact the house  
6 that she lives in. We bring that together with the Legal  
7 Services and have been able to make a difference in that.

8 And, you know, the whole health reform, concept, is  
9 this idea of prevention. Investing, in prevention. The  
10 legal investment is a part of that prevention issue. It is  
11 not just accessing, services once somebody is ill. But  
12 enabling, patients, to really take care of themselves. And  
13 part of that is their environment.

14 HON. LIPPMAN: I have one final question then I  
15 will ask if anyone else has a question.

16 With the new health care changes coming into  
17 effect, now does that impact the need for legal assistance;  
18 is this an easy thing for people to understand and do they  
19 need some kind of assistance?

20 DR. REICH: If we look nationally at the profit  
21 margin, even though these are "not for profit" organizations  
22 largely, the margin, that we have in hospital revenues  
23 throughout the nation is declining very rapidly.

24 Even a very robust system like the University of  
25 Pittsburgh went from over three percent margin to less than  
26 two percent in only one year. So the "Affordable Care Act"

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2 despite my very liberal and progressive politics, is  
3 something which actually has a very negative effects upon  
4 the medical centers in New York City, New York State and,  
5 especially, the academic centers. So we are struggling and  
6 wondering how even as we try to evolve into a health system  
7 that will survive, how we will be able to have a margin and  
8 admission to serve our communities -- which are largely poor  
9 individuals -- in the years to come. And so anything that  
10 we can do to improve the health of New Yorkers, anything  
11 that we can do to improve the productivity of New York  
12 employees -- of course a large percentage of which work in  
13 the health care industry -- all of these things will serve  
14 to support the medical centers of New York City and New York  
15 State which as we concede based upon current events are in  
16 really desperate states.

17 The number of closing hospitals affects us all. It  
18 is very traumatic for us. We could argue about the need for  
19 in-patient, versus ambulatory care. And we could go on for  
20 hours. But the essence is that health care in New York is  
21 as it is in the nation reaching a crisis. And the  
22 investment of Legal Services is one that will actually help  
23 support the health care system, in New York and it's  
24 entities.

25 HON. LIPPMAN: Any other questions from the panel?

26 HON. PRUDENTI: Yes.

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2 I would like to ask you -- when I was a youth and I  
3 did something very similar, to what you do and somewhat  
4 similar to being a resource coordinator, for the community  
5 that we serve -- am I correct in thinking what you are both  
6 seeing from the patient perspective as well as your  
7 employees perspective is not only a need for Civil Legal  
8 Services for the poor but also the need for Civil Legal  
9 Services for people of modest means, some of your employees  
10 as well?

11 MS. GOLDSTEIN: Absolutely.

12 I mean I think the thing is that we have a large  
13 spectrum of, you know, when you think about health care you  
14 think about people who are doctors and so on.

15 HON. PRUDENTI: Exactly.

16 MS. GOLDSTEIN: If you look at the number of  
17 employees that we have that essentially qualify for food  
18 stamps, working and qualify for food stamps, that these are  
19 people that need this partnership with the court to be able  
20 to really do their jobs and be a productive member of it.

21 We also have a lot of relationships with job  
22 training programs for the community. So we are bringing in  
23 people who have been homeless who now are just beginning to  
24 reassert themselves. And they are working in our community  
25 based programs and that makes it.

26 I think, you know, the question that you had asked

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2 in terms of Health Reform act. The concept, underneath, the  
3 Health Reform Act, which is if we align everybody's  
4 incentive, we will do better. Because right now it is good  
5 for one and not good for another. The big issue here is how  
6 do we help align, the patient's ability to access services.

7 HON. LIPPMAN: Yes.

8 MS. GOLDSTEIN: And empower, them to do that.  
9 There is a lot of dependence, on that. So I think that that  
10 is a very important piece of this.

11 But there was just an article in the Times this  
12 week with the number of people that are holding down one and  
13 two jobs.

14 HON. PRUDENTI: Exactly.

15 MS. GOLDSTEIN: And yet are homeless. And we --

16 HON. LIPPMAN: But I think interfacing, with the  
17 bureaucracies, whether health, housing, schools --

18 MS. GOLDSTEIN: Absolutely.

19 HON. LIPPMAN: So many other areas. And they are  
20 not talking about cases necessarily that got into a court.  
21 They are people who are trying to deal with the basics of  
22 life and don't know how to do it.

23 MS. GOLDSTEIN: Right.

24 HON. LIPPMAN: I think the health industry is such  
25 a perfect example of that where the rules whether it be they  
26 are coming from the feds or coming internally, are complex

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2 and not easy for the average person to navigate.

3 MS. GOLDSTEIN: And to understand what their  
4 entitlements are.

5 HON. LIPPMAN: "Entitlement," is the right word.

6 MS. GOLDSTEIN: I think one of the biggest  
7 tragedies, is there are entitlements in New York State and a  
8 very large percentage of our patients we find don't know  
9 about them, don't know how to access them and need the  
10 guidance and support that an attorney would provide. And  
11 that is why our partnership with the legal community, with  
12 the Legal Aid Society is so essential, for us to be able to  
13 achieve our mission of taking care of a whole person.

14 DR. REICH: I give you one more example to build  
15 upon what Wendy has just explained to us. And that is that  
16 we have obviously an aging population. Approximately,  
17 25 percent of Mount Sinai's, employee would be classified as  
18 people of modest means. And although New York has again  
19 been a leading edge in creating the Adult Family Health Care  
20 Decision's Act, the problems of the aging parents, the  
21 establishment of the health care goals and working through  
22 the very complex system is one that definitely affects  
23 absenteeism, at Mount Sinai.

24 We have many employees who deal with the issues of  
25 aging parents. And in terms of legal advice in  
26 understanding what they will do in terms of legal care and

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2 helping them to navigate, the entitlements in knowing what  
3 to do to get them into Medicaid and get them the services  
4 they need, these are clear and pressing issues that as an  
5 employer I am aware of on a anecdotal but regular basis.

6 HON. LIPPMAN: Thank you so much. Thank you both.

7 I think it really highlights, again, that this  
8 vital part of New York in your "industry" which I know maybe  
9 we don't all use that word but the service you provide is so  
10 essential and it is so interrelated.

11 MS. GOLDSTEIN: It is a dependancy. If we do not  
12 have an effective, partnership we cannot do our job.

13 HON. LIPPMAN: So we really appreciate the both of  
14 you coming.

15 MS. GOLDSTEIN: It was an honor. Thank you.

16 DR. REICH: An honor for both of us.

17 HON. LIPPMAN: Thank you so much.

18 Before we call our next witness there is still a  
19 little whistle.

20 MS. GOLDSTEIN: It is very hard to hear.

21 HON. LIPPMAN: It is a little buzz.

22 COURT OFFICER: They are working on it.

23 MS. GOLDSTEIN: With this feedback it is hard to  
24 hear.

25 HON. LIPPMAN: Okay.

26 Our next witness is someone who really needs no

1 VANCE

2 introduction although I am going to introduce him any way.  
3 But we cannot allow the District Attorney to have a  
4 whistling. This will not do.

