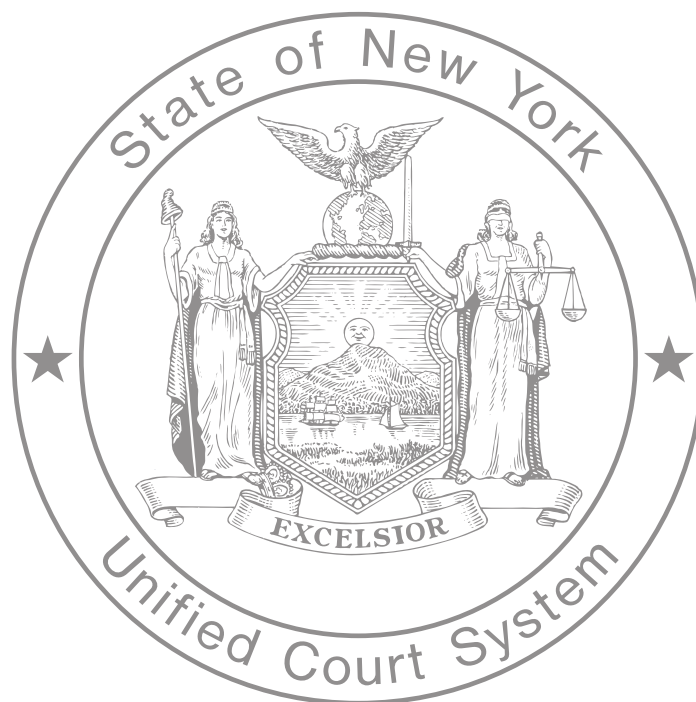


# PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK



NOVEMBER 2016





## PERMANENT COMMISSION ON ACCESS TO JUSTICE

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HELAINE M. BARNETT, CHAIR

November 30, 2016

Honorable Janet DiFiore  
Chief Judge of the State of New York  
230 Park Avenue, Suite 826  
New York, NY 10169

Dear Chief Judge DiFiore:

I am pleased to forward to you the seventh Annual Report of the New York State Permanent Commission on Access to Justice, the first to you as our Chief Judge.

The Permanent Commission was privileged to assist in the preparation of the public hearing on civil legal services, held at the Court of Appeals, led by you, the Presiding Justices of each of the Appellate Division Departments, the Chief Administrative Judge and the President of the New York State Bar Association. The testimony presented there by witnesses from across the state has helped demonstrate the extent and nature of the current unmet civil legal needs of low-income New Yorkers.

This Report, based in large part on the hearing's oral and written testimony, includes the Permanent Commission's findings on the continuing access-to-justice gap, along with an analysis of the substantial economic benefits to both low-income New Yorkers and New York State from investing in civil legal services. Based upon these findings, the Permanent Commission recommends that the present funding level be continued for fiscal year 2017-2018. During this period, the Permanent Commission will spearhead a major strategic planning effort, made possible by a \$100,000 grant from the Public Welfare Foundation, with the goal of providing effective assistance for all in civil legal matters involving the essentials of life.

Further, for 2017, the Permanent Commission recommends consideration of court simplification in which family-related matters are heard in a single court, overseen by one judge, and suggests establishing two pilot projects to assess its efficacy. The Permanent Commission's numerous non-monetary recommendations, which are an essential part of its multi-faceted strategy for expanding access to justice, will also be continued in the new year. Among them are recommendations based on two major conferences that the Permanent Commission convened, at which you presented opening remarks: the fifth annual Law School Conference, focusing on the role of law schools in helping to close the justice gap; and the second Statewide Civil Legal Aid Technology Conference, helping to educate providers and identify resources for optimizing the use of technology in delivering services and streamlining operations. In addition, we recommend expansion of the role of non-lawyers, public libraries and pro bono service by government attorneys.

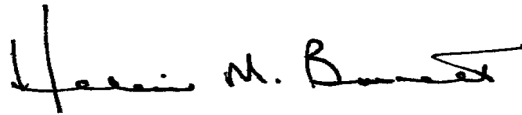
Members of the Permanent Commission, who represent diverse perspectives and bring to the Permanent Commission a breadth of experience, special insights and a commitment to increasing access to justice through creative solutions, are unanimous in supporting the findings and recommendations in this Report. They have made significant contributions of time and energy to our work throughout the year. The Permanent Commission was also ably

assisted in its work by its Counsel, Jessica Klein, as well as by Lara Loyd, Chiansan Ma, Julie Krosnicki, Madeline Jenks and Grace Son, all from Sullivan & Cromwell, and by Lauren Kanfer, Barbara Mulé and Barbara Zahler-Gringer, from the New York State court system.

As you so aptly stated at your public hearing, we have made notable progress, but we cannot rest on our achievements as much more needs to be done. With your strong commitment to ensuring an accessible civil justice system, we are confident that we will move closer towards our shared mission of achieving access to justice for all.

We thank you for your support and resolve, and look forward to continuing to work together in the coming year.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Helaine M. Barnett". The signature is fluid and cursive, with a prominent vertical stroke at the beginning and a long, sweeping horizontal stroke at the end.

Helaine M. Barnett  
*Chair, Permanent Commission on Access to Justice*

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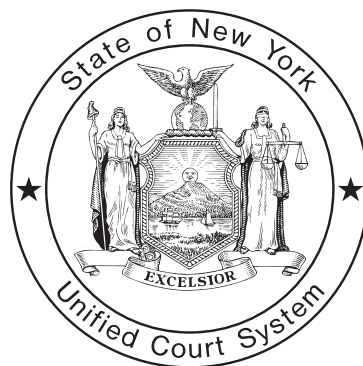
Special Counsel to the Chief Judge (Ret'd)



# PERMANENT COMMISSION ON ACCESS TO JUSTICE

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REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK



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NOVEMBER 2016





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## EXECUTIVE SUMMARY

In 2010, more than 90% of low-income New Yorkers appeared in court in civil matters without counsel.<sup>1</sup> The vast majority of these New Yorkers had little understanding of court procedures or the law. Each court proceeding posed potentially devastating consequences that went beyond the individuals and families involved—a family facing eviction, a veteran unable to collect service disability, children unable to attend a school responsive to their special needs, a woman trying to escape an abusive relationship or a father whose medical claims were denied. But these consequences were felt in our courts and our communities throughout the Empire State.

In response to this crisis of the unrepresented in our state's courts, former Chief Judge Lippman created the Task Force to Expand Access to Civil Legal Services in New York.<sup>2</sup> Under the leadership of Helaine M. Barnett, former President of the federal Legal Services Corporation, the Task Force, now the Permanent Commission on Access to Justice, has worked hard to reduce the number of unrepresented people in our civil courts. For the past six years, we have recommended that (1) a reliable source of state funding for civil legal services be established; and (2) non-monetary initiatives be developed and implemented to enhance access to justice for low-income individuals facing civil legal challenges to the essentials of life.<sup>3</sup>

This year represented an important milestone in our efforts. Our new Chief Judge, Janet DiFiore, has continued former Chief Judge Lippman's efforts to address the crisis of the unrepresented in our state courts. Chief Judge DiFiore is our new champion. This year, with her invaluable support, New York's Judiciary reached the funding goal set in 2010 of \$100 million of dedicated state funds for the provision of civil legal services.<sup>4</sup> This level of state funding is estimated to yield a return of \$1 billion—\$10 for every dollar invested in civil legal services<sup>5</sup>—to the New York State treasury. The number of New Yorkers that currently receive such state-funded civil legal services now exceeds 453,000.<sup>6</sup> This represents *an increase of approximately 60% since 2010*. In New York City, more than one in four tenants, or 27%, who face eviction in the Housing Court, are now represented by counsel.<sup>7</sup>

On September 27, 2016, the Chief Judge, assisted by the Permanent Commission, held a public hearing to assess the extent and nature of unmet civil legal needs, "where fundamental human needs are concerned or the matter involves society's most vulnerable members."<sup>8</sup> The powerful testimony from judges, leaders of the academy, the bar, the business community and clients of state-funded civil legal services providers, confirmed that the availability of civil legal assistance stabilizes lives, preserves homes and assures educational opportunities for children.<sup>9</sup> The circumstances described at the hearing, and at each of the prior years' hearings, established that accessible, publicly funded civil legal assistance averted dire consequences for individuals and families, restoring the hope, promise and opportunity that sustains New York's communities and the vitality of our state.<sup>10</sup>

At the hearing, Chief Judge DiFiore praised the work of the Permanent Commission and said that there has been "a change in perceptions and attitudes in New York and around the country[;] policymakers at all levels of government have come to recognize that legal services for the poor is not just the right thing to do, which, of course, it is, but is the wise thing to do as well."<sup>11</sup> The Chief Judge's statement reaffirms our Judiciary's commitment to working with the Permanent Commission to achieve access to effective legal assistance for all New Yorkers

confronting matters involving the essentials of life, and New York's place as one of hope, promise and opportunity for all of its citizens. The Commission thanks Chief Judge DiFiore for her steadfast support of its efforts to bridge the justice gap.

When the Task Force's hearings began in 2010, pursuant to a joint legislative resolution,<sup>12</sup> New York's courts were overwhelmed with unrepresented individuals who were facing challenges impacting the essentials of life—their housing, their medical care and their relationships with their families. Recognizing that the unmet needs in the state for civil legal services remain substantial, and that New York's efforts to close the justice gap should remain resolute, the Permanent Commission recommends that the current funding level be continued in the upcoming fiscal year.

To further narrow the justice gap, the Permanent Commission will engage in a major strategic planning process, with the ultimate goal of ensuring that every New Yorker in need has effective legal assistance when faced with a legal matter threatening the critical necessities of life.<sup>13</sup> With the support of a grant from the Public Welfare Foundation, and with input from many stakeholders from around the state, the Permanent Commission will craft a strategic action plan for a coordinated, civil legal services delivery system that will fulfill the objectives of the state's 2010 and 2015 joint legislative resolutions.<sup>14</sup>

In addition, the Permanent Commission is proposing a new initiative to expand access to justice. In recognition of the barriers faced by families when having to litigate their family-related matters in multiple courts, the Commission recommends that (1) the Chief Judge's Task Force on the New York State Constitutional Convention consider court simplification that consolidates family-related matters within a single court, overseen by one judge; and (2) the court system establish two court simplification pilot programs—one in New York City and one upstate—to assess the efficacy of consolidation.<sup>15</sup>

Equally significant, as this report details, are numerous impactful non-monetary innovations the Permanent Commission spearheaded, and continues to support, that effectively expand access to justice for all. These non-monetary initiatives include:

#### **Court Processes: Rules and Simplified Court Forms**

- Securing adoption by the Administrative Board of the Courts of a resolution declaring that it should be the court system's policy to support and encourage the practice of limited scope representation in appropriate cases to help bridge the access to justice gap;<sup>16</sup>
- Promoting development and implementation of an Online Dispute Resolution (ODR) pilot by the court system for consumer debt matters in order to evaluate the effectiveness of ODR in bridging the justice gap;<sup>17</sup>

#### **Law School Involvement**

- Encouraging law school and law student involvement in pro bono efforts at all 15 New York law schools, the work of the Statewide Law School Access-to-Justice Council and continuation of the annual Law School Conference;<sup>18</sup>

## **Technology Initiatives to Expand Access to Justice**

- Supporting the integration of technology into client delivery systems, including through two pilot online intake portals;<sup>19</sup>
- Convening the now annual Statewide Technology Conference to promote collaboration and innovation to improve the delivery and efficiency of civil legal services;<sup>20</sup>

## **Role of Non-Lawyers**

- Establishing the Legal Hand storefront initiative, which introduced the concept of neighborhood storefronts staffed by trained community volunteers who provide free legal information, assistance and referrals in areas including housing, family and benefits matters, to help resolve issues and prevent them from escalating into legal actions;<sup>21</sup>
- Exploring expansion of the Navigator Program that enables trained Navigators to provide assistance to litigants in courthouses, helping them navigate and understand their proceedings and court process;<sup>22</sup>
- Recommending that legislation be introduced to create a Court Advocate Program allowing specially trained non-lawyers to work, under the supervision of attorneys in non-profit organizations, and provide legal assistance to unrepresented low-income individuals in court proceedings;<sup>23</sup>

## **Public Education Efforts**

- Expanding outreach to and training of public librarians statewide—including through the development of a webinar training program—to provide librarians in public libraries around the state with information to assist library visitors with questions about legal problems and to refer such visitors to legal services providers;<sup>24</sup>

## **Pro Bono Efforts to Increase Access to Justice**

- Promoting adoption of the New York State Bar Association Model Pro Bono Policy by state and federal government agencies;<sup>25</sup>
- Encouraging local and municipal governments to consider adoption of an appropriate pro bono policy;<sup>26</sup> and
- Supporting consideration by the New York court system of appropriate steps to take to further promote and support pro bono by its attorneys.<sup>27</sup>

Even though our state has achieved the Task Force's initial goal set for state funding and adopted many impactful non-monetary initiatives, there remains a substantial need for civil legal services. We have come far, but much work still remains to be done. To that end, in 2017, the Permanent Commission will focus on the development of a long-range, strategic action plan designed to ensure effective legal assistance for every New Yorker confronting legal challenges to the essentials of life.<sup>28</sup> We are committed to working with Chief Judge DiFiore to achieve this objective.



## PART A

### The Chief Judge's Civil Legal Services Initiative For New York State

The New York State civil legal services initiative was launched on Law Day in 2010 by then Chief Judge Jonathan Lippman with the hope that it would be “an obvious truth to all that those litigants faced with losing the roof over their heads, suffering the breakup of their families, or having their very livelihood threatened cannot meaningfully pursue their rights in the courts of New York without legal counsel.”<sup>29</sup> Under this initiative, the Permanent Commission on Access to Justice was established to address the unmet civil legal needs of low-income New Yorkers and serves as a model for expanding access to justice. Since its inception, the Permanent Commission has been led by Helaine M. Barnett, former President of the federal Legal Services Corporation, and has been composed of representatives from the Judiciary, the business community, government, private law firms, bar associations, civil legal services and pro bono legal assistance providers, law schools and funders.

Each year, New York's Chief Judge holds civil legal services hearings on the unmet civil legal needs of low-income New Yorkers. The Permanent Commission reports to the Chief Judge on findings based on the hearings and its ongoing work, and proposes recommendations for monetary and non-monetary initiatives to close the access-to-justice gap. The Chief Judge submits these annual reports to the Governor and Legislature. The result of this process is the implementation of multi-faceted initiatives to bridge the justice gap.

Since 2010, the civil legal services initiative has made significant inroads, most importantly by attaining the funding goal of \$100 million of dedicated state funding for civil legal services. Today, greater numbers of low-income individuals have access to a spectrum of services to resolve their civil legal matters, from legal information assistance at Legal Hand neighborhood centers, to in-court support and guidance through the Court Navigator Program, to increased pro bono assistance from law students and attorneys, to full representation by legal services providers. The overall impact is that a substantially higher percentage of the legal needs of low-income New Yorkers are being met, resulting in better outcomes and averting dire consequences for these individuals as they seek to address matters involving the essentials of life.

