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SUPREME COURT OF THE STATE OF NEW YORK

FOURTH DEPARTMENT

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THE CHIEF JUDGE'S HEARING ON
CIVIL LEGAL SERVICES

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Syracuse University College of Law
Dineen Hall, 950 Irving Avenue
Syracuse, New York

September 30, 2015

B E F O R E:

HONORABLE JONATHAN LIPPMAN
Chief Judge of the State of New York

HONORABLE LAWRENCE MARKS
Chief Administrative Judge

HONORABLE HENRY J. SCUDDER
Presiding Justice, Appellate Division
Fourth Department

DAVID P. MIRANDA
President, NYS Bar Association

1 **A P P E A R A N C E S :**

2 PROFESSOR HANNAH R. ARTERIAN
3 Syracuse University College of Law

4 JEFFREY DONIGAN, ESQ.
5 Pro Bono Scholar, Harter Secrest & Emery

6 FULVIA VARGAS, ESQ.
7 Pro Bono Scholar, Legal Services of CNY

8 THOMAS KEILY
9 Consumer Education & Data Coordinator
10 AmeriCorps VISTA Volunteer, Western New York Law Center

11 JOHN G. ROMAN, JR.
12 Director, IT Operations & eDiscovery
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15 Principal Law Librarian, Seventh Judicial District

16 ROBERT F. NICOLAIS, ESQ.
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19 RONALD YOUNKINS, ESQ.
20 Executor Director, NYS Office of Court Administration

21 COLLEEN McELLIGOTT
22 Client of Volunteer Legal Services Project
23 Accompanied by Mary Beth Conway, Esq.

24 LILIANA ALVARADO-ROJO
25 Client of Erie County Bar Association
26 Volunteer Lawyers Project,
27 Accompanied by Emma Buckthal, Esq.

28 TIMOTHY SHINE
29 Client of Legal Assistance of Western New York, Inc.,
30 Accompanied by Louis Prieto, Esq.

1 (Morning Session - September 30, 2015.)

2 CHIEF JUSTICE LIPPMAN: Good morning.

3 Good to see all of you at this beautiful Law

4 School. And it's always a delight to be in

11:05:13 5 Syracuse, and particularly here again at the Law

6 School in this wonderful new building.

7 As you know, the Court of Appeals was here

8 not too long ago, and as for me personally, I just

9 had to come back, you know. So I was very pleased

11:05:33 10 that we were able to sit here and in Syracuse, and

11 I thank Dean Arterian for welcoming us. We had a

12 great visit and today is a little bit of a

13 different subject.

14 Today we're holding one of our four annual

11:05:54 15 hearings on Access to Justice that we hold at each

16 of the four Judicial Departments.

17 These hearings are sort of building a

18 foundation for the recommendations that we make to

19 the Legislature on funding for Civil Legal

11:06:17 20 Services for the poor.

21 There was one hearing we held yesterday in

22 Manhattan where Mayor DeBlasio came and testified.

23 In past years, across the state, we have had

24 Mayors and Attorney Generals and Comptrollers and

11:06:36 25 heads of the biggest banks and biggest business

1 organizations, cardinals of the church,
2 representatives of the health industry. We've had
3 a very broad cross-section of our State who
4 testify at these Legal Services hearings.

11:06:54 5 The idea is that we have the leadership of
6 the Judiciary and the profession who preside over
7 these hearings.

8 Next to me and to my right is Presiding
9 Justice Scudder of the Fourth Department,
11:07:09 10 Appellate Division. To my far right is David
11 Miranda, the President of the New York State Bar
12 Association. To my left is Lawrence Marks, the
13 Chief Administrative Judge of the State Courts.

14 So we really do have the leadership of the
11:07:29 15 profession and the Judiciary because this issue is
16 so important to all of us, Access to Justice.

17 Sitting in front here is Fern Fischer, the
18 Department Chief Administrative Judge in New York
19 City and the head to our Access to Justice program
11:07:46 20 around the country.

21 Helaine Barnett, who is the Chair of our
22 Permanent Commission on Access to Justice. She
23 was a former president of the Legal Services
24 Corporation in Washington. Served for five years
11:08:04 25 in that role. The longest serving chair.

1 We have members of our commission, including
2 Sheila Gaddis, who I am so grateful to for putting
3 together so much of this hearing. Raun Rasmussen
4 is here, also a member of the Commission, and the
11:08:22 5 heads -- the head of one of our legal service
6 providers in New York.

7 And what this is all about is the New York
8 template for dealing with the justice gap in our
9 State and in the country between the finite legal
11:08:44 10 resources that are available and the desperate
11 need for Legal Services by the poor and people of
12 limited means.

13 There is clearly a crisis in access to
14 justice here in New York and around the country
11:09:02 15 that absolutely, totally threatens to throw people
16 off a cliff in bad economic times because they
17 cannot afford legal representation.

18 These are people fighting for the
19 necessities of life. The roof over their head.
11:09:21 20 Their physical safety. Their livelihoods. The
21 well-being of their families are all at risk when
22 they cannot get representation and cannot afford
23 it to help them through these crises which are
24 fundamental to life, the essentials of life.

11:09:39 25 In all parts of this State, we have leaders

1 who are working to address this crisis. I
2 particularly mention George Lowe, here in
3 Syracuse, who is a member of the Commission who is
4 storied in the battle for equal justice, and I'm
11:09:59 5 so proud that there is going to be in short order
6 the George H. Lowe Center for Justice here in
7 Syracuse, with the idea being to have a central
8 clearinghouse for Legal Services for people in
9 need.

11:10:18 10 And this -- this will include officers for
11 the Legal Services of Central New York, Legal Aid
12 Society of Mid New York, and the Volunteer Lawyers
13 Project of Onondaga County.

14 This is really a one-roof concept. You need
11:10:35 15 help, you come in and we will get you to where you
16 can get that assistance. And I salute Judge Lowe,
17 again, for his lifetime of commitment to Access to
18 Justice and to closing the justice gap in helping
19 the most vulnerable in society with their legal
11:10:57 20 needs.

21 So thank you, Judge Lowe, for everything
22 you've done, and I think Judge Lowe deserves a big
23 round of applause.

24 (Applause.)

11:11:16 25 CHIEF JUDGE LIPPMAN: So let me give you a

1 sense of what we have been doing and why we have
2 been doing it, and then we will start with our
3 first witnesses, which will include Dean Arterian,
4 and a panel that will be dealing with Law School
11:11:34 5 involvement to expand Access to Justice.

6 But what we have tried to create in New York
7 is a State that understands that equal justice is
8 the foundation of our society and our government
9 and that is central to the Constitutional mission
11:11:54 10 of the Judiciary.

11 That if the Judiciary and the profession and
12 so many of you in the audience are going to be a
13 part of the profession and are not going to stand
14 up for poor people and people of limited means,
11:12:11 15 the disadvantaged, who need help but can't afford
16 legal representation, if you don't do it, if we
17 don't do it, no one is going to do it.

18 And that's part of why we hold these
19 hearings. That's why we put in the Judiciary
11:12:31 20 budget each year monies to support Legal Services
21 for the poor, because if we don't have equal
22 justice, we might as well close the courthouse
23 doors.

24 There's no purpose for us to have courts or
11:12:48 25 a justice system if what happens inside the halls

1 of justice is not a level playing field for all.

2 And we're very proud to have gone from zero,
3 no monies for Legal Services for the poor in the
4 this State, to \$85 million this year to support
11:13:12 5 Legal Services that we received in the Judiciary
6 budget from the Legislature and the Executive, and
7 I think it's a tribute to the Commission that
8 Helaine Barnett heads, Sheila and all the other
9 members to be able to make those recommendations,
11:13:31 10 and Judge Lowe and all the people who have been
11 fighting the good fight, so we are thrilled.

12 We're excited, but you know what, it's the
13 tip of the iceberg. The need is so great that
14 almost today -- it was much more than this today,
11:13:47 15 almost two million people come into the courts
16 unrepresented, you know, unable to afford a
17 lawyer. The Legal Service providers turn away
18 more people than they can accept.

19 When we started on this work, we said that
11:14:08 20 we are at best meeting 20 percent of the need with
21 all the things that we have done. Maybe we're
22 approaching meeting a third of the need.

23 And the proof of the matter is that this is
24 the best investment that our State can make at a
11:14:27 25 time when the Legal Services corporation, the

1 monies are drying up in Washington because of the
2 gridlock there. May have \$300 million to give out
3 for the entire country in terms of helping Legal
4 Services for the poor, but at a time when IOLA
11:14:48 5 funds, those are the interesting-bearing accounts
6 that lawyers keep in their fiduciary, interest
7 rates are so low that they went from \$36 million
8 to \$6 million in one year.

9 So we need an investment at the State level
11:15:07 10 in Legal Services for the poor, and we have
11 testimony -- we had testimony yesterday that
12 showed us for every dollar invested in Legal
13 Services for the poor \$10, 10, are returned to the
14 State in lower social service cost. Lower cost
11:15:26 15 corporation cost.

16 With more Federal dollars coming to the
17 State, and again, keeping people as vital members
18 of the community, rather than let them fall by the
19 wayside where there is such a tremendous impact on
11:15:41 20 their jobs, on their families, on their ability to
21 be meaningful members of our community.

22 So if money isn't enough, and there isn't
23 enough money in the world to do it, what else do
24 we need? We need the pro bono work of members of
11:16:00 25 the legal profession.

1 I say to all of you who are students in this
2 audience that there is nothing more important that
3 you can do in your career than to help people in
4 need.

11:16:15 5 That's what lawyers do. We serve others.
6 We help people. It's a noble profession, and you
7 shouldn't ever forget that. It's great to go out
8 and earn money and, you know, we wish you long and
9 fruitful and successful careers, but whether
11:16:36 10 you're a lawyer in a big firm, a single
11 practitioner, or obviously those working in the
12 public service or in the legal service
13 organizations, whatever you do, corporate lawyer,
14 doesn't matter, tax lawyer, you have a
11:16:56 15 responsibility as members of the profession to
16 help those in need.

17 That's what's made our profession great and
18 that's why we so emphasize that in addition to
19 public funding, pro bono work, and we encourage it
11:17:13 20 from the baby boomers, we have a Lawyers Emeritus
21 Program, those who are slowing down and starting
22 to end their practices, and they need to do pro
23 bono work. Corporate counsel who are allowed to
24 practice in our courts, even if they're not
11:17:30 25 admitted in New York, if they're going to do pro

1 bono work and that's why, as you all know so very
2 well, we require 50 hours of pro bono work before
3 you can be admitted to the bar in New York.

4 And the long and short of it is, if you
11:17:49 5 don't understand what it means to be a lawyer, if
6 you don't embrace the core values of our
7 profession, which is service to others, then you
8 shouldn't be a lawyer, and you certainly shouldn't
9 be a lawyer in New York.

11:18:05 10 And I can't tell you the satisfaction that
11 comes from helping those in need. It is our hope
12 that while you're in law school that you will get
13 that buzz, that excitement that comes from helping
14 people who need your services, and it will carry
11:18:26 15 throughout your careers and that's why we have the
16 Pro Bono Scholars Program.

17 Where we have students from Syracuse in that
18 program. Where if you give your last term of law
19 school over to the full-time pro bono work, you
11:18:42 20 can take the bar exam in February as sort of a
21 reward for giving that last term of service over
22 to pro bono work.

23 So I think there's a revolution in Access to
24 Justice happening in this country. There are so
11:19:02 25 many interesting things here in New York and in

1 other states going on. We are changing the
2 landscape of access to justice. We are
3 re-prioritizing what's important in this state and
4 recognizing that Legal Services for the poor is as
5 important as health, hospitals, schools, housing.

6 We don't say: Gee, we don't have money this
7 year, so we're not going to educate our young.

8 And we don't say: Gee, we don't have a lot of
9 money this year, so we're not going to have

10 hospitals to tend to the sick.

11 And we can't say that we don't have money
12 this year and so we're not going to provide legal
13 representation to those fighting for the
14 necessities of life.

15 And we hope to get to the day in the not too
16 distant future when everybody in need will have an
17 attorney and be entitled to an attorney. You all
18 know or should know the seminal case on the
19 criminal side of Gideon v. Wainwright. U.S.

20 Supreme Court said that if your liberty is at
21 stake, you're entitled to a lawyer.

22 I think it is indisputable that there are
23 things in civil cases every bit as important and
24 has just as great an impact on a human being's
25 life than the very loss of liberty itself.

1 For instance, you lose the roof over your
2 head. What can be more serious to your family,
3 your life, everything that is important to you.

4 So we believe that these hearings can make a
5 difference. It's not only the public attention
6 that it brings to this issue, but it's also
7 getting in your hearts and minds what is important
8 about being a lawyer, and obviously from a very
9 important perspective, building the case for
10 public funding for Legal Services for the poor.

11 And again, we have \$85 million, and we
12 intend this year to ask for more money for Legal
13 Services, and those monies have been a lifeline
14 for our Legal Service providers, for the people in
15 the trenches who do, in my view, the most
16 important work in our profession.

17 Everyone does. Lawyers. It's all
18 important. But the people who give up their lives
19 to help others deserve all of our support. So
20 that kind of gives you some context of what we're
21 trying to do at this hearing.

22 We are going to have a number of speakers.
23 I would ask the speakers that you can either read
24 your statement, or you can just speak from the
25 heart as to how you feel. The statements of all

1 of the witnesses will be in the record that we
2 will put out on December 1 with the report and
3 recommendations of the Permanent Commission.