5 You know Gerard, he is the District Attorney, so  
6 please make sure you fix his microphone and electronic  
7 equipment.

8 Let me just introduce the District Attorney,  
9 Cyrus Vance. As you know, he is the District Attorney of  
10 New York County. He is someone who I can say is one of the  
11 outstanding, persons in law enforcement in the United States  
12 of America.

13 The New York District Attorney's Office has a  
14 historical history in terms of law enforcement. And  
15 District Attorney Vance in every way has met that long  
16 tradition of excellence, here in Manhattan. We depend on  
17 him for his expertise, his knowledge, his seem less and  
18 gracious, persona, in running again one of the most  
19 important law enforcement entities in this city, this state  
20 and this country.

21 So I consider him my dear friend and someone who  
22 has been such a partner with the court system on so many  
23 important creative new ways of performing our function in  
24 the justice system where we all realize that all of us are  
25 partners in a real sense in that without the prosecution,  
26 defense, the courts and all of the other players, the

1 VANCE

2 justice system doesn't work. So it is particularly an honor  
3 for us to have District Attorney Vance, who I so admire and  
4 respect. And so I am delighted to have you here at this  
5 hearing.

6 DISTRICT ATTORNEY VANCE: Your Honor,  
7 Chief Administrative Judge Prudenti, Justice Gonzalez, my  
8 good friend, Glenn Lau-Kee. It is my pleasure to be here.

9 I feel very lucky to be able to spend a little time  
10 talking about the intersection between the criminal justice  
11 system, which I am so deeply involved with and the need for  
12 civil counsel by so many people that we deal with.

13 HON. LIPPMAN: I am so glad to have you here  
14 because a lot of people will say before you speak, gee, what  
15 is the connection? Why is the District Attorney here? What  
16 does law enforcement, have to do with Civil Legal Services?  
17 You are going to find out are from District Attorney Vance.

18 DISTRICT ATTORNEY VANCE: To me, I don't know --  
19 this may not be very formal -- there is such an obvious need  
20 and we see in our capacity as District Attorneys dealing  
21 with criminal cases, the need for civil representation every  
22 day.

23 And let me just give you sort of a background. We  
24 have a hundred thousand new cases a year that come through  
25 our office. And in so many of those cases people come to us  
26 as victims or they come to us as individuals with a problem

1 VANCE

2 which can't be handled in the criminal justice system or  
3 victims who have parallel need for counsel in order to put  
4 their lives back together and we can't help them.

5 Now, when you have 100,000 new cases a year, I am  
6 talking about literally thousands of individuals who come  
7 into our system and who we can only partially help or not  
8 help at all. And so when I think of the goals of my work, I  
9 think there is so much that goes of the justice system  
10 generally. I am interested in making sure that cases that  
11 come into our office is handled in a way that enhances, the  
12 pursuit of justice but also it is very important to me that  
13 we focus on crime prevention in our application of our  
14 prosecutorial powers and adequate civil representation for  
15 those who typically can't afford it is key in my view to  
16 achieving both those goals and why I was so delighted, to  
17 come today and be able to speak with you.

18 We, of course, try to refer people who come in with  
19 issues through "not for profits" and other government  
20 agencies but the demand simply outstrips, the resources  
21 available. Which is of course what you are facing here.  
22 Agencies, that we refer people to are often unable to  
23 represent them or to get them help in order to achieve a  
24 fair resolution of their cases. And the inability for an  
25 individual coming into the criminal justice system to get  
26 help in these particularly difficult circumstances whether

1 VANCE

2 as a victim or someone who needs help but it doesn't  
3 squarely fall within a crime our inability to help them is  
4 in my opinion an injustice. And whether it is on the civil  
5 side or criminal side we all want the same thing. We want  
6 people to come away from their interaction with the justice  
7 system feeling their voice is heard, their needs are met and  
8 they are treated respectfully so that they can lead  
9 productive, lives and they can add to their communities, and  
10 add to our New York City community. But we just aren't  
11 meeting those needs today. And I know that is what you are  
12 focused on.

13 Some of the irreparable outcomes we see where there  
14 is this intersection between criminal law and civil law  
15 leads to irreparable and negative, outcomes. Let me just  
16 give you a couple of examples. And we see everything in the  
17 Manhattan District Attorney's Office from international  
18 crime to violent crime to petit crimes. But we see  
19 everything. And one of the areas that we have seen where we  
20 think that your concerns demonstrates the need for what you  
21 are fighting for is cases involving fraudulent deed  
22 transfers. We see it a lot. And if a legitimate owner of a  
23 property -- sometimes it may be an elderly person or it may  
24 be someone who is simply unschooled, and doesn't have legal  
25 sophistication -- if they are not represented by civil  
26 counsel and people involved in deed fraud schemes file lis

VANCE

1  
2 pendens against their property in an effort to resell it.  
3 The property is forever lost to the rightful owner. And it  
4 happens, Your Honor, as I say, much more than you expect.  
5 There are deed fraud rings out there in the city of  
6 New York. And they are looking for properties where the  
7 legitimate owner for any number of reasons is not managing  
8 the property. And the fact that someone owns a property  
9 doesn't mean that that someone is necessarily a person of  
10 means. It could be an elderly, citizen, it could be an  
11 immigrant, who is unsophisticated in the ways of our legal  
12 system.

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1 VANCE, JR.

2 D.A. VANCE, JR.: Criminals file a  
3 fraudulent, sometimes forged, deed transferring  
4 ownership to a straw buyer or corporation. And, as I  
5 say, if the legitimate owner isn't able to jump in  
6 there and needs a counsel to do that and file a lis  
7 pendens - and I can't even tell you what a lis  
8 pendens means, but somebody can - the property can be  
9 lost.

10 And there is no remedy, no good remedy for  
11 that owner whose had property, perhaps that's what  
12 they are relying on for their children for their  
13 education or for their retirement. It is lost to  
14 them, except in a long civil remedy which they need a  
15 civil lawyer to pursue in any event. That's one  
16 example.

