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STATE OF NEW YORK  
SECOND DEPARTMENT HEARING  
THE CHIEF JUDGE'S HEARING ON CIVIL LEGAL SERVICES

October 1, 2013

Queens County Courthouse  
25-10 Court Square  
Long Island City, New York 11101

B E F O R E :

HONORABLE JONATHAN LIPPMAN  
Chief Judge of the State of New York

HONORABLE RANDALL T. ENG  
Presiding Justice, Appellate Division, Second  
Department

HONORABLE A. GAIL PRUDENTI  
Chief Administrative Judge

HONORABLE DAVID M. SCHRAVER  
President, New York State Bar Association

CARRIE BELMONTE,  
CAROL B DRUCKER  
Senior Court Reporters

1 CHIEF JUDGE LIPPMAN: Good morning.

2 Terrific see you this morning. I can barely see  
3 you, but I could see the first witness over there. This  
4 courtroom is so majestic; it is so large we are dwarfed by  
5 our surroundings, but it is a great place, and we are so  
6 happy to be in Long Island City in this historic courtroom.

7 Before I give my attention to the first witness,  
8 I want to thank the City of New York who our first witness  
9 represents who has made this beautiful restoration of this  
10 courtroom and what could be more majestic.

11 So, welcome to the fourth year of the Civil Legal  
12 Services hearings. This is a hearing that is put on by the  
13 leadership of the Judiciary and the legal profession in this  
14 State to really try to engage the need for Civil Legal  
15 Services, the need to how much resources are needed to close  
16 a certainly greatly narrow the justice gap in our State  
17 between the resources that are available which are finite  
18 and the tremendous need for Civil Legal Services.

19 I want to thank the committee to enhance legal  
20 services in our state headed by Helaine Barnett, who is  
21 seated right behind our opening witness, for all of their  
22 efforts here today, members of the committee are Steve  
23 Banks, sitting next to Helaine, Barbara Finkelstein, who is  
24 right there -- you are sitting in order -- Fern Fisher, who  
25 is right there, Denise Kronstadt and Lillian Moy. Lillian

1 is right there. She is hiding. And we want to thank the  
2 task force for all that you do to make this hearing  
3 possible.

4 There is a crisis in Civil Legal Services in this  
5 city, in this state and this country; and we believe that at  
6 best we are meeting twenty percent of the Civil Legal  
7 Services needs of people really fighting for the necessities  
8 of life, a roof over their heads, their physical safety, the  
9 well being of their families, their livelihoods. To give  
10 you an example, The Legal Aid Society in New York City,  
11 probably the premier Legal Aid organization in the country,  
12 certainly the oldest, turns away eight of nine people who  
13 come to them seeking Civil Legal Services, and this is still  
14 an economy that is suffering.

15 We celebrate this year, the fiftieth anniversary  
16 of Gideon versus Wainwright which mandated representation in  
17 criminal cases, and yet in civil cases there is no such  
18 requirement of representation, and people are suffering; and  
19 yet there aren't the legal resources available, and we in  
20 the Judiciary and the profession understand that if we don't  
21 take the lead in this effort, no one else will, and that's  
22 really the basis of these hearings, recognizing that equal  
23 justice for the Judiciary and the profession is our number  
24 one priority, and if we don't have equal justice we might as  
25 well close the doors of our courtroom just like this

1 beautiful courtroom because if everyone doesn't have access  
2 to justice, an equal chance of justice, have their day in  
3 court, than what we are doing doesn't have any meaning.

4 We are proud that New York -- we have put  
5 together a template that we follow and that sets an example,  
6 I think, for the rest of the country by the joint resolution  
7 of the legislator. We hold these hearings, and the  
8 legislator asks the Chief Judge to report back on what the  
9 needs are, monetary needs for Civil Legal Services. We hold  
10 these hearings. We try and capture what that need is, and  
11 then we put it in the Judiciary budget.

12 During the last three years we have been very,  
13 very successful; twenty-seven and a half million dollars the  
14 first year of public funding for Civil Legal Services, forty  
15 million dollars the next year, and this year fifty-five  
16 million dollars; and while those monies are, by far, the  
17 largest public funding in the country for legal services, it  
18 is literally just the tip of the iceberg. We need, in  
19 addition, the volunteer, pro bono efforts of the bar and  
20 some of that we are going to talk about today.

21 This last year the bar contributed two and a half  
22 million hours of legal services and Dave Schraever and the  
23 legal bar have been in the lead in providing that assistance  
24 for the Empire State Capital Program and so many other  
25 efforts to foster pro bono work. As you know, we now

1 require in New York every law student to contribute fifty  
2 hours of pro bono work, and we have the Lawyers Emeritus  
3 Program that tries to target the baby boomers who are on the  
4 verge of retirement and try to get them involved in pro bono  
5 work. We are focusing on the disconnect between the law  
6 students who come out of law school today with a very heavy  
7 debt burden, very few jobs out there and yet this tremendous  
8 need what it will do to make this come together within a  
9 more cohesive way.

10 All of this is about access to justice and equal  
11 justice and the recognition that every society is judged by  
12 how it treats its most vulnerable citizens in our society  
13 and our society is no different. We can and should be  
14 judged on that basis and certainly those of us in the  
15 profession, in the Judiciary, have that as the ultimate  
16 test.

17 So today we start this process of -- really a  
18 third of four hearings -- but the process of the hearings  
19 that allows us to quantify the need to put in the budget.  
20 We are moving towards the budget that Judge Prudenti is  
21 preparing that we will submit to the legislator on  
22 December 1; and with that, along with that budget, there  
23 will be a report by the task force. Helene Pasture  
24 (phonetic) is working on that report following each of these  
25 hearings.

1 I want to just introduce the panel before we  
2 start. On my far left is David Schraver, the President of  
3 the New York State Bar Association. We are so pleased that  
4 the bar is sponsoring these hearings along with the Court  
5 system and their commitment to legal services.

6 Thank you, David.

7 And next is Gail Prudenti, the Chief  
8 Administrative Judge of the Courts, the former Presiding  
9 Justice of the Second Department. She is sitting to my left  
10 and Judge Prudenti does all the hard work and will. After  
11 we hear from the task force and from the witnesses, Judge  
12 Prudenti will put it altogether in a budget that we can  
13 present to seek the funding that we need.

14 And to my right is the Presiding Justice of the  
15 Second Department, Randall Eng, who we have worked so  
16 closely with here in Queens County. For so many years he  
17 was the former Administrative Judge of the Criminal Term in  
18 Queens County, and it is an honor to sit with Randy on the  
19 bench. He represents, really, the best in our court family  
20 and again oversees this part of the work in Queens County,  
21 the entire Second Department, which is the largest appellate  
22 county in the state.

23 I would also note that Judge Jeremy Weinstein is  
24 here.

25 Jerry, where are you?

1           There he is.

2           He is the administrative judge of the Civil Term  
3 in Queens County, and we are very pleased to have Jerry with  
4 us, a long-standing administrative judge here in this great  
5 county.

6           And, Jerry, make sure that this courthouse along  
7 with Judge McDonald looks like it looks today, you know,  
8 every day.

9           So without further ado let me introduce to you  
10 our first witness, Michael Cardozo, who is the Corporation  
11 Counsel of the City of New York and who I have had the  
12 pleasure of having a lifetime relationship with. I can't  
13 think of a more outstanding lawyer in this state, and  
14 Michael is fond of saying that he has the premier legal job  
15 in the state, and I think that is pretty close to true. The  
16 Corporation Counsel of the City of New York is a fabulous  
17 job that requires a fabulous lawyer, and we are so pleased  
18 that Michael is here with us. He is a long-standing  
19 contributor to court reform and legal reform in this state,  
20 and I know how much Mayor Bloomberg relies on him, and it's  
21 an honor, Mike, that you are here with us today, and we are  
22 so pleased to hear your testimony.

23           HONORABLE MR. CARDOZO: Thank you so much. It is  
24 a pleasure to be here. I wish I could take credit for this  
25 the beautiful courtroom. I am afraid that is not within my

1 job description.

2 THE COURT: We give you credit.

3 HONORABLE MR. CARDOZO: Good morning, Chief Judge  
4 Lippman, Justice Eng, Judge Prudenti and President Schraver.

5 It is an honor to be here today in my role as the  
6 Corporation Counsel of the City of New York and to share  
7 with you some observations from the City's perspective about  
8 the impact of natural disasters like Superstorm Sandy on the  
9 legal needs of low-income New Yorkers, the experience of  
10 legal service providers in responding to those needs and  
11 lessons the Sandy experience teach us for the future.

12 Now, much of what we learned in this connection  
13 and about which I will testify is also drawn from the City's  
14 experiences after other crises in the last several years.  
15 While there are major differences between these events, what  
16 they share in common is that each has resulted in the need  
17 for urgent and substantial legal assistance, particularly  
18 for low-income people. Whether it was the man-made disaster  
19 of 9/11; the time-sensitive opportunity for immigrant  
20 children to gain status in this country, or the extreme  
21 weather events of Hurricane Sandy -- Irene, the earthquake  
22 in Haiti or the terrible destruction resulting from  
23 Superstorm Sandy, low-income people have been faced with the  
24 acute need for counsel and representation by attorneys which  
25 by necessity must be on a no-fee or low-fee basis.

1           I want to begin by emphasizing that, as I see it,  
2 both the City and legal services providers have  
3 responsibilities for helping to ensure the availability of  
4 legal services during and after a crisis of this nature.  
5 The city has two important roles.

6           First, it has the critically important function  
7 of providing communication to the public with current  
8 information, not only regarding important news developments  
9 about the disaster but also to provide specific information  
10 explaining how to obtain legal assistance for those in need.

11           Secondly, the City can also be instrumental in  
12 helping to find emergency physical space for attorneys who  
13 provide the actual legal assistance.

14           The other key role in the aftermath of this kind  
15 of natural disaster belongs to legal services providers  
16 several of which are affiliated with the City's major bar  
17 associations. Utilizing attorney volunteers from the  
18 private bar to supplement the work of their own staffs, they  
19 have been the key source of direct legal services to those  
20 in need.

21           And for those entities be able to provide such  
22 help requires funding primarily for the training and  
23 supervision of attorneys as well as the salaries of the  
24 staff attorneys who are or must become subject matter  
25 experts, and who form the backbone of the non-profit and

1 legal services organizations poised to provide these  
2 services; and this is appropriate for many reasons,  
3 primarily because City lawyers cannot provide such  
4 assistance due to a multiplicity of factors including the  
5 potential conflicts that arise in these types of situations.

6 In that connection, I should also note that  
7 although large law firms are typically an excellent source  
8 of pro bono attorneys, we have seen that in certain kinds of  
9 crises, such as those involving mortgage foreclosures and as  
10 in Superstorm Sandy, insurance matters -- many of these law  
11 firm attorneys could not represent people in need because of  
12 firm representation conflicts.

13 Let me paint the picture of the legal services  
14 challenge presented by Superstorm Sandy:

15 Of the more than eight hundred forty thousand  
16 people living in the neighborhoods that sustained the  
17 greatest damage from the Superstorm, virtually all of them  
18 live within the Second Department, approximately seventeen  
19 percent or one hundred forty-two thousand eight hundred were  
20 already living below the poverty line. Moreover, eighty  
21 thousand residents of four hundred Housing Authority  
22 buildings were affected by power outages and the loss of  
23 heat and hot water; and, in addition, the many homeowner  
24 affected by the Superstorm, who might not otherwise have  
25 been categorized as needing or qualifying for pro bono legal

1 assistance, their homes were or are their most valuable  
2 asset. They had expected to convey this asset to their  
3 families, and without it, would be impoverished for years.

4 In the immediate aftermath of the Superstorm,  
5 these homeowners were not only displaced, either temporarily  
6 or permanently, from their homes but many were left  
7 cash-poor. How would they and the thousands of others  
8 needing pro bono or low cost legal assistance find an  
9 attorney to help them get back into their home, obtain food  
10 stamps, deal with unemployment issues and scores of other  
11 legal problems? Where would these attorneys come from? And  
12 where would they physically be located?

13 From the City's perspective, one of the ways it  
14 met these issues was to be sure its 311 call center and  
15 related website could advise callers whom to contact for  
16 legal assistance. This required, of course, that the City  
17 obtain such information quickly and efficiently, and then  
18 train its 311 operators about the crisis and the available  
19 resources. In addition, the City also helped to see that  
20 space was allotted to legal service providers at the  
21 Restoration Centers so that Sandy victims could speak in  
22 person with an attorney.

23 When the seriousness of a crisis became clear,  
24 several legal services organizations immediately recruited  
25 and directed primarily volunteer attorneys to locations

1 where they could provide assistance on an immediate basis.  
2 A number of non-profit organizations and community-based  
3 groups, including the Legal Aid society, Lawyers Alliance  
4 for New York, Legal Services-NYC, City Bar Justice Center,  
5 Brooklyn Bar Association's Volunteer Lawyers Project, Queens  
6 Bar Association's Volunteer Lawyers Project and the New York  
7 Legal Assistance Group were present and worked incredibly  
8 hard under unusually difficult circumstances.

9 The City Bar Justice Center played a coordinating  
10 role among these groups. For example, it not only helped  
11 facilitate the dispatching of volunteers, but, as time went  
12 on and the need for pro bono legal services for Sandy's  
13 victims continued, it also hosted a monthly roundtable to  
14 raise the knowledge and understanding about insurance  
15 claims. It held several meetings with the other legal  
16 assistance providers throughout the early days of the crisis  
17 and served as a central focal point of communication. These  
18 various organizations' own staff attorneys worked with  
19 numerous volunteer attorneys at locations set up in  
20 neighborhoods most affected including Restoration Centers  
21 co-located with Federal, State and City emergency personnel  
22 as well as at public buildings, churches, schools.

23 Many of these legal services attorneys were  
24 viewed as first responders. For example, FEMA asked many of  
25 them to go door to door to check on disabled and elderly

1 residents, and they performed clean-up and garbage removal  
2 work. If it had to be done, they were doing it, even if it  
3 wasn't legal work.

4 The actual legal work that has had to be done as  
5 a result of the storm has been varied. Attorneys have  
6 provided counseling, immediately after the storm and  
7 continuing thereafter, about the victims' legal rights.

8 This the limited representation model that can be  
9 offered in the clinical setting and in this context meant,  
10 for example, helping people fill out FEMA and other  
11 government assistance forms. Moreover, administrative or  
12 judicial proceedings, such as FEMA appeals, insurance  
13 disputes or actions against contractors, as well as  
14 re-building efforts by homeowners, have been taken on by  
15 volunteer and legal services staff attorneys. Many of these  
16 matters are not yet resolved and many are likely to be  
17 protracted. I note that the City's Department of Consumer  
18 Affairs has been monitoring the contracting work undertaken  
19 after Superstorm Sandy, holding accountable through its  
20 licensing function the providers of services to homeowners  
21 attempting to re-build.

22 Legal services attorneys were able to tap into  
23 their and their volunteers' existing knowledge of areas such  
24 as employment law, real estate law and landlord tenant law.  
25 But they also undertook to learn and then train volunteers

1 in new or unfamiliar topics including preparation of FEMA  
2 applications for assistance; appeals of FEMA denials and  
3 insurance claims; and continuation of federal benefits such  
4 as food stamps and welfare payments. One of the significant  
5 products of this work was the development of a FEMA appeal  
6 template form that could be completed by homeowners on their  
7 own, a form that has been made widely available throughout  
8 the country for others to use.

9 The need for training in many of these areas was  
10 acute since many of the lawyer volunteers were unfamiliar  
11 with the areas where legal help was needed the most such as  
12 insurance law. Experts were retained to provide that  
13 training which was funded by a prominent foundation.

14 I cannot emphasize enough the difference that  
15 adequate funding makes in the legal work that needs to be  
16 provided to people under these circumstances. For example,  
17 in the wake of Superstorm Sandy, grants were provided to the  
18 new York Legal Assistance Group's Storm Response Unit to  
19 focus on the special needs of immigrants and their families,  
20 including through collaborations with the Mayor's Office of  
21 Immigrant Affairs, Catholic Charities and the Federation of  
22 Protestant Welfare Agencies. Multi-lingual help was  
23 provided and referrals were made to caseworkers and a  
24 hotline, all of which provided help with FEMA and other  
25 disaster benefits applications, as well as housing,

1 insurance and other public benefits. Other funding was  
2 directed to the Lawyers Alliance for New York to assist  
3 non-profit organizations affected by the storm. Their work  
4 included hosting free webinars on disaster relief and  
5 various rebuilding topics; support in five neighborhood  
6 clinics in Sandy-affected areas; and phone consultations  
7 related to Sandy relief. Lawyers Alliance continues to  
8 provide direct legal assistance to non-profit groups on  
9 matters including real estate, employment law, government  
10 grants and loans, operating a disaster relief program and  
11 insurance coverage.