4 We had some timeframes for each witness and
11:22:31 5 for the hearing. We're going to go from now until
6 1:00 o'clock, and we usually are pretty much on
7 time. Sometimes we'll interrupt the witnesses
8 with some questions. Sometimes we'll wait until
9 the end to ask some questions.

11:22:48 10 But I think you'll hear from the really
11 terrific witnesses we have here from many
12 different perspectives on why Access to Justice is
13 important in our State, in this country and to our
14 way of life.

11:23:05 15 So let me ask, there are three members of
16 the panels that can come up. The first panel, as
17 I mentioned to you before, is law school
18 involvement to expand Access to Justice.

19 I'm going to ask my dear friend, Professor
11:23:22 20 Arterian to come up, who you all know so well; and
21 Jeffrey Donigan, 2015 Pro Bono Scholar, who is at
22 Harter Secrest and Emery; and Fulvia Vargas, 2015
23 Pro Bono Scholar, who is with Legal Services of
24 Central New York.

11:23:47 25 So I'll ask our three first witnesses to

1 come up to the table, and I'm going to ask your
2 former, fabulous, spectacular Dean to speak first.

3 I want to say to all of you what a leader
4 she is in this State and in this country in the
5 field of legal education. She was instrumental, I
6 take all the blame, but she was instrumental on
7 the committee that we had to study the uniform bar
8 exam that you know will be starting in the not too
9 distant future. I think it's a wonderful thing
10 that you're involved in.

11 All kidding aside, I think it brings New
12 York to where it should be, a leader in the bar in
13 setting the way for other states, and I think due
14 to the Dean's leadership and the wonderful
15 committee we had looking at this issue, in short
16 measure, I think we will have a uniform bar exam
17 in the United States that virtually every state
18 will be a member of. So without further
19 introduction, I give you the Dean, Dean Arterian.

20 PROFESSOR ARTERIAN: Thank you very much.
21 My microphone is live? Thank you. Uhm, thank you
22 very much, Judge Lippman. And it was an honor and
23 it was one of the greatest experiences in my legal
24 career actually to serve on that -- to serve on
25 that Task Force.

1 I want to thank Mr. Miranda, Judge Scudder,
2 Judge Marks, and, of course, you, Chief Judge
3 Lippman for this opportunity.

4 I am going to read -- mostly read some of
11:25:51 5 the testimony. I'm going to embellish it a bit,
6 but not embellish it with things that are not from
7 the heart and I hope absolute truth.

8 CHIEF JUSTICE LIPPMAN: Everything you
9 say, Dean, is the truth. I know that.

11:26:05 10 PROFESSOR ARTERIAN: Okay.

11 CHIEF JUSTICE LIPPMAN: All right.

12 PROFESSOR ARTERIAN: I mean as Judge
13 Lippman noted, for 13 years I had the honor to
14 serve as the Dean of this Law School. And it not
11:26:15 15 surprisingly coincided with increasing needs for
16 legal assistance, because we lived through the
17 recession during that time period, and academic
18 programs of the college include those that provide
19 free legal assistance.

11:26:29 20 My testimony will focus on our clinical
21 programs. Students in our clinics are supervised
22 by our faculty and work on legal matters for
23 academic credits. It's also true that our
24 externship programs have such characteristics and,
11:26:48 25 of course, as you noted, our students are engaged

1 in noncredit earning pro bono activities. And
2 last year we had -- last year, I'm going to say
3 August 2014-August 2015, 6,500 hours of pro bono
4 service provided by our students.

11:27:08

5 The College has faculty members on their own
6 engaged in pro bono activities. But my focus is
7 really on our clinics, and particularly the
8 importance of the clinics in developing pathways
9 to Access to Justice.

11:27:24

10 And our clinical education program is headed
11 by Associate Dean and Professor of Law Deb Kenn.
12 Over the past 13 years, the College has grown to
13 nine clinics, including a Veteran's Legal Clinic
14 that was added in 2015 -- January 2015. They are
15 organized by subject matter. The notion being
16 that that's the best way to serve the clients, and
17 it is also the best use of our human resources
18 efficiently.

11:27:42

19 Not surprisingly, as Judge Lippman noted at
20 the beginning, and it is a truism, demand for
21 assistance vastly exceeds capacity. All but one
22 of these clinics serve the needs of clients in the
23 civil arena. One is a criminal defense clinic.

11:27:55

11:28:15

24 Between August 2014 and August 2015, all of
25 the clinics served a total of 467 clients; 92 were

1 criminal defense; 375 were civil clinic clients.
2 And these are clients, as you know, who would
3 otherwise be unable or very disadvantaged to
4 access in the legal system.

11:28:33

5 Judge Lippman noting that there are so many
6 people who are pro se in the courts.

7 Understanding that's only the tip of the iceberg.

8 There are a bunch of people who cannot figure out
9 that they can get to the court. That they have a

11:28:47

10 venue and an opportunity to present themselves.

11 So we understand the depth of the problem.

12 Uhm, the College of Law invests heavily in
13 this endeavor. This is an academic program. We
14 care about it. We care about it. We care about
15 it because it's important educationally for our
16 students and it's not a byproduct that it helps
17 the community, but we invest in it because it's
18 our responsibility in terms of legal education.

11:29:05

19 During my time as Dean, I received e-mails
20 and letters from people who have been clients of
21 the clinic, and who are so thankful and found out
22 where the Dean was and sent a message.

11:29:22

23 I also think it's important that we work to
24 create interdisciplinary strengths because we all
25 know that people come with legal problems or think

11:29:38

1 they are strictly legal problems, but there are a
2 myriad of other issues that individuals face.
3 They may need health referrals. They may need
4 counseling, uhm, and they're at a loss at how to
11:29:56 5 navigate the complexity of the legal and social
6 services system.

7 Our College is in an area of great need for
8 access, and the growth and strength of our
9 clinical programs has played a critical role in
11:30:08 10 helping individuals across a variety of instances.
11 I detailed the list in the -- in my testimony.

12 Uhm, and saying this, the clinics we know
13 have enormous impact. Although, clinics cannot
14 solve all the problems, we can't begin to touch it
11:30:30 15 as legal education systems.

16 I think what is important to recognize is
17 that what a loss it would be if these clinics
18 weren't there. Some of these clinics get funding
19 from grants or from agencies, but overall the
11:30:48 20 funding is really from the Law School.

21 And the amount of work that's done is a
22 measure of that. There are bridges that need to
23 be crossed and it's difficult to cross them if you
24 don't have the assistance. That at the current
11:31:08 25 structure, we wouldn't have -- we wouldn't have

1 one person at a time being assisted.

2 We can all work certainly, and you are
3 working, and I want to say, I'm thrilled to hear
4 there will be a Judge Lowe Center, because as you
11:31:23 5 said, I mean Judge Lowe has been a force in this
6 community and State and nationwide for the most
7 important things, so I was -- that's from the
8 heart. I was thrilled to hear that announcement.

9 With respect to the clinics, we are doing
11:31:39 10 this one client at a time, over 400 clients a
11 year, and this is a College in an area which has
12 been in an economic decline, that has a diverse
13 population and an increasing settlement of
14 refugees.

11:31:54 15 The College's program cannot do everything,
16 but it is a long-standing and an important beacon
17 and has been for years and years and years about
18 how important the Access to Justice mantra is.

19 I want to point out that in addition to the
11:32:10 20 direct legal work of the law clinics, there is an
21 indirect benefit, which is training soon-to-be
22 lawyers in representing the needs of low-income
23 people.

24 Between six one-semester clinics and the
11:32:21 25 three two-semester clinics, there are about 150

1 law students engaged and enrolled in these clinics
2 every year. Each student develops knowledge of
3 substantive law and skills to take them to
4 whatever and into whatever community they will
11:32:37 5 live in ultimately and that can be used to provide
6 pro bono legal assistance throughout their
7 careers.

8 But for their clinical education, they may
9 not have known how to apply their legal education
11:32:50 10 in representing clients who are severely limited
11 in their access to Legal Services, and I want to
12 add this, because I think it is really critical,
13 and being equipped to face the complexity of the
14 personal contacts that so many individuals bring
11:33:05 15 to their need for legal services.

16 Our work provides an impact in each
17 instance, but it also intends to produce a
18 multiplier as our students graduate and enter a
19 profession.

11:33:17 20 I want to end with a quote from Professor
21 Kenn in our postscript. These -- this is
22 Professor Kenn's words.

23 The clients we serve would not otherwise be
24 represented by an attorney and would either have
11:33:29 25 to navigate the legal system on their own or, more

1 likely, not have access to basic rights and
2 recourse when denied human rights. Some of the
3 clinics' outcomes can be quantified in dollars and
4 cents, but most have tangible results contributing
11:33:45 5 to the economic, social, emotional well-being of
6 clients that are far more difficult to value
7 monetarily.

8 Saving someone's home from foreclosure,
9 preventing financial abuse of an elderly person,
11:33:57 10 keeping a mother or father out of prison,
11 assisting a person who is deaf in fighting
12 discrimination, helping a single mom collect child
13 support, representing a community organization
14 after creating after-school programs in obtaining
11:34:10 15 a 501(c)3 tax exception all have the effect of
16 improving quality of life and shaping the world
17 one client at a time. The clients we represent
18 will not otherwise have access to justice. And
19 that is my postscript.

11:34:24 20 One of the things that is most critical
21 about these clinical operations is that they
22 demonstrate to people who otherwise would not have
23 it that there is a path to justice. There is
24 access to it. Not every case is going to result
11:34:40 25 the way the client would like it to be. But each

1 client has the dignity of recognition of the
2 portion of their problem and has representation to
3 demonstrate that there is access.

4 And I think, as Judge Lippman said, if you
11:35:00 5 can't help your community, see the path that there
6 is access, it's very, very difficult to see how
7 you sustain in a civil society.

8 And I thank you for the opportunity to
9 present the information. You have an appendix
11:35:15 10 that has a list for our clinics. It captures what
11 they do and the impact in any given year.

12 CHIEF JUSTICE LIPPMAN: Thank you, Dean.
13 I think that the interest that you sparked in
14 Syracuse, in this area, is witnessed by the great
11:35:32 15 turnout that we have. Some of these students, I
16 think, are interested in this particular part of
17 what we do.

18 But let me ask you a question going towards
19 that, and I think you heard me say this before and
11:35:44 20 I mentioned it yesterday when we had former Dean
21 Sexton from NYU Law School testify.

22 I've been around the country and believe me,
23 I get that here in Syracuse and virtually at all
24 of our New York schools, we appreciate the
11:36:04 25 importance of Access to Justice Legal Services for

1 the poor, and yet I have been around the country
2 and I've had, you know, speaking with deans of law
3 schools that aren't within the New York system who
4 say to me, you know, with all due respect, Chief
11:36:26 5 Judge, you know, I'm preaching the gospel of
6 Access to Justice, with all due respect, law
7 schools are not in the access to justice business.

8 And my answer, of course, is with all due
9 respect, Dean, I think you're very much in the
11:36:41 10 access to justice business.

11 Why is it important, Dean, that law schools
12 be in the access to justice business? Can you be
13 separate and apart from this?

14 PROFESSOR ARTERIAN: Look, look, again,
11:36:57 15 I'm speaking my mind now and not, you know, a
16 mantra that I memorized. It's very hard for me to
17 see how -- why you have legal education if you
18 don't care -- either care about access to justice
19 or don't think access to justice is a critical
11:37:15 20 part of what lawyers must do.

21 I mean what are they doing? I mean what do
22 lawyers do if they have -- are not all involved in
23 some way or another in access to justice.

24 Now, of course, it may well be that people
11:37:31 25 have -- who have their own definitions, but I do

1 think the power of legal education in part is part
2 of a civil society. How do you view that -- how
3 do students get that? How do we feel about it if
4 we don't seem to care about access to justice?

11:37:48

5 So I don't -- I guess, Judge, I don't see
6 these as like you can meet this or be that. It
7 seems to me there is a confluence here, and it may
8 well be sometimes, you know, there is the -- too
9 much entanglement, not enough understanding how
10 those things relate.

11:38:05

11 But, you know, I have to tell you in all
12 honesty, having been Dean for thirteen years, I've
13 spent a lot of time with deans around the United
14 States. I'm unhappy to hear there is a dean that
15 would have said that because at least in my
16 experience I haven't had that but --

11:38:16

17 CHIEF JUSTICE LIPPMAN: Me, too. So I
18 will ask the panel, do you have any questions?
19 What I would say along the lines of what we both
20 have been talking about, and I usually give the
21 example that if we say that law students are
22 required to take torts and contracts and property,
23 they also ought to be required to understand what
24 the values of being a lawyer are all about.

11:38:27

11:38:52

25 So as the Dean says, they're not separate

1 things. They're altogether. You can't learn the
2 disciplines if you don't understand what it means
3 to be a lawyer.

11:39:02 4 PROFESSOR ARTERIAN: Can I follow up with
5 that?

6 CHIEF JUSTICE LIPPMAN: Sure.

7 PROFESSOR ARTERIAN: Judge, to me there is
8 a pretty significant move, well, it's bubbling
9 across legal education in the concept of
11:39:13 10 professional identity, and professional identity
11 develops formation.

12 How do you form your -- how you do form
13 yourself really should require careful thinking
14 about the interrelationship between the doctrine
11:39:28 15 and the reality.