#### I. Judiciary Civil Legal Services Funding Is Having an Impact

For fiscal year 2016-2017, Judiciary Civil Legal Services (JCLS) funding totaled an unprecedented \$100 million, which included a \$15 million allocation to the New York State Interest on Lawyer Account Fund (IOLA).<sup>30</sup> The remaining \$85 million will be allocated to 82 civil legal services providers serving low-income New Yorkers in every county of the state.<sup>31</sup> In response to the 2016–2017 RFP,<sup>32</sup> the JCLS Oversight Board received and considered 90 total applications from 87 applicants for funding, including three applicants that also applied for funding related to joint projects.<sup>33</sup> The Oversight Board awarded 83 grants (with one provider receiving two separate grants), including six to applicants that had not previously sought funding.<sup>34</sup> The \$85 million in total grants ranged in size from \$20,000 to \$9,786,789, and contracts will be awarded for a five-year term, from January 2, 2017 to December 31, 2021.<sup>35</sup>

The Oversight Board informed the Permanent Commission that, in accordance with the priorities articulated by the Chief Judge and recommended in our previous reports, this year's awards targeted matters involving the essentials of life—legal problems in the areas of housing (including evictions, foreclosures and homelessness), family matters (including domestic violence, children and family stability), access to health care and education, and subsistence income (including wages, disability and other benefits and consumer debts).<sup>36</sup> The Oversight Board further informed us that it continued to emphasize the provision of direct legal services, while also encouraging collaboration among civil legal services providers, preventive and early-intervention legal assistance, as well as innovation through the use of technology.<sup>37</sup> As recommended by the Permanent Commission, the Oversight Board allocated the new funding by county, based upon the proportion of the population living at or below 200% of the federal poverty level.<sup>38</sup>

Data collected by the Office of Court Administration (OCA) shows that civil legal services funding allocated by the Chief Judge in the Judiciary budget has increased the number of low-income New Yorkers being served with those funds.<sup>39</sup> The number of direct legal assistance cases handled by JCLS grantees increased from 421,113 in 2014–2015 to 453,908 in 2015–2016, as indicated in the following table:<sup>40</sup>

<b>JUDICIARY CIVIL LEGAL SERVICES GRANTEES</b>			
<b>Direct Legal Assistance</b>			
	<b>2013-2014 CASES HANDLED</b>	<b>2014-2015 CASES HANDLED</b>	<b>2015-2016 CASES HANDLED</b>
First Department	108,350	128,095	133,743
Second Department	172,284	183,742	213,819
Third Department	40,482	42,907	36,660 <sup>41</sup>
Fourth Department	63,858	66,369	69,686
<b>STATEWIDE TOTAL</b>	<b>384,974</b>	<b>421,113<sup>42</sup></b>	<b>453,908</b>

The increased number of cases handled has contributed to a decline in the numbers of litigants seeking to navigate the civil justice system without counsel, dropping from 2.3 million in 2009 to 1.8 million in 2014.<sup>43</sup> Statewide, for example, the impact can be seen by the increase in representation in foreclosure settlement conferences.<sup>44</sup> Since 2011, the number of litigants unrepresented in foreclosure settlement conferences has decreased from 67% to 38%.<sup>45</sup>

Even more significant are the findings of a recent study conducted in 2016 by the New York City Human Resources Administration Office of Civil Justice, in partnership with OCA.<sup>46</sup> This study sought to assess the impact of both JCLS and New York City legal assistance funding on the level of tenant representation in eviction cases in New York City Housing Court.<sup>47</sup> The study, based on data from OCA and the judges and staff of the New York City Housing Court, found that more than one in four tenants, or 27%, who are facing eviction matters in the New York City Housing Court are now represented by counsel.<sup>48</sup> This is a striking increase



from prior court system findings that only 1% of tenants in New York City Housing Court were represented by attorneys.<sup>49</sup> In contrast, only 1% of landlords in eviction proceedings appeared in court without counsel.<sup>50</sup>

Further, the increased funding has had a significant impact on the percentage of legal needs being met. In 2010, expert consultants commissioned by the Permanent Commission found that only 20% of the legal needs of low-income New Yorkers were being met.<sup>51</sup> Building on that finding, in 2015, we sought to update our analysis and determine the degree to which the need for civil legal services for low-income New Yorkers was being fulfilled.<sup>52</sup> At our request, the Chief Administrative Judge formed a committee to bring this analysis up-to-date.<sup>53</sup> After thorough review and analysis of data, the committee estimated that 31% of legal needs were being met in 2015.<sup>54</sup>

For 2016, we again sought to ascertain the percentage of civil legal needs being met. This year, OCA's Office of Court Research conducted the analysis. It first reviewed the Census Bureau's latest poverty statistics, which found that approximately 6.12 million New Yorkers, or nearly one third of the population, are currently living below 200% of the poverty level.<sup>55</sup> Using this figure, it was estimated that 1.2 million low-income New Yorkers now have three or more civil legal problems.<sup>56</sup> Additionally, the number of cases handled by JCLS providers in 2015–2016 was considered. Based on the totality of the data, it is estimated that 37% of the civil legal needs of low-income New Yorkers are now being met.<sup>57</sup>

## **II. Judiciary Civil Legal Services Funding Provides Substantial Economic Benefits to New York State and a Return of \$10 for Every \$1 of Funding**

For the past six years, the Permanent Commission has obtained pro bono assistance from four nationally recognized experts to analyze the cost savings and economic benefits resulting from funding civil legal services programs in New York State. This year, that assistance once again came from Neil Steinkamp of Stout Risius Ross (SRR), a global financial advisory firm, who assisted the Permanent Commission in 2015. This year, Mr. Steinkamp updated his previous analysis of the economic impact on New York State of federal benefits obtained through civil legal assistance.<sup>58</sup> In addition, he analyzed data on the benefits received by low-income New Yorkers as a result of the provision of civil legal services by IOLA grantee organizations from 2005 to 2015.<sup>59</sup> Based on the foregoing, Mr. Steinkamp, among other things, concluded:

- **Additional Economic Benefit from Child and Spousal Support Payments to Recipients of Those Benefits and Their Families Was Estimated to Be \$26.2 Million:** For 2015, IOLA data indicates retroactive awards of child and spousal support at approximately \$1.38 million and monthly payment awards at nearly \$356,000.<sup>60</sup> The net present value of the monthly payments, based on a payment stream of nine years, is approximately \$38.4 million.<sup>61</sup> Thus, the total value of the child and spousal support awards for 2015 is approximately \$39.8 million.<sup>62</sup> After deducting the estimated value of support payments not actually received, the estimated value of actual child and spousal support payments is approximately \$26.2 million.<sup>63</sup>

- **Total Estimated Cost Savings from the Avoidance of Emergency Shelter Increased to \$345.2 Million:** In 2013, using state and local data from 2012 on the cost of providing shelter in New York State as well as IOLA data on eviction prevention cases, Cornerstone Consulting concluded that anti-eviction legal services programs that receive IOLA funding saved the government approximately \$116 million annually in averted shelter costs.<sup>64</sup> In 2014, IOLA analyzed updated data and estimated such annual savings had increased to more than \$220 million.<sup>65</sup> In 2015, based on increased cost savings from brief representation cases (an estimated \$63.2 million) and extended representation cases (an estimated \$282 million), Mr. Steinkamp estimated cost savings to the government increased in aggregate to \$345.2 million, corresponding to shelter avoidance for approximately 32,038 individuals.<sup>66</sup>
- **Present Value of Wage Impact of Work Authorization Assistance for Immigrant Victims of Domestic Violence, Trafficking and Other Crimes Was Estimated to Be \$52.6 Million:** With the assistance of civil legal services providers, approximately 6,513 immigrant clients, applying for “Green Cards,” U Visas, T Visas, Violence Against Women Act self-petitions or other long-term status, successfully achieved work authorization in 2015.<sup>67</sup> Work authorization provides a significant wage increase to immigrants, amounting to an average increase of approximately \$1,278 per annum for women and \$1,435 per annum for men.<sup>68</sup> Of the individuals who received work authorization in 2015, 51% were estimated to be women.<sup>69</sup> These work authorization results were estimated in aggregate to increase annual wages of immigrants by \$4.24 million for women and \$4.3 million for men.<sup>70</sup> The total net present value of wage impacts because of work authorization, assuming work authorization will continue for two-, four- and ten-year terms dependent upon the type of legal assistance provided to obtain work authorization, was estimated to be \$52.6 million.<sup>71</sup>
- **Present Value of Wage Impacts of Citizenship for Immigrants Was Estimated to Be \$49.5 Million:** Approximately 3,831 clients of civil legal services providers attained citizenship in 2015.<sup>72</sup> Citizenship provides a wage increase for former immigrants, amounting to an average increase of approximately \$735 per annum for women and \$823 per annum for men.<sup>73</sup> Of the individuals who received citizenship in 2015, 51% again were estimated to be women.<sup>74</sup> As a result of attaining citizenship, annual wages of former immigrants were estimated in aggregate to increase by \$0.85 million for women and \$1.3 million for men.<sup>75</sup> The total net present value of such wage impacts owing to citizenship was estimated to be \$49.5 million.<sup>76</sup>
- **Civil Legal Services Provided a Positive Economic Impact on the New York State Economy Owing to the Long-Term Financial Impact from Federal Benefits Obtained:** Civil legal services in 2015 for low-income New Yorkers provided substantial economic value to families in need, as well as to state and local economies and governments.<sup>77</sup> As a result of legal representation in 2015, the economic value to clients and their families of federal benefits secured, including Supplemental Security Income and Social Security Disability (SSI/SSD) awards, Medicare and Medicaid benefits and other federal benefits, was estimated to be approximately \$953.9 million.<sup>78</sup> These federal benefits also provide a significant overall stimulus to the New York State economy and create thousands of jobs.<sup>79</sup> The overall impact when also considering the “multiplier effect”—that savings generate further economic activity by, for example, allowing clients to use such savings in their community—amounted to \$1.29 billion and the creation of approximately 9,020 jobs.<sup>80</sup>

- **Civil Legal Services Providers Obtained Nearly \$100 Million in Benefits for Their Clients and Families, Resulting in an Estimated Total Economic Impact of Over \$2.7 Billion when Coupled with Continuing Cost Savings from Prior Years:** After expanding the 2016 cost-benefit analysis to include consideration of immigration and citizenship work, Mr. Steinkamp “calculated benefits this year associated with cases for which there was legal assistance in 2015 to be nearly \$100 million.”<sup>81</sup> Combining that \$100 million with monies received into New York as a result of both extended and limited representation cases for SSI, SSD, Medicaid, Earned Income Tax Credit, other federal benefits and state unemployment benefits bring that figure to \$1.1 billion for 2015, which, owing to the “multiplier effect,” generates an additional \$1.29 billion (as well as over 9,000 jobs).<sup>82</sup> When added together with the total estimated cost savings of \$345.2 million from shelter avoidance, the total economic impact is estimated to be over \$2.7 billion.<sup>83</sup> Thus, the \$348 million total civil legal services funding in 2015 resulted in a return of \$2.7 billion, or roughly a return of \$7.88 for every \$1 of funding in 2015.<sup>84</sup> However, total program funding of \$348 million includes funding to support legal assistance for, among other things, credit card debt and other consumer rights matters, advanced care planning and pro bono legal services for low-income entrepreneurs, which results in understating the total return per \$1 of funding.<sup>85</sup> Owing to these additions, Mr. Steinkamp ultimately concluded that a more reasonable estimate of such return was \$10 for every \$1 of funding in 2015.<sup>86</sup>

### III. Non-Monetary Initiatives Have Been Implemented to Help Bridge the Justice Gap

In previous reports, we proposed a series of non-monetary recommendations aimed at expanding access to justice for low-income New Yorkers that have been implemented as part of the Chief Judge’s civil legal services initiative.<sup>87</sup> Many of these could not have been accomplished without partnerships among the Judiciary, legal services providers, the private bar and New York’s law schools. The key non-monetary recommendations that have been implemented since our first report in 2010 include:

#### Legislative Policy

- Adoption by the Legislature of our proposed concurrent resolution proclaiming it to be the state’s policy that low-income New Yorkers facing legal matters concerning the essentials of life have effective legal assistance;<sup>88</sup>

#### Court Processes: Rules and Simplified Court Forms

- Development of a continuing process to assess current court forms and create uniform simplified forms for use in landlord-tenant, consumer debt, foreclosure and child support matters, which has already resulted in the approval of a number of new, uniform statewide forms;<sup>89</sup>
- Amendment to the Code of Judicial Conduct clarifying that judges may make reasonable accommodations for unrepresented litigants to have their matters fairly heard;<sup>90</sup>
- Commencement of an ODR pilot program for consumer credit matters that is now under development by the court system to evaluate the efficacy of ODR to help bridge the access-to-justice gap;<sup>91</sup>

- Development of a pilot program that will provide additional notice in landlord-tenant proceedings to ensure that unrepresented litigants are aware, at the start of proceedings against them, of available defenses, resources and consequences of the proceedings;<sup>92</sup>
- Approval by the Administrative Board of the Courts for public comment a proposed rule to require early disclosure in landlord-tenant proceedings of the regulatory status and housing code violations at the subject premises;<sup>93</sup>
- Adoption by the Administrative Board of the Courts of a resolution declaring that it should be the court system's policy to support and encourage the practice of limited scope representation in appropriate cases to help bridge the access-to-justice gap;<sup>94</sup>

### **Law School Involvement**

- Commencement of an annual Law School Conference and establishment of the Statewide Law School Access-to-Justice Council, to enhance access-to-justice involvement by New York's 15 law schools and their students and to promote collaboration with civil legal services providers, the bar and courts;<sup>95</sup>

### **Technology Initiatives to Expand Access to Justice**

- Commencement of an annual Statewide Technology Conference that promotes effective use of technology by legal services providers and enables dissemination of information to improve technology and service delivery systems that directly increase access to civil legal assistance for low-income people;<sup>96</sup>
- Implementation of the Pro Bono Law Firm IT Initiative, which provides law firm IT staff to assess the technology needs of individual civil legal services providers and make recommendations for enhancing and improving technology;<sup>97</sup>
- Establishment of two pilot projects, currently under development, to create online intake portals to facilitate the dissemination of information and access to legal assistance for consumer debt matters;<sup>98</sup>

### **Role of Non-Lawyers**

- Formation of an advisory committee to consider the contributions that non-lawyers can make to bridge the justice gap that led to the issuance of an administrative order authorizing creation of Court Navigator pilots in which community volunteers are trained to assist unrepresented litigants in certain matters;<sup>99</sup>
- Opening of three Legal Hand storefront centers that are staffed with trained community non-lawyer volunteers who provide free legal information, assistance and referrals to visitors;<sup>100</sup>
- Proposal of legislation by OCA that would establish a new program for Court Advocates to assist litigants in housing and consumer cases;<sup>101</sup>

### **Provider Collaboration**

- Promotion of models of collaboration among civil legal services providers, including the one-roof model of provider co-location and cost sharing, exemplified by the George H. Lowe Center for Justice in Syracuse;<sup>102</sup>