17 I also want to say that legal  
18 representation in the civil arena is critical for  
19 crime prevention, not just where it intersects with  
20 our office. One of the areas that we see this most  
21 is in immigrant fraud. There are so many cases that  
22 we have where because there is not adequate and  
23 accessible representation at the level it needs to be  
24 for the immigrant community and in the handling all  
25 the ways in which they interface with our system here  
26 in New York, they are preyed upon by individuals who

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2 take advantage of them because of their immigrant  
3 status. Sometimes it is the inability to speak  
4 English fully well; sometimes it is preying upon the  
5 association they both come from the same country.  
6 But people who end up being victimized by fraudulent  
7 purveyors of legal services are irreparably damaged  
8 often, not just sometimes in the stealing of property  
9 or legal fees that disappear and no legal work is  
10 done or no legal work of value. But even more  
11 disturbingly by promising, for example, that they can  
12 provide a Green Card or by promising that they can  
13 provide legal services.

14 They also may cause the client, the victim,  
15 not just to part with their money, sometimes their  
16 life savings, to become a citizen of the United  
17 States, to come out of the shadows and to live fully  
18 here by doing it in a way that is, you know,  
19 accomplishes none of those goals, but puts them on  
20 notice to the Federal Government that they are here  
21 and they may end up providing no services and putting  
22 these individuals in worse situations vis-a-vis their  
23 immigration status than they were before they sought  
24 out the help from someone who actually did nothing  
25 more than scam from them. And we see this too often  
26 also.

1 VANCE, JR.

2 So, with those individuals, if they had  
3 access in their communities to competent legal  
4 counsel to guide them through these processes, these  
5 complex immigration processes, we wouldn't be seeing  
6 as many of the cases where members of the immigrant  
7 community in New York County are victims of fraud and  
8 abuse.

9 I'm going to get some water, your Honor.  
10 Just one second.

11 HON. LIPPMAN: That's our whole budget,  
12 D.A. Vance, the water, so we're glad you're using  
13 it.

14 D.A. VANCE, JR.: Thank you, your Honor.

15 I know that the report of a steering  
16 committee initiated by Judge Katzmann in the Second  
17 Circuit found that 74 percent of clients facing  
18 deportation who were not detained, but were  
19 represented by counsel, had successful outcomes in  
20 their cases. 74 percent. Compared to 13 percent of  
21 clients who were unrepresented. And, similarly, 18  
22 percent of clients facing deportation who were  
23 detained, but were represented, had successful  
24 outcomes versus only 3 percent of individuals  
25 detained who did not have counsel. Only 3 percent,  
26 according to Judge Katzmann.

1 VANCE, JR.

2 And I think those statistics show the  
3 importance of affordable competent representation to  
4 protect our individuals in the communities, to  
5 provide a sense of justice, and to also prevent crime  
6 from being able to occur in the first instance.

7 There are many other instances, your  
8 Honor. I think we have submitted written testimony  
9 and I won't go through all of them.

10 But, to close, I would just say that the  
11 support of civil legal services in one sense is just  
12 so obvious and so enormous that I don't think there  
13 is anything complicated about the need. The question  
14 is, is there a will to provide the means to help  
15 people who have the needs.

16 I think that adequate civil legal  
17 representation for some of the reasons I've outlined  
18 is vital to our work in law enforcement and is for a  
19 reason also that is perhaps less obvious to everyone,  
20 but equally urgent.

21 Our greatest asset in our communities and  
22 the foundation of the work we do is to have respect  
23 for the law. And where the law does not engender  
24 respect, no level of police staffing can provide  
25 security, and no prosecutor or judge can bring  
26 civility to the streets where law does not live. And

1 VANCE, JR.

2 when people feel disenfranchised from our justice  
3 system - as so many who need legal services do when  
4 their rights are being trampled, when they are being  
5 taken advantage of and being victimized, and they  
6 have not recourse in our courts to right those wrongs  
7 - then the law that we all believe in so passionately  
8 is diminished. Respect for law is diminished in  
9 every way in our communities. And I believe,  
10 unfortunately, that is the current state for so many  
11 people in Manhattan and I believe in other boroughs  
12 and in other communities around the State.

13 It is hard enough when we have to tell  
14 someone we can't help them with a civil problem, but  
15 how much harder must it be when civil legal  
16 assistance, the attorneys of last resort themselves  
17 tell victims that they indeed have a civil case, but  
18 they can't find the resources to help them.

19 And that's why although this is a very dire  
20 situation and important information we are gathering  
21 to remedy that, I'm delighted to be able to share my  
22 thoughts, informal as they are, about what I see as  
23 the Manhattan D.A. every day and having been an  
24 Assistant D.A. even more on the front lines I saw it  
25 even more startling when I was dealing directly on a  
26 regular basis with victims and individuals who needed

1 VANCE, JR.

2 help. But I think we all know that everyone sees all  
3 across this State in so many ways and in your hands,  
4 I'm confident that we will make real progress to help  
5 those who are in need and why I support your work and  
6 why I'm proud to be associated with your efforts.

7 Thank you.

8 HON. LIPPMAN: Thank you, D.A. Vance, first  
9 of all, for answering that very graphically the  
10 question I posed, what is the District Attorney, what  
11 is law enforcement and what does it have to do with  
12 civil legal services. I think you loud and clear  
13 explained that.

14 Let me start by asking you a more  
15 philosophical question that kind of builds on the  
16 thrust of a lot of your closing remarks. You know,  
17 in the criminal law, we have the exemplar case of  
18 Gideon versus Wainwright which basically ensured to  
19 the maximum extent possible, and we understand it's  
20 uneven around the country and the State, a level  
21 playing field in terms of criminal cases, that  
22 everyone gets their day in court, you have a right  
23 when your liberty is at stake, you have the right to  
24 representation.

25 As you know, on the civil side there is no  
26 such right, at least certainly it has not been

1 VANCE, JR.

2 established yet, and there is a lot of talk about a  
3 civil Gideon, that this should be the equivalent of  
4 Gideon versus Wainwright on the civil side.

5 Do you think that it's ever possible, I  
6 know this is a philosophical question, but bear with  
7 me. Do you think that it's ever possible that in a  
8 civil case a person fighting for the roof over their  
9 head or something to do with their livelihood or  
10 their family's or personal safety, that there could  
11 be interest as important as one when one's liberty is  
12 at stake that might point us towards the same concept  
13 here that a person is entitled to a lawyer when they  
14 are dealing with that kind of a case as sort of  
15 in controvert or parallel to we have someone's  
16 liberty at stake? Is that a reasonable analogy to  
17 make?