16 CHIEF JUSTICE LIPPMAN: Okay. Any
17 questions for the Dean?

18 MR. MIRANDA: Yes.

19 CHIEF JUSTICE LIPPMAN: State Bar
11:39:33 20 President Miranda.

21 MR. MIRANDA: Thank you, Dean, for your
22 testimony. Also, for your leadership in the area
23 of Access to Justice and for hosting us here at
24 Syracuse University College of Law.

11:39:45 25 As you noted, it's important to the

1 students, the law students that they understand
2 their obligation when they come into this
3 wonderful profession, and lawyers have obligations
4 that other professions don't have and that's
11:40:04 5 providing pro bono legal services to those in
6 need.

7 Law students here at Syracuse University
8 College of Law and throughout the state have a
9 passion, I think, for public service, and
11:40:20 10 Syracuse, of course, has many great programs to
11 provide an outlet for those issues and to do the
12 public good when they graduate from school. Some
13 have substantial debt. Some have difficulty
14 finding work.

11:40:32 15 How can we, as a profession, better provide
16 opportunities for those who got a great foundation
17 here in law school to provide -- be involved in
18 public service and to provide part of their career
19 providing access to justice and pro bono legal
11:40:52 20 services throughout their legal careers?

21 PROFESSOR ARTERIAN: That's a complicated
22 question, but sounds like a great deal of
23 interest.

24 MR. MIRANDA: Thirty seconds.

11:41:02 25 PROFESSOR ARTERIAN: Look, yes, they

1 come -- most law students will graduate with a lot
2 of debt. Interestingly, I will point out, I think
3 probably law students that graduate in three years
4 will have less debt than their predecessors
5 because of the amount of scholarship assistance
6 that schools are giving.

7 Also, I do think one of the things I think
8 lawyers can do, and this may sound farfetched, but
9 I think it's really important if there is not a
10 continuation at the Federal level of income-based
11 repayment for debt for, you know, public service
12 loan forgiveness after a period of time, it's
13 going to be much, much more difficult.

14 And I do think lawyers have a role in that,
15 in making clear that the work that the students
16 do, the work that graduates -- the work that
17 lawyers do in those areas is really, really
18 important, and legal education is a value that
19 needs to be protected.

20 I also think if there is an opportunity for
21 students while they're in law school to do things
22 that are not for credit. They may not be for
23 money, but it will be great if it could be where
24 they can work with lawyers in law firms and watch
25 lawyers actually who are engaged in their own

1 full-time practice and have the time to help
2 implement pro bono.

3 I think example mentoring like that is
4 terrific, but I do think there are very practical
11:42:41 5 political things and lawyers -- and lawyers, not
6 just in the State of New York, but generally can
7 undertake to make it much, much easier for the
8 students to make the choices about, you know, what
9 they're going to be based on, where they feel they
11:42:54 10 can do most good.

11 And I also say, I think people go to big law
12 firms, there are pro bono opportunities aplenty
13 for the new lawyers in those firms. And again, I
14 think it's the responsibility of all of us to have
11:43:12 15 those students see that path.

16 You know, it's not just: I work for big
17 clients, I make a lot of money. I mean that
18 increases your responsibility to take that over
19 time. So it is role modeling, among other things.
11:43:25 20 I don't know if that begins to touch the question
21 that you asked.

22 CHIEF JUSTICE LIPPMAN: Begins to answer
23 the question, absolutely. Okay. Now, we will see
24 the fruits of the law school and your efforts,
11:43:36 25 Dean, by our next two witnesses, who I'm very

1 proud to say were very much pioneers in the Pro
2 Bono Scholars Program. So let's start Jeffrey,
3 with you. Tell us about the Pro Bono Scholars
4 program. Tell us about what you're doing and what
11:43:58 5 you think about this whole business that we're
6 talking about today, young lawyers particularly,
7 old lawyers understanding so much of what we do is
8 about helping people.

9 JEFFREY DONIGAN: Thank you, Chief Judge.
11:44:14 10 Your Honors, President Miranda, appreciate the
11 opportunity that you've invited me here to testify
12 about this very important topic.

13 As the Chief Judge said, my name is Jeffrey
14 Donigan. I'm a first-year associate at Harter
11:44:27 15 Secrest & Emery in Rochester, New York, and I
16 graduated from SUNY Buffalo Law School this past
17 year.

18 Last spring I participated in the first
19 class of Chief Judge Lippman's Pro Bono Scholars
11:44:40 20 program. I was placed at the Erie County Bar
21 Association Volunteer Lawyers Project in Buffalo
22 to complete my pro bono commitment with my fellow
23 classmate and Pro Bono Scholar, Anne Modica.

24 I requested the Volunteer Lawyers Project
11:44:58 25 because of the wide range of civil free legal

1 services it provides its clients, from traditional
2 ongoing representation to limited-scope legal
3 services.

4 I participated in a number of VLP's Legal
11:45:12 5 Services Programs. I assisted at the Attorney of
6 the Morning Program, an award winning eviction
7 defense program in Buffalo City Court that is
8 staffed by local pro bono attorneys.

9 With my Student Practice Order, I helped
11:45:28 10 clients by negotiating with landlords or their
11 attorneys to settle cases, allowing our clients to
12 remain in their homes or obtain the time they need
13 to locate suitable housing.

14 These settlements reduced the number of
11:45:43 15 cases before the Court, making the system more
16 efficient and cost effective.

17 I also gained invaluable practice skills by
18 appearing in court on behalf of clients who are
19 unable to reach a settlement with their landlord.

11:45:55 20 Being a Pro Bono Scholar and working with
21 pro bono attorneys from the community helped me to
22 appreciate the value that I can contribute as an
23 Associate at Harter Secrest & Emery.

24 In addition to Housing Court, I assisted at
11:46:09 25 VLP, a new program in the Family Court, Family

1 Court Help Desk. The Help Desk provides
2 limited-scope legal advice to unrepresented
3 litigants with family law matters. The Help Desk
4 is staffed by experienced pro bono family law
11:46:27 5 attorneys and assisted by SUNY Buffalo Law School
6 students.

7 I supported the pro bono attorneys by
8 interviewing clients and identifying their legal
9 issues. It was satisfying to assist
11:46:39 10 unrepresented, low-income individuals facing the
11 complex Family Court system.

12 This experience gave me many valuable
13 practical skills that I would not have learned
14 these in the traditional law school setting.

11:46:53 15 For the classroom component of the program,
16 we had to write a research paper on any pro bono
17 topic. Based on my experiences, I have advocated
18 in my paper for additional funding and resources
19 for the Family Court Help Desk because of the
11:47:08 20 positive impact it had on not only the clients but
21 the Court's efficiency.

22 Adding Family Court Judges to the bench will
23 certainly help with the efficiency issues that the
24 Family Court is facing.

11:47:19 25 However, if programs like the Help Desk

1 received more resources, then more unrepresented
2 litigants will have the opportunity to speak
3 briefly with an attorney and gain invaluable
4 advice about a complicated process, saving many
11:47:35 5 resources in the long run.

6 The limited-scope legal advice provided at
7 the Help Desk has resulted in fewer filed
8 petitions, because clients learn that their claims
9 are meritless or that they have a better way to
11:47:50 10 address their issues.

11 The Help Desk also assisted litigants in
12 crafting better petitions that survived motions to
13 dismiss because the Court was informed of the
14 issue in a clear manner.

11:48:04 15 Allocating greater resources to the Help
16 Desk would serve the dual purpose of improving
17 Court efficiency and assisting these litigants in
18 desperate need of help.

19 I was excited to apply for the Pro Bono
11:48:18 20 Scholars Program because of the positive pro bono
21 experiences I had as a Summer Associate at Harter
22 Secret & Emery.

23 I volunteered at the Attorney of the Morning
24 Program in Rochester and the Volunteer Legal
11:48:29 25 Services Project's Family Law Clinic.

1 By using my developing legal skills to help
2 those in need is extremely rewarding. I'm proud
3 of everything I've learned as a Pro Bono Scholar
4 at the Volunteer Lawyers Project.

11:48:43 5 Thank you, Chief Judge Lippman, for creating
6 this program and providing me with this
7 unforgettable experience.

8 CHIEF JUSTICE LIPPMAN: Thank you. Sounds
9 like it was great. Let me ask you one leading
11:48:53 10 question. Lawyers, right, we know about leading
11 questions.

12 Do you think it's a good idea if every
13 single law student in the State of New York, in
14 this country, would take one term, one-sixth of
11:49:15 15 their legal career and just help people and do pro
16 bono work like you did as part of the Scholars
17 Program?

18 JEFFREY DONIGAN: I do. I think it's such
19 a great resource, not only for the people that we
11:49:27 20 provide legal assistance for, but I think it's
21 also such a great experience for ourselves.

22 I know personally I've gained more practical
23 skills during the last semester of law school
24 doing this program than I did in the first two and
11:49:44 25 a half years at law school. I felt much more

1 confident.

2 CHIEF JUSTICE LIPPMAN: That's quite a
3 statement that he just made.

4 JEFFREY DONIGAN: And --

11:49:55 5 CHIEF JUSTICE LIPPMAN: He's a good lawyer
6 and a good witness. Do we recognize that? Go
7 ahead.

8 JEFFREY DONIGAN: I also learned about the
9 experiences that I can continue to do while I'm in
11:50:09 10 private practice. Although I was a volunteer with
11 the Lawyers Project, we worked closely with many
12 other legal service providers, and I just became
13 familiar with all of the different places that I
14 could go and volunteer and ways that I can keep
11:50:27 15 contributing in the future.

16 CHIEF JUSTICE LIPPMAN: Great. Thank you
17 so much, Jeffrey. Really great testimony.

18 JEFFREY DONIGAN: Thank you.

19 CHIEF JUSTICE LIPPMAN: So Fulvia, what
11:50:35 20 are you doing in the program? Something
21 constructive, I hope.

22 FULVIA VARGAS: I hope, yes. Good
23 morning. My name is Fulvia Vargas. I would like
24 to extend my gratitude to Chief Judge Lippman and
11:50:47 25 the Hearing Panel for conducting these hearings to

1 further address the need and impact that legal
2 services providers have on low-income communities.

3 As part of the first class of Pro Bono
4 Scholars in New York, I'm honored to be here today
11:51:01 5 to discuss my experiences and the impact that the
6 program had on the community, Onondaga County
7 community and --

8 CHIEF JUSTICE LIPPMAN: Syracuse?

9 FULVIA VARGAS: I was at Syracuse, yes --

11:51:16 10 CHIEF JUSTICE LIPPMAN: SUNY Buffalo is
11 good, too.

12 FULVIA VARGAS: -- my choice of career in
13 public sector work. Before I discuss my
14 experiences, I would like to provide some
11:51:27 15 background as to why I chose to go to law school.

16 I grew up in the Washington Heights
17 neighborhood of New York City, a neighborhood
18 composed primarily of immigrant residents from
19 various Latin American and Caribbean countries.

11:51:40 20 My mother was an immigrant from the
21 Dominican Republic who worked as a housekeeper and
22 who I saw struggle each day to provide for my
23 siblings and I.

24 In my neighborhood, there was no concept of
11:51:50 25 justice, getting a lawyer, or even seeking out

1 legal services. To them, the legal system in the
2 United States was not designed to protect
3 low-income, immigrant families who often times
4 could not afford a lawyer.

11:52:03

5 Thus, at a young age I decided that pursuing
6 a career in law would allow me to change this
7 perception among many in my community. As a first
8 of my family to graduate high school, college and
9 even pursue a degree in law, I felt tasked with
10 using my education to serve those in need.

11:52:18

11 Growing up, I did not know anyone that was a
12 lawyer. At a young age, I was determined to
13 pursue a career to help those in my community who
14 felt that they did not have a voice in the legal
15 system.

11:52:30

16 I constantly saw people being evicted from
17 their homes, being sent to jail, or facing various
18 instances of civil discrimination. I knew then
19 that I would become a lawyer so I could one day
20 fight against these injustices.

11:52:42

21 I went on to attend Syracuse University
22 College of Law with the goal of pursuing a career
23 in public interest. While at the College of Law,
24 I participated in the Elder Law Clinic and
25 interned with the New York Legal Assistance Group

11:52:55

1 in New York City.

2 Through my experiences, I realized the dire
3 need for legal services that still exists in
4 low-income communities around the State of New
11:53:06 5 York.

6 Aside from the lack of legal services among
7 these communities, these communities face language
8 and cultural barriers that make seeking legal
9 assistance daunting, if not impossible.

11:53:17 10 These experiences also reaffirmed my desire
11 to pursue a public interest career upon finishing
12 law school.

13 During the summer before my third year of
14 law school, I was informed about the Pro Bono
11:53:28 15 Scholars Program. This program quickly caught my
16 attention, not only because it would allow me to
17 finish law school and take the bar prior to
18 graduating, because it would allow me to address
19 the legal needs of low-income residents in the
11:53:42 20 Syracuse area.

21 I spent my ten-week internship as a Pro Bono
22 Scholar for Legal Services of Central New York.
23 As a Pro Bono Scholar, I had the opportunity to
24 work with Legal Services of Central New York in
11:53:52 25 their Advocacy Group.

1 The opportunity to work with Legal Services
2 allowed me to advocate for low-income individuals
3 facing a range of civil legal issues, including
4 housing, unemployment and public benefits.

11:54:05 5 Day to day, I interacted with clients whose
6 legal needs meant the loss of food, shelter, or a
7 means of providing for their family.