12 On yet another front, the Center of New York City  
13 Neighborhoods was provided resources to fund housing  
14 counselors and legal service providers. In coordination  
15 with the City's Department of Housing Preservation and  
16 Development, this has included giving homeowners access to  
17 expert help securing critical relief and resources from  
18 FEMA, insurance providers and other public and private  
19 programs. They have also assisted individual homeowners in  
20 applying for forbearances and loan modifications while  
21 repairing and rebuilding their homes. Also in the housing  
22 area, we can predict that there will be a need for legal  
23 counseling under a program being developed with the State  
24 under which homeowners will be able to sell their homes to  
25 the government. Specialists at the Center for New York City

1 Neighborhoods will be an invaluable resource to assist in  
2 the legal issues involving foreclosure or similar mortgage  
3 issues that are likely to arise.

4 Let me pause here to express, on behalf of Mayor  
5 Bloomberg and myself, the City's enormous thanks to all  
6 these legal service organizations and the volunteer  
7 attorneys who made such an extraordinary contribution in  
8 this time of crisis. It was another shining example of  
9 efforts that former Chief Judge Judith Kaye, speaking after  
10 the events of 9/11, characterized as "the bar's finest  
11 hour."

12 New Yorkers should also thank the generous  
13 companies and charities that helped fund the important work  
14 of the legal services groups.

15 As I mentioned earlier, the City has a key role  
16 in communicating information to the public about legal  
17 services. Its 311 system, operated by the City's Department  
18 of Information Technology and Telecommunications, partners  
19 with City agencies to provide the content of information to  
20 the public. During and after Superstorm Sandy its 311  
21 operators provided information to people about referrals to  
22 bar associations and non-profit organizations, as well as  
23 the lawhelp dot org website that is the most comprehensive  
24 online source of information about entities providing legal  
25 assistance. It is essential that in planning for future

1 crises provisions be made for the 311 and related web system  
2 to be supplied with information so that it can explain to  
3 the caller how to find a lawyer or a legal services  
4 organization that can help.

5 In addition, government officials are also well  
6 positioned, particularly during a crisis, to help obtain  
7 space for lawyers to meet with clients, such as a  
8 Restoration Center or churches, schools and meeting halls.

9 Unfortunately, we all know that while it is  
10 likely that there will be another crisis, we don't know what  
11 type it will be, when it will occur or where emergency legal  
12 help will again be needed. So we must remember, and be in a  
13 position to act upon, what we have learned from this crisis.

14 Specifically, we know that low-income individuals  
15 will be impacted more seriously than people who can more  
16 easily afford services of all kinds, particularly legal  
17 assistance. Communication needs to be enhanced to all  
18 members of the public, and it should include information  
19 about legal help. Lawyers poised to provide that assistance  
20 must be given adequate space in which to work and meet with  
21 clients. The legal problems that emerge during such a  
22 crisis necessarily can involve longer-term matters,  
23 particularly litigation or quasi-litigation matters  
24 involving disputes with insurance companies, landlords or  
25 employers. Legal services providers are in the best

1 position to train volunteer attorneys, but they must be  
2 adequately funded.

3 Based upon our experiences and observations, I  
4 would offer the following specific recommendations as we  
5 consider planning for future emergencies:

6 One, we should continue to encourage members of  
7 the bar to be trained in and to provide volunteer service  
8 during times of emergency. The new mandate regarding the  
9 reporting of pro bono service and contributions sets the  
10 stage for such encouragement.

11 Two, although the specific nature of the crisis  
12 will affect the kind of legal help needed, we should be able  
13 to identify now many of the general subject areas of law  
14 that will be needed. Support should be provided to legal  
15 services organizations to develop training materials with  
16 the assistance of subject matter experts that can be  
17 available at the ready and utilized on demand whether it be  
18 in insurance law, emergency housing and landlord/tenant  
19 issues, FEMA protocols or trusts and estates law.

20 Three, the Court system should place a high  
21 priority on developing a more coordinated means of sharing  
22 information with the public -- perhaps with the assistance  
23 of the bar and City government communication resources --  
24 regarding matters such as the status of the opening and  
25 closing of Court Parts, juror and witness responsibilities

1 and case schedules. I know that the Federal State Judicial  
2 Council, on whose Advisory Group I sit, is actively  
3 considering this issue.

4 And, finally, in light of my observations and to  
5 implement some of the recommendations I have made, I suggest  
6 that consideration be given to creation a soon as possible  
7 of a working group comprised of government and court system  
8 officials along with representatives of bar associations and  
9 legal services providers. Armed with the experiences gained  
10 from Superstorm Sandy and earlier crises, this group could  
11 start preparing now for the inevitable need for legal  
12 services during and after the next crisis. With careful  
13 preparation in advance, resulting in a plan that can be  
14 implemented quickly, there is likely to be less chaos in the  
15 midst of an inherently chaotic situation.

16 Thank you very much for the opportunity to be  
17 part of this conversation about this complex and critically  
18 important topic. I will be happy to answer any questions  
19 you have.

20 CHIEF JUDGE LIPPMAN: Thank you for the really  
21 thoughtful testimony that focuses on one of the reasons we  
22 have chosen to have this hearing this year in the Second  
23 Department, because of Sandy and all of the issues that you  
24 raised, and how they impact the Civil Legal Services.

25 Let me just ask a couple of questions.

1           How important are legal services in the context  
2 of the other issues that the City is dealing with in  
3 something like Sandy where you have this crisis? Where does  
4 legal services for the people impacted by -- in this case  
5 this natural disaster -- where does it fit in?

6           HONORABLE MR. CARDOZO: Well, the legal issues  
7 that the City were dealing with on behalf of the City, Judge  
8 Lippman, were enormous and compounded by the fact that the  
9 lawyers employed in our offices had to leave because our  
10 offices were downtown, and to say we were in overdrive and  
11 riding in a lot of unprecedented areas is an understatement.

12           At the same time, as we all know, if someone --  
13 some individual -- has a problem, and he or she is not  
14 familiar with legal necessities, it is particularly  
15 difficult. It is easier, as you know, if the lawyer for the  
16 City can be talking to a lawyer representing someone who has  
17 some difficulties who understands the legal implications of  
18 what we are talking about.

19           So the City, for example, designed this program;  
20 Rapid Repair it was called. We got lots and lots of  
21 contractors to go in and rapidly repair thousands of homes  
22 in this area, Staten Island and so forth. Inevitably, there  
23 were some disputes that arose. Obviously, the City could  
24 not represent the person on the other side, so to speak, and  
25 that's where the legal service organizations became vitally

1 important. So on the city's side, every city agency --  
2 virtually every agency's lawyers were on overdrive and their  
3 difficult work was made easier when they had lawyers on the  
4 other side, if you will.

5 CHIEF JUDGE LIPPMAN: What are the logistics  
6 of -- the City is obviously providing the kind  
7 of coordinating role with a lot of the things that happened  
8 in the aftermath of the storm. What are the logistics with  
9 you dealing with the providers and that whole community at  
10 the same time trying to balance these volunteer efforts of  
11 the bar? How do you do that? How does that come into play?  
12 Who is doing that in the city when you have ninety-seven  
13 other things happening? You understand better than anybody,  
14 the critical role of providers; how does that come together?

15 HONORABLE MR. CARDOZO: Well, it is difficult.  
16 The bar associations and legal services providers did such  
17 an outstanding job that my office; particularly, Andrea  
18 Berger, who is here with me today and a couple of  
19 individuals in City Hall would reach out to some of the  
20 legal service organizations to say, Hey, you know, where can  
21 we help? For example, we needed a place for the Restoration  
22 Centers.

23 Getting the information to 311 is critically  
24 important. We can't be wasting two days finding who to call  
25 and, fortunately, because I think we do have quite good

1 relations with the various bar associations in many  
2 different ways, we work together, but at the same time, we  
3 do have to recognize that legal service providers have a  
4 role that sometimes comes in conflict with a particular  
5 issue, and the lawyers represent individuals that have to do  
6 their job and the City has to do their job. Even when we  
7 have differences with the legal service providers, we are  
8 able to understand our professional obligations and try to  
9 work around the problems, but that's why there is a  
10 difficult line that cannot be crossed.

11 Unfortunately, the City has different views with  
12 some of the different legal service providers. I don't say  
13 that critically of anybody, but that's where I think the  
14 communication -- why I think we need to lay out a blueprint  
15 which might be useful.

16 311 becomes overloaded by definition in crisis  
17 for all sorts of things. So you have to have a quick  
18 ability to say, Here are the words you should utter, In  
19 Queens call the Queens Volunteer Legal Services for help and  
20 give the number; or here is this website. We can't wait  
21 three days finding who to call to do those type of things;  
22 and similarly for space, so there is an immediate issue,  
23 your Honor, and then there is the longer term issues.

24 CHIEF JUDGE LIPPMAN: The suggestion of a working  
25 group in advance -- one final question from me, and then I

1 will see if the panel has any other questions:

2 We are particularly concerned in these hearings  
3 with providing funding for the legal service providers and  
4 do you have any thoughts what and where -- as you know from  
5 looking just at Sandy, at the aftermath, just how valuable  
6 the providers were -- how do we try to put together  
7 something for the legislator in terms of the needs dealing  
8 with the question of these kind of unforeseen events? You  
9 have providers who have a budget.

10 One of the reasons we do the hearings is this  
11 great need and yet a limited amount of resources. Do you  
12 have any thoughts how do providers deal with this? How do  
13 you deal with a Sandy and legal services providers and you  
14 have this limited budget and all of a sudden there is this  
15 tremendous need, and you are not the legislator, and you  
16 can't provide the money, but any thoughts how the provider  
17 can deal with these unforeseen crises?

18 HONORABLE MR. CARDOZO: I don't have -- as you  
19 say, I am not the legislator. It is very difficult to  
20 predict how to do that.

21 I think it is important to raise consciousness of  
22 what happened in Hurricane Sandy, but it starts to fade  
23 every day.

24 I don't know the budget process for the  
25 legislator. I think the importance of pro bono legal

1 services, who were such an incredibly important resource  
2 here -- there is going to be something else. We don't know  
3 what it is. I think we have to build on that to be sure  
4 that everyone is aware, but what it is exactly, sir, I don't  
5 know.

6 THE COURT: I think each of the lawyers has that  
7 same issue, not just the provider.

8 HONORABLE MR. CARDOZO: Yes.

9 THE COURT: It is the City of New York. It is  
10 the pro bono efforts. Whether it is funding or planning or  
11 whatever, but certainly your main theme about working  
12 together and planning in advance is so important.

13 Any other questions from the panel?

14 HONORABLE MR. SCHRAVER: I have none.

15 Thank you for your testimony.

16 HONORABLE JUSTICE ENG: Thank you very much for  
17 your very comprehensive presentation. I learned a lot about  
18 these issues, and I certainly realize now we need more  
19 education.

20 I am interested in communications though because  
21 there are so many thoughts on people's minds as these  
22 situations develop. Now, I am just wondering how we can  
23 effectively communicate now in light of our dependence on  
24 power, on electricity. That was my biggest problem when  
25 Superstorm Sandy hit. I for one had no power for thirteen

1 days in my home, so I had no effective means of  
2 communicating through the internet because my cable service  
3 was out as well. I am just wondering what resources the  
4 City has to make meaningful communication to the population  
5 that, of course, needs information regarding attendance in  
6 court, jury duty and things like that. What is under  
7 consideration regarding the channel by which we can  
8 communication as decision makers in the Courts?

9 HONORABLE MR. CARDOZO: Well, I am not an expert  
10 Justice Eng, but those topics are being touched on, I know,  
11 in the Federal State Judicial Council. I think there needs  
12 to be accelerators. Communication is a key problem when the  
13 internet is down. Downtown Manhattan was wiped out. We  
14 have to have alternate means of communication, and, you  
15 know, I think you need to get the technician experts in  
16 there, but we need a protocol so that we are not hunting and  
17 pecking, as you will, so that people know what to do. So,  
18 for example, when the Family Court initially announced that  
19 it was closed and then it was -- I forget the details --  
20 announced only in certain boroughs, but the one hundred  
21 lawyers in hundreds of offices dealing with Family Court  
22 didn't know where to go. I am sure we could all tell our  
23 stories about that. I don't know the technology issues, but  
24 it is a critical point.

25 HONORABLE JUSTICE ENG: The only communication

1 that I had was the battery-operated radio in my home, but we  
2 have to get involved with the media as well to see that we  
3 have a seat at the table regarding this kind of information.

4 HONORABLE MR. CARDOZO: I agree.

5 HONORABLE JUDGE PRUDENTI: Just very quickly, a  
6 follow up on the Chief Judge, Presiding Justice and based on  
7 your experience and expertise of the creation of this group,  
8 what I think we can take away from this testimony today is  
9 that it is important because of lessons learned, because of  
10 crisis management, but going forward for practices and  
11 protocols and resources that are already in place before  
12 something happens; and it is your view from having worked  
13 with various groups as well as being the Chief Counsel in  
14 the City of New York, that we must do this sooner rather  
15 than later?

16 HONORABLE MR. CARDOZO: Yes.

17 CHIEF JUDGE LIPPMAN: Thank you, Mr. Corporation  
18 Counsel. We greatly appreciate you coming in to testify.  
19 Thank you.

20 (Whereupon, Senior Court Reporter Carrie Belmonte  
21 began recording the follow proceedings:)

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1 CHIEF JUDGE LIPPMAN: Klaus Jacob is the next  
2 person testifying. He is an expert in weather change.  
3 Thank you so much for coming in. And you are now going to  
4 make the connection between legal services and climate  
5 change and we're delighted to have your testimony.

6 DR. JACOB: Thank you, your Honor, distinguished  
7 panel and guests in the audience. My name is Klaus Jacob.  
8 I have been with Columbia University for 45 years, retired  
9 from full-time service in 2001 as a senior research  
10 scientist and I am currently part-time employed as a special  
11 research scientists at the Lamont-Doherty Observatory of  
12 Columbia University and teach also a course as an adjunct  
13 professor at Columbia's School of International and Public  
14 Affairs in the science of risk management which is relevant  
15 to this topic.

16 CHIEF JUDGE LIPPMAN: Let me, say Dr. Jacob, you  
17 qualify as an expert, as we do in these cases. You are  
18 clearly qualified.

19 DR. JACOB: I also have the honor to serve with  
20 the Mayor for New York City on the New York Panel on Climate  
21 Change and on the Advisory Function HUD, the U.S. Housing  
22 Urban Development Department, at a competition about  
23 rebuilding by design that's currently on the way.

24 CHIEF JUDGE LIPPMAN: Let me say, Dr. Jacob, and  
25 to all of our witnesses, that you don't have to read your

1 statement. Whatever you prefer to do. We are happy if you  
2 just tell us the substance of your testimony and we'll ask  
3 questions but whatever you are comfortable with, Dr. Jacob.

4 DR. JACOB: Okay. Thank you very much.

5 Well, Sandy was declared a major natural disaster,  
6 but we should think about this work. It is really a  
7 national disaster because it was a natural, extreme event,  
8 and we as a society made it into a disaster because of our  
9 vulnerability of our environment but also because of our  
10 social vulnerability.

11 This is a discipline which I teach, a well-known  
12 fact that disasters have following characteristics: Mainly,  
13 they amplify pre-existing social stresses, they don't create  
14 them. They simply amplify them. Vulnerability to those  
15 extreme events correlates very strongly with income and  
16 poverty. On the other hand, resilience clearly is a  
17 function of access to resources and wealth.

18 Now, what happened during Hurricane Sandy, those  
19 who were at a marginal livelihood were often put by this  
20 event from just barely above the poverty line below the  
21 poverty line. Moreover, many of the victims of Sandy still  
22 face problems that are unresolved.

23 Let me take you through a typical generic example.  
24 If a family that barely can own their own house lives in a  
25 flood zone in which they normally pay maybe 1,000 or \$1,500

1 per year in FEMA flood insurance rate, they got severely hit  
2 by this event and the insurance covers only a fraction of  
3 the real losses. But that is only a situation before and  
4 during Sandy. Now they face additional problems because  
5 since Sandy FEMA raised the base flood elevations by several  
6 feet.

7 If these owners that barely can make it before  
8 Sandy are now faced with the prospect that they have to  
9 raise their house in order to qualify for reduced FEMA flood  
10 insurance rates and if they can't afford that raising, then  
11 they will be hit as it is planned, not yet effective but  
12 coming down the pipeline in 2014, with insurance rate in the  
13 order of 10 to \$15,000 where they paid before 1,000 to  
14 \$1,500. This will put many of those in marginal situations  
15 essentially on a course of foreclosure.