### **Pro Bono Efforts to Increase Access to Justice**

- Amendment of Section 6.1 of the New York Rules of Professional Conduct that increases the recommended annual pro bono service for New York lawyers from 20 to 50 hours;<sup>103</sup>
- Establishment of mandatory reporting of pro bono activities and financial support for civil legal services providers as part of biennial attorney registration;<sup>104</sup> and
- Revision of a court rule to permit in-house counsel to register in New York for purposes of performing pro bono work to encourage pro bono work by in-house counsel licensed out-of-state.<sup>105</sup>

We also provided support for three additional major non-monetary, access-to-justice initiatives announced by then-Chief Judge Jonathan Lippman to support pro bono legal services:

- Issuance of the 50-hour pro bono service requirement for law graduates seeking admission to the New York bar;<sup>106</sup>
- Formation of the Pro Bono Scholars Program, which enables law students to spend their final semester performing pro bono service and permits them to take the bar examination in February, prior to graduation;<sup>107</sup> and
- Establishment of the Attorney Emeritus program, to encourage transitioning and retired attorneys to provide legal assistance to low-income New Yorkers.<sup>108</sup>

## **IV. The 2016 Civil Legal Services Hearing Demonstrated the Impact of Judiciary Civil Legal Services Funding and Continuing Unmet Need**

Following the posting of public notice on the court system's website, Chief Judge Janet DiFiore conducted the 2016 hearing on civil legal services at the Court of Appeals on September 27, 2016.<sup>109</sup> Joining the Chief Judge at the hearing were: the Presiding Justices of all four Judicial Departments, First Department Acting Presiding Justice Peter Tom, Second Department Presiding Justice Randall T. Eng, Third Department Presiding Justice Karen K. Peters, and Fourth Department Presiding Justice Gerald J. Whalen; Chief Administrative Judge Lawrence K. Marks; and New York State Bar Association President Claire Gutekunst.<sup>110</sup>

A total of 15 witnesses presented testimony at the 2016 hearing,<sup>111</sup> and written submissions were received from 12 additional interested individuals or on behalf of organizations with which they were affiliated.<sup>112</sup> The 2016 hearing testimony—both oral and written—adds to the extensive evidence from hearings in previous years held throughout the state. At this hearing and in prior hearings, business leaders, state and local government officials, district attorneys, labor leaders, medical providers, educators, religious leaders, judges and clients all testified to the need for JCLS funding to bridge the access-to-justice gap for low-income families and individuals in every part of New York State.

At the 2016 hearing, leading New Yorkers from throughout the state and clients of JCLS grantees provided new evidence of the urgent need for additional resources to bridge the justice gap.

**Former Chief Judge Jonathan Lippman Testified about Accomplishments Increasing Access to Justice and a Vision for the Future:** Judge Lippman led off the hearing by congratulating Chief Judge Janet DiFiore for continuing to support the Judiciary’s funding for civil legal services:

I congratulate you on your stewardship of the Judiciary budget this last year through the Legislature with the help of your terrific, spectacular Chief Administrative Judge, Judge Marks, a budget that included not only so many important things for the Judiciary, but really a milestone, \$100 million, for legal services for the poor in this state.... What a terrific accomplishment that is, and this amount of money I think does signal what the priorities of our state really are.... So thank you ... for your dedication and commitment to the vulnerable and people who really can’t do it on their own, the disadvantaged people who really need just a helping hand.<sup>113</sup>

Judge Lippman continued his testimony, however, by noting that, even with substantial state funding, there is still a large unmet need for civil legal services statewide:

Legal service[s] providers turn away, even today, more people than they can help. That means more than 50 percent of the people [who] come to our wonderful providers are turned away because of lack of resources.<sup>114</sup>

After describing numerous ways—beyond additional funding—that New York State has risen to meet the need for civil legal services, Judge Lippman concluded by expressing both his vision and his confidence in Chief Judge DiFiore:

And I am absolutely confident, with you, Chief Judge, at the helm, with your spectacular leadership in this state, that we have all of those things: leadership, innovation, partnerships, many times over.... I am truly confident that the day is not very far ... where the ideal of equal justice is a reality for each and every person in each and every courtroom in this state.<sup>115</sup>

**Business Leaders Testified to the Significance of Legal Services in Providing Efficient and Fair Ways to Resolve Conflicts:** Stephen Cutler, Vice Chairman of JPMorgan Chase, testified about the importance of legal services for the timely and fair resolution of legal problems. He also noted that legal representation is good for the courts:

In short, if those with whom we [JPMorgan Chase] have disputes are represented by able counsel, we think that could help us get fair and quicker settlements. That in turn will mean a court system that won’t be overwhelmed with matters that should be resolved without much if any court intervention, and it will also mean a court system that will be able to devote more resources to matters that do need court intervention. But maybe most important of all it’s what any of us would want for ourselves or our parents if we or they were involved in a dispute over a life-essential financial matter and couldn’t afford counsel; it’s just the right thing.<sup>116</sup>

Mr. Cutler also stated that JPMorgan Chase is a strong supporter of increased access to civil legal services because its people “feel an acute sense of responsibility to the communities in which they live and work.”<sup>117</sup> He concluded:

It’s that same sense of responsibility that extends to our legal department, where it can be seen most clearly in our pro bono program. We provide assistance to ... low-income families securing welfare benefits, to refugees in seeking asylum, and victims of domestic violence in seeking court protection. The program is one of the



ways in which we recognize the importance of legal counsel in securing a fair and just society. And it is that principle that brings me here today to support greater access to civil legal services in the State of New York.<sup>118</sup>

Edward P. Swyer, President, The Swyer Companies & Stuyvesant Plaza, Inc., spoke movingly about why it was so critical for businesses to support the delivery of legal services to low-income New Yorkers:

I believe it is extremely important for businesses who can afford to, to step up to make a difference. We all have a responsibility to do what we can to make our community a better place to live. Without an ability for an individual to escape the tyranny of domestic violence, an unscrupulous employer or landlord, immigration violations and other situations, legal representation is essential. Otherwise, our unemployment increases creating a draining on our social services and our community suffers.<sup>119</sup>

Mr. Swyer concluded:

Our family foundation and our commercial enterprise support many philanthropic causes, but none is more important than access to those less fortunate. It is in our DNA; civil legal help for victims has the most lasting impact on the quality of their lives. Civil legal help for those at risk of homelessness, facing bankruptcy, in need of economic support, assists families and provides overall stability in our community. Civil legal help is also good for business. [William] James once said: "A community is only as strong as its weakest link." The efforts of the Permanent Commission and the Office of Court Administration have made the chain in our state much stronger with the support of civil legal services. This has improved the lives of thousands and made our state a better place to live and work.<sup>120</sup>

**Law Schools Are Playing a Critical Role in Expanding Legal Services for Low-Income New Yorkers:** Suzanne Goldberg, the Herbert and Doris Wechsler Clinical Law Professor of Law at Columbia Law School, testified about her observations about the role played by law schools and their students:

[I]n the last ten years, my students have put in thousands of hours addressing domestic violence, family recognition for same sex couples, laws that discriminate and policies that discriminate against transgender individuals, asylum for individuals fleeing persecution based on gender identity, sexual orientation, among a broad range of issues. And ... those are just my students.... If you take those and you add to them all of the students just at Columbia's many other clinics, focused on mass incarceration, immigration, prisoner's rights, the needs of youth, adolescent young people aging out of foster care, access to environmental issues, public benefits, mediation, human rights and more, and then you add to those all of the students in clinics at New York's 14 [other] law schools ... it's really an extraordinary number of hours that students are dedicating directly to expand the access to justice.<sup>121</sup>

Professor Goldberg also spoke about her hope that law schools can become even more vibrant partners in access-to-justice efforts around the state:

I think the silver lining finally for our times is that a growing number of law students understand in a deeply personal and passionate way how important it is for them to get involved in ensuring access to justice. As a result, while the need for more lawyers in the field is pressing in all of the ways that we have already heard ... there are many in law school who are really ready and willing to work, and just need the mentoring, the guidance, and the recognition to find the best paths forward to make their contributions.<sup>122</sup>

**Technology Has the Potential to Improve the Efficiency and Effectiveness of Legal Services Providers:**

David A. Heiner, Vice-President of Regulatory Affairs for Microsoft Corporation, and board chair of ProBono.Net, testified about the need for the legal community to continue to explore how technology can advance the mission of delivering effective legal information and services to low-income New Yorkers. Mr. Heiner described his reactions when he was introduced to technology's potential for impacting the delivery of legal services:

[W]hen I started to look into it, I was really struck by the incredible fragmentation in the system, just the broad range of people who need help, the broad range of legal issues which you all know so well, that need to get addressed, and the very broad range of legal aid providers and other organizations that need the help. It's terrific that there are so many. But, ... it feels like a confusing landscape, and it can be kind of hard to navigate. So it felt like something where technology ... could help. Computers are very good at keeping track of things. They are very good at connecting, at networking and connecting people. They are very good at getting things done more efficiently.<sup>123</sup>

After describing numerous ways in which technology could have an impact on the delivery of legal services, Mr. Heiner concluded by describing a technology project that may make getting access to legal information and appropriate, effective legal help a reality:

Finally, I would just mention ... this LSC portal project; this is a joint project of Microsoft, LSC and Pro Bono Net ... and the goal is to build a prototype of basically the front end to the whole legal aid system in a given state. So it would connect to the court system, it would connect to available resources, it would have a nice interface. Over time, people should be able to speak to the system, get useful information, be directed to lawyers where there are lawyers, and be directed to how to help themselves, where there is a need to help themselves.<sup>124</sup>

**Increased Investment in Legal Services for Low-Income Tenants Has Drastically Expanded Capacity and Improved Outcomes:** Steven Banks, Commissioner of the New York City Human Resources Administration/Department of Social Services, provided written testimony. Mr. Banks' colleague, Jordan Dressler, Civil Justice Coordinator of the New York City Human Resources Administration's Office of Civil Justice, provided oral testimony on the progress resulting from the city's significant investment in civil legal services, particularly in housing matters:

[T]he justice gap for New York City tenants facing eviction in our Housing Courts is narrowing, given in large part to the extraordinary investments in access to civil legal services and other tenant supports by the Administration, the New York City Council, and the State Judiciary.<sup>125</sup>



Mr. Dressler stated that provision of quality legal representation for thousands of low-income tenants facing eviction and displacement has been a key component of his agency's civil legal service initiatives,<sup>126</sup> and described the human impact of these efforts:

Protecting these affordable units throughout New York City for families and seniors, and protecting tenants in small buildings is critical. And the financial and human costs that we avert when tenants avoid eviction and preserve their tenancies are substantial. More importantly, many families are spared the trauma of homelessness, including disruption of education, employment and medical care. Our legal services programs are interested in keeping these New Yorkers in their homes, preventing displacement, and preserving and protecting the city's affordable housing stock.

And we are already seeing results from our programs to protect tenants.... We partnered with OCA to undertake a new analysis to assess the current prevalence of legal representation among tenants in court for eviction cases and the need for counsel that remains. We found that a substantially higher proportion of tenants in court for eviction had legal representation than ever before.... Even before [the city's] housing legal assistance programs are implemented fully this year, more than one in four tenants in court, facing an eviction case in New York City, 27%, [are] now represented by a lawyer.... These results suggest that we are on the right track with this investment. Furthermore, we see very encouraging signs that by making access to legal representation more available, we are realizing concrete improvement in the courts, and in the lives of New Yorkers. The two key findings to bear that out: Residential evictions by city marshals declined 24% in 2015 compared to 2013 ... [and] Orders to Show Cause in the city's Housing Courts ... also declined by 14%, while residential evictions filed remained largely stable[.]<sup>127</sup>

#### **Creative Solutions Can Remedy the Resource Gap and Expand Access to Civil Legal Services:**

John S. Kiernan, President of the New York City Bar Association, provided testimony about the success of the City Bar Justice Center and the value of limited-scope legal services to assist low-income New Yorkers, proving that creative solutions can remedy the resource gap and expand access to civil legal services:

[P]rovision of so-called limited or unbundled legal services, is ultimately at the heart of legal services provider's pragmatic determinations of how best to serve clients who need legal representation in circumstances where, as just a matter of reality, there simply aren't enough available resources to meet the demand of all the people who can't afford a lawyer. The City Bar considers itself a leader in providing several forms of such unbundled legal services through many of our Justice Center's existing projects. We believe these representations reflect a highly valuable form of legal service that enables the Justice Center and other providers ... to increase substantially the number of people that [they] are able to assist and to place clients in far better positions than if they had no legal assistance at all.<sup>128</sup>

**The Judiciary Is Working to Ensure a Meaningful Opportunity to Be Heard for Litigants with Family Matters:** Hon. Douglas E. Hoffman, Presiding Judge of the Integrated Custody and Domestic Relations (ICDR) Part of the New York County Supreme Court and New York County Family Court, testified as to the benefits of this pilot ICDR Part, which creates efficiencies for families navigating Family and Supreme Courts by having one judge hear their related

family matters, ensuring judicial familiarity with all of the issues presented and preventing what Judge Hoffman describes as costly, divisive and time-consuming litigation.<sup>129</sup> In the pilot ICDR Part:

Attorneys for the children and the parents are in Family Court on site daily through their contracts with New York City or New York State, and social workers are paired with the attorneys to form a team to represent the litigation interests of the children or adults. An attorney for the children can be appointed when appropriate in the ICDR the first day a case is filed.<sup>130</sup>

Prior to the pilot ICDR Part program, attorneys would often be assigned a case in Family Court but would not be authorized to appear in Supreme Court, resulting in new attorneys being assigned after a case spent months in Family Court. Under this program, “the judge addresses all the family’s cases from day one, through the conclusion of the Supreme Court matrimonial action,”<sup>131</sup> which avoids referral of the case back to Family Court for further action and provides numerous benefits to the litigants:

[F]or example, if through the contract, the attorneys for the children and the social worker cannot appear in Supreme Court, I may keep the custody case or the domestic violence case in Family Court, and what I do is then calibrate the Family Court and Supreme Court matters so they are heard on the same day. And in that way, all the cases are heard and people have access to their attorneys from day one, the very same attorneys. In addition, there are a number of issues that frequently overlay both the Family Court and the Supreme Court matters; particularly substance abuse and mental health issues. Supreme Court has essentially no in-house access to substance abuse and mental health testing and treatment services. The ICDR utilizes services available to Family Court to address the wide range of issues confronting the families who appear before it. With respect to substance abuse issues, the ICDR can utilize in a consolidated matrimonial action the on-site testing, counseling, referral and monitoring services of Family Treatment Court.<sup>132</sup>

In his written testimony, Judge Hoffman noted that the pilot ICDR Part’s provision of representation not only increases the fairness of the process for individual litigants, but also benefits the system as a whole:

Cases that include counsel for both sides result in more informed, and therefore more just, decision making by the court. The process moves more expeditiously and eliminates the filing of unnecessary supplemental petitions.... A litigant in a child support proceeding represented by an attorney with experience in child support matters may receive a more reasonable child support order, consistent with actual income, which would decrease the need to file future petitions for downward modification, as well as violation petitions. Increase in the availability of counsel for these cases would promote judicial economy and would provide jurists with more time to spend on each case, while also decreasing the amount of time each jurist spends explaining Family Court procedures to unrepresented litigants.<sup>133</sup>

Judge Hoffman concluded his written testimony with an appeal for further support and for other changes that would improve the system:

In addition to the overall need for funding for counsel for child support, agencies that have a contract with New York City and/or New York State to provide legal services should be permitted pursuant to their contract to appear in both Family and Supreme Courts, to address all issues relevant to the family, including child support, and to be paid for their services. There needs to be a formal expansion of mental health testing and evaluative services for cases that are transferred to Supreme Court, as well as drug testing, assessment, referral and monitoring services.<sup>134</sup>

**The Testimony of Legal Services Clients Demonstrates the Profound Impact of the Legal Assistance that They Received:** Clients who testified at this year’s hearing highlighted the life-changing impact of civil legal assistance.

