

1 SUPREME COURT OF THE STATE OF NEW YORK  
2 - SECOND DEPARTMENT -

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3 THE CHIEF JUDGE'S HEARING

4 ON CIVIL LEGAL SERVICES,  
5

6 -----X

7 26 Central Avenue  
8 Staten Island, New York  
September 30, 2014

9 B E F O R E:

10 HONORABLE JONATHAN LIPPMAN,  
11 Chief Judge

12 HONORABLE A. GAIL PRUDENTI,  
13 Chief Administrative Judge

14  
15 HONORABLE RANDALL T. ENG,  
16 Presiding Justice Appellate Division, 2nd Dept.

17  
18 GLENN LAU-KEE, ESQ.  
19 President of the New York State Bar Association

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24 ROSEMARY M. PFISTER, CSR, RPR  
25 BETH CICERO, CSR, RPR  
OFFICIAL COURT REPORTERS

## Judge Lippman's Opening Address

2

1 CHIEF JUDGE LIPPMAN: Morning, it's a pleasure  
2 to see all of you.

3 It's a pleasure to be out here in Staten Island  
4 in this beautiful courthouse that any day now, really any  
5 day, right, Judge McMahon, any day, right?

6 JUDGE McMAHON: Any day.

7 CHIEF JUDGE LIPPMAN: We will be occupying,  
8 but, today we have an exploratory occupation for this  
9 morning and I'm very pleased, as are my co-panelists, who  
10 I'll introduce to you.

11 To my right is Presiding Justice Randall Eng.

12 To my far right is the President of the State  
13 Bar Association, Glenn Lau-Kee. And, to my immediate  
14 left is the Chief Administrative Judge of the State  
15 Courts, A. Gail Prudenti.

16 We are all delighted to be here. This is the  
17 third of our civil legal services hearing this year. We  
18 hold a hearing in each of the four Appellate Departments.

19 The purpose of the hearing is to; one, focus  
20 interest on civil legal services for the poor which is  
21 such a crisis in our city, here out in Staten Island, in  
22 our State and in the Country.

23 Second, the results of these hearings form the  
24 requests that we make to the legislature for funding for  
25 legal services for the coming year.

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1           It's also from these hearings that we also get  
2           our recommendations from our passports as to what new  
3           initiatives we might take in civil legal services.

4           So, the hearings are very important because,  
5           fundamentally, there's a justice gap in New York City and  
6           around the Country that basically is between the finite  
7           legal resources available, the legal services and the  
8           desperate need by the poor and people of limited means to  
9           have legal representation in matters effecting the  
10          necessities of life; the roof over people's heads; their  
11          physical safety; their livelihoods; the well being of  
12          their families.

13          We have people who really can fall off the  
14          cliff in difficult economic times without the services of  
15          a lawyer, without legal representation.

16          Legal service providers in this Country, in the  
17          City as a whole and in the State, I would say turn away  
18          three out of four people who come to them seeking  
19          assistance in legal matters.

20          There are 2.3 million people who come into the  
21          Courts every year without representation in New York  
22          State.

23          I do believe that the Task Force that we've  
24          appointed to enhance civil legal services in our State  
25          headed by Helaine Barnett -- Helaine is right over there

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1 in the second row -- has done a terrific, spectacular job  
2 in helping to organize these hearings and in helping to  
3 find ways to deal with this justice gap.

4 In attendance from the Task Force are Hon. Fern  
5 Fisher, the Deputy Chief Administrative Judge for New  
6 York City and our Access To Justice heads from throughout  
7 the State of our Access To Justice program. Adriene  
8 Holder is here in the third row right there, Adriene.

9 Barbara Finkelstein, who played such a great  
10 role in organizing these hearings with Denise Kronstadt.  
11 Sitting right next to her is Raun Rasmussen; right there  
12 is Debbie Wright.

13 So, we have a good showing from the Task Force  
14 and they've been terrific.

15 Christine Fecko is here, the general counsel to  
16 IOLA.

17 When people are not able to get representation,  
18 it's at such a tremendous cost to our society and our  
19 communities.

20 We estimate that for every dollar that we  
21 invest in civil legal services, we get \$6 returned to the  
22 State in less social service cost, incarceration cost,  
23 more federal dollars flowing to the State. It is  
24 essential that we focus on this issue as a State and as a  
25 society.

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1           The reason why the judiciary and the leadership  
2           and the Bar in our State hold these hearings is because  
3           it is within our constitutional mission as the judicial  
4           branch of government.

5           It is ours to maintain the constitution of the  
6           government to foster equal justice. This is what we do.  
7           This is our purpose for the people and the Bar of our  
8           state.

9           It is so fundamental to what it means to be a  
10          lawyer and President Lau-Kee in the State Bar and all of  
11          the respective Bar Associations here on Staten Island and  
12          around the State recognize this ultimate obligation and  
13          responsibility as lawyers to help others and to serve  
14          people; this is what lawyers do.

15          This mission that we all have is not tangential  
16          to the work of the Courts; it is basic and fundamental.

17          As a recognition of the role of the judiciary  
18          in this effort, the legislature has passed a resolution  
19          asking us to hold these hearings and to report back on  
20          the needs for this year and each year to close the  
21          justice gap; and that's exactly what we're doing. The  
22          results of this hearing will inform the requests that we  
23          make to the legislature.

24          I would note that the New York template that  
25          we've developed to adjust this gap comprises basically

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1 two very fundamental pillars. One is public funding of  
2 legal services.

3 This year we have \$70 million in public funding  
4 for civil legal services; \$55 million that go directly in  
5 grants from the Court system to legal service providers,  
6 and another \$15 million that we give to IOLA for them to  
7 give out grants because the IOLA interest rates have  
8 become so low that they went from \$36 million in funding  
9 each year to about \$8 million. So, we give them  
10 \$15 million from the judiciary to continue their own  
11 grants and their own good work. So that really involves  
12 this funding and re-prioritization of what's important in  
13 our State and our society.

14 We believe legal services for the poor is as  
15 important as housing and education and hospitals and all  
16 the other things that our society holds dear. We thank  
17 the legislature and the executive branch for producing  
18 that funding. You know, they've been terrific and  
19 recognized the importance again of this issue.

20 The second pillar of our program is pro bono  
21 work by the Bar. We have been reaching out to different  
22 groups. We had the state Bar, Empire State Counsel  
23 Program, we have the Court System's Lawyer Emeritus  
24 Program that reaches out to baby boomers. We have a new  
25 set of rules for corporate counsel. We allow corporate

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1           counsel, not admitted to the Bar in New York, to still  
2           practice when they do pro bono work in New York.

3                       We have the lawyer for a day program that Judge  
4           Fisher has been so instrumental in.

5                       We recognize and the Bar recognizes how  
6           important that work is because with all the funding that  
7           we have, in a little while we're going to also have  
8           testimony from the Chair of the City Council Committee  
9           Legal Service. The council chipped in with funding.

10                      With all the funding that we get, there isn't  
11           enough money in the world to be able to do the job  
12           without having the good work of the lawyers in this  
13           State, and they're terrific. They've done terrific work.  
14           It is so important that we have that voluntary  
15           contribution from the Bar.

16                      So, as we move towards a civil Gideon where  
17           some day there may be a right to representation in civil  
18           cases that there is in criminal, based on the landmark  
19           Supreme Court case Gideon versus Wainwright. In civil  
20           representation, even in matters involving essentials of  
21           life, there is no such constitutional floor that provides  
22           that each person is entitled to representation.

23                      We believe that the past hearings have moved us  
24           towards that goal, towards our right to counsel, towards  
25           effective representation for people, finding necessities

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1 of life, whether by policy, by statute, by constitution.

2 We have to get people who are in the midsts of  
3 the greatest crises in their lives. We have to be able  
4 to provide representation.

5 So, these hearings in the past years have  
6 provided testimony from state-wide public officials, the  
7 Attorney General, the Comptroller, from Cardinal Dolan,  
8 from business people, from legislative leaders, from  
9 providers, from clients from every direction testifying  
10 to the great needs why we need more legal assistance and  
11 really trying to make the point that not only is it the  
12 right thing to do, the moral, the ethical thing to do to  
13 help those in need, but also it's good for the bottom  
14 line of our community and our society; that our community  
15 will not prosper if we have people who again are falling  
16 to the wayside, who can't go to our local stores, have  
17 money in the banks, have a place of residence that's  
18 secure.

19 Unless people have all of those things and kids  
20 are being educated, it's not good for anybody and not  
21 good for our society.

22 So, I welcome you to these hearings.

23 I want to stress how important this is to the  
24 judiciary and to the lawyers in our State recognizing  
25 that this is our specialist on stability.

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1                   And, I certainly feel as the Chief Judge of our  
2                   State and the steward of the justice system here in New  
3                   York, that there is no more important thing that I do  
4                   than to foster, or certainly do everything I can to  
5                   foster equal justice in our State. So, that's sort of the  
6                   context for the hearing today.

7                   We are very fortunate to have a wonderful group  
8                   of witnesses. I call as the first witness, Steven Banks,  
9                   the Commissioner of the New York City Human Resources  
10                  Administration to come up to the table. I know that  
11                  Steven Banks was the head of the Legal Aid Society in New  
12                  York City for so many years.

13                  How many years, Commissioner Banks?

14                  COMMISSIONER BANKS: Just a few, only ten.

15                  CHIEF JUDGE LIPPMAN: Was the head of the Legal  
16                  Aid Society for ten years, did a spectacular job at a  
17                  time of some difficulties for the oldest legal service  
18                  provider in the United States.

19                  He was a great leader who returned Legal Aid  
20                  Society to its glory days as it should be as one of the  
21                  gold standards among legal service providers should be.  
22                  He led that organization with vision and commitment. He  
23                  was an instrument of part of our Task Force under Helaine  
24                  Barnett's leadership.

25                  We miss him, but we do think that Mayor

1 de Blasio has made a spectacular choice for him to be the  
2 Commissioner of the Human Resources Administration.

3 So, I welcome you, Commissioner, and thank you  
4 for all your efforts in the past in the particular issue  
5 of legal services for the poor.

6 Again, you're a great leader of the Legal Aid  
7 Society. I know you will be just as spectacular leader  
8 of the Human Resources Administration.

9 So, I commend Mayor de Blasio. I commend the  
10 Mayor on the choice of the Commissioner.

11 And, you're on.

12 COMMISSIONER BANKS: I should leave now right.

13 CHIEF JUDGE LIPPMAN: Yes, enough.

14 What are you doing for us lately? Go ahead.

15 COMMISSIONER BANKS: Thank you very much for  
16 your kind words.

17 Judges, Deputy Administrative Judge, Presiding  
18 Justice Eng, President Lau-Kee, great to see you in a  
19 different context.

20 I would be happy to come in and say we need  
21 more funding for various things, but I come here to  
22 support your efforts in allocating money for civil legal  
23 services.

24 As you know, HRA is the largest social services  
25 agency in the United States with a budget of 9.7 billion

1 dollars, serving 3 million people a day in a whole range  
2 of very critical needs. In a sense, the clients that we  
3 serve are exactly the clients that you have been so  
4 concerned about in terms of providing civil legal  
5 services.

6 Civil legal services here are so important to  
7 the Mayor that the programs that had been a patchwork in  
8 the City have all been consolidated at the Human  
9 Resources Administration.

10 So in the past, there were some amounts of  
11 funding at the Department of Housing Preservation and  
12 Development known now as the Youth Community Development  
13 and such upcoming developers as the Department of  
14 Homeland Services.

15 All these services have been brought together  
16 under one roof to essentially give a home in the City of  
17 New York for civil justice support and civil legal  
18 services support because its such an important service  
19 for our clients.

20 HRA is anxious for change, equality, preventing  
21 homelessness. Legal services are critical in that  
22 effort. You have my testimony for the record. I know  
23 that brief witnesses are favored, so I'm going to make a  
24 few points from that testimony.

25 The consolidation involves bringing together

1       \$21 million based on civil budget funding. That includes  
2       an additional \$7 million that we added in the baseline  
3       for civil eviction funding, including the \$6 million we  
4       just put into the budget for our agency in September.  
5       That's in addition to the important support that the City  
6       Council added and Councilman Lancman spoke about last  
7       week, the chair of the committee spoke about it as well.

8               Those are part of our program as a full and  
9       great City Council and a major part of our consolidated  
10      streamline effort to ensure that we have the dollars that  
11      are targeted officially to provide the resources that are  
12      needed.

13              The old adage, an ounce of prevention is worth  
14      a pound of cure is so true in providing the civil legal  
15      services that we do in the area in anti-eviction  
16      services.

17              We know essentially we are providing all kinds  
18      of assistance to a very targeted group with children and  
19      other New Yorkers that would end up in a shelter.

20              Part of the Mayor's program is to address the  
21      record homelessness that confronts us, in addition to  
22      providing permanent housing and other assistance.

23      Prevention is a critical component and legal services is  
24      in the forefront of that. So that's why we added dollars  
25      to that and we're setting up a new program modeled on the

1 council side for senior citizens who are targets and at  
2 risk. For example, people who are in family shelters as  
3 a result of evictions, providing high risk shelter  
4 systems without adverse outcomes of that kind of  
5 proceeding. So, we're targeting services there.

6 At the same time, we also know this hearing is  
7 very focused on the content and importance of services  
8 that legal services provides in disaster type of  
9 settings.

10 I know from my own experience at the Legal Aid  
11 Society following September 11th and following Sandy,  
12 they are in the front lines of providing that kind of  
13 assistance critical to homeowner loss, jobs are needed,  
14 unemployment assistance, need the independent kind of  
15 safety net services that legal services can provide.

16 I mean, your focus on the essentials of life is  
17 our focus in the legal services that we are supporting at  
18 the Human Resource Administration because they are so  
19 critical to subsistence income, roof over heads, access  
20 to education. Education is critical and things our  
21 clients need.

22 Legal services can be part of the solution for  
23 the problems our clients have. We look forward to a  
24 partnered legal services program with you.

25 I would also note that one of the important

1 values of the funding that you prioritized is to have a  
2 well-trained seasoned staff in place.

3 There is nowhere more highly illustrated in the  
4 wake of disaster when you need experienced, well-trained  
5 staff to be in place.