16 So they don't have the money to raise the house,  
17 they are still struggling with the effect from Sandy and  
18 they will be hit with new rates that they can't afford in  
19 the first place. So this is a disaster spiral that in the  
20 sounds of risk management is very well understood.

21 How to get out of this? Well, many of these that  
22 are on this disaster spiral will need legal services either  
23 in the past or still in the future just from Sandy alone and  
24 then from recurring events in the future as well. This  
25 foreclosure situation and insurance issue will only play out

1 in the months to come and there will be great need for those  
2 that understand the legal system at least to have civil  
3 legal service provided to them.

4 So there is no doubt in my personal experience  
5 that this is an incredible need. Now, many will say are  
6 those services that you can provide cost effective. I only  
7 can report from outside the legal experience that I have in  
8 the risk management where I was part of a study that was  
9 performed by the directive of Congress, a study that was  
10 performed by the National Institute of Building Scientists  
11 in which all the FEMA data that were evaluated over the last  
12 20 years and the following finding was made: That for every  
13 one dollar invested in mitigation measures, there was a  
14 return of four dollars of not incurred losses. That's a  
15 four to one benefit cost ratio.

16 Now, I am not a legal expert obviously but it  
17 stands to reason that whatever you can do in the legal  
18 services to provide early input and legal advice to those  
19 who need it most in an overall sense you would have a great  
20 societal benefit.

21 So to sum up, I believe that Civil Legal Services,  
22 in my professional experience, in disaster risk management,  
23 is not having only a social and moral imperative, which it  
24 definitely has, but is good, cost-effective business and  
25 hence should be part of a prudent public policy.

1                   And with that, thank you very much for giving me  
2 the opportunity to make this testimony and I am open to any  
3 question you may have.

4                   CHIEF JUDGE LIPPMAN: Thank you, Dr. Jacob. I  
5 think anyone that questions how an expert in climate change  
6 can testify in Civil Legal Services, make a connection and  
7 nexus has their question answered. You certainly did that.

8                   Let me ask you, as an expert in climate change,  
9 you know, we look at the impact of natural disasters and all  
10 that can happen as a result. At what point do you think  
11 that that turns into the need for legal assistance on the  
12 day that this thing happened, whatever the climate, unusual  
13 event is taking place, people have certain immediate  
14 concerns. Now, at what point do you think this need for  
15 legal assistance kicks in?

16                  DR. JACOB: My recommendation having overheard  
17 your conversation with counsel before, once the event has  
18 arrived it's very difficult to communicate with people.  
19 What ought to be done is that communication has to be in the  
20 hand before the arrival of the storm. That is a community  
21 issue where Civil Legal Services needs to do actually their  
22 work almost before the storm arrives.

23                  CHIEF JUDGE LIPPMAN: So when it hits it's in  
24 place.

25                  DR. JACOB: It's in the hand of the people. And

1 communication is broken down, there is no technological fix.  
2 We still have power outages and phone outages and  
3 communication outages for a long time to come before we are  
4 more resilient on the technological side in dealing with  
5 climate changes. The City has a huge task before it.

6 CHIEF JUDGE LIPPMAN: So when people are in  
7 extremes and the house blows away and is destroyed or  
8 whatever it is and the next day when they turn around and  
9 say what do I do now, that's when you need legal services  
10 and the other --

11 DR. JACOB: Absolutely. Absolutely. I mean,  
12 technology has to be distributed in the communities and the  
13 folks in the communities know to whom they can go in need.  
14 All these community organizations, they should have that  
15 information handy and ready and you should be known as Civil  
16 Legal Services, that they right away can establish contact  
17 with and contact may mean walking to it.

18 CHIEF JUDGE LIPPMAN: Exactly. Okay. Any  
19 questions, Judge Prudenti, or --

20 HON. MR. SCHRAVER: Dr. Jacob, you talked about  
21 the benefit of early legal services and I thought I heard  
22 you also refer to the fact that even now these insurance  
23 issues and other legal needs are continuing and will likely  
24 continue for months, maybe even years.

25 DR. JACOB: Correct.

1 HON. MR. SCHRAVER: Can you speak at all to the  
2 difficulty or the ability to sustain the effort to provide  
3 these legal services for such a period of time.

4 DR. JACOB: Yeah, this is -- I mean, it's a little  
5 bit the same issue with insurance, you know. It's for years  
6 nothing happens and then you have to have the money  
7 certainly to pay out. I was thinking about it when this  
8 issue was raised earlier in this hearing and I was thinking  
9 boy, if there is any means and ways legally to create a fund  
10 or a bank in which annual allotment that the state or other  
11 organizations may pay into, then in times of crisis, which  
12 those disasters are, you can tap into it.

13 I don't know how that can be done, but I think  
14 with these kind of up and down needs related to natural  
15 disasters you cannot do that on an annual allotment basis.  
16 So something has to be found by which you can pool those  
17 resources so they are available at the time of extreme  
18 needs.

19 HON. MR. SCHRAVER: Sort of a reserve fund or  
20 something like that.

21 DR. JACOB: However the legal and financial  
22 instrument can be constructed, yes. Absolutely.

23 HON. JUDGE PRUDENTI: Dr. Jacob, if I understand  
24 you correctly, what you seem to be saying, to me, is that  
25 with the climate changes that you are seeing as an expert

1 that there is a need for Civil Legal Services each and every  
2 day of every year because of the constant change moreover  
3 and also the need for federal flood insurance; is that  
4 correct?

5 DR. JACOB: It's amazing how little knowledge  
6 without legal advice normal folks on the street have about  
7 what are their rights and what their options are to public  
8 assistance. It's -- I mean, I have great difficulty myself,  
9 and I had two and half feet of water at my house. I have  
10 myself great difficulty getting through this maze of  
11 regulations. It's not clear, for instance, even if you have  
12 the means to build -- rebuild your house, let's assume  
13 that's the case, it's not clear what are the regulations  
14 right now as the flood insurance rules change. At what  
15 elevation can I build, do I need to build, and what are the  
16 financial consequences for either doing it or not doing it.  
17 It's not just legal advice but without legal advice I think  
18 you are really going to float in this maze of conflict and  
19 communication.

20 HON. JUDGE PRUDENTI: Thank you.

21 HON. JUSTICE ENG: I just have a question here.  
22 Most of the problems that seem to have developed related to  
23 dealing with FEMA and agencies like FEMA but I'm wondering  
24 what preparation we can make for something disastrous that  
25 is not in the same category as a superstorm such as a cyber

1 attack, a cyber attack where information is just vacated,  
2 eliminated, purged, people had bank balances, they no longer  
3 have bank balances, utilities don't work because of a cyber  
4 attack. How could we prepare in furnishing legal services  
5 in that kind of scenario when we are not just dealing with  
6 an agency but a general breakdown in our identification?

7 DR. JACOB: You touch really on a very sore point  
8 and I only can come back to what I said earlier. Legal  
9 Civil Legal Services have to do continuous work during the  
10 times that we are not having disasters, and that's just the  
11 only way.

12 The first responders are not -- despite what the  
13 City wants to be, the City is a community and unless you tap  
14 into that resource with yourself, legal services, you will  
15 not reach those people that need it most when needed  
16 urgently whether it's a cyber attack, earthquake, storm or  
17 you name it.

18 I mean, that's what I have to teach my students,  
19 you know, in disaster risk management, response is community  
20 based first then come the various levels of government and  
21 then come all legal and financial consequences weeks and  
22 months later. That's when you can communicate without prior  
23 preparation.

24 But I think that you are talking about an  
25 immediate response. When someone needs legal assistance,

1 that knowledge has to be in the community before the event  
2 occurs.

3 CHIEF JUDGE LIPPMAN: Thank you, Dr. Jacob. Thank  
4 you for your testimony. Greatly appreciated.

5 (Whereupon, Senior Court Reporter Carol Drucker  
6 began recording the following proceedings:)

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1 CHIEF JUDGE LIPPMAN: The next two people to  
2 testify are the Honorable Richard Schaffer, Supervisor of  
3 the Town of Babylon and Scott Mandel, City Council President  
4 of the City of Long Beach, Nassau County.

5 We welcome both of you, and you really are on the  
6 front lines of our government and response for people who  
7 are suffering in an event like Hurricane Sandy and have to  
8 deal with so many people who are in need of legal services,  
9 so we thank you for your efforts on behalf of the  
10 constituents, and we thank you for being here today to  
11 testify on Civil Legal Services and what you have been  
12 dealing with during this period reeling in the aftermath of  
13 Hurricane Sandy.

14 Who is going to start?

15 MR. SCHAFFER: We will let Mr. Mandel start.

16 CHIEF JUDGE LIPPMAN: I have been down to Long  
17 Beach, and I saw the progress that you made, and I ask you  
18 before the hearing: We are going to have that boardwalk  
19 shortly, right?

20 MR. MANDEL: Absolutely.

21 CHIEF JUDGE LIPPMAN: Now you can continue.

22 MR. MANDEL: Good morning, Chief Judge Lippman,  
23 Chief Administrative Judge Prudenti, Presiding Justice Eng  
24 and President Schraever, distinguished members of the Task  
25 Force and colleagues.

1           My name is Scott Mandel and I am the president of  
2 the Long Beach City Council. Thank you for the opportunity  
3 to testify today regarding the impact of Superstorm Sandy,  
4 the need for Civil Legal Services immediately after the  
5 storm's impact, and the continuing need for on-going Civil  
6 Legal Services in the City of Long Beach.

7           The physical damage inflicted by Superstorm Sandy  
8 on the City of Long Beach was devastating. Countless homes  
9 and businesses and parts of our municipal infrastructure  
10 were either destroyed or heavily damaged. One of the  
11 earliest needs to emerge from residents who were struggling  
12 to cope with the wreckage around them was access to critical  
13 information which was severely restricted after the storm.  
14 Restoring this access and enhancing it, where possible, thus  
15 became one of the City's first and foremost priorities.

16           In the immediate aftermath of the storm, the City  
17 had to overcome substantial barriers in order to provide  
18 critical information and outreach to our residents.  
19 Widespread power outages forced the City to go  
20 street-to-street throughout our community distributing  
21 leaflets which contained information on topics such as  
22 emergency shelters, access to medical services, availability  
23 of water and sewer services, food and clothing distribution  
24 centers and more. This process continued for many weeks  
25 after the storm. Specifically, our Martin Luther King

1 Center, which serves as a community outreach resource for  
2 our lower economic population, was severely damaged thus  
3 cutting off a central hub for information distribution in  
4 one of our most disadvantaged areas.

5 We simply went door-to-door. We used bullhorns  
6 to make sure we reached out to our residents. As Justice  
7 Eng pointed out, the internet was gone. There was no power.  
8 There was no availability to align what we normally rely  
9 upon. Our city is roughly about three miles long. We had,  
10 at the time, approximately thirty-five thousand residents.  
11 I can't say that for certain now because we don't know how  
12 many have yet to return. Unlike the City of New York  
13 which -- Corporation Counsel just addressed -- is  
14 substantially a larger area, we were able to cover more  
15 ground, but it did require substantial effort and really  
16 boots on the ground.

17 After these needs gradually subsided, another  
18 form of needed information took precedence; information  
19 relating to residents' legal rights, protections and  
20 entitlements on a broad array of matters ranging from living  
21 arrangements, repairs and reconstruction. In an effort to  
22 meet these needs, the City was fortunate to work with the  
23 Nassau County Bar Association, Nassau Suffolk Legal  
24 Services, Touro Law School, Hofstra Law School and the Long  
25 Beach Lawyers' Association, which is our community's local

1 bar association, to provide several pro bono legal clinics  
2 housed in the Long Beach City Court and other locations in  
3 City Hall. The first of these clinics was attended mostly  
4 by low-income families and displaced tenants seeking legal  
5 advice regarding their landlords' obligations under their  
6 leases. Accordingly, much of the legal advice rendered  
7 during the first clinic revolved around the implied warranty  
8 of habitability and other topics relating to leaseholds and  
9 low-income housing. By the time of the second clinic,  
10 residents had begun the rebuilding process and their  
11 questions tended to mirror their evolving concerns in this  
12 regard. Specifically questions regarding the  
13 property/casualty insurance claims process, predatory  
14 contractors and the FEMA claim reimbursement process,  
15 dominated the agenda. To assist with some of these  
16 questions, which were highly technical in nature, the City  
17 and the LBLA also arranged for FEMA representatives to  
18 attend the clinic. While attorneys were not always able to  
19 answer the fact-sensitive questions posed to them. All  
20 residents were provided with a degree of insight on how to  
21 obtain the information they sought. Generally speaking, the  
22 sense of direction that attorneys were able to impart seemed  
23 to alleviate residents' concerns, particularly those  
24 residents who did not know how to begin to address the  
25 widespread and overwhelming destruction that they faced.

1           Without question, while the need for Civil Legal  
2 Services is always of high value when specifically  
3 addressing the needs of the residents of Long Beach after  
4 Superstorm Sandy, the need became and remains to date,  
5 critical and ongoing. Long Beach is home to a diverse  
6 population with various social-economic levels. While the  
7 devastation crossed all socio-economic levels, the crisis of  
8 those residents needing legal services who could not afford  
9 representation has become exacerbated due to the challenges  
10 of required paperwork, documentation and navigating the  
11 world of insurance coverage and FEMA processes.  
12 Organizations such as Nassau Suffolk Legal Services have  
13 consistently represented low-income residents of Long Beach,  
14 but post Sandy especially, the need to continue funding  
15 Civil Legal Services organizations remains critical to our  
16 community. Providing legal counsel immediately following  
17 this crisis was necessary to address the needs of the  
18 residents of Long Beach. However, providing ongoing Civil  
19 Legal Services has proven to be essential and critical in  
20 allowing our city to move forward and for our residents,  
21 specifically those who simply cannot afford representation,  
22 to reclaim their lives.

23           In summary, I think Dr. Jacob really put it in  
24 perspective. He said a storm of this magnitude amplified  
25 socio-economic stressors. That's exactly what happened in

1 Long Beach. Our community that was in need --now those  
2 needs were exacerbated.

3 I agree with the suggestions made by Honorable  
4 Corporation Counsel, things to look toward in moving  
5 forward, and I have to say that Long Beach is forever  
6 indebted to the Nassau County Bar Association, Nassau  
7 Suffolk Legal Services, Touro Law School and Hofstra Law  
8 School.

9 Thank you very much.

10 CHIEF JUDGE LIPPMAN: Thank you.

11 Let me ask you one or two questions:

12 How did you get the legal services, the volunteer  
13 attorneys? Did they come to you? Did you go to them? What  
14 was their method in the aftermath of the storm? What was  
15 the communication? How did this happen? We know that you  
16 had a robust response from both the legal services community  
17 and the bar.

18 MR. MANDEL: We were fortunate. Immediately  
19 after the storm, communication was difficult on all levels.  
20 Thankfully legal services reached out to us, and it was wide  
21 spread, as you said, that Long Beach was in stress. These  
22 organizations came and offered their services.

23 I am sure as time went on additional services  
24 would have been forthcoming, but they almost immediately  
25 responded to our need and in putting it in priority once the

1 storm hit, we were immediately in re-building mode  
2 structurally. The infrastructure was devastated. We have a  
3 community center which served as a community resource center  
4 for lower-income residents in Long Beach. It was destroyed,  
5 so the city had to repair that building, and that building  
6 would serve as a hub to distribute information.

7 The normal process would be legal services would  
8 reach out to that entity. The entity wasn't there, so not  
9 only did legal services reach out to us, they found out.  
10 That was almost immediate.

11 CHIEF JUDGE LIPPMAN: Other questions from the  
12 panel?

13 Okay.

14 We are now going to hear from the Supervisor of  
15 the Town of Babylon, the Honorable Richard Schaffer.

16 Welcome.

17 (Whereupon, there was a pause in the  
18 proceedings.)

19 CHIEF JUDGE LIPPMAN: What happened?

20 MR. SCHAFFER: I'm sorry. I'm have a little  
21 technical difficulty.

22 CHIEF JUDGE LIPPMAN: Judge Eng is going to fix  
23 it. He knows technology.

24 (Whereupon, Senior Court Reporter Carrie Belmonte  
25 began recording the follow proceedings:)

1 MR. SCHAFFER: I hope you can hear me.

2 CHIEF JUDGE LIPPMAN: We can.

3 MR. SCHAFFER: Good morning. Thank you for  
4 inviting me to participate. Just as the counsel president  
5 stated from Long Beach in Nassau County, we in the Town of  
6 Babylon, just to give you a perspective, were the most  
7 severely damaged town or municipality within Suffolk County.  
8 We had about 9,000 homes that experienced anywhere between a  
9 foot and six or seven feet of water in their homes. About a  
10 third of those were declared severely or substantially  
11 damaged FEMA classification 50 percent or more damage to  
12 their home.

