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SUPREME COURT OF THE STATE OF NEW YORK  
THIRD DEPARTMENT

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THE CHIEF JUDGE'S HEARINGS  
  
ON CIVIL LEGAL SERVICES

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COURT OF APPEALS  
20 Eagle Street  
Albany, New York 12207

BEFORE:

HONORABLE JONATHAN LIPPMAN,  
Chief Judge

HONORABLE LAWRENCE K. MARKS  
Deputy Chief Administrative Judge

HONORABLE KAREN J. PETERS  
Presiding Justice of the Appellate  
Division Third Department

GLENN LAU-KEE  
New York State Bar President

Colleen B. Neal  
Official Court Reporter

1 CHIEF JUSTICE LIPPMAN: Thank you all for being  
2 here, it's a delight to see you. This is the last of our  
3 four annual civil legal services hearings that we're  
4 having. We've already had one hearing in Manhattan, one  
5 hearing in Staten Island, a hearing in Rochester, and  
6 today is our fourth and final hearing of the year in our  
7 State's Capitol here in Albany.

8 Seated with me presiding at this event to my far  
9 right is Glenn Lau-Kee, president of the New York State  
10 Bar Association. Next to him is Justice Karen Peters, the  
11 Presiding Justice of the Appellate Division Third  
12 Department right here in Albany. And on my left is  
13 Lawrence Marks, the First Deputy Chief Administrative  
14 Judge who will be presiding today in the absence of Judge  
15 Prudenti. A. Gail Prudenti, our Chief Administrative  
16 Judge, will be one of our witnesses. So this is a great  
17 event that we get both Judge Prudenti and Judge Marks here  
18 with us.

19 These hearings are held because there is a  
20 justice gap in this state and in this country and the  
21 justice gap is between the finite legal resources that are  
22 available and the desperate need for legal services by the  
23 poor and people of limited means.

24 As many as three out of four people who come to  
25 our legal service providers are turned away because the

1 provider has a lack of resources. Last year 2.3 million  
2 people came to the courts of the State of New York without  
3 legal representation. These are people who in difficult  
4 times are faced with the necessities of life; legal  
5 matters involving the roof over their heads, their  
6 physical safety, the well-being of their families and  
7 their livelihood. They literally threaten to fall off the  
8 cliff, pushed to the way side in these difficult economic  
9 times without legal representation to help them.

10 It has a great cost to our society and our  
11 communities around the state, the Constitutional mission  
12 of the judiciaries that foster equal justice, and that's  
13 why we sponsor these hearings every year in association  
14 with the leadership of our Bar, the State Bar, and the  
15 local bars around the state. You have the leadership of  
16 the Judiciary and the legal profession who preside over  
17 these hearings.

18 Central to what we're doing as a judicial  
19 system, as a judicial branch of government, is the equal  
20 justice that we provide to each and every person in our  
21 state. It is not tangential to what we do, it is  
22 fundamental to what we do central to our Constitutional  
23 mission.

24 In recognition of that role the Legislature has  
25 passed a resolution asking the Judiciary and the Chief

1 Judge to hold these hearings and also asking us each year  
2 to report on the amount of financial assistance that we  
3 need in the Judiciary budget to support civil legal  
4 services for the poor.

5 To assist us in these efforts that we are making  
6 in New York to close the justice gap I've appointed the  
7 Task Force to enhance civil legal services in our state,  
8 chaired by Helaine Barnett, who is sitting in the first  
9 row. And what the Task Force does is help us prepare for  
10 the hearings, digest the testimony that we get and help  
11 and make recommendations to us in a report that comes out  
12 on December 1st at the same time that we present our  
13 budget submission to the Legislature.

14 The result has been the New York template to  
15 approach this problem that involves public funding. And  
16 we are very proud of our partners in government and the  
17 Legislature and Executive for providing \$70 million in  
18 assistance this year, \$55 million given out in direct  
19 grants by the Judiciary, and another \$15 million that we  
20 give to IOLA to give out grants given that their funding  
21 has been reduced so greatly by the low rate of interest on  
22 lawyers' escrow accounts that fund IOLA's resources. This  
23 has resulted in many, many, many thousands of clients  
24 being helped by our legal service providers.

25 Judge Prudenti is going to report in some detail

1 on what we use those monies for and the assistance that's  
2 provided. At the same time with the help of the State Bar  
3 Association we are reaching out for pro bono work on the  
4 part of the bar to complement the public funding that we  
5 get; whether it be the Empire State Counsel Program,  
6 whether it be the Lawyers Emeritus Program, whether it be  
7 our relaxation of the rules for corporate counsel who can  
8 now practice in New York even if they're not admitted for  
9 pro bono work, whether it be the 50-hour program that is  
10 required for each aspiring lawyer that wants to be  
11 admitted to the Bar, the pro bono scholar program. All of  
12 these things are designed with the help of our really  
13 outstanding Bar in New York to support pro bono work, to  
14 complement public funding.

15 And we also are taking a number of other steps,  
16 including the use of non-lawyers to assist lawyers in  
17 terms of the delivery of legal services in our Navigator  
18 program, and the new rules that we put into place to  
19 govern foreclosure proceedings and consumer credit  
20 proceedings which go to ensure that there is a level  
21 playing field on those proceedings where overwhelmingly  
22 individuals are not represented by lawyers. We are  
23 working towards the day when everyone who has a problem  
24 that needs the assistance of civil legal services relating  
25 to the various essentials of life is able to have a

1 lawyer.

2 Our past hearings over the years and this year  
3 has included the testimony from public officials, business  
4 leaders, providers, academics, judges, the bar, and  
5 clients of legal service providers. We have measured the  
6 need, we're trying to do what is the right thing to do to  
7 help those in need and also what is the best thing for our  
8 state and our economy and the well-being of a society and  
9 our community. We've undertaken studies, cost benefit  
10 analyses of the different ways that legal service monies  
11 have helped our state and we are going to see more of that  
12 today in the testimony.

13 So I welcome you all, and I particularly want to  
14 welcome today the Legal Services Corporation which is  
15 holding, with its Chair John Levi and its President Jim  
16 Sandman and the members of the board, the Legal Services  
17 Corporation is holding its quarterly meeting here in  
18 Albany, and we're honored by their presence. This is the  
19 largest single provider of legal services funding in the  
20 United States. They are instrumental in waging this war,  
21 and it really is a war, on the justice gap and how to  
22 provide essential legal services for the poor.

23 They have proven themselves over 40 years. And  
24 I am so pleased myself to be in Washington for the 40th  
25 anniversary of the Legal Services Corporation which former

1 Secretary of State Hillary Clinton spoke at, it was a  
2 great event and a testament to the great work that the  
3 Legal Services Corporation does, and they are an  
4 inspiration and certainly a beacon of hope for providers  
5 around the country. So we welcome you to the hearing.

6 I want to recognize the presence of my  
7 colleague, Victoria Graffeo, who is where? Right there,  
8 right in the middle in the back. She has been so critical  
9 to our 50-hour program, our Pro Bono Scholar Program, the  
10 corporate counsel change in our rules, and she has been a  
11 fighter for equal justice in every way and I'm so pleased  
12 that she's here today and so pleased that we can have this  
13 hearing at the Court of Appeals in Albany.

14 I mention the other members of our Task Force  
15 who are here: Fern Fisher, Lillian Moy, Camille Siano  
16 Enders, Anne Erickson, Barbara Finkelstein, Sheila Gaddis,  
17 Adriene Holder, Denise Kronstadt, Chris O'Malley, and Raun  
18 Rasmussen.

19 Let me welcome now with no further delay our  
20 first witness, she is Martha Minow who is the Dean of the  
21 Harvard Law School which some of you may have heard of  
22 around the country, one of our most prominent law schools,  
23 and we're so pleased and happy to have her with us. She  
24 has been a leader in the area of equal justice. She's the  
25 Vice Chair of the Legal Services Corporation. She

1 recognizes so well that law schools are so much a part of  
2 this battle for access to justice for all. And Harvard  
3 Law School and our law schools around the country play  
4 such an important role in shaping the values of the next  
5 generation of law students.

6 I particularly note the terrific report that she  
7 chaired for Legal Services Corporation on pro bono work,  
8 it really provided many thoughts about creative solutions  
9 to encouraging pro bono. We're honored to have her as our  
10 lead-off witness. Dean Minow, the floor is yours.

11 DEAN MARTHA MINOW: Thank you so much. And I  
12 guess to introduce myself again my name is Martha Minow  
13 and I am honored to serve both as Dean of the Harvard Law  
14 School and as vice chair of the Legal Services Corporation  
15 Board of Directors.

16 I want to thank you all for the privilege of  
17 inviting me to offer testimony here in this gorgeous room  
18 today and to be here with you, Chief Judge Jonathan  
19 Lippman, with Judge Lawrence Marks, with Presiding Justice  
20 Karen Peters, and with Glenn Lau-Kee, President of the New  
21 York State Bar Association, as you pursue your superb  
22 work. Your leadership gives me real hope about real  
23 progress in remedying the crisis in the access to justice.  
24 Your work improves the access to lawyers, legal advice,  
25 courts and justice and you change lives every day.

1           A civilization advances when what was once  
2 viewed as a misfortune becomes understood as an injustice.  
3 The justice gap is a profound injustice. The way in which  
4 we name an injustice actually gives us the chance to begin  
5 to remedy it. New York's Judiciary and this Task Force no  
6 doubt are leading the way.

7           I so admire your efforts, Chief Judge Lippman,  
8 and your leadership. This Task Force to expand access to  
9 civil justice spotlights facts and generates powerful  
10 proposals and initiatives. And as Chief Judge you found  
11 the right person in my friend, Helaine Barnett, to chair  
12 the Task Force. She is the former president of the Legal  
13 Services Corporation. She is a lifelong leader in legal  
14 services for low-income people. And she is a force of  
15 nature.

16           You each have heard the call and now powerfully  
17 amplify the note sounded so well by Judge Learned Hand in  
18 his 1951 address to the Legal Aid Society in New York. He  
19 said, "It is the daily; it is the small; it is the  
20 cumulative injuries of little people we are here to  
21 protect...if we are to keep our democracy, there must be  
22 one commandment: thou shalt not ration justice."

23           Sadly, this challenge is even more severe now  
24 than it was in 1951. We hit a historic record number in  
25 recent years in the level of people in poverty. Today

1 nearly 64 million people across this great nation 21% of  
2 Americans are eligible for federally-supported civil legal  
3 assistance because they have to make ends meet on an  
4 income of up to 125% of the poverty level.

5 The national data confirms the New York findings  
6 that fewer than 20% of all civil legal needs of low-income  
7 families and individuals are met and has been reported  
8 more than 2.3 million individuals have been unrepresented  
9 last year in the civil court proceedings here in New York.

10 Americans who cannot afford legal help routinely  
11 forfeit basic rights. Neither the facts of their  
12 situations or governing law are to blame. Lack of legal  
13 assistance is the problem. When people forfeit their  
14 rights simply because they cannot afford legal help  
15 everyone suffers. The law does not enforce itself. In  
16 civil cases, law requires litigants to proceed. Litigants  
17 need advisors and guides to the law and its agencies and  
18 courts.

19 Justice Lewis Powell, Jr., spearheaded the  
20 bipartisan commitment that built civil legal assistance  
21 for the poor. He said, and I quote, "It is fundamental  
22 that justice should be the same in substance and  
23 availability without regard to economic status." But we  
24 do not live up to that standard.

25 Eligible clients are turned away daily from

1 legal services offices. One office we at the Legal  
2 Services Corporation visited closes intake every month  
3 after only two days. Who's turned away? Victims of the  
4 financial crisis, veterans returning from the brutality of  
5 armed combat to the cruel indifference of the nation they  
6 defended, paying tenants living in buildings subject to  
7 foreclosure, domestic violence survivors at risk of new  
8 violence which we know increases with each economic  
9 downturn. Those turned away include individuals whose  
10 race, ethnicity or native language exposes them to the  
11 micro-aggression of bias and exclusions.