18 D.A. VANCE, JR.: Well, I'm not a  
19 constitutional scholar --

20 HON. LIPPMAN: Not your legal opinion.

21 D.A. VANCE, JR: -- and I've known that for  
22 years, unfortunately.

23 But certainly as a matter of human concern  
24 and empathy, it is as important for someone who is a  
25 victim of domestic violence to have the means to  
26 protect her money in a civil sense from someone who

1 VANCE, JR.

2 has abused her, to protect her children in the civil  
3 arena from someone who may threaten them, or to be  
4 able to find a place to live and be able to live  
5 safely not just physically, but in a safe state of  
6 mind. I think those are, if I were a Supreme Court  
7 Justice, and I will never be, are those essential  
8 liberties --

9 HON. LIPPMAN: You're still a very young  
10 man.

11 D.A. VANCE, JR.: -- are those essential  
12 liberties that the Constitution sought to cover or as  
13 our history has evolved should seek to cover because,  
14 in fact, those rights, even while they may not be  
15 directly related to a litigant's liberty in the sense  
16 of in or out of jail, they are very much related to  
17 the promise of our Constitution that we live in a  
18 society that provides opportunity and liberty to all  
19 of those people.

20 I think the financial ramifications of that  
21 are enormous, obviously. And I think you run up into  
22 situations where you will have civil litigants  
23 fighting each other in court, so to speak, who both  
24 have -- who both may be indigent; therefore, while I  
25 may think I may be able today to think I know who is  
26 on the right of a civil case involving custody or so

1 VANCE, JR.

2 many issues, I can imagine that it's a very  
3 complicated situation and so I think you will have a  
4 huge financial sense.

5 But as a concept of what is and what is an  
6 irreparable right of someone who is in this country,  
7 I think freedom to live in security and freedom to  
8 have a sense of -- that people -- that you're being  
9 treated fairly by the justice system is not far from  
10 the inalienable rights that our framed in our  
11 Constitution.

12 HON. LIPPMAN: And let me ask, and as with  
13 you, I don't see myself sitting on the Supreme Court  
14 of the United States, not being as young as you --

15 D.A. VANCE, JR.: That's true.

16 HON. LIPPMAN: -- and not having such  
17 possibilities ahead of me, without passing on the  
18 legal on constitutional issues involved, I think it  
19 is fair to say 15 years before Gideon versus  
20 Wainwright no one would have believed that you would  
21 have a, you know, that right of representation when  
22 one's liberty is at stake in a criminal case. I  
23 think over those 15 years, there's a case called Betz  
24 that was before the Supreme Court, the community view  
25 of representation in criminal cases changed and then  
26 when Gideon came up before the U.S. Supreme Court,

1 VANCE, JR.

2 the attorney generals of over 20 states put in amicus  
3 papers advocating for that.

4 So, while I think, again, without really  
5 the legalities of it, I think by focusing on this  
6 issue and changing the dialogue and having someone  
7 like the District Attorney of Manhattan, such a  
8 central place in our State and our country, talk  
9 about the importance of civil legal services, maybe  
10 we change the dialogue where people start seeing it's  
11 important and it's parallel again on what could be  
12 more important than one's liberty, but what could be  
13 more important of physical safety or a roof over  
14 one's head, you know, so it's interesting.

15 Let me ask one more question, Mr. District  
16 Attorney, which is, when we talked about crime  
17 prevention, you know, we're always saying that when  
18 you provide civil legal services to people and help  
19 them in these times of crisis, we certainly save the  
20 Government, the State, money in terms of social  
21 services and those kinds of things.

22 Do you think it's also possible that we  
23 prevent in a meaningful way you having more customers  
24 in the Criminal Justice System by saving people who  
25 have serious legal problems, getting them back on  
26 stable footing and those people maybe don't become

1 VANCE, JR.

2 people who are going to a life of crime? Is that a  
3 reasonable statement to make? Does that make sense  
4 to you?

5 D.A. VANCE, JR.: I -- I'm trying to think  
6 of an example, but I'm not drawing one right now, but  
7 I do think that it is very logical that the degree to  
8 which someone who is in personal crisis and financial  
9 crisis and it may be -- and the issues relate to  
10 something that legal representation could help them  
11 through, if that is not given to them, they may be  
12 more inclined to find ways to get money to survive  
13 that are illegal. And --

14 HON.LIPPMAN: Not far-fetched, right?

15 D.A. VANCE, JR.: It's not far-fetched, but  
16 nothing immediately comes to me, but I absolutely  
17 think that it's a logical statement.

18 HON. LIPPMAN: Any other questions?

19 HON. GONZALEZ: If in the vein of what Chief  
20 Lippman said with respect to Gideon 15 years before  
21 it was not seen, but it came about. And I think it  
22 came about because of -- and as I said, you have said  
23 many wonderful words, you have shared many wonderful  
24 thoughts, the use of the word will in your closing  
25 statement. And I think in part all this about will,  
26 the same will manifested so that Gideon came about,

1 VANCE, JR.

2 the possibility that if we were to exercise the will,  
3 and we have so far, it's demonstrated by the fact  
4 that there's been funding. Of course, as Judge  
5 Lippman said at the beginning of his comments, this  
6 is the tip of the iceberg.

7 If we have the will, and as I said, which  
8 has already been demonstrated, we've had results, but  
9 if the concept of will apply and apply consistently,  
10 effectively and efficiently, I think we would have  
11 similar result with respect to the civil side as to  
12 criminal side.

13 Now, just sharing a thought, thinking out  
14 loud. If all of us here do believe in the lawful  
15 objective we are trying to achieve, any time, I'm  
16 just suggesting, any time that you get in touch with  
17 or come in contact with one of your elected officials  
18 that have a say ultimately and directly on a  
19 position, any time any of us have an opportunity we  
20 can bring it about.

21 You may have three things. You may have  
22 someone that's totally opposed to it; someone that's  
23 straddling the fence, and someone who is in favor of  
24 it. If you talk to the one who is totally opposed,  
25 you may or may not change their mind. If you talk to  
26 someone who is on the fence, you may be able to push

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2 them off the fence. And if you talk to someone who is  
3 already in favor of it, you may simply provide this  
4 individual with more desire to bring about the  
5 changes that are needed.

6 So, I guess I'm challenging you in the  
7 event that you have the opportunity to deal with any  
8 individual who is ultimately responsible, the bottom  
9 line is the funding for these -- for access to the  
10 courts, do so. It can't hurt. You may get something  
11 positive out of it. But the bottom line is, it  
12 cannot hurt.

13 So, I guess, you know, I challenge you but  
14 I am saying it because of what resonated with me when  
15 you mentioned the need is there, but the question is  
16 the will. We have already shown that we have the  
17 will from an organized point of view, that is the  
18 organized effort was made to get funding and it  
19 resulted in positive things. But the organized  
20 effort is not the only effort. We can approach  
21 individuals and maybe even it becomes a tsunami in  
22 terms of the effect it will have on these issues.