13 So we had a very widespread response in terms of  
14 our emergency clean up as well as our immediate needs  
15 response in terms of getting people, food and water and a  
16 place, a warm place, to stay but we recognized immediately  
17 that there was a need for legal services.

18 And so I guess my written testimony was submitted  
19 for your consideration but just to add to or support the  
20 corporation counsel's recommendation, I think the --  
21 probably the most or the best result that could come out of  
22 these hearings today would be to create that template that  
23 the corporation counsel spoke about. And I wholeheartedly  
24 support that, not only as an elected official but as an  
25 attorney who is admitted to practice in the State of New

1 York.

2           Because what we recognized right away there was a  
3 whole host of questions that may have been dealt with years  
4 ago but we needed to kind of dust off our knowledge and  
5 bring them up to date into today's times to make sure that  
6 we were having attorneys provide accurate information and  
7 advice to these people who were dealing with a whole host of  
8 issues; the immediate-most response with FEMA and  
9 interaction with FEMA and their insurance, home insurance  
10 company.

11           We found that, that -- obviously after we came out  
12 of the days of what had happened -- and I myself was out  
13 that night literally taking residents out of their home in  
14 payloader buckets in order to get them out of six and seven  
15 feet of water with our first responders. Once that was over  
16 we came out of that daze, we took a couple of days to do --  
17 we went to work in coordinating with, as Mr. Mandel  
18 mentioned, Hofstra and Touro Law School who set up great  
19 clinics through their law schools to advise residents on  
20 issues related to FEMA, issues related to homeowner's  
21 insurance, issues related to contractors who had taken  
22 advantage of them.

23           If you can believe, in this time of great need  
24 there were a number of contractors out there who took  
25 advantage, a lot who did a good job but a number who took

1 advantage of. And residents to this day are suffering as a  
2 result of the work or work that wasn't done correctly or not  
3 done at all based on contracts or nonexistent contracts,  
4 just handshakes that were done and money changing hands.

5 So we have attorneys who are dealing with those  
6 situations and ushering them through the local consumer  
7 affairs department. And we had on our own improvise and we  
8 had gotten -- not that we have a bar association in our town  
9 but utilized the services of the Suffolk County Bar  
10 Association and a number of attorneys who practiced locally  
11 and set them up in town hall to act as pro bono attorneys  
12 advising residents on questions they had on a whole host of  
13 issues.

14 We did similar to what Long Beach did, and we took  
15 people who went door to door to those 9,000 homes getting  
16 vital information out to them. Those people then became  
17 what we call case managers working out of town hall and  
18 served almost like air traffic controllers to send people to  
19 the various areas they needed, one being legal services, and  
20 we found that it worked well.

21 We think that it's going to be needed for the next  
22 two or three years because we don't think that people are  
23 going to fully have aired all of the issues associated with  
24 their own personal experience with this disaster, and so I  
25 can't stress enough for the need for the template.

1           But also to answer the Chief Judge's fine question  
2 to Mr. Cardozo relating to where does the money come from, I  
3 think that -- and this is my own personal opinion and might  
4 be with a recommendation to discuss with federal and state  
5 legislators but when there is a federal declaration or a  
6 state declaration from either the president or the governor  
7 that any of these agencies who are providing these services,  
8 whether it be Nassau/Suffolk Law Services or any of the  
9 various law schools, they, too, should be eligible for  
10 reimbursement for their expenses. Just as we as a  
11 municipality submit a PW, a project work order, that  
12 outlines the monies we've expended to repair the great  
13 boardwalk in Long Beach or Marina at Ceder Beach, they too  
14 should be eligible to apply for reimbursement so that monies  
15 that have been expended by them that were not budgeted for  
16 in the average course of the business can be gotten back or  
17 reimbursed from the federal or state government as a result  
18 of the federal declaration.

19           And I think that might solve the issue of where  
20 does the money come from to fund this. And once you got the  
21 template and you have got the funding available, it goes  
22 into action just as the ambulance corps or the volunteer  
23 fire department or any of the emergency groups that now have  
24 grouped up as a result of what we experienced last year.

25           CHIEF JUDGE LIPPMAN: I thank you, sir. I am

1 intrigued by your thought which I think really is a great  
2 idea and maybe we can work together, the local officials  
3 really who have to deal with this and the legal and judicial  
4 community to get together with part of this kind of aid  
5 which is normal or relatively normal after a storm, have a  
6 component that recognizes really what we are asking a lot of  
7 the witnesses, that day one, you know, the home is floating  
8 away or you going door to door and day two we can get some  
9 legal assistance or whatever it is and they can get some  
10 legal assistance.

11 MR. SCHAFFER: We have a manual how do you respond  
12 when this happens to our fire departments and ambulances and  
13 own counsel, town emergency personnel, you have a manual as  
14 the chief corporation counsel suggested on how this is  
15 rolled out and all they have got to do is determine that it  
16 will be eligible for.

17 I know as we saw out of the goodness of their  
18 heart they went to work right away not knowing it would be  
19 eligible. But going forward, it should be determined as an  
20 eligible expense as part of what our emergency response is.

21 CHIEF JUDGE LIPPMAN: I think that's very  
22 insightful and I think that we -- we as lawyers and in the  
23 legal profession, certainly in the judiciary, you know,  
24 sometimes can be parochial a little bit about it but I  
25 really believe and I think the two of you demonstrate that

1 these kinds of emergency events invariably without question  
2 is such a legal component to it, almost immediately people  
3 need assistance and so much of it is breaking through these  
4 bureaucracies that only a lawyer can do. Well, in dealing  
5 with FEMA and all of that and how helpful they are. Still,  
6 it requires some translation and the average citizen is not  
7 necessarily able to deal with it.

8 I think the other issue that you both mentioned,  
9 Supervisor Schaffer that you brought up, there also needs to  
10 be a place, facilities, where even if you can get the legal  
11 service providers or the volunteer lawyers where how do we  
12 connect them to the people, where can they go to give the  
13 kind of advice that's needed. And I think your efforts are  
14 critical in that regard.

15 How you know the legal assistance is there. You  
16 know the people need it. How do you, you know, connect  
17 them. I think that seems to be a critical area in the  
18 aftermath of these kind of storms where there is a formal  
19 location one might go or not necessarily go.

20 MR. SCHAFFER: I think what we did was utilize our  
21 own town facilities. We were fortunate to have some not  
22 damaged as Long Beach was but I think we improvised and were  
23 able to work with our fire department. In fact, we had one  
24 fire department that opened its doors, served as almost a  
25 community center at that point, in order to help residents.

1 I think a similar fashion went on in Long Beach.

2 CHIEF JUDGE LIPPMAN: The last point I pick up on  
3 in your testimony is the need to constantly update. I think  
4 it seems and certainly in our experience in the court system  
5 after 9/11, the second that event not is over but certainly  
6 immediate aftermath is over, you have to start planning for  
7 the next event, because you learn things in each one of  
8 these occasions, as I'm sure each of you can testify to and  
9 have testified to. We learn so much. And what may have  
10 made sense to us before this latest event in the aftermath  
11 looks like, you know.

12 Any other questions?

13 HON. JUDGE PRUDENTI: No.

14 HON. JUSTICE ENG: Thank you. One quick question.  
15 I think that the leadership of the courts is very  
16 enthusiastic about participation of law students in Civil  
17 Legal Services and you apparently had a very positive  
18 experience. Now I'm wondering if you had the participation  
19 of Sandy clinics in schools or were they ad hoc, in other  
20 words, put together in response, if you might want to answer  
21 that.

22 MR. MANDEL: I know in the situation in Long Beach  
23 they were ad hoc clinics. Really this type of response was  
24 something -- a new territory. These were clinics put  
25 together, disbursed in our city, very helpful, but they were

1 mostly --

2 HON. JUSTICE ENG: I would like to speak with some  
3 of the students. I better move fast on that because they  
4 are probably graduating, out in world.

5 MR. SCHAFFER: Dean Patty Salkin who is the new  
6 dean at the Touro Center, we went to school together. I was  
7 fortunate enough to get her on the phone right away. She  
8 has developed, I guess for a word, a template, to set up  
9 this clinic, what they were doing out of the Touro Law  
10 Center. And she would be a good person for the panel to  
11 inquire with.

12 CHIEF JUDGE LIPPMAN: And also with the presiding  
13 justice, I hope and believe that the new 50 hour requirement  
14 has been helpful because the law schools are dealing with  
15 the infrastructure to deal with that requirement. And when  
16 something like this comes up, I think they are right there  
17 and already have that kind of put together in a way that it  
18 can provide relatively quick relief.

19 So I think it all -- it all fits together, all of  
20 our efforts. I want to thank the two of you at really being  
21 on the front lines of this aftermath of Sandy and, of  
22 course, all the crisis that hit local government and for  
23 recognizing how important legal services are and pro bono  
24 efforts, the acts of the lawyers.

25 I think that we all see, after an event like this,  
cbb

1           how critical it is that lawyers provide their expertise to  
2           help human beings in great need. Thank you both for your  
3           efforts in being here today and great to see you. Thank  
4           you.

5                               (Whereupon, Senior Court Reporter Carol Drucker  
6           began recording the following proceedings:)

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1 CHIEF JUDGE LIPPMAN: The next panel is always  
2 one of the highlights of the hearings, and these are clients  
3 who have been helped by Civil Legal Services, and so let me  
4 ask Nicholas Dorman, Cesar and Maria Lopez, Huan Qiang Lin  
5 and Milagros Garcia to come forward.

6 (Whereupon, there was a pause in the  
7 proceedings.)

8 CHIEF JUDGE LIPPMAN: Now, I want to the say to  
9 all of you what was said to the other witnesses, feel free  
10 to tell us your story. You don't necessarily have to read  
11 your statement, but if you want to, you can do that.

12 Let me start with Nicholas Dorman who I have  
13 heard from before in the context of the New York Legal  
14 Assistance Group and their efforts.

15 Nicholas, why don't you tell us what this is all  
16 about in terms of your role as a first responder and NYLAG's  
17 relationship to that and the lawyer involved. So,  
18 Mr. Dorman, why don't you tell us what happened.

19 MR. DORMAN: First I want to thank you, Chief  
20 Justice Lippman, for the invitation to speak at today's  
21 hearing. My name is Nicholas Dorman. I grew up on Staten  
22 Island. When Superstorm Sandy hit--

23 CHIEF JUDGE LIPPMAN: Nicholas, why don't you  
24 move that mike closer so they can hear you.

25 Thank you.

1           MR. DORMAN: When Superstorm Sandy hit in October  
2 of 2012, I was living with my wife, Tanya, who is a teacher,  
3 and our two children in Great Kills in Staten Island. Our  
4 house, like many of our friends' and neighbors', was  
5 destroyed by the storm. We took in at least seven feet of  
6 water from the bay and boats from a nearby marina crashed  
7 into our home and landed in our yard. Thankfully, my wife  
8 and children had evacuated to a friend's home in New Jersey  
9 before the storm, and they were not physically harmed, but  
10 the impact to our home was so great that we have yet to  
11 return and may never be able to live there again.

12           I am a member of the FDNY and was on duty during  
13 the storm and many of the days that followed. Through my  
14 family's own experience and my experiences on the job, I  
15 have seen first hand the devastating impact Sandy had on  
16 Staten Island and throughout the City.

17           Before the storm, my wife, kids and I were a  
18 typical Staten Island family. We loved our home and our  
19 neighborhood. We always paid our bills, including our  
20 mortgage, insurance and taxes; but because of Sandy, our  
21 lives have been turned upside down.

22           After the storm, the first thing we needed was to  
23 find a new place to live. The four of us lived in my sister  
24 and brother-in-law's basement for three months. Since  
25 January we have been renting a new home in New Springville.

1           My wife and I quickly started to do everything we  
2           thought we were supposed to do after a disaster. We  
3           contacted FEMA and submitted a claim with our insurance  
4           company. At first, we tried to do everything ourselves. We  
5           weren't looking for handouts, but assumed our claims would  
6           be handled properly and that we would be able to get the  
7           assistance we were entitled to, but we learned very fast how  
8           wrong we were and how difficult it would be to try to  
9           navigate all of these issues on our own.

10           By mid-November, I was already extremely  
11           frustrated trying to deal with FEMA and insurance companies.  
12           I felt like I was getting the runaround instead of the money  
13           I needed and was entitled to. I received an e-mail from  
14           Senator Lanza's office about a van from a law firm that  
15           would be at Hylan Boulevard and Armstrong Avenue the next  
16           day to provide free legal assistance to people who were  
17           having problems as the result of Sandy. I wasn't sure what  
18           to expect, but by this time I knew I could use help, so I  
19           went. That was when I first met a lawyer from the New York  
20           Legal Assistance Group or NYLAG. I initially met with an  
21           attorney on NYLAG's Mobile Legal Help Center, which is a law  
22           office on wheels. I had never needed a lawyer before, but  
23           was glad to be able to talk with one. I explained my  
24           situation and the problems we were having. The attorney  
25           gave me some good advice about dealing with FEMA and

1 promised that another NYLAG attorney would follow up with me  
2 soon. Since that first meeting, the lawyers from NYLAG's  
3 Storm Repose Unit, especially Christopher Fasano, have  
4 helped me with many issues as my family tries to move on  
5 from Sandy.

6 For example, like many impacted homeowners, we  
7 still don't know whether we should sell our home, repair it  
8 or tear it down and rebuild. We have applied for the  
9 State's Block Grant Program and hope to qualify for a buyout  
10 of the house, but don't know whether we will. In the  
11 meantime, we are still dealing with insurance companies to  
12 increase the payout of our claim and with FEMA. We are also  
13 still responsible for the mortgage on our destroyed home  
14 even while we are paying rent at our current home. Our  
15 legal services attorneys have helped us obtain a mortgage  
16 forbearance and are helping us avoid a possible foreclosure  
17 while we pursue the buyout. NYLAG also introduced us to pro  
18 bono lawyers at a private firm who are helping negotiate  
19 with the insurance companies and NYLAG represented us in a  
20 property tax appeal.

21 Unfortunately, even now, almost a year later, my  
22 family and I keep facing new challenges. NYLAG is always  
23 there to help when we need them. They have helped us  
24 understand and tackle many of the issues we are dealing with  
25 as the result of Sandy. It has been extremely valuable to

1 be able to consult with a Civil Legal Services attorney to  
2 understand these issues and how they all impact one another.

3 I never thought I could lose so much so quickly.  
4 I now appreciate firsthand the importance of having high  
5 quality Civil Legal Services. I am grateful that I have  
6 NYLAG in my corner helping me and my family as we recover  
7 from Sandy.

8 CHIEF JUDGE LIPPMAN: Thank you.

9 Let me just ask you the basic question: Could  
10 you have gotten through this without the legal assistance of  
11 NYLAG?

12 MR. DORMAN: No, not at all. I was about to give  
13 up before I got in touch with them with all the stuff that  
14 we were doing.

15 CHIEF JUDGE LIPPMAN: I mean, when you have an  
16 emergency like this, you just don't know where to turn and  
17 really a lot of this hearing has been about a lot of  
18 questions you have to deal with, kind of, being legal ones.

19 How do you deal with FEMA? How do you deal with  
20 insurance and all of the different kind of different legal  
21 problems?

22 MR. DORMAN: That's what we need the lawyers for,  
23 to help us get through that.

24 CHIEF JUDGE LIPPMAN: Thank you for telling your  
25 story.

1                   Now turning to Cesar and Marie Lopez, clients of  
2 Queens Legal Services accompanied by Aisha Baruni.

3                   Okay.

4                   Cesar and Maria, do you want to tell us what  
5 happened to you and how Queens Legal Services has helped you  
6 ?

7                   CESAR LOPEZ: Good morning. I am Cesar Lopez and  
8 as far as what happened, we are hear today --

9                   CHIEF JUDGE LIPPMAN: Cesar, move the mike a  
10 little closer to you.

11                   (Whereupon, there was a pause in the  
12 proceedings.)

13                   CHIEF JUDGE LIPPMAN: There is a light on the  
14 microphone.

15                   MARIA LOPEZ: No light.

16                   (Whereupon, there was a pause in the  
17 proceedings.)

18                   CESAR LOPEZ: There is a light.

19                   We are here today to tell you why we believe more  
20 resources are needed to support Civil Legal Services. We  
21 are clients of Queens Legal Services. We have worked with  
22 our attorney, Aisha Baruni, for more than two years. We  
23 hope that our statement will be heard by the government so  
24 that other families do not lose their homes just because  
25 they cannot afford a lawyer to help them.