6 So, our priority for funding, we're certainly  
7 looking forward to have that kind of assistance available  
8 as well as address any urgent issues such as health care.

9 So, we fully support your effort and we look  
10 forward to continue doing our part in the City's Human  
11 Resources Administration. In our community, we will make  
12 a difference on a day-to-day basis for children and  
13 adults.

14 CHIEF JUDGE LIPPMAN: Let me ask you,  
15 Commissioner, I think you mentioned evictions and  
16 additional money being put into providing services to  
17 people's families and what they are facing.

18 You know, with all that we've done, with all  
19 the monies we tried to provide through the State  
20 Legislature, the monies that you're putting out there,  
21 the effort to obtain counsel, it seems like such an  
22 intractable problem. Despite all of that, the  
23 overwhelming numbers of people facing eviction in the  
24 City to not have representation.

25 Where do we go on this issue? It's such a

1           fundamental -- I see eviction support and foreclosure as  
2           the two things that are the most graphically illustrated,  
3           the fundamentals of life.

4                       We know that on the foreclosure side, we see  
5           some progress with the amount of representation that we  
6           have in the State Legislature's Bill that is providing  
7           for the modification conferences. I see some movement.

8                       On the eviction side, is it possible, will  
9           there come a day when people facing the loss of their  
10          homes to eviction will be represented and are there  
11          things -- I know there are, I know we're all doing it --  
12          what are things, short of full representation, that can  
13          help people facing eviction?

14                      COMMISSIONER BANKS: I think there are a range  
15          of things that we can address and we should address.

16                      I recall Joe Strassberg's testimony at the  
17          first hearing that you held as President of the Rent  
18          Stabilization Association. He focused on the range of  
19          cases that end up in court because of problems with the  
20          delivery of basic public benefits.

21                      As the head of the agency now, it is to get a  
22          lot of those benefits and resources that we're working on  
23          to ensure that the adverse incapacity doesn't resolve in  
24          eviction. So we don't get to that point.

25                      We know from data when we evaluated it, that

1 23 percent of people applying for shelter in New York  
2 City had an HRA case closing or sanction before applying.  
3 So the reform is to be focused on that. I'm trying to  
4 stress that problem.

5 Beyond that, there are a range of cases in  
6 which it's a dispute and the presence of legal services  
7 can make a difference between keeping a roof over your  
8 head and being evicted, as we tried to do in putting the  
9 additional dollars into the budget this year, increasing  
10 the baseline funding from 14 to 21 million with 7 million  
11 on anti-eviction services, focus on the most adverse  
12 services within the essentials of life.

13 One can say all the essentials of life in --

14 CHIEF JUDGE LIPPMAN: Focus on it with legal  
15 representation per se.

16 COMMISSIONER BANKS: We know that focusing and  
17 targeting representation to a select kind of cases, we  
18 can make a difference because that's the group of cases  
19 producing high range.

20 Families with high shelter history, when  
21 they're faced with eviction, are more likely to enter  
22 shelters after eviction than other families. So we very  
23 much focus on those cases.

24 Senior citizens are a group of people that my  
25 target resources would like to address their needs as

1 well as part of the consolidation, all of this at HRA,  
2 gives us this flexibility.

3 CHIEF JUDGE LIPPMAN: Put resources where most  
4 basic needs are?

5 COMMISSIONER BANKS: Yes.

6 CHIEF JUDGE LIPPMAN: Let me ask you one other  
7 question.

8 You have been involved in this effort that  
9 we've had in New York State since the beginning to  
10 provide the public funding. You've been with us.

11 From what we talked about, what should we as  
12 we're talking about now in your new role, target?

13 Who are we talking about when we say, "must  
14 have legal services"? We must do everything we can to  
15 try to get them legal services.

16 Where do we go from here, Commissioner? I asked  
17 the Task Force, I think you know this, is in New York  
18 City, what should we aspirationally look to do?

19 Whether you call it civil Gideon, people vying  
20 for the essentials of life, where are we going? What  
21 should we aspire to and how do we get there and in what  
22 timetable?

23 I know that's a huge question, but what's going  
24 through your head as to where you are now? You follow  
25 these hearings, you've been at virtually every hearing

1 over the last years. Where are we and where do you think  
2 we should be going in the broadest strokes?

3 COMMISSIONER BANKS: I think you're going in  
4 exactly the right direction.

5 I think that the original targeting of  
6 essentials of life cases was an important first step in  
7 New York City's template for how to determine which are  
8 the priority cases.

9 I think the dollars that have been put at the  
10 State level dollars, put in at the City level, together  
11 are beginning to move us toward the goal of meeting that  
12 need.

13 CHIEF JUDGE LIPPMAN: I remember someone saying  
14 in the Task Force -- have been saying, essentials of life  
15 are 200 percent the poverty level, is that right?

16 COMMISSIONER BANKS: From what we see in the  
17 front lines in the clients coming into our offices,  
18 that's the right targeting, but the magic ingredient is  
19 resources.

20 The combination of State dollars you've been  
21 putting, the City resources, now we're putting together  
22 advances further down the line with more emphasis. New  
23 York has a template for doing this, that great progress  
24 has been made over the last several years and more needs  
25 to be made.

1 I think New York will give examples to other  
2 States having set this procession in motion.

3 I think the annual hearing gives you an  
4 opportunity to look at what we knew are these, the right  
5 essentials of life needs, the emphasis of a well-trained  
6 staff, more components of this.

7 Ultimately, what we're trying to do through our  
8 targeting of services is we're all going to see a lot  
9 about what it means to target particular groups for  
10 priority representation beyond what legal services would  
11 normally prioritize in these very different cases.

12 Once we begin to do what the Task Force did so  
13 actively in their reports to you, cost benefits --  
14 clearly, putting in more dollars in anti-eviction is  
15 related to what happened to -- what happens when a person  
16 is evicted, an ounce of prevention is worth a pound of  
17 cure.

18 No price can be put on the human cost, trauma  
19 to children, human services.

20 CHIEF JUDGE LIPPMAN: Your point about cost  
21 benefit analysis is very -- we tried to do that, the Task  
22 Force in a number of key areas to show this is the best  
23 investment that our government and our society can make.  
24 Again, not only because of the human beings that you  
25 help, but, because it's our society, our economy, our

1 community at the same time.

2 COMMISSIONER BANKS: I think the focus of cost  
3 benefits has an important long-standing effect. We'll be  
4 announcing a series of reforms with respect to our  
5 employment services.

6 One issue is there are large numbers of people  
7 who have been subjected to sanctions, case closings who  
8 really should be getting assistance to get some  
9 supplemental security assistance.

10 So much work has been done as you and the Task  
11 Force brought those federal dollars into the community,  
12 not to mention the support for the individuals, the  
13 savings of local government.

14 We're really going to highlight that kind of  
15 approach who has its roots and work to be done.

16 PRESIDING JUDGE ENG: New York is blessed with  
17 an enormous resource and that is 15 law schools, 11 of  
18 which are in the Metropolitan Area, four upstate and key  
19 urban centers.

20 Our Court is involved, of course, in approving  
21 student practice orders.

22 I'm wondering if you might have some  
23 suggestions regarding the best use of students under  
24 supervision in rendering the kind of services we need and  
25 what kind of supervision do they actually need from your

1 experience with the Legal Aid Society and your present  
2 position?

3 COMMISSIONER BANKS: Well, that's a great  
4 question. It can take me all morning. I know I don't  
5 have all morning.

6 I think that from my experience, the Legal Aid  
7 Society was always that if you start off with a massive  
8 supervision for staff attorneys, that you'll be well  
9 situated to put a proper system of supervised law  
10 students in place; that some flexibility needs to be  
11 given to Legal Aid providers to build upon the  
12 supervision structures in place, staff to law students.

13 I think sometimes when you look at the  
14 situation, as legal services programs are supervised, law  
15 graduates prior to admission, you have the same issue  
16 with regard to supervising law student dichotomy, how  
17 practices are written to set up two separate systems.

18 And, really, the same approach could pertain to  
19 law graduates as law students. A little more flexibility  
20 to legal services will be helpful.

21 CHIEF JUDGE LIPPMAN: Just to total it up with  
22 Presiding Justice Eng, we know we have a lot of students  
23 who attend the fifty hour program for pro bono scholars.

24 I think it very apropos to say that they have  
25 the supervision that they need because I don't accept for

1 a second the idea that law students are unable to provide  
2 really effective assistance to people in need of legal  
3 services. But they do need to have guidance and  
4 supervision, so I think it's very important.

5 COMMISSIONER BANKS: Apropos where we go into  
6 substitute for staff attorneys model pro bono services,  
7 law students, all the other things that you've been a  
8 leader in expanding are all parts of the solution, get to  
9 the goal we want to reach in terms of meeting the needs  
10 of low income people representation.

11 CHIEF JUDGE LIPPMAN: Thank you, Commissioner,  
12 delight to have you.

13 (Whereupon, Beth Cicero replaced Rosemary  
14 Pfister as the Official Court Reporter at this time.)

15 (Continued on next page.)  
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1 CHIEF JUDGE LIPPMAN: We are now going to have  
2 Leroy Frazer, Jr., who is the Chief of Staff to District  
3 Attorney Thompson, come up and testify.

4 We have a history at our hearings on civil legal  
5 services to have some of the district attorneys from around  
6 the state. We have had District Attorney Vance, District  
7 Attorney DiFiore from Westchester County, District Attorney  
8 Rice from Nassau to testify.

9 There is a relationship between civil legal  
10 services for the poor and the work of our district attorney  
11 offices, and we are delighted to have you. Again, I think  
12 the district attorney is someone who has come onto the scene  
13 in Brooklyn and doing a terrific job. So please, you are  
14 here to represent him today.

15 MR. FRAZER: Good morning. I bring you both  
16 greetings and sincere apologies from District Attorney  
17 Thompson. He intended to be here this morning, although due  
18 to an unforeseen emergency, he was unable to make it, so he  
19 ordered me -- asked me to come and give his testimony for  
20 him.

21 So thank you, Chief Judge Lippman, Justice Eng,  
22 Chief Administrative Judge Prudenti and State Bar  
23 Association President Lau-Kee. I am pleased to be here  
24 today to offer my perspective on the dire need for civil  
25 legal services for low income New Yorkers.

1           The general public would assume that the Kings  
2 County District Attorney's office is only concerned with  
3 prosecutions and with helping victims navigate the criminal  
4 justice system. My office handles over a hundred thousand  
5 cases a year, but for many of the crime victims we see,  
6 their troubles don't end with a guilty verdict. For victims  
7 of domestic violence, elder abuse, elder fraud, immigrant  
8 fraud and unscrupulous landlords, civil legal assistance is  
9 vital.

10           Domestic abuse victims need a lawyer so they can  
11 keep custody of their children and arrange safe  
12 circumstances for visitation. Without legal counsel,  
13 particularly vulnerable victims like people with  
14 disabilities, may find themselves at risk of losing their  
15 kids to abusive partners because they are perceived to be  
16 less capable of parenting.

17           Civil attorneys also help with housing and  
18 landlord-tenant issues and human rights relief when a  
19 domestic violence victim is in danger of losing a job due to  
20 missing work or during a pending court case.

21           When victimization does not rise to the level of  
22 a criminal matter, we have to refer people to a civil  
23 attorney. Too often, people are either turned away due to  
24 insufficient funding or have to wait such a long time that  
25 they may be effectively precluded from getting assistance.

1           My office has a Family Justice Center with four  
2           legal providers: Sanctuary for Families, Urban Justice  
3           Center, South Brooklyn Legal Services and Her Justice.  
4           Also, Day One works with teen victims of domestic violence,  
5           and JASA, Jewish Association of Services for the Aged,  
6           provides support for the elderly clients seeking Family  
7           Court orders of protection against abusive intimate partners  
8           and their adult children.

9           There is a burgeoning demand at the Family  
10          Justice Center for civil legal assistance. If this option  
11          becomes scarcer, vulnerable people will stay in dangerous  
12          relationships even longer, exposing children to a greater  
13          risk of injury.

14          For many victims of domestic violence, the  
15          criminal justice system may not always be optimal. Seeking a  
16          civil protection order in Family Court may be a better  
17          alternative. Research clearly demonstrates that one of the  
18          key components in reducing domestic violence is ensuring  
19          that victims have civil legal remedies and services.

20          Civil attorneys play a crucial role in assisting  
21          victims of intimate partner abuse and human trafficking who  
22          may be eligible for U-Visas and T-Visas, which are conferred  
23          on non-citizens who suffered substantial abuse in a crime  
24          and assisted in the prosecution of a case.

25          Immigration attorneys work closely with our

1 office in getting certifications of a victim's helpfulness,  
2 which begins the process of U-Visa and T-Visa applications.  
3 So far this year, our office has approved 145  
4 certifications.

5 Civil legal assistance is vital to low income  
6 homeowners victimized by mortgage fraud and to apartment  
7 dwellers being forced out of rent-controlled or rent  
8 stabilized buildings.

9 As far as immigrant fraud, we have a new unit  
10 prosecuting those who prey on newcomers, but many require a  
11 lawyer to aid them in filing civil lawsuits against the  
12 individuals or businesses who have harmed them in ways that  
13 do not amount to criminality. Many victims will need an  
14 immigration attorney to untangle the mess caused by empty  
15 promises of a Green Card or an attorney to sue an employer  
16 for unpaid wages.

17 We can't guarantee restitution with a conviction.  
18 And if there is greater access to competent legal help to  
19 get them through the complex immigration process in the  
20 first place, there would not be so much fraud and abuse in  
21 the immigrant community.

22 So speaking from a law enforcement standpoint,  
23 providing funding for these services for low income  
24 New Yorkers can greatly improve their lives, and by turn,  
25 improve their communities and help decrease crime.

1           Finally, as prosecutors, we seek to ensure  
2 justice and fairness for all. It is equally vital there is a  
3 perceived fairness in the civil courts, as in the criminal  
4 justice system. When a citizen cannot afford to retain an  
5 attorney and has to represent him or herself in Civil Court,  
6 they're clearly at a disadvantage, and their experience in  
7 doing so may leave them with a negative view of the courts.  
8 What follows are negative perceptions of lawyers, judges and  
9 the legal profession as a whole.