12 As a law school dean and Chair of the Steering  
13 Committee of Deans of the American Association of Law  
14 Schools I can report that students today in law school  
15 want to serve. Hundreds of students want to provide legal  
16 services for the poor yet they cannot pick their jobs  
17 doing so even though they would gladly accept a job which  
18 pays much less than what's available to many other  
19 lawyers.

20 Finding steady and secure funding for legal  
21 services for low-income people has been a persistent  
22 challenge. The bipartisan commitment that produced the  
23 Legal Services Corporation 40 years ago remains an  
24 inspiration, but the federal funding for LSC has  
25 declined 19% between 2010 and 2013.

1 Another key source of support, Interest on  
2 Lawyers Trust Accounts, relies on the interest on funds  
3 held by lawyers in trust for clients and strengthens  
4 justice by supporting legal services. It's a wonderful  
5 program, but the returns have fallen to record lows due to  
6 both the low interest rates and the lower deposits.

7 So unfortunately, at this time of increasing  
8 need, 56 legal services programs supported by the federal  
9 government have had to close offices since 2009. Losing  
10 an office, in a rural area in particular, can mean that  
11 the next nearest office is two days away by bus,  
12 inaccessible to a person who lacks money for the bus or  
13 for child care or for any other way to meet the need.  
14 Further reductions in federal support are likely next year  
15 and the year after that.

16 And especially in this climate I honestly know  
17 of no better or more inspiring efforts than the work of  
18 this Task Force. You have made and studied the problem  
19 and you have built remedies that are already making a  
20 difference. Over the last five years your comprehensive,  
21 creative and fruitful work has included pursuing  
22 successfully funding through the judicial budget for civil  
23 legal assistance. Your research demonstrates the  
24 devastating effects on the most vulnerable people that  
25 results from the lack of counsel in eviction, domestic

1 violence, consumer matters, and other cases involving  
2 essential needs for daily life.

3 You have shown how lack of counsel for  
4 low-income people produces delays and inefficiencies for  
5 the courts, like a broken down car in the middle of a  
6 highway. National evidence shows the same situation. In  
7 a recent survey of trial judges from 37 states, Puerto  
8 Rico, more than 60% of the responding judges report that  
9 unrepresented litigants fail to present necessary  
10 evidence, committed procedural errors, performed  
11 ineffective cross-examination, and failed to proffer  
12 evidence enforceable in the courts. Unequal justice,  
13 falling heavily on the most vulnerable, damages justice  
14 for the entire society.

15 Your Task Force has done a superb job making the  
16 case for civil legal assistance. What could be better  
17 evidence than your success in securing the \$70 million in  
18 funding annually for civil legal assistance, a sum higher  
19 than the commitments made in any other state in the  
20 nation? But I want to say that we at the Legal Services  
21 Corporation want to add wind to your sails as you seek  
22 your goal of 100 million a year.

23 The Task Force ensures steady public attention  
24 to the basic human needs of low-income clients for  
25 housing, safety, stability, access to health care,

1 education, financial resources. And you know that  
2 ensuring civil legal assistance for low-income people is  
3 not only the right thing to do, it's the smart and  
4 economical thing to do. Your path-breaking study  
5 demonstrating that for each \$1 in funding legal aid  
6 providers generate \$6 in economic benefits for all New  
7 Yorkers demonstrates the power of doing the right thing.

8 Your study also reveals that \$85 million has  
9 been saved through civil legal services for domestic  
10 violence survivors, \$116 million in preventing  
11 homelessness, and 457 million in securing federal  
12 disability, health care and other benefits for which  
13 people are qualified.

14 We all save money when we ensure that people can  
15 pay their own bills, avoid foreclosure, avoid eviction,  
16 avoid foster care placements, and obtain health care  
17 before there is a crisis, keep their children in school  
18 with appropriate services. Comporting with your own  
19 research a study in Florida estimates savings of a similar  
20 order of magnitude due to legal services responding to  
21 domestic violence and homelessness risks. A study in  
22 Nebraska showed that Legal Aid clients received  
23 \$2.5 million in parental support, alimony and unemployment  
24 awards in one year because of the help provided by their  
25 lawyers. And similar research shows how preventing

1 homelessness and domestic violence can help kids in  
2 school, reduce the risk of foster care, and improve their  
3 access to health care, healthier housing, and hence a  
4 success in life. Other states look to your leadership,  
5 your empirical studies, your unwavering commitment to  
6 justice for all, and your success in securing state  
7 funding.

8           Former Chief Judge in my State of Massachusetts,  
9 Chief Justice Margaret Marshall, strikingly observed a few  
10 years ago that no one questioned whether there should be  
11 public funding when our Commonwealth needed to hold a  
12 special election to fill the senate seat that was vacated.  
13 If funding to make elections work is unquestioned as a  
14 public duty, why not funding to keep the courts working?  
15 And the courts cannot work if a whole class of litigants  
16 cannot use them without public assistance.

17           You demonstrated that there are avenues to meet  
18 the justice gap beyond public funding, although that is  
19 essential. Those avenues include pro bono services,  
20 partnerships with law firms, law schools and companies,  
21 innovations that use technology and staffing and private  
22 philanthropy. In the work the Legal Services Corporation  
23 has pursued on pro bono we have followed closely the work  
24 of the New York Task Force and the recommendations are  
25 inspiring: Increasing the aspirational pro bono goal for

1 attorneys from 20 to 50 hours; requiring the 50-hour pro  
2 bono service before admission to the bar; and making it  
3 possible for retired lawyers to actually contribute  
4 service; and the Pro Bono Scholars Programs are all models  
5 for us all to follow.

6 We at the Legal Services Corporation are proud  
7 to collaborate. So for example, the Legal Services  
8 Corporation awarded one of our very first pro bono  
9 innovation fund grants to the Legal Assistance of Western  
10 New York, Inc., which is working alongside with other LSC  
11 grantees: The Legal Aid Society of Mid-New York, Legal  
12 Aid Society of Northeastern New York, Legal Services of  
13 the Hudson Valley, Nassau/Suffolk Law Services Committee,  
14 and Neighborhood Legal Services of Buffalo.

15 This effort, combined with the new 50 hours of  
16 pro bono work for new applicants to the New York Bar and  
17 the Attorney Emeritus Program actually has provided an  
18 exciting model I think for us all to study. The six LSC  
19 grantees are creating a new pro bono practice group across  
20 all of these organizations to coordinate pro bono  
21 opportunities among 33 offices and 9 New York law schools,  
22 including the Feerick Center for Social Justice at Fordham  
23 University School of Law, which staffs the Attorney  
24 Emeritus Program for the Office of Court Administration.

25 The six LSC grantees which provide legal

1 services to every urban, suburban, rural community outside  
2 of New York City will coordinate thousands and thousands  
3 of hours of service donated to help low-income New  
4 Yorkers. And with our initial grant, the 18-month grant  
5 of three hundred and fourteen thousand dollars, I should  
6 also say and sixty-eight dollars, this effort is the  
7 largest innovation grant that we have given. And it's  
8 followed a very competitive process designed, as our  
9 President James Sandman explains, to promote innovation.  
10 I'm encouraged to hear that the grantees actually are  
11 committed to finding funding to continue this initiative  
12 after the initial effort.

13 On behalf of the Legal Services Corporation I  
14 say congratulations and good luck to the Legal Assistance  
15 of Western New York and partners in this timely and  
16 path-breaking project, implementing ideas generated by  
17 this Task Force.

18 Partnerships of this kind can leverage the  
19 energy of new lawyers and emeritus lawyers, along with the  
20 knowledge of law school faculties and experienced legal  
21 services providers joining pro bono work with expertise to  
22 meet the needs of low-income clients. Partnerships are  
23 also at the heart of your Task Force's Annual Law School  
24 Conference which joins together all 15 of the New York law  
25 schools, the providers and representatives from the

1 private bar and the courts to focus on quality supervision  
2 of law students engaged in New York's pro bono programs.

3 Access to justice issues can be part of a law  
4 school's curriculum. I am here to say this can be done.  
5 And not only can it be done, it can be done in a way that  
6 is inspiring and meaningful. And as you have shown, it's  
7 also worth considering incorporating access to justice  
8 issues on bar exams and building summer and postgraduate  
9 opportunities for students so they can develop skills as  
10 well as serve.

11 I do believe that there is a new promise in  
12 innovative technology to tackle the justice gap. And the  
13 Legal Services Corporation held a summit on the use of  
14 technology last year to suggest five ways that technology  
15 can help meet the legal needs of low-income individuals:  
16 First, create in each state a unified digital legal portal  
17 to connect individuals who need legal advice with guides  
18 through the legal process and ways to access professional  
19 help. Second, support the creation of legal documents  
20 through digital document assembly. Third, develop apps --  
21 that is a word -- that could be used by mobile  
22 technologies to reach more people more effectively.  
23 Fourth, apply business process analysis to improve the  
24 efficiency of access to justice efforts. And fifth,  
25 develop expert systems to give lawyers and other service

1 providers access to knowledge that's rendered relevant to  
2 particularized factual situations.

3 Your Task Force is pursuing these promising  
4 directions for the use of technology. And the inventory  
5 that you called for to identify the urgent, medium and  
6 long-term technology needs of New York's legal services  
7 providers is an excellent step. Another powerful effort  
8 will be the first statewide technology summit here in New  
9 York. And the Legal Services Corporation's Technology  
10 Innovation Grant staff, which we affectionately call the  
11 TIG staff, is eager to help with that conference and with  
12 your further efforts.

13 Law schools and engineering and computer schools  
14 and corporations and corporate legal departments can also  
15 be partners in the use of technology to remedy the justice  
16 gap. Many states are finding also that public libraries  
17 offer low-income people their most obvious way to gain  
18 access to technology. So collaboration with libraries,  
19 including training programs for library staff can also be  
20 a promising initiative. In these and other ways many  
21 people who are not lawyers can play critical roles in  
22 addressing the justice gap.

23 And so we think it's completely important and  
24 valuable that your Task Force is boldly considering  
25 potential roles for non-lawyers to advance justice for

1 low-income people. I, and so many other people around the  
2 country, are following closely your study of those  
3 subjects and your Court Navigator programs in the Bronx  
4 and Brooklyn addressing consumer and housing issues. Also  
5 the upcoming pilot in online dispute resolution in  
6 consumer cases is extremely intriguing. The combination  
7 of online tools with pro bono resources can actually meet  
8 people where they are. Some teams have found that in  
9 California. And also work joining religious and civic  
10 organizations to offer legal clinics is something that the  
11 Access to Justice Commission in Tennessee is pursuing.

12 It's a privilege for all of us from the Legal  
13 Services Corporation to be here today and to see the works  
14 of the Task Force. Our Chair, John Levi, recently said,  
15 "The cracks in our civil justice system may not be as  
16 visible as those in our bridges and highways, but we all  
17 know that they exist. But because they are not as easy to  
18 see, we in the profession have a responsibility to speak  
19 up and let the country know the risk to one of the  
20 fundamental pillars of our great democracy."

21 The judges and lawyers of New York show us all  
22 what it looks like to take up this responsibility. And if  
23 the emphasis is not on us, who else will pick it up? And  
24 if it's not now, then when? At stake is the rule of law.  
25 At stakes is stability and security. At stake is the

1 climate in which businesses can thrive. At stake is  
2 secure employment for workers, families and consumers. At  
3 stake actually is the risk of unrest in a society where  
4 justice is not done.

5 My own work experience has taken me to  
6 transitional societies emerging from violent conflict, in  
7 the former Yugoslavia and Rwanda. And what I know is that  
8 if you do not pay attention to fairness of society there's  
9 no fairness for anyone. There's no peace. There's no  
10 chance of the kind of life that anyone would want to live.  
11 You cannot get or sustain economic investment without  
12 courts that operate. You cannot get or sustain economic  
13 investment without a rule of law that is enforced. And  
14 you cannot get or expect the kind of respect that this  
15 nation, this great nation, hopes to earn each year if we  
16 don't live up to the values that we say we believe in.

17 We strengthen our best selves and we avoid the  
18 worst when we are committed to justice. My old boss,  
19 Justice Thurgood Marshall, talked of the courts as the  
20 protector of the powerless. And he said, "In recognizing  
21 the humanity of our fellow beings, we pay ourselves the  
22 highest tribute." That is why those here today who  
23 provide legal help to those who are poor, that is why they  
24 deserve our highest compliment. The rule of law and  
25 access to justice is all about that, how to recognize the

1           humanity of our fellow human beings.