*Jorge (“Billy”) Torres*<sup>135</sup> is a former director of the Eastside Family YMCA in the suburbs of Rochester, New York, where he worked with at-risk youth and connected them with tutors and programs. When his wife became ill with Hodgkin’s lymphoma, he left his job to spend more time with her and their children, ultimately transitioning to a lower-paid position that was more flexible and closer to his home. Due to this loss of income and increased medical expenses, Mr. Torres found himself unable to afford his family’s monthly expenses, began to fall behind on his mortgage payments and was facing foreclosure. A predatory lender reached out to Mr. Torres, and he paid \$2,700 before realizing the program was a scam.

When Mr. Torres came to the Supreme Court, he was referred to a legal services provider where he received free legal assistance with his foreclosure action. He filed for Chapter 13 bankruptcy, which included an automatic stay that forestalled foreclosure, and applied for the Mortgage Assistance Program (MAP). While Chapter 13 was ultimately not an option for Mr. Torres, his MAP application was approved. Mr. Torres’s attorney negotiated with the mortgage lender, and the lender accepted the MAP loan, satisfying Mr. Torres’s mortgage in full. Now financially stable, the Torres’ family is able to stay in their home.

Mr. Torres testified about the dire consequences he would have faced had he not received free legal assistance:

My particular case required the investment of over 100 hours of attorney time. There is no way that I could have been able to afford to pay a private attorney for the time required to achieve the positive result ultimately reached in my case. If not for the assistance of a strong legal services program ... it is likely that I would have lost my home, destabilizing myself and my family, and also jeopardizing my ability to continue to do the work I do within my community.<sup>136</sup>

*Glenn Rice*<sup>137</sup> is a veteran of the United States Armed Forces who suffered from post-traumatic stress disorder (PTSD) which has seriously impaired him for more than 30 years. Unable to obtain assistance through the Department of Veterans Affairs (VA), Mr. Rice conducted an Internet search and found a legal services provider that helped him in his VA appeal. The appeal was successful, and Mr. Rice now has 100% permanent and total disability benefits from the VA, which includes covering education costs for children. Mr. Rice is proud to be able to extend this benefit to his daughter when she goes to college next year.

In addition to accessing full VA benefits, Mr. Rice received assistance with his Social Security Disability hearing, contesting the denial of benefits. The Administrative Law Judge commended the legal services lawyer’s brief as one of the best he had ever read—a testament to the caliber of work coming from free civil legal services organizations—and awarded Mr. Rice

full Social Security Disability benefits. Mr. Rice now has the financial security he needs and deserves and is immensely grateful for the availability of civil legal services that helped him overcome the shame surrounding his disability, seek care and find a resource that gave him the help he needed.

After describing the comprehensive services provided to him and his family, Mr. Rice testified to the obstacles encountered by other veterans:

I do know veterans returning home from combat zones and overseas deployments have a difficult time admitting they may have a problem and the Veterans Administration is overwhelmed with cases. It can take years before your case is even looked at and it is hard to navigate the VA and the Social Security Administration on your own. Having an option like Legal Services ... gives veterans another avenue to travel and can make the difference between a denial and a favorable, life-changing outcome.<sup>138</sup>

*Donna Spinner*,<sup>139</sup> a resident of Plattsburgh, received legal services assistance for help with her divorce case, brought after long-term domestic violence and abandonment, which left her destitute. Ms. Spinner married her husband in 1978 and raised two sons. During this time, her husband was mentally, emotionally and financially abusive, blocking her from obtaining a job or pursuing an accounting degree. When he started his own business, Ms. Spinner acted as the bookkeeper, but her husband grew increasingly agitated and refused to keep her informed of income or expenses. In 2008, they filed for bankruptcy, and Ms. Spinner's husband took payments from a client—without the knowledge of or permission from the bankruptcy trustee—and disappeared.

From that point forward, Ms. Spinner did not have a known address for her husband. She attempted to file for divorce and seek spousal support, but Ms. Spinner's husband had quit his last place of employment, so there was no address at which to serve him. Destitute, Ms. Spinner could not sustain herself: her home went into foreclosure, she moved in with her mother, and—unable to find full-time employment—she applied for public assistance and Medicaid coverage.

In 2014, assuming she could not afford an attorney, Ms. Spinner's husband filed for divorce. However, a friend referred Ms. Spinner to legal services, and an attorney worked with her to gather evidence, including copies of licenses and certifications, prior resumes and old tax returns to support a case for spousal support. In court, Ms. Spinner's attorney informed the judge and her husband's attorney of the evidence of her husband's earnings, leading to an agreement on a monthly maintenance sum. Thanks to this support, Ms. Spinner is now divorced from her abusive ex-partner, lives independently, is no longer receiving public assistance and is enrolling in college in the next semester.

Ms. Spinner spoke passionately about the emotional and financial abuse she experienced and the life-changing legal assistance she received to achieve independence:

I wake up in the morning free of the anxiety, stress and depression that I endured for so many years of my marriage. I am no longer controlled emotionally or financially, I do not live in fear of my husband's behavior and my children are no longer used as weapons against me.

I no longer have to reside with family members, nor do I receive public assistance anymore. My health has improved and my blood pressure is no longer out of control. I am now in the position mentally and financially to go back to college and intend on enrolling in the next semester.

Before going to Legal Aid, I had no idea what my rights were. Legal Aid provided me with that information and assisted me in obtaining what I was legally entitled to. With their knowledge and assistance, my spouse was no longer able to manipulate me and control my life.<sup>141</sup>

*Susan McParland-Leisen*,<sup>141</sup> a resident of Nassau County, testified that in 2009, when she was 48 years old, she was terminated from her position as an executive assistant after more than 16 years of steady employment. For nearly two years, she looked for work unsuccessfully. When her unemployment benefits ran out, she had no choice but to apply for public assistance; she received cash assistance of only \$119 per month and food benefits. Subsequently, she was diagnosed with breast cancer and applied for Social Security Disability, but was denied coverage. She was physically and emotionally ravaged by chemotherapy treatments and multiple surgeries. Finally, with the help of legal services, she reapplied and was approved for Social Security Disability. She now has a steady income, is getting healthier and serves on the board of the local legal services provider that stabilized her life:

I was finally approved for Social Security Disability. I broke down in tears when I read the letter. It was so important to have my own source of income, which gave me dignity and security. My first phone call was to [my legal services attorney] to thank her for all of her hard work and to express my elation and relief that I was finally approved. The second phone call was to Nassau County Social Services to tell them that I no longer needed public benefits.<sup>142</sup>

*Harry Michel*,<sup>143</sup> a resident of Queens, testified about how a legal services program successfully fought four consecutive eviction proceedings so that he and his son could keep the co-op apartment they lived in with Mr. Michel's brother, avoiding homelessness. After Mr. Michel's brother was tragically injured in an accident, he was unable to satisfy all the financial obligations associated with the co-op. As a result, Mr. Michel fell behind and was sued for nonpayment. With legal help, he was able to obtain an emergency grant to pay his arrears and the case was dismissed. The co-op then pursued three more eviction proceedings: accusing Mr. Michel of an illegal sublet, of violating the co-op bylaws and, once again, of nonpayment. All of these cases were successfully resolved, and Mr. Michel and his son have been able to remain in their home:

Recently, I fell behind in my share of the rent because I had to use my limited resources to apply for a [taxi] license so I could become self-sufficient. The co-op served me with an eviction notice. For the fourth time, Legal Aid helped me by obtaining rental assistance to satisfy my rental arrears. I continue to maintain the apartment with the hope that [my brother] will someday be able to return home and we will occupy the apartment together again.<sup>144</sup>

*Ady Escobar*,<sup>145</sup> a resident of the Bronx, has a five-year-old son with a rare, degenerative condition; Jose suffers from frequent kidney stones, needs a gastric tube to give him water, makes unexpected movements he cannot control and can walk only with help. For two and a half years, he successfully attended a state-approved school that specializes in working with fragile children with multiple disabilities. When he was turning five, he needed to apply for an official school placement for elementary school. The Department of Education (DOE)

repeatedly recommended various public schools for children with disabilities, but when Ms. Escobar visited those schools she immediately saw they could not accommodate her son's needs. With help from a legal services provider, Ms. Escobar was able to gather and present the medical evidence she needed to convince the DOE to allow her son to stay at the school that had already proved would help him succeed:

Legal Services helped me get what I need for my son. My lawyer fought hard for Jose and for me. She talked to me regularly to keep me posted about everything that was being done. When the case wasn't going well, she helped to give me the strength to keep working and get past the disappointment and never give up. My lawyer spoke very powerfully and clearly about my son's needs at the meetings [with the DOE] she attended for my son. She helped make sure that the law would work for my son's benefit. I felt that I was not alone in fighting for Jose's rights.<sup>146</sup>

Holding up a picture of Jose, Ms. Escobar told the hearing panel:

Without legal services, my son would not have the opportunity to be in a school that recognizes his needs, as well as [his] wonderful potential.<sup>147</sup>



## PART B

### Recommendations for 2017

Based on the Chief Judge's hearing in September 2016, and our work over the past year, the Permanent Commission makes these recommendations for action:

#### Funding

- State funding for civil legal services, having reached the original goal set in 2010 of \$100 million per annum, should continue to be provided at its present level to address the ongoing access-to-justice gap for low-income New Yorkers;

#### New Non-Monetary Initiatives

- The Permanent Commission will engage in a major strategic planning effort, with interested stakeholders, to create a coordinated civil legal services delivery system with the goal of providing effective assistance to 100% of those in need;
- Court simplification should be implemented to consolidate jurisdiction for family-related matters within a single court, overseen by one judge; the Chief Judge should forward this recommendation to her Task Force on the New York State Constitutional Convention for its consideration;
- Two court simplification pilot programs should be established—one in New York City and one upstate—to improve access to justice for families, with the goal of bringing together, before a single judge, in one court, family-related matters that at present are often bifurcated between Supreme Court and Family Court;

#### Continuing Non-Monetary Initiatives

- Law school and law student involvement in pro bono efforts at the 15 New York law schools should continue, as should the work of the Statewide Law School Access-to-Justice Council and the annual Law School Conference;
- Support for the integration of technology into client-delivery systems should be continued and expanded, including the two pilot online intake portals;
- A Statewide Technology Conference to promote collaboration and innovation to improve the delivery and efficiency of civil legal services should continue to be held on an annual basis;
- The court system should continue to develop and then implement an ODR pilot for consumer debt matters in order to evaluate the effectiveness of ODR in bridging the justice gap;
- The Permanent Commission should continue to work with the court system to encourage the use of limited-scope representation to help bridge the access-to-justice gap;
- The Judiciary should institutionalize and expand the Legal Hand storefront initiative, which introduced the concept of neighborhood storefronts staffed by trained community volunteers who provide free legal information, assistance and referrals in areas including housing, family and benefits, to help resolve issues and prevent them from escalating into legal actions;

- Expansion of the Court Navigator Program should be explored;
- Legislation should be introduced to create a new program for Court Advocates allowing specially trained non-lawyers to work, under the supervision of attorneys in non-profit organizations, providing legal assistance to unrepresented low-income individuals in court proceedings;
- Support should continue for the expansion of outreach and education to public librarians statewide, including the development of a webinar training program, to provide librarians in public libraries around the state with the information needed to assist library users with questions about legal problems and referrals to legal services providers; and
- Support should continue for the expansion of pro bono service by government attorneys by (1) promoting adoption of the New York State Bar Association Model Pro Bono Policy by state and federal agencies; (2) encouraging local and municipal governments to consider adoption of an appropriate pro bono policy; and (3) suggesting the New York court system consider appropriate steps to further promote and support the provision of pro bono services by its attorneys.

As described below, the combination of continued funding at the present level to bridge the access-to-justice gap and the implementation of the Permanent Commission's recommended non-monetary initiatives will enable New York State to continue its progress on working to meet the unprecedented need for civil legal assistance in matters affecting the essentials of life for low-income families and individuals living at or below 200% of the federal poverty level.

## **I. Continuing Civil Legal Services Funding in the Judiciary Budget Is Essential to Maintain the Progress on Bridging the Access-to-Justice Gap**

Evidence before the Permanent Commission documents a vast, continuing need for civil legal services for low-income New Yorkers.<sup>148</sup> In our previous reports, and again here, we have demonstrated that the access-to-justice gap hurts low-income New Yorkers, adversely impacts the functioning of the courts and increases litigation and other costs for represented parties such as private businesses and local governments. We have presented independent analyses showing that funding civil legal services is a sound investment that brings federal benefits into the state, stimulates the state and local economies when low-income families and individuals spend these additional federal benefits on goods and services in their communities, and saves government expenditures on state and local public assistance and emergency shelter.<sup>149</sup>

This year, New York reached the funding goal set by the Permanent Commission in 2010 to secure \$100 million in dedicated funding for the provision of free civil legal services for low-income New Yorkers confronting challenges involving the essentials of life. Additionally, the Permanent Commission's numerous non-monetary recommendations to help close the justice gap have been adopted, with new recommendations to be implemented in the coming year.

Although JCLS grantees handled 453,908 cases last year,<sup>150</sup> helping substantially more New Yorkers than the previous year, evidence before the Permanent Commission, including the testimony from hearing witnesses, substantiated the existence of a continuing unmet need and confirmed that although significant progress has been made, more must be done to close



the access-to-justice gap. Existing data suggests that the number of unrepresented litigants statewide still remains unacceptably high, with the percentages in particular case types, such as child support and consumer debt, near or above 90%.<sup>151</sup>

In order to meet these needs, the Permanent Commission recommends that state funding be continued and sustained at the level of \$100 million for the 2017–2018 fiscal year, during which time the Permanent Commission will engage in a strategic planning process, as described in the next section of this report, to develop an action plan with the goal of designing a system with a well-integrated and coordinated supporting infrastructure that will permit all persons to have effective assistance to solve their civil legal problems. To assist in this effort, the Permanent Commission recommends that OCA continue to work with the New York City Human Resources Administration’s Office of Civil Justice, IOLA and the courts to develop additional procedures and methodologies to enhance data collection and verification of the numbers of unrepresented litigants in all case types throughout the state.