10           We must do all we can to make sure the public  
11 has faith in our judicial system, and guaranteeing  
12 representation in the civil arena will go a long way toward  
13 fulfilling that goal.

14           Thank you for pursuing access to justice for the  
15 state's neediest citizens.

16           CHIEF JUDGE LIPPMAN: Thank you. I appreciate  
17 your testimony. You'll give the District Attorney our thanks  
18 for that testimony.

19           Let me just ask you one question. I think you've  
20 very much made the link between a lot of people saying why  
21 is the District Attorney or his representative testifying at  
22 a hearing on civil legal services. I think you have hit it  
23 in every regard.

24           Let me ask you one more conceptual question. You  
25 know obviously since Gideon versus Wainwright, we have the

1 constitutional right to representation in criminal cases.  
2 And I talked a little bit in my introductory comments about  
3 we are not there on the civil side; that there is no civil  
4 Gideon as of yet.

5 Do you think it's possible that someone  
6 intimately involved with the criminal justice system, that a  
7 problem in a civil case could be as traumatic to an  
8 individual as the very loss of liberty itself in a criminal  
9 case? Can you equate the two when you talk about legal  
10 representation?

11 MR. FRAZER: Yes, sir, I think we can. I think  
12 that often times -- well, I could think of an instance or  
13 instances where an individual is so harmed as a result of  
14 what takes place in a civil arena that it may lead to them  
15 losing their home, losing their livelihood and therefore,  
16 losing civil liberties that we all share.

17 CHIEF JUDGE LIPPMAN: No. I agree. I want them  
18 to hear it from somebody from the criminal side: Yes, you  
19 know the consequences of not having an attorney can be as  
20 great, and in some instances greater, than the very loss of  
21 liberty. Any other questions? No?

22 CHIEF ADMINISTRATIVE JUDGE PRUDENTI: No. Thank  
23 you.

24 CHIEF JUDGE LIPPMAN: Thank you so much. Thank  
25 you. Great to see you.

1 MR. FRAZER: Thank you.

2 CHIEF JUDGE LIPPMAN: The next witness will be  
3 Councilman Rory Lancman, who is the chair of the new City  
4 Council Committee on Courts and Legal Services.

5 I know Councilman Lancman from his service up in  
6 Albany in the legislature. He had a great interest in  
7 judicial issues at that time, and I know him as someone who  
8 is extremely reform minded, forward looking, a reformer in  
9 the best sense of that word and someone vitally interested  
10 in the success of the justice system.

11 So we welcome you, Councilman, and we are so  
12 pleased that Speaker Mark-Viverito has created this  
13 committee that you are heading now on legal services. I  
14 think it is a recognition of the importance of that issue to  
15 the City council. We welcome you and it is a delight to see  
16 you.

17 COUNCILMAN LANCMAN: Thank you, Judge. It is  
18 great to be here.

19 Chief Judge Lippman, Judge Prudenti, Judge Eng,  
20 Mr. Lau-Kee. It is really an honor to be here, I might add,  
21 in the council district of my colleague, Debie Rose, who I  
22 think you might be hearing from.

23 CHIEF JUDGE LIPPMAN: We will.

24 COUNCILMAN LANCMAN: We all do observe certain  
25 protocols, your Honor.

1 CHIEF JUDGE LIPPMAN: I know. We do. Go ahead.

2 COUNCILMAN LANCMAN: As chair of the Council's  
3 Committee on Courts and Legal Services and as a  
4 representative of a Queens district within the Second  
5 Department, I am particularly happy to testify in today's  
6 hearing.

7 I know you heard testimony last week at the  
8 First Department hearing from Council Speaker Melissa  
9 Mark-Viverito. Today I want to amplify her call for  
10 expanded legal services. Providing counsel when basic human  
11 needs are at stake is both the hallmark of compassionate  
12 government and a sound investment of our money as tax  
13 payers.

14 As a member of the State Assembly in 2010, Judge,  
15 I had the distinct privilege of being present at your  
16 inaugural and, if I may say, rousing Law Day speech when you  
17 announced the Task Force to Expand Access to Civil Legal  
18 Services in New York. Commitment to ensure legal  
19 representation which, as you put it, relates to the basic  
20 human needs of our population: shelter, sustenance,  
21 personal safety, health or child custody.

22 I remember that speech vividly. I was sitting  
23 next to Helene Weinstein, the terrific chair of the  
24 Judiciary Committee in the Assembly, and I remember  
25 remarking to her how surprised I was at the forward and

1 aggressive vision that you presented that day. It wasn't  
2 what one usually hears from a Chief Judge, and we were all  
3 very, very inspired.

4 CHIEF JUDGE LIPPMAN: Thank you. Appreciate it.

5 COUNCILMAN LANCMAN: Let me applaud the Task  
6 Force's success in moving so far towards achieving the  
7 mission that you envision and that you articulated, which  
8 includes an impressive increase of state funding of civil  
9 legal services of tens of millions of dollars over four  
10 years, which I know very well have not been four years of  
11 otherwise expanding state budgets. It really is an  
12 extraordinary achievement.

13 We in the city make every attempt to treat civil  
14 legal services as the funding priority that it must be. As  
15 you heard last week from the Speaker, council funding  
16 increased 76 percent from fiscal year 2014 to 2015. Of  
17 course, we urge the State Legislature to follow our lead in  
18 next year's budget cycle.

19 We in the City fund large citywide providers like  
20 the Legal Aid Society, Legal Services of New York City, the  
21 New York Legal Assistance Group, but we also fund legal  
22 services through community based organizations such as CAMBA  
23 in Brooklyn, housing conservation coordinators on the West  
24 Side and the Northern Manhattan Improvement Corporation. We  
25 are always on the lookout for innovative funding

1 opportunities that will serve hard to reach populations and  
2 emergent legal needs.

3 We have made significant concentrated investments  
4 in keeping low income New Yorkers in their homes to avoid  
5 having to rely on the costly shelter system, and I was very  
6 excited to hear Commissioner Banks' testimony this morning  
7 about HRA's efforts to target legal services towards  
8 New Yorkers who are most at risk of losing their homes and  
9 entering the shelter system at tremendous cost to city  
10 taxpayers, in stopping domestic violence through empowering  
11 women via legal representation and in maintaining vibrant  
12 families and communities through immigration services and  
13 deportation defense. The millions we spend on these  
14 services saves tens, potentially hundreds of millions of  
15 dollars in shelter costs, incarceration and in public  
16 benefits.

17 It is very, very important that the Task Force  
18 continue, as you have, to emphasize the benefits to  
19 taxpayers of providing adequate civil legal representation  
20 as we as elected officials make the case to our communities  
21 that these are programs that are worthy of funding with  
22 their hard-earned tax dollars.

23 Here in the Second Department, following the  
24 onset of the foreclosure crisis in 2008 and Superstorm Sandy  
25 in 2012, Council-funded legal services organizations have

1 made a critical difference in the lives of struggling  
2 Staten Islanders, Brooklynites and Queens residents. We are  
3 especially proud of how effective these services have been.

4 For example, the New York Legal Assistance Group  
5 reported as of September 1, 2014, it's Storm Response Unit  
6 had recovered \$15 for every dollar spent on representation.  
7 Attorneys advocated effectively with federal, state and  
8 local recovery programs and agencies as well as insurance  
9 companies and contractors and, when necessary, in housing  
10 and bankruptcy court.

11 Thanks in significant part to your work at the  
12 state level as well as city funding, Legal Aid Society  
13 attorneys have been providing foreclosure defense services  
14 for several years now, including crucial review of  
15 foreclosure documents so that families are not unjustly  
16 dispossessed by unscrupulous loan services.

17 Queens in particular has been referred to as  
18 Ground Zero for the subprime lending crisis here in New York  
19 State, including parts of my district, and I have seen how  
20 valuable this legal representation has been to people in  
21 danger of losing their homes.

22 The Council's newest initiative announced last  
23 week by Speaker Mark-Viverito is the Unaccompanied Minor  
24 Initiative, which designates one million dollars in city  
25 funding and leverages an additional \$900,000 in private

1 foundation funding to provide counsel for undocumented  
2 immigrant youth. Due in large part to increased violence in  
3 Central America, the number of unaccompanied immigrant  
4 refugee children and teenagers journeying to New York has  
5 risen dramatically this year. Unrepresented, these youths  
6 were four times more likely to be deported back to the  
7 violence they escaped than if they have counsel.

8 Just yesterday, my committee had its first  
9 hearing together with the Immigration Committee and City  
10 Council on the unaccompanied minor services and New York  
11 City's efforts to assist these children. The bulk of the  
12 conversation was about providing legal services to these  
13 kids so they have the opportunity to assert their valid  
14 legal claims to stay in the United States.

15 One thing that might make its way to your  
16 attention, Judge, is the conversation I had with the City's  
17 immigration commissioner, Nisha Argarwal, regarding  
18 including the Family Court or representation from Family  
19 Court on the Mayor's Task Force for Unaccompanied Minors.  
20 Because probably the most common claim that the minors are  
21 asserting to be able to stay in the United States is to seek  
22 special immigrant juvenile status which first requires a  
23 determination in Family Court of abuse, neglect or  
24 abandonment. So we'd like to see Family Court have a more  
25 formal involvement in the Mayor's Task Force dealing with

1 this issue.

2 Beyond providing direct legal representation, we  
3 believe there's an important role for providing legal  
4 information and basic information about individual's legal  
5 rights. We have funded the Housing Court Answers Program  
6 and Legal Information for Families, which helps litigants  
7 understand landlord-tenant and family law issues and  
8 formulate effective arguments to make on their own behalf  
9 before those courts.

10 We are committed to working with you on these  
11 and similar models that facilitate access to justice. We  
12 hope to begin a discussion soon about more accessible  
13 unbundled services and information for debtors in civil  
14 court, many of whom are victims of aggressive credit card  
15 companies and medical billing schemes that leave valid  
16 defenses available to them, but unvindicated if they don't  
17 have access to counsel.

18 We are also eager to collaborate and leverage the  
19 talents of the New York area law schools and their clinical  
20 programs. Not only do they prepare new lawyers for practice,  
21 they too help fill the justice gap. From The Workers  
22 Cooperative Law Project at the City University of New York  
23 Law School to the Youth Re-Entry Clinic at Brooklyn Law  
24 School to the Consumer Justice for the Elderly Clinic at  
25 St. John's, in my district, our law schools boast many

1 dozens of clinical offerings and are increasingly meeting  
2 the legal needs of low income and ordinary New Yorkers.

3 I myself, when I was in law school, represented  
4 unemployment insurance applicants in something called the  
5 Unemployment Action Center. And while I cannot say that the  
6 clients that I represented had the most experienced counsel  
7 available to them, they certainly had zealous  
8 representation. It was a great way for me, as a law student,  
9 to learn how to be a real lawyer, so-to-speak.

10 So ultimately, we view the justice gap as a  
11 surmountable challenge we in government owe to both indigent  
12 New Yorkers who rely on publicly funded civil legal services  
13 as well as to better-off New Yorkers whose tax funds the  
14 majority of the public services to make the requisite  
15 investment and to close the gap for dignity's and  
16 efficiency's sake.

17 I thank you for your time today, and I join your  
18 efforts to secure the requisite funding necessary to make  
19 equal justice a reality for all New Yorkers.

20 CHIEF JUDGE LIPPMAN: Thank you, Councilman. We  
21 greatly appreciate the efforts being made by the Council, by  
22 you, by the Speaker to focus on this area.

23 One question I'd like to raise for you. You talk  
24 about a lot of different models to provide legal assistance.  
25 One of the things we are doing -- and we'd love for you, for

1 the Council to be involved with -- we now have a program  
2 using non-lawyers to help with the assistance of legal  
3 services. It is a program called a Navigator Program that  
4 actually allows non-lawyers to get into the courtroom with  
5 litigants. Not to argue a case as a lawyer but to provide  
6 moral support, provide information, to answer questions the  
7 judge may have.

8           It's based on an English model that in  
9 Great Britain, a lot of the legal services provided are done  
10 through non-lawyers under the theory that a non-lawyer who  
11 focuses on a particular niche can provide great, great  
12 assistance, as opposed to maybe a lawyer generalist who is  
13 not into that particular -- like the Housing Council that  
14 the federal government supports.

15           And President Lau-Kee knows. The Bar has been  
16 active with us in looking at this model. We think it is an  
17 interesting, new emerging area that can provide help to  
18 close the justice gap, because our view is we look at every  
19 possible avenue. I think it is an area we'd love to have the  
20 collaboration of the Council on.

21           COUNCILMAN LANCMAN: Yes, Judge, I'd love to work  
22 with you on that and try to develop that line of thought. I  
23 mean, let's be honest. The vast majority of the legal work  
24 is, to a certain extent, routinized. We have all had the  
25 pleasure of working with very capable paralegals at some

1 point in our career who know a particular aspect of the law,  
2 whether it's personal injury, housing or what have you.

3 CHIEF JUDGE LIPPMAN: Right.

4 COUNCILMAN LANCMAN: And most of these legal cases  
5 for people who are poor and without legal representation,  
6 they are losing these cases and they are losing their  
7 claims. Not for want of a lawyer who is capable of coming  
8 up with a brilliant and legal theory or doing spectacular  
9 cross-examination, but the basic filing of papers.

10 I mean, Judge, I felt when I was in the Assembly,  
11 one of your remarkable achievements was, if I remember  
12 correctly, as a matter of rule, you require the banks to  
13 prove they actually owed the notes they were suing to  
14 foreclose on.

15 So much of the legal services that poor people  
16 require don't need to be acquired by Clarence Darrow. They  
17 just need to have their ducks in a row, their I's dotted and  
18 T's crossed.

19 CHIEF JUDGE LIPPMAN: I think the Bar recognizes  
20 and we recognize that no stone is going to be left unturned.  
21 The other thing I point out before I ask if anybody else has  
22 any questions, is in the consumer credit area. In addition  
23 to foreclosure, we very much tightened the rules on consumer  
24 credit cases to ensure that the creditors -- which often  
25 with these things, they buy a lot of debt at one time and

1 they don't have the backups that demonstrate that there is a  
2 good claim.

3 So in addition to wanting to get some  
4 representation in the consumer credit area, we have just  
5 recently changed the rules. It is another area I think your  
6 committee might look at. Consumer credit is such a big area  
7 for people in the legal aid system.