2                       These are challenging times and it's a time to  
3           remind us all that any of us could be in need suddenly.  
4           It could be our own parents, it could be our siblings, it  
5           could be our children. What would we want for them? What  
6           would we want for us? Justice, after all, is JUST US.  
7           And I think that's a pun, but there you go.

8                       CHIEF JUSTICE LIPPMAN: We like it.

9                       DEAN MARTHA MINOW: You know, we talk about what  
10          we teach in law school and that we ought to be teaching  
11          about ethics and access to justice, and the fact is we  
12          teach it whether we say so or not, but the question is  
13          what do we teach? Do we teach that we live up to the  
14          highest standards or not? And the legal profession  
15          teaches, whether we know it or not. What do we teach?  
16          What do we teach the country about what we stand for? I  
17          want to say that we stand for justice.

18                      And I, in that spirit, thank you all for the  
19          work you do to advance justice every day.

20                      CHIEF JUSTICE LIPPMAN: Thank you, Dean Minow,  
21          for that really eloquent statement and for your  
22          comprehensive testimony. I can't think of anyone who can  
23          lay out this problem as well as you did and the many  
24          solutions that you and all of our distinguished visitors  
25          from the Legal Services Corporation have done to advance

1 this issue. Let me ask you just a few questions.

2 DEAN MARTHA MINOW: Certainly.

3 CHIEF JUSTICE LIPPMAN: You know we are very  
4 proud to get this latest grant, the Innovation Grant by  
5 Western New York, and we see how much good your grants do  
6 and how important the Legal Services Corporation is today  
7 with a budget of \$360 million and something in that range.  
8 What should the federal government's role be in promoting  
9 the kinds of things the LSC has done? And let's be very  
10 frank, over these last years it's been a struggle. It  
11 seems to get the funding that is really needed. It seems  
12 almost incomprehensible, even with the gridlock in  
13 Washington, that we cannot get additional funding for LSC.  
14 What should our representatives in Washington be thinking  
15 about when they talk about the federal role in providing  
16 funding for legal services for the poor?

17 DEAN MARTHA MINOW: Well, thank you for that  
18 question. I do believe that we have a job to do to help  
19 educate our own leaders about the multiplier effect of  
20 legal services, as the research conducted by your Task  
21 Force has demonstrated. If you're not moved by just doing  
22 the right thing, doing the smart thing should be pretty  
23 good evidence. The return on the investment is better  
24 than most other kinds of returns that the federal  
25 government makes. If there really were sufficient support

1 for legal services there would be not only the kind of  
2 access to justice that would make us all proud, there  
3 would be a strengthening of the economic and stability  
4 dimensions of each local community.

5 I do think that in addition that the federal  
6 government could understand I think that its own  
7 commitments, its own benefits would be better secured if  
8 there's legal services to help people actually make the  
9 federal programs work. And the veterans example, I can't  
10 imagine a better one, that our returning veterans are  
11 entitled, they're entitled to health care, they're  
12 entitled to job services, they're entitled to small  
13 business association grants, but it's very hard for them  
14 to navigate. And the federal government, in order to make  
15 its own investments meaningful, should invest in legal  
16 services.

17 CHIEF JUSTICE LIPPMAN: I couldn't agree with  
18 you more. We talked about it a little bit earlier today  
19 this idea that this isn't only the right and ethical thing  
20 to do, but there are very good economic issues to make the  
21 case for the good of our community, for the good of our  
22 society, for the stability, for the fabric of our society.  
23 And those arguments are out there, we make them, you make  
24 them. Is it that we need more of our constituency to be  
25 pounding the door in Washington and making these same

1 arguments? Why is it that even given everything that we  
2 know is going on in Washington today, is that what it is,  
3 that we need more soldiers in this fight?

4 DEAN MARTHA MINOW: I am sure that more  
5 constituents talking with their own representatives would  
6 help. I also believe that a combination of statistics and  
7 stories are the way to communicate. And so it's vital in  
8 fact to support the kind of research that this Task Force  
9 has undertaken to make available to people who want to  
10 make the case the materials that will help them do so.

11 CHIEF JUSTICE LIPPMAN: And I also think, as we  
12 were talking about earlier today, there are various parts  
13 of our constituency in a broader sense, including the  
14 Judiciary, that must be standing up and going to  
15 Washington and insisting that this be done.

16 But let me ask you about another part of our  
17 constituency that you are so familiar with, the law  
18 schools. What is the role of the law school today? And I  
19 know we talked about privately some really wonderful  
20 points about we're teaching values, whether we say we're  
21 doing it or not, in the broadest sense when we tried to  
22 mobilize the 15 New York law schools behind this idea that  
23 they are very much a part of this access to justice vision  
24 that we're all trying to push. What do you see -- I know  
25 that we teach these different disciplines in law school

1           which lawyers have to know to be capable lawyers. Is it  
2           mutually exclusive to teach these disciplines and to let  
3           lawyers understand -- the prospective lawyers -- what it  
4           means to be a lawyer and they have to give back? How do  
5           you take it to the mandate of the law school? What do you  
6           do to mandate of the law school?

7                         DEAN MARTHA MINOW: In many ways the legal  
8           education is a little different than any other part of  
9           higher education. We are a professional school, we're  
10          also part of the university. We are the locus of research  
11          about law and justice and therefore have to be a place  
12          that criticism of the justice system is pursued. And we  
13          also of course try to prepare people to have meaningful  
14          lives and careers. If we do not address what frankly is  
15          the multi-decade-long crisis about whether or not law is a  
16          profession or is a business, then we will not have this  
17          unique role anymore.

18                        There are many, many businesses, but if we're  
19          not also a profession then we're not addressing what is  
20          unique about law. I do think that one of the great  
21          surprising side benefits of the financial crisis is that  
22          we have the rapt attention of law students when we turn to  
23          mortgages in the middle of the property class. We have  
24          the rapt attention of the law students when we turn to the  
25          questions about stay and injunctions in procedure class.

1 The issues have spilled over into public awareness. So  
2 the students are aching for the opportunity to take the  
3 learning that they're getting and apply it on behalf of  
4 people in need. The law schools have to provide a way to  
5 be able to equip them to do so and also to provide the law  
6 schools as a meeting ground for the transformation of the  
7 profession. That includes the role of technology. That  
8 includes assisting the courts in digitizing forms and  
9 otherwise helping to modernize. We are the research arm  
10 of the legal profession and that is a major role for us.  
11 That includes empirical study about the efforts to meet  
12 the access to justice problem.

13 Just one more element. The law schools alone  
14 can never remedy the justice gap. We can play a role and  
15 we help students play a role. But what we can do is be  
16 part of an integrated solution that connects the  
17 practicing bar, the Judiciary, the business community and  
18 help everything from having a platform, a shared digital  
19 platform, for allocating pro bono cases, to actually  
20 translating the data into law reform proposals. So I  
21 think there's an enormous opportunity for the law schools  
22 to play that kind of role today.

23 CHIEF JUSTICE LIPPMAN: I agree. In your law  
24 school and your leadership I think that's obvious. And I  
25 think around the country it's so important. One more

1 question before I ask the panel if they have any  
2 questions. You talked about awareness in public  
3 consciousness. And we know that in the criminal area the  
4 public gets it, from the TV alone or from all the things,  
5 about your right to an attorney and how critical it is.  
6 And obviously since *Gideon v. Wainwright* and watching  
7 Henry Fonda in the movies, we get it, everybody gets an  
8 attorney.

9 Is the public starting to get it that the roof  
10 is going to come down over your head that someone is  
11 entitled to representation? Do they get the fact that  
12 losing your home can be as severe as actually losing your  
13 liberty? Is that public consciousness getting there in  
14 your mind?

15 DEAN MARTHA MINOW: I had a student who grew up  
16 in Russia and who learned about the Miranda warnings from  
17 watching American television growing up in Russia. I  
18 don't think we have anything comparable to that level of  
19 awareness in this country, much less around the world,  
20 about civil justice. So I think we have a long distance  
21 to go.

22 I think that the numbers of representatives in  
23 Congress who don't know what civil legal services, what  
24 that phrase means, is astounding. So that's our burden.  
25 That's our obligation to figure out how to communicate

1 much better.

2 CHIEF JUSTICE LIPPMAN: I think in some ways the  
3 economic crisis maybe has made people a little more aware;  
4 particularly, the foreclosure clan, or whatever you want  
5 to call it, really did heighten the awareness, but I think  
6 we've got a ways to go. Are there other questions?

7 HONORABLE KAREN PETERS: I have one. I was  
8 fascinated by your suggestion of public libraries playing  
9 a role with regard to access to justice for low-income  
10 people. And as the Presiding Judge of the Third  
11 Department as you are probably aware we have so many  
12 clients and potential clients who live in rural areas who  
13 don't have access to a law school pro bono program, they  
14 don't have a Legal Aid office in their neighborhood or in  
15 their community or even within driving distance. But I  
16 live in a rural community in this department and I can  
17 tell you that there are libraries everywhere, many of whom  
18 have really come so far with regard to technology and  
19 availability of technology to local citizens. Would you  
20 tell me a little bit more -- and I know we're tight for  
21 time -- would it take to refining this type of cooperation  
22 successful in rural states?

23 DEAN MARTHA MINOW: Well, an example is Hawaii.  
24 And Hawaii on its many islands does not have a large  
25 number of lawyers. The lawyers are in Honolulu. So it's

1 exactly one reason why they've turned to libraries. And  
2 it was Andrew Carnegie who developed the idea that every  
3 community should have a library. And now in many  
4 communities the libraries are the own shared civic space.  
5 And as you say the libraries have become at the forefront  
6 about technology and how to make technology available.  
7 For many poor people the only access they have to online  
8 services is through their public library.

9 So what Hawaii has done and a few other states  
10 are exploring is the possibility of not only bringing  
11 access to a statewide portal or other kinds of materials  
12 that involve access to the court forums and so forth, but  
13 also providing training to the librarians in the same way  
14 that your Task Force is exploring the possible role as a  
15 navigator role or other roles for non-lawyers. Librarians  
16 should not pretend to be lawyers, they don't want to be  
17 lawyers, but they can provide the kind of access to  
18 reference materials as they do in other circumstances  
19 right here to advance the access to justice initiative.

20 HONORABLE KAREN PETERS: Thank you.

21 CHIEF JUSTICE LIPPMAN: Thank you for your  
22 terrific testimony. And I think everyone here in this  
23 room can get an idea of the wonderful work that LSC does  
24 through your really very comprehensive terrific testimony.

25 DEAN MARTHA MINOW: Thank you for the privilege

1 and inviting me to testify.

2 CHIEF JUSTICE LIPPMAN: Thank you. Our next  
3 witness will be the Honorable Katherine M. Sheehan, the  
4 Mayor of the great City of Albany.

5 MAYOR KATHERINE SHEEHAN: Thank you.

6 CHIEF JUSTICE LIPPMAN: And Mayor Sheehan, we're  
7 delighted to see you here. The City of Albany has always  
8 been very, very conscious of the need of legal services  
9 and we know that you actually, which you don't have to be,  
10 are a member of the profession and you are equally aware  
11 of the need for legal services in this City. So you're  
12 on, Madam Mayor, great to see you.

13 MAYOR KATHERINE SHEEHAN: Thank you very much.  
14 I want to thank you for this invitation. I want to thank  
15 the Administrative Judge Gail Prudenti, Presiding Justice  
16 Karen Peters, Justice Marks and Glenn Lau-Kee, President  
17 of the New York State Bar Association, for once again  
18 holding this Third Department hearing in Albany.

19 I also want to thank you, Judge Lippman, for  
20 your unwavering support for civil services and for  
21 securing unprecedented funding for the City of Albany's  
22 civil legal services providers and providers throughout  
23 the state.

24 I want to acknowledge with pleasure the  
25 President and the Board of Directors of the Legal Services

1 Corporation. I'm delighted to welcome them to the City of  
2 Albany. I'm particularly glad to welcome Jim Sandman, one  
3 of our own, back to Albany.