23 Thank you for sharing and you brought out a  
24 word that I think is deep, and that is the will.

25 Thank you.

26 HON. PRUDENTI: One quick question.

1 DR. BECKER

2 Mr. District Attorney, I know how hard your  
3 office and the District Attorney offices around the  
4 State of New York try very hard to instill public  
5 trust and confidence in the system. Do you believe  
6 that the lack of adequate civil legal services puts  
7 you in an unenviable position with regard to  
8 promoting that trust?

9 D.A. VANCE, JR.: I do. We all grow up  
10 where when you come to the country, you believe that  
11 we are special, because we have been promised a  
12 contract. That we have inalienable rights. And  
13 those rights are life, liberty and the pursuit of  
14 happiness.

15 And when you have a life-threatening  
16 situation, and by life-threatening I may mean  
17 economically life-threatening or medically life-  
18 threatening and you cannot -- you have nowhere to  
19 turn and no one to help you, and you feel that you  
20 are alone, that certainly can have an impact on  
21 individuals who then come to our office and -- but as  
22 I said in my remarks, I think that when people feel  
23 alienated and when people feel there's nowhere to  
24 turn, and they don't feel that they can seek justice  
25 through the ordinary remedies, we all lose. And the  
26 consequences can be very negative.

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2 HON. LIPPMAN: Thank you.

3 D.A. VANCE, JR.: Thank you, your Honors;  
4 Mr. Lau-Kee. Thank you so much to all of you.

5 HON. LIPPMAN: Thank you.

6 (District Attorney Vance, Jr. is excused.)

7 HON. LIPPMAN: The next witness is  
8 Dr. Elizabeth Becker, Senior Vice-president of NERA  
9 Economic Consulting. And Dr. Becker is going to talk  
10 a little bit about cost savings and how civil legal  
11 services very much affect the bottom line.

12 Doctor, it's a delight to have you here.  
13 Thank you for coming.

14 DR. BECKER: Thank you so much for having  
15 me. I am really honored and I am pleased to be  
16 here.

17 I just wanted to put my testimony in  
18 context a little bit relative to the earlier  
19 witnesses. We've heard some of the earlier witnesses  
20 speak about the important values of strong parenting  
21 and the challenges that low-income people may face in  
22 providing good parenting and care and support for  
23 their children.

24 We've just heard about the importance of  
25 ensuring legal rights. We've also heard about the  
26 importance of access to medical and health care

1 DR. BECKER

2 services and the challenges that low-income people  
3 may have in accessing adequate health care services.

4 So, what I really have been asked to do was  
5 really provide a little more of a global picture of  
6 what the economic value is of the provision of civil  
7 legal services to low-income New Yorkers. But,  
8 really, I think it is important to remember that even  
9 as I talk about some numbers, that really it is about  
10 provisions of services to people and the value that  
11 really is being generated to individuals who are, in  
12 many cases, really in desperate circumstances.

13 HON. LIPPMAN: Doctor, I think it's  
14 important to know we agree with you totally and  
15 obviously you're talking about real people and  
16 problems, but I think numbers are important and don't  
17 necessarily lie. And I think that translating -- I  
18 think one of the reasons we've been able to be  
19 successful, at least to some degree with the funding,  
20 is that we're trying to demonstrate that this is not  
21 just about doing the right thing, but that it really  
22 does feed the bottom line for our city, our State and  
23 really our country, so that's why we're so pleased  
24 that you can give us that bird's eye view.

25 DR. BECKER: Well, thank you. I was  
26 honored to be here last year and provided some

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2 numbers last year about the economic value of the  
3 services that were provided. And part of what I have  
4 done this year is really updated the numbers with the  
5 economic value of the services that were provided  
6 through 2012 and compared them to the value that was  
7 produced in 2011.

8 HON. LIPPMAN: What does it show?

9 DR. BECKER: It shows that there's about a  
10 20 percent increase in economic value from services  
11 provided in 2012.

12 HON. LIPPMAN: Even compared to last year,  
13 there's a 20 percent increase this year?

14 DR. BECKER: Yes.

15 If you look at the economic value of  
16 federal funds that are brought into New York State  
17 from federal programs such as getting access to  
18 supplemental security income or disability income;  
19 Medicaid, a variety of federal programs that are  
20 challenging for low-income people to become eligible  
21 for because the bureaucracy can be quite overwhelming  
22 for them.

23 So, the economic value from the services  
24 that have been provided in 2012 and recent years, it  
25 is about close to \$500 million in 2012. That's up  
26 about \$8 million relative to what it was in 2011.

1 DR. BECKER

2 HON. LIPPMAN: \$500 million in terms of  
3 what the impact of the investments that were made in  
4 civil legal services?

5 DR. BECKER: That's right. And I think in  
6 some sense it's a very conservative estimate because  
7 it really looks at the flow of federal funds to the  
8 State from provision of civil legal services in 2012  
9 and just the past few years.

10 One of the things we know about identifying  
11 and helping people to determine eligibility is that  
12 many of the programs, SSI, SSD, have a long running  
13 benefit, up to nine or ten years, in terms of the  
14 average number of years that people continue to draw  
15 benefits once they determine and establish their  
16 eligibility. If you actually computed an economic  
17 value of that future flow of funds which is the  
18 common way --

19 HON. LIPPMAN: You are looking at a  
20 particular slice of this, but if you really took it  
21 in broader strokes, you would have even greater  
22 physical impact?

23 DR. BECKER: Yes. Our estimates are it  
24 would be about a billion dollars in terms of economic  
25 value over the next nine to ten years from accessing  
26 these federal programs that otherwise would have been

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2 difficult for people to be able to access.

3 Another way that the 500 million is  
4 somewhat of an understatement is that when these  
5 federal funds flow into the State as a result of  
6 low-income New Yorkers establishing their  
7 eligibility, it's a multiplier effect as well. They  
8 have income, they spend that income. They, you know,  
9 they provide jobs for others in the State as well.  
10 The multiplier effect is about an extra fifty cents  
11 on a dollar for every dollar that comes into New  
12 York.

13 HON. LIPPMAN: Kind of a ripple effect?

14 DR. BECKER: Yes. exactly.

15 So, the ripple effect on the 500 million  
16 gets you to another about \$700 million in total  
17 counting the multiplier effect.

18 HON. LIPPMAN: Can you think of a better  
19 investment that returns that kind of --

20 DR. BECKER: Well, I know. When we talk  
21 about these multipliers that are relative to the  
22 actual dollars that are spent, I think the numbers  
23 are a far and a way better investment than anything  
24 I'm currently earning.