## **II. New Initiatives for 2017**

### **A. Strategic Planning**

In the upcoming year, the Permanent Commission will spearhead a major strategic planning process to design a statewide civil legal services delivery system. This strategic planning process is intended to develop a plan to fulfill our state’s policy that every New Yorker confronting a challenge involving the essentials of life (housing, family matters, health care, education and subsistence income) is entitled to effective legal assistance.<sup>152</sup>

#### **Background**

In July 2015, the Task Force to Expand Access to Civil Legal Services in New York became the New York State Permanent Commission on Access to Justice in recognition of its significant work over its six-year history advancing both monetary and non-monetary initiatives to help close the justice gap, and to ensure continued pursuit of its mandate to address the unmet need for civil legal services. Since her 2016 swearing-in as Chief Judge, Hon. Janet DiFiore has repeatedly expressed her support for the Permanent Commission’s ongoing efforts to increase meaningful access to justice.

This year, New York State allocated \$100 million to fund civil legal services, reaching the initial goal set in 2010, when the Task Force issued its first report. As the current report documents, the need for civil legal services remains urgent and the Permanent Commission believes that a strategic planning process will result in a blueprint for a coordinated and integrated civil legal services delivery system to aid all New Yorkers. Notably, New York State was recently awarded a \$100,000 “Justice for All” grant—one of only seven states nationally to receive this funding—to support the Permanent Commission’s statewide endeavor to achieve effective legal assistance for 100% of New Yorkers in need.<sup>153</sup>

#### **Process and Objectives**

The overarching goal of the strategic planning process will be the development of an integrated and coordinated infrastructure for a statewide civil legal services delivery system that affords effective assistance to all individuals in need. We will begin this process by convening our

partners in the civil justice community and other critical stakeholders, as detailed below, to assess all components of the current delivery system and inform development of an action plan for the integrated system. It is projected that this legal services delivery system will include:

- Enhanced coordination and cultural competence among the existing network of civil legal service providers, pro bono assistance, social services and non-lawyer programs;
- Access to information through technology, including online forms and informational websites;
- Services such as Self-Help Centers and Court Navigators;
- A clear path to allow litigants to access appropriate legal services and subsequent referrals to other social services as necessary;
- Simplified court and administrative rules and processes; and
- Alternative dispute resolution services.

To assist in developing the action plan, the Permanent Commission will look not only to its accomplishments to date, but also to the framework established in its 2014 report to ensure that all individuals living with incomes at or below 200% of the federal poverty level have access to effective legal assistance in matters involving the essentials of life. This framework identifies essential factors for assessing priorities and the appropriate level of assistance required to address an individual's specific legal needs. These factors include identifying relevant client characteristics, targeting "essentials of life" legal areas, assessing the type of legal matter involved and determining the range of legal assistance that could be effective and appropriate in that individual's specific circumstances.

The planning process will include a complete inventory of existing civil legal services in order to evaluate all essential components and select factors to guide their prioritization and implementation; an analysis of barriers to accessing services; and an outline of concrete, achievable steps that can be taken to enhance access to meaningful legal assistance. The planning process will identify both geographic and substantive areas in greatest need and prioritize the areas of focus.

### **Stakeholders**

While the Permanent Commission will specify the goals of the strategic planning process, that process will also involve a wide range of stakeholders. The Permanent Commission will expand the stakeholder base to include a diverse group of individuals and entities from throughout the state with an interest in the civil legal services delivery system. This group will include civil legal services providers, bar associations, law school leadership, public and private funders, local government officials, community-based and business organizations, consumers of legal services from low-income communities, pro bono volunteers, language-access advocates, public librarians, and legal technologists.

The Permanent Commission has already made significant inroads in bringing together key stakeholders, developing and implementing targeted components of what could be the basis of a fully integrated delivery system and laying the groundwork for the creation of a self-sustaining system to provide meaningful access to appropriate levels of legal assistance. The grant will enable the Permanent Commission to advance this process with the goal of achieving legal assistance for 100% of those in need.

## **B. Access to Justice for Families Should Be Expanded Through Court Simplification<sup>154</sup>**

The current court structure, comprising eleven separate trial courts, each with its own jurisdictional limitations, imposes significant barriers to access to justice, particularly for low-income and unrepresented litigants. Nowhere is this more evident than with family matters. Families already in distress and confronting the most difficult and emotional life challenges, face the added burden of having to litigate their related matters in multiple courts—most typically, Supreme Court for matrimonial matters and Family Court for child custody and visitation. The consequences for families are numerous—including the added inconvenience and expense, as well as the potential for conflicting determinations by judges who may be unfamiliar with aspects of the related cases handled by other judges.<sup>155</sup>

Multiple appearances at multiple courts can be extremely difficult for litigants. Litigants are forced to miss work, pay for travel expenses and engage in a judicial process that is inherently confusing—all the more so because there are two courts, each with different personnel, procedures, and judicial predilections, addressing what to the litigants is one problem: resolving their family crisis. Litigants with disabilities face virtually insurmountable challenges related to travel and access; some have been reported to abandon their litigation because of the challenges in pursuing their cases.

A simplified court structure in which family-related matters are heard in one court, with one judge overseeing all related family matters, would address these barriers and provide a more just and accessible alternative for families. At this year's hearing, Judge Douglas Hoffman, who presides over a new pilot, the ICDR Part, testified extensively about the benefits of combining Supreme Court and Family Court matters into one court:

So what are the truly major benefits to litigants of this integrated part and how does it further the goals of access to justice? ... [A]ll cases for this entire family are heard by one judge who is familiar with and equipped to address all the issues presented by the family.<sup>156</sup>

Court simplification would allow for assignment of counsel at the earliest possible stage, ensuring continuity of representation throughout the proceedings. In addition, court simplification would provide all families with access to the numerous services and resources that are currently only available in Family Court—including social work services, mental health and substance abuse counseling and treatment, DNA testing and mediation.

Various reform efforts to simplify the court structure have been proposed in the past—from sweeping structural change to initiatives for targeted reform. A report outlining these prior efforts is included as Appendix 12.<sup>157</sup> The negative impact of the complexity of the court structure on the resolution of family matters has been repeatedly identified in the court restructuring proposals. As the 1997 Task Force on the New York State Constitutional Convention observed, domestic matters provided the “most extreme example ... of fragmentation” of all the trial courts.<sup>158</sup> Reform advocates have argued that the shuffling required between numerous courts has a negative impact on litigants and recommended that Family Court should be merged into the Supreme Court to provide “one forum for intra-family disputes.”<sup>159</sup> This recommendation was echoed in 2007 by the Special Commission on the Future of the New York State Courts.<sup>160</sup>

Based on the foregoing, the Permanent Commission recommends that court simplification be implemented to consolidate jurisdiction for all family-related matters in one court. These matters, at a minimum, would include matrimonial proceedings and matters now adjudicated in Family Court, including custody, visitation, guardianship, paternity, child support, and neglect and abuse matters. Recognizing that such consolidation would likely require a constitutional amendment,<sup>161</sup> we recommend that the Chief Judge forward this report to her Task Force on the New York State Constitutional Convention for its consideration.

In the interim, we further recommend that two court parts be established on a pilot basis in order to test court simplification for family matters. These parts would have jurisdiction to hear matrimonial proceedings, as well as custody, visitation and support matters. One pilot should be established in a court outside New York City, with an Integrated Domestic Violence (IDV) Judge presiding over this separate pilot part. The second should be established in New York City, presided over by an Acting Supreme Court Justice. This recommendation has the support of the respective Deputy Chief Administrative Judges for the courts inside and outside New York City, as well as the Statewide Coordinating Judge for Family Violence Cases. Further, the Chief Administrative Judge has been consulted and his initial response has been positive.

### **III. Continuing Non-Monetary Initiatives**

#### **A. The 15 New York Law Schools and Their Students Should Continue Their Significant Work Contributing to the Effort to Expand Access to Justice for Low- and Moderate-Income New Yorkers**

Since the first law school access-to-justice conference in 2012, initiatives to increase involvement by New York's law schools and their students in efforts to expand access to justice have had a profound impact. Progress has been made to integrate access-to-justice issues and cultural competency principles into curricular and clinical offerings to ensure law students are equipped to sensitively and effectively counsel clients from diverse communities. The pro bono requirement that all candidates for bar admission in New York perform 50 hours of pro bono legal work offers every student an experiential skills and professional values learning opportunity,<sup>162</sup> inspiring some students to become Pro Bono Scholars and dedicate their final law school semester to public service legal work. Over the years, ideas generated from the conferences' opening plenary panels and work group sessions have produced recommendations adopted by the Permanent Commission, in addition to sparking pro bono projects and collaborations with legal and non-legal community partners, with the net result of improving access to justice for our most vulnerable citizens.<sup>163</sup>

On May 17, 2016, the Permanent Commission convened the Fifth Annual Law School Conference at the New York University School of Law. This year's 170 attendees included deans, administrators, professors, law students and Pro Bono Scholars from all 15 New York law schools; legal services providers; and members of the bench, bar and Board of Law Examiners who were welcomed by Helaine M. Barnett, Chair of the Permanent Commission. Ms. Barnett introduced Chief Judge DiFiore and New York University School of Law Dean Trevor W. Morrison, both of whom applauded the significant role of New York's law schools and their students in narrowing the justice gap.

Fordham Law School Dean Matthew Diller, Chair of the Permanent Commission's Law School Involvement Working Group, presented the conference theme "Race, Poverty, Identity: Diversity Issues and Access to Civil Justice." He indicated that the high cost of a legal education, declining enrollments and a contracting market for legal jobs have generated increased urgency about what more New York's law schools can do to improve access to justice for New Yorkers who face a myriad of barriers due to race, poverty, gender identity and lack of diversity. With this charge, the plenary and work group panelists led the conference attendees in a series of discussions that produced recommendations for consideration by the Permanent Commission.

Drawing from the conference work groups' recommendations, the Permanent Commission adopted these key recommendations:

**Law Schools Should Take a Three-Pronged Approach to Broadening Access to Legal Education by:**

- Establishing more flexible admissions processes that consider and weigh a broader range of qualifying criteria beyond grade point averages and standardized admission test scores;
- Building relationships with their communities to foster pipelines to the legal profession for students who might not otherwise consider law school; and
- Taking greater steps to foster success of a diverse law student body.

**Law Schools Should Develop at Least One Institutional Learning Outcome for Students Related to Access to Justice in Furtherance of ABA Standard 302<sup>164</sup> and Court of Appeals Rule 520.18:<sup>165</sup>**

- To ensure students have the opportunity to meet that learning outcome, law schools should identify courses in the required curriculum where this learning outcome is or should be addressed;
- Once the courses have been identified, course-level learning outcomes related to access to justice should be specifically set out in the faculty member's syllabus; and
- Assessment tools should be developed and implemented that will evaluate whether students have achieved the outcome in furtherance of access to justice.

**Law Schools Should Recognize the Value of Non-Lawyer Assistance in the Legal Services Delivery System, Given the Salutary Impact Non-Lawyers Can Have in Enabling Access to Justice, by Encouraging:**

- Law schools to identify ways for law students to partner with non-attorneys—for example, social workers, financial counselors, housing advocates—and to foster partnerships between student-run projects and non-lawyer programs;
- Law schools to recruit students who have demonstrated an interest in law by working with community programs like Legal Hand; and
- Law schools to consider creating training programs for non-lawyers, such as a language access project similar to Project Totem at Albany Law School.<sup>166</sup>

**The Law School Conference Should Continue to Be Convened Annually and Be Supported by the Statewide Law School Access-to-Justice Council as:**

- The annual conference provides a unique opportunity for New York’s law schools and the legal profession to explore collaborative efforts to expand access to justice;
- Feedback from surveys conducted subsequent to this year’s conference indicated strong support for continuing the annual conference and its collegial work group format; and
- The Statewide Law School Access-to-Justice Council continues to serve as an incubator for developing salient conference themes, identifying impactful speakers and supporting ongoing projects generated from the conference work groups.

**B. Effective Technology Initiatives that Can Increase Access to Justice and Further Leverage Resources for Civil Legal Assistance for Low-Income New Yorkers Should Be Supported**

Since 2013, the Permanent Commission has focused on the potential role of technology in transforming the delivery of civil legal services to low-income New Yorkers.<sup>167</sup> The research established that civil legal service providers benefit greatly from the effective incorporation of technology into both their day-to-day internal operations and their client service delivery. We also determined that while providers were eager to embrace the latest technology, most of them lacked the knowledge, expertise and funding to do so.

As a result of those findings, we have sought to provide access to the expertise and resources necessary to educate providers as to the benefits and efficiencies of technology and help support the integration of technology into client service delivery. The Permanent Commission is pleased to report that the efforts undertaken so far—in only two years—already are having a significant effect.<sup>168</sup> The Pro Bono Law Firm IT Initiative<sup>169</sup> that we launched has harnessed the expertise of law firm IT staff to assess the technology needs of individual civil legal services providers and make recommendations for enhancing and improving technology. Five legal service providers participated in and have benefitted from the initial pilot. Discussions have been underway to determine how best to maximize lessons learned in order to effectively impact the wider legal services community.

We also encouraged the development of two pilot projects, one in New York City and one in western New York, which are now engaged in creating online portals for the screening and intake of low-income New Yorkers seeking legal assistance in consumer debt matters. This year, the development of both pilots, which will result in easy online access to legal assistance for the user and reduced intake time for providers, is well underway. Where technically feasible, the pilots should be made compatible with each other. The pilot in western New York is being led by Legal Assistance of Western New York, along with the Legal Aid Society of Mid-NY and Neighborhood Legal Services. The New York City pilot is being led by the City Bar Justice Center and includes providers CAMBA, MFY, Urban Justice Center and the Feerick Center. Stakeholders from both pilots met at the New York City Bar Association in June 2016 to exchange information, provide updates and share the results of individual studies. The New York City pilot is expected to launch by the end of the year and the western New York pilot in 2017.



On June 23, 2016, the Permanent Commission convened our second, day-long Statewide Technology Conference, sponsored in conjunction with NYSTech<sup>170</sup> at New York Law School.<sup>171</sup> The conference brought together over 160 executive directors and technology staff from civil legal services providers, law firms, law schools, legal funders, technology service providers and court administrators, to share innovative ideas that can improve the delivery of civil legal services and the efficiency of provider operations.<sup>172</sup>

While showcasing innovative technology and delving into a variety of topics—from developing technology programs, to training, to the best ways to gather and use data—there was particular emphasis on security, identified by attendees at the previous conference as being of particular importance. The keynote was delivered by Seth Andrew, then Senior Advisor, Executive Office of the President, Office of Science and Technology Policy. Mr. Andrew spoke about a variety of government portals developed to assist the public. In an effort to provide best practices for building portals, he advised attendees that online tools are most effective when they are simple and intuitive.

Based upon these initiatives, the Permanent Commission makes these key recommendations:

**The Pro Bono Law Firm IT Initiative Should Be Continued and Expanded:**

- The Pro Bono IT Initiative, having proven successful in assisting five legal services providers, should be continued and expanded to reach civil legal aid providers throughout the state by engaging law firm IT coordinators, recruiting pro bono IT professionals from additional law firms and engaging law school communities. A list of discrete projects, growing out of the assessments and other technology projects, should be developed for assignment to IT volunteers and overseen by an IT coordinator.