8 Many times, I encountered clients who only
9 spoke Spanish, and thus faced an array of issues
11:54:19 10 in being unable to communicate their needs to
11 local government agencies or even landlords in
12 housing matters.

13 The clients I encountered were extremely
14 welcoming and thankful for the help I was able to
11:54:31 15 provide to them.

16 One of my greatest accomplishments as a Pro
17 Bono Scholar was working with a hearing-impaired
18 inmate at the Onondaga County Justice Center.

19 He had contacted our office after being
11:54:42 20 unable to access rehabilitative and vocational
21 classes at the Justice Center due to his need for
22 an American Sign Language interpreter.

23 Soon after filing a Federal complaint, the
24 Onondaga County Justice Center installed a
11:54:54 25 videophone to allow for better communication

1 between hearing-impaired inmates and their
2 families, and it allowed hearing-impaired inmates,
3 like my client, to participate in GED and
4 rehabilitation courses.

11:55:06

5 Being a Pro Bono Scholar gave me the
6 opportunity to use my legal education to make a
7 difference in the Syracuse community. I cannot
8 explain how rewarding it was to go into work each
9 day and speak with clients who were extremely
10 thankful for the help I was able to provide.

11:55:20

11 This opportunity reminded me in many ways of
12 how many people in our community depend on public
13 interest attorneys to help them navigate through
14 the legal issues. It is because of the work and
15 dedication of public interest attorneys that many
16 clients hold on to the very essentials of life,
17 including food and shelter.

11:55:32

18 The Pro Bono Scholars Program inspired in me
19 a greater commitment to work with low-income
20 communities. It reminded of the very reason why
21 as a young girl growing up in Washington Heights
22 that I wanted to pursue a career that would allow
23 me to help those who need it most.

11:55:45

11:55:56

24 Even in the short ten weeks of my
25 internship, I realized the vast impact this

1 program and legal services providers across the
2 state have on impacting the lives of those who are
3 often undeserved and underrepresented in the legal
4 field.

11:56:08 5 I want to thank Chief Judge Lippman and the
6 Commission on Access to Justice for the
7 opportunity to be part of the inaugural class of
8 Pro Bono Scholars. It is because of your belief
9 and the need to narrow the justice gap that I as a
11:56:20 10 Pro Bono Scholar was able to make the slightest
11 difference among the residents of the Syracuse
12 community. Thank you.

13 CHIEF JUSTICE LIPPMAN: Thank you, Fulvia.
14 Thank you.

11:56:29 15 (Applause)

16 CHIEF JUDGE LIPPMAN: Thank you for your
17 service in helping people. Let me ask you a
18 question that I think sometimes it's not clear to
19 people who talk about legal services for the poor.

11:56:49 20 It's often thought that what we are talking
21 about is only about when you are -- go into court
22 and you're representing somebody, a client before
23 a Judge in a court of law.

24 Most of what you do has nothing to do with
11:57:07 25 that. It's about interfacing with bureaucracies.

1 It's about giving people basic advice. Is that
2 the case? I mean, you know, legal services is
3 really helping people one by one and not
4 necessarily -- obviously there comes a time when
11:57:26 5 we do have to go into court and represent our
6 client, but what you did you got great
7 satisfaction, yet you didn't go into court, did
8 you?

9 FULVIA VARGAS: I did go to Housing Court
11:57:39 10 sometimes, yes.

11 CHIEF JUSTICE LIPPMAN: Once was enough?

12 FULVIA VARGAS: Uhm, but it is true, I
13 think with low-income communities, and even
14 speaking with the Department of Social Services to
11:57:51 15 give them access to public benefits was an issue
16 they had to face.

17 It didn't mean going to court. It did mean
18 having to hold a fair hearing or calling someone
19 over at the agency to ask them what was going on
11:58:01 20 with the public benefits.

21 CHIEF JUSTICE LIPPMAN: Interceding for
22 someone?

23 FULVIA VARGAS: Yes. Whether Section 8 or
24 Department of Social Services, we constantly spoke
11:58:10 25 with other people in the community to get access

1 to benefits.

2 CHIEF JUSTICE LIPPMAN: You described kind
3 of a troubleshooting for people?

4 FULVIA VARGAS: Yeah.

11:58:16 5 CHIEF JUSTICE LIPPMAN: People coming in
6 with a problem and how do we address it, and there
7 is a time, obviously sometimes we wound up in
8 court about the problem, but it is really helping
9 out people.

11:58:27 10 FULVIA VARGAS: It is really about helping
11 people as fast as possible often times. You know,
12 going to court takes a lot. Sometimes --
13 sometimes we don't have the time and they may lose
14 their home tomorrow if we don't address this.

11:58:39 15 CHIEF JUSTICE LIPPMAN: If not necessarily
16 the most productive use of your time as a lawyer.

17 FULVIA VARGAS: Or they're not going to
18 get food stamp benefits for themselves or their
19 children next month. We have to act quickly.
11:58:49 20 Most of the time we are speaking with agencies
21 just to get them what they need.

22 CHIEF JUSTICE LIPPMAN: Okay. Any other
23 questions from the panel? Judge Marks.

24 JUSTICE MARKS: One question. So when I
11:59:00 25 went to law school, it's a long time ago.

1 CHIEF JUSTICE LIPPMAN: Very long time
2 ago.

3 JUSTICE MARKS: You went a longer time
4 ago, but it was a long time ago. So I -- there
11:59:17 5 was one clinic at the law school that -- I think
6 only one, there was definitely one clinic, I don't
7 recall anyone advising me when I was in law school
8 or encouraging me to participate in the clinic.

9 In fact, I don't remember anybody advising
11:59:32 10 me or encouraging me about anything when I was in
11 law school. I won't mention which law school it
12 was. But did each of you -- did your law schools
13 do anything in any form or way to encourage you to
14 participate in clinics, or for that matter to
11:59:51 15 encourage you to participate in the Pro Bono
16 Scholars Program, or is this -- are those
17 decisions that you've made on your own? Was there
18 faculty or staff at the law school that advised
19 you or encouraged you about these things?

12:00:05 20 JEFFREY DONIGAN: At SUNY Buffalo, there
21 would be faculty and staff that would hold
22 meetings, inform the students of various clinics
23 that are available, as well as the Pro Bono
24 Scholars program.

12:00:18 25 I think what was most important to me,

1 though, was just talking to the older classmates
2 or people that I trusted in the law school and
3 hearing from them what they thought was important.
4 A lot of times it was, you know, specific clinics
12:00:32 5 or doing the Pro Bono Scholars Program.

6 I know that personally when I speak to law
7 students now, one of the first things I talk to
8 them about is the Pro Bono Scholars program and
9 what a great opportunity it is as far as learning
12:00:45 10 your legal skills, and the reward of that is being
11 able to have the best summer that I've had to
12 date. So there's --

13 JUSTICE MARKS: Did your law school invite
14 you to come back and talk about it with law
12:01:01 15 students?

16 JEFFREY DONIGAN: Have they?

17 JUSTICE MARKS: Have they done that, have
18 they invited you back to speak to students that --

19 JEFFREY DONIGAN: No. When I say talking
12:01:12 20 to my law students, it would be my first or second
21 year talking to third-year law students about what
22 they'd done at the law school.

23 JUSTICE MARKS: What about the clinics?

24 JEFFREY DONIGAN: The opportunity --

12:01:23 25 JUSTICE MARKS: Yeah.

1 JEFFREY DONIGAN: -- as far as learning
2 about them?

3 JUSTICE MARKS: No. No. I understand
4 what you're saying. You were relying on the more
12:01:33 5 senior law students for advice and information.

6 JEFFREY DONIGAN: But the law school as a
7 staff also makes informational meetings and --

8 JUSTICE MARKS: They did?

9 JEFFREY DONIGAN: Yes.

12:01:45 10 FULVIA VARGAS: At Syracuse we do have
11 various clinics. I think I remember as a
12 first-year student that that was something that
13 was explained to us as part of the curriculum,
14 being part of the clinic was something that just
15 came with when you pick a semester or year that
12:01:57 16 you want to be part of a clinic.

17 So to me from the start it was something
18 that I felt like Syracuse emphasized as being an
19 important part of the overall education, and so I
12:02:08 20 knew at some point or another I should be involved
21 if I had the time to do a clinic.

22 As a Pro Bono Scholar, I came back, I think
23 it was a week ago, to speak to other students who
24 are interested in the program, and they asked
12:02:20 25 questions, and they asked me about my experiences.

1 CHIEF JUSTICE LIPPMAN: That's great.

2 FULVIA VARGAS: Why I felt it was a great
3 program and that they should get involved. I have
4 been back to school to speak to other students
12:02:29 5 about the program as well.

6 CHIEF JUSTICE LIPPMAN: It is our hope
7 that when the students hear what you did and how
8 fulfilling and important it was to you that we'll
9 get, you know, lots of students who want to do it,
12:02:45 10 and I suspect in relation to the leading question
11 I asked you before, that this will be -- it's -- I
12 think pro bono work is -- it's engaging, it gets
13 people excited.

14 It's, you know, and I think that we're going
12:03:03 15 to see them in later years, large numbers of
16 students at the law schools all around our state
17 giving their time, you know, in large time, an
18 entire term to this kind of effort.

19 What I want to say is thank you to our
12:03:21 20 students and to our spectacular Dean for being
21 here and heading this panel. It really got us off
22 to a great start and thank you so much.

23 (Applause)

24 CHIEF JUSTICE LIPPMAN: Okay. The next
12:03:41 25 group that will come up are going to talk about

1 the technology to improve the delivery of Civil
2 Legal Services.

3 Now, you might think technology is a dry
4 subject. With this panel it's not going to be
12:03:54 5 dry. So Thomas Keily, Consumer Education and Data
6 Coordinator from AmeriCorps VISTA Volunteer,
7 western New York Law Center. Come up.

8 John Roman, Jr., Direct IT Operations
9 eDiscovery, Nixon Peabody. Timothy Hunt,
12:04:15 10 Principal Law Librarian, Seventh Judicial
11 District. And Robert Nicolais, Pro Bono Attorney
12 Volunteer Legal Services Project, UCS Help Center,
13 Seventh Judicial District. I promise an exciting
14 panel here, so don't disappoint us.

12:04:42 15 JOHN ROMAN: This will be very exiting.
16 No technical jargon.

17 CHIEF JUSTICE LIPPMAN: So as I said, you
18 don't have to -- you can do whatever you want.
19 You don't have to read your testimony. You can
12:04:53 20 just talk. You know, sometimes that's better.
21 It's totally up to you.

22 Let's talk with Thomas Keily. Tell us about
23 yourself and what you want to tell us about how
24 technology improves legal services.

12:05:12 25 THOMAS KEILY: First, I'd like to thank

1 Chief Judge Lippman and the Panel for this
2 opportunity to speak on behalf of the benefit
3 provided by legal services providers to help
4 underserved communities and the impact that data
5 can play --

12:05:27

6 CHIEF JUSTICE LIPPMAN: Move your speaker
7 closer to you.

8 THOMAS KEILY: The role that data can play
9 in enhancing and expanding legal services.

12:05:38

10 Specifically, I'm an AmeriCorps VISTA volunteer at
11 the Western New York Law Center in Buffalo, New
12 York.

13 The Western New York Law Center twice a week
14 holds a consumer clinic called CLARO. This is
15 services to help pro se litigants with paperwork
16 and support and advice on consumer-related debt
17 matters.

12:05:49

18 We see a range of individuals that come into
19 our clinic. We don't discriminate upon --

12:06:04

20 CHIEF JUSTICE LIPPMAN: How do they know
21 about you?

22 THOMAS KEILY: They know about us through
23 a range of sources. We do a lot of outreach in
24 the community organizations in Buffalo through
25 flyers and pamphlets and information on, you know,

12:06:14

1 what Summons and Complaints look like. What to do
2 if you receive these documents.

12:06:27 3 CHIEF JUSTICE LIPPMAN: How does the
4 person who comes in the door, how does technology
5 help them? How did it help you in helping them?

6 THOMAS KEILY: The way it is helped most
7 is on site. We use various forms that are
8 automated, so when an attorney sits down to fill
9 out paperwork for the individual, they are able to
10 put it in very quickly to serve the client in the
11 most efficient manner, and also data that we take
12 in from --

13 CHIEF JUSTICE LIPPMAN: So what they are
14 doing when they come in, you're taking their
15 information electronically?

16 THOMAS KEILY: Yes.

17 CHIEF JUSTICE LIPPMAN: Then converting it
18 into something that will help them perform --

19 THOMAS KEILY: It could be a form,
12:07:08 20 possibly an Answer for the Court in response to a
21 legal matter, or an Order to Show Cause, documents
22 of that type where the attorney has a Word
23 document where they can just put in basic
24 information, the person's name, the issue,
12:07:25 25 defendant, plaintiff, and so on and that will

1 automate the form, so it's a much more fluid
2 process.

3 CHIEF JUSTICE LIPPMAN: It allows you to
4 do your work more quickly?

12:07:34 5 THOMAS KEILY: More quickly, yes.

6 CHIEF JUSTICE LIPPMAN: And help them
7 obviously more quickly.

8 THOMAS KEILY: Because we find a lot of
9 people that come into the clinic work and have
10 other obligations and family that, you know, it's
11 even spend a half hour to an hour with that
12 individual is a lot of their time, it's precious
13 time on their behalf, it helps us, this support
14 that provides more opportunity, too, for the
15 attorney to explain the situation to the
16 individual as opposed to filling out a form.