25 HON. LIPPMAN: If we all got that return,  
26 we would be doing okay, right?

1 DR. BECKER

2 DR. BECKER: Yes.

3 In addition to updating the numbers, really  
4 looking at the value of the federal benefits that  
5 were acquired for persons who otherwise may not have  
6 been able to establish --

7 HON. LIPPMAN: Let me explain it to  
8 everybody. What the doctor is talking about is when  
9 you have -- a lot of the money that goes to civil  
10 legal services, and when we talked about this before,  
11 is the interface with a lot of the different federal  
12 bureaucracies and that produces money coming into New  
13 York State because people wouldn't get those. When  
14 someone used the word before entitlement, these  
15 monies would not come to New York State without the  
16 assistance of a lawyer to help people of limited  
17 means access that assistance they are entitled to.

18 DR. BECKER: Yes.

19 Previously, when I reported these numbers  
20 last year, we really were talking about the value of  
21 federal funds coming into the State from what we call  
22 extended legal representation.

23 HON. LIPPMAN: Right.

24 DR. BECKER: One of the more interesting  
25 things more recently is that we've been able to  
26 quantify some of the value from more brief services,

1 DR. BECKER

2 brief advice, contact by phone. Not necessarily  
3 extended legal representation.

4 And these numbers are extended based on a  
5 survey done that was done in Pennsylvania of about  
6 500 surveyed participants and clients in  
7 Pennsylvania, but the success rates that were enjoyed  
8 by clients who were provided advice really with brief  
9 services and advice. So, we've made also an estimate  
10 base upon Pennsylvania survey rates and applied that  
11 to the client data that we have in New York to  
12 understand whether there's additional value provide  
13 by sometimes fairly simple help to navigate these  
14 complex bureaucracies and our estimate of the value  
15 of the advice in brief legal services is about \$54  
16 million. Again, this is mainly the same federal  
17 programs that I had talked about, the SSI, SSD,  
18 Medicaid.

19 HON. LIPPMAN: Right.

20 DR. BECKER: And then there's another  
21 category about economic value added and that really  
22 pertains more to the first topic that we had people  
23 speak about today about parenting and the ability to  
24 have resources to provide good and solid parenting.  
25 And that is we have been able to capture some of the  
26 economic value of civil legal services assistance in

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2 obtaining child support and spousal support. It  
3 would not necessarily be a net flow of funds into New  
4 York State, but it would certainly be a flow of funds  
5 towards those who may need assistance in providing  
6 good parenting support. And the economic value that  
7 child and spousal support is about \$15 million. Part  
8 of that was through brief legal services and brief  
9 services and part of it was through extended legal  
10 representation.

11 So, the total economic value certainly far  
12 exceeds any dollar value of what the investment  
13 represents.

14 HON. LIPPMAN: I think the testimony was  
15 really helpful in terms of understanding that yes, as  
16 you said at the beginning, there is an intrinsic  
17 value in what's being done, but there is a very basic  
18 and almost overwhelming economic benefit to our State  
19 and I thank you, Doctor, for really being able to lay  
20 it out.

21 Any other numbers we should be aware of?

22 DR. BECKER: Yes, just one more, you know,  
23 to put things in perspective. And I think that's  
24 just to understand that when we are talking about  
25 federal funds coming into New York State from Federal  
26 Government programs, it's important to understand

1 DR. BECKER

2 that we are in the deficit in terms of the money that  
3 we send to Washington. So, this extra flow of funds  
4 that are coming back through the civil legal services  
5 that are being provided to low-income New Yorkers is  
6 really helping to balance.

7 HON. LIPPMAN: Doesn't even it out, but  
8 helps?

9 DR. BECKER: Very modestly. Closes the gap  
10 by about 2 percent.

11 HON. LIPPMAN: Thank you, Dr. Becker. We  
12 really appreciate it. Thank you for your testimony.

13 Questions?

14 MR. LAU-KEE: Can you just elaborate a  
15 little bit more on the extended legal representation  
16 and I guess you call it the brief representation?  
17 I'm interested in whether you see any efficiency  
18 there. I'm interested in things like the efficiency  
19 you see on both, whether one may be more effective  
20 than the other or?

21 DR. BECKER: You know, we haven't really  
22 evaluated the relevant efficiency of extended legal  
23 services versus brief service consultation. The  
24 appropriateness of one versus the other I think will  
25 be very case specific, but we definitely have really  
26 focused in the past on the value generated by more

1 DR. BECKER

2 extended legal representation and we understand that  
3 there are some interactions with clients, with  
4 low-income New Yorkers, that are very modest in terms  
5 of time lost or the, you know, the cost that may be  
6 borne in order to assist people. And that's really  
7 why we're trying to capture some of the value of  
8 brief legal services consultation

9 MR. LAU-KEE: So, you have no sense of how  
10 effective they would be?

11 DR. BECKER: Relative to whether one is  
12 more efficient than the other, no. We've not really  
13 done a study comparing those types of consultations.

14 MR. LAU-KEE: Thank you.

15 HON. LIPPMAN: Okay. Thanks, Doctor. I  
16 appreciate it. Thank you so much again.

17 DR. BECKER: Thank you. It's my pleasure.

18 (Dr. Becker is excused)

19 (Continues on the following page)  
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21  
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25  
26

1 FISHERR

2 HON. LIPPMAN: The Honorable Fern Fisher, the  
3 Deputy Chief Administrative Judge for the New York City  
4 Courts and also the Director of the New York State Access to  
5 Justice Program.

6 I would also mention that former Court of Appeals  
7 Judge Carmen Beauchamp Ciparick, is here. A member of the  
8 Task Force. We are so pleased that she is here with us  
9 today and we are graced, by her presence.

10 And I see you have pictures for us Judge Fischer,  
11 charts, pictures.

12 HON. FISHER: Yes, I do.

13 Good morning.

14 HON. LIPPMAN: Good morning. How are you?

15 HON. FISHER: I'm fine.

16 HON. LIPPMAN: You are going to talk today about the  
17 continued effort to simplify, the court process.

18 HON. FISHER: No. Actually, Judge Tacoma, is going  
19 to address that in the Fourth Department. Today, I am  
20 bringing brief but good news.

21 HON. LIPPMAN: Brief but good news. We always want  
22 good news and brief is better. Go ahead.

23 HON. FISHER: I have been asked this morning about  
24 statistics on how Civil Legal Service's funding increased  
25 access to justice in 2012 to 2013.

26 HON. LIPPMAN: I think that would be very, very







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2 some ways being decimated or certainly they are trying to do  
3 that, Iola, from the interest accounts is so much lower. So  
4 really it is a case, Judge Fisher, and we have gotta keep  
5 moving forward even despite the great progress we've made  
6 even at a quicker pace in order to keep up with the problems  
7 that we have had with the economy and funding in Washington,  
8 the interest account. Is that a fair way to look at it?  
9 Now, whatever we have done, cannot rest on the laurels, can  
10 we say that?