1                   MARIA LOPEZ: I am Maria Lopez, and I am also  
2 here for the same reason that he explained, and I want to  
3 tell you that eight years ago my husband and I bought a  
4 house in Far Rockaway. We were very exited. It was a dream  
5 for us to come true, but we don't know nothing of lawyers.  
6 We never -- didn't know nothing about how the house is built  
7 , so we later on after we were forced to sign two loans in  
8 order to get the house, we find out the house was poorly  
9 built, and the owners had a -- well, I call it -- a hidden  
10 agenda, because they didn't tell us all what was in the  
11 contract that we signed. We don't know nothing. They make  
12 a lot of promises that we -- well -- I believed. I believed  
13 that. I didn't think before that such viscous people can  
14 make you sign over a million dollar house, and we couldn't  
15 really afford it. They practically gave us the mortgage and  
16 after a year that we had signed the papers to make this  
17 purchase my son suffered an accident. He lost his job, and  
18 few months later I was diagnosed with cancer, so by then I  
19 had to cut my job -- my job -- I couldn't work as much as I  
20 used to because cancer advancing and advancing, gets worse  
21 every day, so we stopped paying the rent. We can't afford  
22 the mortgage because we believe in what they had told us.  
23 The bank had told us that within a year our mortgage will go  
24 down which never happened. We barely were trying to keep up  
25 with the utility bill which in Far Rockaway are very high.

1 But by the time I realize what I had signed, the mortgage  
2 went higher. We fell way behind, so the bank file for  
3 foreclosure. It was two years later when they are trying to  
4 sell the house. I found out about this amazing people, the  
5 legal service, and I have here Miss Baruni who has been a  
6 wonderful help to us. We explain. We went through with  
7 her. We were trying to find out other places and everybody  
8 turned us down, but she was amazingly patient,  
9 understanding; and we told her all what we had done. I  
10 signed this mortgage that I really cannot afford it, and  
11 well, now we are losing our house, and she gave me -- she  
12 gave us advice in how to go about it. Before that, I had  
13 spoke to an attorney and he said, Listen, don't do anything,  
14 just wait for the Courts to call you, so that's what I did;  
15 that's what we do. Finally, she came to our rescue. That's  
16 how I call her. She came. She help us and explain what  
17 really was happening with the foreclosure and we will -- we  
18 have some hope finally. We didn't -- which we don't have  
19 money to pay her. I told her I don't have money to pay  
20 expensive lawyer. We need help. We need it now, and she  
21 was wonderful. There should be a lot of lawyers like her  
22 because they give you hope when you think that everything is  
23 lost. We still don't know the outcome of the foreclosure,  
24 but she was there to help us. We are fighting not alone.  
25 We have somebody with us, and that was wonderful feeling for

1 me.

2 Last year our home was flooded too. Our house is  
3 built two blocks away from the beach, so the whole water  
4 came up to here. I am short, but it still went over my  
5 head, and we went looking for help from FEMA. FEMA gave us  
6 pennies, not enough for what all the things that we had lost  
7 , all the building there, all the clean up and all of that.  
8 I couldn't stay in that house. There was no power, no gas,  
9 no nothing, and I'm getting sick, and we had to move out of  
10 the house for several months. I had to bother relative, and  
11 it is not easy to live in somebody else's house.

12 Finally, Miss Baruni came to our rescue. She  
13 came, and I told her what FEMA had given us, not nearly  
14 enough of what we needed; and through her help with an  
15 appeal, FEMA gave us what -- not what we lost -- but at  
16 least something to clean up all the mess that was in the  
17 house, and that's one of the reasons that I am here. I am  
18 here because she was being very wonderful to us. We even --  
19 she has been an angel to us -- she has nothing to do with  
20 cancer, but she calls. She gives me hope. She always helps  
21 me. She tells me, Things are going to get better, and they  
22 are getting better, so I think that there should be a lot of  
23 people -- a lot of wonderful attorneys like her who help  
24 people like us that have no means to pay a wonderful lawyer,  
25 a lawyer to help us with the stuff who knows what she is

1 fighting for, so for us I feel like the community is more  
2 stronger if they have more legal services, more resources so  
3 that they are able to help us.

4 And I thank you for your time. Thank you very  
5 much for listen to me. I hope I was able to explain  
6 myself -- my feeling to you.

7 CHIEF JUDGE LIPPMAN: You were.

8 Thank you. Thank you, Maria. Thank you, Cesar.

9 We are going to bring you up to the legislator  
10 because you make the best argument possible in the world as  
11 to why we need funding for legal services, so thank you for  
12 telling your story. It really illustrates why we need this  
13 funding, so thank you. It was terrific.

14 MARIA LOPEZ: Thank you very much.

15 (Whereupon, Senior Court Reporter Carrie Belmonte  
16 began recording the follow proceedings:)

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1 CHIEF JUDGE LIPPMAN: So thank you, Maria. Thank  
2 you very much.

3 Next, Huan Qiang Lin, client of the Legal Aid  
4 Society, Queens neighborhood office, accompanied by Tashi  
5 Lhewa.

6 MR. LIN: Good morning. My name is Huan Qiang  
7 Lin. I come from China. I am a client of Legal Aid  
8 Society.

9 (Whereupon, Mr. Huan Qiang Lin testified through  
10 the use of a Cantonese interpreter.)

11 MR. LIN: Prior to the storm, I live with my wife,  
12 two daughters in our house in Coney Island. Similar to many  
13 New Yorkers, my family lost almost everything because of the  
14 Superstorm Sandy. We were not to have been able to recover  
15 if we did not have a lawyer advocating on our behalf.

16 On October 28th, 2013 (sic) when Sandy landed, my  
17 house was really flooded as the water rose over eight feet.  
18 The whole Coney Island Avenue was like that. We return on  
19 October 30th. When the time I saw my house was flooded, all  
20 the doors, windows, beds, furniture, water heater, boiler  
21 appliances, all the items were totally destroyed. I even  
22 saw some fish swimming inside my house.

23 We lost all power until November 16, 2013 (sic).  
24 During that time, we don't have gas, electric, hot water and  
25 it's not able to live in. Before the flood came, we were

1 notified by the City that there is going to be a storm and  
2 fled. My family was forced to live separately because we  
3 could not afford a hotel or an apartment. We have four  
4 members in our family and we were forced to live separately.  
5 My two daughters stayed at their classmate's house and my  
6 wife stayed at her friend's house and I also stayed at my  
7 other friend's house.

8 During this time, I was very worried about my two  
9 daughters who had to miss classes. My family was forced to  
10 live separately for three months until got assistance from  
11 FEMA. I had slept inside my car. My family is in with  
12 another family.

13 I am low-income family and I do own a laundry  
14 business, but after the storm my business took a shot  
15 because we lost power for three weeks. After the storm, the  
16 tenant that I have on my second floor in my house moved  
17 away.

18 I tried to file a claim with my flood and  
19 homeowner's insurance company immediately after the storm  
20 but because the company is also affected by the storm so we  
21 were not able to communicate with them. I have always paid  
22 my insurance premium on time and I don't know why when this  
23 happened the insurance company, they don't want to pay the  
24 insurance proceeds on time.

25 But then, then the Legal Aid Society in the

1 neighborhood finally got a \$40,000 check. And the loss of  
2 my house is like \$250,000. And insurance covered exactly  
3 that amount, but I don't know why I did not get any money  
4 from the insurance company.

5 I tried to rebuild my house after the storm, but I  
6 have faced many hurdles during the course and only Legal Aid  
7 Society had been there to help me out. Because of a  
8 language barrier, we really don't know what is out there,  
9 any resources out there that can help us. We can only rely  
10 on legal help society (sic).

11 I was fortunate to receive assistance from Legal  
12 Aid, but there were numerous other New Yorkers affected by  
13 Sandy that still need their help. I ask on behalf of myself  
14 and other Sandy affected New Yorkers that you could increase  
15 funding for Legal Aid services in New York and so that they  
16 can continue to do their great work and help other low  
17 income families like mine. With the fund, I believe that  
18 Legal Aid Society can help many, many more other people.

19 Thank you. Thank you very much (in English).

20 CHIEF JUDGE LIPPMAN: Thank you. Thank you for  
21 your testimony. It really, again, so demonstrates, you  
22 know, the urgent need for legal services particularly in the  
23 wake of an emergency like Sandy. And I take it without  
24 Legal Aid you really would have been unable to deal with  
25 this situation on your own.

1 MR. LIN: Yes. Definitely without Legal Aid help  
2 maybe I'm still sleeping inside my car and have my family  
3 living separately. At this moment I still don't have money  
4 to build my house. I'm still living in my friend's house.  
5 My problem is that I don't understand the insurance company.  
6 They just want to collect my premium but they never want to  
7 give out reimbursement once a crisis comes. I'm really  
8 upset about this.

9 CHIEF JUDGE LIPPMAN: With the continued aid of  
10 your Legal Aid attorney, I think things, God willing, will  
11 turn around.

12 MR. LIN: That's why we need help for the  
13 representative of the Legal Aid Society, and I wish that in  
14 the future he can also help me to get back my insurance  
15 proceeds.

16 CHIEF JUDGE LIPPMAN: Thank you so much for your  
17 testimony. Thank you to your Legal Aid attorney.

18 And I call the last of the client witness,  
19 Milagros Garcia, a client of the Legal Aid Society of  
20 Rockland County accompanied by her attorney Alexander  
21 Bursztein.

22 MS. GARCIA: Good morning everyone.

23 CHIEF JUDGE LIPPMAN: Good morning.

24 MS. GARCIA: My name is Millie Garcia. I live in  
25 the Ba Mar Community, a manufactured home park located on

1 the shores of the Hudson River in Stoney Point, Rockland  
2 County, New York.

3 I have two children; My daughter Yanil is 13, and  
4 my son Lewis who is 9. We have lived in our mobile home for  
5 more than five years. Rockland County is a very expensive  
6 place to live. For many families of modest means such as  
7 ours and many other families living at Ba Mar, owning a  
8 manufactured home is the only way we can afford to live in a  
9 place of our own.

10 Ba Mar is located right on the Hudson River.  
11 Hurricane Sandy devastated our community, destroying or  
12 damaging most homes in the park. Our home was flooded and  
13 we lost all our furnishings and most of our personal  
14 property. Because of the damage, all the utilities,  
15 including water, were turned off right after the storm to  
16 all the homes at Ba Mar. We had no choice but to evacuate  
17 to a shelter.

18 We were lucky in that the Stony Point Center, an  
19 interfaith conference and retreat center of the Presbyterian  
20 Church located less than three miles from Ba Mar, offered to  
21 house all the Ba Mar families that needed shelter  
22 immediately after the storm.

23 Although we had a place to stay, we were desperate  
24 to go home. After the initial shock, it quickly became  
25 obvious that we needed to get help to repair our homes and

1 return there. An attorney from the Legal Aid Society of  
2 Rockland County, Alex Bursztein, came to see us at the Stony  
3 Point Center five days after Sandy. A representative from  
4 the Mental Health Association who came to the Center to help  
5 us deal with the issues created by the storm and removal  
6 from our homes quickly realized that the legal help would be  
7 essential for many of us. The Mental Health Association  
8 invited their community partner, the Legal Aid Society, to  
9 meet with us.

10 An attorney from the Legal Aid Society immediately  
11 began gathering information about our rights as disaster  
12 victims. He advised us about FEMA assistance. He  
13 participated in our meetings with FEMA and the Rockland  
14 County Office of Community Development, advocated on our  
15 behalf with those agencies and helped with the process of  
16 applying for FEMA housing assistance and for funds to fix  
17 our homes. The FEMA process was pretty confusing,  
18 especially when it came to our right to continue staying at  
19 the Stony Point Center after it became clear that the Center  
20 would be reimbursed by FEMA for its expenses in housing and  
21 feeding us. Our lawyer helped to clear up some of that  
22 confusion.

23 The Civil Legal Services attorney also helped us  
24 with the owners of the mobile park home. At the first  
25 meeting with the owners in early November, they told us that

1 we would have to pay the lot rent even though we were unable  
2 to live in our homes. The owners threatened to bring  
3 evictions against those who did not immediately pay the lot  
4 rent for November. Our attorney negotiated an agreement  
5 with the owners that the rent for November would be waived  
6 for all residents of the park. As a member of the Steering  
7 Committee of the homeowners' group we formed this year, Ba  
8 Mar Community Organization, I also know that he was able to  
9 prevent evictions of those owners who were being evicted for  
10 nonpayment of the lot rent, even though their homes were  
11 destroyed by Sandy and they are still unable to live in them  
12 to this day.

13 Almost a year has passed since Sandy.  
14 Unfortunately, our situation is far from settled. According  
15 to the new flood maps released by FEMA, many homes at Ba  
16 Mar, including ours, must be elevated. The cost of  
17 elevating individual homes is around \$12,000. We were  
18 promised that our homes would be raised with Sandy disaster  
19 relief funding as soon as possible after that funding was  
20 given to Rockland County. Unfortunately, despite the fact  
21 that millions of dollars in disaster relief funding was  
22 awarded months ago, the work on our homes has not begun.  
23 And we also still don't know for sure what the State of New  
24 York intends to do with the Ba Mar site. At various times we  
25 were told that the state might decide to close our

1 community, a result we are desperate to avoid.

2 Our attorney has continued to meet with us  
3 regularly ever since the storm. We will need the help of  
4 the Legal Aid Society of Rockland County to continue our  
5 fight to stay in our homes and to have our homes properly  
6 repaired.

7 Thank you for working to make sure that Civil  
8 Legal Services is there to help those in need.  
9 Mr. Alex tried to help us and tried to do the best that he  
10 can do to help us. Mr. Bursztein has continued with me ever  
11 since the storm. We will need the help of the Legal Aid  
12 Society to continued to fight for us in our homes, and we  
13 have homes to repair.

14 Thank you for working to make sure that the Legal  
15 Aid Society of Rockland County is there to help us. We  
16 really need it. We don't know what we can do without  
17 Mr. Bursztein and Legal Aid to help people that ask.

18 CHIEF JUDGE LIPPMAN: Thank you, Milagros.  
19 Without your Legal Aid attorney, what would you have done?

20 MS. GARCIA: God bless you. God bless you. We  
21 don't know what to do. We don't know how to say thanks to  
22 Legal Aid and Mr. Alex. Thank you so much.

23 CHIEF JUDGE LIPPMAN: Thank you so much. Thank  
24 you all. Thank you, Alex.

25 All of you have demonstrated the need for Civil

1 Legal Services in the state for funding for Civil Legal  
2 Services so that normal people who have problems that come  
3 up every day fighting for -- to have meaning in your lives,  
4 need to find every kind of assistance. And all of you made  
5 this argument better than anybody else could so thank you  
6 all. Appreciate you coming.

7 MS. GARCIA: God bless you. Thank you.

8 CHIEF JUDGE LIPPMAN: Thank you.

9 (Whereupon, Senior Court Reporter Carol Drucker  
10 began recording the following proceedings:)

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1 CHIEF JUDGE LIPPMAN: Now, Catherine Lyle,  
2 foreclosure counselor for Margert Community Corporation.

3 (Whereupon, there was a pause in the  
4 proceedings.)

5 CHIEF JUDGE LIPPMAN: This is now Catherine.

6 MS. LYLE: Good afternoon.

7 CHIEF JUDGE LIPPMAN: Good afternoon, Catherine.  
8 You have a tough act to follow.

9 MS. LYLE: Yes, I do.

10 CHIEF JUDGE LIPPMAN: We look forward to your  
11 testimony.

12 MS. LYLE: Okay.

13 Thank you, Honorable Judge Lippman, for this  
14 opportunity to testify on the value and importance of the  
15 work of Civil Legal Services programs in New York State.

16 My name is Catherine Marie Lyle, and I am a  
17 Certified Housing Counselor at Margert Community  
18 Corporation, an agency approved to provide housing  
19 counseling services by the US Department of Housing and  
20 Urban Development, the New York State Homes and Community  
21 Renewal Neighborhood Preservation Program and the New York  
22 City Department of Housing Preservation and Development.

23 CHIEF JUDGE LIPPMAN: Catherine, tell us what  
24 your day is like as a housing counselor. What do you do?

25 MS. LYLE: I wear many hats as a housing

1 counselor. I focus on how to prevent foreclosure, so I deal  
2 with a lot of homeowners who were affected by Hurricane  
3 Sandy. I deal with homeowners that are concerned what is  
4 going to happen next. I work with homeowners to assist them  
5 with staying in their home through modification.

6 CHIEF JUDGE LIPPMAN: How do they come to you,  
7 Catherine?

8 MS. LYLE: How do they get to me? By referrals,  
9 through their services that refer to them to us.

10 CHIEF JUDGE LIPPMAN: Then what happens? What is  
11 your first encounter with them?

12 MS. LYLE: My first encounter is overwhelming.  
13 It is a two hour process. They have a lot of questions a  
14 lot of times. They come to us with not fully understanding  
15 or have an understanding of what to expect going forward.  
16 They are not sure of where they are in their situation as  
17 far as whether it pertains to their mortgage. They are very  
18 confused with the summons and complaints. They have a lot  
19 of the questions.