8 COUNCILMAN LANCMAN: It is. For those of you who  
9 have gone through Civil Court to get to Supreme, you know  
10 the Civil Court docket is clogged with these consumer credit  
11 cases. I think in Queens, the trial dates that people are  
12 being offered are so far into the future --

13 CHIEF JUDGE LIPPMAN: And so many of them get  
14 default judgments that aren't based on much.

15 COUNCILMAN LANCMAN: Right.

16 CHIEF JUDGE LIPPMAN: That's how we feel. It is  
17 our responsibility to make sure there's documentation to  
18 support --

19 COUNCILMAN LANCMAN: Right. So enhancing the  
20 court's own internal rules, as well as providing people who  
21 aren't necessarily lawyers but know which documents need to  
22 be presented.

23 CHIEF JUDGE LIPPMAN: Exactly.

24 COUNCILMAN LANCMAN: And if they are not there,  
25 someone needs to raise their hand.

1 CHIEF JUDGE LIPPMAN: Exactly.

2 COUNCILMAN LANCMAN: Would be very, very helpful.

3 CHIEF JUDGE LIPPMAN: Exactly.

4 Justice Eng?

5 PRESIDING JUSTICE ENG: Thank you. First, I'd  
6 like to thank you on a personal level for your dedication  
7 and service. My parents remain your constituents in Queens,  
8 and they are, of course, very happy with the effort that  
9 you've made in the areas that we have discussed.

10 But you made a point before about the  
11 dissemination of information. It seems to me that so much  
12 could be avoided by the dissemination of information. We  
13 have seen these aggressive anti smoking anti-addiction  
14 campaigns. Perhaps a vigorous educational program involving  
15 things like predatory lending, contractor scams. Things like  
16 that might head some of these off over here and before they  
17 find the way to the courts. I am wondering what your  
18 thoughts are regarding efforts in that area.

19 COUNCILMAN LANCMAN: I think that's an excellent  
20 point, Judge. I remember in the Assembly during the subprime  
21 lending crisis, part of our efforts, a big part of our  
22 efforts, was reforming the legal process for people who  
23 found themselves in foreclosure. But we also directed  
24 resources to nonprofit organizations, neighborhood  
25 organizations that could counsel people as they were

1 purchasing a home or refinancing so that they would walk  
2 into a transaction with some knowledge about what to be  
3 aware of and what to stay away from. And that an ounce of  
4 prevention was worth many pounds of cure.

5 If we could identify and target the same way HRA  
6 is identifying where to direct legal services for people who  
7 find themselves at that point in the process, so-to-speak,  
8 if we could similarly target educational resources to people  
9 who can stay out of trouble before they find themselves in  
10 court, I think that that would be money very, very well  
11 spent.

12 THE COURT: President Lau-Kee?

13 MR. LAU-KEE: Thank you very much. As practicing  
14 lawyers, we are looking again at the Navigators Program as  
15 being something that has a lot of possibilities. Just so  
16 you know, we are also working on looking at how lawyers deal  
17 with this. Lawyers have very strong ethical constraints,  
18 and we are just sorting out now what lawyers' obligations  
19 are when you unbundle the services, how does that really  
20 work. So this is something that we are looking into, and as  
21 we keep our eye on the Navigators Program and how that's  
22 working and evaluated and find the possibilities, we hope  
23 that we will have a role in trying to leverage all these  
24 efforts.

25 COUNCILMAN LANCMAN: I would urge as you proceed,

1 we proceed together, because I think it is very important.  
2 The Council can have a big role in that.

3 CHIEF JUDGE LIPPMAN: We agree. We want to  
4 engage community services organizations and advocacy  
5 organizations that know their communities very, very well  
6 and can make sure that the program efforts are  
7 linguistically, culturally, socioeconomically attuned to the  
8 communities we are trying to help so that we don't create  
9 something where there is an opportunity for people to be  
10 exploited.

11 We see, for example, in the immigration arena  
12 where there is proliferation. Non-lawyers -- or at least it  
13 had been a particular problem in the past but still ongoing  
14 -- where you had non-lawyers providing services and/or  
15 purporting to provide services and they were really  
16 exploiting their community.

17 So if with the power and the comprehensive  
18 authority of the judicial system and the legislative branch  
19 we could do that in a way that's structured and has rules  
20 and engages the communities directly, I think it could be  
21 very, very successful.

22 I think one of the things we have to do that I  
23 spoke to President Lau-Kee about, we have to still look at  
24 our practice of law, statutes and regulations; what is it,  
25 what is the practice of law. And as you say, draw the right

1 lines so that we don't have people being taken advantage of.  
2 And yet we use all the other resources that are out there  
3 that might give people legal assistance.

4 COUNCILMAN LANCMAN: Certainly. Look, it has to  
5 be put to the Bar. If you are not going to be able to --  
6 either because of the nature of your practice or you're  
7 going to be unwilling to put in the number of pro bono hours  
8 that it would take to meet this vital, arguably  
9 constitutional need, then you can't resist every reasonable  
10 effort to allow non-lawyers to perform functions that  
11 traditional lawyers have provided. Because we have to get  
12 at the problem.

13 CHIEF JUDGE LIPPMAN: I think we are very much  
14 collaborating on how to get this done. Because it is really  
15 a problem that we see in so many types of cases; like  
16 housing evictions, consumer credit, child support,  
17 particular areas where ninety some odd percent of the people  
18 are unrepresented. So how do you get them help if we cant,  
19 for whatever the reason, are unable to provide legal  
20 representation. We've got to be able to, again, draw lines  
21 and figure out how we do this. Judge Prudenti?

22 CHIEF ADMINISTRATIVE JUDGE PRUDENTI: I just  
23 wanted to take the opportunity for a minute, Chief Judge, to  
24 thank Councilman Lancman for mentioning the Unaccompanied  
25 Minor Initiative and to let him know that the Office of

1 Court Administration, with Judge Fisher's help and  
2 Judge Edwina Richardson Mendelhson, we have established  
3 practices and protocols for applications for special  
4 juvenile immigrant status. We'd love to share them with you.  
5 We'd love to work with you. Please don't hesitate to call  
6 upon us.

7 COUNCILMAN LANCMAN: Terrific. Absolutely. The  
8 Chief Judge used the word collaborative.

9 CHIEF JUDGE LIPPMAN: We look forward to  
10 collaborating with the committee. Great to have you as the  
11 chair of the council's committee. Thank you, Councilman.  
12 Appreciate it.

13 COUNCILMAN LANCMAN: Thank you.  
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1 CHIEF JUDGE LIPPMAN: Now we have the pleasure  
2 of having another leader from the New York City Council  
3 that is the Honorable Debbie rose.

4 Debbie is the majority leader for New York City  
5 Council District 49, pretty much around this neck of the  
6 woods.

7 COUNCILWOMAN ROSE: Yes, right across the  
8 street.

9 CHIEF JUDGE LIPPMAN: Okay, good to see you,  
10 Councilwoman, delighted.

11 COUNCILWOMAN ROSE: Good morning.

12 CHIEF JUDGE LIPPMAN: Good morning.

13 COUNCILWOMAN ROSE: First up I want to say I am  
14 indeed honored to be able to present testimony before the  
15 Chief Justice and such a distinguished body of jurist.

16 I really would like to thank my council member  
17 Rory Lancman for taking up the leadership of our legal  
18 committee with something that's been determined by the  
19 City Council as a very important issue.

20 So, I say good morning to everyone.

21 My name is Debbie Rose. I do represent the  
22 49th District which is comprised of the North Shore of  
23 Staten Island in the New York City Council and you are,  
24 in fact, in my district.

25 CHIEF JUDGE LIPPMAN: I know it, I feel it.

1 COUNCILWOMAN ROSE: I'd like to congratulate  
2 you, Judge Lippman, and the Task Force for the tremendous  
3 work you have done to expand access to our justice system  
4 for all New Yorkers; conducting these hearings, producing  
5 reports on civil legal needs of New Yorkers and including  
6 millions of dollars for the provision of civil legal  
7 services in the budget of the Office of Court  
8 Administration for the last four years. These are  
9 extraordinary accomplishments.

10 CHIEF JUDGE LIPPMAN: Thank you.

11 COUNCILWOMAN ROSE: We have not witnessed these  
12 previously.

13 Second, I'd like to thank you for inviting me  
14 to testify today before this august tribunal on the civil  
15 legal needs of Staten Islanders, a topic of great  
16 importance to me, a legislator, and to the thousands of  
17 Staten Islanders in need who are my constituents.

18 I'd like to present to you today a snapshot of  
19 my district and the documented legal needs of my  
20 constituents.

21 In my District, you may not realize it, but  
22 Staten Island is a microcosm of the gorgeous mosaic of  
23 almost 500,000 least populous borough of New York City,  
24 however, it is the fastest growing borough in New York  
25 State with a larger population than the City of Atlanta.

1           People who have moved to this area because of  
2           the less expensive rents, easy access to Manhattan and  
3           they have filled our neighborhoods to the limit.

4           The area I represent, the North Shore of Staten  
5           Island, is the boroughs oldest most densely populated  
6           area and it was established by the Indians back in 2100  
7           B.C.

8           My North Shore has the boroughs most ethnically  
9           diverse population.

10          It's oldest infrastructure and its densest  
11          housing.

12          The Park Hill section of my district is  
13          affectionately known as "Little Liberia" and has the  
14          largest Liberian population outside of Africa.

15          The neighborhood of Tompkinsville has the  
16          largest Sri Lankan population outside of Sri Lanka.

17          Indeed, the North Shore is home to many  
18          immigrants from African countries; Central and South  
19          American countries, India, Albania, China and Poland.

20          While much of New York City has recovered from  
21          the great recession from 2008 through 2009, it has not  
22          been an even recovery and the need for legal services for  
23          those still struggling to get by has remained stubbornly  
24          high.

25          For example 22.2 New Yorkers turned to food

1 stamps to get by in 2013, up 14.9 percent from 2008.

2 Unemployment was 7.3 in 2008 and today  
3 7.9 percent.

4 The percentage of those living below poverty  
5 went from 18.4 percent in 2008 to 20 percent in 2012.

6 Civil legal service attorneys provide critical  
7 services to thousands of these low-income residents every  
8 year, serving as a lifeline to many that, without their  
9 assistance, would otherwise have nowhere else to turn.

10 As an elected official, I know the provision of  
11 civil legal services not only saves lives but saves money  
12 as well.

13 When someone does not have representation in  
14 our complex legal system, they are often unsuccessful or  
15 they give up out of frustration. Their unmet legal needs  
16 invariably take a toll on our local government and on the  
17 taxpayers; from housing to medical care to education, the  
18 long term costs of unrepresented individuals in our legal  
19 system touch all aspects of the community.

20 More than 3 million New York City residents  
21 have incomes below 200 percent of the federal poverty  
22 level. Yet 800 of the 800,000 lawyers in New York City  
23 are dedicated to providing legal services to the poor.

24 As a result this lack of funding for civil  
25 legal services, the Chief Judge's Task Force has

1 consistently found that less than 20 percent of the legal  
2 needs of low income New Yorkers are being met.

3 Sadly, this is confirmed by my constituent  
4 services staff's time and, again, we struggle to find the  
5 assistance for my constituents, a certain kind of  
6 resources for low-income Islanders.

7 The need for legal services for Staten Island  
8 is large.

9 Last year the two major providers of free legal  
10 services on Staten Island, Legal Services NYC and Legal  
11 Aid Society handled 3,010 cases, assisting over 10,138  
12 people.

13 The main areas they handled include housing,  
14 immigration, disaster relief and domestic violence which  
15 I will further discuss in my testimony.

16 But, I would really be remiss if I did not at  
17 least briefly mention other areas that we have seen in  
18 the need for medicaid health care benefits, especially  
19 for domestic violence victims, bankruptcy, consumer  
20 credit and credit areas championed by New York City and  
21 the stop credit check discrimination Bill A-57 because  
22 they are so critical for people who loss their jobs  
23 and/or become unemployed during the recession and are  
24 still struggling to get by.

25 Family law where there's virtually no legal

1 assistance for women who are not in domestic violence  
2 situations but struggle with child custody and payee  
3 issues.

4 Reentry to help people try to integrate into  
5 their community is especially important as there is so  
6 much information out there as to what happens when  
7 someone transitions from jail back into the general  
8 population is entitled to.

9 Meeting the legal needs of limited English  
10 language proficient clients disability rights which helps  
11 low income disabled children and adults get social  
12 security disability benefits saves the City and State  
13 millions of dollars.

14 Education law because we receive more and more  
15 calls from parents seeking help for their student in  
16 disciplinary proceedings and in implementing IAP.

17 Elder law, particularly in the area of elder  
18 abuse which advocates in my district have said is  
19 experiencing a sharp rise in numbers.

20 Employment law, another area championed by the  
21 City Council in legislation which I was pleased to  
22 sponsor such as the pregnancy discrimination bill,  
23 unemployment discrimination, bail; because in this  
24 difficult economy we are in, we are all in, we have  
25 experienced an increase of people being denied job

1 opportunities for improper reasons.

2 Then there is still the foreclosure prevention,  
3 because, according to recent reports the epicenter of the  
4 U.S. foreclosure crisis is shifting away from States like  
5 Florida and Arizona to New York and New Jersey with  
6 foreclosure filings in New York City increasing  
7 30 percent in 2013.

8 And, its reached a three year high of 15,993.  
9 The parent representation because in the North Shore of  
10 Staten Island it has been documented that we have the  
11 highest percentage of children being taken away from  
12 their parents in all of New York City.

13 Prevention of low income housing -- I'm sorry,  
14 preservation of low income housing because we have a  
15 crisis of the lack of affordable housing on the North  
16 Shore, an area which is a high priority for the City  
17 Council and the de Blasio Administration.

18 Then there is unemployment insurance benefits  
19 which then become the lifeline for people who lost their  
20 jobs.

21 For the purposes of my testimony, I will focus  
22 in depth on the housing, immigration, domestic violence  
23 and disaster assistance.

24 Housing: Most housing problems on Staten  
25 Island stem from a critical lack of affordable housing on

1 the Island which make tenants fearful of losing their  
2 home and thus, more vulnerable from abuse from the  
3 landlord.