4 CHIEF JUSTICE LIPPMAN: They all come back to  
5 Albany.

6 MAYOR KATHERINE SHEEHAN: They do. Thanks to  
7 Don Levi, and Dean Martha Minow who we just heard from,  
8 and all the members of the Board of Directors for their  
9 support in civil legal services.

10 Albany is a beautiful and historic city. We are  
11 proud to be the Capitol of New York. Despite being New  
12 York's Capitol we are not without our challenges that  
13 many, many cities in our state face today. The City of  
14 Albany's population is about 98,000 people and 25.4% of  
15 them live in poverty. A staggering 34% of our children  
16 are living in poverty. Similarly, our substantial elderly  
17 population also has a very high poverty rate. And for all  
18 of these people they face many of the burdens of  
19 maintaining the essentials of life. They grapple with  
20 consumer debt, but they also need shelter, safety,  
21 stability and access to education and health care.

22 And with so many residents in need, I am very  
23 pleased that Albany is home to a number of the finest  
24 legal service providers, each of whom provides vital  
25 services to low-income residents. As an attorney in

1 private practice and as general counsel of a manufacturing  
2 company I was only rarely able to provide direct legal  
3 assistance to low-income people in need, but when I did it  
4 was the most gratifying work that I ever performed in my  
5 career. That is the situation for many local lawyers and  
6 that is why ongoing fiscal and programmatic support for  
7 these agencies is essential to the residents and to the  
8 economic viability of our City.

9 The Legal Aid Society of Northeastern New York  
10 provides a full range of civil legal services to protect  
11 essential needs. Legal Aid provides general legal  
12 services to all low-income people. Their housing  
13 attorneys partner with the City through our Emergency  
14 Solutions Grant Program and with Albany County to provide  
15 comprehensive homelessness prevention services. They also  
16 administer several projects which respond to the acute  
17 needs in our City. For example, Foreclosure Prevention,  
18 Disability Advocacy Project, the Children's Law Project,  
19 HIV/AIDS Law Consortium, the Nutrition Outreach &  
20 Education Program, Upstate New York Immigration Law  
21 Project, Senior Legal Services Program and Low-Income  
22 Taxpayer Clinic.

23 The Legal Project of the Capital District  
24 Women's Bar Association also provides essential legal  
25 services to victims of domestic violence and stalking.

1 The TLP leverages pro bono volunteers throughout the  
2 Capital Region to provide services to low and moderate  
3 income New Yorkers, including the working poor. They also  
4 provide services to prevent foreclosures, do affordable  
5 home closings, wills and appellate cases. They sponsor a  
6 reduced fee matrimonial program, small business advice  
7 bureau, speakers program, pro bono bankruptcy program, and  
8 also they host an incubator project with the Albany Law  
9 School.

10 The Albany Law School Clinic and Justice Center  
11 provides free legal services through a variety of clinics,  
12 including the Health Law Clinic, Tax & Transactions  
13 Clinic, Field Placement Clinic, Civil Rights &  
14 Disabilities Law Clinic, Domestic Violence Prosecution  
15 Hybrid Clinic, Family Violence Litigation Clinic and  
16 Immigration Project and Introduction to Litigation Clinic.

17 The City of Albany is also home to Empire  
18 Justice Center, a statewide advocacy organization that  
19 provides back-up services for local legal service  
20 providers and direct representation in some appellate and  
21 public benefit cases. Disability Rights New York, also  
22 located in the City of Albany, provides protection and  
23 advocacy services to the developmentally disabled, the  
24 mentally ill and other disabled people.

25 It is gratifying to see all the local legal

1 service providers collaborate among themselves to minimize  
2 duplication of services and to coordinate for the  
3 provision of services to low-income residents in Albany.  
4 I am proud to serve on the board of Albany Law School and  
5 note their commitment to community partnership and  
6 collaboration with local legal service providers. The  
7 benefit of the services delivered by all of these  
8 providers is best demonstrated by first-hand accounts from  
9 those that they serve. And I understand you are going to  
10 be hearing first-hand accounts from individuals today.

11 CHIEF JUSTICE LIPPMAN: We will absolutely.

12 MAYOR KATHERINE SHEEHAN: I want to tell you  
13 about one individual the Legal Aid Society of Northeastern  
14 New York represented, Christine, a disabled woman who was  
15 evicted for nonpayment of rent. They appealed the  
16 termination of her Section 8 voucher and after an  
17 administrative hearing her housing voucher was reinstated  
18 after Legal Aid set forth her many attempts to pay her  
19 rent. The hearing officer agreed and restored her  
20 voucher.

21 In a city like Albany eviction can uproot an  
22 entire family. We are only now beginning to understand  
23 that transiency, particularly among students in our  
24 schools, is a leading indicator of a challenge and a  
25 leading negative indicator around graduation rates.

1 Having advocacy around keeping people in their homes is  
2 critically linked to the education outcomes that we see in  
3 our City. And as we begin to understand that, the  
4 importance of pro bono services and of advocacy to help  
5 keep families rooted in their neighborhoods so that their  
6 children can stay in the same schools throughout their  
7 school career is critically important. It's just one  
8 example of the investment that the Dean talked about, that  
9 it pays dividends and why it's so important that we  
10 advocate and continue to do this work.

11 I applaud the Task Force for the long reach of  
12 all of its activities. The Task Force's commitment to  
13 developing non-economic access to justice initiatives is  
14 brilliant. The 50-hour admission requirement was the  
15 first in the nation. And I am proud to say in Albany  
16 local law students have responded eagerly to the new  
17 initiative. I believe that the Task Force's commitment to  
18 increasing pro bono and using non-lawyers, online dispute  
19 resolution, training and technology to promote access to  
20 justice will enure to the benefit not only of residents of  
21 the City of Albany today, but in the days to come and the  
22 generations to come.

23 I eagerly await the results of today's hearing  
24 and this year's Task Force report. I can provide you with  
25 any other additional information, please don't hesitate to

1 ask. But thank you again for the work that you do.

2 CHIEF JUSTICE LIPPMAN: Thank you, Mayor  
3 Sheehan, for being here today, and we really appreciate  
4 it. Let me just ask you a couple of quick questions. Do  
5 people know where to go in Albany to get legal services?  
6 Even assuming the fact that we know that we can't handle  
7 all the requests that we get now for legal assistance, you  
8 talked about collaboration, do you have the means to see  
9 people in the legal services? Is that clear to the  
10 average person where they go?

11 MAYOR KATHERINE SHEEHAN: The navigation of it  
12 can be challenging, but I will say in a city like Albany  
13 where there are so many advocacy groups that are located  
14 here that we are able to direct people to where they need  
15 to go in most instances.

16 CHIEF JUSTICE LIPPMAN: When they come into a  
17 governmental office do you send them to legal service?

18 MAYOR KATHERINE SHEEHAN: Absolutely. So when  
19 they come into City Hall, and people come to City Hall for  
20 a whole host of reasons, eviction is a very common one we  
21 get, and so we are able to refer them to a provider that  
22 can help them.

23 CHIEF JUSTICE LIPPMAN: One other question. So  
24 you get them into legal services and certainly significant  
25 numbers of people are helped, not as many as we would

1           like. Describe, as the Mayor, how this affects the fabric  
2           of this city that having the ability to have legal service  
3           providers helping people in need, whether it's an eviction  
4           or some other crisis in their life, how do you see it from  
5           your broad perspective of things?

6                       MAYOR KATHERINE SHEEHAN: To me, having that  
7           access is essential for our city to be able to grow, to be  
8           a place where people feel as though they are treated  
9           fairly, where they have the ability to get a fair hearing  
10          of their challenges and to be able to navigate the system  
11          in a way that -- we have so much more work to do. It's  
12          not just the legal system, it's all of us, have a lot more  
13          work to do to provide that ease of access to people so  
14          that they can focus on providing for their family, on  
15          making sure that their children are getting a good  
16          education, as opposed to having to go from one place to  
17          another to another.

18                      CHIEF JUSTICE LIPPMAN: You're evicted, you lose  
19          your job, your kids can't go to the same school that  
20          they're supposed to be going to.

21                      MAYOR KATHERINE SHEEHAN: Exactly.

22                      CHIEF JUSTICE LIPPMAN: All these things are not  
23          healthy for your community.

24                      MAYOR KATHERINE SHEEHAN: And if we can get back  
25          to that root problem of preventing it from happening in

1 the first place, prevent that eviction from occurring.  
2 The issue that is causing that can be domestic violence,  
3 it can be unfair treatment in their job. You know, all of  
4 these are challenges that people face that when they have  
5 that advocate, when we're able to connect people with  
6 somebody who becomes their advocate and helps them  
7 navigate through the system we see wonderful outcomes.  
8 But that's the key, is making sure that they have that  
9 person who is helping them to navigate.

10 CHIEF JUSTICE LIPPMAN: Any further questions?

11 HONORABLE LAWRENCE MARKS: Quick question to  
12 follow up on Judge Lippman's question. So the federal  
13 government is a source of funding for legal services, the  
14 state is a source of funding, increased source of funding,  
15 at least in the State of New York, for legal services. If  
16 local governments, including cities, benefit from  
17 well-financed legal services do the local governments and  
18 cities have any responsibility of their own to fund legal  
19 services?

20 MAYOR KATHERINE SHEEHAN: Well, you know, the  
21 challenge for a city like Albany where we have high rates  
22 of poverty, where we have significant challenges with just  
23 being able to fund basic city services as well as our  
24 schools it is a challenge. I know from where I speak  
25 because I had to issue my budget last Wednesday. And the

1 City of Albany, notwithstanding making significant cuts to  
2 our operations, still has a \$12 million deficit. We are  
3 funding that with one-time revenue opportunities, but it  
4 is very, very challenging. And that is why I think if we  
5 can get advocacy around these issues at the state and the  
6 federal level, this is a way that localities can be helped  
7 with offsetting the burdens that are created when you have  
8 people that fall through the cracks, because that then  
9 places a strain on our local resources.

10 So I think from the standpoint of finding the  
11 ways to fund it where -- our tax base is really our  
12 residents who are in some cases in the least position to  
13 be able to provide funding for those services which is why  
14 we look to the federal and state government in order to do  
15 that.

16 HONORABLE KAREN PETERS: I just have one  
17 question. You mentioned the studies show clearly that if  
18 the child has residential stability it's a relevant factor  
19 for success in school. And interestingly, in this country  
20 in general, if the child gets sick in school and there's a  
21 school nurse the child can go to for some assistance, and  
22 in most situations if the family is not of money means  
23 they will have some assistance getting medical care for  
24 that child. But interestingly, if the child's family is  
25 being evicted, there's no way that family is going to get

1 assistance until some program that you have available in  
2 the city will provide assistance to them. Do you think  
3 that part of the problem is that most people in this  
4 state, in this country, who aren't in physical distress  
5 don't seem to understand the need for civil legal services  
6 is just as serious as the need for medical care?

7 MAYOR KATHERINE SHEEHAN: I think that we're  
8 starting to see that, that what is contributing to  
9 stability and that we just reported in a story about two  
10 different school districts, two high schools one and a  
11 half miles apart, with staggeringly different outcomes.  
12 But within the school district that was struggling where  
13 they had about 60% graduation rate, among students who had  
14 been in the district from kindergarten all the way  
15 through, 95% are graduating. I mean to me that is an  
16 incredibly compelling number that shows the importance,  
17 just as you said, that physical stability, that stability  
18 in your life and the supports around your life are every  
19 bit as important as your health and as other factors that  
20 we seem to assume but we don't -- we have not made that  
21 connection around these other areas where legal services  
22 can play an incredibly important role in providing that  
23 stability.

24 CHIEF JUSTICE LIPPMAN: Thank you, Mayor  
25 Sheehan, it's always a delight to see you at the Court of

1 Appeals. Thank you for coming in. I now ask the  
2 Honorable A. Gail Prudenti, the Chief Administrative Judge  
3 of the courts, to come up. And it's a little unusual that  
4 Judge Prudenti is testifying, she's usually sitting up  
5 here next to me, but we thought it important for the  
6 judges to tell us a little bit about what's going on in  
7 New York, the success that we've achieved, problems, to  
8 document some of the numbers about what the results are  
9 here in upstate in regard to civil legal services for the  
10 poor. Judge Prudenti.