12:07:55 17 CHIEF JUSTICE LIPPMAN: How many lawyers
18 do you have in the Western New York Law Center?

19 THOMAS KEILY: Overall, any given clinic
12:08:07 20 night we may have three to four law center staff.
21 We also have volunteers from the communities, so
22 attorneys from the community. We also have law
23 students who are from UB.

24 CHIEF JUSTICE LIPPMAN: How big an entity
12:08:22 25 is Western New York Legal Services?

1 THOMAS KEILY: We roughly have 19 people
2 on the staff.

3 CHIEF JUSTICE LIPPMAN: 19?

4 THOMAS KEILY: Yeah. And, you know,
12:08:31 5 that's a range of paralegals, volunteers such as
6 myself and attorneys.

7 CHIEF JUSTICE LIPPMAN: How many other
8 legal service entities are there in your immediate
9 area? You're in the Buffalo area?

10 THOMAS KEILY: We are. I'm not certain on
11 the number. We're part of an organization that
12 focuses on foreclosures, which is among two other
13 organizations, three including ourselves, which
14 provides a majority of foreclosure support in
12:09:04 15 Western New York, so Erie County.

16 CHIEF JUSTICE LIPPMAN: Foreclosure still
17 a great problem in --

18 THOMAS KEILY: It is. It's a very
19 persistent problem. It perhaps -- taking a step
12:09:14 20 down, but it is still very influential in the
21 economy even, has a huge impact.

22 CHIEF JUSTICE LIPPMAN: Are you still
23 having only signings and that kind of thing come
24 in, or has that practice become more transparent
12:09:28 25 since all the attention?

1 THOMAS KEILY: I think it's certainly more
2 in the eye of people to be aware of. So perhaps
3 it's helped in a sense, but I can't comment one
4 way or another on whether it's, you know, subsided
5 or not.

12:09:43

6 Going further, with the information that we
7 collect actually about the individual we serve,
8 we're able to use that information to expand our
9 services because we know people that require these
10 services, and we know that all people within that
11 demographics are not necessarily receiving our
12 services, but we can use that and track it with
13 census data and other community-based data to
14 provide greater access to services to communities
15 where there is greater need.

12:09:57

12:10:15

16 CHIEF JUSTICE LIPPMAN: I think the
17 problem that we see is that a lot of poor people
18 just don't know where to go. And the question is:
19 How do you reach them, and can technology help us
20 to reach them?

12:10:30

21 THOMAS KEILY: I think it can. Through
22 actually social media we've experimented with in
23 the last year to increase, and as we tracked our
24 post-dating and the number of times we do that,
25 and then consequently the number of visitors that

12:10:47

1 show up in our clinic we have seen an increase.
2 Whether it is correlated or not, it's hard to say.
3 But I -- it does play an impact because often
4 times you're not reaching a person that comes in
12:11:01 5 the clinic, but you're reaching a person who
6 mentions to a friend, you know, I'm aware of this
7 clinic, you should come, so in that sense it has a
8 greater impact that way.

9 CHIEF JUSTICE LIPPMAN: All right. So
12:11:14 10 you're an example of where a legal service entity
11 is using technology to help to service people, to
12 reach them, to make their lives better?

13 THOMAS KEILY: Yes.

14 CHIEF JUSTICE LIPPMAN: Let's see what
12:11:31 15 does Nixon Peabody do, and the Director of IT
16 Operations, how do you use technology, Mr. Roman,
17 to help people?

18 JOHN ROMAN: First let me thank you --

19 CHIEF JUSTICE LIPPMAN: People in the room
12:11:50 20 are --

21 JOHN ROMAN: -- for allowing me to be
22 here.

23 CHIEF JUSTICE LIPPMAN: -- delighted to
24 have you.

12:11:57 25 JOHN ROMAN: How does technology help

1 people?

2 CHIEF JUSTICE LIPPMAN: How as a private
3 law firm how do you help your pro bono work where
4 you -- what does technology do for you, or more
12:12:11 5 importantly for the person who is trying to help?

6 JOHN ROMAN: Few things. First of all, it
7 makes attorneys and staff tremendously more
8 productive. Tremendously more responsive to our
9 clients' needs, to our pro bono clients' needs.

12:12:26 10 On the underserved side, the clients it
11 makes access to information easier.

12 CHIEF JUSTICE LIPPMAN: For them or for
13 you?

14 JOHN ROMAN: Them. I think a
12:12:40 15 well-informed client --

16 CHIEF JUSTICE LIPPMAN: Right.

17 JOHN ROMAN: -- is extremely powerful.

18 And it does it through a few different ways.

19 First of all, everybody has access to technology
12:12:51 20 through the library system. Folks can walk into a
21 public library and use complexities that are
22 there, and there is a wealth of knowledge found on
23 the internet or through a various law school, such
24 as Syracuse University Law School, it has a wealth
12:13:07 25 of information on their website relative to legal

1 matters, especially as it relates to civil
2 matters.

3 So I think technologically, the technology
4 is available for people who want to use it. It's
12:13:26 5 pretty much ubiquitous that it is anywhere, and
6 the information that it contains and the access to
7 information that you can gain from using
8 technology makes people more informed, as well as
9 makes our legal practitioners, whether they're
10 12:13:44 attorneys or staff, better able to meet the needs
11 of their clients.

12 CHIEF JUSTICE LIPPMAN: Does the private
13 law firm because of the resources, and obviously
14 Nixon is a major law firm, does it make an uneven
15 12:14:03 playing field?

16 What I mean by that is that the private law
17 firm has the resources to have the high end of the
18 technology. Uhm, the legal service provider not
19 necessarily. How do we ensure that we get that
20 12:14:20 technology to its maximum usage? Do you talk to
21 them technologically?

22 JOHN ROMAN: Yes.

23 CHIEF JUSTICE LIPPMAN: To the providers
24 so that kind of using technology, obviously with
25 12:14:32 what you can afford, what they can afford, what

1 they can all mesh together.

2 JOHN ROMAN: First I think it's about
3 leveraging existing technology. It's not always
4 about you have to have the latest and greatest.
12:14:44 5 It's typically --

6 CHIEF JUSTICE LIPPMAN: Just have to
7 communicate.

8 JOHN ROMAN: -- how do you leverage what
9 you have, and how do you get more use out of it.
12:14:51 10 So over the past three years, I've worked with the
11 Empire Justice Center.

12 Part of the success in rolling out
13 technology to the Empire Justice Center, both
14 utilizing what they currently have as well as --

12:15:04 15 CHIEF JUSTICE LIPPMAN: Right.

16 JOHN ROMAN: -- purchasing newer
17 technology because we developed a three-year plan.

18 CHIEF JUSTICE LIPPMAN: So it's really the
19 creative use of the technology rather than state
12:15:14 20 of the art or it's --

21 JOHN ROMAN: Absolutely. Absolutely.
22 It's not about, you know, technology is only part,
23 right, it's a tool. It's like a -- it's
24 synonymous with what the carpenter has in his or
12:15:31 25 her toolbox. Technology is a tool.

1 It's not about getting the latest and
2 greatest. It's about what is available to help
3 myself, help my client.

12:15:42 4 CHIEF JUSTICE LIPPMAN: And in your
5 toolbox in the private firm, quite a substantial
6 one, it really makes a difference in terms of your
7 ability to help people --

8 JOHN ROMAN: Absolutely.

9 CHIEF JUSTICE LIPPMAN: -- whether you are
12:15:53 10 working through the provider or on your own.

11 JOHN ROMAN: Absolutely makes a
12 difference, because through the use of technology,
13 we can collaborate better. We can share documents
14 together.

12:16:05 15 CHIEF JUSTICE LIPPMAN: I think that's a
16 key issue is collaboration. We're all in this
17 together.

18 JOHN ROMAN: Absolutely.

19 CHIEF JUSTICE LIPPMAN: Whether you're the
12:16:13 20 biggest law firm in the country or --

21 JOHN ROMAN: Right.

22 CHIEF JUSTICE LIPPMAN: -- a rural legal
23 service provider, or the Judiciary for that
24 matter.

12:16:21 25 JOHN ROMAN: Correct.

1 CHIEF JUSTICE LIPPMAN: So let's --
2 talking about the Judiciary, let's go to Timothy
3 Hunt. How do you use -- Principal Law Librarian
4 in the Seventh Judicial District. How do you use
12:16:32 5 technology to help people?

6 TIMOTHY HUNT: Chief Judge Lippman,
7 Presiding Justice Scudder, Chief Administrative
8 Judge Marks and President Miranda, I want to first
9 thank you for allowing me the opportunity to speak
12:16:47 10 today.

11 One way we use technology, Your Honor, is
12 data collection. When these unrepresented
13 litigants come into our Help Center, we have to
14 fill out a form. Either fill it out on paper or
12:17:01 15 we have an iPad, and after the volunteer attorney
16 works with him, he fills out -- he or she fills
17 out her own form.

18 Based on this information, we're able to
19 create stats, and using these stats we can
12:17:13 20 determine most frequent case types and what
21 services in the forms are requested most and that
22 allows us to streamline and fine tune or offer
23 training.

24 CHIEF JUSTICE LIPPMAN: Explain to people
12:17:23 25 a little bit what this concept is of the Help

1 Center? We don't represent people in the courts.
2 What does this business about a Help Center, what
3 do you do with this and how does it fit in to the
4 role of the Court?

12:17:37 5 TIMOTHY HUNT: Your Honor, that's a good
6 question. The Help Center was established in 2013
7 to assist the growing number of unrepresented
8 litigants in our court system.

9 CHIEF JUSTICE LIPPMAN: Is it our
12:17:49 10 responsibility, does the court system take a
11 responsibility --

12 TIMOTHY HUNT: Yes.

13 CHIEF JUSTICE LIPPMAN: -- to help people?

14 TIMOTHY HUNT: Yes.

12:17:54 15 CHIEF JUSTICE LIPPMAN: Why is that? I
16 know the answer.

17 TIMOTHY HUNT: My boss told me so, that's
18 why.

19 CHIEF JUSTICE LIPPMAN: That's a good
12:18:05 20 answer. Try another one.

21 TIMOTHY HUNT: Well, actually Honorable
22 Fisher would be the best person to ask, but she's
23 not up here today, but yes, it is our -- I think
24 it's an obligation of the court system. I mean we
12:18:18 25 have a captive audience in that building, and

1 they're looking for help as soon as they walk out
2 of the courtroom, and what better place to go than
3 a Help Center Law Library. Now, it's a designated
4 Help Center.

12:18:32

5 CHIEF JUSTICE LIPPMAN: I think the point
6 is we in the judiciary, certainly in the state,
7 don't think that we just stand on the side and
8 dispose of cases without a concern as to whether
9 there is equal justice, that everyone gets their
10 day in court.

12:18:50

11 Our job is to make sure that the playing
12 field is level. So that, you know, no one comes
13 in -- we're not going to -- the Judge is not going
14 to represent the litigant.

12:19:03

15 By the same token, the court system, the
16 Judiciary that Timothy Hunt represents feels a
17 responsibility to make sure that everyone comes
18 and has a chance to state their case, to seek
19 justice, and we can't just be -- well, again,
20 we're not going to violate our neutral role as the
21 arbitrator in dispute.

12:19:24

22 We're also just not an observer of what is
23 happening, and when people come into the courts,
24 we just kind of whatever happens, happens. We
25 want them to have their chance and that's why the

12:19:38

1 Help Center that Timothy is talking about is our
2 effort to have these people who come in and wander
3 around the courthouse and have no idea what to do
4 to get justice. We need to give them a helping
12:20:00 5 hand. Again, we're not representing them, but
6 we're helping them.

7 Let's take it from our fourth witness on
8 this panel, Pro Bono Attorney talking about
9 technology and how it helps each of the players in
12:20:16 10 this process. As a Pro Bono Attorney, what do you
11 use technology for?

12 ROBERT NICOLAIS: All right. Let me begin
13 with good afternoon, Chief Judge Lippman,
14 distinguished Members of this Panel. Thank you
12:20:28 15 for allowing me this opportunity to provide you
16 with a pro bono practitioner's experience with the
17 partnership between the New York State Unified
18 Court System Access to Justice Initiative Court
19 Help Center and --

12:20:42 20 CHIEF JUSTICE LIPPMAN: Most important
21 player.

22 ROBERT NICOLAIS: Okay. And Volunteer
23 Legal Services Project of Rochester in the Seventh
24 Judicial District.

12:20:50 25 Little background. I have been a practicing

1 attorney for over 23 years. Most of my legal
2 experience has been in the public sector,
3 including ten years as an attorney in the New York
4 State Unified Court System, Ninth Judicial
12:21:05 5 District, White Plains Supreme Court. That is
6 kind of familiar.

7 CHIEF JUSTICE LIPPMAN: Yes.

8 ROBERT NICOLAIS: As part of my various
9 responsibilities, I was assigned to the Ninth JD
12:21:15 10 Help Center which served a population of three
11 million people in five surrounding counties.

12 Upon leaving the court system, I relocated
13 to Monroe County to accept a position as an
14 adjunct faculty member with the Rochester
12:21:31 15 Institute of Technology and to open a private
16 legal practice.

17 I would like to comment briefly on how
18 technology assisted me in finding opportunities to
19 provide legal services to unrepresented persons.