4 Addressing the affordable housing crisis in New  
5 York City is an important issue.

6 Who better to address these issues than our  
7 civil legal services attorneys who have been in the  
8 trenches fighting for housing rights.

9 The landlord/tenant issues we see commonly in  
10 my office include the lack of apartment repairs and  
11 rodent and insect infestation. In SROs in Staten Island,  
12 the tenants are experiencing poor maintenance, dangerous  
13 and unsanitary living conditions.

14 Increasingly, we are seeing discrimination  
15 claims related to the refusal to rent to HIV/AIDS  
16 constituents who receive housing benefits.

17 The civil legal services funding does much to  
18 help address this imbalance.

19 Our constituents also in special housing have  
20 problems not just in the press for many months now  
21 documenting their problems, but our tenants work through  
22 the NYCHA system for repairs and concerns regarding their  
23 apartments.

24 Serious concerns common amongst my constituents  
25 are mold remediation because of the lack of repairs to

1 grow mold is a constant issue and it's a health and  
2 safety issue.

3 Appliance and repair/replacement, major  
4 equipment repair such as elevators, people who have  
5 disabilities I'm very sensitive to, those who cannot gain  
6 access to their apartments because elevators are out of  
7 repair for extended periods of times and safety and  
8 security concerns.

9 When NYCHA is slow to respond, legal assistance  
10 can make a tremendous difference.

11 For example, we have a constituent with  
12 constant mold issues. After two years we were able to  
13 have the building inspected and the cause of the mold was  
14 identified. The heating system had not be cleaned for  
15 years.

16 On their own, constituents are not often able  
17 to achieve results or and navigate the complicated NYCHA  
18 system.

19 Section 8: There are many basement apartments  
20 on Staten Island approved for Section 8 despite the fact  
21 they are not legally approved rentals.

22 When NYCHA inspects the apartment and finds an  
23 apartment uninhabitable, they discontinue the payment of  
24 the Section 8, the Section 8 payment, after which tenants  
25 are sued by landlords for non payment and evicted.

1           It is also common for landlords to demand  
2 additional money from Section 8 tenants, which they often  
3 pay, for fear of losing an affordable apartment.

4           In these and many other instances, legal  
5 assistance can make the difference between a home and  
6 homelessness for countless low-income New Yorkers.

7           The need of the immigrants in my district  
8 include federal issues such as naturalization,  
9 citizenship and deportation. But, also they include  
10 State Court issues such as discrimination based on  
11 immigrant status, particularly in the area of housing.

12           And, low income, immigrants, victims of  
13 domestic violence are particularly vulnerable to  
14 oppression, exploitation and abuse because of their  
15 immigration status.

16           Moreover, a lack of legal immigration status  
17 deter victims from reporting crimes or assessing civil  
18 legal services.

19           Immigrants also often lack proper employment  
20 credentials and are, therefore, more susceptible to  
21 exploitation by employers and lack access to health care  
22 and other essential benefits. Language barriers also  
23 impede access to justice.

24           The legal, economic and social barriers faced  
25 by immigrants in all of these areas can seem

1 insurmountable without effective tools, support and  
2 advocacy from civil legal service attorneys.

3 Domestic violence is a serious public health  
4 crisis in my District.

5 In 2013, there were 9,549 domestic incidents in  
6 the precincts in my council district. That's roughly 26  
7 incidents everyday.

8 The Mayor's Office to combat domestic violence  
9 reports 56 percent of felony assaults which occur in my  
10 District were domestic violence related.

11 Overall, the Richmond County D.A.'s Special  
12 Victims Bureau has reported that 22 percent of the 13,000  
13 crimes every year on Staten Island are domestic violence  
14 related.

15 Studies suggest access to legal services is  
16 critical in helping victims escape from abusive  
17 relationships and could decrease this number of victims  
18 by as much as 21 percent.

19 I don't need these statistics to inform you of  
20 this crisis in my community because I hear from  
21 constituents everyday. Just yesterday morning I received  
22 an email from a constituent pleading for help from a  
23 spouse who had isolated her and made her completely  
24 dependent on him.

25 In order for her and others like her to

1       successfully separate from abusive relationships, they  
2       must utilize multiple diverse legal procedures, including  
3       securing orders of protection against their abusers,  
4       navigating complicated family law, waging child care  
5       difficulties, custody disputes and accessing safe  
6       housing.

7                Additionally, many domestic violence victims  
8       are financially dependent on their abuser and need  
9       assistance accessing public benefits and other supports  
10      so that they can support themselves when leaving an  
11      abuser.

12              Staten Island, as you know, was a big victim,  
13      hard hit by Super Storm Sandy which wreaked havoc  
14      especially on Staten Island.

15              Twenty-four Staten Island residents died as a  
16      result of the storm which is the largest death toll of  
17      all the boroughs.

18              Approximately 16 percent of the borough was  
19      inundated with flooding, approximately 75,000 residents.

20              The North Shore which many people didn't  
21      think -- didn't acknowledge suffered substantial damage  
22      from Hurricane Sandy, massive power outages, hundreds of  
23      downed trees and power lines.

24              Our businesses were primarily very hard hit,  
25      especially along Richmond Terrace and Bay Street.

1           Disaster survivors have complex legal needs in  
2           the wake of Sandy, legal service attorneys provided  
3           invaluable information on school transfers,  
4           transportation, and immigration and family matters  
5           related to lost documents. They required help filing  
6           FEMA disaster assistance, unemployment insurance claims,  
7           replacements of medication, assessment of health care  
8           needs, and assistance in obtaining food stamps and public  
9           assistance.

10           Ongoing advice on a variety of housing related  
11           subjects will be crucial including landlord/tenant  
12           relations, public housing, Federal Section 8 homeowner  
13           issues and foreclosure.

14           In addition, recovery could not have moved  
15           forward without small business assistance, including help  
16           obtaining loans provided by free of charge by legal  
17           service attorneys.

18           The Universal Declaration on Human Rights  
19           states the following:

20           Everyone has the right to a standard of living  
21           adequate for the health and well being of himself and his  
22           family, including food, clothing and medical care and  
23           necessary social services, and the right to security in  
24           the event of unemployment, sickness, disability,  
25           widowhood, old age or other lack of livelihood in



1                   We appreciate the testimony. I think you laid  
2                   out the breath of the problem so well, especially out  
3                   here on the Island.

4                   Let me ask you a question in relation to legal  
5                   services here on Staten Island.

6                   Is there good communication providers?

7                   Do you know when people come in where to send  
8                   them? Is there a power back and forth between the  
9                   providers?

10                  I know you need more resources, but with what  
11                  you have, are you able to tap into them to get people  
12                  help?

13                  COUNCILWOMAN ROSE: We have a wonderful  
14                  relationship with our legal services here.

15                  If it were not for them, many of the  
16                  constituent issues that we have in my office everyday we  
17                  would not be able to address.

18                  We are heavily reliant on our legal services to  
19                  help our constituents negotiate the legal waters and to  
20                  resolve their issues.

21                  The problem is that there are just not enough  
22                  resources.

23                  CHIEF JUDGE LIPPMAN: We know.

24                  COUNCILWOMAN ROSE: And they are overwhelmed.  
25                  They are overwhelmed. They do an excellent job with the

1 resources that they have, but, the need is so much  
2 greater as I laid out.

3 CHIEF JUDGE LIPPMAN: You did.

4 COUNCILWOMAN ROSE: In every, every area, there  
5 is a need for my constituents to access legal services.

6 CHIEF JUDGE LIPPMAN: I think you set it out so  
7 well.

8 I think people don't realize that almost every  
9 conceivable problem that comes up in a community has some  
10 relevance to the legal system and needs representation or  
11 someone who talks the language of whoever your dealing  
12 with, whether its the education bureaucracy or a landlord  
13 or whatever it might be. There's one more question.

14 Do you think one of the issues we had at the  
15 beginning of this endeavor that we kept to is that we set  
16 the bar at 200 percent of poverty level, does that mostly  
17 capture most of the people?

18 I know even the average middle class person has  
19 problems navigating the justice system, getting the  
20 representation, but in terms of civil legal services, the  
21 funding that we do get, does that capture most of the  
22 people in the most desperate need, 200.

23 COUNCILWOMAN ROSE: Yes, I believe it does.  
24 But, there are still a number that go under the radar  
25 because they're undocumented.

1 CHIEF JUDGE LIPPMAN: Yes, of course.

2 COUNCILWOMAN ROSE: They are afraid to come  
3 forward.

4 CHIEF JUDGE LIPPMAN: We find them to give them  
5 hope.

6 COUNCILWOMAN ROSE: So, it's very difficult to  
7 say that that's the finite number.

8 CHIEF JUDGE LIPPMAN: Right, there's no hard  
9 and fast rule.

10 COUNCILWOMAN ROSE: It's very general, a good  
11 range.

12 CHIEF JUDGE LIPPMAN: Any questions?

13 May I just say that I also had a lot of  
14 dealings with the navigators. I think that you point on  
15 what is bringing them into the system.

16 I'm so glad. It's important for us to get the  
17 feed back.

18 COUNCILWOMAN ROSE: We had to utilize them in  
19 medical -- in the medical area where found people having  
20 difficulty with their benefits or having been unemployed  
21 and/or losing their benefits and being told that they no  
22 longer have coverage.

23 And, we've had issues where people have  
24 actually had coverage were entitled to certain benefits  
25 but were not given those benefits.

1                   And it was through the navigators working with  
2                   them at in all the early stages bringing them in, telling  
3                   them what paperwork they have to have and making calls  
4                   that we were able to have successful outcomes.

5                   So, I would like to see that program extended  
6                   when you look at its resources.

7                   CHIEF JUDGE LIPPMAN: Great. Thank you so  
8                   much.

9                   The City Council is very well represented  
10                  today.

11                  Thank you so much.

12                  (Whereupon, Beth Cicero replaces Rosemary  
13                  Pfister as the Court Reporter at this time.)

14                  (Continued on next page.)

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CHIEF JUDGE LIPPMAN: Reverend Doctor  
Demetrius S. Carolina.

REV. DR. CAROLINA: Good morning.

CHIEF JUDGE LIPPMAN: Pleasure to see you today.

REV. DR. CAROLINA: My pleasure. Thank you so  
much. I am pulling out night glasses because my eyes work  
at will.

CHIEF JUDGE LIPPMAN: Okay.

REVEREND DR. CAROLINA: Good morning and thank you  
for inviting me to address the Chief Judge and this  
distinguished panel of experts with regard to expanded  
access to civil legal services in New York.

I am executive director of the Central Family  
Life Center, which seeks to improve the lives and  
environment of Staten Islanders. Our program runs the gamut  
of serving low income Staten Islanders. Our anti-gun  
violence program, 49 Strong, is based on the Cure Violence  
model that uses credible community members, some of which  
have been involved in the criminal justice system and have  
turned a new leaf to identify potential violence in the  
community and to interrupt it at its root.

As part of that model, the City Council funded  
wraparound services, which includes mental health hospital  
legal services that are provided by the Legal Aid Society.

1 We also have a Re-Entry and Recidivism Prevention Program  
2 that supports our Cure Violence work which promotes strong  
3 interpersonal and familial relations, community engagement,  
4 economic self sufficiency and healthy living for accused and  
5 formerly incarcerated participants.

6 Our afternoon literary and tutoring programs  
7 serve a diverse population of students from nearby  
8 communities, many of whom speak English as a second  
9 language. We also have seniors programs in our center where  
10 we host instruction, outings, events and where seniors come  
11 and can gain access in terms of information on health,  
12 wellness, voting, housing and legal issues.

13 I am here today to testify to the importance of  
14 funding the civil legal services program and the need to  
15 increase funding to ensure that low income populations on  
16 Staten Island have access to legal services.

17 Staten Island is New York City's most under  
18 represented and often forgotten borough. We are connected  
19 to the rest of the boroughs by either ferry or bridge. We  
20 often feel isolated from the other boroughs. As a result,  
21 before, during and after Hurricane Sandy, we have had a lack  
22 of services on the Island available to our residents,  
23 especially low income residents of color.

24 Our low income residents are affected by the same  
25 issue as other low income New Yorkers such as poor

1 conditions in their apartments and eviction proceedings, as  
2 you've heard, difficulties in making payments to banks in  
3 order to keep their homes or victims of predatory lending  
4 from their mortgages and access to benefits such as public  
5 assistance, food stamps or health benefits like Medicaid and  
6 Medicare.

7 Staten Island has a large immigrant population  
8 community where individuals not only need assistance with  
9 navigating the federal immigration process, but in keeping  
10 their families together, they have a tremendous need for  
11 civil legal assistance. Our low income residents are  
12 equally confused by courts and other bureaucracies, as are  
13 other New Yorkers. And yet, yet issues of poverty and social  
14 justice inequity are exacerbated on Staten Island because we  
15 are isolated from the other boroughs often.

16 As a result, the need for civil legal services on  
17 Staten Island is heightened. We are grateful for the  
18 assistance provided by the civil legal services  
19 organizations on the Island, but it is not nearly enough to  
20 serve the low income communities. Hurricane Sandy struck  
21 the northeastern region on October the 29th, 2012,  
22 destroying homes and apartments, triggering massive power  
23 outages and flooding subways, stores and office buildings.  
24 The storm affected almost 300,000 New Yorkers and took 49  
25 lives. It damaged over 27,000 homes, leaving 2.1 million

1 people without power immediately after the storm.

2 About 16 percent of Staten Island was inundated  
3 with flooding, impacting approximately 75,651 residents.  
4 After Hurricane Sandy hit, several legal service  
5 organizations began providing disaster relief and legal  
6 assistance at shelters for homeless and displaced residents  
7 at the disaster centers and at community based organizations  
8 on Staten Island.

9 Many were concerned and confused about their  
10 access to federal benefits, insurance claims, housing and  
11 jobs. The poor were hardest hit by the storm. Legal  
12 service organizations, including the Legal Aid Society and  
13 Legal Services NYC helped desperate families whose lives  
14 were shattered by the storm to access benefits and programs.  
15 They have also greatly helped families with legal disputes  
16 that arose out of the devastation caused by the storm.