11 HON. FISHER: I think true justice requires that.  
12 There is no doubt. And I think that the task force has  
13 recommended that we look at everything and every alternative  
14 including technology and simplification, and things like  
15 that. But the bottom line is we need more funding and we  
16 need to keep on, keep pressing.

17 HON. LIPPMAN: And I just add to that, I know that  
18 President Lau-Kee, is very aware of it. That this is a  
19 combination. We cannot just rely on the public funding,  
20 which is wonderful and we hope it will get even a lot more  
21 wonderful, but it requires the volunteer pro bono efforts of  
22 the Bar. And they have been terrific. And we need to  
23 continue on both tracks ratcheting, up our efforts.

24 HON. FISHER: Exactly.

25 I think 12 percent is a good showing but next year  
26 let's make it 15 percent.







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1  
2 staff so we could be open all day Monday through Friday to  
3 answer more calls, and by increasing our resources for pro  
4 se litigants. We also used the increased funding to add a  
5 staff member to coordinate our consumer bankruptcy project  
6 which then freed up other staff attorneys to train and  
7 mentor even more pro bono attorneys from around the city and  
8 especially at our legal clinics. This again benefited  
9 hundreds more New Yorkers by helping them resolve debt  
10 collection cases, wage garnishments, and foreclosures. All  
11 of which, incidentally, helped divert cases from the state  
12 court system. An added benefit, of course.

13 We were also able to increase the number of cases  
14 in our legal clinic for the homeless, benefitting an  
15 additional 200 parents and children, which is particularly,  
16 important these days with homelessness at a record high.

17 And then finally Super Storm Sandy also created a  
18 huge and unexpected demand for legal services. And, again,  
19 we were able to employ our limited financial resources to  
20 hugely leverage our ranks with pro bono volunteers. In the  
21 immediate aftermath of the storm, the Justice Center helped  
22 train 375 pro bono lawyers in sessions at the City Bar.  
23 These hundreds of volunteers then fanned out with just three  
24 Justice Center staff to places in the Rockaways, and later  
25 in Staten Island and Brooklyn, to provide emergency legal  
26 help. These efforts assisted 450 households and small











1 DUNNE

2 HON. LIPPMAN: And what happened?

3 MS. PEREZ: She went to HPD, so HPD, will help us  
4 assign a rent that we could afford and pay. And so they  
5 assigned us a representative of Section Eight. They  
6 negotiate. So they establish that we will pay the  
7 30 percent of our family income and then renovation and they  
8 will take us to Section Eight.

9 HON. LIPPMAN: Could you have done this yourself?

10 MS. PEREZ: No, never.

11 HON. LIPPMAN: Was your life changed by you living  
12 differently than you would have lived if they hadn't helped  
13 you?

14 MS. PEREZ: Of course. Me and my husband, we are  
15 living very well, along with other four tenants from the  
16 building. We are living well.

17 HON. LIPPMAN: So it is fair to say that Legal  
18 Services changed your life or allowed you to continue your  
19 life?

20 MS. PEREZ: Yes. It changed it radically. I  
21 didn't even have immigration status and they helped me with  
22 that also.

23 HON. LIPPMAN: So it is not just even the  
24 individual issue that you came to them on, they helped you  
25 with a lot of things relating to allowing you to live your  
26 life?

1 DUNNE

2 MS. PEREZ: With all my life, of course. Because  
3 with their help I could enter with my husband to Section  
4 Eight.

5 HON. LIPPMAN: Well, thank you so much. Because  
6 you demonstrate, most importantly, why this is important.  
7 This is important to the individual whose life is just  
8 radically, effected, impacted, by the help that they get  
9 from Legal Services.

10 So we could not be more pleased that you are here  
11 today with us Maria. And we appreciate you coming in. It  
12 is very helpful in terms of us getting the funding we need  
13 so that other people can be helped like you were.

14 Thank you.

15 MS. PEREZ: Thank you.

16 HON. LIPPMAN: Thank you.

17 Jerome, you want to tell us how did Legal Service  
18 help you.

19 MR. YOUNG: Well, Legal Service helped me. I am a  
20 war veteran. I did eight years in the military.

21 HON. LIPPMAN: Talk up so they can hear you.

22 MR. YOUNG: I am a United States war veteran. I  
23 did eight years in the military. During one of my tour I  
24 got injured and the injury was very severe. I was  
25 diagnosed, with traumatic brain injury, "TBI".

26 So after my return, I tried to get employment which





1 DUNNE

2 MR. YOUNG: Yes, sir. It make a big difference.  
3 Not just for me but my son. He got Social Security also.  
4 And covered medical. So all that additional stress I can  
5 get rid of now.

6 So, I really, I really support it. Because she  
7 really helped me and it really make a lot of difference in  
8 my life. That is why I was more than happy to come here and  
9 testify.

10 HON. LIPPMAN: It was so good of you.

11 And, obviously, you would like Legal Services, New  
12 York to get the funding they need to help you?

13 MR. YOUNG: Yes, yes. Perfect.

14 HON. LIPPMAN: Thank you so much, Jerome. It  
15 really helped.

16 I might mention, Maria, was a client of Legal Aid  
17 Society of Harlem. And Magda Rios, was her attorney. I  
18 wanted to acknowledge that.

19 And, let me ask Miriam Tangara. Miriam, you are a  
20 client of Northern Manhattan Improvement Corporation and  
21 Danielle Salgado, was your attorney.

22 Tell us how Legal Services helped you.

23 MS. TANGARA: I wrote something that I want to read  
24 to you.

25 HON. LIPPMAN: By all means.

26 (Continues on the following page)

1 CLOSING/HON. LIPPMAN

2 MS. TANGARA: My name is Miriam Tangara. I  
3 am 35 years --

4 HON. LIPPMAN: Speak up so everybody can  
5 hear your story.

6 MS. TANGARA: My name is Miriam Tangara.  
7 I'm 35 years old and mother of a 10-year old boy,  
8 Moussa. I was born in France, came to the United  
9 States in 2001 to join my fiance. I got married in  
10 July 2001 with a man I met in Mali, a country in West  
11 Africa, when visiting my parents' family members.

12 Year after year my relationship with my  
13 ex-husband became controlling, abusive, then became  
14 violent.

15 Eventually he was arrested after he  
16 sexually assaulted me and was not able to come back  
17 home. I was helped by the New York City District  
18 Attorney's Office Victim Center and attended a  
19 support group and individual counseling. I was given  
20 an order of protection.

21 While all of this was happening, I received  
22 court papers from our management office suing me for  
23 nonpayment of the rent. This was the time to face  
24 reality of supporting myself and my son. I was  
25 filled with the fear somebody could take him away  
26 from me and have me deported, a threat my ex-husband

1 CLOSING/HON. LIPPMAN

2 always made. I didn't know where to turn. Due to my  
3 very complicated situation, my counselor referred me  
4 to Northern Manhattan Improvement Corporation.