11 HONORABLE A. GAIL PRUDENTI: Yes, thank you.  
12 Thank you, Chief Judge. And I would just like to thank  
13 you for the privilege of being the Chief Administrative  
14 Judge and for being here today. And I also would like to  
15 thank my colleagues and friends who are of course sitting  
16 with you: Presiding Justice Peters, Judge Marks,  
17 President Lau-Kee.

18 Thank you for the opportunity to address you.  
19 I'm not going to be reading from my remarks, but I have  
20 some notes that I have taken, so please don't hesitate if  
21 you would like to stop me at any point, that's fine. If  
22 you would like to wait until the end to ask questions,  
23 that's fine, but I would be absolutely delighted to answer  
24 any questions.

25 For those of you who don't know me my name is

1 Gail Prudenti and I am the Chief Administrative Judge.  
2 Many people have asked me what does the Chief  
3 Administrative Judge do? Well, the Chief Administrative  
4 Judge is appointed and in this case by a brilliant Chief  
5 Judge.

6 CHIEF JUSTICE LIPPMAN: Thank you, Judge. You  
7 see why I have her testifying.

8 HONORABLE A. GAIL PRUDENTI: And our brilliant  
9 Chief Judge is a visionary and he is a visionary of the  
10 New York State court system and his reputation is known  
11 nationally. But I have to tell you, whether it be in  
12 Barcelona or Puerto Rico, he is known internationally as  
13 well. And I am a spokesperson who tries to make his  
14 initiatives a reality.

15 But I am here today to talk about an important  
16 role that these hearings play in helping us to set and  
17 meet the unmet legal needs of so many New Yorkers. My  
18 role today is to share the progress of this Chief Judge's  
19 initiative to expand access to civil legal services to all  
20 New Yorkers. It has always been, and those of us who have  
21 known him know it well, always been a top priority of this  
22 Chief Judge's administration. It's also a vital  
23 importance to all of the Judiciary.

24 I have to tell you I don't know a judge who has  
25 sat in the family court or in the housing court or in the

1           matrimonial courts or in the medical malpractice courts or  
2           at the Appellate Division level that doesn't realize the  
3           vital importance of civil legal services for individuals  
4           who can't afford those services themselves. So it is  
5           important to all New Yorkers.

6                        As I said, our visionary Chief Judge long ago,  
7           and I tell you long ago because I've had the privilege of  
8           working for this gentleman for about 20 years in different  
9           capacities, recognized the situation that we were in is  
10          critical. He knew and we talked about how people came to  
11          us at some of the most difficult times in their lives and  
12          without the benefit of counsel, they were frightened, they  
13          were anxiety-ridden, they didn't know which way to turn.  
14          So he also decided that as far as his administration was  
15          going to be concerned, that providing civil legal services  
16          to those who couldn't afford legal services would be at  
17          the top of his agenda when he became the Chief Judge.

18                       There are millions and millions that are  
19          appearing without lawyers in our courts in New York. They  
20          are involved and they remind us, as the Chief Judge said,  
21          that there are individuals that sometimes we forget about  
22          that do not have the essentials of life. They don't have  
23          a roof over their head, they don't know where their  
24          children are supposed to go to school, they don't have any  
25          health care being provided, nor have they had the

1 privilege of education. There are women who are victims  
2 of domestic violence. So as our Chief Judge said, it was  
3 time and it was appropriate to do something to help many,  
4 many individuals who are in great need of civil legal  
5 services but couldn't afford them.

6 There were many in our legal community, and I  
7 remember it well, that said the Chief Judge had the right  
8 idea but that it was not the appropriate time due to the  
9 financial crisis that we were in. But as the Chief Judge  
10 said, if not then, when?

11 The current economic climate has lead to an  
12 increased number of poor and unrepresented individuals in  
13 civil matters, but many of us have realized the Chief  
14 Judge was correct, we must give help and hope when it is  
15 most needed. Civil legal service money is essential to  
16 our Judiciary fulfilling its course mission which is equal  
17 justice to all.

18 Lack of legal representation not only hurts the  
19 unrepresented, but as we judges know, and we practiced in  
20 the courts in the State of New York know, we saw higher  
21 litigation costs, and usually for those people who are  
22 represented, leads to less efficient courts, and it's  
23 because of constant adjournments and because of judges who  
24 want people to have a level playing field. And of course,  
25 to the quality of justice suffering. As the Chief Judge

1           said, this issue is as important as keeping the doors of  
2           our courthouse open.

3                       So we are indeed fortunate to have a proactive  
4           Chief Judge who leads by example and taught me long ago,  
5           longer than either one of us would like to admit, that one  
6           person can be a force for positive change in the world  
7           today. We are here because of his commitment to help  
8           others.

9                       So now I would like to talk to you about the  
10          many successes that we have had in the past four years.  
11          But although we have many successes, we have very far to  
12          go. We have tried in so many innovative ways to bridge  
13          the justice gap. We've heard today already and so many of  
14          us already know about the 50-hour pro bono requirement for  
15          admission to the Bar or increase in aspirational hours of  
16          pro bono service for the lawyers in the State of New York,  
17          for our Pro Bono Scholars Program which Judge Graffeo and  
18          Chief Judge Lippman work so hard on, that not only bridges  
19          the justice gap but helps young law students hopefully  
20          achieve their own personal and professional goals. And of  
21          course pro bono service by in-house counsel.

22                      So in these challenging budget times, and  
23          believe me each and every year is a challenging budget  
24          process, we have been able to obtain increasing amounts of  
25          funding in our Judiciary budget. The first year that

1 funding was \$27.5 million. In our second year we were  
2 able to obtain \$40 million. And in our third year \$55  
3 million. And the current fiscal year ending March 2015  
4 \$70 million. Each year we have passed on to IOLA  
5 \$15 million in rescue funding and distributed the rest  
6 through our Judicial Civil Legal Services Funding through  
7 an Oversight Board that has its RFP process. We request  
8 proposals by civil legal service providers and we focus  
9 only on the matters involving essentials of life which you  
10 have heard so much about today and which we hear so much  
11 about at each and every hearing with regard to civil legal  
12 services.

13 We know that the eligibility for services is  
14 limited to persons who are living at or below 200% of the  
15 federal poverty level. Primarily we focus on direct legal  
16 services, that is our funding priority. And collaboration  
17 among civil legal services providers is very, very much  
18 encouraged.

19 Grantees also may use a very small portion of  
20 their award to give other legal assistance, whether it be  
21 hotline, help desk, workshops, referrals to other  
22 providers. The Oversight Board allocated the latest  
23 Judiciary budget of \$55 million to 75 civil legal services  
24 providers serving low-income New Yorkers in every county  
25 in the State of New York. Grants range from approximately

1           \$15,000 to \$6 million.

2                   I would be remiss though if I didn't personally,  
3 not only on behalf of the Chief Judge, but on behalf of  
4 myself, thank Helaine Barnett, the Chair of the Task Force  
5 to Expand Access to Civil Legal Services in New York and  
6 the Chair of our Oversight Board. Through her efforts and  
7 that of her Task Force they have been able to afford us  
8 the ability to assess the need for civil legal services,  
9 to give us information in a comprehensive report each and  
10 every year. And they have dedicated and studied all of  
11 our creative ideas and come up with many creative ideas on  
12 their own. They are enabling us to address this critical  
13 situation.

14                   I personally owe Helaine Barnett a debt of  
15 gratitude. I have learned so much from her about the  
16 legal services community not only in the State of New York  
17 but throughout the country. She is a true professional  
18 with a very kind heart.

19                   The good news is that funding is helping  
20 millions and millions of New Yorkers. The physical year  
21 ending March 2014 grantees of our Judiciary civil legal  
22 service funding handled 385,000 cases involving the  
23 essentials of life. We have seen improvement with  
24 increased funding. Vast improvement. The number of  
25 clients served more than doubled from 2011-2012 to

1 2012-2013. And many more New Yorkers were helped who were  
2 not directly given services but still were the  
3 beneficiaries of cases that were brought on behalf of  
4 individuals, as well as class action, and as well as  
5 family members who are also involved in foreclosure  
6 proceedings, as well as one very notable case which  
7 involved an individual and her family, her children were  
8 suffering from disability. Post-Sandy or Superstorm or  
9 hurricane, no matter what you call it it was devastation,  
10 this woman and her family were being asked to leave the  
11 hotel where they were housed, there would be no more  
12 federal funding. A legal services provider brought a  
13 case, the matter was resolved. But that case just didn't  
14 help that family, it helped 488 other people who were  
15 similarly situated. Last year close to 1.4 million  
16 individuals were beneficially impacted.

17 With regard to our other legal assistance,  
18 whether it be informational, help desk, hotline,  
19 educational workshops, the number of individuals using  
20 this assistance has grown dramatically. In our first year  
21 it was approximately 730,000 individuals, in our second  
22 year it was 1.9 million individuals, and in our third year  
23 it was 4 million individuals.

24 As you will see this afternoon from clients who  
25 will tell their stories, these stories are heart

1 wrenching, and believe me they can tell their stories  
2 much, much better than I would ever be able to tell their  
3 stories. You will hear from them. I have included in my  
4 written remarks some of the many stories that touched my  
5 heart that make me truly believe that these people and so  
6 many others, including so many people that we love and we  
7 care about, family members, could be in this situation at  
8 any time, and that it is our obligation and our  
9 responsibility as lawyers to provide these services.

10 We have come a long way. We have made great  
11 progress. In 2009 we've estimated that 2.3 million  
12 individuals were unrepresented litigants in civil cases.  
13 Now, from our 2013 data, it shows a dramatic decline to  
14 1.8 million. There are examples we have seen of many  
15 improvements, whether it be tenants in eviction cases,  
16 whether it be in family court outside of the City of New  
17 York, whether it be inside New York City with regard to  
18 child support matters. We still have so far to go. The  
19 number of unrepresented litigants in these important cases  
20 remains extremely high.

21 Tenants in eviction cases in New York City  
22 remain unrepresented at a high rate of approximately 99%.  
23 Defendants in consumer credit cases that were closed last  
24 year there were 96% of individuals in those cases that  
25 were unrepresented. The current resources are still

1           insufficient. As always, we must build upon and redouble  
2           our efforts. This is fundamental to our core issues.

3                       With that said, I would be remiss if I didn't  
4           say a heartfelt thanks to the Board of Directors of the  
5           Legal Services Corporation. They are the Chief Judge's  
6           kindred spirits and their tireless efforts will help us  
7           achieve our goals I hope in our careers and in our  
8           lifetime.

9                       With that said, thank you for listening to me  
10          and I would be very happy to answer any questions you  
11          might have.

12                      CHIEF JUSTICE LIPPMAN: Thank you, Judge  
13          Prudenti, for putting some meat on the bones and some  
14          numbers before us. Let me ask you a question now. With  
15          the money we get from the state, which you work very hard  
16          across the street to help to get us, and the money that  
17          comes into New York through the Legal Services  
18          Corporation, what about the issues that Judge Marks raised  
19          before about our cities and localities? I was very  
20          pleased that New York City, under the current  
21          administration, is putting money into eviction cases and  
22          providing representation and to immigration cases which  
23          are so relevant today. Do you think that the cities and  
24          municipalities are a part of this puzzle or do we say gee  
25          their economic problems at that level of government are so

1           difficult that we can't expect to have additional funds  
2           coming in? Do you have any thoughts about that?

3                   HONORABLE A. GAIL PRUDENTI: I certainly do. I  
4           think that we have to be sympathetic to the difficult  
5           times that our cities and our counties are facing. There  
6           are cities and counties around the State of New York who  
7           aren't able to provide assistance. Chief Judge, I have  
8           seen member items in the City of New York that are as  
9           small as \$1-, \$2-, \$3-, \$4-, \$5 million, but each and  
10          every one of those dollars adds up. I know that we have  
11          some wonderful avenues and I know that there are some  
12          counties and some cities around the State of New York who  
13          have insufficient funds and realize that by spending those  
14          funds they will be able to -- their Social Services  
15          budgets will go down and they will have more money to  
16          spend because they will gather more federal dollars. So I  
17          think an educational process is needed.