**The Developers of the Two Pilot Online Intake Portals Should Continue to Consult with Each Other in Planning and Implementation, with the Goal of Making Their Systems, where Technically Feasible, Compatible with Each Other:**

- The developers of the two pilots should continue to consult as they move forward so that, where technically feasible, the pilots can be compatible with each other. In addition, the pilots should be capable of expansion in order to address the full range of civil legal problems relating to the essentials of life that low-income people can face.

**The Statewide Technology Conference Should Continue to Be Convened Annually:**

- The two technology conferences organized by the Permanent Commission have proven extremely successful in bringing together civil legal services providers from across the state to meet with their colleagues and technology professionals to learn about the latest technological initiatives in order to maximize efficiency and increase the number of individuals served. The conference should continue to be convened on an annual basis to continue to foster collaboration and critical analysis of the uses and benefits of technology in the delivery of civil legal services.

**Supporting Efforts to Identify Funding Streams for the Development and Expansion of Technology:**

- The Permanent Commission should continue to support civil legal services providers in their efforts to identify additional funding sources and dedicated funding streams that will support technology expansion and innovation to improve the delivery of civil legal services.

### **C. Initiatives to Increase the Contributions that Non-Lawyers Can Make to Bridge the Access-to-Justice Gap Should Be Further Developed<sup>173</sup>**

Recognizing the depth and breadth of the justice gap, the Permanent Commission has consistently explored new avenues for expanding the level and types of services available to meet the need for legal assistance. One such avenue is the role non-lawyers can play within the legal services delivery system. As a result, the Permanent Commission has helped develop two significant models of non-lawyer assistance, the Court Navigator Program and Legal Hand neighborhood storefront centers. The value of these models was recognized by the ABA Commission on the Future of Legal Services in its 2016 report, specifically citing the two as programs that exemplify how courts are experimenting with innovative methods to assist the public and meet the needs for civil legal services.<sup>174</sup>

These models and pilot projects begin to create a continuum of legal assistance, ranging from information and community-based assistance that aims to prevent legal issues from becoming more serious to court-based programs that assist low-income litigants in navigating the legal system should they find themselves in court without representation. For each of these models, the Permanent Commission offers recommendations for how non-lawyers can contribute to our efforts to close the justice gap in the upcoming year.

#### **Legal Hand**

As noted in our 2015 report, for people in need of assistance, a visible, accessible, walk-in neighborhood office where basic information and assistance can be obtained offers a tremendous benefit. Accordingly, the Permanent Commission supported the creation of Legal Hand, a neighborhood-based storefront center, staffed with trained community non-lawyer volunteers who provide free legal information, assistance and referrals to help low-income individuals with issues that affect their lives in areas such as housing, family, immigration, divorce and benefits and try to prevent problems from turning into legal actions.

The first three Legal Hand storefront centers were launched in New York City—in Crown Heights, Brownsville and South Jamaica—and were supported by a \$1 million grant from an anonymous donor. The Legal Hand centers, which are visible from the street and welcoming, are open during regular business hours, with weekend and evening hours as well. Since their opening, there have been approximately 4,000 visitors who have received assistance for problems primarily involving housing, family and benefit issues.

There is an enormous prevention benefit to this initiative. Legal Hand neighborhood storefront centers provide a location where people can stop in to ask questions and get information and assistance, which could make the difference in resolving problems before they erupt into much more serious issues that ultimately may result in full-scale legal proceedings. To assist with a range of legal problems, Legal Hand volunteers receive training from legal service providers in areas involving the necessities of life and, in particular, areas where emergencies commonly arise. The overarching principle behind Legal Hand is the recognition that problems with legal components begin percolating long before any case is filed and individuals are required to go into court. By providing support and legal information early in the process, Legal Hand can help people resolve their disputes before they escalate and require court intervention.

This program unites the concepts of using non-lawyers to deliver assistance and legal information to those in need and making such assistance available at accessible walk-in neighborhood storefront offices. Providing a reliable, consistent and accurate source of



assistance and information on legal issues that affect the essentials of life will lead to more just outcomes, more crises averted and less litigation, as well as monetary savings for our state and local governments. Most importantly, these centers are contributing to the goal of equal access to justice.

The Permanent Commission recommends that the Legal Hand program be institutionalized and integrated into the court system's overall efforts to provide assistance in order to reduce the number of unrepresented litigants in the courts by preventing matters from turning into court actions.

### **The Court Navigator Program**

The Court Navigator Program operates in courthouses to help unrepresented individuals with their civil legal proceedings.<sup>175</sup> Navigators do not provide substantive legal advice; rather, they assist litigants in understanding the proceedings and navigating the process. The Court Navigator Program builds on the successful model, developed by the NYS Courts Access to Justice Program, in which community volunteers are trained to assist unrepresented litigants who appear in New York City Housing Court for non-payment cases and in New York Civil Court for debt collection matters.

In 2015–2016, an evaluation of the Navigator Program operating in designated New York City housing and consumer credit court parts was conducted as part of a national study supported by the Public Welfare Foundation.<sup>176</sup> This evaluation was designed to assess the impact that trained and supervised non-lawyers had in helping people who came into court without representation, and issue findings regarding replication and sustainability of the Navigator model statewide and nationally. Based on data already collected by OCA, it is anticipated that the evaluation will show that the informational and emotional support provided by a non-lawyer, who is appropriately trained and supervised, results in better outcomes for otherwise unrepresented people and promotes the fair administration of justice.

Over the course of the past year, the Permanent Commission explored expansion of the Court Navigator Program into courts in other parts of the state. The Permanent Commission has had preliminary conversations with the Presiding Justice of the Third Department to explore possible expansion of the Court Navigator Program. The Presiding Justice has expressed interest if the program can be appropriately funded and staffed. The Permanent Commission recommends that discussions continue with the Presiding Justice of the Third Department and the Chief Administrative Judge to explore possible ways of expanding the Court Navigator Program. The Permanent Commission also continues to support the Court Navigator and NYS Courts Access to Justice Program in New York City.

### **Court Advocates**

Building on the success and importance of the Navigator Program model, OCA drafted proposed legislation that would establish a new Court Advocate Program to assist litigants in housing and consumer cases. The proposed measure would encourage development of non-lawyer models of assistance in furtherance of the recommendations of the former Advisory Committee on Non-Lawyers and the Justice Gap.

Court Advocates would be specially trained non-lawyers who would work under the supervision of lawyers in non-profit organizations. These non-lawyer Court Advocates would be authorized to provide free limited legal assistance to individuals living at or below 200% of the poverty

level in specified matters. The program would be overseen by the Chief Administrative Judge with the advice and assistance of an advisory board which would be established as part of this initiative.

The Permanent Commission recommends that OCA continue its efforts to seek the enactment of legislation creating the proposed Court Advocate Program.

### **Language Access**

The Permanent Commission recognizes that language barriers impair access to justice. When interpretation and translation services are provided to non-English speaking individuals facing legal challenges, access to justice is meaningful and outcomes improve.

A language access initiative underway at Albany Law School, profiled during a work group session at this year's Law School Conference, offers a model for interpretation and translation services provided by non-lawyers at a law school clinic. Project Totem, conceived and directed by an Albany Law student, recruits and trains multilingual undergraduate students to assist law student interns and supervising attorneys to facilitate communication with non-English speaking clients. Based on the positive experiences of the clients and salutary impact at the Albany Law School clinics, other New York law school clinics are working on tailoring this project for use in their clinical programs.

Since interpretation and translation services are essential to providing meaningful access to justice, the Permanent Commission plans to create its own working group on language access that would undertake a detailed review of language-access needs, study the efforts currently underway to meet those needs and consult with OCA's Advisory Committee on Language Access. In addition, the working group will also explore ways to replicate successful models like Project Totem.

### **D. Education and Outreach to Public Libraries Should Be Expanded**

In 2015, the Permanent Commission conducted a survey of public librarians throughout the state to determine the extent of library services being offered to the public in need of legal information and assistance. The survey results demonstrated the invaluable role that libraries play in assisting the public to find answers to their legal questions and the overwhelming interest of librarians to expand their knowledge to better serve their patrons. The Permanent Commission also gathered information on outreach initiatives involving public libraries. Across the state, civil legal services providers and other service organizations are engaged, in varying degrees, with their local libraries, in order to connect the public with available services and resources. Based on these findings, the Permanent Commission has been working with the NYS Courts Access to Justice Program, led by the Hon. Fern Fisher, to expand efforts to educate public librarians about the courts, the legal process and the legal resources and services that are available to the public.

Given the large number of public libraries statewide and the limited resources for education and outreach, initial focus has been on developing partnerships and collaborations with librarians' associations and civic organizations, in order to enlist their support and seek their assistance in organizing a cadre of volunteers to implement a training program. To this end, outreach has been made to the New York Library Association, the League of Women Voters

and the court system's Public Access Law Librarians. The Public Access Law Librarians have been surveyed to assess the current level of interaction with public librarians and how relationships might be further developed.

In addition, the NYS Courts Access to Justice Program has updated the materials for its statewide public librarians' program, "Opening Courthouse Doors," to create "Librarian Portfolios" that will be the basis of the training program. Librarian Portfolios are available for every Judicial District outside New York City. The Permanent Commission, with the assistance of William H. Taft V, a partner in the law firm Debevoise & Plimpton, LLP, will engage law firm librarians in the project to assist with development of supplemental training materials as well as a train-the-trainer curriculum. To kick off the training, a webinar will be developed for public librarians to provide an overview of access-to-justice issues in New York and highlight the role of public librarians in assisting to bridge the justice gap. Further, a proposal will be submitted to the New York Library Association to present a workshop at its 2017 conference.

Based upon these efforts, the Permanent Commission recommends that:

- The Permanent Commission and the NYS Courts Access to Justice Program continue their collaboration to expand outreach and education to public librarians throughout the state, with the goal of creating a train-the-trainer program that will employ volunteers to connect with public librarians and educate them about the courts, the legal system and available resources;
- Partnerships should continue to be developed to engage public and private law librarians and civic organizations to participate in the initiative, as these partners will assist in developing a train-the-trainer program, publishing access-to-justice materials and creating supplemental materials that enhance the initiative; and
- Additional partnerships should be developed between legal services providers and the public libraries to explore collaborations that would further expand access to legal assistance and information.

#### **E. Pro Bono Policies Should Be Adopted by Government Agencies to Promote Pro Bono Service by Public Sector Attorneys**

The Permanent Commission recognizes the importance of pro bono service to help narrow the justice gap and has recommended a number of initiatives which have positively impacted the provision of pro bono service. These initiatives include the amendment of Rule 6.1 to increase the recommended annual number of pro bono hours from 20 to 50, and the mandatory reporting of pro bono hours as part of biennial attorney registration.

The Permanent Commission has examined the New York State Bar Association's Model Pro Bono Policy for state and federal government attorneys.<sup>177</sup> Adopted in June 2016, the model policy seeks to encourage and support participation by government attorneys in the provision of pro bono services by addressing the impediments faced by these attorneys when seeking to perform pro bono service. The model policy includes: a statement of need and declaration that every state and federal agency, under appropriate terms and conditions, should encourage and support pro bono service; a definition of pro bono service, consistent with the New York Rules of Professional Conduct; procedures that are compliant with state statutory provisions that govern the business and professional activities of state employees; and policies and procedures for, among other things, developing a referral process and use of

agency resources. The Permanent Commission has endorsed the State Bar’s model policy, as it provides an exemplary model that can be adapted as appropriate by government agencies to encourage and support participation by their attorneys in pro bono service, and supports adoption of the model policy by state and federal agencies.

In addition, the Permanent Commission recommends that counties and municipalities throughout the state consider adopting the model pro bono policy, with necessary variations to address particular needs of local governments, or developing their own individual policies, specifically tailored to local circumstances. To this end, we encourage local governments to consider New York City Corporation Counsel’s well-established Volunteer Legal Activities Program as a model.<sup>178</sup> This program was developed with the approval of New York City’s Conflicts of Interest Board to ensure that Corporation Counsel attorneys would be in compliance with the applicable ethical rules and policies when undertaking pro bono service. It requires attorneys to choose from an approved list of pro bono activities that comply with the program’s limitations, most specifically that attorneys cannot appear in any court or administrative proceeding or be involved in any work in which the city has an interest (when the work of city agencies or officials has some relationship to the subject matter).

Further, given the large numbers of attorneys employed by the New York State courts, we encourage the court system to take steps to further encourage and support those attorneys in the performance of pro bono service, consistent with the rules of the court system.



For the foregoing reasons, the Permanent Commission respectfully requests that the Chief Judge adopt the funding and non-monetary recommendations for action set forth in this report to continue to bridge the access-to-justice gap for low-income families and individuals in New York State.

## ENDNOTES

1. TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 16–17 (2010) [hereinafter 2010 ANNUAL REPORT], available at <http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-TaskForceREPORT.pdf>. See also TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDICES 5–8 (2010).
2. See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 1 (2010) [hereinafter 2010 ANNUAL REPORT: APPENDIX 1], available at <http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-Appendices.pdf> (text of former Chief Judge Lippman’s Law Day announcement of the creation of the Permanent Commission).
3. See *infra* Part A.III.
4. See *infra* Part A.I; see also *infra* Part B.I.
5. See *infra* Part A.II.
6. See *infra* Part A.I.
7. See *NYC Office of Civil Justice 2016 Annual Report*, NYC HUMAN RESOURCES ADMINISTRATION: DEPARTMENT OF SOCIAL SERVICES (June 2016) [hereinafter *Office of Civil Justice 2016 Report*], available at [https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ%202016%20Annual%20Report%20FINAL\\_08\\_29\\_2016.pdf](https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ%202016%20Annual%20Report%20FINAL_08_29_2016.pdf); see also *City Report Reveals Major Increase in the Number of Tenants in Housing Court Who Have Legal Representation*, CITY OF N.Y. (Aug. 30, 2016), <http://www1.nyc.gov/office-of-the-mayor/news/698-16/city-report-reveals-major-increase-the-number-tenants-housing-court-who-have-legal#0>.
8. N.Y. Assemb. Res. K1621, 2009–2010 Sess. (2009), available at <https://www.nysenate.gov/legislation/resolutions/2009/k1621>; N.Y. S. Res. J6368, 2009–2010 Sess. (2009), available at <https://www.nysenate.gov/legislation/resolutions/2009/j6368> [hereinafter Joint Resolution]. The Joint Resolution was adopted by the State Senate on June 29, 2010 and the State Assembly on July 1, 2010.
9. See Appendix 7; see also Appendices 8 & 9.
10. The 2010, 2011, 2012, 2013, 2014 and 2015 Reports of the Chief Judge’s Permanent Commission, the Appendices to each Report, the transcripts for each of the Chief Judge’s hearings and other information are available from the Permanent Commission’s website, <http://www.nycourts.gov/accesstojusticecommission>.
11. *The Chief Judge’s Hearing on Civil Legal Services*, Sept. 27, 2016 (opening remarks of Hon. Janet DiFiore, Chief Judge of the State of New York, at 5:23–6:3).
12. Joint Resolution, *supra* note 8.
13. See *infra* Part B.II.A.
14. See Joel Stashenko, *State Courts Get Grant to Expand Access to Justice*, N.Y.L.J. (Nov. 18, 2016), <http://www.newyorklawjournal.com/id=1202772708694/State-Courts-Get-Grant-To-Expand-Access-to-Justice?slreturn=20161027154751>; Joint Resolution, *supra* note 8; N.Y. Assemb. Res. B2995, 2015–2016 Sess. (2015), available at <http://legislation.nysenate.gov/pdf/bills/2015/B2995>; N.Y. S. Res. C776, 2015–2016 Sess. (2015), available at <http://legislation.nysenate.gov/pdf/bills/2015/C776> [hereinafter Concurrent Resolution]. The Concurrent Resolution was adopted by the State Senate and State Assembly on June 18, 2015. The full text of the Resolution reads:

WHEREAS, This Legislative Body, by resolution adopted in 2010 (J.6368 and K.1621), recognized that the fair administration of justice requires that every person who must use the courts have access to adequate legal representation and, accordingly, invited the chief judge of the state to annually report to the governor and the legislature concerning the findings of his statewide hearings to assess the extent and nature of unmet civil legal service’s needs, and the work of the Task Force to Expand Access to Civil Legal Services in New York; and

WHEREAS, These annual reports have consistently demonstrated that, for a significant percentage of those New Yorkers in need, effective legal assistance can have profound impact upon one's ability to realize or protect the essentials of life, which may include remaining in one's home, escaping from domestic violence, stabilizing a family, maintaining or obtaining subsistence income or other vital government services, securing adequate health care or pursuing an education; and

WHEREAS, These annual reports also have shown that, when impoverished New Yorkers must appear in the state's civil courts without legal representation, there is a greater public cost because these courts must divert more of their limited resources to assist them, and because their cases are much less likely to be settled early or otherwise disposed of and therefore they add to court calendar congestion; and

WHEREAS, Although, in the wake of this Legislative Body's 2010 resolution, the state has committed greater fiscal resources to the provision of civil legal services for the poor and the Task Force to Expand Access to Civil Legal Services in New York has secured greater service contributions by law schools, bar associations and the private bar, it remains the case today that a vast number of New Yorkers who live in poverty actually do not have access to effective legal assistance when necessary to realize or protect the essentials of life; and

WHEREAS, To change this dynamic, it should be the policy of the state of New York, that every New Yorker in need have effective legal assistance in matters involving the essentials of life (housing, family matters, access to healthcare, education and subsistence income); now, therefore, be it

RESOLVED (if the ... concur), That it is the sense of this Legislative Body that the state must continue its efforts to achieve the ideal of equal access to civil justice for all.

15. See *infra* Part B.II.B.
16. It is anticipated that the Chief Administrative Judge will issue an administrative order formalizing the Administrative Board's resolution.
17. PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 31 (2015) [hereinafter 2015 ANNUAL REPORT], available at [http://www.nycourts.gov/accesstojusticecommission/PDF/2015 Access to Justice-Report-V5.pdf](http://www.nycourts.gov/accesstojusticecommission/PDF/2015%20Access%20to%20Justice-Report-V5.pdf).
18. See Appendix 10; see also *infra* Part B.III.A.
19. See Appendix 11. See also PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 16, at 4–5 (2015) [hereinafter 2015 ANNUAL REPORT: APPENDIX 16], available at [http://www.nycourts.gov/accesstojusticecommission/PDF/2015 Access to Justice-Appendices.pdf](http://www.nycourts.gov/accesstojusticecommission/PDF/2015%20Access%20to%20Justice-Appendices.pdf)
20. See Appendix 11; see also 2015 ANNUAL REPORT: APPENDIX 16, *supra* note 19, at 5–6.
21. See *infra* Part B.III.C.
22. See *infra* Part B.III.C.
23. See *infra* Part B.III.C.
24. See *infra* Part B.III.D.
25. See NYSBA President's Comm. on Access to Justice, Golden Gavel Model Pro Bono Policy (June 18, 2016) [hereinafter Model Pro Bono Policy]; see also PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 17 (2015), available at [https://www.nycourts.gov/accesstojusticecommission/PDF/2015 Access to Justice-Appendices.pdf](https://www.nycourts.gov/accesstojusticecommission/PDF/2015%20Access%20to%20Justice-Appendices.pdf) (statement from the New York State Bar Association in Support of Pro Bono Service by Government Attorneys, dated Nov. 5, 2015).
26. See 2015 ANNUAL REPORT, *supra* note 17, at 36.
27. See *infra* Part B.III.E.
28. See *infra* Part B.II.A.
29. See 2010 ANNUAL REPORT: APPENDIX 2, *supra* note 2, at 3.
30. See Appendix 4.
31. See *id.*



32. See Appendix 2.
33. Based on information made available to the Permanent Commission by the Oversight Board to Distribute Judiciary Civil Legal Services Funds in New York. See Appendix 4 for a list of grantees and awards.
34. See *id.*; see also Appendix 4.
35. See Appendix 4; see also Appendix 2, at 6.
36. See Appendix 2, at 1.
37. See *id.* at 4.
38. See *id.* at 1.

The federal poverty level and 200% of that level for 2016 for the 48 contiguous states and the District of Columbia are calculated as follows:

FAMILY SIZE	100%	200%
1	\$11,880	\$23,760
2	\$16,020	\$32,040
3	\$20,160	\$40,320
4	\$24,300	\$48,600

*U.S. Federal Poverty Guidelines Used to Determine Financial Eligibility for Certain Federal Programs*, DEP'T OF HEALTH & HUM. SERV. (Jan. 1, 2016), available at <https://aspe.hhs.gov/poverty-guidelines>.

39. Based on information made available to the Permanent Commission by OCA, Division of Professional and Court Services, Grants and Contracts Office [hereinafter OCA Information].
40. See OCA Information, *supra* note 39.
41. This slight decrease in the number of cases handled in the Third Department is attributable to a shift of resources to address an increased foreclosure caseload which requires significantly more attorney resources to resolve. *Id.*
42. The 2014–2015 statistics have been updated from last year's report based upon revised data submitted by civil legal services providers to OCA, Division of Professional and Court Services, Grants and Contracts Office.
43. See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 2, 7 & 20 (2014) [hereinafter 2014 ANNUAL REPORT], available at <http://www.nycourts.gov/accesstojusticecommission/PDF/CLS%20TaskForce%20Report%202014.pdf>. See also Appendix 9 (statement of Beth Goldman, President & Attorney-in-Charge, New York Legal Assistance Group).
44. See HON. LAWRENCE K. MARKS, 2016 REPORT OF THE CHIEF ADMINISTRATOR OF THE COURTS PURSUANT TO CHAPTER 507 OF THE LAWS OF 2009 (2016).
45. *Id.*
46. See *Office of Civil Justice 2016 Report*, *supra* note 7.
47. *Id.*
48. *Id.* at 1.
49. *Id.*
50. *Id.*
51. *Id.* at 9.
52. See 2015 ANNUAL REPORT, *supra* note 17.
53. The committee consisted of members of OCA's Office of Court Research and the Division of Professional and Court Services, which administers the JCLS contracts and collects annual data from JCLS grantees.

54. See 2015 ANNUAL REPORT, *supra* note 17, at 9–10. See also *The Chief Judge’s Hearing on Civil Legal Services, Fourth Dep’t, Sept. 30, 2015* (statement of Ronald Younkens, Executive Director, New York State Office of Court Administration, at 3).
55. *Poverty Status in the Past 12 Months: 2015 American Community Survey 1-Year Estimates*, UNITED STATES CENSUS BUREAU: AMERICAN FACTFINDER, [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_15\\_1YR\\_S1701&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_15_1YR_S1701&prodType=table) (last visited Nov. 27, 2016) (U.S. Census Bureau’s American Community Survey data by year from 2010 to 2015 on total population living below 50%, 125%, 150%, 185% and 200% of poverty level in New York State).
56. See *The Chief Judge’s Hearing on Civil Legal Services, Fourth Dep’t, Sept. 30, 2015* (statement of Ronald Younkens, Executive Director, New York State Office of Court Administration, at 1–3).
57. Based on information made available to the Permanent Commission by OCA, Office of Court Research.
58. *The Chief Judge’s Hearing on Civil Legal Services, Sept. 27, 2016* (statement of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, Inc.).
59. *Id.* at 6–7.
60. *Id.* at 7.
61. *Id.*
62. *Id.*
63. The U.S. Department of Health and Human Services, Administration for Children & Families, Office of Child Support Enforcement reports that only 66% of Child Support payments are actually received. *Id.* at 8.
64. See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 23 (2013) [hereinafter 2013 ANNUAL REPORT], available at [http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-TaskForceReport\\_2013.pdf](http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-TaskForceReport_2013.pdf).
65. See 2014 ANNUAL REPORT, *supra* note 43, at 21.
66. *The Chief Judge’s Hearing on Civil Legal Services, Sept. 27, 2016* (statement of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, Inc., at 19–20).
67. *Id.* at 13–16.
68. *Id.*
69. *Id.*
70. *Id.*
71. *Id.* at Exhibit 5A.
72. *Id.* at Exhibit 5B.
73. *Id.*
74. *Id.*
75. *Id.*
76. *Id.*
77. *Id.* at 20.
78. *Id.* at 16–17.
79. *Id.* at 20.
80. *Id.*
81. *The Chief Judge’s Hearing on Civil Legal Services, Sept. 27, 2016* (testimony of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, Inc., at 91:7–9).
82. *The Chief Judge’s Hearing on Civil Legal Services, Sept. 27, 2016* (statement of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, Inc., at 1–7).



83. *Id.* at 20–23.
84. *Id.*
85. *Id.*
86. *Id.*
87. See *supra* note 10.
88. See Concurrent Resolution, *supra* note 14.
89. *The Chief Judge’s Hearing on Civil Legal Services, Fourth Dep’t, Oct. 3, 2013* (testimony of Hon. Michael V. Coccama, Deputy Chief Administrative Judge for Courts Outside New York City and Supreme Court Justice, Sixth Judicial District, at 87:10–98:11).
90. In 2012, the Permanent Commission recommended a revision to Section 100.3 of the New York Code of Judicial Conduct to the Chief Judge, regarding a judge’s duty of impartiality and diligence, to provide that a judge does not violate Section 100.3 by making reasonable efforts to facilitate the ability of unrepresented litigants to have their matters fairly heard. Section 100.3 was subsequently amended in 2015. See N.Y. COMP. CODES R. & REGS. tit. 22, § 100.3(B)(12) (2015). See also 2013 ANNUAL REPORT, *supra* note 64, at 8 n.19.
91. See 2013 ANNUAL REPORT, *supra* note 64, at 36–37.
92. See 2015 ANNUAL REPORT, *supra* note 16, at 32.
93. *Id.* at 33. It is anticipated that the Chief Administrative Judge will issue an administrative order formalizing the Administrative Board’s resolution.
94. See 2015 ANNUAL REPORT, *supra* note 17, at 5.
95. *Id.* See also TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 34–35 (2011) [hereinafter 2011 ANNUAL REPORT], available at [http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-2011TaskForceREPORT\\_web.pdf](http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-2011TaskForceREPORT_web.pdf); 2013 ANNUAL REPORT, *supra* note 64, at 28.
96. See Appendix 11. See also 2014 ANNUAL REPORT, *supra* note 43, at 23–28.
97. See 2014 ANNUAL REPORT, *supra* note 43, at 23–28.
98. *Id.* at 27–28.
99. Administrative Order of the Chief Administrative Judge of the Courts AO/42/14 (Feb. 10, 2014) [hereinafter Administrative Order 42/14], available at <https://www.nycourts.gov/courts/nyc/SSI/pdfs/AO-42-14.pdf> (launching the Court Navigator Program).
100. See *infra* Part B.III.C.
101. *Id.*
102. See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 43–44 (2012) [hereinafter 2012 ANNUAL REPORT], available at [http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-TaskForceREPORT\\_Nov-2012.pdf](http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-TaskForceREPORT_Nov-2012.pdf). The George H. Lowe Center for Justice was dedicated October 29, 2015. See Douglass Dowty, *Poor and need a civil lawyer? New center in downtown Syracuse is one-stop destination*, SYRACUSE.COM (Oct. 29, 2015), [http://www.syracuse.com/news/index.ssf/2015/10/poor\\_and\\_need\\_a\\_lawyer\\_new\\_center\\_in\\_downtown\\_syracuse\\_is\\_one-stop\\_destination.html](http://www.syracuse.com/news/index.ssf/2015/10/poor_and_need_a_lawyer_new_center_in_downtown_syracuse_is_one-stop_destination.html).
103. Joint Order of the Supreme Court, Appellate Division (Apr. 23, 2013), available at <https://www.nycourts.gov/attorneys/probono/1200-6.1.pdf> (amending Rule 6.1 of the New York Rules of Professional Conduct to provide that each lawyer should aspire to provide at least 50 hours of pro bono legal services each year to low-income persons).

104. Administrative Order of the Chief Administrative Judge of the Courts AO/135a/13 (Apr. 22, 2013), available at [www.nycourts.gov/ATTORNEYS/probono/AO-135a-13.pdf](http://www.nycourts.gov/ATTORNEYS/probono/AO-135a-13.pdf) (amending Section 118.1(e) of the Rules of the Chief Administrator to require reporting of pro bono services and financial contributions to organizations providing legal services to the poor and underserved). See 2014 ANNUAL REPORT, *supra* note 43, at 1.
105. See Advisory Committee on Pro Bono Service by In-House Counsel in New York State, Report to the Chief Judge of the State of New York and the Presiding Justices of the Four Appellate Division Departments (2013), available at <http://www.nycourts.gov/rules/comments/PDF/PC-Packet-IHC-ProBono.pdf>. The amended rule is N.Y. COMP. CODES R. & REGS. tit. 22, § 522.8 (2015).
106. See N.Y. COMP. CODES R. & REGS. tit. 22, § 520.16 (2015).
107. The Pro Bono Scholars Program was announced by then-Chief Judge Jonathan Lippman in his 2014 State of the Judiciary address. See *Pro Bono Scholars Program—A Legal Education Initiative*, N.Y. STATE UNIFIED COURT SYS., <http://www.courts.state.ny.us/attorneys/probonoscholars/index.shtml> (last visited Nov. 21, 2016).
108. See N.Y. COMP. CODES R. & REGS. tit. 22, § 118.1(g) (2015) (allowing an attorney meeting certain requirements to participate in an approved pro bono legal services program as an “attorney emeritus”). See also *Attorney Emeritus Program*, N.Y. STATE UNIFIED COURT SYS., <https://www.nycourts.gov/attorneys/volunteer/emeritus> (last visited Nov. 21, 2016).
109. A witness list for the Chief Judge’s hearing is annexed as Appendix 6. A transcript of the oral testimony at the hearing is annexed as Appendix 7. Written statements from testifying witnesses at the Chief Judge’s hearing are annexed as Appendix 8. Written statements submitted for the Chief Judge’s hearing are annexed at Appendix 9.
110. *Id.* at 1.
111. See Appendix 6.
112. See Appendix 9.
113. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (testimony of Hon. Jonathan Lippman, former Chief Judge of New York; Of Counsel, Latham & Watkins, LLP at 10:1–22).
114. *Id.* at 14:9–12.
115. *Id.* at 23:25–24:8.
116. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (testimony of Stephen M. Cutler, Esq., Vice Chairman, JP Morgan Chase & Co. at 33:16–34:3).
117. *Id.* at 34:4–5.
118. *Id.* at 34:11–21.
119. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (testimony of Edward P. Swyer, President, The Swyer Companies & Stuyvesant Plaza, Inc. at 66:10–19).
120. *Id.* at 67:1–17.
121. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (testimony of Suzanne B. Goldberg, Esq., Herbert and Doris Wechsler Clinical Professor of Law and Director, Center for Gender & Sexuality Law and Sexuality & Gender Law Clinic, Columbia Law School; Executive Vice President for University Life, Columbia University at 40:2–19).
122. *Id.* at 45:8–17.
123. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (testimony of David A. Heiner, Esq., Vice President, Regulatory Affairs, Microsoft Corporation at 50:22–51:10).
124. *Id.* at 55:16–56:1.
125. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (testimony of Jordan Dressler, Coordinator, New York City Human Resources Administration, Office of Civil Justice at 98:16–21).