17 Two years after the storm, however, there are  
18 still many areas on Staten Island that have yet to be  
19 served. Low income residents of color on Staten Island are  
20 still trying to pull together their limited resources in an  
21 effort to rebuild communities. Without the expansion of the  
22 Legal Aid Society or other legal service organizations,  
23 those areas will remain underserved. An expansion of legal  
24 services for poor Staten Islanders is gravely needed so that  
25 needful support can be provided for underserved areas that

1 were mostly affected by the storm. The City Council,  
2 through its Task Force to Combat Gun Violence, identified a  
3 neighborhood in Staten Island that had a high rate of gun  
4 violence. The City funded the Central Family Life Center to  
5 bring to that neighborhood a Cure Violence model, which  
6 identifies and interrupts gun violence at its root.

7 As part of this City Council's program, we also  
8 receive wraparound services which include legal services  
9 from the Legal Aid Society. Through the Legal Aid Society's  
10 Community Development Project, which helps non-profits and  
11 small businesses, the center was able to fill to capacity  
12 and develop 49 Strong, saving lives, which is our anti-gun  
13 violence project.

14 Through the provisions of legal services, our  
15 nonprofit was able to better address social economic and  
16 social justice needs in the community through the Cure  
17 Violence initiative. The legal services offered by the  
18 Legal Aid Society also continued to help our community  
19 members who have been greatly affected by violence.

20 While the target area that our Cure Violence  
21 Project has focused on and received great assistance, our  
22 neighborhoods and communities and Staten Island have not yet  
23 received the same benefits. The nature of Staten Island is  
24 such that one area affects other areas, and that can be seen  
25 through crime and violence. Our communities are

1 interconnected, and the assistance from the City Council has  
2 addressed only a small piece of a much larger issue on  
3 Staten Island.

4 All Staten Islanders affected by violence need  
5 resources, especially civil legal services in order to  
6 repair their communities. More civil legal services are  
7 needed to be able to assist all low income Staten Islanders.  
8 Our isolation and lack of access to services exacerbate the  
9 need of the low income people of color in our particular  
10 borough.

11 We ask that you do not forget about Staten Island  
12 in your provisions of legal services for the poor, and  
13 instead, expand civil legal services to low income  
14 Staten Islanders. Thank you so much for this opportunity.

15 CHIEF JUDGE LIPPMAN: Thank you, Doctor, for  
16 coming in. Let me ask you the same question I asked  
17 Councilwoman Rose. Do you have enough access to providers?  
18 In other words, you know where to go when you have a  
19 problem. It's not a question of we don't have enough  
20 resources there, but the communication is good between the  
21 center and the providers?

22 REV. DR. CAROLINA: I would say we have phenomenal  
23 access to the services that we now presently have and that  
24 the relationship between the central --

25 THE COURT: Good, strong?

1           REV. DR. CAROLINA: Extremely strong. And they  
2 may very well also tell you that they get tired of our  
3 calls, because we consistently rely on them for various  
4 needs.

5           CHIEF JUDGE LIPPMAN: Let me ask you another  
6 question. If they don't come in to you, do they know where  
7 Legal Services is? Is it only through the middle man,  
8 so-to-speak, that they are able to find their way over  
9 there? Do people know where to go for Legal Services in  
10 Staten Island if they didn't come in to your particular  
11 program?

12           REV. DR. CAROLINA: I would argue that many are  
13 aware of Legal Services because of the work that they are  
14 doing, as the councilwoman has stated, you know, over 30,000  
15 interactions. However, our program does provide certain  
16 clientele with information about access to Legal Services  
17 that they may not otherwise be aware of.

18           CHIEF JUDGE LIPPMAN: I think we need the middle  
19 people. Don't get me wrong. But I wonder whether the  
20 average person just out there when they have a problem, if  
21 they are not going to some center or community organization  
22 or the council person's office, knows it exists, and I guess  
23 it's uneven. A lot of the people do and some don't.

24           REV. DR. CAROLINA: Some don't. Cultural people go  
25 where they are most comfortable, familiar with. And having

1 this information then allows us to then point them in the  
2 right direction.

3 CHIEF JUDGE LIPPMAN: Right. I know exactly.

4 Any questions? No?

5 Thank you, Reverend Doctor. Thank you for your  
6 work.

7 REV. DR. CAROLINA: Thank you.

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1 CHIEF JUDGE LIPPMAN: Thomas Cunsolo, President  
2 of the Staten Island Alliance.

3 MR. CONSOLO: Thank you, your Honors.

4 I'd like to really say how I appreciate you  
5 guys giving us a chance with organizations to testify  
6 here today.

7 CHIEF JUDGE LIPPMAN: Delighted to have you.

8 MR. CONSOLO: I gave you a written statement,  
9 but I do want to touch on a couple of things.

10 CHIEF JUDGE LIPPMAN: Sure.

11 MR. CONSOLO: In 2008 I had a problem with my  
12 home. I had to face foreclosure myself.

13 If it wasn't for legal services, I wouldn't  
14 have a home over my head today.

15 So, they were very instrumental for me keeping  
16 a roof over my head.

17 Since Super Storm Sandy hit, what we've seen  
18 are the grassroots organizations, people at the poverty  
19 level were here, 2008 they moved here. Now, since the  
20 storm, they're here.

21 We can see in the next coming years when the  
22 flood insurance hits.

23 CHIEF JUDGE LIPPMAN: Yes.

24 MR. CONSOLO: In 2015, 2016 and it doubles from  
25 200,000 to 400,000, the problems that are going to arise

1           then are going to be worse than what it is today.

2                       So, we feel that there is a need for this  
3           service and we need a lot more of it. That's what we're  
4           here to say today.

5                       CHIEF JUDGE LIPPMAN: I think you know the  
6           point, particularly with the grassroots organizations, we  
7           have to find ways to have our political leaders and  
8           governmental leaders understand the depth of the problem.

9                       I think, particularly, it's difficult out on  
10          Staten Island when the other witnesses said you're a  
11          little bit removed from the rest of the City, the  
12          tendency is to kind of forget the need is too great out  
13          here.

14                      And, I think it's very important that  
15          organizations like your's and the leaders of the  
16          different communities out here on the Island make sure  
17          that, again, our political government leaders across the  
18          City and State get it. Because, you know, there are so  
19          many priorities in our society and the City of New York,  
20          and, I think that sometimes we felt in the endeavor that  
21          we've been undertaking, that there's not quite an  
22          understanding of how essential civil legal services are  
23          to the average person.

24                      Forget the people just at the poverty level to  
25          the middle class person, the people just getting along

1           having a job, you hit a legal problem like they want to  
2           foreclose on you, the bank wants to foreclose on your  
3           house, who do you go to, what do you do?

4                     The legal service provider, generally, as you  
5           indicated in your statement stands between you and  
6           something which would devastate the individual, that  
7           family, and it's so important.

8                     MR. CONSOLO:  Because a regular homeowner  
9           doesn't understand the legal terminology, you could just  
10          get so far without that.

11                    CHIEF JUDGE LIPPMAN:  You don't understand that  
12          language.

13                    MR. CONSOLO:  You don't understand their  
14          language unless it's in laymen's terms and it's never put  
15          in layman's terms.

16                    CHIEF JUDGE LIPPMAN:  I say this not in a  
17          critical way, whoever holds the mortgage, I think what  
18          happens is they have their own protocols.

19                    You call, you get 16 different answers; you get  
20          a voice mail and you need someone who can get into the  
21          belly of the beast that looks at the language of the  
22          bank, whatever the bureaucracy you're dealing with.

23                    MR. CONSOLO:  That's correct.

24                    CHIEF JUDGE LIPPMAN:  I think we need this  
25          money desperately.

1                   We're doing everything we can to increase the  
2                   public funding, but, I think it's so good that you're  
3                   here.

4                   I think it's so good that all of the voices  
5                   here on the Island and the rest of our City and the State  
6                   be heard. I think I said this before, that this is as  
7                   important as the money we give to housing, to hospitals,  
8                   to schools.

9                   Legal representation is so critical in almost  
10                  everything that people in our society care about, the  
11                  problems they confront everyday.

12                 MR. CONSOLO: To answer the question that you  
13                 gave before, the testimony before me, it is hard for a  
14                 regular person to --

15                 CHIEF JUDGE LIPPMAN: Find a place to go.

16                 MR. CONSOLO: When we formed The Alliance, we  
17                 were able to get the information out.

18                 CHIEF JUDGE LIPPMAN: I think you performed a  
19                 great service.

20                 On top of that, we were talking about in  
21                 yesterday's hearing we did in Rochester, the problems are  
22                 not that much different. Believe me, some of the notices  
23                 that you get from different institutions, whatever they  
24                 are, have something that you say, gee, if you have a  
25                 problem, you know there are these people who help you

1 with legal problems and you can call them; and, just  
2 maybe, maybe, maybe they can be the ones who will solve  
3 your problem.

4 MR. CONSOLO: Correct.

5 CHIEF JUDGE LIPPMAN: So thanks so much for  
6 coming in.

7 Presiding Justice Eng.

8 PRESIDING JUSTICE ENG: Have you been able to  
9 acquire in-house legal money, Staten Island Legal  
10 Services?

11 MR. CONSOLO: We literally had them in the  
12 house with us.

13 Since the storm, so many times they've been out  
14 there on their own, not even legal services.

15 This storm devastated the Island like nothing  
16 you've seen before. The way legal services came out for  
17 the Island, if it wasn't for them, I don't know where we  
18 would be right now to tell you the truth.

19 CHIEF JUDGE LIPPMAN: I think that's a story  
20 that we hear from all of the areas devastated by Sandy.

21 The next two witnesses are also going to  
22 address that issue.

23 ADMINISTRATIVE JUDGE PRUDENTI: If you had some  
24 difficulties, did you know where to go for legal  
25 services?

1 MR. CONSOLO: No, it took me four years of  
2 fighting by myself before I found the legal services when  
3 I did.

4 Before I found them, I thought I had the  
5 solution, going back and forth with the banks, came up  
6 with a plan. But, I could see the plan was running out.  
7 I had no legal aspect on how to fight that plan when it  
8 runs out.

9 CHIEF JUDGE LIPPMAN: We heard the same  
10 testimony in Rochester yesterday from people in similar  
11 situations. They started to try to deal with it and it  
12 just never quite made it happen.

13 MR. CONSOLO: What they do to you, they drive  
14 you insane to tell you the truth.

15 CHIEF JUDGE LIPPMAN: There has to be a point  
16 with all the legal services, to have a level playing  
17 field.

18 MR. CONSOLO: Exactly.

19 CHIEF JUDGE LIPPMAN: They're not doing what  
20 they're supposed to be doing, but you need someone who  
21 understands it.

22 MR. CONSOLO: Legal services puts you on a  
23 level playing field, without them, it wasn't even for  
24 sure.

25 (Whereupon, Beth Cicero replaced Rosemary

1 Pfister as the Official Court Reporter at this time.)

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1 CHIEF JUDGE LIPPMAN: Scott Primiano, the  
2 President of the Insurance Advocates, Flood Direct National  
3 Insurance Program and Steven G. Leventhal, Esq., Access to  
4 Justice Program Chair; Nassau County Bar Association;  
5 Leventhal, Cursio, Mullaney and Sliney.

6 Scott, do you want to start?

7 MR. PRIMIANO: Good morning. I am Scott  
8 Primiano, President of The Insurance Advocates, an insurance  
9 brokerage and flood insurance specialty firm located in  
10 Amityville, New York.

11 It is an honor to present testimony today and to  
12 share a summary of the street level experiences encountered  
13 by homeowners and communities in Nassau and Suffolk Counties  
14 that continue to this day as a result of Superstorm Sandy.

15 Since October 29, 2012, members of our team have  
16 worked closely with the Touro Law School Disaster Relief  
17 Clinic, New York Rising Field Offices and a myriad of  
18 community based non-profit organizations to provide pro bono  
19 guidance and hands-on assistance to those struggling to  
20 process their insurance claims, apply for assistance and  
21 return home.

22 We began to provide our work expecting to provide  
23 a few hours of pro bono assistance and advocacy each day for  
24 a few months. Almost immediately, our efforts to help  
25 became a full-time, seven-day per week mission and remain so

1 to this day, working with over one hundred families still  
2 displaced or living in varying degrees of dilapidation.

3 We find the roads to proper indemnification and  
4 assistance clogged by complicated bureaucracy compromised by  
5 devious contractors and inundated with crafty storm chasers  
6 attempting to make money on the backs of our victims by  
7 providing false hope and empty promises of assistance.

8 Most vulnerable and most likely to be victimized  
9 by the system and those who prey on it are the elderly,  
10 uneducated, disabled and impoverished. Unlike those who  
11 have savings to fall back on, qualify for loans, have ample  
12 cash flow and are savvy enough to advocate for proper  
13 settlements, these segments of our community haven't the  
14 time, availability or resources necessary to successfully  
15 represent and protect their interests.

16 The common threads in all their stories are  
17 summarized as follows:

18 The insurance claims process. Filing a flood  
19 insurance claim necessarily requires a proper valuation of  
20 damage. During a catastrophic event such as Sandy, insurance  
21 adjusters are flown in from all corners of the country to  
22 evaluate the damage and open the claim. Often arriving  
23 prior to the full extent of the damage being realized by  
24 either the adjuster, homeowner or the tenants, the claim is  
25 opened with an understanding that undocumented damage can

1 and should be added to the claim at a later date. While  
2 more than a simple cursory inspection, it is far from a  
3 precise evaluation, as this initial visit by the claim  
4 adjuster is most often hurried and hectic. They have  
5 multiple homes to see in a very short period of time.

6 The adjuster has multiple properties to review in  
7 any given day, and the claimant is still in shock from the  
8 event and wondering how they are going to eat, sleep, wash,  
9 get to work and pull their family back together.

10 Unfortunately, this common scenario sets the stage for an  
11 undervalued and underpaid claim.

12 As more damage becomes apparent and missing items  
13 are noticed, claimants are required to provide documentation  
14 to substantiate the additional request in the form of  
15 receipts for additional work done, photographs, contracts  
16 with contractors, along with their estimates.