18                   I also would like to say that our partners in  
19          the Executive Branch and the Legislative Branch are very  
20          gracious and kind and listened and heard your message, but  
21          I also would like to say that we obtain many grants, many  
22          grants nationally that have also helped us with this  
23          mission, and I'm sure that we could encourage many cities  
24          and counties to help us as well.

25                   CHIEF JUSTICE LIPPMAN: I affirm what you say.

1 The Legislature and Executive have been terrific in New  
2 York in providing the funds that they do. I am very  
3 pleased by the numbers and we are looking toward what that  
4 number will be as to how many people are unrepresented in  
5 the State of New York. And you put that number 1.8 now  
6 and I think that is progress that we should be proud of.  
7 Give people a sense, how many cases come into the New York  
8 State courts every year?

9 HONORABLE A. GAIL PRUDENTI: Chief Judge,  
10 millions and millions and millions and millions, that's  
11 what I can tell you. If my memory serves me correctly,  
12 and please correct me if I'm wrong, but it was like 4- or  
13 5 million cases.

14 CHIEF JUSTICE LIPPMAN: Yes, between 4- and 5-.  
15 Judge Prudenti is a good learner. 4- to 5 million I think  
16 is right. So you're talking about 1.8 million people who  
17 are unrepresented. Of course that can be more than one  
18 person in the same case. But there are certain -- and I  
19 think the judge made that clear -- there are certain kinds  
20 of cases in which the representation level is so low and  
21 virtually no one is represented. And those are the areas  
22 we're looking, with President Lau-Kee, we're looking at  
23 other methods of delivering legal assistance where there  
24 are no lawyers to hear many cases. Even with pro bono  
25 efforts we still don't have many lawyers. So that's where

1 we've gotten into the initiative with non-lawyers maybe  
2 being involved in this process, particularly housing and  
3 consumer credit.

4 HONORABLE A. GAIL PRUDENTI: Chief Judge, I just  
5 would like to end my testimony and tell you that having  
6 been a judge and sat in many courts I can tell you that  
7 for the individuals that are involved in each and every  
8 case this is no passing matter. And I think this  
9 afternoon everyone will see that the individuals who were  
10 represented by legal services providers, that these  
11 providers changed their lives. And I can say for myself,  
12 having attended many of these hearings with you, that what  
13 it does for me when I sit in this room or if I sit on this  
14 panel, it makes me rededicate my efforts to your efforts.  
15 Thank you.

16 CHIEF JUSTICE LIPPMAN: Thank you. Any other  
17 questions for Judge Prudenti? Let's have Corinda  
18 Crossdale, the Director for the New York State Office for  
19 the Aging. Thank you for coming, it's a pleasure to see  
20 you.

21 CORINDA CROSSDALE: Thank you, I appreciate the  
22 opportunity to be here. I am the Director of the New York  
23 State Office for the Aging and I am here today to speak  
24 about New York State's Services Initiative, which is a  
25 private/public effort announced in September of 2012 by

1 Governor Andrew Cuomo. The intent of this initiative is  
2 to find new ways to better provide affordable legal  
3 services to older New Yorkers, individuals of all ages  
4 with all types of disabilities and their caregivers; with  
5 the goal of advancing equal access to justice.

6 The partnership established to implement this  
7 initiative includes the New York State Office for the  
8 Aging, the New York State Office of Court Administration,  
9 and New York State Bar Association, and the New York State  
10 Office for People with Developmental Disabilities. In an  
11 effort to achieve greater and more diverse involvement in  
12 this statewide effort, our partnership is collaborating  
13 with a Think Group of experienced individuals from across  
14 the state to define the barriers these populations  
15 encounter when they need legal assistance, to identify  
16 strategies to address them.

17 In accordance with the Older Americans Act, the  
18 New York State Office for the Aging administers a Legal  
19 Assistance Program for older adults who, due to economic  
20 or social need, would not likely be able to obtain the  
21 assistance of an attorney. At the community level, each  
22 area agency on aging is required to dedicate a portion of  
23 federal funds to provide legal assistance under this  
24 program.

25 Individuals with disabilities, that's including

1           mental, developmental, intellectual, emotional and  
2           physical, account for 2 million of New York State  
3           residents. There are currently 3.7 million adults aged 60  
4           and over in New York State; and informal caregivers number  
5           over 3 million. It is expected that all of these  
6           populations will increase over the next decade. People  
7           are living longer and increasing numbers of people are  
8           living alone in all stages of life. Health and long-term  
9           services and supports have moved away from institutional  
10          care to home and community-based care. For some older New  
11          Yorkers and individuals with disabilities access to legal  
12          services can be a critical factor in their ability to  
13          continue to live in the community of their choice.

14                 These shifts in demographic and policy trends  
15          provided the impetus for the development of the Legal  
16          Services Initiative. Some of the reports received from  
17          across the state underlie the importance of working on  
18          these initiatives, activities and goals which include lack  
19          of awareness regarding the legal framework underlying many  
20          of the problems encountered; therefore, legal rights and  
21          protections are not considered when addressing these  
22          concerns. Many older adults and individuals with  
23          disabilities enter the court systems without the benefit  
24          of legal representation. Numerous residents cannot afford  
25          the costs of legal help, and there is a growing gap in the

1 ability to afford legal assistance. Many residents do not  
2 know where or how to contact legal help that is most  
3 appropriate to address their particular needs. Many  
4 members of the legal community and of the Judiciary are  
5 not knowledgeable about the traits, conditions and  
6 circumstances characterizing aging individuals and persons  
7 with disabilities and are often unaware of the extent to  
8 which these elements have a significant impact on the  
9 ability to gain successful access to the legal system or  
10 to achieve just outcomes.

11 Based on these reports the legal initiative  
12 collaborative looks to a successful partnership that will  
13 advance the following goals: Ensure that New York's older  
14 adults, individuals with disabilities and caregivers have  
15 practical access to sufficient and affordable legal  
16 assistance. Increase awareness among these populations  
17 and their service providers of legal rights regarding a  
18 variety of topic areas. Increase attorneys', Judiciary  
19 members' and law students' awareness of the traits,  
20 characteristics and circumstances of these populations, as  
21 well as increase understanding of how these elements  
22 impact the ability of older adults and those with  
23 disabilities to successfully engage with the legal  
24 community and the court systems. Increase attorneys',  
25 Judiciary members' and law students' awareness of the very

1 diverse types of legal concerns impacting the targeted  
2 populations on a daily basis. Increase the number of  
3 attorneys who will include the needs of this population in  
4 their practices. Explore the provision of pro bono legal  
5 services, as well as other non-attorney alternatives, as a  
6 means of increasing access to affordable legal assistance.  
7 And strengthen and better coordinate the aging network's  
8 legal assistance program.

9 To date the legal services collaborative has  
10 completed six statewide exploratory surveys. The goals of  
11 these surveys is to describe the status of legal  
12 assistance for these three population groups. The  
13 information obtained from the six surveys is still being  
14 analyzed and will soon be reviewed by a public/private  
15 Think Group which will be convening this month. This will  
16 be a group of about 120 individuals that will comprise a  
17 wide variety of experts from across the state, including  
18 representatives from state agencies, community aging and  
19 health networks, community disabilities networks,  
20 caregiver organizations, members of the legal and  
21 Judiciary communities, law schools, and of course  
22 consumers. The findings from the survey and Think Group  
23 will be used to develop strategies, activities and steps  
24 to achieve the Initiative's goals of equal access to  
25 justice.

1           We are anticipating that the next steps for the  
2           Legal Services Initiative's partners and Think Group will  
3           be to establish voluntary work groups that will take  
4           recommended strategies developed and begin implementation.  
5           The final goal is to increase availability, affordability  
6           and accessibility of legal assistance for older adults and  
7           people with disabilities, particularly those with great  
8           economic and social need, as well as the informal, unpaid  
9           family members and friends who provide the majority of  
10          care for these individuals.

11           The legal services collaborative will continue  
12          to be proactive in working to improve legal services and  
13          advocacy for older adults and those with disabilities of  
14          any age. By increasing partnerships and integrating the  
15          work of the Initiative with other agencies and entities to  
16          maximize the utilization of resources, we will continue  
17          down this path to create systems that are more seamless  
18          for the consumer and their caregivers.

19           I thank you for the opportunity to share my  
20          comments.

21           CHIEF JUSTICE LIPPMAN: Thank you. And I want  
22          to thank the Governor and your office for focusing on what  
23          is a key population group that so desperately needs legal  
24          services, and by focusing on that I think you're really  
25          furthering the cause of equal justice in this state that's

1 often overlooked and their problems not really  
2 concentrated on. I think your office is doing a terrific  
3 job and a collaborative one, which we applaud.

4 CORINDA CROSSDALE: Your support is very much  
5 appreciated as well.

6 CHIEF JUSTICE LIPPMAN: Thank you. President  
7 Lau-Kee.

8 MR. LAU-KEE: I just wanted to note that the New  
9 York State Bar Association will be participating in that  
10 think tank. I will be there personally, so I look forward  
11 to it.

12 CORINDA CROSSDALE: Fantastic.

13 CHIEF JUSTICE LIPPMAN: Thank you, I appreciate  
14 it. Our next speaker is Chris O'Malley, who is the  
15 Executive Director of IOLA, which certainly performs a  
16 vital role in our state, and Chris does a terrific job.  
17 Today he's going to report on our next cost benefit  
18 analysis that is being prepared by the NERA Economic  
19 Consulting Group. Chris, great to have you with us and  
20 thanks so much for coming.

21 CHRIS O'MALLEY: Thank you very much, your  
22 Honor, for having me here, and for all of your work. I've  
23 been asked to testify and sum up the testimony of  
24 Dr. Elizabeth Becker. She is an economist who works for  
25 the NERA Economic Group who for the past three years, pro

1 bono, has been providing detailed economic analysis of the  
2 civil legal services provided in New York State.

3 And I've been asked to focus on three of the  
4 highlights of her work this year in summing up her work.  
5 First, Dr. Becker looked at the savings associated with  
6 the prevention of emergency shelter costs in New York  
7 State. And in doing this Dr. Becker was updating a study  
8 that had originally been done in 2011 by the Cornerstone  
9 Economic Group of Dr. Edith Sing. And Dr. Becker updated  
10 in two important and significant ways. First, she was  
11 able to do a survey of homelessness shelter costs  
12 throughout the state and update those figures. And as you  
13 know, those can be quite extensive. For example, in New  
14 York City the cost of an individual's homeless shelter  
15 cost for one year is \$27,000. For a family it's \$36,000.  
16 And the average family stay is amazingly over 460 days.

17 Dr. Becker also applied the findings from a  
18 Pennsylvania study that looked at the efficacy of brief  
19 advice and services in civil legal service. And so that  
20 way she was able to look at all of the benefits that were  
21 derived both from extended representation and brief  
22 representation. And what Dr. Becker found was that in the  
23 year 2013 the savings realized were over -- and this is a  
24 conservative estimate -- over \$150 million which  
25 represented an increase of \$30 million in taxpayer savings

1 from 2011. And you will hear me use that phrase  
2 "conservative estimate" quite a bit in my testimony.

3 And just to give an example to touch upon  
4 something that Mayor Sheehan mentioned, the impact that  
5 homelessness has on education and graduation rates. For  
6 example, the lifetime earnings of somebody who has a high  
7 school degree versus a non-high school degree is over a  
8 million dollars. So for every student who can maintain a  
9 place to live, stay in school and graduate, the economic  
10 benefits are substantial over the years and that gets  
11 multiplied thousands of times in New York State. But  
12 again, conservatively just looking at the savings from the  
13 shelter costs, that's \$150 million.

14 CHIEF JUSTICE LIPPMAN: So helping people out of  
15 homelessness is a good economic investment for our cities  
16 and our state.

17 CHRIS O'MALLEY: Absolutely. And it helps, as  
18 again Mayor Sheehan was mentioning, the difficulties that  
19 many of our governments and towns across the state are  
20 facing, this saves them money. This saves taxpayer money  
21 and it's direct.