20 CHIEF JUDGE LIPPMAN: Your clients are people who  
21 are just faced with the most important necessities in their  
22 lives at that time, a roof over their heads.

23 MS. LYLE: I'm sorry; I didn't hear the last  
24 part.

25 CHIEF JUDGE LIPPMAN: I say, Your clients are

1 people who are faced with the most important necessities in  
2 life, a roof over their heads.

3 MS. LYLE: Correct.

4 They are faced with decisions whether or not to  
5 pay the electric bill or to pay on their mortgage. It is a  
6 really bad situation after the housing problem that took  
7 place.

8 CHIEF JUDGE LIPPMAN: Combined with Sandy --

9 MS. LYLE: Exactly, so a lot of homeowners that  
10 were put in mortgages that they can't afford to start  
11 with -- they cannot make the mortgage payment due, and to  
12 add to that, the devastation of Hurricane Sandy --

13 CHIEF JUDGE LIPPMAN: Do you know where the  
14 funding comes from for your organization? Where do you get  
15 your funding?

16 MS. LYLE: From the State, government funding.

17 CHIEF JUDGE LIPPMAN: So that funding is critical  
18 for you to continue --

19 MS. LYLE: Yes.

20 CHIEF JUDGE LIPPMAN: -- for you to help people?

21 MS. LYLE: Yes.

22 We use legal services to assist our homeowners.  
23 The majority do not have the understanding of what to do  
24 exactly.

25 The key point is I inform and educate which is

1 something that a lot of homeowners -- they don't fully  
2 understand. They don't understand the process, and I think  
3 education is the process, so they can make better decisions,  
4 and we are here to guide them to the resources to allow them  
5 to make a better decisions.

6 CHIEF JUDGE LIPPMAN: And state funding allows  
7 you to do that?

8 MS. LYLE: Correct.

9 CHIEF JUDGE LIPPMAN: Any questions for  
10 Catherine?

11 HONORABLE JUDGE PRUDENTI: How many foreclosure  
12 clients do you work with in your corporation?

13 MS. LYLE: There is one other counselor. I am  
14 the only foreclosure counselor in my agency, and we are  
15 located in Far Rockaway, so we were affected by the storm.

16 HONORABLE JUDGE PRUDENTI: You are overwhelmed?

17 MS. LYLE: Very much so, but I definitely am  
18 happy to say that I am in a position to inform and work with  
19 these homeowners that are in our community. I can help  
20 people and guide them on the right track with legal  
21 services. That definitely helps us when it comes to giving  
22 them information and informing them of what options are  
23 relevant to them.

24 During Superstorm Sandy communication was out, so  
25 that was a big barrier that we had to overcome, so we did go

1 out, of course. They knew of us in the community. We were  
2 able to set up a trailer about five feet from our office  
3 building, so we were able to get out information. We were  
4 able to put a sign out informing them that assistance is  
5 here, come out. I tried my best to try to reach the  
6 community. We purchased lap tops in the office and pulled  
7 up contact information and tried to contact the individuals  
8 that we knew were affected by the storm.

9 HONORABLE JUDGE PRUDENTI: Thank you.

10 CHIEF JUDGE LIPPMAN: Any other questions?

11 PRESIDENT SCHRAVER: No.

12 HONORABLE JUSTICE ENG: No.

13 CHIEF JUDGE LIPPMAN: Thank you for your  
14 testimony.

15 MS. LYLE: Thank you.

16 Have a great day.

17 CHIEF JUDGE LIPPMAN: You too.

18 Thanks for coming in.

19 (Whereupon, Senior Court Reporter Carrie Belmonte  
20 began recording the follow proceedings:)

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1 CHIEF JUDGE LIPPMAN: Pro bono civil and legal  
2 services, we have three people who are testifying in this.  
3 Martha Krisel, who is the Second Vice President and Access  
4 to Justice Chair of the Nassau County Bar Association and  
5 Chief Deputy Counsel Attorney for Special Projects; Miriam  
6 Buhl. Miriam Buhl is the pro bono counsel for Weil, Gotshal  
7 & Manges. And Seymour James, Esquire, who is the Immediate  
8 Past President that we know so well from the New York State  
9 Bar Association and Attorney in Charge of the Criminal  
10 Practice Division of the Legal Aid Society. Welcome all of  
11 you.

12 Do you have an order you want to proceed?

13 MS. KRISEL: In that order.

14 CHIEF JUDGE LIPPMAN: Martha, you are up.

15 MS. KRISEL: This is red. I guess you can hear  
16 me.

17 Good morning everybody, Chief Judge Lippman,  
18 Presiding Justice Eng, Chief Administrative Judge Prudenti  
19 and New York State Bar Association President Schraver and  
20 all of my colleagues today. My name is Martha Krisel. I  
21 graduated from SUNY Buffalo School of Law in 1980. I have  
22 been practicing law full time ever since. I began my career  
23 as an attorney for New York City's Legal Aid Society where I  
24 worked from 1981 to 89, with a one-year hiatus at Cambridge  
25 and Somerville Legal Services. Although I grew up about ten

1 blocks from here, I have never been in this courthouse  
2 before and I'm excited you have invited me.

3 CHIEF JUDGE LIPPMAN: We glad to give you the  
4 opportunity to be in this beautiful courthouse.

5 MS. KRISSEL: Absolutely beautiful.

6 CHIEF JUDGE LIPPMAN: Feel free to not read  
7 testimony but tell us really about what you all do which I  
8 think is so central to this hearing.

9 MS. KRISSEL: Basically what I do, I run these -- I  
10 wear these two hats that I believe are extremely compatible.  
11 I am directly employed by the Office of the Nassau County  
12 Attorney and very active in my local bar association.

13 The reason we were able to effectively step in for  
14 Sandy relief on day one is because we had a pattern already  
15 in place that had to do with mortgage foreclosure clinics.  
16 And we had been doing those monthly since May of 2009. And  
17 in that way, we had our triumvirate ready, set up, where we  
18 work with volunteer lawyers, the bar association, the  
19 not-for-profits and, of course, the government. So we hit  
20 the ground running. Not only were we able to immediately  
21 convene clinics at our bar association pretty much on a  
22 weekly basis, but we decided to go out in the community.

23 And earlier you heard testimony from the town  
24 supervisor who had gone to college with new Dean Salkin.  
25 Cory Kline, Corp. Counsel in Long Beach, was one of my law

1 students. When I sought to have a law school intervene, I  
2 was able to text him in response to Justice Eng's question  
3 with regard to no communication. I had a cell phone number.  
4 I texted him, said we are doing clinics and we'll come to  
5 you and that's exactly what we did. So we were in city hall  
6 almost immediately.

7 CHIEF JUDGE LIPPMAN: Really is a partnership  
8 right?

9 MS. KRISSEL: It really is. I cannot explain the  
10 relationships from day one when we began the mortgage  
11 foreclosure clinics. The reason we can do them so  
12 successfully is because I married my Nassau County housing  
13 agency with HUD certified housing counselors with the  
14 volunteer lawyers, because although I thought at the  
15 beginning of the mortgage foreclosure exploration, I thought  
16 that we were going to have these wonderful challenges, but  
17 really the homeowners wanted to know how long can I stay in  
18 my house if I cannot get a modification. And the housing  
19 counselors were the name of the game because they put the  
20 pencil to the paper and said if we can get you a  
21 modification to X, can you afford it, because remember there  
22 is still insurance and there is still taxes.

23 Similarly with Sandy, really what people wanted to  
24 know was not so much the reason that FEMA funding was  
25 available but they wanted to know when can I get the FEMA

1 funding, when is this going to kick in, when is the check  
2 going to come. And what we quickly learned is the private  
3 insurance was the starting point. And without that  
4 resolution, FEMA was not able to take a position on what  
5 they could or couldn't pay other than for the emergency  
6 housing.

7 And it's upsetting to me to have sat through the  
8 testimony that just preceded us and talk about those delays  
9 because there was FEMA money available to put people into  
10 hotels. And then the harder thing, of course, was to get  
11 the FEMA claims to be responded to and, of course, that  
12 predicated itself on the insurance.

13 CHIEF JUDGE LIPPMAN: But the bottom line is that  
14 lawyers are important, aren't they?

15 MS. KRISSEL: Absolutely. Absolutely. Not only  
16 the agency attorneys that did such huge work through my  
17 office, through corp counsel in New York City, but the  
18 volunteer lawyers.

19 And I think the most important point that I could  
20 make about the lawyers is that immediately after any type of  
21 an emergency there is a tremendous amount of help. We were  
22 flooded with phone calls. Everybody wanted to do something.  
23 Our sister and brother bar associations throughout the  
24 state. Everybody wanted to help. But the truth of the  
25 matter is -- and the pro bono firms. Everybody was

1 available with training.

2 But the truth is that even after the emergency  
3 occurs and, yes, you put in the claims and you do the  
4 initial leg work, it's really legal services that are here  
5 to stay, because when the claims are denied our great  
6 consultation clinicians cannot handle that litigation.

7 So it's the lawyers and it's the tenacity and the  
8 stay with all --

9 CHIEF JUDGE LIPPMAN: I wanted to emphasize, too,  
10 people think of lawyers, they think of people bringing these  
11 big lawsuits or, you know, all kinds of things lawyers do,  
12 but you are really talking about lawyers that affect the  
13 necessities of life, People's basic needs. This isn't about  
14 bringing some class action or, you know, someone who was in  
15 an accident. This is about the very necessity.

16 MS. KRISSEL: That's exactly right. This is about  
17 an 80-year-old woman in Oceanside who never had a drop of  
18 water in her home in the 45 years that she lived there that  
19 had seven feet of water in the first floor of her home and  
20 she couldn't find her deed and she couldn't find anything.  
21 And basically the lawyers were the ones that came in on the  
22 day-to-day, on the constructive evictions, on the failure to  
23 pay on the denial of the claims, the basic, basic  
24 landlord/tenant issues, the government benefit issues.

25 And just the one thing I want to just say very

1 quickly, there is an interplay between these agencies, the  
2 private insurance with FEMA, with other sorts of New York  
3 State relief with the SBA loans. They all were the moving  
4 parts, and they had to work together. And it took very,  
5 very skilled legal services attorneys to focus on parsing  
6 out what to do first, how to preserve rights and navigate  
7 through the system. That's exactly correct.

8 CHIEF JUDGE LIPPMAN: Thank you. And, Miriam --  
9 thank you very much.

10 And Miriam Buhl, what about being pro bono counsel  
11 in a big New York City.

12 MS. BUHL: I was going to say not that there is  
13 anything wrong with good class action now and then,  
14 reference to Steven Banks sitting right behind me.

15 CHIEF JUDGE LIPPMAN: We have to get their home  
16 out of foreclosure.

17 MS. BUHL: Right. My name is Miriam Buhl, pro  
18 bono counsel at the Law Firm Weil, Gotshal & Manges. Weil  
19 Gotshal & Manges was and continues to be extremely active in  
20 providing legal assistance to those affected by Superstorm  
21 Sandy. The work has taken a number of forms from full  
22 representation of the affected individuals and businesses to  
23 training lawyers from other firms and organizations on  
24 disaster relief legal topics.

25 CHIEF JUDGE LIPPMAN: People think of big firms as  
cbb

1 being these large, money-making organizations. How does a  
2 firm like Weil provide this kind of service when basically  
3 it's a money-making entity? What's the defining -- why does  
4 the large firm do this?

5 MS. BUHL: Well, happily, it's an ethical  
6 obligation we all sign onto when we are all sworn in.

7 CHIEF JUDGE LIPPMAN: Lawyers are about servicing  
8 others and not just making money.

9 MS. BUHL: Essentially our job is to help people  
10 whether or not you get paid. I firmly believe that. I  
11 think we all do. But obviously it's something really  
12 important to us in the community as well.

13 Certainly in the last ten years, we've seen a huge  
14 growth in the division of pro bono legal services and this,  
15 this moment after Sandy, was a perfect example of how the  
16 pro bono forces would come into play but only conditional  
17 upon the facilitation of our colleagues in the legal  
18 services community.

19 CHIEF JUDGE LIPPMAN: I think people fail to  
20 understand this really is talking about -- it is a  
21 partnership. And you have the largest firms in this or most  
22 successful firms in the city, state and country joining  
23 forces with providers. And unless all the parts of the  
24 legal community do their share, we are not going to solve  
25 this problem. And you can provide it, right?

1 MS. BUHL: Absolutely. We were partnering with  
2 the bar associations, with the City Bar, Pro Bono Net, to  
3 develop an online FEMA appeal tool so anybody anywhere could  
4 use this. And we used a lot of the items we gleaned from  
5 our work after Hurricane Katrina.

6 We also work with Legal Aid Society to take a  
7 number of the denials that were just mentioned, the FEMA  
8 denials, and appealed. Done at least 40 of those matters.  
9 Plus the class action regarding the hotel residents who are  
10 currently faced with another eviction.

11 So we are very proud of our work with all of our  
12 legal services colleagues in this regard. We could not do  
13 any of this without them. But their work not only  
14 fundamentally supplies these basic needs you have been  
15 hearing about all morning but also unhatched those otherwise  
16 untapped reserves of tens of thousands of pro bono hours,  
17 human resources and we have attorneys.

18 Weil is an international law firm. We have  
19 attorneys all over the United States doing FEMA appeals.  
20 They are not location specific. So this is something that's  
21 so important that we rely on. Without our -- without solid  
22 state funding for our legal services colleagues, there would  
23 be no pro bono the way it is.

24 CHIEF JUDGE LIPPMAN: Particularly I take to heart  
25 your testimony because I don't think people realize, given

1       how big the large firms are and how they work hand and glove  
2       with the providers and that neither can do this. There  
3       isn't enough money in the world to fund totally the need for  
4       public funding and it is so much a part of two pillars of  
5       this of the public funding for legal services and the  
6       volunteer pro bono efforts of the bar, whether it be the  
7       largest and most successful law firms in our state or the  
8       medium-sized firm or the individual practitioner. We need  
9       everybody to join together.

10               So while these hearings certainly seek to quantify  
11       the public funding needed, we very much recognize that this  
12       is a joint effort with the bar and that's why President  
13       Schraever is so supportive. The state bar supports these  
14       hearings. This is all of us together.

15               And in that regard we can be -- go to the third  
16       speaker of the morning who has not only been the former  
17       president of the state fund, immediate past president and  
18       sort of wears two hats, one of the state bar or former state  
19       capacity and the other as a vital player in the Legal Aid  
20       Society of this city. So Honorable Seymour James, you are  
21       on.

22               MR. JAMES: Thank you very much, Chief Judge  
23       Lippman, Chief Administrative Judge Prudenti, Presiding  
24       Justice Eng, President Schraever. It's really a pleasure to  
25       be here today to discuss the efforts that are made by all

1 segments of the legal community in the aftermath of Sandy.  
2 It was really what both Miriam and Martha have said. It was  
3 really a joint effort.

4           Immediately after the storm we at the State Bar  
5 called upon volunteers across the state to provide  
6 additional pro bono assistance to those who were in dire  
7 need of these services. And the response is fantastic, you  
8 know. We did a training which had over 2,000 participants.  
9 But once we had that initial training, there's certainly  
10 need for further followup and they need supervision and  
11 initial training on the details of how to handle these cases  
12 and those are the services that were provided by the legal  
13 services which are funded by the government.

14           Without those institutions, the hundreds of  
15 thousands of hours that are pro bono that are given each  
16 year would not have the value that they do because it's  
17 these institutions which work with the pro bono volunteers  
18 to provide them with the knowledge about how to handle these  
19 cases and also supervise them during the course of their  
20 representation.

21           You know, I can give you -- the examples are cited  
22 in the testimony so I don't necessarily want to read them  
23 but the Legal Aid Society was able to service over 5,300  
24 households throughout New York City as a result of their  
25 efforts. And the pro bono efforts support --

1 CHIEF JUDGE LIPPMAN: Explain a little bit how the  
2 Legal Aid Society works with, you know, the pro bono  
3 community like Miriam's efforts apply. How do you interface  
4 with each other? How does that work?

5 MR. JAMES: Well, we actually have a very active  
6 pro bono practice. We have a director of pro bono and  
7 that -- that attorney who works with the firms, the pro bono  
8 coordinators at the firms like Miriam to get individuals who  
9 are interested in providing pro bono services and assign  
10 them to work with individual lawyers and the offices  
11 throughout the Society. And those lawyers come to the  
12 office, work with the attorneys. They also may handle  
13 matters in their own office. Doesn't require them to be out  
14 in the field. But in this instance they actually were going  
15 out into the community to provide assistance to the clients  
16 in the communities who were in need after Sandy in Red Hook,  
17 Far Rockaway, Coney Island and then subsequently New York  
18 City handling FEMA appeals and insurance denials.