17 To abide, the claimant must then pay up front to  
18 have the damage repaired or replaced, hire a contractor that  
19 requires a down payment, and in the event of a dispute with  
20 the adjuster, choose between hiring an attorney, public  
21 adjuster or self-advocating their claim. Those with  
22 resources and the ability to wait out the elongated process,  
23 eventually end up with a more favorable settlement. Those  
24 who are more desperate and can't afford to hire anybody or  
25 even attract their attention nearly always fall victim to

1 settling for less. It is here pro bono legal representation  
2 and advocacy is most needed.

3 We had heard about the grant programs that are  
4 available, and although their intentions are fabulous and  
5 the people working behind the scenes are trying to do the  
6 best thing with what they have, they are also challenging  
7 for the group that I am talking about.

8 So in an attempt to fill the gap highlighted  
9 above and to provide help to those without any or proper  
10 insurance, federal state and local grant programs have been  
11 established. Though well-intended, these program are very  
12 limited in scope and often come with participation  
13 requirements that are unachievable for those at, near or  
14 below the poverty rate.

15 Local or community based programs most often  
16 appear immediately following a catastrophe and are mainly  
17 focused on blankets and bananas. This help is essential and  
18 much appreciated, however, it is not lasting and tends to be  
19 implemented rather randomly and haphazardly.

20 State programs take much longer to evolve and  
21 require an extraordinary level of documentation, time and  
22 patience to successfully participate in. Additionally, the  
23 programs currently in place, such as New York Rising, Build  
24 It Back and the Acquisition Program require the participants  
25 to incur significant up-front expenses, to pay for surveys,

1 environmental tests, architects, contractors and inspections  
2 prior to grants being released. Amounting to over \$10,000,  
3 these fees are simply not affordable and the process for  
4 applying too complicated for the vast majority of those who  
5 most need the help. They simply give up.

6 Federal programs such as FEMA assistance SBA  
7 loans all require pre-qualification and come with mandates.  
8 FEMA will replace a heating and hot water system but  
9 requires a homeowner to purchase maximum flood insurance  
10 limits and doesn't address other damage to the property.  
11 SBA loans require good credit scores and sufficient income.  
12 Our clients don't qualify. Residential assistance requires  
13 a homeowner to find a place to live, come up with a down  
14 payment and move there. Because of demand, rental  
15 properties are extremely difficult to find and very  
16 expensive. Our clients can't begin to qualify.

17 Though the intentions of the these programs are  
18 good and assistance welcome, they are designed with the  
19 average flood victim in mind and assume too much about the  
20 participants' ability to qualify for and comply with program  
21 requirements. Only by working with a pro bono advocate or  
22 attorney can a client break through to policy makers, be  
23 heard and have adjustments or exceptions made.

24 The last category is storm chasers. This is  
25 something that's been heard about in the press, certainly,

1 but I don't think the scope of the problem is clearly  
2 evident to everybody.

3           This breed of contractor, public adjuster and  
4 assistance provider feeds off the most impoverished and  
5 vulnerable homeowners and tenants who can't find or qualify  
6 for the help they desperately need. They show up at every  
7 catastrophic event, unlicensed and unaccountable, promise a  
8 quick, easy fix to whatever sufferings their victim is  
9 encountering. Promises range from removing mold and fixing  
10 a roof to getting more insurance or grant money. The  
11 victims of these scams are asked to provide a modest down  
12 payment and often sign a one-sided contract. Filled with  
13 hope that help has arrived and prayers might be answered,  
14 our victims scrape together what little money they have and  
15 sign on.

16           Then a nightmare ensues. Contractors disappear  
17 or does partial work before demanding more money to finish  
18 the job. The public adjuster attaches the already existing  
19 claim without ever presenting a claim for additional money  
20 or even contacting the insurance company. The private  
21 advocate makes a few calls, declares it is what it is and  
22 moves on.

23           In the absence of legal representation, an  
24 already bad situation becomes profoundly worse. One could  
25 argue that they should know better and should always

1 maintain a buyer-beware frame of mind. Our experience has  
2 shown under normal circumstances, our clients do know  
3 better. However, faced with a catastrophic loss and fading  
4 hope, desperate people will do desperate things.

5 Unfortunately, the scenarios presented are not  
6 incidental or mere anomalies. Instead, they are trends in  
7 commonalities. Those who can afford legal representation  
8 and legitimate advocacy can and do navigate the bureaucracy,  
9 receive better insurance settlements and avoid becoming  
10 victims of storm chasers. They can also afford to wait out  
11 the process with the knowledge that however annoying and  
12 frustrating it may be, dislocation is a temporary condition.  
13 Those who do not have access to proper representation and  
14 guidance end up hopeless and forlorn. As we have seen in  
15 other major storms such as Katrina, their displacement  
16 becomes permanent and their daily subsistence tenuous.

17 It has been two years since Sandy ravaged our  
18 communities, and for those two years, the only true hope our  
19 clients have had is being provided by the pro bono network  
20 of attorneys and legitimate advocates.

21 CHIEF JUDGE LIPPMAN: Thank you for your  
22 testimony. I think it lays out the continuing problem a lot  
23 of people kind of are not so close to; think everything's  
24 gone away and no more issue.

25 Let me ask you a question for the future. I

1 think we struggled through the individual pain and  
2 suffering, certainly from our perspective of legal  
3 assistance. The great work done by providers, great work  
4 done by pro bono attorneys who jumped into the breach to try  
5 and deal with it.

6 What happens the next time? What do we have to  
7 do to be better prepared certainly from our perspective of  
8 this legal representation issue? What do we have to do?  
9 Not that we are close to being out of the woods.

10 MR. PRIMIANO: Right.

11 CHIEF JUDGE LIPPMAN: But let's look forward.  
12 What do we have to do next time to be prepared so people,  
13 certainly in the area of legal assistance, get the help they  
14 need?

15 MR. PRIMIANO: That's a great question. What we  
16 all learned I think throughout this process is proper  
17 assistance for catastrophic events is a three-legged stool.  
18 There is the insurance component, there is the legal  
19 component and then there is the contractor or construction  
20 component. I think we piecemealed it together this time.  
21 Collectively.

22 CHIEF JUDGE LIPPMAN: By the seat of our pants.

23 MR. PRIMIANO: Exactly right. And not  
24 pro-actively. After the fact.

25 CHIEF JUDGE LIPPMAN: Right.

1           MR. PRIMIANO: So in preparation for the  
2 inevitable next storm or next event, a proper understanding  
3 of the legalities of both insurance contracts, FEMA  
4 guidelines, the flood insurance policy --

5           CHIEF JUDGE LIPPMAN: No one was too conversive  
6 before all this, and you think after Katrina and all the  
7 other natural disasters --

8           MR. PRIMIANO: -- we'd know. By speaking from  
9 the insurance side, flood insurance is like the unknown  
10 policy. Nobody ever delves deeply into it. Brokers don't  
11 like it because it doesn't pay money. Nobody cares. They do  
12 care when it is too late to care.

13          CHIEF JUDGE LIPPMAN: Exactly.

14          MR. PRIMIANO: So knowing how the mechanics of the  
15 -- whether it is a grant program, whether it is an insurance  
16 policy or whether it is a construction program, knowing how  
17 they work and knowing how they should work --

18          CHIEF JUDGE LIPPMAN: How they work together.

19          MR. PRIMIANO: And how they come together. So I  
20 envision -- and this is a vision -- but I envision aid at  
21 the next storm being somebody coming into -- whether it is a  
22 building or even a trailer -- and being able to sit in front  
23 of a panel of three representatives from those areas who  
24 absolutely know the proper advice to give and what the next  
25 steps are. If we can keep our victims moving down a process

1 and a path and help them organize themselves to that path,  
2 what we are creating is hope. Every step is a step closer  
3 to home. When it is random and haphazard, we get random and  
4 haphazard results.

5 CHIEF JUDGE LIPPMAN: I think at the very least,  
6 you think a lot of these -- I don't know what to call  
7 them -- organizations or groupings of people that had  
8 developed in the aftermath of this storm, maybe in some  
9 degree stay intact so when the next thing comes, we are not  
10 reinventing the wheel each time and have some people with  
11 experience and understanding of what it's all about.

12 And the legal area, I think you are entirely  
13 right; that a lot of us, even the practitioners -- this is  
14 an area that necessarily hadn't been greatly understood or  
15 focused on. We are going to talk a little bit about that  
16 with our next witness.

17 Thank you so much. Let's go to Mr. Leventhal.  
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1 CHIEF JUDGE LIPPMAN: No one can say it better.  
2 Appreciate it. Thank you for coming.

3 Let's go to, Mr. Leventhal. Councilman  
4 Leventhal.

5 COUNCILMAN LEVENTHAL: Thank you, Chief Judge  
6 Lippman, Presiding Judge Eng, Chief Administrative Judge  
7 Prudenti, State Bar President Lau-Kee, ladies and  
8 gentlemen.

9 I am honored to appear before you.

10 I am Second Vice President of the Nassau County  
11 Bar Association and Chair of the Association's Access to  
12 Justice Committee. I am also a corporate director of the  
13 Nassau/Suffolk Legal Services Committee. But, I am here  
14 only in my capacity as Chair to the Access To Justice  
15 Committee.

16 Our Association has over 5,000 members. It is  
17 one of the largest suburban Bar associations in the  
18 United States. Next month, we will host our fourth  
19 Annual Pro Bono Fair, at which Nassau County residents  
20 will have an opportunity to consult with lawyers  
21 knowledgeable in a wide-range of legal disciplines and  
22 fluent in a variety of languages.

23 The Nassau County Bar Association Commitment to  
24 Justice for All has particularly demonstrated by the  
25 regular and frequent legal consultation clinics at which

1 our volunteer attorneys provide advice and guidance to  
2 Nassau County residents on issues regarding elder law,  
3 bankruptcy law, mortgage foreclosure proceedings, and, of  
4 course, issues related to recovery from the effects of  
5 Super Storm Sandy.

6 My testimony today will address the critical  
7 need for free legal services in a coordinated response to  
8 natural disasters. However, my focus is not limited to  
9 the surge in need that occurred in the days, weeks  
10 immediately following the Storm.

11 Instead, I address the continued need for  
12 increased access for legal service providers that is  
13 still very much present almost two years later, and,  
14 there is no end in sight.

15 Our experience in responding to Sandy has  
16 heightened our awareness of previously unforeseen  
17 problems. Many homeowners encountered obstacles in  
18 obtaining urgently needed compensation from government  
19 programs and from insurance providers.

20 Many residents are still struggling with delays  
21 in the processing of claims, and with confusing denials  
22 when claims are finally processed. For many, Federal and  
23 State disaster relief remains elusive. For some, scarce  
24 resources were expended in lawsuits brought to compel  
25 payment from agencies or insurers.

1           Nassau County is densely populated in most  
2           areas. Many storm victims were unable to find adequate,  
3           affordable, temporary housing in proximity to their  
4           homes. Many had no alternative but to use personal funds  
5           previously allocated for mortgage payments to pay the  
6           cost of temporary housing or to protect their  
7           storm-damaged home from further deterioration and to  
8           start the process of rebuilding.

9           As a result many of these, homeowners now face  
10          foreclosure.

11          To make matters worse, some unscrupulous  
12          contractors took money from storm victims and then  
13          disappeared without performing, or in other cases,  
14          without completing the work. Other contractors were  
15          unaware of new regulations regarding the elevation of  
16          homes and performed their work inadequately.

17          Many homeowners are still struggling to recover  
18          from their losses and to restore their family to normal  
19          lives.

20          Recently FEMA has requested that some  
21          homeowners refund benefits that the agency claims  
22          overpaid. We believe that some errors in payment may  
23          have occurred due to bureaucratic inefficiency,  
24          incomplete documentation and other inadvertence, all of  
25          which may have been avoided or minimized if applicants

1 had wider access to legal representation.

2 Many storm victims had never before needed to  
3 seek government assistance and had no idea where to  
4 start. Some had claims that were complicated by  
5 inadequate documentation of general transfers of  
6 ancestral homes and the need to process applications for  
7 probate or administration.

8 In some cases, the program established to  
9 provide revitalization assistance to storm-damaged  
10 communities, the New York Rising Community Reconstruction  
11 Program, has declined to release funds to homeowners in  
12 foreclosure, while the mortgagee refuses to offer loan  
13 modifications until the houses are repaired. This  
14 results in a standstill that has frustrated both sides in  
15 the foreclosure proceeding and promoted inefficiencies in  
16 the Courts.

17 The Nassau County Bar Association has been able  
18 to provided assistance to storm victims through free  
19 clinics and by collaborating with providers such as  
20 Nassau Suffolk Legal Services in a jointly sponsored  
21 landlord/tenant Attorney Of The Day Project, and the  
22 Nassau County Coalition against domestic violence in a  
23 collaborative panel of matrimonial attorneys.

24 At our clinics we engage in a form of legal  
25 triage, helping homeowners make preliminary

1       determinations as to whom they should contact, what  
2       documents will be required, whether it is likely they  
3       will be able to meet their burden of proof, and what  
4       array of options may be available to them. Through Our  
5       Bridge Over Land Divides program, known by its acronym  
6       BOLD, we arrange for the participation of attorneys  
7       fluent the Spanish, Korean, Haitian, Creole, Russian and  
8       Urdu languages, among others.

9               On September 8, 2014, the Nassau County Bar  
10       Association held it's 108th clinic.

11              In the past five years it provided assistance  
12       to more than 8,000 residents. Two years since Super  
13       Storm Sandy, we assisted over 3,500 storm victims other  
14       than foreclosure. Uncounted others over the telephone,  
15       through email and as walk-ins.

16              When disaster struck, the infrastructure  
17       already in place for our mortgage foreclosure clinics  
18       enabled us to mobilize attorneys quickly, and to deploy  
19       them at the home of the Association and also at offsite  
20       locations to assist storm victims in the most heavily  
21       devastated areas of Long Beach and Freeport.

22              However, despite these efforts and the effort  
23       of our partner-providers, Nassau County residents  
24       continue to struggle with a myriad of challenges,  
25       including private insurance denials, disputes

1 unscrupulous incompetent contractors, landlord-tenant  
2 issues, bankruptcy and problems related to the stresses  
3 placed on their families.