12:21:44 20 CHIEF JUSTICE LIPPMAN: So how do you
21 actually zero in on --

22 ROBERT NICOLAIS: Right on. I got it.
23 While utilizing the Unified Court System web-based
24 attorney registration program, I became aware of
12:21:59 25 the Attorney Emeritus Program which --

1 CHIEF JUSTICE LIPPMAN: You're not old
2 enough to be in the Attorney Emeritus Program.

3 ROBERT NICOLAIS: Thank you very much.
4 Hair color.

12:22:08 5 CHIEF JUSTICE LIPPMAN: Good. Good. Go
6 ahead.

7 ROBERT NICOLAIS: Seeks to provide quality
8 pro bono legal services by experienced attorneys
9 to New Yorkers in need.

12:22:18 10 Now, this is important, I hope I communicate
11 it. I continued to find out more about the
12 program through this site which linked me to
13 Volunteer Legal Service Providers in Monroe
14 County. So it's just a couple of clicks directing
12:22:34 15 you right to the county that I have an interest
16 in.

17 The site contained a comprehensive list of
18 providers, which included individual links to the
19 providers and their contact person, telephone
12:22:45 20 number and e-mail.

21 CHIEF JUSTICE LIPPMAN: Let me stop you
22 for a second to explain to the audience what the
23 lawyers Emeritus Program is. I think I mentioned
24 in my opening remarks it is suppose to attract
12:22:56 25 baby boomers, people who are slowing down on their

1 legal practice, and yet want to do something
2 meaningful. They may not be doing what they did
3 for most of their careers, but what they do at a
4 certain stage in any career. Go ahead.

12:23:11

5 ROBERT NICOLAIS: Okay.

6 CHIEF JUSTICE LIPPMAN: So automatically
7 connects them, that's what Robert is saying, to
8 these different legal service centers.

12:23:21

9 ROBERT NICOLAIS: Not only did the site
10 provide me with the basic contact information,
11 this site linked me with the provider's website
12 which described in detail services offered, so I'm
13 still on screen. I'm drawing down. It is point
14 and click.

12:23:35

15 Uhm, while reviewing the kinds of services
16 the providers offered, I saw on a video on the
17 Volunteer Legal Services Project website that the
18 Volunteer Legal Services Project partnered with
19 the Unified Court System Access to Justice
12:23:51 20 Initiative by providing attorney volunteer
21 staffing to the Seventh Judicial District Help
22 Center. I'm closing the loop now.

23 CHIEF JUSTICE LIPPMAN: So it all comes
24 together.

12:24:00

25 ROBERT NICOLAIS: As noted earlier in my

1 remarks, I had a great deal of experience working
2 in the Ninth JD Help Center. I felt it was the
3 perfect fit for me to work with Volunteer Legal
4 Services Project and the Unified Court System
12:24:11 5 staff at the Help Center.

6 CHIEF JUSTICE LIPPMAN: I think the
7 problem is, and you'll correct me if I'm wrong, a
8 lot of people who want to do pro bono work don't
9 know how to go about doing it. And technology --
12:24:24 10 it's not only our program, which Robert has, you
11 know, found and been so helpful, there are things
12 like probono.net, which is a program that a lot of
13 people in large law firms use to do what Robert
14 did, to connect to a particular program or a
12:24:49 15 particular kind of work.

16 Let me ask you, I'll ask you a leading
17 question, too. Why do you do pro bono work? I
18 know the answer, too, but tell us.

19 ROBERT NICOLAIS: Uhm, you're going to get
12:25:07 20 the answer: For an opportunity for me to give
21 back.

22 CHIEF JUSTICE LIPPMAN: Why is that
23 important?

24 ROBERT NICOLAIS: That's the best way I
12:25:13 25 can tell you that.

1 CHIEF JUSTICE LIPPMAN: Why is that
2 important to you?

3 ROBERT NICOLAIS: I have a case. I will
4 give you an overview.

12:25:19 5 CHIEF JUSTICE LIPPMAN: Go ahead.

6 ROBERT NICOLAIS: All right. Let me get
7 to that, and I will close the loop on that one,
8 too.

9 CHIEF JUSTICE LIPPMAN: Go ahead.

12:25:25 10 ROBERT NICOLAIS: I contacted Volunteer
11 Legal Services Project and spoke to the contact
12 person regarding my interest in the Help Center,
13 my experience in the Ninth JD.

14 I then met with members of Volunteer Legal
12:25:35 15 Services Project and the Court Librarian, and
16 sitting to my right, Tim Hunt, at the Help Center.

17 Since the meeting, I volunteered
18 approximately 60 hours of legal services to the
19 Help Center. In my experience, I would not have
12:25:49 20 been aware of the many opportunities to
21 participate in volunteering my services but for
22 the web-based technology that directed me from the
23 Court Attorney Emeritus Program and then to the
24 Volunteer Legal Services Project and then to the
12:26:04 25 Help Center. This is important. The process was

1 intuitive, easy to navigate and simple. It was
2 point and click.

3 It has often been said that one of the best
4 ways to illustrate a point is through example. I
12:26:17 5 would like to share with you a case that I handled
6 for an unrepresented person that utilized the
7 Unified Court System and the Volunteer Legal
8 Services Project technology.

9 I recently accepted a case from Volunteer
12:26:30 10 Legal Services Project that involved a transgender
11 individual that was seeking a name change with a
12 sealing order.

13 Through the use of e-mail from the Volunteer
14 Legal Services Project, I obtained all the
12:26:43 15 pertinent information I needed to commence
16 representing this individual.

17 Understanding that a name change was an
18 important and pivotal part of the process that
19 this individual is undertaking, I was able to
12:26:57 20 reduce the number of times that the individual
21 would have to come to the Help Center. I needed
22 to prepare -- I needed to prepare the necessary
23 documents for the name change.

24 I then accessed the Unified Court System
12:27:11 25 web-based do-it-yourself, DIY program and

1 completed and drafted the petition, RJI --

2 CHIEF JUDGE LIPPMAN: And related
3 documents and saved them in the program. All
4 technological.

12:27:23 5 ROBERT NICOLAIS: It's all in there. Only
6 by one phone call so far to the unrepresented. I
7 contacted the individual by telephone and reviewed
8 the drafted documents with the individual. Once
9 we were satisfied with the documents, I set up an
12:27:36 10 appointment to meet the individual at the Help
11 Center for a final review of the documents, which
12 I printed out at the Help Center.

13 I didn't have to carry anything. If any
14 changes had to be made, I can easily access the
12:27:49 15 documents in the system and make the changes while
16 the individual was present.

17 Upon final review, the individual signed the
18 petition, which I notarized, and a copy of the
19 documents was provided to the individual. In this
12:28:02 20 instance, the cooperative efforts between the
21 Volunteer Legal Services Project and the Help
22 Center provided a platform that streamlined the
23 use of easy access web-based technology so that
24 the individual had to make only one trip to the
12:28:17 25 Help Center.

1 CHIEF JUSTICE LIPPMAN: Let me sum up, and
2 I think it carries to all the terrific people on
3 this panel. The technology is not dry when the
4 result is that you help human beings. And it may
12:28:35 5 seem like: Gee, I pushed a button, what's it
6 mean. It means something when the end result is
7 that a human being, a life can be turned around,
8 or at least immeasurably helpful. I think this
9 panel has emphasized that issue. Let me ask
10 anyone on our panel --

11 JUSTICE SCUDDER: I do. Tim, I'm aware of
12 the problems with the Help Center in the Seventh.
13 I know the Appellate Division Fourth Department
14 has tried to help some, but I'd just like to know,
12:29:12 15 do you have any ideas how we can make it better to
16 help the center -- Help Center?

17 I mean to the point maybe is it in the right
18 place? I know we are building courtrooms and that
19 kind of thing. I'd like to hear from you on that.

12:29:28 20 TIMOTHY HUNT: As far as it being located,
21 Your Honor, it is in the right place. It's on the
22 fifth floor. Very spacious room for all.
23 Attorneys use the space, so we kind of monitor,
24 make sure they have their own space as well as --

12:29:42 25 CHIEF JUSTICE LIPPMAN: How do people in

1 the courthouse know it is there on the fifth
2 floor?

3 TIMOTHY HUNT: Every front counter
4 personnel refers them up there, Your Honor.

12:29:50 5 CHIEF JUSTICE LIPPMAN: Go ahead. Right.

6 TIMOTHY HUNT: And we have the resources
7 up there as far as complexities, books and the
8 staffing. It's a truly collaborative effort by
9 VLP and us. It's a hybrid, and I consider it very
10 successful as far as improvement.

12:30:07

11 CHIEF JUSTICE LIPPMAN: You have enough
12 people there who work there?

13 TIMOTHY HUNT: Well, speaking of
14 technology, what speed does is they use technology
15 to recruit, schedule, train and recognize our help
16 center volunteers.

12:30:20

17 CHIEF JUSTICE LIPPMAN: Do you have the
18 technology you need to make it work?

19 TIMOTHY HUNT: Yes --

12:30:28

20 CHIEF JUSTICE LIPPMAN: Good.

21 TIMOTHY HUNT: -- at this point. As far
22 as improvement, based on my stats, because of the
23 limited staff from VLSP and the courts, we count
24 on the volunteers to help us operate. But the
12:30:45 25 minute -- these people are corporate counsel,

1 large law firms, we have some recent graduates,
2 when they walk in, you know, these are very
3 intelligent people, but they are scared because I
4 don't know what to tell somebody about an eviction
12:31:01 5 notice. I say this is street law. This is where
6 the law hits the street.

7 So we -- one of the things I think we can do
8 to improve in using technology is to -- I would
9 pick the five top subject matter, and I would set
12:31:18 10 up some training, which we would link on the VLSP
11 site to, for instance, domestic relations. We
12 have a lot of people who come in for an
13 uncontested divorce.

14 CHIEF JUSTICE LIPPMAN: You mean training
12:31:31 15 for the volunteers?

16 TIMOTHY HUNT: Train the volunteers so
17 they become more proficient and knowledgeable and
18 able to look at this before they walk in.

19 CHIEF JUSTICE LIPPMAN: Right. I think
12:31:41 20 that's a really good idea. Any other questions?
21 Okay. I think you demonstrated in a lively way
22 the benefits of technology, so thank you so much.

23 (Applause)

24 CHIEF JUSTICE LIPPMAN: Technology are
12:32:00 25 really a great end to help people. Okay. So next

1 we're going to see, and this is a very
2 entertaining witness, I am very familiar with this
3 witness, and I think you will be interested in
4 what he has to say. He's going to give you an
12:32:36 5 assessment of the Judiciary's efforts to address
6 unmet needs for Civil Legal Services in New York.

7 And Ron will explain what we are trying to
8 do, what we are trying to find out that you will
9 be telling us today what you found out.

12:32:53 10 RONALD YOUNKINS: Okay. Good morning.
11 Good afternoon. Pleasure to be here. I will be
12 testifying about a number of -- I will be
13 testifying about numbers and stats. I find it
14 very interesting, but I know it's rather dry.

12:33:09 15 CHIEF JUSTICE LIPPMAN: It will not be dry
16 the way you give it.

17 RONALD YOUNKINS: I will try to make it
18 interesting. I will not read my testimony
19 verbatim. You can pour over it. What we are
12:33:19 20 trying to do is, as you mentioned in your opening
21 statement, six years ago we had no money in the
22 Judiciary budget for Civil Legal Services.

23 The current year we have \$85 million. As a
24 result of that, we have been able to give grants
12:33:32 25 to 78 providers around the state ranging from

1 fairly modest amounts, around \$19,000, to a couple
2 of grants in the \$8 million range as a result of
3 the increase.

4 CHIEF JUSTICE LIPPMAN: These are grants
12:33:47 5 to Legal Service Providers?

6 RONALD YOUNKINS: Legal Service Providers.
7 As a result of the steady increase in the
8 Judiciary budget for funding for Civil Legal
9 Service providers, there has been a significant
12:33:59 10 increase of money available statewide for this
11 purpose.

12 According to the IOLA board, in 2010 from
13 all sources there was \$216 million available for
14 Civil Legal Services. Four years later, largely
12:34:16 15 as a result of the increased funding available in
16 our budget, that amount had increased to \$297
17 million. That's a 38 percent increase in funding.
18 So the question that I want to talk about today is
19 what are we getting for that.

12:34:30 20 CHIEF JUSTICE LIPPMAN: Right. We want to
21 know what the monies have accomplished.

22 RONALD YOUNKINS: What they accomplish.

23 CHIEF JUSTICE LIPPMAN: But explain that
24 prior to the State getting our -- getting this
12:34:39 25 large amount of State funding, Legal Services were

1 funded in a lot of different ways. Some come from
2 legal services corporations?

3 RONALD YOUNKINS: Yes, some private
4 funding.

12:34:51 5 CHIEF JUDGE LIPPMAN: Yes.

6 RONALD YOUNKINS: It's a hodgepodge of
7 sources of money.

8 CHIEF JUSTICE LIPPMAN: We kind of
9 consolidated or at least made as the big ticket
10 the monies that come from State government.

11 RONALD YOUNKINS: Right. It gives certain
12 stability to know you have this year after year,
13 and you can build upon it, and many of these
14 providers every year they ask for increased
15 amounts of money in building infrastructure to
16 possibly make them more efficient because of this
17 increase of the money.

18 CHIEF JUSTICE LIPPMAN: We accomplished
19 almost a 40 percent increase in funding for legal
12:35:26 20 services in the State, whatever the source?