22 CHIEF JUSTICE LIPPMAN: I think the  
23 documentation of those savings, Chris, is so important in  
24 the reports that we give to the Legislature in these cost  
25 benefit analyses. Continue.

1                   CHRIS O'MALLEY: Yes. The second new area that  
2 Dr. Becker looked at this year was the economic impact of  
3 obtaining permanent legal status for clients, and these  
4 are mainly women, who obtain permanent legal status  
5 through VAWA, which is the Violence Against Women Act;  
6 U Visas, which is for victims of crime; or T Visas, which  
7 is for trafficking victims. And as you know, the impact  
8 on an individual is transformative, not just in increased  
9 earnings, but their change in permanent legal status, and  
10 also better housing, and the ability for children to stay  
11 in schools. But Dr. Becker again looked at a very kind of  
12 narrow slice of that overall economic benefit and looked  
13 at the present-day value of obtaining the permanent legal  
14 status. And she found that for this group of clients,  
15 which represents only 10% of immigration cases closed by  
16 legal service providers in New York, the impact was again  
17 considerably over \$15 million.

18                   The last area that Dr. Becker looked into this  
19 year was she looked at the federal funds brought into New  
20 York State in 2013 through the provision of civil legal  
21 services, and that figure was \$518 million.

22                   CHIEF JUSTICE LIPPMAN: That's a lot of money.

23                   CHRIS O'MALLEY: That's a lot of money. And  
24 that represented a \$60 million increase from 2012. But  
25 she also looked at another aspect of those funds coming

1           into the state. The Department of Commerce estimates that  
2           for every \$1 brought into New York it generates \$1.49 of  
3           economic activity. That figure represents \$769 million,  
4           which is a 13% increase from 2012. And that represents  
5           the creation of 7,675 new jobs in New York. And there's a  
6           very simple reason for that; these funds are going to the  
7           lowest income New Yorkers and these people have to spend  
8           money for food, for housing, for the essentials of life,  
9           for Medicare, Medicaid. And as your Honor has heard in  
10          testimony from leading hospital administrators, that's  
11          been very important for hospitals in their ability to  
12          provide jobs. And that again is one of the leading  
13          economic engines of New York State.

14                 Dr. Becker also looked at the fact that a large  
15          percentage of the federal funds that are brought into New  
16          York this year will continue to come in. For example, SSI  
17          and SSD benefits have an average life span of 9.5 and 10  
18          years respectively. Again, the conservative estimate by  
19          Dr. Becker of the present-day value of those funds in New  
20          York in 2013 is \$1 billion over the next 10 years.

21                 Thus, Dr. Becker's estimate adding the  
22          150 million in shelter savings, the \$15 million that is  
23          realized by people who are establishing permanently from  
24          VAWA, U Visa and T Visa, the \$518 million in federal funds  
25          brought into the state this past year, the \$769 million in

1 economic stimulus benefits, and the future value of those  
2 awards, Dr. Becker conservatively estimated that the total  
3 economic impact was well over \$1 billion.

4 And she wouldn't put it this way because she's  
5 an economist, but I get to say it's not a free ride. For  
6 every dollar that New York sends to the federal government  
7 New York only receives 79¢ back in benefits and that  
8 results in a deficit of this past year of \$104 billion.  
9 So that \$518 million that came back to New York State  
10 through the provision of legal services represents money  
11 that should come back to New York State taxpayers and it  
12 reduces that deficit by 2.4%. Overall, Dr. Becker was  
13 able to again conservatively estimate that for every  
14 dollar spent in New York State in 2013 there was more than  
15 six fold return on that investment.

16 CHIEF JUSTICE LIPPMAN: I think that's really  
17 helpful, Chris. I think it graphically demonstrates when  
18 we talk about \$1 invested makes \$6 back to the state,  
19 that's real. We think it's the best argument. We talked  
20 to Dean Minow about what's the argument at the federal  
21 level, the state level, what can be clearer than the kind  
22 of report that again we're going to receive this year in  
23 black and white. It demonstrates so convincingly that  
24 this goes beyond society's obligation to those people in  
25 need, the society and our government's obligation to the

1 people of our state, and that is investing in civil legal  
2 services. There could not be a better investment for our  
3 state or our government.

4 CHRIS O'MALLEY: Exactly.

5 CHIEF JUSTICE LIPPMAN: Any questions? Thank  
6 you, Chris, and thank you to Dr. Becker. We're really  
7 very, very grateful.

8 Our last witnesses for today will be three  
9 clients of legal service organizations. First, Tajma  
10 Motley from the Legal Aid Society of Northeastern New  
11 York, accompanied by Marlene Morales; Dideolu Olufunke  
12 Okediran, a client of The Legal Project, accompanied by  
13 Lorraine Silverman; and Cinnamin Schmitz, a client of the  
14 Legal Aid Society of Mid-New York, accompanied by Matthew  
15 Schreck.

16 Tajma, do you want to start out and tell us your  
17 story?

18 TAJMA MOTLEY: Good afternoon.

19 CHIEF JUSTICE LIPPMAN: Good afternoon.

20 TAJMA MOTLEY: My name is Tajma Motley. I am  
21 here to tell you how the Legal Aid Society of Northeastern  
22 New York prevented me from becoming homeless and gave me  
23 my dignity back. I am 42 years old and I have  
24 fibromyalgia, diabetes and back pain. My back pain  
25 prevents me from walking or sitting for long periods of

1 time without pain. My health limits me in the types of  
2 work that I am able to perform. I can only do clerical  
3 type jobs.

4 I used to be a secretary at Hudson Park  
5 Rehabilitation & Nursing Center. I worked there for two  
6 years. I met and greeted the patients, conducted  
7 inventory and kept the medical records and doctors'  
8 schedules up to date. I really liked my job. I worked  
9 with helpful staff that would assist me when I needed to  
10 carry heavy inventory. Without their help I could not  
11 have completed some of my assigned tasks.

12 After I lost my job at Hudson Park I received  
13 unemployment benefits until they ran out. Without any  
14 income to support myself and pay my rent I applied for  
15 temporary assistance. During my eligibility interview at  
16 the Department of Social Services I told the caseworker  
17 about my disabilities. I did everything the caseworker at  
18 DSS asked. I brought in all the documentation that was  
19 requested. I was assigned to the job search program and  
20 told to search for 15 jobs and return the completed job  
21 search form in a week. The forms say that 10 of the  
22 employment applications had to be filed in person. After  
23 doing job searches while receiving unemployment benefits,  
24 I knew that employers would not let me apply for the types  
25 of jobs I could perform. Nevertheless, I tried applying

1 in person, but was directed to apply online.

2 I returned the completed form with 17 online job  
3 applications. The person who took the job search form did  
4 not give me a new job search log or a bus pass to continue  
5 my search, I was only told that I would get a response in  
6 the mail. Later I received a denial letter from the  
7 Department of Social Services for failing to comply with  
8 the job search assignment. I felt that I had done  
9 everything that I was supposed to do, but I was still  
10 denied benefits. Because of my lack of income, I was not  
11 able to pay my rent. I received an eviction notice from  
12 my landlord. I was afraid of losing my housing and  
13 becoming homelessness.

14 I requested a fair hearing, but had no idea what  
15 to do to prepare, so I called the Legal Aid for help.  
16 Mrs. Marlene Morales was my lawyer. She explained the  
17 fair hearing process to me. Marlene also explained the  
18 rules that apply to my case. She told me that because I  
19 told my caseworker about my medical limitations, she  
20 should have asked me to submit proof or send me for a  
21 medical examination before assigning me to the job search  
22 program.

23 Marlene represented me at the hearing. We won.  
24 My temporary assistant case was opened and I received  
25 retroactive benefits. I was given the opportunity to

1 submit medical documentation about my disabilities and my  
2 work limitations. I also received emergency assistance to  
3 prevent my eviction.

4 Even though I did my best to comply with what  
5 was asked of me at the Department of Social Services, they  
6 did not follow their own rules. I am grateful that Legal  
7 Aid helped me get the benefits that I needed to stay in my  
8 home. And thank you for helping to keep funds going to  
9 Legal Aid so that they can help others like me.

10 CHIEF JUSTICE LIPPMAN: Thank you. Your life  
11 would have been a lot different without legal services.

12 TAJMA MOTLEY: Yes, it would have been.

13 CHIEF JUSTICE LIPPMAN: Could you imagine, what  
14 would you have done?

15 TAJMA MOTLEY: I don't know. I mean I really  
16 don't know.

17 CHIEF JUSTICE LIPPMAN: Thank you for telling us  
18 your story. People can see on a real human level what  
19 legal services means to people confronting everyday  
20 problems that can so dramatically affect their lives, and  
21 the services of a lawyer can be so important. So thank  
22 you so much for coming in to tell us, we greatly  
23 appreciate it.

24 We're now going to hear from Ms. Okediran, a  
25 client of The Legal Project. Great to see you.

1                   DIDEOLU OLUFUNKE OKEDIRAN: Good afternoon,  
2                   ma'am, and sirs. I am very happy to be here today to be  
3                   in your presence, and to The Legal Aid Project,  
4                   Ms. Lorraine Silverman. I am here to tell my story, which  
5                   is a sorry case. My story may not be new in terms of  
6                   domestic violence experienced by women around the world,  
7                   but what I went through was the most horrific encounter of  
8                   my life.

9                   It all started in 2006 when I married a man that  
10                  I thought would be my partner, friend and husband.  
11                  Instead, he turned out to be the devil in human skin. I  
12                  soon realized that I made the greatest mistake of my life.  
13                  This man promised me that if I left my home in Nigeria and  
14                  moved with him to the United States, that I would find  
15                  employment using my credentials as a qualified social  
16                  worker. Trusting the man I loved, I resigned from my job  
17                  in Nigeria and moved away from everything I knew.

18                  But, as soon as we reached the United States, he  
19                  immediately broke his promise. He never allowed me to  
20                  work. I soon realized I was in my own hell. He  
21                  emotionally and physically abused me. His goal was to  
22                  belittle me and my capabilities. He called me all sorts  
23                  of derogatory words almost every day and I was blamed for  
24                  everything. He would always tell me that here, in the  
25                  United States, things are done differently. Everything I

1 did or wanted to do was not right by him. He regularly  
2 showed me that my opinions did not count and I soon  
3 realized that all of my self-esteem was gone.

4 This man controlled and monitored my every move.  
5 I had no privacy. He would constantly ask me if I called  
6 or talked to my family, and if I said yes he wanted to  
7 know every detail. If I said no, he would force me to  
8 call them so he could pick up the other phone, interfere  
9 and take over the whole conversation. His jealousy only  
10 worsened as time went on. I was only allowed to call and  
11 receive calls on my cell phone from him, all other calls  
12 had to wait until I got home.

13 Things eventually turned physical. He hit me  
14 once and demanded sex on a daily basis, whether or not I  
15 wanted it, but I was too scared to fight back. Instead, I  
16 would get down on my knees and beg him. I always tried to  
17 console myself. I'd say, "Dee, things is going to get  
18 better, just continue to pray as a child of God." But  
19 unknown to me I was only deceiving myself.

20 In time I grew very wary of him. I grew afraid.  
21 Afraid that while asleep he could hit or even kill me. At  
22 times I would relapse and feel horrible, my pride was  
23 deeply shaken as was my faith, for which I had to struggle  
24 to hold on to it. I was fervent in my prayers to God to  
25 release me from the lion's den because I was so scared. I

1 believed that he could kill me, chop me up and put me in a  
2 box and throw me in the Hudson River on his way to work,  
3 and then he would lie to people that I walked out of the  
4 marriage.

5 But no matter how bad it got, I couldn't leave,  
6 I was financially unable to. Every time I received money  
7 as a gift from people he would cunningly take it from me  
8 by telling me he was broke. I married a controlling  
9 pathological liar.