5 Today I'm here to share my experience as a  
6 client of Northern Manhattan Improvement  
7 Corporation. It is so important for me to be here to  
8 say what services I received because without those  
9 programs, I do not know what --

10 HON. LIPPMAN: How did you find them?

11 MS. TANGARA: I mean, a social worker told  
12 me that when I was doing counseling they told me -- I  
13 was telling them what I was scared of, and what is  
14 going to happen. I don't have money. I don't have a  
15 social security and I have nothing to pay the rent.

16 HON. LIPPMAN: They referred you?

17 MS. TANGARA: They referred me to there.

18 HON. LIPPMAN: You didn't have the money to  
19 pay for legal services?

20 MS. TANGARA: No.

21 HON. LIPPMAN: If they didn't have the  
22 ability to take you on as a client, you had no way of  
23 dealing with it?

24 MS. TANGARA: Definitely.

25 HON. LIPPMAN: Go ahead. Please continue.

26 MS. TANGARA: To go back to what you said, I

1 CLOSING/HON. LIPPMAN

2 will just be with my husband and suffer for the rest  
3 of my life. So, that is clearly without any help. I  
4 will withdraw probably my -- the entire criminal case  
5 because I have nowhere to turn and my fear is just to  
6 -- I wanted to be with my son, but be in a safe place  
7 than be in the house.

8 HON. LIPPMAN: Could there be anything more  
9 important in your life?

10 MS. TANGARA: (Nodding)

11 HON. LIPPMAN: Continue.

12 MS. TANGARA: The first time I went to  
13 Northern Manhattan Improvement Corporation, I spoke  
14 to the Domestic Violence Project Director, Sarah  
15 Banda. She asked if I needed help. I was very  
16 scared, but I was able to talk to her about the  
17 serious problems that I had. I was primarily  
18 concerned about my housing case and our need to --  
19 and our need for Public Assistance.

20 She also said that they had legal services  
21 which could help me with my immigration status if I  
22 needed it. I was very scared and I told her I was  
23 fine. I was overwhelmed.

24 An attorney from the Legal Housing Unit,  
25 Michelle Andrews, took my housing case. I was afraid  
26 of being evicted because my ex-husband was not paying

1 CLOSING/HON. LIPPMAN

2 the rent prior to his arrest. The rent arrears went  
3 up to more than \$14,000. I could not get help from  
4 Public Assistance because my name was not on the  
5 lease. In court, my ex-husband never agreed to add  
6 me to the lease or give up his right to the  
7 apartment.

8 After many times in court, my housing case  
9 was resolved. Michelle did all the necessary  
10 paperwork with Public Assistance to pay the arrears  
11 and also fill out an application for FEPS. Moussa  
12 and I were able to remain in the apartment.

13 During the entire time the housing and  
14 criminal cases were proceeding, I received counseling  
15 with Domestic Violence Project. I started opening up  
16 to Ms. Banda about things that I was afraid of. It  
17 felt good to have somebody that I can trust. At  
18 first I never admitted to her that I needed to see an  
19 immigration lawyer, but she offered for me to meet  
20 with the Legal Department's domestic violence  
21 attorney, Danielle Salgado. I met with Danielle and  
22 she explained to that there was a benefit known as a  
23 U-visa which helps victims of crimes in obtaining  
24 legal status in the United States.

25 HON. LIPPMAN: Danielle was telling you  
26 things you really had no idea of?

1 CLOSING/HON. LIPPMAN

2 MS. TANGARA: Yes.

3 HON. LIPPMAN: Go ahead.

4 MS. TANGARA: She contacted the District  
5 Attorney's Office and confirmed that I was helping  
6 with the criminal cases against my ex-husband. She  
7 helped me complete the necessary paperwork and filed  
8 a U-visa petition on my behalf in 2010. My U-visa  
9 was approved and I received my work permit in  
10 December 2010. I will be getting my Green Card next  
11 year, hopefully.

12 I started working part-time for a  
13 prestigious French private school in Manhattan in  
14 2011. I divorced my ex-husband in 2012 with the help  
15 of a pro bono attorney Northern Manhattan Improvement  
16 Corporation referred me to. In June 2012, I was  
17 offered a full-time position as a French Teacher  
18 Assistant. My son Moussa is now enrolled at this  
19 school and he just started in September as a fifth  
20 grader.

21 My son and I are doing well so far and look  
22 forward to achieving a lot more.

23 HON. LIPPMAN: So your life has really  
24 turned around, so much of it --

25 MS. TANGARA: Absolutely.

26 THE COURT: -- due to getting help you

1 CLOSING/HON. LIPPMAN

2 needed. Sounds terrific and sounds like you are on  
3 your way to only good things. Thank you for coming  
4 in and telling us your story because it illustrates  
5 why there is a need for people to get help and get  
6 their life in order and to the very basic things that  
7 all you want is to have your son and have your life  
8 and be able to live in a meaningful way.

9 MS. TANGARA: Yes. Thank you so much.

10 HON. LIPPMAN: We thank you, Jerome and  
11 Maria. And their story, really, in the end is what  
12 this is about. And we're going to take their story,  
13 along with the testimony that we've had today which  
14 showed us the interrelationship between education and  
15 health care and the Criminal Justice System, with  
16 this whole issue of legal services.

17 We saw the cost savings, the multiplier  
18 that comes from investment in civil legal services  
19 and a great benefit to our State and our city and to  
20 our economy and we saw the progress that we made and  
21 yet we see how much more needs to be done.

22 We saw that in addition to money, we need  
23 the Bar, the State Bar, the City Bar, local Bars  
24 around this state, to contribute their efforts to  
25 help people in need to have access to justice, to  
26 have access to the entitlement that belongs to them

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CLOSING/HON. LIPPMAN

to be useful citizens in our society. And we saw again with the last three witnesses how very basic this is. This is just normal people, with normal problems, and they need a helping hand. And legal assistance, lawyers, legal skills can be so important to allow people to achieve the necessities of life.

So, we're going to take all that we learned today and we're going to take a look at our budget this year that we're going to submit to the Legislature and Governor and see what kind of funding to ask for with the ultimate goal of closing and ultimately eliminating this justice gap between the need and the resources that we have that are available.

I thank the Panel. I thank all of the witnesses. I thank you all for coming. We appreciate it and thanks so much for being here. Thank you.

(Whereupon, the hearing is concluded.)

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Certified to be a true and accurate transcription of the minutes taken in the above-captioned matter.

\_\_\_\_\_  
CAROLYN BARNA, SCR

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MONICA HORVATH, SCR