21 RONALD YOUNKINS: Yes.

22 CHIEF JUSTICE LIPPMAN: Then the question
23 comes up, how many cases does that involve and
24 more than that, how have we addressed the justice
12:35:37 25 gap, the gap between the need and the services

1 available?

2 RONALD YOUNKINS: First question, how many
3 cases. That's the easy part. And there has been
4 a steady increase in the number of cases. Just
12:35:49 5 last year versus the prior year about a ten
6 percent increase in the number of cases.

7 The more interesting question was the one
8 you raised just now and in your opening remarks,
9 how are we doing in terms of the justice gap, and
12:36:02 10 we have looked at that, and I think we have some
11 encouraging news, also news that that shows
12 there's a lot more to do.

13 To do this, this analysis, what we did is we
14 began with a study on the Task Force on expanding
12:36:19 15 access to Civil Legal Services, which is the
16 predecessor of the Permanent Commission.

17 They have done a study in 2010. They
18 actually hired a research group called Lake
19 Research Partners to conduct an assessment of the
12:36:32 20 degree to which the need for Civil Legal Services
21 would be met in New York, and they did this very
22 methodically.

23 They actually conducted a survey of a large
24 group of low-income New Yorkers, a structured
12:36:48 25 interview asking them if they had over the prior

1 year legal issues in a whole host of areas. They
2 compared that with the number of people in New
3 York State that were living at or below 200
4 percent of the Federal poverty guidelines.

12:37:04 5 At that point, there were six million
6 people. Putting those two things together, six
7 million people and the results of the survey, what
8 they determined was that half of the people living
9 at or below 200 percent of the poverty guidelines.

12:37:18 10 In other words, three million people had at
11 least one legal need in the prior year, not -- 1.7
12 of them had one or two legal needs; and 1.2 had
13 three, and those were considered to be the people
14 with, you know, greatest need for legal
15 assistance.

12:37:35 16 So they measured the degree to which we were
17 meeting the need in terms of how we were
18 satisfying the need with regard to that 1.2 that
19 had three or more legal needs, and they took data
12:37:47 20 that they had from IOLA with respect to the number
21 of cases that were closed, and then they just did
22 some simple math, and what they concluded was at
23 that point we were meeting 22 percent of the most
24 serious legal needs of low-income New Yorkers. We
12:38:04 25 were asking --

1 CHIEF JUSTICE LIPPMAN: That was at what
2 point you're talking about?

3 RONALD YOUNKINS: That's in 2010. 2010.

4 CHIEF JUSTICE LIPPMAN: Keep going.

12:38:10 5 RONALD YOUNKINS: We were asked more
6 recently, four years later where this huge ramp up
7 in additional Civil Legal Services funding, how
8 are we doing today? So we essentially went back
9 and updated the same methodical. The first thing
12:38:25 10 we did is to look at the need. Is the need the
11 same?

12 And so we looked at the number of people
13 living at or below 200 percent of the Federal
14 poverty guidelines. Unfortunately, that number is
12:38:37 15 increasing.

16 CHIEF JUSTICE LIPPMAN: Right.

17 RONALD YOUNKINS: According to the Kaiser
18 Family Foundation, based on the Census Bureau 2014
19 population survey updates, it is now 35 percent of
12:38:49 20 New Yorkers, not 30 percent. That's an increase
21 of --

22 CHIEF JUSTICE LIPPMAN: At or below the
23 poverty level. You listening to what he is
24 saying? 35 percent of the people in this state
12:39:01 25 are at or below the poverty level.

1 RONALD YOUNKINS: Right. So it use to be
2 six million. Now it is 6,750,000. So the number
3 of people living at or below the poverty level is
4 increasing. So what we did is some math to figure
12:39:17 5 out what that means in terms of the number of
6 people, low-income New Yorkers that have two or
7 more -- I'm sorry, three or more legal needs, and
8 we concluded that whereas in 2010 it was 1.2
9 million, it is now increased by 150,000, so it is
12:39:34 10 1.35 million people. It's a 12 percent increase.
11 In other words, the problem has been increasing.

12 CHIEF JUSTICE LIPPMAN: There's more need?

13 RONALD YOUNKINS: There's more need, yes,
14 absolutely. But at the same time, more is being
12:39:48 15 done because there is additional funding. And so
16 what we did is to take that new assessment of the
17 need, the larger need and, again, did simple math
18 in terms of how many cases are being handled now
19 against that larger need, and what we found is
12:40:03 20 that, in fact, we are now meeting 31 percent of
21 the need. We have been meeting 22 percent. We're
22 now meeting 32 percent, but a larger need.

23 CHIEF JUSTICE LIPPMAN: I was just going
24 to say what we want to demonstrate is this money
12:40:19 25 means something that we are getting to help people

1 who need legal representation, so the testimony is
2 that even though there is a greater need in the
3 State, there's more people that need our
4 assistance since the time when they did five years
12:40:37 5 ago, these original numbers. We are meeting a
6 much greater amount of that.

7 RONALD YOUNKINS: We're not keeping pace.
8 We are actually making progress.

9 CHIEF JUDGE LIPPMAN: We are getting up to
10 meeting a third of the need, even though the pie
11 is bigger, so I think, you know, that shows a lot.

12 RONALD YOUNKINS: I think it does. I
13 think it is encouraging what it shows is while the
14 funding has increased by 38 percent, that's the
12:41:02 15 total funding for Civil Legal Services New York,
16 that's increased by 38 percent, the increase from
17 22 to 31 percent. Do the math. That's an
18 increase of actually 41 percent. So the increase
19 funding was 38 percent.

12:41:17 20 The increase in terms of people being served
21 is a 41 percent increase over what we were doing
22 in 2010, so I think that is -- that is good news.
23 The other side, though, is what the data shows,
24 there is still 69 percent of the population that
12:41:34 25 is not being met.

1 JUSTICE MARKS: Ron, you say 31 percent of
2 the need is being met?

3 RONALD YOUNKINS: Yes.

4 JUSTICE MARKS: Does that include pro
12:41:44 5 bono?

6 RONALD YOUNKINS: Uhm, yes and no. That's
7 an interesting question. Complicated one. It
8 does to a certain extent include work done pro
9 bono by attorneys. Many attorneys do pro bono
12:41:55 10 through organizations, so to the extent that
11 attorneys are doing pro bono work --

12 CHIEF JUSTICE LIPPMAN: Through the
13 providers?

14 RONALD YOUNKINS: Through providers, yes.

12:42:03 15 CHIEF JUSTICE LIPPMAN: That's included in
16 the number?

17 RONALD YOUNKINS: That's included in the
18 numbers. They report to us. That would include
19 work done by the provider, so to the extent in
12:42:12 20 which the work is pro bono work is being done
21 through the providers that is embedded and already
22 incorporated in to the numbers, so in other
23 words --

24 CHIEF JUSTICE LIPPMAN: So pro bono work
12:42:21 25 the firms or individual lawyers do on their own,

1 not through the legal service providers, are not
2 accounted for?

3 RONALD YOUNKINS: That is not accounted
4 for in the numbers.

12:42:31 5 CHIEF JUSTICE LIPPMAN: Does that mean in
6 reality we are reaching more than the 31 percent?

7 RONALD YOUNKINS: Absolutely. The reality
8 is we are. We don't know exactly what that is. I
9 have some ideas how we may measure that.

12:42:43 10 CHIEF JUSTICE LIPPMAN: So your next
11 mission, Ron, is to figure that out because you
12 know what we have in New York State now is
13 mandatory pro bono reporting of the work that
14 lawyers are doing to help poor people.

12:43:04 15 Maybe we can take that reporting and maybe
16 we're able to more clearly answer the question of
17 how much are we really meeting in terms of the
18 need.

19 RONALD YOUNKINS: Yes. I asked the
12:43:17 20 Director of Resources of the Office of Court
21 Administration to do that.

22 CHIEF JUSTICE LIPPMAN: So you are trying
23 to say you are one step ahead of us?

24 RONALD YOUNKINS: Barely.

12:43:25 25 CHIEF JUSTICE LIPPMAN: Good.

1 RONALD YOUNKINS: Yes, I think with that
2 new reporting, particularly as to the reporting
3 requirements have changed in May, because now we
4 are specifically getting at pro bono that is done
12:43:36 5 pursuant to 6.1 of the Rules which deals --

6 CHIEF JUSTICE LIPPMAN: Right. You know
7 what, I think to -- particularly to leaders of the
8 bar, like our friend David Miranda, President of
9 the Bar Association, that would be very important
12:43:50 10 for them to know.

11 RONALD YOUNKINS: Yes.

12 CHIEF JUSTICE LIPPMAN: Gee, what is our
13 product doing, you know, all the hard work that
14 lawyers do, to be able to demonstrate that there
12:44:01 15 really is a noble profession, and I think data is
16 really tremendously helpful to all of us in
17 figuring out if it is the bar, the court system,
18 the Chief Judge, where we go from here. They have
19 to understand where we are.

12:44:18 20 RONALD YOUNKINS: Absolutely. Just a
21 couple of other points about that.

22 CHIEF JUSTICE LIPPMAN: Yes, tell us what
23 else.

24 RONALD YOUNKINS: We do have some sense
12:44:24 25 now about the amount of total pro bono. We think

1 the State Bar has estimated about two and a half
2 million hours of pro bono is being devoted by the
3 State Bar.

4 We think that about 20 to 25 percent of that
12:44:38 5 is being done through Civil Legal Services
6 Providers, which means they are talking about 75
7 or 80 percent that is unaccounted for. That is
8 your point to look at it. That is a lot.
9 Obviously, not all of it would be in civil areas.
12:44:52 10 Not all of it is necessarily for poor people,
11 still I think a substantial amount.

12 CHIEF JUSTICE LIPPMAN: But the reporting
13 system now is pretty detailed as to where that
14 work is going, right, and you know what part of
12:45:05 15 the bar it comes from.

16 So all of that, I think the more information
17 we get, the more we can better see where we are,
18 and then again decide what else needs to be done.

19 RONALD YOUNKINS: Absolutely.

12:45:18 20 CHIEF JUSTICE LIPPMAN: Great. Anything
21 else? That was terrific. I told you he would
22 make this very, very interesting. Thank you for
23 your presentment.

24 RONALD YOUNKINS: Thank you.

12:45:30 25 (Applause)

1 CHIEF JUSTICE LIPPMAN: Okay. Now we're
2 going to have -- this is really what this is all
3 about. This is the clients, the people that are
4 helped by Legal Services, so I'm going to ask
12:45:44 5 Colleen McElligott, client, Volunteer Legal
6 Services Project, accompanied by Mary Beth Conway
7 to come forward.

8 Liliana Alvarado-Rojo, client of Erie County
9 Bar Association Volunteer Lawyers Project,
12:46:03 10 accompanied by Emma Buckthal.

11 And Timothy Shine, client of the Legal
12 Assistance of Western New York, accompanied by
13 Louis Prieto. So come on up.

14 All right. So we will start with Colleen
12:46:25 15 McElligott. Is that the right pronunciation?

16 COLLEEN McELLIGOTT: Yes.

17 CHIEF JUSTICE LIPPMAN: Tell us how Legal
18 Services has impacted on your life. Mary Beth I
19 assume has been a part of it?

12:46:38 20 COLLEEN McELLIGOTT: Yes, she has. Thank
21 you for having me here this afternoon to tell my
22 story. This is a great opportunity for me and I
23 really appreciate being here.

24 Uhm, again, my name is Colleen McElligott.
12:46:53 25 I am a victim and a survivor of domestic violence

1 for almost 18 years.

2 Uhm, I was in a 15-year marriage with my now
3 ex-husband who physically, mentally, everything
4 just abused me and my children for years. Uhm, I
12:47:13 5 felt like I had --

6 CHIEF JUSTICE LIPPMAN: What led you to
7 break from this intolerable situation, and how did
8 you decide where to go?

9 COLLEEN McELLIGOTT: Uhm, I went online
12:47:28 10 and looked for services in Monroe County in
11 Rochester. Uhm, because I was at the point where
12 I felt like I didn't have any way out.

13 CHIEF JUDGE LIPPMAN: So you were
14 desperate to do something?

12:47:40 15 COLLEEN McELLIGOTT: I needed to do
16 something and just do it quickly.

17 CHIEF JUDGE LIPPMAN: So you went to the
18 web?

19 COLLEEN McELLIGOTT: Yes. Because I had
12:47:46 20 no job. He made me depend on him for everything.
21 Uhm, and --

22 CHIEF JUSTICE LIPPMAN: It took a lot of
23 courage I know to do that. Keep going.

24 COLLEEN McELLIGOTT: I wanted to just get
12:47:56 25 out. I wanted to leave. I had left and I was

1 staying with my parents for a couple of weeks
2 because it had gotten really bad.

3 Uhm, so I contacted the Volunteer Legal
4 Service Project, and I went down and I just wanted
12:48:15 5 to do a simple divorce and just get it over with
6 and just get away from him, and they advised me
7 not to do that and advised me what my rights were,
8 and what my childrens were and what I was entitled
9 to from this man.

12:48:32 10 CHIEF JUSTICE LIPPMAN: So what did you do
11 next?

12 COLLEEN McELLIGOTT: Uhm, Sharon Kelly
13 Sayers took my case pro bono, and she saved my
14 life.

12:48:44 15 CHIEF JUSTICE LIPPMAN: What happened once
16 Legal Services helped you, what changed in your
17 life?

18 COLLEEN McELLIGOTT: They made him vacate
19 the house. Uhm, the house was in his name.

12:48:57 20 CHIEF JUDGE LIPPMAN: Got a court order?