19 CHIEF JUDGE LIPPMAN: So this really -- again, I  
20 think this panel is a distinguished panel, but I really  
21 think it says it all in relation to what we're trying to do  
22 here that this isn't one piece of a puzzle in isolation.  
23 And, Seymour, as you know from your services as president,  
24 there are so many pieces to this that must fit together and  
25 I think in my view and in the other panel but to me public

1 funding is kind of the pillar in which it all plays around.  
2 We need our basic providers to be able to perform their  
3 function. People who do this 24 hours a day, literally  
4 seven days a week. And that's the platform which we then  
5 build this pro bono volunteerism.

6 And I think, you know, Miriam said it well when  
7 she says this is what lawyers do, this is what lawyers are  
8 about. And I think sometimes it's, I think, unfair  
9 stereotyping of lawyers and being very interested in the  
10 bottom line. Look, lawyers want to make a living like  
11 everybody else, but I think the spirit of volunteerism of  
12 service of recognizing why we do what we do every day, it's  
13 not about earning money. It's about helping others. It's  
14 servicing others.

15 And that's the basic core value that we are also  
16 trying to get across to students in law school that's why we  
17 have the 50 hours requirement that people, that students,  
18 get in their DNA that have what the three of you do that  
19 this is what we do. We serve others. This is what being a  
20 lawyer is all about.

21 So this is a panel that will be very instructive  
22 in that regard about how we're a community working together  
23 to meet the basic needs and to meet our ethical and moral  
24 responsibilities which is to serve justice and serve people  
25 and to help people. And that is done so well with the

1 judiciary's obligation, of course, for equal justice.

2 Any questions?

3 HON. MR. SCHRAVER: I would like to make a related  
4 point and that is that Seymour described briefly under his  
5 leadership we had regular conference calls with bar  
6 associations throughout the metropolitan area both to offer  
7 services that the State Bar could help with and also so that  
8 they could talk to each other, learn from each other. But  
9 the local bar associations and the pro bono lawyers that  
10 they could mobilize had to work hand in hand with the legal  
11 services providers and what that really does is to leverage  
12 the dollars that are provided to the legal service providers  
13 and those funds will go a lot further in that way so it's a  
14 critical partnership as you described it.

15 CHIEF JUDGE LIPPMAN: Great point.

16 Anything else Judge Eng, Judge Prudenti?

17 HON. JUDGE PRUDENTI: One thing. I think it's so  
18 apparent from the attorneys that are on this panel that you  
19 are all trying to create, you know, culture of service, as  
20 to instill from your earliest days in law school all the way  
21 out through the practice that you are attorneys in practice.  
22 But from my perspective the question I have -- maybe  
23 Mr. James is the best to answer this question, my concern,  
24 and I think probably Presiding Justice Eng shares that  
25 concern. In the Second Judicial Department we are a

1 department that is urban, that is rural and that is  
2 suburban. Do we have enough Civil Legal Services providers  
3 in the Second Department?

4 MR. JAMES: Well, I don't believe there are enough  
5 civil legal providers in any department to be quite frank.  
6 But I do know that there is probably a higher concentration  
7 of legal service providers in New York City. We know in  
8 Suffolk, which has the larger rural area, there is a -- I  
9 guess a third of available legal services providers and  
10 there probably needs to be a great emphasis on providing  
11 funds for legal services in Suffolk County.

12 HON. JUDGE PRUDENTI: Thank you. I totally agree  
13 with the panel. It's such a coordinated effort. But I  
14 think the Civil Legal Services provides such a key part of  
15 the effort as your testimony demonstrated when you said  
16 that, you know, that they were able to bring all the pro  
17 bono groups together to provide training and to work  
18 together to provide services where services were so much  
19 needed so thank you.

20 CHIEF JUDGE LIPPMAN: I also add that, you know,  
21 there really is a different dynamic in terms of the  
22 providers in different parts of our very diverse state and  
23 certainly some of the rural areas further upstate, even  
24 beyond all the way out on the Island, that you have provided  
25 to the people that work for the providers that are also

1 members of the working bar because they don't have great  
2 resources. They do it on a shoe string. The lawyers are  
3 not paid very well.

4 And so I think we have to focus on the fact there  
5 are different needs around the state and different providers  
6 have very different functions. For instance, when are you  
7 are geographically spread out over a great area, you kind of  
8 get a volunteer, either volunteer or the providers  
9 themselves, to get services to people. It is not so easy.

10 HON. JUSTICE ENG: Thank you. Thank you, Chief  
11 Judge Lippman. I do want to commend everyone at the table.  
12 I am really very, very impressed by the representation that  
13 is here at the table. We have our public sector. We have  
14 our institutional provider, and we have our large firm. And  
15 yet every everyone is motivated by the same, of course,  
16 interest and that is to provide these necessary services,  
17 follow the oaths that we've taken as lawyers. And I am so  
18 impressed by hearing your will to provide these services  
19 despite these tremendous adversities.

20 I was very, very moved by the presentation made  
21 just before yours by the clients Mr. Lin. He struck a  
22 particularly responsive cord. He comes from a Cantonese  
23 speaking background, as I do, and some of what he said --  
24 and you saw him being as emotional as he was -- was conveyed  
25 by him in his words more so than in his written text here

1 regarding the anguish that he had in dealing with the  
2 situation involving his home, involving the wall that he  
3 faced regarding trying to get relief from FEMA and from the  
4 insurance companies.

5 And I can now understand that the reward that you  
6 have, the satisfaction that you have in providing these  
7 services, that reward is being able to be of assistance to  
8 those who are of need.

9 And I do, of course, echo the comments made here  
10 by the panel regarding the thanks that we all offer and the  
11 assistance, the assistance that we can give you in  
12 continuing to provide these services in a meaningful and  
13 coherent fashion and marginal resources, precious resources  
14 we have here in seeing this through. Thank you.

15 CHIEF JUDGE LIPPMAN: Thank you, Justice Eng. I  
16 thank this wonderful panel.

17 I will ask now our final speakers who were the two  
18 disaster relief experts, Michael Weinstein, Chief Program  
19 Officer for the Robin Hood Foundation, and David H.K. Nguyen  
20 Director, Disaster Legal Services Program, Young Lawyers  
21 Division, American Bar Association.

22 Feel free to tell us your testimony or read it.  
23 We'll start with you, Michael. Tell us about your role as  
24 the chief program officer with Robin Hood Foundation and how  
25 it plays into disaster relief.

1 MR. WEINSTEIN: First, good morning. Thank you  
2 for inviting me to address you, Chief Judge and  
3 distinguished panelists. I am chief officer of the Robin  
4 Hood Foundation. We make grants of about \$150 million a  
5 year to fight poverty in the five boroughs and toward that  
6 effort we run the gamut. We fund pre-K programs, K through  
7 12 programs, job training, domestic violence shelters for  
8 abused women, micro-lending programs, health programs. We  
9 do anything that works.

10 We have to concede that we impose rigorous  
11 evaluation of what we do and how we do it, and because of  
12 that evaluation system we spend a considerable amount of  
13 money each year on legal services, Civil Legal Services. So  
14 let me say a word about that and then draw the connection to  
15 Hurricane Sandy.

16 Alone and in partnership with an organization that  
17 spun off from us called Single Stop U.S.A., which in itself  
18 is a national organization, we provide free lawyers to  
19 represent poor New Yorkers in civil disputes. We spend  
20 about \$8 million a year to help about 15,000 city residents  
21 handle their civil legal matters.

22 CHIEF JUDGE LIPPMAN: Bring the microphone a  
23 little closer to you. We can hear you but we'll hear you  
24 better.

25 MR. WEINSTEIN: It's a rare occasion people ask me  
cbb

1 to speak louder.

2 CHIEF JUDGE LIPPMAN: Go ahead.

3 MR. WEINSTEIN: To repeat just the last part,  
4 Robin Hood spends about \$8 million a year providing free  
5 legal help to poor New Yorkers who have legal disputes to  
6 resolve. We reach about 15,000 residents with legal help  
7 and most of the cases involve housing, housing, housing,  
8 housing, access to government programs, Medicaid, food  
9 stamps, disability, SSI, SSD. You name it. Housing  
10 vouchers and immigration vouchers.

11 Our commitment to Civil Legal Services for the  
12 poor predated Hurricane Sandy, and that commitment continues  
13 well after Sandy. I will make two quick summary points.

14 CHIEF JUDGE LIPPMAN: Go ahead.

15 MR. WEINSTEIN: We spent \$8 million on legal  
16 services. We wouldn't spend it if the return -- if the  
17 increased living standards of poor New Yorkers weren't  
18 raised by many times that. In general, we would estimate if  
19 we are spending \$8 million we expect collective living  
20 standards of poor New Yorkers to rise by \$8 million.

21 CHIEF JUDGE LIPPMAN: Let me say, Michael, that  
22 very much supports our own studies, a little different  
23 framework but same idea, that says that for every dollar  
24 that the Task Force invests in Civil Legal Services \$6 is  
25 returned to the state. And I think it's because of the

1 ripple effect of those investments.

2 MR. WEINSTEIN: Let me make one distinction. When  
3 I talk about benefits, I'm talking about benefits to poor  
4 New Yorkers. I am not about tax payers.

5 CHIEF JUDGE LIPPMAN: Right.

6 MR. WEINSTEIN: So anything returned to taxpayers  
7 is not something we counted because our donors don't give us  
8 money to save taxpayers.

9 CHIEF JUDGE LIPPMAN: It's a good investment.

10 MR. WEINSTEIN: Absolutely. It's not important to  
11 dismiss it. It is not our mission. That's more your  
12 mission, and appropriately so.

13 CHIEF JUDGE LIPPMAN: On top of each mission on  
14 top of each other so look at investment.

15 MR. WEINSTEIN: If I was looking at this as an  
16 academic economist in my former life, yes, I would add those  
17 taxpayer savings in. I want to make sure you understand the  
18 magnitude of this impact as much as that effect.

19 Hurricane Sandy struck. You don't need any  
20 graphic description from me. Along with the material  
21 destruction, Sandy also triggered legal disputes over  
22 federal benefits. Again, access to federal programs, city  
23 and state programs, insurance claims, housing, employment  
24 whatever. Robin Hood raised -- depends how you count it in,  
25 the final count is something not to be done for some months

1 but we raised about \$80 million to address the needs of the  
2 victims of Sandy. It's unusual for us because not all  
3 victims of Sandy were poor, but we didn't make that  
4 distinction. We created a separate fund to help Sandy  
5 victims, too. We weren't running into our normal  
6 restrictions on whom we can help.

7           Toward that effort, about eight and a half million  
8 dollars of the money we raised were used for legal services,  
9 Civil Legal Services. We helped about 8,000 families in the  
10 tri-state area and, again, for Sandy relief. We operated  
11 outside the confines of the five boroughs. Most of that  
12 legal assistance went to people with disputes with FEMA and  
13 denials of payment by private insurers.

14           Let me make a quick point. We are not bleeding  
15 heart liberals on behalf of the very poor. Some very nice,  
16 some of them not so nice. Like the rest of us. When we say  
17 we give money so people can challenge FEMA or challenge  
18 private insurers, we are giving them their day in court. We  
19 don't know if the claim against FEMA is right, wrong or  
20 indifferent. We don't make that judgment. What we do is  
21 make the judgment it is crucially important poor New Yorkers  
22 have the same access to the legal system or as much access  
23 that we can provide so they can fight their claims and get a  
24 fair ruling in a courtroom.

25           So when you hear us paying lawyers to represent

1 mothers in custody battles over their children or helping  
2 renters in disputes with their landlords and fighting  
3 eviction notices, it's not because we make judgment an  
4 eviction notice is wrong or the parent seeking custody is  
5 correct. What we are doing is giving the parent and renters  
6 their day in court, giving them their fair due. And that's  
7 what our money is spent doing.

8 And Robin Hood supports many of the Civil Legal  
9 Services programs in New York City that also receive  
10 Judiciary Civil Legal Services funding. These legal  
11 services organizations, primarily for us Legal Aid Society,  
12 Legal Services New York City, help desperate families access  
13 public-benefit programs. The service organizations also  
14 trained staff at Robin Hood's grantees to connect eligible  
15 residents to public benefits.

16 So, again, very much in the business of making  
17 sure that poor New Yorkers get what they are eligible for.  
18 Taxpayers tax program, they say they want to help poor New  
19 Yorkers, we make sure that the gate is closed.

20 Civil Legal Services organizations provided  
21 disaster counseling at shelters for homeless and displaced  
22 New Yorkers, disaster centers and community-based  
23 organizations, many of which are ongoing grantees,  
24 organizations that work through mobile offices and citywide  
25 disaster relief hotlines. They focussed efforts on the

1        neediest neighborhoods, including those in Far Rockaway,  
2        Coney Island, Red Hook, Staten Island and the Lower East  
3        Side, and focussed on core needs: Issues with FEMA and  
4        Disaster Unemployment Insurance claims; assisting with the  
5        replacement of medications and access to health care;  
6        obtaining food stamps and public assistance; providing civil  
7        legal aid in landlord-tenant, public housing, federal  
8        Section 8 and homeowner/foreclosure matters; assisting with  
9        loans and other small business matters; helping with school  
10       transfers and transportation issues; and providing legal  
11       assistance with family law and immigration matters. Robin  
12       Hood assisted these all-important efforts, including by  
13       funding a mobile unit run by Legal Aid to provide assistance  
14       to families in the hardest-to-serve regions like those in  
15       the Far Rockaway.

16                Were it not for Legal Aid legal services, Bronx  
17       Defenders, and a number of other legal services  
18       organizations, I don't know how we would have gotten any of  
19       this help to the poor victims of Sandy and generally poor  
20       New Yorkers even before and after Sandy. I don't know any  
21       other place we would have turned. They have been an  
22       invaluable partner, have been since my first day at Robin  
23       Hood, which goes back about ten years ago.

24                Sandy's impact endures. Flooding has left tens of  
25       thousands of New Yorkers without homes. Those who have

1 homes face hugely expensive repairs. Many of the  
2 communities that were hardest hit were isolated and  
3 struggling prior to the disaster. Despite the arrival of  
4 billions of dollars in public and private emergency aid,  
5 these communities continue to struggle. The residents of  
6 these beleaguered communities, especially the elderly,  
7 disabled and undocumented individuals, small business owners  
8 and renters, need trained individuals to advocate on their  
9 behalf. But effective advocacy requires something more than  
10 trained individuals. It requires better coordinated efforts  
11 among the civil legal organizations than they have so far  
12 achieved. Such coordination, if achieved, would magnify the  
13 impact of the philanthropic investments and, therefore,  
14 better justify the philanthropic investments made by Robin  
15 Hood and other private funders.

16 We found that out brutally when this came to Sandy  
17 when just about all the help mechanisms had to be created as  
18 if we were starting fresh. Let's make sure that doesn't  
19 happen the next time.

20 Such coordination, if achieved, would magnify the  
21 impact of the philanthropic investments like ours. I don't  
22 proclaim any disinterest. Our money goes a lot further if  
23 the Civil Legal Services we were provided were better  
24 coordinated with our money.

25 More support is needed. Much more. As part of

1 the philanthropy community, Robin Hood knows that Civil  
2 Legal Services organizations need public funding. I applaud  
3 the work of the Chief Judge over the last three years to  
4 hold public hearings on Civil Legal Services to assess the  
5 extent and nature of the current unmet civil legal needs of  
6 low-income New Yorkers throughout the state and identify the  
7 level of resources necessary to meet that need. The  
8 extensive reports including the Chief Judge's Task Force's  
9 findings on the continuing unmet need based on the hearing  
10 testimony, provided both orally and in writing, and your  
11 recommendations for additional funding are impressive. In  
12 addition, as an economist, I appreciate that the Task Force  
13 engaged in a substantial study, research and analysis  
14 leading to non-monetary recommendations that provide a  
15 multi-faceted strategy for helping to close the justice gap,  
16 as well as recommendations for funding. Robin Hood does its  
17 own fair share of accommodations and cost analysis.  
18 Advocacy is not something Robin Hood does a lot of, small  
19 amount of, 501(c)(3), and so public advocacy has been  
20 triggered by yours and other related efforts as welcome  
21 justice. We can do, as we said, a limited amount.

22 Hurricane Sandy showed us all that without the  
23 Civil Legal Services community much of the relief provided  
24 to impacted families would never have existed. Civil Legal  
25 Services form a safety net that ought to be strengthened and

1 expanded. Increased support for these agencies is essential  
2 if those New Yorkers without resources are to be accorded  
3 equal justice under law.