10 Then one day I finally found the courage to  
11 fight back. In March 2010 he came home from work, and as  
12 usual the table was already set for his dinner. While he  
13 was eating he demanded sex. After washing the dishes I  
14 went to him the way I always did when he demanded sex, but  
15 this time he demanded that I caress him before the actual  
16 thing and I said, "No! Just have me the way you been  
17 doing it." That is when all hell broke loose. He told me  
18 to get out of his house. He was literally kicking me out  
19 of the door because finally I stood up to him. I told him  
20 not to touch me and that I would leave, even though I  
21 didn't know where to go. I had no friends or family to  
22 help me. He isolated me from day one. I had no one to  
23 turn to. I had no one to talk to. I had no one to share  
24 what I'm facing there. I was only with him and him alone.

25 So I picked up my backpack, went out in the

1 cold, crossed the lawn and went to a neighbor's house who  
2 took me in and allowed me to spend the night. She was my  
3 Guardian Angel. We both then called the domestic violence  
4 hotline that I gave to her which I cut out of the school  
5 bulletin and kept in my wallet. The next day I was taken  
6 to a domestic violence safe house where I stayed for six  
7 months until I got my own apartment.

8 I finally realized I needed help getting a  
9 divorce. First I sought help from the domestic violence  
10 agency, and then I went to family court hoping I would get  
11 an attorney to help me file for divorce. Instead, I was  
12 told to go to the Supreme Court, where I was given a big  
13 packet called New York State Unified Court System  
14 Uncontested Divorce Forms and Instructions. When I got  
15 home I looked through this packet. I was so overwhelmed.  
16 It was so overwhelming for me to digest and process. I  
17 broke down and cried for days.

18 I knew I needed an attorney desperately if I had  
19 any chance of getting divorced, but I had no money. In  
20 the course of time I was given the phone number of The  
21 Legal Project. I called the number and was immediately  
22 set up to meet with Ms. Lorraine Silverman, the managing  
23 attorney for the Katheryn D. Katz Fellowship Program.  
24 That was the beginning of the end of my sorrow from my  
25 estranged husband.

1           I went to the office and I met with this  
2 beautiful lady who treated me like a queen. She listened  
3 to my plight, collected previous court orders from me and  
4 told me that she or her law fellows would get back to me.  
5 And they did exactly as they promised.

6           The experience I had with them throughout the  
7 divorce process was awesome. They beat my imagination.  
8 It was when I went for the second meeting that I met my  
9 attorney with her bunch of beautiful, handsome and  
10 intelligent fellows who represented me in the divorce  
11 case. They came to my rescue when I least expected it.  
12 Their straightforward tact and sympathetic understanding  
13 approach, which was so calm and clear, eased my scares and  
14 concerns. I finally realized that this divorce was  
15 actually possible. They provided support and excellent  
16 advice throughout the filing of the divorce papers. They  
17 made the whole process easy by explaining things in a way  
18 simple for me to understand. On the day of the divorce I  
19 was rallied around by my attorney and her fellows. They  
20 kept assuring me that there would be no problem and  
21 everything would be fine.

22           In fact, their display of honesty, dignity,  
23 humility and compassion during this trial period has left  
24 a deep and lasting impression on me. I truly value their  
25 guidance and counsel. I thank them all for being my

1 friend through such a hard and pressing time. I also give  
2 thanks to God that I finally came out of it alive. I  
3 would say that I was so lucky to have them as my  
4 attorneys, and if ever I need an attorney in the future, I  
5 will certainly be going back to them. More powers to your  
6 elbows.

7 CHIEF JUSTICE LIPPMAN: Thank you so much for  
8 your story. It demonstrates again what legal services is  
9 all about. With legal services you know you're not alone.  
10 You have legal services and sometimes it replaces friends  
11 and family and is the one thing you can hold on to. Life  
12 is very different, right?

13 DIDEOLU OLUFUNKE OKEDIRAN: It is very  
14 different.

15 CHIEF JUSTICE LIPPMAN: And better, right?

16 DIDEOLU OLUFUNKE OKEDIRAN: Yes.

17 CHIEF JUSTICE LIPPMAN: Again, thank you for  
18 demonstrating what a legal service provider can do for  
19 someone who just needs a helping hand. And in sometimes a  
20 very dangerous situation. So thank you so much.

21 DIDEOLU OLUFUNKE OKEDIRAN: Thank you, sir.

22 CHIEF JUSTICE LIPPMAN: I'm now going to ask  
23 Cinnamin Schmitz, a client of The Legal Aid Society, to  
24 speak.

25 CINNAMIN SCHMITZ: My name is Cinnamin Schmitz

1 and I am here today to talk about how the Legal Aid  
2 Society of Mid-New York helped me to save my home. I live  
3 in the home with my husband, four children and my disabled  
4 father. I originally bought my house in July 2004 and the  
5 only loan type I qualified for was an interest only for  
6 the first five years at \$698 per month. When the interest  
7 only period ended in September 2009 my payments increased  
8 to \$797 a month which we still didn't have a problem with.

9 About four months after this increase I was  
10 informed by my employer that my entire department would be  
11 relocating resulting in me losing my job. And when I  
12 contacted American Home Mortgage Servicing, Incorporated,  
13 who was the mortgage sever at the time, they told me that  
14 there wasn't much I could do until I fell behind in my  
15 payments. Starting April 1st my mortgage payment was  
16 increased to \$1235 a month. This left my family less than  
17 200 a month to live on after the mortgage payment. Scared  
18 and desperate, I filled out paper work and tried for a  
19 loan modification. Believe it or not, I sent paperwork in  
20 to American Home Mortgage Servicing, Incorporated, a total  
21 of 22 times over 18 months. Claiming that they never  
22 received all the paper work from me, I had to restart the  
23 modification process a total of three times, and didn't  
24 get any closer to a modification.

25 In the middle of all this I'm dealing with a bad

1 job market, seven people living in my household, and  
2 having no luck attempting to modify my mortgage, my  
3 mortgage servicer changed again from American Home  
4 Mortgage Servicing, Inc. to Homeward. They said I would  
5 need to start the entire modification process again. I  
6 had the same struggles with the new servicer. Soon after,  
7 I received notice that a foreclosure had been initiated  
8 and that the court had scheduled a settlement conference  
9 to begin foreclosure proceedings on my house.

10 Scared to death that I had gotten nowhere, I  
11 contacted housing counselor Mary Kilmer of Delaware  
12 Opportunities who accompanied us to the first settlement  
13 conference. The judge's court attorney told us that we  
14 needed to have jobs or no one would be willing to work  
15 with us and we would not get a modification.

16 Mary Kilmer eventually suggested that we contact  
17 Legal Aid before we lost our house. I was getting so  
18 worried and was not sleeping well. I was actually getting  
19 sick and was put on depression medication by my doctor.

20 At the first conference where Legal Aid assisted  
21 me in May of 2013, and after switching mortgage servicing  
22 again to Ocwen, Ocwen's attorney asked that the case be  
23 removed from conference claiming that I had been evaluated  
24 and denied for a modification twice. We already had five  
25 conferences with no resolution, and that the foreclosures

1           should be allowed to proceed. They even brought a deed in  
2           lieu of foreclosure paperwork to court, marked with tabs  
3           where they wanted us to sign off to agree to hand over our  
4           house to them. Legal Aid was not only able to keep the  
5           case in conferences, but after about a year of more  
6           conferences and discussions with Ocwen, they finally gave  
7           us a modification.

8                       My attorney at Legal Aid, Matthew Schreck, made  
9           repeated requests for information which Ocwen seemed  
10          reluctant to give, and he strongly advocated on my behalf  
11          in these conferences, demonstrating to the servicer that  
12          the information they were basing their case on was  
13          incorrect. I had believed from the start that everyone  
14          who had held my mortgage, including and especially Ocwen,  
15          was not servicing my loan properly, and with the help of  
16          Legal Aid we were able to eventually get Ocwen to  
17          acknowledge that their numbers were incorrect and that a  
18          modification was in fact affordable for us.

19                      When the modification papers arrived I was very  
20          pleased; my monthly payment was reduced by roughly \$400,  
21          the interest rate was changed from an adjustable rate to a  
22          4.5% fixed rate, and just under \$34,000 was taken off the  
23          principal.

24                      Because of the help I received from my housing  
25          counselor at Delaware Opportunities and from my attorney

1 at Legal Aid I no longer have to worry about losing my  
2 home to foreclosure. My health has improved, I'm off my  
3 depression medication and my life is back on track. I am  
4 so very grateful for the assistance I received and hope  
5 that other people who find themselves in positions similar  
6 to mine can also get the same help I did. Thank you.

7 CHIEF JUSTICE LIPPMAN: Thank you for coming in.  
8 And I think it's a familiar story that when you're dealing  
9 with, in this case a big lender or a bank, you don't speak  
10 their language, right?

11 CINNAMIN SCHMITZ: No.

12 CHIEF JUSTICE LIPPMAN: If you had to do it on  
13 your own God knows what you would do, right?

14 CINNAMIN SCHMITZ: Yes.

15 CHIEF JUSTICE LIPPMAN: So I think in your case  
16 the role of a housing counselor, usually a non-lawyer, and  
17 an attorney was able to turn this situation around for  
18 you.

19 CINNAMIN SCHMITZ: Right.

20 CHIEF JUSTICE LIPPMAN: And we thank you so  
21 much. Again, what could be more important I'm sure to you  
22 than getting your mortgage taken care of. Having a home  
23 for you and your family is so critical. And we're so  
24 pleased that this was able to work out for you and so  
25 pleased that you came in to tell us about what legal

1 services means for people who have basic problems in life  
2 that need to be dealt with. And I think that your stories  
3 help us in demonstrating why funding for legal services is  
4 so important. So your testimony was the most instructive.

5 And we've heard today from so many witnesses who  
6 all told a different part of the story. We heard from the  
7 Dean of one of our most notable law schools in the United  
8 States, who is the vice chair of the Legal Services  
9 Corporation, that provides such critical work in  
10 Washington in funding for legal services.

11 We heard from the mayor of the City of Albany  
12 what legal services means to the well-being of this city  
13 and the fabric of its communities.

14 We heard from our great Chief Administrative  
15 Judge talking about how many people this funding serves  
16 and what it does in the documentation of what funding for  
17 legal services can mean in terms of the well-being of our  
18 state.

19 We heard from the director of the New York State  
20 Office for the Aging which really shows the commitment of  
21 our state government to legal services for the elderly.

22 And we heard from Chris O'Malley from IOLA  
23 demonstrating just a few of the cost benefit analyses that  
24 we've done that shows in dollars the difference to the  
25 economic well-being of our state by just helping people

1 who need assistance we help the entire state and all of  
2 our citizens.

3 And of course the last three witnesses really  
4 have put the human element to it and it shows what legal  
5 services not in the abstract, but in graphically relation  
6 to human beings who again need help in all different  
7 situations in life.

8 So this is the fourth and final hearing of this  
9 year. The Task Force will take the testimony that is  
10 received from each of these hearings, will digest it, put  
11 it together and they will inform our recommendations this  
12 year to the Legislature as to the financial needs of legal  
13 services and also provide recommendations beyond the need  
14 for public funding for legal services and where we should  
15 be proceeding next in New York in trying to close and  
16 eventually eliminate the justice gap.

17 So I want to thank everybody for being here  
18 today, for our witnesses, for our audience. And I  
19 particularly again want to thank the Legal Services  
20 Corporation for having their quarterly meeting here in  
21 Albany, and President Levi, and really contributing to the  
22 rest of the country seeing what we're doing in New York  
23 and we seeing what goes on in the rest of the country.  
24 And I can't tell you how much it means to us to have you  
25 here. And be assured that we will take your visit and all

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of the information that we've gathered from the hearings to again make some recommendations of what we do this year. With our help from the State Bar and from our partners in government we hope to continue our efforts to close the justice gap in New York.

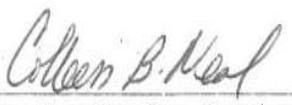
Thank you all. And particularly thank you to our last three witnesses. Thank you so much.

C E R T I F I C A T E

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I, **COLLEEN B. NEAL**, Senior Court Reporter in and for the  
Third Judicial District, State of New York, **DO HEREBY CERTIFY**  
that the foregoing is a true and correct transcript of my  
stenographic notes in the above-entitled matter.

DATED: October 10, 2014



\_\_\_\_\_  
Colleen B. Neal, Senior Court Reporter  
Albany County Courthouse  
Albany, New York 12207