21 COLLEEN McELLIGOTT: Yup. And he had to
22 vacate the house, which took some time and effort
23 because he refused to leave but --

24 CHIEF JUSTICE LIPPMAN: How did you deal
12:49:07 25 with that? How was it dealt with?

1 COLLEEN McELLIGOTT: He eventually left,
2 but he kept coming back and threatening my life,
3 putting his hands on me.

4 CHIEF JUSTICE LIPPMAN: And the Legal
12:49:21 5 Services attorney was able to navigate all of this
6 for you as it was --

7 COLLEEN McELLIGOTT: Yes. They got a
8 restraining order the next day to keep him away
9 from me and the children.

10 CHIEF JUSTICE LIPPMAN: How is your life
11 different today?

12 COLLEEN McELLIGOTT: It's -- I'm a
13 different person. They have completely saved my
14 life. Changed my life. I probably wouldn't be
12:49:42 15 sitting here right now if it wasn't for them.

16 CHIEF JUSTICE LIPPMAN: Without going into
17 detail, we understand what you are saying.

18 COLLEEN McELLIGOTT: It was horrible. I
19 mean the man abused me for years. I have scars
12:49:53 20 all over my body from him as a reminder every day.

21 CHIEF JUSTICE LIPPMAN: So Legal Services
22 fair to say saved your life?

23 COLLEEN McELLIGOTT: Oh, definitely.
24 Definitely. Without Mary Beth and Sharon, Sharon
12:50:05 25 is the strongest women I met in my life, and she

1 gave me so much courage to stand up and fight him
2 back and --

3 CHIEF JUSTICE LIPPMAN: You are the
4 strongest woman and Legal Services is there to
12:50:18 5 help people like you in your situation with things
6 that you don't know how to handle on your own.

7 COLLEEN McELLIGOTT: I didn't. I felt
8 like I didn't have any choice, and I thought this
9 would be my life and just deal with it but --

10 CHIEF JUSTICE LIPPMAN: It's wonderful
11 that you, again, have the courage to come in and
12 tell us your story, because what we're trying to
13 do is make the case of why it's so important that
14 we have Legal Services funding to help people who
12:50:33 15 are really doing God's work and helping others to
16 turn around their life. So thank you so much,
17 Colleen, for coming in.

18 COLLEEN McELLIGOTT: Thank you.

19 CHIEF JUDGE LIPPMAN: We greatly
12:51:04 20 appreciate it. I know how hard it is in a public
21 setting to come in and tell your story.

22 COLLEEN McELLIGOTT: I wanted to look for
23 my children. I mean my children are different
24 now. They're happier, healthier. They see me
12:51:16 25 happy and healthy. And it's just been an amazing

1 experience for me.

2 CHIEF JUSTICE LIPPMAN: You make all of us
3 happy that your life is now in so much more in
4 order.

12:51:28 5 COLLEEN McELLIGOTT: It is.

6 CHIEF JUSTICE LIPPMAN: Thank you.

7 COLLEEN McELLIGOTT: Thank you.

8 CHIEF JUSTICE LIPPMAN: Okay. Let's now
9 hear from --

12:51:33 10 (Applause)

11 CHIEF JUSTICE LIPPMAN: -- Liliana
12 Alvarado-Rojo. So how did Legal Services impact
13 on your life? And I know you're accompanied by
14 Emma Buckthal.

12:51:57 15 LILIANA ALVARADO-ROJO: (Through the
16 Interpreter) Uhm, it was a really big change.
17 After I separated from my abusive spouse, I got
18 Emma's help. With Emma's help I obtained
19 permission to be in this country legally. I got a
12:52:42 20 much better job. My family is happy and we don't
21 have violence in our lives anymore. It helped us
22 a lot economically. I am able to give my kids a
23 dignified life now, a better house. It was a huge
24 change in my life.

12:53:15 25 CHIEF JUSTICE LIPPMAN: Could you have

1 done any of this without the help of Legal
2 Services?

12:53:30 3 LILIANA ALVARADO-ROJO: (Through the
4 Interpreter) no. No. Without them, I wouldn't
5 have been able to do anything.

6 CHIEF JUSTICE LIPPMAN: I wish that every
7 legislator who makes these decisions as to where
8 we invest our public dollars could hear your story
9 and the other stories we're hearing today. So we
10 are so grateful to you for coming in and telling
11 your story because by doing so you're making the
12 case as to why Legal Services for people in need
13 is so important. Thank you so much. Okay.

14 (Applause)

12:54:24 15 CHIEF JUSTICE LIPPMAN: So now we are
16 going to have Timothy Shine, client of Western
17 Legal Assistance of Western New York, accompanied
18 by Louis Prieto.

19 TIMOTHY SHINE: Thanks so much for having
12:54:37 20 this symposium here. What is most impressive is
21 you are all paying attention to every speaker that
22 came up. It's not often you get that.

23 So I live in Rochester. I have seven
24 children, age two to twenty. I am an Army
12:54:54 25 Veteran. And what happened is I got into some

1 trouble with the mortgage and --

2 CHIEF JUSTICE LIPPMAN: Not uncommon in
3 the economy we live in --

4 TIMOTHY SHINE: No.

12:55:02 5 CHIEF JUSTICE LIPPMAN: -- for the last
6 number of years.

7 TIMOTHY SHINE: And the one mortgage
8 service agency decided they were going to
9 foreclose on me, and I went and got a lawyer and
10 stopped the foreclosure. We paid everybody off.
11 Nobody lost any money in that in terms of the
12 payoff. It wasn't like got it for 25 cents on
13 the dollar. We paid it all back.

14 In the middle of that, the mortgage -- your
12:55:27 15 mortgage gets sold a lot of times or moved to many
16 different mortgage servicing agencies, and one of
17 the ones I got to didn't really understand how to
18 apply the funds to the mortgage, and they said
19 that I was delinquent.

12:55:44 20 And we went to court twice. This was in the
21 middle of the bankruptcy because they wanted to
22 save the bankruptcy, and we proved that I was
23 making all the payments because I was using bank
24 checks, certified mail for everything.

12:55:57 25 They then two months after the second court

1 appearance sold the mortgage as a package to my
2 current mortgage servicing agent. And it came
3 that I was around \$17,000 delinquent as far as
4 they were concerned, but I did have all of the
12:56:16 5 checks and everything so I was current.

6 So this went on for few years, and then they
7 finally figured out that I had been cleared from
8 the bankruptcy, and they decided to say: You owe
9 us this money. You're behind. And I said: I'm
12:56:30 10 not behind.

11 We went through a number of transactions
12 that I showed them that I was current and as an
13 individual that they really didn't care, and I
14 heard on the radio there was --

12:56:44 15 CHIEF JUSTICE LIPPMAN: Form of
16 bureaucracy.

17 TIMOTHY SHINE: Forms of bureaucracy I can
18 give lots of examples on. So there was a Valor
19 Day, which was in Rochester. I said: I'm a
12:56:58 20 Veteran. They talked about help with housing and
21 that, and I really couldn't afford the same level
22 attorney I had in the bankruptcy.

23 CHIEF JUSTICE LIPPMAN: Where did you see
24 this?

12:57:09 25 TIMOTHY SHINE: I heard it. It was an ad,

1 like an ad, radio ad, TV ad and newspaper, so I
2 picked it up in an ad.

3 CHIEF JUSTICE LIPPMAN: Said it will give
4 you help without cost?

12:57:17 5 TIMOTHY SHINE: All they said was there
6 would be people there, so I went to that. And
7 there I met Jonathan Placito, who is with Law of
8 New York Legal Assistance of Western New York, and
9 he said that he could help. Once I laid out
12:57:34 10 here's my issue, here's what I have, statistics
11 and proof of payment, and within two months they
12 turned around, and I did get a partial refund.

13 Part of the deal was as I was making my
14 payments, my escrow which is for insurance and
12:57:55 15 taxes, anything over \$50, Federal law says you
16 have to return it. I was around \$21,000 in
17 escrow.

18 Then they started sending foreclosure
19 notices. So I called the guy up. I said: You
12:58:13 20 people are like stupid. I says: There's more
21 money in my escrow than the value of the loan
22 because I'm towards the end. And the first thing
23 they said: Well, it's the complexity.

24 CHIEF JUSTICE LIPPMAN: And someone
12:58:25 25 understands what this mortgage is all about.

1 TIMOTHY SHINE: So he said: It's the
2 complexity. I said: Well it is AI, artificial
3 intelligent software, somebody designed this.
4 Then they said: It's a different department. I
12:58:38 5 said: It's within the same company. And they
6 don't care. They got stuck with by another
7 service agent and they don't want to lose the
8 money, which they are going to do.

9 With the help of the law firm, it made me
12:58:55 10 not just an individual that they can blow off.
11 They had to start paying attention and they did
12 and it was resolved.

13 And this is about -- this symposium is about
14 getting more services for people in need. And as
12:59:12 15 a side thing, one of things we do is we collect
16 bread and give it to homeless agencies, and that
17 we collect it from Panera, collect it from
18 Wegmans. The law unfortunately says when you're
19 done, throw it out, and it is perfect.

12:59:28 20 CHIEF JUDGE LIPPMAN: This is a different
21 kind of help, right? This is where you're trying
22 to help others in need. You got a legal problem
23 and sometimes you just don't know what to do,
24 right? And you can't afford to hire a high-priced
12:59:41 25 lawyer to go --

1 TIMOTHY SHINE: Right. So the point here
2 is that I also saw this group at a homeless
3 symposium, so it was their outreach that I found
4 them, and they go out and find other people who
12:59:56 5 are in need, and if they were not funded or
6 however it is, when I walked in, see all these
7 people, my first question was like: Who is paying
8 for all this stuff? He said: Grants and
9 everything. And so I think it's a really good
13:00:11 10 thing that --

11 CHIEF JUSTICE LIPPMAN: You know, a lot of
12 Legal Services entities made it a point to try to
13 help Veteran's who sometimes have unique problems.
14 You know, yours is not so unique, a foreclosure.
13:00:26 15 You know, people who come back with all kinds of
16 syndromes from --

17 TIMOTHY SHINE: They do, yes. And it is
18 nice they are available because everybody can't
19 afford a lawyer and, you know, if you don't get a
13:00:37 20 lawyer, you get a "C" lawyer, you know. It's just
21 like doctors, you get the "A" doctor or you don't.
22 You a lot of times can't afford them.

23 CHIEF JUSTICE LIPPMAN: But Legal Services
24 dramatically impacted your life?

13:00:54 25 TIMOTHY SHINE: Yeah. I wouldn't have the

1 money to be able to put aside on the rest of my
2 house if I didn't have that money.

3 CHIEF JUSTICE LIPPMAN: And could anything
4 be more important to you than the roof over your
13:01:06 5 head?

6 TIMOTHY SHINE: Right. Protecting my
7 children.

8 CHIEF JUSTICE LIPPMAN: And your children.

9 TIMOTHY SHINE: Yes.

13:01:11 10 CHIEF JUSTICE LIPPMAN: So again, so
11 helpful that someone comes in and explains what
12 his limited amount of funding that is public
13 monies makes such an impact on people's lives.

14 TIMOTHY SHINE: Absolutely.

13:01:26 15 CHIEF JUDGE LIPPMAN: So thank you so
16 much --

17 TIMOTHY SHINE: Thank you.

18 CHIEF JUSTICE LIPPMAN: -- for coming in
19 and telling your story.

13:01:31 20 (Applause)

21 CHIEF JUDGE LIPPMAN: Let me just close
22 the hearing by saying that all of the witnesses
23 today in different ways all get to the same place,
24 which is that we need public funding and, of
13:01:54 25 course, pro bono efforts by the Bar to support

1 people in need who cannot afford Legal Services.
2 Who cannot afford to hire a lawyer and, you know,
3 unfortunately, the cost of legal representation is
4 very hard for them.

13:02:14 5 And believing President Miranda, myself, all
6 of us on this Panel, we're the greatest fans of
7 lawyers, and they make a living by representing
8 people, but there are many people who cannot
9 afford, and I'm not just talking about people who
13:02:36 10 are totally destitute, we're talking about people
11 who have a problem and need assistance, and
12 without that legal assistance, they're not going
13 to be able to solve their problem, which in many
14 circumstances are the most important things in
13:02:54 15 their lives, that are absolutely involving the
16 necessities and essentials of life, so the
17 profession and the Judiciary have joined together
18 to say we need to -- for people who cannot afford
19 that representation, cannot afford to hire a
13:03:14 20 lawyer, we need to get public funding to support
21 Legal Services entities, and we need lawyers to
22 give of themselves often without any compensation
23 services just on the basis of our understanding
24 that this is a noble profession, that in the end
13:03:36 25 it is all about helping people.

1 So we thank everybody who came to these
2 hearings today, those who are in attendance and
3 are witnesses because it helps us to make the case
4 that we need to meet the justice gap in our State,
13:03:56 5 the difference between the legal resources
6 available and the need to address the crisis and
7 Access to Justice here in our State and in our
8 country, and I can't tell you how helpful these
9 hearings are to the Commission, to the Judiciary,
13:04:16 10 and to the Profession in helping us to lay the
11 foundation for doing the things that we need to do
12 to ensure that everybody in this part of the State
13 and all over the State have access to justice.
14 Everyone gets their day in court, so to speak. So
13:04:36 15 thank you so much for being here. Thank you.

16 (Applause)

17 (Proceedings adjourned.)

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