4 Let me conclude by pointing to one glaring  
5 commonality of Robin Hood's Sandy and non-Sandy legal  
6 efforts: Scarcity. For the poor, legal needs far outstrip  
7 legal services. They did so before Sandy. They do so now.  
8 As a funder of before and after Sandy, we at Robin Hood know  
9 that Legal Aid turns down most of those who seek help solely  
10 because the organization simply lacks staff. Like its  
11 shaping of Single Stop sites, Robin Hood runs 80 of them  
12 across the city, each which offers free lawyers to poor New  
13 Yorkers who come in with civil legal problems. Robin Hood  
14 continues to work on new models by which to help the poor in  
15 civil disputes. Most recently we have been working with  
16 Robert Katzmann, chief judge of the U.S. Court of Appeals  
17 for the Second Circuit, to develop an Immigrant Justice  
18 Corps. The idea is to give fellowships to recent law school  
19 graduates and lawyers who have recently retired to expand  
20 available legal services for needy clients.

21 Going forward, Robin Hood hopes to partner with  
22 public and private organizations throughout New York to  
23 better help our neediest neighbors get the legal help they  
24 deserve and that, I should add, is also cost effective.

25 CHIEF JUDGE LIPPMAN: Thank you. Thank you for

1 the efforts of Robin Hood. All of the pieces of the puzzle  
2 fit together. And thank you for emphasizing the critical  
3 role of providers. And I think the bottom line is exactly,  
4 as you say, provide for Sandy. They just are underfunded  
5 and don't have the resources they need to do their job. But  
6 the efforts of Robin Hood and what you have been doing  
7 greatly help obviously the public funding you have been  
8 trying to get, to some degree successful at, quickly but the  
9 bottom line is much more needs to be done.

10 MR. WEINSTEIN: Indeed.

11 CHIEF JUDGE LIPPMAN: Again, we thank you for  
12 Robin Hood's efforts and Sandy has highlighted for all of us  
13 the need for legal services and the need for providers to be  
14 strengthened in their efforts.

15 David, you, too, will be asked to speak loudly.

16 MR. NGUYEN: Thank you.

17 CHIEF JUDGE LIPPMAN: It's very sensitive,  
18 temperamental. Just hit it.

19 MR. NGUYEN: Maybe I will have to speak loudly.  
20 Hopefully everybody can hear me.

21 MR. WEINSTEIN: I think it decided I was enough.

22 CHIEF JUDGE LIPPMAN: Give it a little tap.

23 MR. NGUYEN: There we go. I won't touch it  
24 anymore.

25 Your Honors and Mr. President, thank you for

1 having me. Distinguished members of the Task Force, your  
2 Honor, Chief Judge Lippman, I go back to your comment  
3 earlier on how public funds are so important and  
4 commissioned. As we do that, as I sit here and testify  
5 today for Civil Legal Services of New York. My program  
6 collaborates with FEMA. Our funding is quite questionable.  
7 That being said, we continue to serve disaster survivors  
8 around the country. As I go through my testimony, feel free  
9 to interrupt me if you have any questions.

10 The ability for low income disaster survivors to  
11 effectively recover from a disaster often depends on access  
12 to legal services. Many disaster survivors are not prepared  
13 to deal with the varying legal issues that confront them  
14 after a disaster strikes and cannot afford a lawyer.  
15 Because of limited resources for Civil Legal Services and  
16 the extraordinary impact of disasters upon individuals and  
17 families and legal needs, pro bono legal assistance can and  
18 must work with providers and all organizations that service  
19 the poor to temporarily fill the gap during times of crisis  
20 to provide reprieve and much needed help during such a  
21 vulnerable period.

22 In today's testimony, I plan to stress the  
23 importance of Civil Legal Services at the initial and  
24 long-term phases, give an overview of the American Bar  
25 Association Young Lawyers Division Disaster Legal Services

1 Program and highlight the needs of our disaster survivors.

2 CHIEF JUDGE LIPPMAN: How do you get funding from  
3 your program? Where does it come from?

4 MR. NGUYEN: Our funding, your Honor, is through  
5 FEMA. FEMA provides funding not only through our program  
6 but funding through those in which we collaborate.

7 CHIEF JUDGE LIPPMAN: So the present difficulties  
8 are what is causing the problems in terms of money.

9 MR. NGUYEN: Funding as far as problematic  
10 funding. So actually I was just -- as I'm sitting back  
11 there communicating with my staff liaison from FEMA -- and  
12 they are furloughed. So some staff members are in the  
13 office, some aren't, and their duties have been greatly  
14 reduced to working on disaster declarations that are coming  
15 in and working on current disaster response, especially  
16 those in Colorado currently. But, otherwise, everything  
17 else as far as preparedness, as far as programming in order  
18 for other organizations has been suspended.

19 CHIEF JUDGE LIPPMAN: Continue, David.

20 MR. NGUYEN: I can also elaborate more on the  
21 funding, but through our collaboration with New York State  
22 Bar Association and our response, funding is available to  
23 the organizations that collaborate with our program.

24 As director of the Disaster Legal Services  
25 Program, I toured the area of destruction by Hurricane Sandy  
cbb

1 twice, once in early winter 2012 and second in January of  
2 2013, including participating in New York State Bar  
3 Association training for its volunteer attorneys. I met  
4 with FEMA officials, civil legal service attorneys, law  
5 schools, volunteers and survivors. These experiences  
6 allowed our team and program to better prepare and respond  
7 to the legal needs of survivors in future disasters in the  
8 North Atlantic region and across the country. I'm not a  
9 climatologist. We heard from Dr. Jacob before. We are  
10 experiencing more traumatic disasters often in communities  
11 not used to or prepared for disaster response and recovery.  
12 As a result, our team is busy year-round not only responding  
13 to disasters but also working with others to prepare and  
14 ensure that those most affected and vulnerable are able to  
15 seek this much needed legal assistance.

16 Not only survivors are seeking much needed  
17 assistance after a disaster strikes and within the year and  
18 often the years following, but many have complex legal  
19 issues that will last for many years. Civil Legal Services  
20 agencies are the entities left to provide this long-term  
21 legal assistance. For example, Southeast Louisiana Legal  
22 Services was one of the entities providing legal assistance  
23 in the wake of Hurricane Katrina and the following disasters  
24 that hit the Gulf region in 2005. Southeast Louisiana had  
25 about 80 new clients in 2012-2013, eight years after

1 Katrina, who were seeking legal assistance to recoup  
2 rebuilding funds for their damaged homes. The  
3 underrepresented low-income disaster survivors in the Gulf  
4 region are seeking assistance from SLLS for issues  
5 indirectly linked to the disaster, such as succession or  
6 probate matters, unpaid property tax bills, homes sold at  
7 tax sales as a result and fines, demolition and  
8 expropriation by the city for blighted properties. As one  
9 can expect, unfortunately, the funds that have supported  
10 these efforts to support these low-income clients have dried  
11 up and they now only have one attorney on an Equal Justice  
12 Grant to support these kinds of cases.

13 From past experiences, there is no doubt we need  
14 to continue Civil Legal Services resulting from the impact  
15 of Hurricane Sandy. Civil Legal Services agencies in New  
16 York already responded to these needs compounding their  
17 current case load. As I have seen in years past and prior  
18 disasters, the long-term needs of disaster survivors are met  
19 by Civil Legal Services agencies and it's unfortunate our  
20 program is not built and does not have the abilities to  
21 provide these long-term pro bono services. Civil Legal  
22 Services meet this need.

23 Disaster Legal Services -- let me describe quickly  
24 for you our program, how it operates. We are a partnership  
25 program between the American Bar Association, Young Lawyers

1 Division and FEMA. This program has been in place since the  
2 1970s. It evolved over the years to emphasize and enhance  
3 collaboration among legal service providers and the  
4 emergency management community to deliver more and better  
5 pro bono services to those most in need. We now have a  
6 robust partnership with the legal services corporation that  
7 enables the expansion of resources able to survivors.  
8 Virtually from the time that the Disaster Legal Services  
9 Program is instituted, Legal Services Corporation recipients  
10 in the disaster area are working with us ensure survivors  
11 are receiving legal help from the entity that can provide  
12 the expertise with their legal issue. Let me stress we are  
13 not the only ones providing legal services in the wake of  
14 disaster. If we were to collaborate with everyone across  
15 the community and across the region --

16 CHIEF JUDGE LIPPMAN: Do you think the federal  
17 funding we have in New York for legal services in general  
18 is hard pressed and drying up? Do you think the future of  
19 those efforts are going to be really based in the states  
20 rather than funding that is dependent on the federal  
21 government?

22 MR. NGUYEN: Your Honor, if you look at other  
23 municipalities through FEMA, FEMA doesn't fund much disaster  
24 relief services. It really very much is --

25 CHIEF JUDGE LIPPMAN: So it's locally based?

1 MR. NGUYEN: It is locally based and state based.

2 CHIEF JUDGE LIPPMAN: Cooperating with the local  
3 or state bar?

4 MR. NGUYEN: That is correct. Our program -- what  
5 we strive to do, we started to do, is connect the state  
6 legal services agencies through the federal agency that  
7 deals with disaster response.

8 CHIEF JUDGE LIPPMAN: So are you a conduit of FEMA  
9 to the state bar?

10 MR. NGUYEN: That is correct. Yeah. We serve  
11 more as a facilitator, you know, as the program that serves  
12 as a conduit and provides very minimal funding but so much  
13 of the burden is left on the state and local communities.

14 CHIEF JUDGE LIPPMAN: All right.

15 MR. NGUYEN: When disaster strikes, FEMA makes an  
16 assessment whether or not individual assistance is needed  
17 and, therefore, our program can provide a wide range of  
18 resources available to survive this. Our team works with  
19 local organizations, state and local bar associations, legal  
20 service agencies and law firms to host and organize and  
21 maintain a toll free hotline. Volunteer attorneys, for  
22 example, those that work with New York State Bar Association  
23 are recruited to take cases and respond to a variety of  
24 legal issues. The top three legal questions that our  
25 program gets are of FEMA benefits and appeals,

1 landlord/tenant and housing issues and insurance claims.  
2 Although these are the top three, we also see a variety of  
3 other legal issues. For example, family law, bankruptcy and  
4 employment. Survivors may not understand that disasters can  
5 cause a variety of legal problems that are not as obvious as  
6 others. And more often than not, most questions are  
7 bureaucratic in nature; needing to know how to obtain lost  
8 identification or how to navigate city, state or federal  
9 assistance.

10 Our volunteer attorneys, as many folks have been  
11 here today, are private and practiced lawyers but also  
12 included government, public interest and nonpracticing but  
13 licensed attorneys. Volunteers see the impact of the  
14 disaster and want to offer their time and expertise to those  
15 hit hard immediately after disaster; however, we find these  
16 volunteers also have their own practice and families and,  
17 therefore, the volunteer numbers begin to decrease as the  
18 disaster totally becomes a memory in most people's mind.

19 Depending on the degree of destruction and the  
20 density of population impacted, we also collaborate with  
21 other legal aid organizations to provide face-to-face legal  
22 assistance in the FEMA Disaster Recovery Centers. Here in  
23 New York we collaborate with New York State Bar Justice  
24 Center as well as the New York Legal Aid Assistance Group to  
25 provide that assistance in those Disaster Recovery Centers.

1           In the fiscal year ending August 31, 2013, the  
2 Disaster Legal Services Program responded to over 6,400  
3 disaster survivors in nine different states in nine  
4 different disasters. In -- since 2007, we responded to 112  
5 disasters in 37 states, and we have tracked over 100,000 --  
6 103,000 calls in response to Hurricane Sandy.

7           Not only did we respond to New York but also New  
8 Jersey, Connecticut and Maryland. Here in New York we  
9 collaborated with New York State Bar Association to host and  
10 maintain a toll free hotline. Here in New York it was up  
11 fairly quickly. New York State Bar is housed in Albany.  
12 However, New Jersey, the office is in New Brunswick, was hit  
13 quite hard and they had difficulty getting that hotline up.

14           Your Honor, I think your Honor's question earlier  
15 to Mr. Jacob was how quickly should legal service be  
16 implemented between us and FEMA. We believe it should be up  
17 right at the impact of the disaster. Dr. Jacob is correct.  
18 Being prepared and preparation is important, but once a  
19 disaster hits, you know, there are folks who have legal  
20 questions and to prevent scamming and folks who are out  
21 there trying to prey on our most vulnerable, we believe  
22 legal services should be up and running immediately in order  
23 to provide those much needed services.

24           Unfortunately, our toll free hotline and legal  
25 assistance through FEMA ended on April 30th, 2013, far too

1 early for a disaster of Sandy's magnitude and density of the  
2 population affected in the North Atlantic. We didn't end  
3 our program because of the need but only because of the lack  
4 of volunteers. Although the State of New York invoked the  
5 Katrina Rule, the provision of legal services after a major  
6 disaster, to allow any U.S.-licensed attorney to assist with  
7 the legal response of Hurricane Sandy, the New York State  
8 Bar Association towards the end had difficulties recruiting  
9 volunteers to continue providing pro bono legal assistance.  
10 Often times our hotlines closed because of the lack of  
11 interest. In this case it was just not able to take  
12 additional calls because of the lack volunteers. The State  
13 Bar had a total 101 volunteers who helped throughout this  
14 period. In the beginning, there were 63 regular volunteers.  
15 Halfway through, 54, and towards the end the number dropped  
16 to 23.

17 By the way, President Lauren Hern (phonetic) Ava  
18 Valtino (phonetic) are wonderful to work with up there. We  
19 had the pleasure of working with them. Send them my  
20 personal thanks.

21 Although the state bar was still receiving 26  
22 calls that final week, it had difficulty placing those cases  
23 with attorneys. As a result, the State Bar referred clients  
24 to civil legal service agencies who were already helping  
25 survivors impacted in their area. Our program may cease,

1 but Civil Legal Services continue to meet needs, even when  
2 funding is scarce. Without much needed legal services for  
3 the low income, not only will this vulnerable population  
4 struggle to recover but they will continue to be unprepared  
5 for future disasters. Our program would not be able to  
6 effectively respond to the legal needs of disaster survivors  
7 without the collaboration and commitment of the Civil Legal  
8 Services agencies and organizations. And, moreover, this  
9 long-term legal needs of the survivors would never be  
10 addressed without the help from our Civil Legal Services.

11 Thank you very much. Let me know if you have any  
12 questions.

13 CHIEF JUDGE LIPPMAN: Thank you, David. I think  
14 you highlight the importance of the providers, the  
15 importance of the synergies, whether it be the bar  
16 associations or so many others who contribute to dealing  
17 with the task. But Sandy, I think, a key hearing was held  
18 by design in Second Department because it is really the  
19 impact of the storm. I think you have highlighted in the  
20 program in a natural disaster and extreme situation but  
21 really the need for legal services goes so beyond that and I  
22 think it particularly illustrated in these kind of  
23 situations where other effort pick up. As I indicated,  
24 David, you can kind of see a crisis doesn't get -- the basic  
25 need for legal services is so evident and what we heard

1 today is the efforts of New York City to deal with this  
2 problem, the expert's testimony of the climate change  
3 expert, Dr. Jacob, local officials out on the island, what  
4 they had to deal with, the really heartwarming stories of  
5 clients who were so helped by legal service providers,  
6 community organizations, the pro bono efforts of the bar in  
7 so many different regards and I think the -- obviously the  
8 disaster relief in particular that Robin Hood has provided  
9 with wonderful assistance and the disaster legal services  
10 has been so helpful.

11 But what it all goes to is this basic need for  
12 people dealing with really the necessities of life that are  
13 only essentially when you have a natural disaster like Sandy  
14 and the partnerships that are involved, the collaborations  
15 that are involved, everybody plays a role in helping those  
16 poor people of limited means.

17 And in Sandy, you know, I think it's been  
18 demonstrated over and over again we didn't stop when there  
19 was extreme situation, say gee you have no home, you are  
20 standing on the street but gee, do you have an income or  
21 what is the level of it. That covers all matters of human  
22 need and so many players helped to deal with that  
23 catastrophe but we will sort of put all of this together  
24 with the other testimony from the two other hearings we held  
25 and the last one this week up in Buffalo, Fourth Judicial

1 Department, and again try and factor it into the legislative  
2 request that we are going to make this year to the  
3 legislature and to the other recommendations that the Task  
4 Force will make, a nonmonetary recommendation, to improve  
5 the delivery of legal services in the state.

6 So we thank all of you who have testified. We  
7 thank the audience. It really has been a pleasure and we  
8 are all, I think, in different ways trying to address this  
9 basic issue of access to justice where everyone deserves --  
10 it has been said over and over again, everybody deserves  
11 their day in court. And if we can't do that, if we can't  
12 have equal justice, equal access to justice, then it really  
13 threatens the underpinnings of our justice system and our  
14 society, so we thank you all and appreciate your being here.  
15 Thanks so much.

16 (Hearing concluded.)  
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