4 It appears now that the need will continue  
5 indefinitely and so will our free legal clinics.  
6 However, many difficult legal problems are unresolvable  
7 through clinic consultations. Legal service providers  
8 are essential partners in the relief process, working to  
9 meet the enormous need and handling litigation for  
10 eligible clients among other things.

11 In sum, there is a permanent continuously  
12 evolving need for adequately funded legal service  
13 providers as so many struggle to return home and restore  
14 their lives.

15 CHIEF JUDGE LIPPMAN: Thank you.

16 First of all, we commend the Nassau County Bar  
17 Association for all of your good deeds. Good work.

18 I think more testimony illustrates the need for  
19 a partnership between legal service providers and the Bar  
20 in it's pro bono efforts.

21 I think, working together, we can move  
22 mountains, plenty of mountains to move especially when  
23 you have a natural event like Sandy.

24 I think you've been terrific.

25 What's left to be done? I want to make clear

1           how appreciative we are of the Bar's efforts.

2                       The Nassau County residents continue to  
3           struggle. The Bar is illustrative of the good deeds of  
4           lawyers who understand there's a responsibility is fine.  
5           Everyone has to earn their own livelihood, but, they have  
6           responsibility to those who need help.

7                       COUNCILMAN LEVENTHAL: Thank you, Judge.

8                       CHIEF JUDGE LIPPMAN: Thank you both.

9                       (Whereupon, Beth Cicero replaced Rosemary  
10          Pfister as the Official Court Reporter at this time.)

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1 CHIEF JUDGE LIPPMAN: Our last three witnesses  
2 are clients of legal service providers. I'd ask Shaun  
3 Little, client of the Legal Aid Society, accompanied by  
4 Judith Goldiner, Taiwo Osinaike, client of Legal Services  
5 NYC, accompanied by Rachel Hannaford and Diego Parra, client  
6 of Legal Services NYC, accompanied by Stephanie Taylor to  
7 come up.

8 CHIEF JUDGE LIPPMAN: When I say accompanied, I  
9 don't mean literally accompanied. They are here with them.  
10 They are going to testify on their own. Let's talk start  
11 with Shaun Little.

12 MS. LITTLE: Good morning. My name is  
13 Shaun Little. I live in Staten Island. I am a survivor of  
14 Superstorm Sandy. Before the storm, my family and I lived  
15 in AVERNE, Queens. My house in AVERNE was five feet under  
16 water during Sandy. I have lost everything.

17 Before the storm, I was a home health aide.  
18 After the storm, it was very difficult for me to find and  
19 keep jobs. I was first placed in a mass shelter with my  
20 husband, daughter, disabled son and disabled foster child.  
21 At the shelter, I ran into one of my former clients, a  
22 developmentally disabled woman who had also lost everything  
23 in the storm. The City was threatening to place her into an  
24 institution, so I took her in with my family. We were then  
25 transferred to the Manhattan Inn, a hotel in Times Square.

1           In April of 2013, I learned the City was  
2           threatening to kick me and my family and 488 other families  
3           onto the street even though we had no where to go.

4           I contacted Judith Goldiner at the Legal Aid  
5           Society. The Legal Aid Society, along with pro bono counsel  
6           Weil Gotshal, brought a suit against the City. They stopped  
7           the City from terminating the hotel payments and working  
8           with New York Disaster Interfaith Services, they continued  
9           the hotel program until all 488 families had permanent  
10          housing.

11          The Legal Aid Society helped me obtain a federal  
12          funding housing voucher. When I found an apartment on  
13          Staten Island, Legal Aid help me get furniture, moving  
14          expenses and first month rent. I now have a new job, and my  
15          children and foster child are in school. My older daughter  
16          is in college.

17          I am very grateful that the Legal Aid Society  
18          agreed to help us. Without them, my family would not have a  
19          safe place to sleep at night, and it would be very difficult  
20          for me to keep a job and for my children to go to school and  
21          college. However, I know that there are still many families  
22          who are struggling to obtain housing.

23          The Legal Aid Society is an incredible resource  
24          to New Yorkers like me who experience difficult times.  
25          Without the Legal Aid Society and other civil legal services

1 programs, families will have no where to turn when the next  
2 disaster strikes. So I am here to support continued and  
3 increased funding for civil legal services in New York.  
4 Thank you.

5 CHIEF JUDGE LIPPMAN: Thank you. I think your  
6 story demonstrates how legal services saves lives, saves  
7 families and pulls them together.

8 MS. LITTLE: Yes.

9 CHIEF JUDGE LIPPMAN: And keeps you in a time  
10 when you don't know what to do or who to go to. I think it  
11 is an inspired story. You sound good, and you've been  
12 through an ordeal.

13 MS. LITTLE: Yes.

14 CHIEF JUDGE LIPPMAN: And here you are. Thank  
15 you.

16 MS. LITTLE: I survived, yes.

17 CHIEF JUDGE LIPPMAN: Thanks so much for coming  
18 and telling your story.

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1 CHIEF JUDGE LIPPMAN: Taiwo Osinaike. Did I  
2 pronounce it, right?

3 MS. OSINAIKE: Yes.

4 CHIEF JUDGE LIPPMAN: Okay. Go ahead.

5 MS. OSINAIKE: Good morning. My name is  
6 Taiwo Osinaike. I live in East New York, Brooklyn. I would  
7 like to talk about how much Legal Services New York City and  
8 South Brooklyn Legal Services has helped me and my three  
9 children over the past two years. Being a survivor of  
10 domestic violence has made life hard in every way. When my  
11 husband left our home, it was not just an emotional problem.  
12 It became a legal problem as well when I could not afford  
13 the rent and my landlord started two evictions against me.  
14 I did not anticipate how much I would go through in order to  
15 stay in my home with my three children.

16 I am a home daycare provider. I do not make a  
17 lot of money. After my husband left our apartment, I  
18 qualified for a Section 8 subsidy, but my landlord keep  
19 delaying in signing me up. The people in the landlord's  
20 office treated me very badly. They asked me to bring in  
21 paperwork that I had already submitted. They told me my  
22 Section 8 will start but did not start. Meanwhile, I could  
23 not keep up with the rent and the bills kept piling up. They  
24 took me to court, and I did not have a lawyer, so I signed a  
25 stipulation agreeing to pay over \$8,000 because I did not

1 know my rights and I was afraid I would be put out of my  
2 home, but I did not know how I was going to get the money.

3 Then the people in the landlord's office told me  
4 that I could not run the daycare out of my home. They  
5 started another eviction case against me. I did not  
6 understand this because I was fully licensed. I reached out  
7 to Legal Services New York City because I needed a lawyer's  
8 aid. Luckily, Miss Richard Hannaford at South Brooklyn  
9 Legal Services became my attorney.

10 From the moment they got involved, things changed  
11 for the better. She made sure the landlord understood that  
12 they could not kick me out for running a daycare out of my  
13 apartment. She made sure that the stipulation I signed was  
14 not enforced. She even came with me to the landlord's  
15 office to meet with the manager about my Section 8.

16 Finally, after over a year weight, I got the  
17 Section 8 subsidy. After I got Section 8, Miss Rachel  
18 negotiated with the landlord to lower the amount of rent I  
19 owed. She got me assistance from the City and from charities  
20 to pay back the rent. It was such a relief to have someone  
21 fighting on my side. All of the stress that the landlord  
22 and my family situation caused was finally gone the day  
23 Miss Rachel told me we had paid the landlord the back rent  
24 and both eviction cases were over.

25 I know that without the help of a Legal Services

1 lawyer, I would have been evicted. I am very grateful for  
2 the assistance of Legal Services in New York City and South  
3 Brooklyn Legal Services. They helped me get through a very  
4 hard time, and now, me and my children feel happy and safe  
5 in our home. I wish that everyone in my situation would  
6 also be able to get help from Legal Services.

7 Thank you so much.

8 CHIEF JUDGE LIPPMAN: Thank you. You feel the  
9 same, that Legal Services changed your life?

10 MS. OSINAIKE: Yes. I was thinking I am going to  
11 be on the street or in the shelter. We had a very hard  
12 time, but thank God for His glory. Everything.

13 CHIEF JUDGE LIPPMAN: I think the testimony like  
14 we have from all of you, nothing could better demonstrate  
15 what legal services means to the people for facing the  
16 problems that we all face in life. Sometimes we need a  
17 helping hand. Particularly with legal issues that you are  
18 not prepared to deal with. So thank you so much for coming  
19 in.

20 MS. LITTLE: Thank you.

21 MS. OSINAIKE: Thank you.

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1 CHIEF JUDGE LIPPMAN: Okay, now we're going to  
2 ask Diego Parra, you're our last witness. We saved the  
3 best for last. Go ahead.

4 MR. PARRA: Thank you very much.

5 Good morning everyone.

6 First, of all on behalf of my family, myself, I  
7 want to thank free legal services for the help and for  
8 the change that they made in my life.

9 I'm here today to tell you why I believe more  
10 legal services are needed to support free legal services.

11 I am a client of free legal services. I am  
12 also a Board member of Legal Services in New York City.

13 In my role as client and Director, I have seen  
14 how important free legal services is for poor people. I  
15 thank that Task Force like Queens Legal Services, a  
16 branch of Legal Service NYC.

17 When I came to Queens legal services, I was  
18 very uncomfortable talking about what happened in my  
19 life. I was very scared. My immigration status was  
20 going to expire and my marriage was in trouble. I was  
21 afraid. I was going to lose my child and have to leave  
22 the United States. I was close to my deportation letter.

23 Stephanie, my lawyer, tells me to talk about  
24 everything that happened in my life.

25 At that time I was living by myself, I have

1 nobody to talk about what's happening to me.

2 I finally, on the second week, I decided to  
3 open up and told her that I had been victim of domestic  
4 violence, very bad, happens to males, problem very  
5 hurtful to express out. It is hard to believe that you  
6 go through that situation. I suffered, not only mental  
7 but physical abuse. I believe mental is stronger because  
8 it blocks you from taking actions and looking for help.

9 It was really helpful for me to talk about it.  
10 Stephanie, my lawyer, encouraged me to talk about  
11 everything happening in my life. She told me it was one  
12 year's work. She finally told me to get confidence in  
13 myself. She let me know I can continue, that in my life  
14 I can move on by myself. I began the final healing.

15 In a few years papers were filed for me to  
16 remain in the United States and fight for my child. I  
17 had two cases, one for domestic violence in family court.  
18 I was fighting for custody for my child and for my  
19 immigration status.

20 Over the next few years, I went from losing my  
21 immigration status to becoming a citizen.

22 I am now a student at Baruch College studying  
23 finance and investments with a minor in law and policy.  
24 My child is now age seven, and I am so proud to be a  
25 father. I'm proud also to give a speech to my school for

1 my situation when I was there. I've been at the top of  
2 students twice. My son, more than seven times at age  
3 seven because I make clear to him that school is  
4 extremely important for people to succeed in life.

5 Free legal services help people. They care.  
6 They help and they care. They have changed the life of  
7 the family for me and for the families of everyone who  
8 could be helped.

9 My goal is to have legal services for the whole  
10 community.

11 Not only do we have a fantastic lawyer like  
12 Stephanie but we have a whole team who also help you  
13 receive legal assistance, help with benefits.

14 If we had more lawyers like Stephanie,  
15 everyone's struggle would be so much less.

16 I want to thank my two angels in the room, they  
17 are Stephanie Taylor and Jana Morace. They gave me their  
18 hand and they walked me through the whole process and  
19 they saved my life.

20 I want to read these are words from President  
21 Obama last week who says -- give me one second this is  
22 very important -- he said: I chose him to serve as  
23 attorney general because he believes as I do that justice  
24 is not just an abstract theory, it's a living and  
25 breathing principle.

1                   In this type of conversation, principles of  
2                   life for the people who need it the most.

3                   Thank you so much.

4                   CHIEF JUDGE LIPPMAN: Thank you much.

5                   Certainly, the whole purpose of this hearing is  
6                   to get the people to understand this is not some distant  
7                   thing that you can't touch or feel. It's something that  
8                   everyone has a right to equal justice is what our society  
9                   is all about. Having legal services here, it's almost  
10                  like a friend or family, I think, someone you can talk to  
11                  and get some help from on the very essentials of life.  
12                  You have to know it's so important, so critical that  
13                  everyone has a right to do, has a right to the basic  
14                  essentials of life, that we all need to have.

15                  I thank all of you. Our three last witnesses  
16                  were so terrific. Thank you all of you for attending the  
17                  hearing. I recognize that we've heard today from our  
18                  government, from the Commissioner of Human Resources,  
19                  from our two City Council representatives who are so  
20                  terrific, from the D.A.s Office, from community leaders,  
21                  from people who have worked so hard in relationship to  
22                  the problems coming out of Hurricane Sandy, Super Storm  
23                  Sandy.

24                  All of them have a common message. I think  
25                  it's legal services in that message, is that legal

1 services are critical to our community, to our society  
2 and that we can't rest, none of us can, and particularly,  
3 we in the judiciary and the legal profession understand  
4 that we can't rest until the idea of equal justice is a  
5 reality for each and every person in our community and  
6 our society.

7 And you've all helped, I think, to get that  
8 message across.

9 What we're going to do is take the information  
10 that we got from these hearings.

11 We have one more hearing left to go in Albany  
12 next week and we will digest it, make a record of it and  
13 then use it as a resource to get the additional resources  
14 everyone agrees for all people in different walks of life  
15 all over our City and State.

16 I thank Staten Island and Judge McMahon and the  
17 Judges here for allowing us to hold a hearing.

18 I think it's a perfect setting.

19 So many problems across the State as evident  
20 here in the Second Department. The testimony from Staten  
21 Island and Brooklyn and Queens and Nassau and Suffolk,  
22 these are problems we have to hit straight on.

23 Rest assured, we will continue to confront the  
24 justice gap in this City, in this State head on. You all  
25 helped us to do that.

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Thank you so much, especially to our three last witnesses.

Thank you.

(Whereupon, the proceeding closed at this time.)

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ROSEMARY M. PFISTER, RPR, CSR, Senior Court Reporter, in and for the State of New York, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

(Certification valid only when signed in blue ink)

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ROSEMARY M. PFISTER, CSR, RPR  
OJ  
SI

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BETH CICERO, CSR, RPR  
OFFICIAL COURT REPORTER  
SUPREME COURT-RICHMOND COUNTY