126. *Id.* at 100:13–16.
127. *Id.* at 103:25–106:4.
128. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (testimony of John S. Kiernan, Esq., President, New York City Bar Association; Partner, Debevoise & Plimpton LLP at 110:1–17).
129. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (testimony of Hon. Douglas E. Hoffman, Presiding Judge, Integrated Custody and Domestic Relations Part, New York County Supreme Court, New York County Family Court at 124:13–126:6).
130. *Id.* at 127:4–11.
131. *Id.* at 126:24–127:1.
132. *Id.* at 128:4–129:1.
133. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (statement of Hon. Douglas E. Hoffman, Presiding Judge, Integrated Custody and Domestic Relations Part, New York County Supreme Court, New York County Family Court at 7).
134. *Id.* at 7–8.
135. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (testimony of Jorge (“Billy”) Torres, client of Legal Assistance of Western New York, Inc.).
136. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (statement of Jorge (“Billy”) Torres, client of Legal Assistance of Western New York, Inc. at 5).
137. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (statement of Glenn Rice, client of Legal Services of the Hudson Valley).
138. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (testimony of Glenn Rice, client of Legal Services of the Hudson Valley at 78:19–79:4).
139. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (statement of Donna Spinner, client of Legal Aid Society of Northeastern New York).
140. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (testimony of Donna Spinner, client of Legal Aid Society of Northeastern New York at 86:21–87:13).
141. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (statement of Susan McParland-Leisen, client of Nassau Suffolk Law Services Committee, Inc.).
142. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (testimony of Susan McParland-Leisen, client of Nassau Suffolk Law Services Committee, Inc. at 139:24–140:7).
143. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (statement of Harry Michel, client of The Nassau Suffolk Law Services Committee, Inc.).
144. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (testimony of Harry Michel, client of The Nassau Suffolk Law Services Committee, Inc. at 144:21–145:4).
145. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (statement of Ady Escobar, client of Legal Services NYC [Bronx Legal Services]).
146. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, Sept. 27, 2016* (testimony of Ady Escobar, client of Legal Services NYC [Bronx Legal Services] at 149:5–15).
147. *Id.* at 149:16–20.
148. See *supra* Parts A.I. & IV.

In addition, despite modest economic recovery over the last five years, poverty has increased Statewide. According to the American Census Bureau, an estimated 6.12 million New Yorkers were living below 200% of the poverty level in 2015 compared to 6.0 million New Yorkers in 2010. *Poverty Status in the Past 12 Months: 2010 American Community Survey 1-Year Estimates*, UNITED STATES CENSUS BUREAU: AMERICAN FACTFINDER, [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_14\\_1YR\\_S1701&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_S1701&prodType=table) (last visited Nov. 28, 2016).

Other poverty indicators show the high percentage of poverty in New York. Lack of food security is a significant indicator of poverty, and the U.S. Department of Agriculture reports that as of 2015, the three-year average percentage of New York residents living in “food insecure” households stands at 14.1%. See *State Fact Sheets: New York*, U.S. DEP’T OF AGRIC., [http://data.ers.usda.gov/reports.aspx?StateFIPS=36&StateName=New%20York&ID=10633#P7b285e748d914a68b13669c455f9874a\\_2\\_39iT0](http://data.ers.usda.gov/reports.aspx?StateFIPS=36&StateName=New%20York&ID=10633#P7b285e748d914a68b13669c455f9874a_2_39iT0) (last updated Nov. 4, 2016) [hereinafter *USDA New York Fact Sheets*]. In New York City, an estimated 16.5% of the population is “food insecure” or lacks “consistent access . . . to enough nutritionally adequate food for an active, healthy life for all members of a household.” OFFICE OF THE DIRECTOR OF FOOD POLICY, NEW YORK CITY FOOD POLICY: 2014 FOOD METRICS REPORT 7 (N.D.), available at <http://www1.nyc.gov/assets/foodpolicy/downloads/pdf/2015-food-metrics-report.pdf>. Throughout the State, the percentage of people living in “very low food secure” households—defined to include households with disrupted eating patterns and reduced food intake owing to lack of monetary and other resources for food—is now 4.9%. See *USDA New York Fact Sheets*; see also *Measurement*, U.S. DEP’T OF AGRIC., <http://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/measurement.aspx> (last updated Oct. 4, 2016).

Another poverty indicator is the size and continued growth of the homeless population in New York City, which currently stands at nearly 60,000 people in the shelter system, including approximately 23,600 children, more than the population of 58,600 observed in early 2015. See *Official New York City Homeless Shelter Count Nears 60,000*, WALL ST. J. (Sept. 26, 2016), <http://www.wsj.com/articles/official-new-york-city-homeless-shelter-count-hits-60-000-1475167512>; see also J. David Goodman & Nikita Stewart, *Despite Vow, Mayor de Blasio Struggles to Curb Homelessness*, N.Y. TIMES (Oct. 26, 2015), <http://www.nytimes.com/2015/10/27/nyregion/despite-vow-mayor-de-blasio-struggles-to-stop-surge-in-homelessness.html>.

149. See 2015 ANNUAL REPORT, *supra* note 17, at 25–26; 2014 ANNUAL REPORT, *supra* note 43, at 21–23; 2013 ANNUAL REPORT, *supra* note 64, at 23–27; 2012 ANNUAL REPORT, *supra* note 102, at 18–25; 2011 ANNUAL REPORT, *supra* note 101, at 23–29; 2010 ANNUAL REPORT, *supra* note 1, at 20–26.

150. See OCA Information, *supra* note 39.

151. See 2015 ANNUAL REPORT, *supra* note 17, at 24.

152. See Concurrent Resolution, *supra* note 14; Joint Resolution, *supra* note 8.

153. *Justice for All: Grants Announcement*, PUB. WELFARE FOUND. & NAT’L CTR. FOR STATE COURTS (Nov. 2016), available at <http://www.publicwelfare.org/wp-content/uploads/2016/11/JFA-Announcement-Awards.pdf>.

154. The recommendations presented here were developed by the Working Group on Court Simplification for Families which included, in addition to Permanent Commission members and counsel: Hon. Michael Coccama, Deputy Chief Administrative Judge for the Courts Outside New York City; Hon. Jeanette Ruiz, Administrative Judge, New York City Family Court; Amy Schwartz, Empire Justice Center; Nancy Goldhill, Legal Services NYC; Laura Russell, The Legal Aid Society; and Rudolph Estrada, The Legal Aid Society.

155. For a detailed discussion of the burdens imposed by the current court structure on families, see *A Court System for the Future: The Promise of Court Restructuring in New York State*, SPECIAL COMMISSION ON THE FUTURE N.Y. STATE COURTS 37–44 (2007), available at [https://www.nycourts.gov/reports/courtsys-4future\\_2007.pdf](https://www.nycourts.gov/reports/courtsys-4future_2007.pdf).

156. *The Chief Judge’s Hearing on Civil Legal Services, Court of Appeals, September 27, 2016* (testimony of Hon. Douglas Hoffman, Presiding Judge, Integrated Custody and Domestic Relations Part, New York County Supreme Court, New York County Family Court, at 126:18–23).

157. See Appendix 12.

158. See *id.* at 2.

159. *Id.* at 2 & 2 nn.7–8.

160. See *id.* at 8.

161. See *id.* at 3.

162. In 2015, 8,868 individuals were admitted to the New York bar and either completed 50 hours or more of qualifying pro bono legal assistance or, in the case of the 107 pro bono scholars, a semester of field work. See COURT OF APPEALS OF THE STATE OF NEW YORK, 2015 ANNUAL REPORT OF THE CLERK OF THE COURT 11, app. 10 (2015), available at <http://www.nycourts.gov/ctapps/news/annrpt/AnnRpt2015.pdf>.

163. Recommendations initially discussed and/or proposed by stakeholders at prior annual Law School Conferences that have since been successfully implemented, include, for example (a) development of a Handbook of Best Practices for Supervising Law Student Pro Bono Work; (b) adoption of New York Court of Appeals Rule 520.16 in 2013 mandating 50 hours of pro bono service before seeking admission to the New York bar; (c) formation of the Statewide Law School Access to Justice Council to create a forum for stakeholders to discuss and address access-to-justice activities; (d) pilot of a Statewide Consortium Website for Student Pro Bono Opportunities; (e) launch of the Pro Bono Scholars Program allowing law students to sit for the bar exam early and spend the last semester of law school in a supervised, full-time pro bono placement; (f) modification of law school curricula to increase awareness of access-to-justice issues and to better prepare law students for public service; and (g) establishment of the Committee on Non-Lawyers and the Justice Gap to find opportunities for non-lawyers to expand access to justice in specific areas. See *generally* PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 15 (2015) [hereinafter 2015 ANNUAL REPORT: APPENDIX 15], available at [https://www.nycourts.gov/accesstojusticecommission/PDF/2015\\_Access\\_to\\_Justice-Appendices.pdf](https://www.nycourts.gov/accesstojusticecommission/PDF/2015_Access_to_Justice-Appendices.pdf); TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 15 (2014) [hereinafter 2014 ANNUAL REPORT: APPENDIX 15], available at [https://www.nycourts.gov/accesstojusticecommission/PDF/2014%20CLS%20Report\\_Appendices\\_Vol%202.pdf](https://www.nycourts.gov/accesstojusticecommission/PDF/2014%20CLS%20Report_Appendices_Vol%202.pdf); TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 15 (2013) [hereinafter 2013 ANNUAL REPORT: APPENDIX 15], available at <https://www.nycourts.gov/accesstojusticecommission/PDF/2013CLS-Appendices.pdf>; TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 15 (2012) [hereinafter 2012 ANNUAL REPORT: APPENDIX 15], available at <https://www.nycourts.gov/accesstojusticecommission/PDF/CLS2012-APPENDICES.pdf>.

164. ABA Standard 302 provides, in relevant part, that:

[a] law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- a. [k]nowledge and understanding of the substantive and procedural law;
- b. [l]egal analysis and reasoning, legal research, problem solving, and written and oral communication in the legal context;
- c. [e]xercise of proper professional and ethical responsibilities to clients and the legal system; and
- d. [o]ther professional skills needed for competent and ethical participation as a member of the legal profession.

ABA Standards and Rules of Procedure for Approval of Law Schools, Standard 302 (2016–2017), available at [http://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2016\\_2017\\_standards\\_chapter3.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2016_2017_standards_chapter3.authcheckdam.pdf).

165. New York Court of Appeals Rule 520.18, governing the skills competency requirement for admission, states that “[e]very applicant for admission to practice . . . shall demonstrate that the applicant possesses the skills and values necessary to provide effective, ethical and responsible legal services in this State. An applicant may satisfy this requirement by submitting proof of compliance with one of [five pathways].” N.Y. Court of Appeals R. § 520.18, available at <http://www.nycourts.gov/ctapps/520rules10.htm#B18>.

166. See *UAlbany Students Help Immigrants Achieve Legal Status*, U. ALBANY (Apr. 20, 2016), <http://www.albany.edu/news/69163.php>.

167. See Appendix 11.

168. *Id.*



169. See 2015 ANNUAL REPORT, *supra* note 16, at 29; 2014 ANNUAL REPORT, *supra* note 43, at 27. This initiative was led by Michael Donnelly of Simpson Thacher & Bartlett LLP and included the involvement of Permanent Commission member Deborah Wright, along with Jeff Franchetti of Cravath, Swaine & Moore LLP; Peter Kaomea of Sullivan & Cromwell LLP; Peter Lesser of Skadden, Arps, Slate Meagher & Flom LLP; Curt Meltzer of Chadbourne & Parke LLP; Tara McGloin of Proskauer Rose LLP; John Roman of Nixon Peabody LLP; and Sean Sullivan of Wachtell, Lipton, Rosen & Katz. Others involved in the initiative included Ed Braunstein of The Legal Aid Society; John Greiner of Just-Tech; and Christine Fecko of IOLA.
170. NYSTech is a voluntary collaboration of legal services providers from across New York that convenes technology leaders regularly for information sharing and training.
171. See Appendix 11.
172. Detailed summaries and findings from the Conference sessions are set forth in full in the Technology Working Group's Conference Report, annexed hereto as Exhibit A to Appendix 11.
173. The recommendations presented here were developed by the Working Group on Non-Lawyer Involvement, which was chaired by Permanent Commission member, Anne Erickson, and included, in addition to Permanent Commission members and counsel: Fern Schair, Feerick Center for Social Justice, Fordham University School of Law; and Roger Maldonado, Balber Pickard Maldonado & Van Der Tuin, PC.
174. See AMERICAN BAR ASSOCIATION COMMISSION ON THE FUTURE OF LEGAL SERVICES, REPORT ON THE FUTURE OF LEGAL SERVICES IN THE UNITED STATES 21 (2016), available at <http://abafuturesreport.com/2016-fls-report-web.pdf>.
175. In 2014, an Administrative Order of the Chief Administrative Judge of the Courts was issued establishing the Court Navigator Program "for the purpose of providing essential non-legal services, without cost, to unrepresented litigants by qualified non-lawyers." See Administrative Order 42/14, *supra* note 98. Under the Order, the Navigators "shall be assigned by, and act under the supervision of, not-for-profit services providers approved for this purpose by the Chief Administrator." *Id.*
176. The Public Welfare Foundation engaged researchers from the American Bar Foundation and National Center for State Courts to study national models that use non-lawyers, including the three pilots operating in the New York City Housing and Consumer Credit Courts, and is expected to release the findings later this year.
177. See Model Pro Bono Policy, *supra* note 25.
178. Memorandum from Michael A. Cardozo, Corporation Counsel, on Pro Bono Legal Services and Bar Associations Program to Corporation Counsel Attorneys (Sept. 25, 2002) (on file with the Permanent Commission); Memorandum from Michael A. Cardozo, Corporation Counsel, on Pro Bono Opportunities for the Law Department to Corporation Counsel Attorneys (Nov. 8, 2002) (on file with the Permanent Commission).





